

# TOWN OF BASSENDEAN

## NOTICE OF ORDINARY COUNCIL MEETING

Dear Council Members

An Ordinary Meeting of the Council of the Town of Bassendean will be held on Tuesday, 28 April 2015 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

MR BOB JARVIS  
CHIEF EXECUTIVE OFFICER

24 April 2015

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

**Cr Bridges will be the facilitator for the Briefing Session.**

## A G E N D A

### 1.0                    DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

#### Acknowledgement of Country

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

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

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

**2.1 Public Question Time**

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

**2.2 Address by Members of the Public**

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

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

**4.0 DEPUTATIONS**

**5.0 CONFIRMATION OF MINUTES**

**5.1 Ordinary Council Meeting held on 24 March 2015**  
**(Attachment No. 1)**

**OFFICER RECOMMENDATION – ITEM 5.1(a)**

That the minutes of the Ordinary Council meeting held on 24 March 2015, be received.

**OFFICER RECOMMENDATION – ITEM 5.1(b)**

That the minutes of the Ordinary Council meeting held 24 March 2015, be confirmed as a true record.

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

**7.0 PETITIONS**

## **8.0 DECLARATIONS OF INTEREST**

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

### **9.1 Proposed Eight (8) Multiple Dwellings on Lot 27; (Nos. 63A & 63B) Third Avenue, Bassendean, Owner: Bellini Enterprises Pty Ltd, Applicant: Aaron Sice (Ref: DA 2014-169 Stephanie Radosevich, Planning Officer)**

#### **APPLICATION**

The application seeks Council's approval for eight (8) multiple dwellings which includes variations to the 'Deemed-to-comply' provisions of the Residential Design Codes of Western Australia (R-Codes) relating to the secondary street setback and boundary walls.

The aspects of the development, which do not meet the Deemed-to-comply provisions of the R-Codes, require assessment and determination against the 'Design Principles'.

#### **ATTACHMENTS**

**Attachment No. 2:** Plans of the proposed development  
Applicant's justification letter  
24 March 2015 Council report

#### **BACKGROUND**

At its Ordinary meeting held on 24 March 2015, Council considered the proposal for eight (8) multiple dwellings, whereby Council resolved to defer consideration for the proposed eight (8) multiple dwellings pending receipt of amended plans showing:

- (a) Car bays 2b and 3b being deleted;
- (b) Car bays 2a and 6 being relocated up one space to the west;
- (c) The automatic gates being relocated located back 1 metre to the west from visitor bays 1 and 2; and
- (d) The residents bicycles parking spaces being relocated behind the automatic gates.

With regards to points (a) and (b), these were recommended to achieve a Deemed-to-comply outcome for the manoeuvring of the visitor bays (point (c)) and the street secondary setback (point (d)); however, the applicant has proposed alternative changes resolve points (c) and (d). As the proposal has addressed points (c) and (d), there is no further requirement to implement points (a) and (b).

As a result of the Council resolution, the proposal has now been modified as follows with a view to addressing the reasons for deferral:

- With regards to point (c), the visitor car bays have been relocated to abut the lot boundary to Third Avenue, which results in the 1 metre blind aisle extension being provided therefore allowing visitors to enter the street in forward gear, in accordance with Clause 6.3.4 'Design of Car Parking Spaces' of the R-Codes.
- With regards to point (d), written justification has been provided in relation to the proposed development comprising a nil setback (to the enclosed residents bicycle spaces) from Third Avenue, demonstrating compliance with the Design Principles of Clause 6.1.3 'Street Setback' of the R-Codes.

The site is zoned Residential with a split density code of R20/R40, with a site area of 953 square metres. The proposal relates to a two-storey development which comprises eight (8) two bedroom apartments.

## STRATEGIC IMPLICATIONS

### Built Environment

#### *Objective:*

- Ensure Town provides choice in housing types.

#### *Strategies:*

- Plan for the highest densities to be centred on railway stations, the Town Centre, and major transport routes.
- Strive to ensure that higher density housing will have excellent design to ensure that development is people friendly and attractive.
- Strive to ensure that new housing, and in particular higher density housing, has high environmental standards.
- Plan for the availability of a broad range of housing types and affordability.

*Objective:*

- Foster enhanced public space and street appearance.

*Strategies:*

- Plan for improved streetscapes which include better footpaths, street furniture and inviting verges with well-developed and maintained street trees.
- Encourage the retention of trees on development site'

COMMENT

The application has been assessed against the provisions of the Local Planning Scheme No. 10, the Residential Design Codes (State Planning Policy 3.1) and relevant Local Planning Policies, including the Town's Energy Efficient Design Policy, Water Sensitive Design Policy and Percent for Art Policy.

ASSESSMENT

*Street Setbacks*

The proposed development is provided with a nil setback (to the enclosed residents bicycle spaces) from Third Avenue, whereas the Deemed-to-comply provisions of Clause 6.1.3 'Street Setback' C3.1 of the R-Codes provides for a 1.5 metre setback from Third Avenue.

In terms of the proposed street setback, buildings are required to be setback from street boundaries an appropriate distance to ensure they:

- contribute to the desired streetscape;
- provide articulation of the building on the primary and secondary streets;
- allow for minor projections that add interest and reflect the character of the street without impacting on the appearance of bulk over the site;
- are appropriate to its location, respecting the adjoining development and existing streetscape; and
- facilitate the provision of weather protection where appropriate.

The proposed minimum nil secondary street setback to Third Avenue is considered to meet the Design Principles in this instance, as the reduced street setback is located along the Third Avenue public open space at the cul-de-sac head, therefore it does not adversely impact on the existing streetscape.

As the roof to the enclosed residents' bicycle spaces is 1.8 metres high and located behind the secondary street fence, it does not result in any undue building bulk on the street or adjacent public open space.

Further to the above, the roof cover to the residents' bicycle spaces is in keeping with the Design Principles, as it provides for weather protection, which is considered appropriate in this instance.

### STATUTORY REQUIREMENTS

The application is subject to the provisions of the Town's adopted Local Planning Scheme No. 10 and the Residential Design Codes of Western Australia.

Clause 10.2 of LPS 10 identifies matters that are to be considered by the Local Government when dealing with an application for planning approval including:

- “(b) the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;*
- (c) any approved statement of planning policy of the Commission;*
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;*
- (i) the compatibility of a use or development with its setting;*
- (n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (y) any relevant submissions received on the application;*
- (z) the comments or submissions received from any authority consulted under clause 10.1.1; and*

*(za) any other planning consideration the local government considers relevant.”*

In the event that Council was to refuse the application or was to grant approval subject to conditions, and the applicant was aggrieved by those conditions, they would be entitled to a right of review under Part 14 of the Planning and Development Act 2005.

### FINANCIAL CONSIDERATIONS

Nil.

### Conclusion

The proposed development is seen to satisfactorily address the Design Principles specified within the R-Codes, for each of the areas where the building has not been designed to meet the relevant Deemed-to-comply provisions, for the reasons that have been discussed within the body of the report.

On this basis, it is recommended that Council grants approval for the proposed development in accordance with the recommendation presented below.

### OFFICER RECOMMENDATION – ITEM 9.1

That Council grants planning approval for the proposed eight (8) multiple dwellings at Lot 27 (Nos. 63A & 63B) Third Avenue, Bassendean, subject to the following conditions:

1. A detailed landscape plan being submitted prior to or with the application for a Building Permit for the Town's approval which addresses the following:
  - (a) Details of the location and type of proposed trees, shrubs, ground cover and lawn areas to be planted;
  - (b) Low water use;
  - (c) Landscaping of the verge area adjacent to the development site, including the provision of substantial street trees in accordance with the Town's adopted Street Tree Master Plan; and
  - (d) Details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months;
2. Pedestrian paths to be constructed which provide wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas;

3. Provision of lighting to pathways and car parking areas;
4. The site shall be landscaped in accordance with the approved landscaping plan and shall be maintained thereafter;
5. The street trees which are located within the verge and are not affected by the proposed development shall be protected by barricades during construction in accordance with the Town's Policy relating to street tree protection;
6. Separate approval being obtained from the Town's Asset Services for the proposed crossover on the Third Avenue frontage of the development site and this crossover being constructed in accordance with that approval;
7. The sealing and kerbing of all car parking areas and access ways to the Town's specifications;
8. The car parking spaces and access ways being constructed and maintained thereafter to the Town's satisfaction;
9. Visitor parking spaces being clearly marked for "Visitors Only" and used as such;
10. A minimum of three (3) and one (1) bicycle bays shall be provided for the residents and visitors respectively. The bicycle parking spaces shall be located in the area identified on the approved drawings and shall be constructed in accordance with the provisions of AS 2890.3 (as amended);
11. Details of stormwater disposal being submitted for the approval of the Town in conjunction with or prior to the issue of the Building Permit, in accordance with Local Planning Policy No. 14 – On-Site Stormwater Policy;
12. Prior to the issue of a building permit a development bond for the sum of \$4,000 being lodged with Council to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways and fencing;

13. The incorporation of public art into the proposed development or a cash-in-lieu payment of one per cent of the construction cost of the proposed development in accordance with the Town's adopted Local Planning Policy No. 15 'Percent for Art Policy'. Detailed arrangements and agreement with respect to art to be provided on-site or alternatively payment of the required fee shall be made prior to or in conjunction with the application for a Building Permit;
14. The street number being prominently displayed at the front of the development;
15. The provision of side and rear fences, behind the street setback line, of 1.8 metres in height. Where the ground levels vary on either side of the fence, the required 1.8 metre height shall be measured above the higher ground level;
16. A separate application and approval being obtained for any proposed fencing within the street setback area;
17. The provision of letterboxes and bin storage in materials to complement the development to the satisfaction of the Town;
18. External clothes drying facilities shall be screened from view of the street or any other public place at all times. No drying of clothes from upper floor balconies (units 5, 6 & 7) or ground floor outdoor living areas (units 1, 2 & 3) is permitted;
19. Air-conditioning units and external fittings shall be incorporated into the building or screened from view. Details of the treatment of such external fittings to the building being submitted prior to the issue of a building permit to the satisfaction of the Manager Development Services;
20. The applicant submitting to the satisfaction of the Manager Development Services a construction management plan that addresses issues of dust and noise control, hours of work, and provides contact details of a person to deal with complaints;

21. A Waste Management Plan (WMP) is to be submitted for the Town's approval prior to or in conjunction with the application for a Building Permit. The WMP shall address matters including, but not necessarily limited to, the following:

- (a) Measures to be implemented for the purpose of minimising the delivery of waste to landfill during occupation, including: the on site separation of materials for recycling and the expectations of owners and/or tenants;
- (b) Site plan showing the location and size of the on-site rubbish disposal area, including the number of general rubbish and recycling bins to be provided for the development, including sharing arrangements where the number of bins is less than the number of dwellings;
- (c) An estimation of the volume of waste to be generated by the proposed development and the capacity of this volume of waste to be accommodated by on site bin storage capacity;
- (d) Details of intended method of collection (private contractor or Council contractor);
- (e) Details of arrangements for transferring bins from the bin storage area to the verge for collection and subsequently from the verge back to the bin storage area, including timeframes at each stage;
- (f) Details of where the bins would be located when waiting collection;
- (g) Details of advice to be provided to owners and occupiers regarding the WMP; and
- (h) Details of how the WMP will continue to be applied in perpetuity across the life of the development, including the WMP being incorporated into the strata by-laws for the proposed development;

22. The bin storage area is:

- (a) To be provided with a self closing gate;
- (b) To be provided with 75mm minimum thickness concrete floors grading to a 100mm industrial floor waste, with a hose cock to enable both the bins and bin storage area to be washed out; and

- (c) To be provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning;
23. The proposed boundary walls shall be finished to the satisfaction of the Town;
24. All building works to be carried out under this planning approval are required to be contained within the boundaries of the subject lot;
25. The building hereby approved shall not be occupied until all of the conditions of planning consent have been complied with to the satisfaction of the Manager Development Services, unless the applicant has entered into an agreement with the Town to comply with those conditions within a specified period; and
26. The issue of a building permit prior to the commencement of any on-site works.

ADVICE NOTE:

In relation to Condition 13, the owner/applicant is to liaise with the Town's Cultural Development Officer early in the process, if it is intended that public art is to be provided on-site.

**Voting Requirement: Simple majority**

**9.2 South West Native Title Settlement Agreement – Lot 3003 Lord Street - “Pyrton Site” and Lot 1000 Lord Street - “Bennett Brook Reserve” – Land Base Consultation (Ref: COUP/ACQ-D/4 – Simon Stewert-Dawkins, Director Operational Services)**

**APPLICATION**

The purpose of this report is for Council to provide comment on a proposal to include Lot 3003 Lord Street, Eden Hill (Reserve 47783, known as Pyrton site) and “Freehold” Lot 1000 Lord Street, Caversham (known as Bennett Brook Reserve) which are proposed to be included into Noongar Land Base negotiations.

**ATTACHMENTS**

**Attachment No. 3:**

- South West Native Title Settlement;
- Confidential Attachment (under separate cover) McLeods Barrister & Solicitors – Proposed inclusion of Land within Town’s district in Noongar Land Base - February 2015.
- Copy of Mr Bevan Carter’s and Ms Bella Bropho’s 24 March 2015 deputation on South West Native Title Settlement Agreement
- Hon Colin Barnett – 30 March 2015 Media Statement
- The South West Settlement Question & Answers – March 2015

**BACKGROUND**

From the 1960’s to the late 1990’s, Lot 3003 Lord Street was known as the Pyrton Training Centre and provided hostel accommodation for the Disability Services Commission.

After the Pyrton Training and Hostel accommodation closed, the State Government proposed in 1998 to use the existing buildings for a Women’s prison. However, due to the Town of Bassendean and community opposition, this proposal was not pursued.

By 2004, the Town of Bassendean provided in principle support for a Pyrton Draft Structure Plan that proposed removal of the existing buildings and establishing 82% of the site as open space, to be financed from the sale of some residential lots and the future vesting of the site to the Town for community uses.

Council's previous resolutions regarding the site are as follows:

*“OCM - 10/02/04 that Council advises the Minister for Works and Services and the Member for Bassendean that it agrees in principle to the Pyrton site being vested in the Town of Bassendean subject to:*

- 1. The establishment of a working party to oversee the production of a concept plan for the future use of the site developed in consultation with indigenous and wider community stakeholders, to be funded by the State Government;*
- 2. The Town entering into discussions with the South West Aboriginal Land & Sea Council for the joint management of the site;*
- 3. That the Pyrton Working Party investigate all means of financing the cost of rehabilitation/ development of the Pyrton site and any and all of the recurrent expenses.*
- 4. The Town reserving the right to withdraw from this “in principle” agreement at any time, should it feel that the interests of the residents and ratepayers are not being served.*

*OCM - 21/03/08 that Council advises the State Government that it:*

- 1. Supports the development by the State Government, in consultation with Council, of a refreshed structure plan based on the previously endorsed July 2004 Plan which includes approximately 12% for housing for further consideration;*
- 2. Supports further discussions with the State Government on the future vesting of the site with the Town of Bassendean, Whiteman's Park or as part of a Swan Helena River Regional Park managed by the Conservation Commission, and*
- 3. Will only consider vesting in the Town of Bassendean if:*
  - Sufficient funds are raised from land sales to meet the cost of the full rehabilitation and development of the Pyrton site as well as generating sufficient rates income to meet the recurrent expenses of managing the site for the benefit of current and future generations;*

- *The Town reserving the right to withdraw from this “in principle” agreement at any time, should it feel that the interests of the residents and ratepayers are not being served.*

*OCM - 13/05/12 that Council:*

1. *Notes the information provided by Peter Wittkuhn, Lawyer, and John Catlin, Executive Director of the Native Title Unit with the Department of Premier and Cabinet, on the proposed State Government’s Settlement of Native Title Claims in the South West of Western Australia and the Whadjuk Claim for the metropolitan area of Perth and surrounds; and*
2. *Authorises the CEO to lodge with the National Native Title Tribunal and application to become a party to the Whadjuk Claim before 6 June 2012.”*

Council more recently provided comment on the Draft Bennett Brook Cultural and Environmental Concept Plan also known as the “Korndin Kulluch a Place of Reconciliation” Plan.

*OCM – 12/07/12 that Council:*

1. *Respects the ongoing strong cultural, spiritual and heritage connections of the Whadjuk people to the Pyrton site;*
2. *Supports the “ask first principles” adopted by the Western Australian Planning Commission in respect to defining appropriate future uses for the Pyrton site;*
3. *Makes a submission supporting the Draft Bennett Brook Cultural and Environmental Concept Plan (Plan) with the following:*
  - a) *The Town expresses disappointment at not being a consulted stakeholder as there are significant impacts on the Town articulated in the Plan. In particular, the Town has reservations in the notion of the development of a joint management structure for Success Hill Reserve that if proceeded with, should be required to be constituted under the auspice of the Local Government Act and be a Committee of the Town;*

- b) The Town asserts ongoing responsibility to execute all its legislative and regulatory functions over the site, such as wild fire hazard mitigation and mosquito control measures;*
- c) Weed infestation control measures have been successfully implemented by the Town in Success Hill Reserve and the Town offers to provide professional expertise to assist eradication measures in the surrounding area;*
- d) Development on the Pyrton site will result in an increase in operating costs to the Town. The Town supports private residential development in the disturbed south western aspect of the Pyrton site as a means of providing rates income to meet the costs. Alternative income streams to provide for the operating cost impost will otherwise be required; and*
- e) The site has remained secured and inaccessible for several years. The site affords the community high amenity that should not be devalued by the protracted planning process and ways to providing access to aspects of the site during the planning process, is sought. In acknowledging the planning process is likely to be protracted, the Town seeks efforts be made to ensure the site does not become a visual blight*

For the last 5 years, the Western Australian State Government and the South West Aboriginal Land and Sea Council have been negotiating an Indigenous Land Use Agreement for the South West of Western Australia and in October 2014, in-principle support was achieved.

On 18 December 2014, the South West Settlement Department of Lands wrote to the Town advising that Lot 3003 Lord Street, Eden Hill (Reserve 47783, known as Pyrton site) and "Freehold" Lot 1000 Lord Street, Caversham (known as Bennett Brook Reserve) are proposed to be included into Noongar Land Base negotiations. The Town of Bassendean was requested to provide comment on the parcels of land by 2 March 2015.

As a result a report was presented to the February 2015 Ordinary Council Meeting for consideration. Council (OCM – 17/02/15) resolved that this item be deferred until a deputation can be given on the history and significance of this area and the current action from Noongar people.

At the March 2015 Ordinary Council Meeting, Mr Bevan Carter and Ms Bella Bropho gave a deputation on South West Native Title Settlement Agreement. A copy of the powerpoint presentation is attached to the agenda.

On 30 March 2015, the Premier Hon Colin Barnett released a media statement advising that six Noongar claim groups endorsed the Indigenous Land Use Agreements which implement the settlement with the State Government.

### STRATEGIC IMPLICATIONS

#### *Bassendean Strategic Community Plan 2013-2023* Town Planning & Built Environment:

Objective: *Ensure Town provides choice in housing types.*  
Strategies: *Plan for the availability of a broad range of housing types and affordability.*

#### Environmental sustainability and adaptation to climate change:

Objective: *Conserve, protect and provide access to the Town's waterways.*  
Strategies: *Continue to rehabilitate and preserve the Swan River foreshore and provide responsible access to the river for the community.*

#### Arts, heritage and culture:

Objective: *Enhance partnerships with local Noongar people.*  
Strategies: *Develop and implement a Reconciliation Action Plan, developed by the Town in partnership with the local Noongar people to build strong relationships, respect for culture and employment and growth opportunities*

### COMMENT

The two land base parcels of land that the Town of Bassendean has been requested to provide comment on are as follows:

1. Reserve 47783, Lot 3003 Lord Street, Eden Hill, formally known as the Pyrton site – 35.498 hectares vested to Minister for Works; and
2. Freehold Lot 1000 Lord Street, Caversham, known as Bennet Brook Reserve - 16.1185 Hectares owned by Western Australian Planning Commission.

Total land - 51.6156 hectares

It should be noted that under the Metropolitan Region Scheme, Lot 1000 Lord Street is reserved for Parks and Recreation.

In reviewing the land base proposal request, it has been identified that Lot 22 Lord Street, Eden Hill, which has an area of 400m<sup>2</sup>, and is owned by the Water Corporation, has not been included. Should this land not be considered as part of the land base proposal, it will be effectively "land locked".

The 2012-2016 Reconciliation Action Plan has numerous actions which were identified to be undertaken, including the development of a cultural centre to be a meeting place for all and be a meeting place to show Aboriginal history, culture and heritage. The Plan goes on to state that the Town is an active stakeholder in the planning and development process for Korndin Kulluch (Pyrton site) to advocate for our local Nyoongar families.

Considering the previous Council resolutions, the following comments are provided:

1. Reserve 47783, Lot 3003 Lord Street, Eden Hill, formally known as the Pyrton site and Freehold Lot 1000 Lord Street, Caversham, known as Bennett Brook Reserve have historically been subject of comprehensive planning process in which ownership/ vesting has been considered along with land use and servicing of the subject land – at no time has there been discussion to separate ownership from future land use.
2. By contrast, the current land base proposal does not include a community consultation process which considers land ownership and the servicing and land management of the subject land.
3. Previous community consultation has emphasised the importance of public access to the majority of the subject land and particularly the Metropolitan Region Scheme land reserved for "Parks and Recreation". The current proposal provides no such assurances of on-going public access.

It should be noted that according to email correspondence received, the current management bodies/landholders being the Department of Finance - Building Management and Works and the Western Australian Planning Commission, have provided consent for the land to be included into the Noongar Land Base negotiations.

Officers of the Town believe that it is prudent that a comprehensive, financial and environmental sustainable land use and servicing plan be developed for Lot 3003 Lord Street, Eden Hill; and Lot 1000 Lord Street, Caversham, to ensure that it complements the work previously undertaken for these sites, as well as the Success Hill Reserve management plan and natural area rehabilitation programs.

### STATUTORY REQUIREMENTS

Metropolitan Region Scheme Act 1959  
Aboriginal Heritage Act 1972  
Native Title Act 1993  
Local Government Act 1995  
Land Administration Act 1997  
Planning & Development Act 2005  
Local Planning Scheme No 10.

The Department of Lands (DoL) advised the Town of Bassendean on 8 November 2012 and 7 January 2014, that *“As part of the usual investigation undertaken by DoL, any transfer of land, either as freehold, leasehold or reserve, will be subject to the normal planning, environmental and other laws application to land ownership and management”*.

### FINANCIAL CONSIDERATIONS

None for the Town, however according to the attached Department of Premier & Cabinet – The South West Settlement Question & Answers document, all land and funds will be placed into Noongar Boodja Trust, managed by a professional independent trustee.

The WA Government will make funding contributions over 12 years and the Trust will function as a perpetual fund that can only distribute a fixed percentage of the total capital base annually to ensure that there is an ongoing source of funds for Noongar cultural, social and economic programs.

The outcome of the Land Base negotiations and the way in which the Noongar Boodja Trust potentially develop the subject land, will determine potential rateable income.

## OFFICER RECOMMENDATION – ITEM 9.2

That Council:

1. Acknowledges the Noongar people and their cultural, spiritual and heritage connections to the land;
2. Notes the 2012-2016 Reconciliation Action Plan proposal to develop a cultural centre to show case Aboriginal history, culture and heritage for “Korndin Kulluch place of reconciliation” known as the Pyrton site;
3. Advises the South West Settlement Department of Lands that the proposal to include Lot 3003 Lord Street, Eden Hill; formally known as the Pyrton site and Lot 1000 Lord Street, Caversham; known as Bennett Brook Reserve, is endorsed for consideration into the Noongar Land Base negotiations;
4. Highlights to the South West Settlement Department of Lands that it would be prudent for Lot 22 Lord Street, Eden Hill, if it is not required by the State, to be assessed for consideration into the Noongar Land Base negotiations;
5. Requests that as part of the implementation process, that the South West Settlement Department of Lands or relevant State Government Agency undertake further consultation with Native Title Noongars with an interest in Lot 3003 Lord Street, Eden Hill; formally known as the Pyrton site and Lot 1000 Lord Street, Caversham; known as Bennett Brook Reserve;
6. Requests that as part of the Noongar Land Base negotiation agreement, that a comprehensive, financial and environmental sustainable land use and servicing plan be developed for Lot 3003 Lord Street, Eden Hill; and Lot 1000 Lord Street, Caversham that includes but not limited to:
  - a. allocating sufficient financial resources for the environmental management, natural area rehabilitation and on-going land management programs; and
  - b. assurances of on-going public access to the subject land; and

7. Requests the South West Settlement Department of Lands provides to the Town of Bassendean, the draft financial and environmental sustainable land use and servicing plan for comment, prior to being formally adopted.

**Voting Requirement: Simple majority**

## **10.0                      REPORTS**

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

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

Standing Orders Local Law 2011, Clause 5.4 states:

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

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

OFFICER RECOMMENDATION – ITEM 10.1

That Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda 28 April 2015:

Item	Report
10.2	Proposed Eight (8) Multiple Dwellings on Lot 761; No. 39 Broadway, Bassendean, Owner: Praetorium Pty Ltd, Applicant: Tim Lewis-Jones
10.3	Proposed Retrospective Additions and Alterations to Single House on Lot 6; No. 14 Anzac Terrace, Bassendean
10.4	Proposed Amendment to Approved Development Application - Mixed Development Comprising Additions and Alterations to Place of Worship, Shop and 35 Multiple Dwellings - Lots 90-92 (Nos 7-11) Parker Street and Lots 8 & 9 (Nos 2 and 4a) Wilson Street, Bassendean
10.5	Council Street Trees – 40 Third Ave, Bassendean
10.7	Vandalism of Street Verge Trees – Broadway and Wicks Street, Bassendean
10.9	Ashfield Community Action Network Funding
10.10	Local Government Financial Assistance Grants- WALGA
10.11	Proposed Schedule of Council and Committee Meetings and Citizenship Ceremony - July to December 2015
10.12	Bassendean Local Studies Collection Management Committee Meeting held on 5 February 2015
10.13	Bassendean Youth Advisory Council Meeting held on 27 February and 27 March 2015
10.14	Economic Development Advisory Committee Meeting held on 18 March 2015
10.15	Notes of a Councillors' Information Workshop held on 21 April 2015
10.16	Quarterly Reports for Quarter Ended 31 March 2015
10.17	Determinations Made by the Manager Development Services and Reported to Council
10.19	Accounts for Payment – March 2015
10.20	Implementation of Council Resolutions
10.21	Use of the Common Seal
10.22	Calendar for May 2015

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

Item	Report
10.6	Road Maintenance - North Road
10.8	Successful Application – Lotterywest Community Spaces Outdoor Grant
10.18	Financial Statements – March 2015

**10.2 Proposed Eight (8) Multiple Dwellings on Lot 761; No. 39 Broadway, Bassendean, Owner: Praetorium Pty Ltd, Applicant: Tim Lewis-Jones (Ref: DA 2014-215 Stephanie Radosevich, Planning Officer)**

APPLICATION

The application seeks Council's approval for eight (8) multiple dwellings which includes variations to the 'Deemed-to-comply' provisions of the Residential Design Codes of Western Australia (R-Codes) relating to boundary walls and two-way vehicular access.

The aspects of the development, which do not meet the Deemed-to-comply provisions of the R-Codes, require assessment and determination against the 'Design Principles'.

ATTACHMENTS

**Attachment No. 4:** Plans of the proposed development; Applicant's justification letter; and Plan indicating vehicular manoeuvring.

BACKGROUND

An application for approval to build eight (8) multiple dwellings on the subject lot was submitted on 31 October 2014. Neighbour consultation was undertaken as the initial proposal comprised variations to the Deemed-to-comply provisions of the R-Codes, with respect to lot boundary setbacks, visual privacy and wall height of outbuildings; whereby four (4) letters of objection were submitted to the Town in relation the proposed multiple dwellings.

The site is zoned Residential with a split density code of R20/R40, with a site area of 1,064 square metres. The proposal relates to a two-storey development which comprises eight (8) two bedroom apartments.

STRATEGIC IMPLICATIONS

Built Environment

*Objective:*

- Ensure Town provides choice in housing types.

*Strategies:*

- Plan for the highest densities to be centred on railway stations, the Town Centre, and major transport routes.

- Strive to ensure that higher density housing will have excellent design to ensure that development is people-friendly and attractive.
- Strive to ensure that new housing, and in particular higher density housing, has high environmental standards.
- Plan for the availability of a broad range of housing types and affordability.

*Objective:*

- Foster enhanced public space and street appearance.

*Strategies:*

- Plan for improved streetscapes which include better footpaths, street furniture and inviting verges with well-developed and maintained street trees.
- Encourage the retention of trees on development site

COMMENT

The application has been assessed against the provisions of the Local Planning Scheme No. 10, the Residential Design Codes (State Planning Policy 3.1) and relevant Local Planning Policies, including the Town's Energy Efficient Design Policy, Water Sensitive Design Policy and Percent for Art Policy.

ASSESSMENT

Land use

Multiple Dwellings are a permitted use in the residential zone under the Local Planning Scheme No. 10.

Housing Density

By virtue of Clauses 5.3.1.1 and 5.3.1.2 of the Local Planning Scheme No. 10, the site is to be considered as if the density code is R20, unless Council determines that it is appropriate to develop the site at the higher code of R40.

In order to develop the site at the higher code of R40, Council must be satisfied that the development complies with the following criteria:

- a) In the opinion of Council the lot has a road frontage sufficient to allow at least two homes and a shared access way, where required to service development to the rear;
- b) There is due regard for relevant Local Planning Policies;
- c) Identified heritage objectives are not compromised;

- d) The proposal demonstrates elements of water sensitive urban design; and
- e) The existing streetscape is being preserved.

The proposal is considered to comply with points a) to d). With regards to point e), the existing streetscape is characterised by single storey dwellings which have been developed to in accordance with the R20 density code. These dwellings are provided with generous setbacks and complemented by significant landscaping and associated areas of open space.

The proposed development proposes more intense development; however the building setbacks compliment those of other dwellings within the street, with comparable areas of landscaping and associated areas of open space.

In light of the above, development is able to be assessed against the higher density code of R40. It is noted that the development potential for multiple dwellings at an R40 density code is controlled by plot ratio rather than a site area per dwelling requirement as applies for the development of grouped dwellings and single houses.

#### *Compliance with the Residential Design Codes.*

The proposal complies with the Deemed-to-comply requirements of the Residential Design Codes, with the following exceptions:

#### *Boundary Walls*

The proposal comprises three (3) boundary walls to the eastern boundary; whereas the Deemed-to-comply provisions do not provide for boundary walls for multiple dwellings developed in areas coded R40.

The eastern boundary walls comprise six (6) stores (to units 1, 2, 5, 6, 7 and 8) with a total length of 17.01 metres, with an average height of 2.3 metres and a maximum height of 2.4 metres.

In terms of the proposed boundary walls, buildings are required to be setback from boundaries or adjacent buildings so as to:

- ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;
- moderate the visual impact of building bulk on a neighbouring property;

- ensure access to daylight and direct sun for adjoining properties; and
- assist with the protection of privacy between adjoining properties.

The proposed eastern boundary walls are considered to meet the Design Principles in this instance as the boundary wall has a similar impact to a standard 1.8 metre high boundary fence on top of 0.5 metres of fill, which is considered acceptable under the Deemed-to-comply provisions of the R-Codes.

Further to this, a Single House developed in accordance with the R20 density code, could build a boundary wall with a length of 15.6 metres with a maximum height of 3.5 metres and an average height of 3 metres. As the proposed boundary wall is in keeping with what could be approved for a Single House, it is considered to be in keeping with the Design Principles in this instance.

In light of the above, the boundary wall is not considered to have any adverse building bulk impacts on the adjoining western property.

It is noted that the proposal is compliant with the Deemed-to-comply provisions of Clause 6.4.1 'Visual Privacy' C1.1 and Clause 6.4.2 'Solar Access for Adjoining Sites' C2.1. In light of this, the proposed boundary walls are not considered to have any undue impact on overlooking or overshadowing in accordance with the Deemed-to-comply provisions of the R-Codes.

#### Vehicular Access

The proposal does not comprise two-way access for the full length of the vehicle access way. The Deemed-to-comply provisions provide for driveways to be designed for two way access to allow for vehicles to enter the street in forward gear.

In terms of the proposed driveway, vehicular access is to be provided so as to minimise the number of crossovers, to be safe in use and not detract from the streetscape.

As the proposal comprises one crossover to the site, it aids in minimising the number of crossovers. Further to this, as the driveway is located to avoid the street trees, it does not detract from the existing streetscape.

With regards to the driveway being safe in use, the proposed driveway width accommodates one-way access along unit 1 and stores 3 and 4. As the crossover and driveway along the visitor's bays provides for two-way access, this provides a spot for vehicles to wait as a vehicle exits the resident's spaces. The development also incorporates a viewing mirror to the rear of the driveway, which assists with residents leaving the site to be provided with a line-of-sight down the driveway.

The plan indicating vehicular manoeuvring demonstrates that there is a minor obstruction due to the location of store 3, in the instance two vehicles were to pass at the rear. To provide for a second holding bay, allowing two vehicles to pass at the rear, it is recommended that store 3 be relocated.

In light of the above, the proposed driveway is considered to be safe in use.

#### Local Planning Policy No 15 Percent for Art Policy

If the proposal is approved, it is subject to compliance with the Town's Percent for Art Policy. All development proposals for multiple dwellings, mixed use, commercial, civic, institutional, educational projects or public works with a value greater than \$1,000,000 shall be regarded as eligible proposals under this policy.

#### Neighbour Consultation

Neighbour consultation was undertaken with the adjoining property owners. Four (4) objections have been received in relation to the proposal; whereby the following comments were made:

1. All aspects should be met with 'no' variations being granted under discretionary power rules.
2. All set backs should be adhered to and shall comply to all minimum standards with no exceptions for variation to be made. It seems to me that Unit 7 with another 600 mm set back on the west wall would make the rooms far too small.
3. On rubbish collection days you will have up to 16 bins lined out on the verge; there is insufficient space for that amount of bins given the width of the verge and the trees marked on the landscaping drawing that will obstruct the bins.

4. The application only allows for 1 tenant parking each unit and up to 2 visitors parking for each unit in the entire development. This is nowhere near sufficient as the average household has at least 2 vehicles in itself. There should be a minimum of 4 visitors parking for this development size, or ideally 2 parking bays per unit tenant and visitor.
5. The development would lead to too great an amount of overlooking and loss of privacy from outdoor areas and east facing rooms.
6. The proposal would lead to an unacceptable loss of natural light.
7. The proximity of the balconies to the neighbours will result in noise issues for the neighbours.
8. Concerns there will be extra noise during the day and night from the tenants and their visitors.
9. Heavy machinery noise during the construction phase early morning and possibly at night and over the weekends.
10. Possible vandalising and theft of materials during construction.
11. Dust and rubbish being blown around during construction, any contingency plan in place for the rubbish removal.
12. This development has absolutely no trend and comparison with any other residence on the whole stretch of Broadway.
13. This multiple two storey 'Subiaco' style apartment design will be the first of its kind on the street and is not welcome in regards to the traditional heritage style single storey residences that are existing on the street. This development would ruin Broadway's majestic thoroughfare feeling it has always had as a Bassendean icon.
14. This style of high density, small dwelling is out of place in this part of Bassendean. It is a rather jarring change to the mostly single storey, heritage style (or interpretation) family friendly dwelling that is prevalent throughout our area.

15. Given the proximity of other single dwelling blocks of a similar size on our neighbouring borders, any successful high density development close by would increase the likelihood of a similar one next door, creating further issues and potentially affecting the value of our property.
- 16 Concerns of the devaluation of the surrounding properties and when surrounding properties were purchased, this sort of zoning was not in effect, purchased on the basis of privacy and no existing two storey neighbour residences.
17. Concerns that there will be damage to the existing fence during the construction process.

The following comments are provided in response to the concerns that have been raised by the adjoining property owners:

1. This is not a valid planning objection.

The R-Codes have been design to provide a clear choice for applicants to select a Design Principle approach for assessment, a Deemed-to-comply provision approach, or a combination of the two.

In a Design Principle assessment the onus is on the applicant to demonstrate that the proposal complies with the Design Principles.

Given the Deemed-to-comply provisions illustrate only one way of satisfactorily meeting the corresponding Design Principles, the use of the Deemed-to-comply provisions as a yardstick or evaluation standard during a Design Principle assessment is generally not appropriate.

2. Amended plans have been provided demonstrating that the proposed setbacks comply with the Deemed-to-comply provisions of Clause 6.1.4 'Lot Boundary Setbacks' C4.1 of the R-Codes and the proposed boundary walls comply with the Design Principles of Clause 6.1.4 'Lot Boundary Setbacks' P4.1 of the R-Codes.
3. It is a condition of approval that a Waste Management Plan is submitted for the Town's approval, which includes the number of general rubbish and recycling bins to be provided for the development and details of where the bins would be located when waiting collection.

4. Car parking is provided in accordance with Deemed-to-comply provisions of Clause 6.3.3 'Parking' C3.1 of the R-Codes. It is noted that Clause 2.5.4 states:

*"The decision-maker shall not refuse to grant approval to an application where the application satisfies the deemed-to-comply provisions of the R-Codes and the relevant provisions of the scheme and any relevant local planning policy."*

In light of the above, additional car parking cannot be required to be provided in addition to the Deemed-to-comply provisions of the R-Codes.

5. Amended plans have been received which demonstrate that the proposal complies with the Deemed-to-comply provisions of Clause 6.4.1 'Visual Privacy' C1.1 of the R-Codes, with windows being setback in accordance with the cone-of-vision setback requirements or screening provided up to 1.6 metres above the finished floor level. In light of this, the proposed development is not considered to have any undue impact on privacy in accordance with the Deemed-to-comply provisions of the R-Codes.
6. The extent of overshadowing of the adjoining southern property complies with the Deemed-to-comply provisions of Clause 6.4.2 'Solar Access for Adjoining Sites' C2.1 of the R-Codes. Clause 6.4.2 C2.1 provides for a maximum of 25 per cent (265.75 square metres) of the adjoining site area being overshadowed; whereby the proposal casts a shadow of 7.26 per cent (77.15 square metres) over the adjoining southern property. In light of this, the proposed development is not considered to have any undue impact on overshadowing in accordance with the Deemed-to-comply provisions of the R-Codes.
- 7-9. Noise associated with the proposed development is not considered to have any undue impact on the surrounding properties. It is noted that noise is covered under the *Environmental Protection (Noise) Regulations 1997*, whereby it outlines acceptable levels of noise.
10. This is not a valid planning objection.
11. It is a condition of approval that the applicant submits a construction management plan to the satisfaction of the Manager Development Services. The construction management plan is to address issues including dust control, and provide contact details of a person to deal with complaints.

12-17. These are not valid planning objections.

### STATUTORY REQUIREMENTS

The application is subject to the provisions of the Town's adopted Local Planning Scheme No. 10 and the Residential Design Codes of Western Australia.

Clause 10.2 of LPS 10 identifies matters that are to be considered by the Local Government when dealing with an application for planning approval including:

- “(b) the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;*
- (c) any approved statement of planning policy of the Commission;*
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;*
- (i) the compatibility of a use or development with its setting;*
- (n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (y) any relevant submissions received on the application;*
- (z) the comments or submissions received from any authority consulted under clause 10.1.1; and*
- (za) any other planning consideration the local government considers relevant.”*

In the event that Council was to refuse the application or was to grant approval subject to conditions, and the applicant was aggrieved by those conditions, they would be entitled to a right of review under Part 14 of the Planning and Development Act 2005.

### FINANCIAL CONSIDERATIONS

Nil.

### Conclusion

The proposed development is seen to satisfactorily address the Design Principles specified within the R-Codes, for each of the areas where the building has not been designed to meet the relevant Deemed-to-comply provisions, for the reasons that have been discussed within the body of the report.

On this basis, it is recommended that Council grants approval for the proposed development in accordance with the recommendation presented below.

### OFFICER RECOMMENDATION – ITEM 10.2

That Council grants planning approval for the proposed eight (8) multiple dwellings at Lot 761 (No. 39) Broadway, Bassendean, subject to the following conditions:

1. Amended plans are to be submitted prior to or in conjunction with the Building Permit demonstrating that store 3 is relocated, to provide for two vehicles to pass at the rear of the access way;
2. A detailed landscape plan being submitted prior to or with the application for a Building Permit for the Town's approval which addresses the following:
  - (a) Details of the location and type of proposed trees, shrubs, ground cover and lawn areas to be planted;
  - (b) Low water use;
  - (c) Landscaping of the verge area adjacent to the development site, including the provision of substantial street trees in accordance with the Town's adopted Street Tree Master Plan; and
  - (d) Details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months;

3. Pedestrian paths to be constructed which provide wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas;
4. Provision of lighting to pathways and car parking areas;
5. The site shall be landscaped in accordance with the approved landscaping plan and shall be maintained thereafter;
6. The street trees which sit within the verge and are not affected by the proposed development shall be protected by barricades during construction in accordance with the Town's Policy relating to street tree protection;
7. Separate approval being obtained from the Town's Asset Services for the proposed crossover on the Broadway frontage of the development site and this crossover being constructed in accordance with that approval;
8. The sealing and kerbing of all car parking areas and access ways to the Town's specifications;
9. The car parking spaces and access ways being constructed and maintained thereafter to the Town's satisfaction;
10. Visitor parking spaces being clearly marked for "Visitors Only" and used as such;
11. A minimum of three (3) and one (1) bicycle bays shall be provided for the residents and visitors respectively. The bicycle parking spaces shall be located in the area identified on the approved drawings and shall be constructed in accordance with the provisions of AS 2890.3 (as amended);
12. Details of stormwater disposal being submitted for the approval of the Town in conjunction with or prior to the issue of the Building Permit, in accordance with Local Planning Policy No. 14 – On-Site Stormwater Policy;
13. The applicant shall submit a certified Stormwater Management Plan that will address issues associated with stormwater during storm events of 1:100 Annual Rainfall Interval (ARI) up to 24 hours duration, prior to the submission of a Building Permit.

In the event that changes to the approved plans (i.e finished floor levels and ground levels) are required in order to comply with the stormwater drainage management plan, then an application for a modification to the planning approval will be required;

14. Prior to the issue of a building permit a development bond for the sum of \$4,000 being lodged with Council to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways and fencing;
15. The incorporation of public art into the proposed development or a cash-in-lieu payment of one per cent of the construction cost of the proposed development in accordance with the Town's adopted Local Planning Policy No. 15 'Percent for Art Policy'. Detailed arrangements and agreement with respect to art to be provided on-site or alternatively payment of the required fee shall be made prior to or in conjunction with the application for a Building Permit;
16. The street number being prominently displayed at the front of the development;
17. The provision of side and rear fences, behind the street setback line, of 1.8 metres in height. Where the ground levels vary on either side of the fence, the required 1.8 metre height shall be measured above the higher ground level;
18. A separate application and approval being obtained for any proposed fencing within the street setback area;
19. The provision of letterboxes and bin storage in materials to complement the development to the satisfaction of the Town;
20. External clothes drying facilities shall be screened from view of the street or any other public place at all times. No drying of clothes from upper floor balconies (units 3 & 4) or ground floor outdoor living areas (units 1 & 2) is permitted;
21. Air-conditioning units and external fittings shall be incorporated into the building or screened from view. Details of the treatment of such external fittings to the building being submitted prior to the issue of a building permit to the satisfaction of the Manager Development Services;

22. The applicant submitting to the satisfaction of the Manager Development Services a construction management plan that addresses issues of dust and noise control, hours of work, and provides contact details of a person to deal with complaints;
23. A Waste Management Plan (WMP) is to be submitted for the Towns approval prior to or in conjunction with the application for a Building Permit. The WMP shall address matters including, but not necessarily limited to, the following:
  - (a) Measures to be implemented for the purpose of minimising the delivery of waste to landfill during occupation, including: the on site separation of materials for recycling and the expectations of owners and/or tenants;
  - (b) Site Plan showing the location and size of the on-site rubbish disposal area, including the number of general rubbish and recycling bins to be provided for the development, including sharing arrangements where the number of bins is less than the number of dwellings;
  - (c) An estimation of the volume of waste to be generated by the proposed development and the capacity of this volume of waste to be accommodated by on site bin storage capacity;
  - (d) Details of intended method of collection (private contractor or Council contractor);
  - (e) Details of arrangements for transferring bins from the bin storage area to the verge for collection and subsequently from the verge back to the bin storage area, including timeframes at each stage;
  - (f) Details of where the bins would be located when waiting collection;
  - (g) Details of advice to be provided to owners and occupiers regarding the WMP; and
  - (h) Details of how the WMP will continue to be applied in perpetuity across the life of the development, including the WMP being incorporated into the strata by-laws for the proposed development;
24. The bin storage area is:
  - (a) To be provided with a self closing gate;
  - (b) To be provided with 75mm minimum thickness concrete floors grading to a 100mm industrial floor waste, with a hose cock to enable both the bins and bin storage area to be washed out; and

- (c) To be provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning;
- 25. The proposed boundary walls shall be finished to the satisfaction of the Town;
- 26. All building works to be carried out under this planning approval are required to be contained within the boundaries of the subject lot;
- 27. The building hereby approved shall not be occupied until all of the conditions of planning consent have been complied with to the satisfaction of the Manager Development Services, unless the applicant has entered into an agreement with Council to comply with those conditions within a specified period; and
- 28. The issue of a building permit prior to the commencement of any on-site works.

**ADVICE NOTE:**

In relation to Condition 15, the owner/applicant is to liaise with the Town's Cultural Development Officer early in the process if it is intended that the public art is to be provided on-site.

**Voting Requirement: Simple majority**

**10.3 Proposed Retrospective Additions and Alterations to Single House on Lot 6; No. 14 Anzac Terrace, Bassendean, Owner: R & T Briant, Applicant: Pinnacle Planning (Ref: DA 2015-015 Stephanie Radosevich, Planning Officer)**

**APPLICATION**

Council, by virtue of an Order made by the State Administrative Tribunal, has been invited to reconsider its conditional approval for the proposed retrospective additions and alterations to single house at Lot 6 (No. 14) Anzac Terrace, Bassendean, having regard to a further submission made by the applicant.

The application which is before Council proposes a retrospective balcony addition which includes a variation to the 'Deemed-to-comply' provisions of the Residential Design Codes of Western Australia (R-Codes) relating to overlooking.

The aspect of the development, which does not meet the Deemed-to-comply provisions of the R-Codes, requires assessment and determination against the 'Design Principles'.

**ATTACHMENTS**

**Attachment No. 5:** Plans of the proposed development  
Applicant's justification  
Notice of Determination dated 20 February 2015  
State Administrative Tribunal Orders dated 19 March 2015  
Applicant's response to objections  
Photo of balcony prior to upgrade

**BACKGROUND**

The Town received a complaint regarding the existing balcony and upgrading works that were occurring at No. 14 Anzac Terrace. The complaints related to the impact on the visual privacy of the adjoining property.

Following the complaint, the Town sent correspondence to the owners of the property on 30 October 2014, inviting the owners to submit a formal application for planning approval for the Town's consideration.

The Town's officers met with the owners of No. 14 Anzac Terrace and discussed the proposal, whereby the Town's records indicate that the upper floor the balcony had been approved in line with the eastern upper floor wall, with no screening required in 1979.

On 29 January 2015, the Town received a development application, which comprised retrospective additions and alterations to the balcony. The plans indicate that the balcony extends an additional 2.5 metres closer to the eastern boundary, as constructed on-site.

The proposal comprised screening along the southern side of the balcony and one panel along the eastern side of the balcony, with the remainder of the balcony being open. The balcony as it previously existed comprised glass balustrading as shown in the attachments.

On 20 February 2015, the Town issued a development approval under delegated authority which required:

- "1. Within twenty-eight (28) days of the issue date of this 'Notice of Approval', the eastern side of the balcony shall be screened up to 1.6 metres above the finished floor level of the balcony, as marked in red on the plans.*
- 2. The gaps between the screening panels to the balcony shall not exceed 50mm and the overall surface area of openings within area provided with screening panels shall not exceed 25% of the surface area of the panels."*

As no written justification was provided to the Town under the Design Principles of the R-Codes, an assessment was undertaken against the Deemed-to-comply provisions of the R-Codes, which resulted in conditional approval being issued which required compliance with the Deemed-to-comply provisions.

Following the issue of the Notice of Determination, an Application for Review was submitted with the State Administrative Tribunal, with the matter being listed for a Directions Hearing on 18 March 2015.

On 18 March 2015, the conditions of approval were discussed, whereby it was ordered that:

- “1. *By 2 April 2015 the applicant must provide to the respondent any further plans and supporting information it would want the respondent to consider to resolve the matter.*
2. *Pursuant to s31 of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision on or before 30 April 2015 having regard to the further submissions of the applicant.*
3. *The matter is adjourned to a further directions hearing at 10am Thursday 7 May 2015.*

Amended plans were submitted to the Town on 26 March 2015, which comprise the addition of a 500mm wide by 600mm high planter box along the eastern side of the balcony, along with the submission of written justification in accordance with the Design Principles of the R-Codes.

Further to the above, it is noted that the balcony has existed in this location for a number of years prior to this application and the adjoining property being built, however, it was raised as an issue with the Town once the ownership of the property changed.

Plans and a letter of justification as prepared by the applicant are included in attachments.

### STRATEGIC IMPLICATIONS

Nil.

### COMMENT

The application has been assessed against the provisions of the Local Planning Scheme No. 10 and the Residential Design Codes (State Planning Policy 3.1).

### ASSESSMENT

#### *Compliance with the Residential Design Codes.*

The proposal complies with the Deemed-to-comply requirements of the Residential Design Codes, with the following exceptions:

### Visual Privacy

The proposed balcony is provided with a 1.55 metre cone-of-vision setback, whereas the Deemed-to-comply provisions of Clause 5.4.1 'Visual Privacy' C1.1 of the R-Codes provides for balconies with a 7.5 metre cone-of-vision setback.

In terms of the proposed overlooking, minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings should be achieved through:

- building layout and location;
- design of major openings;
- landscape screening of outdoor active habitable spaces; and/or
- location of screening devices.

Maximum visual privacy is to occur to side and rear boundaries through measures such as:

- offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;
- building to the boundary where appropriate;
- setting back the first floor from the side boundary;
- providing higher or opaque and fixed windows; and/or
- screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).

The proposed balcony is considered to be in keeping in this instance, as the rear of the properties face the river, with the rear of the properties being open and functioning in a similar manner to the front setback. It is also noted that there is a limited view of the rear of the adjoining property from the opposite side of the river as there is no rear fencing.

With regards to the proposed balcony, screening has been provided to the southern side and to the first panel on the eastern side, to prevent a direct line-of-sight back into the adjoining property.

The provision of a planter along the second and third panels of the balcony limits the ability for occupants of the dwelling on the subject site to look past the privacy screening provided.

The proposed balcony is considered to be in keeping with the Design Principles in this instance, as it results in a greater level of privacy between the subject site and the adjoining property, to the balcony and eastern living room, which was approved in 1979.

The proposed screening to the southern side of the balcony and to the first panel on the eastern side, assists in minimising direct overlooking of active habitable spaces and outdoor living areas of the adjacent dwelling.

#### Neighbour Consultation

Neighbour consultation was undertaken with the adjoining property owners. One objection has been received in relation to the proposal whereby the following comments were made:

1. The only change is the inclusion of a planter box in front of the 1200mm high balustrade that overlooks the adjoining property into the backyard and living areas.
2. The planter box does not effectively obstruct the view into the adjoining property.
3. The balcony facing into the adjoining property and being so close to the boundary impacts the amenity of the adjoining property.
4. A full height screen along the entire length of the balcony facing the adjoining property needs to be erected to maintain privacy.

The following comments are provided in response to the concerns that have been raised by the adjoining property owners:

1. This comment is noted.
- 2-3. Written justification has been provided demonstrating that the proposed balcony complies with the Design Principles of Clause 5.4.1 'Visual Privacy' P1.1 and P1.2 of the R-Codes.
4. The R-Codes have been design to provide a clear choice for applicants to select a Design Principle approach for assessment, a Deemed-to-comply provision approach, or a combination of the two.

In a Design Principle assessment, the onus is on the applicant to demonstrate that the proposal complies with the Design Principles.

The Deemed-to-comply provisions illustrate only one way of satisfactorily meeting the corresponding Design Principles, and the use of the Deemed-to-comply provisions as an evaluation standard during a Design Principle assessment is generally not appropriate.

### STATUTORY REQUIREMENTS

The application is subject to the provisions of the Town's adopted Local Planning Scheme No. 10.

Clause 10.2 of LPS 10 identifies matters that are to be considered by the Local Government when dealing with an application for planning approval including:

- “(b) the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;*
- (c) any approved statement of planning policy of the Commission;*
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;*
- (i) the compatibility of a use or development with its setting;*
- (n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (y) any relevant submissions received on the application;*
- (za) any other planning consideration the local government considers relevant”.*

In the event that Council was to refuse the application or was to grant approval, subject to conditions, and the applicant was aggrieved by those conditions, the Application for Review with the State Administrative Tribunal would proceed, whereby the State Administrative Tribunal would make the final determination.

### FINANCIAL CONSIDERATIONS

The Planning & Development Regulations 2009 allows the Town to charge three times the schedule fee where a development has been commenced prior to approval of an application. As the proposal relates to a retrospective addition, the applicant paid an application fee of \$441, being three times the schedule fee of \$147.

### Conclusion

A balcony has existed in the same location at the subject site for a number of years prior to the adjoining property being constructed, with the proposed balcony providing a higher level of privacy between the subject site and the adjoining property.

Council has two options in regard to the proposed retrospective additions and alterations at No. 14 Anzac Terrace:

1. Grant planning approval subject to a condition requiring the issue of a Building Approval Certificate for the retrospective structure.

Or

2. Grant planning approval subject to conditions, including the requirement that the eastern side of the balcony is screened and the issue of a Building Approval Certificate for the retrospective structure.

The proposed development is seen to satisfactorily address the Design Principles specified within the R-Codes, for each of the areas where the building has not been designed to meet the relevant Deemed-to-comply provisions, for the reasons that have been discussed within the body of the report.

On this basis, it is recommended that Council grants approval for the proposed development in accordance with the recommendation presented below.

**OFFICER RECOMMENDATION – ITEM 10.3**

That Council grants planning approval for the proposed retrospective additions and alterations to single house at Lot 6; No. 14 Anzac Terrace, Bassendean, subject to the issue of a Building Approval Certificate for the retrospective structure.

**Voting Requirement: Simple majority**

**10.4 Proposed Amendment to Approved Development Application - Mixed Development Comprising Additions and Alterations to Place of Worship, Shop and 35 Multiple Dwellings - Lots 90-92 (Nos 7-11) Parker Street and Lots 8 & 9 (Nos 2 and 4a) Wilson Street, Bassendean - Owner: Saint Mark's Anglican Church, Applicant: Doepel Marsh Architects Pty Ltd (Ref: DABC/BDVAPPS/2015-045 - Brian Reed, Manager Development Services)**

**APPLICATION**

At its Ordinary Council meeting held in May 2011, Council resolved to require that all development assessment panel applications be subject to a report to Council in order that Council can make an alternative recommendation to the Metropolitan Centre Joint Development Assessment Panel.

As the value of this proposal is in excess of \$7m, it becomes a mandatory Development Assessment Panel (DAP) determination.

The remainder of this report includes the Manager Development Service's report and recommendation to the DAP. The report is presented in the format required by the Development Assessment Panel Regulations.

Council's options in terms of its earlier resolution are to either endorse the recommendation contained in the report below or to make an alternative recommendation.

Council's members on the DAP are Crs Carter and Pule.

The Development Assessment Panel Training Notes make the following comments in terms of Local Government representatives as DAP members:

*"The role of a local government representative is made difficult by their dual roles of local government Councillor and DAP member.*

*The Code of Conduct acknowledges this difficulty in clause 2.1.2. A local government may make a decision in relation to a DAP application as a basis for providing a DAP with a recommendation, as it is required to do in accordance with regulation 12.*

*Clause 2.1.2 provides that a local government DAP member is not precluded from voting in relation to a DAP application where it has also been involved with the decision or recommendation made by the local government.*

*Clause 2.1.2 requires only that local government DAP member exercise independent judgment, and consider the application on its planning merits.”*

**Form 1 - Responsible Authority Report**  
(Regulation 12)

<b>Property Location:</b>	Lots 90 – 92 (Nos. 7 – 11) Parker Street and Lots 8 & 9 (Nos. 2 & 4A) Wilson Street, Bassendean
<b>Application Details:</b>	Mixed Development Comprising Additions and Alterations to Place of Worship, Shop and 35 Multiple Dwellings
<b>DAP Name:</b>	Metro Central JDAP
<b>Applicant:</b>	Doepel Marsh Architects Pty Ltd
<b>Owner:</b>	Saint Mark’s Anglican Church
<b>LG Reference:</b>	DABC/BDVAPPS/2015-045
<b>Responsible Authority:</b>	Town of Bassendean
<b>Authorising Officer:</b>	Brian Reed, Manager Development Services
<b>Department of Planning File No:</b>	DAP/14/00603
<b>Report Date:</b>	22 April 2015
<b>Application Receipt Date:</b>	11 March 2015
<b>Application Process Days:</b>	27 days
<b>Attachments No. 6:</b>	<p>1. Plans of the proposed development dated 23 January 2015- Amended 10 March 2015 comprising:</p> <p>DA 1.2 – F (carpark &amp; lower ground floor plan) DA 1.3 F (upper ground floor plan)</p> <p>2. Letter prepared by Kim Doepel – Doepel Marsh Architects dated 25 February 2015.(reference DP/14/000603;</p> <p>3 Council Policy 1.16 Development Bonds Policy - Compliance with Conditions of Planning Consent.</p>

## METRO CENTRAL JDAP RECOMMENDATION:

### **Recommendation:**

That the Metro Central Joint DAP resolves to:

1. Approve that the DAP Application reference DAP/14/00603 as detailed on the DAP Form 2 dated 10 March 2015 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*; and
2. Approve the DAP Application reference DAP/14/00603 as detailed on the DAP Form 2 date 10 March 2015 and accompanying plans Drawing No DA 1.2 – F and DA 1.3- F in accordance with the provisions of Clause 10.3 of the Town of Bassendean Local Planning Scheme, for the proposed minor amendment to the approved Mixed Use Development at Lots 90-92 (Nos 7-11) Parker Street and Lots 8 & 9 (Nos 2 and 4a) Wilson Street, Bassendean. -

### **Amended Conditions**

- 1 The deletion of condition 16 and its replacement with the following condition:

*“Prior to the commencement of construction, a detailed lighting plan is to be provided showing all proposed internal and external lighting to the satisfaction of the Town.”*

- 2 The deletion of conditions 25 and 26 and their replacement with the following single condition (which will also cause the remainder of the conditions to be renumbered):

*Bins are to be stored only in an approved dedicated bin storage area, which shall be:*

- (a) *Surrounded by a 1.8 metre high minimum wall with a self-closing gate;*
- (b) *Provided with 75mm min thickness concrete floors grading to a 100mm industrial floor waste, with a hose cock to enable both the bins and bin storage area to be washed out; and*
- (c) *Provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning.*

- 3 The deletion of condition 27.

**Advice Notes**

- 1 The addition of the following advice note:

Signage for the non-residential component of the development being the subject of separate application and approval

- 2 All other conditions and requirements detailed on the previous approval dated 17 February 2015 shall remain unless altered by this application.

**Background:**

Insert Property Address:	Lots 90 – 92 (Nos. 7 – 11) Parker Street and Lots 8 & 9 (Nos. 2 & 4A) Wilson Street Bassendean
Insert Zoning MRS:	Urban
TPS:	Town Centre
Insert Use Class:	Place of Worship, Shop & Multiple Dwelling
Insert Strategy Policy:	Town Centre Strategy and Guidelines
Insert Development Scheme:	Town of Bassendean Local Planning Scheme No. 10 (District Zoning Scheme)
Insert Lot Size:	493m <sup>2</sup> each for a combined total site area of 2465 m <sup>2</sup>
Insert Existing Land Use:	Place of Worship and Shop
Value of Development:	\$7.5 million

At its Meeting held on 9 February 2015, the Metro Joint Development Assessment Panel granted conditional approval for the redevelopment of the properties. The approval involved:

- The retention of the existing church which fronts Wilson Street,
- The demolition of the existing church hall which faces Parker Street, together with the existing Op shop which is centrally located within the site.
- The erection of two new church halls, to the west and south of the existing church, at the same level as the existing church
- A new benefit shop to the south of the existing church at street level, below the southern new hall.

- The construction of 35 multiple dwellings in a building of up to five stories in height plus basement car park in a building on the Parker Street fronting portion of the development site.

### **Details: outline of development application**

The proposed minor amendment application relates to the following issues:

### **Minor Amendment Detail**

1. The minor amendments to the built form of the proposed development for which approval is being sought via this submission are as follows:
  - The lift entrance next to Op Shop has been modified and now provides an entry point from the east.
  - The gross area of the 'Op Shop' has been increased by 22m<sup>2</sup> to provide a more functional space.
  - The bin store has been redesigned to provide entry from south.
  - The shop storeroom and unisex toilet facility have been moved to the west end of 'Op Shop'
  - The 'pump room' has been removed from the development.
  -
2. A review of 10 of the conditions attached to the approval

### **Legislation & policy:**

#### Legislation

Local Planning Scheme No. 10  
Clause 5.7.2 – Car Parking

#### State Government Policies

Directions 2031 and the Central Metropolitan Perth sub-regional strategy recognises the Bassendean Town Centre as a District Centre

### **Local Policies**

There are no local planning policies relating to the amendment.

## **Consultation**

### Public Consultation

No consultation is required.

### Consultation with other Agencies or Consultants

No consultation is required.

## **Planning assessment:**

### **1. Minor Amendments to the built form**

The proposed amendments to the built form are considered to be trivial in nature and do not substantially alter the appearance of the building compared with the plans as previously approved.

In planning terms, the only part of the amendment that warrants assessment is the increase in area of the benefit shop by 22m<sup>2</sup> from the approved 60m<sup>2</sup> to the currently proposed 82m<sup>2</sup>.

By virtue of Clause 5.7.2 .1 of the Local Planning Scheme No 10, car parking is to be provided at a rate of 1 space per 12.5m<sup>2</sup> for shop uses. The required car parking for the shop use would increase from 5 spaces to 7 spaces.

The original assessment of the application submitted to the Metro Joint Development Assessment Panel on 9 February 2015 made the point that the car parking demand for the “new” church uses was less than for the existing church uses, due principally to the reduction in areas of the church hall and Op Shop. The car parking demand for the existing church uses would have been 63 bays while the demand for the currently approved uses would be 52 bays.

It is considered that the increase in car parking demand of 2 car bays caused by the increase in size of the op shop is of no consequence as the car parking demand for the church uses will reduce as a result of the development of the site.

### **2. Review of condition of approval**

The following section summarises the conditions of the original approval for which a review is sought, the applicant's justification for the amendment or deletion of the condition (Response) together with an officer comment.

### Condition No 1

Prior to the issue of a building permit for this development, Lots 8, 9, 90, 91 & 92 shall be amalgamated into a single lot on a Certificate of Title or the owner shall enter into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost requiring amalgamation to be completed within twelve months of the issue of a building permit, or the completion of the development, whichever occurs earlier.

Response - Change to advice note.

As an approval condition it inappropriately relates to a separate statutory process and associated requirements that are outside the scope of the planning framework.

In order for the condition to be valid it should relate to planning matters, not matters covered by other legislation.

### OFFICER COMMENT

The condition directly relates to a planning matter. The planning unit on which the approval has been issued, relates to all of the lots. The proposal relies on shared parking for both church use and for the residential component, and requires access over the residential component to the church parking areas. Without the approved condition, there would be nothing to prevent the sale of the residential component of the land separate from the church land.

### Condition No 4

Existing street trees within the street verge adjacent to the development site being protected with barricades during construction in accordance with the Town's Policy for street tree protection.

Response - Change to advice note.

This requirement would ordinarily be associated with the construction phase of the development and therefore dealt with as part of the building permit process.

### OFFICER COMMENT

It is Council policy that the need to protect street trees be imposed through conditions of planning consent. With the introduction of the 2011 Building Act, it is no longer possible to impose conditions on a Building Permit for matters that aren't addressed by the Building Act.

An Advice Note has no statutory affect and cannot be enforced.

### Condition No 8

Car parking on any subsequent strata plan shall be allocated in accordance with the approved drawings and the following requirements:

- (a) Units 1 - 34 shall each be allocated at least one car parking bay;
- (b) Unit 35 shall be allocated two car parking spaces; and
- (c) Visitor parking bays V1 - V20 shall be made available for the shared use of both the residential and non-residential components of the development.

Response - Change to advice note.

This is not a valid condition as it relates to future statutory processes outside of the scope of this approval.

### OFFICER COMMENT

This condition directly relates to the approval that has been issued, and relates to the ongoing management of the allocation of car parking spaces for the site. The condition aims to ensure that the allocation of car parking spaces on **any** future strata plan reflects the intended allocation of car parking spaces on which the approval was granted.

### Condition 13

The southernmost crossover on the Parker Street frontage of the development site shall be modified by way of relocating the existing power pole clear of the crossover location. In all cases, the width of the crossover shall align with the width of vehicular driveway on private property.

Response - Change to advice note.

This requirement relates to processes and landholdings that are outside of the control of the applicant. It is noted that in order to act on the approval that the power pole will need to be relocated.

#### OFFICER COMMENT

Both the approved plans and the amended plans (refer DA1.3-F) show the retention of the existing power pole. It is considered that the condition directly relates to the approval, and the development has caused the need for the power pole to be relocated, and therefore it is a valid condition of approval. It should also be noted that a rubbish truck will need to reverse past the power pole to deal with the collection of all waste from the site.

#### Condition 16

Prior to the submission of an application for a building permit, a detailed lighting plan is to be provided showing all security and safety lighting throughout all public and interior circulation areas, along with external lighting to the Parker Street and Wilson Street frontages of the development site is to be submitted for the approval of the Town, prior to the issue of a building permit.

Response - Modify condition wording.

This condition is poorly drafted and has unclear timing. The following modified wording is suggested for the condition:

*“Prior to the commencement of construction, a detailed lighting plan is to be provided showing all proposed internal and external lighting to the satisfaction of the Town.”*

#### OFFICER COMMENT

Agreed.

### Condition 18

The provision of an externally accessed storage unit of not less than 4 square metres internal area for each dwelling, constructed of the same materials as the main building.

Response - Delete condition.

Approved plans demonstrate compliance with this requirement.

### OFFICER COMMENT

The sketch plans are not dimensioned in terms of the stores, and the actual areas of the stores are slightly below the required 4m<sup>2</sup> internal floor area. It is considered that the condition should be retained.

### Conditions 25 and 26

The bin storage area is:

- (a) To be surrounded by a 1.8 metre high minimum wall with a self-closing gate;
- (b) To be provided with 75mm min thickness concrete floors grading to a 100mm industrial floor waste, with a hose cock to enable both the bins and bin storage area to be washed out; and
- (c) To be provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning.

Bins shall be stored only in an approved, designated location, and shall not be stored within any of the approved car parking bays or associated access aisles.

Response - Modify and consolidate condition wording.

Conditions 25 and 26 deal with the same issues and should be consolidated. The following modified wording is suggested as a replacement condition:

*“Bins are to be stored only in an approved dedicated bin storage area, which shall be:*

- (a) Surrounded by a 1.8 metre high minimum wall with a self-closing gate;*

- (b) Provided with 75mm min thickness concrete floors grading to a 100mm industrial floor waste, with a hose cock to enable both the bins and bin storage area to be washed out; and*
- (c) Provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning.'*

Officer Comment

Agreed.

Condition 27

Signage for the non-residential component of the development being the subject of separate application and approval.

Response - Change to advice note.

Not a relevant planning condition, as it does not relate to the approved development and separate approval would be required for signage in any event.

OFFICER COMMENT

Agreed.

Condition 34

Prior to the issue of a building permit, a development bond for the sum of \$17,500 being lodged with Council to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways, screen walls, and other associated works.

Response - Delete condition.

It is uncertain as to what the bond would cover due to the reference to 'other associated works' within the terms of the condition. Furthermore, the application of the condition is not supported by any clear process for recovery of funds once the development is complete.

One of the key validity tests of a planning condition is that it must be certain and final. The ambiguity of the wording of the condition and the absence of any formal Town policy relating to the implementation of the condition, means that the condition is uncertain and consequently unacceptable.

OFFICER COMMENT.

The bond is required to ensure that the development is constructed in accordance with the approved plans and the conditions of planning consent. The procedure for the taking of bonds and their return is covered by Council Policy 1.16 Development Bonds Policy - Compliance with Conditions of Planning Consent

Condition 37

The building hereby approved shall not be occupied until all of the conditions of planning consent have been complied with to the satisfaction of the Manager Development Services, unless the applicant has entered into an agreement with the Town to comply with those conditions within a specified period.

Response - Delete condition

Condition should be removed as it is not necessary. A building permit is not able to be issued if the planning conditions have not been met.

OFFICER COMMENT

As mentioned above a Building Permit can only be withheld on issues that are addressed by the Building Act. Issues such as landscaping the construction and marking of car parking spaces would not be covered by building legislation.

Condition 10

A minimum of 12 bicycle parking spaces shall be provided for residents, and a minimum of 4 bicycle parking spaces shall be provided for visitors. The resident bicycle parking spaces shall be located in a weather protected area and shall be constructed in accordance with the provisions of AS 2890.3 (as amended).

Response - Delete condition.

Four bicycle bays have been relocated from the upper ground floor to the lower ground floor level, such that all 12 resident bicycle parking spaces are now located in a weather protected area as per the condition requirements. On the upper ground floor level four visitor bicycle parking bays are now provided to meet the second component of the condition of approval.

### OFFICER COMMENT

The plans provide insufficient detail to indicate that the facilities will be constructed in accordance with the provisions of AS 2890.3 (as amended).

#### Condition 11

Bicycle parking facilities shall be provided for the church/church hall and op shop component of the development to a number and at a location to be agreed with the Town.

Response - Delete condition.

Bicycle parking facilities have now been provided for the church, the church hall and the 'op shop' component of the development along Wilson Street and subject to confirmation of acceptance from the Town, meet the requirements of the condition of approval.

### CONCLUSION

There are no objections from a planning perspective to the minor variations to the built form of the amended proposal, including an increase in the area of the op- shop, which will still result in the car parking demand for the proposed church uses being less than the car parking demand that currently exists.

It is considered that the majority of conditions that have been applied to the original approval, are valid planning conditions, for the reasons stated in this report, and should be retained.

### OFFICER RECOMMENDATION – ITEM.10.4

That Council endorses the Manager Development Services' report and recommendation to the Metropolitan Central Joint Development Assessment Panel for the proposed minor amendment to the approval issued by the Metropolitan Central Joint Assessment Panel dated 17 February 2015, for the Proposed Mixed Development Comprising Additions and Alterations to Place of Worship, Shop and 35 Multiple Dwellings Lots 90- 92 (Nos 7-11) Parker Street and Lots 8 & 9 (Nos 2 and 4a) Wilson Street, Bassendean.

**Voting requirement: Simple majority**

**10.5 Council Street Trees – 40 Third Ave, Bassendean (Ref: IEM-8069114 – Simon Stewert-Dawkins, Director Operational Survives, Ken Cardy, Manager Asset Services)**

APPLICATION

The property owner of 40 Third Ave, Bassendean, is seeking Council approval for the two *Melaleuca quinquenervia* trees, commonly known as “*broad-leaved paperbark*”, to be removed.

ATTACHMENTS

Attachment No. 7 : Photographs of tree  
Resident’s letter (Confidential attachment)

BACKGROUND

In 2007, the owner of the property submitted a claim to Local Government Insurance Services for property damage. Local Government Insurance Services did not settle on the claim, but advised the Town to take the necessary action to prevent further damage.

As a result, the Town consulted with an arborist and pruned branches back from the property boundary.

In October 2014, the property owner once again wrote to the Town regarding the street trees, a cracked limestone pier and brick paving movement.

In January 2015, Bowden Tree Consultancy provided an Arborist Report regarding the two trees adjacent to the side boundary of 40 Third Avenue, Bassendean.

On Tuesday 21 April 2015 Elected Members inspected the two mature trees, the limestone boundary fence and the brick paving.

It is intended that a comprehensive report will be provided for consideration at the May 2015 Ordinary Council meeting.

STRATEGIC IMPLICATIONS

Town Planning & Build Environment

*Objective:* Foster enhance public space and street appearance

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

## COMMENTS

Council's Amenity Tree Evaluation Policy provides a framework for a structured, consistent and effective method to determine the amenity value of trees or of groups of trees in the Town. As such, the two mature trees have been assessed using the "Burney Method of Tree Valuation". The valuations are as follows:

**Tree 1.** Height 15 metres  
Crown Spread North-South: 12 metres East-West: 10 metres  
Estimated Value \$26,733

**Tree 2.** Height 13 metres  
Crown Spread North-South: 8 metres East-West: 7 metres  
Estimated Value \$10,750

Council's Street Tree Pruning, Removal & Replacement Policy states that the removal of street trees shall not be permitted for any of the following reasons:

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

The property owner has requested that the two street trees be removed. Considering the maturity and value of these trees, the positive impact on the streetscape and the environmental benefits, this interim report has been provided to advise Elected Members that further investigations are currently being conducted. It is intended that Council will receive a comprehensive report at the May 2015 Ordinary Council meeting.

## STATUTORY REQUIREMENTS

Local Government Act 1995

## FINANCIAL CONSIDERATIONS

Cost to obtain an arborist report and if required relevant technical advice

**OFFICER RECOMMENDATION – ITEM 10.9**

That Council notes that further investigations are being undertaken regarding the two mature *Melaleuca quinquenervia* street trees on the side verge, adjacent to 40 Third Ave, Bassendean, and that the matter be referred to the May 2015 Ordinary Council meeting.

**Voting requirement: Simple majority**

**10.6 Road Maintenance - North Road (Ref: ROAD/STMNGT/1) – Ken Cardy, Manager Asset Services, Ben Moore, Engineering Technical Co-ordinator & Nicole Baxter, Engineering Design Officer)**

APPLICATION

The purpose of the report is to provide feedback to Council regarding the results of the proposed North Road upgrades, which are in line with Council's Traffic Management Treatment and Policy Guidelines.

ATTACHMENT

**Attachment No. 8:** Drawing - NOR-15-01A

BACKGROUND

In February 2015, Council received a report recommending traffic management options in accordance to the Towns Local Area Traffic Management Plan and Bassendean Bike Plan.

Council resolved (OCM – 20/02/15) to defer the installation of four blister islands, "horizontal deflection traffic calming devices" and road resurfacing of areas within North Road, Bassendean, to allow for public consultation as per Council's Traffic Management Treatment and Policy Guidelines.

As a result in early April 2015, the Town provided to North Road residents a project plan and asked the following question "*Do you support the proposed attached plan NOR-15-01A for North Road between Prowse Street and Hyland Street?*"

STRATEGIC IMPLICATIONS

Bassendean Community Strategic Plan 2013-2023  
Town Planning and Built Environment:

Objectives: Provide safe access for all road users.  
Strategies: Continue to monitor traffic flow and intervene where necessary to ensure safety.

COMMENT

Prior to the North Road resident consultation process, the Officer's recommendation was for the road to be resurfaced in accordance with the Town's Asset Management program and concurrently, implement measures in-line with the recommendations from both the Local Area Traffic Management Plan "LATMP" and Bassendean's Local Bike Plan.

The proposed “LATMP” proposal was to install four blister islands, horizontal deflection traffic calming devices, (e.g. slow points – as shown in attachment) to reduce vehicle speed. Furthermore, due to the low traffic volumes in North Road and a requirement to keep lane width as narrow as possible, to avoid worsening of the speed/hooning problems, Officers proposed to accommodate cyclists in an unmarked “shared road environment with other vehicular traffic”.

As per the Council’s Traffic Management Treatment and Policy Guidelines a community consultation process was undertaken and the following feedback was received:

Survey Results:

No of Residents Surveyed	-	76.
No of Resident Surveys Returned	-	40 (52%)
No of Returns supporting projects	-	20 (50%)
No of Returns Not “ “	-	19 (47.5%)
No of Returns Undecided	-	1 (2.5%)

Council’s Traffic Management Treatment Policy & Guidelines states:

*“Prior to a traffic management treatment project being considered for funding the results of the consultation process will require to show at least 60% of all affected property owners in favour of the proposed treatment(s) and no more than 30% against”.*

In line with the Town’s Policies & Guidelines, for the installation of the traffic management devices, the results of the survey show that the residents’ support percentage required to install the traffic calming devices was not achieved and the installation of the four blister islands will not proceed.

As a result of the North Road public consultation process, Officers are recommending that the completion of resurfacing works is only undertaken in accordance with the Asset Management Program, and include updates to both the LATM and Bassendean Bike Plan to capture the lack of public support for these LATMP measures mentioned in the report for this area.

Within the 2014/15 Capital Budget, funding was allocated to undertake resurfacing work on Wilson Street, Palmerston Street, Freeland Way, North Road and Hamilton Street as per the Asset Management Plan.

As previously mentioned, the February 2015 Ordinary Council meeting report in the agenda indicated that additional areas of North Road were the next priority location, in accordance to the Town's Asset Management Plan for road resurfacing work.

Considering that only 50% of the affected property owners were in favour of the proposed North Road - Prowse to Hyland Streets traffic management treatments, Officers have reviewed the project estimates. As a result, should Council resolve not to proceed with the proposed traffic management treatments. The road resurfacing work (7300m<sup>2</sup>) North Road (Prowse Street to Bassendean Parade) can be completed utilising the Roads to Recovery funding (\$102,674).

#### FINANCIAL CONSIDERATIONS

Through the Road to Recovery Program (R2R), additional grant funding can now be allocated to undertake the extra road works in North Road, now Prowse Street to Bassendean Parade. The estimated total cost for the full length of North Road resurfacing project is \$176,076.

Council has already allocated \$73,402 in this year's Capital Budget for part of the road resurfacing work in North Road, and Officers are now recommending the additional \$102,674 R2R grant funding be added to Capital Budget (2014-15) Item AR1403 so that the full road resurfacing work can be completed.

<b>Works</b>	<b>North Rd – (Prowse St to Bassendean Parade)</b>
Resurfacing area	Approx. 7300m <sup>2</sup>
Estimated resurfacing cost	7300m <sup>2</sup> x \$24.12 (30mm SMA Overlay)= \$176,076
Total Project Cost	\$176,076

**OFFICER RECOMMENDATION – ITEM 10.6**

That Council:

1. Notes the affected residents' rejection of the proposed installation of horizontal deflection traffic calming devices of areas within North Road, Bassendean - Prowse Street and Hyland Street, in accordance to the plan attached to the Ordinary Council Agenda of 28 April 2015; and
2. In accordance with Section 6.8 of the Local Government Act, amends the 2014/15 Budget to include the Australian Government Roads to Recovery amount of \$102,674 for the North Road - Prowse Street to Bassendean Parade rehabilitation works;
3. Notes that the 2014/15 road rehabilitation works planned for North Road - Prowse Street to Bassendean Parade, will be undertaken in conjunction with the North Road roadworks - Prowse to Hyland Streets; and
4. Authorises Officers to advise residents of the survey results and Council's decision.

**Voting requirements:**

**Point 1, 3 and 4 – Simple majority**

**Point 2 - Absolute Majority**

**10.7 Vandalism of Street Verge Trees – Broadway and Wicks Street, Bassendean (Ref: COUP/MAINT/1 – Ken Cardy, Manager Asset Services)**

APPLICATION

The purpose of this report is to advise Council that two street verge trees, one in front of 115 Broadway, Bassendean, and the other in front of 20 Wicks Street, Bassendean, have been interfered with, possibly poisoning, causing each tree to die.

ATTACHMENT

**Attachment No. 9:** Vandalism Awareness Sign

BACKGROUND

Both of the above trees had a number of holes drilled into the base of the tree. Gauging from the type and condition of the drill holes and the depth, there seems to have been some sort of substance injected into the drilled holes. The substance seems to have caused the trees to rapidly decline and the tree located on Broadway has died.

Both trees were viewed within the last two months by Asset Services staff, and were found to be sound in health and structure. Both trees were consistent with the streetscape of the area. The tree located in Wicks Street was identified as a strong location landmark and surprisingly not listed as a significant tree of the Town.

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

COMMENT

The Town's Ranger Services have undertaken a door knock of the surrounding area to interview local residents and see if they had seen a person or persons vandalising the trees. Unfortunately no person interviewed knew of the tree vandalism or a person damaging the tree.

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

- 20 Wicks Street - the tree is 23 metres in height with a crown spread N-S 22 metres and E-W 18 metres which for the species is rated a mature tree and has an estimated value of \$69,184.

The cost to remove this tree is estimated to be \$4,000.

- 115 Broadway - the tree is 28 metres in height with a crown spread N-S 13m metres and E-W 12 metres which for the species is rated a mature tree and has an estimated value of \$35,086.

The cost to remove this tree is estimated to be \$3,000.

Recently, along the Ashfield Flats foreshore, the Swan River Trust (SRT) had a similar occurrence and it also undertook a doorknock of the area with no success. To make residents aware of the vandalism and to seek help from them in this matter. The Swan River Trust erected a sign near their trees.

In a similar manner, the Town of Bassendean could erect the following signage to bring to the community's attention that a street tree has been vandalised.

*"This Tree has been destroyed by a selfish act of vandalism – People found damaging trees will be prosecuted - Please report acts of vandalism to the Town of Bassendean Telephone 9377 8000".*

Officers believe by erecting these types of signs, someone may remember the offence occurring and come forward and provide details to the Town. The erection of this type of sign may also stop other people from performing street tree vandalism, knowing that a sign is to be placed near the tree for an unspecified time, seeking information from residents regarding vandalism.

To further highlight the effect of street tree vandalism, officers are recommending that the tree requires some minor pruning to reduce the hazard, now that it has died, but that the bulk of the tree not be removed until it becomes unsafe. It is also proposed that the vandalism awareness sign remains in place until a newly planted street tree is sufficiently established, and then the sign be removed.

## STATUTORY REQUIREMENTS

Local Government Act 1995

## FINANCIAL CONSIDERATIONS

If Council approves the erection of vandalism awareness signs, one near each tree, the estimated cost of \$1,200 can be met from the Street Tree Operating Budget.

The signs, being generic, can be continually utilised at other locations once they are removed from the above locations.

The cost to remove the trees, when they become unsafe, can be met from the Street Tree Operating Budget.

## OFFICER RECOMMENDATION – ITEM 10.7

That Council:

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

**Voting requirement: Simple majority**

**10.8 Successful Application – Lotterywest Community Spaces Outdoor Grant (Ref: PARE/DESCONT/14 – Simon Stewart-Dawkins, Director Operational Services)**

**APPLICATION**

This report is to formally advise Council that the Town has successfully received grant funding from Lotterywest for the BIC Reserve Civic Gardens.

**BACKGROUND**

In April/May 2014, the Town submitted a “Community Outdoor Spaces” Lotterywest grant application for the proposed BIC Reserve Civic Gardens.

In February 2015, Lotterywest advised that a grant of \$175,000 was provided toward the construction cost of the Civic Gardens including external hydraulic services and external electrical services. Lotterywest provided the funding with the understanding that site works had commenced and were scheduled to be completed.

It should be noted that in October 2014 Council (OCM – 16/10/14) resolved to accept the grant of \$4,000 from Department of Veteran Affairs for the restoration and relocation of the War Memorial and the \$40,000 grant for the restoration and relocation of the War Memorial from Australian Government through the “Anzac Centenary Local Grants Program.

As a result the Town has received a total of \$219,000 in grant funding for the BIC Reserve Civic Garden and War Memorial project.

**STRATEGIC IMPLICATIONS**

Bassendean Strategic Community Plan 2013-2023:

*Town Planning and Built Environment*

Objectives: Foster enhance public space and streetscape appearance

Strategies: Plan for improve streetscapes which include better footpath street furniture and inviting verges with well-developed and maintained street trees

Objectives: Preserve our heritage for future generations

Strategies: Strive to ensure heritage buildings will be preserved and showcased.

## COMMENT

Some of the components of the new Civic Garden and War Memorial project that were part funded from the Lotterywest grant include the following:

- Memorial wall, Theatres of War stainless steel panels, stone seating;
- Reflection Pond;
- Exposed aggregate concrete paving;
- New reticulation system;
- Flag pole;
- Pole Top Mounted LED Luminaires;
- In ground uplighter LED luminaires;
- Entry statement walls;
- Roll-out turf to the site; and
- Approximately 1,850 new shrubs and 30 additional trees.

In the future, it is intended that park furniture, shade shelters, drinking fountains, etc, will be provided to allow the general public to further enjoy the experience now provided in the new civic gardens.

## STATUTORY REQUIREMENTS

Local Government Act 1995.

## FINANCIAL CONSIDERATIONS

Council allocated in the 2014/15 budget \$570,000 in the account AP1411 to construct the new civic gardens which included the reticulation, lighting, roll out turf and trees.

As outlined above, the Town has received a total of \$175,000 in grant funding for the BIC Reserve Civic Garden and War Memorial project.

The last of the War Memorial and Civic Garden landscape elements were installed in the week ending 24 April 2015, and as a result, not all expenses have been received.

**OFFICER RECOMMENDATION — ITEM 10.8**

That Council:

1. Accepts the grant of \$175,000 grant from Lotterywest towards the construction cost of the BIC Reserve Civic Gardens; and
2. In accordance with Section 6.8 of the Local Government Act, amends the 2014/15 Budget and reduces the amount to be transferred from the Recreation Reserve Fund after all expense have been received.

**Voting requirements: Absolute Majority**

**10.9 Ashfield Community Action Network Funding (Ref: Graeme Haggart, Director Community Development)**

**APPLICATION**

Council is requested to determine what action to take in response to a request for continued financial support from the Ashfield Community Action Network (Inc).

**ATTACHMENTS**

**Attachment No. 10:** Ashfield CAN correspondence

**BACKGROUND**

At the 16 April 2011 Ordinary Council Meeting, Council resolved (OCM1 – 16/04/11) in part to:

- “3. Refers consideration of a \$10,000 allocation to the Ashfield Community Action Network Inc for the group’s events and activities to the draft 2011/12 budget deliberations;*
- 4. Lists \$10,000 to the Ashfield Community Action Network in each of the three years of the long term Financial Plan.”*

The Ashfield CAN has written (copy included in attachments) requesting the annual allocated funding from the Town be continued at the same level.

Council would recall the Ashfield CAN was established by Council as the group to implement the Ashfield Community Action Plan (ACAP). The ACAP was the principle output of Council’s Ashfield Stakeholder Advisory Committee (ASAC) that was established in response to expressed community concerns for low social and cultural capital and high incidents of anti-social activity in the suburb.

The Committee determined the role of Council was to identify community strengths and build on them as opposed to identifying and addressing weaknesses. The “Asset Based Community Development” approach of community driven, community owned and community benefits principles applied.

The ACAP provided that the residents’ aspirations plan for the future of their suburb is therefore best achieved by the community itself and hence the group was conceived.

The Ashfield CAN has been highly successful with the programs and activities it has engaged in, and has developed a reputation for high quality outputs and for working effectively with the Town towards its goals.

### STRATEGIC IMPLICATIONS

The adopted Strategic Community Plan includes within the key theme of Inclusiveness, Lifelong Learning, Health and Social Wellbeing, an objective to “Build a sense of belonging and connectivity in the community”. Support for the Ashfield CAN meets with all three Strategies linked to this objective, being:

- Encourage people of all ages, ability and background to actively participate in community life and democratic processes;
- Nurture community resilience and self-reliance toward a sense of belonging with residents to a highly connected (close knit) community; and
- Support community members to actively volunteer and make a positive contribution to the overall health and wellbeing of the community.

### COMMENT

Ashfield CAN has “grown in confidence” over the years and taken on increasingly challenging and complex projects that yield greater community benefit.

The most challenging and significant project undertaken to date has been in creating the community’s Development Master Plan for Gary Blanch Reserve and in having the Plan adopted and implemented by Council. The Plan was the product of a working party of the Ashfield CAN and was developed over many months and with broad community participation. The community also played a significant role in the Plan implementation with the Ashfield CAN coordinating community participative projects. The final product is therefore not merely the infrastructure of the park, but includes enhanced community ownership and community connections and with substantially more being achieved, resulting from the significant volunteer community workforce.

Other Ashfield CAN events and activities of note include:

- The “Dogs Breakfast” event was recently conducted for the sixth time in Sandy Beach Reserve in partnership with SES;

- Establishing, and ongoing sponsorship of, the “Ashfield Neighbourhood Watch Scheme”;
- Community Christmas BBQ was conducted for the fourth occasion last December;
- A Public Meeting on management of Ashfield Flats was recently conducted;
- National Garage Sale Trail events have been held in each of the past two years;
- A bench seat installation art project on Ashfield Pde Reserve that included the community and Ashfield Primary School in design workshops
- Construction of “Roy’s Rest” (seat and drink fountain), at the foot of the French Street Steps;
- Successfully advocating for the naming of the fishing platform at the foot of the French Street Steps after a long term resident – Roy Hookway;
- In collaboration with Cyril Jackson Senior Campus, conducted a Bus Shelter art project throughout Ashfield;
- Tree planting project in the public domain and on private properties titled “Ashfield Forest”;
- In collaboration with the Town, an entry statement garden on Colstoun Road;
- Local history collection project capturing stories on early developments in the suburb;
- An Everlasting planting project called “Ribbons of Colour” where residents are encouraged to plant Everlastings in places visible to the public throughout the suburb to create a blanket of colour; and
- A range of smaller events and personal development seminars/courses.

Participation in Ashfield CAN events is not restricted to members and the group has attracted a regular following of well over 100 local households.

To keep the community informed and engaged, the Ashfield CAN has developed its own website ([www.ashfieldcan.info](http://www.ashfieldcan.info)) and letterboxes a newsletter to all households on a bi-monthly basis.

The Ashfield CAN Committee meets monthly. All agendas and minutes are accessible on the website.

All projects of the Ashfield CAN are premised on building a sense of place and belonging. This is achieved through broad community engagement/participation, promoting social networking and through engendering a sense of achievement and contribution to the community in which they live.

Ashfield CAN has established strong supportive relations with business units of the Town, including Asset Services and Recreation and Culture.

Funding for the group's activities has been provided by Council in each of the past four budgets.

The group has leveraged significant other income for its projects through grants, donations and community member contributions. Notably, the Rotary Club of Swan Valley donated \$10,000 toward the adventure play space in the Gary Blanch Reserve and CANWA has made contributions to the Installation Art Projects.

Council may opt not to support the request and not allocate any further funding.

The Director Community Development believes that Ashfield CAN will continue to operate without funding from the Town, but will likely become lower profiled and make a lesser impact on the community than has been the case to date.

A decision to cease funding may also communicate a contrary position to that reaffirmed by Council to being supportive of the Ashfield CAN and may result in the group evolving to a less connected position with the Town.

The Director Community Development recommends Council supports the Ashfield CAN's request and allocates \$10,000 in the 2015/16 draft budget and in each of the following two "out" years in the Long Term Financial Plan.

As in the past, it is proposed that accessing the funds by the group is to be subject to the group having first developed, to the Town's satisfaction, an annual activity plan and that satisfactory financial accounting practices continue.

The Group has a planned program of activity for the next financial year, including projects of the group in Gary Blanch Reserve to:

- Install a Bush Tucker Garden in collaboration with the local Aboriginal community and Cyril Jackson Senior Campus;
- Have installed a drink fountain; and
- Erect signage telling the story of Gary Blanch.

## STATUTORY REQUIREMENTS

Local Govt Act 1995

### FINANCIAL CONSIDERATIONS

The \$10,000 financial contribution made in each of the past four budgets has yielded positive outcomes for the community and there is no reason to expect any different outcome will result in continued funding in the future.

### OFFICER RECOMMENDATION — ITEM 10.9

That Council:

1. Considers an amount of \$10,000 in the draft 2015/16 budget deliberations for the Ashfield Community Action Network Inc for the group's events and activities;
2. Lists \$10,000 in the 2016/17 and 2017/18 Long Term Financial Plan for the Ashfield Community Action Network Inc group's future events and activities; and
3. Requires that the Ashfield Community Action Network Inc:
  - a. Develops, to the Town's satisfaction, an annual activity plan; and
  - b. Provides satisfactory financial reporting for the funding.

**Voting requirements: Simple Majority**

**10.10 Local Government Financial Assistance Grants - WALGA**  
**(Ref: GOVR/LREGIA/3, Michael Costarella, Director**  
**Corporate Services)**

APPLICATION

WALGA is requesting the Council support for advocacy to have the Federal Government reverse its decision to freeze the indexation of the Financial Assistance Grants which will cost Councils across Australia some \$925 million by 2017/18. The reduction equates to 13% over the next 3 years.

ATTACHMENTS

**Attachment No. 11:** Letter from WALGA

BACKGROUND

Councils around Australia receive \$2.3 billion from the Federal Government which is distributed through the State's Local Government Grant's Commission. The level of the funding received by each council is dependent on a number of factors including, population data, geographical data and other disability factors which is used to evaluate the amount of funds required by the Council.

In WA, there is a number of Councils who are classed as minimum Councils and they receive an amount which is assessed on population. Most metropolitan Councils fall within this class.

The Town of Bassendean currently receives \$330,000 (or 3% of rates income) and this would reduce by \$42,900 over the next 3 years.

STRATEGIC IMPLICATIONS

*Leadership and Governance*

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

## COMMENT

WALGA is encouraging Councils throughout WA to support its advocacy in requesting the Federal Government not to freeze the indexation, as this will have a detrimental affect on Local Government infrastructure and services. ALGA, in its 2015 Federal Budget submission, has also called for Financial Assistance Grants indexation to be restored immediately and for the Federal Government to consider the adequacy of the quantum of the Financial Assistance Grants and the indexation methodology in the future.

## STATUTORY REQUIREMENTS

Local Government Act 1995- Financial Management Regulations 1996.

## FINANCIAL CONSIDERATIONS

The Financial Assistance Grant is paid to Council on a quarterly basis and is an important factor in the Town's cash flow and availability of funds during the financial year for infrastructure and its services.

If the Federal Government's proposal of freezing the indexation of the grant is enacted, the Town is likely to lose some \$40,000 over the next 3 years, which in real terms will have a greater impact on the cash flow as the value of the funds needed will be greater.

## OFFICER RECOMMENDATION — ITEM 10.10

That Council:

1. Acknowledges the importance of federal funding through the Financial Assistance Grants for the continued delivery of services and infrastructure;
2. Acknowledges that the Town will receive \$330,000 in the 2014/15 financial year;
3. Seeks the Federal Government's agreement not to freeze the indexation of the grant that will cost Local Government some \$925 million over the next 3 years and which will:
  - a) have a detrimental affect on the services and infrastructure currently being funded with the assistance of the Financial Assistance Grant; and

- b) ensure that the Federal funding and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council's publications, including Annual Reports.

**Voting requirements: Simple Majority**

**10.11 Proposed Schedule of Council and Committee Meetings and Citizenship Ceremony - July to December 2015 (Ref: GOVN/CCLLMEET/1 – Yvonne Zaffino, Council Support Officer)**

APPLICATION

Council is requested to endorse its 2015 meetings dates for the remainder of 2015, for its Ordinary Council meetings and Committees operating with or without delegated powers under the Local Government Act and to set a Citizenship Ceremony.

BACKGROUND

A local government is required at least once each year to give local public notice of all Ordinary Council meetings and Committee meeting dates, times and places that are open to the public and are to be held in the next twelve months.

STATUTORY REQUIREMENTS

Local Government Act 1995, Section 5.25(1)(g) and Local Government (Administration) Regulation 12.

STRATEGIC IMPLICATIONS

Bassendean Strategic Community Plan 2013-2023:

*Objective*

Build a sense of belonging and connectivity in the community.

*Strategy*

Encourage people of all ages, abilities and backgrounds to actively participate in community life and democratic processes.

COMMENT

At its meeting held on 25 November 2014, Council (OCM-15/11/14 refers) endorsed its Council and Committee meeting dates and citizenship ceremonies up until 30 June 2015 only, as the proposed boundary adjustment with the City of Bayswater was to come into effect.

Now that the Town of Bassendean is to remain its own entity with the revocation of the Governor's Orders, the following recommendation contains a schedule of proposed meeting dates for the remainder 2015 for Council and Committee meetings and an additional Citizenship Ceremony, totalling 4 ceremonies in total for the year.

It should be noted that further meetings may be held throughout the year, and that local public notice is to be given as early as possible of any variations to the adopted schedule of meetings.

**OFFICER RECOMMENDATION – ITEM 10.11**

That the following dates be endorsed for the remainder of 2015:

1. Ordinary Council meetings be held in the Council Chamber, 48 Old Perth Road, Bassendean, at 7.00pm on Tuesdays on the following dates:

28 July, 25 August, 22 September, 27 October, 24 November and 15 December

2. Committee meetings be held as follows:

<b>Access &amp; Inclusion Committee</b> meetings be held in the Council Chamber, 48 Old Perth Road, Bassendean, at 10.00am on Wednesdays on the following dates:	9 September and 2 December.
<b>Audit and Risk Management Committee</b> meetings be held in the Council Chamber, 48 Old Perth Road, Bassendean at 9.30am on Wednesdays on the following dates:	14 October and 9 December.
<b>Children and Family Services Committee</b> meetings be held in the Council Chamber, 48 Old Perth Road, Bassendean, at 7.00pm on Wednesdays on the following dates:	1 July and 14 October.
<b>Cultural Development Advisory Committee</b> meetings be held in the Council Chamber, 48 Old Perth Road, Bassendean, at 6.00pm on Wednesdays on the following dates:	22 July and 21 October.
<b>Economic Development Advisory Committee</b> meetings be held in the Council Chamber, 48 Old Perth Road, Bassendean at 5.30pm on Wednesdays on the following dates:	5 August, 7 October and 2 December.
<b>Hyde Retirement Village Annual General meeting</b> be held at the Ashfield Community Centre, Colstoun Road, Ashfield at 1.30pm.	12 October.
<b>Local Emergency Management Committee</b> meeting be held in the Council Chamber, 48 Old Perth Road, Bassendean at 3.30pm on Wednesdays on the following dates:	9 September and 9 December.
<b>Local Studies Collection Management Committee</b> meetings be held in the Council Chamber, 48 Old Perth Road, Bassendean at 9.30am on Thursdays on the following dates:	6 August and 5 November.
<b>Municipal Heritage Inventory Review Committee</b> meetings be held in the Council Chamber, 48 Old Perth Road, Bassendean.	As and when required.

<b>Town Planning Scheme Review Committee</b> meetings be held in the Council Chamber, 48 Old Perth Road, Bassendean on Tuesday evenings	As and when required.
<b>Youth Advisory Council</b> meetings be held at the Bassendean Youth Service, MacDonald Grandstand, Bassendean Oval, West Road, Bassendean, at 5.00pm on Fridays on the following dates:	31 July, 28 August, 25 September, 30 October and 27 November.

and

3. A Citizenship Ceremony be held on Tuesday, 29 September 2015, in the Community Hall, 48 Old Perth Road, Bassendean, commencing at 6.00pm.

**Voting requirement: Simple majority**

**10.12 Bassendean Local Studies Collection Management Committee Meeting held on 5 February 2015 (Ref: GOVNCCL/MEET/3, Allan Caddy - Manager Library and Information Services)**

APPLICATION

The purpose of this report is for Council to receive the report on a meeting of the Local Studies Collection management Committee held on 5 February 2015.

ATTACHMENTS

**Attachment No. 12:** Local Studies Collection Management Committee Minutes of 5 February 2015

COMMENT

At its meeting held on 5 February 2015, the BLSCMC dealt with the Local Studies Librarian's report and considered a budget proposal recommending to Council that an amount of \$7,200 be included in the Local Studies Collection's operational budget deliberations for the 2015/16 year.

OFFICER RECOMMENDATION – ITEM 10.12

That the report on a meeting of the Bassendean Local Studies Collection Management Committee held on 5 February 2015, be received.

**Voting requirement: Simple majority**

**10.13 Bassendean Youth Advisory Council Meeting held on 27 February and 27 March 2015 (Ref: GOVN/MEETCCL20 – Ayden Mackenzie – Youth Development Officer)**

APPLICATION

The purpose of the report is for Council to receive the report of the Youth Advisory Council (YAC) meetings held on 27 February 2015 and 27 March 2015.

ATTACHMENTS

**Attachment No. 13:** Bassendean Youth Advisory Council Minutes of 27 February and 27 March 2015.

BACKGROUND

The Bassendean Youth Advisory Council meets monthly to consider issues of relevance to young people of the Town.

The Bassendean Youth Advisory Council (BYAC) is comprised of 6 young people who live, work or recreate in the Town. The BYAC meets monthly at Bassendean Youth Services.

STRATEGIC IMPLICATIONS

Issues discussed at the YAC are in line with the Bassendean 2023 Strategic Community Plan 2013-2023 and the key actions are of inclusiveness, lifelong learning, health and social wellbeing, and the following:

*Objective:* Build a sense of belonging and connectivity in community.

*Strategies:* Encourage people of all ages, abilities and backgrounds to actively participate in community life and democratic processes, and support community members to actively volunteer and make a positive contribution to the overall health and well-being of the community.

COMMENT

At the February 2015 meeting, the Youth Advisory Council discussed changes to late night trains and metadata.

At the March 2015 meeting, the Youth Advisory Council discussed using superannuation as a mortgage deposit, school absenteeism and adult material internet filters.

STATUTORY REQUIREMENTS

Nil.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 10.13

That Council receives the report on the meetings of the Youth Advisory Council meetings held on the 27 February and 27 March 2015.

**Voting requirements: Simple Majority**

**10.14 Economic Development Advisory Committee Meeting held on 18 March 2015 (Ref: GOVN/CCL/MEET13 – William Barry, Economic Development Officer)**

APPLICATION

Council is requested to receive the report on the meeting of the Economic Development Advisory Committee held on 18 March 2015.

ATTACHMENTS

**Attachment No. 14:** Economic Development Advisory Committee Minutes of 18 March 2015.

STRATEGIC IMPLICATIONS

The Strategic Community Plan (2013 – 2023) and the Corporate Business Plan (2013 – 2017) identify “Economic wellbeing and prosperity” as a core theme for the Town.

COMMENT

The shelving of the Local Government amalgamation process provided an opportunity to review the functions, purpose and objectives of the Economic Development Advisory Committee.

The Instrument of Appointment and Delegation has remained largely unchanged since its endorsement by Council in 2006/07. With the exception of the membership specifications, the Instrument still reflects the objectives and outlook as identified for the Town approximately 8 years ago.

Committee member, Bev Johnson, is an experienced workshop facilitator. In her consultation service: Refocus Your Future, she assists organisations through changed programs.

Accordingly, Ms Johnson volunteered to assist the Committee to review the role of this group. Using a workshop process, the objective was to explore all aspects of the local economy and commercial viability and isolate areas where this Committee could be most effective. In doing this, the objectives as set out in the Instrument of Appointment of Delegation, would be redrawn and the membership of the Committee would be reviewed.

The entire meeting was set aside to allow Bev Johnson to conduct a workshop. A second workshop was held on 1 April 2015.

All comments and input from the attendees are now being assessed and will be presented to the next meeting of EDAC meeting to be held on 6 May 2015 for consideration.

STATUTORY REQUIREMENTS

Nil.

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION – ITEM 10.14

That the report on a meeting of the Economic Development Advisory Committee held on 18 March 2015, be received.

**Voting requirement: Simple majority**

**10.15 Notes of a Councillors' Information Workshop held on 21 April 2015 (Ref: Brian Reed, Manager Development Services)**

APPLICATION

The purpose of this report is for Council to receive the notes of the above workshop and to adopt appropriate resolutions.

BACKGROUND

All Councillors attended the workshop, together with the Chief Executive Officer, Director Operational Services and the Manager Development Services.

STRATEGIC IMPLICATIONS

Nil.

COMMENT

There was general discussion on the revised Local Planning Strategy and the ways to accommodate the planned increase in density, whilst ensuring that new development allowed the retention of trees or provided sufficient space to allow trees to be planted having regard to the urban heat island effect.

The use of Improvement Plans and Schemes were briefly discussed as a way of ensuring that under-utilised is developed.

In terms of the issue of Multiple Dwellings in areas with a density code of R40 and less, it was considered that the Town should continue to lobby with other Councils in the Eastern Metropolitan Council area for changes to the R Codes so that development of this type should be based on Housing Density rather than Plot Ratio.

It was further considered that the parallel amendments should be prepared to the Local Planning Scheme No. 10, prohibiting Multiple Dwellings in areas coded R40 or less, and tightening controls on this form of development.

In terms of the Regional Integrated Transport, it was considered that the Town should lobby for the separation of bicycles and cars on the Guildford Road Bridge.

It was suggested that the next workshop be held on 5 May 2015 to deal with:

1. Local Planning Policy No. 4, Floodplain Management & Development; and
2. Omnibus Amendments to TPS No.s 10 and 4A to deal with portions of land currently zoned for residential, industrial or road reserve purposes but that are utilised as public/local open space

### STATUTORY REQUIREMENTS

Nil at this stage

### FINANCIAL CONSIDERATIONS

Nil at this stage.

### OFFICER RECOMMENDATION — ITEM 10.15

That:

- 1 The notes of the Councillor Information workshop held on 21 April 2015 be received;
2. The Chief Executive Officer arrange for a report to be brought back to Council, including a discussion on the use of Improvement Plans and Schemes;
3. The Town continues to lobby together with other Councils on the Eastern Metropolitan Region area for changes to the Residential Design Codes, with a view to Multiple Dwellings being assessed on Housing Density, rather than Plot Ratio in areas with a density code of R40 or less;
4. The Chief Executive Officer arrange for a report to be brought back to Council with draft Scheme Amendment documents that seeks to:
  - a) prohibit Multiple Dwellings in areas coded R40 and less;
  - b) make Multiple Dwellings in areas coded R40 and less an “A” use under the Scheme, and modify Clause 5.3 of the Scheme to introduce absolute minimum frontages for Multiple Dwellings;

5. Town should lobby Main Roads WA to put in place appropriate infrastructure and/or signage to ensure that cyclists use the shared path provided when crossing the Guildford Road Bridge; and
6. A workshop be held in the Council Chamber on Tuesday 5 May 2015, commencing at 5.00pm

**Voting requirements: Simple Majority**

**10.16 Quarterly Reports for Quarter Ended 31 March 2015 (Ref: FINM/AUD/1 – Bob Jarvis, Chief Executive Officer)**

APPLICATION

The purpose of this report is for Council to receive the Quarterly Reports for the period ended 31 March 2015.

ATTACHMENTS

**Attachment No. 15:** Quarterly Reports

BACKGROUND

Council's Quarterly Report format addresses progress against the CEO's Key Performance Indicators, as well as providing a progress report on budget deliverables, and the 2014-2018 Corporate Business Plan.

As part of the Strategic Plan, several lobbying strategies have been incorporated into the Quarterly Report to provide a continuously updated record of lobbying activities against the plans. At the request of Councillors, the Quarterly Report also provides information on the progress of Cash In Lieu projects and grants applied for and received in each quarter.

STRATEGIC IMPLICATIONS

Strengthen Council governance and compliance.

OFFICER RECOMMENDATION – ITEM 10.16

That Council receives the Quarterly Reports for the quarter ended 31 March 2015.

**Voting requirements: Simple majority**

**10.17 Determinations Made by the Manager Development Services and Reported to Council (Ref: LUAP/PROCED/1 – Christian Buttle, Development Services)**

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

<b>Planning and Subdivision Applications Determined to 17 April 2015</b>			
<b>Applic No</b>	<b>Property Address</b>	<b>Type of Development</b>	<b>Determination</b>
<b>Applications for Planning Approval</b>			
2014-032	25 SHACKLETON STREET BASSENDEAN 6054	ANCILLARY DWELLING AND ADDITIONS / ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2014-188	UNIT B 42 FOURTH AVENUE BASSENDEAN 6054	GROUPED DWELLING	DELEGATE APPROVED
2014-202	4 BROADWAY BASSENDEAN 6054	6 MULTIPLE DWELLINGS	DELEGATE REFUSED
2014-246	19 EILEEN STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2014-247	58 MARGARET STREET ASHFIELD 6054	AMENDMENT TO APPROVAL FOR ADDITIONS AND ALTERATIONS TO SINGLE HOUSE (DELETION OF PRIVACY SCREEN FROM ONE SIDE OF BALCONY)	DELEGATE APPROVED
2014-251	3/1 ANZAC TERRACE BASSENDEAN 6054	GROUPED DWELLING	DELEGATE APPROVED
2014-255	15 ANSTEY ROAD BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2015-004	71 WILSON STREET BASSENDEAN 6054	RETAINING WALLS	DELEGATE APPROVED
2015-014	15 BROOK STREET BASSENDEAN 6054	GROUPED DWELLING	DELEGATE APPROVED
2015-021	43 IOLANTHE STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO OUTBUILDING AND TWO PATIOS	DELEGATE APPROVED
2015-034	59 MARY CRESCENT EDEN HILL 6054	RETROSPECTIVE ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2015-037	28 KATHLEEN STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2015-040	UNIT A 51 THIRD AVENUE BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2015-044	56 MAY HOLMAN DRIVE BASSENDEAN 6054	CANTILEVER ROOF ADDITION TO WAREHOUSE	DELEGATE APPROVED

2015-046	47-71 OLD PERTH ROAD BASSENDEAN 6054	CHANGE OF USE TO CAFE	DELEGATE APPROVED
2015-058	1 SURREY STREET BASSENDEAN 6054	REPLACEMENT OF SHINGLES & INTERIOR LIGHTING	DELEGATE APPROVED
<b>Subdivision Applications</b>			
70835	71 MCDONALD CRESCENT BASSENDEAN 6054	STRATA SUBDIVISION (Form 24 & Form 26)	DELEGATE APPROVED
216-15	137 FIRST AVENUE EDEN HILL 6054	FIVE LOT PLUS COMMON PROPERTY SURVEY STRATA	STATUTORY ADVICE
237-15	81 VILLIERS STREET WEST BASSENDEAN 6054	TWO LOT PLUS COMMON PROPERTY SURVEY STRATA	STATUTORY ADVICE
241-15	11 IVANHOE STREET BASSENDEAN 6054	TWO LOT SURVEY STRATA	STATUTORY ADVICE
252-15	87 ANZAC TERRACE BASSENDEAN 6054	THREE LOT SURVEY STRATA	STATUTORY ADVICE
151522	81 LORD STREET EDEN HILL 6054	TWO LOT SUBDIVISION	STATUTORY ADVICE
151526	174 RAILWAY PARADE BASSENDEAN 6054	TWO LOT SUBDIVISION	STATUTORY ADVICE
151528	37 IVANHOE STREET BASSENDEAN 6054	THREE LOT SUBDIVISION	STATUTORY ADVICE

**OFFICER RECOMMENDATION – ITEM 10.17**

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

**Voting requirement: Simple majority**

**10.18 Financial Statements – March 2015 (Ref: FINM/AUD/1 – Ken Lapham, Manager Corporate Services)**

**APPLICATION**

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

**ATTACHMENTS**

**Attachment No. 16:** Financial Statements for March 2015

**BACKGROUND**

The following statements are presented to Council on a monthly basis including:

- Statement of Financial Activity (statutory Reporting Program) - This provides the budget and actual income and expenditure for operating and non- recurrent, the amount of funds required from rates and the opening and closing surplus/ deficit.
- Balance Sheet - (contains the current and non current assets and liabilities as well as the details of Council's equity). The notes verify the amounts included in the Balance Sheet.
- Cash Flow - (Provides the actual cash transactions and movements for the month plus bank transactions.)
- Notes to the Financial Statements include:
  - Borrowings
  - Rating Information
  - Receivables
  - Investments
  - Reserves
  - Capital Works Program
  - Trust Fund
  - Budget Amendments
  - Outstanding Creditors List
  - Budget Amendments
  - Net Current Funding position

## STRATEGIC IMPLICATIONS

### *Leadership and Governance*

#### **Improve capability and capacity**

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

## COMMENT

The Summary of Financial Activity (Nature & type) is indicating that the total income for the year to date is 3.6% over budget. Individually, Grants, Subsidies and Contributions, are 8.4% ahead of budget estimates, with Fees & Charges and other revenue being marginally ahead of budget forecasts.

Expenditure by nature & type for YTD is 6.9% under Budget estimates. Materials and contracts is the main category of expenditure by \$ value that is behind budget estimates. Employee costs are nearly 2% under budget estimates. Utilities charges are 15.6% under budget estimates.

Infrastructure Capital projects and Property Plant & Equipment are behind budget forecast expenditures.

## STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

## FINANCIAL CONSIDERATIONS

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

**OFFICER RECOMMENDATION – ITEM 10.18**

That:

1. The Financial Reports for the period ended 31 March 2015, as attached to the Ordinary Council Agenda of 28 April 2015, be accepted; and
2. The budget amendments as attached to the Ordinary Council Agenda of 28 April 2015 be approved.

**Voting Requirements:**

**Item 1 - Simple majority**

**Item 2 – Absolute majority**

**10.19 Accounts for Payment – March 2015 (Ref: FINM/CREDTS/4 – Ken Lapham, Manager Corporate Services)**

**APPLICATION**

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

**ATTACHMENTS:**

**Attachment No. 17:** List of Accounts

**BACKGROUND**

The monthly payments made for the period 1 to 31 March 2015 are presented to Council, with details of payments made by the Town in relation to goods & services received. The List of Accounts is to be recorded in the Minutes.

**STRATEGIC IMPLICATIONS**

*Leadership and Governance*

**Improve capability and capacity**

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

**STATUTORY REQUIREMENTS**

Local Government (Financial Management) Regulations 1996

**FINANCIAL CONSIDERATIONS**

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

**OFFICER RECOMMENDATION - ITEM 10.19**

That Council receives the List of Accounts paid for March 2015, attached to the Ordinary Council Agenda of 28 April 2015.

**Voting Requirements: Simple majority**

## **10.20 Implementation of Council Resolutions (Ref: Sue Perkins, Executive Assistant)**

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

### **STRATEGIC IMPLICATIONS**

Strengthen Council governance and compliance.

### **COMMENT**

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

<b>Issue ID</b>	<b>Assigned To</b>	<b>Brief Description</b>	<b>Action Taken</b>
82114	Bob Jarvis	OCM-16/3/15 - Code of Conduct Review	Staff and Councillors have been made aware and provided with the amended Code of Conduct. Once new members on Council Committees have been endorsed after the LG Elections, they will be provided with the new Code of Conduct. <b>Recommend deletion.</b>
82115	Bob Jarvis	OCM-17/3/15 - Conducting the 2015 Council Elections by Postal Vote	Letter sent to Electoral Commission on 25th March 2015 advising of Council's resolution. <b>Recommend deletion.</b>
82122	Simon Stewart-Dawkins	OCM-29/3/15 - Submission on the Regional Integrated Transport Strategy 2014 – 2016	Councillor Workshop conducted Tuesday 21st April 2015. <b>Recommend deletion.</b>
81548	Simon Stewart-Dawkins	OCM-17/2/15 - South West Native Title Settlement Agreement – Lot 3003 Lord Street - "Pyrton Site" and Lot 1000 Lord Street - "Bennett Brook Reserve" – Land Base Consultation	Deferred item submitted to the April 2015 Ordinary Council Meeting for consideration. <b>Recommend deletion.</b>
82110	Ben Moore	OCM-12/3/15 - Traffic Management - Shackleton Street, Bassendean	This item will be listed in the 2017-18 Capital Budget as per the Asset Management Plan. <b>Recommend deletion.</b>

82105	Brian Reed	OCM-6/3/15 - Eden Hill Telecommunications Facility Feasibility Investigation	Manager Development Services has written to the applicant advising of Council endorsement to further discussion. Awaiting contact from VisionStream. <b>Recommend deletion.</b>
82106	Brian Reed	OCM-7/3/15 - State Administrative Tribunal Decision for Development Application for Proposed Ten Multiple Dwellings on Lot 251 (No 103) Guildford Road, Bassendean	Workshop Arranged for 21 April 2015. <b>Recommend deletion.</b>
82107	Brian Reed	OCM-8/3/15 - Proposed Retaining Walls and Overfilling on to Mary Crescent Reserve associated with 35 Lot Residential Subdivision and Retention of Telephone Tower – Lot 3 (No 260) Morley Drive, Eden Hill	Planning approval issued. <b>Recommend deletion.</b>
81552	Ken Cardy	OCM-20/2/15 - Road Maintenance - North Road	Community Consultation process completed. Report being presented to Council April 2015 OCM. <b>Recommend deletion.</b>
82104	Stephanie Radosevich	OCM-5/3/15 - Proposed Eight Multiple Dwellings on Lot 27; (Nos. 63A & 63B) Third Avenue, Bassendean	Applicant advised of Council resolution to defer consideration of the proposal. Amended plans to be presented to the Council at its Ordinary meeting on 28 April 2015. <b>Recommend deletion.</b>
81553	Tim Clark	OCM-21/2/15 - Agreement for Use of 1 Surrey Street, Bassendean, between Bassendean Historical Society Inc and Town of Bassendean	Document signed by both parties. <b>Recommend deletion.</b>

### OFFICER RECOMMENDATION – ITEM 10.20

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 28 April 2015 be deleted from the Implementation of Council Resolutions list.

**Voting Requirements: Simple majority**

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

The Common Seal was not attached to any documents during the reporting period.

**OFFICER RECOMMENDATION – ITEM 10.21**

That Council notes that the Common Seal was not attached to any documents during the reporting period.

**Voting Requirements: Simple majority**

**10.22 Calendar for May 2015 (Ref: Sue Perkins, Executive Assistant)**

Wed	6 May	9.30am	Audit & Risk Management Committee Meeting – Council Chamber (Crs Lewis & Pule)
Wed	6 May	5.30pm	Economic Development Advisory Committee Meeting – Council Chamber (Crs Gangell & Lewis)
Wed	13 May	7.00pm	Children & Family Services Committee Meeting – Council Chamber (Crs Gangell & Brinkworth)
Wed	20 May	3.30pm	Local Emergency Management Committee Meeting – Council Chamber (Crs Pule & Bridges)
Wed	20 May	6.00pm	Cultural Development Advisory Committee Meeting – Council Chamber (Crs Brinkworth & Carter)
Thu	21 May	6.00pm	EMRC Council Meeting – <b>If required</b> – EMRC (Crs Pule & Carter)
Tue	26 May	7.00pm	Ordinary Council Meeting – Council Chamber
Fri	29 May	5.00pm	Youth Advisory Council Meeting – Youth Services

**OFFICER RECOMMENDATION - ITEM 10.22**

That the Calendar for May 2015 be adopted.

**Voting Requirements: Simple majority**

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

### **11.1 Notice of Motion – Cr Bridges: Local Planning Scheme No. 10 - R Codes**

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

*That Council planning staff, as a priority, investigate mechanisms through amendments to the Local Planning Scheme No. 10 to place additional planning controls for multiple dwellings in areas targeted primarily for family accommodation that have split codings, so as to ensure the site area per dwelling of the R Code applies and if no satisfactory mechanisms are achievable to avoid SAT approvals at plot ratio over-site area, then staff prepare amendments that remove split codings and revert to the lower R Code.*

#### **OFFICER COMMENT**

Given the outcome of the Councillors' Information Workshop of 21 April 2015 (notes in Item 10.15), this Notice of Motion may be redundant.

### **11.2 Notice of Motion – Cr Bridges: Increase Council Representation**

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

*“That the Town of Bassendean Council be increased to include seven Councillors and that the new position be filled at the October 2015 Local Government Elections.”*

#### **OFFICER COMMENT**

The process for changing the number of elected members is prescribed in the Local Government Act 1995 in Section 2.18 (3) (a) which states:

*The Governor, on the recommendation of the Minister, may make an order –*

*(a) Changing the number of offices of councillor on a council.*

However part (4) of Section 2.18 states:

*“The Minister can only make a recommendation under subsection (1) or (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.”*

Schedule 2.2 part 5 sets out the options for a local government to propose such changes, and they are:

- (a) Carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should be made; or
- (b) Propose to the Advisory Board the making of an order under Section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the Council, the proposal is:
  - (i) one of a minor nature; and
  - (ii) not one about which public submissions need be invited.

**It should be noted that if the Council wishes to resolve as per option (ii) an absolute majority is required.**

It is assumed that Council would wish to carry out a review and invite public submissions prior to preparing a submission to the Local Government Advisory Board.

Part 7. Prescribes that before carrying out a review a local government has to give local public notice advising:

- (a) that the review is to be carried out; and
- (b) that submissions may be made to the local government before a date fixed by the notice, being a date that is not less than six (6) weeks after the notice is first given.

The local government is required to consider those submissions in carrying out its review.

Part 9 states that on completing its review the local government is to make a report in writing to the Advisory Board and may propose to the Board the making of any order under Section 2.2(1), 2.3(3) or 2.18(3) it thinks fit, and this resolution requires an absolute majority.

It is difficult to presume that Council could resolve to have an additional vacancy in time for the 2015 local government elections, as there are a number of variables contained in the requirements of the Act for which time frames cannot be assured.

To comply with the requirements of the Act, the Notice of Motion as it stands would need to be changed to resolve one of the options in Schedule 2.2 part 5. (a) or (b).

Typically an advertisement of a proposed change inviting public submissions would identify the effects of such a change, particularly in this instance the change in the number of electors each councillor would represent, and the additional financial costs of one additional elected member with respect to sitting fees, allowances etc.

For the former, an additional Councillor would reduce the number of electors each Councillor would represent from 1,687 (approx.) electors per Councillor to 1,446 (approximately) per Councillor.

Bayswater as an example has 40,781 electors and 11 Councillors equating to 3,707 electors per councillor, and Swan with 73,104 electors and 15 Councillors equating to 4,873 electors per Councillor.

### **11.3 Notice of Motion – Cr Pule: Phase Two of Underground Power in Bassendean**

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

*“That a report be brought to Council for consideration to commence preparations for phase two to establish underground power in the next area of Bassendean.”*

#### **Comment – Cr Pule**

The first phase of underground power has been established in Ashfield and has been completed. The financing of a graduated repayment period for the ratepayers is now coming to a close. It is now time for the Town of Bassendean to again begin the next phase to further expand underground power in Bassendean.

1. Since the Ashfield underground power was established, the methods to establish have been changed.
2. The process has now been established that Western Power decides where and when they will install underground power and effectively disempowers Local Governments from the process.

3. This state of affairs is not satisfactory and the Town of Bassendean needs to commence a process of advocacy and inclusion to achieve the next phase of underground power in Bassendean.
4. The alternative is to expect another 20 years or more before any hope of achieving further underground power in Bassendean.
5. The Town needs to engage with The State, The Eastern Metropolitan Regional Council (EMRC) and West Australian Government Association (WALGA) and Western Power, to advocate and achieve underground power phase 2 in Bassendean and to re empower Local Governments.
6. This process is in line with the expected improvements that were anticipated by the public from the abolished reform and is an efficiency that we now may aspire to and affect as the Town of Bassendean.
7. This is part of the Long term Strategic Plan ... *"to improve the quality of life in Bassendean and part of the Integrated Plan process"*.

#### OFFICER COMMENT

Round 5 of the State Government's underground power program is continuing to be implemented across the metropolitan area. Western Power's Community Relations Coordinator has advised that the State Government may make a decision concerning Round 6 funding allocations late in 2015.

#### **11.4 Notice of Motion – Cr Pule: Improved public address for hearing of Council Meetings**

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

*"That a report be brought to Council for consideration to establish an effective public address system to operate during Town of Bassendean Ordinary Council meetings, as soon as possible."*

### Comment – Cr Pule

Now that the Town of Bassendean is to remain, as the Local Government Reform is formally abolished with the revocation of the Governor's Orders, Council needs to urgently consider the establishment of an effective public address system to be used during Ordinary Council meetings, so that Councillors can be clearly heard during debate and comment.

- 1 Council has had previous thoughts to establish a public address system for Ordinary Council meetings, but this was made redundant because of the process of an expected takeover into the City of Bayswater.
2. Now that this takeover will not take place, the Town needs to address the issues with hearing impaired residents, and also all other residents who attend Ordinary Council meetings to hear clearly proceedings, debates, responses and comments of Councillors and Officers, during the meeting.
3. This matter was considered as very important and now needs to be given a very high priority.
4. I therefore call for the report for the May Ordinary Council Meeting, if at all possible.

### OFFICER COMMENT

Staff have purchased PA equipment which was used at the April 2015 Ordinary Council meeting. Staff believe the equipment is sufficient for the future use at the Council meeting or any other meeting where cordless microphones and speakers are required. Given the actions, Staff believe the Notice of Motion is no longer required.

### **11.5 Notice of Motion – Cr Pule: Eradication of Trachoma in Australian Populations**

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

*“That the Federal and State Governments be approached by WALGA and ALGA advocating a comprehensive State and Nation wide program for the eradication of Trachoma in Indigenous populations.”*

### COMMENT – CR PULE

The Fred Hollows Foundation has estimated that the elimination of Trachoma in Australia can be achieved with a program funded by ten million dollars and Indigenous people can be involved.

The presence of Trachoma, which is completely preventable, in Australia is a disgrace. Australia is the only developed country in the world that still has extensive Trachoma affected peoples.

This presents a great challenge to Australian Governments to train and utilise Indigenous people in this proposed program and under medical direction address not only Trachoma, but the turn around of remote Indigenous communities.

The proposed program can be the lynch pin to revitalise and renew remote communities.

The proposal to remove remote communities has huge social implications starting with:

- a) The complete lack of understanding of the connection with the land that Indigenous communities have.
- b) The complete lack of addressing of the multitude of social ramifications of displaced Indigenous populations.
- c) There has already been an assessment of rating sustainability in remote communities with many seen as sustainable. These communities need a program of sustainability and the proposed Trachoma Program can be the core of a sustainability program.
- d) The involvement of Indigenous people in their own community sustainability is essential.
- e) Knowledgeable and expert Foundations like the Fred Hollows Foundation can become the core of such a Trachoma Program and this can be done for a very small investment in “Closing the Gap”.
- f) Closing the Gap identifies the deficiencies that affect Indigenous populations and Trachoma ranks as a major contributor to the impact on negative health of Indigenous People.

It is disgraceful that Australian Governments allow the wide presence of Trachoma anywhere in Australia, when Trachoma is a completely preventable disease and can be prevented if only the will is there.

This item has been placed on the Agenda of the East Metro Zone of WALGA.

**11.6 Notice of Motion – Cr Bridges: Bassendean River Parks Management Committee**

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

*“That the Department of Planning, Swan River Trust, Department of Parks and Wildlife and the Department of Water be invited to participate in a Bassendean River Parks Management Committee comprised of Town of Bassendean staff, Councillors, key stakeholder groups and community representatives to oversee the management of our river foreshore and catchment, and with an initial objective of preparing a management plan for the Ashfield Flats.”*

**BACKGROUND INFORMATION – CR BRIDGES**

Bassendean has a considerable area of Swan River foreshore that is zoned Parks and Recreation Reserve under the Metropolitan Region Scheme. This is further complemented by Local Open Space under the Town of Bassendean’s Town Planning Schemes 10 and 4A which include the Ashfield Flats and Sandy Beach Reserve, Pickering and Bindaring Parks, Point Reserve and Success Hill Reserve.

The largest section of foreshore is that opposite Garvey Park (Belmont) adjacent to the Ashfield Flats and Sandy Beach Reserve which encompass a combined land area of about 60 hectares. This area is dissected by a Department of Water drain through a high conservation wetland habitat and contains extensive tracts of open floodplain with high ecological values. The area is popular with regional visitors and local residents and has been subject to a number of studies which have failed to produce a comprehensive, community supported management plan.

The objective is to bring together all the State Government departments with overlapping responsibilities and community representatives with local and specialist knowledge under the auspices of the local authority to produce a Management Plan for the Ashfield Flats. Consideration also needs to be extended to the management of the water quality via the catchment areas of the Chapman Road and Kitchener St drains and seepage from below the urban fringe on Hardy Road. Council would need to include a budgetary allocation for consultants to work under the guidance of the committee to formulate the master plan.

### OFFICER COMMENT

To establish a new committee, it will require an Absolute Majority of Council . If approved, the Town would need to create an Instrument of Appointment and Delegation . The draft Instrument of Appointment and Delegation would need to be forwarded to the relevant State Government agencies to seek their comment on the terms of reference, the frequency and duration of the meetings and to request that they identify suitable staff who are available to attend.

At this early stage, officers from two out of the four State Government agencies listed in the above Notice of Motion have indicated their willingness to participate in a committee; however, this will need to be formally considered by their respective Departments and if agreed, there is some uncertainty of their availability after business hours.

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

### 13.0 CONFIDENTIAL BUSINESS

### 14.0 CLOSURE

The next Ordinary Council meeting will be held on Tuesday 26 May 2015.