



TOWN OF

Bassendean

AGENDA

Briefing Session

Tuesday 18 October 2022

Notice is hereby given of the Briefing Session
to be held in the Council Chamber

Administration Building

48 Old Perth Road, Bassendean WA 6054

commencing at 6:00 pm

Meeting Information

About the Briefing Session

The Mayor will preside at the Briefing Session. In the absence of the Mayor, the session will be presided over by the Deputy Mayor. The Briefing Session is designed as a Question and Answer session only. No decisions by Council are made at this forum.

The meeting is open to all members of the public, except during the consideration of matters deemed confidential in line with the Local Government Act 1995.

Recording and Live-streaming

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

Conduct at meetings

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

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

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

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

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

Council Role

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

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



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

Acknowledgement of Traditional Owners

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

2 Attendances and Apologies

3 Declarations of Interest

4 Announcements

5 Petitions

6 Statements

The public statement session will be restricted to 15 minutes unless the Council, by resolution, decides otherwise on matters contained in the agenda.

Each person is restricted to one statement of up to two minutes unless the Council, by decision, determines that they may speak for no more than a further two minutes.

Statements can be submitted prior to the Council meeting to:
www.bassendean.wa.gov.au/forms/public-statement-time/37

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

7 Public Question Time

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

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

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

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

8 Deputations

Deputation requests can be submitted prior to the Briefing Session via the online form: [Online Form - Request for Deputation » Town of Bassendean](#)

Further information can be found here:
[About Council Meetings » Town of Bassendean](#)

9 Reports

| 9.1 Heritage Conservation Notice – 1 (Lot 223) River Street, Bassendean | |
|---|---|
| Property Address | 1 (Lot 223) River Street, Bassendean (Success Hill Lodge) |
| Landowner/Applicant | Jake Luke Gould |
| File Reference | DABC/BDVAPPS/2011-224 |
| Department | Community Planning |
| Previous Reports | 27 February 2018 27 October 2020 24 November 2020 24 August 2021 |
| Authority/Discretion | Quasi-Judicial When the Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences. |
| Attachments | Nil |

Purpose

The purpose of this report is for Council to consider giving a heritage conservation notice (HCN) to the owner of 1 (Lot 223) River Street, Bassendean (Success Hill Lodge) to ensure the maintenance and conservation of the heritage place.

Background

The following outlines the recent background to this matter since it was last considered by Council at its 24 August 2021 Ordinary Meeting:

- On 24 August 2021, Council resolved that *“in accordance with Clause 13(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, gives the landowner of 1 (Lot 223) River Street, Bassendean (Success Hill Lodge), a Heritage Conservation Notice requiring the landowner to obtain development approval for, and thereafter carry out, the following specified repairs to the heritage place in accordance with the Conservation Management Strategy (dated 17 May 2019), to be completed by 30 June 2022:*
 - *Repairs to the Dining Room west wall (internally and externally);*
 - *Repairs to the double hung windows to the Dining Room;*
 - *Reconstruction and stabilisation works, and removal of air vent pipes to the verandah; and*
 - *Investigation and treatment for termite control.”*
- The Town contacted the former landowner in May 2022 seeking an update as to whether a development application would be lodged for the works and whether the 30 June 2022 due date for the HCN would be met.
- On 2 June 2022, the former landowner provided evidence that the repairs to the Dining Room, double hung windows and removal of the vents to the verandah had already occurred, and provided a copy of the termite investigation (dated 31 August 2021).
- Whilst these works were undertaken without prior development approval and consideration by the State Heritage Council, the Town has reviewed the works and considers that they meet the requirements of the HCN and are therefore acceptable. The Town does not intend to require the current landowner to obtain development approval for these works at this point in time, rather, such works could be noted in future referrals to the State Heritage Council on subsequent required works.
- In September 2022, the property was purchased by the current landowner.

Communication and Engagement

In addition to prior contact with the former landowner, the Town has liaised with the current (new) owner of the site. The current landowner has engaged the heritage architect responsible for preparing the Conservation Management Strategy applicable to the site, to advise on future works.

Strategic Implications

Priority Area 7: Building Community Identity by Celebrating Culture and Heritage
7.2 Create a community closely connected to its history and heritage

Comment

Heritage Conservation Notice

The *Planning and Development (Local Planning Schemes) Regulations 2015* provides the local government the ability to issue a formal HCN. HCNs are required to be issued to the landowner, and given the property has changed ownership, a new HCN is required to be issued and the former HCN to the previous landowner revoked.

The Town's position on the matter remains unchanged from July 2020, in that the significance of the property and the likelihood that it will fall into further disrepair if the works are not undertaken warrant the issuing of a formal HCN.

The written notice requiring the person to carry out specified repairs to the heritage place is required to specify a time, being at least 60 days. In respect to the timing of compliance should Council resolve to issue a HCN, it is recommended that Council provide until the end of June 2023 for the following reasons:

- The landowner has only recently acquired the property and will need to receive heritage advice and engage tradespeople to undertake the works;
- Current trade and material shortages limiting the ability for the works to be undertaken; and
- Given no evidence of termite activity or damage was present in August 2021, and the re-roofing works/roof flashing have resolved matters related to drainage, the Town does not consider there to be an imminent risk that the verandah will fall into further disrepair.

It is also noted that the landowner will be required to obtain development approval prior to commencing works. The Town will liaise with the landowner and provide information requirements in this respect, including details of works already undertaken by the previous landowner.

Statutory Requirements

Clause 13 of Schedule 2 the *Planning and Development (Local Planning Schemes) Regulations 2015* provides that Council is able to give HCNs that require a landowner to carry out specified repairs to the heritage place by a specified time. It also provides that if the works are not carried out, the Town may enter the site and carry out the repairs and that the expenses incurred may be recovered via the Courts.

Financial Considerations

Should Council issue a HCN and the landowner does not complete the works, it is open to the Town to complete the works. Whilst the Town can seek to recover costs from the owner in this respect, there would be an upfront cost to Council.

Risk Management Implications

It is open to Council to not issue a HCN however, the reconstruction and stabilisation works to the verandah may remain unresolved.

Declaration of Conflicts of Interest

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

Officer Recommendation – Item 9.1

That Council:

1. In accordance with Clause 13(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, gives the landowner of 1 (Lot 223) River Street, Bassendean (Success Hill Lodge) a Heritage Conservation Notice requiring the landowner to obtain development approval for, and thereafter carry out, reconstruction and stabilisation works to the verandah by 30 June 2023; and
2. In accordance with Clause 13(5) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, revokes the Heritage Conservation Notice dated 27 August 2021.

Voting requirements: Simple Majority

| 9.2 Draft Local Planning Scheme No. 11 | |
|---|---|
| Property Address | N/A |
| Landowner/Applicant | N/A |
| File Reference | LUAP/PLANNG/24 |
| Department | Community Planning |
| Previous Reports | 4 November 2020 28 June 2022 26 July 2022 27 September 2022 |
| Authority/Discretion | Legislative Includes adopting local laws, town planning schemes & policies. |
| Attachments | 1. Draft LPS 11 - text [9.2.1 - 35 pages] 2. Draft LPS 11 - Map [9.2.2 - 1 page] |

Purpose

The purpose of this report is for Council to consider a draft Local Planning Scheme No. 11 (LPS 11).

Background

There is extensive background relating to the preparation of the draft local planning frameworks, which was detailed in the report presented to Council's 28 June 2022 meeting.

With regards to the draft LPS 11 specifically, on 4 November 2020, Council resolved to adopt a draft Scheme for the purposes of advertising, subject to various modifications being made to the draft Scheme.

On 28 June 2022, Council resolved (among other things) to note that the Statutory Planning Committee of the Western Australian Planning Commission (WAPC) has determined the draft amended Local Planning Strategy as appropriate for public consultation. The current version of the draft Strategy is materially different to the version considered by Council in November 2020.

On 26 July 2022, Council resolved to amend draft LPS 11 so as to reflect a number of changes to the draft Local Planning Strategy. This had the effect of superseding the November 2020 version of the draft Scheme.

On 27 September 2022, Council resolved to adopt the draft Local Planning Strategy to allow finalization by the Western Australian Planning Commission.

Communication and Engagement

In addition to the various workshops formulating the original draft frameworks, a Councillor workshop was held on 6 September 2022.

On 7 June 2022, Town staff met with the Department of Planning, Lands and Heritage (DPLH) to discuss the draft Scheme. On 17 June 2022, the Town provided the draft Scheme documents to the DPLH for informal review. On and after 30 August 2022, the DPLH provided various comments on the draft Scheme and directed associated changes. These are discussed below.

Strategic Implications

Priority Area 3: Creating a Vibrant Town and Precincts

3.1 Support the town centre to thrive

3.2 Increase the residential population close to centres and train stations

Comment

Given the changes made to the draft Local Planning Strategy, it is necessary to further review draft LPS 11. A summary of the recommended modifications are as follows.

Bassendean Industrial Area

One of the submissions of the draft Strategy requested modifications to the draft Strategy as it relates the Industrial Area adjacent to the Ashfield Train Station, specifically:

- Rewording of Planning Issue/Opportunity No. 4 and 7 to include reference to the Ashfield District Centre extending to the northern side of the railway reserve;
- Updating the map at Figure 1 to extend planning area B to the northern side of the railway reserve, reflecting text changes made prior; and
- Modifying Planning Issue/Opportunity No. 8 to reflect provision for intensified and diversified employment within the section of the Ashfield Industrial Area around Ashfield Station (within the extent of an activity centre) while preserving the remainder of the current industrial area.

In considering the matter, the following was noted as relevant:

- The land located north of Guildford Road is zoned Industrial under the Metropolitan Region Scheme and there are no active proposals to amend that zoning.

- The subject area is identified by the Sub-Regional Framework as an “Industrial Centre”. Whilst the subject area is also identified by the Sub-Regional Framework as an Activity Centre, it is understood that the latter is based upon the now-redundant Ashfield Precinct Plan, which assumed major infrastructure changes including the relocation of Ashfield Railway Station and significant changes to the regional road network. Given that those major infrastructure changes are now not proposed to occur, it is understood that the subject area will effectively default back to “Industrial Centre”, in accordance with Section 4.4 of the Sub-Regional Framework.
- With regard to the Activity Centres, the Sub-Regional Framework states that they are *“hubs that attract people for a variety of activities, such as shopping, working, studying and living. These centres mainly consist of a concentration of commercial uses combined with a varying proportion of other land uses such as residential, schools and open space. The role and function of these centres and the diversity of activities within them varies depending on their catchment.”*
- Similarly, State Planning Policy 4.2 - Activity Centres states that its objective is to *“enable the distribution of a broad range of goods, services and activities, including retail, commercial and mixed-use developments that do not undermine the hierarchy of activity centres”*. The policy seeks to encourage *“the development of multifunctional activity centres that can cater for a wide range of office, commercial, retail, food and hospitality, entertainment, education, leisure, cultural/tourist, residential and mixed-use land uses.”* Based on the above, it would appear that industrial areas and associated land uses are not intended to form part of Activity Centres.
- With regard to Industrial Centres, the Sub-Regional Framework states that *“there is a need for industrial land to be planned, protected and preserved within close proximity and adjacent to primary arterial routes into and out of the city centre in order to maintain employment diversity.... In the Central sub-region, the conflict between competing uses, such as residential and commercial, is placing pressure on the stock of industrial land that, without intervention, may be dramatically reduced.”*

Based on the above, it was not considered appropriate for the industrial precinct to be included as part of the Ashfield Activity Centre, however, it was acknowledged that the subject area is well serviced by public transport and the location may lend itself to a lighter form of industrial development.

As such, it is recommended that a portion of the existing Bassendean Industrial Area be rezoned from “General Industry” to “Light Industry”. This aligns with the Council-adopted Strategy which states that *“land use transition through zoning arrangements and designating appropriate land use permissibility under the local planning scheme is the recommended approach”*.

Bindaring Park

One of the main issues raised as part of the draft Strategy was in relation to the zonings and reservations that apply to land in and around Bindaring Park, including 17 Harcourt Street, 18 Anstey Road, 29 Hyland Street and the Town-owned 17, 19, 21 and 23 Anstey Road, all identified below.



Details of the lots are as follows.

| | 17 Harcourt Street and 18 Anstey Road | 27 (Lot 100) Hyland Street (ie. ex Lot 101) | 17, 19, 21 and 23 Anstey Road |
|------------------|--|--|---|
| Ownership | Privately-owned and if reserved as POS, would be required to be acquired by the Town. | Town-owned. | Town-owned. |
| LPS 10 | The majority of the site is zoned Residential R20 and R25 with a small portion reserved as Local Open Space. | The majority of the site is zoned Residential R25 with a small portion reserved as Local Open Space. | No. 17 and 19 are zoned Residential R25 and No. 21 and 23 are reserved as Local Open Space. |

| | | | |
|---|--|---|--|
| Vegetation | Some native vegetation. | Limited native vegetation. | Some native vegetation. |
| Bushfire Risk | Likely. | Likely. | Likely. |
| Flood Risk | The sites are located in the Floodplain. Development may occur provided that it achieves a habitable floor level that is 0.5m above the expected 1% annual exceedance probability flood event. | Small portion is within the Floodplain. | The sites are located in the Floodplain. Development may occur provided that it achieves a habitable floor level that is 0.5m above the expected 1% annual exceedance probability flood event. |
| Road Access | Access to two constructed roads. | No typical road access. Access to the former dwelling was via the abutting POS. | Access to two constructed roads. |
| Distance from Wetlands | 20m from a Multiple Use Wetland and 150m from a Conservation Category Wetland, with the former separated by a constructed road and existing dwellings. | 25m from a Conservation Category Wetland. | 50m from Multiple Use Wetland and 90m from a Conservation Category Wetland, although separated by a constructed road and/or existing dwellings. |
| Environmentally Sensitive Area | No. | Eastern half of lot is within an ESA. | No. |
| Contamination | No. | No. | Potentially for 17 and 19 Anstey Road. Detailed site investigation required. |
| Relationship with Bindaring Park | The sites directly abut Bindaring Park and if reserved as POS, would provide an extension of that park. | The site directly abuts Bindaring Park and if reserved as POS, would provide an extension of that park. | The sites do not abut Bindaring Park and if reserved as POS, would effectively be a separate park. |

On 26 July 2022, Council resolved to amend draft LPS 11 by (amongst other things) proposing to (i) reserve all four of the Town-owned Anstey Road lots as Local Open Space (ii) zone the entirety of 18 (Lot 130) Anstey Road and 17 (Lot 113) Harcourt Street as Residential (removing the existing Public Open Space reservation) and (iii) reserve all of 27 (Lot 100) Hyland Street as Local Open Space.

Acknowledging that resolution, no changes are proposed at this stage, although the matter will be further reconsidered in light of any submissions received during the consultation process.

Bassendean Town Centre

One concern raised by the DPLH was the inclusion of a series of development requirements and land use controls applicable to land zoned District Centre (being the Bassendean Town Centre), given that the area would, in future, be subject to a Precinct Structure Plan. The concerns are noted and as such it is recommended that:

- The land use permissibilities within Table 3 (*Zoning Table*) be replaced with a notation stating that “*Development and use of land is to be in accordance with an adopted Precinct Structure Plan*”.
- The development requirements contained in Part 6 of Table 5 (*Additional requirements that apply to land in the Scheme area*) be removed.

The DPLH has not objected to this course of action and the draft Scheme has been updated accordingly.

Flood Risk

One comment raised by the DPLH was in relation to land that has been identified as being at risk of flooding. The DPLH advised that the Town that is requires the imposition of a Special Control Area that aligns with the Department of Water and Environmental Regulation’s floodplain mapping, so as to require development approval for any new dwellings.

Whist it is considered more appropriate to simply make reference to the mapping (as opposed to embedding the mapping in the scheme), the Town is prepared to accept the Department’s position and has updated the draft Scheme accordingly.

Tree Preservation

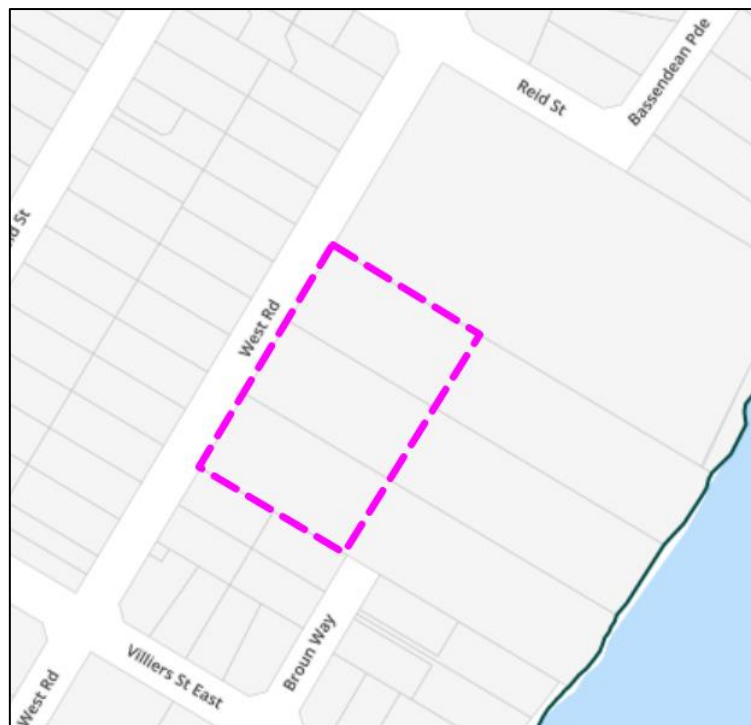
One concern raised by the DPLH was in relation to tree preservation; seeking that the proposed Tree Preservation provisions be replaced with provisions that provide for a Significant Tree Register. Such an approach serves the same purpose and aligns with other local government schemes. The Town is prepared to accept the Department’s position and has updated the draft Scheme accordingly.

PTA Carpark - Railway Parade, Bassendean

One comment raised by the DPLH was in relation to the Special Control Area that is proposed to apply to the above site, seeking that it be removed. Whist it is considered that the proposed Special Control Area would provide some guidance on future development, it is acknowledged that such guidance could equally be embedded within the future Precinct Structure Plan that will apply to the Town Centre. The draft Scheme has been updated accordingly.

Numbers 161, 165 and 167 West Road, Bassendean

In addition to changes made because of the feedback received by the Department, the Town received an unsolicited approach from the landowners of the above-mentioned properties, seeking an increase in residential density of the western half of each site from R5 to R20. The subject area is identified in the plan that follows, and aligns with portions of lots that are currently in the process of being created through the subdivision process. The relevant subdivision approvals facilitate the extension of Broun Way; providing the subject area with dual frontage; to both the Broun Way extension and West Road.



This density change has the potential to create 18 additional residential lots.

Given that the area is sewered, is outside of the 1 in 100-year floodplain, will have dual road frontages, and is surrounded by existing R20 and R17.5 residential development, the requested density change is considered reasonable and is therefore supported for the purposes of advertising to the broader community. As such, the draft LPS 11 map has been amended to reflect this density change.

Statutory Requirements

If Council resolves to proceed to advertise the draft amended LPS 11, the Town must refer it to the WAPC for review. Under the Regulations, the WAPC has 90 days to examine the scheme and advise of any required modifications. In addition, the draft Scheme is required to be referred to the Environmental Protection Authority and Heritage Council of Western Australia for review.

Subject to no objections being received, the Town is required to undertake public consultation in accordance with the Regulations.

Financial Considerations

The cost of advertising the draft Scheme will be met by the 2022/23 operational budget.

Risk Management Implications

High. The Town has a legislated obligation to review its Local Planning Scheme.

Declaration of Conflicts of Interest

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

Officer Recommendation – Item 9.2

That Council:

1. Pursuant to Section 72(1) of the *Planning and Development Act 2005*, adopts draft Local Planning Scheme No. 11, as contained as Attachments 1 (text) and 2 (map); and
2. Notes that the draft Local Planning Scheme No. 11 will be referred to the Western Australian Planning Commission, Environmental Protection Authority and Heritage Council of Western Australia for review for the purposes of consent to advertise.

Voting requirements: Simple Majority

| 9.3 Draft Local Planning Policy - Short Stay Accommodation | |
|---|---|
| Property Address | N/A |
| Landowner/Applicant | N/A |
| File Reference | LUAP/POLCY/26 |
| Department | Community Planning |
| Previous Reports | 22 February 2022 26 July 2022 |
| Authority/Discretion | Legislative Includes adopting local laws, town planning schemes & policies. |
| Attachments | <ol style="list-style-type: none"> 1. Draft Local Planning Policy - Short Stay Accommodation - amended following advertising [9.3.1 - 6 pages] 2. Schedule of Submissions [9.3.2 - 5 pages] |

Purpose

The purpose of this report is for Council to consider adopting the draft Local Planning Policy – Short Stay Accommodation.

Background

On 22 February 2022, in considering a development application for a Use Not Listed (Holiday House), Council resolved to request the Chief Executive Officer prepare a draft Local Planning Policy in relation to Short Stay Accommodation as part of the review of the Local Planning Framework.

On 26 July 2022, Council resolved to adopt draft Local Planning Policy – Short Stay Accommodation for the purposes of advertising, subject to Clause 6.3(a) of the draft Policy (and the associated map) being amended to provide for a distance of 400m from a Centre or railway station.

Communication and Engagement

Following Council's resolution on the matter, the draft Policy was advertised for a period of 21 days being, being 12 August 2022 to 2 September 2022 in the following manner:

- The consultation displayed on the Town's website; and
- Copies of the draft Policy were made publicly available at the Town's Customer Service Centre and Library.

In response, the Town received seven submissions; one submission of support, five submissions providing comment and one submission objecting to the draft Policy.

The reason for objection to the draft Policy was the restriction on the location of Short Stay Accommodation via locational criteria. In addition to the objection, comments were received regarding the appropriateness of a 400m walkable catchment as further discussed below.

Strategic Implications

Priority Area 4: Driving Financial Suitability

4.3 Support the local economy

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.2 Ensure major decision making is informed by community feedback

Comment

Locational Criteria

In accordance with Council's resolution, the advertised draft Policy prescribed locational criteria where Short Stay Accommodation will generally be supported, being a 400m walkable catchment from a Centre or railway station and a 200m walk from a recognised high frequency bus route. During the advertising period, one submission objected to imposing locational criteria on Short Stay Accommodation, whilst another provided comment stating that it should not be limited to within 400m of a railway station.

It is considered appropriate to include locational criteria within the Policy to preserve the amenity of low-density residential areas, which are typically quiet and suburban in nature. Further, the Department of Planning, Lands and Heritage's Draft Position Statement: Planning for Tourism, recommends the use of a local planning policy to guide discretionary decision-making, including locational factors to determine appropriate locations for un-hosted forms of short-term rental accommodation within residential areas. Notwithstanding, and acknowledging the comments received during the advertising period, an amendment is considered appropriate to the draft Policy to increase the acceptable distance to a Centre or railway station from 400m to 800m (as originally proposed), for the following reasons:

- An 800m distance generally equates to a 10-minute walk to a destination, which is considered a walkable catchment. Whilst such areas are generally low-density in nature under the current local planning framework, it is reasonable to expect future intensification within walkable catchments of Centres and railway stations, based on the principles of transit-orientated development;

- The amendment will allow Short Stay Accommodation within and around the Town's Centre within an accepted walkable catchment, which can provide support to local businesses;
- Short Stay Accommodation within a walkable catchment of railway stations provides sustainable transport options for guests; and
- The amendment will preserve the amenity of the locality in areas likely to remain more suburban in nature in future (i.e., typically areas outside the walkable catchment).

Alternatively, it is open to Council to adopt the policy as advertised.

Conclusion

The draft Policy provides clear guidance on Short Stay Accommodation within the district, with the provisions drafted to address potential amenity impacts to nearby landowners and occupiers. It is therefore recommended that the draft Policy be adopted with the minor amendment to locational criteria as contained in the attachment to this report.

Statutory Requirements

The *Planning and Development (Local Planning Schemes) Regulations 2015* state that after advertising the draft Policy, Council must review the policy in light of any submissions and resolve to:

- “(i) proceed with the policy without modification; or
- (ii) proceed with the policy with modification; or
- (iii) not proceed with the policy.”

Financial Considerations

Nil.

Risk Management Implications

Low. Should Council not adopt the draft Local Planning Policy, future applications for Short Stay Accommodation land uses will not be guided by a Local Planning Policy.

Declaration of Conflicts of Interest

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

Officer Recommendation – Item 9.3

That Council, pursuant to Schedule 2, Part 2, Clause 4(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft Local Planning Policy – Short Stay Accommodation, as contained in the attachment to the report.

Voting requirements: Simple Majority

| 9.4 Draft Public Health Plan | |
|------------------------------|--|
| Property Address | N/A |
| Landowner/Applicant | N/A |
| File Reference | PUBH/SVPROVN/3 |
| Department | Community Planning |
| Previous Reports | N/A |
| Authority/Discretion | Executive The substantial direction setting and oversight role of the Council. |
| Attachments | 1. Draft Public Health Plan 2022 [9.4.1 - 61 pages] |

Purpose

The purpose of this report is for Council to consider endorsing the draft Public Health Plan (PHP) for the purposes of advertising.

Background

Local governments undertake a range of activities intended to protect and promote the health of communities, and also have a role in considering how planning the built environment can be undertaken in a way that promotes health. A growing focus for local governments is considering the social determinants of health and health inequalities in communities.

Local governments are often considered to be the tier of government closest to the community, not only because of the range of services they provide for the community, but also because of the effect of these services on community health and wellbeing outcomes. Whether it is waste collection, urban planning, road maintenance or mosquito treatment; the functions performed by local government either directly or indirectly influence the health and wellbeing of the community.

In respect to the statutory requirements, the *Public Health Act 2016*, together with the supporting *Public Health (Consequential Provisions) Act 2016*, came into effect in July 2016. These Acts repeal much of the outdated *Health Act 1911* (which has been renamed to *Health (Miscellaneous) Provisions Act 1911*) and are designed to better protect and promote the health of all Western Australians.

Transition from the *Health (Miscellaneous Provisions) Act 1911* is occurring over five stages. Implementation of stages one to four have already occurred.

The implementation of stage five, being the most significant stage of implementation for local government, was anticipated to occur in 2022, however, it has been delayed due to the impacts of COVID-19.

Stage five includes the commencement of Part Five of the Act, which requires all local governments to produce a local Public Health Plan that is consistent with the *State Public Health Plan for Western Australia: Objectives and Policy Priorities for 2019 – 2024* (State Public Health Plan).

Communication and Engagement

Councillors have previously been advised of preliminary consultation via the Bulletin.

The Town has consulted with the community, staff and relevant stakeholders within the Town as well as used data and research to prepare a draft PHP for the community, the details of which form the basis of this report.

Preliminary consultation was undertaken between 1 June 2021 and 30 June 2021 to capture public health perceptions and concerns to assist in the preparation of the draft PHP. This included:

- Community survey, available on the website, customer services, library, youth services and seniors;
- A display at the library, including banners and free health promotional material from the Cancer Council and Department of Health;
- A display and staff attendance at the Bassendean Shopping Centre on 17 June 2021;
- Information on the Town's website and social media;
- Email banner on all internal and outgoing correspondence;
- Thrive, and
- Liaising with local schools and sporting clubs.

At the close of the submission period, 224 responses were received.

Interdepartmental consultation regarding the draft PHP has since been undertaken through internal workshops.

“The Town is proposing to advertise the draft PHP in generally the same manner as the preliminary consultation, with the exception of the attendance at the Bassendean Shopping Centre, and senior services, given this service ceased on 30 June 2022.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

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

1.2 Establishing partnerships with the community that build capacity, connection and sense of belonging

1.3 Treating people equitably with access to programs and services, regardless of advantage or ability

- 1.4 Creating an environment where people feel welcome and safe
- 1.5 Supporting healthy lifestyles throughout our Town
- 1.6 Creating a resilient and adaptable community
- 1.7 Facilitating community connection

Priority Area 2: Leading Environmental Sustainability

- 2.6 Support the creation of a more green and shaded Town

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

- 6.1 Make brave decisions in line with a risk appetite
- 6.2 Ensure major decision making is informed by community feedback
- 6.3 Ensure operational activities reflect the strategic focus of Council
- 6.6 Respond effectively and efficiently to crises

Priority Area 7: Building Community Identity by Celebrating Culture and Heritage

- 7.1 Appreciate, celebrate and engage with Noongar Boodjar (land), history, culture and people
- 7.2 Create a community closely connected to its history and heritage
- 7.3 Engage the community in arts and culture

Comment

Public Health Planning

Public health planning is about taking a proactive approach to public health, with the focus being on achieving long-term public health outcomes through the planning process. Public health planning enables governments to:

- regularly assess the public health needs of the community;
- articulate the public health vision, objectives, and policy priorities for the community;
- allocate resources to achieve public health priorities; and
- monitor and report progress.

The PHP must be consistent with the State Public Health Plan whilst responding to local public health risks. The plan must:

- identify the public health needs of the local government district;
- include an examination of data relating to health status and health determinants in the local government district;
- establish objectives and policy priorities for the promotion and protection of public health in the local government district;
- describe the development and delivery of public health services in the local government district; and
- include a report on the local government's performance of its functions under the Act.

In some cases, the objectives and policy priorities in the State Public Health Plan may not be relevant. Whilst local governments are entitled to come to a decision that does not necessarily reflect one or more of the objectives and policy priorities in the State Public Health Plan, local governments are required to consider those objectives and priorities and must justify any departure.

Health Status and Determinants

In order to determine what objectives and policy priorities apply to the Town, it is necessary to understand the public health needs of the district. Understanding the health needs assist in ensuring the draft PHP will deliver the most effective programs and services to those in need. The Town has used a range of health determinants in the preparation of the draft PHP as further discussed below.

Social Determinants of Health

Health is impacted by a number of factors often outside the control of the individual. These factors or determinants of health are broad and include socio-economic status, employment, education, housing, social support, access to health care and other services, transport, and community safety, and are collectively known as the 'social determinants of health', which have been included in the draft PHP.

Health Indicators

Health indicators are a summary of measures which are designed to describe certain aspects of health and to measure the health of the community. Health indicators are particularly useful for monitoring diseases and outcomes of interventions and health programs over a set period of time.

The level of health, or health status, of a population can be measured with the use of data and statistics gathered by various organisations which have been included in the draft PHP and summarised as follows for the period 2015 to 2019:

- The rate for hospitalisations in males due to persons encountering health services for chemotherapy; diseases of the eye and adnexa; in-situ, benign and uncertain potential cancer; diseases of blood and blood forming organs; symptoms and signs involving the circulatory and respiratory systems; diseases of oral cavity, salivary glands and jaws; skin cancer (excluding melanoma); and certain conditions originating in the perinatal period, were significantly greater than the rates in Western Australians.
- The rates for hospitalisations in females due to delivery; symptoms and signs involving the digestive system and abdomen; in-situ and uncertain potential cancer; persons encountering health services in circumstances related to reproduction; symptoms and signs involving the circulatory and respiratory systems; and pregnancy with abortive outcome were significantly greater than the rates in Western Australians.

- Hospitalisation rates due to intentional self-harm was significantly greater for both male and female residents in Bassendean
- Residents in the Town experience higher rates of Ischaemic heart diseases when compared to the State.
- The leading causes of death in the Town of Bassendean community was Ischaemic heart diseases for both males and females. These figures are significantly higher than that of the Western Australian population as detailed in the draft PHP.

Community Health Profile

In Australia the leading behavioural lifestyle risk factors are physical inactivity, poor nutrition, smoking and harmful alcohol use. The draft PHP includes statistics on the prevalence of lifestyle risk factors for the district compared to the State.

Preliminary Community Feedback

Understanding the needs of the community also assists in identifying public health needs that are important and help to determine what State objectives and policy priorities are relevant. Consulting with the community also helps to capture community ideas and expectations. As a result of the preliminary survey, the community conveyed the following as its key health concerns:

- The perception of being unsafe (e.g., crime, antisocial behaviour);
- Poor mental health;
- Physical inactivity;
- Homelessness;
- Illicit drug use;
- Harmful alcohol use;
- Drinking sugary/soft drinks;
- Tobacco smoking;
- Chronic diseases (e.g. diabetes, heart diseases);
- Not eating enough fruit and vegetables; and
- Serious injuries (e.g. self-harm, road accidents).

Public Health Plan Actions

In addition to evidence-based data and community feedback, the draft PHP has been informed by a number of existing strategic documents, including the Town's Strategic Community Plan 2020-2030. In the context of the local government Integrated Planning and Reporting process, the PHP will become an informing strategy to the Strategic Community Plan and Corporate Business Plan.

The draft PHP includes a series of actions to enhance public health and wellbeing initiatives within the district and to positively influence behavior and lifestyle factors to reduce the risk of chronic diseases and improve the health of the community.

The actions have been proposed to address the health indicators specifically identified in the district such as the need for a more active lifestyle and healthier diets, as well as responding to matters identified in the community survey such as improved lighting and path networks.

The draft PHP also captures actions the Town already undertakes, such as implementation of the Mosquito Management Plan and provision of shade within the public realm, as these items are required to be captured to ensure their impact on public health can be monitored and reported to the Department of Health.

The Town acknowledges that many factors affecting health will be outside of the capacity of the Town to deliver, and many health services are facilitated by external agencies. The Town has identified potential partnerships with other government agencies, service providers, local organisations, non-government agencies and the community to advocate for improved services or to build relationships to address the emerging public health risks in the community.

Reporting

Local governments are required to provide reports to the Chief Health Officer on its performance of functions under the Act. This not only provides a level of accountability to ensure local governments are meeting their functions under the Act but will help to gauge the level of consistency in which public health law is being administered across WA and help to identify knowledge gaps and areas for future policy development.

The Town will be required to report on the effectiveness of the proposed actions contained within the draft PHP. Review and evaluation of the PHP will also occur as required by the Act.

Conclusion

The draft PHP is intended to not only recognise the programs and services delivered by the Town contributing to desired health outcomes, but also those delivered by its partners and other service providers providing coverage in the district, including not for profit organisations and State and Federal government.

The draft PHP is based on evidence-based research, preliminary community feedback and alignment with the State Public Health Plan. It is recommended that Council endorses the draft PHP for the purposes of advertising.

Statutory Requirements

Part 5 of the *Public Health Act 2016* provides for public health planning and will not come into effect until stage 5 of implementation. Once Part 5 is in effect (which will potentially be within the next two years), each local government has two years to produce a PHP.

Section 45 (4) of the *Public Health Act 2016* states that a local public health plan must:

- “(a) identify the public health needs of the local government district; and*
- (b) include an examination of data relating to health status and health determinants in the local government district; and*
- (c) establish objectives and policy priorities for —*
 - (i) the promotion, improvement and protection of public health in the local government district; and*
 - (ii) the development and delivery of public health services in the local government district; and*
- (d) identify how, based on available evidence, the objectives and policy priorities referred to in paragraph (c) are proposed to be achieved; and*
- (e) describe how the local government proposes to work with the Chief Health Officer and other bodies undertaking public health initiatives, projects and programmes to achieve the objectives and policy priorities referred to in paragraph (c); and*
- (f) include a strategic framework for the identification, evaluation, and management of public health risks in the local government district and any other matters relating to public health risks in the local government district —*
 - (i) that the local government considers appropriate to include in the plan; or*
 - (ii) that are required to be included in the plan by the Chief Health Officer or the regulations; and*
- (g) include a report, in accordance with the regulations, on the performance by the local government of its functions under this Act.”*

Financial Considerations

The cost of delivering actions which the Town already undertakes can be met by the Town’s 2022/23 operating budget and subsequent budgeting processes. Additional funding will be required for those actions either not currently undertaken by the Town or expanded upon, with detailed cost estimates to be determined following public consultation on the draft PHP.

Risk Management Implications

Financial Risk
Medium

Declaration of Conflicts of Interest

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

Officer Recommendation – Item 9.4

That Council endorses the draft Public Health Plan for the purposes of advertising.

Voting requirements: Simple Majority

| 9.5 Draft Council Briefing Session Policy | |
|--|--|
| Property Address | N/A |
| Landowner/Applicant | N/A |
| File Reference | GOVN/CCLMEET/1 |
| Department | CEO'S Office |
| Previous Reports | N/A |
| Authority/Discretion | Legislative Includes adopting local laws, town planning schemes & policies. |
| Attachments | <ol style="list-style-type: none"> 1. Draft Council Briefing Session Policy [9.5.1 - 5 pages] 2. Briefing Session Guidelines [9.5.2 - 5 pages] |

Purpose

The purpose of this report is for Council to consider adopting the draft Council Briefing Session Policy and repealing the existing Council Briefings Session Guidelines.

Background

In December 2017, Council resolved to adopt the original Council Briefings Session Guidelines. They were subsequently amended in May 2018.

In July 2022, Council considered a Notice of Motion regarding the provision of Briefing Sessions agendas and resolved as follows:

“That Council requests the CEO provide a Briefing Documents Policy for consideration by Council prior to September that includes the following:

1. *Briefing Agenda documents to be provided to Councillors one day earlier i.e. on a Wednesday, rather than the current schedule of a Thursday; and*
2. *Briefing Agendas are to include all items proposed to be considered by Council at the subsequent OCM, with exceptions of the Monthly Financial Statements and items of an Urgent Nature that may be included in the OCM agenda under clause 5.5 of Meeting Procedures Local Law 2020.”*

At its meeting held on 27 September 2022, Council considered a draft Policy and resolved to defer the item.

Communication and Engagement

A copy of the draft policy was provided to Councillors through the CEO Bulletin on 26 August 2022. Comments were received from three Councillors, which were considered as part of the review of the draft policy.

Following Council's September 2022 deferral, the amended draft policy was provided in the CEO Bulletin of 7 October 2022, inviting feedback in advance of the October 2022 round of meetings. At the time of drafting this report, no comments had been received.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.3 Ensure operational activities reflect the strategic focus of Council

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

Comment

The policy seeks to consolidate the matters raised in the notice of motion with the current Council-adopted Council Briefings Session Guidelines.

The draft policy reflects many of the current provisions within the guidelines and does not alter the present Briefing session format. The draft policy simply codifies the present system and provides clarity on specific procedural matters such as public question and statement time at a briefing session.

Public Question Time, Public Statement Time and Deputations

Feedback was received requesting an amendment to the draft policy to provide the Presiding Member with the discretion to allow for members of the public to ask questions or make statements on any matter relating to the local government; not necessarily relating to a matter included on the Briefing Session agenda.

In considering the matter, the following is relevant:

- A briefing session is not a formal or legislated meeting of Council. Its purpose is for Council to ask questions about items on the agenda and for Administration to provide a response.

- Historically, public question time and public statement time were included to provide transparency and allow members of the public to participate by asking questions and making statements on items that were on the agenda. This afforded Councillors with information prior to the Council meeting.
- Deputations were included to allow members of the public to appeal to Councillors and provide additional information to Council so that an informed decision could be made by Council.
- There are no minutes taken at the Briefing Session. This is in accordance with the informal nature of the forum, as it is acknowledged that a briefing session sits outside of the Act. Therefore, any question not related to the agenda is not captured.
- There are other forums and opportunities for members of the public to ask questions or make statements on matters concerning the business of the local government, specifically, a formal Council meeting. Asking questions about matters outside of the Briefing Session agenda detracts from the purpose of the forum.

Based on the above, it is not considered appropriate to include a provision in the draft Policy that allows for members of the public to ask questions or make statements on any matter relating to the local government.

Additional Comment

At the Briefing Session on 20 September 2022, questions were raised about whether public question time and public statement time might be merged. Under clause 6.7 of the Town of Bassendean Meeting Procedures Local Law 2020, distinction is made between public questions and public statements. The draft policy follows the statutory framework established in the local law and, for the purpose of consistency, it is recommended that this distinction remain.

It was noted by Councillors that, at the time, the agenda papers did not separate public question time and public statement time from one another. It was acknowledged that there was inconsistency between the agenda format and the structure required under the local law (whilst recognising the latter does not apply to Briefing Sessions). As such, the Briefing Session agenda structure has been amended to reflect Local Law; that is, the two elements are separated under distinct headings.

Statutory Requirements

Section 2.7(2)(b) *Local Government Act 1995* provides that Council is to determine the local government policies.

Financial Considerations

Nil.

Risk Management Implications

No Risks Identified

Declaration of Conflicts of Interest

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

Officer Recommendation – Item 9.5

That Council:

1. adopts the draft Council Briefing Session Policy as contained in Attachment 1;
and
2. repeals the Council Briefing Session Guidelines as contained in Attachment 2.

Voting requirements: Absolute Majority

| 9.6 Accounts Paid 31 September 2022 | |
|--|---|
| Property Address | N/A |
| Landowner/Applicant | N/A |
| File Reference | FINM/CREDTS/4 |
| Department | Corporate Services |
| Previous Reports | N/A |
| Authority/Discretion | Legislative Includes adopting local laws, town planning schemes & policies. |
| Attachments | 1. Payment Listing September 2022 [9.6.1 - 15 pages] |

Purpose

The purpose of this report is for Council to receive the list of payments for September 2022.

Background

Payments made during September 2022 are presented to Council, showing the date, payee, amount and description in respect of each payment for goods and services received.

Proposal

For Council to receive the list of payments for September 2022.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 4: Driving Financial Suitability

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

4.3 Support the local economy

Comment

Nil.

Statutory Requirements

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

Financial Considerations

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

Risk Management Implications

Financial Risk
Low

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

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

Declaration of Conflicts of Interest

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

Officer Recommendation – Item 9.6

That Council receive the list of payments for September 2022.

Voting requirements: Simple Majority

10 Motions of which Previous Notice has been given

| | |
|--|------------|
| 10.1 Flying of the Rainbow Flag | |
| Councillor | Cr Wilding |
| Attachments | Nil |

Motion – Item 10.1

“That Council:

1. *Notes that diversity in our community is a strength that should be nurtured and supported; and*
2. *Requests the CEO to facilitate flying the rainbow flag in front of the Administration Centre, 48 Old Perth Road, Bassendean, for the duration of the month of November 2022, temporarily replacing the Municipal Flag.”*

Reasons:

November is recognised as Pride Month in Western Australia, in recognition of the 1989 rally for a bill that decriminalised homosexuality in the state. It is well recognized that the realm of local government, if not politics more broadly, is not reflective of broader society. This is the subject of a number of initiatives, many focused on increasing the representation of women on all levels of politics. The barriers to taking interest in civic life are as diverse as the people who face them, but a recurrent theme is a difficulty feeling welcomed or represented in political spaces. In turn, this absence of true representation is self-perpetuated; people who do not see themselves as welcome in these spaces do not engage, and those same people are not represented because they have not engaged. It is therefore incumbent on those already within those spaces to hold the door wide open, taking necessary steps to create civic spaces that are open, welcoming, and inclusive. LGBTQIA+ people have historically faced significant structural, legal, and social barriers to participating fully in civic life, and despite the significant progress in dismantling many of these barriers, there still remains a distrust and distance from many civic processes. This motion is a show of support during Pride month; welcoming people from this demographic, acknowledging their contributions to our shared community, and affirming our commitment that the Town of Bassendean is a safe place for them to live, work, and recreate.

11 Confidential Business

12 Closure

The next Briefing Session will be held on Tuesday 15 November 2022 commencing at 6pm.

The next Ordinary Council meeting will be held on Tuesday 22 November 2022 commencing at 6pm.