



TOWN OF

Bassendean

AGENDA

Ordinary Meeting of Council

Tuesday 28 May 2024 at 6:00 pm

Notice is hereby given to Elected members of the Ordinary Council Meeting

to be held in the Council Chamber

Administration Building

48 Old Perth Road, Bassendean

A handwritten signature in black ink, appearing to read 'C Woods', with a large loop at the end of the 's'.

Cameron Woods

CHIEF EXECUTIVE OFFICER

16 May 2024

Meeting Information

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 Ordinary Council meeting 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 Seating Plan



Minute Secretary
Ana Fernandez



Manager Governance and Strategy
Joanne Burges



Chief Executive Officer
Cameron Woods



Mayor
Cr Kathryn Hamilton

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Director of Corporate Services
Paul White



Acting Executive Manager Infrastructure
Doug Pearson



Director Community and Place
Michelle Brennand



Executive Manager Sustainability and Environment
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Deputy Mayor

Cr Paul Poliwka
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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, setting and amending budgets. |
| Legislative | Includes adopting local laws, local 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 rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be subject to review by 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 Announcements by The Presiding Person Without Discussion

3 Attendances, Apologies and Applications for Leave of Absence

4 Declarations of Interest

5 Presentations or Deputations

6 Statements by Members of the Public

Public statement time will be limited to two minutes per person.

Members of the public are encouraged to submit their statements in advance by completing the relevant form:

Online Form - Public Statement Time » Town of Bassendean

Please complete this form and submit it to the Town's Chief Executive Officer by no later than 12noon on the day of the meeting.

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 Questions from Members of the Public

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 Petitions

9 Confirmation of Minutes

| 9.1 Confirmation of Minutes | |
|-----------------------------|--|
| Attachments | 1. Ordinary Council Meeting Tuesday 30 April 2024 Unconfirmed Minutes [9.1.1 - 20 pages] |

Officer Recommendation – Item 9.1

That the minutes of the Ordinary Council meeting held on Tuesday 30 April 2024, be received and confirmed as a true and correct record.

Voting requirements: Simple Majority

| 9.2 Special Council Meeting 21 May 2024 | |
|---|-----|
| Attachments: | Nil |

Officer Recommendation – 9.2

That the minutes of the Special Council Meeting 21 May 2024, be received and be confirmed as a true record.

10 Business Deferred from Previous Meeting

Nil

11 External Committee Reports and Updates

| 11.1 External Committee Reports and Updates | |
|---|--|
| Property Address | NA |
| Landowner/Applicant | NA |
| File Reference | GOVN/CCLMEET/1 |
| Author | Cameron Woods |
| Department | CEO and Council Support |
| Previous Reports | N/A |
| Authority/Discretion | Information For the Council/Committee to note. |
| Attachments | Nil |

Purpose

The purpose of this report is for Council to note that no minutes from external Committees and organisations have been received.

Background

Councillors are appointed as members of external Committees and organisations. The minutes are attached for consideration of all Councillors.

Comment

There have been no minutes received from external Committees and organisations.

Officer Recommendation – Item 11.1

That Council notes that no documents from external Committees have been received within the reporting period.

Voting requirements: Simple Majority

12 Officer Reports

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 Council Meeting Procedures Local Law 2020.

Council Meeting Procedures Local Law 2020, 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

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 4.0, Declarations of Interest, they should do so at this point of the agenda.

| Item | Report | Vote |
|-----------|--|--------------------------|
| 9.2 | Special Council Meeting 21 May 2024 | |
| 12.1 | Adoption of Recommendations En Bloc | |
| 12.2 | Policy Review - Local Planning Policy No. 12 - Residential Development and Fences | Simple Majority |
| 12.3 | Elected Member Representative - Metropolitan Regional Road Group | Simple Majority |
| 12.4 | Low Cost Urban Road Safety Program | Simple Majority |
| 12.5 | Advocacy Priorities for 2024/25 | Absolute Majority |
| 12.6 | Council Policies Review | Absolute Majority |
| 12.7 | Accounts Paid - April 2024 | Simple Majority |
| 13 | Motions of which Previous Notice has been given | |
| 16 | Confidential Business | |

Officer Recommendation Item 12.1

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

| Item | Report |
|------|--------|
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Council is now requested to consider the balance of the Officer recommendations independently.

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|---|--|
| 12.2 Policy Review - Local Planning Policy No. 12 - Residential Development and Fences | |
| Property Address | N/A |
| Landowner/Applicant | N/A |
| File Reference | LPP 12 |
| Directorate | Community and Place |
| Previous Reports | 17 October 2023 |
| Authority/Discretion | Legislative Includes adopting local laws, local planning schemes & policies. |
| Attachments | <ol style="list-style-type: none"> 1. Adopted Local Planning Policy No. 12 – Residential Development and Fences 2. Draft amended Local Planning Policy No. 12 - Residential Development and Fences 3. Draft amended Local Planning Policy No. 12 - Residential Development and Fences (tracked changes) |

Report Summary

- The Town has prepared a draft amendment to Local Planning Policy No. 12 – Residential Development and Fences for the purposes of advertising.
- The draft amended policy is in response to recent changes to Volume 1 of the Residential Design Codes.
- It is recommended amendments be made to policy provisions relating to the following:
 - Primary street setbacks of dwellings constructed on corner lots; and lots that result from subdivision of original corner lots;
 - Carports within the primary setback area;
 - Fencing/ gates constructed in proximity to where a driveway meets a street;
 - Outbuildings associated with low density residential developments;
 - Stormwater management; and
 - Removal of previous parking concessions for ancillary dwellings.
- The following administrative changes are also recommended:
 - Update the ‘policy title’ and ‘policy statement’ to reflect that the policy provides development controls applicable to a broader range of residential development;

- Update references to policies, terms used, clauses and tables as necessary to allow for the proper interpretation and application of LPP 12;
- Expand on provisions guiding development of carports in front setback areas in response to updated definitions;
- Insert provisions to ensure development controls for carports, street walls and fencing continue to apply to residential developments subject to Part C of the R-Codes Volume 1;
- Update minor grammatical errors and wording for clarity.
- It is recommended that the draft Local Planning Policy No. 12 – Residential Development, policy is adopted by Council for the purposes of advertising.

Purpose

The purpose of this report is for Council to consider draft amendment to Local Planning Policy No. 12 – Residential Development and Fences (LPP 12) for the purposes of advertising.

Background

Local Planning Policy No. 12 – Residential Development and Fences (LPP 12) was first adopted by Council in April 2010 as 'Local Planning Policy – Development within the Street Setback Area'. Initially, the intent of the policy was to preserve residential streetscapes and guide the development of garages, carports and other additions within the street setback area of existing dwellings.

The policy has been amended over time in response to state government planning reforms and to expand the range of matters dealt with to include management and disposal of stormwater, outdoor living areas and fencing in residential areas.

The policy has effect by providing alternative and amended 'deemed-to-comply' development controls prescribed by the Residential Design Codes of Western Australia Volume 1 (R-Codes Volume 1); which provide the basis for the control of residential development throughout Western Australia.

With the exception of heritage places, in most circumstances, where a proposed single house, ancillary dwelling; or an addition to a single house, ancillary dwelling or grouped dwelling is designed to satisfy the 'deemed-to-comply' development controls prescribed by the R-Codes Volume 1 and LPP 12; the proposal is considered 'acceptable'; and therefore development approval is not required prior to the development being carried out. In circumstances where a proposal does not satisfy one or more of the 'deemed-to-comply' development controls; an application for development approval must be lodged with the Town. Those aspects of the proposal that do not satisfy the 'deemed-to-comply' provisions are then considered against the relevant 'design principles' of the R-Codes and objectives of local planning policies prior to the application being determined on its merits.

On 10 April, 2024 the R-Codes Volume 1 were amended as follows:

- Introduction of Part B, which contains development standards applicable to the development of:
 - Single houses on sites coded R40 and below; and
 - Grouped dwellings on sites coded R25 and below.
- Introduction of Part C, which contains development standards applicable to development of:
 - Single houses on sites coded R50 and above; and
 - Grouped dwellings on sites coded R30 and above; and
 - Multiple dwellings on sites coded R30 to R60.

Part B typically applies to 'lower density' development; and Part C to 'medium density' development.

Proposal

In response to recent amendments to the R-Codes Volume 1, it is appropriate for the Town to review LPP 12 to ensure the policy provisions continue to meet the policy objectives and are consistent with the objectives and design principles of the R-Codes Volume 1. This also presents an opportunity for a comprehensive review of the policy to ensure the policy guides development outcomes that continue to meet the aspirations of the community while protecting local character and residential streetscapes.

It is recommended amendments be made to policy provisions relating to the following:

- Primary street setbacks of dwellings constructed on corner lots; and lots that result from subdivision of original corner lots;
- Carports within the primary setback area;
- Fencing/ gates constructed in proximity to where a driveway meets a street;
- Outbuildings associated with low density residential developments;
- Stormwater management; and
- Removal of previous parking concessions for ancillary dwellings.

The following administrative changes are also recommended:

- Update the 'policy title' and 'policy statement' to reflect that the policy provides development controls applicable to a broader range of residential development;
- Update references to policies, terms used, clauses and tables as necessary to allow for the proper interpretation and application of LPP 12;

- Expand on provisions guiding development of carports in front setback areas in response to updated definitions;
- Insert provisions to ensure development controls for carports, street walls and fencing continue to apply to residential developments subject to Part C of the R-Codes Volume 1;
- Update minor grammatical errors and wording for clarity.

The draft amendments are discussed in detail below.

Communication and Engagement

Should Council proceed with the draft policy, the *Planning and Development (Local Planning Schemes) Regulations 2015* require public advertising of the proposal.

The following design elements proposed to be augmented by the draft policy cannot be varied without the prior approval of the Western Australian Planning Commission (WAPC):

- Part B – Stormwater; and
- Part B - Outdoor Living Areas.

The Town is required to demonstrate to the WAPC that any variation to the deemed-to-comply provision:

- Is warranted due to a specific need related to that particular locality or region;
- Is consistent with the objectives and design principles of the R-Codes Volume 1; and
- Can be properly implemented and audited by the decision-maker as part of the ongoing building approval process.

Should Council proceed to advertise the draft policy, the Town will write to the WAPC seeking formal support for the draft policy.

Strategic Implications

Performance Area 3: Place

5.1 Responsible planning and development, with population growth concentrated around the town centre, train stations and transport corridors.

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

Draft amendments to the LPP 12 are explained in detail below:

PART B - Street Setback

Consistency in the distance that dwellings are setback from front lot boundaries ensures new development is sympathetic to the character of an established streetscape. One exception to this is where development of a new dwelling occurs at the rear of an established house on a corner site; which is a common occurrence in those parts of the Town experiencing infill development.

In such circumstances, the deemed-to-comply provisions of the R-Codes allow for a reduction in the required setback of the new dwelling from the front boundary. The concession is applicable in recognition that secondary streets typically have different characteristics, including high fences and smaller setbacks to the side (rather than the front) facade of dwellings. Large, open front setbacks, often comprising a garden, are not typical of such streetscapes.

In the Bassendean context, there are many examples of established homes with subdivision potential that do not face what would logically be assumed to be the 'primary street' - being the shorter street boundary of a corner lot. Rather, a high proportion of the housing stock front what would be logically assumed to be the original secondary street; or the street corner itself.

The outcome of the application of the deemed-to-comply provision of clause 5.1.2 (C2.1 iv) of the R-Codes, which effectively allows for reduction to street setbacks where a new dwelling has its frontage to an original secondary street, fails to result in a consistent streetscape. Rather, numerous examples of development outcomes involving a dwelling with a large setback to the logical original secondary street, and a reduced setback to the logical primary street. This outcome fails to achieve the design principles of the R-Codes, and the objectives of LPP 12 with respect to ensuring a consistent street setback is achieved and new development is sympathetic to established streetscapes.

In recognition that development of an original corner lot typically contributes to both an established and emerging streetscape (noting development potential would typically also apply to neighboring sites), and in order to ensure a consistent streetscape, it recommended a provision be included in LPP 12 to allow the concession to front setbacks to be applied to dwellings fronting both the primary and secondary street of an original corner lot, allowing for consistency in the emerging streetscape (characterized by infill development), while maintaining the character of existing, established streetscapes.

PART B - Setback of Garages and Carports

Carport additions to the front of existing dwellings are often desired following subdivision (where an existing covered car parking structure may be required to be removed to facilitate access to a rear lot); or as an addition to an older dwelling constructed prior to covered carparking facilities being commonplace. It is acknowledged, and widely accepted, that covered car parking areas are a reasonable expectation for modern living and the addition of carports in front of existing dwellings

is generally accepted. In order to ensure these additions do not detract from established streetscapes, LPP 12 currently allows for carports to be set closer to the front lot boundary than what R-Codes Volume 1 allows; provided the carport meets certain criteria, including the roof pitch, colours and materials being the same as the associated dwelling.

The application of the policy provision has proven impractical in many instances given limited availability of materials (bricks and roof tiles) that match those typical of dwellings where carport additions are generally proposed; being typically older dwellings originally constructed without covered onsite parking facilities, or those retained as part of subdivision.

It is recommended the policy be amended to allow for materials of carports within the street setback to be 'compatible', rather than 'the same as' the existing dwelling. The amendment will allow for greater scope in the selection of materials, while not adversely impacting on established streetscapes; noting the colours and roof pitch of new carports will continue to be required to be the same as the dwelling.

PART B - Street Walls and Fencing

Amended provision reworded for clarity only.

PART B - Sightlines

The R-Codes control the height of structures (such as front fencing) within proximity to where a driveway meets a public street; and where two streets intersect. The development control is in place to ensure sightlines, safety and visibility is maintained at vehicle access points. The provision limits the ability to incorporate gates into many front fences, regardless of the extent to which infill panels are visually permeable and therefore, allow for the maintenance of adequate sightlines. It is recommended LPP 12 be amended to allow, as-of-right, for the development of visually permeable walls, fences and other structures in proximity to where a driveway meets a public street; and where two streets intersect.

PART B - Outdoor living areas

No changes are proposed to the wording of provisions relating to outdoor living areas. Acknowledging this is an amended Local Planning Policy, the Town will be required to refer the draft policy to the WAPC for comment, acknowledging the Town does not have the authority under part 3 of the R-codes to vary provisions relating to Outdoor Living Areas without the consent of the WAPC.

PART B - Stormwater

Similar to the current version of LPP 12, the deemed-to-comply provisions of Part C, clause 1.4 of the R-Codes Volume 1 provides options for the management and disposal of stormwater as appropriate based on climatic, local soil and groundwater

conditions. This extends the deemed-to-comply provision to allow for stormwater to be disposed of via the Town's drainage network. It is recommended the wording of LPP 12 is updated to be consistent with that of the R-Codes Volume 1 Part C.

Notwithstanding, the developer would be required to apply for, and obtain approval from the Town's infrastructure services should they propose to connect into the Town's drainage system.

PART B - Outbuildings

Part C of the R-Codes introduces provisions allowing for larger outbuildings to be developed in association with medium density residential developments; specifically outbuildings up to 60sqm (regardless of site area), with a wall height of 3m (3.5m where compatible with colour and materials of the dwelling) and a ridge height of 4.2m. It is recommended these provisions also be applied to low density residential sites via LPP 12, noting the visual impact of larger outbuildings on adjoining properties and the streetscape is generally lesser, and more broadly accepted in low density residential settings.

PART B - Ancillary Dwellings

The deemed-to-comply provisions of the R-Codes Volume 1 require one (1) parking bay to be provided for every ancillary dwelling, with the exception of those sites within close proximity to a stop on a high frequency public transport route. At present, LPP 12 amends the R-Code Volume 1 provision to allow for the development of ancillary dwellings without the provision of on-site parking bays, regardless of location.

Recent amendments to the R-Codes have modified development controls applicable to ancillary dwellings to allow for the development of ancillary dwellings in the following circumstances (previously not permitted):

- Ancillary dwellings constructed on lots less than 350sqm;
- Ancillary dwellings constructed incidental to a grouped dwelling;
- Ancillary dwellings constructed incidental to multiple dwellings;

As a result of the above changes, it is expected ancillary dwellings will be developed on smaller lots; and within grouped and multiple dwelling developments with existing shared car parking and access arrangements; rather than on larger, single residential lots as previously permitted. In response, it is considered appropriate to remove the parking concession applicable to ancillary dwellings currently provided for under LPP 12. Removal of the concession will allow for any reduction in minimum car parking provision proposed to be considered on a case-by-case basis as part of the consideration of an application for planning approval.

PART C – Street Setbacks

It is recommended LPP 12 be updated to include provisions allowing for the development of carports in the front setback areas of dwellings, only where the carport meets the same criteria required for low density developments, including the requirement for the roof pitch and colours to be the same as the dwelling, and the materials to be compatible as discussed above.

PART C - Streetscape

It is recommended LPP 12 be updated to allow for fences within street setback areas only where the fence meets the same criteria required for low density developments, including restrictions relating to fence heights and materials.

Conclusion

The draft policy has been prepared in response to amendments to the R-Codes Volume 1 and is considered to provide more flexibility and certainty for residential development within the Town's district. The provisions and design requirements will also assist in preserving and enhancing the character of the existing streetscape.

It is recommended that Council adopt the draft policy for the purposes of advertising.

Statutory Requirements

If the local government resolves to amend a local planning policy the local government must, unless the Western Australian Planning Commission otherwise agrees, advertise the proposed policy as follows:

- “(a) *publish in accordance with clause 87 the proposed policy and a notice giving details of -*
- (i) the subject and nature of the proposed policy; and*
 - (ii) the objectives of the proposed policy; and*
 - (iii) how the proposed policy is made available to the public in accordance with clause 87;*
 - (iv) the manner and form in which submissions may be made; and*
 - (v) the period for making submissions and the last day of that period.”*

As such, public notice will be made available on the Town's website in accordance with the Regulations.

After the expiry of the period within which submissions may be made, the local government must not proceed with the policy without WAPC approval.

Financial Considerations

Nil.

Risk Management Implications

Low. Should Council not adopt the draft policy, the current version of LPP 12 and the R-Codes Volume 1 will continue to apply.

Declaration of Conflicts of Interest

An Author or Approving Officer is declaring an impartiality interest due to residing in the Town of Bassendean.

Officer Recommendation – Item 12.2

That Council pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises draft amended Local Planning Policy No.12 – Residential Development.

Voting requirements: Simple Majority

| 12.3 Elected Member Representative – Metropolitan Regional Road Group | |
|--|--|
| Property Address | N/A |
| Landowner/Applicant | N/A |
| File Reference | GRSU/PROGM/16 |
| Directorate | Infrastructure |
| Previous Reports | Nil |
| Authority/Discretion | Executive The substantial direction setting and oversight role of the Council. |
| Attachments | 1. Metropolitan Regional Road Group – Reference Information for Elected Members on a Regional Road Group |

Purpose

The purpose of this report is for Council to consider nominating a representative to be a member of the Eastern Subgroup of the Metropolitan Regional Road Group.

Background

The Metropolitan Regional Road Group manages and administers State allocated funding for Road Projects and Black Spot Programs on the local road network within the policies and guidelines established by the State Road Funds to Local Government Advisory Committee.

The Metropolitan Local Governments are divided into six Subgroups with membership being an Elected Member and Technical Representative from each Local Government. Each Subgroup then appoints one representative Elected Member and Technical representative to the MRRG Technical and Elected Members Meetings.

The Town of Bassendean is a member of the Eastern Subgroup which also includes the Cities of Bayswater, Swan and Kalamunda, and the Shire of Mundaring.

WALGA have produced reference information for Elected Members on a Regional Road Group and this is included as **Attachment 1**.

Proposal

To nominate a Council representative and Deputy to represent the Town on the Eastern Subgroup of the Metropolitan Regional Road Group.

The nomination of a Deputy member is also proposed in the event that the nominated representative is unavailable for a meeting.

Communication and Engagement

Nil

Strategic Implications

Performance Area 3: Place

7.1 Deliver an efficient, safe and sustainable transport network.

Comment

Regional Road Groups importantly provide Local Government with a voice in how the State Government's contribution to local roads is spent.

Regional Road Group members serve a vital and valuable role in ensuring road funding decisions maximise community benefits and preserve and improve the public road network across Western Australia.

The responsibility of Regional Road Subgroups is to:

- Consider local road issues to inform decision making by the Regional Road Group.
- Review the status of funding claims and expenditure reports for road projects.
- Report back to member Council outcomes of Regional Road Group funded requests and project status.

Subgroup meetings are supported by technical officers from member Councils, MRWA and WALGA. There are generally two subgroup meetings per year.

Statutory Requirements

Nil

Financial Considerations

Elected Member representation on the subgroup enhances the potential to maximise the funding available to the Town for local roads projects which are eligible under the State Road Funds to Local Government Agreement.

Risk Management Implications

No Risks Identified

Declaration of Conflicts of Interest

An Author or Approving Officer is declaring an impartiality interest.

The Acting Executive Manager of Infrastructure is also contracted to WALGA as the Local Roads Program Delivery Manager, a role that is focussed on supporting local governments in the delivery of road projects that receive a funding contribution from the State Road Funds to Local Government Agreement.

Officer Recommendation – Item12.5

That Council nominate the following Councillors as representatives on the Eastern Subgroup of the Metropolitan Regional Road Group;

1. Council Representative - Cr _____
2. Deputy Council Representative – Cr _____

Voting requirements: Simple Majority

| 12.4 Low Cost Urban Road Safety Program | |
|--|---|
| Property Address | N/A |
| Landowner/Applicant | N/A |
| File Reference | ROAD/PROGM/1 |
| Directorate | Infrastructure |
| Previous Reports | |
| Authority/Discretion | Executive The substantial direction setting and oversight role of the Council. |
| Attachments | <ol style="list-style-type: none"> 1. Low Cost URSP – Presentation to Town of Bassendean 2. Strategy and Implementation Framework for the Low Cost URSP |

Purpose

The purpose of this report is for Council to consider involvement in the Main Roads WA funded Low Cost Urban Road Safety Program.

Background

A substantial proportion of all crash risks, including fatalities and serious injury crashes, are represented on local roads and intersections, which are funded and managed by Local Governments.

To improve the safety of these roads for local communities, the State Government is implementing a Low Cost Urban Road Safety Program (Low Cost URSP). The program will deliver treatments to local roads, on an area-wide or whole-of-street basis, to reduce crash risks for drivers and vulnerable road users, such as pedestrians and cyclists.

The Low Cost URSP is fully funded and supported by the Minister for Transport and the Minister for Road Safety through a commitment via the Road Trauma Trust Account.

As the State Government agency leading the program, Main Roads Western Australia (Main Roads) is inviting Local Government to work in collaboration to implement the program.

The Low Cost URSP aims to actively identify and prioritise local neighbourhood areas and local neighbourhood cells with a higher than average casualty crash history and provide funding (through reimbursement of cost and payments) for the design and construction of road treatments that reduce fatalities and/or serious injury

on an area wide or whole-of-street approach – bringing widespread safety benefits and amenity gains for the community.

Proposal

It is proposed that the Town commence involvement in the Low Cost URSP in the 2024/25 financial year.

Communication and Engagement

As part of the program the Town will be responsible for any community engagement associated with the program. It is envisaged that this would involve providing draft designs to residents in the subject areas for comment once they have been prepared.

Strategic Implications

Performance Area 3: Place

7.1 Deliver an efficient, safe and sustainable transport network.

Comment

A representative from Main Roads gave a presentation on the program and proposed project areas within Bassendean to Councillors in June 2023. A copy of the presentation from that meeting is included as **Attachment 1**.

It is believed that Councillors were generally supportive of involvement in the program following the presentation, however, the matter has not been progressed to date due to resourcing constraints.

As detailed in Attachment 1 the following areas (with their estimated cost) are eligible for funding in the Town of Bassendean;

- Jubilee Reserve (\$209k)
- Broadway Arboretum (\$451k)
- Tonkin Business Park (\$374k)
- Ashfield Flats (\$451k)
- Success Hill Reserve (\$77k)

Considering available capacity, it is proposed to commit to progressing two of the above areas during 2024/25, with the other areas to be considered in future financial years.

The two proposed areas are Jubilee Reserve and Success Hill Reserve. The Jubilee Reserve area was chosen as it is the highest ranked area in terms of the multi

criteria analysis used to rank projects. The ranking methodology is detailed in the Strategy and Implementation Framework for the Low Cost URSP (**Attachment 2**).

The Success Hill area was the second proposed area on the basis that it has a relatively low cost and is in close proximity to the Jubilee Reserve area. As a result both areas could basically be undertaken concurrently.

Statutory Requirements

The Town is responsible for the care and maintenance of the road network in accordance with the requirements of the Local Government Act 1995.

Financial Considerations

Whilst design and construction costs are fully funded by Main Roads, the costs associated with the following elements will be the responsibility of the Town;

- community consultation;
- design drawing approvals;
- procurement of works;
- delivery of treatments (project management);
- evaluation (data collection pre and post treatment) and reporting; and
- ongoing maintenance

The above elements can be accommodated in standard operational accounts for the Engineering and Assets service area.

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 12.6

That Council endorse the Town participating in the Main Roads WA Low Cost Urban Road Safety Program in the following areas during the 2024/25 financial year;

1. Jubilee Reserve
2. Success Hill Reserve

Voting requirements: Simple Majority

| 12.5 Advocacy Priorities for 2024/25 | |
|---|--|
| Property Address | N/A |
| Landowner/Applicant | N/A |
| File Reference | CORM/POLCY/1 |
| Directorate | CEO and Council Support |
| Previous Reports | Nil |
| Authority/Discretion | Advocacy When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| Attachments | 1. NEW Advocacy Policy [12.5.1 - 4 pages] |

Purpose

The purpose of this report is for Council to consider advocacy priorities for the 2024/25 financial year in line with the strategic aspirations of Council.

Background

A 30 April 2024 Notice of Motion requested, in part, the CEO to prepare documentation for consideration at the next Council Meeting outlining potential Advocacy Priorities for 2024/25 financial year in line with the strategic aspirations of Council.

Communication and Engagement

A Notice of Motion outlining the need to identify Advocacy Priorities was presented to the 30 April 2024 Ordinary Council Meeting, which was carried.

Strategic Implications

Performance Area 3: Place

5.1 Responsible planning and development, with population growth concentrated around the town centre, train stations and transport corridors.

Performance Area 5: Performance

10.1 Effectively inform and engage the community about local services and events, and Council matters.

Comment

Research was undertaken to ascertain an approach for a local government of the size and nature of the Town of Bassendean to develop advocacy priorities.

The review indicated that the development of an advocacy policy was the preferred approach. The policy is to establish the guidelines for the prioritisation of advocacy projects that are aligned and supported by the Towns strategic documents and have been informed by community consultation. The two key strategic informing documents are identified as the Council Plan 2023-33 and the Long-Term Financial Plan.

It is considered that identified advocacy priorities are those where the Town demonstrates that it does not have the full financial capacity, the organisational capability or the jurisdictional responsibility to provide or administer.

To ensure that adequate administrative resources can be provided to support the annual Advocacy Priorities program, and to increase the likelihood of successful advocacy, the number of advocacy projects should be limited.

As a general principle within the Policy, and supported by the Notice of Motion, the scheduling of an annual advocacy workshop will be included as part of the budget cycle each year. The timing of advocacy planning workshops and the prioritisation of advocacy projects will also be influenced by the timing of state and federal elections.

The draft Advocacy Policy can be found at Attachment 12.5.1

Based on the policy criteria the recommended prioritised advocacy projects for the upcoming 2025 state and federal elections are:

Priority 1. Jubilee Reserve Redevelopment.

Strategic Alignment:

Jubilee Reserve Masterplan; 2023-33 Council Plan and the Long Term Financial Plan.

Advocacy Focus Area: Economic, funding the \$5.5M funding gap.

Social, increased female participation, community health and wellbeing.

Priority 2. Town Centre Development.

Strategic Alignment:

Town Centre Masterplan; Land Asset Strategy; LPS 11; Council Plan and Long Term Financial Plan.

Advocacy Focus Area: Social, increased housing supply, affordable housing and environmental benefits of increased housing density near transport nodes.

Economic, improved CBD economic activity and increase in rateable properties.

Legislative, addresses mandated infill targets.

The crown land parcels and the advocacy request for each are outlined below:

- Lot 9644 – Park Lane Bassendean (Wilson Street car park).
Advocacy, fast track as a mixed use and residential development.

- BIC Reserve – Child Health Clinic Site @1000m2.
Advocate for the excision of the Child Health Clinic site (1000m2) for the purpose of residential development.

Note: The Town has formally relinquished control of the Wilson Street, car park site to the State, and has recently facilitated the relocation of the Child Health Clinic operations to another location.

Priority 3. The Bassendean Oval Redevelopment.

Strategic Alignment:

Town Centre Masterplan; Land Asset Strategy; Council Plan and Long Term Financial Plan.

Advocacy Focus Area: Economic, the redevelopment will require significant government funding to realise the economic and social benefits to the Perth eastern metropolitan region.
Social, community wellbeing (mental and physical health), social cohesion and inclusiveness.
Increased housing supply and affordable housing.
A sustainable WAFL club.
Legislative: Meeting state infill targets.

Note: Advocacy will be informed by the masterplan and business case currently in development.

Statutory Requirements

Nil

Financial Considerations

Establishment of Advocacy Priorities will enhance the ability of Council to attract external funding to the Town.

Funding will be required in the 2024/25 budget to produce advocacy resources and for travel and accommodation.

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 12.5

That Council:

1. Endorse the following Advocacy Priorities for the 2024/25 financial year:
 - i. State and Federal funding of \$5.5 Million for the Jubilee Reserve Redevelopment Project
 - ii. The State government to fast-track Bassendean Town Centre residential and mixed-use developments on crown reserve sites identified in this report.
 - iii. State and Federal government commitment to the Redevelopment of the Bassendean Oval Precinct, as per the adopted Town Centre Masterplan and informed by the Bassendean Oval Masterplan and Business Case, currently in development.
2. Adopt the Advocacy Policy.
3. Authorise the Chief Executive Officer to prepare the advocacy documentation and to publish and promote the Towns advocacy priorities.

Voting requirements: Absolute Majority

| 12.6 Council Policies Review | |
|-------------------------------------|---|
| Property Address | N/A |
| Landowner/Applicant | N/A |
| File Reference | GOVR/POLCY/1 |
| Directorate | CEO and Council Support |
| Previous Reports | N/A |
| Authority/Discretion | <p>Executive The substantial direction setting and oversight role of the Council.</p> <p>Legislative Includes adopting local laws, local planning schemes & policies.</p> |
| Attachments | <ol style="list-style-type: none"> 1. Appointment Acting CEO Policy with Tracked Changes [12.6.1 - 3 pages] 2. Clean Appointment Acting CEO Policy [12.6.2 - 3 pages] 3. Council Member ICT Policy with Tracked Changes [12.6.3 - 5 pages] 4. Clean Council Member ICT Policy [12.6.4 - 5 pages] 5. local government chief executive officers and elected members determination no.1 of 2024 [12.6.5 - 34 pages] 6. Council Briefing Session Policy with Tracked Changes [12.6.6 - 6 pages] 7. Clean Council Briefing Session Policy 080524 [12.6.7 - 5 pages] 8. Town-of- Bassendean- Advisory- Group- Policy [12.6.8 - 9 pages] |

Purpose

The purpose of this report is for Council to consider the review and subsequent recommendations of the following Council Policies:

- Appointment of an Acting Chief Executive Officer;
- Council Member ICT;
- Council Briefing Session; and
- Town of Bassendean Advisory Group.

Background

As outlined below, four Council Policies owned by the CEO and Council Support directorate have been reviewed. Following the review, amendments have been proposed and are outlined in brief within this report and by tracked changes in the attachments.

| Policy Name | Date last reviewed | Scheduled review date |
|--|-----------------------------------|-----------------------|
| Appointment of an Acting Chief Executive Officer | Inception date: September 2020 | September 2022 |
| Council Member ICT | Inception date: September 2021 | 30 September 2025 |
| Council Briefing Session | Inception date: 2022 | 2024 |
| Town of Bassendean Advisory Group | Unknown | May 2021 |

Communication and Engagement

Proposed changes to the Council Briefing Session Policy were workshopped by Council and the CEO on April 16th, 2024.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

10.1 Effectively inform and engage the community about local services and events, and Council matters.

Comment

The proposed amendments and justifications to each policy are outlined in below:

Appointment of an Acting Chief Executive Officer

The proposed amendments include:

- Inclusion of section of the *Local Government Act 1995* giving the Policy effect.
- Change from Elected Member to Council Member to reflect the term identified in the *Local Government Act 1995*.
- Inclusion of Director Infrastructure and Sustainability to better reflect the current organisation structure.

The following attachments have been included to assist with identifying amendments within the tracked change document and the resultant clean version.

- 12.6.1 Appointment Acting CEO Policy with Tracked Changes; and
- 12.6.2 Clean Appointment Acting CEO Policy

Council Member ICT

The proposed amendments include:

- Change from Elected Member to Council Member to reflect the term identified in the *Local Government Act 1995*.
- Inclusion of references and policy alignment with the annual Determination of the Salaries and Allowances Tribunal (SAT) on Local Government Chief Executive Officers and Elected Members in relation to annual allowances in lieu of reimbursement of expenses.

The 5th April 2024 Determination has been included as an attachment to this report to assist with clarification, in particular the range of factors taken into account by the Tribunal in determining the maximum annual allowance for expenses of a particular type, page 27 9.1 (3) (a).

Based on the SAT Determination, an analysis of average costs of each element of the allowance was undertaken with a recommended percentage outlined in the amended Policy reflecting this analysis.

The following attachments have been included to assist with identifying amendments within the tracked change document, the resultant clean version and a copy of the SAT Determination to assist with justification.

- 12.6.3 Council member ICT Policy with Tracked Changes
- 12.6.4 Clean Council Member ICT Policy
- 12.6.5 Local Government Chief Executive Officers and Elected Members Determination no.1 of 2024.

A review of the SAT determination highlighted that the current council ICT policy is in breach of the Salaries and Allowances Act 1975. Specifically, in the determination of annual allowances in lieu of reimbursement of expenses Part 9.

Part 9 point 3.

In determining the maximum annual allowance for expenses of a particular type, the Tribunal has taken into account a range of factors including the following:

- the intent of the allowance to reflect the extent and nature of the expenses incurred and not to result in a windfall gain for council members;

Part 9, 4

With respect to ICT expenses, the Tribunal's intention is for the maximum annual allowance to cover the cost of providing ICT hardware and equipment. It is not the intention for the allowance to be paid in addition to providing equipment and hardware.

Council Briefing Session

The proposed amendments include:

- Change from Elected Member to Council Member to reflect the term identified in the *Local Government Act 1995*.
- Structural change to reflect the purpose of the Council Briefing Session of:

'Provide a forum for the public to better inform themselves on items on the upcoming Council Agenda and for community members to make deputations or statements pertaining to items on the agenda, thereby giving Council Members the opportunity to consider this information prior to making decisions at the upcoming Ordinary Council Meeting (OCM).'

- Removal of Public Question Time and Questions in Writing reflecting the intent of the Council Briefing Session is for Council Members to better inform themselves by asking questions of the officers and those members of the public making deputations.
- A reduction in deputation time from 10 minutes to 5 minutes to improve meeting efficiency.
- Making it clear that deputations are preferred at briefing sessions, so that Council members have time to consider the information and ask questions prior to the OCM.
- Provide a succinct document without reflecting any impact to the intent or transparency of the Policy.
- Minor changes identified at the April 2024 Council / CEO Workshop.

The following attachments have been included to assist with identifying amendments within the tracked change document and the resultant clean version.

- 12.6.6 Council Briefing Session Policy with Tracked Changes
- 12.6.7 Clean proposed new Council Briefing Session Policy 080524

Town of Bassendean Advisory Group

This Policy has been reviewed and considered with the strategic intent of Council and administrative capability of the Town.

- Firstly, it is considered that the Policy reads as a Charter or Instrument not as a Policy
- The Policy has not been utilised or reviewed in recent years which confirms that it is not relevant and is surplus to the needs and strategic direction of Council
- Finally, the Town has neither the administrative nor financial capacity to support the arrangements as outlined in this Policy, therefore it is recommended for repeal.

The following attachment has been included to assist with consideration of revocation.

- 12.6.8 Town of Bassendean Advisory Group Policy

Prior to publishing the amended Policies, formatting will be updated to reflect the Town's current style guide and policy template.

Statutory Requirements

Local Government Act 1995

Financial Considerations

Should the Council Member ICT Policy be adopted as proposed, there will be a \$9,800 positive impact to the 2024/25 Annual Budget.

Risk Management Implications

Financial Risk
Low

Council will need to be mindful of the guidance of the SAT Determination to ensure they are applying an appropriate ICT Allowance within the range provided.

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 12.6

That Council:

1. Adopts the amended Council Policies for:
 - a. Appointment of an Acting Chief Executive Officer;
 - b. Council Member ICT and
 - c. Council Briefing Session; and
2. Revoke the Town of Bassendean Advisory Group Policy.

Voting requirements: Absolute Majority

| | |
|--|--|
| 12.7 Accounts Paid - April 2024 | |
| Property Address | |
| Landowner/Applicant | |
| File Reference | FINM/CREDTS/4 |
| Directorate | |
| Previous Reports | |
| Authority/Discretion | Executive The substantial direction setting and oversight role of the Council. |
| Attachments | 1. List of Payments - April 2024 [12.7.1 - 13 pages] |

Purpose

The purpose of this report is for Council to receive the list of accounts paid for April 2024.

Background

Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, 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.

Proposal

For Council to receive the list of accounts paid for April 2024.

Communication and Engagement

Nil.

Strategic Implications

Performance Area 5: Performance

9.1 Continuously improve operational performance and service delivery.

Comment

Payments made during April 2024 are presented to Council, showing the date, payee, amount and description in respect of each payment for goods and services received.

Statutory Requirements

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides:

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
- (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*

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 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 12.7

That Council receives the list of accounts paid for April 2024.

Voting requirements: Simple Majority

13 Motions of which Previous Notice has been given

14 Announcements of Notices of Motion for the next meeting

15 Urgent Business

16 Confidential Business

Nil

17 Closure

The next Briefing Session will be held on Tuesday 18 June 2024 commencing at 6pm.

The next Ordinary Council Meeting will be held on Tuesday 25 June commencing at 6pm.