

TOWN OF BASSENDEAN

NOTICE OF ORDINARY COUNCIL MEETING

Dear Council Members

An Ordinary Meeting of the Council of the Town of Bassendean will be held on Tuesday, 25 July 2017 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

BOB JARVIS
CHIEF EXECUTIVE OFFICER

20 July 2017

A G E N D A

Councillors, please note that the Briefing Session is open to the public and will commence at 5.00pm. A meal for Councillors and Officers will be provided at 6.00pm; and the Ordinary Council meeting will commence at 7.00pm.

Cr Pule will be the facilitator for the Briefing Session.

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

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

Members of the public are requested to sign the attendance sheet located on the table at the rear of the Council Chamber.

2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

2.1 Questions Taken on Notice

Ms Nonie Jekabsons, 6 Barton Parade, Bassendean

At the 2017 June Ordinary Council meeting, a question was asked in relation to the proposed concrete batching plant about whether the water they intended to use for dust suppression was recycled and therefore could be contaminated with dust.

The following response has been provided to Ms Jekabsons by the Acting Manager Development Services:

“The Town has been in contact with the Department of Water with respect to their issuing of Groundwater Licence No. 182137(1) and the Department of Environment Regulation with respect to the issuing of Works Approval No. W5986/2016/1 in relation to the proposed concrete batching plant at 2-8 Clune Street, Bassendean. It should be noted that recently, these two departments have been amalgamated to form the Department of Water and Environment Regulation.

The following questions were asked in relation to the issuing of the relevant licenses:

‘As part of the process of issuing this licence, are any tests of the water to be used in conjunction with the processes on the development site (i.e. dust suppression) undertaken?’

‘As part of this works approval will there be any ongoing monitoring of water management on site to ensure that contaminated water is not transferred off premises (i.e. by vehicle movement)?’ (Department of Environment Regulation only)

The Department of Environment Regulation provided the following response:

‘The application for a works approval included details of the permit from the then Department of Water to extract up to 45 kl of groundwater per year for the purposes of concrete batching. No specific tests were required on this water.

The approved design ensures that all process wastewater is recycled into the concrete batching process and is not discharged either to soak wells or off-site drainage.

Stormwater from the forecourt and areas near the raw materials bins will be directed to a settlement basin and the overflow from the settlement basin will go to a soak well and only then can water from the soak well overflow and discharge to the Lot discharge point to off-site drainage.

Upon commissioning of the site, it will be registered with the Department of Water and Environment Regulation (DWER). A registration does not carry individual conditions.

There will be no on-going monitoring plan for this site after registration. However the site is subject to the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998 and the Environmental Protection (Unauthorised Discharge) Regulations 2004 which both address contaminated run-off.'

The Department of Water stated that no tests of the water used in conjunction with the process on the development site would be undertaken however some water quality data surrounding the site can be found at <http://wir.water.wa.gov.au/Pages/Water-Information-Reporting.aspx>

I hope this information addresses your query."

Ms Kathryn Hamilton, 53 Broadway Street, Bassendean

At the 2017 June Ordinary Council meeting, Ms Hamilton asked if the CEO could provide a complete list of motions passed by Council over the last four years that have not yet been actioned.

The CEO will provide Ms Hamilton with a list of outstanding Council resolutions by email and post, when the report has been finalised on Friday, 21 July 2017. Please note this report is prepared for Councillors on the Friday prior to the Council meeting, so that any actions to finalise a resolution can be recorded prior to the meeting.

2.2 Public Question Time

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

2.3 Address by Members of the Public

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

It should be noted that Public Statements are not recorded in the minutes. Statements raised by members of the public must be regarding items on 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 27 June 2017 **(Attachment No. 1)**

OFFICER RECOMMENDATION – ITEM 5.1(a)

That the minutes of the Ordinary Council meeting held on 27 June 2017, be received.

OFFICER RECOMMENDATION – ITEM 5.1(b)

That the minutes of the Ordinary Council meeting held 27 June 2017, be confirmed as a true record.

5.2 Special Council Meeting held on 10 July 2017 **(Attachment No. 2)**

OFFICER RECOMMENDATION – ITEM 5.2(a)

That the minutes of the Special Council meeting held on 10 July 2017, be received.

OFFICER RECOMMENDATION – ITEM 5.2(b)

That the minutes of the Special Council meeting held 10 July 2017, be confirmed as a true record.

6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION

7.0 PETITIONS

8.0 DECLARATIONS OF INTEREST

9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

10.0 REPORTS

10.1 Adoption of Recommendations En Bloc

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

Standing Orders Local Law 2011, Clause 5.4 states:

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

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

OFFICER RECOMMENDATION – ITEM 10.1

That Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda of 25 July 2017:

Item	Report
10.2	Unauthorised Development of a Double Carport at Lot 56; No. 1 Garnsworthy Place, Bassendean
10.3	Section 31 – Reconsideration Invitation from the State Administrative Tribunal - Condition of Development Approval Relating to Right-of-Way Construction for 3 Grouped Dwellings on Lot 746 (No. 9) Broadway, Bassendean
10.4	Joint Metropolitan Central Development Assessment Panel Application for Convenience Store (Petrol Station) – Strata Lot 3, Lot 125 (No. 335) Collier Road, Bassendean
10.5	Proposed Fenced Dog Exercise Areas - Anzac Terrace Reserve & Palmerston Square Reserve
10.8	Quarterly Report for Period Ended 30 June 2017
10.9	Access and Inclusion Committee Meeting held on 5 July 2017
10.10	Determinations Made by the Principal Building Surveyor
10.11	Determinations Made by Development Services
10.12	Use of the Common Seal
10.13	Calendar for August 2017
10.14	Implementation of Council Resolutions
10.15	Accounts for Payment - June 2017
10.16	Financial Statements – June 2017

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

Item	Report
10.6	Request by Casa Mia Montessori School to Purchase 11 Hamilton Street, Bassendean
10.7	Bassendean Oval Football Facilities Business Plan
11.1	Notice of Motion – Cr Pule: Report on potentials of Lots 162, 163 Anstey Road, Bassendean
11.2	Notice of Motion – Cr Pule: Life Cykel
11.3	Notice of Motion – Cr Bridges: Verge Treatment and Maintenance Policy
13.1	Vandalism of Street Trees – Adjacent to No. 1 Garnsworthy Place Bassendean
13.2	Sports Achievement Awards

10.2 Unauthorised Development of a Double Carport at Lot 56; No. 1 Garnsworthy Place, Bassendean (Ref: DABC/BDVAPPS/2016-130 - Timothy Roberts, Planning Officer)

APPLICATION

The purpose of this report is to seek Council authorisation to commence prosecution proceedings in the event that an unauthorised carport is not removed from the above mentioned property within 28 days.

ATTACHMENTS

Attachment No. 3:

- Arrangement on site prior to current ownership;
- Aerial photography confirming date of build;
- Annotated photographs of unauthorised development identifying various planning conflicts; and
- Compliance letter to property owner.

BACKGROUND

During an inspection associated with the damage of a street tree at the property, which is subject to a separate report in this agenda, Planning Staff became aware of an unauthorised carport.

COMMUNICATION & ENGAGEMENT

Nil.

STRATEGIC IMPLICATIONS

OBJECTIVE: Enhance the Town's appearance.

STRATEGIES: Improve amenity and the public realm.

COMMENT

The Town's records indicate that the current owners purchased the property on 20 April 2015 with the date of settlement being 8 June 2015. The attachments illustrate the arrangements on site when the current owners took ownership of the property. This image was taken from Google Maps and is dated February 2015. The Town's aerial photography (attachment) demonstrates that the unauthorised development (carport) was constructed sometime between September 2015 and February 2016 whilst the current owners were in possession of the property.

The unauthorised structure raises a number of non-compliance issues as the structure does not satisfactorily address the Town's requirements (attachment). If a development application was lodged with the Town, the carport would not be approved. There are also a number of upgrading requirements to the associated crossover that need to be considered and this would be problematic given the positioning of the parking structure in line with a street tree. Compliance of the unauthorised development against the relevant legislation will be discussed under the statutory requirements section of this report.

STATUTORY REQUIREMENTS

The application is subject to the provisions of the Town's adopted Local Planning Scheme No. 10, Local Planning Policy No. 12 and provisions of the Residential Design Codes of Western Australia which specifies development controls for carports.

LOCAL PLANNING SCHEME NO. 10

Any development of land is to comply with the provisions of the Scheme. The Scheme requires that the development of land for any residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes. Where the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes, an application for approval to commence development is required.

In considering an application for development approval the local government is to have due regards to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims of provisions of the Scheme and any other local planning schemes operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (g) any local planning policy for the Scheme area;

- (m) the compatibility of the development with its setting including the relationship of the development 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 development;
- (n) the amenity of the locality including the environmental impacts of the development and the character of the locality;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved; and
- (s) the adequacy of the proposed means of access to and egress from the site.

RESIDENTIAL DESIGN CODES OF WESTERN AUSTRALIA (R-Codes)

All residential development is to comply with the requirements of the R-Codes. Approval under and in accordance with the R-Codes is required if the proposed residential development does not satisfy the deemed-to-comply provisions of Part 5 as appropriate and proposes to address a design principle of Part 5 which therefore requires the exercise of judgement by the decision maker.

Clause 5.2.1 of the R-Codes (setback of garages and carports) requires carports within lots coded R20 to be setback from the primary street at 6 metres.

Clause 5.1.2 of the R-Codes (street setback) allows this 6 metre primary street setback to be reduced to 3 metres when the area intruding into the setback area is compensated for by at least an equal area of open space between the 6 metre setback line and the line drawn parallel to it at twice the setback distance.

Whilst the carport does provide an equal area of open space as required under this provision, it does project further than the minimum allowable 3 metre setback. As such the development is required to be assessed against the relevant design principles. The unauthorised development does not adequately address the following design principles relevant to street setbacks:

Buildings set back from street boundaries an appropriate distance to ensure they contribute to, and are consistent with an established streetscape.

Building mass and form that uses design features to affect the size and scale of the building;

Building mass and form that uses appropriate minor projections that do not detract from the character of the streetscape;

Building mass and form that minimises the proportion of the façade at ground level taken up by the building services, vehicle entries and parking supply and

Building mass and form that positively contributes to the prevailing development context and streetscape.

Clause 5.3.5 of the R-Codes (vehicular access) requires driveways to be located to avoid street trees and to align at right angles to the street alignment. Driveways are also required to be adequately paved and drained. Vehicle access to the site does not reflect these 'deemed-to-comply' requirements and is therefore required to be assessed against the relevant design principles. It is considered that the unauthorised development does not adequately address the following design principles relevant to vehicular access:

Vehicular access provided for each development site to provide reduced impact of access points on the streetscape;

Vehicular access provided for each development site to provide legible access;

Vehicular access provided for each development site to provide minimal crossovers; and

Vehicular access provided for each development site to provide high quality landscaping features.

Clause 5.3.9 of the R-Codes (stormwater management) requires all stormwater runoff from structures to be directed to garden areas, sumps or rainwater tanks within the development site. The stormwater arrangements for the unauthorised development are unacceptable in that stormwater is not contained on site.

Clause 5.4.4 of the R-Codes (external fixtures) requires that where external fixtures are provided as part of a development, they are to be suitably screened when visible from the primary street. A recently installed air conditioning unit for the property is visible from Garnsworthy Place and does not adequately address this provision.

LOCAL PLANNING POLICY NO. 12: DEVELOPMENT WITHIN THE FRONT SETBACK POLICY

The local government is to have due regard to the provisions of any Local Planning Policy and the objectives in which the Policy is designed to achieve before making a determination.

Local Planning Policy No. 12: Development within the Street Setback Area applies to the development of carports within the street setback area of residentially zoned land and is intended to ensure an acceptable standard of complementary and compatible designs for structures in the street setback area that enhance and preserve streetscapes within the Town. The unauthorised development at 1 Garnsworthy Place encroaches into the front street setback beyond the minimum 3 metre setback and as such is subject to the provisions contained within this policy.

Lean-to carports are only supported where they are placed behind the Residential Design Code building line, and/or are set to the side of an existing dwelling. As the unauthorised lean-to carport is located within the front street setback, the material, design and finishes shall match in all respects those of the dwelling on the lot. As a minimum standard, the roof of the structure is to have the same pitch and be finished in sheet metal or tile to match the roof colour of the existing residence. Support columns should be provided in brick or an alternate material to match the materials of the dwelling facing the street.

The unauthorised carport has a roof pitch, colour and form that is inconsistent with the existing dwelling. The front two support columns have not been provided with brick piers and rendered in a material/colour to match the materials of the dwelling facing the street. The unauthorised carport does not adequately address the provisions within the policy.

COUNCIL POLICY 1.5: CROSSOVER POLICY

This policy provides specifications for the construction of vehicle crossovers within the Town. As part of its assessment of any development associated with vehicular access, the Town will always look to ensure that existing crossovers are upgraded to meet these requirements.

The policy encourages property owners to upgrade old bitumen crossovers. This is promoted via the conditions of development approval. As development approval was not sought for the unauthorised carport, the crossover was not able to be upgraded and as such remains non-compliant and in poor condition. Driveways shall be designed to minimise the number of crossover points to the street and any street tree within the adjacent verge is to take precedence.

Any crossover is to be setback 1.5 metres from an existing street tree and crossovers are required to align with the internal access to the property. The width of the carport promotes side-by-side car parking whereas the existing approved crossover is only single width. The driveway and approved crossover do not align as required.

The property owners access the second car parking bay via an unapproved crossover of compacted sand that does not meet the objectives and specifications of this policy. Street trees are to take precedence over crossovers and the number of crossovers per site is to be minimised. The current vehicular access arrangements on site are not able to be supported.

RECOMMENDATION

A person must not contravene or fail to comply with the provisions of the Scheme. A person must not commence any development within the Scheme area otherwise than in accordance with the Scheme and unless all approvals required by the Scheme have been granted and issued.

Section 218 of the Planning and Development Act provides that a person who contravenes or fails to comply with the provisions of a local planning scheme or commences development which is required to comply with a Local Planning Scheme otherwise than in accordance with that scheme is guilty of an offence.

The maximum penalty for an offence under section 218 of the Planning and Development Act is \$200,000, along with a maximum daily penalty of \$25,000 for each day during which the offence occurs.

On 18 July 2017, a letter (attachment four) was hand delivered to the owner notifying them of this non-compliance. The owner was advised that the matter was being referred to a Council meeting for consideration.

Noting the above assessment of the unapproved works against the relevant planning provisions, there is no real scope for development approval should an application for retrospective approval be lodged with the Town. Therefore, and considering all other relevant factors associated with this property, it is the officers recommendation that Council authorises the Chief Executive Officer to commence prosecution proceedings in the event that the carport is not removed within 28 days from when the property owner was notified.

FINANCIAL CONSIDERATIONS

Should the Town be required to resort to legal action, the costs of prosecution proceedings are estimated to be approximately \$1,500. The local government may recover expenses under section 214 of the Planning and Development Act in a court of competent jurisdiction.

OFFICER RECOMMENDATION — ITEM 10.2

That Council authorises the Chief Executive Officer to initiate legal action if the carport at Lot 56; No. 1 Garnsworthy Place, Bassendean, is not removed within 28 days of Council's resolution.

Voting requirements: Simple Majority

10.3 Section 31 – Reconsideration Invitation from the State Administrative Tribunal - Condition of Development Approval Relating to Right-of-Way Construction for 3 Grouped Dwellings on Lot 746 (No. 9) Broadway, Bassendean (Ref: DABC/BDVAPPS/2017-056 – Christian Buttle, Acting Manager Development Services)

APPLICATION

Council, by virtue of an order made by the State Administrative Tribunal, has been invited to reconsider its decision to refuse to delete condition 12 of development approval for 3 Grouped Dwellings at Lot 746 (No. 9) Broadway, Bassendean.

Condition 12 requires:

“The car parking spaces and driveways on site being connected to Railway Parade by the provision of an adequately paved, drained and kerbed right-of-way, constructed to the Town’s specifications.”

The condition was included in an approval issued under delegated authority in November 2014 and the decision refusing to delete the condition was made by Council at its meeting held 26 April 2017.

ATTACHMENTS

Attachment No. 4:

- Altus Planning and Appeals ‘Grounds for Review’ (undated);
- Planning Bulletin 22/2017 (Jan 2017) Rights-of-way or laneways in established areas; and
- Altus Supplementary Submission dated (18 July 2017).

BACKGROUND

Original Application

In November 2014, development approval was granted for 3 grouped dwellings at the above property by the Manager Development Services under delegated authority. The proposal involved two dwellings with a direct frontage to Broadway, together with a dwelling to the rear served by a pedestrian access way to Broadway, with all vehicular access to be provided via the right-of-way at the rear of the property.

Condition 12 of the approval required *“the car parking spaces and driveways on site being connected to Railway Parade by the provision of an adequately paved, drained and kerbed right-of-way, constructed to the Town’s specifications.”* This condition was supplemented by an associated footnote.

Application for Reconsideration

By letter dated 13 March 2017, the applicant requested that the condition be modified to read *“The applicant is required to seal, kerb, and drain the full frontage of their property to the laneway, for their half of the laneway (i.e. in our case 2.75 x full frontage of 9 Broadway to the ROW).”*

The matter was considered by Council at its meeting held 26 April 2017, at which time it resolved as follows:

“COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.2

OCM – 5/04/17 - MOVED Cr Bridges, Seconded Cr Gangell, that Council:

1. *Refuses the application to modify condition 12 of the planning approval for three grouped dwellings at Lot 746 (No 9) Broadway, Bassendean, issued on 25 November 2014 for the following reasons:*
 - a) *The means of access to the site would be contrary to Clause C5.1 of the Residential Design Codes which requires that where access is taken from a right-of-way, the right-of-way is required to be paved and drained from the property boundary to a constructed street;*
 - b) *The proposed means of access to and egress from the site are considered to be inadequate in accordance with clause 67(s) of the deemed provisions for local planning schemes which are incorporated into the Local Planning Scheme No. 10; and*
2. *Advises the applicant that Council intends to develop a comprehensive policy dealing with rights-of-way commencing the second half of the 2017 calendar year.*

CARRIED 4/2

Crs Bridges, Gangell, McLennan & Lewis voted in favour of the motion. Crs Pule & Brown voted against the motion.”

Application for Review to State Administrative Tribunal

By way of correspondence dated 12 May 2017, an application for review (appeal) was lodged with the State Administrative Tribunal against the Council resolution not to delete the condition of approval requiring the development to be connected to Railway Parade by an adequately paved, drained and kerbed right-of-way.

The matter was discussed at a directions hearing on 9 June 2017, at which time it was referred to on site mediation on 29 June 2017. At the conclusion of mediation, the Tribunal made the following Orders:

- “1 By 14 July 2017 the applicant is to submit to the respondent its further submissions on constructing access to the development having regard to any information that the respondent has been able to provide on the cost of construction of that access.*
- 2. Pursuant to s31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision at its meeting on 25 July 2017.*
- 3. The matter is adjourned to the Senior Member’s directions list at 2.30pm Friday 4 August 2017.”*

COMMUNICATION & ENGAGEMENT

In addition to engaging with the applicant, the Town has also liaised with the owner of No. 3 Broadway, who also has an active development approval in place, which is also subject to a condition requiring paving and draining of the right-of-way to be undertaken.

STRATEGIC IMPLICATIONS

Built Environment

Objective: Enhance connectivity between places and people.

Strategies: Advocate for improved and innovative transport access and solutions; and

Enhance road safety through design.

COMMENT

As discussed in the report that was presented to Council in April 2017, the property owner has identified policies and strategies of other local authorities which are said to support their argument for only partial paving of the right-of-way. While the approach undertaken by other Local Authorities will undoubtedly be given consideration when work on a ROW policy is undertaken during the second half of this year, it is far too early to pre-empt what recommended policy position may eventuate at that time and accordingly the position of other Local Authorities should not be relied upon at this time.

Grounds of Review from the Applicant have been provided as an attachment to this report and can be summarised as follows:

- (a) The R-Codes do not provide any guidance on who would be responsible for bearing costs in a situation such as that which exists;
- (b) There is no established Local Planning Policy providing guidance on the matter; and
- (c) The matter of upgrading is discussed within Planning Bulletin 33/2017 – Rights-of-way or Laneways in Established Areas (dated January 2017).

Planning Bulletin 33/2017 is provided as an attachment to this report.

Lack of discussion within the R-Codes in relation to who is responsible for bearing the cost of the required works does not provide the Applicant with any benefit. Where development of this kind is proposed, the Deemed-to-comply provisions of the R-Codes are clear (under clause 5.3.5 C5.1) that vehicle access from a ROW is only acceptable where such ROW is “adequately paved and drained from the property boundary to a constructed street” as was required by the original condition of approval for the development.

Similarly, the lack of an established Local Planning Policy is not of benefit to the Applicant. Although a policy is intended to be prepared in relation to this matter during the second half of this year, this policy preparation has not yet commenced. As such, it is far too early to pre-empt what Council’s future policy stance on this matter may be. In the absence of an adopted policy, the R-Code requirement calling for access from development of this kind to be from a ROW that is adequately paved and drained from the property boundary to a constructed street becomes the default requirement.

The Applicant has made reference to Planning Bulletin 33 – Rights-of-way or Laneways in Established Areas. This Bulletin establishes the Western Australian Planning Commission’s (WAPC) policy, practice and procedures regarding residential and commercial development and subdivision adjoining existing ROW’s.

The Bulletin states that:

“The upgrading of rights-of-way to a sealed and drained standard should be required in areas of intensification of residential and commercial development.

It is suggested that proponents of development with sole vehicular access via the right-of-way should be required to seal and drain the portion of right-of-way abutting the subject property (if not already constructed to that standard) and make trafficable (to the satisfaction of the local government) the rest of the right-of-way to the closest public street.”

While the Bulletin uses different terminology between the portion of the ROW abutting a development site (sealed and drained) to the remainder of the ROW (make trafficable), it is important to note that any arrangement to be accepted is to be to the satisfaction of the local government.

Quotes for Paving and Draining ROW

In order to assist with gaining an understanding of the cost of work to be undertaken to pave and drain the entirety of the ROW from the rear of 9 Broadway to Railway Parade, the Town agreed to seek quotes as part of the SAT mediation process. Of the three quotes that were requested, two responses were received, the cheapest being \$37,794.42 (INC GST) with the second being \$53,047.17 (INC GST). The second (more expensive) quote contained items that were not included in the first, but even when these items are removed (to allow a direct comparison with the first quote) the second quote remained more expensive (\$46,944.70 INC GST) than the first.

The quotes covered:

- Paving and Draining the entirety of the ROW from 9 Broadway to Railway Parade (320 square metres);
- Kerbing; and
- Draining.

Cost Contribution from Owner – 9 Broadway

Having regard to the quotes received, the Applicant (on behalf of the owner of No. 9 Broadway), has indicated that they would be agreeable to payment of a sum of \$10,319.05 toward the paving and draining of the ROW between the rear of 9 Broadway and Railway Parade.

The position of the Applicant is detailed in correspondence dated 18 July 2017 which has been provided as an attachment to this report.

The \$10,319.05 figure equates to the cost of the portion of the ROW to be paved which sits immediately behind No. 9 Broadway (approximately 80 square metres or 25% of the project area).

Cost Contribution from Owner - 3 Broadway

Councillors may recall that a valid development approval is also in place for No. 3 Broadway which allows for a Change of Use for this property to a restaurant. (Approval issued 7 December 2016)

The approval for this development requires the provision of two car parking spaces which are accessed from the ROW and which are connected to Railway Parade by a paved and drained ROW.

A discussion with the owner of this property on 18 July 2017 confirmed that:

- The owners of Nos. 3 and 9 Broadway have held discussions regarding the construction of the ROW;
- The owner of No. 3 Broadway is himself a bitumen contractor who is able to undertake the work. It is likely that he could undertake the work at a cheaper rate than that which the Town has been quoted;
- The owner of No. 3 would be agreeable to paying for the paving and draining of the ROW adjoining their property (i.e. same position advocated by the owner of No. 9 Broadway); and
- The owner of No. 3 Broadway advocates a cost sharing arrangement for the overall works which is broken down in the following manner:
 - (a) ROW adjacent to vacant block at No. 1 Broadway – Town pays for cost of construction;
 - (b) ROW adjacent to No. 3 Broadway – Owner of 3 Broadway pays for cost of construction;
 - (c) ROW adjacent to already developed Nos 5-7 Broadway – Town pays for cost of construction; and
 - (d) ROW adjacent to No. 9 Broadway – Owner of No. 9 pays for cost of construction.

The potential involvement of the owner at No. 3 Broadway complicates the current SAT process slightly, as the approval for this property cannot be drawn into the current review proceedings. It is, however, of relevance for any discussions that are held outside of the SAT review process.

The area of the ROW adjoining the rear of No. 3 Broadway is approximately 40 square metres or around 12.5% of the project area.

In very basic terms, the approach advocated by the owners of both Nos. 3 and 9 Broadway (based on a project cost of approximately \$40,000) would equate to the following:

Party	% Responsibility of 320 sq.metre area to be paved and drained	Approx Cost of Project Share
Owner - No. 3 Broadway	12.5% of Project Area – 40 square metres	\$5,000
Owner - No. 9 Broadway	25% of Project Area – 80 square metres	\$10,000
Town of Bassendean	62.5% of Project Area – 200 square metres	\$25,000

Conclusion

The following summarises the main options that are available to Council in dealing with this matter:

1. Agree to a Cost Sharing Arrangement

In simple terms, the arrangement that has been advocated by the owners of Nos. 3 and 9 Broadway would result in a cost sharing arrangement as shown in the table above.

While the concept of cost sharing involves some degree merit, there are implications associated with this approach, such as:

- The owner of No. 3 Broadway not being a part of the SAT proceedings and therefore not being able to be formally drawn into any agreement that can be reached with the owner of No. 9 Broadway as part of the current review proceedings; and
- There being no budget for the expenditure by the Town.

Questions of equity also arise in relation to the development projects at Nos. 3 and 9 Broadway being subsidised by other ratepayers in the absence of the project not being part of any adopted formalised capital works program.

For the reasons identified above, this option is not favoured.

2. Allow a Lesser Standard of ROW Construction

This approach would allow the owners of the respective properties to pave and drain the sections of ROW directly adjoining their properties (full width), with the remainder of the ROW to be made trafficable to the satisfaction of the Town.

This approach is not advocated for the following reasons:

- Ad hoc construction of sections of the ROW is not the most preferable form of construction;
- There may be future disagreement in relation to what an 'acceptable' standard is for the sections of the ROW not directly abutting the development sites; and

- This standard of construction does not match that which is expected within the R-Codes and which was expected by the Town when approval was granted for the development in 2014.

If the property owner had a concern with respect to the condition of approval requiring the paving and draining of the ROW, then this should have been raised in 2014 immediately after approval was granted for the development and not in 2017 when the development has already been effected.

3. Decline Request

This approach would maintain status quo and would mean that the Application for Review (Appeal) would run its full course.

While there would be some degree of uncertainty associated with the outcome if this course of action were pursued, it is the preferred arrangement for the following reasons:

- The owner has been aware of their obligations since 2014;
- The Town would not have approved the proposed development in the absence of satisfactory vehicle access being provided (i.e. paving and draining the ROW as required by the approval);
- The property owner would not have enjoyed the same development entitlements in the absence of the ROW being paved and drained. (Likely maximum alternate development potential would have been 1 Single House in lieu of 3 Grouped Dwellings);
- Maintaining a requirement for the paving and draining of the ROW offers the greatest incentive for this owner to liaise with the owner of No. 3 Broadway in completing works (noting that they have a similar responsibility linked to their development approval);
- Discussions with the owner of No. 3 Broadway reveal that the owners of both properties have been in discussion in relation to required works; and
- Noting that the owner of No. 3 Broadway owns a business which carries out the type of work that is required to be undertaken, it is apparent that the owners of both properties can have the work undertaken for a figure that is less than the \$38,000 that the Town has been quoted.

STATUTORY REQUIREMENTS

The conditional approval for the 3 Grouped Dwellings was issued in November 2014 and in line with normal practices, the applicant and owner were advised that if they were dissatisfied with the decision, that an appeal could be made within 28 days from the date of the approval.

Appeal rights changed, however, in 2015 with the introduction of the deemed provisions for local planning schemes. These provisions now allow a landowner to make application to the local government to amend or delete any condition to which the approval is subject, irrespective of the time from when the approval was originally granted.

Any new determination becomes a reviewable decision, with the owner able to make a review to the State Administrative Tribunal, as has occurred in this instance.

FINANCIAL CONSIDERATIONS

Financial implications will vary depending upon what course of action Council decides to follow.

In the event that Council reinforces the requirement for the ROW to be paved and drained by the Applicant, no costs will be incurred in conjunction with ROW construction, however costs will be incurred (solicitors fees) in conjunction with defending the remainder of the Application for Review (appeal).

In the event that Council accepts the landowners proposition (Council contributing to the construction of a paved and drained ROW from the development site to Railway Parade), costs of anywhere up to around \$28,000 will be incurred by the Town (this would vary to the extent that the owners of No. 3 Broadway contributed to the project). As there are no funds listed in the adopted budget for this project, a budget adjustment would be required to fund the required works.

In the event that Council was to allow the landowner to pave and drain the ROW adjoining their property, with the remainder of the ROW to be made trafficable to an agreed standard, it is likely that no costs would be incurred by the Town (although it is noted that this approach differs slightly from that which has been advocated by the land owner).

OFFICER RECOMMENDATION — ITEM 10.3

That:

1. In response to the invitation given by the State Administrative Tribunal in its Order dated 29 June 2017, the Town advises that it is not prepared to delete condition 12 of approval, consistent with the decision that it made at its meeting held 26 April 2017; and
2. The Applicant be advised that the Town is willing to act as facilitator in assisting the owners of Nos. 3 and 9 Broadway in meeting their obligations in paving and draining the ROW at the rear of their respective properties through to Railway Parade in order to satisfy obligations under their respective development approvals.

Voting requirements: Simple Majority

10.4 Joint Metropolitan Central Development Assessment Panel Application for Convenience Store (Petrol Station) – Strata Lot 3, Lot 125 (No. 335) Collier Road, Bassendean, Owner: Amtank PTY LTD, Applicant: Planning Solutions (Ref: DABC/BDVAPPS/2017-087 – Dylan Stokes, Planning Officer)

APPLICATION

At its Ordinary Council meeting held in May 2011, Council resolved to require that all Joint Development Assessment Panel (JDAP) applications be the subject of a report to Council in order that Council can make an alternative recommendation to the Metropolitan Central JDAP, should it see fit.

ATTACHMENTS

Attachment No. 5:

- Development Application Report prepared by Planning Solutions dated May 2017.
- Final set of plans dated 12 July 2017.
- Correspondence on behalf of the Department of Planning dated 3 July 2017.
- Correspondence on behalf of the Department of Environmental Regulation dated 28 June 2017.
- Local Planning Policies No's 6, 8, 15, 16, 18.
- Right hand turning template prepared by the Town's Asset Services.

The proposed development incorporates a Convenience Store and has a specified value of \$2.1M. The applicant has elected to have the application decided by the JDAP in lieu of Council (the criteria for opt in applications specify a minimum project value of \$2M).

The remainder of this report includes the Planning Officer's report and recommendation to the JDAP. The report is presented in the format required by the Development Assessment Panel Regulations (Form 1 – Responsible Authority Report).

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

Council's nominated members for the JDAP are Crs Bridges and Pule. Deputy members, should the need arise, are Crs McLennan and Gangell.

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

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

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

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

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

OFFICER RECOMMENDATION – ITEM 10.4

That Council endorses the Planning Officer’s report and recommendation to the Metropolitan Central Joint Development Assessment Panel for the proposed Convenience Store on Strata Lot 3, Lot 125 (No. 335) Collier Road, Bassendean.

Voting requirements: Simple Majority

Form 1 - Responsible Authority Report
(Regulation 12)

Property Location:	Lot 125 (No. 3/335) Collier Road, Bassendean
Development Description:	Proposed Convenience Store
DAP Name:	Metropolitan Central JDAP
Applicant:	Planning Solutions
Owner:	Amtank PTY LTD
Value of Development:	\$2.1 million
LG Reference:	DABC/BDVAPPS/2017-087
Responsible Authority:	Town of Bassendean
Authorising Officer:	Dylan Stokes, Planning Officer
Department of Planning File No:	DAP/17/01224
Report Due Date:	8 August 2017
Application Receipt Date:	25 May 2017
Application Process Days:	75 days
Attachment(s):	<ol style="list-style-type: none"> 1. Applicant's Development Application Report prepared by Planning Solutions submitted on 24 May 2017. 2. Final set of plans dated 12 July 2017 (Amendments made to plans that differ from plans incorporated as part of Planning Solutions initial report) 3. Correspondence on behalf of the Department of Planning dated 3 July 2017. 4. Correspondence on behalf of the Department of Environment Regulation dated 28 June 2017. 5. Town of Bassendean Local Planning policies: <ol style="list-style-type: none"> i. No. 6 – Industrial Zones Development Guidelines; ii. No. 8 – Parking Specifications; iii. No. 15 – Percent for Art Policy; iv. No. 16 – Control of Advertisements under the Local Planning Scheme No. 10; and v. No. 18 – Landscaping with Local Plants. 6. Turning template showing a right hand turn for 19m fuel vehicles from Collier Road prepared by the Town.

Officer Recommendation:

That the Metropolitan Central JDAP resolves to:

Approve DAP Application reference DAP/17/01224 and accompanying plans:

Dwg No.	Drawing Name	Rev No.	Dwg Date
SK10	Site Plan – Car Bays	B	11 July 2017
SK08	Elevations	C	11 July 2017
T17.041.sk01b	Austroads 2013 – 19.0m Semitrailer	N/A	19 June 2017
T17.041.sk02b	Austroads 2013 – 8.8m Service Vehicle (Left turn into the site from Collier Road, accessing the fill point and right turn out onto Fairford Street)	N/A	19 June 2017
T17.041.sk03b	Austroads 2013 – 8.8m Service Vehicle (Exit the loading bay in forward gear and right turn out onto Fairford Street)	N/A	19 June 2017
T17.041.sk04b	Austroads 2013 – B99 Car (Entry from Fairford Street)	N/A	19 June 2017
T17.041.sk05b	Austroads 2013 – B99 Car (Exit to Fairford Street)	N/A	19 June 2017
Town of Bassendean Right Turn from Collier Road	Vehicle Manoeuvring Plan – 19m Semitrailer – Right hand turn (red) into the site from Collier Road	N/A	19 June 2017

In accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 subject to the following conditions as follows:

1. This approval is for the use of the building as a Convenience Store only. Any alternative use of the premises will require the submission of an application to the Town for a change of use.
2. Revised drawings shall be submitted in conjunction with the application for a building permit and such drawings shall demonstrate:
 - a. A reduced height to Price Board sign from 7m to a maximum height of 6m.
 - b. The bin area is to be masonry in construction and equipped with a hose cock. The floor must be graded to a floor waste and connected to sewer.
 - c. A replacement crossover to Fairford Street incorporating a 5m turning radius for both the crossover wings.
 - d. The median strip on Collier Road is to be modified to be flush for a length of 10m as shown on the approved turning template to allow fuel vehicles to turn right from Collier Road and adequately enter the site.
 - e. Details of a sign to be added inside the lot adjoining the Fairford Street crossover preventing fuel vehicles from entering the site from Fairford Street.
 - f. Increase the length of car bay 2 to 5.9m whilst maintaining a car bay length of 6.2m for bay 1 and 3.
3. The applicant is responsible for all costs and works associated with modifying the kerbed median strip within Fairford Street and to the modification of the median strip within Collier Road. The works are to be completed to the satisfaction of the Western Australian Planning Commission and the Town of Bassendean prior to the occupation of the Convenience Store.

4. A detailed and professionally prepared landscaping plan being submitted prior to or with the application for a Building Permit for the Town's approval which provides full detail of the scope of works to be undertaken in both the private and public realms adjoining the development site, including:
 - a. All the requirements listed under Local Planning Policy 18 including but not limited to: street frontages, contours, reticulation details, details of ground treatment and a plant legend showing:
 - i. quantity of plants,
 - ii. species name
 - iii. pot size of plants at the time of planting;
 - iv. height at full growth
 - b. Details of the location and type of proposed trees, shrubs, ground cover and lawn areas to be planted;
 - c. All plants to be of low water use;
 - d. Landscaping of the verge area adjacent to the development site, including the provision of 4 substantial street trees (2 x *Corymbia Ficifolia* to Collier Road and 2 x *Eucalyptus Todtiana* to Fairford Street) of a minimum 90L pot size in accordance with the Town's adopted Street Tree Master Plan;
 - e. Two additional shade trees located on site or in the verge with a minimum 90L pot size;
 - f. The total number of plants to be planted at a minimum rate of 4 per 1m²; and
 - g. Details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months.
5. Landscaping shall be installed and subsequently maintained in accordance with the approved landscaping plan.
6. No vehicle used for the delivery of fuel is permitted on site between 7:00am to 9:00am and 3:00pm to 7:00pm on weekdays.
7. No products, goods or materials are to be stored outside of the building, unless in a designated area approved by the Town for this purpose.
8. Fuel pumps are not permitted to the west side of the westernmost fuel bowser in accordance with the details shown on the approved drawings.
9. Separate approval being sought from the Town for any proposed fencing in Strata Lot 3.
10. All storm water being contained on site. Details of the method of storm water being submitted for approval in conjunction with the application for a Building Permit.
11. The car parking spaces and access ways to be designed and constructed in accordance with Local Planning Policy No. 8 and AS 2890.1 and being maintained thereafter to the Town's satisfaction.
12. All building works carried out under this planning approval are required to be contained within the boundaries of the subject lot.
13. Any proposed signage not clearly shown on the plans as signage is subject to a separate development application.
14. Prior to the issue of a building permit, a development bond for the sum of \$42,000 being lodged with the Town to ensure the satisfactory completion of all works associated with landscaping, car parking, access ways, screen walls, and other associated works.

15. The incorporation of public art into the proposed development or a cash-in-lieu payment of \$21,000 (one per cent of development cost) 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 with a bond being provided to the Town for the full cost of the art or alternatively payment of the required fee shall be made prior to or in conjunction with the application for a Building Permit.
16. The building hereby approved shall not be occupied until all of the conditions of development approval have been complied with to the satisfaction of the Town, unless the applicant has entered into an agreement with the Town to comply with those conditions within a specified period.

Advice Notes

1. The issue of a Building Permit is required prior to the commencement of any on-site works.
2. Modifications or works done to the existing crossovers in the verge will require approval from the Town's Asset Services. The applicant is to notify the Town's Asset Services department and gain all necessary approvals prior to commencing construction in the verge.
3. Regarding the proposed modifications to the median strip to Collier Road, the applicant is to ensure that all necessary approvals as required have been provided by the Western Australian Planning Commission.
4. Any development on the site is required to comply with the relevant Sub-surface Management Plan as found in the Mandatory Auditors Report by the Australian Environmental Auditors released on 26 June 2014.
5. In regards the modification of the median strip on Fairford Street, the applicant is advised that:
 - a. The length (L) of the splitter strip at the intersection of Fairford Street and Collier Road shall be minimum 10m in length as determined from Austroads - Guide to Road Design Part 4A (Oct, 2009) Section 6.2.2. Table 6.2.
 - b. All associated line marking shall be approved by MRWA and cost shall be borne by the developer.
 - c. All construction works within the road reserve (central median strip) shall be at developers cost and to the Town of Bassendean specifications and satisfaction.
 - d. Asphalt shall be installed where the strip was, additional hatch linemarking (where the strip was) shall be installed.
6. The applicant is advised that they must submit an Application for Approval to Establish or Alter a Food Business, together with the required plans and prescribed fee to the Health Department at the Town of Bassendean. The plans must include details such as:
 - a. Finishes of all walls, floors and ceilings;
 - b. Position and type of fixtures and fittings; and
 - c. Location of sanitary conveniences, ventilating systems, grease trap and bin storage.
7. The applicant is advised to obtain approval from the Department of Mines and Petroleum for the storage of Chemicals/dangerous goods in accordance with the Dangerous Goods Safety Regulations 2007 and Dangerous Goods Safety Act 2004.

8. All fuels, oils and other liquids shall be appropriately stored within a bunded and covered area capable of trapping any discharges. The application is to comply with the requirements of the Environmental Protection (Unauthorised Discharges) Regulations 2004. The applicant shall give consideration to the proximity/location of on-site storm water drains and soak wells to areas where spillage of fuel may occur.
9. Any existing on-site effluent disposal system (septic tanks and leach drains/soak wells on the site shall be decommissioned in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.
10. The applicant is advised that noise generated by activities on site shall not exceed the levels as set under the Environmental Protection (Noise) Regulations 1997. All development works are to be carried out in accordance with control of noise practices set out in Section 6 of AS 2436-1981 or the equivalent current Australian Standard. No works shall commence prior to 7am.

Details: outline of development application

Insert Zoning	MRS:	Industrial
	TPS:	General Industry
Insert Use Class:		Convenience Store
Insert Strategy Policy:		Not applicable
Insert Development Scheme:		Town of Bassendean Local Planning Scheme No. 10 (District Zoning Scheme)
Insert Lot Size:		3383m ² for entire site, 1177m ² for the strata lot
Insert Existing Land Use:		Lunch Bar and Motor Vehicle Repair

The application proposes the development of a ‘Convenience Store’ in a general industrial area and includes:

- A 135m² retail building;
- 4 petrol bowsers (7 bowser bays) under a fuel canopy;
- Seven (7) dedicated parking bays for staff and customers including a disabled bay and an air and water bay;
- Signage associated with the Convenience Store;
- A proposed bin store with 2m high fencing;
- Modifications of the intersection at Collier Road and Fairford Street;

The Convenience Store will operate 24 hours a day, 7 days a week, will employ 2 staff members on-site at any given time and offer the retail sale of fuel and convenience goods.

Background:

Lot 125 (No. 335) Collier Road encompasses three strata lots. The total lot size is 3383m² split between the three strata lots with an area of 2617m² used as a common property for access, parking and landscaping. The Strata configuration is as follows:

Strata Lot 1 – Existing lunch bar of 147m²

Strata Lot 2 – Existing Factory and Workshop Addition with a combined area of 502m²

Strata Lot 3 – Previously used as a Service station until 2011 upon which the existing service station was demolished and the lot has since remained vacant. The existing strata lot is 1083m²

The proposed Convenience Store falls wholly within Strata Lot 3. There is no reference on the plans or in the report provided by Planning Solutions that the existing parking within the common property area forms part of the assessment. Besides a portion of the common property used for vehicle access to Collier Road, the application has been designed wholly within Strata Lot 3.

No. 335 Collier Road is zoned general industry under the Local Planning Scheme No. 10. The subject lot is adjoined by lots zoned general industry, with fringe light industry uses located to the north and east approximately 250m away and the closest residential lot located to the northeast approximately 350m away.

The subject site is a corner lot that fronts Collier Road to the south and Fairford Street to the east. Collier Road is a dual carriageway that is a Category 2 Other Regional Road (Blue Road) under the Metropolitan Region Scheme and a District Distributor A Road under the Main Roads Functional Road Hierarchy for Western Australia. Collier Road currently carries a weekday traffic flow of approximately 17,200 vehicles. Fairford Street is a single carriageway that terminates at a junction with Collier Road.

Plans for the Tonkin Highway Northlink project were finalised in April 2015. This project proposes large scale upgrades to interchanges along Tonkin Highway and includes upgrades to the interchange at Collier Road. The project will include an upgrade to the Grey Street/Jackson Street intersection with Collier Road approximately 500m to the west of the subject site. However no upgrades will occur at the junction of Fairford Street and Collier Road.

Legislation & policy:

Legislation

- a) Planning & Development Act 2005
- b) Planning and Development (Local Planning Scheme) Regulations 2015
- c) Metropolitan Region Scheme

State Government Policies

- a) State Planning Policy 4.1 – State Industrial Buffer Policy
- b) Development Control Policy 5.1 – Regional Roads (Vehicular Access)

Local Policies

- a) Town of Bassendean Local Planning Scheme No. 10 including:
 - Clause 1.6: The Aims of the Scheme;
 - Clause 4.2.4: Objectives of the General Industry Zone;
 - Clause 5.7.2: Car parking
 - Clause 9.4: Advertising of Applications
 - Clause 10.1: Consultation with Other Authorities
 - Clause 10.2: Matters to be Considered by Local Government.

Local Planning Scheme No. 10 can be accessed via the following link:
http://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Document-Centre/Local_Planning_Scheme_10_-_Gazetted/10-Lps-No10-gazetted.pdf

- b) Local Planning Policies:
 - Local Planning Policy No. 6 – Industrial Zones Development Guidelines
 - Local Planning Policy No. 8 – Parking Specifications
 - Local Planning Policy No. 15 – Percent for Art Policy
 - Local Planning Policy No. 16 – Control of Advertisements under the Local Planning Scheme No. 10
 - Local Planning Policy No. 18 – Landscaping with Local Plants
- c) Specification for the Construction of Crossovers

Consultation:

Public Consultation

Under the Zoning Table (Table 1) of the Town's Local Planning Scheme, a Convenience Store is a 'D' or discretionary use in the General Industry Zone, which does not generate a need for public advertising of the application.

Consultation with other Agencies or Consultants

The application was referred to the following agencies for comment:

- Department of Planning (DoP) – Other Regional Road Reservation

The proposal for a Convenience Store utilises an existing crossover to Collier Road, where the 19m delivery vehicles, 8.8m service vehicles and regular vehicles will enter the site. The Planning and Development Act 2005 – Instrument of Delegation that dictates when a referral is required to the Western Australian Planning Commission relating to development affecting Collier Road. Collier Road is a Category 2 Road and Table 2 of the Instrument of Delegation states that a referral is required when the development application meets certain 'characteristics'. The application met the following characteristics:

- b) *Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation;*
- c) *Development which involves the retention of more than one existing access, or additional, relocated or new access between the subject land and the road reservation;*
- d) *Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way;*
- f) *Development on a lot affected by the regional road reservation where-*
 - *None of the proposed development is within the regional road reservation; and*
 - *Has a construction value greater than \$150,000.*

A referral response was received by the Department of Planning stating that the Department has no objection to the proposed development, but recommends conditions addressing the following:

- Restrict fuel tanker access to times outside peak hours;
- Reduce the size of the median on Fairford Street to allow for the movement of fuel tankers exiting the site;
- Upgrade the median strips along Collier Road if required, to provide them with mountable edges;
- Take measures to ensure fuel tankers do not attempt to access the site via Fairford Street;
- Consideration should be given to any measures which might be taken to improve safe access for pedestrians and cyclists (particularly crossing Fairford Street to and from the site).

- Department of Environmental Regulation (DER) – Contaminated Sites

The subject lot is associated with a Memorial for Lot 3 on Strata Plan 22003 in addition to the common property on the site. Under the Contaminated Sites Act 2003, the site is classified as 'remediated for restricted use.' The requirements under section 58(6)(b) of the Contaminated Sites Act 2003 states the following:

A responsible authority is not to grant approval under a scheme for any proposed development of that land, without seeking, and taking into account, the advice of the CEO as to the suitability of the land for the subdivision, amalgamation or development.

A referral response was received by the DER and detailed the following:

- The subject lot was classified under section 13 of the CS Act as remediated for restricted use on 4 October 2016 and a memorial was placed on the certificate of title.

- In 2012 there were remedial works that included excavation to 5.5m below ground level. Further investigations in 2013 identified that hydrocarbon, impacted soil and groundwater still remain beneath the site at approximately 5.5m below ground level.
- The site is considered suitable for commercial and industrial uses provided that the groundwater is not abstracted and the site is subject to the Sub-surface Management Plan for the area as found in the Auditors Report on 26 June 2014.
- It was acknowledged by the DER that the details relating to the depth of the fuel storage tanks have not been finalised, but notes that the report prepared by Planning Solutions states that the works will be undertaken in accordance with the relevant legislation and approved management plans.
- The DER recommends that the approval should not include a contamination related condition.

Planning assessment:

Local Planning Scheme

- Zoning, Classification of Use and Permissibility of Use

The subject land is zoned 'Industrial' under the Metropolitan Region Scheme and 'General Industry' under the Town of Bassendean Local Planning Scheme No. 10 (LPS 10). In accordance with Table 1 under Clause 4.3 of LPS 10, the proposed Convenience Store is a 'D' use. Clause 4.3.2 of LPS 10 states that a 'D' use is 'not permitted unless the local government has exercised its discretion by granting planning approval'.

Under the LPS 10, there is a separate use class for Service Station that is an 'A' use and would require advertising. A Convenience Store is defined below:

"convenience store means premises –

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;*
- (b) operated during hours which include, but may extend beyond, normal trading hours;*
- (c) which provide associated parking; and*
- (d) the floor area of which does not exceed 300 square metres net lettable area"*

The application is deemed to meet the definition in regards to the following:

- Goods to be sold of a 'retail/convenience nature' in addition to the sale of petrol as detailed in the applicants report;
- The Convenience Store will operate in addition to normal trading hours, being a 24/7 operation, 7 days a week;
- Parking is provided on site within the strata lot boundaries; and
- The total net lettable area of the Convenience Store is 135m².

On this basis, the application is considered to meet all aspects of the Convenience Store definition.

- Car parking

Clause 5.7.2.1 of LPS 10 requires that for any use indicated in Table 1 of LPS 10 that sufficient parking bays are provided under Table 2. Despite a Convenience Store being listed as a use under Table 1, there is no corresponding car parking requirement under Table 2. In the event that no parking requirement is specified, LPS 10 goes on to state that *"the local government shall determine the number of car parking spaces to be provided on the land having regard to the nature of the proposed development, the number of employees likely to be on the site, the prevention of the obstruction of roads and street, and the orderly and proper planning of the locality and the preservation of its amenities."*

The proposal incorporates the following in regards to parking

- 7 bays (including 1 disabled bay and 1 air and water bay) with 2 of the bays adjoining the front of the Convenience Store and the remainder abutting the southern lot boundary; and

- 7 bays for fuelling purposes.

The report provided by Planning Solutions referenced a Roads and Traffic Authority (NSW) report titled “*Guide to Traffic Generating Developments*” which references 5 bays being required per 100m². With a net lettable area of 135m², a total of 6.75 (rounded to 7) bays would be required, with 7 bays being provided. On this basis sufficient car parking bays has been provided for the proposed development. Additional surplus car parking bays (10) also exist within the area of common property.

Local Planning Policies

Local Planning Policy 6 (LPP6) – Industrial Zones Development Design Guidelines

Item	Requirement	Proposal	Compliance
Building Setbacks	Minimum setback requirements for buildings shall be in accordance with the following: Front: 13.0m Rear: Nil Side: 4.5m Secondary Street: 6.0m	Front: 13m to roof of fuel canopy. Rear: Nil at the closest point to strata lot boundary, 12m to lot boundary. Side: Nil at the closest point to strata lot boundary, 34m to lot boundary. Secondary Street: 6.0m to canopy roof and Convenience Store (bin enclosure not considered a building).	All setbacks comply when measuring to the boundaries of the parent lot.
Plot Ratio	Maximum of 0.75	Strata Lot: $135\text{m}^2/1177\text{m}^2 = 0.11$ Parent Lot: $784\text{m}^2/3383\text{m}^2 = 0.23$	Complies.
Site Cover	Maximum of 50%	Strata Lot: $621\text{m}^2/1177\text{m}^2 = 52\%$ Parent Lot: $1270\text{m}^2/3383\text{m}^2 = 37.5\%$	Complies when incorporating the parent lot.
Vehicle Parking	Car parking spaces shall be provided, constructed and maintained in accordance with the provisions of Part 5 of the Scheme, Local Planning Policy No. 8 (Parking Specifications) and the approved plan relating thereto. Local Planning Policy 8 Requirements: Parallel bays: Width of Bays: 2.5m Aisle Width: 3.6m Length of Bay: 5.9m (Note: Australian Standards 2890.1 calls for 6.2m Length of Bay for User	Bay 1 and 3 (Parallel) Width of Bay: 2.6m Aisle Width: Approximately 11.8m Length of Bay: 6.2m Bay 2 (Parallel) Width of Bay: 2.6m Aisle Width: Approximately 11.8m Length of Bay: 5.4m Bay 4 and 5 (Parallel) Width of Bay: 2.6m Aisle Width: Approximately 13.0m Length of Bay: 6.2m	Bay 2 does not comply with the Australian Standards or the Town’s policy (5.4m proposed in lieu of prescribed 5.9m length). The remainder of the bays comply with both the Australian Standards and the Town’s Policy.

	<p>Class 3A when the end of the bay is obstructed)</p> <p>90 degree bays: Bays Width: 2.5m (Note: Australian Standards 2890.1 calls for 2.7m width bays for User Class 3A) Depth of Bay: 5.4m Aisle Width: 6.2m (Note: Australian Standards 2890.1 calls for 6.2m aisle width for bays with 2.7m width for User Class 3A)</p>	<p>Bay 6 (90 Degree) Width of Bay: 2.7m Depth of Bay: 5.5m Aisle Width: 6.2m</p> <p>Bay 7 (90 Degree) Width of Bay: 2.4m Depth of Bay: 5.5m Aisle Width: 6.2m</p> <p>Single Disabled Bay provided in accordance with specifications under the Australian Standards 2890.6:2009.</p> <p>No detail provided of materials for paving. Condition recommended to ensure paving is consistent with policy material type.</p>	
Landscaping	<p>All development within these zones shall be landscaped in accordance with the following requirements:</p> <ul style="list-style-type: none"> a) Minimum width of landscaping to front setback of 2m. b) Minimum width of landscaping to secondary street of 1m. c) Landscaping to be provided in accordance with Local Planning Policy 18 d) Shade trees provided in parking areas at a ratio of one per six car parking bays. 	<ul style="list-style-type: none"> a) Front landscaping: 2.0m b) Secondary street landscaping: 1.0m c) Insufficient details provided on landscaping plan. d) No shade trees provided. 	<p>Landscaping in front and secondary street complies. Details on landscaping plan and shade trees do not comply. Landscaping plan requested by way of condition to meet this policy.</p>
Security Fencing	<p>Where a security fence is proposed on a street lot boundary, it shall be of an open style either mesh fencing or palisade style fencing and setback 2-metres behind the street alignment.</p> <p>Solid screen fences on industrial sites are only acceptable where located at or behind the 13-metre building line to the front setback area. In the case of corner lots solid screen fencing must be setback 6-metres from the secondary street.</p>	<p>No security fencing proposed.</p>	<p>Complies. A condition is recommended that the applicant shall submit a planning application for any proposed fencing.</p>

<p>Service Access</p>	<p>Provision shall be made for service access in the following manner:</p> <p>a) a paved accessway shall be provided for vehicles from the street to the rear of and to any other part of the building where provision is made in the external walls of the building for the entry of or the loading or unloading of vehicles;</p> <p>b) the access way shall be so constructed that all vehicles using it can enter from and return to a street in forward gear without reversing any part of the vehicle onto a street;</p> <p>c) except as hereinafter mentioned, the access way shall not be less than 4.5 metres in width, unless the size of the lot makes the provision of such an access way impracticable or unreasonable the Council may permit an access way of a narrower width but in no case less than 3.0 metres in width;</p> <p>d) the provision of on-site delivery manoeuvring areas where large single axle commercial vehicles can enter and leave the site in forward gear. The manoeuvring area shall be exclusive of car parking bays and the interior of the building.</p>	<p>a) Vehicle access and loading bay provided on the eastern side of the lot.</p> <p>b) Delivery vehicle can enter from Collier Road and exit to Fairford Street.</p> <p>There is sufficient manoeuvring for a 19m fuel vehicle if the median strip is modified.</p> <p>c) Manoeuvring paths for delivery vehicles and 19m fuel trucks achieves 4.5m width. Loading bay has a width of 4.0m</p> <p>d) Vehicle movements exclusive of car parking bays.</p>	<p>Complies subject to modification of median strips as detailed elsewhere within this report.</p>
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<p>Storage and Refuse Areas</p>	<p>The Council may require the provision of one or more areas for the storage of refuse in a development. This area shall be:</p> <p>a) screened from view from any public street, and enclosed by a wall of masonry or other approved building material, and being of not less than 1.8 metres in height; and</p> <p>b) accessible to service vehicles.</p> <p>Irrespective of whether a storage area is required for a development, no land shall be used for open storage purposes unless it is screened from view of any public street by a fence or wall built to the specifications and satisfaction of the Council.</p>	<p>a) Not of masonry construction but does exceed 1.8m height. Bin area is of size 2.5m x 5m and is exclusive of the loading bay.</p> <p>b) Adequate access provided for service vehicles.</p>	<p>Does not comply with the required materials. Condition recommended requiring different materials.</p> <p>Condition imposed relating to open storage.</p>
<p>Building Materials</p>	<p>The facades of all buildings facing public streets shall be constructed of brick, glass, stone, masonry or concrete in respect of the ground floor level. The second floor level, or its equivalent, may be constructed of other material in accordance with the Building Code of Australia.</p> <p>The use of zincalume sheeting for construction of Industrial buildings is prohibited, unless such buildings or parts of buildings are not visible from any public street, or Council approval is granted to vary this requirement.</p>	<p>The report states that concrete panels will be used as part of construction and the plans show glass to the front of the Convenience Store building façade.</p>	<p>Complies</p>

- Local Planning Policy 16 (LPP16) – Control of Advertisements under the Local Planning Scheme No. 10

Item	Requirement	Proposal	Compliance
Pylon Sign	Max height of device: 6m Max width of device: 2m Max area: 4m ² Minimum headroom: 2.4m Max height above ground: 6m Projection maximum: 900mm Setbacks front: 1m Setbacks side: 2m Other setbacks: 6m Location: Minimum 6m clearance of another sign.	Pylon Sign (Price Board) Max height of device: 7m Max width of device: 2m Max area: 14m ² Minimum headroom: N/A Max height above ground: 7m Projection maximum: 480mm Setbacks front: Approximately 200mm Setbacks side: Approximately 750mm (to strata lot boundary) Other setbacks: >6m Location: >6m separation distance	Variations to Pylon Sign - Max height - Max area - Max height above ground - Front setback - Side setback Condition recommended calling for height of pylon sign to be amended from 7m to 6m.
Roof Sign	Height of main building above ground level: - 3.7m to 4.5m requires a maximum height of 0.9m for the sign. - 4.5m to 6.0m requires a maximum height of 1.2m for the sign. - 6.0m to 12.0m requires a maximum height of 2.0m for the sign.	Roof Sign (Convenience Store) Height of Roof: 3.7m to 4.5m Height of Sign: 1.0m 3 x Roof Sign (Fuel Canopy) Height of Roof: 6.35m Height of Sign: 1.0m	Variations to Roof Sign (Convenience Store) - Max height

- Local Planning Policy 15 (LPP15) – Percent for Art Policy

LPP 15 details requirements relating to contribution towards the Town for public art either on the subject site or on crown land. The policy applies throughout the entirety of Bassendean for “*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.*”

The value of the contribution must be provided at 1% the value of the eligible proposal. For the proposed \$2,100,000 Convenience Store this would equate to a contribution of \$21,000. The applicant can elect to either pay the contribution directly to the Town or instead provide the public art on site at the applicant’s expense.

- Specification for the Construction of Crossovers

The Town of Bassendean’s Specification for the Construction of Crossovers details requirements to ensure the adequate construction of Crossovers and access throughout the Town of Bassendean. The document incorporates a table that specifies maximum crossover sizes for industrial properties. The table specifies a maximum width of the crossover at the property boundary as being 10.7m and maximum width of the crossover at the kerb line of 21.7m with a 5m turning radius.

The existing crossover to Collier Road is non-symmetrical with a 12m width at the property boundary and 20.2m width at the kerb line. The turning radius is approximately 4m on the western side and 2.5m on the eastern side.

The existing eastern crossover to Fairford Street is 9.3m in width at the property boundary and 15.5m in width at the kerb line. The turning radius for both wings are inconsistent with approximately 2.8m on the northern side and 2m on the southern side.

State Planning Legislation

- **State Planning Policy 4.1 – State Industrial Buffer Policy**

State Planning Policy 4.1 – State Industrial Buffer Policy (SPP 4.1) identifies the need for land uses commonly associated with off-site amenity impacts (noise, dust, odour, risk and particulate emissions) to be separated from sensitive land uses to ensure acceptable environmental criteria can be achieved at nearby sensitive receivers.

The Environmental Protection Authority's - Guidance for the Assessment of Environment Factors - Separation Distances between Industrial and Sensitive Land Uses compliments, and provides guidance on, the implementation of SPP 4.1. As outlined in this framework, there is no direct guidance specifically regarding Convenience Stores and required separation distances. Regarding 24-hour service stations it is recommended that a minimum separation distance of 200m be provided from sensitive land uses in order to mitigate impacts of gas emissions, noise, odour and risk. The subject site is surrounded by general industrial and light industrial land uses, with the nearest residential lot approximately 350m from the subject site. On this basis, the application is considered a sufficient distance from adjoining sensitive land uses.

- **Development Control Policy 5.1 – Regional Roads (Vehicular Access)**

Development Control Policy 5.1 – Regional Roads (Vehicular Access) (DCP 5.1) addresses matters relating to the control of development adjacent to regional roads. Clause 3.3.1 of DCP 5.1 requires states that the Commission will seek to minimise the creation of new driveways on regional roads. Clause 3.3.1 states that *“In considering applications for access on regional roads, the effects of the proposals on traffic flow and road safety will be the primary consideration. The more important the regional road, the greater the importance attached to these factors. In general, the Commission will seek to minimise the creation of new driveways on regional roads and rationalise existing access arrangements.”*

Due to the confined nature of the site, access is required from Collier Road to allow the 19.0m fuel trunks to adequately access the site and exit in forward gear. The Department of Planning have indicated in their correspondence that they support the retention of the existing access arrangement to Collier Road, subject to recommended conditions.

- **Contaminated Sites Act 2003**

The site is recognised as being a contaminated site under the Contaminated Sites Act 2003. Under Section 58(6)(b) of the Contaminated Sites Act 2003, the Department of Environment Regulation must provide comment before a decision can be made in regards to the suitability of land for development. The referral provided by the DER stated that the site is considered to be suitable for the proposed convenience store land use, provided that the relevant Site Management Plan is followed. The Town recommends following the DER's recommendation that no contamination condition shall be added to the approval, but a footnote has been recommended advising the applicant to comply with the Site Management Plan.

Officer Comments

Assessment Under Local Planning Scheme:

- Car Parking (Number of Bays)

The Scheme permits discretion in regards to applying an acceptable amount of bays on site. The fuelling bays will likely be the most utilised bays on the site, with cars waiting in the manoeuvring areas to access the fuelling bays during peak times. In this regard, enforcing more dedicated parking bays on site than is proposed would be considered unnecessary, as the primary demand on site would be for the fuel bays.

On this basis, the 7 dedicated customer bays (including the air and water bay included as part of the amended plans) would be considered sufficient to provide for the retail needs of the Convenience Store in addition to the two staff members on site at any given time. Furthermore, in the unusual circumstance that all 7 of the customer bays are occupied, the fuel bays can cater for overflow parking if they are not otherwise occupied.

- Local Planning Policy 6 – Industrial Zones Development Design Guidelines (LPP 6) Variations and Recommended Conditions

Vehicle Parking (Dimensions and Access):

Regarding vehicle dimensions and parking requirements relating to aisle width, there are two forms of assessment. LPP6 refers to compliance Local Planning Policy 8 (LPP 8), a separate policy which specifies general requirements for parking. The Australian Standards 2890.1 (AS2890.1) has requirements that caters to user classes, which defines dimensions based upon how regularly the bays are being utilised and the turnover of cars on the site. Generally the AS2890.1 is a more specific tool of assessment and is more relevant given the high turnover of cars on the site. Due to the high turnover of vehicles, the site was assessed against the User Class 3A requirements.

The initial submission incorporated numerous variations to both the LPP8 and AS2890.1. The Town corresponded with the applicant who sought to modify the plans in to achieve compliance with AS2890.1. However as a result of the modifications, a reduction in bay length occurred to Bay 2 which does not meet either AS2890.1 or the Town's LPP 8. As such a condition is recommended that calls for this bay to be increased to a length of 5.9m, whilst retaining the 6.2m bay length for Bays 1 and 3.

Landscaping:

As part of the provided plans, a landscaping plan was provided with limited details. LPP 6 requires that landscaping is provided in accordance with the Town's Local Planning Policy No 18 – Landscaping with Local Plants (LPP 18). In order to achieve sufficient landscaping on site and address all points within both policies (LPP 6 and LPP 18) in addition to the Town's Street Tree Master Plan, a condition should be applied to the approval that suitably addresses all policy requirements.

Storage and Refuse:

The policy requires that the storage and refuse area be constructed from masonry or other approved building material. The bin store is located in a prominent location that will be apparent from both Collier Road and Fairford Street. Furthermore, masonry construction is much more suited to a bin store area (superior impact resistance compared to metal sheeting) and will not deteriorate over the lifespan of the development as the proposed metal walled bin storage area would.

The Town therefore recommends a condition to ensure that the bin area will be constructed from masonry. The Town also recommends through this condition that the bin store be fitted with a hose cock and that the floor shall be graded to a floor waste and connected to sewer.

- Local Planning Policy 16 – Control of Advertisements under the Local Planning Scheme No. 10 (LPP 16) Variations and Recommended Conditions

There are multiple variations to Local Planning Policy 16 in regards to the proposed signage incorporated as part of application for the Convenience Store. The Town recognises the minimal impact of many of these signs considering the surrounding general industrial land uses.

However, the proposed Price Board signage is considered excessive in regards to its height within a close proximity to the front boundary. There are no precedents along the length of Collier Road where pylon signage exceeds a 6m height. Allowing a variation in this instance would set a precedence for the area and undermine the Town's policy. A similar DAP application for a 7-Eleven Convenience Store at 300 Collier Road was approved (May 2017) 100m to the west where the DAP previously made a decision to reduce signage from 8m to 6m in accordance with the policy. To ensure consistency the Town recommends a similar condition to reduce the height from 7m to 6m.

The specific details of the signage was not made clear as part of the provided plans. The Town therefore requests that the specific details of the signage be provided at the building permit stage. Furthermore the Town recommends imposing a condition requiring any signage that is not clearly marked as signage on the proposed plans to be part of a separate application to the Town.

- Access Arrangements onto Collier Road, Vehicle Manoeuvring and Service Access

The application incorporates two existing crossovers for access throughout the site. The turning templates provided in the Transcore document demonstrate manoeuvring of the 19m vehicle entering from Collier Road and exiting through Fairford Street. The transport report was silent on the fuel vehicles gaining access from Fairford Street. The delivery vehicle and regular cars were demonstrated to adequately manoeuvre through the site from either crossover.

An existing crossover is located to the south of the subject lot (Collier Road frontage) and is used for vehicle access by all the tenancies on the overall site. The existing crossover to Fairford Street was utilised as part of the former service station and is not used for access by other tenancies. This crossover will have to be reconstructed as it is damaged and not constructed to the Town's specifications. Therefore a condition of approval has been recommended seeking a replacement crossover with a 5m wing radius for the easternmost crossover to facilitate access.

In order to permit the fuel vehicle to exit from the Fairford Street crossover, modifications will be required to the existing median strip in Fairford Street. The Town supports the modifications of the median strip on Fairford Street as shown on the plans at the full expense of the applicant. A condition of approval has been recommended to this effect.

The proposed turning movements associated with fuel tankers entering and exiting the site do raise some concerns especially in relation to the 19m fuel vehicles, which were not adequately addressed as part of the Transcore report. These issues are summarised as follows:

- The fuel vehicle turning left into the site from Collier Road will only be possible if there are no cars waiting in the crossover trying to exit.
- If the truck attempts to stop on Collier Road to allow cars to exit, there is the potential for a collision, particularly where a vehicle is exiting the site in a westbound direction, due to the blocked sightlines resulting from the length, height and width of the fuel vehicle .
- No turning template has been provided of the 19m fuel vehicle turning left into the site from Fairford Street as an alternative entry point and it is assumed that from the angles of the crossover, median strip and fuel bowsers that this turn would not be possible as a second point of entrance.
- No turning template was provided of a 19m fuel vehicle turning right from Collier Road to enter the site. The existing median strip does not lend itself to this movement. The Town's Asset Services have prepared a turning template diagram that shows the required modifications to the median to achieve a satisfactory right hand turn into the site.

It is recognised by the Town that the turning arrangements on the site are not ideal and there are no alternative design options available to achieve ideal turning arrangements for the 19m fuel vehicle given the size and orientation of the strata lot. Therefore in accordance with the recommendations made by the Western Australian Planning Commission, the Town recommends the following conditions regarding vehicle safety:

- Restricted hours that the fuel vehicles may attend the site. A similar condition to that implemented as part of the approval at 300 Collier Road restricting vehicles during the peak periods.
- A condition to modify the median strip on Collier Road to be flush for a length of 10m to allow fuel vehicles to enter the site if turning right from Collier Road.
- Condition that a sign be installed adjacent to the Fairford Street crossover preventing fuel vehicles from entering to the east of the site.

- **Percentage for Art Policy**

The policy states that all development proposals that are commercial in nature with a value that exceeds \$1,000,000 requires a contribution. Whilst the application falls within the industrial zone, the use is considered commercial in nature. On this basis, the Town recommends implementing a condition for the public art contribution prior to submission of a building permit. The previous DAP application for the 7-Eleven Convenience Store at 300 Collier Road, was approved with this condition.

Council Recommendation:

To be provided following Council's consideration of the application for development approval.

Alternate Recommendation:

Not applicable.

Conclusion:

The application proposes a Convenience Store at Lot 125 (No. 3/335) Collier Road, Bassendean. As identified within this report, the proposed development satisfactorily addresses requirements contained within the Town's policies and LPS10 with the exception of the variations identified. Where Council Officers are of the view that a variation should not be accepted or have concerns regarding the proposal, conditions have been recommended to address the identified issues. The Town recommends that the application be approved subject to the conditions identified within the report.

10.5 Proposed Fenced Dog Exercise Areas - Anzac Terrace Reserve & Palmerston Square Reserve (Ref: PARE/USAGE/4 - Mark Bettridge, Acting Senior Ranger; Simon Stewart-Dawkins Director Operational Services)

APPLICATION

The purpose of this report is to receive the community feedback concerning the separated dog exercise areas at Anzac Terrace Reserve and Palmerston Square Reserve, consider the issues associated with fenced dog exercise areas, and to list funds for future Council consideration to prepare an Open Space Master Plan.

ATTACHMENTS

Attachment No. 6

- Information Sheet – Dog Behaviour in a Public Space and Dog Exercise areas;
- Community Consultation Feedback – Fenced Dog Exercise areas;
- Anzac Terrace Reserve & Palmerston Square Reserve – schematic plan for separated fenced areas and estimated costs;
- Bayside City Council (Victoria) - Fenced dog exercise areas;
- Perth Walkabout guide to fenced dog exercise areas; NS
- Publication - “Fenced Dog Parks – What you probably don’t know but need to know”.

BACKGROUND

On 8 March 2016, the Town received a letter requesting installation of a fenced area at Jubilee Reserve, permitting the off-leash exercise of dogs inside the fenced area (see attached letter) in conjunction with the scheduled sports usage.

Dog behaviourists recommend that puppies and dogs have regular exercise, and are exposed to a wide variety of people, from men and women to children, so they are acclimated and well socialised.

In April 2017, Council received a report outlining the criteria used to select a proposed fenced dog reserves, which were assessed against the following:

- must be authorised for off-leash dog exercise;
- there must not be regular, seasonal or continual bookings/sports usage;

- what effects would be felt by other users of the Reserve/Park;
- there must be existing plumbing to the site for a dog watering station;
- it must be easy to access and locate (pedestrian and vehicular traffic); and
- be of sufficient size to allow appropriate usage without being detrimental to other users of the reserve.

The report submitted to Council recommended two designated Dog Exercise Areas, being; Anzac Terrace Reserve (approx 6,133m²) and Palmerston Square Reserve (approx. 6,216 m²), in order to assist pet owners with dog socialisation and training skills. Both reserves have existing infrastructure, including playgrounds, park benches/furniture and sufficient trees to provide adequate shade for users.

The initial idea was to provide a low 900mm fence around the boundary of the reserve, rather than restricting access to portions of a reserve, which can affect the amenity and usage of the remainder of the reserve and create maintenance issues.

In April 2016, Council resolved the following:

“OCM – 11/04/16 MOVED Cr Bridges, Seconded Cr Pule, that;

- 1. Council receives the fenced dog exercise areas report for Anzac Terrace Reserve and Palmerston Square Reserve;*
- 2. Council undertakes community consultation, as required, to determine if there is sufficient support for fenced dog exercise areas, with a report to be presented back to Council of the consultation results; and*
- 3. Designs for both reserves to include separation of the playground equipment from the fenced off areas, consideration of angled parking, use of water sensitive urban design principles that remove the existing kerbs where appropriate and dog poo bag dispensers provided at each entrance gate.”*

The Town's Rangers prepared the questionnaire attached, seeking community feedback concerning the Council proposal to separate the dog area from the playground equipment. The Town received 30 responses and of these, 27 responders indicated that they were in favour, with 3 responders not in favour.

However, the Town also received a letter, which included 15 signatures expressing concern the fencing of the reserves would significantly impact the freedom these spaces currently provide and requested that Council consider the available research.

It should be noted, that the questionnaire distributed to residents did not have specific details of where the fences would be located.

However, for Council's consideration, draft schematic plans have been prepared for Anzac Terrace Reserve and Palmerston Square Reserve, to outline where the fencing separating the dog area from the playground equipment, could be located in accordance with the OCM – 11/04/16 resolution.

As Council is aware, currently all of Anzac Terrace Reserve, and all of Palmerston Square Reserve, is gazetted under the Dog Act 1976 as dog exercise areas. Gazetted dog exercise areas permits a person, in Section 32 of the Act, to take a dog off the leash, so long as they are able to continue to control the dog.

COMMUNICATIION AND ENGAGEMENT

After the Council (OCM – 11/04/16) resolution, Rangers conducted community consultation to seek feedback regarding the proposed separated fenced dog exercise areas at Anzac Terrace Reserve and Palmerston Square Reserve. The feedback received is included as an attachment.

Since receiving the community feedback, the Town become aware of issues associated with fenced dog exercise areas at Bayside City Council in Victoria. As a result, the Town contracted the Manager Open Space & Wellbeing seeking comment and the following feedback was provided:

- Bayside City Council residents share fenced sport grounds with sporting grounds and dog owners;
- Fully fenced areas frequently results in dog owners not providing effective voice control to their pet;
- Fully fenced areas frequently results in dog owners not observing their pet for the duration that the dog is within the enclosure. As a consequence, dog faeces is not collected and disposed of in the available bins;
- If fence is to be provided, better to provide low fence adjacent to busy road and provide low hedges /landscape screen, to ensure dog owners continue to observe their pet and have the dog under effective voice control.

The attached Perth Walkabout guide to fenced dog exercise areas lists the following parks:

- Inglewood Dog Park, Mt Lawley;
- Hamer Park, Mt Lawley;
- Jack Marks Park, Highgate;
- Coolamon Dog Park, Ellenbrook Dog Exercise Park (Northern Suburbs); and
- Peace Park, Parmelia (Southern Suburbs).

The Town has contacted the City of Stirling's Parks & Sustainability Coordinator in regards to the fenced dog exercise areas at Inglewood Dog Park and Hamer Park for comment and the following feedback was received:

- In March 2017, the City of Stirling Council considered A City Wide Fenced Dog Parks Implementation Strategy which outlined the future implementation guidelines; being:
 - Under-utilised open space large enough to cater for the facility,
 - Construction adjacent active sports reserves;
 - Car parking facilities available.
 - Equitable distribution to the majority of residents.
- Fenced dog exercise areas are generally provided in large reticulated regional type reserves.
- Fenced dog exercise area is selected that will not adversely affect the park's amenity.
- Parks maintenance within the fenced dog exercise area is significantly higher – Inglewood Dog Park has had the turf replaced three times in recent years. Inglewood Dog Park requires twice a week clean up inspections.
- Dog faeces, unsupervised dogs/ uncontrolled behaviour and barking complaints have been received, however these are minimal in comparison to how much the facility is used
- Additional fenced dog exercise areas are being considered at North Beach and Dianella Regional Open Space.

Parks & Leisure Australia published a brochure titled: "Fenced Dog Parks – What you probably don't know but need to know" by Lesley Humphreys LMH Consulting/Paws4Play.

Considering the above additional information, it is suggested that Council reconsider the OCM – 11/04/16 resolution to ensure the proposed reserves are suitable sites and the segregation of the reserve will not adversely impact the amenity for current users, adjacent residents and will achieve the desired outcomes.

STRATEGIC IMPLICATIONS

The Bassendean Strategic Community Plan 2017-2027 states, in part, under Natural Environment, the following:

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
2.3 Ensure the Town's open space is attractive and inviting.	2.3.1 Enhance and develop open spaces and natural areas to facilitate community use and connection.	Community / Stakeholder Satisfaction Survey (Open Space and use of Open Space)

At its Special Council meeting held on 10 July 2017, Council adopted the 2017-2021 Corporate Business Plan. The Corporate Business Plan outlines the proposed projects that will be undertaken to achieve item "2.3.1 Enhance and develop open spaces and natural areas to facilitate community use and connection". One of the projects listed is for Council to allocate funding to "Formulate Open Space Master Plans".

COMMENT

Town of Bassendean Ranger Service's initial proposal was for a low fence around the boundary of Anzac Terrace Reserve and Palmerston Square Reserve.

In accordance with Council resolution, the Town has consulted with the community to separate the playground equipment from the fenced off areas.

The additional information provided indicates that fenced dog exercise areas may be better located on underutilised open space, large enough to cater for the facility, such as adjacent active sports reserve or other regional type open space.

Council may therefore wish to request a further report on alternative reserves.

Considering this additional information, the proposed separated fenced dog exercise areas for Anzac Terrace and Palmerston Square Reserve, will alter the current general use of the reserve.

On Tuesday 18 July 2017, Councillors inspected Anzac Terrace Reserve and Palmerston Square Reserve and those Councillors in attendance were not in favour of the Anzac Terrace Reserve becoming a fenced dog exercise area, but were in favour of Palmerston Square Reserve, subject to the playground being separated from the exercise area by a fence.

As outlined above, in the 2017-2021 Corporate Business Plan, the project requires that funding be allocated to formulate Open Space Master Plans. In this regard, should Council wish to continue to pursue improvements to the existing Anzac Terrace Reserve and Palmerston Square Reserve dog exercise areas, it is recommended that funds be allocated to prepare the required plans that take into consideration the information provided in this report.

In preparing a Master Plan for a proposed fenced dog exercise area, it will be important that the proposed concept designs take into consideration the information gathered and presented to Council, particularly in regards to the space required to ensure pet owners socialise their dogs appropriately in a controlled environment, whilst ensuring that pet owners continue to take responsibility for their dogs and the fenced area not adversely affect the reserve amenity.

STATUTORY REQUIREMENTS

Dog Act 1979

FINANCIAL CONSIDERATIONS

The order of magnitude of costs to provide the fenced dog exercise areas has been prepared in conjunction with the attached schematic plans to address the Council resolution, however, due to the design considerations outlined in this report, it is not proposed that the fencing layout plan or the above funds be listed in a future budget.

Should Council wish to provide fenced dog exercise areas, it is recommended that funds be allocated to prepare Open Space Master Plans.

OFFICER RECOMMENDATION — ITEM 10.5

That Council:

1. Receives the community feedback concerning the separated dog exercise areas at Anzac Terrace Reserve and Palmerston Square Reserve;
2. Notes the issues associated with fenced dog exercise areas and the design considerations as provided in the Ordinary Council Agenda of 25 July 2017;
3. Lists funds in the 2018-19 Long Term Financial Plan to prepare an Open Space Master Plan for Palmerston Square Reserve that takes into consideration the space required to socialise dogs, whilst ensuring that pet owners continue to take responsibility for their dog and the fenced area does not adversely affect the reserve amenity.

Voting requirements: Simple Majority

10.6 Request by Casa Mia Montessori School to Purchase 11 Hamilton Street, Bassendean (Ref: A2137 – Graeme Haggart, Director Community Development)

APPLICATION

A request has been received for Council to reconsider its position on the conditions that relate to the sale of 11 Hamilton Street, Bassendean, to the Casa Mia Montessori Community School Inc.

ATTACHMENTS

Attachment No. 7:

Correspondence from Casa Mia Montessori Community School

BACKGROUND

Council last considered this matter at the April 2017 Ordinary Council meeting. The Officer Report followed a request to bring forward the sale of 11 Hamilton Street as a means of demonstrating support for the School to remain on the Town Centre; and to assist with the School's re-accreditation in 2018; and to allow the School opportunity to apply for grant funds for a capital works program.

Following advice received from the Town's Solicitors, Council resolved (OCM – 26/04/17):

"That Council:

1. *Requests the CEO to negotiate an agreement with the Board of the Casa Mia Montessori School for the potential sale of 11 Hamilton Street, Bassendean, to the School at market value, subject to:*
 - (a) *The School agreeing to the Town lodging an absolute caveat over the title at the time of transfer to the School, and that the caveat prevents the School from on-selling the property or otherwise encumbering the title and facilitates the property's transfer back to the Town in the event the School is unable to acquire other contiguous properties, by an agreed date;*
 - (b) *The Town being given power of attorney over the property to avoid there being any dispute at the re-transferring of the property back to the Town at the time of execution;*

- (c) *The caveat not permitting the School to mortgage the property or encumber it in any way;*
2. *The potential sale of 11 Hamilton Street, Bassendean, and conditions of the transaction be advertised for public comment prior to Council's final agreement to proceed with the sale; and*
 3. *A draft of the legal documents for the sale, if negotiated, is presented to Council for approval (which will require an absolute majority) and endorsement for public advertising."*

The resolution was premised on there being no question as to whether the property is to be sold, but when.

The School has responded to the above conditional approval with correspondence dated 12 June 2017 advising the School does not agree to proceeding with the purchased of 11 Hamilton Street, Bassendean, citing the conditions of sale are too onerous. The School has requested that the Town moderate the conditions to being standard property sales conditions. In return, the School offers to provide the Town first rights of refusal to purchase back the property, in the event the School determined to sell it.

Council would recall that preceding the April Council Meeting, at the July 2016 Ordinary Council Meeting, Council received an Officer Report that advised the Board of the Casa Mia Montessori School "*had now come to the conclusion that the school should remain in its current location*", and "*requests of the Town to facilitate the eventual purchase and expansion of the School in its current location, including support by the Town for the School to purchase its playground site from the State Government, and to rezone those two sites and 16 Whitfield Street, Bassendean, to permit school as an approved use.*"

At that time, Council resolved (OCM – 17/07/16) to:

1. Grant an extension of the Lease for 11 Hamilton Street, Bassendean, for the Casa Mia Montessori School to 31 December 2019 at 75% the gross rental value of the property, and

2. Inform the School it is prepared to consider the sale of 11 Hamilton Street, Bassendean, if the school purchases 16 Whitfield Street, Bassendean, and grants planning approval of the School and allows the ongoing use of the BIC currently used by the School.

The July 2016 report articulated that the School Board plans include the purchase of 16 Whitfield Street, 11 Hamilton Street and that aspect of the BIC Reserve, currently incorporated to within the demised footprint of the leasehold.

The July 2016 report stated that “from a land use planning perspective, it is considered that Council should not commit to the sale of 11 Hamilton Street until the planning issues associated with the site have been resolved, including:

1. The support from Council to excise a portion of the BIC Reserve and the creation of a separate freehold title with an appropriate zoning;
2. Some level of certainty that 16 Whitfield Street is genuinely available for purchase by the School;
3. The necessary amendment to the Scheme has been made to the scheme to allow part of the BIC Reserve to be used as a School; and
4. Development approval has been granted for the school over the 3 lots.

The decision of Council in July 2016 was considered to provide a clear position of support for the School plans and a preparedness to make the necessary planning amendments.

In arriving at the April 2017 resolution, Council took into consideration its preparedness to bring forward that sale, conditional on the School selling back to the Town the property at the same price should the plans to remain on site become untenable.

16 Whitfield Street has not been placed on the market and it is not known when that may occur. The School concedes that without the three properties, it would be difficult for the School to grow to a suitable size.

The School has reconfirmed its preparedness to purchase 11 Hamilton Street from the Town at market value, and has previously stated preparedness to negotiate a suitable mitigation for the property not attracting rates as a school so that the Town does not suffer a long term cost from the rates exemption.

The School has previously agreed to prepare a Local Development Plan.

STRATEGIC IMPLICATIONS

The land is currently zoned R20 but being within the Town Centre Area Strategy is proposed will be rezoned to Town Centre zoning.

COMMENT

Options available to Council include:

- reaffirming the current position;
- acceding to the Schools request and remove the conditions that protect the interest of the Town in the event the property is on-sold by the school;
- returning to that resolved in July 2016 and make the sale of 11 Hamilton conditional on the School purchasing other contiguous property; or
- some other action.

Officers are of the view the July 2016 resolution was based on a logical sequencing of actions.

Should Council resolve to return to that position, it could extend the length of the Lease tenure as a means to supporting the School with re-accreditation and as tangible support for the School being retained in the Town Centre.

This could include agreeing to rescind the resolution to provide a 2 year extension of Lease to 31 December 2019 in favour of offering a new Lease at the expiry of the existing term, being 31 December 2017. The new Lease could then be for a 5 year term, with an option for a further 5 years. This will provide the School with tenure certainty until at least 31 December 2027.

Such a decision will also keep open all avenues for the Town with respect the property.

The Town will continue to lease that aspect of the BIC Reserve currently under lease for the School playground, until such time as the Crown disposes of the property to the School.

STATUTORY REQUIREMENTS

Local Planning Scheme No. 10
Section 3.58 (Disposing of Property) & Section 6.26 (Rates)
Local Government Act 1995 and General Functions
Regulations

Dispositions of property excluded from Act s. 3.58:

- (b) the land is disposed of to a body, whether incorporated or not
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, **educational**, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.

Section 6.26 of the Act provides that the following land is not rateable land:

- (f) land used exclusively as a non- government school within the meaning of the School Education Act.

FINANCIAL CONSIDERATIONS

The property is currently zoned R20. However, given the property is likely to become zoned Town Centre, any agreement to sell the property should factor in that potential higher zoning. A new market valuation will be required at that time.

The Town currently receives rates valued at \$1,085 from 16 Whitfield Street. Schools are exempt under the Local Government Act from paying rates. The School is however offering to continue to do so as an ex gratia payment.

OFFICER RECOMMENDATION — ITEM 10.6

That Council:

1. Rescinds OCM – 17/07/16, Point 1, which reads:

“MOVED Cr Bridges, Seconded Cr McLennan, that Council grants an extension of the lease to 31 December 2019 for the Casa Mia Montessori School located at 11 Hamilton Street, Bassendean”;

2. Agrees to grant a new 5 year Lease with a 5 year option at the lapsing of the current Lease, being 31 December 2017 over 11 Hamilton Street, Bassendean, and that aspect of the BIC Reserve currently under lease for the School playground; and
3. Informs the Casa Mia Montessori School that it is only prepared to consider the sale of 11 Hamilton Street, Bassendean, if the School purchases 16 Whitfield Street, Bassendean, or the Crown disposes of the portion of the BIC Reserve leased for playground.

Voting requirements: Absolute Majority

10.7 Bassendean Oval Football Facilities Business Plan (Ref: LEGL/AGMT/8 – Graeme Haggart, Director Community Development)

PURPOSE

The purpose of this report is for Council to determine what action to take in relation to the proposed development of a business case for Football Facilities at Bassendean Oval.

ATTACHMENTS

Attachment No. 8:

- Correspondence from Department for Local Government, Sport and Cultural Industries.
- Powerpoint presentation made to Councillors.

BACKGROUND

The Town received correspondence dated 18 May 2017 from the Department for Local Government, Sport and Cultural Industries (Department) (attached) on a proposal to develop a Business Case for Football Facilities at Bassendean Oval, citing facilities at Bassendean Oval are in poor condition relative to other West Australian Football League (WAFL) facilities.

The correspondence states: *“it is important to note that the business case is in no way related to non-football related development as identified as part of the Bassendean Activity Centre project.”*

A briefing was provided to Councillors by Officers from the Department for Local Government, Sport and Cultural Industries on Tuesday 11 July 2017 (attached).

The majority of infrastructure at Bassendean Oval was constructed in the 1970’s or earlier. Bassendean Oval will shortly be the last WAFL Club to receive facility enhancements in the League.

Only at East Fremantle Oval, are the current facilities on a par with Bassendean Oval. East Fremantle Football Club is planning to relocate to Fremantle Oval.

All other WAFL Clubs have had, or are in the process of, receiving substantial capital injections to enhance their facilities.

Improving facilities at Bassendean Oval is therefore a priority for the Club and WAFL.

The Department proposes partners to the process be the Town, the Department, WAFL and SDFC. They propose the establishment of a Project Control Group (PCG) chaired by the Town, to oversee the project.

A properly funded business case is anticipated to cost \$70,000 - \$75,000. No funding is being sought from the Town towards the project.

A consultant will be engaged to produce the business case that is proposed and will be developed in accordance with the Department of Treasury's Strategic Asset Management Framework requirements.

The business case will consider various options, including the status quo, the recommended facility model and at least one alternate facility model.

To meet the Department of Treasury's Strategic Asset Management Framework requirements, the business case will require to provide detail of the scale of the infrastructure, rigorous cost benefit analysis, high quality cost estimates, project timeframes and well managed risks profiles.

The business case will provide a full analysis of the social, economic (financial), heritage and environmental considerations.

The Town is offered the opportunity to manage the project's funds by agreement. That is, the Town's contribution will be an in-kind contribution.

COMMUNICATION & ENGAGEMENT

The Department has the lead in the project's planning and has drawn the various partners together.

It is vital that the Town's involvement is open and transparent and that progress and the process, are regularly reported to Council.

STRATEGIC IMPLICATIONS

- 1.2.1 Provide accessible facilities that support leisure, learning and recreation for people of all ages.

COMMENT

Whilst there has been no community consultation to date on this project, the Department has been advised by the Town that any approval to proceed with the Town's participation, will be premised on there being open and transparent processes.

No meeting of the Project Control Group has been called or held.

Council is requested by this report to consider its options that include:

- Whether to support the project or to not support the project.;
- If it is agreed to support the project, then Council needs to determine whether it agrees to representation on the Project Control Groups or not and if so, how many representatives; and
- Whether to agree to Chair the PCG and manage the project finances.

Council may also wish to consider recommending community representation to be included on the Project Control Group.

It is noted that along with the Department for Lands, that LandCorp is proposed to be a member of the Project Control Group. LandCorp may part fund the project.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

There is no direct cost for the Town to participate in the project. In-kind costs will be borne principally through staff time.

OFFICER RECOMMENDATION — ITEM 10.7

That Council:

1. Agrees to participate in the Bassendean Oval Football Facilities business case project;
2. Appoints the following representatives to the Project Control Group:

_____, _____, _____
3. Agrees to taking a chairing role on the Project Control Group; and
4. Agrees to manage the project's finances.

Voting requirements:

Simple Majority: Points 1 and 3

Absolute Majority: Point 2

10.8 Quarterly Report for Period Ended 30 June 2017 (Ref: FINM/AUD/1 – Bob Jarvis, Chief Executive Officer)

APPLICATION

The purpose of this report is for Council to receive the Quarterly Report for the period ended 30 June 2017.

ATTACHMENTS

Attachment No. 9: Quarterly Report

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 2017-2027 Corporate Business Plan.

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.

That Council receives the Quarterly Report for the quarter ended 30 June 2017.

Voting requirements: Simple majority

10.9 Access and Inclusion Committee Meeting held on 5 July 2017 (Ref: GOVN/CCLMEET/16 – Graeme Haggart, Director Community Development)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Access and Inclusion Committee held on 5 July 2017.

ATTACHMENTS

Attachment No. 10:

Access and Inclusion Committee Minutes of 5 July 2017.

STRATEGIC IMPLICATIONS

The Access & Inclusion 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

The main items considered at the meeting included:

Disability Access and Inclusion Plan (DAIP) Implementation Report

It was noted that the DAIP is a 5-year plan that is now due for renewal and that actions in the plan have largely been implemented.

Manager Seniors and Disability Services (MSDS) Report

Amongst other items, the MSDS reported that the Town has acquired recurrent (\$26,456) and non-recurrent (\$9,333) HACC growth funding, but from 2017/18 has had \$148,579 of recurrent funding redirected to National Disability Insurance Scheme (NDIS). While a registered NDIS provider, the Town will focus on acquiring NDIS clients through brokerage and by liaising directly with clients who manage their own funds rather than sourcing them through NDIS given the onerous and costly quality audit requirements announced by NDIS. The Town has now transitioned to the new TRACCS operating system.

Other Items

Other items considered at the meeting of note included:

- Receipt of the Annual Report to Disability Services Commission that was submitted online by the due date: 30 June.
- No member of Committee attended the two-day “conversation” on the implementation of NDIS. No feedback has been received on the outcome of the “conversation”.
- Several members attended the “Count Me In” Round luncheon at the Swan Districts Football Club attended by approximately 200, many of whom live with a disability. While the Club had hired accessible toilets, the staff was not made aware.

STATUTORY REQUIREMENTS

Disability Services Act requires all Government Departments and Agencies (including Local Government) establish a Disability Access and Inclusion Committee and adopt a Plan to reduce barriers experienced in accessing the services and facilities of that organisation.

FINANCIAL CONSIDERATIONS

Nil

OFFICER RECOMMENDATION — ITEM 10.9

That the report on a meeting of the Access and Inclusion Committee held on 5 July 2017, be received.

Voting requirements: Simple Majority

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

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

Building Applications Determined in the Month of June 2017		
Application No	Property Address	Description
201700136	28 GALLAGHER STREET, EDEN HILL	2 SINGLE DWELLINGS
201700177	6 MALEY COURT, ASHFIELD	RAISED FLAT (PATIO)
201700173	13 KENMURE AVENUE, ASHFIELD	RESIDENTIAL ADDITIONS
201700179	80 OLD PERTH ROAD, BASSENDEAN	TENANCY FITOUT (OLD LIRA PIZZA - BASSENDEAN)
201700171	42 PEARSON STREET, ASHFIELD	POOL FENCE APPLICATION
201700174	60 THIRD AVENUE, BASSENDEAN	RESIDENTIAL ALTERATIONS
201700178	36 LITTLEMORE WAY, EDEN HILL	SHED
201700170	42 PEARSON STREET, ASHFIELD	FRONT FENCE APPROVAL
201700176	9 BASSENDEAN PARADE, BASSENDEAN	ENSUITE ADDITION
201700172	116 FIRST AVENUE, BASSENDEAN	TIMBER CABIN - ART STUDIO
201700153	48 PENZANCE STREET, BASSENDEAN	EXTENSION & RENOVATIONS
201700157	19 WALKINGTON WAY, EDEN HILL	PATIO
201700155	136 RAILWAY PARADE, BASSENDEAN	SOLAR PANELS
201700151	12 IDA STREET, BASSENDEAN	PATIO
201700159	12 IDA STREET, BASSENDEAN	FIBREGLASS SWIMMING POOL
201700158	108 KENNY STREET, BASSENDEAN	PATIO
201700150	43 LORD STREET, BASSENDEAN	DEMOLITION
201700154	170 ANZAC TERRACE, BASSENDEAN	PATIO
201700156	11 PURSER LOOP, BASSENDEAN	SOLAR PANELS
201700141	60 THIRD AVENUE, BASSENDEAN	PATIO TO FORM GAMES ROOM CUBBY HOUSE & SHED (RETROSPECTIVE)
201700147	95 FREELAND WAY, EDEN HILL	PATIO
201700143	43 LORD STREET, BASSENDEAN	2 X DWELLINGS
201700129	17 PARNELL PARADE, BASSENDEAN	SINGLE DWELLING
201700165	67 ESTHER STREET, EDEN HILL	SINGLE STOREY DWELLING WITH CARPORT
201700163	42 PEARSON STREET, ASHFIELD	FIBREGLASS SWIMMING POOL
201700167	8 THOMPSON ROAD, BASSENDEAN	FULL DEMOLITION
201700166	6 DEVON ROAD, BASSENDEAN	RESIDENTIAL ADDITIONS
201700160	13 EIGHTH AVENUE, BASSENDEAN	PATIO
201700168	33 SCHOFIELD STREET, EDEN HILL	DEMOLITION
201700164	5 FIFTH AVENUE, BASSENDEAN	CARPORT
201700090	21 DEVON ROAD, BASSENDEAN	PATIO
201700019	26 PALMERSTON STREET, BASSENDEAN	FENCE & RETAINING WALL
201600252	18 SCHOFIELD STREET, EDEN HILL	SINGLE DWELLING

OFFICER RECOMMENDATION – ITEM 10.10

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

Voting requirement: Simple majority

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

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

Planning and Subdivision Applications Determined to 14 July 2017			
Applic No.	Property Address	Type of Development	Determination
2016-052	55B IOLANTHE STREET BASSENDEAN 6054	RETROSPECTIVE APPROVAL FOR ADDITIONS AND ALTERATIONS TO GROUPED DWELLING	DELEGATE APPROVED
2017-059	35 BROADWAY BASSENDEAN 6054	8 MULTIPLE DWELLINGS	DELEGATE APPROVED
2017-079	5 BRADSHAW STREET EDEN HILL 6054	PATIO	DELEGATE APPROVED
2017-091	95 FREELAND WAY EDEN HILL 6054	PATIO	DELEGATE APPROVED
2017-092	36 LITTLEMORE WAY EDEN HILL 6054	OUTBUILDING	DELEGATE APPROVED
2017-094	78 ANZAC TERRACE BASSENDEAN 6054	AMENDED APPLICATION FOR 8 MULTIPLE DWELLINGS (APPLICATION TO EXTEND VALIDITY OF APPROVAL)	DELEGATE APPROVED
2017-095	71 GUILDFORD ROAD BASSENDEAN 6054	GROUPED DWELLING	DELEGATE APPROVED
2017-101	Unit 9, 36 IVANHOE STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
	Subdivision Applications		
75542	17 CHAPMAN STREET BASSENDEAN 6054	FORM 26 - CERTIFICATE OF APPROVAL FOR STRATA PLAN FOR 6 GROUPED DWELLINGS	DELEGATE APPROVED

OFFICER RECOMMENDATION – ITEM 10.11

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

Voting requirement: Simple majority

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

The Chief Executive Officer and the Mayor have been delegated the responsibility for affixing the Common Seal to documents requiring signing and sealing, and for reporting the exercise of that delegation to the next available Ordinary Meeting of the Council.

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

23/06/17 Hyde Retirement Village Residence Deed between Julie Lynn Chugg and the Town of Bassendean.

30/06/17 Recreational Boating Facilities Scheme Funding Agreement between the Minister for Transport and the Town of Bassendean for the Pickering Park Boat Ramp & Jetty Planning Study.

07/07/17 Application to Licence Boat Ramp No 4751, adjacent to Pickering Park, Lot 11 Bassendean Parade, Bassendean, between the Department of Transport and the Town of Bassendean.

18/07/17 Transfer of Land - Lot 68 on Diagram 8807 Villiers Street, Bassendean, from the Australian Securities & Investments.

OFFICER RECOMMENDATION – ITEM 10.12

That Council notes the affixing of the Common Seal to the document listed in the Ordinary Council Meeting Agenda of 25 July 2017.

Voting Requirements: Simple majority

10.13 Calendar for August 2017 (Ref: Sue Perkins, Executive Assistant)

Wed	2 Aug	10.00am	Bassendean River Parks Management Committee Meeting – Council Chamber (Crs Bridges & Brown)
Thu	3 Aug	9.30am	Local Studies Collection Management Committee Meeting – Council Chamber (Cr Pule)
Tue	8 Aug	7.00pm	Liveable Town Advisory Committee Meeting – Council Chamber (Crs Gangell, Bridges & McLennan)
Wed	9 Aug	5.30pm	Audit & Risk Management Committee Meeting – Council Chamber (Crs Lewis, Pule & Bridges)
Thu	10 Aug	6.00pm	EMRC Strategic/Briefing Session – If required EMRC (Crs Lewis & Bridges)
Thu	17 Aug	10.45am	Vietnam Veterans' Day Commemorative Service – Bassendean War Memorial
Tue	22 Aug	5.00pm	Briefing Session – Council Chamber
Tue	22 Aug	7.00pm	Ordinary Council Meeting – Council Chamber
Wed	23 Aug	4.00pm	Metropolitan Waste Advisory Committee Meeting – WALGA (Cr Bridges)
Thu	24 Aug	6.00pm	EMRC Council Meeting – If required – EMRC (Crs Lewis & Bridges)
Fri	25 Aug	5.00pm	Youth Advisory Council Meeting – Bassendean Youth Service
Thu	31 Aug	6.00pm	WALGA East Metropolitan Zone Meeting – EMRC (Crs Gangell, Lewis & Pule)

OFFICER RECOMMENDATION - ITEM 10.13

That the Calendar for August 2017 be adopted.

Voting Requirements: Simple majority

10.14 Implementation of Council Resolutions (Ref: GOVN/CCLMEET/1 - 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:

Issue ID	Assigned To	Brief Description	Action Taken
86773	Bob Jarvis	OCM-14/10/15 - Integrated Planning and Reporting Framework Strategy	Corporate Business Plan and Budget adopted 10 July 2017. Recommend Deletion
84972	Christian Buttle	OCM-9/7/15-Non-compliance with conditions of Retrospective Approval for Front Fencing – Lots 834 & 835 (Nos. 27 – 31) Purser Loop, cnr May Holman Drive, Bassendean	Landscaping to exterior of perimeter fencing has been installed in accordance with conditions of approval specified by Council and bond monies associated with development have been refunded. Recommend Deletion
88065	Christian Buttle	OCM-10/12/15 - Compliance Matter – Unauthorised Non-Residential Storage on Lot 130 (No. 107) Kenny Street, Bassendean	Site cleaned up such that site is no longer being used as a storage yard and new concrete crossover installed. Recommend Deletion

ISSUE ID	ASSIGNED TO	BRIEF DESCRIPTION	ACTION TAKEN
ROC17/54538	BOB JARVIS	OCM-17/06/17 - CONDUCTING THE 2017 COUNCIL ELECTIONS BY POSTAL VOTE	ELECTORAL COMMISSION ENGAGED AND FUNDS ALLOCATED IN ADOPTED BUDGET. RECOMMEND DELETION
ROC17/53456	GRAEME HAGGART	OCM-33/3/17 - NOTICE OF MOTION – CR MCLENNAN: TEMPORARY INFANT HEALTH CLINIC FACILITY	COUNCIL RESOLUTION CONVEYED TO THE RELEVANT PARTIES. RECOMMEND DELETION

ROC17/54537	GRAEME HAGGART	OCM-16/06/17 - VARIATION TO THE LEASEHOLD AREA - BASSENDEAN MEN'S SHED ASSOCIATION (INC)	CORRESPONDENCE SENT TO THE MINISTER FOR EMERGENCY SERVICES ON 6 JULY. A REVISED LEASEHOLD AREA HAS BEEN ESTABLISHED TO ACCOMMODATE A 400M2 SHED. RECOMMEND DELETION
ROC17/53452	GRAEME HAGGART	OCM-20/3/17 - ACCESS AND INCLUSION COMMITTEE MEETING HELD ON 1 MARCH 2017	FUNDING FOR THIS PROJECT WAS ADOPTED WITH THE BUDGET. RECOMMEND DELETION.
ROC17/53983	SIMON STEWERT-DAWKINS	OCM-12/5/17 - 1 SURREY STREET – HERITAGE ARCHITECTS DETAILED DESIGN OPTIONS	COUNCIL (OCM12/05/17) RESOLVED TO LIST \$114245 IN THE DRAFT BUDGET TO PREPARE OPTION 1 DETAILED DESIGNS. COUNCIL (SCM 6/7/17) SUBSEQUENTLY RESOLVED TO ALLOCATE \$80000 IN THE 2017/2018 ADOPTED BUDGET. RECOMMEND DELETION
ROC17/54533	MIKE COSTARELLA	OCM-12/6/17 - REVIEW OF LEADERSHIP AND GOVERNANCE POLICIES	GOVERNANCE POLICIES ADVERTISED TO PUBLIC RECOMMENDED DELETION
ROC17/54540	MIKE COSTARELLA	OCM-22/06/17 - AUDIT & RISK MANAGEMENT COMMITTEE MEETING HELD ON 7 JUNE 2017	ALL ISSUES HAVE BEEN ADDRESSED BY STAFF. RECOMMENDED DELETION
ROC17/54531	CHRISTIAN BUTTLE	OCM-10/6/17 - REVIEW OF WORKS APPROVAL BY THE MINISTER FOR ENVIRONMENT AND AIR MONITORING OF PROPOSED CONCRETE BATCHING PLANT - LOT 105; 2 CLUNE STREET BASSENDEAN	OFFICER RECOMMENDATION ADOPTED BY COUNCIL. NO FURTHER ACTION REQUIRED. RECOMMEND DELETION
ROC17/54532	CHRISTIAN BUTTLE	OCM-11/6/17 - THIRD PARTY APPEAL RIGHTS IN PLANNING – WALGA DISCUSSION PAPER	COUNCIL'S SUBMISSION FORWARDED TO WALGA IN ACCORDANCE WITH RESOLUTION OF COUNCIL. RECOMMEND DELETION
ROC17/54539	CHRISTIAN BUTTLE	OCM-19/06/17 - MUNICIPAL HERITAGE INVENTORY REVIEW COMMITTEE MEETING HELD ON 6 JUNE 2107	MHI HAS BEEN MODIFIED IN ACCORDANCE WITH COUNCIL'S RESOLUTION AND REQUIRED BUDGET CONSIDERATIONS HAVE BEEN MADE. RECOMMEND DELETION
ROC17/54529	CHRISTIAN BUTTLE	OCM-7&8/6/17 - PROPOSED AMENDMENT NO. 17 TO TOWN PLANNING SCHEME NO. 4A	AMENDMENT DOCUMENTS WILL BE FORWARDED TO THE WESTERN AUSTRALIAN PLANNING COMMISSION REFLECTING THE RESOLUTION OF COUNCIL. RECOMMEND DELETION
ROC17/54530	CHRISTIAN BUTTLE	OCM-9/6/17 - PROPOSED AMENDMENT NO. 9 TO LOCAL PLANNING SCHEME NO. 10	AMENDMENT DOCUMENTS WILL BE FORWARDED TO THE WESTERN AUSTRALIAN PLANNING COMMISSION IN REFLECTING THE RESOLUTION OF COUNCIL. RECOMMEND DELETION

ROC17/54535	MANDY GODFREY	OCM-14/6/17 - RFT CO 062 2016-17 PROVISION OF BRICK PAVING SERVICES (MINOR WORKS) FOR THE TOWN OF BASSENDEAN	OCM OUTCOME NOTED. SUCCESSFUL & UNSUCCESSFUL CONTRACTORS HAVE BEEN ADVISED. RECOMMEND DELETION.
ROC17/54534	MANDY GODFREY	OCM-13/6/17 - RFT CO 063 2016-17 SUPPLY PREPARATION AND INSTALLATION OF TURF AND TURF RENOVATION SERVICES	OCM OUTCOME NOTED. SUCCESSFUL & UNSUCCESSFUL CONTRACTORS HAVE BEEN ADVISED. RECOMMEND DELETION.
ROC17/52788	TIMOTHY ROBERTS	OCM-5/1/17 - BREACH OF CONDITIONS OF DEVELOPMENT APPROVAL AT LOT 9 (NOS. 2A & 2B) WALTER ROAD EAST BASSENDEAN	CROSSOVER AND DRIVEWAY WORKS HAVE BEEN SATISFACTORILY COMPLETED. OWNERS HAVE COMMITTED TO COMPLETING OUTSTANDING LANDSCAPING REQUIREMENTS. WILL CONTINUE TO BE MONITORED FROM AN OFFICER LEVEL AS COUNCIL HAVE ALREADY ENDORSED PROSECUTION PROCEEDINGS IF REQUIRED. RECOMMEND DELETION.

OFFICER RECOMMENDATION – ITEM 10.14

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 25 July 2017 be deleted from the Implementation of Council Resolutions list.

Voting Requirements: Simple majority

10.15 Accounts for Payment - June 2017 (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. 11: List of Accounts

BACKGROUND

The monthly payments made for the period June 2017 are presented to Council, with details of payments made by the Town in relation to goods & services received.

STRATEGIC IMPLICATIONS

Leadership and Governance

Improve capability and capacity

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

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

FINANCIAL CONSIDERATIONS

All payments are authorised prior to disbursement in accordance with their allocated budget.

OFFICER RECOMMENDATION - ITEM 10.15

That Council receives the List of Accounts paid for June 2017, as attached to the Ordinary Council Agenda of 25 July 2017.

Voting Requirements: Simple majority

10.16 Financial Statements – June 2017 (Ref: FINM/AUD/1 – Ken Lapham, Manager Corporate Services)

The Annual Financial Statements for the 30 June 2017 are currently being developed. There is a considerable amount of work to be undertaken to provide Council with the Actual Closing Surplus for the end of the Financial year.

The unaudited end of financial year statements will be presented to Council in August. This does not breach any legislative requirements.

OFFICER RECOMMENDATION – ITEM 10.16

That Council notes that the unaudited end of financial year statements for the period ended 30 June 2017, will be presented to Council in August 2017.

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Pule: Report on potentials of Lots 162, 163 Anstey Road, Bassendean

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

“That a report be prepared for Council’s consideration regarding an orderly process to set a course to develop the best outcomes and potentials for Lots 162 and 163 Anstey Rd for the Town of Bassendean.”

Comment – Cr Pule

1. Lots 162, 163 Anstey Road have been left as zoned residential as a consequence of the June Ordinary Council Meeting with a financial value potential in excess of \$800,000 dollars to the Town. This can help to offset the estimated loss of the 4A Scheme by almost half. However, Council now needs to consider the best options and set a course to achieve the best benefits for the Town from these assets.
2. The matters that may be considered in the report can begin at an estimation of the remediation works and costs, a variety of potential ways to develop the lots, potentials of keep the lots, sell them or develop with partnerships.
3. Local Governments are being invited to develop “Special Needs Potentials.” As the over 65 age bracket of Seniors is now the fastest growing sector of the population (increasing by 50% in a few short years. It would be fruitful for Council to consider this as one of the options and that could also encompass affordable housing accommodation for Seniors. This option has the additional benefit to give the Town a way to either increase or have an alternative for the well maintained but ageing facility at the Hyde Retirement Village. (Please refer to the WALGA Draft Local Government Housing Strategy Guide.
4. Now that the new State Government is reviewing the Local Government Act of 1995 and regulatory amendments, there are some interesting new potentials that may be explored. (This is a 2 phase process with the first completing by 2017 and a Bills by 2018/2019).

Some important areas of the review will deal with enabling Local Government enterprises and improving financial management.

5. These reviews give the Town new opportunities to be project ready and be first cab off the rank for grants.
6. If these two lots can be leveraged and developed perhaps with partnerships, they can be a better return to the Town or even a source of future income and increase the asset base of the Town. A natural benefit of this is a reduction in future rates set.
7. This is part of the long term Strategic Plan to improve the quality of life in Bassendean and can be part of the Longer Term Planning Strategy.

OFFICER COMMENT

In 2006, the Town engaged Coffey Geosciences Pty Ltd to undertake a geotechnical investigation of Lots 162 and 163 (Nos. 17 and 19) Anstey Road and by way of a report dated 7 April 2006, Coffey provided the Town with its Geotechnical Investigation Report and are summarised as follows:

The Objectives of the geotechnical investigation were to ascertain:

- Ground conditions including the extent and nature of fill material;
- Site Classification in accordance with AS2870-1996 (Site classification for residential slabs and footing design); and
- Recommendations for future development of the lots.

Results of the field investigations revealed a combination of topsoil/uncontrolled fill to a depth of 0.6m below ground level which was described as follows:

“Sandy topsoil overlying Clayey Sand to Sandy Clay Silty FILL, very dense friable fine grained, low plastic, brown to grey, dry, trace roots, organics and debris (i.e. bricks and concrete).”

Comments in relation to point 3:

While the subject land is capable of being developed for Aged or Dependent Persons' Dwellings, it is prudent to note that it is significantly flood affected, with habitable floor space of any development on the land having to be raised approximately 3.5 metres above the existing natural ground levels on site. The result of this site constraint is that habitable floor space must be situated the equivalent of a whole storey above ground level. Unless a lift(s) were included into a building design, the only practical way for habitable floor space to be accessed (other than placing approximately 3.5 metres depth of fill across the site) is via stairs. On this basis, the land is not considered to be suitable for the development of Aged or Dependent Persons' Dwellings.

11.2 Notice of Motion – Cr Pule: Life Cykel

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

“That the Town of Bassendean encourage Life Cykel to partner with Cyril Jackson or other partners to engage a voluntary community in Bassendean to recycle coffee grounds and grow food locally.”

Comment – Cr Pule

1. Life Cykel has now become efficient in mycology and grows amazing mushrooms. Life cykel is an effective business in sustainability.

The Mission statement is:

To enable humans and planetary health by obtaining unprocessed/ Local food, living sustainably and connecting people with nature.

They sell ready to grow mushroom box kits that produce a number of crops in home environments.

The mushrooms are delicious, fresh and local and very easy to grow.

<https://lifecykel.com.au/about-life-cykel/>

2. Life Cykel is now expanding to Melbourne, the coffee capital of Australia, where people are connecting to the recycle coffee / grow delicious mushrooms in droves.

This is a great endeavour to encourage in Bassendean and fits the Town's sustainable recycling community interest.

3. This is part of the long term Strategic Plan...to improve the quality of life in Bassendean and part of the Bassendean Climate Change Adaptation Plan.
4. This is also, part of the Town's sustainability, recycling objectives and additionally supports the local economy, business and employment, on top of all that, it is just great social interacting and fun.

OFFICER COMMENT

Officers have contacted Life Cykel to pursue if there is an interest in setting up a mushroom farm within the Town using local businesses coffee grounds, utilising either Cyril Jackson or volunteer group.

Life Cykel advised that for this to take place, the Town would be required to fund the setup of the farm with an estimated cost of between \$30,000 to \$50,000. Town officers also enquired as to whether Life Cykel would be interested in using local businesses who have coffee grounds, at their current Farm. Life Cykel advised that they have an abundant supply of coffee grounds and they are currently in the process of expanding their Perth Farm by moving to Bentley and would accept the grounds, if the Town facilitated the collection and delivery of the grounds or paid a fee for Life Cykel to collect.

Council has not allocated funds in the 2017/2018 Budget to contribute funds toward this business initiative.

11.3 Notice of Motion – Cr Bridges: Verge Treatment and Maintenance Policy

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

“That the Town of Bassendean amends the Verge Treatment and Maintenance Policy to enable residents to plant verge gardens, including with edible plants, within guidelines that maintain safe pedestrian flow, vehicle sight lines and access to utility infrastructure without the requirement of a formal application.”

Background information – Cr Bridges

Our current Policy allows a range of verge treatments but tends to discourage enhancement of verges as it requires lodgement of a formal application and staff approval before proceeding.

Adoption of a clear set of policy guidelines would reduce staff workload as any verge developed within the guidelines would be deemed compliant.

Projected population growth in Perth requires established suburbs to increase housing density via urban infill, replacing mature gardens and trees with buildings and hard surfaces. As a result, verges are becoming even more vital as a place for gardens and trees.

Street verges are shared public space, an integral part of the streetscape amenity of our Town. Research shows that “greener” street verges result in happier, healthier people, more socialisation, civic pride and increasing value in surrounding real estate. The economic, social, environmental and health benefits of a thriving urban forest are well documented and can be quantified in economic terms.

Officer Comment:

Attachment No. 12:

Permissible Verge Treatment Information Sheet

The Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010 states:

Division 1 - General prohibitions : A person must not plant any plant except grass within 6m of an intersection

Division 3 - Permissible Verge treatments:

- (1) An owner or occupier of land, which abuts on a verge, may on that part of the verge directly in front of her or his land install a permissible verge treatment.
- (2) The permissible verge treatments are:
 - (a) the planting and maintenance of a lawn;
 - (b) the planting and maintenance of a garden provided that:
 - (i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;

- (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;
 - (iii) it does not include a wall or built structure; and
 - (iv) it is not of a thorny, poisonous or hazardous nature; or
- (c) the installation of an acceptable material; or
 - (d) the installation of an acceptable material or other verge treatment in accordance with paragraph.
 - (e) and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

In regards to the landscaping of the verge, it is essential to provide at all times, clear sight visibility for both pedestrians and vehicles. Where there is no footpath, safe and clear access shall be provided for pedestrians. No plant except grass or a similar ground cover plant is to be grown within 2 metres of a road edge and no plant except grass or a similar ground cover plant is to be within 6 metres of an intersection. Other low growing plants shall not exceed 0.75 metres in height.

The Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010 and Council's permissible verge treatments, does not prevent residents from submitting an application to plant edible plants that shall not exceed 0.75 metres in height, within the guidelines

However, removing the formal application for a verge treatment could lead to non-complaint verges. Council has previously resolved the list of non-acceptable materials, such excessive paving, the use of gravel which may create a slip hazard and installing objects which may affect sight lines etc.

Currently, the applications are required in accordance with the attached information sheet. This process ensures that the approved verge treatment provides a structured approach to address any non-complaint issues before the verge treatment is installed and prevent non-compliant notices that will require re-work to the verge. This approach means that environmental, public safety, insurance liability requirements are considered as part of the Town approval process.

A formal application would consist of a simple sketch plan, advising plants and once approved (10 working days) the resident can implement the verge treatment.

The Town is aware that the City of Bayswater has developed guidelines whereby verge applications are no longer required. As a result, the Town of Bassendean contacted the City of Bayswater and they advised that they had initiated a new verge treatment criteria that no longer required an application and that developers and residents are expected to be self regulated based on the criteria. The feedback received is that the City is observing issues with verge treatments, which do not meet the criteria.

The current Town of Bassendean Local Law, the Verge Treatment and Maintenance Policy and the attached Information Sheet provides adequate direction to enable residents to plant verge gardens. The verge treatment application process is working effectively from a compliance perspective and therefore it is not recommended that the current application process be removed.

12.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

13.0 CONFIDENTIAL BUSINESS

13.1 Vandalism of Street Trees – Adjacent to No. 1 Garnsworthy Place Bassendean (Ref: COUP/MAINT/1 – Ken Cardy, Manager Asset Services; Simon Stewart-Dawkins Director Operational Services)

This matter is to be considered with members of the public excluded from the Chamber under Clause 5.23 (2) (d) of the Local Government Act 1995, as the Officer report discusses legal advice obtained, and (f)(i) a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.

13.2 Sports Achievement Awards (Ref: COMR/AWADP/4 –Tim Dayman, Recreation Development Officer)

This matter is to be discussed with members of the public excluded under Section 5.23 (2) (b) of the Local Government Act, in order to maintain the confidentiality of the names of the nominees.

14.0 **CLOSURE**

The next Ordinary Council meeting will be held on Tuesday
22 August 2017.