

Minutes

ORDINARY COUNCIL MEETING

10 MARCH 2020

By signing these minutes I certify that they were confirmed at the Ordinary Meeting of Council held on 24 March 2020 by resolution of Council.

**CR DAN BULL, MAYOR
CHAIRPERSON**



Meeting Procedures

1. All Council meetings are open to the public, except for matters dealt with under 'Confidential Items'.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.
3. Members of the public may ask a question during 'Public Question Time'.
4. Meeting procedures are in accordance with the City's Standing Orders Local Law 2018.
5. To facilitate smooth running of the meeting, silence is to be observed in the public gallery at all times, except for 'Public Question Time'.
6. This meeting will be audio recorded in accordance with the resolution of Council of 17 May 2016.
7. Persons are not permitted to record (visual or audio) at the Council meeting without prior approval of the Council.
8. In the event of an emergency, please follow the instructions of City of Bayswater Staff.

City of Bayswater

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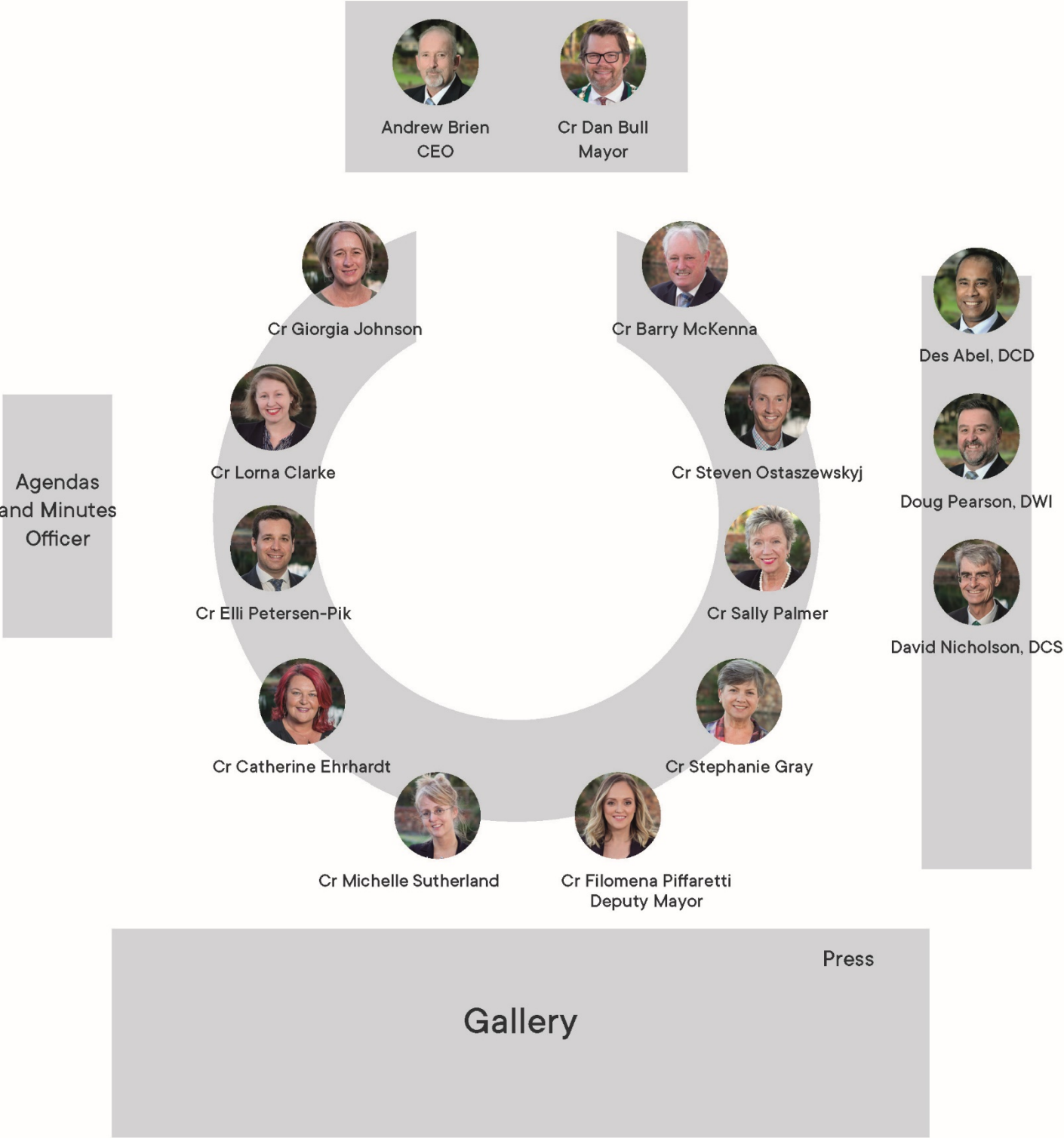
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Council Chambers

Seating Plan



Nature of Council's Role in Decision Making

Advocacy: When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

Executive/Strategic: 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 law, town planning schemes and policies.

Review: When Council reviews decisions made by officers

Quasi-Judicial: When Council determines an application/matter that directly affects a persons rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits/licenses (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

City of Bayswater Standing Orders Local Law 2018

6.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council or a Committee open to the public is to either –
 - (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the Presiding Member, at the meeting.
- (2) Upon receipt of a request for a deputation the CEO must refer the request to the relevant decision making forum, either Council or a Committee, to decide by simple majority whether or not to receive the deputation.
- (3) Deputations in relation to a decision which requires absolute or special majority should be made to Council, in all other circumstances Deputations should be referred to the forum making the final decision on the matter.
- (4) Unless Council or the Committee meeting resolves otherwise, a deputation invited to attend the meeting is not to address the meeting for a period exceeding 5 minutes.
- (5) Unless given leave by the Presiding Member, only two members of the deputation may address the meeting, although others may respond to specific questions from Members.
- (6) For the purposes of this clause, unless Council or the Committee resolves otherwise, a deputation is taken to comprise all those people either in favour of, or opposed to, the matter which is the subject of the deputation.
- (7) Unless Council or the Committee resolves otherwise, any matter which is the subject of a deputation to the Council or a Committee open to the public is not to be decided by Council or the Committee until the deputation has completed its presentation.
- (8) The Presiding Member may require deputations to leave the meeting while other deputations are being heard in relation to that matter.

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MINUTES

Minutes of the Ordinary Meeting of the Bayswater City Council which took place in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on **10 March 2020**.

1. OFFICIAL OPENING

The Chairperson, Cr Dan Bull, Mayor, declared the meeting open at 6:30pm.

2. ACKNOWLEDGEMENT OF COUNTRY

In accordance with the City of Bayswater's Reflect Reconciliation Action Plan November 2019-November 2020, the Presiding Member will deliver the Acknowledgement of Country.

Noongar Language

Ngalla City of Bayswater kaatanginy baalapa Noongar Boodja baaranginy, Whadjuk moort Noongar moort, boordiar's koora koora, boordiar's ye yay ba boordiar's boordawyn wah.

English Language Interpretation

We acknowledge the Traditional Custodians of the Land, the Wadjuk people of the Noongar Nation, and pay our respects to Elders past, present and emerging.

The Chairperson, Cr Dan Bull, Mayor, acknowledged the Traditional Custodians of the land, the Whadjuk people of the Noongar nation, and paid respects to Elders past, present and emerging.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

4. ATTENDANCE

Members

West Ward

Cr Dan Bull, Mayor (Chairperson)
Cr Lorna Clarke
Cr Giorgia Johnson

Central Ward

Cr Barry McKenna
Cr Steven Ostaszewskyj
Cr Sally Palmer

North Ward

Cr Stephanie Gray
Cr Filomena Piffaretti, Deputy Mayor

South Ward

Cr Catherine Ehrhardt
Cr Elli Petersen-Pik

Officers

Mr Andrew Brien	Chief Executive Officer
Mr Doug Pearson	Director Works and Infrastructure
Mr Des Abel	Director Community and Development
Mr David Nicholson	Director Corporate and Strategy
Ms Cassandra Flanigan	Executive Support/Research Officer
Ms Karen D'Cunha	Administration Officer

Observers

Press - 1
Public - 4

4.1 Apologies

Cr Michelle Sutherland

4.2 Approved Leave of Absence

Councillor	Date of Leave	Approved by Council
Cr Lorna Clarke	19 March to 22 March 2020	11.02.2020

4.3 Applications for Leave of Absence

Nil.

5. DISCLOSURE OF INTEREST SUMMARY

In accordance with section 5.65 of the *Local Government Act 1995*:

A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

The following disclosures of interest were made at the meeting:

Name	Item No.	Type of Interest	Nature of Interest
Cr Barry McKenna	10.4.3	Financial	Cr Barry McKenna's wife owns 25% of lot 4-6 Stoke Place, which abuts onto the property in discussion.

6. PUBLIC QUESTION TIME

In accordance with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the *City of Bayswater Standing Orders Local Law 2018* the following procedures relate to public question time:

1. A member of the public who raises a question during question time, is to state his or her name and address.
2. Each member of the public with a question is entitled to ask up to 3 questions.
3. The minimum time to be allocated for public question time is 15 minutes.
4. Questions from the public must relate to a matter affecting the local government. Questions relating to matters of business listed on the minutes will be considered in the first instance, followed by questions relating to Council business not listed on the minutes.
5. A summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of the meeting.
6. Where a question is taken on notice at the meeting, a summary of the response to the question will be provided in writing to the member of public and included in the minutes for the following meeting.

6.1 Public Question Time

Public Questions taken on Notice – Ordinary Council Meeting 25 February 2020

Mr Gerry Maio, President of Bayswater City Soccer Club – corner Garrett Road and Whatley Crescent, Bayswater

Question 1

When I got a phone call late this afternoon telling me that this sort of situation was happening, I just couldn't believe it. I hear that it's only about a façade or something else. For me, it's just ridiculous. The most important thing for me was the secrecy of not telling us and not warning us what this Council's intentions were. For me, I feel very disappointed and very disrespected. Why was I not consulted?

Answer 1

The City consulted with property owners regarding any proposed changes to their property category, under the Municipal Inventory of Heritage Places. In this instance, the City of Bayswater is the owner of the subject property and therefore Bayswater City Soccer Club was not notified.

Mr Dominic Monteleone – 130 Guildford Road, Maylands

Question 1

Can you please advise if any Councillors were responsible for listing properties for inclusion in the MHI or for suggesting a change in their classification? If so, who did and what consultation was undertaken with these property owners before this occurred?

Answer 1

Councillors at the Council Meeting provided the below response to your question.

Cr Dan Bull, Mayor advised that he did not, and he did not know if any other Councillors had. There were some Councillors who had financial interests who would not be able to take that question.

Cr Elli Petersen-Pik advised that several years ago there was a discussion by the Maylands Residents and Ratepayers Association (MRRA) about the whole heritage review – that was at the start of the heritage review, long before he became a Councillor. There was discussion between the members, and he thought the MRRA provided a submission suggesting that some properties will be recognised as part of the review and he thought 130 Guildford Road, Maylands was one of them. So this was something that the Association discussed as part of the whole review.

Cr Filomena Piffaretti, Deputy Mayor, Cr Stephanie Gray, Cr Sally Palmer, Cr Steven Ostaszewskyj, and Cr Michelle Sutherland all advised that they did not have anything to do with listing or suggesting any properties on the register.

Further to Cr Petersen-Pik's advice above, the MRRA made a submission recommending a number of properties be included and/or reclassified in the Local Heritage Survey. All properties recommended for inclusion and/or reclassification by any submission were assessed by the City's heritage consultants to determine if there was any heritage significance. All individual properties which were new inclusions or modified as a part of the Local Heritage Survey were advertised as a part of the draft document for a period of 42 days, from 18 July 2019 to 29 August 2019. The owners of the individual properties were contacted by letter.

Ms Linda Slater – 20 Burnside Street, Bayswater

Question 2

In the AGM motion of 2017, did that go to Council and was it voted upon?

Answer 2

Mr Des Abel, Director Community and Development advised that it would have been – all AGM motions do go to Council so it would have been in January 2018.

Question 2A

So was it voted on by Council?

Answer 2A

Mr Des Abel, Director Community and Development advised that it would have been.

Question 2B

Was it passed?

Answer 2B

At the Ordinary Council Meeting held on 30 January 2019, Council considered Motion 4 from the Annual General Meeting of Electors, and resolved as follows:

"That Council considers whether it proceeds with community consultation on the nomination of the Bayswater, Maylands and Meltham town sites to the State Heritage Register as part of its consideration of the draft new Municipal Inventory of Heritage Places (MI)"

The following question was submitted in writing and read out by the Chairperson, Cr Dan Bull, Mayor:

Mr Ken Belcher – 53 Broadway, Embleton

Question 1

A safety problem has arisen in Embleton Avenue near the junction of Broadway in Embleton, where vehicles are parking on the verge, making it hard to see what, if any, traffic is approaching until you drive out into the middle of the road to see it. What is the City going to do about it?

Answer 1

The City recently undertook a sight line assessment at the location and as a result has determined it is appropriate for “No Stopping Road or Verge” restrictions to be installed. Accordingly, signage reflecting this restriction has been ordered and will be installed shortly.

Mr Arthur Hinds – 40 Bassendean Road, Bayswater

Question 1

Is the Council aware of where the sanitary dumping grounds were in the City of Bayswater?

Answer 1

Mr Des Abel, Director Community and Development advised that the City has a record of where there are previously known contamination sites in the City of Bayswater.

Question 2

I have an excerpt from the Commercial Newspaper dated 1885, the heading is, ‘The State of Affairs at Bayswater’:

‘The depot is situated at Bayswater five miles from Perth, on the banks of the Swan River. When the sanitary carts have finished their work in the city [this is the City of Perth], they ship the pans, which are closed with an air tight lid, on to a steam barge by which means they are taken to Bayswater, a distance of nine miles by the river. On arrival there, they are placed on a truck run upon a rickety wooden tramway and conveyed to the depot about 200 yards from the water’s edge at from 80 to 100 pans at a time. [Working on the population of Perth, they were doing about 4,000 pans a week]. Another serious question now presents itself [the Chief Health Inspector said]. Where do the liquids go? [This is in Bayswater]. With the solids they are dumped in trenches and eventually covered up. There must, therefore, be soakage through the sandy soil. The general opinion is that it finds its way into the river and this opinion has the concurrence of one of the highest authorities. If such is the case, the outlook is an alarming one.’

This is 1885 and the Chief Health Inspector’s name for the City of Perth at that time in 1885 was Mr W. Traylen. And we all know where Traylen Road is, and we all know at the end of Traylen Road was the sanitary dump in 1885.

Is the City of Bayswater health department aware of the now closed sanitary tip near the corner of John Street and White Street in the Bayswater Industrial Area?

Answer 2

City staff have viewed aerial imagery of the Bayswater Industrial Area from 1953 however were unable to identify a former sanitary tip near the corner of John Street and White Street in the Bayswater industrial area.

Please be aware that between 1897 and 1961 this area was under the jurisdiction of the Bayswater Roads Board and records during that period are not readily available.

Question 3

After the sanitary site in Traylen Road closed, the Bayswater Road Board opened a new sanitary dump and rubbish tip together in the area of John and White Streets in the Bayswater Industrial Area. It operated from between 1910 to 1960, some 50 years. So for 50 years all the sanitary waste collected on night carts was dumped on that spot. As kids, I played in the bush and went there several times. You could smell it from hundreds and hundreds of yards away depending on the wind, because at that time the road stopped near Beechboro Road, coming out to Collier Road wasn't there, and all that area was bush. In anyone's terms, this was an ecological disaster, no one knows how many tonnes and tonnes and tonnes of sanitary waste was dumped in the bush.

Will the City of Bayswater or health department officer be able to tell me how many unsewered properties are there in the Bayswater Industrial Area west of Tonkin Highway?

Answer 3

The City's records indicate that there are 333 unsewered properties within the Bayswater Industrial Area West of Tonkin Highway.

Question 3A

Now in that sheet you have, the yellow area, are all the unsewered property areas in the Industrial Bayswater Estate. You don't know how many properties, I have a rough idea. There are 330 properties in the unsewered area on the Bayswater Industrial Estate. There are 1,200 small businesses – the Shire didn't know that. There are an estimated 3,000 workers – the Shire doesn't know that. Most Shires know that, it's common sense and they should know these sort of things. Estimated area of unsewered property is 133 hectares – they don't know that either. Now this 133 hectares of unsewered property, the Water Corp has told me and they have designed it, 0.295 litres a second is what is required to service this area. That is their model, the Water Corp's design model for the Bayswater Industrial Area – this is important to you – is that they say, right now, 3.3 million litres of septic water a day is pouring into the ground water. One and a half Olympic swimming pools right now is pouring into the ground water. Go to the corner of Railway Parade and Clavering Road to the open drain that runs into the river and smell the effluent in the water. It was the Bayswater creek when I was a child and we caught gilgies and played in the crystal clear water. As a ratepayer for over 55 years and having shit in the ground for over 55 years, along with 3,000 other Bayswater residents, the Council has failed as a Council. The Council, you should be ashamed of yourself. Look your kids in the eyes and tell them, we have failed because I can't take my children to the river, I can't take my grandkids to catch a crab, I can't take them to catch a fish, because the river is polluted, there's health warnings up and down the river, and I have lost my beneficial use of the river. How will you fix this, will you spin it away, will you handball it to the state government? Of course you will. Don't say you don't know about it, because it's going to make you look very, very stupid. This is Bayswater, this is not Bangladesh and this is 2020, not 1820. London had a sewer in 1866. We are in 2020 and we are still shitting in the ground. Bayswater has been dumping shit in the river for 135 years. Do something about it.

Answer 3A

The City is aware that there are onsite effluent disposal systems within the Bayswater industrial area. The City's Environmental Health Branch undertakes water quality monitoring within the Swan River on behalf of the WA Department of Health and has also been monitoring water quality within the industrial area to determine the impacts from on-site effluent disposal systems. Following the analysis of the water sampling results, the City intends to further explore the potential for a reticulated sewerage network with the State Government and their relevant agencies.

Mr Steven Lavell – business owner of 49 Eighth Avenue, Maylands (Henry On Eighth)
henry@henryon8th.com.au

Question 1

We have an apartment adjacent to our building on Eighth Avenue which is currently being used by our neighbouring business. We want to use it too to serve food and drinks on it. The City of Bayswater gave us a letter of support in October 2019. I'm here tonight because we have hit another roadblock. It seems that no one really wants to make the final decision on us using it; though, unlike Leederville and Mount Hawthorn, I guess I understand that parklets are a new concept for our area. The road block being that liquor licensing needs to pinpoint liability. So, if we are to use this parklet, we need to be fully responsible for the parklet during our trading hours. That is, responsible for the service of alcohol, the insurance, the management of that area, of that space. And therefore, unfortunately, the letter provided to me by the City in October isn't quite strong enough. Basically, it's a public space, I understand that licensing needs someone to be responsible.

Firstly, does the City of Bayswater still, as per this letter, support our use of the parklet and the continued activation of Eighth Avenue?

Answer 1

As outlined in its letter of 9 October 2019, the City supports Henry on Eighth's application to the Department of Racing, Gaming and Liquor for a liquor licence subject to the Parklet Guidelines' requirement for the parklet to be available to community at all times (i.e. not for the exclusive use of one business). The City also supports the continued activation of Eighth Avenue, Maylands, as part of its commitment to implement the Maylands Town Centre Place Activation Plan.

Mr Lavell stated that he had a copy of the letter.

Question 2

Just on the back of that question, Director, can this letter then be revisited to allow the exclusive use during our trading hours so that the liquor licensing can hold us liable?

Answer 2

The parklet is the property of the Maylands Business Association (MBA), and the City cannot approve exclusive use of the parklet without MBA's agreement. MBA has advised the City that it has received no formal request from Henry on Eighth in relation to this, and that in the event that it is, MBA will assess it at that time.

The Parklet Guidelines state that parklets are "outdoor public spaces for everyone to enjoy". The Department of Racing, Gaming and Liquor has subsequently advised that licenced areas are to be closed to unaccompanied people under the age of 18, which does not align with the above provision of the Parklet Guidelines.

Should MBA grant Henry on Eighth permission to use the parklet, the matter will require referral to Council for determination as this use will limit community access to the parklet in light of the above advice from the Department of Racing, Gaming and Liquor.

Question 3

If this letter can't be granted, I just need to ask is the current use of the parklet perhaps in contradiction to the parklet guidelines issued by the City of Bayswater and why we are now looking to activate other areas of the precinct, especially from a food and alcoholic beverage service perspective?

Answer 3

The current use of the parklet is considered to align with the Parklet Guidelines as it is open to all people and is privately maintained and insured. Various areas of the precinct, including laneway areas, are focuses of activation along with Eighth Avenue and Whatley Crescent, with these areas featuring food and beverage businesses.

Mr Laurence Butler - 20 Langley Road, Bayswater

Question 1

This is in regards to the development at 39 Hudson Street, Bayswater, now known as 22 Langley Road. The answers to my questions of 28 January 2020 and 11 February 2020 are still not being addressed to the full question and my concerns. Retention of stormwater covers the whole block including along the retaining wall, with the drainage points higher than the retaining wall and the area to the retaining wall being mainly paved and graded to the wall. Why Council officers show me where the storm water will go? Answers amounting to wait and see are not good enough. Can I make a comment about what happened tonight with the storm we just had? The storm was only very short, it rained about three to four minutes. I did try taking some photos but due to the clarity of the water and conditions, they didn't turn out. Along the fence line, there's gravel supposed to take the water. The water was pooling on top of that and coming across and under the fence along the wall.

Answer 1

The Mayor and the City's Director Community and Development, Manager Development Approvals and Coordinator Statutory Building attended an onsite meeting with Mr Butler on 4 March 2020 to discuss the subject matters. The City is currently investigating the extent of the matters raised by Mr Butler and will advise Mr Butler of the outcome of these further investigations.

Public Question Time commenced at 6:31pm.

There were no public questions.

Public Question Time was closed at 6:31pm.

7. CONFIRMATION OF MINUTES**7.1 Ordinary Meeting: 25 February 2020****COUNCIL RESOLUTION**

The Minutes of the Ordinary Meeting of Council held on 25 February 2020 which have been distributed, be confirmed as a true and correct record.

CR SALLY PALMER MOVED, CR GIORGIA JOHNSON SECONDED**CARRIED UNANIMOUSLY: 10/0****8. PRESENTATIONS****8.1 Petitions**

Nil.

8.2 Presentations

Nil.

8.3 Deputations

Deputations were heard at the Minutes Briefing Forum at 6:30pm on Tuesday 3 March 2020, in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley.

8.4 Delegates Reports

Nil.

9. METHOD OF DEALING WITH MINUTES BUSINESS

With the exception of items identified to be withdrawn for discussion, the remaining reports will be adopted by exception (enbloc).

An adoption by exception resolution may not be used for a matter:

- (a) that requires a 75% majority or a special majority;
- (b) in which an interest has been disclosed;
- (c) that has been the subject of a petition or deputation;
- (d) that is a matter on which a Member wishes to make a statement; or
- (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

Withdrawn items:

- 10.3.1 A matter that is the subject of a deputation and on which a Member wishes to move a motion that is different to the recommendation.
- 10.4.3 A matter in which an interest has been disclosed, that is the subject of a deputation and on which a Member wishes to move a motion that is different to the recommendation.
- 10.3.2 A matter on which a Member wishes to make a statement.
- 10.4.4 A matter on which a Member wishes to move a motion that is different to the recommendation.
- 11.1 A matter on which a Member wishes to make a statement.
- 13.1 A matter on which a Member wishes to make a statement.

10. REPORTS

10.1 Chief Executive Officer Reports

Nil.

10.2 Corporate and Strategy Directorate Reports

Nil.

10.3 Works and Infrastructure Directorate Reports**10.3.1 Boundary Fence Replacement - 40 Lovegrove Way, Morley**

Responsible Branch:	Parks and Gardens	
Responsible Directorate:	Works and Infrastructure	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Attachments:	<i>Confidential Attachment(s)</i> 1. Correspondence from Owner 2. LGIS Correspondence 3. Notice 4. Objection	

Confidential Attachment(s) - in accordance with Section 5.23(2) (b) of the Local Government Act 1995 - the personal affairs of any person.

SUMMARY

For Council to consider a request from the property owner at 40 Lovegrove Way, Morley to repair the boundary fence between the subject property and Peters Place Reserve.

OFFICER'S RECOMMENDATION

That Council offers an ex gratia contribution of 50% up to a maximum of \$2,950 ex GST towards the repair/replacement of the subject fence adjoining 40 Lovegrove Way, Morley, and should the property owner decline this offer, further action in accordance with the served notice will be pursued.

COUNCIL RESOLUTION

That Council without prejudice, funds the replacement of the subject fence at a cost of \$5,900 ex GST.

CR SALLY PALMER MOVED, CR LORNA CLARKE SECONDED

CARRIED: 8/2

FOR VOTE: Cr Sally Palmer, Cr Lorna Clarke, Cr Barry McKenna, Cr Stephanie Gray, Cr Filomena Piffaretti, Deputy Mayor, Cr Catherine Ehrhardt, Cr Elli Petersen-Pik and Cr Dan Bull, Mayor.

AGAINST VOTE: Cr Steven Ostaszewskyj and Cr Giorgia Johnson.

REASON FOR CHANGE

Council changed the Officer's Recommendation as it was of the belief that in this special circumstance it would be equitable for the City to fund the replacement of the subject fence.

BACKGROUND

A section of the fence, abutting 40 Lovegrove Way, Morley, has been damaged and requires repairs.



Correspondence was received by the property owner in 2014 which included a quotation alleging that the damage to the subject fence was caused by fallen tree debris from a tree located in Peter's Place Reserve and honkey nuts being flicked up by mowers, and therefore, requested that the City repair the fence (**Confidential Attachment 1**).



Accordingly, the City's insurer, LGIS, rejected the claim and notified the owner (**Confidential Attachment 2**).

Since 2014, the City did not take any further action, however, in 2019, the City provided notice to the owner requiring action to repair the subject fence (**Confidential Attachment 3**) and the property owner has objected to the notice through the required Form 4 (**Confidential Attachment 4**) and believes the repairs should be the City's responsibility.

The *Dividing Fences Act 1961* does not legislate that the City must contribute to the cost of a fence where Crown Land is involved, although Council's Policy on Contributions to Common Fences Policy allows Council consideration of a contribution in special circumstances.

EXTERNAL CONSULTATION

No consultation has been undertaken with the public or other agencies on this matter.

OFFICER'S COMMENTS

As detailed in the correspondence from the property owner and the photographs, the subject fence line has been damaged over time, although no fault has been attributed to the City as advised by the City's insurer, LGIS.

Given the property owners claim against the City was denied, the expectation was that the property owner would pursue a claim through their own insurers or pay for the repairs.

The *Dividing Fences Act 1961* does not apply to Crown Land and as Peters Place Reserve is Crown Land vested in the City, there is no legislative requirement for the City to contribute to the replacement or repair of the subject fence.

In its current condition, the fence presents a risk to park users due to the potential of exposure to asbestos and access to private property, and as such, the City in October 2019 served a notice to the property owner requiring their action to repair the fence, to which the property owner objected using their right of reply by submitting the required Form 4. The objection was based on the belief of the owner that the City was responsible for the repairs and that they do not have the financial capacity to replace or repair the fence.

LEGISLATIVE COMPLIANCE

- The *Dividing Fences Act 1961*; and
- Council's Policy – Contributions to Common Fences.

OPTIONS

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1	That Council offers an ex gratia contribution of 50% up to a maximum of \$2,950 ex GST towards the repair/replacement of the subject fence adjoining 40 Lovegrove Way, Morley, and should the property owner decline this offer, further action in accordance with the served notice will be pursued.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option will assist the property owner to make good the damage to the subject fence, which is in accordance with the <i>Dividing Fences Act 1961</i> and the <i>Local Government Act 1995</i> . Should the property owner decline this offer the City will replace the fence and seek to recover the associated costs from the property owner. This will result in a well finished outcome which will benefit the overall presentation of the park and mitigate potential asbestos exposure resulting from damaged fence	

	panels.	
Option 2	That Council without prejudice, funds the replacement of the subject fence at a cost of \$5,900 ex GST.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Moderate
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option will result in a well finished outcome which will benefit the overall presentation of the park and mitigate potential asbestos exposure resulting from damaged fence panels. Should this option be preferred it may be perceived as precedence for future defaulters of served notices.	

Option 3	That Council without prejudice, funds the repair of a portion of the subject fence at a cost of approximately \$1,500 ex GST.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option will secure the fence line by removing and replacing damaged sheets. However the newer fencing sheets will not match the profile of the existing fencing sheets which may appear unsightly. Also the risk of asbestos exposure is not fully mitigated given parts of the subject fence will remain.	

Option 4	That Council does not fund or make a contribution towards the replacement or repair of the subject fence and pursues further action in accordance with the served notice.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The City will replace the fence and seek to recover the associated costs from the property owner, which is in accordance with the <i>Local Government Act 1995</i> .	

Notwithstanding the above, Council has a policy on Contribution to Common Fences which states:

- "1. The City will contribute to the repair or replacement of sufficient fences in common with private property subject to the damage being as a direct result of the City's activities including sporting events.
2. Where a claim does not meet the above criteria but is considered a special case then it is to be reported to Council for consideration.

3. *The policy does not apply retrospectively."*

With reference to the above policy, it is noted that Council has provided a contribution in similar cases, although this was usually where the property owner made a contribution of around 50% of the total cost.

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Peters Place

Asset Category: Parks and Gardens

Source of Funds: Municipal

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	\$2,950						Nil

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Our Community

Aspiration: An active and engaged community.

Outcome L2: A strong sense of community through the provision of quality services.

CONCLUSION

This matter has been unresolved for some time, given the expectation was that the property owner would pursue a claim through their own insurers, or pay for the repairs. The property owner has objected to the served notice requiring that the subject fence be repaired and/or replaced at their cost.

Council consideration is now sought to provide direction to City officers to finalise this matter. It is recommended that Council offers an ex gratia contribution of 50% up to a maximum of \$2,950 ex GST towards the repair/replacement of the subject fence at 40 Lovegrove Way, Morley. Should the property owner decline this offer, further action in accordance with the served notice will be pursued.

10.3.2 Maylands Waterland Redevelopment

Responsible Branch:	Project Services	
Responsible Directorate:	Works and Infrastructure	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Attachments:	1. Draft Concept Plan	
Refer:	Item 10.1.1 OCM 12.02.19 Item 10.3.3 OCM 03.09.19	

SUMMARY

For Council to consider a draft concept plan for the redevelopment of the Maylands Waterland.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council, in progressing the Maylands Waterland Redevelopment:

- 1. Approves the draft concept plan as shown in Attachment 1.**
- 2. Requests the Chief Executive Officer to develop a detailed design, tender specification and project costings.**
- 3. Considers additional funding towards the Waterland Redevelopment in the 2020-21 budget.**
- 4. Undertakes advocacy for further funding for the project.**
- 5. Notes the finalisation of the Maylands Waterland Working Group as having met the Terms of Reference.**

CR ELLI PETERSEN-PIK MOVED, CR CATHERINE EHRHARDT SECONDED
CARRIED UNANIMOUSLY: 10/0

BACKGROUND

Council at its Ordinary Meeting of 12 February 2019 considered future options for the Maylands Waterland site and resolved to establish a project working group comprising of City officers, two representatives from the Friends of Maylands Waterland, two South Ward Councillors and Cr Filomena Piffaretti, Deputy Mayor, and Cr Lorna Clarke to progress with alternate redevelopment options for the Maylands Waterland site.

The Working Group has conducted a number of meetings considering the site and Council at its Ordinary Meeting of 3 September 2019 resolved:

- "1. Not to open Maylands Waterland for the 2019-20 season whilst future options are being developed.*
- 2. To re-allocate operational savings derived from not opening Maylands Waterland to the Maylands Waterland Reserve.*
- 3. Reaffirms its commitment to redevelop Maylands Waterland as a family friendly water-based park at the Maylands Foreshore Reserve.*

4. *Authorises the CEO to progress the project in accordance with the timeline presented in the report, aiming for some of the redeveloped facilities to be open to the public by November 2021."*

EXTERNAL CONSULTATION

Engagement with the public or other agencies is yet to occur on this matter and will be conducted via the City's Engage Bayswater website. It is envisaged that this will be an information consultation process.

OFFICER'S COMMENTS

Further to Council's commitment to redevelop Maylands Waterland as a 'Family Friendly Water Based Park at the Maylands Foreshore Reserve, and in response to input and advice received from the Maylands Waterland Working Group, a proposed draft redevelopment concept plan has been developed for consideration.

The total project as outlined in the concept plan is provided as a high level overview of key elements likely to be included. Full detailed design and project costings are yet to be undertaken and will follow should Council approve the broad concept plan.

The concept plan is enclosed as **Attachment 1** and includes the following elements (all pictures are provided as indicative examples only):

1. Pool Play less than 300mm Depth

A permanent body of heated water to provide opportunities for paddling, wading, water confidence and water play. An associated plant room building to accommodate holding tanks, pumps and filtration will be required.

Anticipated cost of provision: \$600,000 - \$1M



2. Water Play Splash Pad

Zero depth splash play area providing a fun facility through water play and colour. Water play areas generally offer squirting spouts, water jets/cannons, tipping buckets, flowing creeks and splash puddles.

Anticipated cost of provision - \$600,000+ (depending on size and elements)



3. Community Picnic Areas

Area(s) provided for social gatherings and picnics. Infrastructure would include shade, barbeque, drinking fountain, table and seating, connecting pathway and landscaping. A number of picnic sites would likely be dispersed around the facility.

Anticipated cost of provision - \$100,000



4. Toilets and Changing

Any family friendly water based park will require supporting amenities such as toilets and changing. Standard public toilet facilities in keeping with a busy park will provide an appropriate number of accessible toilets. Supporting changing facilities may be designed to be single person cubicles, male/female areas and/or designated family changing areas. The level of changing provided will be dependent on the range and type of water based activities provided. This could also include facilities for a fully compliant adult change facility with hoists etc.

Buildings could be stand alone or combined to include areas to accommodate any associated pool plant and equipment, first aid, staff and administration or catering.

Anticipated cost of provision - minimum \$300,000 up to \$1.75M+



5. Mobile / Pop Up Catering

Area provided for licenced catering provider(s) to operate from to service users and passers-by. Facilities would include hard stand area for mobile/pop up service with incoming electricity, water and outgoing waste water. Shade, seating and landscaping would also compliment the facility.

Anticipated cost of provision - \$25,000



6. Main Pool Area

A larger pool would provide opportunities for water play, water safety/water confidence, and infant/toddler learn to swim. The pool area may have a graduated beach style depth range from zero to potentially 500mm plus.

A main pool would be best located in and around the current main pool area on site in order to minimise environmental disruption through any required site excavation. The pool would likely be heated to maximise usage and appeal and be conducive to basic infant/toddler learn to swim programs. As such, associated plant buildings and equipment would be required on site.

Given that the main pool area will have a deeper body of water compliant pool fencing will be required around the entire perimeter of the pool with appropriate gated entrances. Accepting the requirement for specific fencing around the main pool, it is also noted that a perimeter fence should be placed around the entire site depicted as (Area A) to provide an appropriate safe environment for fun family activities to be conducted.

Management and access is yet to be determined, however it is likely that an entry fee may be charged to access the main pool area. As such cash in lieu (CIL) public open space developer contributions could not be used to fund the main pool element of the project.

Anticipated cost of provision \$2.5M - \$3M.



7. Play Space(s)

Community play equipment in keeping with a family friendly facility would likely comprise of a broad range of play elements catering for all ages and ability levels and could be dispersed at a number of locations around the facility.

Anticipated cost of provision \$325,000 - \$375,000





8. Refurbish Existing Maylands Foreshore Public Toilets

To refurbish the existing Maylands Foreshore Reserve public toilets to ensure compliance to all applicable standards in order to compliment the Waterland redevelopment and appropriately service broader reserve and boat ramp users.

Anticipated cost - \$250,000 - \$300,000

Approximately \$1.9M is currently held in budgets applicable to the redevelopment of Maylands Waterland. Council is yet to consider additional funding towards redevelopment in the 2020-21 budget.

It should be noted that Area A depicted in the concept plan is estimated at costing between \$1.725M and \$2.125M (subject to final detailed design outcomes and project contingencies).

The timelines below are considered to be achievable for the completion of Area A assuming no significant environmental or approval challenges are encountered:

DETAILS	TIMEFRAME	STATUS
Secure current site and make safe	October 2019	Completed
Develop broad concept design options	December 2019	Completed
Council consider broad concept design	March 2020	Part of this report
Community Engagement on concept design	April 2020	Pending
Detailed Design and Costing	May 2020	Pending
Approvals (including POS)	August 2020	Pending
Out to Tender and Approve Contractor(s)	November 2020	Pending
Construction	July 2021	Pending
Completion, Testing and Handover	September 2021	Pending
Open	Oct / Nov 2021	Pending

In order to progress Area A comprising of:

- Pool less than 300mm depth;
- Water Splash Pad;
- Community Picnic / Social Area(s);

- Public Toilets and Changing; and
- Pop Up Catering Area.

Council may wish to:

1. Approve the draft concept plan.
2. Request the Chief Executive Officer to develop detailed design and project costings.
3. Consider additional funding toward the Waterland redevelopment in the 2020/2021 budget.

All outstanding items may then be considered as Area B and be delivered subject to available funding.

At its Ordinary Meeting held 12 February 2019 Council resolved to establish a project working group to progress with alternate redevelopment options for the Maylands Waterland site. Should Council resolve to approve the draft concept plan for Maylands Waterland it may be determined that the project working group has fulfilled its brief in progressing alternative redevelopment options.

Council may wish to consider either disbanding the working group or retaining the group until the redevelopment is completed.

LEGISLATIVE COMPLIANCE

- *Local Government Act 1995*; and
- *WA Health (Aquatic Facilities) Act 1911*.

With the permission of the WAPC, the City can apply the use of collected CIL contributions for public open space for the development of parks, including environmental areas such as Maylands Waterland. The CIL is collected when a subdivision does not provide the necessary amount of POS and can be used for certain POS works in a 800m radius from the original subdivision.

OPTIONS

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1	That Council, in progressing the Maylands Waterland Redevelopment:	
	<ol style="list-style-type: none"> 1. Approves the draft concept plan as shown in Attachment 1. 2. Requests the Chief Executive Officer to develop a detailed design, tender specification and project costings. 3. Considers additional funding towards the Waterland Redevelopment in the 2020-21 budget. 4. Undertakes advocacy for further funding for the project. 5. Notes the finalisation of the Maylands Waterland Working Group as having met the Terms of Reference. 	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate

Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option presents the least risk and is anticipated to meet delivery timeline expectations.	

Option 2	That Council progress alternate elements in Area A as determined by Council.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Unknown
Reputation	Low	Unknown
Governance	Low	Unknown
Community and Stakeholder	Moderate	Unknown
Financial Management	Low	Unknown
Environmental Responsibility	Low	Unknown
Service Delivery	Low	Unknown
Organisational Health and Safety	Low	Unknown
Conclusion	This option provides Council an opportunity to develop a recommendation based on debate emanating from the detail contained within this report and or additional information provided.	

Option 3	That Council does not progress the Maylands Waterland Redevelopment	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	High
Financial Management	Low	Moderate
Environmental Responsibility	Low	Moderate
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
Conclusion	This option is not aligned to the adopted risk matrix and presents a higher than accepted risk in a number of areas namely reputation, Financial Management and Service Delivery.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Approximately \$1.9M is currently available to the redevelopment of Maylands Waterland. The funding comprises of:

- \$1.5M identified in the 2019-20 budget to be released from Cash in Lieu Public Open Space developer contributions. This funding is subject to approval from the Minister for Transport and Planning and is to be used for open and accessible community infrastructure;
- \$60,000 - Deferred Play Space Redevelopment from 2018-19;
- \$172,905 Waterland Carry Forward from 2018-19;
- \$170,510 Operational Saving (not opening 2019-20)

The City of Bayswater's Long Term Financial Plan contains the following inclusion attributed to the Maylands Waterland Redevelopment:

- \$1.5M - 2018-19 (currently listed in the 2019-20 budget as above).

- \$1.5M – 2019-20 (yet to be listed in a current or future budget).

Council is yet to consider additional funding towards redevelopment in the 2020-21 budget.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Our Community
Aspiration: An active and engaged community
Outcome C1: A strong sense of community through the provision of quality services and facilities

CONCLUSION

Further to Council's commitment to redevelop Maylands Waterland as a 'Family Friendly Water Based Park' at the Maylands Foreshore Reserve, a proposed draft redevelopment concept plan has been developed.

The concept plan is provided as a high level overview of key elements likely to be included. Full detailed design and project costing is yet to be undertaken and will follow should Council approve the broad concept design.

Approximately \$1.9M is currently held in budgets applicable to the redevelopment of Maylands Waterland. Council is yet to consider additional funding towards redevelopment in the 2020-21 budget.

Area A depicted in the concept plan is estimated at costing between \$1.725M and \$2.125M (subject to final detailed design outcomes and project contingencies).

In order to progress Area A comprising of:

- Pool less than 300mm depth;
- Water Splash Pad;
- Community Picnic / Social Area(s);
- Public Toilets and Changing; and
- Pop Up Catering Area.

It is recommended that Council:

1. Approves the draft concept plan as shown in Attachment 1.
2. Requests the Chief Executive Officer to develop a detailed design, tender specification and project costings.
3. Considers additional funding towards the Waterland Redevelopment in the 2020-21 budget.
4. Undertakes advocacy for further funding for the project.
5. Notes the finalisation of the Maylands Waterland Working Group as having met the Terms of Reference.

Attachment 1

Maylands Waterland Concept Plan

Area A

Demolition and site clearance

Project Cost: \$100,000

1. Pool Play up to 300mm depth

300mm < Family Water Play Pool

Project Cost: \$600,000 - \$1,000,000

2. Water Play Splash Pad

Splash pad with misters / spray jets / Buckets etc.

Plant room

Project Cost: \$600,000

3a. Community Picnic Area

Shelters / BBQ / Seating & tables

Project Cost: \$100,000

4. Toilet / Changing Area

Accessible Public toilets & changing

Project Cost: \$300,000

5. Mobile Catering Pad

Shade and seating

Project Cost: \$25,000

Area B

6. Additional Pool Play up to 600mm depth

600mm > Pool & shade sails

Project Cost: \$2,500,000 - \$3,000,000

7. Play Space(s)

Community Destination Play Space

Project Cost: \$325,000 - \$375,000

4. Enhanced Changing / Admin / Plant Room Building(s)

Upgrade plant room and equipment.

Administration / Changing / First Aid / Catering etc.

Project Cost: \$1,750,000

3b. Community Picnic Area

Shelters / BBQ / Seating & tables

Project Cost: \$100,000

8. Refurbish (existing) Maylands Foreshore Toilet

Refurbish public toilet near boat ramp

Project Cost: \$250,000 - \$300,000

Total Project Cost: \$6,650,000 - \$7,650,000



- Existing Car Park
- Wetlands Exclusion Zone
- Existing Aviation Park
- Perimeter Fencing

Maylands Waterland Concept - Area A

Area A

Demolition and site clearance

Project Cost: \$100,000

1. Pool Play up to 300mm depth

300mm < Family Water Play Pool

Project Cost: \$600,000 - \$1,000,000

2. Water Play Splash Pad

Splash pad with misters / spray jets / buckets etc.
Plant room

Project Cost: \$600,000

3a. Community Picnic Area

Shelters / BBQ / Seating & tables

Project Cost: \$100,000

4. Toilet / Changing Area

Accessible Public toilets & changing

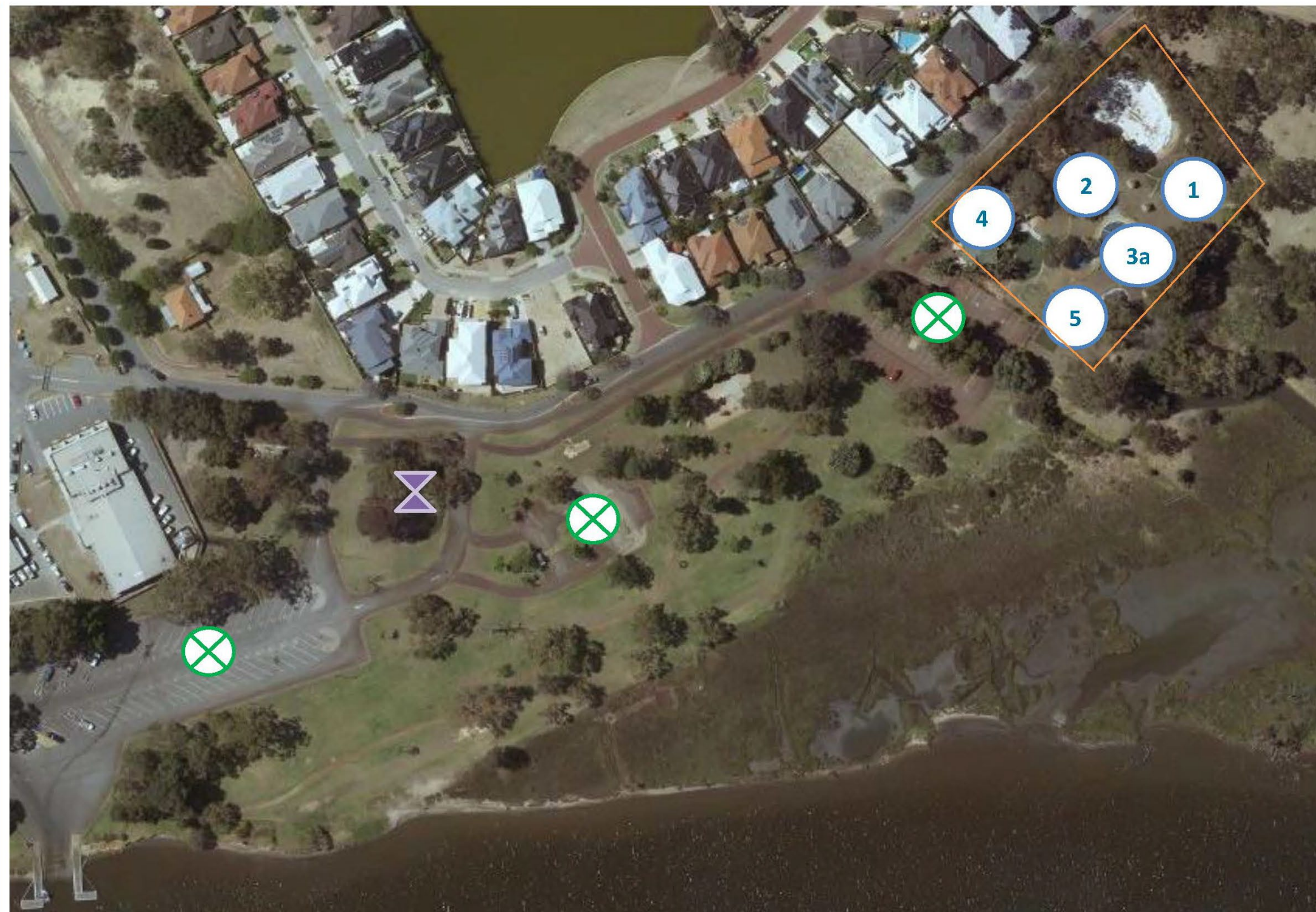
Project Cost: \$300,000

5. Mobile Catering Pad

Shade and seating

Project Cost: \$25,000

Total Project Cost: \$1,725,000 - \$2,125,000



Maylands Waterland Concept - Area B

- Area B**
- 6. Additional Pool Play up to 600mm depth**
600mm > Pool & shade sails
Project Cost: \$2,500,000 - \$3,000,000
 - 7. Play Space(s)**
Community Destination Play Space
Project Cost: \$325,000 - \$375,000
 - 4. Enhanced Changing / Admin / Plant Room Building(s)**
Upgrade plant room and equipment.
Administration / Changing / First Aid / Catering etc.
Project Cost: \$1,750,000
 - 3b. Community Picnic Area**
Shelters / BBQ / Seating & tables
Project Cost: \$100,000
 - 8. Refurbish (existing) Maylands Foreshore Toilet**
Refurbish public toilet near boat ramp
Project Cost: \$250,000 - \$300,000
- Total Project Cost: \$4,925,000 - \$5,525,000**



- Existing Car Park
- Wetlands Exclusion Zone
- Existing Aviation Park

10.3.3 Baigup Boardwalk Wetlands Reserve - Cash-In-Lieu Funds

Responsible Branch:	Sustainability and Environment	
Responsible Directorate:	Works and Infrastructure	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Refer:	Item 9.2.3 CTFCS Item 9.2.3 CTFCS 17.05.17 Item 12.4 OCM 06.12.16	

SUMMARY

For Council to consider applying to the Western Australian Planning Commission (WAPC) to vary the required cash-in-lieu funds for the construction of a boardwalk at Baigup Wetland Reserve from \$160,000 to \$240,000.

COUNCIL RESOLUTION**(OFFICER'S RECOMMENDATION)**

That Council applies to the Western Australian Planning Commission (WAPC) to vary the required cash-in-lieu for public open space funds for the construction of a boardwalk at Baigup Wetland Reserve from \$160,000 to \$240,000.

CR SALLY PALMER MOVED, CR GIORGIA JOHNSON SECONDED

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

BACKGROUND

Council previously considered and supported a request from the Baigup Wetland Interest Group (BWIG) to apply for \$160,000 of cash-in-lieu (CIL) funds for the construction of a boardwalk at Baigup Wetland Reserve. The estimated cost of the boardwalk was based on previous City works and market research at the time.

Since this time officers have worked with members of the group and consultants to:

- Develop a concept and detailed design of the boardwalk.
- Undertake geo-technical investigations of the site to establish footing requirements.
- Seek approval for the expenditure of CIL funds through the WAPC for the boardwalk.
- Seek relevant approval for the work under the Aboriginal Heritage Act.
- Seek relevant approval for the works under the Swan and Canning River Management Act.
- Seek quotations from the market.

The cost of undertaking these preliminary works was \$19,564.

As part of developing the concept and detailed design, the consultant estimated the cost to implement the proposed design to be less than \$150,000. As such, quotations were sought from the market from nine contractors. A number of contractors who undertake these works indicated that they would not submit a quotation for the works due to their current commitments or

perceived challenges of the site. Of the quotations that were received, the actual cost ranged from \$210,000 to \$250,000. As these quotations were greater than the design estimates, and works valued over \$150,000 are required to be purchased through a tender process, officers could not accept any quotations.

To progress with this project, the report considers varying the initial Council support for the use of CIL funding for this project. There is available funding in the CIL budget for this approach. The Current CIL budget for this area is approximately \$1,525,000. The majority of the funding is earmarked for other projects, however, there is sufficient unallocated CIL money to fund this project.

EXTERNAL CONSULTATION

The existing detailed design was developed with the BWIG.

A number of BWIG members live locally and have proactively discussed the project with local residents and it is understood that no significant objections were raised.

OFFICER'S COMMENTS

To move forward with this project, the following options have been identified.

Option 1: Vary the existing Council support for the use of CIL funds for this project from \$160,000 to \$240,000. This figure is based on the lowest quoted cost of \$210,000 and an allowance of \$10,000 for project contingency. As noted to date \$19,564.00 has been spent to develop the concept design, detailed design and geotechnical investigations. It should be noted that although the City has received quotations for the work, as the expected project cost is now anticipated to be over \$150,000, tenders will need to be sought under the City's Procurement Policy. The risk associated with this approach may be that the tenders the City receives could be higher than when the market was first tested through the quotation process.

Option 2 Vary the existing Council support of CIL funds from \$160,000 to \$260,000. This figure is based off the lowest quoted cost of \$210,000 and an allowance of \$30,000 to manage the risk of uncertainty in how the market will respond to a tender request for these works.

Option 3 Reduce the overall design scope and likely cost of the boardwalk. This option is not preferred, as it is unlikely that a design based on the reduce scope would meet the BWIG expectations for the site.

Option 4 Not progress with the construction of a boardwalk at Baigup Wetland.

If the additional funding request is approved, the aspiration will be to advertise the tender in March 2020. The actual project timeline will be dependent on approval for the increase of funding by the WAPC and the response from contractors during the tendering process.

LEGISLATIVE COMPLIANCE

If funded, to progress the project tenders will need to be sought in accordance with the City's Procurement Policy.

With the permission of the WAPC, the City can apply the use of collected CIL contributions for public open space for the development of parks, including environmental areas such as Baigup Wetland Reserve. The CIL is collected when a subdivision does not provide the necessary amount of POS and can be used for certain POS works in a 800m radius from the original subdivision.

OPTIONS

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1	That Council applies to the Western Australian Planning Commission (WAPC) to vary the required cash-in-lieu funds for the construction of a boardwalk at Baigup Wetland Reserve from \$160,000 to \$240,000.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option is expected to achieve the needs identified for Baigup wetland reserve being: <ul style="list-style-type: none"> • The need for a safe, controlled, universal access and an activity area off the main track. • A viewing platform for birdwatching and reflection. • Enhance visitor enjoyment of Baigup Wetland as a beautiful City of Bayswater passive recreation facility. • Improved public amenity and visitor management around Baigup. • The risk in increasing the CIL funding to the lowest previously quoted cost is if the tender process resulted in a higher price. 	

Option 2	That Council applies to the Western Australian Planning Commission (WAPC) to vary the required cash-in-lieu funds for the construction of a boardwalk at Baigup Wetland Reserve from \$160,000 to \$260,000.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Moderate
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option would help to decrease the risk of delaying the project further if the market does not respond to the tender process as expected, however the approach may also provide the wrong pricing signal to that same market.	

Option 3	That Council endorse the reduction of the overall scope of the boardwalk to meet existing budget.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	High
Financial Management	Low	Moderate
Environmental Responsibility	Low	Low
Service Delivery	Low	Low

Organisational Health and Safety	Low	Low
Conclusion	This option is not preferred, as it is unlikely that a design based on the reduce scope would meet the BWIG expectations for the site.	

Option 4	That Council not progress with the construction of a boardwalk at Baigup Wetland.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	High
Financial Management	Low	Moderate
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Withdrawing from the project would generate political concern from the BWIG that the visitor management outcomes identified would not be achieved. Additionally there may be a financial risk that the CIL funding used for the preliminary project costs may need to be reimbursed by municipal funds.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Boardwalk

Asset Category: Upgrade

Source of Funds: Cash in Lieu

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	\$240,000	\$4,000	\$500	CIL \$80,000	30	-	\$160,000 (Actual budget)

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Our Natural Environment

Aspiration: A green and sustainable environment

Outcome N1: Natural Environment and biodiversity which are conserved and protected

CONCLUSION

Given the design work that has been undertaken to date in consultation with the BWIG, it is recommended that Council applies to the WAPC to vary the required CIL for the construction of a boardwalk at Baigup Wetland Reserve from \$160,000 to \$240,000.

10.3.4 Tender No. 11-2019 Supply of Sand and Aggregates

Responsible Branch:	Parks and Gardens	
Responsible Directorate:	Works and Infrastructure	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Attachments	Confidential Attachments 1. Price Schedule	

Confidential Attachments in accordance with Section 5.32(2) of the Local Government Act 1995 - a matter that if disclosed, would reveal -

- (i) a trade secret;***
- (ii) information that has a commercial value to a person; or***
- (iii) information about the business, professional, commercial or financial affairs of a person.***

SUMMARY

For Council to assess and award Tender No.11-2019 Supply of Sand and Aggregates in accordance with the tender specification.

COUNCIL RESOLUTION**(OFFICER'S RECOMMENDATION)**

That Council awards Tender No. 11-2019 for Supply of Sand and Aggregates for a three year period from 15 March 2020 to 31 March 2023 with an option to extend for a further two years in accordance with the specifications as follows:

- (a) Boral – Supply of Aggregate (5mm, 10mm, 20mm and 50mm);**
- (b) Capital Recycling – Supply of Recycled Fill Sand and Recycled Aggregate (10mm and 20mm);**
- (c) Carramar Resource Industries – Supply of Plasterers Sand (Type 2) and Brick Paving Sand; and**
- (d) Urban Resources – Supply of Fill Sand, Top Dressing Sand and Washed White Sand (Playground).**

CR SALLY PALMER MOVED, CR GIORGIA JOHNSON SECONDED

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

BACKGROUND

On 19 October 2019, the City advertised Tender 11-2019 Supply of Sand and Aggregates on TenderLink and in the West Australian Newspaper. This tender sought submissions for the provision of sand and aggregate products across the City.

Eight submissions were received as follows:

- (i) Boral;**
- (ii) Capital Recycling;**
- (iii) Carramar Resource Industries;**
- (iv) Hanson Construction Materials;**

- (v) Hind's Transport Services Pty Ltd;
- (vi) Soils Aint Soils;
- (vii) T.J. Depiazzi & Sons; and
- (viii) Urban Resources.

OFFICER'S COMMENTS

The Tender Evaluation Committee consisted of the Coordinator of Turf and Irrigation Services, Coordinator of Engineering Works, Parks and Gardens Business Development Officer and Consulting Arborist.

All tenderers indicated that they do not have any conflicts of interest in the performance of their obligations under the contract.

The tenders were evaluated in accordance with the following qualitative criteria:

QUALITATIVE CRITERIA		
ITEM	DESCRIPTION	WEIGHTING
1	Safety and / or Quality Systems	10%
2	Organisation Experience	10%
3	Skills and Methodology	10%

TENDERER	SAFETY AND / OR QUALITY SYSTEMS (10)	ORGANISATION EXPERIENCE (10)	SKILLS AND METHODOLOGY (10)	TOTAL SCORE (30)
Boral	8	6	4	18
Capital Recycling	4	6	6	16
Carramar Resource Industries	9	9	8	26
Hanson Construction Materials	8	3	4	15
Hind's Transport Services Pty Ltd	6	6	6.5	18.5
Soils Aint Soils	5	5	2	12
T.J. Depiazzi & Sons	5	6	6	17
Urban Resources	9	6	6	21

Of the submissions received, both Hanson Construction Materials and Soils Aint Soils supplied insufficient information to rate sufficiently in the Qualitative Criteria evaluation. This was primarily based around the fact that both companies did not provide the evidence required to effectively demonstrate their capability to deliver the requirements of the specification, and consequently, were excluded from further assessment and not considered for awarding a contract.

Clause 3.6 of the tender documentation states:

"The Principal will consider the extent to which the Tender satisfies the Qualitative Criteria and reserves the right to reject any tender that does not properly address and satisfy any of the Qualitative Criteria."

The remaining submissions received were professional, satisfied the City's Occupational Health and Safety requirements, addressed the qualitative criteria and demonstrated the ability to provide the City with the required services.

The City's intent is to award this contract to providers that offer the best price for specified goods according to the specification and price (**Confidential Attachment 1**).

AVERAGE WEIGHTED PRICE ASSESSEMENT OF SPECIFIED GOODS								
TENDERER	FILL SAND	TURF TOP DRESSING SAND	PLASTERS SAND (TYPE 2)	WASHED WHITE SAND (PLAYGROUND)	BRICK PAVING SAND	AGGREGATE (5MM, 10MM, 20MM AND 50MM)	RECYCLED FILL SAND	RECYCLED AGGREGAT (10MM AND 20MM)
Boral	-	-	-	-	-	70	-	-
Capital Recycling	-	-	-	-	-	-	70	70
Carramar Resource Industries	59	67	70	51	70	-	-	-
Hind's Transport Services Pty Ltd	60	52	53	52	67	55	-	-
T. J. Depiazzi and Sons	33	39	42	40	33	-	-	-
Urban Resources	70	70	63	70	58	57	-	-

AGGREGATED QUALITATIVE AND PRICE ASSESSEMENT								
TENDERER	FILL SAND	TURF TOP DRESSING SAND	PLASTERS SAND (TYPE 2)	WASHED WHITE SAND (PLAYGROUND)	BRICK PAVING SAND	AGGREGATE (5MM, 10MM, 20MM AND 50MM)	RECYCLED FILL SAND	RECYCLED AGGREGAT (10MM AND 20MM)
Boral	-	-	-	-	-	88	-	-
Capital Recycling	-	-	-	-	-	-	86	86
Carramar Resource Industries	85	93	96	77	96	-	-	-
Hind's Transport Services Pty Ltd	78.5	70.5	71.5	70.5	85.5	73.5	-	-
T. J. Depiazzi and Sons	50	56	59	57	50	-	-	-
Urban Resources	91	91	84	91	79	78	-	-

TENDERER	SPECIFIED GOODS
Boral	Aggregate (5mm, 10mm, 20mm & 50mm)

Capital Recycling	Recycled Fill Sand and Recycled Aggregate (10mm & 20mm)
Carramar Resource Industries	Plasterers Sand (type 2)
Urban Resources	Fill Sand, Top Dressing Sand and Washed White Sand (Playground)

LEGISLATIVE COMPLIANCE

The tender process has met all requirements of the *Local Government Act 1995* and City of Bayswater Procurement Policy.

OPTIONS

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1	That Council awards Tender No. 11-2019 for Supply of Sand and Aggregates for a three year period from 15 March 2020 to 31 March 2023 with an option to extend for a further two years in accordance with the specifications as follows: <ul style="list-style-type: none"> (a) Boral – Supply of Aggregate (5mm, 10mm, 20mm and 50mm); (b) Capital Recycling – Supply of Recycled Fill Sand and Recycled Aggregate (10mm and 20mm); (c) Carramar Resource Industries – Supply of Plasterers Sand (Type 2) and Brick Paving Sand; and (d) Urban Resources – Supply of Fill Sand, Top Dressing Sand and Washed White Sand (Playground). 	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option represents the lowest risk to Council	

Option 2	That Council awards Tender No. 11-2019 for Supply of Sand and Aggregates to an alternate tenderer(s).	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Moderate
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	To be determined
Environmental Responsibility	Low	To be determined
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
Conclusion	Awarding to an alternate tenderer may impact on ability to complete works in desired timeframes and result in concern from tenderers that scored higher in the assessment process.	

Option 3	That Council not accept any of the tender submissions for Tender No. 11-2019 for Supply of Sand and Aggregates.
-----------------	--

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Moderate
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Moderate
Environmental Responsibility	Low	Low
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
Conclusion	The City would need to recall a tender or default to quotations which have the potential to impact operational activities and/or result in governance breaches in terms of tender limit requirements.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Supply of Sand and Aggregates

Asset Category: Other

Source of Funds: Municipal

LTFP Impacts: Not applicable

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	-	\$210,000	-	-	-	-	\$210,000

STRATEGIC IMPLICATIONS

In accordance with the Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment

Aspiration: A quality and connected built environment

Outcome B1: Appealing streetscapes.

Outcome B3: Quality built environment.

CONCLUSION

The submissions made by Boral, Capital Recycling, Carramar Resource Industries and Urban Resources have demonstrated the best overall value for delivering on the City's requirements under contract. Therefore, it is recommended that Tender No. 11-2019 for Supply of Sand and Aggregates be awarded to these companies as specified for a three year period with a further option of a two year extension.

10.3.5 Tender No. 12-2019 Supply of Soil Conditioners and Mulch

Responsible Branch:	Parks and Gardens	
Responsible Directorate:	Works and Infrastructure	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Attachments	Confidential Attachment 1. Price Schedule	

Confidential Attachment in accordance with Section 5.32(2) of the Local Government Act 1995 - a matter that if disclosed, would reveal -

- (i) a trade secret;***
- (ii) information that has a commercial value to a person; or***
- (iii) information about the business, professional, commercial or financial affairs of a person.***

SUMMARY

For Council to assess and award Tender No.12-2019 Supply of Soil Conditioners and Mulch in accordance with the tender specification.

COUNCIL RESOLUTION**(OFFICER'S RECOMMENDATION)**

That Council awards Tender No. 12-2019 for Supply of Soil Conditioners and Mulch for a three year period from 15 March 2020 to 31 March 2023 with an option to extend for a further two years in accordance with the specifications as follows:

- (a) C-Wise – Supply of Sports Soil Compost and Mulch (Coarse fraction mulch)**
- (b) Eclipse Soils Pty Ltd – Supply of Mulch (Peat and jarrah fine fraction)**
- (c) T.J. Depiazzi & Sons – Supply of Soil Conditioner (organic), Mulch (Pine bark) and Mulch (Soft fall)**

CR SALLY PALMER MOVED, CR GIORGIA JOHNSON SECONDED

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

BACKGROUND

On 19 October 2019, the City advertised Tender 12-2019 Supply of Soil Conditioner and Mulch on TenderLink and in the West Australian Newspaper. This tender sought submissions for the provision of soil conditioners and mulch products, across the City.

Five submissions were received as follows:

- (i) C-Wise**
- (ii) Eclipse Soils Pty Ltd;**
- (iii) Pure Earth;**
- (iv) Soils Aint Soils; and**
- (v) T.J. Depiazzi & Sons.**

OFFICER'S COMMENTS

The Tender Evaluation Committee consisted of the Coordinator of Turf and Irrigation Services, Coordinator of Gardens and Landscaping, Parks and Gardens Business Development Officer and Consulting Arborist.

All tenderers indicated that they do not have any conflicts of interest in the performance of their obligations under the contract.

The tenders were evaluated in accordance with the following criteria:

CRITERIA		
ITEM	DESCRIPTION	WEIGHTING
1	Safety and / or Quality Systems	10%
2	Organisation Experience	10%
3	Skills and Methodology	10%

TENDERER	Safety and / or Quality Systems (10)	Organisation Experience (10)	Skills and Methodology (10)	TOTAL SCORE (30)
C-Wise	8	8	10	26
Eclipse Soils Pty Ltd	8	8	7	23
Pure Earth	6	8	8	22
Soils Aint Soils	7	6	2	15
T.J. Depiazzi & Sons	7	8	6	21

Of the submissions received, Soils Aint Soils supplied insufficient information to rate sufficiently in the Qualitative Criteria evaluation. This was primarily based around the fact that they did not provide the evidence required to effectively demonstrate their capability to deliver the requirements of the specification and consequently were excluded from further assessment and not considered for awarding a contract.

Clause 3.6 of the tender documentation states:

"The Principal will consider the extent to which the Tender satisfies the Qualitative Criteria and reserves the right to reject any tender that does not properly address and satisfy any of the Qualitative Criteria."

The remaining submissions received were professional, satisfied the City's Occupational Health and Safety requirements, addressed the qualitative criteria and demonstrated the ability to provide the City with the required services.

The City's intent is to award this contract to providers that offer the best price for specified goods according to the specification and price (**Confidential Attachment 1**).

AVERAGE WEIGHTED PRICE ASSESSEMENT OF SPECIFIED GOODS
--

TENDERER	SPORTS SOIL COMPOST	SOIL CONDITIONER (ORGANIC)	MULCH (COURSE FRACTION MULCH)	MULCH (PEAT AND JARRAH FINE FRACTION)	MULCH (PINE BARK)	MULCH (SOFT FALL)
C-Wise	70	49	70	48	-	-
Eclipse Soils Pty Ltd	-	-	56	70	-	-
Pure Earth	-	66	47	33	-	-
T. J. Depiazzi and Sons	-	70	-	-	70	70

AGGREGATED QUALITATIVE AND PRICE ASSESSMENT						
TENDERER	SPORTS SOIL COMPOST	SOIL CONDITIONER (ORGANIC)	MULCH (COURSE FRACTION MULCH)	MULCH (PEAT AND JARRAH FINE FRACTION)	MULCH (PINE BARK)	MULCH (SOFT FALL)
C-Wise	96	75	96	74	-	-
Eclipse Soils Pty Ltd	-	-	79	93	-	-
Pure Earth	-	88	69	55	-	-
T. J. Depiazzi and Sons	-	91	-	-	91	91

TENDERER	SPECIFIED GOODS
C-Wise	Sports Soil Compost and Mulch (Coarse fraction mulch)
Eclipse Soils Pty Ltd	Mulch (Peat and jarrah fine fraction)
T.J. Depiazzi & Sons	Soil Conditioner (organic), Mulch (Pine bark) and Mulch (Soft fall)

LEGISLATIVE COMPLIANCE

The tender process has met all requirements of the *Local Government Act 1995* and City of Bayswater Procurement Policy.

OPTIONS

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1	That Council awards Tender No. 12-2019 for Supply of Soil Conditioners and
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	Mulch for a three year period from 15 March 2020 to 31 March 2023 with an option to extend for a further two years in accordance with the specifications as follows:	
	<p>(a) C-Wise – Supply of Sports Soil Compost and Mulch (Coarse fraction mulch)</p> <p>(b) Eclipse Soils Pty Ltd – Supply of Mulch (Peat and jarrah fine fraction)</p> <p>(c) T.J. Depiazzi & Sons – Supply of Soil Conditioner (organic), Mulch (Pine bark) and Mulch (Soft fall)</p>	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option represents the lowest risk to Council	

Option 2	That Council awards Tender No. 12-2019 for Supply of Soil Conditioners and Mulch to an alternate tenderer(s).	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Moderate
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	To be determined
Environmental Responsibility	Low	To be determined
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
Conclusion	Awarding to an alternate tenderer may impact on ability to complete works in desired timeframes and result in concern from tenderers that scored higher in the assessment process.	

Option 3	That Council not accept any of the tender submissions for Tender No. 12-2019 for Supply of Soil Conditioners and Mulch.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Moderate
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Moderate
Environmental Responsibility	Low	Low
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
Conclusion	The City would need to recall a tender or default to quotations which have the potential to impact operational activities and/or result in governance breaches in terms of tender limit requirements.	

FINANCIAL IMPLICATIONS

The financial implications are incorporated as part of the standard annual operating budget.

STRATEGIC IMPLICATIONS

In accordance with the Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment
Aspiration: A quality and connected built environment
Outcome B1: Appealing streetscapes.
Outcome B3: Quality built environment.

CONCLUSION

The submissions made by C-Wise, Eclipse Soils Pty Ltd and T.J. Depiazzi & Sons have demonstrated the best overall value for delivering on the City's requirements under contract. Therefore, it is recommended that Tender No. 12-2019 for Supply of Soil Conditioners and Mulch be awarded to these companies as specified for a three year period with a further option of a two year extension.

10.3.6 EMRC Special Council Meeting Minutes - 6 February 2020

Responsible Directorate:	Works and Infrastructure	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	

SUMMARY

To allow Council consideration of the Special Council Minutes from the Eastern Metropolitan Regional Council (EMRC).

COUNCIL RESOLUTION**(OFFICER'S RECOMMENDATION)**

That Council receives the Eastern Metropolitan Regional Council's (EMRC's) Special Council Meeting Minutes of 6 February 2020.

CR SALLY PALMER MOVED, CR GEORGIA JOHNSON SECONDED

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

BACKGROUND

The EMRC held a Special Council Meeting on 6 February 2020 to consider a '*Confidential*' report in relation to the Container Deposit Scheme (CDS) Refund and Aggregation Points.

Cr Lorna Clarke, Cr Georgia Johnson, Cr Filomena Piffaretti, Deputy Mayor (Observer) and Director of Works and Infrastructure were in attendance.

EXTERNAL CONSULTATION

Not applicable

OFFICER'S COMMENTS

A full copy of the confirmed EMRC Special Council Meeting Minutes can be viewed at [https://www.emrc.org.au/documents/820/6-february-2020-\(special-council-meeting\)](https://www.emrc.org.au/documents/820/6-february-2020-(special-council-meeting))

LEGISLATIVE COMPLIANCE

Not applicable.

OPTIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Our Local Economy

Aspiration: A business and employment destination.

Outcome E3: Attractive to new services, businesses and investment.

CONCLUSION

For Council to receive the report.

10.4 Community and Development Directorate Reports**10.4.1 Home Business - Beauty Therapy - Strata Lot 1, 1/5 Wyatt Road, Bayswater**

Applicant/Proponent:	Gurpreet Hampal and Sandeep Rani	
Owner:	Gurpreet Hampal and Sandeep Rani	
Responsible Branch:	Development Approvals	
Responsible Directorate:	Community and Development	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Attachments:	1. Floor/Site/Driveway Plan	
Refer:	N/A	

SUMMARY

The application relates to an existing home occupation (beauty therapy) use at 1/5 Wyatt Road, Bayswater. The home occupation has previously been operating from bedroom 2 within the dwelling, but is now proposed to be relocated to the existing garage. This amendment results in the need for vehicles to be parked on the driveway whilst the home occupation is in operation. In addition, as the garage has an area of 37m² and is greater than that permitted under the Home Occupation definition of the Town Planning Scheme No. 24, it is assessed as a Home Business use which permits a maximum area of 50m².

The development requires two car parking bays for the residential dwelling in accordance with the Residential Design Codes (R-Codes) and one car bay for the home business use. Two car parking bays can be accommodated on the driveway and any vehicle associated with the home occupation parked on the crossover or on the street. This results in one car bay shortfall, an overall 33.3% variation to the car parking required onsite, which is beyond the officer's delegation.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council grants development approval for the home business - beauty therapy at strata Lot 1, 1/5 Wyatt Road, Bayswater in accordance with the development application dated 19 September 2019, and plans dated 19 September 2019, subject to the following:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
2. The home business is limited to the 37m² garage as depicted on the approved plan.
3. The home business is to not include any employees.
4. This approval is subject to Conditions 1-3, 5-6 and 8-10 of Development Approval DA17-0005 issued on 5 October 2017, with the change from Home Occupation to Home Business reflected in the conditions.

Advice Notes:

1. This approval is subject to Advice Notes 1-3 of Development Approval DA17-0005 issued on 5 October 2017.

CR SALLY PALMER MOVED, CR GIORGIA JOHNSON SECONDED

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

BACKGROUND

Application Number:	DA17-0005.03
Address:	Strata Lot 1, 1/5 Wyatt Road, Bayswater
Town Planning Scheme Zoning:	Residential R40
Use Class:	Home Business - 'A'
Lot Area:	762m ²
Existing Land Use:	Grouped Dwelling and Home Occupation
Surrounding Land Use:	Single Houses, Grouped Dwellings, Vacant Land
Proposed Development:	Home Business - Beauty Therapy

The proposal relates to an amendment to the existing home occupation (beauty therapy) use which previously obtained development approval on 5 October 2017. Two renewals have been issued by the City on 20 November 2018 and 27 November 2019. The subject application is for the relocation of the beauty therapy use from bedroom 2 within the dwelling into the existing single garage. The relocation into the existing garage has a greater area (37m²) than previously approved under the Home Occupation use (10m²) which requires assessment under the Home Business definition of the City's Town Planning Scheme No. 24.

The relocation of the use into the garage necessitates the parking of vehicles onto the existing driveway.





EXTERNAL CONSULTATION

The applicant provided comment of support from the adjoining neighbour to the south and two other strata owners within the subject strata development. The subject property has a separate driveway which does not impact the other neighbours in the vicinity of the subject property.

OFFICER'S COMMENTS

Key Scheme Provisions	Required	Provided	Assessment
Minimum Parking:			
Grouped Dwelling	2 car bays	1 car bay	Variation
Home Business	1 car bay	1 car bay	Compliant

Site Context

The subject site is located at the western end of Wyatt Road near Guildford Road. A large verge separates the site from Guildford Road and the subject property.

Nature of Use

The home occupation currently operates from bedroom 2 and has approval for a maximum of five clients per day, five days per week, Monday to Friday from 8am to 5pm. The application seeks to relocate the use to the garage at the front of the property.

Given the proposed use is to operate from the existing garage, which has a maximum area of 37m², the use is assessed as a home business use given that the maximum floor area is greater than that permitted under the home occupation use in the definition of the City Town Planning Scheme No. 24, which is 20m². The change to a home business allows for no more than two employees to be considered for the use but the owners will remain the only operators of the

business. Materially the amendment does not alter the previously approved use on site and the redefinition will have no greater impact other than the car parking as discussed below.

Car Parking

The applicant has noted that they have only one vehicle, which in this context enables the owner to park one vehicle on the driveway leaving one space available for clients. The home occupation has operated for over two years without complaint being received by to the City.

The parking of vehicles on the carriageway, verge or the crossover is permitted given the quiet nature of this section of the street (end of the cul-de-sac) and its operation during the week and normal business hours when surrounding residents are likely to be at work. Accordingly the one bay car parking bay shortfall onsite is considered supportable in this instance.

LEGISLATIVE COMPLIANCE

- City of Bayswater Town Planning Scheme No. 24; and
- City of Bayswater local planning policies including Home Based Business Policy.

OPTIONS

The following options are available to Council:

1. Council approves the development application in accordance with the Officer's Recommendation. The risks associated with this option is considered to be reduced due to the reasons given for the Officer's Recommendation.
2. Council approves the development application subject to deleted or alternate condition(s). The risks associated with this option is considered dependent on the reasons given for the deleted/alternate condition(s) and the nature of the deleted/alternate condition(s).
3. Council refuses the development application. The risks associated with this option is considered dependent on the reasons given for the application to be refused.

FINANCIAL IMPLICATIONS

Not Applicable.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Our Built Environment
Aspiration: A quality and connected built environment.
Outcome B1: Appealing streetscapes.
Outcome B3: Quality built environment.


The home business (beauty therapy) maintains the dwelling's residential appearance.

CONCLUSION

In light of the above assessment, it is recommended the application be approved, subject to appropriate conditions.

AREAS:		
	PERIM. (m)	AREA (m ²)
HOUSE AREA	43.16	93.00
GARAGE	23.02	33.03
ALFRESCO	11.76	8.61
STORE	10.08	4.28
PORCH	6.72	2.69
		141.61 m ²
Roof Area [m ² on the flat]		138.71





REVISION	VO #	DRN DATE	CHK
FULL CERT		JEV 26.03.14	AT
PRESTART		SC 27.05.14	
ECR	132779	Allent 04.05.14	
CONTRASTING	133760	SC 18.07.14	
	135146	135282	MJB 28.08.14
	135681	136979	MJB 28.08.14
	136982	137183	MJB 28.08.14
	PDF	137199	MJB 28.08.14

CLIENT:

DATE:

CLIENT:

DATE:

BUILDERS REPRESENTATIVE:

DATE:

CLIENT:

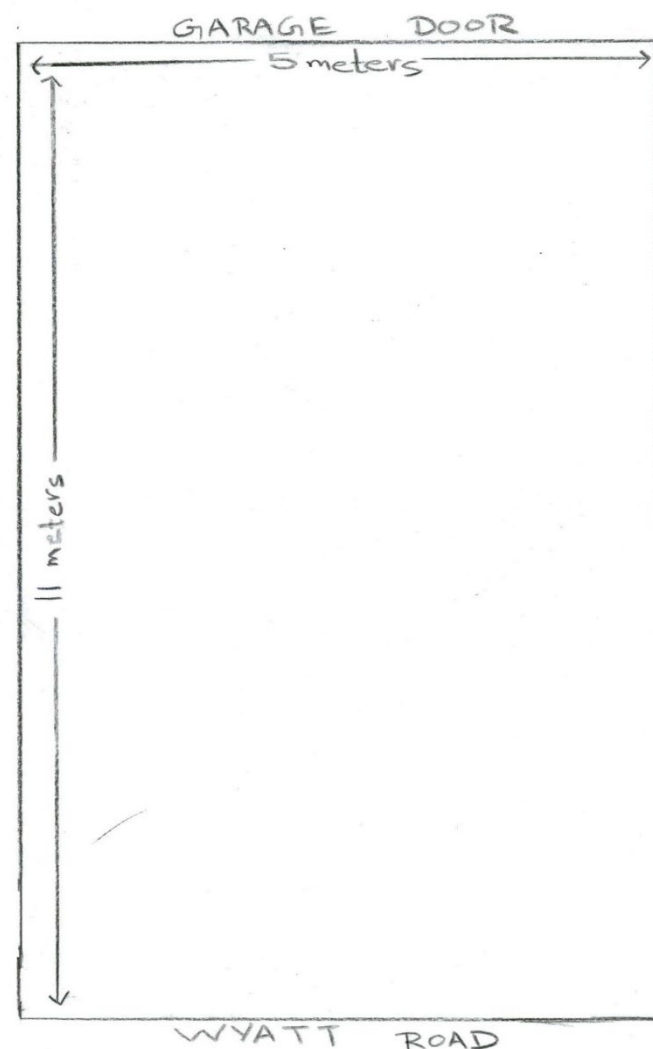
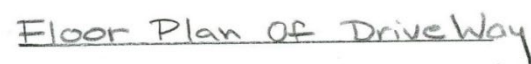
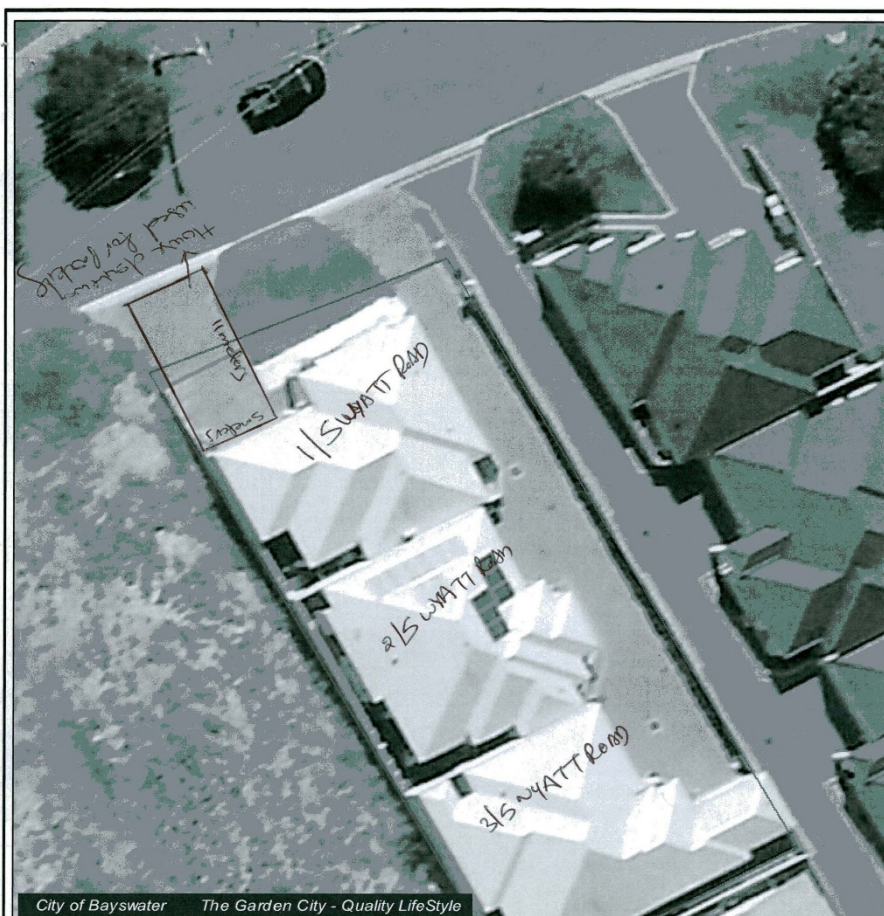
POPSTAR ENT. PTY LTD
& E. MONDI & N. MONDI

ADDRESS:

LOT 5
WYATT ROAD
BAYSWATER

UNIT 1

MODEL N°	DATE
	28.08.14
MAP REF:	WINDSALING
344 33 55	N2
COASTAL CATEGORY	ENGINEERS DETAIL
	B1
JOB N°	SHEET N°
1312678	2 OF 6



10.4.2 Proposed Warehouse and Office (Storage and Distribution of Oil) - Lots 180 and 181, 3 and 5 Nexus Way, Bayswater

Applicant/Proponent:	Dynamic Planning and Developments	
Owner:	Penrite Holdings P/L	
Responsible Branch:	Development Approvals	
Responsible Directorate:	Community and Development	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Attachments:	1. Development Plans	
Refer:	Nil	

SUMMARY

This application relates to a proposed warehouse and office for storage and distribution of oil at 3 and 5 Nexus Way, Bayswater. The application is compliant with the provisions of Special Control Area No.10 within the City's Town Planning Scheme 24 (TPS24) with the exception of the proposed fencing.

COUNCIL RESOLUTION

(OFFICER'S RECOMMENDATION)

That Council grants planning approval for the proposed warehouse and office (storage and distribution of oil) at Lots 180 and 181, 3 and 5 Nexus Street, Bayswater, in accordance with planning application dated 18 November 2019 and plans dated 10 February 2020, subject to the following:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
2. Lots 180 and 181 Nexus Way are to be amalgamated into a single lot prior to the submission of a building permit application. Alternatively the owner may enter into a legal agreement with the City of Bayswater, prepared by the City's solicitors at the expense of the owner. The legal agreement will allow the owner 12 months to amalgamate the lots. The agreement is required to be executed by all parties concerned prior to the commencement of the works hereby permitted.
3. The owner, or the applicant on behalf of the owner, shall comply with the City of Bayswater policy relating to Percent for Public Art, and provide public art with a minimum value of 1% (\$22,000) of the estimated total construction cost of the development. Details of the public art, including plans of the artwork, its cost and construction, and other matters relating to the artwork's on-going maintenance and acknowledgements in accordance with the City's Percent for Public Art Policy shall be submitted to, and to the satisfaction of the City prior to occupation of the development.

Alternatively, the owner/applicant could choose a cash-in-lieu option. The cash in lieu amount is to be no less than 1% of the estimated total construction cost of the development and is to be paid to the City prior to the submission of a building permit application in accordance with the City's Percent for Public Art Policy. If the applicant chooses this option then detailed plans for the installation of the artwork will not be required.

4. The proposed relocation of the two street trees shall comply with the relocation plan prepared by Landscape Elements to the satisfaction of the City of Bayswater.

5. Prior to the submission of a building permit application, the owner/applicant shall pay the City a bond amount of \$1,000, to ensure the health and survival of the two street trees proposed to be relocated for a period of 24 months from planting. Refund of the bond shall occur 24 months from planting and only in the event the two trees survive.
6. A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application.
7. A detailed landscape plan shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application. For the purpose of this condition, the plan shall be drawn with a view to reduce large areas of hard stand in passive areas and show the following:
 - (a) A minimum of one shade tree for each six car bays being provided to punctuate the on-site car bays.
 - (b) In addition to the trees required under (a), a minimum of six trees being provided within the landscaping strip along the street boundary. The trees shall be of a minimum 50L pot size and not irrigated.
 - (c) The size and number of new plants to be planted.
 - (d) Areas not used for car parking are to be treated with gravel or an alternative impermeable hard or paved surface.

Landscaping and reticulation shall be completed in accordance with the approved detailed landscape plan prior to occupation of the development and thereafter maintained to the satisfaction of the City of Bayswater.

8. A construction management plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application.
9. An acoustic report (including a noise prediction model) prepared by a suitably qualified acoustic engineer to ascertain the impact of the development has on the surround premises (noise sensitive/commercial/industrial premises) located within a 500m radius of the subject site shall be submitted to, and to the satisfaction of the City of Bayswater prior to the submission of a building permit application, and the recommendations of the report are to be implemented thereafter to the satisfaction of the City.
10. The development shall comply with the waste management plan dated 25 October 2019 prepared by Dynamic Planning and Developments to the satisfaction of the City of Bayswater.
11. All vehicle crossovers being designed and constructed to the satisfaction of the City of Bayswater.
12. The vehicle parking area shall be constructed in asphalt, concrete or brick paving, drained, kerbed and line-marked, together with suitable directional signs, and thereafter maintained to the satisfaction of the City of Bayswater.
13. The approved parapet/boundary wall(s) and footings abutting the lot boundaries must be constructed wholly within the subject allotment. The external surface of the parapet/boundary wall(s) shall be finished to a professional standard, to the satisfaction of the City of Bayswater.
14. Any proposed fencing shall be in accordance with the provisions contained in Special Control Area No.10 and shall not include barbed wire or any other harmful projection or material, to the satisfaction of the City of Bayswater. The proposed

- fencing forward of the main building line shall be black powder coated garrison or palisade type fencing to a maximum height of 1.8m to the satisfaction of the City of Bayswater.
15. The use of reflective or obscure glazing is not permitted on ground floor windows and/or openings facing Nexus Way.
 16. Prior to the submission of a building permit application, detailed drainage plans demonstrating compliance with the Tonkin Highway Industrial Estate requirements shall be submitted to, and to the satisfaction of the City of Bayswater. The drainage plan is to be implemented in its entirety and maintained thereafter to the satisfaction of the City of Bayswater.
 17. All street tree(s), with the exception of the two street trees to be relocated, within the verge adjoining the subject property are to be retained, unless written approval has been granted by the City of Bayswater for their removal, and shall have measures consistent with AS 4970-2009 undertaken to ensure its/their protection during construction of the subject development to the satisfaction of the City, including but not limited to the following:
 - (a) A minimum 2.0m radius tree protection zone (TPZ) shall be provided through 1.8m high fencing around the verge trees (chain mesh panels or other suitable material) during construction of the subject development.
 - (b) The above fencing is not to be moved or removed at any period during construction, and this zone is not to be entered for any reason; signage notifying people of the TPZ and the associated requirements is to be placed on each side of the fencing.
 - (c) All activities related to construction of the subject development, including parking of vehicles, storage of materials, and washing of concreting tools and equipment is prohibited within the designated TPZ.
 - (d) Any roots identified to be pruned shall be pruned with a final cut to undamaged wood outside of the TPZ. Pruning cuts shall be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds shall not be treated with dressings or paints. It is not acceptable for roots to be 'pruned' with machinery such as backhoes or excavators.
 - (e) The tree(s) shall be provided with supplemental water during any construction period falling over summer, with a minimum of 150 litres being provided per week.
 - (f) Should any works be required to be undertaken within the TPZ, approval must be given by the City prior to entering this zone. You may be required to seek advice from an Arborist in regard to the type of works being undertaken, this information is to be assessed by the City as part of the approvals to enter.
 - (g) Any new crossover shall maintain a minimum clearance of 2.0m from the base of a street tree.
 18. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.

Advice Notes:

1. Kerbs, roadways, footpaths, open drains, stormwater pits, service authority pits and verge areas including any verge trees must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.

2. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.
3. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.
4. Development of the site is required to be managed in accordance with the provisions outlined in the contaminated sites auditor-approved site management plan entitled '*Tonkin Highway Industrial Estate, Area 1- Site Management Plan*' (*Strategen Environmental , March 2018*).
5. In regard to Condition 16, localised stormwater disposal via soakage shall not occur and soakwells are not permitted as the lots are contained in Precinct C of the Tonkin Highway Industrial Estate.
6. The development/use hereby permitted shall comply with the *Environmental Protection Act 1986*, the *Health Act 1911* and any relevant environmental protection or health regulations, including but not limited to the following:
 - (a) *Environmental Protection Act 1986*;
 - (b) *Health (Miscellaneous Provisions) Act 1911*; and
 - (c) *Health (Air Handling and Water Systems) Regulations 1994*.
7. A copy of Water Corporation trade waste permit is to be submitted to City of Bayswater.

CR SALLY PALMER MOVED, CR GIORGIA JOHNSON SECONDED

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

BACKGROUND

Application Number:	DA19-0554
Address:	Lots 180 and 181, 3 and 5 Nexus Way, Bayswater
Town Planning Scheme Zoning:	General Industry
Use Class:	Warehouse – 'P' and Office- "D"
Existing Land Use:	Vacant Land
Surrounding Land Use:	Warehouse/Industry
Proposed Development:	Warehouse and Office

The applicant on behalf of their client Penrite Holdings P/L is proposing to construct a warehouse and office at 3 and 5 Nexus Way, Bayswater. The proposed warehouse will be used for storage and distribution of Penrite oil products.

Lots 180 and 181 are located within Precincts B and C respectively of the Tonkin Highway Industrial Estate. The proposed development has been assessed against the relevant TPS24 Special Control Area 10 requirements for Precincts B and C of the Tonkin Highway Industrial Estate and was found to be compliant with the exception of the proposed fencing.

The only reason the application is being referred to Council for determination is due to the estimated cost of the proposed development being \$2.2 million which is beyond the delegated authority limit of less than \$2 million (where the proposal is not a development assessment panel application).



EXTERNAL CONSULTATION

The application was not required to be advertised.

Consultation with other Agencies

The City sought comment from the Department of Water and Environmental Regulation (DWER) in relation to the development being located within the Tonkin Highway Industrial Estate which is subject to the *Contaminated Sites Act 2003* due to the former use of the sites for fertilizer manufacturing. Comments and advice received from DWER have been incorporated into the recommended conditions of approval.

OFFICER'S COMMENTS

Key Scheme Provisions	Required	Provided	Assessment
Minimum Setbacks:			
Front	3m	15.9m to 28.1m	Compliant

Side (North-East)	Nil	Nil	Compliant
Side (South-West)	Nil	Nil	Compliant
Rear (South-East)	Nil	Nil	Compliant
Maximum Building Height	3 storeys	1 storey	Compliant
Landscaping	Minimum 5% of the total lot area including a 2m wide landscaping strip along the street frontage.	5% of the lot is proposed to be landscaped including a 2m wide landscaping strip along the street frontage.	Compliant
	One tree shall be planted every 15m of lot frontage within the landscaping strip	Eight street trees are proposed within the landscaping strip.	Compliant
	Trees are to be planted within uncovered car parking areas at the rate 1 per 6 car parking spaces.	Trees are provided within the uncovered parking area	Compliant
Fencing	Fencing located between the front lot boundary up to the building line is to be black powder coated Garrison or Palisade fencing to a maximum height of 1.8m	Chain link fencing (Along South-East Boundary of Lot)	Variation
	Fencing located behind the front boundary (side and rear fencing) is to have a minimum standard of 1800mm rail-less chain link or steel mesh incorporating black coloured PVC coating with black gates, posts and fittings.	Chain link fencing	Compliant
	Barbed wire must not be installed forward of the building line.	No barbed wire	Compliant
Built Form	The buildings shall be designed to address the street, providing a well-articulated administration/office area at the front of the main building which will contribute to the streetscape.	The office area projects forward of the main building. The office has been articulated by a large awning, parapet, colour scheme and large windows.	Compliant
	The main entrance is to be on the front elevation or close to the front of the building, being clearly visible from the street.	The main entrance is clearly visible from the street.	Compliant

	The primary street facade shall avoid large unbroken expanses of wall.	The front façade has been articulated by the awning, parapet, windows, colour scheme and the walls feature colourful steel extrusions.	Compliant
	Building frontages are to be designed to promote surveillance of the street and/or public open space.	The office contains large windows that overlook the street.	Compliant
Minimum Parking:			
Car Parking Bays	33 car bays	36 car bays	Compliant
Bicycle Parking Bays	8 bicycle bays	8 bicycle bays	Compliant

OFFICER'S COMMENTS

Fencing

The variation to the fencing is not supported. In this instance a condition is imposed for the proposed fencing to comply with the provisions outline in Special Control Area No.10 in the City's Town Planning Scheme No.24.

Relocation of Street Trees

As part of the new subdivision, tree planting was carried out by the City in consultation with the subdividers. The trees are in excess of 18 months old hence the removal of street trees within the Tonkin Highway Industrial Estate is not supported by the City. However, in unique circumstances where the operations of a proposed development require street tree relocation or removal the City will consider each site on its individual merit.

The proposed crossovers will result in the relocation of two existing street trees. The existing street tree located within the proposed north-eastern driveway will be relocated 3.9m to the north-western side of the driveway. The other existing street tree located adjacent to the proposed middle driveway will be relocated 2.9m to the north-western side of the driveway. The applicant has submitted a relocation plan prepared by Landscape Elements which is to the satisfaction of the City's Consulting Arborist.

LEGISLATIVE COMPLIANCE

- City of Bayswater Town Planning Scheme No.24.

OPTIONS

The following options are available to Council:

1. Council approves the development application in accordance with the Officer's Recommendation. The risks associated with this option is considered to be reduced due to the reasons given for the Officer's Recommendation.
2. Council approves the development application subject to deleted or alternate condition(s). The risks associated with this option is considered dependent on the reasons given for the deleted/alternate condition(s) and the nature of the deleted/alternate condition(s).
3. Council refuses the development application. The risks associated with this option is considered dependent on the reasons given for the application to be refused.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Our Built Environment
Aspiration: A quality and connected built environment.
Outcome B1: Appealing streetscapes.
Outcome B3: Quality built environment.

The proposed development will provide local employment and increase activation of the area.

CONCLUSION

In light of the above assessment, it is recommended that the application for proposed warehouse and office be approved subject to appropriate conditions.

Site Plan Details:

- Lot 180:** 316 Area: 329,000 sq ft, VACANT / SAND
- Lot 181:** 316 Area: 30,000 sq ft, VACANT / SAND
- Lot 182:** 316 Area: 30,000 sq ft, VACANT / SAND
- Proposed Site & Floor Plan:** Scale = 1/2" = 1'-0"
- Proposed Bin Store:** Scale = 1/2" = 1'-0"
- Landscaping Legend:**

Plant Listed	Plant Code	Plant Qty	Plant Size	Plant Notes
...
- Information Sheet:**

Item	Quantity	Notes
...



**10.4.3 Proposed Change of Use to Educational Establishment (English Tuition Centre)
- Lot 101, 505 Walter Road East, Morley**

Applicant/Proponent:	Alberto Pizzino	
Owner:	Pizzino Holdings Pty Ltd (Director: Alberto Pizzino)	
Responsible Branch:	Development Approvals	
Responsible Directorate:	Community and Development	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Attachments:	1. Development plans Confidential Attachment 2. Submission location plan	
Refer:	Item 9.4: PDSC 10.04.2018 Item 15.1.2: OCM 28.04.2015	

Confidential Attachment(s) - in accordance with Section 5.23(2) (b) of the Local Government Act 1995 – personal affairs of any person.

CR BARRY MCKENNA DECLARED A FINANCIAL INTEREST

In accordance with section 5.60A of the Local Government Act 1995, Cr Barry McKenna declared a financial interest in this item as his wife owns 25% of Lot 4-6 Stoke Place, which abuts onto the property in discussion. At 6:44pm, Cr Barry McKenna withdrew from the meeting.

SUMMARY

Application has been received for a change of use to educational establishment at Units 1 and 5, 505 Walter Road East, Morley.

The educational establishment is considered to provide a valuable service to the Morley area, providing tuition for people needing to pass English language tests for immigration purposes, for tertiary education entry requirements and for employment purposes.

'Educational Establishment' is a discretionary use within the light industrial zone and four objections to the proposal were received during the consultation period. The educational establishment is not considered to unduly impact the area and does not result in any additional parking requirements for the site and is accordingly supported subject to appropriate conditions.

OFFICER'S RECOMMENDATION

That Council grants development approval for the proposed change of use to educational establishment (English tuition centre) and associated alterations at Units 1 and 5, Lot 101, 505 Walter Road East, Morley in accordance with the development application dated 7 November 2019 and associated plans dated 7 November 2019, subject to the following:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
2. The educational establishment is permitted to have a maximum of 80 students on site at any one time.
3. The hours of operation of the educational establishment are limited to 8:00am to 9:30pm on weekdays only. The educational establishment shall not operate on weekends or public holidays.

4. A car parking management plan, detailing how car parking associated with the educational establishment will be managed to minimise the impact on the surrounding area shall be submitted to, and to the satisfaction of, the City of Bayswater prior to occupation of the development. The approved car parking management plan shall be implemented thereafter to the satisfaction of the City.
5. Prior to occupation of the development, one street tree is to be planted on the Walter Road East verge in front of the site, at the full cost of the applicant/owner and to the specifications and satisfaction of the City of Bayswater.
6. A refuse and recycling management plan shall be submitted to, and to the satisfaction of the City of Bayswater prior to occupation of the development. The plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring. The approved management plan shall be implemented thereafter to the satisfaction of the City.
7. All vehicle parking allocated for the use of the educational establishment shall be line marked, and clearly signposted as dedicated for use of the educational establishment to the satisfaction of the City of Bayswater.

Advice Notes:

1. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.
2. The development/use hereby permitted shall comply with the *Environmental Protection Act 1986*, the *Health Act 1911* and any relevant environmental protection or health regulations.

COUNCIL RESOLUTION

That Council grants development approval for the proposed change of use to educational establishment (English tuition centre) and associated alterations at Units 1 and 5, Lot 101, 505 Walter Road East, Morley in accordance with the development application dated 7 November 2019 and associated plans dated 7 November 2019, subject to the following:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
2. The educational establishment is permitted to have a maximum of 80 students on site at any one time.
3. The hours of operation of the educational establishment are limited to 8:00am to 6:00pm on weekdays only. The educational establishment shall not operate on weekends or public holidays.
4. A car parking management plan, detailing how car parking associated with the educational establishment will be managed to minimise the impact on the surrounding area shall be submitted to, and to the satisfaction of, the City of Bayswater prior to occupation of the development. The approved car parking management plan shall be implemented thereafter to the satisfaction of the City.
5. Prior to occupation of the development, three street trees are to be planted on the Walter Road East verge in front of the site, at the full cost of the applicant/owner and to the specifications and satisfaction of the City of Bayswater.
6. A refuse and recycling management plan shall be submitted to, and to the satisfaction of the City of Bayswater prior to occupation of the development. The plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring. The approved management plan shall be implemented thereafter to the satisfaction of the City.

7. All vehicle parking allocated for the use of the educational establishment shall be line marked, and clearly signposted as dedicated for use of the educational establishment to the satisfaction of the City of Bayswater.
8. Standard trees that provide shade cover are to be provided at a minimum rate of one tree per four bays in the open air car parking area. Plans and specifications of the proposed positions, growth zones, species, reticulation, size at planting and maturity of the trees, shall be submitted to, and to the satisfaction of, the City of Bayswater prior to submission of a building permit application. The tree-related works are to be completed prior to occupation of the development and thereafter maintained to the satisfaction of the City of Bayswater.

Advice Notes:

1. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.
2. The development/use hereby permitted shall comply with the *Environmental Protection Act 1986*, the *Health Act 1911* and any relevant environmental protection or health regulations.

CR STEVEN OSTASZEWSKYJ MOVED, CR SALLY PALMER SECONDED

CARRIED: 6/3

FOR VOTE: Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Stephanie Gray, Cr Lorna Clarke, Cr Giorgia Johnson and Cr Dan Bull, Mayor.

AGAINST VOTE: Cr Filomena Piffaretti, Deputy Mayor, Cr Catherine Ehrhardt and Cr Elli Petersen-Pik.

REASON FOR CHANGE

Council changed the Officer's Recommendation to limit the hours of operation to 8:00am to 6:00pm on weekdays as it considered this would have less impact on surrounding residents. It also increased the number of street trees required to be planted on the Walter Road East verge in front of the site from one to three and included clause 8, requiring the planting of standard trees that provide shade cover at a minimum rate of one tree per four bays in the open air car parking area, in support of the City's Urban Forest Strategy.

At 7:06pm, Cr Barry McKenna returned to the meeting.

BACKGROUND

Application Number:	DA19-0527
Address:	Lot 101, 505 Walter Road East, Morley
Town Planning Scheme Zoning:	Light Industry
Use Class:	Educational Establishment - 'D' (Discretionary Use)
Existing Land Use:	Vacant, beauty therapy
Surrounding Land Use:	Commercial, warehouses, residential
Proposed Development:	Change of Use to Educational Establishment and Associated Alterations

Application has been received for a change of use to educational establishment (English tuition centre) and associated alterations at 505 Walter Road East, Morley. The centre is proposed in Unit 1 comprising the whole of the upper floor and Unit 5 comprising part of the ground floor of the existing building.



EXTERNAL CONSULTATION

The City sought comment for the proposal from the owners and occupants of nearby affected properties for a period of 14 days. At the completion of the advertising period four submissions were received, three objecting to the proposal and one noting concerns. A summary of the submissions and applicant response is provided in the table below.

Comment Received	Applicant Response
<p><u>Car Parking and Access</u></p> <ul style="list-style-type: none"> There is already insufficient car parking on the site for the existing restaurant leading to cars parking on adjacent properties which results in insufficient parking for customers of the adjacent businesses. The proposed educational establishment will add to this problem. The application should only be approved with strict conditions that only on-site car parking or parking in Walter Road East is permitted. Vehicles turning right from Walter Road East to the existing businesses in the area is already creating access problems for the residential driveway opposite the site. 	<p><i>"I find it hard to accept your comments relating to a car park being insufficient for parking when the current fast food take away and dining is not opened for business every day during normal student working hours. I believe there is insufficient research done on this point."</i></p> <p><i>"Your point relating to traffic turning right from Walter Road East causing problems is not a valid reason as this is part of growth. We are not regressing in fact the town is growing."</i></p>

<u>Safety</u> <ul style="list-style-type: none"> There are existing vehicular and pedestrian safety problems in the adjacent car park at 515 Walter Road East where large trucks visit an existing warehouse and additional cars from the proposed educational establishment will use this car park increasing the risk of injuries to members of the public and damage to vehicles. 	<p><i>"Are you suggesting that we should stop all business because of this issue? Additionally, the proposed students would be dropped off for classes in most cases and also use public transport as not all of them would have the luxury of owning a car."</i></p>
<u>Noise</u> <ul style="list-style-type: none"> There are existing noise disturbance problems in the area affecting nearby residents arising from the uses on the site and from the adjacent 24-hour car wash, including loud talking, doors shutting, cars departing and use of car horns and congregation of people in the laneway. An additional 80 people on the site will add to this problem. 	<p><i>"In relating to the suggested increase in noise, I would like to let you know that we have invested almost \$20,000 to install glazing to reduce and minimise the noise from the site."</i></p>
<u>Property Values</u> <ul style="list-style-type: none"> The proposed use will result in devaluation of property. 	<p><i>"Do you have any proof of property devaluation due to an increase in business activity in this or any other area. We see this as more revenue for surrounding businesses in the area. And this should be good for the City of Bayswater....This should only increase valuation of property in the area."</i></p>

OFFICER'S COMMENTS

Key Scheme Provisions	Required	Provided	Assessment
Car Parking:			
Proposed Educational Establishment	20 car bays	36 car bays	Compliant*
Remaining Existing Uses on Site	42 car bays	(total)	

* Due to an existing approved 26 car bay shortfall – refer to Car Parking section.

Site Context

The subject site is located within a Light Industry zone, adjoining a commercial strata complex to the east, a fast food restaurant and car wash to the west, and residentially zoned lots opposite Walter Road East, and to the south-west of the subject site.

Nature of Proposed Use

The proposed educational establishment, ACA English Tuition Centre, occupies the upper level (Unit 1) and Unit 5 on the ground level of the existing building. The operator is ACA Management Training and Consultancy Pty Ltd.

The centre is intended to provide tuition to prepare people for the Pearson English Test and the International English Language Testing System tests. These tests are required for immigration purposes, for tertiary education entry requirements and for employment purposes.

Specific details of the operation include:

- The facility provides tuition services to a maximum cohort of 80 students at any one time;
- The facility operates between 8:00am and 9:30pm Monday to Friday and is closed on weekends;
- The facility comprises five classrooms; and
- The facility has four staff members comprising two lecturers, one administration officer and one student support officer.

The nature of the use is considered to provide a valuable service assisting persons to obtain an English language qualification that will allow them to immigrate, to enrol with tertiary education facilities and to find employment, within an accessible location in the City. The use is considered appropriate for the area given it is to be accommodated within an existing commercial site.

The majority of the submissions from the advertising period relate to parking issues including one submission stating that the use would be supported if the parking issues were addressed. Operation of the use in itself is not considered to present any undue implications to the locality. The educational establishment is not considered an inherently noisy use and the most noticeable activity will be the arrival and departure of students for classes and associated activity in the car park. This activity is not considered to unduly impact the amenity of the area. Further it is considered that noise associated with other nearby uses is not directly relevant to the planning assessment of this application. Additionally the possible impact of the proposed use on property values is considered speculative and also not directly relevant to the planning assessment.

Accordingly the use is supported, subject to appropriate parking management, which is discussed below.

Car Parking

Given that no specific requirement is listed in the City's Town Planning Scheme No. 24 (TPS 24) for an educational establishment other than a primary or secondary school, neither of which are considered applicable in this case, the number of bays required for the use is at the discretion of Council. In the absence of a parking standard for the subject use, the City has taken a comparative car parking bay requirement from other adjoining local governments which considers that one car bay per four students is an appropriate requirement to impose on the subject application. This comparative car parking requirement has been utilised previously by the Council and the City to determine applications for similar educational establishments.

A maximum of 80 students will be present at any one time, accordingly 20 car bays will be required. The existing approved uses in the subject Units 2 and 5 (offices and consulting room) also require 20 car bays.

The existing approved uses on site generate a total requirement for 62 car bays, however only 36 car bays are provided and there is an existing approved 26 car bay shortfall.

Given the existing approved car bay shortfall and that the proposed educational establishment does not lead to any additional car parking requirements, there is no objection to the change of use based on car parking.

Notwithstanding the above, car parking in relation to the existing fast food outlet and restaurant and the proposed educational establishment was raised as a significant concern in the submissions received during the advertising period. It is accordingly considered appropriate that a parking management plan be imposed as a condition of approval to ensure the parking arrangements for the educational establishment are appropriately managed and do not unduly impact on the surrounding area and road network.

LEGISLATIVE COMPLIANCE

- City of Bayswater Town Planning Scheme No. 24.

OPTIONS

The following options are available to Council:

1. Council approves the development application in accordance with the Officer's Recommendation. The risks associated with this option is considered to be reduced due to the reasons given for the Officer's Recommendation.
2. Council approves the development application subject to deleted or alternate condition(s). The risks associated with this option is considered dependent on the reasons given for the deleted/alternate condition(s) and the nature of the deleted/alternate condition(s).
3. Council refuses the development application. The risks associated with this option is considered dependent on the reasons given for the application to be refused.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

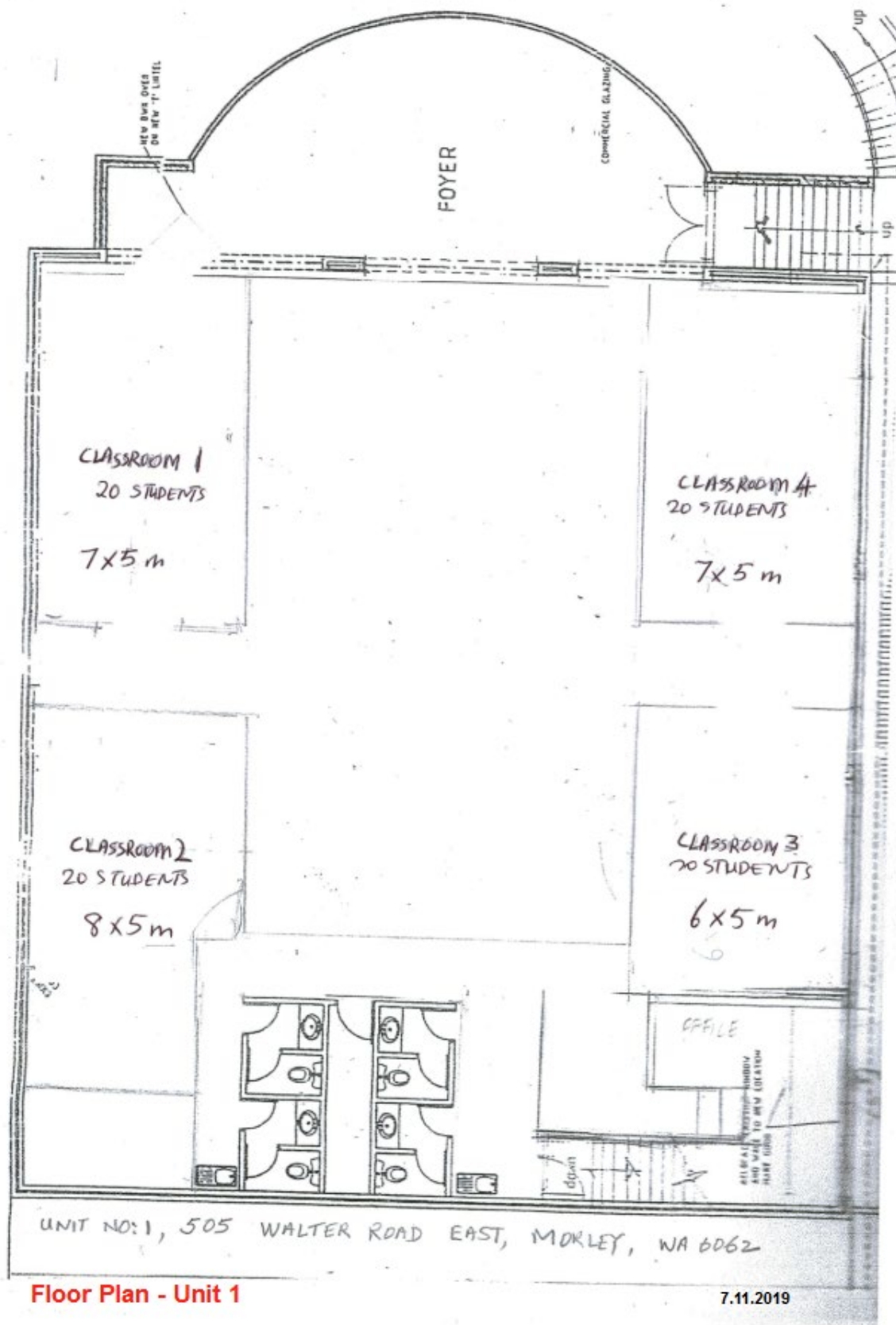
Theme: Our Built Environment
Aspiration: A quality and connected built environment.
Outcome B1: Appealing streetscapes.
Outcome B3: Quality built environment.

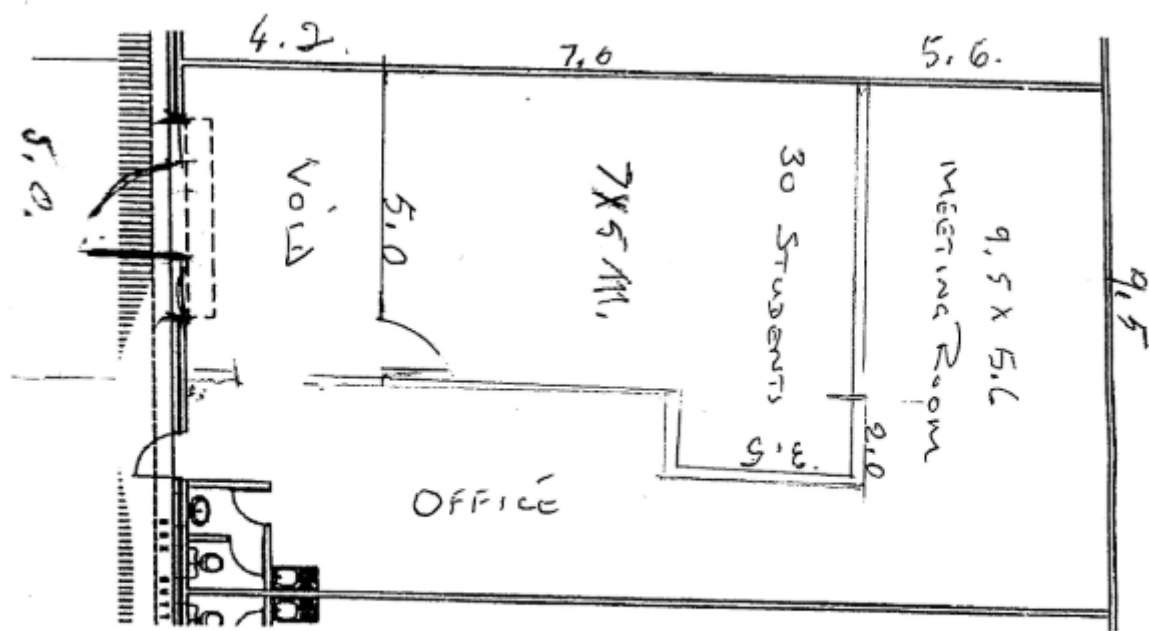
It is considered that the proposal will provide a valuable education service within an existing commercial building and will not detract from the quality of the existing built environment.

CONCLUSION

In light of the above assessment, it is recommended that the application for change of use to educational establishment and associated alterations be approved subject to appropriate conditions.

[illegible]



**Floor Plan - Unit 5**

7.11.2019

10.4.4 Specialised Enclosed Dog Exercise Area - Engagement Outcome

Responsible Branch:	Rangers and Security	
Responsible Directorate:	Community and Development	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Attachments:	1. Engagement Survey Questions 2. Engagement Outcomes	
Refer:	Item 10.4.5 : OCM 29.01.2019 Item 11.1 : OCM 27.11.2018 Item 11.4 : OCM 28.08.2018 Item 10.3 : OCM 22.05.2018	

SUMMARY

For Council to consider the community engagement outcomes identifying possible locations for a specialised enclosed dog exercise area within the City, and which location should be further investigated.

OFFICER'S RECOMMENDATION

That Council requests the Chief Executive Officer to further investigate the feasibility of locating a specialised enclosed dog exercise area at Riverside Gardens East, including engagement with the immediate surrounding residents and park users, to determine a preferred location within the site.

COUNCIL RESOLUTION

That Council requests the Chief Executive Officer to further investigate the feasibility of locating a specialised enclosed dog exercise area at Riverside Gardens, including engagement with the immediate surrounding residents and park users, to determine a preferred location within the site.

CR GIORGIA JOHNSON MOVED, CR STEPHANIE GRAY SECONDED

CARRIED: 9/1

FOR VOTE: *Cr Giorgia Johnson, Cr Stephanie Gray, Cr Dan Bull, Mayor, Cr Barry McKenna, Cr Stephen Ostaszewskyj, Cr Sally Palmer, Cr Filomena Piffaretti, Deputy Mayor, Cr Elli Petersen-Pik and Cr Lorna Clarke.*

AGAINST VOTE: *Cr Catherine Ehrhardt.*

REASON FOR CHANGE

Council changed the Officer's recommendation to allow for the proposed specialised enclosed dog exercise area to be potentially located anywhere within Riverside Gardens, as opposed to being limited to Riverside Gardens East given the dog use of the broader Riverside Gardens area

BACKGROUND

In considering a review of the Dog Exercise Areas within the City, Council at its Ordinary Meeting held 29 January, 2019 resolved to consider "as part of the 2019 / 2020 budget process an

allocation to consult the community on where they would like to see a specialist dog park, including fencing, dog agility equipment, water fountains and shade within the City of Bayswater."

Council approved the allocation of \$3,000 as part of the 2019/20 budget process and a cross divisional project team was initiated to undertake the above community engagement.

Prior to undertaking any community engagement the project team considered a set of criteria that may influence the appropriate location of an enclosed dog park, consisting of:

- Land size – Minimum of 1 hectare of available land in which to position the dog park;
- Existing dog off lead areas;
- Proximity to housing;
- Car parking availability;
- Accessibility to infrastructure – Toilets, drinking fountains and lighting;
- Natural shade;
- Proximity to locations where organised sporting activities occur; and
- Proximity of children's play equipment to the dog park.

This criteria was tested by conducting preliminary engagement with the "Engage Bayswater Panel." 193 panel members completed an online survey, with the results indicating the panel concurred with the criteria identified by the project team, namely:

- Car parking, water fountains and natural shade are important factors;
- Floodlighting is moderately important; and
- It is acceptable for an enclosed dog park to be located in a park where organised sporting activities occur and within a reserve that contains children's play equipment.

By utilising the identified criteria the number of appropriate locations within the City was filtered down from over 170 reserves to 20 potential locations.

Councillors considered the identified potential locations at a Councillor workshop held 27 August 2019. Feedback from the briefing endorsed the following sites to be considered within broader engagement as locations to potentially develop an enclosed dog park:

PARK	SUBURB
Bardon Park	Maylands
Beaufort Park	Bedford
Catherine Reserve	Bedford
Clarkson Reserve	Maylands
Claughton Park	Bayswater
Crimea Park	Morley
De Lacy Reserve	Maylands
Deschamp Reserve	Morley
Elstead Reserve	Morley
Gibbney Reserve	Maylands
Hampton Park	Morley
Houghton Park	Bayswater
Noranda Sporting Complex	Noranda
Pat O Hara Reserve	Morley
Riverside Gardens East	Bayswater

Riverside Gardens West	Bayswater
Robert Thompson Reserve	Noranda
Shearn Memorial Park	Maylands
Tranby Reserve	Maylands
Wotton Reserve	Embleton

EXTERNAL CONSULTATION

All 384 members of the Engage Bayswater Panel were invited to complete a test survey to identify priority criteria and critical infrastructure that should be included at an enclosed dog park. 193 panel members completed the survey which assisted in filtering potential locations down to 20 to be considered through open engagement with the broader community.

The Proposed Fenced Dog Exercise Area survey opened to the broader community for a period of five weeks from 8 November to 13 December 2019 inclusive to provide comment on, and rank in order of preference their top five preferred locations to potentially develop an enclosed dog park. The survey was available online via the Engage Bayswater website. Paper copies of the survey were also available at all of the City's libraries, the Civic Centre and posted upon request. The engagement opportunity was promoted via:

- Signage on site within each applicable park;
- Letter drop to residents living immediately around each identified park;
- Direct communication to user groups at each park;
- Media and social media releases; and
- Information cards directing the community to the Engage Bayswater website during other face to face engagements.

OFFICER'S COMMENTS

In total, 944 community members participated in the engagement process. Of these participants, 751 completed the Proposed Fenced Dog Exercise Area survey.

The survey asked the community:

- If they support the development of a fenced dog exercise area in the City of Bayswater;
- Requested participants to prioritise their top 5 preferred locations for a potential fenced dog exercise area from the 20 possible locations.
- Requested participants to explain the reason for selecting their chosen locations; and
- Provided participants the opportunity to suggest other suitable potential locations.

A copy of the survey can be found in **Attachment 1**, and the engagement outcomes is contained in **Attachment 2**.

The majority of respondents support the concept of developing a specialised fenced dog exercise area within the City.

In terms of analysis the following scoring method was applied to determine a preferred site(s):

- First preference scored 5 points;
- Second preference scored 4 points;
- Third preference scored 3 points;
- Fourth preference scored 2 points; and

- Fifth preference scored 1 point

Of the 20 sites, the top four sites from most preferred to least preferred are listed below. These four sites clearly stood apart from the remaining sites as being the preferred location as ranked by participants:

RANKING	LOCATION	SCORE
1	Riverside Gardens East, Bayswater	1,031
2	Riverside Gardens West, Bayswater	805
3	Crimea Park, Morley	765
4	Noranda Sporting Complex, Noranda	624

Riverside Gardens East was favoured considerably higher than the other top locations identified, however there were also written objections received relating to this site. The fifth ranked location - Robert Thompson Reserve scored 490.

Qualitative analysis of comments for Riverside Gardens East found the most common explanations for participants favouring this site included:

- Close proximity to the participant's home;
- The site being an established and well-used dog park, including the dog beach with an abundance of space available.

The full qualitative analysis of Riverside Gardens East and the other top three locations (including objections) is provided as **Attachment 2**.

The survey also asked participants to list other locations within the City they felt were suitable. The most frequent alternative locations listed were;

- Hillcrest Reserve, Bayswater;
- The grassed open space outside of the City's administration building on Broun Avenue, Embleton;
- Joan Rycroft Reserve, Bayswater; and
- Rudloc Reserve, Morley

Should Council wish to progress an enclosed dog exercise park the following elements may be included on site (based on Kingsway Sporting Complex, Wanneroo):

Fencing and Access Gates



Dog Agility / Play Equipment



Internal Pathways, Shade and Landscaping



Seating and Drinks Fountains



Signage and Information



The following illustrates an indicative cost of providing an enclosed dog park facility with a suggested size of 50m by 20m:

ITEM	INDICATIVE COST	COMMENT
Fencing and Gates	\$15,000	Based on an area 50m x 20m with an entrance at either end.
Agility Equipment	\$5,000	Subject to the amount and type of equipment. Generally \$1,500 for a basic unit.
Internal Pathway / Shade / Landscaping	\$24,000 +	Depending on pathway volume and landscaping / shade type.
Seating and Drink Fountain(s)	\$15,000	2 - 4 benches and minimum 1 drink fountain with dog bowl
Signage	\$1,000	Community education and maintenance
TOTAL	\$60,000+	

LEGISLATIVE COMPLIANCE

- *Dog Act 1976;*
- *Dog Regulations 2013;*
- *Local Government Act 1995;* and
- *City of Bayswater Dog Local Law 2016.*

OPTIONS

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1	That Council requests the Chief Executive Officer to further investigate the feasibility of locating a specialised enclosed dog exercise area at Riverside Gardens East, including engaging with the immediate surrounding residents and park users, to determine a preferred location within the site.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	It is considered that there is a moderate strategic direction risk as it is not identified as a project in the Corporate Business Plan. There is also a moderate risk of community concern as some members of the community would prefer another location. Notwithstanding this option is considered to be in line with the adopted risk appetite and feedback received from the broader community through the engagement conducted to date.	

Option 2	That Council requests the Chief Executive Officer to further investigate the feasibility of locating a specialised enclosed dog exercise area at an alternate location(s) determined by Council, including engaging with the immediate surrounding residents and park users, to determine a preferred location within the site(s).	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	It is considered that there is a moderate risk as it is not identified as a project in the Corporate Business Plan. There is also a moderate risk of community concern as some members of the community would prefer another location. This option is considered to be less in line with feedback received from the broader community through the engagement conducted to date.	

Option 3	That Council does not proceed with a specialised enclosed dog exercise park within the City.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option presents a higher than accepted risk as it does not reflect feedback received from the broader community through the engagement conducted to date	

	which supports the concept of developing a fenced dog exercise area within the City
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FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Engagement with surrounding residents and park users on preferred location.

Asset Category: Operational

Source of Funds: Municipal

LTFP Impacts: This item is not itemised in the LTFP

Notes: Nil.

ITEM NO.	CAPITAL / UPFRONT COSTS (\$)	ONGOING COSTS (\$) ANNUAL		INCOME (\$)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS (\$)	CURRENT BUDGET (\$)
		MATERIALS & CONTRACT	STAFFING				
1	N/A	\$1,500	\$1,500	N/A	N/A	N/A	\$8,000

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Our Community

Aspiration: An active and engaged community

Outcome C1: A strong sense of community through the provision of quality services and facilities

The dog exercise area review and subsequent engagement relating to an enclosed dog park was conducted to ensure compliance with the City's Corporate Business Plan 2017-2021 (as amended).

CONCLUSION

The City has conducted community engagement to determine where in the City a specialised dog park, including fencing, dog agility equipment, water fountains and shade may be located.

In total, 944 community members participated in the engagement process. Of these participants, 751 completed the Proposed Fenced Dog Exercise Area survey.

The majority of respondents support the concept of developing a specialised enclosed dog exercise area within the City.

Of the 20 sites shortlisted, the following four sites are identified as preferred sites and are listed in order of preference.

RANKING	LOCATION	SCORE
1	Riverside Gardens East, Bayswater	1,031
2	Riverside Gardens West, Bayswater	805
3	Crimea Park, Morley	765
4	Noranda Sporting Complex, Noranda	624

Riverside Gardens East was favoured considerably higher than the other high scoring locations identified. Accordingly it is recommended that Council further investigate the feasibility of this site, to include engagement with the immediate surrounding residents and park users, to determine a preferred location within the site.

Attachment 1**Proposed Fenced Dog Exercise Area**

Engage Bayswater

**Proposed Fenced Dog Exercise Area**

Thanks for your interest in this project. To help you complete the following survey, please consider the information provided on the project page, including a map of the potential locations.

All personal information provided will remain confidential, in line with the City's [Privacy Policy](#).

1. If you live close to an identified potential park and have received a letter from the City please enter your survey code supplied.

Note: Please note the survey code is located in paragraph 5 in **BOLD** letters.

2. Please provide your address (Required)

3. Do you own a dog? (Choose any one option) (Required)

- ☐ Yes
☐ No

4. Do you support the development of a fenced dog exercise area in the City of Bayswater? (Choose any one option) (Required)

- ☐ Yes
☐ No

Answer this question only if you have chosen No for 4. Do you support the development of a fenced dog exercise area in the City of Bayswater?

Please tell us why

Page 1 of 3



Proposed Fenced Dog Exercise Area

Engage Bayswater

5. Considering the list below, tell us your top 5 preferred locations for a potential fenced dog exercise area, where 1 is your most preferred and 5 is your least preferred. (Rank each option)

- _____ Robert Thompson Park, Noranda
- _____ Noranda Sporting Complex, Noranda
- _____ Deschamp Reserve, Noranda
- _____ Crimea Park, Morley
- _____ Pat O'Hara Reserve, Morley
- _____ Elstead Reserve, Morley
- _____ Hampton Square, Morley
- _____ Wotton Reserve, Embleton
- _____ Beaufort Park, Bedford
- _____ Catherine Reserve, Bedford
- _____ Houghton Park, Bayswater
- _____ Claughton Park, Bayswater
- _____ Riverside Gardens East- Bayswater
- _____ Riverside Gardens West- Bayswater
- _____ Gibbney Reserve, Maylands
- _____ Shearn Memorial Park, Maylands
- _____ Bardon Park, Maylands
- _____ De Lacy Reserve, Maylands
- _____ Tranby Reserve, Maylands
- _____ Clarkson Reserve, Maylands

6. Please explain why you selected the above locations

7. Are there any other locations we should consider for a fenced dog exercise area?
If so, please tell us below and explain why.



Proposed Fenced Dog Exercise Area

Engage Bayswater

8. Please provide your email address or postal address if you would like to be kept informed about this project

9. We want to ensure that we reach the right people when we are consulting on projects or initiatives. To help us do this, please tell us how you heard about this project. (Choose any one option)

- ☐ Bayswater Beat newsletter
- ☐ Facebook
- ☐ City of Bayswater e-newsletter
- ☐ Flyers & Postcards
- ☐ Signage
- ☐ Other

Please return the completed survey back to our office by Friday 13 December 2019 by 4.00pm.

In person: Civic Centre - 61 Broun Ave, Morley
Maylands Library - 28 Eighth Ave, Maylands
Bayswater Library - 25 King William St, Bayswater
Morley Library - 240 Walter Road West, Morley

Email: mail@bayswater.wa.gov.au

Post: PO Box 467 Morley WA 6943

Attachment 2

Fenced Dog Exercise Area – Engagement Outcomes

Introduction

Following the Dog Exercise Area Review conducted in 2018 Council resolved to consult with the community on where they would like to see a fenced dog exercise area (FDEA) located. The City developed the Proposed Fenced Dog Exercise Area Survey to gain the community's feedback on a proposal to develop a FDEA within one of its existing parks.

Results

Quantitative Analysis

A total of 751 participants completed the Proposed Fenced Dog Exercise Area Survey which was available online through the City's Engage Bayswater website, The Civic Centre and all City libraries.

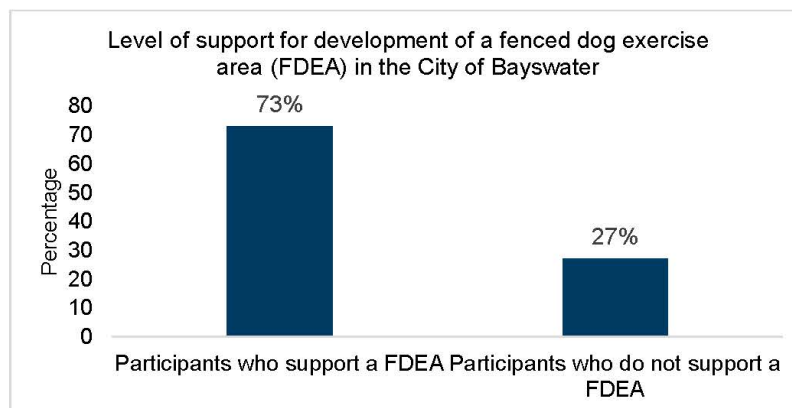
The survey asked participants to prioritise their top 5 preferred locations for a potential FDEA out of 20 possible locations. To determine the most preferred location/s for a FDEA a point system was implemented to calculate each location's rank. For example, if a location received a preference of 1 (most preferred) from a participant it received 5 points. If a location received a preference of 5 (least preferred), it received 1 point. According to this system, the more points a location received, the higher the rank. Below is the complete list of ranked locations.

Ranking	Location	Score
1	Riverside Gardens East, Bayswater	1031
2	Riverside Gardens West, Bayswater	805
3	Crimea Park, Morley	765
4	Noranda Sporting Complex, Noranda	624
5	Robert Thompson Park, Noranda	490
6	Bardon Park, Maylands	445
7	Tranby Reserve, Maylands	443
8	De Lacey Reserve, Maylands	377
9	Gibbney Reserve, Maylands	370
10	Deschamp Reserve, Noranda	363
11	Beaufort Park, Bedford	343
12	Pat O'hara Reserve, Morley	326
13	Houghton Park, Bayswater	311
14	Clarkson Reserve, Maylands	297
15	Shearn Memorial Park	268
16	Claughton Park, Bayswater	236
17	Wotton Reserve, Embleton	230
18	Catherine Reserve, Bedford	218
19	Hampton Square, Morley	214
20	Elstead Reserve, Morley	184

Seventy three percent (73%) of community members who participated in the survey supported the development of a FDEA in the City of Bayswater. Of those who supported the development of a FDEA in the City of Bayswater, 75% were dog owners and 25% were not dog owners. Of participants who did not support the development of a FDEA in the City of Bayswater, 57% were dog owners and 43% were not dog owners.

Of 165 participants who did not support the development of a FDEA in the City, 158 participants left a comment explaining why. The most frequent explanation was that FDEAs are exclusionary to other users of the park and restrict access to public open space by other community members, creating increased division between dog owners and non-dog owners. The majority of comments also cited increased antisocial dog behaviour, fighting and aggression. FDEAs were seen to encourage irresponsible dog ownership, increasing the risk of dog fights.

A large proportion of comments referred to fences as unsightly, detrimental to the aesthetic and function of local parks and a waste of ratepayer funds. Many described off-lead exercise as important for dogs and their owners and feared the introduction of a FDEA would decrease the size of current off-lead areas. A number of participants raised concerns regarding increased noise, odour and waste.



A letter drop to residents living immediately around each identified park inviting them to participate in the Proposed Fenced Dog Exercise Area Survey. The table below illustrates the participation rates and rankings of residents located immediately around the top four parks.

Location	# Letters sent	# Responses	% who ranked location in top 5	% who ranked location as 1
Riverside Gardens East, Bayswater	31	0	NA	NA
Riverside Gardens West, Bayswater	4	0	NA	NA
Crimea Park, Morley	127	16	81.25	81.25
Noranda Sporting Complex, Noranda	104	16	43.75	37.5

Qualitative Analysis of Comments

Of the 20 sites, the top four sites from most preferred to least preferred clearly stood apart from the remaining sites as being the preferred location. In order to gain a greater understanding of these results, below is a summary of comments received for each of the four most preferred locations.

Riverside Gardens

A thematic analysis of comments was conducted for those who selected Riverside Gardens - East and/or Riverside Gardens West within their top 5 locations. Most comments referred to Riverside more generally rather than differentiating between the two sites. Consequently, comments were considered to refer to Riverside Gardens overall unless they specifically referred to the East or West site. The two most common explanations for supporting a fenced dog exercise area at Riverside Gardens was that it was close to home and already an established and well-used dog park. Many participants cited the abundance of space available as underlying their support. Some participants suggested this enabled space for two fenced areas, one for larger dogs and one for smaller dogs. Others suggested the abundance of space reduced the impact of the fenced area on other elements of the park.

Protection of other park users from untrained dogs off-lead was consistently cited as justification for a fenced dog exercise area at Riverside Gardens, with many comments describing experiences of dogs colliding with other park users. Many participants cited the central location and availability of services including coffee vans, toilets, parking and shade as explanations for their support. Access to the river for dogs to swim was also important to many participants. Riverside Gardens was identified by many participants as preferable due its distance away from houses and consequently low impact on residents. The lack of sporting facilities at the reserve was another reason for support. Specifically, Riverside Gardens East received mixed support in participant comments.

Some participants preferred this location, describing it as underutilised and suggested a FDEA could help protect birds at the Eric Singleton Bird Sanctuary. However, other residents felt Riverside Gardens East should be avoided due to its proximity to the bird sanctuary. Concern for wildlife and protection of birdlife was a theme throughout the comments. A number of comments specifically requested Riverside Gardens West remained public open space.

Sixty one (61) comments objected to a FDEA at Riverside Gardens. Most comments said Riverside Gardens works well as it is and should be kept an open and natural environment available to all. Another frequent comment was that the off-lead area should not be decreased anymore as Riverside is a unique off lead dog park. Other comments objected to the FDEA at Riverside due to its proximity to the river and wildlife.

Crimea Park

A thematic analysis of comments was conducted for those who selected Crimea Park within their top 5 locations. The most common reason cited for selecting Crimea Park as a preferred FDEA location was that it was close to home and within walking distance. Many comments stated the large size of the reserve made it a suitable for a FDEA without impacting other areas of the park. A number of comments supported the location due to its close proximity to coffee vans, amenities and parking. Many comments cited the reserve is already well-used by many dogs. Some residents in Noranda and Morley explained they had no nearby dog parks. A number of comments stated the FDEA would help protect dogs from surrounding heavy traffic. Ten comments stated they selected the park because it was away from their house.

Three (3) comments objected to Crimea Park, stating the park is too busy and a FDEA will have a negative impact on surrounding houses due to increase noise, traffic and waste.

Noranda Sporting Complex

A thematic analysis of comments was conducted for those who selected Noranda Sporting Complex (NSC) within their top 5 locations. Of those who left comments, most cited the proximity of the reserve to their home as reason for their selection. The absence of any off-lead dog parks in Noranda was consistently referred to. Many comments referred to the large size of the reserve, which was seen to minimise impacts of a FDEA on other elements of the reserve. Other reasons for prioritising NSC within the top 5 preferred locations included proximity to coffee vans and shops, participants already visiting the area with their dogs and shade and parking. The NSC was also described as suitable due to its distance away from bushland, wetlands and wildlife. Nine (9) participants stated they selected the park because it was away from their house.

Eight (8) comments objected to a FDEA at NSC. Most of these comments stated a FDEA should be kept away from sporting complexes. A childcare service that uses the play equipment at NSC objected to the FDEA as the increased risk would stop their excursions.

Robert Thompson Reserve

The most frequent explanation for selecting Robert Thompson Reserve (RTR) as a preferred location for a FDEA was that it was close and/or within walking distance to the participant's homes. Many participants commented the reserve is suitable because it is already utilised by dogs. A number of comments suggested the reserve would benefit from a FDEA due to the high traffic surrounding the reserve. A number of participants explained their selection of the reserve due to the absence of any off-lead dog parks in Noranda.

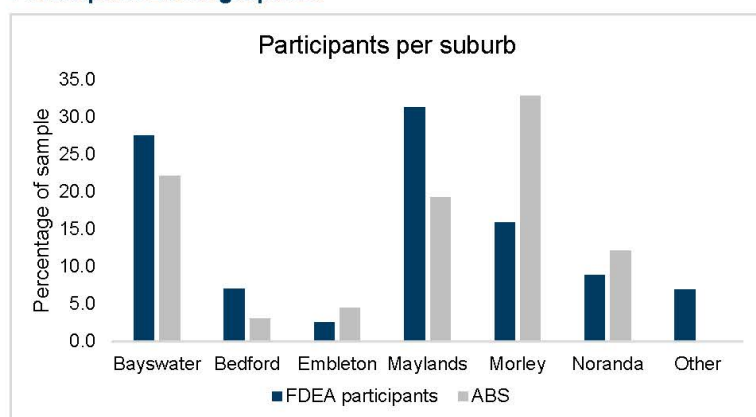
Six (6) comments objected to a FDEA at RTR because reserve is a popular children's playground frequented by families. Comments also suggested the RTR is already overused by community events, clubs and children's parties.

Other Suggested Locations

The survey also asked participants to list other locations within the City they felt were suitable. The most frequent alternative locations listed were;

- Hillcrest Reserve
- The grassed open space outside of the City's administration building on Broun Avenue
- Joan Rycroft Reserve
- Rudloc Reserve

Participant Demographics



**Written Submissions**

The City received 22 submissions in response to the proposal of a FDEA, of which 5 submissions expressed support for a FDEA within the City. Two submissions requested a FDEA at Riverside Gardens, one submission expressed support for Bardon Park, one expressed support for Deschamp Reserve and one outlined their general support of FDEAs. Fourteen submissions opposed FDEAs, 1 expressed opposition towards a FDEA anywhere in the city. Three submissions opposed a FDEA at De Lacy Reserve due to the existing dog-walking community whilst three submissions opposed a FDEA at Tranby Reserve due to the significance of the land to the Nyoongar people, traditional custodians of the land. Submissions were also received opposing a FDEA at Shearn Memorial Park, Houghton Park and Clarkson Reserve.

COUNCIL RESOLUTION - ADOPTION BY EXCEPTION

That the recommendations relating to items: 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.4.1 and 10.4.2 contained in the agenda be adopted by exception as per section 5.5 of the *City of Bayswater Standing Orders Local Law 2018*.

CR SALLY PALMER MOVED, CR GIORGIA JOHNSON SECONDED

CARRIED UNANIMOUSLY: 10/0

10.5 Sub Committee Reports

Nil.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 Minor Committee Meetings Open to the Public**

In accordance with clause 5.3(1) of the City of Bayswater's *Standing Orders Local Law 2018*, Cr Catherine Ehrhardt raised the following motion:

“That Council, consistent with its desire for transparency and accountability, resolves to make all minor Committee meetings open to the public pursuant to section 5.23(2)(a)-(h) of the Local Government Act 1995 (WA) with the audio of the meetings recorded and available on the City’s website.”

COUNCIL RESOLUTION

That Council, consistent with its desire for transparency and accountability, resolves to make all minor Committee meetings open to the public with the audio recording of the meetings to be placed on the City’s website following the meetings, noting that meetings may still be closed to the public as contemplated under section 5.23(2)(a)-(h) of the Local Government Act 1995.

CR CATHERINE EHRHARDT MOVED, CR STEVEN OSTASZEWSKYJ SECONDED

LOST: 3/7

FOR VOTE: Cr Catherine Ehrhardt, Cr Steven Ostaszewskyj and Cr Giorgia Johnson.

AGAINST VOTE: Cr Dan Bull, Mayor, Cr Barry McKenna, Cr Sally Palmer, Cr Stephanie Gray, Cr Filomena Piffaretti, Deputy Mayor, Cr Elli Petersen-Pik and Cr Lorna Clarke.

MATERIAL FACTS

In accordance with clause 5.3(3) of the City of Bayswater *Standing Orders Local Law 2018*, the Chief Executive Officer may provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

The City currently has the following minor Committees:

- Access, Inclusion and Walkability Advisory Committee
- Aged Care Asset Divestment Committee
- Aged Care Governance Committee
- Audit and Risk Management Committee
- Budget Review and Expenditure Committee
- Chief Executive Officer Review Committee
- Heritage Advisory Committee
- Policy Review and Development Committee
- Reconciliation Advisory Committee

At present, the only Committee with delegated authority and therefore requiring the meeting to be open to the public to attend is the Reconciliation Advisory Committee. However, as best practice the City makes all agendas and minutes of the above committees publically available on the City’s website.

The *Local Government Act 1995* (WA) s 5.23(a)-(h) provides for circumstances where Council or Committee meetings may be closed to the public. These provisions are already observed in Ordinary Council Meetings and where appropriate, the meeting is closed to the public.

OFFICER'S COMMENT

Notwithstanding that the agendas and minutes for the above minor committee meetings are publically available on the City's website, it is noted that the audio recording of the meeting will provide the public with the opportunity to hear the debate and rationale as items as considered, in line with Council's desire for greater transparency and accountability. Should minor committee meetings be made public, time must be allocated for deputations and public question time to allow the community the opportunity to offer their input on items as they do at Ordinary Council Meetings.

In order to allow minor committee meetings to be recorded and to allow for public question time, committee meetings will need to be moved into Council Chambers. In addition, it is noted that support staff who are trained in the electronic recording system along with the process for opening the building after hours will need to be in attendance at all committee meetings. Given that the majority of these meetings occur outside of working hours, there will likely be an increase in staff costs.

FINANCIAL IMPLICATIONS

There may be an increased staffing cost as trained support staff will be required to attend meetings which will need to be held outside normal working hours.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme:	Our Built Environment
Aspiration:	A quality and connected built environment.
Outcome L3:	Strong stewardship and leadership

12. QUESTIONS FROM MEMBERS WITHOUT NOTICE

12.1 RESPONSES TO QUESTIONS FROM MEMBERS WITHOUT NOTICE FROM THE ORDINARY COUNCIL MEETING OF 25 FEBRUARY 2020

	Councillor / Question	Response / Action
1	Cr Dan Bull, Mayor	Mr Andrew Brien, Chief Executive Officer
	<i>Cr Ehrhardt flagged with me that she may have to leave early and so she asked me to ask a question on her behalf. And that question was seeking an update on the roll out of electronic voting for Council meetings.</i>	The electronic voting is ready to go whenever the Councillors are ready.
2	Cr Sally Palmer	Cr Dan Bull, Mayor
	<i>Mr Mayor, you did touch on it with the help also of our CEO, but I'm hoping that you don't mind if I bring this up again – with Mr Laurence Butler and a drain next door that is not draining the water away onto that premises but going into his. I've actually seen it – the actual drain that the water should be going to is there and the water is there. I've been lucky enough to be involved with, in my years on the road, in seeing where the officers here have done a really great job of saying to people, you know, that soak well is not there, please take out the concrete and put it in, and they've done it. I'm just saying that Mr Butler has a right to have something done, and I hope something gets done.</i>	The Mayor and the City's Director Community and Development, Manager Development Approvals and Coordinator Statutory Building attended an onsite meeting with Mr Butler on 4 March 2020 to discuss the subject matters. The City is currently investigating the extent of the matters raised by Mr Butler and will advise Mr Butler of the outcome of these further investigations.
3	Cr Michelle Sutherland	Mr Des Abel, Director Community and Development
	<i>I just have two queries: One is, I believe there's a report coming to Council regarding the leasing of the room in the Bayswater Waves. It's going out to tender because that's part of our policy. So, I just wanted to know how long that report's going to take before it comes to Council? Because the swimming club, the Central Aquatic, has been waiting about 12 months for that to see if they can use it. Secondly, in the meantime, can the Central Aquatics use the room for showing trophies and other swimming paraphernalia?</i>	A report to modify the permitted uses and to seek expression of interests for the lease of the 'restaurant area' at Bayswater Waves is scheduled to be presented to the Ordinary Council Meeting 21 April 2020. The proposed modification to permitted uses will allow for community groups to express interest in utilising the area. Central Aquatic has been utilising this space for meetings in the meantime and have been authorised to use the room for displaying trophies and other swimming paraphernalia.
4	Cr Elli Petersen-Pik	Mr Andrew Brien, Chief Executive Officer
	<i>Just a quick question about the Briefings and Deputations sessions that we have now as part of the trial. Are those briefings and deputations, are they being recorded by the City?</i>	Yes, they are being recorded.

	<i>My next question – why are they not available online?</i>	He would check and follow up on the uploading of the recordings to the City's website.
5	Cr Steven Ostaszewskyj	Mr Doug Pearson, Director Works and Infrastructure
	<i>Just in regards to the excess furniture at the storage facility – I'm just wondering where we are at in regards to getting that expression of interest process up and going?</i>	A briefing note has been prepared for ELT to consider a process for that – so they would be considering that on Friday.
6	Cr Lorna Clarke	Cr Dan Bull, Mayor Mr Andrew Brien, Chief Executive Officer
	<i>I wanted to ask about, I know we're trialling a new process at the moment, but I'm conscious there were about 11, if not more, items under separate cover. And so, I'm conscious that when a member of the community goes to see what's on our agenda, they then have to go and riffle through 15 different PDFs. Are we able, or have we ever done, a consolidated version that includes the under separate cover items?</i>	He had been having discussions with the CEO about that and he knew that it had been on the CEO's mind to deliver a more fulsome document. It doesn't answer the direct question, and he didn't want to speak on behalf of the CEO, but through their discussions, a strategy to have much less under separate cover items is coming. When the minutes are prepared, obviously brings it all into a single document at that point in time. At this stage we haven't proposed to bring it back together, what we're looking at though, going forward, is that the Committee meetings that are held after the distribution of the agenda will come to the following meeting, so it will be a three week delay, so that will resolve that issue.

12.2 QUESTIONS FROM MEMBERS WITHOUT NOTICE

	Councillor / Question	Response / Action
1	Cr Catherine Ehrhardt	Cr Dan Bull, Mayor
	<i>This current financial year there was a budget allocation of \$9,000 for electronic voting and prior to the first Ordinary Meeting of Council after the last elections, we tested the system. It's now nearly five months later and we're not using the system so I would just like to know where it is at.</i>	The answer is in the minutes from the Ordinary Council Meeting held 25 February 2020.
2	Cr Steven Ostaszewskyj	Mr Doug Pearson, Director Works and Infrastructure
	<i>My question is relating to the storage facility on King Street. At the last meeting we were informed that there was about to be an Executive Leadership Team (ELT) meeting about, and I'd just like to ask what has happened since then.</i>	ELT has discussed the proposed procedure for disposal of the goods, so now an expressions of interest document is being prepared for advertising in the next three to four weeks.
3	Cr Elli Petersen-Pik	Mr Andrew Brien, Chief Executive Officer
	<i>I have a question about Corona Virus. We had a quick talk about it during dinner. I</i>	The City has been monitoring the situation. The lead agency is the Department of

	<p><i>just want to know whether the City already had some discussions about some preparations, if there will be any for that in the near future. There was some discussions about how the City will operate Plans, what things will need to be done, etcetera.</i></p>	<p>Health, and they are providing updates. The latest one came through at 2:00pm this afternoon. The next update will be on Friday afternoon. Relevant staff are being involved in discussions – there is a briefing for local governments which is scheduled for Friday this week, which staff members will be attending. The City also has a Business Continuity Plan and has been reviewing this to ensure it is ready.</p> <p>At this point in time the City is taking all of its direction and advice from the State Government Department of Health, and will continue to monitor this unless they ask the City to do anything else. Locally, at this stage nothing implemented other than provision of hand sanitisers, and updates for staff to ensure they are protected. From a community perspective nothing has been done at this point in time, consistent with the advice from the Department of Health.</p> <p>Cr Dan Bull, Mayor</p> <p>Additionally, in today's meeting with the Deputy Mayor and CEO, I asked the CEO whether he needs any assistance from us on an urgent basis, his response was no for the current time, however if we need to call a special meeting we can do it. I am confident at this time that he has all of the mechanisms that he needs.</p>
4	Cr Sally Palmer	Cr Dan Bull, Mayor
	<p><i>With great respect I understand that you took very valuable time and so did the officers to meet with the owner of the Update on property on Langley road with regard to the drainage. So, I'm wondering if you could give us an update and hopefully it will be a successful update, thank you.</i></p>	<p>We met with the owner at Langley Road with the Director Community and Development and managers as well. At this stage what the City has agreed to do and the Director can tell me if I'm incorrect as it was relatively technical, the City is going to undertake some measurements around the gradient of the next door neighbour's pavement at the back to determine what the likelihood of damage from stormwater to his property would be. That modelling needs to be done because at the moment the information is anecdotal and there just wasn't enough information for the City to be able to respond to the neighbour. The City has undertaken to provide that information to the resident at Langley Road and then that will help work out what next steps are.</p>
	Cr Sally Palmer	Mr Des Abel, Director Community and Development
	<p><i>So the water that is gravitating downwards is going into the stormwater</i></p>	<p>Officers have not yet accessed the rear of the property to ascertain what is on site in</p>

	<i>drain that is there?</i>	terms of paving levels.
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13. NEW BUSINESS OF AN URGENT NATURE**COUNCIL RESOLUTION**

That the meeting be closed to the public and the doors closed.

CR CATHERINE EHRHARDT MOVED, CR FILOMENA PIFFARETTI, DEPUTY MAYOR SECONDED

CARRIED: 5/5

FOR VOTE: Cr Catherine Ehhardt, Cr Filomena Piffaretti, Deputy Mayor, Cr Stephanie Gray, Cr Giorgia Johnson and Cr Dan Bull, Mayor.

AGAINST VOTE: Cr Barry McKenna, Cr Ostaszewskyj, Cr Sally Palmer, Cr Elli Petersen-Pik and Cr Lorna Clarke.

In accordance with section 5.21(3) of the Local Government Act 1995, as the votes were equally divided, the Presiding Member (Chairperson), Cr Dan Bull, Mayor, cast a second vote.

At 7:53pm, the doors were closed to the public and those present in the public gallery left the meeting.

COUNCIL RESOLUTION

That item 13.1 be dealt with as urgent business.

CR STEPHANIE GRAY MOVED, CR FILOMENA PIFFARETTI, DEPUTY MAYOR SECONDED.

CARRIED UNANIMOUSLY: 10/0

COUNCIL RESOLUTION

That the meeting be re-opened to the public and the doors re-opened.

CR FILOMENA PIFFARETTI, DEPUTY MAYOR MOVED, CR ELLI PETERSEN-PIK SECONDED

CARRIED UNANIMOUSLY: 10/0

At 7:56pm, the doors were re-opened to the public and any members of the public gallery were invited to return to the meeting.

13.1 Outcomes of Strategic Planning Workshop

Responsible Directorate:	Office of the Chief Executive Officer	
Authority/Discretion:	<input checked="" type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Voting Requirement:	Simple Majority Required	
Attachments:	<i>Confidential Attachment</i> 1. Discussion Paper – Outcomes of Strategic Planning Workshop	
Refer:	Item 10.1.2 OCM 29.10.19	

Confidential Attachment in accordance with section 5.23(2)(e) a matter that if disclosed, would reveal —

- (i) a trade secret; or*
- (ii) information that has a commercial value to a person; or*
- (iii) information about the business, professional, commercial or financial affairs of a person,*

where the trade secret or information is held by, or is about, a person other than the local government;

SUMMARY

For Council to endorse the priority outcomes identified at the strategic planning workshop and the progression of the key projects agreed to through the workshop process.

COUNCIL RESOLUTION **(OFFICER'S RECOMMENDATION)**

That Council:

- 1. Notes the outcomes of the Strategic Planning Workshop as outlined in Confidential Attachment 1;**
- 2. Authorises the Chief Executive Officer to progress with key projects as outlined in the report; and**
- 3. Requests the Chief Executive Officer prepare project summaries for each of the key strategic initiatives outlined in the Confidential Discussion Paper for consideration as part of budget deliberations.**

CR CATHERINE EHRHARDT MOVED, CR STEPHANIE GRAY SECONDED

CARRIED UNANIMOUSLY: 10/0

BACKGROUND

At the Ordinary Council Meeting of 29 October 2019, Council resolved as follows:

"That Council:

- 1. Commits to holding a strategic planning forum in the first quarter of 2020;*
- 2. Authorises the Chief Executive Officer in consultation with the Mayor to engage a facilitator to strategic planning forum during the first quarter of 2020;*
- 3. Request the Chief Executive Officer and Mayor in consultation with the appointed facilitator to develop a workshop format and discussion paper;*
- 4. Request the Chief Executive to consult with elected members to seek any additional strategic issues or priorities for consideration and present a summary report to Council for consideration at the Council Meeting of 3 December 2019; and*
- 5. Approves funding for the engagement of a facilitator and this is to be reflected in the next budget review."*

In accordance with the above resolution, AIM WA were engaged to facilitate the Strategic Workshop which was held on 31 January – 1 February 2020.

EXTERNAL CONSULTATION

Nil.

OFFICER'S COMMENTS

The Strategic Workshop was held on 31 January – 1 February and the Chief Executive Officer has subsequently prepared a confidential discussion paper outlining the outcomes of the workshop is included at **Confidential Attachment 1**.

Given that the representatives from Council will be attending the ALGA National General Assembly in Canberra in June 2020 and also meeting with relevant Federal ministers while in Canberra, finalisation of the outcomes of the workshop and confirmation of the next steps are important to allow sufficient time to prepare advocacy documentation to present to Federal ministers in June and allow Council representatives to advocacy and lobby effectively on behalf of the community.

LEGISLATIVE COMPLIANCE

Nil.

OPTIONS

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Option 1	<p>That Council:</p> <ol style="list-style-type: none">Notes the outcomes of the Strategic Planning Workshop as outlined in <u>Confidential Attachment 1</u>;Authorises the Chief Executive Officer to progress with key projects as outlined in the report; andRequests the Chief Executive Officer prepare project summaries for each of the key strategic initiatives outlined in the Confidential Discussion Paper for consideration as part of budget deliberations.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	By authorising the Chief Executive Officer to progress with key projects as outlined in the report, low risks have been identified as City officers will have direction and adequate time to prepare advocacy documentation in advance of the ALGA Conference in June 2020 where Council representatives will meet with Federal ministers. This will ensure opportunities to advocate and lobby effectively on behalf of the community.	

Option 2	That Council:	
	1. Notes the outcomes of the Strategic Planning Workshop as outlined in <u>Confidential Attachment 1</u> ; and	
	2. Takes no further action in progressing projects as outlined in the report.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	High
Reputation	Low	High
Governance	Low	Low
Community and Stakeholder	Moderate	High
Financial Management	Low	Low
Environmental Responsibility	Low	Low

Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	It is noted that high reputation, strategic direction and community and stakeholder risks may result should Council take no further action in progressing the projects identified through the Strategic Workshop. This may see a wasted opportunity to advocate on behalf of the City whilst attending the ALGA Conference in June 2020.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Our Built Environment
 Aspiration: A quality and connected built environment.
 Outcome L3: Strong stewardship and leadership

CONCLUSION

The progress report and discussion paper prepared by the Chief Executive Officer on the outcomes of the Strategic Workshop provide a framework to enable the City to move towards a new approach to advocacy for key projects and sets the high level concepts for future planning for major projects. Adopting the Officer's recommendation will ensure that the Council representatives who will be travelling to Canberra in June to advocate and lobby on behalf of the community will have all the necessary information and supporting documentation for the key projects .

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for Which the Meeting May be Closed

Nil.

14.2 Public Reading of Resolutions That May be Made Public

Nil.

15. CLOSURE

There being no further business to discuss, the Chairperson, Cr Dan Bull, Mayor, declared the meeting closed at 8:02pm.