

# 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, 24 February 2015 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

MR BOB JARVIS  
**CHIEF EXECUTIVE OFFICER**

20 February 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 Pule will be the facilitator for the Briefing Session.**

## A G E N D A

### 1.0                    DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

#### Acknowledgement of Country

The Town of Bassendean acknowledges the Wadjuk 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 16 December 2014  
(Attachment No. 1)**

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

That the minutes of the Ordinary Council meeting held on 16 December 2014, be received.

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

That the minutes of the Ordinary Council meeting held on 16 December 2014, be confirmed as a true record.

**5.2 Special Council Meeting held on 3 February 2015**  
**(Attachment No. 2)**

**OFFICER RECOMMENDATION – ITEM 5.2(a)**

That the minutes of the Special Council meeting held on 3 February 2015.

**OFFICER RECOMMENDATION – ITEM 5.2(b)**

That the minutes of the Special Council meeting held on 3 February 2015, be confirmed as a true record.

**5.3 Special Council Meeting held on 10 February 2015**  
**(Attachment No. 3)**

**OFFICER RECOMMENDATION – ITEM 5.3(a)**

That the minutes of the Special Council meeting held on 10 February 2015.

**OFFICER RECOMMENDATION – ITEM 5.3(b)**

That the minutes of the Special Council meeting held on 10 February 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 Request for Council to initiate a Scheme Amendment - Lot 10; No. 81 North Road, Bassendean – Owner: Avril Roberta Whyte (Ref: A3851 – Stephanie Radosevich, Acting Senior Planning Officer)**

#### **APPLICATION**

The purpose of this report is for Council to consider a request to support in principle to increase the density code of the above property from R5 to R20.

#### **ATTACHMENTS**

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

Letter from Ms Avril Whyte dated 1 October 2014 and diagram of proposed subdivision.

Manager Development Services' report to the Council meeting of 28 October 2014 dealing with the request.

#### **BACKGROUND**

This request seeking Council's in principle support to increase the density code of the above property was presented to the Council at its meeting held on 28 October 2014. At the meeting it was resolved by the Council that this item be deferred to allow Council to seek advice from the West Australian Planning Commission (WAPC).

Advice has been received from a senior planning officer of the Department of Planning and that advice is reproduced below:

*“Thank you for the e-mail & apologies for the delay in responding. The following is provided as officer level comment, and without prejudice, for your consideration & comment.*

*Ultimately it is up to Council to determine whether or not a proposed amendment is adequately justified, both in terms of the Town's strategic planning documents, and the WAPC's strategic planning framework such as Directions 2031 and other policies.*

*I note that in the draft revised Local Planning Strategy, which is being considered by the WAPC's Statutory Planning Committee on Tuesday 9 December, the Riverfront Precinct, the recommendations include: maintaining the predominantly R5 coding throughout the Precinct, and requiring sub-precinct planning prior to supporting medium density housing development or subdivision within any part of this precinct. Council would need to be satisfied that any preliminary studies had been carried out, and the proposed amendment was consistent with the Local Planning Strategy and other relevant policies of the Town and WAPC. The WAPC is generally not supportive of rezoning/recoding of individual lots."*

The Department of Planning's request is considered further in the comments section of the report.

### STRATEGIC IMPLICATIONS

#### *Objectives:*

- 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.

### COMMENT

As mentioned in the Scheme Amendment request, the property is currently zoned Residential with a density code of R5.

The property lies within Precinct F of the currently adopted Local Planning Strategy.

An extract of a discussion on the Strategic Direction for the Precinct is included below:

#### *3.8 Housing Precinct F*

##### *3.8.1 Overview*

*This precinct comprises the majority of riverfront properties in the eastern most part of the municipality.*

*The housing within this precinct comprises large riverfront homes on relatively large residential lots where, due to the extent of development on the lots, and the quality of existing development, there is little prospect for short to medium term redevelopment within this precinct.*

*Generally the lot sizes range from 1000m<sup>2</sup> to 2000m<sup>2</sup> and upwards. Under Local Planning Scheme No. 3, this precinct was zoned Residential R5 with the exception of a small sub-precinct adjacent to Daylesford Road which was zoned R20 and the riverfront Success Hill which was zoned R20 and R25.*

### *3.8.2 Issues*

- The quality of large riverfront homes within this precinct and its predominance as a single residential area currently provide limited incentive for redevelopment at higher densities, at least for the short to medium term.*
- Due to the location adjacent to the Swan River environs, it is important that any potential for residential redevelopment does not occur in an ad hoc manner on a lot by lot basis, but rather occurs on the basis of (small) precinct planning. This would include specific design criteria and community consultation given its context within a predominantly single residential housing area.*

### *3.8.3 Objectives*

- To retain Housing Precinct F as predominantly a single residential housing area with larger river front housing lots in the short to medium term.*
- To make limited provision for the planned redevelopment of small sub precincts for the purpose of high quality medium density housing and or subdivision in a manner that does not undermine the precinct as a single residential area, but recognises the unique qualities of the Swan River environs.*

### 3.8.4 Strategies – Housing Precinct F

- *Apply a residential zone with a coding of R5 to the entire precinct under Local Planning Scheme No. 10, with the exception of the Daylesford Road sub precinct which is to be coded R20 and Success Hill sub precinct which is to be coded R10. The coding on the southern side of Anzac Terrace has been changed to R25 to take account of existing approvals.*
- *Require sub precinct planning and rezoning proposals prior to supporting medium density housing development or subdivision within any part of this precinct.*
- *Examine opportunities for additional Public Open Space and foreshore recreation links within the precinct.*

*It is recognised, however, that this examination will require a detailed foreshore study to be undertaken in conjunction with State and Local Government authorities to examine some of the practical applications of such foreshore recreation links within river precincts.*

It is considered that initiating a Scheme Amendment on one property would be contrary to the direction advocated in the Local Planning Strategy, which advocates continuing to code the larger lots with a density code of R5, unless sub-precinct planning has occurred which also identifies the need for additional open space and foreshore links.

The proposed rezoning is not in keeping with the Town's Local Planning Strategy, as there has not been any sub-precinct planning undertaken to support an increase in the density to R20. In light of this, the proposal is not considered to be consistent with the Town's Local Planning Strategy.

Further to the above, it should also be noted that Council declined a similar request from the then owner of No. 71 North Road at a meeting held in September 2013.

### STATUTORY REQUIREMENTS

The procedure for amending a Local Planning Scheme is outlined in the Town Planning Regulations 1967.

### FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION — ITEM 9.1

That Council declines to initiate a Scheme Amendment for the purposes of increasing the density code of Lot 10; No. 81 North Road, Bassendean, from R5 to R20, as such a proposal represents ad-hoc planning and is contrary to the direction for the precinct in which the property occurs under the adopted Local Planning Strategy.

**Voting requirements: 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 24 February 2015:

<b>Item No.</b>	<b>Title</b>
10.2	Section 31 – Reconsideration for Proposed Eight (8) Multiple Dwellings on Lots 435 & 436; (Nos. 124 & 126) First Avenue, Bassendean
10.3	Section 31 – Reconsideration for Proposed Eight (8) Multiple Dwellings on Lot 102; (No. 21) Lord Street, Bassendean
10.4	Request for Deletion of Condition of Planning Approval relating to Town Planning Scheme No. 4A Unit Development Contribution – Proposed Single House - Lot 107 (No 27) Anstey Road, Bassendean
10.5	Proposed Naming of Streets - Lot 3 Morley Drive, Bassendean (former Eden Hill Tavern Site),
10.6	Local Planning Strategy Update
10.8	State Administrative Tribunal Decision for Development Application for Proposed Eight Multiple Dwellings on Lots 446 & 447 (Nos 102-104) First Avenue, Bassendean
10.9	Significant Trees – Nomination of BIC Pine Trees for inclusion in the Town of Bassendean Significant Tree Register
10.10	South West Native Title Settlement Agreement – Lot 3003 Lord Street - “Pyrton Site” and Lot 1000 Lord Street - “Bennett Brook Reserve” – Land Base Consultation
10.11	1 Surrey Street – Heritage Architects Detailed Design Options
10.13	Road Maintenance - North Road
10.16	Northcliffe Disaster Relief Funds Donations
10.18	Local Government Metropolitan Structural Reform and Integrated Long Term Planning Reporting following Announcement by the Minister for Local Government
10.20	Quarterly Reports for Quarter Ended 31 December 2014
10.21	Hyde Retirement Village - Annual General Meeting held on 13 October 2014
10.23	Municipal Heritage Inventory Review Committee Meeting held on 11 February 2015
10.24	Children and Family Services Committee Meeting held on 11 February 2015
10.25	Accounts for Payment – December 2014 and January 2015
10.26	Financial Statements - December 2014 and January 2015
10.27	Determinations Made by the Manager Development Services and Reported to Council
10.28	Implementation of Council Resolutions
10.29	Use of the Common Seal
10.30	Calendar for March 2015

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

<b>Item No.</b>	<b>Title</b>
10.7	Development Assessment Panels: Local Government Nominations - Correspondence received from Director General of Department of Planning
10.12	RFT CO 028 2014-15 - Installation of a New Artesian Bore, Steel Blue Oval, Bassendean
10.14	Agreement for Use of 1 Surrey Street, Bassendean, between Bassendean Historical Society Inc and Town of Bassendean
10.15	Replacement of Mary Crescent Reserve Play Equipment
10.17	2014/15 Budget Review
10.19	Home and Community Care 2014-2015 Growth Funding Application
10.22	Audit & Risk Management Committee Meeting held on 4 February 2015

**10.2 Section 31 – Reconsideration for Proposed Eight (8) Multiple Dwellings on Lots 435 & 436; (Nos. 124 & 126) First Avenue, Bassendean, Owner: Cityline Enterprises Pty Ltd. Applicant: Dynamic Planning (Ref: DA 2014-094 / DR 391/2014 – Stephanie Radosevich, Planning Officer and Christian Buttle, Senior Planning Officer)**

**APPLICATION**

Council, by virtue of an Order made by the State Administrative Tribunal, has been invited to reconsider its refusal to grant planning approval for the proposed development of eight (8) multiple dwellings at Lots 435 & 436 (Nos. 124 & 126) First Avenue, Bassendean, having regard to a further submission made by the applicant.

The application which is now before Council proposes eight (8) multiple dwellings which includes a variation to the 'Deemed-to-comply' provisions of the Residential Design Codes of Western Australia (R-Codes) relating to boundary walls located along the northern boundary and extent of hard surface within the street setback area.

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. 5:**

Plans of the proposed development.

Order of the State Administrative Tribunal dated 19 January 2015.

Applicant's justification letter dated 27 January 2015.

**BACKGROUND**

An application for eight multiple dwellings was received by the Town in April 2014.

The Council at its Ordinary Meeting held on 28 October 2014, considered the proposal for eight multiple dwellings, whereby Council resolved to refuse the application.

Following the Notice of Refusal, an Application for Review was submitted with the State Administrative Tribunal (SAT).

As part of the review process, SAT referred the matter to mediation. During the mediation process, the applicant considered a number of design changes to the development. The Town's Senior Planning Officer participated in the mediation on behalf of the Town's administration and Cr Pule accepted the invitation extended to Councillors to participate in the mediation process.

As a result of the mediation process, the design has now been modified as follows with a view to addressing the reasons for refusal identified in Council's determination of 28 October 2014:

#### Streetscape:

- Car parking (with the exception of visitor bays) is now accessed from the rear right-of-way. This has the effect of removing all view of occupier car parking spaces from the public street;
- Buildings facing the public street have been separated (the removal of the driveway along the side of the development site facilitated this design change); and
- Elevations with a more traditional appearance (federation overtones) are now proposed.

The development now presents to the street in a manner that is almost indistinguishable from how two x two storey townhouses would present to the street. The additional dwellings to the rear and all occupier car parking would have little, if any, visibility from the public street.

#### Landscaping:

The extent of soft landscaped area within the street setback has been increased from 21% to 49.51%, being 0.49% beneath that prescribed by the Deemed-to-comply provisions. The additional 0.49% soft landscaping could be provided if Council were of the opinion that this was necessary in order to render the development suitable for development.

#### Vehicular Access:

The relocation of occupier car parking to the rear of the development site, accessed from the right-of-way, now renders the development compliant with the Deemed-to-comply provisions of the R-Codes whereas previously it was not as two access points had been proposed.

It is the new design proposal incorporating the design modifications referred to above which Council is now invited to give reconsideration to.

The site is zoned residential with a split density code of R20/R40, with a site area of 987 square metres. The proposal relates to a two-storey development which comprises eight 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 under the 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 two (2) boundary walls to the northern boundary; whereas the Deemed-to-comply provisions do not provide for boundary walls for multiple dwellings developed in areas coded R40.

The northern boundary walls comprise seven (7) stores (to units 2 to 8) with a total length of 18.5 metres and a height of 1.8 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 northern boundary wall is considered to meet the Design Principles in this instance as the boundary wall has the same impact as a standard 1.8 metre high boundary fence, which is considered acceptable.

In light of the above, the boundary wall is not considered to have any undue building bulk on the adjoining northern 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 wall is not considered to have any undue impact on overlooking or overshadowing in accordance with the Deemed-to-comply provisions of the R-Codes.

### 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.

This element is dealt with as a suggested condition of planning approval.

### Neighbour Consultation

Neighbour consultation was not undertaken with the adjoining property owners when the original application for planning approval was considered by the Town; however the Town received sixty (60) letters of objection.

As part of the SAT review process neighbour consultation was undertaken with the adjoining property owners. Three (3) objections have been received in relation to the proposal; whereby the following comments were made:

1. Boundary Walls

The construction of the walls will result in a disruption to the use of the adjoining properties, as bedroom will be 2 metres from the wall. The boundary walls will destroy the amenity of the adjoining properties.

2. Car Parking

Increasing the density will put further pressure on street parking and increase traffic in the area. A single car parking space per dwelling is unlikely to be sufficient and car will overflow onto the street.

The number of vehicles parking in the area is already increasing and will be compounded should the proposed development be approved.

3. Council Requirements

Council required development on the adjoining properties to have living areas on the northern side of the properties and bedrooms on the southern side of the properties, which limited what could be developed on the site. Council should apply the same requirements to the proposed development that do not allow the construction of eight (8) dwellings on such a small parcel of land.

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

1. Boundary Walls

The proposed boundary walls have a similar impact to a 1.8 metre high dividing fence, which complies with the Design Principles of Clause 6.1.4 'Lot Boundary Setbacks' P4.1 of the R-Codes, as outlined within the body of the report.

2. Car Parking

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.

3. Council Requirements

The subject site and adjoining properties are zoned Residential R20/R40. The subject site is proposing development in accordance with the higher R40 density code.

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

Should Council not accept the Officer recommendation, it is likely that the matter will proceed to a final hearing and costs would be incurred in this event, as it would be necessary to engage independent external planning consultants to defend any such determination. Officers of the Town would not be in a position to defend any such determination at a final hearing due to the conflict of interest which would arise.

### 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 in response to the invitation given by the State Administrative tribunal in its Order dated 19 January 2015 pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA), Council grants planning approval for the proposed eight (8) multiple dwellings at Lots 435 & 436 (Nos. 124-126) First Avenue, Bassendean, subject to the following conditions:

1. Prior to the submission of a Building Permit for this development, Lots 435 and 436 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 development, whichever occurs earlier;
2. Units 2, 6, 7 and 8 shall be provided with solar hot water systems (as shown on the approved drawings), details of which shall be incorporated into the working drawings submitted for a Building Permit to the satisfaction of the Town;
3. 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.
4. Pedestrian paths to be constructed which provide wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas;
5. Provision of lighting to pathways and car parking areas;

6. The site shall be landscaped in accordance with the approved landscaping plan and shall be maintained thereafter;
7. 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;
8. The existing crossover on the First Avenue frontage of the development site being removed and the verge and kerbing being reinstated to the satisfaction of the Town;
9. Separate approval being obtained from the Town's Asset Services for the proposed crossover on the First Avenue frontage of the development site and this crossover being constructed in accordance with that approval;
10. The residents car parking spaces on the development site being connected to Walter Road East by the provision of an adequately paved, drained and kerbed right-of-way, constructed to the Town's specifications;
11. The sealing and kerbing of all car parking areas and access ways to the Town's specifications;
12. The car parking spaces and access ways being constructed and maintained thereafter to the Town's satisfaction;
13. Visitor parking spaces being clearly marked for "Visitors Only" and used as such;
14. 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);
15. All stormwater being contained and disposed of on site. Details of the method of stormwater containment and disposal shall be included with the drawings submitted for a Building Permit;
16. 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;

17. 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;
18. The street number being prominently displayed at the front of the development;
19. 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;
20. The provision of letterboxes and bin storage in materials to complement the development to the satisfaction of the Town;
21. 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) or ground floor outdoor living areas (units 1 & 2) is permitted;
22. 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;
23. 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;
24. 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;
25. The bin storage area is:
- (a) To be provided 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;
26. The proposed boundary walls shall be finished to the satisfaction of the Town.
27. All building works to be carried out under this planning approval are required to be contained within the boundaries of the subject lot;
28. 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

29. The issue of a building permit prior to the commencement of any on-site works.

**Voting Requirement: Simple majority**

**10.3 Section 31 – Reconsideration for Proposed Eight (8) Multiple Dwellings on Lot 102; (No. 21) Lord Street, Bassendean - Owner: Hyperbay Pty Ltd, Applicant: Urban and Rural Perspectives (Ref: DA 2014-126 / DR 379/2014 – Stephanie Radosevich, Planning Officer and Christian Buttle, Senior Planning Officer)**

APPLICATION

Council, by virtue of an Order made by the State Administrative Tribunal, has been invited to reconsider its refusal to grant planning approval for the proposed development of eight (8) multiple dwellings at Lot 102 (No. 21) Lord Street, Bassendean, having regard to a further submission made by the applicant.

The application which is now before Council proposes eight (8) multiple dwellings which includes a variation to the 'Deemed-to-comply' provisions of the Residential Design Codes of Western Australia (R-Codes) relating to a boundary wall located along the northern boundary.

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. 6:**

Plans of the proposed development  
Order of the State Administrative Tribunal dated 12 January 2015  
Applicant's justification letter dated 18 June 2014  
Applicant's waste management plan dated September 2014  
Department of Planning comments dated 9 September 2014

BACKGROUND

An application for eight (8) multiple dwellings was received by the Town in June 2014.

The Council at its Ordinary Meeting held on 28 October 2014, considered the proposal for eight (8) multiple dwellings, whereby Council resolved to refuse the application.

Following the Notice of Refusal, an Application for Review was submitted with the State Administrative Tribunal (SAT).

As part of the review process, SAT referred the matter to mediation. During the mediation process, the applicant considered a number of design changes to the development. The Town's Senior Planning Officer participated in the mediation on behalf of the Town and Cr Pule accepted the invitation extended to Councillors to participate in the mediation process.

As a result of the mediation process, the design has now been modified as follows, with a view to addressing the reasons for refusal identified in Council's determination of 28 October 2014:

- The street setback has been increased, rendering the development compliant with the Deemed-to-comply provisions of clause 6.1.3 (Street Setback) of the R-Codes. Furthermore, the street setback demonstrates compliance with what is permitted for development at an R20 density code;
- Setbacks to the upper floor western walls of units 7 and 8 now demonstrate compliance with the Deemed-to-comply provisions of the R-Codes whereas previously they did not;
- The boundary wall which was shown adjacent to the southern property boundary has been removed while the boundary wall adjacent to the northern property boundary remains. This boundary wall demonstrates compliance with what is permitted for development at an R20 density code; and
- The extent of soft landscape within the street setback area has been increased rendering the development compliant with the Deemed-to-comply provisions of clause 6.3.2 (Landscaping) of the R-Codes.

It is the new design proposal incorporating the design modifications referred to above which Council is now invited to give reconsideration to.

The site is zoned residential with a split density code of R20/R40, with a site area of 1011 square metres. The proposal relates to a two-storey development which comprises eight (8) two bedroom apartments.

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

## 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 a boundary wall to the northern boundary; whereas the Deemed-to-comply provisions do not provide for boundary walls for multiple dwellings developed in areas coded R40.

The northern boundary wall comprises four (4) stores (to units 2, 5, 6 and 8) with a length of 11.54 metres and a height of 2.2 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 northern boundary wall is 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 14.74 metres with a maximum height of 3.5 metres and an average height of 3 metres. As the proposed boundary wall is less than 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 northern 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 wall is not considered to have any undue impact on overlooking or overshadowing in accordance with the Deemed-to-comply provisions of the R-Codes.

*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.

This element is dealt with as a suggested condition of planning approval.

### Neighbour Consultation

Neighbour consultation was undertaken with the adjoining property owners on either side and to the rear of the proposed development, when the original application for planning approval was considered by the Town.

In response to the five letters which were sent to the adjoining owners, the Town received twelve letters of objection, which comprised five objections from properties the Town had consulted and seven from properties which were not consulted with.

While the SAT review process has not afforded the opportunity to seek comment from adjoining property owners, in relation to the plans which are the subject of current consideration, each of the owners who made a submission originally has been advised of the referral of the application to a Council meeting for consideration.

### 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 for planning approval, it is likely that the application for review would proceed to a final hearing.

#### FINANCIAL CONSIDERATIONS

Should Council not accept the Officer recommendation, it is likely that the matter will proceed to a final hearing and costs would be incurred in this event, as it would be necessary to engage independent external planning consultants to defend any such determination. Officers of the Town would not be in a position to defend any such determination at a final hearing, due to the conflict of interest which would arise.

#### 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 10.3

That in response to the invitation given by the State Administrative Tribunal in its Order dated 12 January 2015 pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA), Council grants planning approval for the proposed eight multiple dwellings at Lot 102 (No. 21) Lord Street, 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, groundcover 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 existing crossovers on the Lord Street frontage of the development site being removed and the verge and kerbing being reinstated to the satisfaction of the Town;
6. Separate approval being obtained from the Town's Asset Services for the proposed crossover on the Lord Street 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. Vehicles entering and exiting the subject site in a forward direction;
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. The proponent undertaking a suitable noise assessment for the proposal and if necessary implementing attenuation measures in accordance with the requirements under State Planning Policy 5.4.
13. All stormwater being contained and disposed of on site. Details of the method of storm water containment and disposal shall be included with the drawings submitted for a Building Permit;
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. The provision of letterboxes and bin storage in materials to complement the development to the satisfaction of the Town;
19. 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) or ground floor outdoor living areas (units 1 & 2) is permitted;
20. 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;
21. 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;
22. 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;

23. The bin storage area is:

- (a) To be provided 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;

24. The proposed boundary wall shall be finished to the satisfaction of the Town;

25. All building works to be carried out under this planning approval are required to be contained within the boundaries of the subject lot;

26. 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

27. The issue of a building permit prior to the commencement of any on-site works.

**ADVICE NOTE:**

- i. In relation to Condition 12, please note that the Department of Planning supports the inclusion of a number of attenuation measures including 'Deemed to Comply' packages and Notifications on Titles to address road traffic noise. Further information can be sought from:
    - a. State Planning Policy 5.4 (SPP 5.4) Road and Rail Transport Noise and Freight Consideration in Land Use Planning available at:  
  
<http://www.planning.wa.gov.au/publications/1182>
    - b. SPP 5.4 Implementation Guidelines available at:  
  
[http://www.planning.wa.gov.au/dop\\_pub\\_pdf/EdWAPC\\_Guidelines\\_Road\\_and\\_Rail\\_Transport\\_Noise\\_Policy\\_Final\\_version\\_Oct\\_09](http://www.planning.wa.gov.au/dop_pub_pdf/EdWAPC_Guidelines_Road_and_Rail_Transport_Noise_Policy_Final_version_Oct_09)
- and
- c. and local government offices.

**Voting Requirement: Simple majority**

**10.4 Request for Deletion of Condition of Planning Approval relating to Town Planning Scheme No. 4A Unit Development Contribution – Proposed Single House - Lot 107 (No 27) Anstey Road, Bassendean, Owner/Applicant: Mr AD & Mrs BJ Kolinac (Ref: DABC/BDVAPPS/2014-147 Brian Reed, Manager Development Services)**

APPLICATION

The purpose of this report is for Council to consider a request to delete a condition of planning approval requiring the payment of a Unit Development Contribution.

ATTACHMENTS

Nil

BACKGROUND

In January this year conditional planning approval was granted for the erection of a Single House at the above property under delegated authority. Condition 1 of that approval read as follows:

*“1. Prior to the issue of a Building Permit the owner shall pay the Town Planning Scheme No 4A contribution to the Town of Bassendean.”*

By way of one of the footnotes on the approval, the applicant was advised that with regard to condition 1, the Town Planning Scheme No.4A contribution is currently \$6.223. Please note that this contribution is reviewed annually in accordance with the Perth Land Index, which may be subject to change in the future.

The Manager Development Services has issued an amended approval on the 16 February deleting conditions relating to the need for a geotechnical report and a certified stormwater management plan to be submitted.

The owner of the property has requested that the condition be deleted from the approval for the grounds given in the comment section of this report. The owner has also requested that the matter be determined at a Council meeting.

By way of further background, Council granted approval for additions and alterations to the dwelling that was formerly located on the site, but has since been demolished. That approval did not attract a unit development contribution, as an addition to an existing house.

## STRATEGIC IMPLICATIONS

Nil.

## COMMENT

The following section includes the grounds as to why the condition should be deleted, provided by the landowner, together with comments from the Manager Development Services.

*"There are three points regarding this that I believe exempt Lot 107 (27) Anstey Road Bassendean from any unit development cost being imposed upon it specifically:*

*Point 1:*

*Unlike the bulk of the land chosen for inclusion in the No 4A Scheme the land encompassing Lot 107 has prior to the unofficial creation of the TPS 4A in 1967, drafting of the 4A Scheme (the initial Scheme) and its gazettal in 1981, never been vacant land.*

*It has always "been developed" and containing a double brick house framed house I understand at least 60 years old.*

*This developed state and sewer nature of Lot 107, as distinct from the bulk of the other land within the scheme (re: vacant completely undeveloped land) in my view should exclude it from unit development contribution."*

## **Response**

The land is included in Area C of the Scheme. The Scheme does not distinguish between vacant and developed land, but requires the Unit Development Contribution to be paid at the time of the issue of a building license (permit) for a new dwelling.

Point 2:

The legal doubt and as yet it would appear to be an unclarified legality of the Town of Bassendean to implement a scheme that included irrespective of the formula used to ascertain the amount a unit development levy on not only Lot 107 but all past and future developed costs within the scheme.

As clearly evidenced by the paragraphed set out in the TPS 4A Stage 2 Report, 5.3 dwelling unit contributions dated December 1992 Page 43.

### Quote

In fact after perusing the department of planning and urban development's files in relation to TPS 4A, it is clear the concept of unit development contributions was of concern, even prior to the schemes adoption

Crown Law seemed extremely concerned about the legality of the charge.

### Response

The former Minister for Planning endorsed the application of a Unit Development Contribution and the method of applying the inflation factor to the contribution as part of his approval to Amendment No 16 to the Town Planning Scheme No 4a which was Gazetted on 6 February 2001.

### Point 3:

I believe TPS 4A is supposed to apply to new subdivisions. Otherwise, theoretically if you built your new house, then it was destroyed by a natural event, and you had to build it again, you would have to make the payment twice.

I am, primarily based on the above, of the view, as far as Lot 107 is concerned, that this condition should be deleted from this building approval condition list.

### Response

While there is no discretion open to Council not to charge the Unit Development Contribution under the Town Planning Scheme No 4a, once an owner has made their contribution under the Scheme it would not appear equitable to charge the contribution again.

## STATUTORY REQUIREMENTS

### **Town Planning Scheme No. 4A**

The following section is reproduced from the Town Planning Scheme No 4A and shows in what circumstances the Unit Development Contribution is payable: the property is located within Area C of the Scheme.

### Areas C

15. The lands within Areas C shall benefit by the carrying out by the Council of the Scheme Works. The lands shall not be resumed or otherwise acquired by the Council in order to carry out Scheme Works. The owners thereof shall contribute to the costs of the Scheme in accordance with the following clauses:
16. (1) For the purpose of this clause the term “dwelling unit” means a separate dwelling and may be either a separate dwelling house or a dwelling unit within a building containing other dwelling units and taking the form of either Grouped Dwellings or Multiple Dwellings within the meaning of those terms in the Residential Planning Codes.
  - (2) Costs of the acquisition of public open space in the Scheme Area were estimated and this has been divided by the estimated number of dwelling units which will be constructed in the Scheme Area. The resultant figure is called the “dwelling unit contribution”. This figure is to be adjusted annually in accordance with an inflation factor consistent with the Perth Land Value Index (PLVI), subject to phasing in of the adjustments from the date of operation of this clause as follows:
    - 1<sup>st</sup> year: current contribution of \$995
    - 2<sup>nd</sup> year: increment of \$500, to \$1495
    - 3<sup>rd</sup> year: increment of \$500, to \$1995
    - 4<sup>th</sup> year: increment of up to \$500 or Perth Land Value Index, whichever is the lesser
    - 5<sup>th</sup> and subsequent years: Perth land Value Index
  - (3) If any difference arises between the Council and an owner as to the calculation of the inflation factor or its contribution by any owner, the owner or the Council may refer the matter to arbitration.

- (4) The inflation factor shall be reviewed by the Council thereafter having regard to the rate of inflation in land values (if any) in the metropolitan region (within the meaning of the term Metropolitan Region in Section 6 of the Metropolitan Region Town Planning Scheme Act 1959).
- (5) Each owner shall pay the said dwelling unit contribution at the time of the issue of a building licence in respect of this proposed development.
- (6) Monies received by the Council pursuant to this clause shall be credited to the Scheme and applied in reduction of Scheme Costs.

### **Reconsideration of condition under the Local Planning Scheme No 10**

#### **8.3 AMENDING OR REVOKING A PLANNING APPROVAL**

The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

#### **10.10 RIGHT OF REVIEW**

An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme may make application for review under Part 14 of the Planning and Development Act.

#### **FINANCIAL CONSIDERATIONS**

The Town Planning Scheme No 4A is currently estimated to be in deficit by \$282,393.

#### **OFFICER RECOMMENDATION — ITEM 10.4**

That Council declines to delete condition 1 of the Planning Approval dated 16 February 2015 for the erection of a single house at Lot 107 (No. 27) Anstey Road, Bassendean

**Voting requirements: Simple Majority**

**10.5 Proposed Naming of Streets - Lot 3 Morley Drive, Bassendean (former Eden Hill Tavern Site), Applicant: Landwest Estate Agency (Ref: ROAD/NAME/2 - DABC/BDVAPPS/146605 - Brian Reed, Manager Development Services)**

**APPLICATION**

The purpose of this report is for Council to endorse alternative names for the above subdivision having regard to the rejection of three of the proposed names by the Geographic Names Section of Landgate.

**BACKGROUND**

This matter was last considered by Council at its meeting held in October last year, when it was resolved by OCM 3/10/14 that Council endorses the allocation of the following street names for the subdivision at Lot 3 Morley Drive, Eden Hill:

Bailey Lane;  
Harman Link;  
Christie Way; and  
Young Lane.

Unfortunately three of the selected names have been rejected by the Geographic Names Section of Landgate, whose correspondence is included below:

*“While Geographic Names acknowledge that these are worthy names, unfortunately all of the proposed names with the exception of Christie have been overused within the State and therefore are deemed unsuitable. This is in accordance with section 8.4 of the Geographic Names Committee Policies and Standards which states the following:*

**8.4 Road name duplication**

*There shall be no road name duplication within a local government, regardless of any differences of road types. Road names submitted for approval cannot be:*

- *homonymous, e.g. similar in spelling to an existing road name;*
- *similar in sound to an existing road name;*
- *in the same locality as an existing road name;*
- *in an adjoining locality;*
- *in the same Local Government area;*

- *duplicated more than six times in the metropolitan area, three north and three south of the Swan River;*
- *duplicated more than fifteen times within Western Australia;*
- *less than 10km from the existing duplication in the metropolitan area; and*
- *less than 50km from an existing duplication in rural areas;*

*These exclusions shall also apply to similar sounding or written names, and to those within similar sounding suburbs even if they are more than 10km away e.g., Forrestfield / Forrestdale, Woodbridge / Woodridge, Fremantle / East Fremantle etc.*

*Road name duplication should be avoided in adjoining Local Governments.*

*After a quick search of the Discovering ANZACs website/Town of Bassendean War Memorial and the soldiers who paid the ultimate sacrifice during World War One (<http://discoveringanzacs.naa.gov.au/browse/groupstories/223>), I would like to make the following suggestions,*

***Pirani*** after Ernest John Pirani,

***Pryde*** after Irvine Pryde

***Dobson***, after George James Dobson.

*Initial checks have found these names suitable.”*

#### STRATEGIC IMPLICATIONS

Nil.

#### COMMENT

The matter is now getting quite pressing for the Developer and the Manager Development Services endorses the names suggested by Geographic Names as contained in the recommendation below.

#### STATUTORY REQUIREMENTS

Land Administration Act 1997.  
Geographic Names Committee (Landgate) - Western Australia - Principles Guidelines and Procedures

#### FINANCIAL CONSIDERATIONS

Nil

**OFFICER RECOMMENDATION — ITEM 10.5**

That Council endorses the allocation of the following street names for the subdivision at Lot 3 Morley Drive, Eden Hill:

Pirani Lane;  
Pryde Link;  
Christie Way; and  
Dobson Lane.

**Voting requirements: Simple Majority**

**10.6 Local Planning Strategy Update (Ref: LUAP/PLANNG/14 - Brian Reed, Manager Development Services)**

**APPLICATION**

The purpose of this report is to update Council and the community on the progress of the revised Local Planning Strategy

**ATTACHMENTS**

**Attachment No. 7:**

Copy of letter from the Western Australian Planning Commission (WAPC) dated 13 January 2015

**BACKGROUND**

This matter was last considered by Council at its meeting held in April last year when it was resolved by OCM-7/04/14 to adopt the Town of Bassendean Local Planning Strategy prepared June 2008 (updated June 2013) subject to certain modifications.

Advice has been received from the WAPC that the Strategy has been endorsed, subject to the modifications listed in the schedule of modifications being carried out.

**STRATEGIC IMPLICATIONS**

**Objectives**

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 particular high density housing has high environmental standards.
- Plan for the availability of a broad range of housing types and affordability.

**Objectives**

Foster enhanced public space and street appearance.

### **Strategies**

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

### **Objective**

- Preserve our heritage for future generations

### **Strategies**

- Strive to ensure heritage buildings will be preserved and showcased

### **Objectives**

- The Town Centre is a vibrant hub for community

### **Strategies**

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

### **COMMENT**

The modifications required by the Commission are generally in accordance with the modifications requested by the Town, together with a few additional modifications designed to tidy up the Strategy as shown below:

- “3. Update reference to redevelopment implementation plan with 'Neighbourhood Community Redevelopment Implementation Plan' throughout the document;*
- 13. Include reference to the State Planning Strategy 2050 with a summary of content and implications for the Town and the Strategy.*
- 14. Amend the Commercial Strategy Map - Figure 5 to delete the section of Precinct D east of Briggs Street (to be included as part of Housing Precinct - South Bassendean).*
- 15. Amend the Housing Strategy Map - Figure 3 by removing land east of Briggs Street designated as 'Oval - River Link Precinct - Mixed Use / Residential' and including the land as 'Other Housing Precincts'.*

16. *Amend the Housing Strategy Map - Figure 3 Legend by updating 'Oval - River Link Precinct - Mixed Use / Residential' to 'Bassendean Oval Precinct'.*
17. *Amend the Housing Strategy Map - Figure 3 to clearly outline Precinct boundaries for North Bassendean 1, North Bassendean 2 and South Bassendean.*
18. *Amend the Housing Strategy Map - Figure 3 to update the residential density code for North Bassendean 2 from R40 to R20/R40."*

Each of the proposed modifications are considered by the Manager Development Services to be consistent with the direction advocated by Council for the Strategy, and do not change the intent of Strategy.

The Town's Planning Consultants have been requested to carry out the requested modifications, with a view to submitting the document for final approval.

#### STATUTORY REQUIREMENTS

The process for adopting a Local Planning Strategy is governed by the Town Planning Regulations 1967. Once the Commission has endorsed the Strategy, the Town is required to publish notice of the Local Planning Strategy and the endorsement of the Commission in a newspaper circulating in the Scheme area.

#### FINANCIAL CONSIDERATIONS

Nil. Sufficient funds have been allocated in the Planning area to carry out the modifications.

#### OFFICER RECOMMENDATION — ITEM 10.6

That Council notes the required modifications to the Town of Bassendean Local Planning Strategy prepared in June 2008 (updated June 2013).

**Voting requirements: Simple Majority**

**10.7 Development Assessment Panels: Local Government Nominations - Correspondence received from Director General of Department of Planning (Ref: DABC/LIAIS/1 Brian Reed, Manager Development Services)**

APPLICATION

The purpose of this report is for Council to nominate two members and two alternate members to sit on the Metropolitan Central Joint Development Assessment Panel (DAP).

ATTACHMENTS

**Attachment No. 8:**

Correspondence received from Director General of Department of Planning dated 18 December 2014.

BACKGROUND

Development Assessment Panels (DAP) came into operation on 1 July 2011 to determine development applications that meet a certain threshold value. Each DAP comprises five members: three specialist members, one of which is the presiding member, and two local government members.

Appointments of all local government DAP members expire on 26 April, 2015. Members whose term has expired will be eligible for re-consideration at this time.

STRATEGIC IMPLICATIONS

Nil

COMMENT

Council is asked to nominate two members and two alternate members to sit on the DAP, having regard to the information contained in the Director General's letter.

Current members for Bassendean are Councillors Carter and Pule with Councillors Gangell and Bridges as alternate members.

Nominations are required to be received no later than Friday 27 February, 2015.

The attached correspondence make the following comments in relation to local Government nominations:

*“The Minister for Planning will consider and appoint all nominees for up to a two-year term, expiring on 26 April 2017. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications.*

*Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training.*

*Local government elections may result in a change to local DAP membership if current councillors, who are DAP members, are not re-elected. In this instance, the deputy local DAP members will take the place of the former local DAP members. If both local and alternate (deputy) local members are not re-elected, the local government will need to re-nominate for the Minister's consideration of appointment.*

*The Council should consider the above matters in selecting nominees as local DAP members”*

#### STATUTORY REQUIREMENTS

The Planning and Development (Development Assessment Panels) Regulations 2011

#### FINANCIAL CONSIDERATIONS

Nil.

#### OFFICER RECOMMENDATION — ITEM 10.7

That Council Nominates Crs \_\_\_\_\_ and \_\_\_\_\_ as members and Crs \_\_\_\_\_ and \_\_\_\_\_ as alternate members to the Metropolitan Central Joint Development Assessment Panel

**Voting requirements: Absolute Majority**

**10.8 State Administrative Tribunal Decision for Development Application for Proposed Eight Multiple Dwellings on Lots 446 & 447 (Nos 102-104) First Avenue, Bassendean (Ref: (Ref: DA2013-198 - Brian Reed, Manager Development Services)**

APPLICATION

The purpose of this report is to update Council and the community on the outcome of the application for review (appeal) to the State Administrative Tribunal.

ATTACHMENTS

**Attachment No. 9:** Determination by the State Administrative Tribunal dated 13 February 2015.

BACKGROUND

This matter was last considered by Council in substance at its meeting held on 26 August 2015, when Council refused an application for planning consent for 8 multiple dwellings at Lots 446 & 447 (Nos. 102-104) First Avenue Bassendean.

Advice has been received from the Tribunal that the application for review has been allowed and a conditional approval has been issued.

COMMENT

Whilst disappointing from the Town's perspective, Council will need to have regard to the decision of the Tribunal in dealing with similar applications for Multiple Dwellings in the Split Coded areas of the Town.

OFFICER RECOMMENDATION — ITEM 10.8

That Council notes that the decision of the Council of the Town of Bassendean made on 26 August 2014 to refuse development approval for eight multiple dwellings at Nos 102-104 (Lot 446 and Lot 447) First Avenue, Bassendean has been set aside and a conditional approval has been granted for the proposed development .

**Voting requirements: Simple Majority**

**10.9 Significant Trees – Nomination of BIC Pine Trees for inclusion in the Town of Bassendean Significant Tree Register (Ref: Ilet-4876011 – Ken Cardy, Manager Asset Services)**

**APPLICATION**

At the October 2014 Ordinary Council Meeting (OCM - 15/10/14), Council received a report, which contained a request from Mr Michael Grogan, seeking its approval to list the remaining eleven pine trees, located at the north end of Hamilton Street overlooking the BIC Reserve, on the Town's Significant Tree Register.

Council resolved (OCM – 15/10/14) that the Town conducts a further review into the historical significance of the pine trees located in Hamilton Street.

**ATTACHMENTS**

**Attachment No. 10:**

- Arboricultural Report
- Historical Photo A and B

**BACKGROUND**

The Town's Significant Tree Policy has been developed to provide street and other public trees, which have been identified as having special significance to the community, an additional level of protection not already afforded under the auspices of existing Council policies.

The policy does not apply to trees on private property as these trees may be protected through the application of a Tree Preservation Order under the auspices of Local Planning Scheme No. 10. Likewise, this policy does not apply to trees on State Government land as the land on which these trees are located is reserved under the Metropolitan Region Scheme and therefore, not controlled by the Local Planning Scheme.

Trees may be listed on the Significant Tree Register if it can be clearly demonstrated that they meet one or more of the following criteria:

Aesthetic Value:

- Trees display outstanding qualities such as shade, colour, texture, fragrance and seasonality;
- Trees occurring in a prominent location; or
- Trees which contribute significantly to the landscape in which they grow (including streetscapes, parks, gardens or natural landscapes).

Scientific and Environmental Value:

- Trees of an important genetic (including remnant vegetation) value that may provide important and valuable propagating stock;
- Trees which provide a wider understanding of natural or cultural history by virtue of its use as a research site, teaching site, type locality or benchmark site;
- Trees which are a significant habitat element for rare, threatened, priority or locally uncommon or common native species; or
- Trees which are vulnerable or endangered.

Historic or Cultural Value:

- Trees which are highly valued by the community or cultural groups for reasons of strong religious, spiritual, cultural or social associations and including trees associated with aboriginal heritage and culture (such as gathering sites);
- Trees which are associated with a heritage listed place and that are representative of that same historic era;
- Trees which are not associated with a heritage site but for which it can be demonstrated that they have some historical significance; and/or
- Trees with local significance and that are important to the local community and are recognised features of the immediate landscape.

The Town has received a Significant Tree Register Nomination form from Mr Michael Grogan regarding the eleven remaining pine trees located at the north end of Hamilton Street overlooking the BIC Reserve.

STRATEGIC IMPLICATIONS

Town Planning and Built Environment

Objective: Foster enhancement of 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 sites.

### COMMENT

Under the Town's Significant Tree Policy, for trees to be listed as significant within the Town, the applicants are required to identify which response to each of the three categories listed within the application, best describe why they believe the tree(s) have special significance to the community of the Town of Bassendean.

The following nomination form has been received:

#### **Nomination:**

Pine Trees Hamilton Street - Mr Michael Grogan who nominated the pine trees states that the eleven pine trees located at the end of Hamilton Street have been part of the local landscape from prior to the early 1950s and that he remembers them being of similar height then. He also mentioned that his father remembered them from 1913 when he played poker in "Hays Swamp", now BIC Reserve. Black Cockatoos fed from these trees back then and still do today.

Furthermore, he advised that there had been rumours that these pine trees were planted after the First World War. Many soldiers returned home with souvenirs from various battle fronts, such as the Battle of Lone Pine, and these may be from pine cone seeds brought back in the kit bags of Australian Soldiers from Gallipoli.

The applicant also mentioned that whilst the trees in this group have stood on this location for more years than in his lifetime, as a local Bassendean resident, he feels that they are very much remembered as a part of Bassendean history, its identity and, importantly, are a valuable part of the BIC Reserve. These pine trees can be seen up on the hill from Watson Street and Guildford Road and are an important part of Bassendean History.

Special significance category:

Category	Response
Aesthetic Value	<ul style="list-style-type: none"> <li>• Trees which contribute significantly to the landscape in which they grow.</li> </ul>
Scientific Value	<ul style="list-style-type: none"> <li>• Trees which provide a wider understanding of natural or cultural history by virtue of its use as a research site, teaching site, type locality, or benchmark site.</li> </ul>
Historical or Cultural Value	<ul style="list-style-type: none"> <li>• Trees with local significance and that are important to the local community and are recognised features of the immediate landscape.</li> </ul>

As per the Significant Tree Policy, the Supervisor Parks and Gardens has viewed the trees and made the following comments and recommendations in relation to the nomination.

*“I have viewed these trees and found them healthy in condition”.*

Furthermore an Arboricultural Assessment Report (See Attachment) was undertaken to provide feedback to the condition of the trees and origin of the trees. The following is the executive summary from this report “.

*The mature trees (40-50 years old) identified within this report provide a range of benefits including shade and contribute to the amenity and environmental value of the surrounding urban area. Assessment of the 11 trees has revealed a well formed crown structure and high tree vitality (health condition) for the majority of the trees assessed on site. Remedial works if required (to be determined by the pedestrian frequency within the reserve) would include dead wooding to remove the naturally-occurring large dead branches within the crown of several trees.*

*The Maritime pine tree (Pinus pinaster) occurs naturally in the southwest region of Europe and also northern Africa, where it attains a height at maturity of ~35m and is tolerant of moderate-low annual rainfall and also sandy soil types. In Western Australia the tree species can reach a similar height and it is utilised as an important plantation forestry species, used previously throughout Perth and now the northern and western region of the WA wheatbelt.*

As there is a reference to the history, within the nomination form of these Pine Trees, the Town’s Local Studies Librarian was asked to investigate these comments and provide feedback.

The following was provided:

*"I have found an image with the young pine trees in them at the opening of the BIC in 1936. I would suggest the pine trees date from this era but not earlier.*

*Also we have looked at the 1947 aerial photograph and there are many pine trees in that image.*

*I can't find any documentation or information about the trees being planted after WWI. Jose Hay only died in 1923 and the land which became known as the BIC was purchased in 1924. Prior to this time photographs reveal swampy low lying land without any substantial trees.*

*I understand the community tribute to WWI servicemen was the early erection (December 1920) of the West Guildford War Memorial.*

*There is no mention of the trees in the Alf Thomas History of Bassendean published in 1947".*

#### OFFICER COMMENT

The Arborist Report indicates the pine trees are Pinus pinasters and not the natural trees commonly found in the areas surrounding Gallipoli. Furthermore, investigations undertaken by the Town's Local Studies Librarian suggests that the pine trees were planted around 1936 not surrounding the Gallipoli period (1914-18).

To seek an understanding of if it was possible for soldiers returning home with plant pine cone seeds from the Battle of Lone Pine, for planting, Officers contacted a botanist (Michael Hislop – WA herbarium in plant identification - Parks & Wildlife) to seek an opinion if this was possible.

Michael Hislop's response was *"Although it is possible that a seed could have been brought back from Gallipoli and remained viable, it is highly unlikely as they would need to be stored correctly and maintained by a qualified botanist".*

The evidence suggests that the identified pine trees may not be from Gallipoli, but under the Town's Significant Tree Policy "Special significance category," the nominations of these eleven pine trees does meet some significance standards to each of the Special significance categories within the Town's Policy.

STATUTORY REQUIREMENTS

Nil

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION - ITEM 10.9

That Council accepts the Significant Tree Register nomination from Mr Michael Grogan and approves the Pine Trees located in Hamilton Street, Bassendean, overlooking the BIC Reserve, as significant trees to be included on the Town's Significant Tree Register.

**Voting requirement: Simple majority**

**10.10 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. 11:**

- South West Native Title Settlement;
- Department of Premier & Cabinet – The South West Settlement Question & Answers – February 2014; and
- Confidential Attachment (under separate cover) McLeods Barrister & Solicitors – Proposed inclusion of Land within Town’s district in Noongar Land Base - February 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, mythological 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 has been requested to provide comment on the parcels of land by 2 March 2015.

### 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 where 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 Whadjuk 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 community consultation process which considers land ownership and the servicing and land management of the subject land.
3. Previous community consultation has emphasised the important 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

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 10.10

That Council:

1. Acknowledges the Wadjuk people and their cultural, mythological 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;
2. 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;

3. 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;
4. 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
5. 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**

**10.11 1 Surrey Street – Heritage Architects Detailed Design Options (Ref: COUP/PROGM/1 – Fiona Bush, Contract Project Manager/Curator Pensioner Guard Museum, Simon Stewert-Dawkins, Director Operational Services)**

**APPLICATION**

The purpose of this report is for Council to receive a progress report regarding SIA Architects Pty Ltd design options for the restoration, reconstruction and refurbishment of No. 1 Surrey Street project and to seek Council's direction.

**ATTACHMENT**

**Attachment No. 12:**

Interpretation Plan – Illustration 1  
SIA Architects Pty Ltd - Phase 1 Pre-design and Phase 2 Schematic Design report  
1 Surrey Street - Meeting Notes December 2014  
Drawings 2B and 2C

**BACKGROUND**

In 1988, the Town of Bassendean purchased what is now known as 1 Surrey Street which includes the Pensioner Guard Cottage (1856-1857) and Residence (c.1893, c.1952 – rear extension under concrete roof and the standalone ablution/laundry building). Council at the time recognised that the Pensioner Guard Cottage was a rare remaining example of its type in the State which therefore prompted the decision to acquire and restore the Pensioner Guard Cottage.

In 1994, the Heritage Council of WA entered 1 Surrey Street, Bassendean onto the permanent register of Heritage Places.

It was not until 2005 that Council (OCM - 16/06/05) adopted a Conservation Policy and Development Guidelines and then in 2008, Council (OCM – 5/03/08) adopted the 1 Surrey Street, Bassendean Conservation Management Plan.

The adopted Conservation Management Plan provides a number of guidelines to assist the Town to manage the place and the proposed conservation works.

The specific key recommendations in the Conservation Management Plan, as it relates to this agenda item, are as follows:

**Guide 2.13** Any new work to the building should be sympathetic with the remaining fabric of Some, Considerable or Exceptional Significance, or able to be reversed without damage to the surrounding fabric at a later date.

**Guide 2.15** Any future compatible uses and users must not compromise the significance of the place as described in the Statement of Significance.

**Guide 4.2** The Town of Bassendean must refer any development proposal to the Heritage Council for approval prior to endorsing any proposals, and cannot act contrary to the Heritage Council recommendation.

**Guide 5.5** Future compatible uses for *1 Surrey Street, Bassendean* must:

- Take opportunities to retain or reinstate its integrity by using the place as originally designed and intended where practicable in a contemporary society.
- Take the opportunities presented for the restoration of fabric.
- Not compromise the significance of the place as described in the Statements of Significance.
- Not require alteration to any fabric described as being of Some, Considerable or Exceptional Significance in the Statements of Significance.
- Require only adaptations, partitioning or fixtures that can be easily removed or reversed in the future without causing damage to fabric of Some, Considerable or Exceptional Significance.

**Guide 6.2** Do not consider any future use or development that would diminish the significance of the place.

To guide the function of the museum, visitor centre and the long term use of these community assets, Council adopted (OCM – 12/11/12) the Interpretation Plan.

To progress the restoration, reconstruction and refurbishment works, the Town appointed SIA Architects Pty Ltd (November 2013), pending funding approval, to prepare the detailed drawings and specifications in accordance to the above documents. Lotterywest provided \$15,975 grant funding and in September 2014 SIA Architects Pty Ltd were advised in writing that the design works could commence.

## STATUTORY REQUIREMENTS

Metropolitan Region Scheme Act 1959;  
Heritage Act 1990;  
Local Government Act 1995;

The cultural heritage significance of the Pensioner Guard Cottage has been recognised through the following listings:

Heritage Council of Western Australia (No. 0131)

- Interim Listing 09/11/1993
- Permanent Listing 03/09/1994

The National Trust (Bassendean File No 2)

- Classified category 'C' 03/08/1970
- Revised to full Classification 03/03/1987

Register of the National Estate (Database No 10235)

- Registered 14/05/1991

Municipal Heritage Inventory (Adopted 1996; Revised 2005)

- Category 1: Conservation Essential

Local Planning Scheme No. 10 - Planning Code

- Zoned Residential with a density code of R 20

## STRATEGIC IMPLICATIONS

### **Bassendean Strategic Community Plan 2013-2023**

Town Planning & Built Environment:

Objective: Preserve our heritage for future generations.

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

Economic wellbeing and prosperity:

Objective: Strengthen the Town's profile as a tourist destination.

Strategies: Support the Bassendean Railway Museum as well as other potential tourism facilities in developing the visitor profile.

Arts, heritage and culture:

Objective: Protect local history and heritage.

Strategies: Support the protection and maintenance of buildings on the state Register of Heritage Places and key buildings on the Municipal Heritage Inventory but at the same time encourage that they are well utilised and functional buildings

### COMMENT

In accordance with the Conservation Management Plan, any new work to the building should be sympathetic with the remaining fabric of some, considerable or exceptional significance, or able to be reversed without damage to the surrounding fabric at a later date.

The Interpretation Plan recommended in clause 3.6 Limitations that the “lay-out of the complex and suggested modifications to the fabric of the residence will need to be subject to approval or change by a heritage architect. Where significant change may be made it will be desirable to preserve the functional spaces and relationships as much as possible”. Twelve major objectives are outlined in Clause 5.2 of the Interpretation Plan including that the Town ensure the various stakeholder interests can function independently at the complex with adequate security and without impinging on each other and to develop the complex so that the various functions can be integrated to mutual benefit.

Attached to this agenda is SIA Architects Pty Ltd Phase 1 Pre-design and Phase 2 Schematic Design report.

In December 2014, the Project Manager/Pensioner Guard Museum Curator, engaged by the Town, presented the draft SIA Architects design options to the Surrey Street Steering Group members.

SIA Architects prepared two restoration, reconstruction and refurbishment options, being:

Option 1: Basically follows the proposals set down in the Interpretation Plan (2012). However, S.I.A. Architects pointed out that there are a number of unknowns, from a structural point of view that would arise during the removal of the concrete roof over the kitchen area. This could lead to increased costs – damage to existing walls.

In addition, the layout suggested in the Interpretation Plan for the toilets does not comply with the current standards and will require the demolition of the laundry to rectify this.

Option 2: Demolish the 1950's additions on the southern side of the Residence and the addition on the western side of the Residence. S.I.A. Architects propose the construction of a separate building (Community Meeting Place) on the southern side of the Residence as well as a separate toilet block on the western side of the Residence. The new building would be connected to the Residence by a lightwell/verandah and also have verandahs on the southern and eastern sides. The Café area (tearoom) could also be located here as this is where the kitchen would be located. Three rooms would be placed on the western side of the new building: 2 store rooms and a community office. The studio is rotated and a new toilet block would comprise 1 disabilities toilet, and separate male and female toilets would comply with new disability access requirements.

Attached to this agenda are the meeting notes which reflect that the majority of the members considered that the option 2 design would provide a better outcome for the building functionality and future community use.

The Project Manager/Pensioner Guard Museum Curator subsequently reviewed the Council adopted Conservation Management Plan and determined the following with regards to the levels of significance:

Section 8 (page 57) Levels of Significance  
Residence Additions (c.1952):

1. The General massing is considered to be of little significance
2. The flat roof is considered to be intrusive
3. The externally rendered walls, windows, internal walls, ceilings and bathrooms in the Residence are considered to be of little significance.
4. The laundry is considered to be of little significance.
5. The interior layout, floors and kitchen fit-out were considered to be of some significance.

Page 59 of the Conservation Management Plan illustrates the zones of significance. All the additions made after c.1952 are considered to be of little significance.

The State Heritage Office provides the following criteria for the assessment of Local heritage Places and areas:

Little Significance:

*“Zones of little or no significance: The fabric of such spaces or elements may be retained or removed depending on the future use requirements. However, care should be taken to ensure that any such works do not detract from the significance of adjoining spaces or elements. Before removal ensure that comprehensive photographic and graphic recording is completed”.*

Some/Moderate Significance:

*“Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible”.*

The Conservation Management Plan for 1 Surrey Street therefore considers that the removal of the kitchen and laundry block would not be inappropriate, provided that these spaces/structures are documented prior to removal.

Considering the Project Manager/Pensioner Guard Museum Curator’s advice and the Project Steering Group’s preferred option, that would potentially provide a better design outcome for the building functionality and future community use, SIA Architects prepared two additional schematic drawings for consideration:

1. Rotating the toilet block in an east west axis at the rear of the pensioner guard cottage and rotation of studio – Drawing 2b; and
2. Rotating the toilet block in a north south axis with a boundary(parapet) wall on the adjoining western property boundary and rotation of studio – Drawing 2c.

The option 2c location for the toilet block is preferred, as it will reduce the visual impact of the structure on the Pensioner Guard Cottage. However, the rotation of the studio in Option 2b and 2c is not supported, due to the impact on the usable outdoor space and that an existing tree would have to be removed.

As a result of receiving SIA Architects' revised schematic drawings, the following preliminary feedback has been obtained from Development Services:

*“From a planning perspective, the property is zoned residential with a Density Code of R20. The Residential Design Codes allows a boundary wall to be built on one side boundary with a maximum length of 9.0m or a third of the length of the boundary. Should the chosen design have boundary walls on two different boundaries, this will require consultation with both adjoining owners and Development Services would need to undertake an assessment against the design principles of the Codes.*

The Project Manager/Pensioner Guard Museum Curator has advised that the option 2 design proposals submitted by SIA Architects Pty Ltd does not go against the recommendations made in the Conservation Management Plan.

Therefore, should Council wish to do so, and with the approval of the State Heritage Office, it would be possible to implement Option 2c design proposal to demolish the c.1952 rear extension under concrete roof and the standalone ablution/laundry building and to construct the proposal separate building (Community Meeting Place) on the southern side of the Residence, as well as separate toilet block on the western side of the proposed community meeting place.

#### FINANCIAL CONSIDERATIONS

The 2014/2015 Budget for the detailed design process is \$54,000 and in 2014, SIA Architects Pty Ltd commenced the project.

The Original offer from SIA Architects to undertake the “Drawings and Specifications” works was \$32,041 (Ext GST). SIA Architects Pty Ltd advised in the attached, Phase 1 Pre-design and Phase 2 Schematic Design Report (page 10), the order of magnitude costs. Please note that the factors affecting estimate of cost compared to budget are due to the past or historic figures used in the 2007 Conservation Management Plan, 2011 structural engineering reports and recommendations of the 2012 Interpretation Plan that have been adjusted for cost escalations.

**Budget: \$ 540,000**

**Option 1** (as per RFQ brief ) including:

Underpinning	\$110,095
Residence	\$341,560
Cottage	\$89,600
Studio	\$30,000
Furniture	\$50,000
Fees, Consultants,	
Contingency	\$137,350
<b>TOTAL</b>	<b>\$758,605</b>

**Option 2** (part demolish, new community area) including:

Underpinning	\$43,130
Residence	\$458,818
Cottage	\$89,600
Studio	\$30,000
Furniture	\$50,000
Fees, Consultants,	
Contingency	\$137,350
<b>TOTAL</b>	<b>\$808,898</b>

For SIA Architects to complete Option 2, an additional cost of \$24,120 (Ext GST) is required. As the budget was originally set at \$54,000, an additional \$2,161 (Ext GST) is required.

It is intended that after the detailed designs and pre-tender estimates have been completed, that the Town will submit a Lotterywest Heritage & Conservation grant application for the construction works.

**OFFICER RECOMMENDATION – ITEM 10.11**

That:

1. Council receives the progress report regarding SIA Architects Pty Ltd design options for the restoration, reconstruction and refurbishment of 1 Surrey Street project;
2. Council endorses Option 2c draft design proposal, as included as an attachment to the Ordinary Council Agenda of 24 February 2015, to demolish the c.1952 rear extension under concrete roof and the standalone ablution/laundry building and the proposal to construct a separate building (Community Meeting Place) on the southern side of the Residence, as well as a separate toilet block on the western boundary;

3. Council does not support the proposal outlined in Option 2b and 2c designs to rotate the studio; and
4. As part of SIA Architects Pty Ltd's schematic design process and the Council endorsed 2c draft design, that the proposal be referred to the State Heritage Office and for the relevant feedback to be incorporated into the detailed designs.

**Voting requirement: Simple Majority**

**10.12 RFT CO 028 2014-15 - Installation of a New Artesian Bore, Steel Blue Oval, Bassendean (WATR/TENDNG/1 – Leanne Brosnan A/Contracts Officer)**

**APPLICATION**

The purpose of this report is to present to Council a summary of tenders received against Request for Tender (RFT) CO 028 2014-15 for the installation of a New Artesian Bore at Steel Blue Oval, Bassendean.

**ATTACHMENTS**

**Confidential Attachment:**

Full pricing and selection criteria weighting

**BACKGROUND**

As part of the 2013/14 Budget, Council allocated \$160,000 for the installation of a new artesian bore at Steel Blue Oval, Bassendean.

In order to undertake this project, the Town was required to prepare drawings and specifications at a cost of \$6,800 and obtain statutory approval from the State Heritage Office and the Department of Water.

During this process Officers reconfirmed with the contractor who was preparing the drawings and specifications the estimated associated costs of the artesian bore were stable and the budget allocation was suitable at \$153,200.

The statutory approval process took longer than expected and as a result, the new artesian bore project was carried over to the 2014/15 Budget.

Just over two years ago, the Town was advised that the current bore had a possible asset working life of between two and five years. Currently, the artesian bore is working satisfactorily and servicing the requirements of Steel Blue Oval, Bassendean.

In January 2015, the Town received permission from the State Heritage Office for the bore to proceed and advice from Department of Water (WA) that a licence to construct new artesian bore had been issued. The Town's contractor had also completed the Request for Tender Drawing & Specification Documents.

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

### STRATEGIC IMPLICATIONS

The Bassendean Strategic Community Plan 2013-2023 states:

Leadership and Governance:

Objectives: Improve capability and capacity

Strategies: Monitor and enhance organisational performance and service delivery.

### COMMENT

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

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

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

#### Index

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

Selection Criteria 2: Key Personnel (10% weighting)

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

Selection Criteria 4: Pricing (40% weighting)

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

### STATUTORY REQUIREMENTS

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

### FINANCIAL CONSIDERATIONS

The offer received from the potential contractor which received the highest rating was just over \$200,000 over budget. The other offer received was just under \$400,000 over budget.

The Manager Corporate Services has advised that there are not sufficient funds in the Recreation Development Reserve Fund to cover the additional amount required.

As a result, Council can list the funds in the draft 2015/16 Town of Bassendean Budget to construct an artesian bore at Steel Blue Oval.

### OFFICER RECOMMENDATION – ITEM 10.12

That Council:

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

**Voting Requirement: Absolute majority**

**10.13 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 for Council to consider the Town's Local Area Traffic Management Plan and Bassendean Bike Plan design proposals prior to the North Road rehabilitation works commence.

ATTACHMENT

**Attachment No. 13:** Drawings1 & 2

BACKGROUND

In line with the Australian Government's Roads to Recovery Program and the Town's Asset Management Plan, a grant application was submitted to undertake road rehabilitation works in North Road, Bassendean.

In December 2014, Council (OCM – 6/12/14) accepted the Australian Government's Roads to Recovery funding for the period 2014/15 to 2018/19; and amended the 2014/15 budget to include an amount of \$102,674.10 to undertake the North Road rehabilitation works.

Prior to accessing potential traffic management options within North Road, Officers have reviewed previous maintenance programs, traffic management proposals and recommendations within the Town's Local Area Traffic Management Plan (LATMP) and Bassendean Bike Plan.

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 flows and intervene where necessary to ensure safety

COMMENT

In May 2004, and in accordance with the Traffic Management Treatment Policy and Guidelines, a report was presented to Council regarding North Road traffic management.

As a result from the information provided, Council agreed in principle for the purpose of community consultation to install traffic calming devices in North Road. Council Officers subsequently designed traffic-calming options and consulted with affected residents.

In December 2004, Council (OCM–10/12/04) resolved to take no engineering action as a means of controlling traffic in North Road, between Surrey Street and Devon Road, on the basis that 92% of respondents to the community consultation survey were opposed to the installation of traffic calming devices in that area.

In 2010, the Town received a further resident request asking that the Town consider providing traffic management devices in North Road to combat speeding motorists and hoon behaviour.

As a result of the letter and in accordance with Council's adopted Traffic Management Treatment Policy and Guidelines (OCM-18/04/04 & OCM17/10/04), the Town arranged an assessment of vehicle speeds at two locations on North Road.

The results of the survey indicated the assessment criteria was achieved for Council to consider providing traffic management and as a consequence Asset Services identified the option of installing anti-hoon rubber speed cushions as the most appropriate measure for traffic calming. Again officers arranged for community consultation to be undertaken to determine the level of support for anti-hoon rubber speed cushions.

Surveys were provided to 136 residents in North Road including affected surrounding residents being: Daylesford Road, Harcourt Street partly Anstey Road and Bassendean Parade.

Asset Services received 56 responses. Of the 56 respondents, 25 (44.64%) supported the installation of rubber speed cushions, 30 (53.57%) opposed and 1 (1.79%) were indecisive. As the results of the survey did not comply with the Towns Policies & Guidelines for installation of calming devices residents were advised that the anti-hoon speed humps would not be installed in North Road, Bassendean.

The Council (OCM – 13/04/13) adopted Local Area Traffic Management Plan identifies two issues:

- Speeding and hooning issues along North Road, Devon Road and Hyland Street; and
- Crash issue at the intersection of Guildford Road/North Road

The author furthermore provided the following observations to North Road:

*“North Road is currently a two-way road that due to the lack of pavement markings and slow points, facilitates speeding. Further along, at the point North Road turns into Bassendean Parade, slow points are implemented to reduce speeds. Further to this, North Road has long, straight lines of sight which also facilitates speeding, breaking these sight lines may reduce the temptation to speed in this area”, and*

*“Measures to promote horizontal deflection are recommended in this instance due to the requirement to allow for the safe passage of cyclists and to minimise the noise impact of vertical deflection measures on neighbouring residential properties”.*

Council (OCM – 10/04/13) adopted Local Bike Plan provides the following guiding statements:

*“North Road and Bassendean Parade, along with a section of West Road, provide a quiet streets cycling route from the Guildford Road Bridge into the southern part of Bassendean and to the riverside path network at the Ashfield Flats. In the absence of a shared path along the foreshore it fulfils an important link in the recreational route along the Swan River” and*

*“The route generally carries relatively low traffic volumes, however the community has identified issues with vehicle speeds and peak period traffic volumes at the north end. It is understood that vehicles on North Road engage in speeding and hooning, as well as ‘rat running’ to avoid congestion on North Road”.*

Officers are recommending that the road is resurfaced in accordance with the Town’s Asset Management program and concurrently, implement measures in-line with the recommendations from both the “LATMP” and Bassendean’s Local Bike Plan.

The recommendation is 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 narrow as is possible, to avoid worsening of the speed/hooning problems, Officers proposed to accommodate cyclists in an unmarked “shared road environment with other vehicular traffic”.

Some local widening of the road is required to accommodate these recommendations.

The benefits of the recommended road rehabilitation works are:

- the blister islands have been strategically placed to reduce vehicle speed and minimise impact to existing built infrastructure;
- this treatment has minimal noise impact;
- it creates a cycle friendly street treatment to ride in by reducing speed; and
- having the road resurfacing treatment concurrently undertaken with the road calming measures significant savings are achieved.

As the road works recommendations suggested in this report have been provided for community consultation through the Local Area Traffic Management Plan and Bike Plan community consultation process, which no feedback to this issue was received.

Traffic investigations previously undertaken confirm that traffic management is required in North Road and therefore, Officers are recommending that no further community consultation is required.

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".*

Should Council resolve to undertake further community consultation regarding the proposed treatments, it is likely that this project will not be completed until the next financial year.

### FINANCIAL CONSIDERATIONS

In accordance to the original 2014/2015 capital budget, funding was allocated to undertake resurfacing work on Wilson Street, Palmerston Street, Freeland Way, Hamilton Street and North Road, as per the Asset Management Plan.

With the approval of the Road to Recovery Program, grant funding was allocated for the additional road works in North Road. The estimated cost for the North Road project (with inclusion of R2R monies) are as follows:

Works area	North Rd Prowse St to Hyland St
Resurfacing area	Approx. 7300m <sup>2</sup>
Proposed LATM Measures	4 x Elliptical Slow Points (MRWA Standard)
Estimated resurfacing cost	7300m <sup>2</sup> x \$24.12 (30mm SMA Overlay)= \$176,076
Estimated Cost LATM Measures	4 x \$15,000 = \$60,000
Sundry Costs	Survey, Design, Traffic Management, Drainage adjustments, Landscaping, Footpath adjustments = \$26,598
Total Project Cost	\$262,674

This project is funded through:

AR1403 – Asset Maintenance Program Road Works – North Road - \$160,000

AR1410 – North Road Roads to Recovery program - \$102,674

Note: Roads to Recovery (\$102,674) is funding the LATM Measures (Elliptical Slow Points) and approximately 1,700m<sup>2</sup> of Resurfacing for this combined project. – “Project area for R2R Funding North Rd - Prowse St to Hyland St”.

OFFICER RECOMMENDATION – ITEM 10.13

That Council:

1. Endorses the installing four blister islands, “horizontal deflection traffic calming device” and road resurfacing of areas within North Road, Bassendean, in accordance to the plans attached to the Ordinary Council Agenda of 24 February 2015; and
2. Advises the North Road residents of the proposed road works that will be occurring in accordance to the Local Area Traffic Management Plan and the Bassendean Bike Plan.

**Voting requirements: Simple Majority**

**10.14 Agreement for Use of 1 Surrey Street, Bassendean, between Bassendean Historical Society Inc and Town of Bassendean (Ref: COMR/AWADP/2 – Tim Clark, Recreation Development Officer)**

APPLICATION

Council is requested to renew and update the agreement between the Town and Bassendean Historical Society Inc. for use of the main building at 1 Surry Street, Bassendean.

ATTACHMENT

**Attachment No. 14:** Draft Agreement

BACKGROUND

The Town and Bassendean Historical Society Inc. (BHS) has previously had a Charter of Agreement for the use and management of the property at 1 Surrey Street, Bassendean. This agreement included all buildings on the property and its surrounds. It is Officers understanding that an official agreement has, for various reasons, not been renewed for a number of years. In 2014, the BHS approached officers to renew/update the agreement to provide BHS security in tenure going forward. The newly negotiated agreement mirrors both parties working through the years since the lapse of the previous agreement, and will therefore not impose extra requirements on either the Town or BHS. The Town and BHS have settled on the draft agreement.

STRATEGIC IMPLICATIONS

Approval of the agreement meets the strategic objectives of Arts, Heritage and Culture contained in Councils Strategic Community Plan including:

- Maintain the rich culture of heritage of the community;
- Encourage and support community connections; and
- Protect local history and heritage.

COMMENT

The agreement itself is quite simple and is essentially a continuation of the current situation at the Surrey Street premises. However, by signing a new agreement BHS is offered secure tenure going forward. The agreement is for a period of five years with the granting of a further term of up to five years.

The new agreement specifies that the BHS is required to open the Pensioner Guard Cottage to a minimum of one afternoon each month. Subsequently, the Town provides tenure of office and meeting space at Surrey Street for use by the BHS for its purposes. The Town will continue to provide all relevant insurance cover for the BHS members and the public during the periods of use. Officers advise that Council can impose a charge on BHS, however, as previous agreements have not included charges.

#### STATUTORY REQUIREMENTS

Section 6.12 (1) (b) of the Local Government Act 1995 states that Council may waive or grant concessions in relation to any amount of money. An absolute majority is required.

#### FINANCIAL CONSIDERATIONS

The BHS has not previously been charged for their use of 1 Surrey Street, as such if the new agreement is approved there will be no budget implications. The Town does forego any potential income gained if it were to impose a charge on BHS for its use of 1 Surrey Street. Officers recommend that the BHS is not imposed a charge as part of the negotiations.

#### OFFICER RECOMMENDATION — ITEM 10.14

That Council approves the letter of agreement between the Town of Bassendean and the Bassendean Historical Society Inc for the use of 1 Surrey Street and Pensioner Guard Cottage, as per the conditions of the agreement, as attached to the Ordinary Council Meeting Agenda of 24 February 2015.

**Voting requirements: Absolute Majority**

**10.15 Replacement of Mary Crescent Reserve Play Equipment (Ref: PARE/MAINT/13 - Tim Clark, Recreation Development Officer)**

**APPLICATION**

The purpose of this report is for Council to consider an allocation of funds in the draft 2015/16 Budget to replace the current play equipment in Mary Crescent Reserve.

**BACKGROUND**

In 2005, Council adopted the Mary Crescent Concept Plan which included a redeveloped and relocated playground. It also provided some guidance in the design of the playground structure to include, shade, suitable for small children and teenagers, public art installations with in the paving/softfall with reference to Aboriginal animal motifs, and lighting to Australian Standards for play equipment.

The 2005 indicative project costs for the playground within the Concept Plan, adopted by Council, was \$137,000. Paths, lighting and other infrastructure was also provided for in the Concept Plan with additional indicative costings attached. The funding for the Concept Plan Implementation is to be sourced from Cash in Lieu contributions from the Shopping Centre and Hotel Site redevelopments.

The Concept Plan resulted from wide consultations with the community including with the Traditional Owners and families. A Section 18 Approval has been granted based on the adopted Concept Plan.

In 2009, the Town adopted a Play Spaces Implementation Plan which outlined a proposed procedure to replace the Town's play structures over a 10 year period. As part of this replacement program the Town has installed new equipment at Ashfield Reserve, Jubilee Reserve and Success Hill Reserve. Mary Crescent Reserve was identified in the plan to be replaced in the 2013/14 financial year.

According to an Asset Management document, an inspection in 2008 identified the Mary Crescent play space was due for replacement in 2011, from an age of equipment perspective. This play space was allocated a 15 year life cycle.

Through the Town's playground maintenance inspection program, the Mary Crescent play space had been identified as a priority for replacement due to the age and run down look of the equipment.

There were some minor safety concerns that have been addressed, however, the bore stains and general aesthetics of the equipment and softfall makes less desirable for children and parents.

Following another scheduled maintenance inspection and a site visit by Staff, Officers proceeded to seek a quote and design for the replacement of the current equipment. In November 2014, two quotes were sought from a contractor for the design and replacement of the existing equipment and for an updated design of the equipment to be used as a comparison for budget allocations.

In December 2014, the Town received correspondence from a resident complaining about the state of the Mary Crescent play space. The resident was advised that Officers were preparing a report for the February 2015 Council Meeting to request that funds be allocated to replace the play equipment. Officers did not receive the requested quotes and designs in time to prepare and present a report to Council in December 2014.

### STRATEGIC IMPLICATIONS

This project relates to the following areas in the Town's Corporate Business Plan (2014 -2018):

- Foster and enhanced public space;
- Build a sense of belonging and connectivity in community;
- Encourage and support community connections.

### COMMENT

There are two different plans adopted by Council that can assist in guidance for the development of the playspace at Mary Crescent Reserve - the Playspace Implementation Plan and the Mary Crescent Reserve Concept Plan.

The Mary Crescent Reserve Concept Plan specifies that the following items would be included in the playground structure:

- Aboriginal art motifs included in the paving/softfall;
- Lighting to Australian Standards;
- Connecting path networks;
- Artificial shade;
- Suitable for teenagers and smaller children; and
- Located close to public buildings.

The Playspace Implementation Plan classifies the Mary Crescent Reserve playspace as a 'neighbourhood' level playspace. This would include three to five play structures, softfall and surrounding amenities. The plan recommends this playground as a priority two with an estimated figure of \$83,000 to be allocated for the Mary Crescent playground in the financial year 2013/14. It also suggests that the Town consult the public in regards to the design of the playspace.

The redevelopment of the tavern site for residential purposes and the proximity of Alf Faulkner Hall and Sparx Childcare Centre mean that a redevelopment of this playground is desired to further enhance the amenity of the area for local residents.

The desired outcomes for this playground:

- Provide an improved play experience for a range of various aged children;
- Provide a safe environment for play;
- Provide a significant sized 'neighbourhood' playspace;
- Recognise the Aboriginal Heritage of the site by including animal motifs in the design;
- Ensure sufficient shade cover for the play area;
- Appropriate location; and
- Provide surrounding amenities including seats, barbeques, tables, a path network and lighting.

This proposal seeks to utilise the natural shade provided by the large trees surrounding the desired area. This is the ideal scenario rather than placing a built structure in a naturally kept area. This also provides savings on the cost of installing and maintenance of an artificial shade structure. Whilst the falling foliage from the trees may be problematic, the installation of rubber softfall makes it easier for residents and Staff to address these user safety issues.

The use of the rubber softfall also allows the Town to meet the objective of the Mary Crescent Reserve Concept Plan by including the Aboriginal animal motifs in the softfall design. This would also meet recommendations in the Town's Reconciliation Action Plan to recognise Aboriginal Heritage and include forms of Aboriginal Art at Mary Crescent Reserve.

Whilst sand or woodchips is the desired softfall type for 'neighbourhood' and 'local' level playspaces for their additional play elements, given the significance of the area and the desired inclusion of the animal motifs, the use of rubber softfall is appropriate in this instance.

The lighting of the playground is provided for in the Mary Crescent Reserve Concept Plan and should be considered with the implementation of the Concept Plan path network.

As outlined in the Playspaces Implementation Plan the surrounding community will have the opportunity to have input in the design of the playground. It is anticipated that a community workshop be held prior to approving the final design.

A figure of \$150,000 should provide a significant 'neighbourhood' level playspace incorporating elements from both the Mary Crescent Reserve Concept Plan and the Playspace Implementation Plan. Including:

- Play equipment including installation and earthworks (\$60,000 - \$75,000);
- Rubber softfall with Aboriginal animal motifs in the design (\$40,000 - \$50,000);
- Other costs which could include any consultations to review the cultural heritage approvals and site works monitors fees, reticulation work, signage, Aboriginal motif artist fees, security and other remedial or preparation works (\$25,000 - \$30,000).

It should be noted that the Playspace Implementation Plan specified the cost of the playground as being \$83,000. This needs to be interpreted in context as being 2009 values and it does not generally reflect the scale of the playspace defined in the Mary Crescent Reserve Concept Plan. As such the Officer recommendation requests the allocation of sufficient funds for this project.

## STATUTORY REQUIREMENTS

Local Government Act 1995

## FINANCIAL CONSIDERATIONS

Council is requested to consider an allocation of \$150,000 in the draft 2015/16 budget to install the playground at Mary Crescent Reserve.

Cash in lieu contribution is to be provided to the Town from the redevelopment of the Range View Hotel, The 2005 Mary Crescent Concept Plan Officer Report linked implementation to cash in lieu contributions from the Eden Hill Shopping Centre, Range View Hotel and the Towns service station site at the corner of Ivanhoe Street and Morley Drive.

Council may consider requesting the Minister approve the use of part of the Cash-in-lieu contribution from the Rangeview Hotel redevelopment for this project.

**OFFICER RECOMMENDATION — ITEM 10.15**

That Council:

1. Lists \$150,000 in the draft 2015/16 Budget for the redevelopment of the Mary Crescent Reserve Playground; and
2. Subsequent to budget approval requests Ministerial approval to utilise \$150,000 of cash-in-lieu funds once received from the subdivision of Lot 3 Morley Drive, Eden Hill, for the Mary Crescent Reserve Playground redevelopment.

**Voting requirements: Absolute Majority**

**10.16 Northcliffe Disaster Relief Funds Donations (Ref: COMR/SPONSHP/1 – Mike Costarella, Director of Corporate Services)**

**APPLICATION**

The purpose of this report is to consider donating to the Northcliffe Disaster Fund being organised by the Shire of Manjimup.

**BACKGROUND**

The area of some 33,000 ha within the Shire of Manjimup was recently burnt and destroyed - houses and large areas of farming land. The farming land is generally for wheat farming and this year's crop was being removed for sale. A number of the property owners have no other income and the fire has created a very grave situation that has left farmers with no income for the future. They are currently being assisted by State Government and not for profit agencies, however, this cannot continue indefinitely and the Shire of Manjimup would appreciate any financial assistance that can be provided.

The disaster Relief Appeal will be distributed by the Shire of Manjimup in the near future.

**STRATEGIC IMPLICATIONS**

This item is not listed in any of Council's strategic plans.

**COMMENT**

Staff were made aware of this through social media and given the destruction within the Shire of Manjimup, it would seem reasonable to contribute to this worthy cause.

The Town has previously provided some financial assistance to other Local Governments where there has been a relief funds established.

The Shire of Manjimup is collecting the funds and will distribute these in the near future.

**STATUTORY REQUIREMENTS**

Nil

### FINANCIAL CONSIDERATIONS

Council has included an amount in the 2014/15 Budget of \$10,000 (A/C 391392) and to date has expended \$7,800. Staff suggest that a Council donation of \$2,000 be provided to the Shire of Manjimup.

### OFFICER RECOMMENDATION – ITEM 10.16

That Council approves the donation of \$2,000 to the Shire of Manjimup's Northcliffe Disaster Appeal for the relief efforts in the Shire of Manjimup fires.

**Voting requirements: Simple majority**

**10.17 2014/15 Budget Review (Ref: FINM/BUGTG/1 – Ken Lapham, Manager of Corporate Services)**

**APPLICATION**

- The report has been prepared for Council to adopt a revised 2014/15 budget. The audited actual opening surplus for the 2014/15 financial year was reported to Council at the 28<sup>th</sup> October 2014 meeting.
- The report is to review the Budget and suggest amendments that will provide a closing position (Surplus/Deficit) at 30 June 2015 for the 2014/15 financial year.

**ATTACHMENTS**

**Attachment No. 15:** 2014/15 Revised Budget

**BACKGROUND**

In preparing the 2014/15 Budget, it was estimated that the closing surplus for the 2013/14 financial year would be 277,049. Following the completion of the annual audit for the 2014/15 financial year, the confirmed position was surplus of \$331,494.

A report was tabled at the Audit and Risk Management Committee in October 2014 (endorsed by Council in October 2014) providing an overview of the Financial Statements & the Audit Report for the period ending 30 June 2014. As part of this report, it was recommended that the Leave Entitlement Reserve Fund required additional funding to reduce Council's liability. Accordingly, it was resolved to transfer \$54,445 to the Leave Entitlement Reserve Fund. This reduces the liability for Leave Entitlements to \$884,787.

**STRATEGIC IMPLICATIONS**

To provide good governance through transparency, efficiency and effectiveness.

**COMMENT**

A copy of the 2014/15 revised Budget, which includes the individual amendments, is included as an attachment.

In reviewing the 2014/15 Budget and incorporating the amendments and actual surplus for the 2013/14 financial year of \$331,494 the changes made to the various accounts has resulted in a revised estimated closing surplus at 30 June 2015 of \$35,199. The original estimate was \$27,750 when Council adopted the 2014/15 Budget on 27 June 2014.

Lot 14 Iveson Street is listed in the current budget for sale, however, the land will be remediated in 2014 and relisted in the 2015/16 Budget (\$470,000). If the funds are received prior to the 30 June 2015, a budget amendment will be required.

The attachment to this agenda provides a list of all the accounts that were amended. This consists of the following summarised changes:

DESCRIPTION	ORIGINAL BUDGET	REVISED BUDGET	AMENDMENTS	OPENING/ CLOSING BALANCE
ADOPTED CLOSING SURPLUS				\$27,750
VARIOUS MAINTENANCE PROJECTS	\$3,877,912	\$3,813,702	(\$64,210)	
CAPITAL WORKS	\$863,585	\$975,206	\$111,621	
OPERATING EXPENDITURE	\$4,219,260	\$4,388,082	\$168,822	
OPERATING INCOME	(\$17,168,410)	(\$17,389,729)	(\$221,319)	
BALANCE AFTER AMENDMENTS				\$5,086
ADJUSTMENT - TRANSFERS TO RESERVES				(\$74,249)
ADDITIONAL OPEN SURPLUS				\$54,445
ADJUSTMENTS - TRANSFERS FROM RESERVES				\$31,000
CLOSING SURPLUS - 30/6/2015				\$44,032

A further review will be undertaken in May 2015 that will review the progress of capital works projects, and the tracking of the operational Budget actuals to budget.

### FINANCIAL CONSIDERATIONS

The 2014/15 Budget has been revised to reflect the known changes and projected income and expenditure for the year ended 30 June 2015.

## STATUTORY REQUIREMENTS

Local Government (Financial Management) regulations 1996

33A. Review of budget

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

*\*Absolute majority required.*

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

## OFFICER RECOMMENDATION – ITEM 10.17

That, in accordance with Local Government (Financial Management) Regulation 33A and the Local Government Act, Council approves the amendments to the 2014/15 adopted Budget, as attached to the Ordinary Council Agenda of 24 February 2015.

**Voting requirement: Absolute majority**

**10.18 Local Government Metropolitan Structural Reform and Integrated Long Term Planning Reporting following Announcement by the Minister for Local Government (Ref: GOVN/AMALG/1 –Bob Jarvis, CEO)**

**APPLICATION**

Following the announcement by the Premier that the current structural reform process has been withdrawn by the State Government and the Governor's Orders will be revoked, the Town will be required to comply to the integrated planning legislation within the Local Government Act.

Council is requested to consider either an interim review of the Community Strategic Plan (to comply with the Local Government Act) or it has the option of a total review of the community strategic plan and its informing strategies.

**BACKGROUND**

On 17 February 2015, the State Government announced that it would not proceed with the Metropolitan Structural Reform and would repeal the Governor's Orders that were gazetted on 24 December 2014.

This was a result of the referendums that were held in the Town of East Fremantle, City of Kwinana and the City of South Perth, which resulted in retaining the status quo for those Councils and then meant a flow on effect to the remaining local governments.

The State Government also stated that it did not support forced amalgamations and boundary changes where the communities were opposed to the proposal.

Following the loss to the State Government of the polls held in the Town of East Fremantle, City of South Perth and City of Kwinana, the Premier stated:

*"The State Government has put its local government reform agenda on hold, with Governor's orders for boundary adjustments that are not supported by the councils involved to be revoked.*

*Premier Colin Barnett said boundary adjustments for 15 metropolitan councils would only proceed if affected councils provided a council resolution in support of it.*

*The onus of achieving the many benefits of a modern, streamlined and efficient system of local government now rests with the Councils themselves.*

*We will work with each council on a case-by-case basis. This is about achieving value for money for ratepayers. We will work with those Councils that wish to continue on the reform path, or who have proposals for alternative mergers they wish to consider.*

*Any financial contribution to this process will only be considered in the case of a merger.”*

*The Premier said he appreciated the work undertaken by the City of Vincent and the City of Perth on the proposed City of Perth Act and this legislation remained a Government priority and was due to be introduced in this session of State Parliament.*

*“We will proceed with the City of Perth Act, whether Vincent is included or not,” he said.*

*Local Government Minister Tony Simpson said the State Government started down the path of local government reform at the request of the local government sector after successive reports questioned the financial sustainability of many small Councils.*

*“They asked us to show leadership on this issue; we’ve done that but accept that some councils refuse to move forward. The ball is now in their court,” Mr Simpson said.*

*“The Minister will invite mayors from adjoining local governments to discuss with him the proposed mergers and signify their Council’s intent. Governor’s orders will be revoked for mergers that aren’t supported by the Councils,” he said.*

The Mayor and CEO met with the Minister Simpson on 19 February 2015, at which time the Minister confirmed that the reform process was over and that Governor’s Orders would be revoked as soon as possible.

At a Special Council meeting held on the 10 February 2015, Council resolved that:

- “1. Council resolves that the Premier be advised that given the fundamental failure of the reform process as a result of the polls concluded on 7 February 2015, that the Town of Bassendean is opposed to a boundary adjustment continuing, without its community having an opportunity to similarly express their views on the proposal, and calls upon the State Government to repeal the Governor’s Orders issued in December 2014 – Local Government (Bassendean and Bayswater – Abolition and Change of Boundaries), abolishing the Town of Bassendean and changing the boundaries of the City of Bayswater to include the area of the abolished Town of Bassendean;*
- 2. The repeal come into effect as soon as possible, so that affected local governments can get on with the job of preparing their budgets for the 2015/16 financial year, and continue to deliver good governance for their districts;*
- 3. The Town of Bassendean will no longer participate in the reform process, including attending Local Implementation Committee meetings; and*
- 4. The City of Bayswater be advised of the Council Resolution from this meeting.”*

#### STATUTORY IMPLICATIONS

Schedule 2.2 of the Local Government Act 1995  
Section 5.56 of the Local Government Act 1995  
The Local Government (Administration) Regulations 1996  
Regulation 19C, 19D and 19DA  
Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —*
  - (a) the capacity of its current resources and the anticipated capacity of its future resources; and*

- (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
  - (c) *demographic trends.*
- (6) *Subject to sub regulation (9), a local government may modify its strategic community plan, including extending the period the plan is made, in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*

*\*Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

*[Regulation 19C inserted in Gazette 26 Aug 2011 p. 3483-4.]*

*19DA. Corporate business plans, requirements for (Act s. 5.56)*

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
  - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
  - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*

- (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*
- \*Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

#### FINANCIAL IMPLICATIONS

The Town has included an amount of \$15,000 (A/C 401333) in the 2014/15 adopted budget for the Structural Reform process which will not be used and can be reallocated for the review of the Community Strategic Plan and development of the Corporate Business Plan.

#### STRATEGIC IMPLICATIONS

Vision 2030

*"By the Year 2030, the Town is widely recognized as an ideal, highly accessible urban hub location in which to participate in a cohesive, vibrant, and diverse community lifestyle and thriving local business economy within a high quality built and natural environment".*

#### COMMENT

As a continuing Local Government, the Town is required to comply with the Local Government Act and regulations for the 2015/16 financial year.

Accordingly, we need to commence a review of:

- The 2013- 2023 Community Strategic Plan;
- The 2014-2018 Corporate Business Plan;

- The Informing Strategies;
  - Asset Management Plans;
  - Long Term Financial Plans; and
  - Workforce Plan.

These will provide the information required to develop and present the 2015/16 Budget.

**OFFICER RECOMMENDATION - ITEM 10.18**

That Council:

1. Acknowledges the advice from the Premier that the reform of metropolitan local government will no longer proceed and that the State Government will repeal the Governors Orders as soon as possible;
2. Commences the review of the 2013-2023 Community Strategic Plan in accordance with the requirement of the Local Government Act and present a draft to Council in April 2015; and
3. Commences the review of the 2014-2018 Corporate Business Plan and informing Strategies for the 2015/16 financial year.

**Voting requirement: Simple majority**

**10.19 Home and Community Care 2014-2015 Growth Funding Application (Ref: Mona Soliman, Manager Seniors and Disability Services)**

**APPLICATION**

For Council to receive the \$25,304 Home and Community Care (HACC) 2014-2015 Growth Funding; approve it to be spent supporting the Town's provision of HACC services and the replacement of office and day centre equipment as approved by the State Minister for Health Dr Kim Hames, MLA

**BACKGROUND**

In June 2014, an application to the Department of Health HACC Program was made for Growth Funding for the purpose of:

- Providing Seniors and Disability Services with additional funding to meet increasing demand for Social Support and Domestic Assistance services; and
- Replacing old and outdated equipment for the day centre and the office.

The Town was successful and recurrent funding of \$8,435 was received in this financial year for Social Support and Domestic Assistance (being 60% of total additional annual recurrent amount of \$16,869) and non-recurrent funding of \$34,942 was received for the purchase of the replacement of day centre and office equipment.

**STRATEGIC IMPLICATIONS**

Funding of the additional 100 hours of Social Support and 300 hours of Domestic Assistance will enable Seniors and Disability Services to increase current staff hours and provide clients with much needed services.

Funding for day centre provides the replacement of the old dishwasher, outdoor setting and therapeutoc massage chair, enhancing the environment for HACC eligible cients.The outdoor setting will promote more frequent use of the patio area and the enjoyment of the outdoors in line with the Active Aging Policy.

The funding of the IT equipment and multifunction centre (printer/coier) office equipment will provide for more efficiency and less down time due to the oudated equipment currently used.

## STATUTORY REQUIREMENTS

Local Government Act 1995  
WA Disability Services Act 1993 (Amended 2004)  
Active Ageing Policy adopted November 2003.

## FINANCIAL IMPLICATIONS

Existing staff will be able to increase their hours to provide the additional 400 hours of service and no further costs associated with recruitment will be incurred i.e. clients will receive the full benefit of the funding. Similarly the funding for the capital items are fully inclusive and no further outlay is required.

The success of this application will result in the 2015-2016 Deed of Variation including 100% growth funding in the new Annual Funding Level of \$1,543,081.

## OFFICER RECOMMENDATION – ITEM 10.19

That Council:

1. Receives the Funding amount of \$25,304;
2. Approves the expenditure of the funding in accordance with the funding body guidelines; and
3. Amends the 2014/2015 Budget to reflect the grant.

**Voting requirements: Absolute majority**

**10.20 Quarterly Reports for Quarter Ended 31 December 2014**  
**(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 December 2014.

ATTACHMENTS

**Attachment No. 16:** 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 10.20

That Council receives the Quarterly Reports for the quarter ended 31 December 2014.

**Voting requirements: Simple majority**

**10.21 Hyde Retirement Village - Annual General Meeting held on 13 October 2014 (Ref: COMS/MEETS/2 - Mona Soliman, Manager, Seniors and Disability Services)**

APPLICATION

Council is requested to receive the report on the Hyde Retirement Village Annual General meeting held on 13 October 2014.

ATTACHMENTS

**Attachment No. 17:** Minutes of the Hyde Retirement Village – Annual General Meeting held on 13 October 2014.

BACKGROUND

The meeting was chaired by the Mr Graeme Haggart, Director Community Development. Other Officers in attendance were the Director Corporate Services, Manager Seniors and Disability Services and Administration Officer, Seniors and Disability Services. The meeting was also attended by eleven residents from Hyde Retirement Village.

STRATEGIC IMPLICATIONS

The involvement of Hyde Retirement Village residents in the governance of the complex is in line with the Town's goal of Building a sense of belonging and connectivity in the community.

COMMENT

The attached minutes provide full details of proceedings, however, of major significance is the election of the new Committee members – John Dawson, Robyn Jefferson, Joy Clarke, Brenda Rodgers and Lorraine Phillips.

STATUTORY REQUIREMENTS

The Town fulfilled its obligation to hold the Annual General Meeting and the elections of new members.

FINANCIAL CONSIDERATIONS

The 2013-2014 financial statements were tabled at the meeting by the Director Corporate Services and residents were provided with the opportunity to ask questions.

OFFICER RECOMMENDATION – ITEM 10.21

That Council receives the report on a meeting of the Hyde Retirement Village Annual General held on 13 October 2014.

**Voting requirements: Simple Majority**

**10.22 Audit & Risk Management Committee Meeting held on 4 February 2015 (Ref: GOVNCCL/MEET/3, Michael Costarella, Director Corporate Services)**

APPLICATION

The purpose of this report is for Council to receive the report on a meeting of the Audit & Risk Management Committee held on 4 February 2015.

ATTACHMENT

**Attachment No. 18:** Minutes of the Audit & Risk Management Committee meeting held on 4 February 2015 and Confidential Report (separate cover)

COMMENT

The following items were discussed:

**Local Government Compliance Audit Return 2014**

APPLICATION

The report presents the Local Government Compliance Audit Return 2014, 1 January to 31 December 2014 to Council in order that the report be adopted.

**Outstanding Debtor and Unauthorised Works - Ashfield Recreation Reserve Ashfield and Lease Dispute**

This matter was considered behind closed doors, in accordance with Section 5.23 of the Local Government Act 1995.

The report considered by the Audit and Risk Management Committee is included as a Confidential Attachment.

With reference to Recommendation Nos 8 and 9, the Club has already been advised of this recommendation.

COMMITTEE RECOMMENDATION – ITEM 10.22

That:

1. Council adopts the Compliance Audit Return 2014 for the period 1 January to 31 December 2014, as attached to the Agenda of 4 February 2015;
2. The financial statements and budget presented to the Audit and Risk Management Committee, be received;

3. The Ashfield Sports Club be requested to provide monthly financial statements to 30 June 2015;
4. In order that the Ashfield Sports Club can pay the majority of its arrears by the 30 June 2015, the Club be required to make the following monthly payments, by direct debit :

February	\$2,500
March	\$2,500
April	\$4,500
May	\$4,500
June	\$4,500
5. The current direct debit for the loan repayment of \$1,377 by the Ashfield Sports Club be continued as a separate reimbursement of the existing loan;
6. Any invoice incurred after the 1 January 2015 be paid by Ashfield Sports Club in full by the due date (30 days from the issue of the invoice);
7. Any unauthorised works carried out by the Ashfield Sports Club be rectified no later than the 28 February 2015;
8. A retrospective building application be submitted to Council by the Ashfield Sports Club, together with a certified plan for approval by the Town by 28 February 2015; and
9. Subject to the unsuccessful outcome of any of the above items, the CEO be delegated authority to terminate the lease of the Ashfield Sports Club and seek expressions of interest from other sporting clubs or non-profit organisations to the lease the property under a new lease agreement until the expiry of the existing lease.
10. Receives the report on a meeting of the Audit and Risk Management Committee held on 4 February 2015.

**Voting requirement:**

**Points 1 to 8 and 10 - Simple majority**  
**Points 9 - Absolute majority**

**10.23 Municipal Heritage Inventory Review Committee Meeting held on 11 February 2015 (Ref: GOVN/CCLMEET/30 – Yvonne Zaffino, Council Support Officer)**

APPLICATION

This report is to inform Council on the meeting of the Municipal Heritage Inventory Review Committee held on 11 February 2015.

ATTACHMENTS

**Attachment No. 19:** Minutes of the Municipal Heritage Inventory Review Committee Meeting held on 11 February 2015

BACKGROUND

The role of the Committee have been defined as objectives within the Committee's Instrument of Appointment and Delegation as being to make recommendations to enable Council to complete the review of the Bassendean Municipal Heritage Inventory.

COMMENT

At the meeting, the Committee carried out the Election of Presiding and Deputy Presiding Members. Cr Paul Bridges and Ms Jennie Collins were elected in the positions respectively.

The Committee discussed the review of the Municipal inventory and the processes and timeframe to conduct the current review, was noted. The Committee made recommendations to Council that is shown below.

STATUTORY REQUIREMENTS

Local Government Act 1995.

FINANCIAL CONSIDERATIONS

Nil

**COMMITTEE RECOMMENDATION – ITEM 10.23**

That:

1. The report on a meeting of the Municipal Heritage Inventory Review Committee held on 11 February 2015 be received;
2. Council writes to the owners of those properties already on the Municipal Inventory to advise them of the review; and
3. The information be included in the Bassendean Briefings to inform the public of the review and to also invite nominations for properties to be added to the Municipal Inventory.

**Voting requirement: Simple majority**

**10.24 Children and Family Services Committee Meeting held on 11 February 2015 (Ref: GOVN/CCLMEET/24 – Graeme Haggart, Director Community Development)**

**APPLICATION**

This report is to inform Council on the meeting of the Children and Family Services Committee held on 11 February 2015.

**ATTACHMENTS**

**Attachment No. 20:** Minutes of the Children and Family Services Committee Meeting held on 11 February 2015

**BACKGROUND**

The Children and Family Services Committee meets quarterly on the second (or third) Wednesday in the months of February, May, July and October.

The roles of the Committee have been defined as objectives within the Committee's Instrument of Appointment and Delegation as being:

1. To advise Council on current trends and issues relating to services for children and their families and recommend associated strategies, policies and programs to meet the needs of current and future residents and visitors to the Town of Bassendean.
2. To make recommendations to Council for establishing equality of service provision in terms of services for Children and Families, Seniors and Youths
3. To identify aspirations and needs of families and children within the Town in a community development framework to articulate emerging priorities for provision of services and infrastructure
4. To recommend to Council issues to be considered for inclusion within the Town's strategic plans.
5. To identify facilities which ensure that parents and children have access to quality services that are appropriate to their needs regardless of their family circumstances, linguistic and cultural background, sexual orientation, religious or political conviction, age or any other factor identified in the Equal Opportunity Act of 1984.

Membership of the Committee includes:

- Two Councillors of the Town of Bassendean;
- Up to six resident representatives, including one representing indigenous residents;
- One representative from Health Department;
- One representative from Department of Education and Training
- One Independent Industry Expert.

### STRATEGIC IMPLICATIONS

The Children and Family Services Committee:

- Improves the organisations capability and capacity; and
- Supports inclusiveness and social wellbeing of residents of the Town through building a sense of belonging and connectivity in the community by encouraging people of all abilities to actively in community life and democratic process.

### COMMENT

At the meeting Committee considered the following items:

1. Local Government Reform developments
2. Committee Work Program:

a. Playgrounds:

Committee discussed the lack of progress with funding strategies to achieve the Regional Playground; Solar lighting is to be installed at the Ashfield District Playground; and Gary Blanch Reserve and Mary Crescent Reserve play structures were discussed.

b. Youth Zone:

The Committee was advised that Main Roads was unable to change the give way sign for a stop sign at the left turning slip way into West Road from Guildford Road but had installed a Children Crossing sign. Following further discussion it was agreed to investigate installing a chain between bollards to provide a behavioural guide.

- c. Progress in the capital works program relevant to a “Child Friendly Community” were discussed including: Ashfield Reserve toilet block replacement, path network construction, Point Reserve jetties remediation and street furniture installation in Old Perth Road.

Activities of and representation at the Bayswater Bassendean Early Years Group was also discussed.

3. The Manager Children Services provided an up-date on activities in the Wind in the Willows Child Care Centres including: A parent breakfast will be held on 15 March and the kitchen at the Ashfield Centre will be renovated over the Easter break.

#### STATUTORY REQUIREMENTS

Local Government Act 1995.

#### FINANCIAL CONSIDERATIONS

Nil

#### OFFICER RECOMMENDATION – ITEM 10.24

That the report on a meeting of the Family and Children Services Committee held on 11 February 2015, be received

**Voting requirement: Simple majority**

**10.25 Accounts for Payment – December 2014 and January 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. 21:** List of Accounts

**BACKGROUND**

The Monthly payments made for the period 1 December 2014 to 31 January 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 their allocated budget.

**OFFICER RECOMMENDATION - ITEM 10.25**

That Council receives the List of Accounts paid for December 2014 and January 2015 as attached to the Ordinary Council Agenda of 24 February 2015.

**Voting Requirements: Simple majority**

**10.26 Financial Statements - December 2014 and January 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. 22:** Financial Statements for December 2014 & January 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 - (This provides 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 - (This provides the actual cash transactions and movements for the month as well as year amount at the bank.)
- Notes to the Financial Statements include:
  - Borrowings
  - Rating Information
  - Accounts Receivables
  - Investments
  - Reserves
  - Capital Works Program
  - Trust Fund
  - Budget Amendments
  - Outstanding Creditors List
  - Outstanding Debtors List
  - Budget Amendments

## STRATEGIC IMPLICATIONS

### *Leadership and Governance*

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

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

## COMMENT

### December 2014

The Summary of Financial Activity (Income by Nature & type) is indicating that income for the Year to date is 8.5% ahead of Budget. Interest on investments is on target. Grants, Subsidies and Contributions, are 21% ahead of budget forecasts, and Fees & charges are 4.4% ahead of budget.

Expenditure by nature & type for YTD is 5.% below Budget expectations. Employee costs are 2.3% behind budget estimates.. Materials & contracts, is well under expended. Insurance Premiums are over budget expectations in the current reporting period.

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

### January 2015

The Summary of Financial Activity (by Nature & type) shows the YTD operating income is 9.4% ahead of operating budget estimates, due mainly to income from Grants, subsidies & contributions.

Expenditure by nature & type for YTD is 4.45% under operating budget estimates. This is mainly due to the major areas of expenditure, being materials & contracts, being under expended.

## STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

### FINANCIAL CONSIDERATIONS

The Financial Statements provide an overview of the income and expenditure for the period ended 31 January 2015.

### OFFICER RECOMMENDATION – ITEM 10.26

That the Financial for the period ended 31 December 2014 and 31 January 2015, as attached to the Ordinary Council Agenda of 24 February 2015, be accepted.

**Voting Requirements: Simple majority**

**10.27 Determinations Made by the Manager Development Services and Reported to Council (Ref: LUAP/PROCED/1 – Brian Reed, Manager Development Services)**

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

	<b>Planning applications</b>		
2014-147	27 ANSTEY ROAD BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2014-154	59 ANZAC TERRACE BASSENDEAN 6054	4 MULTIPLE DWELLINGS	DELEGATE APPROVED
2014-178	11 IVANHOE STREET BASSENDEAN 6054	ADDITIONAL DWELLING TO REAR OF EXISTING TO FORM TWO GROUPED DWELLINGS	REFUSED
2014-180	25 BRIDSON STREET BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2014-184	UNIT A 35 WALTER ROAD EAST BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2014-185	53 HAMILTON STREET BASSENDEAN 6054	TWO GROUPED DWELLINGS	DELEGATE APPROVED
2014-193	4 DRYSDALE STREET EDEN HILL 6054	OUTBUILDING	DELEGATE APPROVED
2014-194	4 SHACKLETON STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2014-200	33 BLOCKLEY WAY BASSENDEAN 6054	SINGLE HOUSE AND ANCILLARY DWELLING	DELEGATE APPROVED
2014-201	18 BARTON PARADE BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2014-203	35 NORTHMOOR ROAD EDEN HILL 6054	PATIO	DELEGATE APPROVED
2014-205	34 PALMERSTON STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2014-208	81 WHITFIELD STREET BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2014-211	143 KENNY STREET BASSENDEAN 6054	ANCILLARY DWELLING AND ADDITIONS / ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2014-217	8 ANZAC TERRACE BASSENDEAN WA 6054	CARPORT AND PATIO	DELEGATE APPROVED
2014-219	28 FREELAND WAY EDEN HILL 6054	ANCILLARY DWELLING	DELEGATE APPROVED
2014-220	45 MALEY STREET ASHFIELD 6054	SINGLE HOUSE	DELEGATE APPROVED
2014-222	44LOT JAMES STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO EDUCATIONAL ESTABLISHMENT	DELEGATE APPROVED
2014-224	49 MCDONALD CRESCENT BASSENDEAN 6054	OPEN AIR STORAGE YARD	DELEGATE APPROVED
2014-225	72 REID STREET BASSENDEAN 6054	GARAGE	DELEGATE APPROVED

2014-228	158 MORLEY DRIVE EDEN HILL 6054	OUTBUILDING	DELEGATE APPROVED
2014-232	2 YELLAND WAY BASSENDEAN 6054	CHANGE OF USE FROM WAREHOUSE TO FACTORY	APPROVED
2014-235	8 REID STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2014-236	UNIT 1 4 WHITFIELD STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2014-237	17 KENMURE AVENUE ASHFIELD 6054	RETROSPECTIVE APPROVAL FOR RETAINING WALL	DELEGATE APPROVED
2014-238	14 BASSENDEAN PARADE BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2014-240	UNIT 6 36 DEVON ROAD BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2014-242	99 IVANHOE STREET EDEN HILL 6054	TWO PATIOS	DELEGATE APPROVED
2014-244	UNIT A 51 THIRD AVENUE BASSENDEAN 6054	SINGLE HOUSE	APPROVED
2015-002	44 RUGBY STREET BASSENDEAN 6054	CARPORT	DELEGATE APPROVED
2015-003	62 BROADWAY BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO GROUPED DWELLING	DELEGATE APPROVED
2015-007	65 MARGARET STREET ASHFIELD 6054	DEMOLITION OF TOILET BLOCK	DELEGATE APPROVED
2015-010	UNIT A 12 HYLAND STREET BASSENDEAN 6054	SINGLE HOUSE - REVISED APPROVAL	DELEGATE APPROVED
2015-011	65 WEST ROAD BASSENDEAN 6054	ADDITION OF ADMINISTRATION BUILDING TO EDUCATIONAL ESTABLISHMENT	DELEGATE APPROVED
2015-016	85 WALTER ROAD EAST EDEN HILL 6054	CHANGE OF USE TO OFFICE (PROFESSIONAL)	DELEGATE APPROVED
2015-017	9 RIVER STREET BASSENDEAN 6054	CHANGE OF USE to ancillary dwelling	DELEGATE APPROVED
2015-018	18 BARTON PARADE BASSENDEAN 6054	AMENDMENT TO PREVIOUSLY APPROVED SINGLE HOUSE	DELEGATE APPROVED
2015-020	33 BLOCKLEY WAY BASSENDEAN 6054	ANCILLARY ACCOMODATION - AMENDMENT TO FORMERLY APPROVED DA2014-200	DELEGATE APPROVED

	<b>Subdivisions</b>		
70-15	54 HARDY ROAD ASHFIELD 6054	TWO SURVEY STRATA	DELEGATE APPROVED
99-15	26 SCADDAN STREET BASSENDEAN 6054	3 LOT SURVEY STRATA	CONDITIONALLY APPROVED
1339-14	97 WEST ROAD BASSENDEAN 6054	THREE LOT SURVEY STRATA	DELEGATE APPROVED
1366-14	11 FOURTH AVENUE BASSENDEAN 6054	TWO LOT SURVEY STRATA	DELEGATE APPROVED
1388-14	46 CYRIL STREET BASSENDEAN 6054	TWO LOT PLUS COMMON PROPERTY SURVEY STRATA	DELEGATE APPROVED
1414-14	55 THIRD AVENUE BASSENDEAN 6054	TWO LOT PLUS COMMON PROPERTY SURVEY STRATA	DELEGATE APPROVED
1558-14	5 SEVENTH AVENUE BASSENDEAN 6054	TWO LOT SURVEY STRATA	DELEGATE APPROVED
151121	101 WEST ROAD BASSENDEAN 6054	TWO LOT SUBDIVISION	DELEGATE APPROVED
151125	55 CHESTERTON ROAD BASSENDEAN 6054	TWO LOT SUBDIVISION	DELEGATE APPROVED
151166	90 IVANHOE STREET EDEN HILL 6054	THREE LOT SUBDIVISION	DELEGATE APPROVED
151320	18 HYLAND STREET BASSENDEAN 6054	TWO LOT SUBDIVISION	DELEGATE APPROVED
151362	25-27 HAMILTON STREET BASSENDEAN 6054	3 LOT AMALGATION	DELEGATE APPROVED
151363	38 HAMILTON STREET BASSENDEAN 6054	THREE LOT SUBDIVISION	DELEGATE APPROVED
	<b>Permits</b>		
ALF-4	9-11 OLD PERTH ROAD BASSENDEAN 6054	ALFRESCO DINING (TO THE WOODS)	DELEGATE APPROVED

**OFFICER RECOMMENDATION – ITEM 10.27**

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

**Voting requirement: Simple majority**

## **10.28 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>
50869	Graeme Haggart	OCM1-16/4/11 - Ashfield Community Action Network Funding	First meeting for 2015 last week. Planning activity for the year - including social events in Gary Blanch Res; Dogs Dinner; Ashfield Flats foreshore community forum.
71251	Graeme Haggart	OCM- 15/12/13 - Request for Assistance - Provision of Land, Applicant: Lions Club of Bassendean	St John's Board to consider the request for an easement for access at their Feb meeting. TADWA has written with formal approval to lodge an easement on their leasehold. Draft lease being prepared. Survey of demised site required.
72971	Graeme Haggart	OCM-28/2/14 - Bassendean Local Emergency Management Committee Meetings held on 11 December 2013 & 5 February 2014	Is in line with Federal Governments resilient communities principles. Item being pursued by LGIS.
74286	Graeme Haggart	OCM-6/11/14, OCM-5/4/14 - Lease to Foundation Housing	Draft Lease received. Being considered by Officers.
76705	Graeme Haggart	OCM-18/07/14 - Regional Playground - application to Minister for Planning to use cash in lieu reserve funds	No determination on the application was made this month.
79909	Michael Costarella	OCM-11/12/14 and 21/12/14 - Audit & Risk Management Committee Meeting held on 10 December 2014	Emailed decision of Council to the Club on the 17th December and we are awaiting their response which will form part of a report to the February Audit Committee. <b>Recommend deletion.</b>

79568	Simon Stewert-Dawkins	OCM-27/11/14 - Notice of Motion – Cr Pule: Repairing Erosion Damage on the River Foreshore	On the 15th January 2015 DOS chaired a meeting on-site with representatives from the Western Australian Planning Commission (Land Owner), Department of Planning (Land Manager) and Swan River Trust (River Manager) to highlighting on-going Ashfield Flats Reserve foreshore and reserve management issues and to seek a way forward to rehabilitate the foreshore. The WAPC, DoP and SRT representatives all agreed to work together to take the required actions in order to rehabilitate the foreshore erosion. The DoP and SRT have jointly funded foreshore restoration work scheduled to commence 16 Feb 2015. <b>Recommend deletion.</b>
79908	Simon Stewert-Dawkins	OCM-7/12/14 - Street Tree – 1 Prowse Street, Bassendean	In accordance to OCM-7/12/14 the Town wrote to the 1 Prowse Street resident on Thursday 18th December and provided a copy of the Arborist report. <b>Recommend deletion.</b>
78817	Brian Reed	OCM-10/10/14 - Request for Council to initiate a Scheme Amendment - Lot 10; No. 81 North Road, Bassendean	Subject to a report to the February 2015 Council meeting. <b>Recommend deletion.</b>
79905	Christian Buttle	OCM-4/12/14 - Section 31 – Reconsideration for Proposed Nine (9) Multiple Dwellings on Lot 37; (No. 5) Fourth Avenue, Bassendean	State Administrative Tribunal advised of Council decision. <b>Recommend deletion.</b>
78090	Ken Cardy	OCM-23/9/14 - Notice of Motion- Cr Pule: Senior Citizens' Hall Acoustics Problem	Advice from curtain manufacture is that no curtains will support acoustic improvement within the hall. There are too many windows and entries to the hall. As previously advised a proper acoustic report is required or purpose built sound attenuation panels may be required. <b>Recommend deletion.</b>
78822	Ken Cardy	OCM-15/10/14 - Significant Trees – Nomination of Four Street Trees for inclusion in the Town of Bassendean's Significant Tree Register	A report to Council regarding BIC Pine Trees is being presented for February 2015 OCM. <b>Recommend deletion.</b>
79561	Sharna Merritt	OCM-11/11/14 - Request for Restricted Parking – Palmerston Street, Bassendean	Signs have been installed. <b>Recommend deletion.</b>
79906	Sharna Merritt	OCM-5/12/14 - Request for Restricted Parking – Old Perth Road, Bassendean	Signs have been installed. <b>Recommend deletion.</b>
79911	Tim Clark	OCM-22/12/14 - Premier's Australia Day Active Citizenship Awards	Awards presented to recipients. <b>Recommend deletion.</b>

**OFFICER RECOMMENDATION – ITEM 10.28**

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 24 February 2015, be deleted from the Implementation of Council Resolutions list.

**Voting Requirements: Simple majority**

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

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

23/12/14 Deed of Agreement between the Commonwealth as represented by the Department of Veterans' Affairs, the Repatriation Commission and the Military Rehabilitation and Compensation Commission and the Town of Bassendean - Anzac Centenary Grants Program.

2/02/15 Permanent Withdrawal of Caveat on Lots 7 & 101 (4-6) Parker Street and Lots 183-186 (1-7) Kenny Street, Bassendean - Mrs L Saint

5/02/15 Notification Under Section 70A of the Transfer of Land Act 1893 limiting use of the ground floor at 12A Hyland Street , Bassendean, due to the land being situated within the flood plain of the Swan River, between J E Jasson & S J Jasson and the Town of Bassendean.

5/02/15 Withdrawal of Caveat relating to Deed of Indemnification - Lot 301; 12A Hyland Street, Bassendean, between Jeffrey Edwin Jasson & Sharon Lisa Jasson and the Town of Bassendean - Development within the Swan river flood plain

**OFFICER RECOMMENDATION – ITEM 10.29**

That Council authorises the affixing of the Common Seal to the documents listed in the Ordinary Council Meeting Agenda of 24 February 2015.

**Voting Requirements: Simple majority**

**10.30 Calendar for March 2015 (Ref: Sue Perkins, Executive Assistant)**

Mon	2 Mar		Labour Day Public Holiday – Offices closed
Thu	5 Mar	6.00pm	Perth Airports Municipalities Group Meeting – City of South Perth (Cr Lewis)
Tue	10 Mar	6.00pm	Citizenship Ceremony, Community Hall
Wed	11 Mar	10.00am	Access & Inclusion Committee Meeting Council Chamber (Cr Pule)
Wed	18 Mar	5.30pm	Economic Development Advisory Committee Meeting – Council Chamber (Crs Gangell & Lewis)
Tue	24 Mar	7.00pm	Ordinary Council Meeting – Council Chamber
Fri	27 Mar	5.00pm	Youth Advisory Council Meeting – Youth Services

**OFFICER RECOMMENDATION - ITEM 10.30**

That the Calendar for March 2015 be adopted.

**Voting Requirements: Simple majority**

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

### **11.1 Notice of Motion – Cr Pule: Commemorating the former War Memorial site on Old Perth Road**

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

*“That the Town acknowledges the former site of the War Memorial by:*

- 1. Declaring that site a Commemorative Site, where the War Memorial stood for many years and where the people of Bassendean came each ANZAC Day to pay their respects to those who served.*
- 2. Propose and consult with the people of Bassendean on the design and contents and invite commemorative plaques, interpretation signs and the planting of an Anzac Cove Pine from seeds of those at the BIC, within a budget of \$20,000.*
- 3. Council to note request by Carol Seidel.”*

#### **COMMENT – CR PULE**

1. The War Memorial was originally erected at the corner of Wilson Street and Old Perth Road and then moved to the site in front of the Administration building when the Library was built. The original site and the former site are nowhere acknowledged and should be acknowledged, in respect to the dedicated attendance of many Bassendean people.

The War Memorial is now being erected on the BIC because the former site was no longer suitable to meet the needs of the ANZAC Day Ceremony.

The former site is still important to a number of Bassendean people and there is a need to show them that respect. Additionally, the site where the War Memorial stood and the original site itself is worthy of Commemoration.

This can be done by the above proposal.

Council can wisely, include those who have expressed their connection to the former site, by including them and any other people of Bassendean, in having a significant input in the design of the commemorative plan.

This will acknowledge the respect and dedication those people of Bassendean gave over many years to those that served and made sacrifice in defending their home land and its people.

2. Funding can be applied from available funds in budgeted costs from the Civic Gardens Project to start the project to the value of \$20,000. This money is now available from the October Ordinary Council Meeting when \$44,000 was transferred to general funds from the War Memorial Project.

That means the project can be done during this financial year.

3. This is part of the long term Strategic Plan... *“to improve the quality of life in Bassendean and engage the Community in Integrated Planning.”*

#### Email From Carol Seidel

*“I would like to suggest that where the War Memorial was located in the Council Gardens in Old Perth road, that the council should consider planting a Memorial tree at the same location as a replacement for the War Memorial, this would in my opinion would recognise historically the location of the War Memorial. I think the community would want the site to be recognised as well as a important part of Bassendean history.*

*Ideally, it would be good to get a pine tree similar to the species of the pine trees on the BIC Reserve or similar to the pine trees brought back from Anzac Cove, a plaque could be placed at the tree base recognising the War Memorial’s previous location/s.*

*I think it’s important that the serious effort is made to have a War Memorial tree for future generations to understand the importance of Anzac Day services that are held in this Town are taken very seriously by the community at large.*

*I would ask that the Council give serious consideration to my recommendation that we have a War Memorial tree planted in the same exact location as where the War Memorial was once located in the Council gardens, in front of the Town of Bassendean Administration and Community Centre building in Old Perth Road, Bassendean*

*yours sincerely  
Carol Seidel”.*

### OFFICER COMMENT

At the October 2014 Ordinary Council meeting, Council meeting, Cr Pule submitted a Notice of Motion regarding the former War Memorial site. This Notice of Motion lapsed due to the want of a Secunder.

In accordance to the Standing Orders 2011 clause 5 (6) - Motions of which previous notice has been given; if a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

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

### 13.0 CONFIDENTIAL BUSINESS

- 13.1 Proposed Land Swap of 27L Hyland Street and Part Lot 271; 116 Hamilton Street, Bassendean (Ref: DABC/BDVAPPS/2012-073 Brian Reed, Manager Development Services)

*This matter is to be considered with members of the public excluded from the Chamber under Clause 5.23 (2) (c) and (d) of the Local Government Act 1995, as the Officer report discusses details of a proposed contract to be entered into.*

- 13.2 Request for approval of unbudgeted expenditure associated with Town Panning Services for State Administrative Tribunal Services First Avenue and Guildford Road : Correspondence received from Harley Dykstra Planning and Survey Solutions(Ref: (Ref: DA2013-198 & DA2013-179 - Brian Reed, Manager Development Services)

*This matter is to be considered with members of the public excluded from the Chamber under Clause 5.23 (2) (c) and (d) of the Local Government Act 1995, as the Officer report discusses details of a proposed contract to be entered into.*

**14.0**                      **CLOSURE**

The next Ordinary Council meeting will be held on Tuesday 24 March 2015.