

# **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, 19 December 2017 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

BOB JARVIS  
**CHIEF EXECUTIVE OFFICER**

14 December 2017

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## **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 Gangell 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**

### **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 28 November 2017 (Attachment No. 1)**

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

That the minutes of the Ordinary Council meeting held on 28 November 2017, be received.

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

That the minutes of the Ordinary Council meeting held 28 November 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 19 December 2017:

Item	Report
10.2	Proposed Change of Use Application from 'Office' to 'Medical Centre' at Lot 119 (No. 89) Old Perth Road, Bassendean
10.3	Joint Metropolitan Central Development Assessment Panel Application – Form 2 – Application for Amendment of a Development Assessment Panel Application for 10 Multiple Dwellings to Extend Period of Validity of Approval – Lot 3 (No. 8) Walter Road East, Bassendean
10.5	European House Borer Infestation
10.8	General Meeting of Electors Minutes held on 5 December 2017
10.11	Proposed Guideline for Council Briefing Sessions
10.12	Request By Cr Brown to Attend the Safer Cities Summit Conference In Brisbane 6-7 February 2018
10.13	Determinations Made by the Principal Building Surveyor
10.14	Determinations Made by Development Services
10.15	Use of the Common Seal
10.16	Calendar for January 2018
10.17	Implementation of Council Resolutions
10.18	Accounts for Payment – November 2017
10.19	Financial Statements – November 2017

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

Item	Report
10.4	Town of Bassendean Draft Dust and Waste Local Law
10.6	RFT CO 075 2017-18 Provision of Chemical Free Weed Control within the Town of Bassendean
10.7	1 Surrey Street, Bassendean - Whole of Life Cost Models for Options 1 and 2C and the associated Business Case.
10.9	Consideration of Meeting Dates and Citizenship Ceremonies for 2018
10.10	Town Assets Committee
11.1	Notice of Motion – Cr McLennan: Councillors Training Budget
11.2	Notice of Motion – Cr Hamilton: 3 Bin System
13.1	Lease of ex Meals & Wheels Kitchen 50 Old Perth Road, Bassendean

**10.2 Proposed Change of Use Application from 'Office' to 'Medical Centre' at Lot 119 (No. 89) Old Perth Road, Bassendean (Ref: 2017-159 – Timothy Roberts, Planning Officer)**

**APPLICATION**

The application proposes a change of use from 'office' to 'medical centre' for tenancies No. 1 and 2 of the property located at No. 89 Old Perth Road, Bassendean. The application proposes a reduction in the number of car parking bays to less than the minimum required number specified within Local Planning Scheme No. 10. The application also proposes signage that is inconsistent with the provisions contained within Local Planning Policy No. 1: Bassendean Town Centre Strategy and Guidelines.

**ATTACHMENTS**

**Attachment No. 2:**

- Applicant's covering letter;
- Plans of the proposed development; and
- Proposed signage options.

**BACKGROUND**

Council, at its meeting held 25 October 2005, granted development approval for a mixed-use development on the subject property comprising four ground floor office tenancies and two residential dwellings above. The approved development included the provision of 19 car parking bays, and approved in accordance with the provisions of the then operative Town Planning Scheme No. 3.

Town Planning Scheme No. 3 (TPS 3) was subsequently revoked when Local Planning Scheme No. 10 (LPS 10) was gazetted in June 2008.

Car parking requirements for offices under TPS 3 were 1 bay for every 40m<sup>2</sup> of lettable floor area, while the requirements prescribed by LPS 10 are 1 bay for every 20m<sup>2</sup> of lettable floor area meaning that if the development was considered under the provisions of LPS 10, 27 car parking spaces on site would be required.

In October 2012, the Town received a change of use application for tenancy four to be changed from office to a hairdresser (shop) usage. LPS 10 prescribes a parking ratio of 1 bay for every 12.5m<sup>2</sup> of gross floor area for a shop.

This change of land use caused a further deficiency in car parking provision as under LPS 10, 30 car parking bays would be required on site under LPS 10 in lieu of the 19 car parking bays being provided. Council at its meeting held 27 November 2012, approved this change of use application and its subsequent variation to car parking bay requirements.

Central Bassendean Physiotherapy currently operates out of 29 Old Perth Road, Bassendean. At the October 2012 Council meeting, Council approved the change of use from 'office' to 'medical centre', which allowed the business to operate at this location. There is no onsite car parking available for this premises, and as such in issuing development approval Council also endorsed a variation to the required number of car parking bays under Local Planning Scheme No. 10. The rationale for this decision was to take a liberal view in terms of parking consistent with previous decisions in order to activate the Town Centre.

The covering letter provided by the applicant provides the following background information in support of their relocation to 89 Old Perth Road, Bassendean:

#### Nature of Business

The nature of the business is Physiotherapy and Allied Health, which typically involves one on one consultations between a Physiotherapist and a client. Appointment times are longer than industry standards and scheduled in 30-minute increments. In addition, clinical Pilates runs for 60 minutes per client, with a maximum of three clients at a time.

#### Number of Employees

The practice currently encompasses five physiotherapists (one part-time), one part-time massage therapist and several support staff, all working in shifts. The proposed new location encompasses three consultancy rooms, Pilates studio and one administrative office. At any one time, there are typically one to two physiotherapists consulting and if Clinical Pilates is running, there may be a third.

#### Opening Hours

Monday through Friday 7am to 7pm and Saturday mornings 8:30am until 12pm.

#### Peak Periods

Busiest times are typically 7am to 9am in the mornings and again in the evenings from 5pm to 7pm.

### Car Parking Demand and Provision

The applicant has indicated that there will be four car parking spaces on site that will be allocated to the proposed business. This effectively results in there being no on site car parking provisions for customers and it is assumed that not all staff can be accommodated on site. In support of the application and its request for a variation to the provision of on-site car parking, the applicant states that:

- Public transport is available within close proximity (bus stop on Old Perth Road and Bassendean Train Station at the end of the street);
- A number of clients are expected to walk or cycle to the business;
- Street car parking is readily available within close proximity; and
- Clients often combine tasks meaning they may park within the Bassendean Village Shopping Centre across the road, to do their grocery shopping etc. in conjunction with any appointment.

### Signage

The applicant acknowledges that the Town's requirement for signage is a maximum 20% coverage on glazed areas but has requested a variation for the following reasons:

- Patient privacy is an integral part of running a Physiotherapy practice and more extensive coverage is required to provide this;
- Heat reduction and energy efficiency;
- Added vibrancy with pleasant, inspiring photographs;
- Security and surveillance is already achieved through external camera surveillance; and
- Consistency with existing signage variations along Old Perth Road

The remainder of the applicant's covering letter forms an attachment to this report.

### COMMUNICATION & ENGAGEMENT

If a proposed development does not comply with a standard prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to conditions as the local government thinks fit.

In considering an application for development approval, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site, which is the subject of consideration for the variation, the local government is to consult the affected parties and have regard to any expressed views prior to making its determination to grant the variation.

The Scheme goes on to state that the ability to approve the variation may only be exercised if the local government is satisfied that:

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the Planning and Development (Local Planning Schemes) Regulations; and*
- (b) the non compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality."*

No consultation has been undertaken with respect to the assessment of the application, as it is expected that the proposed development, if approved, would not adversely affect owners or occupiers within the general locality or on an adjoining site, subject to the conditions contained in the recommendations below.

### STRATEGIC IMPLICATIONS

OBJECTIVE: Facilitate local business retention and growth.

STRATEGIES: Strengthen local business networks and partnerships.

OBJECTIVE: Plan for a healthy and safe community.

STRATEGIES: Facilitate safer neighbourhood environments.

OBJECTIVE: Enhance the Town's appearance.

STRATEGIES: Improve amenity and the public realm.

### COMMENT

The proposal for the relocation of Central Bassendean Physiotherapy fits within the 'medical centre' definition contained within LPS 10. A 'medical centre' is a 'D' use (discretionary) within the Town Centre Zone meaning that it is not permitted unless the local government has exercised its discretion by granting development approval.

Part 4 of LPS 10 specifies various objectives for different zones within the Town, and a 'medical centre' is consistent with the objectives of the Town Centre Zone. The proposed use is also consistent with the provisions contained within Local Planning Policy No. 1 (LPP 1) – Bassendean Town Centre Strategy and Guidelines.

Compared to the previously approved 'office' use, a 'medical centre' introduces variety into the land uses approved for the subject property and introduces a use which provides for greater activation within the street and increases pedestrian activity noting that the tenancy had been vacant for some time.

The application falls short in relation to the car parking requirements as detailed under clause 5.7.2 of LPS 10. Having regard to the provisions of LPS 10, the current car parking requirement for the entire site is 30 bays. Only 19 car parking bays were provided on site as part of the original development approval.

The 30 bay parking requirement for the development as it currently stands is comprised of:

- 404m<sup>2</sup> of Office @ 1 bay per 20m<sup>2</sup> (20.2 bays);
- 81m<sup>2</sup> of Shop @ 12.5m<sup>2</sup> (6.48 bays); and
- Two Multiple Dwellings @ 1.25 bays per unit (2.5 bays).

With respect to the tenancies subject of this application for development approval, the onsite car parking requirements for the site would be comprised of:

- 214m<sup>2</sup> of Office @ 1 bay per 20m<sup>2</sup> (10.7 bays);
- 81m<sup>2</sup> of Shop @ 12.5m<sup>2</sup> (6.48 bays);
- 3 consulting rooms @ 5 bays per consultants (15 bays); and
- Two Multiple Dwellings @ 1.50 bays per unit (3 bays).

In essence, 36 car parking bays are required on site in lieu of the 19 car parking spaces provided. This causes a 17 bay deficiency in car parking bay requirements. The current development approval for the site allowed a deficiency of 11 bays. As such, the applicant is requesting a variation of an additional 6 car parking bays above what has already been approved.

Noting the substantial existing car parking variation in conjunction with the variation requested as part of this application, it is recommended that onsite car parking be proportionally allocated to each tenancy operating at the premises.

Clause 5.5 of LPS 10 deals with variations to prescribed requirements. If a development, the subject of an application for development approval does not comply with a standard prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit. This power may only be exercised with consideration to the following matters:

- (a) the aims and provisions of the Scheme and any other local planning scheme operating within the Scheme area;
- (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 appearance of the development;
- (n) the amenity of the locality including the character of the locality;
- (s) the adequacy of the proposed means of access to and egress from the site and arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development particularly in relation to the capacity of the road system in the locality and the probably effect on traffic flow and safety;
- (u) the availability and adequacy for the development of public transport services and access for pedestrians, cyclists, older people and people with a disability;
- (x) the impact of the development on the community as a whole notwithstanding; and
- (zb) any other planning consideration the local government considers appropriate.

As part of the application, the applicant requests a 100% coverage to the windows fronting Old Perth Road. Clause 8.3 of Local Planning Policy No. 1: Town Centre Area Strategy and Guidelines stipulates:

*'Glazing of facades is encouraged to provide visibility between inside and outside the building. Glazed shopfronts are required in retail and commercial buildings. Old Perth Road facades should have a minimum of 80% clear glazed area at ground level.'*

The applicant has provided three options for signage (see attachment) noting that their preferred option one does not comply with the requirements of the Town Centre Area Strategy and Guidelines.

Whilst there are many other examples of shop windows within the Town Centre where the extent of clear glazing is well below the 80% requirement, it should be noted that many of these commercial properties commenced business operations at their location prior to adoption of these guidelines.

Council, at the 2014 November Council meeting, considered a retrospective development application for 100% coverage of the glazed area of the Bassendean Beauty shopfront located at 85 Old Perth Road, Bassendean. It was the officer's recommendation that the central portion of obscure film be removed from the glazed area. Whilst this recommendation did not comply with the requirement to provide more than 80% clear glazed area, it was deemed to meet the principles of the policy by providing visibility between the inside and outside of the building. It is therefore appropriate that option two be Council's preferred window treatment for the business. Approval of any window treatment with a coverage greater than option two would create an undesirable precedent for the Town and be at odds with the guidelines contained within Local Planning Policy No. 1.

Having regard to the appropriateness of the use, Council needs to consider car parking and the extent of signage. Council has the option to consider:

- Refuse the application, having regard to the non-compliance;
- Approve the application unconditionally, or
- Approve the application, subject to conditions.

It is also relevant to note that five recent development approvals within the Town Centre Zone being the redevelopment of Bassendean Village Shopping Centre, Mixed Use developments at 78-80, 85 and 93 Old Perth Road as well as the Cork and Bottle change of use application, have all involved concessions with respect to car parking provision. Noting that the commercial spaces within these mixed use developments are generally approved as offices (which have the smallest minimum car parking spaces requirements), it may be opportunistic to review the minimum car parking spaces requirements within the Town Centre Zone under LPS 10 as any future change of use application will automatically trigger the need for a concession to on-site car parking.

In the context of recent approvals that have been granted by the Town, the small scale of the proposed development, and the proposed use being consistent with the objectives identified both within LPS 10 and LPP 1, it is recommended that the application be approved subject to conditions.

### STATUTORY REQUIREMENTS

The relevant statutory provisions contained within LPS 10 that need to be considered should Council choose to approve the proposed development, have been addressed within the body of the report.

It should be noted that in the event the applicant is not satisfied with Council's decision, or any of the conditions imposed on the approval, there is a right of review to the State Administrative Tribunal under the Planning and Development Act.

### FINANCIAL CONSIDERATIONS

Nil.

### OFFICER RECOMMENDATION — ITEM 10.2

1. That Council grants development approval for the change of use application from 'office' to 'medical centre' (excluding signage options one and three) for tenancies 1 and 2 at Lot 119 (No. 89) Old Perth Road, Bassendean, subject to the following conditions:
  - (a) The allocation of eight car parking spaces being provided on site for use solely in conjunction with tenancy one and two (medical centre) business activities;
  - (b) The allocation of six car parking spaces being provided on site for use solely in conjunction with tenancy three (office) business activities;
  - (c) The allocation of three car parking spaces being provided on site for use solely in conjunction with tenancy four (shop) business activities;
  - (d) The allocation of one car parking space being provided on site solely for the use of unit one;
  - (e) The allocation of one car parking space being provided on site solely for the use of unit two;

- (f) Car parking spaces being clearly marked for use solely for their allocated business. Car parking bays are to be marked or signed to the satisfaction of the Town within 60 days from the date of this development approval; and
  - (g) This approval is for the use of the tenancies one and two as a 'medical centre' only. Operation of the proposed 'medical centre' shall be in accordance with the details contained within the cover letter provided by the applicant date stamped received 30 November 2017. Any changes to the operations will require submission of a new application for development approval for consideration by the Town; and
2. Investigate minimum car parking space requirements for the Town Centre Zone, as contained within Local Planning Scheme No. 10, as part of the review of the Local Planning Strategy with the outcomes to be referred back to Council and later included within the revised Local Planning Scheme.

**Voting requirements: Simple Majority**

**10.3 Joint Metropolitan Central Development Assessment Panel Application – Form 2 – Application for Amendment of a Development Assessment Panel Application for 10 Multiple Dwellings to Extend Period of Validity of Approval – Lot 3 (No. 8) Walter Road East, Bassendean, Owner: 8 Walter Road East, Bassendean Pty Ltd. Applicant: Planning Solutions (Ref: DABC/BDVAPPS/2017 - 155)**

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. 3:**

- Original Determination Notice including Approved Plans (provided under the cover of correspondence from the DAP Secretariat dated 11 October 2016).
- Original Officer report and RAR report from Sept 2016 agenda.
- Applicant's correspondence in support of current application dated 23 November 2017.
- DAP Practice Note 4.

BACKGROUND

The proposed development incorporates 10 Multiple Dwellings and was originally approved by the Metro Central Joint Development Assessment Panel at its meeting held on 6 October 2016.

Condition 27 of that approval states:

*"This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect."*

As such, the current valid development approval, if not acted upon, will expire on 6 October 2018.

The applicant is seeking approval of the Joint Development Assessment Panel to extend the period of validity from that originally granted to 6 October 2020.

## COMMUNICATION AND ENGAGEMENT

When the original application was assessed by the Town in 2016, consultation occurred with adjoining property owners as follows:

- 10 Walter Road East (Vacant land to the left hand (western) side of the proposed development). This vacant lot is owned by the Western Australian Planning Commission (WAPC);
- 46 Lord Street (Vacant land to the rear (northern) side of the proposed development). This vacant lot is also owned by the WAPC; and
- 6 and 6A Walter Road East (Two Single Houses to the right hand (eastern) side of the proposed development). Both of these houses are owner occupied.

Consultation did not extend beyond the boundaries of directly adjoining properties.

The ownership of each of the properties identified above has not changed since the original application was considered by Council and the JDAP, and as such, further consultation has not been undertaken as part of the assessment of the current application, noting that:

- The proposal relates solely to the timeframe imposed on the original notice of determination; and
- The proposed development is identical to that which was originally proposed.

Although consultation has not been undertaken in conjunction with the current application, each of the owners referred to above has been informed in writing of the new application and its consideration at the December 2017 Council meeting and subsequent consideration by JDAP.

## STRATEGIC IMPLICATIONS

### **Strategic Priority 3: Built Environment**

#### Objectives

- 3.1 Plan for an increased population and changing demographics

#### Strategies

- 3.1.1 Facilitate diverse housing and facility choices

3.1.2 Implement sustainable design and development principles

#### **Strategic Priority 4: Economic**

##### Objectives

1.1 Build Economic Capacity

##### Strategies

4.1.1 Encourage and attract new investment and increase capacity for local employment

##### COMMENT

The current valid approval is due to expire on 6 October 2018 being two years from the date that the application originally received JDAP approval.

Two years is the default timeframe within which a development must be substantially commenced under relevant planning legislation being the Planning and Development (Local Planning Schemes) Regulations 2015 ('the Regulations').

Clause 71 of the Regulations covers the issue of commencement of development following approval and states:

#### ***"71. Commencement of development under development approval***

*If development approval is granted under clause 68 –*

- (a) The development must be substantially commenced –*
  - (i) If no period is specified in the approval – within the period of 2 years commencing on the date on which the determination is made; or*
  - (ii) If a period is specified in the approval – within that period; or*
  - (iii) In either case – within a longer period approved by the local government on an application made under clause 77(1)(a); and*
- (b) The approval lapses if the development has not substantially commenced within the period determined under paragraph (a)."*

The current application seeks to extend the validity of approval from that which was originally approved (6 October 2018) for a further two years to 6 October 2020 (i.e. four years from the date of the original approval of the application and almost three years from the date when the current application will be determined).

Substantially commenced is defined by the Regulations as follows:

*“Substantially Commenced means that some substantial part of work in respect of a development approved under a planning scheme or under an interim development order has been performed.”*

In support of their application, the proponent presents the following arguments:

1. Section 9 of DAP Practice Note No. 4 sets out the relevant matters to be considered by the decision maker for applications to extend the timeframe associated with the validity of an approval, being:
  - (a) Whether the planning framework has changed substantially since the development approval was granted;
  - (b) Whether the development would likely receive approval now; and
  - (c) Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.

## STATUTORY REQUIREMENTS

Relevant statutory requirements have been discussed within the comment section of the report, above.

## FINANCIAL CONSIDERATIONS

Nil

## CONCLUSION

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 2 – Responsible Authority Report). It is recommended that the request to extend the validity of the approval be accepted, but not for the length of time requested by the proponent.

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 Mayor McLennan and Councillor Hamilton. Alternate members, should the need arise, are Councillor Brown and Councillor Wilson. However, at the time of writing this report, the Minister for Planning is yet to formalise the appointment of Crs Hamilton, Brown and Wilson to the DAP panel. Once this has occurred (which is expected to be sometime early in the new year) it will then also be necessary for these Councillors to undertake the mandatory DAP training prior to being able to participate in the decision making process as part of a formal DAP meeting. As such, this leaves Mayor McLennan as the Town's only currently appointed DAP member.

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 10.3

That Council endorses the Senior Planning Officer's Form 2 – Responsible Authority Report for the Application for Amendment of a Development Assessment Panel Application for 10 Multiple Dwellings to Extend the Period of Validity of Approval for 10 Multiple Dwellings Lot 3 (No. 8) Walter Road East, Bassendean.

**Voting requirements: Simple Majority**

## Form 2 - Responsible Authority Report (Regulation 17)

<b>Property Location:</b>	Lot 3 (No. 8) Walter Road East, Bassendean
<b>Development Description:</b>	Proposed 10 Multiple Dwellings
<b>Proposed Amendments:</b>	To amend the approval so as to extend the period within which the development must be substantially commenced by a further two years from that originally specified (i.e. to 6 October 2020).
<b>DAP Name:</b>	Metro Central JDAP
<b>Applicant:</b>	Planning Solutions
<b>Owner:</b>	8 Walter Road East Bassendean Pty Ltd
<b>Value of Amendment:</b>	Overall estimated cost of development remains unchanged at \$2 million dollars.
<b>LG Reference:</b>	2017-155
<b>Responsible Authority:</b>	Town of Bassendean
<b>Authorising Officer:</b>	Christian Buttle, Senior Planning Officer
<b>Department of Planning File No:</b>	DAP/16/01058
<b>Report Date:</b>	12 December 2017
<b>Application Receipt Date:</b>	28 November 2017
<b>Application Process Days:</b>	14 days
<b>Attachment(s):</b>	<ol style="list-style-type: none"> <li>1. Original Determination Notice including Approved Plans (provided under the cover of correspondence from the DAP secretariat dated 11 October 2016).</li> <li>2. Applicant's correspondence in support of current application dated 23 November 2017.</li> </ol>

**Officer Recommendation:**

That the Metro Central JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/16/01058 as detailed on the DAP Form 2 date stamped received 28 November 2017 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/16/01058 as detailed on the DAP Form 2 date stamped received 28 November 2017 and accompanying plans:

Dwg No.	Drawing Name	Rev No.	Dwg Date
A01	Existing Site Plan	E	29.08.2016
A02	Proposed Site / Ground Floor Plan (Part A)	E	29.08.2016
A03	Proposed Site / Ground Floor Plan (Part B)	E	29.08.2016
A04	First Floor Plan (Part A)	E	29.08.2016

in accordance with the provisions of the Town of Bassendean Local Planning Scheme No. 10, for the proposed minor amendment to the approved 10 Multiple Dwellings at Lot 3 (No. 8) Walter Road East, Bassendean, subject to the following conditions:

**Amended Conditions**

1. Modification to Condition 27 so as to now read:

This decision constitutes planning approval only and is valid for a period of 2 years from the date of determination of the Form 2 application. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

All other conditions and requirements detailed on the previous approval dated 6 October 2016 shall remain unless altered by this application.

**Details: outline of development application**

Insert Zoning	MRS:	Urban
	TPS:	Residential (R20/40)
Insert Use Class:		Multiple Dwellings ('P' (permitted) land use)
Insert Strategy Policy:		Not applicable
Insert Development Scheme:		Town of Bassendean Local Planning Scheme No. 10.
Insert Lot Size:		1,200 sq.metres
Insert Existing Land Use:		N/A – Vacant Land

The applicant seeks approval to modify the development approval for 10 Multiple Dwellings which was originally issued by JDAP at its meeting held 6 October 2016 by:

- (a) Extending the period of validity within which the proposed development must be substantially commenced by a further two years beyond that originally approved (i.e. from 6 October 2018 to 6 October 2020).

**Background:**

Development approval for 10 Multiple Dwellings was previously granted by the Metro Central JDAP at its meeting held 6 October 2016.

**Legislation & policy:**

Legislation

- Planning and Development Act 2005;
- Planning Development (Local Planning Schemes) Regulations 2015; and
- Town of Bassendean Local Planning Scheme No. 10.

State Government Policies

The following state government policies are of relevance when considering the application for development approval:

- (a) Directions 2031 (Bassendean is an identified District Centre);  
(b) State Planning Policy 3.1 – Residential Design Codes of Western Australia; and  
(c) State Planning Policy 4.2 – Activity Centres for Perth and Peel.

Local Policies

The application for development approval was originally assessed against the Town's adopted Local Planning Policy No. 2 "Energy Efficient Design" and Local Planning Policy No. 3 Water Sensitive Design". These policies are referenced by Clause 5.3 of Local Planning Scheme No. 10 and were required to be suitably addressed in order for the applicant to gain development entitlements at the higher R40 density code, as proposed.

Additionally, Local Planning Policy No. 18 – Landscaping with Local Plants is of relevance when considering the application for development approval.

**Consultation:**

Public Consultation

The original application for development approval was referred to the following adjoining property owners for public comment:

- 10 Walter Road East (vacant land to the left hand (western) side of the proposed development). This vacant lot is owned by the Western Australian Planning Commission (WAPC);
- 46 Lord Street (Vacant land to the rear (northern) side of the proposed development. This vacant lot is also owned by the WAPC; and
- 6 and 6A Walter Road East (Two single houses to the right hand (eastern) side of the proposed development). Both of these houses are owner occupied.

Consultation did not extend beyond the boundaries of directly adjoining properties.

The ownership of each of the properties identified above has not changed since the original application was considered by Council and the JDAP, and as such, further consultation has not been undertaken as part of the assessment of the current application, noting that:

- The proposal relates solely to the timeframe imposed on the original notice of determination; and
- The proposed development is identical to that which was originally proposed.

Although consultation has not been undertaken in conjunction with the current application, each of the owners referred to above has been informed in writing of the new application and its consideration by JDAP.

#### Consultation with other Agencies or Consultants

The original application was advertised to the Western Australian Planning Commission as an adjoining property owner as identified above.

#### **Planning assessment:**

##### Request to Amend Condition 27

Condition 27 states that:

*“This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.”*

The applicant has requested that the period of validity of approval be extended for a further two years from 6 October 2018 to 6 October 2020.

DAP Practice Note covers Form 2, Regulation 17, Minor Amendment Applications. At part 9, it states that:

*“Where a Form 2 application is made in accordance with r.17(1)(a) ‘to amend the approval so as to extend the period within which any development approved must be substantially commenced’ the relevant planning considerations should include:*

- *Whether the planning framework has changed substantially since the development was granted;*
- *Whether the development would likely receive approval now; and*
- *Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.”*

The following comments are made with respect to the matters identified above:

#### Changes to Planning Framework

There have been no changes implemented / formalised to the Residential Design Codes of Western Australia, the Town’s operative Local Planning Scheme No. 10 (LPS10) nor supporting planning policies since the application was first approved in October 2016.

There is, however, an amendment to LPS10 which would impact the proposed development if gazetted, and the question of whether or not Amendment No. 8 is ‘seriously entertained’ for the purpose of the current application must be considered.

Amendment No. 8 to Local Planning Scheme No. 10 seeks to modify controls associated with Multiple Dwellings within the Town so as to:

- (a) Only permit dwelling density to be calculated on plot ratio controls and not land area per dwelling controls (as is proposed in this instance) to properties that are within an 800m walkable distance to the Bassendean Train Station; and

- (b) Only permit Multiple Dwellings to be developed to the higher density code of a split coded property (as is also proposed in this instance) to development sites that have a frontage of 25m or greater.

The proposed development meets neither of the requirements identified above.

A history of Amendment No. 8 is provided below:

- **April 2016**  
Council adopts Amendment No.8 to LPS 10 for the purpose of advertising for public comments.
- **June – August 2016**  
Amendment is advertised for public comment for 42 days from 28 June 2016 – 9 August 2016 with one submission received.
- **November 2016**  
Council considers a report on submissions resolved to support Amendment No.8 without modification.
- **December 2016**  
Amendment documents are forwarded to the Western Australian Planning Commission (WAPC).
- **August 2017**  
By way of a letter dated 10 August 2017, the Town receives advice from the WAPC that it has considered the Amendment, submitted its recommendation to the Minister and that the Minister requires the Council to modify the amendment documents in accordance with an attached schedule of modifications before being resubmitted for approval.
- **August 2017**  
Council considers an Officer report on modifications to LPS Amendment No.8 documentation. Council resolves that:  
  
*“That the Mayor and CEO seek a deputation to the Planning Minister comprised of planners and Cr Bridges, to explain that perpetuation of the current plot ratio scenario:*
  1. *Creates community hostility by permitting construction of eight 2x2's per existing lot size;*
  2. *Limits the future ability to amalgamate and develop decent land parcels;*
  3. *Jeopardises the chances of achieving well designed higher multi residential developments;*
  4. *Frustrates the provision of higher density housing in the future as advocated by the adopted Local Planning Strategy;*  
*And to request reconsideration of the 25 - metre frontage requirement proposal, was put to the vote and CARRIED UNANIMOUSLY 6/0”.*
- **October 2017**  
Town staff and Councillors to present a deputation to the Minister for Planning on 5 October 2017 in relation the Amendment and the Council's concerns with the instructions contained within the correspondence from the Commission in its letter dated 10 August 2017.
- **October 2017**  
By way of an email dated 31 October 2017 the Town followed up with the Ministers Office to ascertain the status of the Amendment following the Town's deputation.
- **December 2017**  
The Town is currently awaiting advice from the Ministers office regarding the status of the Amendment.

The Commission and the Minister were both comfortable with the concept of only allowing Multiple Dwellings to be approved under plot ratio controls for development sites that were located within an 800m walkable distance of the Bassendean Train Station. The development site is situated beyond this 800m walkable distance and therefore if the Amendment were to be finalised in this manner, would allow only 5 Grouped or Multiple Dwellings (1 per 220 sq.metres of site area) as opposed to the 10 Multiple Dwellings that were previously approved.

However, uncertainty exists in relation to whether or not other provisions of the Amendment will be subject to further change and also in relation to the final timing of the Amendment. Having regard to the uncertainty that presently exists, it is not reasonable to identify the Amendment as a seriously entertained planning proposal at the present time, and on this basis decision making should occur under the planning framework that is currently legally in force.

#### Would Development Likely Receive Approval Now

Having regard to:

- the comments that have been made immediately above;
- the lack of change to any other component of the planning framework since approval was first granted; and
- there being no changes to the proposed development,

The proposal would receive the same Officer recommendation today (approval) as it did when the application was originally determined.

#### Active and Conscientious Pursuit of Implementing Approval

The applicant contends that the proponent has made efforts to pursue implementation of the approval which are summarised as:

- Demolition of the original dwelling which was on site; and
- Obtaining quotes for various works.

The demolition of the house occurred as the building was uninhabitable, had become a target for squatters and had become subject to active Council and Police involvement.

No information has been provided in relation to quotes that have been sought. There has been no application for a building permit; no builder appointed and no marketing of proposed dwellings for sale. As such, it would be the Town's contention that there can not be said to have been active and conscientious attempts made to implement the approval.

Notwithstanding this fact, having regard to the factors identified in the previous points, this is not seen to be a factor that should prevent an extension of time being granted.

However, given the changes to the planning framework that are actively in progress (and which would prevent approval being granted for the development if formalised), such extension should be for a maximum time period of 24 months from the date that the current application is to be determined and not 24 months beyond 6 October 2018, as has been sought by the applicant.

#### **Council Recommendation:**

Detail to be inserted following Council's consideration of this matter at its December 2017 Ordinary meeting.

#### **Conclusion:**

For the reasons identified within this report it is recommended that:

- Condition 27 be modified for the reasons identified within the body of this report to so as to now read:

This decision constitutes development approval only and is valid for a period of 2 years from the date of this decision. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

All other conditions and requirements detailed within the previous approval dated 6 October 2016 shall remain unless altered by this application.

**10.4 Town of Bassendean Draft Dust and Waste Local Law  
(Ref: LAWE/LOCLWS/2 – Brian Reed, Manager  
Development Services)**

APPLICATION

The purpose of this report is for Council to consider the preparation of a Dust and Waste Local Law to better manage and control dust emissions in the Town.

ATTACHMENTS

**Attachment No. 4:**

Draft Town of Bassendean Dust and Waste Local Law.

BACKGROUND

The Town did attempt to make a Town of Bassendean Dust and Sand Local Law, in 2011, however, the Local Law was disallowed by Parliament in 2012.

The disallowance motion was made as the Town had not followed the correct process under section 3.12 of the Local Government Act, rather than on the content of the Local Law.

By way of further background, historically, there have been a number of dust complaints associated mainly with demolition works and building works in the Town. The problems have been exacerbated by carrying out earthworks in the middle of summer, with inadequate dust control measures.

The Town's only reasonable response at present is to serve notices under Section 3.25 of the Local Government Act 1995, requiring the owner of the property to minimise the escape of dust from the affected property. This process is reactive to problems once they have occurred.

As an alternative, it is suggested that Council considers the adoption of a Dust and Waste Local Law. A draft local law is included in the attachments section of the agenda, which has been based almost entirely on a local law prepared by the Shire of Serpentine Jarrahdale, which was gazetted in November 2009.

The draft local law also includes requirements for a waste bin to be provided on a building site. Currently this requirement is contained within the Health Local Law, which will be repealed in time as a result of the new Public Health Act.

## COMMUNICATION & ENGAGEMENT

Once Council decides to make the Local, section 3.12 of the Local Government Act 1995, requires that notice of the proposed Local Law is advertised State wide and locally.

It is envisaged that the consultation will also occur through "Your Say Bassendean".

## STRATEGIC IMPLICATIONS

Preparing for a review of the Town's Local Laws is one of the Chief Executive Officer's key performance indicators under the theme of "develop and implements change management strategies to enhance service delivery".

## COMMENT

The proposed local law has the following features:

- An owner or occupier of land is required to take effective measures to stabilise dust and sand on land and ensure that dust and sand is allowed to escape from land, and notify the owners of adjoining land of any activity that has the potential to allow the escape of dust or sand from the land. (clause 2.1)
- A person must provide an approved receptacle for building waste on a building site.(clause 2.2)
- A person must drive a vehicle carrying a load of sand or dust from a dust generating development or building site unless there are effective measures to ensure that dust or sand cannot escape from the vehicle.(clause 2.3)
- A dust generating development is defined and the Town may determine other developments which may involve the escape of dust or sand is a dust generating development (clause 3.1)
- A person must not commence a dust generating development unless there is an approved dust management plan in place.(clause 3.2)
- The contents of a dust management plan are defined.(clause3.3)
- Clause 3.4 deals with the Town's ability to approve or refuse a dust management plan.
- Clause 3.5 deals with the Town's ability to submit a dust management plan.
- Part 4 deals with notices
- Part 5 deals with offences and penalties for non-compliance with the local law.

- Schedule 1 deals with prescribed offences to be administered through infringement notices.

### STATUTORY REQUIREMENTS

The process for making a local law is governed by section 3.12 of the Local Government Act 1995.

**Section 3.12 (2) of the Act requires the person presiding at the Council meeting to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.**

As this is a requirement of the Act, this matter cannot be dealt with en bloc.

#### Purpose and Effect

##### **Purpose**

The purpose of this local law is to provide for the regulation, control and management of dust and building waste on building sites and subdivisions on land within the district to protect and enhance the environment and amenity of the district.

##### **Effect**

The effect of this local law is to establish the requirements relating to dust and building waste on building sites and subdivisions on land within the district.

### FINANCIAL CONSIDERATIONS

The costs of advertising the proposed local law will be met out of account 401333.

### OFFICER RECOMMENDATION — ITEM 10.4

That Council commences the advertising and consultation processes outlined in clauses (3) and (3a) of section 3.12 of the Local Government Act 1995 for the proposed Town of Bassendean Dust and Waste Local Law attached to the Ordinary Council Agenda of 19 December 2017

**Voting requirements: Simple Majority**

**10.5 European House Borer Infestation (Ref: COUP/MAINT/1 - Jeremy Walker, Environmental Officer)**

**APPLICATION**

The purpose of this report is to advise Council that the Town has received a notice from the Department of Primary Industries and Regional Development, Biosecurity and Regulation Agriculture & Food Division (DAFWA), that an infestation of European House Borer has been identified within land controlled by the Town.

**ATTACHMENTS**

**Attachment No. 5**

- Notice of Infestation Letter received from Trevor Lacey – 19 June 2017
- Letter from Terry O’Rafferty – 24 July 2017 advising Town of preferred methods for treatment.

**BACKGROUND**

DAFWA have set up a European House Borer Team with the intention to contain the EHB pest within affected areas of Western Australia via surveillance and regulation.

The European House Borer (EHB) *Hylotrupes bajulus* is a destructive pest of seasoned coniferous timber including pine, fir and spruce. If allowed to become established it can cause major structural damage to buildings. The adult beetle lays its eggs into cracks, holes and joints in dead pine trees, dead branches, or other dead parts of living trees and untreated manufactured articles derived from pine timber.

EHB adult beetles emerge from September to April during flight season. They can live from a few days up to three weeks. EHB larvae that hatch from the eggs do the damage. EHB can live in its larval state for 2-12 years before it matures and emerges from the timber as an adult beetle, to begin the life cycle again. Only when 2-3 generations have infested the same piece of wood that serious structural damage can result.

In the hot temperate climate of Perth Western Australia, research shows the larvae life cycle to be closer to 2-5 years. The pest is able to live in a wide variety of climatic conditions, however, it prefers temperate habitats.

The main tree species in WA that are likely to be affected are:

- Pine (*Pinus* spp); and
- Oregon (Douglas fir – *Pseudotsuga* spp).

EHB has become a serious pest of seasoned softwood timbers in all countries where it is established and left untreated.

### COMMUNICATION & ENGAGEMENT

The Town is working with the Department of Primary Industries and Regional Development, Biosecurity and Regulation Agriculture & Food Division (DAFWA) to develop a plan to manage and treat this destructive pest.

On 16 June 2017, the Town's Environmental Officer was asked to meet, on-site at Success Hill Reserve, Inspector Terry O'Rafferty (DAFWA) concerning the EHB. The Department had located and identified EHB, in old pine logs within the reserve, and advised that 27 Pinus Pinaster Trees that reside within the parkland at Success Hill are a direct threat of EHB and should be treated before they become established, and the trees deteriorate and possibly cause major structural damage to buildings.

On 19 June 2017, the Town received a "Letter of Notice" from DAFWA (Attachment 1) advising that, under section 17 of the Agriculture and Related Resource Protection (European House Borer) Regulations 2006, the pinewood property at Success Hill Reserve Seventh Avenue Bassendean is infested with EHB *Hylotrupes bajulus*, a declared animal under the Agriculture and Related Resources protection Act 1976.

The letter stated that under regulations, Success Hill Reserve is now a priority management zone and all pinewood within that area is to be treated as per the requested management methods. The Town's Environmental Officer arranged for the Pine logs, within the bushland, to be destroyed using a chipper as per DAFWA instructions.

The Town's Environmental Officer sought clarification whether the Town could manage the EHB by undertaking seasonal pruning of the Pinus Pinaster trees to remove deadwood.

On 24 July 2017 DAFWA responded (attachment 2) advising the Town that, the Department undertook a trial in 2004, which involved the pruning deadwood from pine trees. The trial revealed that the seasonal pruning process does not work as seasoned parts on the tree trunk remain to support the EHB life cycle and beetles can travel up to 1km seeking new pine. The Department strongly recommended the Town remove all susceptible pine material.

As the EHB can travel up to 1km the Towns Environmental Officer advised DAFWA that the Town Works Depot contains 21 Pinus Pinaster trees and James Street, Bassendean contains a further 12 trees.

### STRATEGIC IMPLICATIONS

The recently adopted Strategic Community Plan 2017-2027, contains the following under the heading of Natural Environment:

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measure of Success</b> <i>How we will be judged</i>
2.2 Protect our Rivers, Bushland Reserves, and Biodiversity	2.2.1 Protect and restore our biodiversity and ecosystems. 2.2.2 Sustainably manage significant natural areas.	Community / Stakeholder Satisfaction Survey (Rivers, Bushland and reserves).

### COMMENT

Since the last correspondence with DAFWA in July 2017, Officers have been investigating Section 18 requirements and the costs of treating, removing and the replacing of the Pinus Pinaster trees located at Success Hill, James Street and Town of Bassendean Depot.

The DAFWA suggested period for the removal of these trees is August to September. The cost for this work will be included in the draft 2018-19 Budget for Council's consideration.

The risk to adjacent properties and the spread of EHB should not be taken lightly and therefore Officers support the recommendation given from the Department of Primary Industries and Regional Development to remove the trees.

Officers sought quotes from contractors to remove the Pinus Pinaster Trees at Success Hill, Council Depot and James Street Bassendean \$88,000 (Depot trees approximately \$35,750, Success Hill trees approximately \$37,125 and James St Trees approximately \$15,125)

The estimated cost to undertake a replanting program, planting of at least 60 mature trees (\$180/tree & \$65 labour cost) – estimated total cost \$14,700 and watering and maintenance costs for two years \$25,500), is a large capital expense to the Town. Officers are recommending that the removal and revegetation process be implemented

concurrently over a two-year period. Success Hill Reserve and James Street being stage one and the Depot stage two.

**STATUTORY REQUIREMENTS**

On 19 June 2017, the Town received a “Letter of Notice” from DAFWA (Attachment) advising that, under section 17 of the Agriculture and Related Resource Protection (European House Borer) Regulations 2006, the pinewood property at Success Hill Reserve Seventh Avenue Bassendean be infested with EHB Hylotrupes bajulus, a declared animal under the Agriculture and Related Resources protection Act 1976

**FINANCIAL CONSIDERATIONS**

Estimated Costs:

Area	Tree Removal \$	Replanting \$	Maintenance \$ 2 Year Period	Total Cost
<b>Stage One</b>				
Success Hill (27)	\$37,125	\$ 6,615	\$11,178	\$ 55,458
James Street (12)	\$15,125	\$ 2,940	\$ 5,208	\$ 23,273
<b>Total</b>	<b>\$52,250</b>	<b>\$ 9,555</b>	<b>\$16,386</b>	<b>\$ 78,191</b>
<b>Stage Two</b>				
Depot (21)	\$35,750	\$5,145	\$ 9,114	\$ 50,009
<b>Total</b>	<b>\$35,750</b>	<b>\$5,145</b>	<b>\$ 9,114</b>	<b>\$ 50,009</b>
<b>Grand Total</b>	<b>\$88,000</b>	<b>\$14,700</b>	<b>\$25,500</b>	<b>\$128,200</b>

Stage 1: (Capital Budget \$52,250 + \$9,555 = \$61,805)  
 (Operational Budget \$14,322)

Stage 2: (Capital Budget \$35,750 + \$5,145 = \$40,895)  
 (Operational Budget \$9,114)

All maintenance cost will be listed in the relevant years  
 Operational Budget for Councils approval

**OFFICER RECOMMENDATION — ITEM 10.5**

That Council:

1. In line with Department of Primary Industries and Regional Development, Biosecurity and Regulation Agriculture & Food Division recommendation authorise Officers to remove 60 Pinus Pinaster Trees located in Success Hill Reserve, James Street and surrounding the Depot in Bassendean;
- 2.. Agrees to implement a replanting and maintenance program where Pinus Pinaster trees have been identified for removal;
3. Agrees to implement a two-staged process to remove the 60 Pinus Pinaster Trees, (Stage 1) Success Hill, James St Bassendean and (Stage 2) Town's Works Depot area;
4. Lists an amount of \$61,800 in the draft 2018/19 Capital Budget to complete stage 1 for the removal of identified Pinus Pinaster Trees, for Council's consideration; and
5. Lists an amount of \$40,895 in the draft 2019/20 Capital to complete stage 2, for the removal of identified Pinus Pinaster Trees for Councils consideration.

**Voting requirements: Simple Majority**

**10.6 RFT CO 075 2017-18 Provision of Chemical Free Weed Control within the Town of Bassendean (Ref: ENVM/TENDNG/2 – Jeremy Walker, Senior Environmental Officer)**

APPLICATION

The purpose of this report is to appoint a successful contractor from those tender offers received for RFT CO 075 2017-18 Provision of Chemical Free Weed Control within the Town of Bassendean.

ATTACHMENTS

**Confidential Attachment No. 1:**

Tenderer's financial offers received, and the selection criteria weightings with steam demonstration photographs.

BACKGROUND

Potential tenderers were invited to submit a tender offer for "RFT CO 075 2017-18 Provision of Chemical Free Weed Control within the Town of Bassendean" through a Western Australian Newspaper advertisement, Town of Bassendean Webpage and Facebook article on 11<sup>th</sup> November 2017.

The Town received Three (3) responses, prior to the closing time 11am on Monday 27<sup>th</sup> November 2017, with two (2) tenders received conforming with the specifications and general conditions of the tender document.

Another tender was hand delivered to the Town's Depot over 24 hours after closing date and time. This tender could not be accepted in line with the Local Government (Functions and General) Regulations 1996 (see below): *18 Rejecting and Accepting Tenders, (1) A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.*

COMMUNICATION AND ENGAGEMENT

The "Request for Tender" was advertised in the West Australian Newspaper on Saturday, 11<sup>th</sup> November 2017 and through the Town's website and Facebook page.

STRATEGIC IMPLICATIONS

The recently adopted Strategic Community Plan 2017-2027, contains the following under the heading of Built Environment:

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measure of Success</b> <i>How we will be judged</i>
3.3 Enhance the Town's appearance	3.2.1 Improve amenity and the public realm	Community / Stakeholder Satisfaction Survey (heritage amenity and appearance)

**COMMENT**

An Evaluation Panel was formed to assess each submission against the selection criteria. The Panel included the Environmental Officer, Engineering Technical Officer and the Director Corporate Services. The Panel requested a demonstration of methodology and traffic management from the recommended contractor. This demonstration took place on Tuesday 05.12.17. The demonstration was successful and Panel are happy to proceed with recommendation.

Tenderers pricing details, regarded as commercial in confidence, and the selection criteria weightings are included in the attached Confidential Report. Photograph of the steam weeding trial are also included in the confidential report.

In accordance with the RFT the appointed contractor will be required to undertake recurring control of weeds in all of the Towns footpaths, road kerbs, medians, islands, concreted or paved pedestrian areas and any other traffic management infrastructure within the boundaries of the Town of Bassendean.

To provide a Chemical Free weed management service within the available budget, the roads have been separated into two categories of high and low priority roads. The high priority roads are classified as distributor road, having 5 treatments with the 1<sup>st</sup> occurring in February, then April, June, September and November each year. For the lower priority roads, these are access roads, having 3 treatments, being April, June and September each year.

**STATUTORY REQUIREMENTS**

Local Government Act 1995  
 Local Government (Functions and General) Regulations 1996

### FINANCIAL CONSIDERATIONS

The costs associated with this contract are included in the 2017/18 Budget and will be included in future budgets for each year of the contract.

### OFFICER RECOMMENDATION – ITEM 10.6

That Council appoints Natural Area Holdings Ltd to undertake the work as required in RFT CO 075 2017-18 Provision of Chemical Free Weed Control within the Town of Bassendean in accordance with its offer and the specifications and terms and conditions for a period of two (2) years, commencing 1<sup>st</sup> January 2018, subject to Natural Area Holdings Ltd meeting traffic management requirements of the conditions of the tender.

**Voting Requirement: Absolute majority**

**10.7 1 Surrey Street, Bassendean - Whole of Life Cost Models for Options 1 and 2C and the associated Business Case (Ref: COMDEV/TENDNG/10 - Director Operational Services, Simon Stewart-Dawkins)**

**APPLICATION**

The purpose of this report is to request that Council authorise the use of the current budget provisions to prepare Whole of Life Cost Models for Options 1 and 2C and the associated business case for each including any ongoing management requirements associated with future options

**BACKGROUND**

In November 2017, a report was presented to Council concerning Heritage Architect offers received in accordance RFQ 351 2017-18 to project manage the 1 Surrey Street consultation, design and construction, this also included a separate offer/ fee for the museum consultant. The November 2017 report also included feedback received from LotteryWest and key stakeholders.

Council subsequently resolved (OCM – 14/11/17) MOVED Cr Hamilton, Seconded Cr Quinton, to:

1. *Note the RFQ 351 2017-18 Heritage Architect report associated with the project management of the consultation, design and construction process at 1 Surrey Street, Bassendean and notes the following:*
  - a) *Insufficient funding allocation;*
  - b) *LotteryWest Grant Variation requirements;*
  - c) *Stakeholder feedback received;*
  - d) *Risks and consequences associated with the stakeholder & community consultation process, the detailed investigation and design process;*
2. *Does not accept any of RFQ 351 2017-18 Heritage Architect proposals submitted to project manage the consultation, design and construction process at 1 Surrey Street, Bassendean;*
3. *Requests staff provide an update of all expenditure to date associated with the investigation and creation of plans for the 1 Surrey Street Project;*
4. *Requests staff investigate the whole of life costs for the 1 Surrey Street Project and provide to this Council the business cases for Option 1 and Option 2c; and*

5. *Requests staff inform the key stakeholders that a Councillor Workshop will be held early in the New Year to consider alternative options that include the whole of life costs including any ongoing management requirements associated with future options for the use of the 1 Surrey Street heritage site.*

To implement the Council OCM – 14/11/17 resolution, this report is seeking approval to use the 2017/2018 budget allocated to appoint a Heritage Architect to project manage the consultation, design and construction process, but for Council to approve the use of the funds to engage SIA Architects Pty Ltd and Tramram Pty Ltd quantity surveyors to prepare a Business Case for option 1 and 2c and the whole of life costs and any ongoing management costs.

### COMMUNICATION AND ENGAGEMENT

On 21 November 2017, Elected Members attended a briefing session on the 1 Surrey Street project and inspected the site.

A copy of the briefing session presentation has previously been tabled as part of the November 2017 Ordinary Council meeting agenda.

### STRATEGIC IMPLICATIONS

The Community Strategic Plan 2017-2021, contains the following under the heading of:

Built Environment:

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <b>How we will be judged</b>
3.3 Enhance the Town's appearance	3.3.1 Improve amenity and the public realm 3.3.2 Strengthen and promote Bassendean's unique character and heritage 3.3.3 Implement design policies and provisions of buildings and places	Community / Stakeholder Satisfaction Survey (heritage, amenity and appearance)

### COMMENT

Considering the detailed knowledge the SIA Architects and their subcontractor Tramram Pty Ltd have had with the option 1 and 2C designs, preliminary discussion have been held with both parties and they have indicated that they would submit a quote to develop a business case and whole of life costs for the 1 Surrey Street Option 1 and Option 2c and any ongoing any ongoing management requirements associated with future options.

### STATUTORY REQUIREMENTS

Local Government Act 1995  
Local Government (Functions and General) Regulations 1996  
Heritage of Western Australia Act 1990

### FINANCIAL CONSIDERATIONS

The 2017/2018 Budget of \$80,000 was allocated to account 151359 titled Pensioner Guard Cottage – Architect General in accordance with Council (OCM – 12/05/17 , SCM – 6/7/17) resolution to appoint a Heritage Architect to manage the consultation, design and construction for the Option 1 design project.

The budget allocation was only allocated to appoint the Heritage Architect as per the Council resolutions.

At time of preparing this report, quotes had not been invited and therefore the Town is unsure of the estimated costs to undertake the Whole of Life Costs and provide the Business Case for Options 1 and 2C

In order to achieve Council OCM – 14/11/17 resolution, it is imperative that the budget allocation of an estimated \$10,000-\$20,000 to permit the Town to prepare Whole of Life Cost Models for Options 1 and 2C, the business case for each including any ongoing management requirements associated with future options

### OFFICER RECOMMENDATION – ITEM 10.7

That:

1. Council amends the 2017/18 Budget to allocate an estimated \$10,000 in funds for the purpose of employment of a contractor to prepare a Whole of Life Costs for Options 1 and 2C and Business Case for 1 Surrey Street, Bassendean; and

2. Funds be reallocated from A/C 151359 - Pensioner Guard Cottage - Architect .

**Voting Requirements: Absolute Majority**

**10.8 General Meeting of Electors Minutes held on 5 December 2017 (Ref GOVN/CCLMEET/6 – Mike Costarella Director Corporate Services)**

APPLICATION

The purpose of this report is to consider the minutes of the General Meeting of Electors held on 5 December 2017 in accordance with the Local Government Act 1995.

ATTACHMENTS

**Attachment No. 6:**

General Meeting of Electors Minutes of 5 December 2017

BACKGROUND

The General Meeting of Electors for the 2016/17 financial year was held on Tuesday 5 December 2017.

35 members of the public attended the meeting and Councillors, the CEO and Executive staff were in attendance. The main content of the meeting was the presentation of the 2016/17 Annual Report and general business.

STRATEGIC IMPLICATIONS

*Leadership and Governance*

5.1 Enhance organisational accountability	5.1.1 Enhance the capability of our people
	5.1.2 Ensure financial sustainability
	5.1.3 Strengthen governance, risk management and compliance
	5.1.4 Improve efficiency and effectiveness of planning and services
	5.1.5 Ensure optimal management of assets
5.2 Proactively partner with the community and our stakeholders	5.2.1 Improve customer interfaces and service
	5.2.2 Engage and communicate with the community
	5.2.3 Advocate and develop strong partnerships to benefit community
5.3 Strive for Improvement and Innovation	5.3.1 Adopt and measure against best practices ensuring a focus on continuous improvement

COMMENT

At the meeting, the 2016/17 Annual Report was received, which was Moved by Peter Pearson and Seconded by John Sutherland.

There were a number of questions also raised during General Business and attendees discussed the following matters:

- Community Consultation;
- The new Council's priorities and policies The Town's Audio system;
- The proposed three bin system for waste management and the consultation process;
- Rate rises and employee costs;
- Status of the LandCorp project;
- Traffic in Shackleton Street and Bridson Street;
- 1 Surrey Street project;
- Pedestrian Sanctuary on Guildford Road;
- Success Hill lighting;
- Shopping Centre parking;
- Weed control;
- The Rainbow flag;
- The Men's shed;
- Town Planning Scheme 4A;
- Bulk Kerbside Collection;
- Attraction of business activity west end Old Perth Road;
- Redevelopment of 48 Old Perth Road- Civic Centre; and
- Councillors' Meeting fees.

#### Resolutions and Recommendations to Council

There were four motions considered at the General meeting of Electors. The following motion was passed.

MOVED Mr Craig Lucanus, Seconded Mr Tony Wood, that the introduction of a green waste bin not be accompanied by a reduction in size of the residual waste bin.

CARRIED 14/11

*14 voted in favour of the motion. 11 voted against the motion.*

#### STATUTORY REQUIREMENTS

The Local Government Act at Section 5.32 requires the CEO to ensure that minutes of the General Meeting of Electors are available for public inspection and that any decisions made at the meeting are considered at the next Ordinary Council meeting.

It should be noted that apart from receiving the Annual Report, no other decisions were made at the meeting pursuant to Section 5.32 of the Local Government Act 1995.

## FINANCIAL CONSIDERATIONS

Nil.

## OFFICER RECOMMENDATION – ITEM 10.8

That Council:

1. Receives the report on the General Meeting of Electors Minutes held on 5 December 2017, and the proceedings of the meeting; and
2. Consider the reduction in the size of the general waste bin as part of the review of the waste management plan.

**Voting requirements: Simple majority**

**10.9 Consideration of Meeting Dates and Citizenship Ceremonies for 2018 (Ref: GOVN/CCLMEET/1 – Yvonne Zaffino, Council Support Officer)**

**APPLICATION**

Council is requested to consider its meeting dates for Council and Committees and notes Citizenship Ceremony dates for 2018.

**BACKGROUND**

Council adopted its meeting structure in November 2017 and is now required to set its meeting dates for those Council and Committee meetings.

**STRATEGIC IMPLICATIONS**

Strategic Priority 5 - Good Governance

*Objective*

Proactively partner with the community and our stakeholders.

*Strategy*

Engage and communicate with the community.

Strategic Priority 5 - Good Governance

**COMMENT**

In setting the meeting dates, public holidays, school holidays, availability of community members, Councillors, Officers and the Minute Secretary have been considered.

The Council adopted Instruments of Appointment and Delegation recommend that these Committees meet at least quarterly (excluding the Youth Advisory Council). Should additional meetings be required during the year, Council can endorse these as part of a Committee/Officer recommendation.

The Access and Inclusion, Audit and Risk Management and Bassendean Local Emergency Management Committees have representatives from organisations which attend meetings, and therefore have been scheduled (as in the past) during working hours to accommodate such members.

**STATUTORY REQUIREMENTS**

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

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

Council may wish to accept or amend these dates. It should be noted that any amendments to these dates may clash with other scheduled meetings.

### FINANCIAL CONSIDERATIONS

Nil.

### OFFICER RECOMMENDATION — ITEM 10.9

That:

1. Council endorses the following Briefing Sessions, Council and Committee meeting dates to be held in the Council Chamber, and Citizenship Ceremonies for 2018:

#### **Briefing Sessions – Tuesdays 7.00pm**

23 January, 20 February, 20 March, 17 April, 15 May, 19 June, 17 July, 21 August, 18 September, 16 October, 20 November, 11 December.

#### **Ordinary Council Meetings – Tuesdays 7.00pm**

30 January, 27 February, 27 March, 24 April, 22 May, 26 June, 24 July, 28 August, 25 September, 23 October, 27 November and 18 December.

#### **Access and Inclusion Committee – Wednesdays, 10.00am**

14 March, 16 May, 11 July, 12 September and 12 December.

#### **Audit and Risk Committee – Wednesdays, 5.30pm**

14 February, 9 May, 8 August and 10 October.

#### **Bassendean Local Emergency Management Committee – Wednesdays, 3.30pm**

7 February, 6 June, 5 September and 7 November.

#### **River Parks Committee – Tuesdays, 10.00am**

6 February, 8 May, 7 August and 6 November.

**Design Bassendean – Wednesday, 7.00pm**

7 March, 6 June, 8 August and 5 December.

**Economic Development Committee – Tuesday, 7.00pm**

6 February, 8 May, 4 September, 4 December.

**People Services Committee – Tuesday, 7.00pm**

13 February, 10 April, 12 June and 14 August.

**Sustainability Committee – Tuesdays 7.00pm**

13 March, 29 May, 3 July and 2 October.

**Town Assets Committee**

*Subject to a separate report.*

**Youth Advisory Council – Fridays, 5.00pm**

23 February, 25 May, 29 June, 27 July, 31 August, 26 October, 30 November

2. Council notes that Citizenship Ceremonies for 2018 will be held on Friday, 26 January, Tuesday, 1 May, Tuesday, 31 July and 30 October, commencing at 6.00pm, excluding Australia Day.

**Voting requirement:**  
**Point 1 – Absolute majority**  
**Point 2 - Simple majority**

**10.10 Town Assets Committee (Ref: GOVN/CCLMEET/1 – Yvonne Zaffino, Council Support Officer)**

**APPLICATION**

Council is requested to consider to endorse the Instrument of Appointment and Delegation of the Town Assets Committee and call for nominations of Councillors to the Committee.

**ATTACHMENTS**

**Attachment No. 7:** Draft Town Assets Committee Instrument of Appointment and Delegation

**BACKGROUND**

At its meeting held in November 2017, Council resolved to refer consideration of the Town Assets Committee to a Councillors' Information Workshop held on 13 December 2017.

**STRATEGIC IMPLICATIONS**

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
5.2 Proactively partner with the community and our stakeholders	5.2.1 Improve customer interfaces and service	Community / Stakeholder Satisfaction Survey (Community engagement and participation)

**STATUTORY REQUIREMENTS**

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

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

**COMMENT**

At the Councillors' Information Workshop it was agreed that 3 Councillors be members of the Committee. These vacancies are now required to be filled.

It was also agreed that the Committee be given delegated powers under the Local Government Act to spend a budget allocation for community engagement.

At this workshop, some projects listed in the Instrument of Appointment and Delegation were removed, as follows:

- Sustainably manage ground water and facilitate the conversion of drains to living streams – deleted.

*Forms part of the River Parks Committee.*

- Identify land within areas destined for intensive development adjacent to stations and major transport routes for acquisition and development into pocket parks.

*Moved to the Design Bassendean Committee*

#### OFFICER RECOMMENDATION – ITEM 10.10

That Council:

1. Notes the changes made and endorses the Instrument of Appointment and Delegation of the Town Assets Committee;
2. Endorses Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ as Members and Cr \_\_\_\_\_ as Deputy Members of the Town Assets Committee; and
3. Sets its first meeting of the Town Assets Committee on Tuesday 6 March 2017, commencing at \_\_\_\_\_ and that the Committee considers future meeting dates at this meeting.

#### **Voting requirement:**

**Points 1 and 2 – Absolute majority**

**Point 3 - Simple majority**

**10.11 Proposed Guidelines for Council Briefing Sessions (Ref: GOVN/CCLMEET/1 - Bob Jarvis, Chief Executive Officer)**

APPLICATION

The purpose of this report is for Council to consider the adoption of guidelines for Council Briefing Sessions

ATTACHMENTS

**Attachment No. 8:**

Draft Guidelines for Council Briefing Sessions

BACKGROUND

At last month's Council meeting, Council resolved by OCM-39/11/17 to change the way that Briefing Sessions are carried out.

In particular the forums are to be:

- held one week prior to the Council meeting, effective from the commencement of 2018;
- be open to the public with the exception of "confidential items"; and
- include addresses by members of the public, deputations on agenda items, reports, notices of motion and confidential items.

Agendas for Briefing Sessions & Ordinary Council Meetings are to be made available:

- by the Friday prior to the scheduled meeting date; and
- electronically to Councillors and staff by default with hard copies only available upon request

It is suggested by staff that Council should really adopt guidelines to guide how the Briefing Sessions will be run. To this end, a draft version of a guideline is attached for Council's consideration.

STRATEGIC IMPLICATIONS

Strategic Priority 5 - Good Governance

*Objective*

Proactively partner with the community and our stakeholders.

*Strategy*

Engage and communicate with the community.

## COMMENT

The Guideline suggested for the Town has the following features:

### **Purpose**

The Town will conduct a briefing session the week prior to every ordinary Council meeting. Public questions and deputations that relate to reports on the Council agenda will occur at briefing sessions. This means Councillors will have more opportunity to seek additional information, clarify any concern and attend on site visits if considered appropriate. While the site inspections would be carried out prior to the briefing session, they would be subject to the same rules regarding not making decisions.

### **Calling of briefing sessions**

Local public notice of briefing sessions will be provided in the same way and at the same time notice is given for Ordinary Meetings of Council.

### **Agenda**

The agenda for the Council meeting will be published on the Friday prior to the briefing session. The matters listed on the Council meeting agenda will be the matters for discussion at the briefing session. The financial statements and accounts for payments will not be presented to the forum, due to time constraints.

Notices of motion would need to be submitted prior to the distribution of the Council agenda to be used for the Briefing Session, if they are to be discussed at the Briefing Session.

### **Attendance of Public**

Briefing Sessions are generally open to members of the public who will have the opportunity to ask questions or make deputations. Briefing sessions will be closed to members of the public when matters are to be discussed that:

- are recommended to be dealt with as confidential items under s.5.23 (2) of the Local Government Act 1995; or
- the Chair considers, on the advice of the CEO, could be dealt with as a confidential item.

The draft guidelines do not set a time limit for public questions, and Council may wish to address this issue.

### **Presiding Member and Quorum**

The draft guidelines state that the Mayor will preside at Briefing Sessions, and if the Mayor is not available it would be the Deputy Mayor. Failing that, a Presiding Member would be elected by a show of hands. This is the only decision that could be made at a briefing session.

There is no quorum for a briefing session.

### **Declaring Interests**

Members and employees must disclose any financial, proximity or impartiality interests they have in an item listed in the agenda and declare that interest at the commencement of the briefing session or immediately before the matter is discussed.

Interests are to be disclosed and dealt with in accordance with the Local Government Act 1995 as if the Briefing Session was a Council meeting.

### **Public question time**

Members of the public may ask questions on any item on the agenda (only).

### **Order of Consideration of Reports**

- a) Items on the agenda where deputation requests have been received will be considered first. These will be listed in the order they appear on the Council meeting agenda.
- b) Items on the agenda where a presentation is to be provided will be considered next. These will be listed in the order they appear on the Council meeting agenda.
- c) The Presiding Member will work through all remaining items on the agenda in the order they appear on the Council meeting agenda providing an opportunity for Councillor to ask questions and request clarifications.

### **Presentations**

Officers, and third parties by invitation of the Presiding Member, may make a brief verbal presentation in relation to an agenda item. Presentations will be short and by exception.

## **Deputations**

Deputations on items on the Council meeting agenda will be conducted at a briefing session. A deputation means a statement to Council on any items on the Council meeting agenda.

Any person who wishes to make a deputation at a briefing session is required to apply at least 24 hours prior to the commencement of the agenda forum.

A deputation will be restricted to a period not exceeding 10 minutes and may be restricted to less than 10 minutes if a large number of deputations are scheduled or the pressure of business for that meeting so requires.

Council has determined that a person making a deputation at a briefing session will not be provided with an opportunity to make a deputation at the following Council meeting unless there has been a significant change that warrants providing the opportunity for a further deputation.

Councillors will have the opportunity to ask questions of any person providing a deputation.

## **No Debate**

No debate, or discussion between elected members that could be interpreted as debate, will be permitted.

## **No Decisions**

No decisions will be made at a briefing session by the Council other than the election of a presiding member in the absence of the Mayor or Deputy Mayor.

## **Recording of proceedings**

An audio recording of the Briefing Session will be provided on the Town's website within 3 working days of the briefing session.

## **Conclusion**

An attempt has been made to provide a basic guideline for the Briefing Sessions based on officers understanding of public Briefing Sessions/Agenda Forums used elsewhere. It is open to Council to adopt the guideline in its submitted form or to make changes to the guideline.

## STATUTORY REQUIREMENTS

Local Government Act 1995

The Standing Orders Local Law does **not** apply to Briefing Sessions

## FINANCIAL CONSIDERATIONS

The requirement to hold the Briefing Session at 7pm will incur additional salary costs for Officers to attend and respond to questions from Councillors. This would include:

- Planning Officers;
- Asset Services Officers;
- Recreation and Culture Officers;
- Rangers;
- Financial Service Officer; and
- Economic Development Officer.

These Officers generally finish work at 5pm and as the Briefing Session will commence at 7pm, Officers will be required to be available from 5pm to 8pm (or later) and this would incur overtime or time in lieu costs to Council.

## OFFICER RECOMMENDATION — ITEM 10.11

That Council adopts the Briefing Session Guidelines attached to the Ordinary Council Agenda of 19 December 2017.

**Voting requirements: Simple Majority**

**10.12 Request By Cr Brown to Attend the Safer Cities Summit Conference In Brisbane 6-7 February 2018 (Ref: Bob Jarvis, CEO)**

**APPLICATION**

Seeking Council's consideration (in accordance with Council's Policy) of a request by Cr Brown to attend the Public Sector Safer Cities Summit in Brisbane in February 2018.

**ATTACHMENT**

**Attachment No. 9:**

- 2 matrices completed by Crs Brown McLennan
- Conference Programme

**BACKGROUND**

On 17 November 2017, Cr Brown contacted the CEO and suggested that the Safer Cities Summit to be held in Brisbane in early 2018 would be of considerable benefit to the Town, and on 29 November further advised: "I see this forum as a significant professional development and networking opportunity."

The CEO advised Cr Brown of that section of the Councillors' Professional Development Policy dealing with interstate conferences which states:

*"Interstate Training/Conference*

*Councillors wishing to attend interstate training and conferences will require the authority of Council and are required to provide written notice to the CEO with sufficient notice to allow consideration by Council prior to the close of registrations."*

The following conference/training assessment matrix is to be completed by the Mayor and Deputy Mayor in consultation with the CEO and included in the report. A minimum of 18 points is required for the CEO to recommend that the Council approve Councillor attendance:

**Conference/Training Assessment Matrix**

<b>Criteria</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Relevance to Councillors' governance role under LGA, as opposed to officers' operational role					
Value for Money & Cost/Benefit					
Alignment with Council's Strategic Plan and Current Priorities					
Lack of alternative training opportunities to gain same skills					
Level of quality networking opportunities with peers					

*Note: 1 equates to minimum relevance and 5 to maximum relevance*

Councillors may be eligible to attend interstate conferences provided the costs are within individual Councillor budgets or where the Councillor is prepared to reimburse any additional costs in excess of the individual Councillor budget allocation.

Councillors will be required to meet the costs of any additional accommodation and expenses incurred as the Town will not meet any costs for private travel over and above the number of nights' accommodation and expenses required to attend the conference.

The cost of the Councillor's partner's attendance at the Conference dinner, associated functions and partners' programs will be met by the Town, excluding additional airfares, full conference registration, meals and travelling allowance.

Councillor Brown and the Mayor have both supplied the CEO with a completed matrix and they demonstrate sufficient points for the CEO to recommend in favour of the attendance, noting that Councillor Brown has significant funds in his professional development account and has indicated that he will meet any costs over and above that amount.

**STRATEGIC IMPLICATIONS**

1.3 Plan for a healthy and safe community	1.3.1 Facilitate safer neighbourhood environments
	1.3.2 Promote and advocate community health and well-being
1.4 Improve lifestyle choices for the aged, families and youth	1.4.1 Facilitate healthy and active aging in place
	1.4.2 Partner with service providers to improve / expand access to services and facilities
	1.4.3 Enhance the wellbeing, and participation of our youth and children

The conference is focussed on creating resilient and safer communities, and provides a wide range of speakers and resources to enable attendees to take away examples and plans that can be used in their communities. There are also opportunities for networking and consultation with service providers in addition to the conference programme.

#### COMMUNICATION AND ENGAGEMENT

The policy requires that the Mayor and Deputy Mayor complete a matrix to evaluate the appropriateness of the conference for the councillor and the Town.

#### FINANCIAL IMPLICATIONS

Cr Brown has \$2,000 remaining in his professional development account , and has given an undertaking to meet any additional costs himself.

Cr Brown has advised that he will provide a report to Council after his attendance at the Conference.

#### OFFICER RECOMMENDATION – ITEM 10.12

That Council:

1. Approves the attendance by Cr Brown at the Safer Cities Summit to be held in Brisbane on 6 to 7 February 2018;
2. Approves the use of the balance of Cr Brown's professional development funds towards the costs of attendance; and
3. Notes that the balance of any costs associated with the attendance at the conference will be met by Cr Brown personally.

**Voting requirement: Simple majority**

**10.13 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:

<b>Building Applications Determined in the Month of November 2017</b>		
<b>Application No</b>	<b>Property Address</b>	<b>Description</b>
201700191	20 BLACKTHORN ROAD, EDEN HILL	SHED + SIDE PATIO
201600030	77 IDA STREET, BASSENDEAN	SIX (6) APARTMENTS
201700294	5 GARNSWORTHY PLACE, BASSENDEAN	FULL DEMOLITION
201700298	11 HAMILTON STREET, BASSENDEAN	REMEDIAL WORK TO ROOF - TILE TO METAL
201700290	119 HAMILTON STREET, BASSENDEAN	PATIO
201700296	3 WALTER ROAD EAST, BASSENDEAN	CUBBY HOUSE
201700299	85 WALTER ROAD EAST, EDEN HILL	SIGNAGE
201700295	8 FOURTH AVENUE, BASSENDEAN	SHED
201700293	2 CHESTERTON ROAD, BASSENDEAN	RE-ROOFING
201700297	2B FREELAND WAY, EDEN HILL	PATIO
201700279	15 FAULKNER WAY, EDEN HILL	STEEL PATIO
201700274	110 SECOND AVENUE, BASSENDEAN	3 X PATIOS
201700265	13 PARNELL PARADE, BASSENDEAN	EXTENSION TO REAR OF HOUSE
201700286	10 DEVON ROAD, BASSENDEAN	PATIO
201700288	1 MARY CRESCENT, EDEN HILL	FENCE APPLICATION
201700287	30 IDA STREET, BASSENDEAN	SINGLE DWELLING
201700281	47 NORTHMOOR ROAD, EDEN HILL	PATIO
201700240	58 FRENCH STREET, ASHFIELD	SINGLE DWELLING
201700024	4 PROWSE STREET, BASSENDEAN	RELOCATION OF EXISTING CARPORT
201700303	86 WHITFIELD STREET, BASSENDEAN	PATIO
201700305	63 FOURTH AVENUE, BASSENDEAN	DEMOLITION
201700301	49B HARCOURT STREET, BASSENDEAN	FENCE
201700300	113 SECOND AVENUE, BASSENDEAN	CARPORT
201700304	27 MANN WAY, BASSENDEAN	DEMOLITION OF DUPLEX
201700302	127 OLD PERTH ROAD, BASSENDEAN	FRONT FENCE
201700306	6 PURSER LOOP, BASSENDEAN	WAREHOUSE UNITS

**OFFICER RECOMMENDATION – ITEM 10.13**

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

**Voting requirement: Simple majority**

**10.14 Determinations Made by Development Services (Ref: LUAP/PROCED/1 – Christian Buttle, Senior Planning Officer)**

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

<b>Planning and Subdivision Applications Determined to 8 Dec 2017</b>			
<b>Applic No.</b>	<b>Property Address</b>	<b>Description</b>	<b>Determination</b>
ALF-7	3 BROADWAY BASSENDEAN 6054	ALFRESCO DINING FACILITY - 'CAFF ON BROADWAY'	DELEGATE APPROVED
2017-105	43 BASSENDEAN PARADE BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2017-115	7 KENMURE AVENUE ASHFIELD 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE AND ANCILLARY DWELLING	DELEGATE APPROVED
2017-124	1 ASHFIELD PARADE ASHFIELD 6054	SINGLE HOUSE	DELEGATE APPROVED
2017-125	12 GERALDINE STREET BASSENDEAN 6054	CARPORT	DELEGATE APPROVED
2017-143	72 WALTER ROAD EAST BASSENDEAN 6054	AMENDED APPLICATION FOR HOARDING SIGN - REQUEST TO DELETE CONDITION OF APPROVAL	DELEGATE APPROVED
2017-145	98 KENNY STREET BASSENDEAN 6054	OUTBUILDING AND RAISED COVERED DECK	DELEGATE APPROVED
2017-147	50 RUGBY STREET BASSENDEAN 6054	CARPORT	DELEGATE APPROVED
2017-150	36A SCHOFIELD STREET EDEN HILL 6054	AMENDED APPLICATION FOR GROUPED DWELLING	DELEGATE APPROVED
2017-152	5 FIFTH AVENUE BASSENDEAN 6054	PROPOSED REMOVAL OF VISUAL PRIVACY SCREENING FROM RAISED DECK	DELEGATE APPROVED
	<b>Subdivision Applications</b>		
155934	8 IRELAND WAY BASSENDEAN 6054	TWO LOT SUBDIVISION	STATUTORY ADVICE
1175-17	128 WALTER ROAD EAST BASSENDEAN 6054	TWO LOT SURVEY STRATA	STATUTORY ADVICE

**OFFICER RECOMMENDATION – ITEM 10.14**

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

**Voting requirement: Simple majority**

**10.15 Use of the Common Seal (Ref: INFM/INTPROP/1 – Yvonne Zaffino, Council Support Officer)**

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 document during the reporting period:

- 1/12/17 Transfer of Land - Memorial N339100 over Lot 68 on Diagram 8007 being the whole of the land comprised in Certificate of Title Volume 1320 Folio 313 (Land) to the Town of all outstanding rates, cost and expenses in respect of the Land will have been deemed by the Town to have been paid. In light of the above, request the Register of Titles remove Memorial M339100 from the title to the Land.
  
- 6/12/17 Transfer to Town of Bassendean - Lots 500, 133 & 66 Ceding of Laneway Between Maidos Street, Guildford Road, Colstoun Road and Pearson Street
  
- 11/12/17 Withdrawal of Caveat - Lot 735; 4 Broadway, Bassendean between Ventura Home Group Pty Ltd and the Town of Bassendean, so that new Titles can be registered with Landgate

**OFFICER RECOMMENDATION – ITEM 10.15**

That Council notes the affixing of the Common Seal to the document listed in the Ordinary Council Meeting Agenda of 19 December 2017.

**Voting Requirements: Simple majority**

**10.16 Calendar for January 2018 (Ref: Yvonne Zaffino, Council Support Officer)**

2 Jan	8:30am	Council Officers Re-open
23 Jan	7:00pm	Briefings Session (to be confirmed) – Council Chamber
26 Jan	10:00am	Citizenship Ceremony (Bassendean Community Hall)
30 Jan	7:00pm	Ordinary Council – Council Chamber (to be confirmed)

**OFFICER RECOMMENDATION - ITEM 10.16**

That the Calendar for January 2018 be adopted.

**Voting Requirements: Simple majority**

**10.17 Implementation of Council Resolutions (Ref: GOVN/CCLMEET/1 – Yvonne Zaffino)**

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:

REC_NO.	OFFICER	BRIEF_DESCRIPTION	ACTION_TAKEN
ROC17/57462	BOB JARVIS	OCM-33/11/17 - NOTICE OF MOTION – CR QUINTON: MARRIAGES ACT	MARRIAGES ACT AMENDED AND THE TOWN'S FLAG HAS NOW BEEN REPLACED WITH THE RAINBOW FLAG TO FLY FOR THREE MONTHS. <b>RECOMMEND DELETION</b>
ROC17/57446	BRIAN REED	OCM-8/11/17 - APPLICATION FOR PROPOSED CHANGE OF USE TO OFFICE (DISASTER RECOVERY CENTRE) ON LOT 822; (UNIT 5 NO. 29) MAY HOLMAN DRIVE BASSENDEAN	DEVELOPMENT APPROVAL ISSUED. <b>RECOMMEND DELETION.</b>
ROC17/57469	GABRIELLA FILIPPI	OCM-41/11/17 - AUSTRALIA DAY WA CITIZEN OF THE YEAR AWARDS	LETTERS ARE BEING PREPARED TO SEND TO NOMINEES ADVISING OF THE SUCCESSFUL SUBMISSION. <b>RECOMMEND DELETION</b>
ROC17/57451	KEN CARDY	OCM-13/11/17 - RFT CO 071 2017-18 PROVISION OF AIR CONDITIONING MAINTENANCE AND MINOR WORKS FOR THE TOWN OF BASSENDEAN	CONTRACTOR HAS BEEN APPOINTED AND INDUCTED <b>RECOMMEND DELETION</b>
ROC17/57456	TIM DAYMAN	OCM-18/11/17 - WAIVER OF FEES – SUCCESS HILL ACTION GROUP CHRISTMAS PARTY	EVENT COMPLETE. NO FEES CHARGED. <b>RECOMMEND DELETION</b>

ROC17/57443	TIMOTHY ROBERTS	OCM-6/11/17 - TREE PRESERVATION ORDER FOR LEMON SCENTED GUMS AT 25-27 OLD PERTH ROAD BASSENDEAN	TREE PRESERVATION ORDER DECLINED BY COUNCIL. THE TOWN DOES NOT HAVE A POLICY ON TREE PRESERVATION ORDERS. REQUIREMENTS FOR TREE PRESERVATION ORDERS IS OUTLINED UNDER LOCAL PLANNING SCHEME NO. 10. <b>RECOMMEND DELETION.</b>
ROC17/57458	YVONNE ZAFFINO	OCM-21/11/17 - REVIEW OF COUNCIL COMMITTEES	ASSETS COMMITTEE REFERRED TO WORKSHOP TO BE HELD ON 12 DECEMBER. ADVERTISING FOR NOMINATIONS COMMENCED. WEBSITE UPDATED SHOWING THOSE COUNCILLORS APPOINT TO COMMITTEES. <b>RECOMMEND DELETION</b>
ROC17/57468	YVONNE ZAFFINO	OCM-39/11/17 - NOTICE OF MOTION - CR MCLENNAN: AGENDA BRIEFING SESSIONS	PROPOSED 2018 MEETING SCHEDULE LISTED ON DECEMBER COUNCIL AGENDA FOR CONSIDERATION. MEETING POLICY TO BE AMENDED. <b>RECOMMEND DELETION</b>
ROC17/57457	YVONNE ZAFFINO	OCM-19/11/17 - APPOINTMENT OF A DEPUTY MEMBER TO THE EASTERN METROPOLITAN REGIONAL COUNCIL	EMRC ADVISED OF NEW DEPUTY MEMBER <b>RECOMMEND DELETION.</b>

**OFFICER RECOMMENDATION – ITEM 10.17**

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 19 December 2017 be deleted from the Implementation of Council Resolutions list.

**Voting Requirements: Simple majority**

**10.18 Accounts for Payment – November 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. 10:** List of Accounts

**BACKGROUND**

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

**STRATEGIC IMPLICATIONS**

***Good Governance***

**Enhance Organisational Accountability**

- *Ensure Financial sustainability*
- *Strengthen governance, risk management and compliance*

**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 10.18**

That Council receives the List of Accounts paid for November 2017, as attached to the Ordinary Council Agenda of 19 December 2017.

**Voting Requirements: Simple majority**

**10.19 Financial Statements – November 2017 (Ref: FINM/AUD/1 – Ken Lapham, Manager Corporate Services)**

APPLICATION

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

ATTACHMENTS:

**Attachment No. 11:** Financial Reports for November 2017

BACKGROUND

Regulations require a local government to prepare a monthly statement of financial activity, reporting on the revenue and expenditure as set out in the Annual Budget.

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

In addition to this and in accordance with Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996 each year Council is required to adopt a percentage or value to be used in the reporting of material variances. For the 2017/18 financial year the amount is \$5,000 or 10% whichever is the greater.

STRATEGIC IMPLICATIONS

***Good Governance***

**Enhance Organisational Accountability**

- *Ensure Financial sustainability*
- *Strengthen governance, risk management and compliance*

COMMENT

The attached statements as presented represent the adopted 2017/18 Budget estimates & actual income and expenditure amounts for the period ending 30 November 2017.

The Summary of Financial Activity (Income by Nature & type) is indicating that income for the Year to date is 1.1% ahead of budget Year to date estimates. Operating Grants, & Fees & charges are slightly ahead of budget estimates. Interest earnings, other revenue are on slightly behind estimates.

Total expenditure by nature & type for YTD is 13.07% below Budget YTD expectations. Employee costs, Materials & contracts, utilities, interest expenses are under budget expectations in the current reporting period. Expenditure on Infrastructure Capital expenditure work has commenced, with low levels of expenditure so far.

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

### STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996.

### FINANCIAL CONSIDERATIONS

The Financial Statements provide an overview of the income and expenditure for the period ending 30<sup>th</sup> November 2017. The notes accompanying the statements provide a detailed breakdown to the Financial Statements.

### OFFICER RECOMMENDATION – ITEM 10.19

That the Financial Reports for the period ended 30 November 2017, as attached to the Ordinary Council Agenda of 19 December 2017, be received.

**Voting Requirements: Simple majority**

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

### **11.1 Notice of Motion – Cr McLennan: Councillors’ Training Budget**

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

*“That Council:*

- 1. Recognises the importance of elected members being competent and well educated in their roles in order to be able to provide good governance for the Town of Bassendean; and*
- 2 Therefore, considers allocating an additional \$10,000 for the purpose of Councillor training at the 2017/18 mid year budget review.”*

Background:

#### **Strategic Implications: Governance**

Objective:	5.1 Enhance organisational accountability
Strategy:	5.1.1 Enhance the capability of our people
Strategy:	5.1.3 Strengthen governance, risk management and compliance

During the most recent community strategic planning process, it was clearly identified that the community wanted and expected their representatives to be competent and well educated in their roles. In order to be able to fulfil their roles effectively it is important that elected members have access to targeted training.

The local government election held in October 2017 delivered four new Councillors to the Town of Bassendean Council in addition to both the Mayor and Deputy Mayor positions being filled by individuals without prior experience in these specific roles. Considering this, there is currently an unusually high need for training compared to previous years. Therefore, the original budget allocation for elected member training for the 2017/18 financial year is no longer adequate to meet the training requirements of the new Council.

Account Enquiry - 13913940 - EXPENSE - COUNCIL - CONFERENCES & TRAINING (NON STAFF) GEN GLBALS Grid 1					
Desc	Original Budget	Actual	Order Value	Total	BALANCE REMAINING
161 COUNCILLOR KATHRYN HAMILTON	2000.00	0.00	515.00	515.00	1485.00
162 COUNCILLOR MELISSA MYKYTIUK	2000.00	0.00	1545.00	1545.00	455.00
166 COUNCILLOR SARAH QUINTON	2000.00	0.00	1030.00	1030.00	970.00
167 COUNCILLOR JAI WILSON	2000.00	0.00	515.00	515.00	1485.00
184 COUNCILLOR BRIDGES		0.00	0.00	0.00	0.00
186 COUNCILLOR GANGELL	2000.00	0.00	0.00	0.00	2000.00
189 COUNCILLOR PULE		1795.44	0.00	1795.44	-1795.44
196 COUNCILLOR LEWIS		0.00	0.00	0.00	0.00
217 COUNCILLOR BROWN	2000.00	0.00	0.00	0.00	2000.00
218 COUNCILLOR MCLENNAN	2000.00	1627.18	1030.00	2657.18	-657.18
219 NEW COUNCILLOR		0.00	0.00	0.00	0.00
Total	14000.00	3422.62	4635.00	8057.62	5942.38

### Figure 1 Elected Member Training Expenses 2017/18 (as of 26th November 2017)

A recent WALGA discussion paper makes the following statements regarding elected member training:

*“There are benefits for the individual Elected Member, their Council and the Local Government sector to be realised from training and professional development.*

*For individuals, training and professional development can be valuable in assisting Elected Members to navigate their increasingly complex and demanding role. Managing competing demands, fully understanding complex issues and working within the confines of a unique legislative and regulatory system can be challenging, particularly for new or inexperienced Elected Members. The complexity and challenge of the role of an Elected Member is demonstrated by the Elected Member Position Description, which was developed by the Department of Local Government and Communities. For individual Elected Members to be able to make a meaningful contribution to their Council, training in the key responsibilities of their role can be extremely beneficial.*

*Councils also benefit from Elected Member training. As the strategic decision-making body of the Local Government, it is crucial that Councillors understand their responsibilities and that Councils contain the appropriate skills and understanding to make informed strategic decisions on behalf of their communities.*

*With (\$22 million of) annual revenue as well as (the Town’s) non-financial assets under management, the (Town of Bassendean) local government requires competent and well qualified leadership. It is crucial for the sustainability and reputation of the Local Government sector that Elected Members and Councils fully appreciate the significance of their role and are competent in overseeing complex public organisations”(1).*

(1) WALGA (2015) Policy Options to Increase Elected Member Training Participation Discussion Paper <http://walga.asn.au/getattachment/Policy-Advice-and-Advocacy/WALGA-Advocacy-Position-Statements/2-8-Policy-Options-to-Increase-Elected-Member-Training-Participation-Discussion-Paper.pdf.aspx?lang=en-AU>

### OFFICER COMMENT

The suggested amount will be considered as part of the 2017/18 Budget review in February 2018.

## **11.2 Notice of Motion – Cr Hamilton: 3 Bin System**

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

*“That Council:*

- 1. Requests staff to bring a report back to Council at the January OCM detailing costs related to implementation of a 3-bin system, as well as the potential rebate from the Waste Authority Better Bins Program based on the following suggested guidelines for the 7540 rateable properties of this district;*

*Category a)*

*Properties of 350 square metres and over provided with:*

- one new red lid 140 litre bin for landfill waste (fortnightly service), and*
- retain current 240 litre yellow top recycle bin (fortnightly service), and*
- retain current standard 240 litre green bin which will become the green waste and food waste bin (weekly service);*

*Category b)*

- Properties under 350 square metres provided with:*
- one new red lid 120 litre bin for landfill waste (fortnightly service), and*
- retain current 240 litre yellow top recycle bin (fortnightly service),*
- retain current standard 240 litre green bin which will become the green waste and food waste bin (weekly service);*

*Category c)*

- High rise Multi Unit Developments (MUDs) provided with:*
- new red lid 140 litre bins for landfill waste (fortnightly service), and*
- retain current 240 litre yellow top recycle bins (fortnightly service), and*

- *retain current standard 240 litre green bins which will become the green waste and food waste bin (weekly service);*

*Because high rise developments already have a ratio of approximately one bin of each type per two units, provision of an extra bin for waste separation/ recycling may enable a further ratio reduction to say one bin type per three units. This may offer some savings in collection services.*

*Note: Implementation of the three bin system as outlined above is known as Preference 1 under the Better Bins Program and attracts up to \$30 one off Government rebate per household. Should some households opt out of the smaller size bin requesting instead a new 240 litre red lid landfill bin, then this is known as Preference 2 under the Better Bins Program and attracts up to \$24 one off Government rebate per household.*

2. *In recognition of the costs to both the environment and council in relation to landfill practices, requests staff to investigate the feasibility of charging a sliding scale of increased fees for larger sized red lid landfill bins. A differential pricing system is recommended in Better Bins Funding Conditions Point 13;*
3. *Requests staff to:*
  - a) *report on costs associated with establishing the extra fortnightly bin collection via additional trucks/contractors and to also provide estimates of subsequent annual running costs; and*
  - b) *advise Council of the approximate one off rebate for above-mentioned Point 3(a) via the Better Bins "Investment Type A i.e. Service modifications to increase recycling volume and/or reduce general waste volume";*
4. *Requests staff to contact the City of Bayswater and EMRC to ascertain any additional costs/charges associated with recycling of green organic waste derived from the three bin system, particularly in relation to gate fees and landfill charges due to higher levels of contaminants in bin waste as opposed to the annual verge collection green waste;*
5. *Requests staff provide a report on the recovery costs associated with Better Bins Funding Condition 4: "Local governments commit to taking back and using compost or mulch produced from green waste";*

6. *Requests a projection of the estimated annual reduction of waste to landfill volumes if a three bin system as outlined in Point 1 is implemented, together with an analysis of the financial benefits or otherwise;*
7. *Be provided with cost estimates for provision to householders of kitchen compostable bags to hold food waste destined for the green waste organics bin;*
8. *Requests staff to investigate:*
  - a) *the feasibility of utilising stickers for the bins as an educational tool to maximise correct separation of waste into the appropriate bins; and provide cost estimates for outdoor vinyl stickers printed in colour on white gloss vinyl with permanent adhesive (UV Rated for 24-36 Months) approximate size 300 by 400mm; and*
  - b) *report on any rebate for Point 8(a) via the Better Bins "Investment Type B i.e. implementing measures such as communication, education and engagement which target the collection service with the aim of improving the recovery performance of the service";*
9. *Requests staff to provide a summary on how initiatives proposed within this Motion together with Government plans to introduce bottle recycling, ban single use plastic bags and other waste reduction measures will interface with EMRC's proposal for this council to proceed with a long term contract to truck our waste to an incinerator in East Rockingham."*

#### Background – Cr Hamilton

Strategic Priority 2: Natural Environment,  
Objective 2.1 To display leadership in environmental sustainability,  
Strategies 2.1.1 Strengthen environmental sustainability practices and climate change mitigation, and  
2.1.2 Reduce waste through sustainable waste management practices, Target: Reduction in waste by tonnage per annum in relation to population.

The West Australia Waste Strategy that was published in 2012 "Creating the Right Environment" sets out targets for waste diversion from landfill at 50% by 2015 and 65% by 2020. In 2016/17, the Town of Bassendean recycled just 36% of our waste which is well below prescribed targets.

In mid 2016 the State Government created a funding program called "Better Bins Kerbside Collection Program" where Councils can apply for partial funding to implement improved waste recycling via a 3-bin system. Applications are to close on 30 March 2018.

Council approved \$30,000 in the 2017/18 Operational Budget to investigate recycling opportunities including but not limited to the 3-bin system in order to increase recycling. Apparently this was put on hold pending advancement of the EMRC's Resource Recovery plans that propose this Town's waste be trucked down to an incinerator in East Rockingham.

Reason:

Council must gather all information and be well informed to be able to make good decisions. We must also acknowledge that one size does not fit all. There is diversity in our community and any proposal should attempt to offer diverse solutions.

Much of the information requested in the aforementioned Motion will be required if this council chooses to approve a funding application to the Better Bins Program which closes on the 30 March 2018.

A complete picture of the financial implications both as a project and the ongoing annual costs thereafter should be presented to council prior to our decision making on the possible implementation of a 3-bin system.

If this Council is to maximise the benefits of the 3-bin system then ideally the green waste bin should also take all food waste thereby becoming a true organics recycling bin. Many councils across the country have already moved to the organics version of the green waste bin. In WA the Bunbury Harvey Regional Council have tackled the vexed question of food waste going to landfill by turning their green waste bin into a total organics recycling bin that is collected weekly, whilst their smaller red landfill bins have been dropped back to a fortnightly collection that alternates with the yellow recycling bin every other week. The alternative is to have the green bin for the green waste only with a fortnightly collection, and still have food waste go to landfill in the red bin with a weekly collection service.

The November OCM Item 10.3, listed in Financial Considerations a charge of \$328,744 to change over the colour of one bin lid at each rateable property within the Town.

Financial restraint is necessary given we are a small Council, and I would therefore recommend that this council follow the lead of the Port Pirie Regional Council where they left the standard green bin with the lid unchanged to become the green organics waste bin, retained their yellow recycle bin, and simply introduced a new 140 litre red lid bin for landfill waste.

This is the sensible and economical way to go. In the coming years over the normal cycle of renewal as old bins are replaced by new, the green bins can gradually be replaced with lime green lids. This eliminates the \$328,744 handling fees to install new lids onto bins before their expiry life.

Note:

For the information of fellow councillors and staff I have attached links to various source material, [http://www.wasteauthority.wa.gov.au/media/files/documents/Better Bins Kerbside Collection Guidelines.pdf](http://www.wasteauthority.wa.gov.au/media/files/documents/Better%20Bins%20Kerbside%20Collection%20Guidelines.pdf)  
<http://www.cwise.com.au/news/waste-management/89-food-waste-recycled.html>  
<http://www.pmhc.nsw.gov.au/Services/Waste/Red-Yellow-and-Green-Bins/Kitchen-food-waste-bin>

I would suggest, as an additional educational tool, the list in the attachment below could be put on the front page of the annual information booklet that is delivered to households (said booklet already has fridge magnets on the back).

<https://www.marion.sa.gov.au/webdata/resources/files/A---Z-Recycling-Guide.pdf>

Attached is an image of the three bin system in Point Pirie Regional Council of economy the lid was not changed over to lime green.

Attached also is an image of the outdoor UV rated where for the purposes vinyl stickers used by another council on their bins as an educational tool for residents.



## OFFICER COMMENT

Officers are currently surveying a percentage of ratepayers within the Town to gauge their thoughts on the introduction of a three-bin system. A report will be presented to Council at the February 2018 OCM.

Officers are currently developing the funding application "Better Bins Kerbside Collection Program" for the possible introduction of a third bin. If Council resolves to proceed with third bin, the application will be submitted, to the Waste Authority, prior to 30 March 2018. If the funding application is successful, the program runs to 30 June 2020 for the rolling out of the service and maximise the performance of the service. The guidelines state "The Project must be completed no later than 30 June 2020".

The Town may also need to satisfy the Waste Authority that Better Bins funds will/have been applied in the first instance to optimise the rollout of infrastructure and services. The Town's ratepayer database and land details are currently being audited to ensure waste collection services details are accurate. The database will be the base for the number of bins required and when making policy on the size and amount of bins being provided to each property, as well as the financial implications for the possible introduction of the three bins system.

Officers of the Town have been working with Waste Authority and other Local Governments on the current Waste Authority requirements and reviewing Council Policy and Procedures on Waste Services to "Ratepayers" within the Town. As well as preparing and upgrading the Town's waste collection database to ensure all waste service information is current.

The Waste Authority has provided general Information and recommendations to Councils, so they can develop waste services that will optimise their infrastructure and waste service. This information provided by the Waste Authority is similar to information provided in this motion and officers will be developing the Towns Waste Policies and Procedures, pending the implementation on the three bin systems and other waste services over the coming months for presentation to Council.

The short timeframe provided for in the proposed motion and the work required to gather, collate, analyse and report by the January Council meeting, will be difficult to achieve during a period when there is an office closure, other agencies have reduced resources, and staff traditionally take leave.

It is requested that these matters be considered at the February 2018 Ordinary Council meeting.

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

**13.0** **CONFIDENTIAL BUSINESS**

**13.1** **Lease of Seniors and Community Centre 50 Old Perth Road, Bassendean (Ref COUP/USAGE/7 – Salvatore Siciliano, A/Director Community Development & William Barry, Snr Economic Development Officer)**

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

**14.0** **CLOSURE**

The next Ordinary Council meeting will be held on Tuesday 30 January 2018 – to be confirmed.