

# ATTACHMENTS

## ORDINARY COUNCIL AGENDA

### 24 AUGUST 2021

#### Attachment No. 1

Ordinary Council Minutes of 27 July 2021

#### Attachment No. 2

Draft Jubilee Reserve Masterplan

#### Attachment No. 3

Draft LPP - Heritage and Character

#### Attachment No. 4

Draft Rights of Way Strategy  
Existing Council Policy 1.20 – Right of Way Closure

#### Attachment No. 5

Responsible Cat Ownership Local Law  
Draft Cats Local Law 2021  
Schedule of Submissions

#### Attachment No. 6

- Policy 1.18 - Financial Incentives for Municipal Heritage Inventory Listed Buildings
- Policy 4.4 - Fee For Service, Community Groups, Public Events
- Council Policy 5.16 - Use of Community Facilities
- Policy 6.11 - Sponsorship and Grants
- Draft Policy – Community Funding

#### Attachment No. 7

- Current Policy – Community Awards
- Draft Policy – Community Awards

#### Attachment No. 8

- Draft Property Management Policy
- Draft Community Leasing Framework

#### Attachment No. 9

Draft Councillor ICT Policy  
Councillor Allowances and Expenses Policy

#### Attachment No. 10

Delegations Register

#### Attachment No. 11

Quarterly Report

#### Confidential Attachment No. 1

RFT 01 2021 Evaluation Report

#### Confidential Attachment No. 2

RFT 03 2021 Evaluation Report

#### Confidential Attachment No. 3

Draft EMRC Establishment Agreement

#### Confidential Attachment No. 4

EMRC Draft ACCC Regional Waste Collection Submission

#### Confidential Attachment No. 5

Standards for CEO Recruitment, Performance and Termination Policy

# **ATTACHMENT NO. 1**

# TOWN OF BASSENDEAN

## MINUTES

### ORDINARY COUNCIL MEETING

HELD IN THE COUNCIL CHAMBER, 48 OLD PERTH ROAD, BASSENDEAN

ON TUESDAY 27 JULY 2021 AT 6.00PM

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#### 1.0 DECLARATION OF OPENING; ACKNOWLEDGEMENT OF COUNTRY; ACKNOWLEDGEMENT OF VISITORS

The Presiding Member declared the meeting open, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

#### 2.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

August will focus on the future of the town centre. The Town will be holding open days and static displays and we encourage everyone to provide feedback on the future of the town centre.

#### 3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

##### Present

##### Councillors

Cr Renee McLennan, Mayor  
Cr Kathryn Hamilton, Deputy Mayor  
Cr John Gangell  
Cr Jai Wilson  
Cr Sarah Quinton  
Cr Chris Barty  
Cr Hilary MacWilliam

### Officers

Ms Peta Mabbs, Chief Executive Officer  
Mr Paul White, Director Corporate Services  
Mr Luke Gibson, Director Community Planning  
Mr Phil Adams, Exec Manager Infrastructure  
Mr Brice Campbell, Coordinator Recycling & Waste  
Ms Elizabeth Kania, Manager Governance & Strategy  
Mrs Amy Holmes, Minute Secretary

### Public

Approximately 15 members of the public were in attendance.

### Press

One member of the press was in attendance.

### Leave of Absence

#### Council Resolution – Item 3.0 OCM – 1/7/21

MOVED Cr Wilson, Seconded Cr Hamilton, that Cr MacWilliam be granted a leave of absence for 28 July to 6 August.

CARRIED UNANIMOUSLY 7/0

## 4.0 DECLARATIONS OF INTEREST

Cr Renee McLennan declared an Impartiality Interest for Item 12.2 as she has a remote family connection with a board member.

## 5.0 PRESENTATIONS OR DEPUTATIONS

Nil

## 6.0 STATEMENTS BY MEMBERS OF THE PUBLIC ON AGENDA ITEM

*It should be noted that public statements are not recorded in the minutes.*



## **7.0 QUESTIONS FROM MEMBERS OF THE PUBLIC**

### Mr Ross McDonald

*Can we send the proposed contract (for 1 Surrey Street) to an appropriate lawyer, at the Museum of Perth's expense, for advice before the Town continues negotiations.*

The Chief Executive Officer advised that there have been some discussions with lawyers as part of this process. As part of finalising negotiations, the Town will engage a lawyer to complete the paperwork.

*Will you delay any decision until you get that legal advice and let people know the outcome of that legal advice.*

The Mayor advised that it is a matter for Council to consider at tonight's meeting.

### Mr Mark Johnston, Ida Street, Bassendean

*How does the sale of 1 Surrey Street benefit the ratepayers, the residents and the community.*

The Mayor commented that the Expression of Interest provided by the Museum of Perth has included provision for the art groups and the Bassendean History Society and it is keen to include those groups in the continued use of the building.

*How is the Council going to address the ambiguity of the Museum of Perth being the preferred tenderer when they are unable to hold land and are actually the Perth Museum not the Museum of Perth.*

The Mayor attempted to respond to Mr Johnston's questions, but due to interruption from Mr Johnston and disruption from the public gallery, the Mayor requested Mr Johnston return to his seat.

The Mayor later provided the following response for inclusion in the Minutes:

- The historical buildings are being restored and preserved by a reputable Perth organisation with experience and expertise in heritage sites.
- Enhanced opportunity to share and celebrate our history with plans for local history research being undertaken by staff and volunteers and exhibitions.
- Community continuing to have access and potentially significantly more access than at present, to the site.
- BHS & BAC being offered office / storage space.

- Minimal financial imposition on our small base of ratepayers.

Mrs Jennie Carter, 8 Hyland Street, Bassendean

*The Museum of Perth will need access to the local history collection. This may be against the intentions of the people of Bassendean who have donated items to the collection. People may wish to remove items. Have Councillors considered issues of copyright and the intellectual property in this collection. What extra duties will be expected of the Local Studies Librarian in servicing the information needs for this private organisation. If the Museum of Perth can't have access to the local history information, it's not going to work.*

The Director Community Planning advised that depending on the outcome of this item at tonight's meeting, this may be a matter that needs to be considered.

Mr Brown

*Is the Council aware that the Perth History Association is a registered organisation under the ACNC legislation.*

The Mayor responded that yes we are aware.

*Is the Council aware that under that legislation, the Perth History Association are required to carry out proper audits of its books and have those audits published within six months of the end of the financial year. Has the Perth History Association carried that out according to its website.*

*Is the Council aware that the latest published reports on the Perth History Association website are for 2019 and those reports show a deficit for trading and a deficit for assets.*

The Mayor responded that yes we are aware. Council has been provided with those statements and we are aware that the audited statements of 2019 are on its website.

*To what extent does the Council have to exercise due diligence to enter into an arrangement like this to ensure that there is minimal risk and a capacity within the organisation to meet all the benchmarks required in the arrangement.*

The Mayor responded that it is incumbent upon the local government to complete its due diligence. Staff have been working with the preferred tenderer. The financials have been provided to Councillors and they can decide whether the organisation has the ability to deliver on the proposal.

**Mrs Jennie Carter, 8 Hyland Street, Bassendean**

*Why have 20 submissions been refused by the Town of Bassendean. There was nothing on the website to indicate that only ratepayers were permitted to make a submission. All submissions should be provided.*

The Mayor advised that Councillors have been provided with all submissions, including those from outside the Town.

The CEO commented that all submissions have been included, however some have been redacted so as not to include names and addresses of submitters or any defamatory comments.

*I did not request to remain anonymous however my name has been removed from my submission. Please identify those people and organisations unless they have requested otherwise.*

The CEO responded that we can arrange for those submissions to be updated.

**Mr Paul Poliwka – 193 Weast Road, Bassendean**

*Of the submissions received from outside the district, do we have a record of those who were for and against.*

The Director Community Planning advised that there were 61 objections in total. Of the 20 that originated outside the district, all were objections.

**Council Resolution – Item 7.0**  
**OCM – 2/7/21**

MOVED Cr Quinton, Seconded Cr MacWilliam, that Public Question Time be extended for a further five minutes.

**CARRIED UNANIMOUSLY 7/0**

**Mr Paul Bridges, 150 West Road, Bassendean**

*In the draft Town Centre Master Plan, in the public open space document it fails to identify the 341sqm of Council owned park adjacent to the RSL Hall. Why has it been left out.*

The Director Community Planning commented that under the draft LPS11 the RSL site is proposed to be rezoned to a developmental site rather than public open space. This proposal is reflected in the draft Master Plan.

The Mayor advised that Council has not yet endorsed the plan. We need to hear feedback if there is community concern.

*When will the community get the opportunity to comment on LPS11.*

The Director Community Planning advised that LPS11 was considered by Council in November last year and submitted to the Planning Commission for review. There were a few issues so the Town prepared some revised documents which were again submitted to the Department.

After almost ten weeks with the Department, the documents have come back to the Town in the last day or two. Staff are viewing the comments from the Department. It is intended to submit a report to Council in August 2021 to provide an update.

The Mayor commented that once the Town receives permission we can advertise the document and give the community the opportunity to comment.

*The draft plan put forward as the preferred option reduces the size of the oval and gives extra development space. Bassendean Oval is state heritage listed. Why has this been ignored and the size of the oval reduced.*

The Director Community Planning responded that the Bassendean Oval is heritage listed. Given the possibility of reducing the oval as part of the initial consultation process, staff enquired with the Department of Lands and Heritage and it did not raise any concerns. Any changes will need to go through a process.

## **8.0            PETITIONS**

Nil

## **9.0            CONFIRMATION OF MINUTES**

### **9.1            Ordinary Council Meeting held on 22 June 2021**

#### **Council Resolution/Officer Recommendation – Item 9.1(a)** **OCM – 3/7/21**

MOVED Cr MacWilliam, Seconded Cr Quinton, that the minutes of the Ordinary Council meeting held 22 June 2021, be received.

**CARRIED UNANIMOUSLY 7/0**

**Council Resolution/Officer Recommendation – Item 9.1(b)**  
**OCM – 4/7/21**

MOVED Cr McLennan, Seconded Cr Wilson, that the minutes of the Ordinary Council meeting held on 22 June 2021, be confirmed as a true record, subject to the following amendment being made to Item 16.1 - Variation to Contract (OCM-23/6/21 refers) to delete the resolution that states:

*MOVED Cr MacWilliam, Seconded Cr McLennan, that Council approves the increase in funding for the contract with Creating Communities Australia for the preparation of a Masterplan for the Bassendean Town Centre from \$100,000 to \$120,000, with the increase sourced from Municipal Funds, which are effectively available by virtue of forfeited development bonds.*  
**LOST AS AN ABSOLUTE MAJORITY VOTE WAS NOT ACHIEVED 3/2**

*Crs MacWilliam, McLennan & Quinton voted in favour of the motion. Crs Hamilton & Wilson voted against the motion.”*

**The record is amended to state that the matter was not dealt with in accordance with the *Council Meeting Procedures Local Law 2020* and no vote was taken.**

**CARRIED UNANIMOUSLY 7/0**

**9.2 Special Council Meeting held on 29 June 2021**

**Council Resolution/Officer Recommendation – Item 9.2(a)**  
**OCM – 5/7/21**

MOVED Cr Quinton, Seconded Cr MacWilliam, that the minutes of the Special Council meeting held 29 June 2021, be received.

**CARRIED UNANIMOUSLY 7/0**

**Council Resolution/Officer Recommendation – Item 9.2(b)**  
**OCM – 6/7/21**

MOVED Cr Quinton, Seconded Cr McLennan, that the minutes of the Special Council meeting held on 29 June 2021, be confirmed as a true record.

**CARRIED UNANIMOUSLY 7/0**

**10.0 BUSINESS DEFERRED FROM PREVIOUS MEETING**

Nil

**11.0 EXTERNAL COMMITTEE REPORTS/UPDATES**

<b>Item No. 11.1</b>	<b>Receipt of External Committee and Organisation Minutes</b>
<b>Property Address (if applicable)</b>	Not applicable
<b>Landowner/Applicant (if applicable)</b>	Not applicable
<b>File Ref/ROC</b>	INFM/INTPROP/1
<b>Previous Council Reports (if applicable)</b>	Not applicable
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 3</b>	WALGA East Metropolitan Zone Meeting – Meeting Notes 24 June 2021 EMRC Ordinary Council Meeting – Abridged Minutes 24 June 2021

**Purpose**

The purpose of this report was for Council to consider minutes from external Committees and organisations.

**Council Resolution/Officer Recommendation – Item 11.1**  
**OCM – 7/7/21**

MOVED Cr Wilson, Seconded Cr Hamilton, that Council notes the attached minutes from external Committee meetings held within the reporting period.

**CARRIED UNANIMOUSLY 7/0**

## **12.0            REPORTS**

### **12.1            Adoption of Recommendations En Bloc**

It was agreed that items 12.2, 12.3, 12.5, 12.9, and 12.13 be removed from the en-bloc table and considered separately.

#### **Council Resolution/Officer Recommendation – Item 12.1** **OCM – 8/7/21**

MOVED Cr Wilson, Seconded Cr Quinton, that Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Meeting Agenda:

<b>Item</b>	<b>Report</b>
12.4	Joint Development Assessment Panel Application - Tavern (Additions and Alterations to Bassendean Hotel) - Amendment
12.8	Fencing Local Law 2013 – Periodic Review
12.11	Draft amended Local Planning Policy No. 12 – Developments within the Street Setback Area
12.15	Audit and Governance Committee Meeting held on 9 June 2021
12.16	Accounts Paid – May and June 2021
12.17	Monthly Financial Report – May and June 2021
12.18	Use of Common Seal
12.19	Calendar for August 2021

**CARRIED UNANIMOUSLY 7/0**

Council was then requested to consider the balance of the Officer recommendations independently.

<b>Item</b>	<b>Report</b>
12.2	Disposal of Town property – 1 (Lot 50) Surrey Street, Bassendean
12.3	Proposed Tree Preservation Order
12.5	Existing Carport and Patio - 50 (Lot 585) Faulkner Way, Eden Hill
12.6	Purchase of Lot 304 Kenny Street
12.7	Proposed Change of Use to Use Not Listed (Function Centre & Creative Space)
12.9	Draft Local Heritage Survey
12.10	Licence Agreement - Telethon Community Cinemas
12.12	FOGO in Schools
12.13	Traffic Management Request for Railway Parade
12.14	Review of Delegations Register
16.1	Verge Collection and Baywaste
16.2	CEO Performance Review Report

<b>Item No. 12.2</b>	<b>Disposal of Town property – 1 (Lot 50) Surrey Street, Bassendean</b>
<b>Property Address (if applicable)</b>	1 (Lot 50) Surrey Street, Bassendean
<b>Landowner/Applicant (if applicable)</b>	Town of Bassendean
<b>File Ref/ROC</b>	
<b>Previous Council Reports (if applicable)</b>	25 May 2021 24 November 2020
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
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<b>Attachment No. 4</b>	Museum of Perth proposal Submissions (redacted)

## Purpose

The purpose of this report was for Council to consider the potential disposal of 1 (Lot 50) Surrey Street, Bassendean, which is currently owned by the Town.

## **Council Resolution/Officer Recommendation – Item 12.2** **OCM – 9/7/21**

MOVED Cr Wilson, Seconded Cr MacWilliam, that Council:

1. Agrees to sell 1 (Lot 50) Surrey Street, Bassendean to the Perth History Association Inc. t/a Museum of Perth on the following basis:
  - Sale price: \$1 (one dollar); and
  - Condition of sale: The purchaser shall enter into a formal contract of sale with the Town of Bassendean, with terms relating to the following, and secured by an absolute caveat; registered upon the Certificate of Title at settlement:



- the purchaser, to the satisfaction of the Town, to provide, as a minimum, community access to the Pensioner Guard Cottage on a monthly basis;
  - the purchaser, to the satisfaction of the Town, to undertake restoration of the existing Residence over a period of up to four years (and thereafter maintain both buildings), in accordance with the staged implementation plan provided by the purchaser to the seller dated May 2021 and as contained in its expression of interest submission;
  - if the restoration is not completed within four years (or such other time as is agreed with Council), the Town is able to purchase back the site for \$1 (one dollar);
  - the site is not permitted to be subdivided; and
2. Requests the Chief Executive Officer undertake the actions required to finalise the disposal.

CARRIED BY AN ABSOLUTE MAJORITY 6/1

*Crs Wilson, MacWilliam, McLennan, Barty, Hamilton & Quinton voted in favour of the motion. Cr Gangell voted against the motion.*

<b>Item No. 12.3</b>	<b>Proposed Tree Preservation Order</b>
<b>Property Address</b>	19 (Lot 43) Nurstead Avenue, Bassendean
<b>Landowner/Applicant</b>	Kayt Davies – Applicant Department of Communities - Landowner
<b>Ref</b>	TPO/2021/5
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment</b>	Nil.

## Purpose

The purpose of this report was for Council to consider a nomination for a tree preservation order (TPO) for an Australian umbrella tree (*Schefflera actinophylla*) at 19 (Lot 43) Nurstead Avenue, Bassendean. The matter is required to be determined by Council as the landowner has objected to the proposed TPO.

*Cr Barty left the meeting at 7.18pm and returned at 7.20pm.*

### **Council Resolution/Officer Recommendation – Item 12.3** **OCM – 10/7/21**

MOVED Cr Quinton, Seconded Cr McLennan, that Council makes a Tree Preservation Order for an Australian umbrella tree (*Schefflera actinophylla*) at 19 (Lot 43) Nurstead Avenue, Bassendean.

**CARRIED** 6/1

*Crs Quinton, McLennan, Wilson, Barty, Hamilton Macwilliam voted in favour of the motion. Cr Gangell voted against the motion.*

<b>Item No. 12.4</b>	<b>Joint Development Assessment Panel Application - Tavern (Additions and Alterations to Bassendean Hotel) - Amendment</b>
<b>Property Address</b>	Lot 5 (No.17) & Lot 6 (No. 23) Old Perth Road, Bassendean
<b>Landowner/Applicant</b>	Bassendean Hotel Holdings Pty Ltd
<b>Ref</b>	DABC/DBVAPPS/2021-022/1
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment No. 5</b>	Responsible Authority Report

## Purpose

The purpose of this report was for Council to provide a recommendation to the Metro Inner-North Joint Development Assessment Panel (JDAP) for a proposed amendment to the existing development approval for a Tavern (Additions and Alterations to Bassendean Hotel).

### **Council Resolution/Officer Recommendation – Item 12.4** **OCM – 11/7/21**

MOVED Cr Wilson, Seconded Cr Quinton, that Council endorses the Officer Recommendation contained within the attached Responsible Authority Report on the basis that the proposed development is consistent with LPS 10 and relevant local planning policies, with the exception of those requirements that have previously been adequately addressed via conditions.

**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-8/7/21 7/0**

<b>Item No. 12.5</b>	<b>Existing Carport and Patio - 50 (Lot 585) Faulkner Way, Eden Hill</b>
<b>Property Address</b>	50 (Lot 585) Faulkner Way, Eden Hill
<b>Landowner/Applicant</b>	Landowner: Jarryd Antcliff and Hayley Sluchniak Applicant: Paramount Patios
<b>File Ref</b>	DABC/BDVAPP/2021-088
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment No. 6</b>	Development Plans and Photographs of Structures

## Purpose

The purpose of this report was for Council to consider an application for development approval for an existing carport and patio at 50 (Lot 585) Faulkner Way, Eden Hill. The matter is referred to Council for determination as it is outside the authority delegated to staff due to an objection being received during the consultation period, and as the applicant has elected the matter be determined by Council.

### **Council Resolution/Officer Recommendation – Item 12.5** **OCM – 12/7/21**

MOVED Cr Hamilton, Seconded Cr Wilson, that Council refuses the application for development approval for an existing carport and patio at 50 (Lot 585) Faulkner Way, Eden Hill, for the following reasons:

1. The proposal does not comply with State Planning Policy 7.3 – Residential Design Codes, with respect to secondary street setback and lot boundary setback requirements;
2. The proposal does not comply with Local Planning Policy No. 12 – Developments within the Street Setback Area, as the design, colours, material and roof pitch of the development is inconsistent with the dwelling; and
3. The proposal detrimentally impacts the amenity of the locality as it is inconsistent with the character of the existing and desired streetscape, as prescribed within the Town of Bassendean Built Form and Character Study.

CARRIED UNANIMOUSLY 7/0

<b>Item No. 12.6</b>	<b>Purchase of Lot 304 Kenny Street</b>
<b>Property Address (if applicable)</b>	Lot 304 Kenny Street, Bassendean
<b>Landowner/Applicant (if applicable)</b>	Lorraine Jean & Wade Lance Burton
<b>File Ref</b>	DABC/BDVAPPS/345-20
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment</b>	Nil.

## Purpose

That Council considers purchasing Lot 304 Kenny Street, Bassendean.

### **Council Resolution/Officer Recommendation – Item 12.6** **OCM – 13/7/21**

MOVED Cr Wilson, Seconded Cr Hamilton, that Council:

1. Purchases Lot 304 Kenny Street, Bassendean, on Deposited Plan 417198 for \$2,400; and
2. Waives rates for Lot 304 Kenny Street, Bassendean, on Deposited Plan 417198, for the 2021/22 financial year, in accordance with Section 6.47 of the *Local Government Act 1995*.

**CARRIED BY AN ABSOLUTE MAJORITY 7/0**

<b>Item No. 12.7</b>	<b>Proposed Change of Use to Use Not Listed (Function Centre &amp; Creative Space)</b>
<b>Property Address (if applicable)</b>	Lot 7 (Unit 7, No. 15) Dyer Road, Bassendean
<b>Landowner/Applicant (if applicable)</b>	Quincunx Pty Ltd/Blank Canvas Quarter
<b>Ref</b>	2021-083
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment No. 7</b>	Location Plan Development Plans Applicant's Cover Letter

## **Purpose**

The purpose of this report was for Council to consider an application for development approval for a change of use to a Use Not Listed (Function Centre & Creative Space) within Lot 7 (Unit 7, No. 15) Dyer Road, Bassendean.

The matter is being referred to Council for determination as it is outside the authority delegated to staff due to the nature of the application being a Use Not Listed under Local Planning Scheme No. 10 (LPS 10).

## **Council Resolution/Officer Recommendation – Item 12.7** **OCM – 14/7/21**

MOVED Cr Quinton, Seconded Cr Barty, that Council approves the application for development approval for the proposed change of use for a Use Not Listed (Function Centre and Creative Space) at lot 7 (Unit 7, No. 15) Dyer Road, Bassendean, subject to the following conditions:

1. Prior to the commencement of the development, a Waste Management Plan is to be submitted and approved to the satisfaction of the Town of Bassendean. The Waste Management Plan shall address matters included in the Western Australian Local Government Association's Commercial Waste Guidelines, including additional information on, but not necessarily limited to, the following:
  - (i) Measures to be implemented for the purpose of minimizing the delivery of waste to landfill, including the onsite separation of materials for recycling;
  - (ii) A detailed plan of the bin storage area;
  - (iii) the volume and the type of waste to be placed in the bins, including a waste generation calculation; and
  - (iv) Details of intended method of collection, including arrangements for a private contractor.

The development must be carried out in accordance with the approved Waste Management Plan and maintained at all times, for the duration of development.

2. Prior to the commencement of the development, an Event Management Plan is to be submitted and approved to the satisfaction of the Town of Bassendean. The Event Management Plan shall address matters including but not necessarily limited to, the following:
  - (i) A telephone number or numbers and an email address or addresses to be maintained through which a complaint concerning the development may be made at any time;
  - (ii) Details as to how complaints will be responded to and addressed;
  - (iii) Details as to how patrons will be made aware of and comply with relevant legislative requirements, including the requirements of the *Liquor Control Act 1988*, *Food Act 2008* and Environmental Protection (Noise) Regulations 1997; and
  - (iv) Incident management, including emergency management and first aid.

The development must be carried out in accordance with the approved Event Management Plan at all times, to the satisfaction of the Town of Bassendean.

3. Prior to the commencement of the development, a Parking Management Plan is to be submitted and approved to the satisfaction of the Town of Bassendean. Car parking management shall be undertaken in accordance with the approved Parking Management Plan at all times to the satisfaction of the Town of Bassendean.
4. Unless otherwise demonstrated by a suitability qualified Acoustic Consultant that the development on-site will comply with the *Environmental Protection (Noise) Regulations 1997* at all times, amplified sound shall cease from the site by 10:00pm.
5. The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of vehicles in the car park. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees.
6. Car parking bays and areas designated for landscaping shall not be used for the storage, display or selling of any goods or vehicles.

CARRIED UNANIMOUSLY 7/0

<b>Item No. 12.8</b>	<b>Fencing Local Law 2013 – Periodic Review</b>
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Ref</b>	LAWE/LOCLWS/2
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment No. 8</b>	Fencing Local Law 2013

## Purpose

The purpose of this report was for Council to note the periodic review of the *Fencing Local Law 2013* following public consultation.

### **Council Resolution/Officer Recommendation – Item 12.8** **OCM – 15/7/21**

MOVED Cr Wilson, Seconded Cr Quinton, that Council approves the review of the Fencing Local Law, with the next review to be scheduled for 2029.

**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-8/7/21 7/0**

<b>Item No. 12.9</b>	<b>Draft Local Heritage Survey</b>
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Ref</b>	LUAP/REGSTN/3
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
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<b>Attachment No. 9</b>	<b>Draft Local Heritage Survey</b>

## Purpose

The purpose of this report was for Council to consider endorsing the draft Local Heritage Survey (LHS) for the purposes of advertising.

### **Officer Recommendation – Item 12.9**

That Council endorses the draft Local Heritage Survey, as contained as an attachment to this report, for the purpose of advertising for public comment.

*Cr Hamilton moved a motion to defer the item.*



**Council Resolution – Item 12.9**  
**OCM – 16/7/21**

MOVED Cr Hamilton, Seconded Cr Wilson, that the item be deferred pending further work on the thematic history section.

**CARRIED UNANIMOUSLY 7/0**

<b>Item No. 12.10</b>	<b>Licence Agreement - Telethon Community Cinemas</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref</b>	LEGL/AGMT/161
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
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<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment No. 10</b>	Licence Agreement P/E 21 March 2021

**Purpose**

The purpose of this report was for Council to consider approving a new licence agreement for Movies by Burswood Inc. for the staging of the Telethon Community Cinemas at BIC Reserve, Bassendean.

**Council Resolution/Officer Recommendation – Item 12.10**  
**OCM – 17/7/21**

MOVED Cr Wilson, Seconded Cr Barty, that subject to the Minister for Lands granting consent to the Agreement, Council authorises the Town enter into a new Licence Agreement for Movies by Burswood Bassendean, based on the previous licence but with the following additional terms:

1. The licence be for a two year period, commencing 1 December 2021 and expiring 31 March 2023 with a mutual option for a further 12 months;

2. A mutual non-disparagement clause to ensure good conduct between both parties; and
3. A formalised requirement for the Town to be acknowledged in all communications and promotions.

**CARRIED BY AN ABSOLUTE MAJORITY 7/0**

<b>Item No. 12.11</b>	<b>Draft amended Local Planning Policy No. 12 – Developments within the Street Setback Area</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref</b>	LUAP/POLCY/17
<b>Directorate</b>	N/A
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
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<b>Attachment No. 11</b>	Existing Local Planning Policy 12 – Development within the Street Setback Area Draft Local Planning Policy 12 – Residential Development and Fences

### **Purpose**

The purpose of this report was for Council to consider amending Local Planning Policy No. 12 – Development within the Street Setback Area (LPP 12), for the purposes of advertising.

### **Council Resolution/Officer Recommendation – Item 12.11** **OCM – 18/7/21**

MOVED Cr Wilson, Seconded Cr Quinton, that Council pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises the draft amended Local Planning Policy No. 12 – Residential Development and Fences.

**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-8/7/21 7/0**

<b>Item No. 12.12</b>	<b>FOGO in Schools</b>
<b>Directorate</b>	Environment and Sustainability
<b>File Ref</b>	WSTMNGT/SVPROVN/3
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
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<b>Attachment</b>	Nil

### Purpose

For Council to consider providing FOGO services to schools within the Town at no charge.

### **Council Resolution/Officer Recommendation – Item 12.12** **OCM – 19/7/21**

MOVED Cr Hamilton, Seconded Cr Quinton, that Council delegates to the CEO, the authority to waive \$6,720 to provide up to six FOGO service charges for the 2021/22 period.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

<b>Item No. 12.13</b>	<b>Traffic Management Request for Railway Parade</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	ROAD/STMNGT/1
<b>Previous Council Reports (if applicable)</b>	N/A
<b>Directorate</b>	Infrastructure
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
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<b>Attachment No. 12</b>	Policy No. 1.2 - Traffic Management Treatment Policy & Guidelines Option 1 – Rubber Speed Cushions Option 2 - Asphalt Speed Plateau

## Purpose

The purpose of this report was for Council to consider undertaking community consultation (consistent with Policy No. 1.2 – Traffic Management Treatment Policy & Guidelines), for the implementation of local area traffic management treatment on Railway Parade between Lord Street and Second Avenue, Bassendean.

## Officer Recommendation – Item 12.13

That Council:

1. Endorses the commencement of consultation with the affected property owners on Option 1 to install Rubber Speed Cushions on Railway Parade between Lord Street and Second Avenue, Bassendean; and
2. Notes that based on favourable results of the consultation with affected property owners, rubber speed cushions be installed in Railway Parade, Bassendean.

*Cr Hamilton moved an alternative motion.*

## **Council Resolution – Item 12.13** **OCM – 20/7/21**

MOVED Cr Hamilton, Seconded Cr Wilson, that Council:

1. Requests staff update the Traffic Management Treatment Policy and Guidelines for the consideration of Council by December 2021; and
2. Requests staff explore alternative traffic calming solutions including any potential to reduce the total proposed number of asphalt speed plateaus.

**CARRIED UNANIMOUSLY 7/0**

<b>Item No. 12.14</b>	<b>Review of Delegations Register</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	GOV/CCLMEET/06
<b>Previous Council Reports (if applicable)</b>	27 October 2020
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<b>Attachment No. 13</b>	Delegations Register

## Purpose

The purpose of this report was for Council to review the delegations to the Audit and Governance Committee, the Complaints Committee, and to the Chief Executive Officer under s. 5.46(2) of the *Local Government Act 1995*.

## Officer Recommendation – Item 12.14

That Council:

1. in accordance with Section 5.46(2) of the Local Government Act 1995, reviews its delegations to the Audit and Governance Committee, Complaints Committee, and those delegations to the Chief Executive Officer; and
2. in accordance with Section 5.42(1) of the Local Government Act 1995, adopts the amended delegations of authority to the Chief Executive Officer as provided in the attachment to this report.

*Cr Hamilton moved a motion to defer the item.*

**Council Resolution – Item 12.14**  
**OCM – 21/7/21**

MOVED Cr Hamilton, Seconded Cr Wilson that this Item be deferred to the August Ordinary Council Meeting.

CARRIED UNANIMOUSLY 7/0

<b>Item No. 12.15</b>	<b>Audit and Governance Committee Meeting held on 9 June 2021</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	GOVN/CCLMEET/18
<b>Previous Council Reports (if applicable)</b>	
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<b>Attachment No. 14</b>	Minutes of the Audit and Governance Committee meeting held on 9 June 2021
<b>Confidential Attachment No. 1</b>	Audit Risk Register Report on Settlement of Legal Dispute

**Purpose**

The purpose of this report was for Council to receive the report on the meeting of the Audit and Governance Committee held on 9 June 2021.

**Council Resolution/Officer Recommendation – Item 12.15**  
**OCM – 22/7/21**

MOVED Cr Wilson, Seconded Cr Quinton, that Council receives the report on the Audit and Governance Committee meeting held on 9 June 2021.

**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-8/7/21 7/0**

<b>Item No. 12.16</b>	<b>Accounts Paid – May and June 2021</b>
<b>File Ref/ROC</b>	FINM/CREDTS/4
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input checked="" type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
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<b>Attachment No. 15</b>	List of Payments May 2021 and June 2021

**Purpose**

The purpose of this report was for Council to receive the list of payments for May 2021 and June 2021.

**Council Resolution/Officer Recommendation – Item 12.16**  
**OCM – 23/7/21**

MOVED Cr Wilson, Seconded Cr Quinton, that Council receive the list of payments for May 2021 and June 2021.

**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-8/7/21 7/0**

<b>Item No. 12.17</b>	<b>Monthly Financial Report – May and June 2021</b>
<b>File Ref/ROC</b>	FINM/AUD/1
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input checked="" type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 16</b>	Monthly Financial Report – May and June 2021

### Purpose

The purpose of this report was for Council to receive the monthly financial report for May and June 2021.

### Council Resolution/Officer Recommendation – Item 12.17 OCM – 24/7/21

MOVED Cr Wilson, Seconded Cr Quinton, that Council receive the monthly financial report for May and June 2021.

CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-8/7/21 7/0

<b>Item No. 12.18</b>	<b>Use of Common Seal</b>
<b>Property Address (if applicable)</b>	Not applicable
<b>Landowner/Applicant (if applicable)</b>	Not applicable
<b>File Ref/ROC</b>	INFM/INTPROP/1
<b>Previous Council Reports (if applicable)</b>	Not applicable
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.



<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<b>Attachment No.</b>	Nil

### Purpose

The purpose of this report was for Council to note the documents affixed with the Common Seal during the reporting period.

### **Council Resolution/Officer Recommendation – Item 12.18** **OCM – 25/7/21**

MOVED Cr Wilson, Seconded Cr Quinton, that Council notes that the Common Seal was not affixed to any documents during the reporting period.

**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-8/7/21 7/0**

<b>Item No. 12.19</b>	<b>Calendar for August 2021</b>
<b>Property Address (if applicable)</b>	Not applicable
<b>Landowner/Applicant (if applicable)</b>	Not applicable
<b>File Ref/ROC</b>	INFM/INTPROP/1
<b>Previous Council Reports (if applicable)</b>	
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<b>Attachment</b>	Nil

### **Purpose**

The purpose of this report was for Council to consider the calendar for August 2021.

### **Council Resolution/Officer Recommendation – Item 12.19** **OCM – 26/7/21**

MOVED Cr Wilson, Seconded Cr Quinton, that Council adopt the calendar for August 2021.

**CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-8/7/21 7/0**

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

Nil

### **14.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil

### **15.0 URGENT BUSINESS**

Nil

### **16.0 CONFIDENTIAL BUSINESS**

#### **Council Resolution – Item 16.0(a)** **OCM – 27/7/21**

MOVED Cr Hamilton, Seconded Cr MacWilliam, that the meeting go behind closed doors in accordance with Section 5.23 of the Local Government Act 1995, the time being 7.58pm.

**CARRIED UNANIMOUSLY 7/0**

<b>Item No. 16.1</b>	<b>Verge Collection and Baywaste</b>
<b>Directorate</b>	Environment and Sustainability
<b>File Ref</b>	WSTMNGT/SVPROVN/3
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<b>Confidential Attachment No. 2</b>	SUEZ On Demand Bulk Waste Proposal

### Purpose

For Council to consider how residents dispose of bulky items with scheduled collections and tip passes.

*This matter was considered with members of the public excluded from the Chambers under Clause 5.23 (2) (e) (iii) of the Local Government Act 1995, as the report discusses the financial affairs of a person.*

### **Council Resolution/Officer Recommendation – Item 16.1** **OCM – 28/7/21**

MOVED Cr Gangell, Seconded Cr Hamilton, that Council endorse Option 1 – Not Accept Both Proposals as there is no increased cost in the 2021/22 financial year for this option and that the cost of tip passes through Baywaste will be included in the 2022/23 Budget.

**CARRIED BY AN ABSOLUTE MAJORITY 7/0**

<b>Item No. 16.2</b>	<b>CEO Performance Review Report</b>
<b>Property Address (if applicable)</b>	NA
<b>Landowner/Applicant (if applicable)</b>	NA
<b>Ref</b>	GOVN/POLCY/2
<b>Decision Type</b>	Council
<b>Directorate</b>	Office of the Chief Executive Officer
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Confidential Attachment No. 3</b>	Standards for CEO Recruitment, Performance and Termination Policy Draft Annual CEO Performance Review Report

*This matter was considered with members of the public excluded from the Chambers under Clause 5.23 (2) (e) (iii) of the Local Government Act 1995, as the report discusses the financial affairs of a person.*

*The Chief Executive Officer, Director Community Planning, Executive Manager Infrastructure, Coordinator Recycling & Waste, Manager Governance & Strategy and the Minute Secretary left the meeting at 8.10pm and did not return. The Director Corporate Services and all Councillors remained.*

## **Purpose**

Council was requested to resolve the outcome and recommendations from the (Final) Annual CEO Performance Review Report provided by Anthony Quahe, Civic Legal. This is in line with Council's adopted 'Standards for CEO Recruitment, Performance and Termination' Policy (OCM 25.5.2021) and the *Local Government Act 1995*.

## **Officer Recommendation – Item 16.2**

That Council:

1. Endorse the performance of the CEO, Peta Mabbs, for the 2020/2021 period, in accordance with results identified in this Annual CEO Performance Review Report;
2. Approve a 1% increase of the salary (cash component) of the CEO Remuneration Package, effective 1 July 2021;
3. Supports future decisions of the CEO in selecting suitable professional development opportunities throughout the 2021/2022 financial year in accordance with her contractual allowance (\$3,000 per annum); and
4. Notes that the CEO's KPIs for the 2021/2022 period require further discussion in a meeting with the CEO ahead of the August Ordinary Council Meeting.

*Cr Wilson moved the officer recommendation, with point two deleted.*

## **Alternative Motion/Officer Recommendation – Item 16.2**

MOVED Cr Wilson, Seconded Cr Gangell, that Council:

1. Endorse the performance of the CEO, Peta Mabbs, for the 2020/2021 period, in accordance with results identified in this Annual CEO Performance Review Report;
2. Supports future decisions of the CEO in selecting suitable professional development opportunities throughout the 2021/2022 financial year in accordance with her contractual allowance (\$3,000 per annum); and
3. Notes that the CEO's KPIs for the 2021/2022 period require further discussion in a meeting with the CEO ahead of the August Ordinary Council Meeting.

LOST 3/4

*Crs Wilson, Gangell & Hamilton voted in favour of the motion. Crs McLennan, Barty, MacWilliam, & Quinton voted against the motion.*

*REASON: Consistent with the determination of the Salaries and Wages Tribunal on Local Government Chief Executive Officers and Elected Members.*

*Point 2 of the officer recommendation was considered separately.*

**Council Resolution – Item 16.2(a)**  
**OCM – 29/7/21**

MOVED Cr Quinton, Seconded Cr MacWilliam, that Council:

2. Approve a 1% increase of the salary (cash component) of the CEO Remuneration Package, effective 1 July 2021;

**CARRIED** 4/3

*Crs Quinton, MacWilliam, McLennan & Barty voted in favour of the motion. Crs Gangell, Hamilton & Wilson voted against the motion.*

**Council Resolution/Officer Recommendation – Item 16.2(b)**  
**OCM – 30/7/21**

MOVED Cr Quinton, Seconded Cr MacWilliam, that Council:

1. Endorse the performance of the CEO, Peta Mabbs, for the 2020/2021 period, in accordance with results identified in this Annual CEO Performance Review Report;
2. Approve a 1% increase of the salary (cash component) of the CEO Remuneration Package, effective 1 July 2021;
3. Supports future decisions of the CEO in selecting suitable professional development opportunities throughout the 2021/2022 financial year in accordance with her contractual allowance (\$3,000 per annum); and
4. Notes that the CEO's KPIs for the 2021/2022 period require further discussion in a meeting with the CEO ahead of the August Ordinary Council Meeting.

**CARRIED** 6/1

*Crs Quinton, MacWilliam, McLennan, Barty, Gangell & Hamilton voted in favour of the motion. Cr Wilson voted against the motion.*

**17.0 CLOSURE**

The next Briefing Session will be held on Tuesday 17 August 2021, commencing at 6pm. The next Ordinary Council Meeting will be held on Tuesday 24 August 2021, commencing at 6pm.

There being no further business, the Presiding Member declared the meeting closed, the time being 8.30pm.

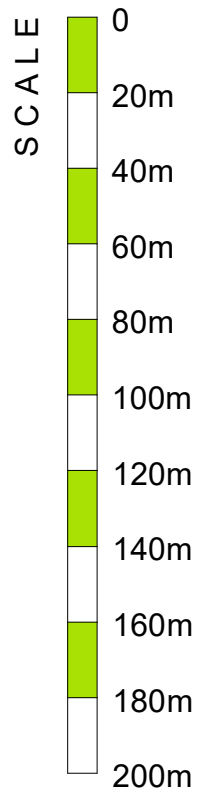
# **ATTACHMENT NO. 2**

# JUBILEE RESERVE CONCEPT PLAN

ISSUED FOR REVIEW







NEW FENCING BEHIND SOCCER GOALS TO JUBILEE AVENUE AS INDICATED.

PUBLIC AMENITIES BUILDING RETAINED.

NOTIONAL FITNESS EQUIPMENT AS EXISTING.

VERGE PATH TO NORTHMOOR ROAD AS INDICATED TO COMPLETE JUBILEE RESERVE EXERCISE PATH CIRCUIT.

EXISTING SOCCER CLUBROOM WITH ALTERATIONS AS PER OPTION THREE.

UPGRADE CARPARK WITH IMPROVED DRAINAGE AND LIGHTING. CARPARK EXTENTS RETAINED AS CURRENT.

NEW FENCING TO SPORTING FIELDS WITH EXTENSION TO CARPARK AS INDICATED.

NEW ELECTRONIC SCOREBOARD, PA SYSTEM AND SPEAKS

RELOCATE EXISTING PLAYGROUND

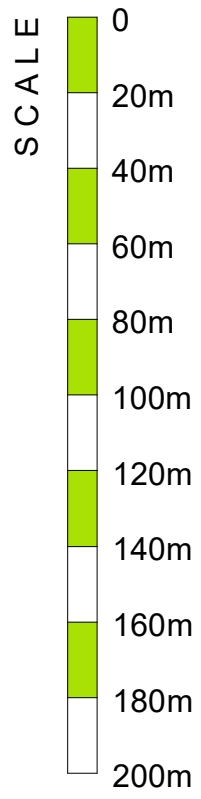
NEW SITE LED/ SOLAR LIGHTS INDICATED AS NOTIONAL.

PV SOLAR PANELS TO NORTHERN ORIENTATION. NOMINAL 20kW SYSTEM INDICATED.

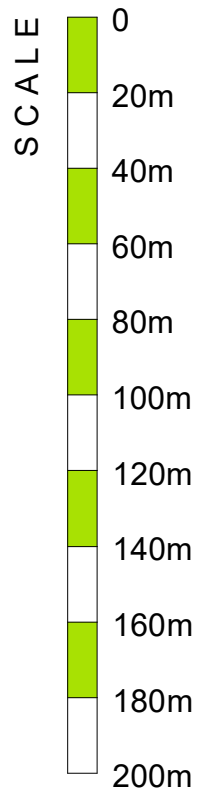
SITE SHED RELOCATED TO CRICKET NETS

INCREASED CARPARKING

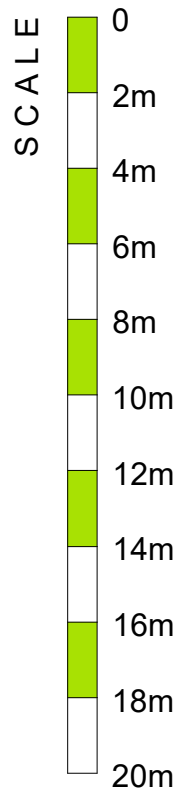












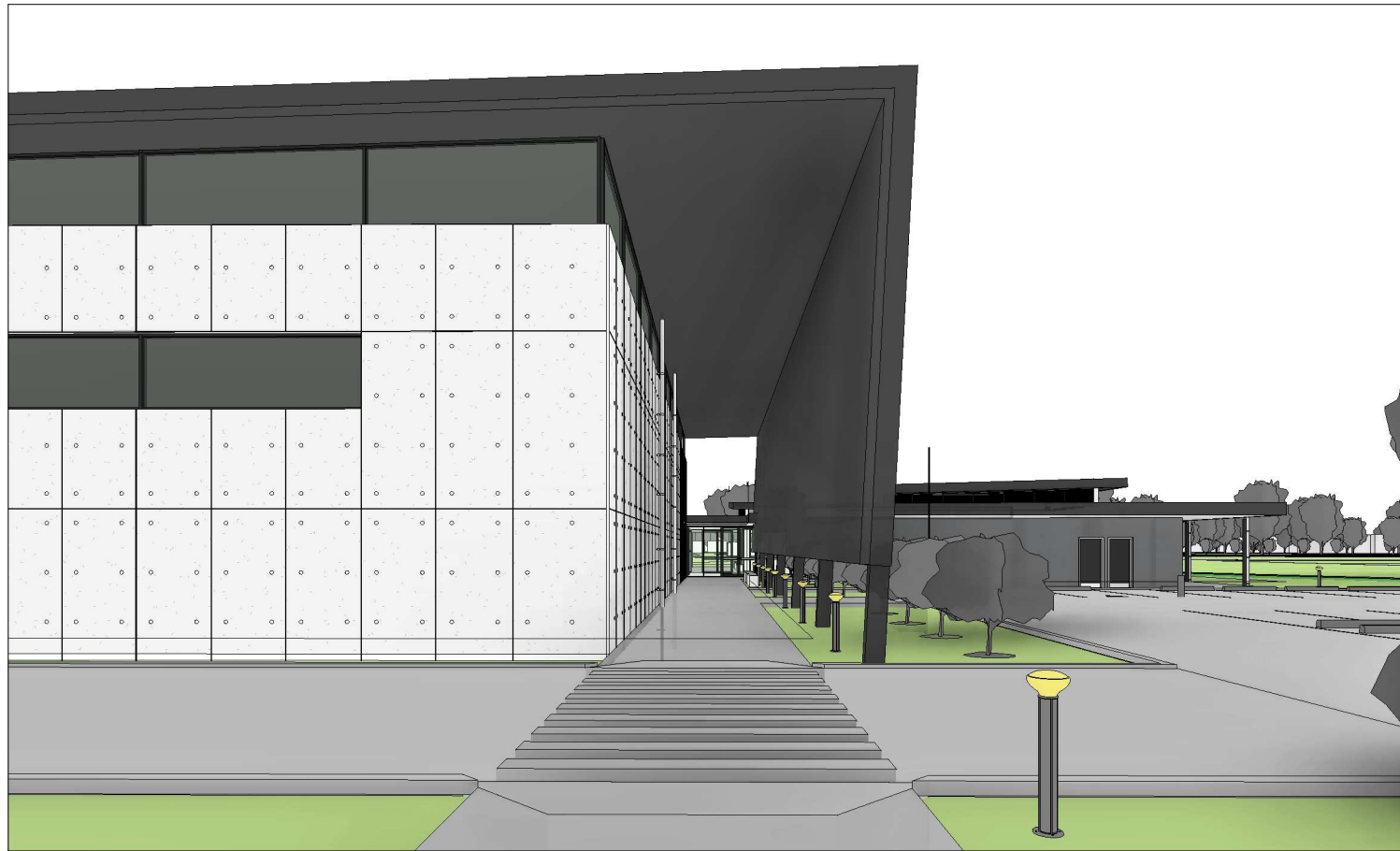
ROOM SCHEDULE OPTION THREE		
OPT.	ROOM NAME	ABBREVIATION
SC	EXISTING CHANGE ONE	EX.CH.1
SC	EXISTING UMPIRES	EX.UMP
SC	EXISTING CHANGE TWO	EX.CH.2
SC	STORE	EX.ST
SC	EXISTING TOILETS	E.T
SC	BAR STORE	B.ST
SC	EXISTING FEMALE TOILETS	EX.FT

ROOM SCHEDULE OPTION THREE		
OPT.	ROOM NAME	ABBREVIATION
SC	EXISTING CANTEEN	EX.CT
SC	EXISTING STORE	EX.ST
SC	EXISTING COOL ROOM	EX.CL
SC	EXISTING BAR	EX.B
SC	MANAGERS OFFICE	MANG.
SC	DELIVERIES STORE	DELIVERIES
SC	YARD STORE	YARD

ROOM SCHEDULE OPTION THREE		
OPT.	ROOM NAME	ABBREVIATION
SC	KITCHEN   KIOSK	KK
SC	KITCHEN STORE	K.STORE
SC	EXISTING CLUB ROOM	EX.CLUB ROOM
SC	MALE T.	MT
SC	CLUB ROOM EXPANSION	CLUB EXPANSION
SC	UAT	UAT
SC	CLUBROOM ST.	CR.ST

ROOM SCHEDULE OPTION THREE		
OPT.	ROOM NAME	ABBREVIATION
SC	SPORTS STORE	SPORT ST.
SC	REFEREE	REF
SC	CHANGE ROOM 4	CH.4
SC	CHANGE ROOM 3	CH.3
SC	JUNIOR GOALS STORE	JG STORE
SC	KIT ROOM	KIT
SC	FIRST AID	F.AID

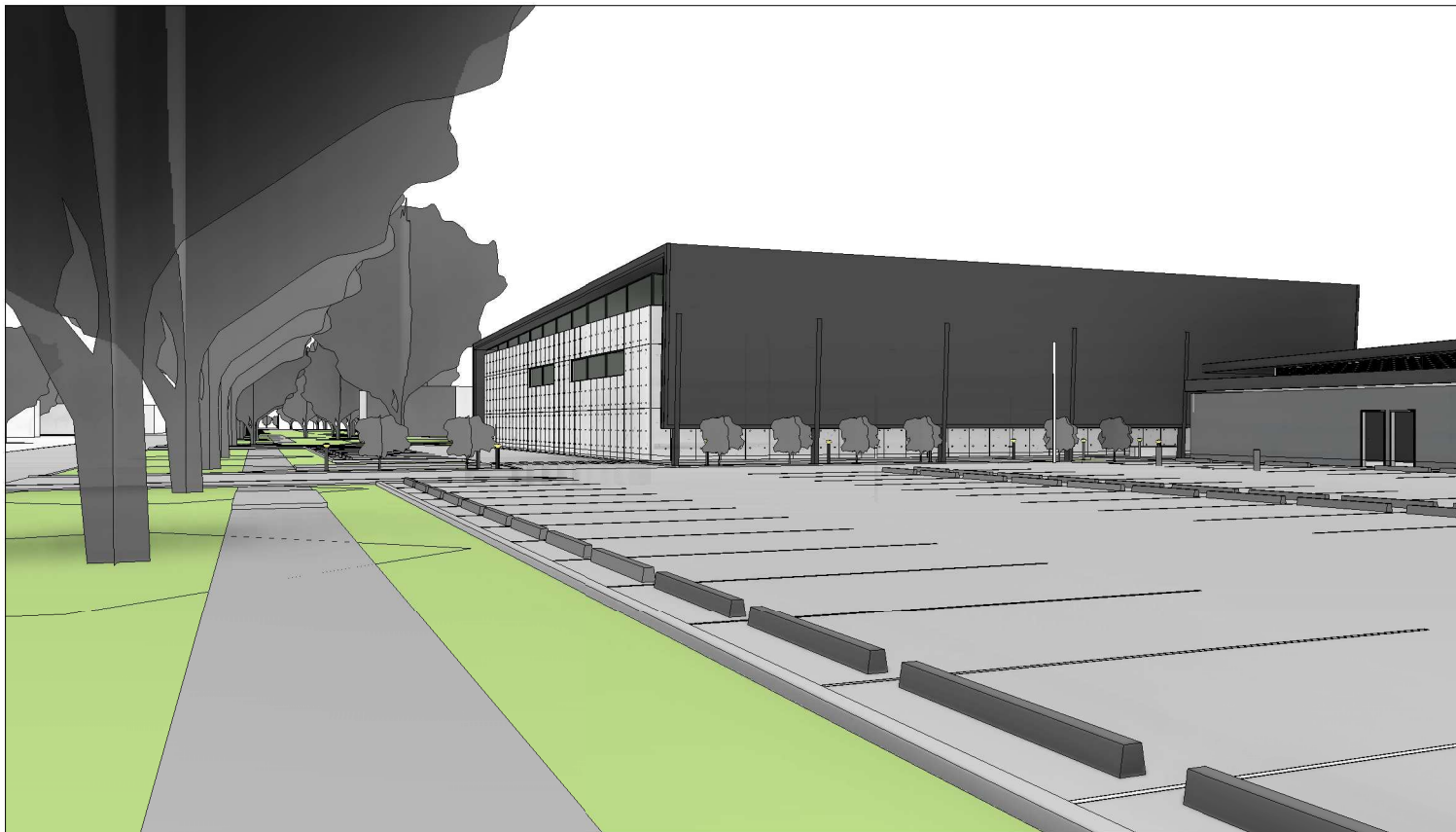




OPTION TWO - VIEW FROM ENTRANCE



OPTION TWO - VIEW FROM FUNCTION ROOM



OPTION TWO - VIEW FROM ROBINSON ROAD PATH



OPTION TWO - VIEW FROM AFL FIELD

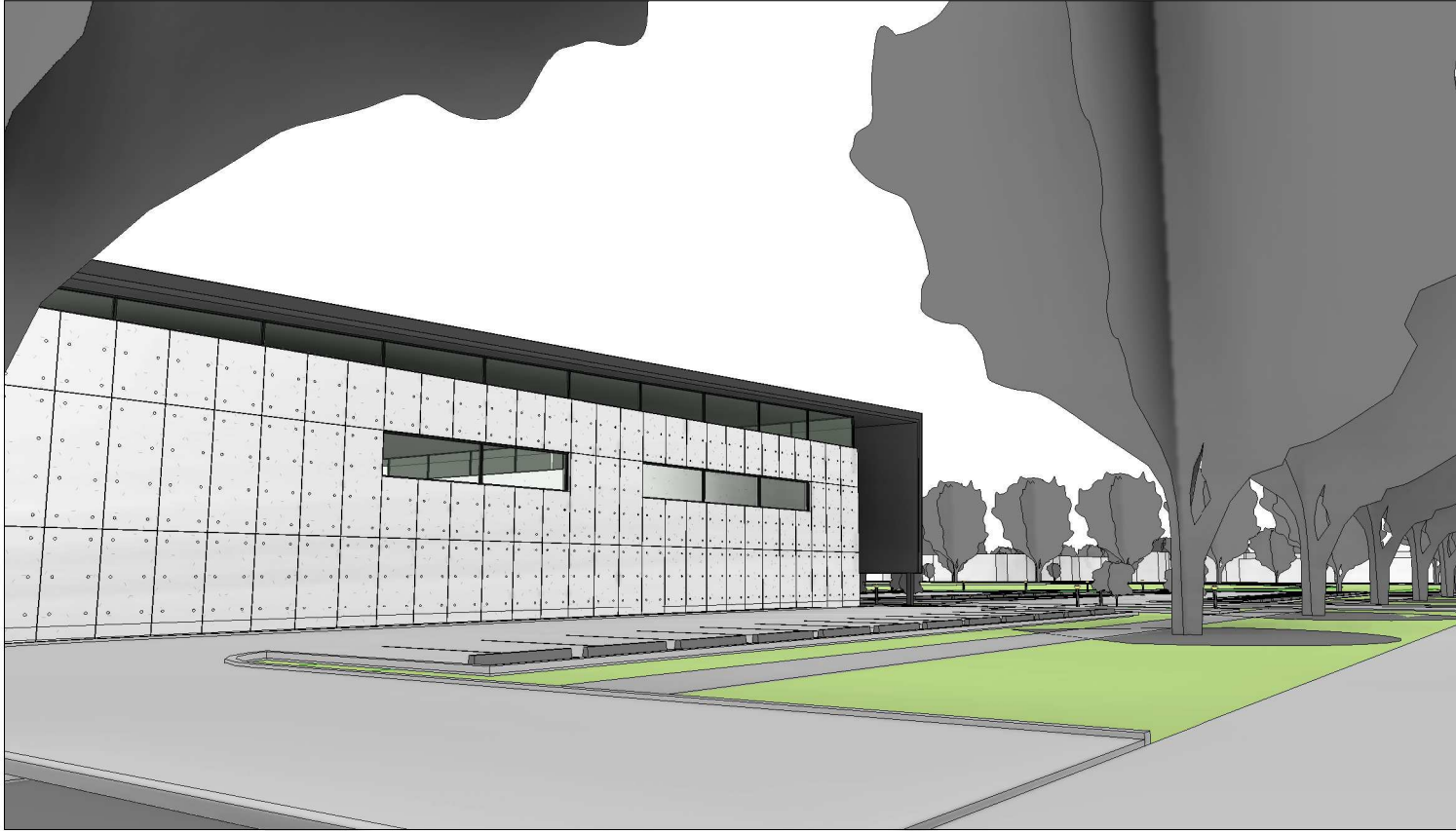




OPTION TWO - VIEW FROM CHANGEROOM VERANDAH



OPTION TWO - VIEW FROM SAUSAGE SIZZLE SHELTER



OPTION TWO - VIEW FROM ROBINSON CROSSOVER



OPTION TWO - AERIAL VIEW FROM AFL FIELD

# **ATTACHMENT NO. 3**



**Policy Number: Local Planning Policy No. xx**  
**Policy Title: Heritage and Character**

**1. Citation**

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy No. xx – Heritage and Character.

**2. Policy Statement**

Heritage supports the Town's amenity by providing familiarity and the presence of landmarks, by underpinning the 'sense of place', and by enhancing the quality of the built environment generally. The Town supports the conservation and enhancement of heritage places and recognises the importance of ensuring new development and alterations / additions to heritage places are sympathetic in design and are incorporated in ways that do not significantly detract from the characteristics and features of the place.

This policy seeks to ensure the local planning system can facilitate those outcomes.

**3. Policy Objectives**

- (a) To conserve and protect places and areas of heritage and/or character significance.
- (b) To ensure that subdivision and development does not adversely affect the significance of a heritage place and/or character areas and that new development is sympathetic to the existing character of the heritage place.
- (c) To designate Heritage Areas, for the purpose of Regulation 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**4. Application**

This policy applies to all applications for subdivision approval or development approval for places included within the Heritage List or Local Heritage Survey, or for land located within a designated Heritage Area. It does not apply to conservation of Aboriginal heritage except in cases where Aboriginal heritage places or areas are entered in the Heritage List, Local Heritage Survey or are located within a heritage area. Aboriginal heritage is protected by the *Aboriginal Heritage Act 1972*.

**5. Definitions**

Archival Record: *means a record prepared by heritage architect or heritage consultant detailing the background, significance of the place, location, base plan, sketches, certificate of title, photographs and any other relevant matters relating to the heritage place.*

Conservation Management Plan:	<i>means a plan prepared by heritage architect or heritage consultant that guides the conservation and management of a heritage place.</i>
Cultural Heritage Significance:	<i>means aesthetic, historic, scientific, social or spiritual value for individuals or groups within Western Australia.</i>
Federation:	<i>means an architectural style that emerged from c1890s- 1915s.</i>
Heritage Place:	<i>means buildings, structures, other built forms, gardens and their surrounds on the Heritage List or Local Heritage Survey.</i>
Inter-war:	<i>means architectural styles that emerged from 1915-1940.</i>
Post-War:	<i>means architectural styles that emerged during the 1940s-1960s.</i>
Streetscape:	<i>means the collective elements that contribute to a street, including architectural styles, front yards, car parking structures and access, infrastructure, footpaths, signage, street trees and landscaping and fencing and front boundary treatments.</i>

## **6. Heritage Areas**

The following areas are formally designated as Heritage Areas of the purposes of clause 9 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### **6.1 Kenny Street Heritage Area**

The Kenny Street Heritage Area is a residential area as identified in Appendix 1.

The area is characterised by its early 20th century residential architecture, including Federation, Inter-War and Post-War architectural styles. This portion of Bassendean was subdivided by a group of investors in the early 1900s under the promotional name of 'Tanner's Estate' or the 'Tanner's Extension Estate'. The area is significant as it is representative of development over the inter-war period, with residences formally occupied by prominent members of colonial society.

The material palette of the area includes weatherboard, red brick, compressed fibre cement and corrugated steel roof sheeting and terracotta roof tiles. Front boundary treatments are fairly uniform with medium high picket or visually permeable front fences. To the north of the area, there is a consistent street tree planting pattern with a variety of native tree species, with a reduction in street tree planting heading south in the area. The topography of the area is undulating.

## **6.2 Old Perth Road Heritage Area**

The Old Perth Road Heritage Area is a commercial area as identified in Appendix 1. Old Perth Road forms a boulevard from the Bassendean Train Station, with the Federation style shop fronts acting as the entrance to the town. Buildings to the north of Old Perth Road are single storey facing the street. The Bassendean Hotel influences a two-storey building scale along the southern side of the streetscape. The area comprises of predominantly brick structures with boundary walls and awnings over the footpath. Prominent two-storey buildings include the Padbury Buildings, Bassendean Hotel and the shop and residence at 42 Old Perth Road.

Elements that contribute to the significance of the area include the landmark buildings which have historic value and social value to the district. The buildings in this area demonstrate periods of development in the former town centre from the 1910s to the 1950s, have excellent aesthetic value and are largely intact examples of Inter War Free Classical style.

## **6.3 Devon Road Heritage Area**

The Devon Road Heritage Area is a residential area as identified in Appendix 1.

In 1897, land speculator, parliamentarian and government assayer, Henry Anstey purchased a large parcel designated as Location Q which he subdivided and offered for sale under the name 'Bindaring Estate'. Devon Road was part of this estate and the name owes its origin to the county in England. The Devon Road Heritage Area is characterised by its early 20th century residential architecture, including Federation and Inter-War architectural styles, and is significant based on the number of in-tact dwellings that are representative of this period.

The material palette in the area includes weatherboard, red brick, compressed fibre cement and corrugated steel roof sheeting and terracotta roof tiles.

Established front gardens with perimeter plantings and open or picket fences feature throughout the area. Some streets display a regular pattern of street tree planting however most streets have irregular planting of deciduous and native tree species. The individual gardens and street planting are generally of a high quality and well maintained which contributes to the amenity of the streetscape. The topography is generally flat.

## **7. General Development Standards**

### **7.1 General Requirements**

- (a) Development shall comply and/or conform to the requirements outlined in any Conservation Management Plan, Heritage Assessment or any other documented review of heritage value.
- (b) New dwellings should not try to replicate existing heritage places on the same street (i.e. faux heritage).
- (c) Unless otherwise prescribed, new dwellings shall be designed to integrate with the siting, scale, architectural style and form, materials and external finishes of the streetscape.

## **7.2 Alterations and Additions**

- (a) Alterations and additions to a heritage place shall be compatible with the siting, scale, architectural style and form, materials and external finishes of the heritage place and shall not detract from the streetscape.
- (b) Alterations and additions are to be positioned and sized to ensure that the prominence of significant parts of the heritage place are retained, and should generally be located to the rear or less prominent elevation of the building.
- (c) New openings in façades visible from the street shall be avoided. Where new openings are proposed, they shall be proportionally related to those of the heritage place and not located on the original façade of the heritage place.
- (d) The original roof line and façade of the heritage place shall not be altered. Where replacement is required, the roof line and similar materials and colours to the original roof shall be provided.
- (e) View lines to the heritage place from the street shall not be obstructed by alterations and additions.

## **7.3 Carports and Garages**

- (a) Where possible, vehicle access, carports and garages are to be located to the rear of the heritage place.
- (b) Garages shall not be located in the front setback area of a heritage place.
- (c) The design of a carport in the front setback area should be discreet and compatible with the character of the heritage place, with any screening or door within the front setback area to be visually permeable.

## **7.4 Materials and Colours**

- (a) Where possible, paint colours shall reinstate early paint schemes. Investigations into previous paint schemes, determined on the basis of documentary and/or physical evidence (i.e. paint scrapes), is recommended to discern original paint schemes.
- (b) Previously un-rendered walls shall not be rendered and previously un-painted walls shall not be painted.

## **7.5 Fences and Gates**

- (a) Original front fences and gates shall be retained and conserved where possible.
- (b) Where original fences and gates cannot be retained, the proposed fence and gate shall comply with the following:
  - (i) Compliment the style and materiality of the heritage place;
  - (ii) Be visually permeable to ensure views to the heritage place are maintained;
  - (iii) Where possible, replicate a fence style consistent with the architectural style of the heritage period.

## **7.6 External Fixtures**

- (a) External fixtures, such as satellite dishes, radio and TV antennae, air conditioning units and the like, shall not be visible from the streetscape and shall be designed to be sympathetic to the dwelling.
- (b) Where conduit or cabling is required to run along the surface of an external wall it shall be painted to match the wall colour.

## **7.7 Landscaping**

In some instances, landscaping within the street setback area contributes to the heritage value of the place. Consideration should be given to appropriate landscaping design and plant species consistent with the heritage period.

## **7.8 Demolition**

- (a) Pursuant to Clause 61(1) of Schedule 2, Part 7 of *the Planning and Development (Local Planning Schemes) Regulations 2015*, development approval is not required for the demolition of any dwelling that does not form part of the Heritage List.
- (b) Where development approval is required for any demolition, the application will be assessed with consideration of the following:
  - (i) The significance of the heritage place;
  - (ii) The feasibility of restoring or adapting the heritage place, or incorporating it into new development; and
  - (iii) The extent to which the community would benefit from the proposed redevelopment.
- (c) Partial demolition of a heritage place may be supported where:
  - (i) The parts to be demolished do not contribute to the heritage significance of the place as identified in any Conservation Management Plan, Heritage Assessment, any other review of heritage value, Place Record Form (Local Heritage Survey) and/or Part 8 of this Policy.
  - (ii) The structural integrity of the remaining heritage place is retained; and
  - (iii) The demolition will not adversely impact the streetscape.

## **7.9 Variation to Site and Development Standards**

The Town may vary one or more of the site or development requirements set out in the R-Codes where it involves the conservation of a heritage place.

## **7.10 Subdivision**

Subdivision will only be supported where battle-axe lots are created to the rear of the existing dwelling, with the width of the parent lot to be retained, with the exception of the access leg. The creation of child lots between the heritage place and the street is not supported.

## **7.11 Information Requirements**

- (a) Depending on the scale and nature of the proposal, the Town may require one or more of the following to assist the assessment and determination of an application:
  - (i) A Heritage Assessment in accordance with in accordance with Clause 11, Schedule 2, Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
  - (ii) A documented review of heritage value in accordance with in accordance with Clause 63(1)(c), Schedule 2, Part 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
  - (iii) A Conservation Management Plan (new or existing); and
  - (iv) In the case of a proposed (full or partial) demolition, a Structural Report.
- (b) The Town may require, as a condition of development approval, an archival record of the place, prepared by a suitability qualified heritage consultant, prior to development or demolition occurring.

## **8. Precinct-Specific Development Standards**

### **8.1 Kenny Street Heritage Area**

- (a) Development shall be single or double storey only and designed to address the street by way of major openings. With the exception of Guildford Road, second storey additions should be set back behind the main ridgeline so as to not be visible from the street in front of the heritage place.
- (b) Development shall be designed and constructed to maintain the natural topography of the site. Significant cut and fill and retaining shall be avoided.
- (c) Development shall be sited to be parallel to the street and setback consistent with the predominant building setbacks within the streetscape. Sufficient rear setbacks shall be provided to ensure the retention of open space and backyards.
- (d) Where new dwellings are proposed, the dwelling shall be designed to integrate with either Federation, Inter-War or Post-War dwelling styles by way of design elements and materials.
- (e) Car parking structures shall be in line or located behind the heritage place as to not dominate the dwelling or streetscape. Where car parking structures are located in front of the dwelling, they shall be open on all sides other than abutting the dwelling or visually permeable to the satisfaction of the Town.
- (f) Soft landscaping is encouraged, and expanses of hard landscaping such as paving shall be avoided. Removal of mature vegetation shall be avoided.
- (g) Where front boundary treatments are proposed, they shall either be low masonry walls, perimeter plantings or visually permeable fencing constructed of materials sympathetic to the dwelling and the streetscape.
- (h) Historic outbuildings such as sheds shall be retained and conserved where significant and they contribute to the character of the Area.

## **8.2 Old Perth Road Heritage Area**

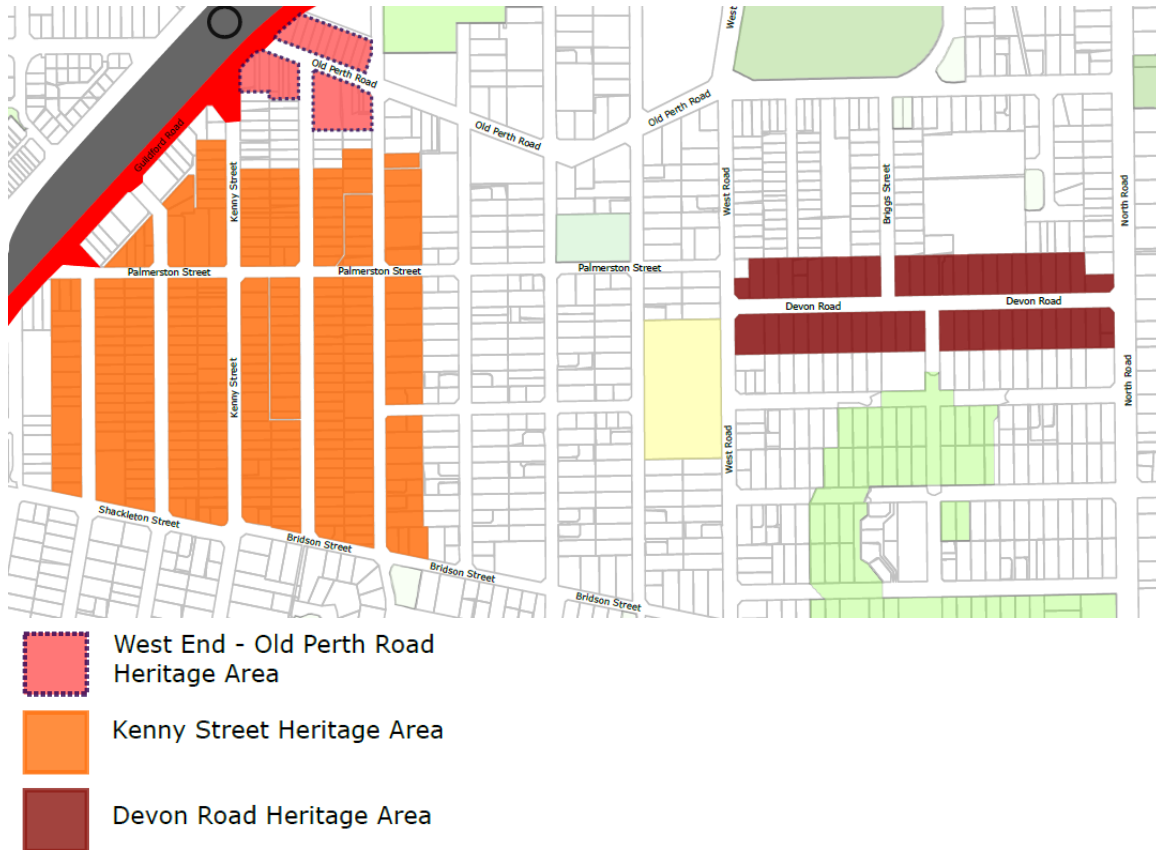
- (a) New development shall respect the scale and view lines to landmark buildings, and be positioned to enhance streetscape vistas and view corridors.
- (b) Facades shall be stepped to express change of level across the building frontage, and relate and respond to neighbouring facades through the use of horizontal lines and design elements.
- (c) Whilst building design and materials should reference existing materials and design principles in the Area, development shall be contemporary and not replicate existing heritage places.
- (d) Development shall be provided with an over-pavement awning for the full width of the building to provide effective weather protection for pedestrians. The awning shall be located at first floor height only, line through with any existing awnings on adjacent developments and be simple in design.
- (e) Where additional storey(s) are permitted, these are to be designed to ensure that:
  - (i) The existing form and scale are respected and not overwhelmed; and
  - (ii) The addition does not interrupt or impinge on the prominence of the facade of the existing building, with additional levels set back to retain the integrity of the façade.

## **8.3 Devon Road Heritage Area**

- (a) Development shall be designed to address the street by way of major openings.
- (b) Development shall be setback and sited consistent with the predominant building siting and setbacks within the streetscape.
- (c) Where new dwellings are proposed, the dwelling shall be designed to integrate with either Federation or Inter-War dwelling styles by way of design elements and materials.
- (d) Car parking structures shall be in line or located behind the heritage place as to not dominate the dwelling or streetscape. Where car parking structures are located in front of the dwelling, they shall be open on all sides other than abutting the dwelling or visually permeable to the satisfaction of the Town.
- (e) Soft landscaping is encouraged, and expanses of hard landscaping such as paving shall be avoided. Removal of mature vegetation shall be avoided.
- (f) Where front boundary treatments are proposed, they shall either be low masonry walls, perimeter plantings or visually permeable fencing constructed of materials sympathetic to the dwelling and the streetscape.
- (g) Historic outbuildings such as sheds shall be retained and conserved where significant and if they are considered to contribute to the character of the Area.

## Appendix 1 – Heritage Areas

Clause 9 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.





## Appendix 2 – Heritage Places within Heritage Areas

West End – Old Perth Road Heritage Area		
Place Name	Address	Category
Padbury's Buildings	1 Old Perth Road	1
Commercial Precinct, Old Perth Road	1 – 42 Old Perth Road	2
Bassendean Hotel	25 Old Perth Road	2

Kenny Street Heritage Area		
Place Name	Address	Category
House, 5 Eileen Street	5 Eileen Street	3
House, 29 Eileen Street	29 Eileen Street	3
House, 57 Eileen Street	57 Eileen Street	3
House, 60 Eileen Street	60 Eileen Street	2
House, 1 Kathleen Street	1 Kathleen Street	2
House, 14 Kathleen Street	14 Kathleen Street	3
House, 15 Kathleen Street	15 Kathleen Street	3
House, 20 Kathleen Street	20 Kathleen Street	3
House, 26 Kathleen Street	26 Kathleen Street	3
House, 29 Kathleen Street	29 Kathleen Street	3
House, 36 Kathleen Street	36 Kathleen Street	3
House, 45 Kathleen Street	45 Kathleen Street	3
House, 47 Kathleen Street	47 Kathleen Street	3
House, 12 Kenny Street	12 Kenny Street	3
House, 14 Kenny Street	14 Kenny Street	3
House, 16 Kenny Street	16 Kenny Street	3
House, 17 Kenny Street	17 Kenny Street	3
House, 18 Kenny Street	18 Kenny Street	3
House, 20 Kenny Street	20 Kenny Street	2
House, 29 Kenny Street	29 Kenny Street	3
House, 31 Kenny Street	31 Kenny Street	3
House, 45 Kenny Street	45 Kenny Street	3
House, 49 Kenny Street	49 Kenny Street	3
House, 53 Kenny Street	53 Kenny Street	3
House, 56 Kenny Street	56 Kenny Street	3
House, 58 Kenny Street	58 Kenny Street	3
House, 62 Kenny Street	62 Kenny Street	3

House, 64 Kenny Street	64 Kenny Street	3
House, 74 Kenny Street	74 Kenny Street	4
House, 75 Kenny Street	75 Kenny Street	3
House, 76 Kenny Street	76 Kenny Street	3
House, 79 Kenny Street	79 Kenny Street	3
House, 82 Kenny Street	82 Kenny Street	3
House, 16 Parker Street	16 Parker Street	3
House, 21 Parker Street	21 Parker Street	3
House, 26 Parker Street	26 Parker Street	3
House, 27 Parker Street	27 Parker Street	3
House, 62 Parker Street	62 Parker Street	3
House, 67 Parker Street	67 Parker Street	3
House, 73 Parker Street	73 Parker Street	3
House, 80 Parker Street	80 Parker Street	3
House, 84 Parker Street	84 Parker Street	3
House, 85 Parker Street	85 Parker Street	3
House, 87 Parker Street	87 Parker Street	3
Anglican Rectory (fmr)	4 Wilson Street	2
House, 16 Wilson Street	16 Wilson Street	3
House, 20 Wilson Street	20 Wilson Street	3
Bassendean Masonic Lodge (fmr)	25 Wilson Street	1
House, 35 Wilson Street	35 Wilson Street	3
House, 37 Wilson Street	37 Wilson Street	3
House, 41 Wilson Street	41 Wilson Street	3
House, 45 Wilson Street	45 Wilson Street	3
House, 54 Wilson Street	54 Wilson Street	3
House, 60 Wilson Street	60 Wilson Street	3
House, 62 Wilson Street	62 Wilson Street	3
House, 68 Wilson Street	68 Wilson Street	3
House, 69 Wilson Street	69 Wilson Street	3
House, 73 Wilson Street	73 Wilson Street	3
House, 77 Wilson Street	77 Wilson Street	3
House, 6 Palmerston Street	6 Palmerston Street	3

Devon Road Heritage Area		
Place Name	Address	Category
Devon Road Precinct	1 – 50 Devon Road	2
Lelham	8 Devon Road	3
House, 11 Devon Road	11 Devon Road	3
House, 13 Devon Road	13 Devon Road	3
House, 14 Devon Road	14 Devon Road	3
House, 16 Devon Road	16 Devon Road	3
House, 17 Devon Road	17 Devon Road	3
House, 20 Devon Road	20 Devon Road	3
House, 21 Devon Road	21 Devon Road	3
House, 28 Devon Road	28 Devon Road	3
House, 29 Devon Road	29 Devon Road	3
House, 30 Devon Road	30 Devon Road	3
House, 40 Devon Road	40 Devon Road	3
House, 43 Devon Road	43 Devon Road	3
House, 46 Devon Road	46 Devon Road	3
House, 47 Devon Road	47 Devon Road	3
House, 48 Devon Road	48 Devon Road	3

### Appendix 3 – Heritage Period Style Guide

Federation	
<b>Characteristics</b>	Freestanding single-storey houses.
<b>Materials</b>	Tuck-pointed brick.
<b>Built Form</b>	Simple built forms
	Timber sashed windows equally proportion on the front façade with a central doorway.
	Round bullseye to multi-paned and coloured casement sash windows, often with leadlights.
	Verandahs ornamented with turned timber or cast iron columns, balustrades and a frieze.
<b>Roofs</b>	Simple hipped roofs, often with a projecting gable. Witches' hats, gablets and various gables feature in grander bungalows.
	Roofs covered with terracotta tiles or painted corrugated metal, usually steeply-sloped with wide eaves
	Stucco detailing
	Gable ends ornamented with roughcast and battens painted in dark colours.
	Brick chimneys, often positioned on each side of the dwelling.
<b>Fencing</b>	Gardens divided into a front and rear garden via fencing.
	Pickets of decorative wire netting while side fences were of simple palings.
<b>Landscaping</b>	Hardy and drought-tolerant plants.
Inter-War	
<b>Characteristics</b>	Freestanding single-storey houses with informal lawns and gardens.
<b>Materials</b>	Brown brick, roughcast or pebble dash render or weatherboard walls.
	Rendered walls painted in off-white, beige or cream.
<b>Built Form</b>	Verandah roofs contained within walls and the overhanging roof.
	Heavily built verandah posts
	Verandah posts often pylon-shaped and tapered upwards from a wide base.
	Garages at side of the dwelling, making driveways an integral part of the front garden.
<b>Roofs</b>	Low-pitched roofs emphasising horizontal lines covered with terracotta tiles.
	Exposed rafters and purlins projected from the roof.
<b>Fencing</b>	Low brick or 'pillow-faced' limestone block fences.
	Cyclone wire and timber post fencing
<b>Landscaping</b>	Garden beds bordering the house and along boundary fences.
	Spiky buffalo grass kept closely clipped, edged by gravel or stone flagged paths.

Post-War	
<b>Characteristics</b>	Freestanding single-storey houses.
<b>Materials</b>	Plain brick walls and chimneys with minimal exterior decorative elements.
	Predominantly brick or compressed fibre cement sheeting
	Plain timber or aluminium windows.
<b>Built Form</b>	Prominent window-walls.
	Limited decoration.
<b>Roofs</b>	Hipped/gabled roofs with a low lying gable of around 30 degrees.
	Flat roofs introduced in more contemporary designs
	Marseilles pattern tiles in conservative designs
<b>Fencing</b>	Low brick walls or letterbox delineating property from street.
<b>Landscaping</b>	Large areas of buffalo lawn, beds of bright flowers and useful shrubs.
	Deciduous specimen trees.
	Informal lines in garden beds, crazy paving and veneered walls with flat stone.
	Concrete edging for garden beds

#### Document Control

<b>Directorate</b>	Community Planning
<b>Business Unit</b>	Development and Place
<b>Inception Date</b>	[Insert OCM RESOLUTION NO & DATE]
<b>Version</b>	
<b>Next Review Date</b>	[Insert date – maximum 2 years generally is considered good practice]

# **ATTACHMENT NO. 4**



**Draft**

# **Rights of Way Strategy**

## **August 2021**

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## 1.0 Introduction

Rights of Way (ROW) are parcels of land that were originally created to facilitate sanitary collection at the rear of properties prior to reticulated sewerage.

ROWs generally remained in the ownership of the original subdivider after the lots were sold, and the ROWs on a Certificate of Title can still be registered against a deceased person or defunct company. In many cases, the ownership of the private ROWs is unclear and assumed to the Town. Consequently, many issues have arising which predominantly affect residents adjacent the ROWs as follows:

- Overgrown vegetation and fire risk;
- Vandalism and antisocial behavior;
- Reduced amenity;
- Illegal dumping and storage of materials; and
- Overall lack of management of ROWs, including fencing disputes.

Within the Town, there are 22 ROWs (made up of 29 individual parcels), with a total length of 4.9km. A list of each of the ROWs is contained as Attachment 2.

Ownership of ROWs throughout the Town is highly fragmented. Despite the majority of ROWs being privately owned, tenure and management responsibility confusion have led to some being in poor condition, creating social and amenity issues. The community increasingly views these ROWs as public and look to the Town to resolve such issues. The placement of important utilities, such as water and sewerage infrastructure further complicates their usage and management.

This ROW Strategy has been prepared to determine the ongoing use and management of ROWs within the Town based on the size, condition, tenure, access arrangements, usage, service infrastructure and safety. It has been formulated with regard to the Town's vision to create a more sustainable community both in terms of housing diversity and asset management. The objectives that help to guide the focus of this review are detailed below.

The objectives of the Strategy are:

- (i) To provide a coordinated strategy to guide future decision-making in relation to ROW closures and upgrades;
- (ii) Maximise the use of ROWs, including providing access for infill developments where appropriate to reduce crossovers to local roads;
- (iii) Ensure ROWs that contribute to a permeable street network are retained;
- (iv) Identify ROWs that are appropriate for closure based on limited benefits to the wider community;
- (v) Identify opportunities to improve passive surveillance and safety within ROWs;
- (vi) To rationalise the land tenure of all ROWs;
- (vii) To provide a framework for landowners to financially contribute to the capital cost of upgrading their abutting ROWs; and
- (viii) To provide a framework for landowners to financially contribute to the capital cost of upgrading their abutting ROWs; and
- (ix) To inform a ROW specific Local Planning Policy.

## 2.0 Context & Background

### 2.1 Types of ROWs

This Strategy deals with two different types of ROWs; being (i) public or Crown ROWS and (ii) Private ROWs.

- Crown ROWs were created by the Minister for Lands under the Land Act 1933 or earlier legislation. Under the Land Administration Act 1997, Crown ROWs have the same meaning as 'roads', which are defined as:

*“being land dedicated at common law or reserved, declared or otherwise dedicated under an Act as an alley, bridge, court, lane, road, street, throughfare or yard to the passage of pedestrians or vehicles or both.”*

They are not subject to private access rights in favour of adjoining landowners under section 167A of the Transfer of Land Act 1893.

- Private ROWs are effectively a private road, which under the Land Administration Act 1997, is defined as:

*“an alley, court, lane, road, street, throughfare or yard on alienated land, or a right of way created under section 167A(1) of the Transfer of Land Act 1893, which –*

- *is not dedicated, whether under a written law or at common law, to use as such by the public; and*
- *is shown on a plan or diagram deposited in an instrument lodged with the Registrar,*

*and which –*

- *forms a common access to land, or premises, separately occupied; or*
- *once formed or was part of a common access to land, or premises, separately occupied, but no longer does so; or*
- *is accessible from an alley, court, lane, road, street, throughfare, yard or public place that is dedicated, whether under a written law or at common law, to use as such by the public; or*
- *once was, but is no longer, accessible from an alley, court lane, road, street, throughfare, yard or public place that was dedicated, whether under a written law or at common law, to use as such by the public”.*

A private road is freehold land over which persons have a right of entry and access to from adjoining properties. This right of access may or may not be subject to terms and conditions.

## 2.2 Ongoing Use

Despite the current problems associated with ROWs, it is recognised that some ROWs have the potential to offer strategic benefits to the wider community, including:

- Alternative vehicle access, reducing traffic onto major roads and reducing the need for crossovers;
- Reducing dependence on 'battle-axe' style subdivisions;
- Providing alternative access in the case of emergencies;
- Retention of existing dwellings as 3-4m vehicle access to the side of the property is not required where alternative access is available
- Infill development, including alternative housing typologies with direct access from the ROW; and
- Increase security via upgrades to laneways.

### 3.0 Strategic Alignment

#### 3.1 Strategy Community Plan 2020-2030

This Strategy addresses the Community’s Vision for the future and specifically the following Priority Areas contained within the Town’s Strategic Community Plan 2020-2030:

#### Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
Creating an environment where people feel welcome and safe	<ul style="list-style-type: none"> <li>• Create public spaces and transport routes that encourage people to linger, interact and enjoy (including evening use)</li> <li>• Encourage the adoption of a collective responsibility towards safety</li> </ul>	<ul style="list-style-type: none"> <li>• Increased use of public transport by different demographics</li> <li>• Increased active transport by different demographics</li> <li>• Reduced antisocial incidents</li> </ul>

#### Priority Area 3: Creating a Vibrant Town and Precincts

Direction	Potential Strategies	What Success Looks Like
Support the town centre to thrive	<ul style="list-style-type: none"> <li>• Advocate for economic growth of our Bassendean town centre</li> <li>• Engage potential government and private sector development partners to realise opportunities within the Town of Bassendean</li> </ul>	<p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Increased number of developments within the town centre</li> <li>• Increased population within the Town</li> <li>• Improved retention of existing businesses</li> <li>• Increased number and retention of new businesses</li> <li>• Increased local employment</li> </ul>
Increase the residential population close to centres and train stations	<ul style="list-style-type: none"> <li>• Ensure planning and development strategies and policies align with the desire to focus future development around centres and train stations</li> </ul>	<p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Meet obligations under State population targets</li> <li>• Appropriately located development</li> <li>• Increased dwelling numbers and diversity of dwelling types</li> <li>• Enhanced quality of development outcomes</li> </ul>

## Priority Area 4: Driving Financial Suitability

Direction	Potential Strategies	What Success Looks Like
Ensure there is sufficient, effective and sustainable use of assets	<ul style="list-style-type: none"> <li>Assess assets (including review of portfolio, landholdings and facility condition, use and capacity) to optimise and rationalise</li> <li>Ensure financial planning has a longterm outlook and a focus on land asset rationalisation</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>All Town-owned buildings increased in their utilisation</li> <li>Defined position and strategy of when buildings need renewal</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>Consolidated infrastructure footprint</li> <li>Enhanced sustainability footprint</li> <li>Clear indications of whole-of-life costs</li> </ul>
Ensure community facilities are accessible to and well utilised by a diverse range of community members	<ul style="list-style-type: none"> <li>Community Infrastructure Strategy (use of community spaces, shared or individual hubs, appropriate number of facilities)</li> <li>Leasing, Licensing and Hiring Strategy</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>Increased use of facilities</li> <li>Increased shared use of spaces/diversity of use</li> </ul>

### 3.2 One Planet Living

This Strategy aligns with the One Planet Living framework, specifically aligning with the following principles:

Goal	Principle	Alignment
Health and happiness	Encouraging active, social, meaningful lives to promote good health and wellbeing	- Use of ROWs provides an alternative path of travel, supporting pedestrian movements.
Equity and local economy	Creating safe, equitable places to live and work which support local prosperity and international fair trade	- Maintaining, upgrading or closing ROWs can assist in rectifying antisocial behaviour that is commonly associated with ROWs. - Effective use of the ROWs will support a diverse dwelling typology.

## 4.0 Planning and Policy Context

The provision and development of the Strategy has been informed by the following legislation, strategies, policies, and position and guidance statements:

### 4.1 Strategic Framework

Document	Details	Alignment
Perth & Peel @3.5million	Perth and Peel @ 3.5 Million is the overarching report to the South Metropolitan Peel Sub Regional Planning Framework informed by the key principles of Directions 2031.	<p>The Strategy aligns with the following principles:</p> <ul style="list-style-type: none"> <li>- The provision of infill development in contributing to housing diversity and affordability.</li> <li>- Promoting shared infrastructure corridors for transport, community, social and service infrastructure.</li> <li>- The provision of land use development and mutually compatible infrastructure.</li> <li>- Efficient use and value-add of existing and planned service and social infrastructure.</li> </ul>

### 4.2 Statutory Framework

Document	Details	Alignment
<i>Planning and Development Act 2005</i>	An Act to provide for a system of land use planning and development in the State and for related purposes.	Enables land to be vested to the crown for the purpose of a ROW through conditions in a subdivision approval and sets the provisions to widen ROWs (ss. 152, 168).
<i>Land Administration Act 1997</i>	An Act to provide a system for the dealings with Crown land including the compulsory acquisition of land.	Provides the legal mechanisms to close a ROW, dedicate a ROW to become public roads or acquire ROWs as Crown Reserves (ss. 52, 56).
<i>Transfer of Land Act 1893</i>	The statute governing the registration in WA of titles to Freehold land and dealings with those titles.	Determines the rights of landowners that abut ROWs (s. 167a).
<i>Local Government Act 1995</i>	An Act to provide for a system of local government in WA.	Provides the premise for the Council to prepare the Activities and Trading in Thoroughfares and Public Places Local Law 2010 (applies only to public ROWs) and the Parking Local Law 2019 that regulates parking in ROWs.
<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Regulations made under the <i>Planning and Development Act 2005</i> that cover local planning schemes and local planning strategies.	An objective of this Strategy is to create a ROW specific Local Planning Policy to implement the future development standards of subdivision and development applications for properties abutting ROWs. This Local Planning Policy will be made under Schedule 2 of the Regulations.

## 4.3 Policy Framework

Document	Details	Alignment
State Planning Policy 7.0 – Design of the Built Environment	State Planning Policy 7.0 (SPP 7) – Design of the Built Environment sets out the objectives, measures, principles and processes which apply to the design and assessment of built environment proposals through the planning system.	The Strategy aligns with the following SPP 7 design principles: <ul style="list-style-type: none"> <li>- Functionality and build quality: good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</li> <li>- Legibility: good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</li> <li>- Safety: good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</li> </ul>
Liveable Neighbourhoods	Liveable Neighbourhoods (LN) is a Western Australian Planning Commission (WAPC) operational policy for the design of urban development. LN applies to structure planning in greenfield areas and brownfield development in urban infill areas, and includes requirements for laneways.	Provides the design criteria for laneways (effectively ROWs) which has been incorporated into the design criteria of this Strategy where ROWs are to be retained/upgraded.
Planning Bulletin No. 33	A WAPC bulletin establishing the practice and procedures regarding residential and commercial development and subdivision adjoining existing ROWs.	<ul style="list-style-type: none"> <li>- Outlines the WAPC’s stance on a range of matters and issues associated with ROWs including landowner rights, design standards and processes for local government to undertake ROW redevelopments.</li> </ul>
Designing Out Crime Planning Guidelines	The designing out crime planning guidelines are intended to provide local government, government agencies, town centre management, the development industry and planning and design practitioners with an understanding of the principles of designing out crime.	The recommendations of this ROW Strategy aligns with the principles of designing out crime, specifically those around: <ul style="list-style-type: none"> <li>- Surveillance</li> <li>- Territorial reinforcement</li> <li>- Management and maintenance</li> <li>- Urban structure</li> <li>- Building design, including boundary definition</li> <li>- Lighting</li> <li>- Sight lines and way finding</li> <li>- Predictable routes and spaces safe from entrapment</li> </ul>

## 5.0 Consultation

The Town liaised with relevant service and state agencies to inform the recommendations contained within the Strategy, with that preliminary summarised below:



## 5.1 ATCO Gas

ATCO Gas provided high level comments indicating that it has infrastructure existing in some of the ROWs, with some positioned alongside other utilities. DBYD revealed these are generally servicing pits, located in 21 ROWs, as well as some ROWs being in close proximity to high pressure gas pipes. ATCO Gas has indicated that its preference is to have the subject ROWs dedicated into roads to enable the design and installation of its infrastructure.

## 5.2 Department of Fire and Emergency Services

The Department of Fire and Emergency Services (DFES) have indicated that it is not aware of any DFES owned infrastructure in the ROWs. None of the ROWs are situated in designated bushfire prone areas in accordance with the *Fire and Emergency Services Act 1998*. Some ROWs granted a limited number of dwellings primary vehicle access - expected to increase in the future, consistent with infill development. DFES requested that ROWs that provide primary vehicle access are to be upgraded to a public road standard to ensure DFES primary emergency vehicle access.

## 5.3 NBN Co

DBYD analysis revealed three ROWs that had NBN Co. infrastructure (cables) intersecting the ROW. NBN Co. was provided the opportunity to comment, however no response was received. NBN Co. will be consulted prior to any works on these three ROWs.

## 5.4 Telstra

DBYD analysis revealed four ROWs that had Telstra infrastructure (cables) intersecting the ROW. Telstra was provided the opportunity to comment, however no response was received. Telstra will be consulted prior to any works on these four ROWs.

## 5.5 Water Corporation

A variety of Water Corporation assets existed within the ROWs including wastewater, water supply and drainage. There were 19 ROWs with existing wastewater (sewerage) assets. The Water Corporation generally requires easements over the parcel of land to protect sewerage infrastructure. In some cases, easements already exist over the sewerage infrastructure. Relocation of sewerage infrastructure is at the developer's expense and is optional in cases where easements will not satisfy the need of the development.

There were six ROWs with existing drainage assets and the Water Corporation objects to closures or relocations where drainage infrastructure exists.

No ROWs had existing water supply assets. If a ROW is closed, the portion with Water Corporation water supply assets would need to be rezoned to Public Purposes Reserve and vested to the Town, or easements placed over the land to ensure access to the infrastructure in perpetuity.

## 5.6 Western Power

Western Power directed the Town to their Clearance Assessment Mapping Tool, which indicated that none of the Western Power clearance zones (that applies to the existing

electrical infrastructure network) were located within any of the ROWs. The intersection of the ROW entry/exit with the road reserve/street network were the only instances where the ROWs were in proximity to the clearance zones.

The DBYD analysis revealed three ROWs that had either a low voltage cable are very close proximity to a power pole. Western Power recommends consulting with their engineering experts' case by case where it is suspected that development will encroach on electrical assets.

#### 5.7 Department Planning, Lands and Heritage

In accordance with the WAPC's Planning Bulletin 33/2017, the Town must formally notify the Department of Planning, Lands and Heritage (DPLH) of ROW reviews, Strategy and any ROW specific local planning policies. The Town has notified DPLH of the ROW review and Strategy and liaising with the DPLH to acquire the original subdivision plans for subject ROWs.

The Strategy will be used to inform recommendations and advice to the WAPC on future subdivision applications.

## 6.0 Analysis and Findings

This study identified 22 ROWs (a total of 4.9km) in the Town's jurisdiction (Figure 1). Some ROWs were made up of multiple parcels of land, with a total of 29 individual parcels of land identified as being part of a ROW. ROW characteristics, tenure and service infrastructure were identified via:

- Land tenure investigations via mapping, Certificates of Title searches and State Records documents;
- On-site inspections of the existing conditions of the ROWs;
- Dial before you dig (DBYD) desktop analysis;
- Preliminary feedback from service agencies;
- Physical site inspections; aerial imaging analysis; and
- Liaising with the Department of Planning, Land and Heritage (DPLH), service agencies and Landgate (as set out in Section 5.0)

Physical site inspections were undertaken for each ROW, which were evaluated based on size (length and width), surface material and condition, tenure, access arrangements, use, service infrastructure assets and safety. In assessing each ROW (particularly whether it should remain open or be closed), each ROW was assessed as to whether it:

- Abuts lots that also have access to a Primary or Other Regional Road under the Metropolitan Region Scheme;
- Provides rear access to narrow lots with limited street frontage;
- Is constructed;
- Provides the only means of vehicle access to an approved garage or carport;
- Has the potential either now or in the future to be used to facilitate the development of infill dwellings at the rear of existing residences.

The results of the assessments for each individual ROW are contained in Attachment 1 and further discussed in the following sections. The following sections present a summary of the outcomes of the investigations of the ROWs.

### 6.1 Tenure

The following is the land tenure of the 22 ROW's within the Town:

- 14 are privately owned, 12 of which are deceased estates (with 10 of those held by the same deceased estate); and
- Eight are in public tenure by the Town, the State of WA, or the Water Corporation.

In respect to the 10 held in the same deceased estate, the Department of Lands has confirmed that the probate search undertaken for these ROWs will be sufficient to meet the requirements of section 52(3)(a)(i) of the *Land Administration Act 1997*, which requires all reasonable steps being taken to give notice to the owner of the land prior to dealings with the land.

As part of this Strategy, it will be recommended that actions be taken to ensure no ROWs remain held in deceased estates, so as to rectify the current confusion around ROW management responsibility. Recommendations are contained within the Strategy to either close these ROWs, dedicate them as public roads or amalgamation the portions of ROW into adjacent lots.

## 6.2 Size

In accordance with policy requirements, the optimum width for ROWs is 6.0m , which enables sufficient width for safe vehicle maneuverability from a garage/carport at right angles into the ROW, and safe bicycle and pedestrian access arrangements.

Whilst many existing ROWs meet the preferred width, others are as narrow as 4.0m and some only have portions of the ROW that are 6.0m. It is considered appropriate for all retained ROWs to be, **where practically achievable**, widened to 6.0m, with land being ceded at the time of subdivision/development to accommodate the recommended width.

Where a 6.0m width is not possible (**due to existing on-site improvements or lack of subdivision of development potential**), **the detailed upgrade can incorporate** alternative pedestrian access arrangements, increased setbacks of garages and carports and one-way traffic.

## 6.3 Surface Material and Condition

The most common surface material in the ROWs was soil and/or grass, with some displaying evidence of neglect and overgrown grass. Some portions of ROWs had established crossovers or portions that had been bitumenised. The constructed portions showed signs of cracking and being in generally poor condition. A limited number of ROWs were comprised of high quality bitumenised portions, being sealed, kerbed and drained.

Where recommended for upgrades, ROWs will need to be upgraded to the Town's specifications. A coordinated approach to upgrades is recommended to avoid ad hoc upgrades of sections of ROWs. Wholly acquiring the required portions of ROW via ceding of land at the subdivision/development stage is therefore recommended before upgrades occur. This will optimise the asset management of the ROW.

## 6.4 Access and Connectivity

12 ROWs provide a connection from one public road to another with the other 10 not providing such a through-route. In those cases, there is limited opportunity to provide an improved through-connection due to existing subdivision and development pattern.

14 ROWs provided direct (primary or secondary) vehicle access to lots and associated dwellings; evidenced by existing garages / carports as well as tyre-tracks. In addition 9 ROWs had pedestrian access gates located within them.

It is considered that ROWs with two separate access points to the broader road network offer reduced opportunity for antisocial and unauthorised activity as the ROW would function as more thoroughfare than those ROWs that have a single access point. As such, the ROWs that have good connectivity are generally favoured for retention and upgrading (if required) whereas those with poor connectivity are generally favoured for closure.

## 6.5 Service Infrastructure Assets

An overview of the service level infrastructure with within each ROW is contained in Section 12.0 of this strategy. ROWs recommended for upgrade generally displayed no service infrastructure that are entirely prohibitive of future development. Where closures or upgrading

are recommended, the Town will liaise directly with the service provider through the closure/upgraded processes to determine appropriate means of asset access/protection.

#### 6.6 Antisocial and unauthorised activity

In many cases the ROWs are not maintained and although a high proportion are in private ownership, they have still been prone to anti-social behavior. Evidence of antisocial and/or unauthorised activity in the ROWs included:

- Graffiti;
- Littering;
- Illegal parking and vehicle access arrangements;
- Illegal private usage (ie. unauthorised fencing off of the land); and
- Illegal dumping and storage it is not clear if these activities are undertaken by the abutting residents or the wider public)

Due to non-permeable fencing, adjoining landowners also have minimal surveillance onto the ROWs, further enabling antisocial and unauthorised activity. Increasing surveillance onto the ROWs will increase public safety and encourage optimal usage.

#### 6.7 Housing Opportunities

Where ROWs are created as public roads, the Town will be able to investigate the opportunity to enable alternative housing on lots abutting ROWs, subject to appropriate design criteria and access from the ROWs. This matter could potentially be formalised via separate amendments to the local planning scheme and the establishment of area specific local planning policies, if required.

## 7.0 Strategy Options

For each ROW, there are broadly two options, being to close the ROW or to retain it. For the latter, there is the subsequent option of upgrading so as to offer an improved level of service and functionality. These are discussed in the following sections.

### 7.1 Closure

In proceeding with the closure of a ROW, the following are matters that are required to be addressed:

- Agreement between landowners for the acquisition and amalgamation of the portion of ROW into adjoining properties;
- Arrangements being made to protect or relocate any public services located within the ROW;
- Reasonable objections by adjacent property owners and occupants of properties served by the ROW being satisfactorily addressed; and
- Comments raised by service agencies being addressed.

Section 52 of the *Land Administration Act 1997* provides the premise for a local government to request the Minister for Lands to acquire certain land as Crown land. Following acquisition, the land can then be disposed of via sale to adjacent landowners and subsequent amalgamation of the relevant portion of ROW into the adjacent lot. The process is summarised below:

1. The local government must provide notice to the current owner, the adjoining landowners and all utility providers and provide them with a sketch plan showing the proposed future disposition of the subject land after it has been acquired.
2. The local government must advertise the proposal and invite submissions for a period of not less than 30 days.
3. The local government must provide the Minister for Lands with:
  - written confirmation that Council has resolved to make the request;
  - justification as to why the local government proposes to acquire the ROW;
  - a sketch plan showing the proposed future disposition of the subject land after it has been acquired;
  - any submissions occurring through the advertising period, including local government commentary on such submissions; and
  - written advice that the local government has taken all reasonable steps to identify the current holder of the freehold estate.
4. The Valuer-General determines the value of the land. Should the purchaser/s disagree with the value, an independent valuation of the land can be obtained by the purchaser/s.
5. If and when the purchaser/s accepts the offer, a land transaction is made from the Crown to the purchaser.
6. The land is amalgamated into one or more adjoining lots with any easements required by service being provided on the deposited plan.

## 7.2 Retention

### 7.2.1 Dedication Process

Retaining ROWs requires them to be dedicated as public roads where applicable. Section 56 of the *Land Administration Act 1997* provides the local government the ability to request the Minister for Lands dedicate ROWs as a public road. Dedication of land as a road can occur in the following instances:

- The land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government.
- In the case of land comprising a private road constructed and maintained to the satisfaction of the local government –
  - the holder of the freehold in that land applies to the local government, requesting it to do so; or
  - a request is made by either:
    - a) all of the owners with rateable property abutting the ROW; or
    - b) the owners from over half the sum of the rateable value of the properties abutting the ROW.
- The land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years, and that land is described in a plan of survey, sketch plan or document.

The process is summarised below:

1. The local government must provide notice to the current owner (if in private ownership), the adjoining landowners and all utility providers.
2. The local government must advertise the proposal and invite submissions for a period of not less than 30 days.
3. The Town is to prepare and deliver a request to the Minister for Lands. The local government must provide the Minister with:
  - written confirmation that Council has resolved to make the request;
  - sufficient information in a plan of survey or sketch plan;
  - a copy of the application of the request to the local government (if applicable);
  - written confirmation that the ROW has been had uninterrupted use for a period of 10 years or more, including the sections of the public that have used it and a description of how the ROW is constructed (if applicable); and
  - any submissions occurring through the advertising period, including local government commentary on such submissions.

### 7.2.2 Upgrading of ROWs

To ensure ROWs are suitable for vehicle use, some require upgrading to ensure a trafficable surface is provided to an appropriate standard, which includes such elements as drainage, kerbing, marking and lighting.

A coordinated approach to upgrades is recommended to avoid piecemeal upgrades of sections of ROWs and associated ongoing assessment management issues. It is therefore recommended that the Town prepare the engineering designs for the upgrades, and only upgrade ROWs once all required land is acquired through conditions of subdivision/development approval.

Whilst it is open to Council to wholly fund the upgrades from municipal funds, the Town can seek contributions towards the cost of upgrading the ROWs from adjacent landowners via conditions of subdivision or development approval, where a relevant need and nexus is demonstrated between the proposed development and the upgrades.

Detailed cost estimates for the works based on the Town's engineering designs can be used to form the basis of any financial contributions via subdivision/development conditions, with these estimates updated annually to reflect cost changes and included in Council's adopted Schedule of Fees & Charges.

Given the cost implications associated with upgrading ROWs and benefits generally only experienced by those abutting landowners, this Strategy recommends that funds are sourced from developer contributions before undertaking the necessary upgrades, in lieu of pre-funding the works via municipal funds. Where substantial development has already occurred abutting ROWs, the Town cannot retrospectively seek contributions from adjacent landowners and in these instances, municipal funds will be required for portions of the upgrades.

### 7.2.3 Access Restriction

Where the ROW is in public ownership or dedicated as a public road, access to the ROW can be obstructed via gates or bollards to restrict public access. This may be an appropriate action to prevent anti-social behaviour and illegal dumping where the ROW is unable to be formally closed due to service infrastructure or lack of agreement between adjoining owners to purchase the land.

## 7.3 Local Planning Policy

It is open to Council to develop a new Local Planning Policy (LPP) in accordance with Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. Such a policy could support the objectives of the strategy by addressing relevant planning matters as follows.

- Provide a clear and coordinate approach to the management of ROWs in the Town;
- Prescribe the Council design standards for development and subdivision that abuts a ROW;
- Facilitate the future widening of ROWs where required;
- Support a greater diversity of dwelling typology in the Town through alternative pedestrian and vehicle access arrangements;
- Promote high quality urban design by diverting vehicles off street frontages via rear access arrangements;
- Utilise the currently underutilised ROW assets in the town and give them their own unique ROW streetscapes sympathetic to the local environment;

A LPP dealing with ROW-related matters will also form part of the statutory basis for imposing conditions requiring the ceding of land abutting ROWs to ensure the appropriate width for



vehicle access is achieved, and to require financial contributions to the cost of upgrading the ROW to a suitable standard (i.e. trafficable surface, drainage, lighting etc.).

## **11.0 Conclusion**

The Town has a diversity of ROWs that present an opportunity to deliver an integrated and transport and housing typology network. The audit and review of the statutory framework contained within this Strategy has outlined some of the key issues associated with ROWs and approaches that can be used to facilitate effective management of individual ROWs. The actions of this Strategy support a long-term approach to the ongoing use and/or upgrades to ROWs for better connectivity and safety within the Town, or closure where required.

Progression of the actions recommended within the Strategy will provide appropriate guidance for the design of and development abutting ROWs.

The findings of this Strategy recommended that some ROWs be retained as is, some be retained and upgraded and some be closed.

## 12.0 Strategy Recommendations

### 12.1 General


Action No.	Action	Timeframe	Responsibility
1	Prepare engineering drawings for ROWs identified for upgrading in section 12.2.	Short	Town
2	Upgrade ROWs that have been identified for upgrading in section 12.2.	Medium	Town
3	Progress the closure of ROWs that have been identified for closure in section 12.2.	Medium	Town/DPLH
4	Prepare a ROW-specific local planning policy to guide subdivision/development abutting ROWs as well as to providing a means of collecting contributions towards ROW upgrades at the subdivision/development stage.	Short	Town
5	Where practically achievable, acquire land for ROW widening at the subdivision/development stage, so as to ensure that, where possible, all ROWs have a minimum width of 6.0m.	Ongoing	Town/WAPC
6	Incorporate Crime Prevention through Environmental Design (CPTED) principles for the development of the ROWs and abutting development.	Ongoing	Town
7	Investigate the merits of an amendment to the local planning scheme for alternative housing typologies abutting ROWs.	Long	Town/WAPC
8	Prepare easements where required to facilitate the ongoing retention and protection of service infrastructure where ROWs containing infrastructure are proposed for closure.	Long	Town/Service Authorities


### 12.2 ROW-specific


Row No.	Location	Recommendation
ROW1	Lot 60: lot bounded by Walter Road East (north), First Avenue (east), Anzac Terrace (south) and Ivanhoe Street (west)	Retain the northernmost 40m as is and close the balance.
ROW2	Lot 62: lot bounded by Anzac Terrace (north), First Avenue (east), Railway Parade (south) and Ivanhoe Street (west)	Retain and upgrade
ROW3A	Lot 62: lot bounded by Anzac Terrace (north), First Avenue (east), Railway Parade (south) and Ivanhoe Street (west)	Retain and upgrade
ROW3B	Lot 53: lot bounded by Anzac Terrace (north), First Avenue (east), Railway Parade (south) and Ivanhoe Street (west)	Retain and upgrade
ROW4	Lot 63: lot bounded by Anzac Terrace (north), Second Avenue (east), Railway Parade (south) and First Avenue (west)	Closure

Row No.	Location	Recommendation
ROW5	Lot 54: lot bounded by Broadway (north), Iolanthe Street (east), Scaddan Street (south) and Penzance Street (west)	Retain and upgrade
ROW6	Lot 503: bounded by Broadway (north), Idea Street (east), Scaddan Street (south) and Iolanthe Street (west)	Closure
ROW7	Lot 52: bounded by Broadway (north), Railway Parade (west), Scaddan Street (south) and Ida Street (west)	Retain and partial upgrade
ROW8	Lot 100: bounded by Kathleen Street (east), Palmerston Street (south) and Guildford Road (west)	Retain as is
ROW9	Lot 100: bounded by Guildford Road (north), Kenny Street (east), Palmerston Street (south) and Kathleen Street (west)	Retain as is
ROW10	Lot 66: bounded by Old Perth Road/ Guildford Road (north), Parker Street (east) and Palmerston Street (south)	Closure
ROW11	Lot 66: bounded by Old Perth Road (north), Wilson Street (east), Palmerston (south) and Parker Street (west)	Closure
ROW12	Lot 251: bounded by Old Perth Road (north), Rosetta Street (east), Devon Road (south) and West Road (west)	Retain and undertake minor repair
ROW13	Lot 67: bounded by Old Perth Road (north), Briggs Street (east), Devon Road (south) and Rosetta (west)	Retain and upgrade
ROW14	Lot 66: bounded by Guildford Road (north), Geraldine Street (east), Cyril Street (south) and Shackleton Street (west)	Retain and undertake minor repair
ROW15	Lot 33: bounded by Palmerston Street (north), Parker Street (east), Bridson Street (south) and Kenny Street (west)	Closure
ROW16	Lot 108: bounded by Guildford Road (north), Shackleton Street (east), Cyril Street (south) and Chapman Street (west)	Closure
ROW17A	Lot 108: bounded by Cyril Street (north), Chapman Street (east), Cyril Street (south) and Fisher Street (west)	Retain and upgrade
ROW17B	Lot 50: bounded by Cyril Street (north), Chapman Street (east) Reid Street (south) and Fisher Street (west)	Retain (not dealt with by Town)
ROW18	Lot 56: bounded by Shackleton Street (north), Kathleen Street (east), Chapman Street (south), Eileen (west)	Retain and upgrade
ROW19	Lot 50: bounded by Bridson Street (north), Hatton Court (east), Chapman Street (south) and Kenny Street (west)	Closure
ROW20	Lot 13656 enclosed into Hatton Court	Retention as road reserve and local open space
ROW21A&B	Lot 7497 & 500: bounded by Guildford Road (north), French Street (east), Maidos Street (south) and Pearson Street (west)	Retain and upgrade
ROW22A&B	Lot 133 & 500: bounded by Guildford Road (north), Colstoun Road (east), Maidos Street (south) and French Street (west)	Retain and upgrade


## Attachment 1 ROW Assessments

ROW1			
<b>Location</b>	Lot 60: lot bounded by Walter Road East (north), First Avenue (east), Anzac Terrace (south) and Ivanhoe Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	436/88
<b>Zoning</b>	R20/40 - Residential	<b>Plan</b>	P002813 60
<b>Proposed Future Zoning</b>	R20 – Residential & Drainage		
<b>Adjoining Zoning</b>	R20/40 – Residential & Public purposes (drainage) (LPS) Urban & Other regional roads (MRS)		
<b>Photograph</b>			
<b>Length</b>	453m		
<b>Width</b>	4m		
<b>Area</b>	1,821m <sup>2</sup>		
<b>Materials</b>	40m of sealed, constructed road on the northern side. The remainder is unconstructed vegetation with established trees.		
<b>Condition</b>	Constructed road section in good condition, vegetation is overgrown (up to 0.5m) in some sections.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit, NBN cable intersection, Town drainage pipes, WC open drain adjoining & drainage and sewerage infrastructure running south from open drain.		
<b>Connectivity</b>	Obstructed by gates put in to section off a WC open drain.		
Recommendation			
<b>Partial Retention</b>	<p>This ROW has good connectivity to the road network, providing five dwellings with primary vehicle access off Walter Road East in addition to secondary vehicle access off Anzac Terrace. It is recommended that only the northern 40m be retained.</p> <p>The presence of a WC open drain intersecting the ROW, in addition to drainage and sewerage pipes within, presents a development obstruction for the entire ROW to be upgraded to the required 6.0m width, as the current width is non-conducive to upgrades.</p>		


ROW2			
<b>Location</b>	Lot 62: lot bounded by Anzac Terrace (north), First Avenue (east), Railway Parade (south) and Ivanhoe Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	436/88
<b>Zoning</b>	R20/40 - Residential	<b>Plan</b>	P002813 61
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20/40 – Residential (LPS) Urban & Other regional roads (MRS)		
<b>Photograph</b>			
<b>Length</b>	436m		
<b>Width</b>	4m		
<b>Area</b>	1,822m <sup>2</sup>		
<b>Materials</b>	Unconstructed & vegetated		
<b>Condition</b>	Extensively overgrown vegetation with sections grown up to 1m high.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit & WC sewerage infrastructure.		
<b>Connectivity</b>	Unobstructed (permanently), however existing vegetation comprises a temporary accessibility barrier.		
Recommendation			
<b>Upgrade</b>	Although there is significant overgrown vegetation in this ROW, there is no permanent development obstruction. The ROW has good connectivity to the street network, provides one dwelling with primary vehicle access, in addition to multiple others with secondary vehicle access. The ROW will require widening and potentially an easement prior to upgrades.		


ROW3A			
<b>Location</b>	Lot 62: lot bounded by Anzac Terrace (north), First Avenue (east), Railway Parade (south) and Ivanhoe Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	436/88
<b>Zoning</b>	R20/40 - Residential	<b>Plan</b>	P002813 62
<b>Proposed Future Zoning</b>	R20, R40, R60 & R100 – Residential, Private Clubs & Institutions and Place of Worship		
<b>Adjoining Zoning</b>	R20/40 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	410m		
<b>Width</b>	4m		
<b>Area</b>	1,616m <sup>2</sup>		
<b>Materials</b>	44m constructed sealed road on the southern side, unconstructed sand/grass with one bitumen crossover on the northern side.		
<b>Condition</b>	Constructed section in good condition, minor cracks on crossover & sparse grass/ weed coverage on the northern side. General gradual slope downward from south to north.		
<b>Infrastructure</b>	WC drainage and sewerage infrastructure at northern end, WC sewerage infrastructure southern end.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Upgrade</b>	<p>The ROW has unobstructed access to the street network and through its connection to ROW3B, facilitates primary vehicle access to three dwellings. There are no development obstructions.</p> <p>The ROW will require widening and potentially an easement prior to upgrading.</p>		





ROW3B			
<b>Location</b>	Lot 53: lot bounded by Anzac Terrace (north), First Avenue (east), Railway Parade (south) and Ivanhoe Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	1,791/537
<b>Zoning</b>	R20/40 - Residential	<b>Plan</b>	P003262 53
<b>Proposed Future Zoning</b>	R20, R60 & R100 – Residential & Mixed Use		
<b>Adjoining Zoning</b>	R20/40 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	102m		
<b>Width</b>	4m		
<b>Area</b>	496m <sup>2</sup>		
<b>Materials</b>	Sealed constructed road.		
<b>Condition</b>	Good condition with an isolated area of damage. Level road sloping east to west with a cross fall south to north.		
<b>Infrastructure</b>	WC sewerage infrastructure.		
<b>Connectivity</b>	Unobstructed.		
Recommendation			
<b>Upgrade</b>	<p>The ROW has good connectivity to the road network and provides primary vehicle access to three dwellings, in addition to secondary pedestrian access to an adjoining childcare centre. There are no development obstructions.</p> <p>The ROW will require widening and potentially an easement prior to upgrading.</p>		




ROW4			
<b>Location</b>	Lot 63: lot bounded by Anzac Terrace (north), Second Avenue (east), Railway Parade (south) and First Avenue (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	436/88
<b>Zoning</b>	R20/40 - Residential	<b>Plan</b>	P002813 63
<b>Proposed Future Zoning</b>	R20 & R60 – Residential		
<b>Adjoining Zoning</b>	R20/40 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	375m		
<b>Width</b>	4m		
<b>Area</b>	1,614m <sup>2</sup>		
<b>Materials</b>	Majority is unconstructed with areas of informal construction.		
<b>Condition</b>	Informal construction sections are moderately degraded, unconstructed sections have sparse grass and weed coverage.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit & WC sewerage infrastructure, drainage infrastructure intersects horizontally.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Close</b>	<p>Although this ROW has the potential to have a good connectivity to the road network, a large portion of it is illegally fenced off, presenting a significant development obstruction due to adjoining landowners utilising the width of their property lots for private use.</p> <p>The ROW displays moderate signs of degradation and antisocial behaviour including extensive graffiti throughout. Several properties are using the ROW for secondary vehicle and pedestrian access where it is not fenced off.</p>		


ROW5			
<b>Location</b>	Lot 54: lot bounded by Broadway (north), Iolanthe Street (east), Scaddan Street (south) and Penzance Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	436/88
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P003262 54
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	201m		
<b>Width</b>	5m		
<b>Area</b>	1,011m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetation.		
<b>Condition</b>	Moderate grass/ weed coverage. Minor downwards slope from west to east.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit & WC sewerage infrastructure.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Upgrade</b>	<p>The ROW has good connectivity to the road network and no development obstructions. The only current use is for secondary pedestrian access. Bollards are currently installed at the east end.</p> <p>The ROW will require widening and potentially an easement prior to upgrading.</p>		


ROW6			
<b>Location</b>	Lot 503: bounded by Broadway (north), Idea Street (east), Scaddan Street (south) and Iolanthe Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	436/88
<b>Zoning</b>	R20/40 - Residential	<b>Plan</b>	P073906 503
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20/40 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	40m		
<b>Width</b>	5m		
<b>Area</b>	200m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetation.		
<b>Condition</b>	Moderate grass/ weed coverage.		
<b>Infrastructure</b>	WC sewerage infrastructure & close proximity to an ATCO Gas high pressure pipeline.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Close</b>	The ROW has poor connectivity to the road network and development obstructions that prevent future connectivity prospects. The only current use is for secondary pedestrian access. The width is non-conducive to upgrades.		


ROW7			
<b>Location</b>	Lot 52: bounded by Broadway (north), Railway Parade (east), Scaddan Street (south) and Ida Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	436/88
<b>Zoning</b>	R20/40 - Residential	<b>Plan</b>	P003262 52
<b>Proposed Future Zoning</b>	R60 – Residential & Public Purposes		
<b>Adjoining Zoning</b>	R20/40 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	215m		
<b>Width</b>	5m		
<b>Area</b>	1,087m <sup>2</sup>		
<b>Materials</b>	2 short sections (~15m) constructed, sealed and drained road, with the remainder unconstructed showing sand and vegetation.		
<b>Condition</b>	Constructed segments in excellent condition, moderate grass/ weed coverage on the unconstructed portions with minor undulations/ corrugations due to vehicle traffic.		
<b>Infrastructure</b>	WC sewerage infrastructure & close proximity to an ATCO Gas high pressure pipeline.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Partial Upgrade &amp; Partial Retention</b>	<p>This ROW has a good connection to the transport network, connected to Railway Parade, providing primary vehicle access to three dwellings and experiencing an additional high volume of traffic displayed through tyre marks on the unconstructed portions. There are no development obstructions.</p> <p>The ROW will require widening and potentially an easement prior to upgrading.</p>		




ROW8			
<b>Location</b>	Lot 100: bounded by Kathleen Street (east), Palmerston Street (south) and Guildford Road (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	408/119
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P054415 100
<b>Proposed Future Zoning</b>	R20 & R100 – Residential		
<b>Adjoining Zoning</b>	R20/30; R20 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	89m		
<b>Width</b>	5m		
<b>Area</b>	478m <sup>2</sup>		
<b>Materials</b>	Constructed sealed road with partial kerbing.		
<b>Condition</b>	Good condition with isolated areas of degradation, sparse weeds at edges.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit, WC sewerage infrastructure & NBN Co. cable intersecting at the south west.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Retain</b>	This ROW has a good connection to the transport network, having a state road number and providing primary vehicle access to six dwellings and secondary vehicle access to others abutting the ROW, including a commercial workshop. The areas of degradation should be monitored with works triggered if it worsens.		


ROW9			
<b>Location</b>	Lot 100: bounded by Guildford Road (north), Kenny Street (east), Palmerston Street (south) and Kathleen Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	408/119
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P054415 100
<b>Proposed Future Zoning</b>	R20, R40 & R100 – Residential		
<b>Adjoining Zoning</b>	R20; R40 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	123m		
<b>Width</b>	5m		
<b>Area</b>	626m <sup>2</sup>		
<b>Materials</b>	Constructed sealed road with kerbing.		
<b>Condition</b>	Good condition with minor weeds/ grass on the edges.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit, NBN Co. cable intersecting the southern section, Telstra cables intersecting the southern section.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Retain</b>	This ROW is an obscure shape and has poor connectivity to the transport network, with the only entrance at Kathleen Street. The ROW provides an important function of providing 10 dwellings with primary vehicle access. The ROW has a significant amount of service infrastructure within it.		


ROW10			
<b>Location</b>	Lot 66: bounded by Old Perth Road/ Guildford Road (north), Parker Street (east) and Palmerston Street (south)		
<b>Tenure</b>	Private ownership	<b>Volume/Folio</b>	1637/657
<b>Zoning</b>	DA2 – Local shopping	<b>Plan</b>	D007094 66
<b>Proposed Future Zoning</b>	R100 – Residential & Town Centre		
<b>Adjoining Zoning</b>	DA2 – Local shopping (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	40m		
<b>Width</b>	3m		
<b>Area</b>	122m <sup>2</sup>		
<b>Materials</b>	Partial informal road construction.		
<b>Condition</b>	Poor condition, showing moderate undulations from surface degradation with a general downward slope from east to west.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit & WC sewerage infrastructure.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Close</b>	This ROW has poor connectivity with the only access off Parker Street. It provides vehicle access to the rear of the commercial buildings along Old Perth Road. The ROW is in poor condition, small and has development obstructions adjacent that prevent future connectivity to the road network.		


ROW11			
<b>Location</b>	Lot 66: bounded by Old Perth Road (north), Wilson Street (east), Palmerston (south) and Parker Street (west)		
<b>Tenure</b>	Private ownership	<b>Volume/Folio</b>	1220/295
<b>Zoning</b>	DA2 – Local shopping	<b>Plan</b>	D023783 66
<b>Proposed Future Zoning</b>	Town Centre		
<b>Adjoining Zoning</b>	DA2 – Local shopping (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	17m		
<b>Width</b>	3m		
<b>Area</b>	54m <sup>2</sup>		
<b>Materials</b>	Paved red brick.		
<b>Condition</b>	Moderate condition, kerbing slightly cracked with moderate grass and weeds growing through the bricks.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Close</b>	This ROW has poor connectivity with the only access off Wilson Street. It has bollards which prevent any vehicle access or parking. It is an extension of the adjoining footpath and commercial building. There is no useful community development potential.		




ROW12			
<b>Location</b>	Lot 251: bounded by Old Perth Road (north), Rosetta Street (east), Devon Road (south) and West Road (west)		
<b>Tenure</b>	State of WA	<b>Volume/Folio</b>	4/47
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P057132 251
<b>Proposed Future Zoning</b>	R20 & R100 – Residential		
<b>Adjoining Zoning</b>	R20 - Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	33m		
<b>Width</b>	3m		
<b>Area</b>	66m <sup>2</sup>		
<b>Materials</b>	Constructed sealed road with kerbing.		
<b>Condition</b>	Good condition with one isolated pothole.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit & WC sewerage infrastructure.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Retain</b>	<p>This ROW has poor connectivity with the only access off Rosetta Street and current development obstructing future road connectivity prospects, however provides primary vehicle access to one dwelling, in addition to secondary vehicle access to a commercial parking area. The ROW is also flagged as providing primary vehicle access to a proposed high density (R100) residential area in the future.</p> <p>The ROW is in good condition, with only one isolated pothole at the intersection of the ROW with Rosetta Street. The Town will rectify this damage.</p>		


ROW13			
<b>Location</b>	Lot 67: bounded by Old Perth Road (north), Briggs Street (east), Devon Road (south) and Rosetta (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	4/47
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P001599 67
<b>Proposed Future Zoning</b>	R60 – Residential		
<b>Adjoining Zoning</b>	R20 - Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	22m		
<b>Width</b>	3m		
<b>Area</b>	66m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetation.		
<b>Condition</b>	Moderate grass coverage.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit, WC sewerage infrastructure & WP low voltage cable intersecting west portion.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Upgrade</b>	<p>This ROW has poor connectivity with the only access off Rosetta Street and current development obstructing future road connectivity prospects. Although this ROW only provides primary vehicle access to one dwelling, it has been flagged as providing primary vehicle access to a proposed high density (R60) residential area in the future. Given the ROW displays undulations from frequent vehicle access on an unconstructed surface, it will need to be upgraded to support predicted high vehicle traffic.</p> <p>The ROW will require widening and potentially an easement prior to upgrading.</p>		


ROW14			
<b>Location</b>	Lot 66: bounded by Guildford Road (north), Geraldine Street (east), Cyril Street (south) and Shackleton Street (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	465/146
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P002792 66
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20 - Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	173m		
<b>Width</b>	5m		
<b>Area</b>	848m <sup>2</sup>		
<b>Materials</b>	Constructed sealed road.		
<b>Condition</b>	Moderate condition. Areas of cracking and potholing present with evidence of patch working works having been completed before. Weed growth on edges.		
<b>Infrastructure</b>	Close proximity to medium/ high pressure ATCO Gas pipe & WC sewerage infrastructure.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Retain</b>	This ROW has good connectivity to the road network and has a state road number. The ROW provides primary vehicle access to 15 dwellings. The cracking and potholing should be monitored and upgraded if further degradation occurs.		


ROW15			
<b>Location</b>	Lot 33: bounded by Palmerston Street (north), Parker Street (east), Bridson Street (south) and Kenny Street (west)		
<b>Tenure</b>	Water Corporation	<b>Volume/Folio</b>	1079/961
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P005964 33
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20 - Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	218m		
<b>Width</b>	3m		
<b>Area</b>	676m <sup>2</sup>		
<b>Materials</b>	15m partial construction in the southeast corner with the remainder unconstructed vegetation.		
<b>Condition</b>	The concrete section is aged but in relatively good condition.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit & WC sewerage infrastructure.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Close</b>	<p>This ROW has poor connectivity to the road network due to properties illegally fencing off portions adjoining their property boundaries for private use. The fragmentation is a development obstruction. The ROW is owned by WC with an existing easement.</p> <p>WC should be consulted with respect to ongoing ownership, or whether WC is supportive of disposal to the adjoining landowners, given it is mostly encapsulated into adjacent properties.</p>		

ROW16			
<b>Location</b>	Lot 108: bounded by Guildford Road (north), Shackleton Street (east), Cyril Street (south) and Chapman Street (west)		
<b>Tenure</b>	Town of Bassendean	<b>Volume/Folio</b>	1711/578
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P043232
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20/30 - Residential (LPS) Urban & Primary Regional Road (MRS)		
<b>Photograph</b>			
<b>Length</b>	96m		
<b>Width</b>	6m		
<b>Area</b>	580m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetation.		
<b>Condition</b>	Mulch and grass coverage with moderate grass and weed coverage.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit, close proximity to high pressure pipes & WC sewerage & drainage infrastructure.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Close</b>	This ROW has good connectivity to the road network, with access off Guildford Road, a primary regional road. Although the ROW's width is already conducive to upgrades, the ROW is not currently, or proposed to, provide any primary vehicle access to adjoining dwellings.		





ROW17A			
<b>Location</b>	Lot 108: bounded by Cyril Street (north), Chapman Street (east), Cyril Street (south) and Fisher Street (west)		
<b>Tenure</b>	Town of Bassendean	<b>Volume/Folio</b>	1711/578
<b>Zoning</b>	R20 - Residential	<b>Plan</b>	P043232 108
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20/30 - Residential (LPS) Urban & Public purposes (high school) (MRS)		
<b>Photograph</b>			
<b>Length</b>	347m		
<b>Width</b>	6m		
<b>Area</b>	2,096m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetation.		
<b>Condition</b>	Extensive grass and weed coverage.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit & WC sewerage infrastructure.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Upgrade</b>	<p>This ROW has good connectivity to the road network and runs adjacent to the Cyril Jackson Senior High School and property residential boundary. The ROW appears to be currently unused and has the potential to provide an alternative access point for surrounding dwellings. The width is conducive to upgrades.</p> <p>The ROW will potentially require an easement prior to upgrades.</p>		


ROW17B			
<b>Location</b>	Lot 50: bounded by Cyril Street (north), Chapman Street (east) Reid Street (south) and Fisher Street (west)		
<b>Tenure</b>	Water Corporation	<b>Volume/Folio</b>	1711/578
<b>Zoning</b>	R20 – Public purposes (high school)	<b>Plan</b>	P054419 50
<b>Proposed Future Zoning</b>	R20 – Drainage		
<b>Adjoining Zoning</b>	R20 – Public purposes (high school & drainage) (LPS) Public purposes (high school) (MRS)		
<b>Photograph</b>			
<b>Length</b>	494m		
<b>Width</b>	3m		
<b>Area</b>	1,521m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetation.		
<b>Condition</b>	Grass coverage from oval.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit, WC sewerage & WP power pole intersecting.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Retain</b>	<p>This ROW has good connectivity to the road network, however its sole purpose is to provide vehicle access to the Cyril Jackson Senior High School oval. The ROW is owned by WC with an existing easement.</p> <p>Given this ROW is encapsulated within the Education Department, the Town will not address this ROW (retain as-is for now) and allow WC and the Education Department to proceed with their deemed appropriate course of action.</p>		


ROW18			
<b>Location</b>	Lot 56: bounded by Shackleton Street (north), Kathleen Street (east), Chapman Street (south), Eileen (west)		
<b>Tenure</b>	Deceased estate	<b>Volume/Folio</b>	1002/31
<b>Zoning</b>	R20 – Residential	<b>Plan</b>	P046646 56
<b>Proposed Future Zoning</b>	R20 – Residential & Drainage		
<b>Adjoining Zoning</b>	R20 – Residential & Public purposes (drainage) (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	80m		
<b>Width</b>	6m		
<b>Area</b>	497m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetation.		
<b>Condition</b>	Moderate grass and sand coverage.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit, NBN Co. cable intersecting east and west of sections, Telstra cable intersecting east and west sections, WC sewerage & adjoins the Chapman St North Comp Basin.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Upgrade</b>	<p>This ROW has good connectivity to the road network and appears to be currently unused. The width is conducive to upgrades. There is a significant amount of service authority infrastructure located in this ROW.</p> <p>The ROW will potentially require an easement prior to upgrades.</p>		



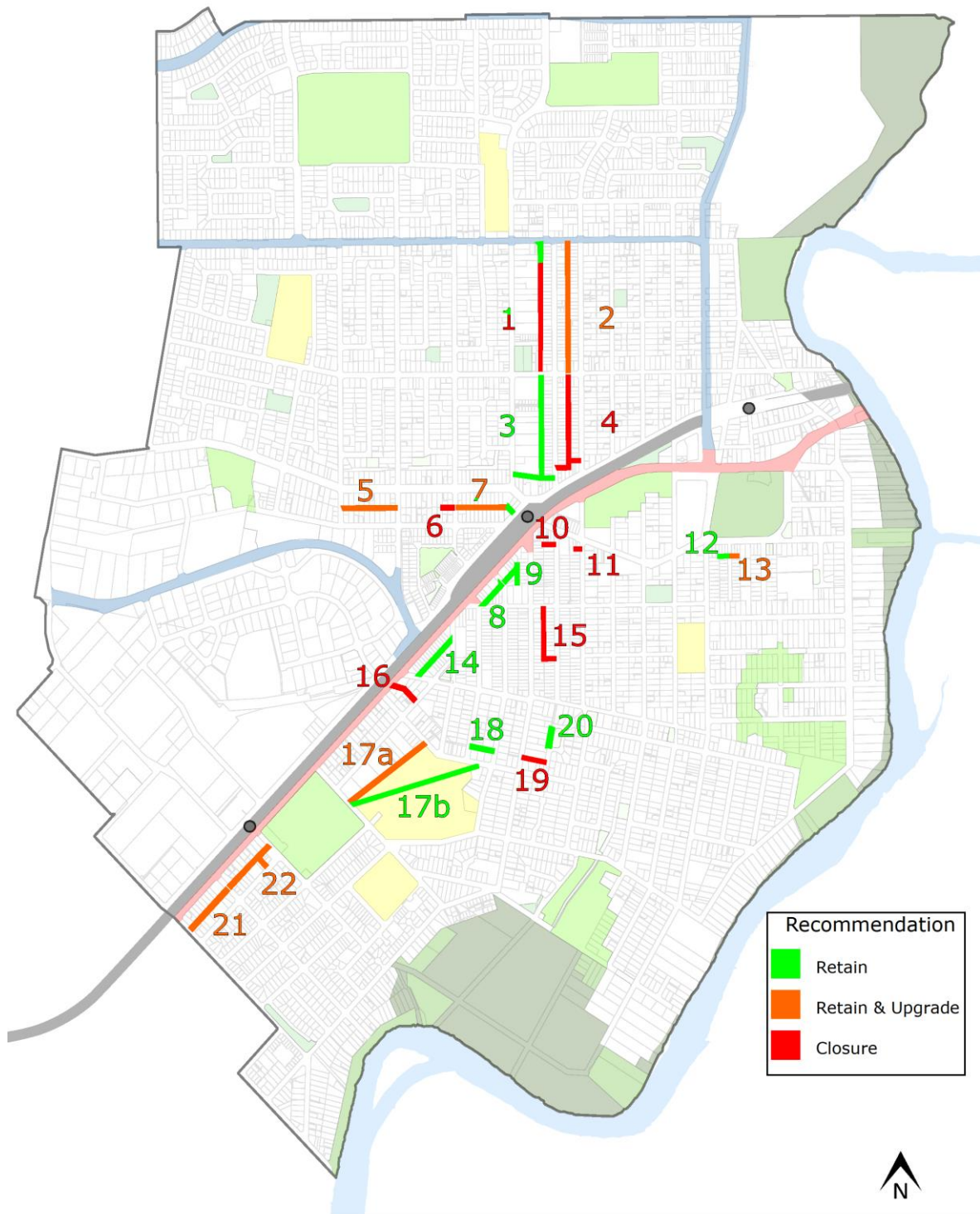
ROW19			
<b>Location</b>	Lot 50: bounded by Bridson Street (north), Hatton Court (east), Chapman Street (south) and Kenny Street (west)		
<b>Tenure</b>	Water Corporation	<b>Volume/Folio</b>	1002/31
<b>Zoning</b>	R25 – Residential	<b>Plan</b>	P046646 56
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20 & R25 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	59m		
<b>Width</b>	3m		
<b>Area</b>	178m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetation.		
<b>Condition</b>	Moderate grass and sand coverage.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit & WC sewerage infrastructure.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Close</b>	<p>This ROW has poor connectivity to the road network and is completely obstructed by current development. Adjoining landowners have illegally fenced off portions adjoining their property boundaries for private use. The width is not conducive to upgrades. WC already appear to have created an easement over the ROW.</p> <p>WC should be liaised with to determine if it would like to retain ownership, or dispose of to the adjoining land owners, given it is completely fenced off.</p>		

ROW20			
<b>Location</b>	Lot 13656 enclosed into Hatton Court		
<b>Tenure</b>	State of WA	<b>Volume/Folio</b>	1658/40
<b>Zoning</b>	R20 – Residential	<b>Plan</b>	P194939 13656
<b>Proposed Future Zoning</b>	R20 – Residential & Parks and Recreation		
<b>Adjoining Zoning</b>	R20 & R25 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	88m		
<b>Width</b>	8 - 16m		
<b>Area</b>	914m <sup>2</sup>		
<b>Materials</b>	Partially constructed Hatton Court spur, with unconstructed vegetation for the remainder.		
<b>Condition</b>	Constructed road is in good condition, grass coverage on unconstructed.		
<b>Infrastructure</b>	1 ATCO Gas servicing pit, ATCO Gas high pressure pipeline, NBN Co. cables intersecting south, Telstra cables intersecting south, WC sewerage infrastructure, WP high voltage cable.		
<b>Connectivity</b>	Obstructed		
Recommendation			
<b>Partial Retention</b>	Part of this ROW is a registered road with a state road number. The ROW has poor connectivity to the wider transport network, with only access off Hatton Court. The ROW provides primary vehicle access for two dwellings. The unconstructed portion intersects Hatton Court Reserve. There are evidence of vehicle using the unconstructed portion. The width is conducive to upgrades. There is ample service infrastructure located within the ROW.		

ROW21A & 21B			
<b>Location</b>	Lot 7497 & 500: bounded by Guildford Road (north), French Street (east), Maidos Street (south) and Pearson Street (west)		
<b>Tenure</b>	State of WA & Town of Bassendean	<b>Volume/Folio</b>	LR3151/612; 2648/556
<b>Zoning</b>	R20 – Residential	<b>Plan</b>	R 26466; P054385 500
<b>Proposed Future Zoning</b>	R20 – Residential		
<b>Adjoining Zoning</b>	R20 – Residential (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	191m		
<b>Width</b>	8m		
<b>Area</b>	1,536m <sup>2</sup>		
<b>Materials</b>	Unconstructed vegetated.		
<b>Condition</b>	Moderate grass and weed growth throughout.		
<b>Infrastructure</b>	2 ATCO Gas servicing pits, within close proximity to an ATCO Gas high pressure pipeline & WC sewerage infrastructure.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Upgrade</b>	<p>This ROW has good connectivity to the road network. The width is highly conducive to development and there are no development obstructions. This ROW is made up in-part of a reserve parcel.</p> <p>The ROW will potentially require an easement prior to upgrades.</p>		

ROW22A & 22B			
<b>Location</b>	Lot 133 & 500: bounded by Guildford Road (north), Colstoun Road (east), Maidos Street (south) and French Street (west)		
<b>Tenure</b>	Town of Bassendean	<b>Volume/Folio</b>	1202/448
<b>Zoning</b>	R20 – Residential	<b>Plan</b>	D006229 133; P054385 500
<b>Proposed Future Zoning</b>	R20 & R100 – Residential & Mixed Use		
<b>Adjoining Zoning</b>	R20; R20/30 – Residential & R60 – Local Shopping (LPS) Urban (MRS)		
<b>Photograph</b>			
<b>Length</b>	201m		
<b>Width</b>	8m		
<b>Area</b>	1,627m <sup>2</sup>		
<b>Materials</b>	Partial construction in the middle of ROW with unconstructed portions to the west (~80m) and east (~50m).		
<b>Condition</b>	Construction section is in moderate to good condition with cracking noticeable. Moderate grass and weed coverage on the unconstructed portions.		
<b>Infrastructure</b>	3 ATCO Gas servicing pits & WC sewerage infrastructure.		
<b>Connectivity</b>	Unobstructed		
Recommendation			
<b>Upgrade</b>	This ROW has good connectivity to the road network. The width is highly conducive to development and there are no development obstructions. The ROW will potentially require an easement prior to upgrades.		

## Attachment 2 Town of Bassendean ROWs





## 1.20 Right-of-Way Closure

### Purpose

The purpose of this policy is to:

1. State the matters that Council is required to take into consideration when assessing requests to close rights-of-ways; and
2. Ensure that Council's policy is integrated with the policies of the Western Australian Planning Commission and the Department of Land Administration, both of which are involved in right-of-way closure requests.

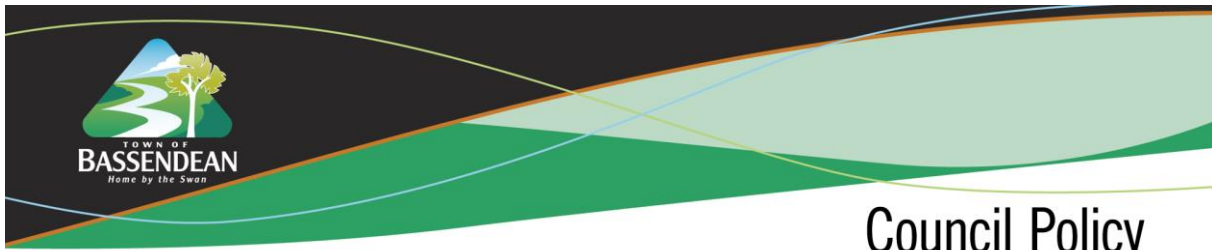
### Background

The Town of Bassendean originally contained 24 rights-of-way that were created to provide access to the rear of adjoining properties. They also facilitated the servicing of backyard toilets, the delivery of solid fuels and the provision of other essential services.

The majority of rights-of-way were created as part of the original subdivision of the surrounding properties, and are in private ownership. They are not owned or controlled by the Town. They are private rather than public streets, and generally may only be legitimately used by the landowners of adjoining properties. The original subdividers of the land owned many of the rights-of-way and these companies no longer exist.

Advantages of retaining rights-of-way include:

- \* They provide an alternative convenient access to properties, especially those properties fronting important regional roads;
- \* They may contain public utility infrastructure;
- \* They have the potential to allow carports and garages to be provided at the rear of the properties that can lead to improved streetscapes; and
- \* They could have the potential in the future to be used to facilitate the development of infill dwellings at the rear of existing residences, which utilises the right-of-way as their sole vehicular access to the dedicated street network.



On occasions, the Town is asked to close rights-of-way. Reasons for the requests include:

- \* They are no longer required to give access to adjoining properties;
- \* They are poorly maintained;
- \* They are used for illegal dumping;
- \* They give unwanted access to the rear of properties and are used for anti-social/criminal behaviour; and
- \* To increase the area or development potential of adjoining properties.

Often adjoining property owners cannot agree on whether or not a right-of-way should be closed.

The closure of rights-of-way or more properly private streets is governed by the *Land Administration Act 1997* and involves the Town of Bassendean, the Western Australian Planning Commission, and the Department of Land Administration.

## Application

This policy applies to all requests to close rights-of-way within the Town of Bassendean.

### **Relationship to the Western Australian Planning Commission and the Department of Land Administration Policies**

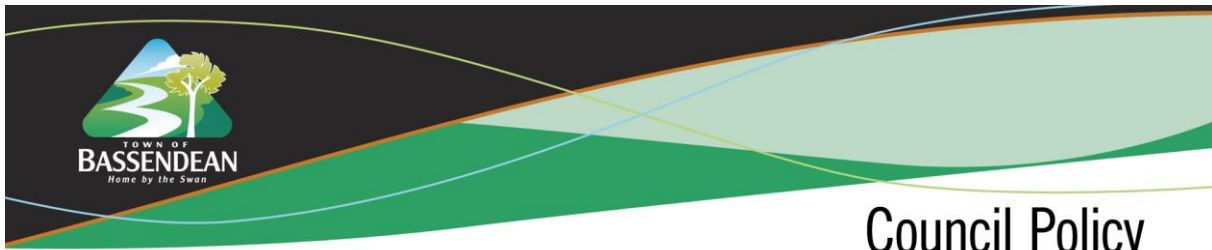
This policy is consistent with Western Australian Planning Commission and the Department of Land Administration policies on the closure of right-of-way

## Objectives

The objective of this policy is to ensure that consideration is given to both the short-term and long-term impacts of right-of-way closure requests.

## Principles

Closure of a right-of-way shall not proceed generally where:



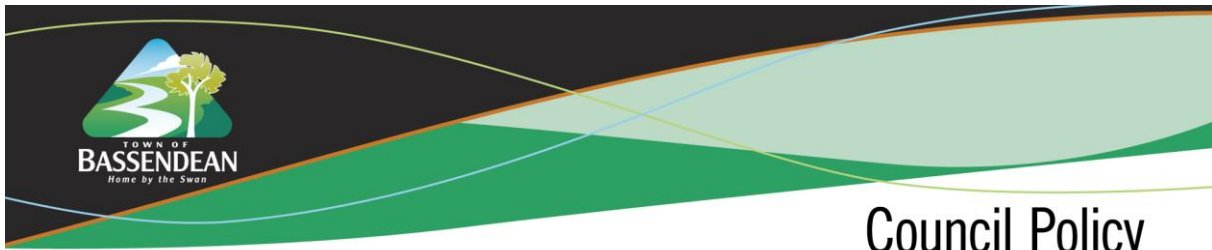
- \* safe rear access is provided by the right-of-way to properties on Important Regional Roads;
- \* the right-of-way is clearly used for access to small lots with limited street frontage;
- \* the right-of-way is constructed;
- \* the right-of-way provides the only means of access to an approved garage or carport;
- \* the right-of-way has the potential either now or in the future to be used to facilitate the development of infill dwellings at the rear of existing residences;
- \* agreement cannot be reached for the acquisition and inclusion of the subject land into adjoining properties;
- \* arrangements have not been made to protect or relocate any public services located within the right-of-way;
- \* reasonable objections by adjacent property owners and owners and residents of properties served by the right-of-way have not been satisfactorily addressed; and
- \* relevant transport and planning considerations have not been taken into account and issues raised by Department for Planning and Infrastructure and other relevant government departments have not been properly considered.

In addition to the above, closure of a right-of-way shall not proceed without:

- \* referral to, and preliminary agreement by, the Department for Planning and Infrastructure;
- \* referral to service agencies; and
- \* A resolution from Council recommending closure.

Amalgamations of Crown land with adjacent freehold properties must be effected by subdivisional plan, which requires approval by the Western Australian Planning Commission. Where the Commission opposes amalgamation, closure cannot proceed.





As a general principle, each adjoining landowner should have an opportunity to share equally in the land in a closed right-of-way. This principle does not apply where services requiring easements dictate unequal land allocations for good planning reasons.

## **Policy Provisions**

### **Preliminary Assessment**

Each request to initiate closure action of a right-of-way shall be reported to Council to enable the Council to decide whether the request should be supported and to allocate a work priority to that request. As part of this assessment Council officers will provide an initial assessment against the policy principles contained with this policy.

## **THE CLOSURE PROCESS**

### **Consultation with Adjoining Landowners**

Where Council decides that a request to initiate closure action of a right-of-way should be progressed, Council officers will carry out consultation with adjoining owners in accordance with the Land Administration Act 1997.

### **Department for Planning & Infrastructure Referral**

Council will provide the Department for Planning & Infrastructure with a copy of the initial assessment. Where there is objection from the Department, a report shall be presented to Council for consideration to seek advice as to whether Council should ask for the matter to be reviewed by the Western Australian Planning Commission.

It should be noted that where the approval of the Commission cannot be obtained, the closure cannot proceed.

### **Other Referrals**

Comments will be sought from other relevant public authorities and service agencies with regard to service relocation and easement requirements.

## **Purchase and Disposal Arrangements**

During the preliminary stages, Council staff will request Department of Land Administration to provide an upfront conditional purchase price based on market values in the absence of service relocation or easement costs, so that the adjoining landowners can be informed as soon as possible. The purchase price may be reduced depending on the impact of any easements or costs to relocate services.

## **Town of Bassendean's Considerations**

In forming its view on a proposed closure; Council will have due regard to:

- a) the objectives, policy principles and policy provisions of this policy; and
- b) the advice of relevant public authorities and parties, including the Department for Planning & Infrastructure.

## **Administration Fee**

Council will charge the applicant a deposit, which will be used to meet closure costs incurred by Council and must be paid prior to Council carrying out its initial assessment.

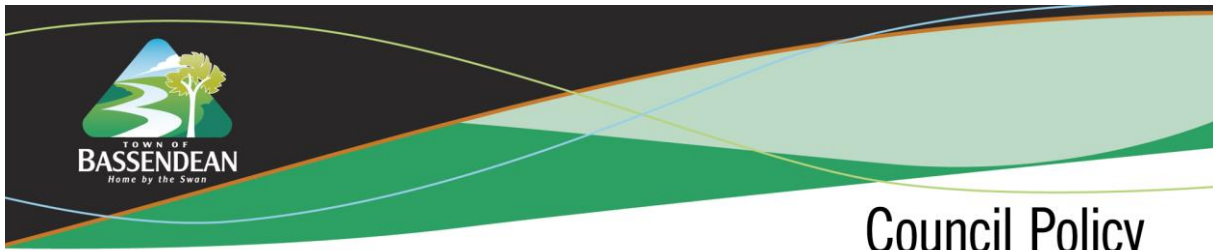
Expenses over and above the deposit will be invoiced to the applicant and must be paid prior to Council's final resolution for closure. Any unused monies shall be returned to the applicant.

The amount of the deposit is included in Council's Schedule of Fees and Charges and shall be reviewed annually and updated in relation to the CPI, if necessary.

## **Application Procedure**

The applicant shall provide:

1. A statement from the majority of landowners adjoining the right-of-way indicating that they support the right-of-way being closed;
2. A statement from the landowners adjoining the right-of-way indicating that they agree with the proposed land distribution and agree to meet the costs of acquisition, including any relocation of services; and
3. The administration fee.



Note: Where a number of owners will benefit from the closure of a right-of-way, division of costs must be privately agreed between all parties.

### **Advice to the Department of Land Administration and Finalisation of Closure**

Council shall confirm its recommendation to the Department of Land Administration. Where Council's recommendation is to support the closure request the Department will finalise the matter with the affected landowners.

### **Advice to Adjoining Landowners**

Council will advise the adjoining landowners by letter of its recommendation to the Department of Land Administration in relation to closure, including the reasons for its recommendation.

## **Application**

Responsibility for the implementation of this policy rests with the Mayor, Councillors, Council delegates and Chief Executive Officer. The Policy is to be reviewed every three years.

<p><b>Policy Type:</b> Strategic Policy</p> <p><b>Link to Strategic Community Plan:</b> Town Planning and Built Environment</p>	<p><b>Responsible Officer:</b> Chief Executive Officer and Manager Development Services</p> <p><b>Last Reviewed: March 2014</b> <b>Version 2</b> <b>Next Review due by:</b> December 2016</p>
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# **ATTACHMENT NO. 5**

# CAT ACT 2011

## LOCAL GOVERNMENT ACT 1995

### Town of Bassendean

#### CATS LOCAL LAW 2021

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Town of Bassendean hereby records having resolved on the XXX to adopt the following local law.

#### PART 1 - PRELIMINARY

##### 1.1 Citation:

This local law may be cited as the *Town of Bassendean Cats Local Law 2021*.

##### 1.2 Commencement

This local law comes into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

##### 1.3 Application

This local law applies throughout the district.

##### 1.4 Repeal

The *Town of Bassendean Responsible Cat Ownership Local Law* published in the *Government Gazette* on 14 April 2005 and the *Town of Bassendean Responsible Cat Ownership Amendment Local Law 2006* published in the *Government Gazette* on 18 August 2006 are repealed.

##### 1.5 Interpretation

(1) In this local law unless the context otherwise requires -

**Act** means the *Cat Act 2011*;

**application** means an application for a permit;

**applicant** means the occupier of the premises who makes an application for a permit under this local law;

**authorised person** means a person authorised by the local government, under section 9.10 of the *Local Government Act 1995* to perform the functions conferred on an authorised person under this local law;

**cat** has the meaning given to it in the Act;

**cat management facility** has the meaning given to it in the Act;

**cat prohibited area** means an area as outlined in Schedule 3;

**CEO** means the Chief Executive Officer of the local government;

**district** means the district of the local government;

**local government** means the Town of Bassendean;

**nuisance** means —

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

**occupier** has the meaning given to it in the *Local Government Act 1995*;

**owner** has the meaning given to it in the Act;

**permit** means a permit issued by the local government under Part 3;

**permit holder** means a person who holds a valid permit under Part 3;

**premises** has the meaning given to it in the Act;

**prescribed premises** has the meaning given to it in the *Cat (Uniform Local Provisions) Regulations 2013*;

**public place** has the meaning given to it in the Act; and

**standard number of cats** has the meaning given to it in the *Cat (Uniform Local Provisions) Regulations 2013*.

- (2) A term that is used in this local law and is not defined in subclause (1) has the same meaning given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or the *Local Government Act 1995*.

## **PART 2 – CONTROL OF CATS**

### **2.1 Cat not to be a nuisance**

- (1) An owner shall not allow a cat to be or create a nuisance.
- (2) Where the local government receives a complaint from a person that is in accordance with the notice of complaint form as contained in Schedule 1 of this local law, and where in the opinion of an authorised person, that a cat is creating a nuisance, the local government may give a cat control notice to the owner of the cat requiring that person to abate the nuisance.

- (3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice which shall not exceed 28 days.
- (4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.
- (5) A cat control notice under subclause 2.1(2) shall be in the form of Schedule 1, Form 3 of the *Cat Regulations 2012*.

## **2.2 Cats in places that are not public**

- (1) A cat shall not be in any place that is not a public place unless consent to it being there has been given by the owner or occupier of the premises, or a person who has been authorised to consent on behalf of the owner or occupier.
- (2) If a cat is at any time in a place in contravention of subclause 2.2(1)—
  - (a) the owner of the cat commits an offence; and
  - (b) an authorised person may seize and impound the cat in accordance with the Act.

## **2.3 Cats in Prohibited Areas**

- (1) A cat shall not be in any cat prohibited area as listed on Schedule 3.
- (2) If a cat is at any time in a place in contravention of subclause 2.3(1) –
  - (a) the owner of the cat commits an offence; and
  - (b) an authorised person may seize and impound the cat in accordance with the Act.

# **PART 3 – NUMBER OF CATS THAT MAY BE KEPT**

## **3.1 Interpretation**

For the purposes of applying this Part, a cat does not include a cat less than 6 months old.

## **3.2 Prescribed premises**

- (1) This local law limits the number of cats that may be kept at prescribed premises within the district except -
  - (a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*; or
  - (b) a cat management facility operated by the local government; or
  - (c) a veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*.

## **3.3 Standard number of cats**

- (1) For the purposes of the definition of *standard number of cats* in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than two (2) cats may be kept on prescribed premises.
- (2) A person who keeps more than the standard number of cats on a prescribed premises without approval commits an offence.

### **3.4 Application for additional cats**

- (1) Approval may be given for up to two (2) additional cats, where the total cats kept on the prescribed premises will not exceed four (4) cats.
- (2) An application for a permit to keep additional cats at a prescribed premises shall be —
  - (a) made in writing by an occupier of the premises in relation to those premises;
  - (b) in a form approved by the local government, describing and specifying the number of cats to be kept on the premises; and
  - (c) accompanied by the consent in writing of the owner of the premises where the occupier is not the owner of the premises to which the application relates.

### **3.5 Refusal to determine application**

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 3.4.

### **3.6 Factors relevant to the determination of application**

- (1) In determining an application for a permit the local government may have regard to—
  - (a) the physical suitability of the premises;
  - (b) the environmental sensitivity and general nature of the location surrounding the premises;
  - (c) the likelihood of a cat causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
  - (d) any submissions received under subclause (2) within the time specified in subclause (2); and
  - (e) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) The local government may require an applicant to —
  - (a) consult with nearby residents; or
  - (b) advise nearby residents that they may make submissions to the local government on the application for a permit within 14 days of receiving that advice,

before determining the application for a permit.
- (3) The local government may specify the extent of consultation with nearby residents, as specified in subclause 3.6(2)(a) and may specify which properties should be consulted.



### **3.7 Decision on application**

- (1) The local government may—
  - (a) approve an application for a permit as it was submitted, in which case it shall approve it subject to the conditions in clause 3.8 and may approve it subject to any other conditions it sees fit;
  - (b) approve an application but specify an alternative number of cats permitted to be housed at the premise; or
  - (c) refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue a permit to the applicant in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1) then it shall advise the applicant accordingly in writing.

### **3.8 Conditions**

- (1) Every permit is issued subject to the following conditions—
  - (a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act, the *Cat Regulations 2012* and the *Cat (Uniform Local Provisions) Regulations 2013*; and
  - (b) without the consent of the local government, the permit holder will not substitute or replace any cat that is the subject of a permit once that cat –
    - (i) dies; or
    - (ii) is permanently removed from the premises.
- (2) In addition to the conditions in subclause (1) of this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.

### **3.9 Compliance with conditions of permit**

A permit holder shall comply with each condition of a permit.

### **3.10 Duration of a permit**

Unless otherwise specified in a condition on a permit, a permit commences on the date of issue and expires—

- (a) if it is revoked; or
- (b) if the permit holder ceases to reside at the premises to which the permit relates.

### **3.11 Revocation**

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

### **3.12 Permit not transferable**

A permit is not transferrable either in relation to the permit holder or the premises.

### **3.13 Permit to be kept at premises and available for view**

A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand.

## **PART 4 - MISCELLANEOUS**

### **4.1 Giving of a Notice**

- (1) A notice served under this local law may be given to a person:—
- (a) personally;
  - (b) by postal mail addressed to the person; or
  - (c) by leaving it for the person at her or his address.

## **PART 5 – OBJECTIONS AND APPEALS**

### **5.1 Objections and appeal rights**

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

## **PART 6 – OFFENCES AND PENALTIES**

### **6.1 Offences**

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who contravenes or fails to comply with any provision of this local law is, upon conviction, liable to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

### **6.2 Prescribed offences**

- (1) An offence against any provision of this local law is a prescribed offence for the purpose of section 62(1) of the Act.
- (2) The amount appearing in the final column of Schedule 2 directly opposite an offence described in that Schedule is the modified penalty for that offence.

### **6.3 Forms**

- (1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the Act.
- (2) An infringement notice in respect to an offence against this local law may be given under section 62 of the Act and is to be in the form of Schedule 1, Form 6 of the *Cat Regulations 2012*.
- (3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Schedule 1, Form 7 of the *Cat Regulations 2012*.

**Schedule 1 - Forms**

[Cl. 2.1(2)]

**Form 1 – Nuisance Complaint Form**

**TAKE NOTICE THAT** a cat, believed to be a (1) \_\_\_\_\_  
has created a nuisance by (2) \_\_\_\_\_  
the cat is believed to belong to (3) \_\_\_\_\_  
and is kept at (4) \_\_\_\_\_  
and I (5) \_\_\_\_\_  
of \_\_\_\_\_

requests the local government to institute proceedings, if the nuisance does not stop,  
and undertake:

- (a) to give full information to the local government as to this matter; and
- (b) to appear in Court and give evidence as a witness to the truth of this complaint.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

.....  
(to be signed by complainant)

- |     |  |
|-----|--|
| (1) | Insert breed or kind of cat and, where possible, its sex and identifying marks.  |
| (2) | Describe details of the alleged nuisance, including the kind of nuisance and, where possible, the dates and time on or between which the nuisance occurred, and where the cat was at the time of the nuisance. |
| (3) | State name and address of the person believed to be the owner.   |
| (4) | State, if known, where the cat is usually kept.  |
| (5) | Insert name and address of complainant.  |

**Schedule 2**  
[Cl. 6.2(2)]

**Prescribed Offences and Modified Penalties**

<b>Offence</b>	<b>Description</b>	<b>Modified Penalty</b>
2.1(1)	Cat causing a nuisance	\$200
2.1(4)	Failure to comply with a cat control notice	\$200
2.2(1)	Cat in a place that is not public without consent	\$200
2.3(1)	Cat in a prohibited area	\$200
3.3(1)	Keeping more than the standard number of cats without a permit	\$200
3.9	Failure to comply with a condition of a permit	\$200

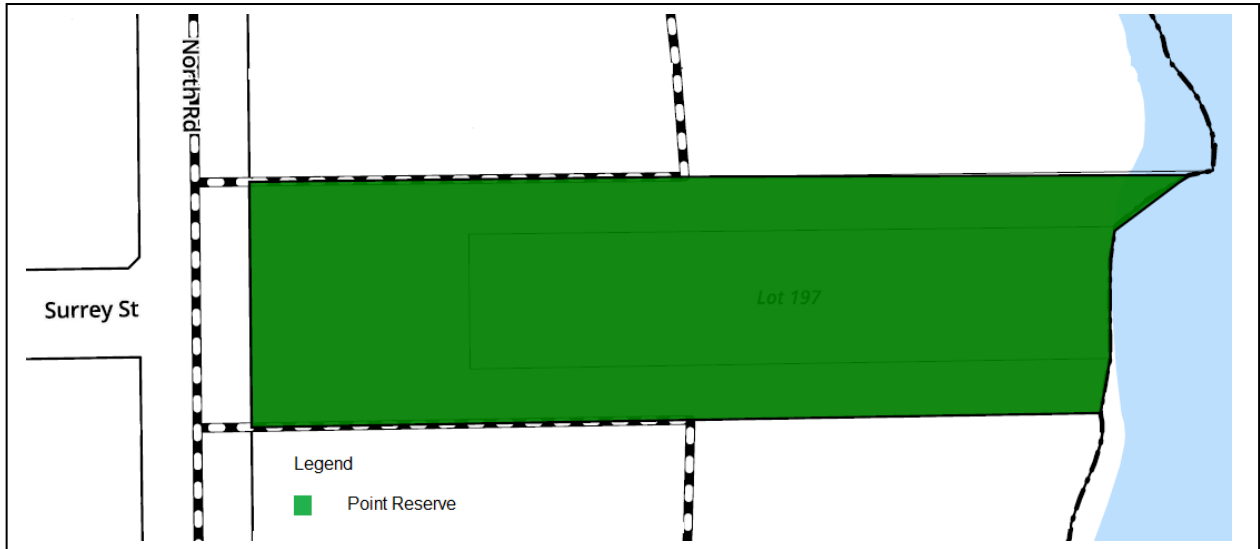
**Schedule 3**

[Cl. 2.3(1)]

**Cat Prohibited Areas**

<b>Reserve Name</b>	<b>Reserve/Lot Number</b>	<b>Location (bound by or accessed from)</b>
Bindaring Park	As shown in Map 1	Anstey Road, Bassendean Parade, Carnegie Road, Harcourt Street, Hyland Street, Lovelock Place, North Road and Watson Street in Bassendean
Point Reserve	As shown in Map 2	North Road, Bassendean
Sandy Beach Reserve	As shown in Map 3	West Road, Bassendean
Success Hill Reserve	As shown in Map 4	Seventh Avenue and River Street, Bassendean





Map 2 – Point Reserve, cat prohibited area



Map 3 – Sandy Beach Reserve, cat prohibited area





Map 4 – Success Hill Reserve, cat prohibited area

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

The Common Seal of the }  
Town of Bassendean }  
was affixed by authority of a }  
resolution of the Council in the }  
presence of: }

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**CR RENEE JOY MCLENNAN  
MAYOR**

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**MS PETA MABBS  
CHIEF EXECUTIVE OFFICER**

# CAT ACT 2011

## LOCAL GOVERNMENT ACT 1995

### Town of Bassendean

#### CATS LOCAL LAW 2021

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Town of Bassendean hereby records having resolved on the XXX to adopt the following local law.

#### PART 1 - PRELIMINARY

##### 1.1 Citation:

This local law may be cited as the *Town of Bassendean Cats Local Law 2021*.

##### 1.2 Commencement

This local law comes into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

##### 1.3 Application

This local law applies throughout the district.

##### 1.4 Repeal

The *Town of Bassendean Responsible Cat Ownership Local Law* published in the *Government Gazette* on 14 April 2005 and the *Town of Bassendean Responsible Cat Ownership Amendment Local Law 2006* published in the *Government Gazette* on 18 August 2006 are repealed.

##### 1.5 Interpretation

(1) In this local law unless the context otherwise requires -

**Act** means the *Cat Act 2011*;

**application** means an application for ~~an approval~~ permit;

**applicant** means the occupier of the premises who makes an application for a permit under this local law;

**authorised person** means a person authorised by the local government, under section 9.10 of the *Local Government Act 1995* to perform the functions conferred on an authorised person under this local law;

**cat** has the meaning given to it in the Act;

**cat management facility** has the meaning given to it in the Act;

**cat prohibited area** means an area as outlined in Schedule 3;

**CEO** means the Chief Executive Officer of the local government;

**district** means the district of the local government;

**local government** means the Town of Bassendean;

**nuisance** means —

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

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**occupier** has the meaning given to it in the *Local Government Act 1995*;

**owner** has the meaning given to it in the Act;

**permit** means a permit issued by the local government under Part 3;

**permit holder** means a person who holds a valid permit under Part 3;

**premises** has the meaning given to it in the Act;

**prescribed premises** has the meaning given to it in the *Cat (Uniform Local Provisions) Regulations 2013*;

**public place** has the meaning given to it in the Act; and

**standard number of cats** has the meaning given to it in the *Cat (Uniform Local Provisions) Regulations 2013*.

- (2) A term that is used in this local law and is not defined in subclause (1) has the same meaning given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or the *Local Government Act 1995*.

## PART 2 – CONTROL OF CATS

### 2.1 Cat not to be a nuisance

- (1) An owner shall not allow a cat to be or create a nuisance.
- (2) Where the local government receives a complaint from a person that is in accordance with the notice of complaint form as contained in Schedule 1 of this local law, and where in the opinion of an authorised person, that a cat is creating a nuisance, the local government may give a cat control notice to the owner of the cat requiring that person to abate the nuisance.

- (3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice which shall not exceed 28 days.
- (4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.
- (5) A cat control notice under subclause 2.1(2) shall be in the form of Schedule 1, Form 3 of the *Cat Regulations 2012*.

## **2.2 Cats in places that are not public**

- (1) A cat shall not be in any place that is not a public place unless consent to it being there has been given by the owner or occupier of the premises, or a person who has been authorised to consent on behalf of the owner or occupier.
- (2) If a cat is at any time in a place in contravention of subclause 2.2(1)—
  - (a) the owner of the cat commits an offence; and
  - (b) an authorised person may seize and impound the cat in accordance with the Act.

## **2.3 Cats in Prohibited Areas**

- (1) A cat shall not be in any cat prohibited area as listed on Schedule 3.
- (2) If a cat is at any time in a place in contravention of subclause 2.3(1) –
  - (a) the owner of the cat commits an offence; and
  - (b) an authorised person may seize and impound the cat in accordance with the Act.

# **PART 3 – NUMBER OF CATS THAT MAY BE KEPT**

## **3.1 Interpretation**

For the purposes of applying this Part, a cat does not include a cat less than 6 months old.

## **3.2 Prescribed premises**

- (1) This local law limits the number of cats that may be kept at prescribed premises within the district except -
  - (a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*; or
  - (b) a cat management facility operated by the local government; or
  - (c) a veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*.

## **3.3 Standard number of cats**

- (1) For the purposes of the definition of *standard number of cats* in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than two (2) cats may be kept on prescribed premises.
- (2) A person who keeps more than the standard number of cats on a prescribed premises without approval commits an offence.

### **3.4 Application for additional cats**

- (1) Approval may be given for up to two (2) additional cats, where the total cats kept on the prescribed premises will not exceed four (4) cats.
- (2) An application for a permit to keep additional cats at a prescribed premises shall be —
  - (a) made in writing by an occupier of the premises in relation to those premises;
  - (b) in a form approved by the local government, describing and specifying the number of cats to be kept on the premises; and
  - (c) accompanied by the consent in writing of the owner of the premises where the occupier is not the owner of the premises to which the application relates.

### **3.5 Refusal to determine application**

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 3.4.

### **3.6 Factors relevant to the determination of application**

- (1) In determining an application for a permit the local government may have regard to—
  - (a) the physical suitability of the premises;
  - (b) the environmental sensitivity and general nature of the location surrounding the premises;
  - (c) the likelihood of a cat causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
  - (d) any submissions received under subclause (2) within the time specified in subclause (2); and
  - (e) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) The local government may require an applicant to —
  - (a) consult with nearby residents; or
  - (b) advise nearby residents that they may make submissions to the local government on the application for a permit within 14 days of receiving that advice,

before determining the application for a permit.
- (3) The local government may specify the extent of consultation with nearby residents, as specified in subclause 3.6(2)(a) and may specify which properties should be consulted.

### **3.7 Decision on application**

- (1) The local government may—
  - (a) approve an application for a permit as it was submitted, in which case it shall approve it subject to the conditions in clause 3.8 and may approve it subject to any other conditions it sees fit;
  - (b) approve an application but specify an alternative number of cats permitted to be housed at the premise; or
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- (2) If the local government approves an application under subclause (1), then it shall issue a permit to the applicant in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1) then it shall advise the applicant accordingly in writing.

### **3.8 Conditions**

- (1) Every permit is issued subject to the following conditions—
  - (a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act, the *Cat Regulations 2012* and the *Cat (Uniform Local Provisions) Regulations 2013*; and
  - (b) without the consent of the local government, the permit holder will not substitute or replace any cat that is the subject of a permit once that cat –
    - (i) dies; or
    - (ii) is permanently removed from the premises.
- (2) In addition to the conditions in subclause (1) of this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.

### **3.9 Compliance with conditions of permit**

A permit holder shall comply with each condition of a permit.

### **3.10 Duration of a permit**

Unless otherwise specified in a condition on a permit, a permit commences on the date of issue and expires—

- (a) if it is revoked; or
- (b) if the permit holder ceases to reside at the premises to which the permit relates.

### **3.11 Revocation**

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

### **3.12 Permit not transferable**

A permit is not transferrable either in relation to the permit holder or the premises.

### **3.13 Permit to be kept at premises and available for view**

A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand.

## **PART 4 - MISCELLANEOUS**

### **4.1 Giving of a Notice**

- (1) A notice served under this local law may be given to a person:—
- (a) personally;
  - (b) by postal mail addressed to the person; or
  - (c) by leaving it for the person at her or his address.

## **PART 5 – OBJECTIONS AND APPEALS**

### **5.1 Objections and appeal rights**

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

## **PART 6 – OFFENCES AND PENALTIES**

### **6.1 Offences**

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who contravenes or fails to comply with any provision of this local law is, upon conviction, liable to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

### **6.2 Prescribed offences**

- (1) An offence against any provision of this local law is a prescribed offence for the purpose of section 62(1) of the Act.
- (2) The amount appearing in the final column of Schedule 2 directly opposite an offence described in that Schedule is the modified penalty for that offence.

### **6.3 Forms**



- (1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the Act.
- (2) An infringement notice in respect to an offence against this local law may be given under section 62 of the Act and is to be in the form of Schedule 1, Form 6 of the *Cat Regulations 2012*.
- (3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Schedule 1, Form 7 of the *Cat Regulations 2012*.

**Schedule 1 - Forms**

[Cl. 2.1(2)]

**Form 1 – Nuisance Complaint Form**

**TAKE NOTICE THAT** a cat, believed to be a (1) \_\_\_\_\_  
has created a nuisance by (2) \_\_\_\_\_  
the cat is believed to belong to (3) \_\_\_\_\_  
and is kept at (4) \_\_\_\_\_  
and I (5) \_\_\_\_\_  
of \_\_\_\_\_

requests the local government to institute proceedings, if the nuisance does not stop,  
and undertake:

- (a) to give full information to the local government as to this matter; and
- (b) to appear in Court and give evidence as a witness to the truth of this complaint.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

.....  
(to be signed by complainant)

- |     |  |
|-----|--|
| (1) | Insert breed or kind of cat and, where possible, its sex and identifying marks.  |
| (2) | Describe details of the alleged nuisance, including the kind of nuisance and, where possible, the dates and time on or between which the nuisance occurred, and where the cat was at the time of the nuisance. |
| (3) | State name and address of the person believed to be the owner.   |
| (4) | State, if known, where the cat is usually kept.  |
| (5) | Insert name and address of complainant.  |

**Schedule 2**

[Cl. 6.2(2)]

**Prescribed Offences and Modified Penalties**

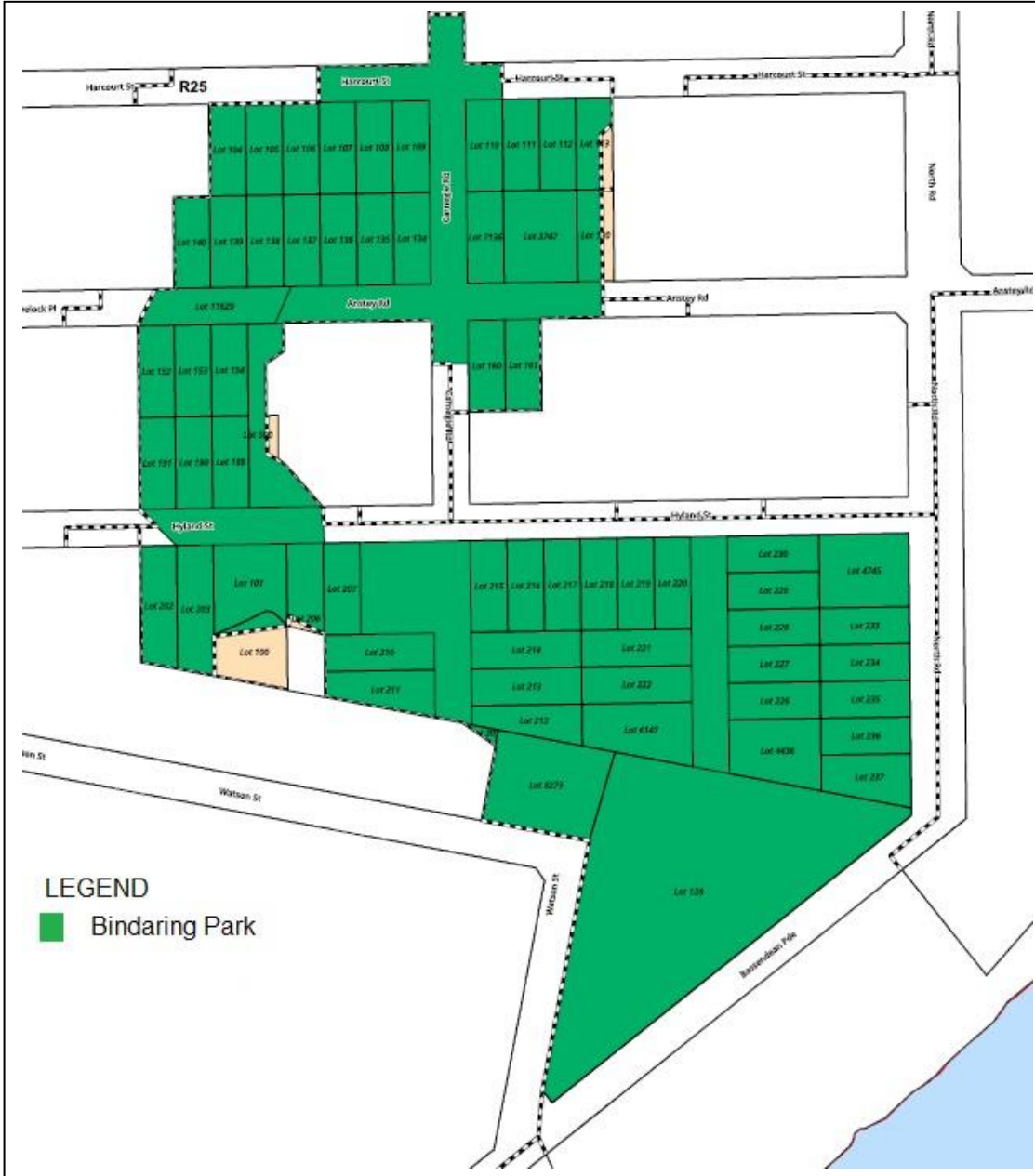
<b>Offence</b>	<b>Description</b>	<b>Modified Penalty</b>
2.1(1)	Cat causing a nuisance	\$200
2.1(4)	Failure to comply with a cat control notice	\$200
2.2(1)	Cat in a place that is not public without consent	\$200
2.3(1)	Cat in a prohibited area	\$200
3.3(1)	Keeping more than the standard number of cats without a permit	\$200
3.9	Failure to comply with a condition of a permit	\$200

**Schedule 3**

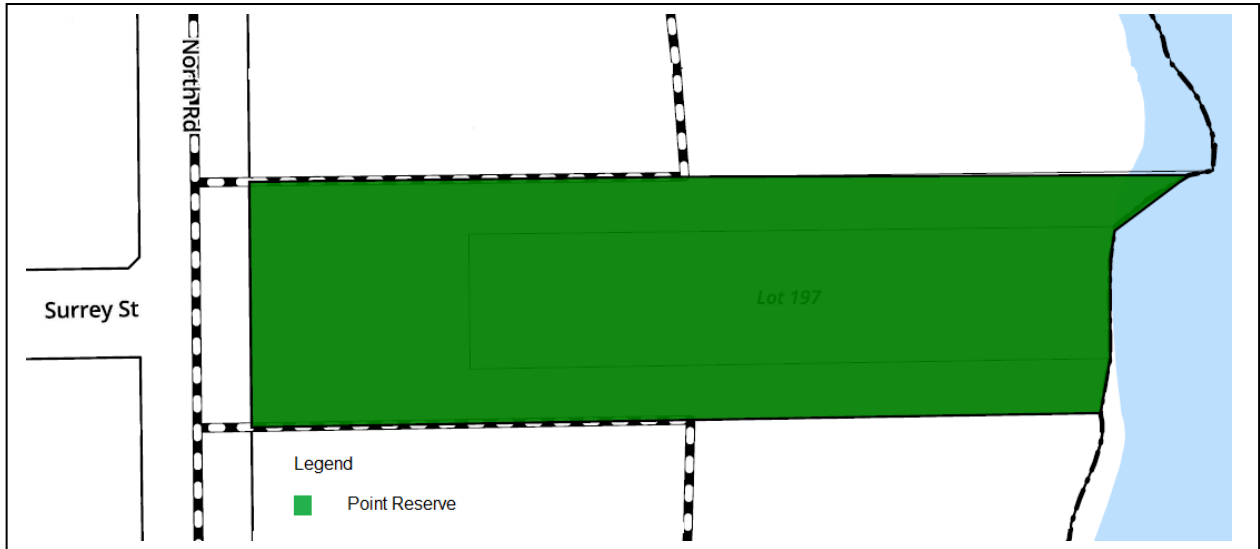
[Cl. 2.3(1)]

**Cat Prohibited Areas**

<b>Reserve Name</b>	<b>Reserve/Lot Number</b>	<b>Location (bound by or accessed from)</b>
Bindaring Park	As shown in Map 1	Anstey Road, Bassendean Parade, Carnegie Road, Harcourt Street, Hyland Street, Lovelock Place, North Road and Watson Street in Bassendean
Point Reserve	As shown in Map 2	North Road, Bassendean
Sandy Beach Reserve	As shown in Map 3	West Road, Bassendean
Success Hill Reserve	As shown in Map 4	Seventh Avenue and River Street, Bassendean
<del>Ashfield Flats</del>	<del>As shown in Map 5</del>	<del>Hardy Road, Ashfield, Whitfield Street and West Road, Bassendean</del>



Map 1 – Bindaring Park, cat prohibited area



Map 2 – Point Reserve, cat prohibited area



Map 3 – Sandy Beach Reserve, cat prohibited area



Map 4 – Success Hill Reserve, cat prohibited area



Map 5— Ashfield Flats, cat prohibited area





Dated the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

The Common Seal of the }  
Town of Bassendean }  
was affixed by authority of a }  
resolution of the Council in the }  
presence of: }

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**CR RENEE JOY MCLENNAN**  
**MAYOR**

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**MS PETA MABBS**  
**CHIEF EXECUTIVE OFFICER**

**Schedule of Submissions**  
**Draft Cats Local Law 2021**

**Objection**

<b>1</b>	<b>Affected Property:</b> 19 (Lot 7) Iolanthe Street Bassendean	<b>Postal Address:</b> 19 Iolanthe Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
1.1	I'm opposed to the draft local cat law 2021.	Noted.
1.2	As a responsible cat owner, I feel this will unfairly penalise people trying to do the right thing. How will you penalise cat owners who do not register/microchip if their cats are found to be a "nuisance"? They may deny ownership and the cat is sent to the pound, a burden to another system.	If a cat is identified and impounded and is not claimed by an owner, it will be dealt with under the provisions of the <i>Cat Act 2011</i> and assessed for rehoming, where appropriate.
1.3	Are dog owners fined if their dog are found on private property or prohibited zones? In the dog local law 2019, owners are only fined if they do not have correct fencing? I've found random dogs wandering and called the ranger however it's my understanding these owners are not fined unless they are repeat offenders. It seems that the dog laws are more lenient in this regard. Dogs may cause less damage to wildlife however can still be aggressive and dangerous.	The <i>Dog Act 1976</i> provides penalties for dogs being on private property without consent and also prohibited zones.  The Town generally takes an education first approach to matters, however, issuing of infringements would occur on a case by case basis based on the severity of the incident and whether it is a repeat offence.
1.4	Can council provide the estimated cost of this new law? Will additional staff be required to police this?	If the proposed Local Law is adopted as is, the Town would monitor enforcement of the Local Law to determine appropriate resourcing requirements in subsequent budget processes.
1.5	How many calls/complaints does council receive regarding cats and for context what is the comparison to dogs/dog noise complaints.	In the 20/21 financial year the Town's Rangers have issued 83 cat traps with further residents on the waiting list (not including complaints that did not result in the issue of a cat trap). In the same timeframe, Rangers have recorded 26 nuisance dog investigations. In addition, during this time the Rangers impounded 26 dogs and 56 cats.
1.6	I support the prohibition zones to protect our river/local wildlife however this has wide ranging implications for pet owners across the town. Will dogs also be require on leash only in these locations? Currently this does not appear to be the case. Dogs have contributed to the eroding of the banks of sandy beach but owners are not fined. Council mentioned in their Facebook post response that they regularly collect stray cats in these locations.	None of the areas listed for Prohibited Areas are currently designated as off leash dog exercise areas, with Point Reserve being a dog prohibited reserve.

1.7	This does not mention cats chipped and registered? Can you please provide the statistics on this? This law will also not stop the stray cats? What about cats that are inside only?	Of the 56 cats seized in the 20/21 financial year, 9 cats were microchipped. The proposed Local Law will be applicable to all cats within the district.
1.8	I believe the fines are too steep and a resident could receive multiple fines at once, this seems incredibly harsh and does not correlate with any other fines council has.	The modified penalties proposed are in line with those in the <i>Cat Act 2011</i> , <i>Cat Regulations 2013</i> and also other Cat Local Laws considered during the review process.  As advised at point 1.3 - the Town generally takes an education first approach to matters, however, issuing of infringements would occur on a case by case basis based on the severity of the incident and whether it is a repeat offence.
1.9	I don't think the amendment to the local law will provide the benefit that council wants and is just a band-aid to try and appease disgruntled residents. Are there other councils who have adopted this policy who are able to provide a case study to the benefits?	Cat Local Laws from many other Local Governments were included in the review process, many of which included similar relevant clauses.
1.10	Perhaps Council could first look into other options. This needs to be done in a manner which provides residents with the tools to help and not just be punished. Maybe a trial period? Statistics can be collected, owners can be informed and it provides education to the community.	This draft Local Law is an amendment to the existing Local Law and is in addition to the existing State Legislation.

<b>2</b>	<b>Affected Property:</b> Redacted	<b>Postal Address:</b> Redacted
	<b>Summary of Submission</b>	<b>Comment</b>
	Objection to the proposal.	
2.1	Currently I am opposed to the draft. Please find attached my feedback to the above draft.	Noted.
2.2	(Part 2.1) "Nuisance" needs more information, how is this to be confirmed? The form attached would be filled out but how does the council confirm this? How will this be measured and policed? It appears ambiguous and up for interpretation. If a neighbour makes numerous unfounded complaints (similar to noise complaint) would you get fined? Maybe the council can provide more information on this?	For a Cat Control Notice and follow up infringement to be issued, an Authorised Person would need to be of the opinion that a nuisance has occurred. In order to support this, evidence would need to be provided and corroborated. The Local Law provides a definition on what would be considered a nuisance.  The nuisance provisions exist in the current local law, they have been updated to ensure consistency and clarity with existing legislation.
2.3	(Part 2.1) For example I consider my neighbours dogs a nuisance as they bark all day. This can be easily verified by council however this is not in the dog local law or noise complaint form at Town of Bassendean. Nor do my neighbours receive fines. However my neighbours would receive a fine if their cat comes into my yard?	Nuisance barking is covered under the <i>Dog Act 1976</i> and provides for the issuing of an Order to Prevent a Nuisance from which infringements would be issued. In the case of a either a dog or cat nuisance a complainant would be required to complete an official complaint form and provide evidence to support their claim of nuisance, which the Rangers would then confirm/corroborate to undertake enforcement action.

	A cat entering a private property without consent would be an offence under the proposed Local Law, as it is for a dog under the <i>Dog Act 1976</i> .	
2.4	<p>(Part 3.4) the way this worded I don't see any applications being approved for additional cats based on the councils stance on the danger to local wildlife. Should it not be capped at 2 cats always? I do not have issue with this I just think it's a waste of government resources to consult with residents similar to a building permit.</p>	This is an existing process under the current Local Law and <i>Cat Act 2011</i> , this amendment simply further clarifies/prescribes the process within the Local Law.
2.5	I also think the fine for a cat in a place that is not public without consent (\$200) should be reduced to (\$100) the same as the dog pooing in your yard (as per the dog local act 2019). Some of these fines also overlap. Maybe some should be reduced?	The penalties are in line with other cat Local Laws and the <i>Cat Act 2011</i> .
2.6	I have concerns that the harsher conditions of this local law will be a deterrent for responsible pet ownership and punish those trying to do the right thing. For example, those who microchip and register their pets are at more risk for a fine if their pet gets out (a non-registered owner could just deny ownership). People may opt not to microchip/register in fear of the fines, noting the majority of the fines will occur in unison. Will people be given warnings first? Is there any case study examples where this has worked effectively? Percentage increases in local wildlife?	<p>As advised at point 1.3 - the Town generally takes an education first approach to matters, however, issuing of infringements would occur on a case by case basis based on the severity of the incident and whether it is a repeat offence.</p> <p>The <i>Cat Act 2011</i> requires that all cats over the age of 6 months must be microchipped, sterilised and registered. If an owner does not comply with this, enforcement action may be taken under the <i>Cat Act 2011</i>, not the Local Law.</p>
2.7	As way of background my 2 cats are chipped, registered and have a cat run (they do not go outside). That being said, they do get out sometimes. If council have set a cat trap in my neighbour's yard as they have random cats visiting and my cat gets taken I could potentially get multiple fines based on this act 2.1 (1), 2.1 (4) and 2.2 (1) penalties. That's \$600. There is also the cost of retrieving the pet from the pound.	<p>Clause 2.1(1) (<i>An owner shall not allow a cat to be or create a nuisance</i>) would only be issued if a nuisance was proven and Clause 2.1(4) (<i>A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice</i>) would only apply if a Cat Control notice had been issued and the cat was proven to be creating a nuisance in contravention of a Notice.</p> <p>See comment on 1.2 above.</p>
2.8	I think this local act has the potential to be abused by disgruntled neighbours angry at cats' pooing in their yard and causing financial duress on households rather than protecting local wildlife.	<p>All nuisance complaints would be required to be supported by evidence that would be presentable in Court for enforcement action to be taken.</p> <p>Trapping cats on private property is an existing provision under the <i>Cat Act 2011</i>.</p>
2.9	I think positive Council incentives may be more beneficial in achieving the outcomes we need, information on making cat runs, free collars with bells, discounted micro chipping/neutering. Education about the local wildlife and the damage cats can cause (also provided to local schools) as the children may be helping with the pets.	Noted.

2.10	Cats are a heated topic in Town of Bassendean so I would prefer this feedback was not disclosed to the public and/or name removed. While I'm sure it was not intentional (or maybe it was?) this draft has come out following a cat being killed and another being maimed by locals which was in the news so seemed in poor taste.	This review was in progress and it is coincidental that there have been cases regarding cats in the media at the time of advertising the Local Law.
3	<b>Affected Property:</b> 36 (Lot 141) Freeland Way Eden Hill	<b>Postal Address:</b> 36 Freeland Way EDEN HILL WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
3.1	I'm writing to you in regards to the new draft cats local law 2021 that the Town of Bassendean council has put forward.  I have found the new drafting law goes from nothing what the council hold now to extreme and a money grab.	Noted.
3.2	I am a responsible cat owner my 2 cats who are registered with the council, they are vet checked, desexed and up to date with vaccinations. One of my cats is anxious so she just potters around inside my home while my other cat does go out front of my home but comes in and out during the day and by 5pm he is locked inside for the night.	Noted.
3.3	I do not understand why the council has taken such a stance with the draft of the cat law and personally I think they have definitely gone overboard. In the last 6 months my cat has brought home 4 rats. Now with you proposing that all cats be contained inside the rat problem in the town of Bassendean will only get worse.	The Local Law has been drafted in line with Council's adopt position on protecting the natural environment, contained within the Strategic Community plan 2020-2030.
3.4	I also noticed that within your cat laws all your fines are \$200 but dogs excreting in a prohibited place is only \$100. What about dogs laws where owners never keep their dogs on leads. You go to any park in Town of Bassendean and this is a massive problem. I've also nearly been attacked in my own front yard due to dog owners not keeping their dogs on leads. Where is this law??	The penalties are in line with other cat Local Laws and the <i>Cat Act 2011</i> .  Dogs are dealt with under the <i>Dog Act 1976, Dog Regulations 2013</i> and the Town's <i>Dogs Local Law 2019</i> .
3.5	For cats you have put 6 ways to fine cat owners but only 2 for dogs.	This proposed Local Law has clauses that are permissible under the <i>Cat Act 2011</i> for Local Laws. The Dog Act is fairly prescriptive about offences for dogs such that a dog's local law is required for a small number of matters, whereas the <i>Cat Act 2011</i> focuses on a number of issues with a range of matters allowable under local laws.

3.6	I can't even walk my own dog at the park due to people NOT having their dogs on leads and their dog racing up to my dogs face e.g. Jubilee reserve NOONE ever has their dog on a lead. Also the amount of don't poop you see is ridiculous.	Noted.
3.7	Now I understand that there are owners out there that don't do the right thing in regards to cats. But your approach to introducing such an extreme cat laws is utterly ridiculous and a money grab. Not to mention the outlay for people to fit out cat enclosures at there (sic) property.	Should the Local Law be adopted as proposed, it would be the responsibility of all cat owners to keep their cats out of private properties by any available means.
3.8	I actually find that my neighbours down the road that Homes west keep lobbing in our street are more destructive than any cat with the litter that they continuously throw in the neighbours gardens, letters they rip up and throw over the road, spit at neighbours driving down the road, stealing plants from our gardens, copping abuse from them and them speeding down our street at 80km+ because they are so off their face with drugs and alcohol. We have small children playing in our street. You should be approaching these items as a council.	Noted.
3.9	Yes introduce cat laws but be realistic. Introduce a cat curfew - cats can go out between 6am-6pm, cats must be registered, cats must be de-sexed, cats must be micro-chipped.	Cat curfews would not be permissible under the <i>Cat Act 2011</i> local law provisions as they would prohibit cats in all public places within a district, which is not permitted.
<b>4</b>	<b>Affected Property:</b> 15 (Lot 379) Second Avenue Bassendean	<b>Postal Address:</b> 15 Second Avenue BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
4.1	I write in objection to Part 3 of the proposed law. Our family adopted a rescue cat from Cat Haven a couple of years ago, having regularly fostered for the charity. We were not planning on adopting but this cat was so loving and tolerant of our young child, that we were unable to let him go.	Noted.
4.2	Our cat had already had a rough start to life. At an estimated three years old, he had already been in Cat Haven twice, through either neglect or ambivalence of his former owners. It is almost undoubtedly not through any fault of his own.	Noted.
4.3	All foster cats must be kept indoors and as our cat is white, we continued that for several months, to avoid his ears becoming sunburned. However, he was unhappy indoors all day and now goes outdoors during the daytime. Although we have a large garden, he goes beyond our walls and neighbours cats occasionally appear in our garden.	Noted.

<p>4.4 I don't know where those cats live, nor which garden(s) our cat might visit. How then am I supposed to get permission for my cat to be in a particular property, or indeed, give permission to the owners of other cats for them to be on my property?</p>	<p>If the proposed Local Law were to be adopted, enforcement would be based on a complaint basis.</p>
<p>4.5 Part 3 of the proposed law is Draconian, unworkable for cat owners and lovers and will inevitably result in an increased burden on animal rescue organisations as your residents are faced with Hobson's choice of either no cat or an indoor cat. Not everyone can afford or have the space to install a cat run, and it is a poor solution for an outdoor cat anyway.</p>	<p>Please see response above at 3.3. Part 3 of the proposed Local Law deals with number of cats permitted at a property and there is no change to this number from the existing Local Law in the proposed Local Law. The proposed amendment prescribes the existing application process. In relation to the control of cats (Part 2) please see response above at item 3.7.</p>
<p>4.6 I can also tell you that Part 3 of the proposed law will cause disputes between neighbours and diminish the friendly community that Bassendean is known for. Residents will also leave the town in favour of areas where their cats can live a natural and happier life. We will be amongst them.</p>	<p>Please see response above at 4.5.</p>
<p>4.7 We have friends who left City of Swan because of their comparable law, after a neighbour repeatedly failed to give notice that she would be trapping on her property and succeeded in capturing their cat when it escaped one day. The laws are therefore open to abuse and there are those who will run foul of the laws despite best endeavours to keep a cat indoors.</p>	<p>Trapping cats on private property is an existing provision under the <i>Cat Act 2011</i>.</p>
<p>4.8 An inability to pay a fine will inevitably result in families losing their beloved pets.</p>	<p>Infringements are processed through the Fines Enforcement Registry and would not result in the seizure of an animal. As is the current requirement under the <i>Cat Act 2011</i> fees and charges are payable for the reclaiming of impounded animals.</p>
<p>4.9 Taking responsibility for a pet is an important lesson for children. Not all families can devote sufficient time to a dog, and smaller animals such as rabbits have such a short life span that children can be devastated by their death. Your proposed law really fails to take such matters into account.</p>	<p>Noted.</p>
<p>4.10 It is an unfair situation for existing cat owners. Our cat is estimated to be 5 years old so could potentially live for another 20 years. Having kept him inside for a prolonged period and allowed him outside, he clearly prefers the latter. Our child is significantly attached to him. He chooses to sit with her at night-time until she goes to sleep and keeps her company during quiet times such as reading. This encourages her to read for longer, because she enjoys having him beside her.</p>	<p>Noted.</p>

	So, re-homing our cat to a family in a town or city without such a law is not an option for us.	
4.11	Whilst I support Part 4 on the basis that cat hoarding is not beneficial to the animals and may well cause a nuisance to neighbours, Part 3 creates the opposite effect from an animal welfare perspective and I would urge you to abandon it.	Part 4 of the proposed Local Law is in relation to giving a Notice and prescribes how a Notice may be given. There is only a minor administrative amendment to this section from the existing Local Law.  Part 3 of the proposed Local Law deals with number of cats permitted at a property and there is no change to this number from the existing Local Law in the proposed Local Law. Please also see response at item 3.7.
4.12	We love living in Bassendean but won't be staying if you enact Part 3 of the proposed law. That in turn will affect the elderly next door neighbour that we have supported for many years. Such issues have presumably not been considered.	Noted.
4.13	Solving a trivial issue potentially affecting a small minority of residents who are bothered by cats has the potential to cause wider implications in the community for its more vulnerable members.  Our family is vehemently opposed to the enactment of Part 3 of the proposed law.	Please see response above at item 3.3.
<b>5</b>	<b>Affected Property:</b> 185 (Lot 1) Anzac Terrace Bassendean	<b>Postal Address:</b> 185 Anzac Terrace BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Objection to the proposal.		
5.1	As a registered Veterinary Surgeon in the state of WA, I wish to voice my concerns re: certain aspects of your proposed Local Cat Law.	Noted.
5.2	It seems to me that in drafting these laws, that the nature of cats has been overlooked. It seems unreasonable to me that you should expect cats to act like dogs, which are reasonably easy to constrict in movement and contain in the average back yard. Cats are by their very nature, (curious beasts that they are) prone to wander. Unless an owner is able to fully enclose their property to a height of 3-4 meters, cats, (especially a cat that is used to unrestricted movement), will escape almost any other enclosure. How for instance, do you get an person that has owned a cat for years to suddenly be able to restrict its movement to the confines of their property? To be able to confine the cat indoors at night, on the other hand, seems reasonable enough and should I think, be one of the main stays of your draft.	Please see responses above at items 3.3, 3.7 and 3.9.



<p>Now that cats are by law chipped, the average cat being confined indoors at night (when cats are more prone to be a nuisance) should suffice. Usually a cat's daylight wandering will be confined to the local residences and harmless. Obviously, if a particular animal has serious problems such as habitual transgressions on to reserves etc., trapping and warning/prosecuting owners may be appropriate.</p>	
<p>5.3 It seems to me that the fines proposed for transgressions are excessive and beyond the finances of many residences. It must be remembered that many cat owners are older people that are pensioners or low income earners. It has been my experience that many cat owners will spend considerably more than they can afford on their pets. These animals are cherished companions to many and I recommend that your maximums fine of \$5,000 and then \$500/day be reduced to a more acceptable fee. I should hope that fines would be a last resort when transgressions occur and that common sense would reign.</p>	<p>The \$5,000 with \$500 per day penalty is a maximum penalty that may be imposed by a Magistrate should an offence be prosecuted. The modified penalties (\$200 per offence) are in line with other cat Local Laws and the <i>Cat Act 2011</i>.</p>
<p>5.4 My final concern is that these laws would be open to abuse from vindictive or petty complaints. Seeing as it would be very difficult to restrict the movement of your average cat,(as explained above), it would be very easy for a neighbour to use these laws for illegitimate purposes. An unrelated (trivial or serious) dispute may motivate a vindictive or rancorous neighbour to try and use these laws maliciously . It seems to me that in such cases, the onus of proof would be very difficult to determine and may leave the cat owner at a serious disadvantage.</p>	<p>Please see response above at item 2.8.</p>
<p>5.5 I reiterate that cats are by their very nature, prone to wander, (and unlike many other pets), restricting their day time activity would in many cases cause an unreasonable practical and financial burden on many residents.</p> <p>In drafting these laws, the nature of cats must be taken into serious consideration. Failure to do so ,will in my opinion, cause more harm than good, as well as create a severe headache for your already overworked rangers.</p>	<p>Please see response above at item 3.3.</p>

## Support

<b>6</b>	<b>Affected Property:</b> 127A (Lot 62) Whitfield Street Bassendean	<b>Postal Address:</b> 127A Whitfield Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
6.1	The Friends of Bindaring Wetland Bassendean leaders group supports this initiative to encourage responsible cat ownership and to prohibit cats from Bindaring Wetland and from the other nominated river parks.	Noted.
6.2	We would also like to suggest the inclusion of other equally deserving natural areas area in Schedule 3, where wildlife is also under threat: <ul style="list-style-type: none"> <li>- Pickering Park which has more bush than Point Reserve, and</li> <li>- the remnant bush of Jubilee Reserve and</li> <li>- habitat regeneration Mary Crescent Reserve.</li> </ul>	Bindaring Park was initially proposed based on previous evidence of cat activity and its environmental sensitivity. Additional areas were added to the list of proposed Cat Prohibited Areas (CPA) by Council. Pickering Park and Mary Crescent Reserves are designated Dog Off Leash areas and as such may not be currently suitable for inclusion on the CPA Schedule.
<b>7</b>	<b>Affected Property:</b> 14 (Lot 29) River Street Bassendean	<b>Postal Address:</b> 14 River Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
7.1	We strongly support the proposed Draft Cats Local Law.	Noted.
7.2	While we are quite fond of cats we are much fonder of native birds and animals. We would support an appropriate extension of the proposed Local Law if it could in any way prevent, or at least reduce, cats hunting native wildlife on residential properties as well as in the listed reserves.	Noted.
7.3	Increasing housing density is significantly reducing native bird habitat in Bassendean, but residents, assisted by the Council through the provision of appropriate plants, are planting native bird friendly gardens in an attempt to redress the balance. Unfortunately however we have observed a reduction, to the point of almost total absence, of two smaller Honeyeater species which were once prolific in our garden. We fear this maybe a consequence of cats, (including strays), we are obliged to chase from our yard as they stalk the birds which come to our bird baths and/or breed in our bird boxes	Please see response above at item 3.3.

<b>8</b>	<b>Affected Property:</b> 26 (Lot 1) Cyril Street Bassendean	<b>Postal Address:</b> 26 Cyril Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
8.1	I am a resident of Bassendean. I am strongly in favour of the changes proposed in the 'Draft Cats Local Law 2021'. We would not dream of allowing other pet owners to have their dogs, hamsters or snakes roaming the streets, and it should be no different for cat owners.	Noted.
8.2	Given the wealth of research which shows the damage pet and feral cats do to native wildlife, I strongly believe that cat ownership should be strictly regulated and that the proposed changes will be beneficial to the residents of the Town of Bassendean.	Noted.
<b>9</b>	<b>Affected Property:</b> 2/32 (Lot 4) Bassendean Parade Bassendean	<b>Postal Address:</b> 2/32 Bassendean Parade BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
9.1	I also agree with the new cat laws and would like to see them implemented ASAP.	Noted.
<b>10</b>	<b>Affected Property:</b> 30c (Lot 3) Bassendean Parade Bassendean	<b>Postal Address:</b> 30c Bassendean Parade BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
10.1	Having reviewed the Draft Cats Local Law, I am writing in support of the finalisation and appropriate implementation of the Law on behalf of the residents of 30c Bassendean Parade.	Noted.
10.2	We have lived in our current address for over 3 years and have witnessed the destruction caused by cats in our area. The area surrounding the river should be a hotspot for bird life and small mammals but there is a distinct lack despite residents planting diverse native gardens. Cats frequently leave dead birds in my yard and dead possums in the area. They use my garden as a litter box which has caused my dog illness and I am worried about my children in future. The number of cats in the street is far too high and they are left to run rampant outside.	Please see response above at item 3.3.

	<p>Last year, feral kittens appeared on a river front bush block across the road. These are just a few examples of the inappropriate cat ownership in our suburb and I believe there needs to be a significant overhaul going forward if we are to support the return of biodiversity to our suburb.</p> <p>Below is a picture of a Quenda spotted on North road, hopefully we can protect them going forward.</p>	
<b>11</b>	<p><b>Affected Property:</b> 48A Ida Street Bassendean</p>	<p><b>Postal Address:</b> 48A Ida Street BASSENDEAN WA 6054</p>
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
11.1	<p>Thankyou for the opportunity of feedback on the above draft Local Law.</p> <p>I fully support the implementation of this Local Law. It is fair and equitable to have a Cat's Local Law as there is a Local Law relating to dogs and their proper management within our community. Both of these animals are popular pets and are part of the way we live in our community.</p>	Noted.
11.2	<p>I come from the Shire of Yarra Ranges in Victoria, an area of outstanding beauty and ecological diversity. It took many years before that Council acted with an appropriate Local Law to restrict uncontrolled movement of cats through pristine bush and river valley environments. Significant (if not catastrophic) damage was done to the ecology and animal/bird species over the years of "free reign". Growth of feral cat population increased. So when relocating to the Town of Bassendean I was surprised there was no Cat Local Law governing movement of cats.</p> <p>Restriction of cats (must be kept at home) from sunset to sunrise, was an integral part of restriction of their hunting and predatory times.</p>	Noted.
11.3	I support the Draft Local Law and hope Council is able to pass this Draft into Town of Bassendean Local Laws Act.	Noted.

<b>12</b>	<b>Affected Property:</b> 135 (Lot 313) Whitfield Street Bassendean	<b>Postal Address:</b> 135 Whitfield Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
12.1	While I am happy to see more regulations and increased fines put in place for cat irresponsible owners I do not feel they do not go far enough. I live next to the Ashfield Flats wet lands and while there may be some strays there it is local pets which cause most of the problems.	Noted.
12.2	If dog owners can keep their dogs enclosed at home and controlled in public why not cat owners? All it requires is an outdoor enclosure where the cat is restrained on the owners property. If owners are not prepared to go to the expense of erecting a suitable enclosure they shouldn't have a cat. Dog owners must have fences and secure gates to keep them on their property.	Noted.
12.3	Cats can be trained to walk on a lead if the owners feel they need more exercise and stimulation.	Noted.
12.4	Under the current system the onus is on the annoyed resident to catch and notify the rangers about a nuisance cat before anything can be done about the situation or fines administered.	In order for enforcement action to be taken the cat and owner need to be identified. If the cat is not easily handled it must be trapped to be identified.
12.5	I have spent a lot of time, energy and money to create a bird friendly garden and do not take kindly to the local cats using it as a smorgasbord. I even disturbed one fishing in my little pond and finding a cat has used you veggie patch as a toilet is guaranteed to raise the blood pressure. Currently I have 4 cats who often visit my garden but don't know who they belong to. I know they are not strays.	Noted.
12.6	We all know the damage cats have done to our wildlife but it seems as if cat owners are a protected species who cannot be upset. I do not blame the cats for behaving as nature intended but I do blame irresponsible cat owners for creating this situation.	Noted.

13	<b>Affected Property:</b> Anonymous	<b>Postal Address:</b> Anonymous
Summary of Submission		Comment
Support to the proposal.		
13.1	<p>I have read the proposed draft cats local law.</p> <p>I feel that it's a great idea and a positive step to put more onus onto cat owners to be more responsible than the current state cat laws.</p> <p>The current state cat laws do not go far enough in terms of allowing cats to roam on other people's premises and being a nuisance.</p> <p>Some people do not mind cats roaming on their premises but some do.</p>	Noted.
13.2	<p>I believe the proposed by law regarding cat owners must seek permission from the occupants of the premises regarding roaming is an excellent idea and will address any issues with cats becoming a nuisance.</p> <p>I have an irresponsible owner that does not provide a litter tray and instead pushes her cat outdoors to do its litter in other people's gardens like mine. It also likes to spray mark my plants, front door, back door and my car tyres and bumpers.</p> <p>The urine stains my colour bond security door and the smell is very noticeable. That particular cat gets into territorial fight with other cats and as a result is blinded in one eye. Believe or not, the owner still let's it roam and has not even bothered to address its current behaviour.</p>	Noted.
13.3	<p>Currently, the ranger are powerless to do anything due to no provision in the current state law and council by-law.</p> <p>I have read how cats have been poisoned, injured and even killed which I do not condone but I believe that the reason is that they may have been a nuisance to certain individual premises that made them resort to such extreme measures out of frustration.</p> <p>The new proposed cat by law I believe will or should put an end to cruelty against cats and actually force owners to be more responsible and force them to address any behavioural problems.</p>	Nuisance provisions are provided under the current and draft Local Law. The draft Local Law includes an offence for a cat being on private property without permission, separate to a nuisance offence.

<b>14</b>	<b>Affected Property:</b> 17/36 (Lot 20) Ivanhoe Street Bassendean	<b>Postal Address:</b> 17/36 Ivanhoe Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
14.1	<p>Thank you for the opportunity to comment upon the Town's Draft Cats Local Law.</p> <p>I support proposed clause 2.2(1) of the Draft Cats Local Law, which intends to prohibit a cat from entering private property without the consent of the owner of that property, for the following reasons:</p>	Noted.
14.2	<ul style="list-style-type: none"> <li>- It minimises the risk of a cat being hit by a car, getting lost, stolen or otherwise injured</li> <li>- It eliminates the risk of a cat being attacked by a resident dog or cat in their private property</li> <li>- It eliminates the risk for a cat-reactive dog taking a significant backwards step in its training and behaviour modification plan</li> <li>- There are many contemporary options to contain a cat outdoors (cat runs etc.)</li> <li>- There is a rapidly growing industry of animal enrichment options to positively fulfil an indoor cat's physical and mental well-being, including their predatory motor pattern</li> </ul>	Noted.
<b>15</b>	<b>Affected Property:</b> 35 (Lot 9) Hardy Road Ashfield	<b>Postal Address:</b> 35 Hardy Road ASHFIELD WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
15.1	<p>I have had many birds attracted to the native plants in my garden killed by cats that are not welcome on my property.</p> <p>I personally believe that cat owners should ensure that their cats are confined to their own property and not left to wander onto Cat Prohibited Areas and private properties whose owners have not given permission for their cats to access their properties.</p>	Noted.

<b>16</b>	<b>Affected Property:</b> 34 (Lot 254) North Road Bassendean	<b>Postal Address:</b> 82B West Road BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
16.1	Thank you for your notification about the new Draft Local Cat Law. My name is Lisa Last and I live with my family at 34 North Rd, Bassendean, adjacent Point Reserve. We are in full support of the proposed law. It seems to encourage responsible pet ownership, and may hopefully result in the preservation on wildlife in our neighbourhood.	Noted.
<b>17</b>	<b>Affected Property:</b> 27 (Lot 2) Maley Street Ashfield	<b>Postal Address:</b> 27 Ashfield Street ASHFIELD WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Support to the proposal.		
17.1	I very much support this law to hopefully prevent cats from adding to the destruction of our natural habitats in Bassendean, including my organic gardens where I need the native birds and insects to control the produce-eating pests.	Noted.
17.2	Veterinary science (and cities around the world ) have proven that domestic cats can thrive indoors and will easily adapt to wearing leads for outdoor exercising.	Noted.



**Comment**

<b>18</b>	<b>Affected Property:</b> 22 (Lot 1) Esther Street Eden Hill	<b>Postal Address:</b> 22 Esther Street EDEN HILL WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Comment to the proposal.		
18.1	Cats are incredible nocturnal hunters that use a large area from their home base. (Various research can be found on their nocturnal hunting area.) Summer of 2020 we lost all our 3 ducklings due to attacks from cats. This week we have had to dispose of our dead chook which had been attacked in the backyard of our Eden Hill home. Also, it so happened that I had to dispose of a wild bird from the yard of a local early learning centre in Bassendean where I work, as it too had fatally been attacked. Cats definitely need to be kept inside at night due to them being incredible nocturnal hunters.	Noted.
<b>19</b>	<b>Affected Property:</b> 3 (Lot 1) Ivanhoe Street Bassendean WA	<b>Postal Address:</b> 3 Ivanhoe Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Comment to the proposal.		
19.1	It is always good to have clear guidelines around animals, especially peoples pets. I am an animal lover and pet owner, my pets are a part of my family, so I can understand when people get "defensive" or are resistant to these kinds of changes. I think to make it fair and not to seem as a money making scheme to line corporate pockets, you should also target the cats that are abandoned and/or strays. Stray and abandoned cats' only food source is our local flora and fauna. They are a nuisance as they become territorial, spray and fight with domesticated cats.	The draft Local Law will be applicable to all cats with the district.
19.2	I rented a house through a Bassendean local real estate agent, upon renting it, I inherited a stray female cat who went on to have two litters. My real estate agent refused to assist in any way shape or form, would not contact the previous renter etc. the cat haven would not assist unless I paid to surrender a cat that was not mine - the only time anyone would assist was when there was money to be made off the kittens. As an animal lover It was a really disheartening experience.	Noted.

19.3	Introducing these cat laws are great but only resolve part of the problem and you are only targeting the animals who you can make money off, ones that are owned. You need to target the strays and abandoned as well, perhaps the \$200 fine can go towards funding a cat desexing subsidy? I wouldn't mind paying a fine if I knew it went to a good cause or towards something to benefit the community.	Please see response above at item 19.1.
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<b>20</b>	<b>Affected Property:</b> 78 (Lot 54) Villiers Street West Bassendean (formally 24 Fisher Street, Bassendean)	<b>Postal Address:</b> 78 Villiers Street West BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Comment to the proposal.		
20.1	I received the notification of the proposed new Cats Local Law and I have a couple of queries.	Noted.
20.2	I've lived in Bassendean (near the Ashfield flats, on Fisher Street) since 1995 and have had the cat for approx. 18 years which is registered and most of the time the cat stays indoors except for when I'm at work. When she is outside during the day, she stays in the backyard. During the night, she is definitely kept indoors.	Noted.
20.3	With this new proposed law, does this mean I will need to apply for a permit to keep the cat?	The current and draft Local Law permits up to two cats to be kept without a permit, with a permit required to keep up to an additional two cats.
20.4	With this type of New local laws, is this just being targeted at Cats or is there an equivalent local law being proposed for dogs as well? The reason why I ask, I use to go for walks along the path near the river but stopped due to inconsiderate dog owners letting their dogs off the leash and dogs running wild and at times felt uncertain if the dog would attack. I even see dog owners taking their dogs for a walk and letting the dog making a mess on the lawn and not picking it up. I often see this on my verge which is nuisance so thought I'd ask.	Dogs are dealt with under the <i>Dog Act 1976</i> , <i>Dog Regulations 2013</i> and the Town's <i>Dogs Local Law 2019</i> .

21	<b>Affected Property:</b> 59 (Lot 2) Eileen Street Bassendean	<b>Postal Address:</b> 59 Eileen Street BASSENDEAN WA 6054
<b>Summary of Submission</b>		<b>Comment</b>
Comment to the proposal.		
21.1	I have read the cat law proposal and understand the need for stricter rules but here are my concerns.	Noted.
21.2	My cat was adopted under a different law, and my decision to have a cat was made according to the law in place. If I had known I would not have been able to let my cat outside, then I would not have adopted one.	Please see responses above at items 3.3 and 3.7.
21.3	What will be the process of lodging a complaint against a cat? Can people just ask for a cat trap? What will happen if a cat gets injured in the process? Who is going to be liable?	Complaints and requests for traps can be made to the Town's Ranger Services. Please also see responses above at items 2.7 and 4.7.
21.4	If the cat is on a lead, can owners be allowed to walk him to sandy beach or the wetlands like the dogs do (note: lots of dogs are currently seen without a lead, in Sandy beach where this is prohibited but nobody does anything. Or Ashfield flats where dogs are not kept under control and disturbing the local wildlife).	Should the draft Local Law be adopted as proposed, cats would not be permitted within a Cat Prohibited Area, whether or not it was under control.
21.5	A few options available to cat owners to keep their cats in their properties: <ul style="list-style-type: none"> <li>- Lock them inside the house: not the easiest thing to do for a cat used to outdoors and with children opening the doors. What about elderly being used to having their cats outside, does the council really want to add extra stress (mental and financial) to these people? It also means all windows need to have a secured flyscreen. This comes at a cost and what about people renting houses where there are no flyscreens, no cat run...what would you suggest?</li> <li>- Create a cat run: yes, this is an option but it does not solve the problem of a cat wanting to escape the house whenever someone opens the door. And when it will happen, not if, the cat will probably run mad outside because he will be happy to escape. This is probably when he will likely get killed by a car because he was too obsessed with his freedom feeling.</li> </ul>	Please see response above at item 3.7.  Cats that are clearly compliant with the requirements of the <i>Cat Act 2011</i> (i.e. wearing a collar with registration tag, microchipped and sterilised) may be provided an opportunity to comply with the Local Law provisions prior to enforcement action, where possible.  Cats that are not compliant (i.e. not clearly identifiable via registration tag) or not able to be handled to scan for a microchip may need to be trapped and impounded in order to determine ownership.

- Oscillot which is a spinning cat – proof fence system: seems great in theory, as long as there is no tree in the vicinity of the fence and as long as the fences are colorbond (not great on old asbestos or fiber-cement fences). Probably ok in brand new suburbs, but not applicable in a lot of backyards in Bassendean. Unless people remove trees? Is this what Bassendean is aiming for now? This is also very expensive and not everybody will be able to afford it.
- Overhead netting: as long as people want to live in an aviary then this is probably a very good option, except the trees being an obstacle again and might need to be removed or trimmed (trimming more than 2 cubic metres, allowed by the council at this stage. But this is fine, owners can pay extra to have extra green waste collected because they had to have a net in their backyard to keep the cat away from anyone). Not easy/impossible or very expensive to install when there are trees everywhere along the fence.
- A cat collar with an electric fence. Please find me one approved by RSCPA in Australia. And how efficient this will be? What if the cat loses its collar and he can roam free again. What if he gets caught during his escape?
- Walking your cat: I can't see why not, happy to give it another try. But what is going to happen when a cat comes across a dog? The cat will stare at the dog until he barks and gets excited. Or the dog might straight away try to attack the cat, or the other way around. What's next? A new law to stop cat owners from walking their cats outside because this is disrupting the dogs walks? This can go on and on. Where do we put the limits?
- I have seen people complaining about cats setting off their dogs. Well do you really think having a cat run next to a property with a dog is going to solve this issue? Quite the opposite I would say.

<ul style="list-style-type: none"> <li>- People complain about cats setting off their remote sensing security camera. Well, these can be adjusted to humans only often.</li> <li>- Rules are not applied for dogs so how do you intend to make sure it applies to cats? Is the council choosing its battles? Easier to trap a cat than a dog, less complaints from cat owners because there are more dog owners...</li> <li>- On another note, a well fed cat won't hunt like a stray/feral cat would.</li> </ul>	
<p>21.6 Keeping a cat inside a property is obviously much more involved than any other pets. We can't just have a gate and close it.</p> <p>And we all know in their nature cats hunt...But I agree having a curfew should be implemented because most of the fights happen at night and disturb people. Also most of the hunting is done at night so it would save wildlife as well.</p>	<p>Please see response at item 3.9.</p>
<p>21.7 This new law proposal seems to me slightly over the top. What about starting with curfew and then see how it goes. I suspect most of the cats creating issues would not be owned by anyone. I suspect having a curfew will already be a challenge for the rangers.</p> <p>I have been told other suburbs tried to keep cats indoors the whole time with a similar law but without great success and eventually were sued by owners because cats got killed ... Feel free to approve the law if you are ready to get these kinds of issues and make rate payers pay for it...</p>	<p>Please see responses to items 3.3 and 3.9.</p>
<p>21.8 And yes, these laws are made to protect the wildlife so I would suggest we keep Ashfield flats/Wetlands (as an example) free of pets as we are currently disrupting wildlife there.</p>	<p>Noted.</p>

# **ATTACHMENT NO. 6**

## 1.18 Financial Incentives for Municipal Heritage Inventory Listed Buildings Policy

### Operation

- (a) This policy allows Council to consider a partial or full refund of building and/or planning application fees where it is determined that the works proposed would result in the restoration and preservation of a place either listed or capable of being listed on the Town of Bassendean Municipal Heritage Inventory or the State Register of Heritage Places.
- (b) This policy may be applied in conjunction with Council policy for Non-Financial Incentives.

### Purpose

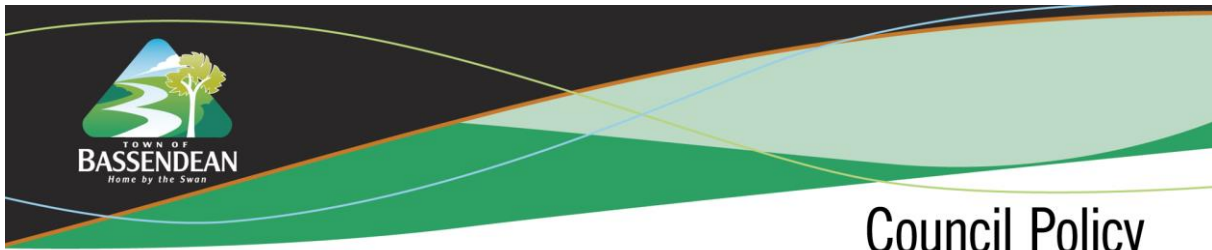
The purpose of this policy is to:

1. Assist in the conservation of the Town's places of cultural heritage significance;
2. Provide appropriate financial incentives to conserve places of cultural heritage significance for the benefit of the community; and
3. Outline the criteria with which Council can provide financial incentives to assist owners with the preservation of buildings of cultural heritage value.

### RELATIONSHIP TO STRATEGIC PLAN

The current Town of Bassendean Strategic Plan includes a core value of "A deep respect for our shared history and heritage includes our capacity and confirms our fundamental responsibility to balance today's needs with the long term interests of future generations."

A key objective is to maintain Council buildings and protect heritage sites. This policy is consistent with the Strategic Plan.



## **BACKGROUND**

It is generally recognised that places of cultural heritage value, if well maintained, retain their value. Council acknowledges that the successful preservation and restoration of Bassendean houses and buildings may, in some cases, incur additional costs to owners. Council's intention is to assist by offsetting the statutory costs for planning and building approval directly connected to such works.

Council is also aware that equal support should be given to owners of those properties under category 2 of the Municipal Heritage Inventory where no development restrictions, other than those normally applicable, exists. However, where a house or building has been recognised as making a positive contribution to the heritage of Bassendean and the owner chooses to undertake restoration preservation works, even as a part of general alterations and or renovation works, the financial benefits provided by this policy will apply.

## **RELATIONSHIP TO OTHER POLICIES**

This policy is complementary to:

1. Council's policy of non-financial heritage incentives; and
2. The Heritage Loan Scheme funded jointly by the State and Local Governments.

## ***POLICY OBJECTIVES***

This policy shall apply in determining either a full or partial refund of building and planning application fees, where it can be demonstrated to the satisfaction of the Manager Development Services that the works proposed would result in the following heritage benefit:

1. The restoration of structural elements of a listed property, or a property capable of being listed. This would include restumping, and alterations in relation to the extensions/additions to such a building, in accordance with the principles of the Burra Charter;
2. The reinstatement of original design elements such as windows, doors verandah; and wall and/or roof cladding; and
3. The proposed works would not obliterate the original form and would attempt to retain original fabrics, or replace the fabric of the building with the same or similar materials and finishes of the listed property.



## ADMINISTRATION

### Additional information to be submitted with development application.

The following additional information is to accompany applications seeking a refund of building and planning fees based upon conservation:

- a) Plans and/or reports showing the extent and nature of conservation works proposed for the existing building(s) on the site;
- b) Historic evidence, such as photographs demonstrating the original form and design of the building where available; and
- c) The proposed timing for completion of those restoration works.

### Refund of Building and Planning Fees

The amount of monies refunded to applicant will be calculated on pro rata basis. For example, if the restoration/upgrading works are 50% of the cost of the overall costs of development, then 50% of the building and planning fees can be refunded.

Prior to a refund being made, a site inspection by the Manager Development Services and the Town's Principal Building Surveyor is to be made, to confirm that the applicant has successfully completed conservation works set out in the initial application for building and/or planning approval.

## Application

Responsibility for the implementation of this policy rests with the Mayor, Councillors, Council delegates and Chief Executive Officer. The Policy is to be reviewed every three years.

<p><b>Policy Type:</b> Strategic Policy</p> <p><b>Link to Strategic Community Plan:</b> Town Planning and Built Environment</p>	<p><b>Responsible Officer:</b> Chief Executive Officer and Manager Development Services</p> <p><b>Last Reviewed: March 2014</b> <b>Version 2</b> <b>Next Review due by:</b> December 2016</p>
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## 4.4 Fee For Service, Community Groups, Public Events Policy

### Objectives

To provide an established set of parameters when negotiating a fee for service for participation in Public Events for community groups.

### Strategies

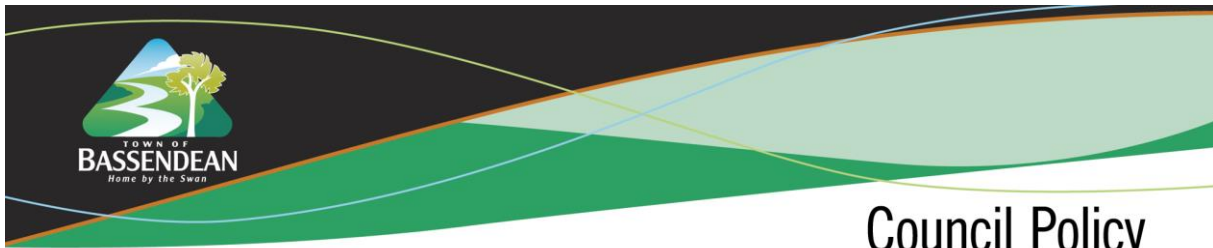
Council will:

- a) Maintain a register of community groups interested in assisting with the provision of events;
- b) Provide equal opportunity to all community organisations who can demonstrate capacity to undertake the service required, are incorporated, can provide an ABN; and have appropriate insurance;
- c) Provide clear and concise task descriptions for all services;
- d) Negotiate a reasonable fee for service; and
- e) A Deed of Agreement shall be enacted for community groups provision of service and provide for fees payable for the service.

### Application

Responsibility for the implementation of this policy rests with the Mayor, Councillors and Chief Executive Officer. The Policy is to be reviewed every three years.

<p><b>Policy Type:</b> Council Policy</p> <p><b>Link to Strategic Community Plan:</b> Arts, Heritage and Culture</p>	<p><b>Policy Owner:</b> Director Community Development</p> <p><b>Adopted:</b> OCM 6/6/01</p> <p><b>Last Review Date:</b> March 2014</p> <p><b>Version 1</b></p> <p><b>Next Review due by:</b> December 2016</p>
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## 5.16 Use of Community Facilities Policy

The Town of Bassendean aims to provide facilities to best meet the community's current and future needs.

### Objectives

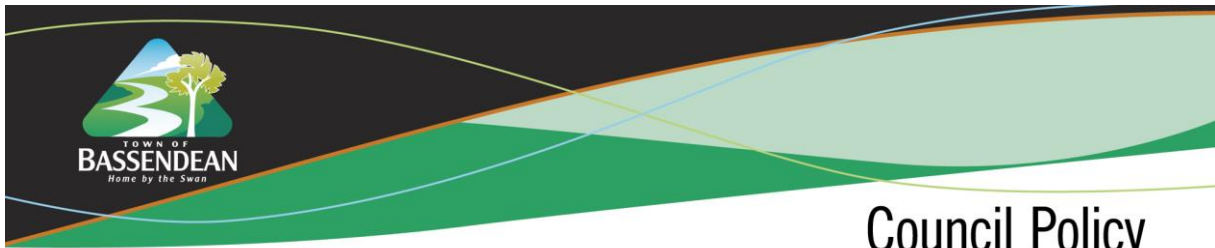
The Town of Bassendean's objectives for this Policy are to:

1. Provide community facilities that best meets the community's needs.
2. Facilitate optimum use of community facilities.
3. Ensure the sustainable use of the Town's resources for the provision of its community facilities.

### Strategy

The Town of Bassendean strives to achieve these objectives by:

1. Forming partnerships with sporting groups, community groups and other stakeholders to assist with the effective management/usage of local community facilities.
2. Supporting the position of a "User Contributes" principle and adopting a differential scale of fees and charges for community groups and commercial users to ensure use of community facilities is affordable.
3. Providing free use of sporting reserves, ovals and hard courts to local schools during normal school attendance times, to provide the opportunity for children to participate in sport as part of their education and socialization experiences.
4. Providing free use of meeting rooms to locally based, self-help, welfare and charitable groups, providing no charge or entry fee is made by the organisations, to support such groups in their endeavours to provide necessary support services for our community.
5. Providing community facilities that are "multi-use" to cater for a wide range of uses.



## Council Policy

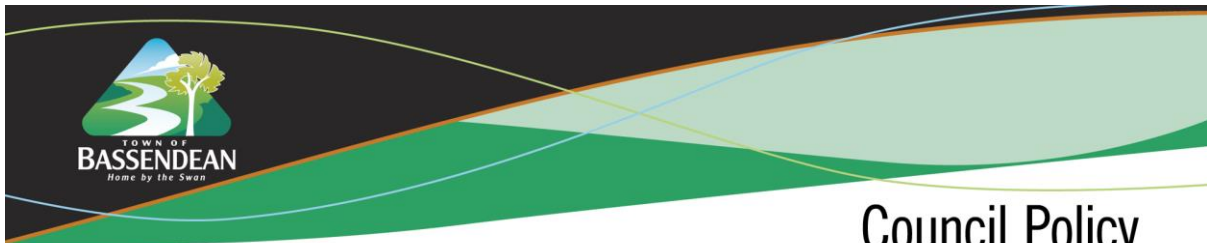
6. Providing opportunities for users and the wider community to provide feedback on the Town's community facilities to assist in determining and meeting their needs.

### Application

Responsibility for the implementation of this Policy ultimately rests with the Bassendean Town Council, with input from relevant Committees and Town of Bassendean staff.

The Bassendean Town Council delegates powers to the Chief Executive Officer for the management of the use of community facilities, in accordance with budgetary allocations and organisational operational procedures.

<p><b>Policy Type:</b> Council Policy</p> <p><b>Link to Strategic Community Plan:</b> Inclusiveness, Lifelong Learning, Health and Social Wellbeing -</p>	<p><b>Policy Owner:</b> Director Community Development</p> <p><b>Adopted:</b></p> <p><b>Last Review Date:</b> March 2014</p> <p><b>Version 1</b></p> <p><b>Next Review due by:</b> December 2016</p>
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## Council Policy

### 6.11 Sponsorship and Grants Policy

#### 1. Policy Statement

- 1.1 The Town of Bassendean (Town) recognises and respects the important contribution that local business and members of the community can make to developing and delivering a range of events and initiatives.
- 1.2 Community events and initiatives contribute to the vitality of the Town, the activation of spaces, a sense of community and to increased economic benefit.
- 1.3 The Town is committed to engaging and collaborating with the community in relation to the planning, development and delivery of a range of events and initiatives.
- 1.4 By hosting and encouraging local events and initiatives the Town aims to foster and promote a healthy, strong, vibrant and sustainable community, enhance wellbeing and promulgate community connectedness.
- 1.5 Local events and initiatives that foster social cohesiveness, and build cultural, civic, environmental and economic strengths, support the achievement of short, medium and longer term goals and priorities of the Town and of the Council.

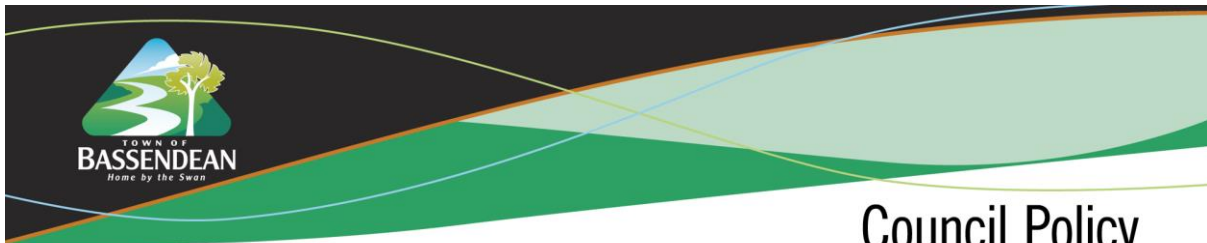
#### 2. Policy Context

- 2.1 The policy provides the requirements and minimum standards for all sponsorship and grants for events or initiatives delivered by, or hosted in, the Town of Bassendean Local Government Area.
- 2.2 The policy is supported by a suite of related guidelines. The guidelines can be found on the Town's website, as follows:

[https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Documents/BUSINESS\\_DEVELOPMENT\\_GRANTS\\_AND\\_SPONSORSHIP\\_GUIDELINES.pdf](https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Documents/BUSINESS_DEVELOPMENT_GRANTS_AND_SPONSORSHIP_GUIDELINES.pdf)

[https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Documents/COMMUNITY\\_BENEFIT\\_SPONSORSHIP\\_AND\\_GRANTS\\_GUIDELINES.pdf](https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Documents/COMMUNITY_BENEFIT_SPONSORSHIP_AND_GRANTS_GUIDELINES.pdf)

[https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Documents/MAJOR\\_AND\\_SIGNIFICANT\\_EVENTS\\_SPONSORSHIP\\_AND\\_GRANTS\\_GUIDELINES.pdf](https://www.bassendean.wa.gov.au/Profiles/bassendean/Assets/ClientData/Documents/MAJOR_AND_SIGNIFICANT_EVENTS_SPONSORSHIP_AND_GRANTS_GUIDELINES.pdf)



## Council Policy

- 2.3 The related guidelines provide the process and requirements for application and assessment for sponsorship and grants for particular types of events or initiatives.
- 2.4 The guidelines are published on the Town's website.

### 3. Policy Objectives

The objects of this policy are to:

- 3.1.1 create a sense of ownership and empower individuals and groups by leveraging from existing capability and capacity of the existing community;
- 3.1.2 establish an open, fair and defensible application and assessment process for awarding sponsorships and grants;
- 3.1.3 ensure integrity, accountability and transparency in decision-making in the allocation of sponsorships and grants;
- 3.1.4 align the allocation of sponsorships and grants with the key policy directions and strategic business priorities of Council;
- 3.1.5 maximise opportunities for the Town to sponsor, host or deliver a range of events and initiatives that reflect and are responsive to the diverse cultural, environmental and social perspectives and interests of the community; and
- 3.1.6 leverage from the policy to guide the Town in the planning, assessment and decision-making regarding its own events.

### 4. Definitions

#### 4.1 Meaning of Sponsorship

- 4.1.1 Sponsorship is a commercial, negotiated agreement between the parties, in which the Town agrees to provide funding, through financial or in-kind (non-cash) sponsorship to an approved applicant.
- 4.1.2 Sponsorship is awarded on the basis of a documented terms of agreement between the parties.
- 4.1.3 Proposals for sponsorship are assessed and awarded in accordance with the fixed assessment criteria detailed at section 12 of this policy.
- 4.1.4 Additional assessment criteria may apply and will be included in the relevant guidelines for the particular type of event or initiative proposed.

### **4.2 Meaning of Grants**

- 4.2.1 Grants mean funding provided to an approved applicant for a particular and specific purpose in accordance with the provisions of a documented terms of agreement between the parties.
- 4.2.2 A grant may also take the form of a small one-off donation and will be assessed on a case by case basis and dependent on the purpose for which the donation has been sought.
- 4.2.3 Proposals for grants are assessed and awarded in accordance with the published assessment criteria and any additional assessment criteria outlined in the relevant guidelines for the particular type of event or initiative proposed.

### **4.3 Meaning of Event**

- 4.3.1 Events include major or significant events.
- 4.3.2 The definition of events is outlined in the relevant guidelines.

### **4.4 Meaning of Initiative**

- 4.4.1 A proposal or strategy that is not considered an event and for which sponsorships or grants are sought.

### **4.5 Meaning of In Kind or Non-Cash Contribution**

- 4.5.1 Provided by the Town as a contribution to an event or initiative and may include waiver of the cost of venue hire or staff resources.
- 4.5.2 The provision of equipment for use at no cost.

## **5. Events and Initiatives to which Sponsorships and Grants Apply**

- 5.1.1 The sponsorship and grants portfolio incorporates a range of events and initiatives to be conducted within the Town of Bassendean Local Government Area.
- 5.1.2 This includes for example significant and major events or one-off community grants.
- 5.1.3 Awarding sponsorship and grants occurs within the context of financial considerations.
- 5.1.4 The implementation of this policy is supported by a suite of guidelines which provide for the proposal and assessment of:
- 5.1.5 Major and Significant Events Sponsorship and Grants Guidelines [draft accompanies this policy];
- 5.1.6 Community Benefit Sponsorship and Grants Guidelines [draft accompanies this policy];





## Council Policy

- 5.1.7 Business Development and Sponsorship Grants Guidelines [draft accompanies this policy]; and

### **6. Advertising of opportunities**

- 6.1.1 All opportunities to apply for sponsorship or grants will be advertised on the Town's website in accordance with the funding rounds outlined at Section nine of this policy.

### **7. Eligibility**

- 7.1.1 To be eligible to receive sponsorship and grants from the Town, applicants are required to:
- 7.1.2 Be an Australian Legal Entity or possess an Australia Business Number.
- 7.1.3 Demonstrate the full cost of the proposal including own contribution and other funding sources.
- 7.1.4 Demonstrate evidence of having obtained the appropriate licences and insurances.
- 7.1.5 Submit the proposal within the advertised funding round and by the specified closing date.
- 7.1.6 Submit the proposal on the specified form and in accordance with the published requirements and guidelines.
- 7.1.7 Apply for sponsorship or grants for an event or initiative within the Town of Bassendean local government area. Proposals from outside the Bassendean local government area may be considered in exceptional circumstances.

### **8. Ineligible Proposals**

- 8.1.1 The Town will not consider proposals from:
- 8.1.2 Local, State or Commonwealth Government agencies.
- 8.1.3 Employees or immediate family members of employees.
- 8.1.4 An applicant with outstanding debts to the Town.
- 8.1.5 An applicant that has failed to provide satisfactory acquittal reporting for any previous approved sponsorship or grant.

### **9. Funding Round Timelines**





## Council Policy

- 9.1.1 Two Funding Rounds will be advertised each financial year and the details and dates will be set out in the relevant guidelines.

### 10. Funding Limits

- 10.1.1 Limits apply to all approved sponsorship and grants and will be determined on a case by case basis in accordance with the Town's Sponsorship and Grant Policy and other relevant financial considerations.
- 10.1.2 Cash contributions from the Town may apply and will be determined on a case by case basis as part of the application and assessment process.

### 11. In Kind or Non Cash Contributions

- 11.1.1 The Town may make in-kind or non-cash contributions to approved sponsorship and grant applicants, which will be capped and determined in accordance with the Town's In-Kind and Non-Cash Policy [to be developed].

### 12. Assessment Criteria

- 12.1.1 Proposals for major initiatives with the potential for greater community or economic impact are encouraged to address the below assessment criteria and demonstrate evidence, both quantitatively and qualitatively. It is not a requirement to meet ALL the assessment criteria.
- 12.1.2 Proposals for small grants only need to address where appropriate or applicable.

**Sustainability Principles:** Evidence of how the proposal addresses or achieves the One Planet Living principles [this will be hyperlinked to <https://www.bioregional.com/one-planet-living>].

**Cultural Outcomes:** The extent to which the proposal will celebrate the cultural diversity of the Town. Proposals including a detailed plan for addressing cultural recognition will be viewed favourably.

**Social Outcomes:** The extent to which the proposal will provide opportunities for social outcomes.

**Civic Outcomes:** The extent to which the proposal will provide and promote experiences that are unique to the Town.

**Place Outcomes:** The extent to which the proposal will activate private or public spaces with vibrant activity.

**Economic Outcomes:** The extent to which the proposal will stimulate the local economy and provide opportunities for local business to leverage the event.

**Safety Outcomes:** Submission of a risk assessment plan and evidence of the patron and community safety strategies that will be implemented.



## Council Policy

Every sponsorship or grant proposal is to include a detailed risk management plan.

**Organisational Competency:** Evidence of, including a detailed implementation plan and budget, of the applicant's demonstrated capacity and financial viability to plan, deliver, manage and coordinate all aspects of the proposal.

### 13. Assessment

13.1.1 The assessment process may involve community participation in the review and selection of proposals for funding however the Town reserves the right to consider proposals separately independent of this process.

13.1.2 The Chief Executive Officer (CEO) is responsible for approving the composition of all Assessment Panels.

13.1.3 Assessment may be made by community members utilising online platforms, community gatherings and similar means.

13.1.4 Where Assessment Panels are utilised, they will comprise a minimum of three appropriately qualified and experienced officers.

13.1.5 The CEO retains the right to invite an external representative to participate as a member of an Assessment Panel.

13.1.6 Elected Officials are ineligible to participate on Assessment Panels.

### 14. Approvals

14.1.1 Following consideration of proposals, a report is to be submitted, with findings and recommendations, through the Chief Executive Officer to Council for approval of the recommended proposal for a sponsorship or grant.

### 15. Evaluation Evidence and Reporting

15.1.1 Every sponsorship or grant proposal is to include a plan for obtaining evidence, both qualitative and quantitative, to measure the key outcomes and achievements against the required assessment criteria.

### 16. Disability Access and Inclusion Plan

16.1.1 Every sponsorship or grant proposal is to include a detailed plan for addressing disability access and inclusion where applicable.

### 17. Sponsorship and Grant Agreements



## Council Policy

17.1.1 All successful applicants will be required to enter into a written funding agreement with the Town, which includes terms and conditions pertaining to the approved funding.

17.1.2 Where an approved applicant is unable to implement a project in accordance with the approved funding agreement, the Town may consider and determine approval or refusal of a variation to the sponsorship and grant agreement.

### **18. Duration of Sponsorship or Grant Agreement**

18.1.1 Sponsorship and grant agreements are limited to a period no greater than twelve months within the current financial year.

### **19. Acquittal of Sponsorship or Grant Funding**

19.1.1 All sponsorships and grants are to be acquitted and reviewed within three months of the completion of the event or initiative.

### **20. Submitting Proposals**

20.1.1 Proposals for sponsorship or grants funding are to be submitted on the required proposal form by email to [sponsorshipandgrants@bassendean.wa.gov.au](mailto:sponsorshipandgrants@bassendean.wa.gov.au)

### **21. Canvassing of Elected Officials**

21.1.1 Applicants are discouraged from canvassing elected members of Council.

21.1.12 In the event elected members of Council have had an involvement in the proposal, they are to remove themselves from any decision making role.

21.1.13 Any questions relating to this process should be directed to [sponsorshipandgrants@bassendean.wa.gov.au](mailto:sponsorshipandgrants@bassendean.wa.gov.au).



## Council Policy

### Application

Responsibility for the implementation of this policy rests with the Mayor, Councillors and Chief Executive Officer. The Policy is to be reviewed at the end of the 2019/20 financial year.

<b>Policy Type:</b> Strategic Policy	<b>Responsible Officer:</b> Chief Executive Officer and Director Corporate Services
<b>Link to Strategic Community Plan:</b> Leadership and Governance	<b>Last Review Date:</b> 20 August 2019 <b>Version:</b> 2
	<b>Next Review due by:</b> 30 June 2020

## Community Funding

### Policy Objective

- (a) To provide financial assistance through grants, sponsorship, donations, waivers and in-kind support which assists groups, organisations and individuals to deliver positive community outcomes.
- (b) To utilise community funding as a strategic opportunity to strengthen quality of life within the District through improved community engagement, partnerships and participation.
- (c) To establish an open, fair and defensible application and assessment process for awarding sponsorships, grants, donations, waivers and in-kind support; ensuring integrity, accountability and transparency in decision-making.

### Policy Scope

This Policy applies to all requests from community groups, organisations and individuals for the provision of financial support towards projects, programs, events and other initiatives.

### Policy Statement

The Town of Bassendean recognises that community funding provides a significant opportunity to contribute to the vitality and vibrancy of the Town; work collaboratively with the local groups, organisations and individuals to deliver activities which increase social participation, promote social inclusion and strengthen connections within our community; and deliver economic and environmental benefits. Community funding also promotes capacity building within the community to encourage and support groups committed to delivering positive outcomes.

This Policy outlines the various Community Funding opportunities available from the Town to meet the diverse range of interests, demands and priorities throughout the community. Importantly, the Town's grants are not intended to cover the majority of project's costs; but rather, contribute to its delivery. Applicants can support their project through other funding sources, in-kind support and/or volunteering.

Applicants are not guaranteed funding and any initiatives previously supported through Community Funding cannot be guaranteed funding in future years and this should be considered when preparing any application. The availability of financial support remains subject to Community Funding allocations within Council's Annual Budget that may vary from year to year based upon Council and community priorities.

## 1. Definitions

Donation: means a cash contribution to an organisation or group for the purpose of assisting an activity, event or program with a charitable, welfare or community service orientated purpose.

Grant / Sponsorship: means a cash and/or in-kind contribution (through the provision of Town of Bassendean services, resources and/or facilities) to an individual, organisation or group for the purpose of delivering specific, mutually agreed outcomes.

Waiver: means the exemption of paying a formal fee or charge.

## 2. General Assessment Requirements

2.1. Applications for community funding will not be eligible if lodged by:

- (a) Local, State or Commonwealth Government agencies (*note: local schools are eligible*)
- (b) Town employees or immediate family members of Town employees (*note: community groups comprised of one or more Town employees are eligible*).
- (c) **An applicant that is in good standing with the Town, both financially (no outstanding debts) and with regards to values and behaviours.**
- (d) An applicant that has failed to provide satisfactory acquittal reporting for any previous approved sponsorship or grant.
- (e) An applicant that has received community funding in the previous six months.

2.2 To be eligible to receive sponsorship / grants, applications must relate to a future event, initiative, project or works within the Town, and:

- (a) Must have first been discussed with relevant Town staff to enable a preliminary assessment of the proposal and advice as to the required lead time of any application prior to the relevant event, project or initiative.
- (b) Demonstrate the full cost of the proposal (including own contribution, other funding sources and if relevant, any in-kind support to be provided by the Town).
- (c) Provide evidence of having obtained the appropriate approvals, permits, licences and insurances or a written undertaking to obtain these prior to the event.
- (d) Include a detailed plan for addressing disability access and inclusion, where applicable.
- (e) Submission of a detailed risk assessment and management plan, including the patron and community safety strategies that will be implemented.
- (f) Demonstrate the applicant's capacity and financial viability to plan, deliver, manage and coordinate all aspects of the proposal, including the submission of a detailed implementation plan and budget.
- (g) Demonstrate how key outcomes and achievements will be measured against the required assessment criteria.

- 2.3 In considering any application for community funding, the decision maker is to have regard to the applicant meeting one or more of the following criteria:
- (a) Environmental and Sustainability Outcomes: addressing and achieving the *One Planet Living* principles.
  - (b) Cultural Outcomes: aligning with Council's adopted *Arts and Cultural Plan*. Proposals including a detailed plan for addressing cultural recognition will be viewed favourably.
  - (c) Social Outcomes: delivering a social dividend.
  - (d) Place Outcomes: activating private or public spaces with vibrant activity.
  - (e) Business Outcomes: promoting the district, supporting the local economy and providing opportunities for business prosperity and local employment.
- 2.4 The Chief Executive Officer is responsible for approving the composition of any Assessment Panels, which shall be comprised of appropriately qualified and experienced officers and may include external representatives. Elected members are not eligible to participate on Assessment Panels.
- 2.5 Applications for grants and sponsorship will be assessed by the Administration with a recommendation made to the Chief Executive Officer for determination.

### **3. Business Development**

- 3.1 The Business Development grant is intended to assist and encourage projects or initiatives that promote direct benefit to the Town's economy, generate local employment opportunities and contribute to a sustainable and vibrant community.
- 3.2 Each individual grant is limited to \$2,000.

### **4. Community Connections**

- 4.1 The Community Support Grant is intended to assist and encourage projects or initiatives that promote social connection, foster a sense of pride in the local area, reflects and celebrates the community and its culture and diversity.
- 4.2 Each individual grant is limited to \$2,000

### **5. Environment and Sustainability**

- 5.1 The Environmental and Sustainability grant is intended to assist and encourage projects or initiatives that have direct and ongoing benefits for the natural environment.
- 5.2 Each individual grant is limited to \$2,000.

## **6. Dudley Robinson Youth Excellence**

- 6.1 The Dudley Robinson Youth Excellence Grant is to support young residents (aged between 12 and 25) to strive toward developing their potential in various fields. This grant is distinct from any post-achievement awards that may be provided pursuant to any other relevant Council policy.
- 6.2 In addition to the broad assessment parameters contained at Clause 2.3, applications for Dudley Robinson Youth Excellence grants will only be supported where they comply with one of the following:
- (a) Sport - individuals selected by an accepted sporting governing body to represent the state or country in a recognised sporting event who require financial assistance to participate in that event.
  - (b) Performance Arts - individuals selected by an accepted performing arts body to represent the state or country in a recognised competition who require financial assistance to participate in the event.
  - (c) Academia / Education - high achieving individuals selected by a recognised educational institution to represent the state or country for an academic or educational event.
  - (d) Youth Leadership - individuals nominated to undertake youth leadership training delivered by a recognised organisation.
- 6.3 Each individual grant is limited to \$250.

## **7. Requirements for Successful Sponsorship / Grant Applications**

- 7.1 Provision of sponsorship and/or grants will be subject to a documented agreement between the applicant and the Town, which will include terms and conditions pertaining to the amount of funding, use of the funding, acquittal of the funds and public acknowledgment and promotion of the Town.
- 7.2 Any event that is supported under the Policy must be commenced with an Acknowledgment of Country or a formal Welcome to Country.
- 7.3 Any event, project or initiative supported under this Policy must comply with Council's policy relating to the use of single use plastics.
- 7.4 Within three months of the conclusion of the project or event, all funds to be fully acquitted and the applicant is to lodge a report, to the Town's satisfaction, that evaluates the event or initiative.
- 7.5 Where an approved application for sponsorship and/or grants for an event or initiative is unable to be implemented in accordance with the approved funding agreement, the Town may grant a variation to the sponsorship and grant agreement.



## **8. Waiving of Fees**

- 8.1 Subject to availability, the Town will provide free use of meeting rooms to locally-based self-help, welfare and charitable groups providing that attendees are not required to pay an entry fee or charge (apart from any charge this is levied only to cover any costs).
- 8.2 Subject to availability, the Town will provide free use of sporting reserves, ovals and hard courts to local schools during normal school hours.
- 8.3 Subject to availability, the Town will provide free use of sporting reserves, ovals and hard courts to state sporting associations (<https://www.dlgsc.wa.gov.au/sport-and-recreation/state-sporting-associations>) that are providing a service to local schools during normal school hours.
- 8.4 Seniors clubs and associations are eligible to receive a 50% discount on community hire rate, where at least 50% of the members are Town residents and at least 75% of the members are aged 65 or over.
- 8.5 Other waiving or reduction of fees will be considered where such assistance supports the delivery of projects, programs or services that align with the Town's adopted Strategic Community Plan. The applicant must identify the specific community need or benefit and demonstrate their limited financial capacity to pay the relevant fee. Waiver requests are limited to a maximum value of \$1,000 and will be assessed by the Administration with a recommendation made to the Chief Executive Officer for determination.
- 8.6 The Town will waive the application fees (or a portion thereof) for applications for development approval relating to prospective physical works that:
- (a) affect a place that is included on the State Register of Heritage Places, the Town's Heritage List and/or the Local Heritage Survey; and
  - (b) contribute to the retention of the character and significance of the place as well as the appearance of the place when viewed from the street.

## **9. Donations**

- 9.1 General donations towards not-for-profit organisations and charities located in or servicing the local community will be considered where such assistance supports the delivery of projects, programs or services that align with the Town's adopted Strategic Community Plan. The applicant must identify the specific community need or benefit based upon local research or consultation.
- 9.2 Donation requests are limited to a maximum of \$250 and will be assessed by the Administration with a recommendation made to the Chief Executive Officer for determination.

## **10. Fee for Service**

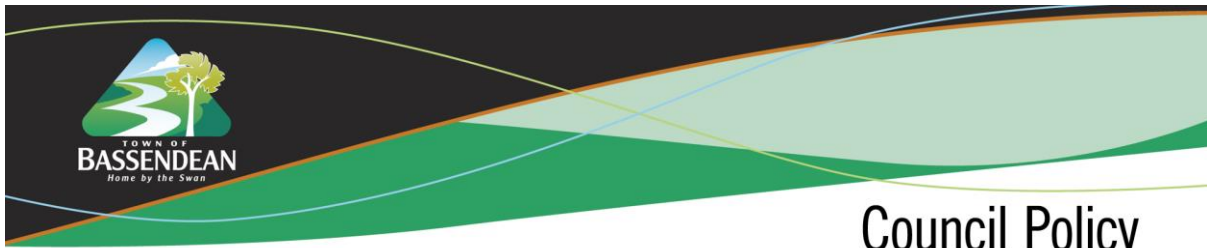
- 10.1 The Town may provide community groups the opportunity to be paid a fee for assisting with the provision of events or other initiatives. Such opportunities will be open to all community organisations which can demonstrate capacity to undertake the service required, are incorporated, can provide an ABN and have appropriate insurance.
- 10.2 Any frequent or repetitive service arrangement will be reviewed at least annually.

## 11. Insurance for Community Groups

The Town may provide insurance for community groups (excluding sporting clubs) subject to groups entering into an agreement with the Town which will specify requirements relating to acknowledgement of the Town's financial support, appropriate behavioural and non-disparagement requirements and the potential for cancellation of the policy if agreed requirements are breached.

Document Control box			
<b>Document Responsibilities:</b>			
<b>Owner:</b>	Director Community Planning	<b>Owner Business Unit:</b>	Recreation and Culture
<b>Inception Date:</b>		<b>Decision Maker:</b>	Council
<b>Review Date:</b>	Annual	<b>Repeal and Replace:</b>	N/A
<b>Compliance Requirements:</b>			
<b>Legislation:</b>	<i>Local Government Act 1995</i>		

# **ATTACHMENT NO. 7**



## Community Awards

### Policy Objective

To provide an appropriate framework that facilitates the recognition and celebration of significant contributions to the local community and district.

### Policy Scope

This Policy applies to community awards issued by the Town but does not apply to any awards issued to staff or teams within the Town's administration.

### Policy Statement

In July 2020, Council adopted a new Strategic Community Plan, which defines the Town's vision, aspirations and priorities for the next 10 years. It is the key guiding document that informs all other plans, strategies and policies and the Town's actions and decisions.

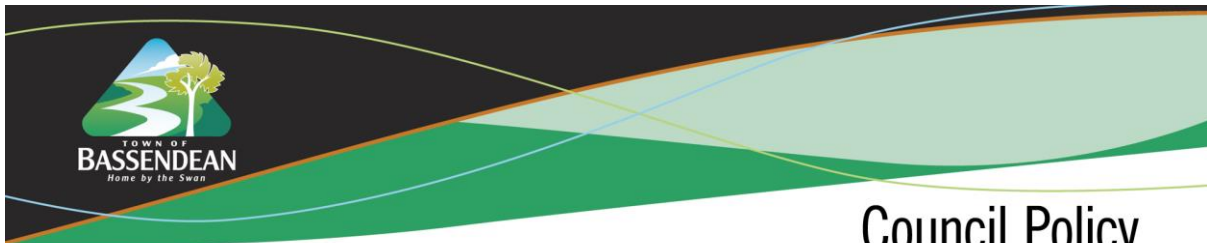
The priority areas include "*Strengthening and connecting our community*", "*Leading environmental sustainability*" and "*Building community identity by celebrating culture and heritage*". Whilst the SCP is an intentionally high-level, strategic document, it clearly demonstrates the Town's desire for a connected and engaged community. It is proposed to achieve that by, amongst other things, establishing partnerships with the community that build capacity, connection and sense of belonging, fostering an empowered community that drives sustainability and creating a community closely connected to its history and heritage.

One of the specific measures to deliver on the above is the provision of community awards that acknowledge and celebrate those that make a genuine contribution to achieving these priorities.

## **1. Annual Community Awards**

### **1.1 Award Categories**

- (a) The Town will issue awards on an annual basis and will invite nominations for awards in the following categories:
  - (i) Mayor's Community Leadership Award - For a volunteer that has made a significant contribution to the local community. They will have demonstrated leadership resulting in the enhancement of community life; have been involved in a significant initiative which has brought about positive change; and added value to community life and/or demonstrated inspiring qualities as a role model for the community.



## Council Policy

- (ii) Volunteer Organisation of the Year - This award will be presented to a local community group servicing the Town of Bassendean which significantly contributes to achieving connections within the community that build capacity, a sense of belonging, and an empowered community.
  - (iii) Lifetime Contribution to Volunteering - This award will be presented in honour of a senior individual (65+ years) who has made an exemplary life-long contribution to volunteering and who through their volunteering has contributed to the betterment of the Town of Bassendean community.
  - (iv) Youth Achievement Award - Presented in celebration of an individual aged 12 – 25 years who has made an outstanding voluntary commitment, has been an exceptional role model, or has made significant achievements in the arts, sporting, or academic fields.
  - (v) Best Verge Award – Presented in recognition of an outstanding verge garden (or a collection of verge gardens on the same street) within the district, taking into account edible or native plants, water-wise design, and safe access.
  - (vi) “Bassendean means Business” Award - Presented to a business operating within the district that has made a positive community impact, shown significant business agility, provided outstanding customer service or proactively contributed to environmental sustainability in their business practices and/or in the community.
  - (vii) Community Inclusion Award - Presented to a community group, club, business that has implemented a successful program or initiative that has facilitated the inclusion of diverse groups within the wider Bassendean community. This includes but is not limited to the initiatives that support the inclusion of mental health consumers, people with disability, Aboriginal & Torres Strait Islanders, CaLD communities, LGBTQIA and/or Seniors.
- (b) There is no obligation to issue an award in each category and awards will not be issued in a given category if either (i) no nominations are received or (ii) the nominations received are not considered to warrant the issue of an award.

### 1.2 Nomination Eligibility and Assessment

- (a) Nominations will only be accepted for individuals or groups that meet the following:
  - (i) Individual nominees must be living in or servicing the Town of Bassendean.



## Council Policy

- (ii) Business nominees must be located in the Town of Bassendean.
  - (iii) Community group nominees must be located in or servicing the Town of Bassendean.
  - (iv) Nominees must be in good-standing with the Town of Bassendean.
  - (v) The nominee cannot be a sitting member of Federal, State or Local Government nor a member of the assessment panel.
- (b) Nominations will be assessed by a selection panel from the Town of Bassendean or any other means deemed appropriate by the Chief Executive Officer.
- (c) In assessing nominations, awards will only be granted where the nominations have demonstrated:
- (i) Strong alignment to the nature of the award being nominated for
  - (ii) Significant contribution to the local community
  - (iii) Leadership resulting in the enhancement of community life
  - (iv) A significant initiative which has brought about positive change and added value to community life and/or
  - (v) Inspiring qualities as a role model for the community.
- (d) The panel reserves the right to seek additional information from various sources to ensure an informed decision is made regarding a nomination.
- (e) The panel will provide its recommendation to the Council for endorsement before any announcements are made.

### **1.3 Award Presentation**

- (a) The manner in which the awards are presented will be determined on an annual basis, having regard for other civic events and community initiatives.
- (b) Award winners will be presented with a framed certificate and be the subject of media promotion on the Town's website, Facebook page and hard-copy publication.

## **2. Annual School Awards**

The Town will issue annual awards to students graduating from primary schools within the district. These awards will be in the form of a financial contribution with recipients being nominated by the relevant school.

<b>Document Control box</b>
<b>Document Responsibilities:</b>



## Council Policy

<b>Owner:</b>	Chief Executive Officer	<b>Owner Business Unit:</b>	Community Planning
<b>Inception Date:</b>	November 2020 OCM-12/11/20	<b>Decision Maker:</b>	Council
<b>Review Date:</b>	Annual	<b>Repeal and Replace:</b>	N/A
<b>Compliance Requirements:</b>			
<b>Legislation:</b>	<i>Local Government Act 1995</i>		

## Community Awards

### Policy Objective

To provide an appropriate framework that facilitates the recognition and celebration of significant contributions to the local community and district.

### Policy Scope

This Policy applies to community awards issued by the Town but does not apply to any awards issued to staff or teams within the Town's administration.

### Policy Statement

In July 2020, Council adopted a new Strategic Community Plan, which defines the Town's vision, aspirations and priorities for the next 10 years. It is the key guiding document that informs all other plans, strategies and policies and the Town's actions and decisions.

The priority areas include "*Strengthening and connecting our community*", "*Leading environmental sustainability*" and "*Building community identity by celebrating culture and heritage*". Whilst the SCP is an intentionally high-level, strategic document, it demonstrates the Town's desire for a connected and engaged community. One of the specific measures to deliver on the above is the provision of community awards that acknowledge and celebrate those that make a genuine contribution to achieving these priorities.

### 1. Annual Community Awards

#### 1.1 Award Categories

- (a) The Town will issue awards on an annual basis and will invite nominations for awards in the following categories:
  - (i) Community Leadership Award - For groups or individuals that have made a significant contribution to the local community. They will have enhanced community life, have been involved in a significant initiative which has brought about positive change and/or significantly contributed to achieving connections and inclusion within the community
  - (ii) Lifetime Contribution to Volunteering - This award will be presented in honour of a senior individual (65+ years) who has made an exemplary life-long contribution to volunteering and who through their volunteering has contributed to the betterment of the Town of Bassendean community.
  - (iii) Youth Achievement Award - Presented in celebration of an individual aged 12 – 25 years who has made an outstanding voluntary commitment, has been an exceptional role model, or has made significant achievements in the arts, sporting, or academic fields.



- (iv) Best Verge Award – Presented in recognition of an outstanding verge garden (or a collection of verge gardens on the same street) within the district, taking into account edible or native plants, water-wise design, and safe access.
  - (v) “Bassendean means Business” Award - Presented to a business operating within the district that has made a positive community impact, shown significant business agility, provided outstanding customer service or proactively contributed to environmental sustainability in their business practices and/or in the community.
- (b) There is no obligation to issue an award in each category and awards will not be issued in a given category if either (i) no nominations are received or (ii) the nominations received are not considered to warrant the issue of an award.

## **1.2 Nomination Eligibility and Assessment**

- (a) Nominations will only be accepted where they meet the following:
- (i) Individual nominees must be living in or servicing the Town of Bassendean.
  - (ii) Business nominees must be located in the Town of Bassendean.
  - (iii) Community group nominees must be located in or servicing the Town of Bassendean.
  - (iv) Nominees must be in good-standing with the Town of Bassendean.
  - (v) The nominee cannot be a sitting member of Federal, State or Local Government.
  - (vi) The nomination is a third-party nomination (ie. self-nominations are not permitted)
- (b) Nominations will be assessed by a selection panel from the Town of Bassendean or any other means deemed appropriate by the Chief Executive Officer.
- (c) In assessing nominations, awards will only be granted where the nominations have demonstrated strong alignment to the criteria of the relevant award and:
- (i) Significant contribution to the local community and the enhancement of community life
  - (ii) A significant initiative which has brought about positive change and added value to community life and/or
  - (iii) Inspiring qualities as a role model for the community.
- (d) The panel will provide its recommendation to the Council for endorsement before any announcements are made.

## **1.3 Award Presentation**

- (a) The manner in which the awards are presented will be determined on an annual basis, having regard for other civic events and community initiatives.
- (b) Award winners will be presented with a framed certificate and be the subject of media promotion on the Town’s website, Facebook page and hard-copy publication.

## **2. Annual School Awards**

The Town will issue annual awards to students graduating from primary schools within the district. These awards will be in the form of a financial contribution with recipients being nominated by the relevant school.

<b>Document Control box</b>			
<b>Document Responsibilities:</b>			
<b>Owner:</b>	Chief Executive Officer	<b>Owner Business Unit:</b>	Community Planning
<b>Inception Date:</b>	September 2020	<b>Decision Maker:</b>	Council
<b>Review Date:</b>	Annual	<b>Repeal and Replace:</b>	N/A
<b>Compliance Requirements:</b>			
<b>Legislation:</b>	<i>Local Government Act 1995</i>		

# **ATTACHMENT NO. 8**

## Property Management Policy

### Policy Objective

The Objectives of this Policy are:

- a. to optimise use of the Town's community facilities for the benefit of the Town of Bassendean community;
- b. to ensure Town owned and managed properties are used to meet demonstrated community needs consistent with Council's policies and the Strategic Community Plan; and
- c. to provide for sound financial management, sustainable asset management and effective administration of the Town's properties.

To meet the Town's Strategic Community Plan's Priority Area 1 (Strengthening and Connecting our Community), Town owned and managed properties will primarily be available for local not-for-profit organisations, community sporting groups and other community purposes.

To meet growing community needs and maximise community benefit, Town owned and managed properties will be prioritised for use where occupancy arrangements include co-location, shared use and highest community utilisation.

Where appropriate, Town owned and managed properties may be identified and made accessible for commercial activities for income generation to support and encourage sustainable Town owned asset management.

### Policy Scope

This Policy applies to the leasing and licensing of the Town's properties.

The Town has a number of properties that are used by a range of community organisations, sport and recreation clubs or associations, government agencies and commercial entities through a lease or licence arrangement. This policy sets the overarching principles for the management of these properties.

The policy does not include regular or occasional hire of facilities for the purpose of programs, events and activities.

## **Policy Statement**

The Town is committed to providing a fair, consistent and transparent approach to the leasing, licencing and management of Town owned and managed properties. The Town acknowledges that there are a range of tenants and uses, many of which provide valued community benefits.

The Town is committed to best practice in property management that complies with the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*.

## **Community Leasing/Licensing**

The Town may enter into a lease or license agreement with sporting clubs and community organisations for exclusive or shared use of Town property. The sporting club or community organisation will, ideally:

- Provide a service that is unique, specific and meets a high level of need, or meets identified social/community needs
- Have the capacity to generate revenue from its use of the property
- Demonstrate an affordable membership regime and good governance and facilitate programs and activities that add value to the social and community fabric of the Town
- Be a not-for-profit organisation, community group or club run by volunteers or paid workers
- Service the local community and may be locally-based or may be part of a larger not-for-profit organisation
- Be incorporated under *Associations Incorporation Act 1987*.

This Policy is supported by a Community Leasing Framework (Framework), which applies to lease and license agreements with sporting clubs and community organisations for properties owned or managed by the Town. This Framework establishes an equitable methodology for determining eligibility criteria, setting annual lease and licence fees, and determining lease and licence terms and conditions for different types of tenants. The Framework does not apply to commercial leases and licenses.

Operation of the Framework will be regularly monitored to ensure the objectives of this Policy are met.

The CEO may enter into a lease or license agreement with sporting clubs and community organisations where the terms of the lease or license agreement are consistent with the essential terms in the Framework.

## **Commercial Leasing/Licensing**

The Town may enter into a lease or license agreement with government bodies, commercial entities, or state and national clubs, associations and community organisations.

Such organisations will generally have the following characteristics:

- Provide services that are generally not within the remit of local government and there may not be a direct local community benefit due to the nature of the group or organisation
- Be externally funded or generate revenue through membership fees, events, venue hire, the sale of services or products or other means.

For example, commercial recreation and leisure centres, for-profit day care centres and schools, state-wide or national not-for-profit organisations and sporting clubs, child health clinics, medical practitioners, retail shops and office accommodation.

Lease and license agreements with these organisations will be negotiated on a case-by-case basis, having regard to all relevant factors, including:

- Appropriate lease or license term, which is not to exceed:
  - For a lease: an initial term of ten (10) years with one or more extensions for a total additional period of not more than ten (10) years
  - For a license: a period of five (5) years with no extension option
- Commercial lease or license payments
- Lease or license payment concessions arising from community contributions aligned with the Town's objectives
- Tenant responsibilities for payments, insurance, repairs and maintenance and capital upgrades
- Town responsibilities for inspections, repairs and maintenance and capital renewal
- Any other relevant factor.

Council will approve commercial lease and license agreements.

<b>Document Control box</b>			
<b>Document Responsibilities:</b>			
<b>Owner:</b>	Chief Executive Officer	<b>Owner Business Unit:</b>	Office of the Chief Executive Officer
<b>Inception Date:</b>	August 2021	<b>Decision Maker:</b>	Council
<b>Review Date:</b>	August 2023	<b>Repeal and Replace:</b>	N/A
<b>Compliance Requirements:</b>			
<b>Legislation:</b>	<i>Local Government Act 1995</i> <i>Local government (Functions and General) Regulations 1996</i> <i>Occupiers' Liability Act 1985</i>		



# **COMMUNITY LEASING FRAMEWORK**



# TOWN OF BASSENDEAN COMMUNITY LEASING FRAMEWORK

## INTRODUCTION

After a review of the management of Town properties, a Property Management Policy (Policy) and supporting Community Leasing Framework (Framework) has been developed to ensure the Town is meeting the demands and needs of the community. The Policy sets the overarching principles guiding management of these properties by the Town. The Framework will guide the Town's management of these properties for the benefit of the community, in compliance with statutory obligations and will provide an equitable methodology for calculating annual lease and license fees.

The Town's ten-year Strategic Community Plan, adopted in 2020, has 'Strengthening and Connecting our Community' as a key priority. This Framework supports the Strategic Community Plan and reflects the Town's desire to promote the wellbeing of all people in the community through collaborating with recreational and community groups, building community capacity and supporting health lifestyles throughout our Town.

This Framework applies to lease and license agreements with sporting clubs and community organisations that meet the eligibility criteria set out in Appendix 2.

Lease or license agreements with government bodies, commercial entities, or state and national clubs, associations and community organisations are not within the scope of this Framework. Such agreements will be negotiated on a case-by-case basis with consideration given to all relevant factors, as outlined in the Policy.

Facility hire (regular or occasional use of a property to deliver community-based programs, events or activities on an hourly or daily rate) is not covered within this Framework. Facility hire is provided through a Casual or Regular Booking Application, based on the Town's Schedule of Fees and Charges.

## OBJECTIVES

The Objective of this Framework is to provide an open, transparent and equitable process for granting new leases or licenses for use of Town owned and managed properties for community leasing, by:

- a. Providing an equitable methodology for calculating annual lease and licence fees; and
- b. Establishing general terms and conditions (Appendix 2) that the Town will use as the basis for negotiating all leases and licenses, with a detailed Schedule of Maintenance Obligations (Appendix 3).

# TOWN OF BASSENDEAN COMMUNITY LEASING FRAMEWORK

## STRATEGIC CONTEXT



## TYPES OF OCCUPANCY AGREEMENTS

Lease A lease is a right granted by the owner of land for an occupant to have the exclusive use of that land for a specified period of time in exchange for an agreed rental payment. If a tenant has exclusive occupancy over the land or facility, it follows that the maintenance and management expectations placed on the tenant will usually be greater than they are under license or hire agreements that are not exclusive.

Licenses Under the terms and conditions of a license contract, the tenant is granted permission to access property for a specified purpose(s), such as conduct of a sporting activity at specified times and under specified conditions.

A license agreement does not provide for exclusive use of a facility beyond the specified times of access. It is reasonable to expect the rights and obligations of the lessee in respect to maintenance and management of the facility would be less stringent under a license agreement than a lease agreement.

## TOWN OF BASSENDEAN COMMUNITY LEASING FRAMEWORK

### PERIOD OF TENURE

Leases A Lease may be granted for a period of up to five (5) years with one or more extension options for a maximum additional period of up to five (5) years.

Licenses A License may be granted for a period of up to three (3) years, without an extension option.

Eligibility criteria and essential terms for a lease or license are set out in Appendix 2.

### ANNUAL TENANCY FEE METHODOLOGY

The annual tenancy fee methodology is based on the Gross Rental Value (GRV) of the property.

The Town is committed to providing access to property for the benefit of the Town of Bassendean community and does not seek to derive profit from community leases.

### GOVERNANCE

In accordance with the *Local Government Act 1995*, lease/license agreements will be advertised by a local Public Notice unless the organisation is a not-for-profit charitable, benevolent, religious, cultural, educational, recreational or sporting organisation.

In accordance with the *Land Administration Act 1997*, prior approval will be obtained from State Land Services with respect to leases/licenses over Crown property managed by the Town under a Management Order.

Tenure arrangements will be reviewed at the end of the lease or license period. The review will commence at least six months prior to the expiration date to enable the Town and lessee/licensee appropriate time to prepare for the new lease or license, or prepare to vacate the property.

Tenants may be required to provide the following documents annually to the Town:

- Association's registration number (IARN);
- AGM Minutes;
- Certificates of currency (as applicable);
- Financial statements;
- Liquor license (if applicable); and
- Any other document required by the Town.

### RELATED TOWN POLICIES AND PLANS

- Asset Management Policy
- Use of Community Facilities Policy
- Town of Bassendean Local Government Property Local Law
- Town of Bassendean Access and Inclusion Plan.

## **TOWN OF BASSENDEAN COMMUNITY LEASING FRAMEWORK**

### **REVIEW**

This Framework will be reviewed every four years in alignment with the Town's Property Management Policy and Corporate Business Plan.

### **APPENDIX**

1. LIST OF PROPERTIES FOR COMMUNITY LEASING
2. ELIGIBILITY CRITERIA & ESSENTIAL TERMS – COMMUNITY LEASING
3. SCHEDULE OF MAINTENANCE OBLIGATIONS – COMMUNITY LEASING

**TOWN OF BASSENDEAN PROPERTY MANAGEMENT FRAMEWORK**

**APPENDIX 1: LIST OF PROPERTIES FOR COMMUNITY LEASING**

<b>PROPERTY ADDRESS</b>	<b>PROPERTY TYPE</b>
Ashfield Reserve	Sports Club
10 Whitfield Street, Bassendean	Sports Club
BIC Reserve	Sports Club
Jubilee Reserve	Sports Club
1A May Holman Drive, Bassendean	Community Organisation
1 May Holman Drive, Bassendean	Community Association

## TOWN OF BASSENDEAN PROPERTY MANAGEMENT FRAMEWORK

### APPENDIX 2: ELIGIBILITY CRITERIA & ESSENTIAL TERMS

ELIGIBILITY CRITERIA	
Community Benefit	The service is unique, specific and meets a high level of need, or the service meets identified social/community needs.
Shared Use	Dependent on the size of the facility and level of use by the tenant, hiring to the community outside the tenant's usage times on a fee for service basis (based on the Town's Schedule of Fees and Charges for similar properties) may be a requirement.
Revenue	The tenant has the capacity to generate revenue from its use of the property (i.e. membership, bar or kitchen facilities) or activities consistent with the organisational purpose of the tenant.
Membership and Governance	Demonstrates an affordable membership regime and good governance and facilitates programs and activities that add value to the social and community fabric of the Town.
Operational	Not-for-profit organisation, community group or club run by volunteers or paid workers.
Organisational Structure	The organisation services the local community and may be locally-based or may be part of a larger not-for-profit organisation. Must be incorporated under <i>Associations Incorporation Act 1987</i> .
Example	Sporting clubs and community groups, e.g. bowling club, men's shed etc.

Agreement Type	Outgoings	Statutory Compliance	Pest Inspection	Rubbish & Recycle Bins	ESL	Building Insurance	Public Liability Insurance	Minor Maintenance & Repairs	Capital Upgrades	Building Insurance Excess	Tenancy Fee
License	✓	✓	✓	✓	✓	X	✓	✓	X	✓	10% GRV
Lease	✓	✓	✓	✓	✓	✓	✓	✓	X	✓	10% GRV

## TOWN OF BASSENDEAN PROPERTY MANAGEMENT FRAMEWORK

### APPENDIX 2: ELIGIBILITY CRITERIA & ESSENTIAL TERMS

ESSENTIAL TERMS	
Term of lease or license	Lease: <ul style="list-style-type: none"> <li>• Initial Term: For a period of up to five (5) years</li> <li>• Further Term: One or more extension options for a maximum additional period of up to five (5) years</li> </ul> License: Maximum 3 years, with no extension option
Tenancy fee	10% of GRV
Responsibilities of Tenant	<p><u>PAYMENTS</u></p> <ul style="list-style-type: none"> <li>• All outgoings, rates and taxes</li> <li>• Cost of maintaining statutory compliance including RCD, smoke alarm, emergency exit and fire hydrant testing</li> <li>• Pest Inspections (including termite inspections) and treatment</li> <li>• Waste services and Emergency Services Levy (ESL)</li> <li>• Building insurance premium and excess on building insurance claims</li> <li>• Rent or licence fee</li> </ul> <p><u>REPAIR/MAINTENANCE</u></p> <ul style="list-style-type: none"> <li>• Comply with the Schedule of Maintenance Obligations (Appendix 3)</li> <li>• Maintain the property in good repair, as detailed in the property condition report</li> <li>• General minor maintenance of premises, including replacement of fittings and fixtures</li> <li>• Cleaning (internal and external including annual carpet cleaning)</li> <li>• No property modifications or installations without Town approval</li> </ul> <p><u>INSURANCE</u></p> <ul style="list-style-type: none"> <li>• \$20M Public Liability Insurance</li> </ul>
Responsibilities of the Town	<p><u>REPAIR/MAINTENANCE</u></p> <ul style="list-style-type: none"> <li>• Re-painting of internal and external premises</li> <li>• Maintenance of roofing, mechanical services and the main structure (unless damage caused by tenant)</li> <li>• Renewal of existing assets within the leased or licensed area (at the Town's discretion)</li> </ul> <p><u>CAPITAL UPGRADES</u></p> <ul style="list-style-type: none"> <li>• Capital upgrade and expansion of all assets within the leased or licensed area (at the Town's discretion)</li> </ul> <p><u>INSPECTIONS</u></p> <ul style="list-style-type: none"> <li>• The Town will inspect the premises annually (or as required) and will give the tenant appropriate notice in accordance with the lease or license terms</li> </ul>

## TOWN OF BASSENDEAN PROPERTY MANAGEMENT FRAMEWORK

### APPENDIX 3: SCHEDULE OF MAINTENANCE OBLIGATIONS

MAINTENANCE ITEM	LESSOR OBLIGATIONS <sup>1</sup>	TENANT OBLIGATIONS
<b>STATUTORY/MINIMUM LEVEL OF SERVICE OBLIGATIONS</b>		
Emergency exit lighting systems and emergency doors	Annual inspection of the premises to ensure maintenance and compliance with requirements of the Building Code of Australia and Australian Standards.	Promptly report any faults or operational issues with the emergency/exit lighting systems in the premises to the lessor. Reimburse the lessor for the cost of annual compliance inspections.
Fire protection equipment (e.g. fire extinguishers, hoses, smoke alarms)	Annual inspection of the premises to ensure compliance with FESA and DFES requirements.	Promptly report any use or operational issues with the fire protection equipment in the premises to the lessor. Reimburse the lessor for the cost of annual compliance inspections.
RCD protections, tagging electrical equipment	Ensure that all RCDs are repaired and maintained in accordance with the relevant legislation.	Ensure that all portable plug-in electrical equipment and RCDs are regularly inspected in accordance with relevant legislation. Reimburse the lessor for the cost of annual compliance inspections.
Pest control, vermin control and termites	Annual pest inspections and extermination treatment.	Endeavour to keep the premises free and clear of all rodents, rats, vermin, insects, birds, animals and other pests and report to the lessor any pest activity or required treatment. Reimburse the lessor for the cost of annual pest inspection and treatments.
<b>PREMISES AND SECURITY</b>		
Cleaning and cobweb removal	None.	Ensure premises is kept tidy and free of litter, dirt, rubbish, cobwebs and broken glass at all times.
Malicious damage and break ins	At request of tenant, submit building insurance claim on behalf of tenant.	Responsible for repairing and replacing any stolen goods or broken fixtures and fittings, minor repairs and cleaning of broken glass, windows and doors after an act/incident of malicious damage. Report any incidents of malicious damage or break-ins to the owner.
Vandalism & graffiti	At request of tenant, submit building insurance claim on behalf of tenant.	Remove internal and external vandalism & graffiti and repair any damage caused.
Security monitoring, equipment and security lights.	If the lessor provides a security system to the premises, the lessor will maintain the security system in good condition but is not required to replace the security system if it comes to the end of its economic life.	The tenant must ensure the premises is maintained in a secure condition at all times. If the tenant installs a security system in the premises, the tenant must keep the security system in good condition, pay all monitoring and service costs associated with the security system and promptly attend any call outs to the premises. If the lessor is called upon to attend the premises or the lessor incurs expense for a call out on a lessor installed security system, the tenant may be required to pay all costs incurred by the lessor due to that call out.

<sup>1</sup> References to Lessor include Licensor, as the case may be.



## TOWN OF BASSENDEAN PROPERTY MANAGEMENT FRAMEWORK

### APPENDIX 3: SCHEDULE OF MAINTENANCE OBLIGATIONS

MAINTENANCE ITEM	LESSOR OBLIGATIONS <sup>1</sup>	TENANT OBLIGATIONS
Ceiling	Repair any structural damage to ceiling. If damage is caused or contributed to by the tenant or tenant's employees and visitors, the lessor may require the tenant to reimburse it for part or all of the cost of repairing the damage.	Clean ceilings, as required, and report any structural damage to the lessor.
Walls	Repair structural damage to load bearing walls. If damage is caused or contributed to by the tenant or tenant's employees and visitors, the lessor may require the tenant to reimburse it for part or all of the cost of repairing the damage.	Keep clean at all times, dust any cobwebs and report any structural repairs or faults to lessor.
Window, glass panes, flyscreens, security screens, doors, door handles.	Replace any irreparable items.	Keep items clean, operable, lockable, and firmly fixed. Repair, replace and lubricate hinges of items if damage caused by misuse/internal vandalism.
Skylights, lighting, globes	Replace any skylights or lighting fixtures (excluding globes) requiring replacement due to old age/end of economic life.	Keep clean at all times and repair or replace as required
Painting	Repaint premises (interior and exterior) to ensure it remains in good repair, as and when determined by the lessor.	Minor remedial painting and touch ups to repair general wear and tear.
Cupboards, blinds, curtains, mirrors	Replace as and when determined by the lessor.	Keep clean at all times. Maintain and repair items as required.
Carpet	Replace as and when determined by the lessor.	Keep clean at all times. Professionally clean at least once annually.
Vinyl floors	Replace as and when determined by the lessor.	Keep clean at all times.
Wooden floors	Replace as and when determined by the lessor.	Keep clean at all times.
Tiled floors	Replace as and when determined by the lessor.	Keep clean at all times.
Bathrooms and change rooms (including: drains, hot water systems, sewerage, showers, sinks, taps, toilets etc.)	Replace irreparable items. Undertake capital renewal as and when determined by the lessor. Where the lessor undertakes works or repairs to clear blockages which have occurred as a result of the neglect, misuse or default of the	Must keep clean at all times. Ensure all are operable and free from any blockages. Tenant shall not permit foreign objects or matter to be placed into drains, toilets or grease traps. Tenant will advise the Town before making repairs or installing electrical appliances with the use of a qualified electrician.

**TOWN OF BASSENDEAN PROPERTY MANAGEMENT FRAMEWORK**

**APPENDIX 3: SCHEDULE OF MAINTENANCE OBLIGATIONS**

MAINTENANCE ITEM	LESSOR OBLIGATIONS <sup>1</sup>	TENANT OBLIGATIONS
	tenant, the tenant may be required to pay part or all of the lessor's costs of undertaking those works.	
<b>FIXTURES, FITTINGS, APPLIANCES AND ELECTRICAL</b>		
Air-conditioning	Repair and undertake annual servicing of air-conditioning units/systems. Replace air-conditioning units/systems that are irreparable or at the end of their economic life.	Notify lessor if air conditioner unit requires servicing or repair. Responsible for replacing if damage is due to internal vandalism.
Oven vents	If at the end of its life, the lessor may, at its discretion, replace.	Keep clean at all times and repair when necessary
Exhaust fans	If at the end of its life, the lessor may, at its discretion, replace.	Keep clean at all times and repair when necessary
Electrical fittings (i.e. plugs, switches, sockets, leads, lights, power points)	Replace any irreparable items. If replacement is caused by misuse/negligence of tenant, lessor may require the tenant to reimburse it for the part or all of the cost of replacement.	Maintain and repair as required. The tenant must ensure that electrical fittings are not overloaded when in use.
Wiring	Replace any irreparable items.	Advise the lessor prior to any wiring or electrical work taking place
Appliances (i.e. fridges, toasters, freezer, stove, microwaves, washing machine)	Replace irreparable items at the discretion of the lessor.	Keep clean at all times. Keep items operable, regularly maintain and repair as required.

## TOWN OF BASSENDEAN PROPERTY MANAGEMENT FRAMEWORK

### APPENDIX 3: SCHEDULE OF MAINTENANCE OBLIGATIONS

MAINTENANCE ITEM	LESSOR OBLIGATIONS <sup>1</sup>	TENANT OBLIGATIONS
<b>PREMISES EXTERIOR AND SURROUNDS</b>		
Roof (including leaks, broken tiles etc.)	Repair any structural damage to roof and clean as required. If damage is caused or contributed to by the tenant or tenant's employees and visitors, the lessor may require the tenant to reimburse it for part or all of the cost of repairing the damage.	Report any structural damage to the lessor. Repair any damage to the roof (structural or otherwise) caused by the tenant or its failure to maintain the eaves, gutters and downpipes in a clean and clear condition.
Eaves, gutters & downpipes	Repair any damage to eaves, gutters and downpipes. If damage is caused by tenant failing to maintain the eaves, gutters or downpipes in a clean and clear condition, the lessor may require the tenant to reimburse the lessor for the part or all of the cost of undertaking the repairs.	Maintain eaves, gutters and downpipes in a clean and clear condition and report any damage to same to the lessor. Repair any damage to the eaves, gutters or downpipes where caused or contributed to by the tenant or its failure to maintain the eaves, gutters and downpipes in a clean and clear condition.
Garden and surrounds (including fencing and gates)	Responsible for any major tree pruning and tree removal. Replace fences and/or gates as required and determined by the lessor.	Maintain the surroundings, fertilising, minor pruning and conduct regular mowing of the lawn at its own cost. Responsible for ensuring all fences and gates are cleaned, repaired, re-enforced and maintained. Not to remove any trees or hedges without first obtaining approval from the lessor, except for urgent safety reasons.
Turf	Responsible for turf maintenance (if the reserve/space is freely accessible by public and the Lessor controls/manages the use/access of the reserve/space)	Responsible for turf maintenance (if the reserve/space is not freely accessible by public and the tenant controls/manages the use/access of the reserve/space)
Walkways, footpaths, access, steps, ramps	Responsible for Town verge footpaths.	Keep clean and clear at all times.
Carpark	Responsible for bitumen repairs, pot-hole maintenance and line marking.	Responsible for ensuring the car park is clean and clear of rubbish, trip hazards or obstructions.
Shed, roller doors and garage (if applicable)	Replace as and when determined by the lessor.	Responsible for cleaning, repairs and maintenance of such structures.
Abandoned rubbish	Arrange for removal of abandoned furniture, car parts and larger rubbish that has been dumped on the verge, carpark or grassed area.	Arrange for removal of smaller abandoned items that have been dumped on the property which will fit in the bins provided.

**TOWN OF BASSENDEAN PROPERTY MANAGEMENT FRAMEWORK**

**APPENDIX 3: SCHEDULE OF MAINTENANCE OBLIGATIONS**

MAINTENANCE ITEM	LESSOR OBLIGATIONS <sup>1</sup>	TENANT OBLIGATIONS
Pollution	None.	Do all things necessary to prevent pollution or contamination of the land by garbage, refuse, waste matter, oil or other pollutants. Report any pollution, contamination or suspected pollution/contamination to the land to the lessor promptly.
Maintain, Service and Repair Bore and Pump	Responsible for annual inspection, and determining the schedule for maintenance and repair. Service, repair and maintenance costs are to be allocated between the lessor and tenant in the property lease	As defined in the property lease

# **ATTACHMENT NO. 9**

## Councillor ICT Policy

### Policy Objective

The objectives of this policy are:

- (a) To provide elected members with an appropriate ICT allowance, pursuant to section 5.99A of the *Local Government Act 1995* and regulation 31 of the Local Government (Administration) Regulations 1996
- (b) To set out the additional ICT entitlements of elected members to ensure they are able to effectively fulfil their role.

### Policy Scope

Town of Bassendean elected members.

### Policy Statement

#### 1. Annual ICT Allowance

- 1.1. An elected member is entitled to an annual allowance for telecommunications expenses in accordance with the annual determination of the Salaries and Allowances Tribunal. The ICT Allowance is an allowance in lieu of reimbursement of actual expenses, and will be paid quarterly in arrears.
- 1.2. The ICT Allowance covers the expenses incurred by elected members in performing a function under the express authority of the Town or in performing a function in the elected member's official capacity for:
  - mobile phone call charges and data
  - telephone rental and call charges
  - internet connection and service provider fees
  - printer/scanner
  - print consumables.
- 1.3. The Town will pay all elected members an annual ICT allowance equal to the maximum allowance under the Determination of the Salaries and Allowances Tribunal on Local Government Chief Executive Officers and Elected Members.
- 1.4. The Town will reimburse elected members for reasonable ICT expenses incurred in excess of the allowance, on production of documentation verifying the expense.

## **2. Provision of Laptop for Councillors**

- 2.1. The Town will provide elected members with one laptop device and large screen monitor for Council business, including the electronic distribution of agendas, minutes and other Council documents, email communication and for researching information through the internet.
- 2.2. In line with the Towns commitment to sustainability and the environment, elected members will receive and view information electronically, use the Town-provided laptop in lieu of paper documents for attendance at meetings, and utilise their Town email address for carrying out Councillor duties.
- 2.3. Reasonable personal use of the Town-provided laptop will be permitted, however the device shall not be used for business or commercial purposes.
- 2.4. Elected members will not be permitted to 'bring their own device' as this inhibits the ability of the Town to implement appropriate cybersecurity controls. Elected members will be able to access information held on the Councillor portal (once operational) via any device connected to the Internet.

## **3. Maintenance of Laptop**

- 3.1. The Town will provide maintenance and support for laptop devices it has provided to elected members, unless the need for maintenance arises from the use of software that has not been installed by or with the permission of the Town.
- 3.2. Should the Town-provided laptop require repair or replacement, it must be returned to the Town, prior to staff organising its repair/replacement.
- 3.3. The Town will not provide maintenance or support for IT equipment that has been privately purchased by an elected member.

## **4. Replacement and Retention**

- 4.1. ICT equipment provided by the Town remains the property of the Town, and will be replaced in line with the Towns ICT Equipment lifecycle.
- 4.2. An elected member leaving their position at the expiry of a full term may purchase their Town-provided laptop and/or monitor and retain it for their own use. The purchase price will be the greater of the written down book value or \$250 for the laptop, or \$100 for the monitor.

## **5 Software**

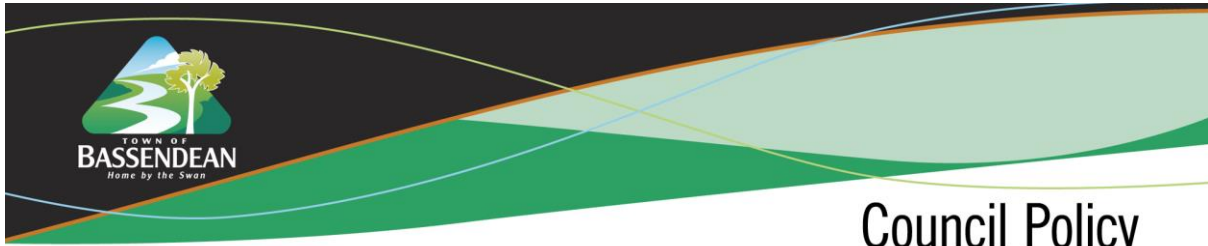
- 5.1 Town provided laptops will be pre-installed with software required to undertake Councillor duties, including:
  - 5.1.1 Microsoft Outlook for use with Councillor Town of Bassendean email address
  - 5.1.2 Microsoft Office suite (Word, Excel etc)
  - 5.1.3 Anti-virus/anti-malware protection
  - 5.1.4 Other software as required, such as access to a Councillor portal.

## 5. Information Technology Training for Councillors

5.1. Appropriate training will be provided to assist elected members in the effective and efficient use of the equipment and other information technology so they may fulfil their role at Council and Committee meetings utilising the software provided.

<b>Document Control box</b>			
<b>Document Responsibilities:</b>			
<b>Owner:</b>	Chief Executive Officer	<b>Owner Business Unit:</b>	Office of the Chief Executive Officer
<b>Inception Date:</b>	August 2021	<b>Decision Maker:</b>	Council
<b>Review Date:</b>	Annual	<b>Repeal and Replace:</b>	N/A
<b>Compliance Requirements:</b>			
<b>Legislation:</b>	<i>Local Government Act 1995</i>		





## Council Policy

# Councillor Allowances & Expenses

## Objective

To provide Council members with an appropriate level of remuneration and reimbursement of expenses to ensure that they are able to effectively fulfil their role, this policy sets out the entitlements of Councillors to receive fees, allowances and reimbursement of expenses.

The policy complies with the requirements of the Local Government Act 1995 ("the Act") and Local Government (Administration) Regulations 1996("the Regulations").

## Strategy

### Fees and Allowances

#### Mayoral Allowance

*Section 5.98(1) of the Act and Administration Regulation 30*

The Mayor is entitled to be paid a Mayoral Allowance in accordance with the annual determination of the Salaries and Allowances Tribunal.

The Mayoral Allowance to be paid quarterly in arrears.

#### Mayoral Sitting Fee

*Section 5.98(5) of the Act and Administration Regulation 33*

The Mayor is entitled to a Mayoral Sitting Fee in accordance with the annual determination of the Salaries and Allowances Tribunal, to be paid quarterly in arrears.

#### Deputy Mayor Allowance

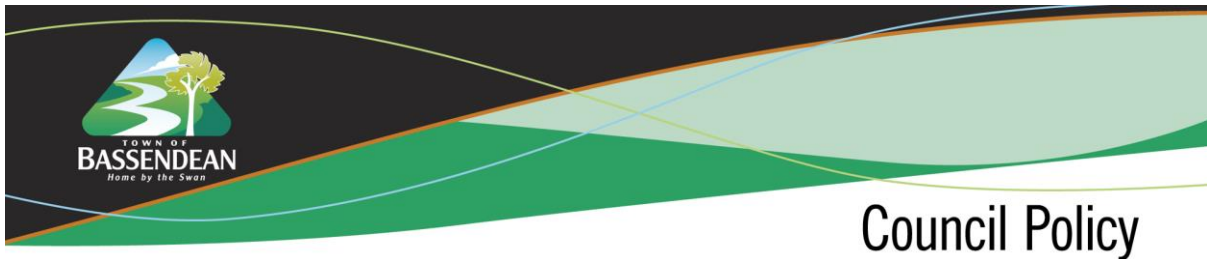
*Section 5.98A of the Act and Administration Regulation 33A*

The Deputy Mayor is entitled to a Deputy Mayoral allowance in accordance with the annual determination of the Salaries and Allowances Tribunal, to be paid quarterly in arrears.

#### Annual Fee in Lieu of Sitting Fees

*Section 5.99 of the Act and Administration Regulation 34*

A Councillor is entitled to an Annual Fee in Lieu of Meeting Fees in accordance with the annual determination of the Salaries and Allowances Tribunal to be paid quarterly in arrears.



## **Telecommunication/ Information Technology (ICT) Allowance**

*Section 5.99A of the Act and Administration Regulation 31*

A Councillor is entitled to an annual allowance in lieu of reimbursement of telecommunications expenses of in accordance with the annual determination of the Salaries and Allowances Tribunal, to be paid quarterly in arrears.

The Telecommunications Allowance is an allowance in lieu of reimbursement. This Allowance covers the expenses incurred by Councillors in performing a function under the express authority of the Town or in performing a function in the Councillor's official capacity for:

- telephone rental charges;
- call charges;
- line rental;
- costs for installation of additional line (if required by the Councillor); and,
- service charges.

## **Information Technology for Councillors**

On request the Town of Bassendean provides Councillors with appropriate information technology to enable the distribution of Agendas and Minutes by electronic means, for email communication and for seeking information through the internet.

The equipment will remain the property of the Town of Bassendean and will be maintained by the Town. Councillors must not install software that is not the property of the Town of Bassendean.

## **Information Technology Training for Councillors**

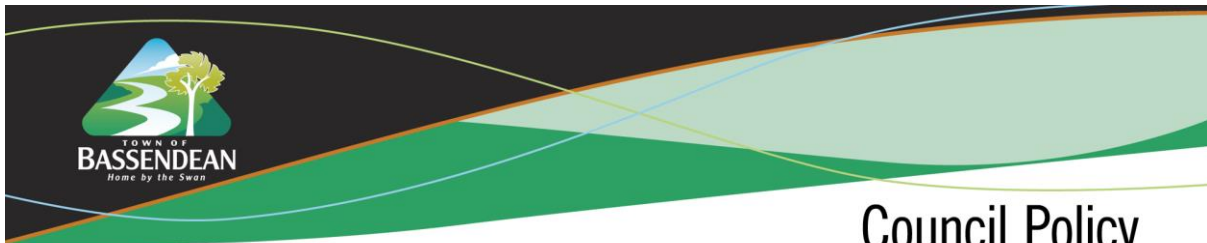
Appropriate training will be provided to Councillors to assist them in the effective and efficient use of the equipment and other information technology so that they may fulfil their role at Council and Committee meetings utilising the software provided.

Any Councillor leaving their position with Council shall return, within ten working days any computing equipment provided by the Council.

## **Business Cards**

Each Council member will be allocated sufficient business cards. The business cards will be printed in accordance with the Town's Corporate Style. Business cards must be used for Council business only and must not be used for electioneering purposes. The Business Card may include a passport size photo.

## **Access to Council Chambers and Councillor Facilities**



## Council Policy

A Councillor will be provided with an access key and security card providing access to the Councillor's Dining area and Council Chamber as soon as possible following election to office. The access is provided for the convenience of Councillors for meeting with their constituents and other Councillors during office hours. Any loss of access key or card is to be reported to the CEO as soon as practicable.

A Councillor must return their access key and security card within 5 working days of ceasing to be a Council member.

### **Handling of Councillor Addressed Correspondence**

The Town of Bassendean is required to comply with the State Records Act and Council's adopted Records Management Plan in relation to Councillor addressed and initiated correspondence.

Correspondence containing information about business activities of the Town in any format (e.g. by post, fax, e-mail, courier, hand-delivered) internal or external, are evidence of business activity in a court of law. Correspondence addressed to Elected Members and received at the Town Administration Offices is to be opened by designated officers, unless it is expressly marked Private, Confidential, Personal or Himself/Herself etc. If correspondence is expressly marked Private, Confidential, Personal or Himself/Herself the correspondence is to be forwarded unopened placed in a sealed envelope to the Councillor.

### **Reimbursement of Expenses**

#### **Reimbursement for Statutory Child Care Expenses**

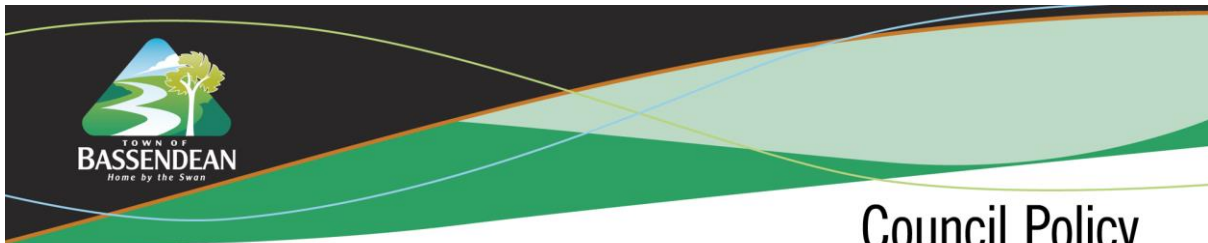
*Section 5.98(2) of the Act and Administration Regulation 31*

A Councillor has a statutory entitlement to be reimbursed for childcare expenses incurred by the Councillor as a result of attendance at a Council meeting, a meeting of a committee of which he or she is member or authorised training and Council related business. The Town of Bassendean will reimburse childcare expenses, verified by sufficient information, in accordance with a Councillor's statutory entitlement.

#### **Reimbursement of Statutory Travel Expenses**

*Section 5.98(2) of the Act and Regulation 31*

A Councillor has a statutory entitlement to be reimbursed for travel expenses incurred by the Councillor as a result of attendance at a council meeting or a meeting of a committee of which he or she is member.



## Council Policy

The Town of Bassendean will reimburse travel expenses, verified by sufficient information, in accordance with a Councillor's statutory entitlement.

### Reimbursement of Other Expenses

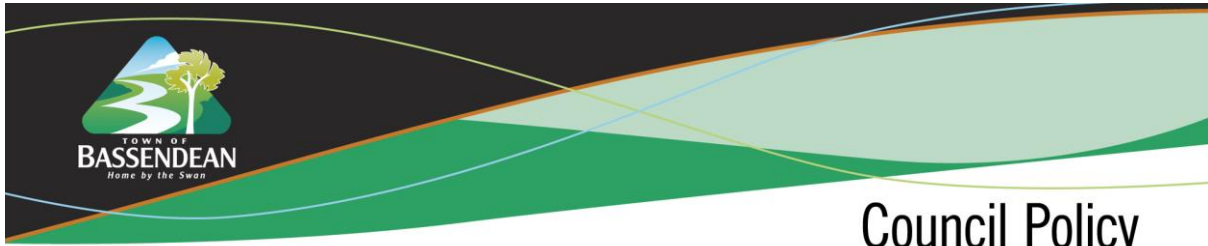
*Section 5.98(3) of the Act and Regulation 32*

A Councillor is to be reimbursed for the following types of expenses to the extent set for each type of expense where the expense is incurred:

- in performing a function under the express authority of the Town of Bassendean;
- by reason of being accompanied by no more than one other person while performing an official function where the Chief Executive Officer considers it to be appropriate; or
- in performing a function in the Councillor's official capacity; and

the expense is verified by sufficient information.

TYPE OF EXPENSE	EXTENT OF REIMBURSEMENT
Travelling Expenses and Child Care Costs not Covered By Statutory Entitlement Travelling expenses and child care costs incurred by a Council member travelling to and from or attending: <ol style="list-style-type: none"> <li>a. any conference,</li> <li>b. any official function that the Councillor is invited to attend in their capacity as a Councillor;</li> <li>c. any official function, meeting or event that the Council requests the Councillor to attend; or</li> <li>d. any meeting of a group or body on which the Council member is a delegate or representative.</li> <li>e. Any authorised training or Council related business</li> </ol>	The actual expense incurred.
Carer's Costs Where a Councillor personally cares for a person who has a disability, mental illness, chronic condition or who is frail aged, the costs of a replacement carer incurred by a Councillor from attending: <ol style="list-style-type: none"> <li>a. any Council or committee meeting;</li> <li>b. any official function that the Councillor is invited to attend in their capacity as a Councillor; or</li> <li>c. any official function, meeting or event that the Council requests the Councillor to attend;</li> </ol>	The actual expense incurred.
<b>SUNDRY CONFERENCE EXPENSES</b>	The actual expense incurred
Breakfast expenses	
Lunch expenses	
Dinner expenses	
Other conference expenses <b>not</b> reimbursed by Council Drinks Mini-bar Non business telephone calls Dry cleaning Personal grooming	



## Payment of Councillor Expenses

The Chief Executive Officer is delegated authority to approve reimbursements for actual expenses incurred upon the production of documentary substantiation of actual costs in accordance with this Policy.

## Application

Responsibility for the implementation of this policy rest with the Mayor, Councillors and Chief Executive Officer. The Policy is to be reviewed every three years.

<b>Policy Type:</b> Strategic Policy	<b>Responsible Officer:</b> Chief Executive Officer and Director Corporate Services
<b>Link to Strategic Community Plan:</b> Leadership and Governance	<b>Last Review Date:</b> September 2017 <b>Version 2</b>
	<b>Next Review due by:</b> May 2020



# Council Policy

**ATTACHMENT NO. 10**



# **DELEGATIONS REGISTER 2020**

Current as at 1 July 2021



# Register of Delegations

Town of Bassendean



VERSION CONTROL			
Number	Date	Item	Reason
1	27/10/2020	OCM	Section 5.46(2), <i>Local Government Act 1995</i> , annual review; major reform required.
2	20/11/2020	Delegations 1.2.1, 4.1.4, and 5.1.3 revoked	Act amendment (effective 07/11/2020) harmonised the process to appoint authorised persons. The CEO is the prescribed decision-maker to make appointments. Council decision not required to revoke as the amendment means Council no longer has the authority.
3	01/2021	Delegation 1.2.12	Sub-delegation provided to officers to reflect new Purchasing Policy. Council decision not required as the amendment deals with a sub-delegation from the CEO.
4	01/2021	Delegation 1.2.27	Delegation adopted by Council July 2020 and included in the Register.
5	17/06/2021	Delegation 1.2.14 Delegation 1.2.15	Sub-delegation to Senior Accountant for the period 1 July 2021 – 31 December 2021 as Manager Finance position vacant.
6	22/06/2021	Delegation 1.2.28	Delegation adopted by Council June 2021 and included in the Register.
7	22/07/2021	Delegation 10.1.3	Amend the condition of sub-delegation from CEO to Planning Officer to include approval for carports, non-habitable additions, and grouped dwellings.

## COMPLIANCE LINKS – IMPORTANT INFORMATION

Delegations exercised under this Register of Delegations must be recorded in accordance with Administration Regulation 19.

Compliance links, including Legislation, Council Policy, Local Laws or external standards and guidelines, referred to each instrument of delegation contained in this register were correct at time of Council adoption.

Delegates **must** always review the primary legislation and compliance links before exercising a delegated authority to ensure decision making complies with legislative and other compliance obligations.

## TOWN OF BASSENDEAN REGISTER OF DELEGATIONS

The following is the register of delegations for the purposes of sections 5.18 and 5.46 of the *Local Government Act 1995* which includes all delegations made by the Council of the Town of Bassendean under section 5.42 of the *Local Government Act 1995*, section 127 of the *Building Act 2011*, section 48 of the *Bush Fires Act 1954*, section 44 of the *Cat Act 2011*, section 10AA of the *Dog Act 1976*, section 118 of the *Food Act 2008*, section 16 of the *Graffiti Vandalism Act 2016*, section 21 of the *Public Health Act 2016* and Schedule 2 clause 82(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The delegations made within this register were made by the Council of the Town of Bassendean by a resolution passed by an absolute majority of the Council on 27 October 2020. Signed, for the Council –

**Renee McLennan**  
Mayor

**Date 29<sup>th</sup> October 2020**

## TOWN OF BASSENDEAN REGISTER OF SUB-DELEGATIONS

The following is the register of sub-delegations for the purposes of section 5.46 of the *Local Government Act 1995* which includes all delegations made by the Chief Executive Officer of the Town of Bassendean under section 5.44 of the *Local Government Act 1995*, section 127 of the *Building Act 2011*, section 45 of the *Cat Act 2011*, section 10AA of the *Dog Act 1976*, section 17 of the *Graffiti Vandalism Act 2016* and Schedule 2 clause 83 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The delegations made within this register were made by the Chief Executive Officer of the Town of Bassendean. Signed by the Chief Executive Officer –

**Peta Mabbs**  
CEO

**Date 29<sup>th</sup> October 2020**

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Town of Bassendean



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## 1. Local Government Act 1995 Delegations

### 1 Local Government Act 1995 Delegations

#### 1.1 Council to Committees of Council

##### 1.1.1 Audit and Governance Committee

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.16 Delegation of some powers and duties to certain committees.</li> <li>▪ s 7.1B Delegation of some powers and duties to audit committees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 7.12A(2), (3) &amp; (4) Duties of Local Government with respect to audits</li> </ul>
<b>Delegate:</b>	<b>Audit and Governance Committee</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to meet with the City's Auditor at least once every year on behalf of the Council [s 7.12A(2)].</li> <li>2. Authority to: <ol style="list-style-type: none"> <li>a. examine the report of the Auditor and determine matters that require action to be taken by the Town of Bassendean; and</li> <li>b. ensure that appropriate action is taken in respect of those matters [s 7.12A(3)].</li> </ol> </li> <li>3. Authority to review and endorse the Town of Bassendean's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s 7.12A(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ This delegation is not to be used where a Management Letter or Audit Report raises significant issues.</li> <li>▪ In that instance the Local Government's meeting with the Auditor must be directed to the Council.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil. Sub-delegation is prohibited by s 7.1B.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Department of Local Government, Sport and Cultural Industries Operational Guideline - The appointment, function and responsibilities of Audit Committees.</li> <li>▪ Audit and Governance Committee Instrument and Terms of Reference</li> <li>▪ Town of Bassendean Investment Policy</li> <li>▪ Town of Bassendean Financial Sustainability Policy</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of <i>Local Government (Administration) 1996 Regulation 19</i>.</li> <li>▪ Town of Bassendean Record Keeping Policy.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.1.2 Complaints Committee

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Model Code of Conduct) Regulations 2021:</i> Clause 12 Dealing with a complaint Clause 13 Dismissal of complaint
<b>Delegate:</b>	<b>Complaints Committee</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur <i>[MCC.cl. 12(1) and (3)]</i>. In making any finding the Committee must also determine reasons for the finding <i>[MCC.cl. 12(7)]</i>.</li> <li>2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> <li>a. take no further action <i>[MCC.cl. 12(4)(a)]</i>; or</li> <li>b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates <i>[MCC.cl. 12(4)(b), (5) and (6)]</i>.</li> </ol> </li> <li>3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal <i>[MCC.cl. 13(1) and (2)]</i>.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ The Committee will make decisions in accordance with the principles and specified requirements established in Code of Conduct Complaints Management Policy.</li> <li>▪ That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act.</li> <li>▪ The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item.</li> <li>▪ In the event of (c) above, the Committee member is to recuse themselves from attendance at the meeting. Should this result in loss of a quorum at the meeting, the Committee may resolve to defer consideration to a future meeting at which the</li> </ul>

## 1. Local Government Act 1995 Delegations

	<p>conflicted Committee Member is absent and a quorum of members is present.</p> <p><u>NOTE TO CONDITIONS (C) AND (D)</u>: The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
Compliance Links:	<ul style="list-style-type: none"> <li>▪ Council Policy Complaints Committee Terms of Reference</li> <li>▪ Council Policy Code of Conduct Complaints Management</li> <li>▪ Council Policy Code of Conduct for Council Members, Committee Members and Candidates</li> </ul>
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.</li> </ul>



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## 1. Local Government Act 1995 Delegations

### 1.2 Council to CEO

#### 1.2.1 **Appoint Authorised Persons (Revoked due to Act Amendment 7/11/2020)**

## 1. Local Government Act 1995 Delegations

### 1.2.2 Powers of Entry

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 3.28 When this Subdivision applies</li> <li>▪ s 3.31(2) General Procedure of Entering Land</li> <li>▪ s 3.32 Notice of entry</li> <li>▪ s 3.33 Entry under warrant</li> <li>▪ s 3.34 Entry in an emergency</li> <li>▪ s 3.36 Opening fences</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to exercise powers of entry to enter onto land to perform any of the local Government functions under the <i>Local Government Act 1995</i>, other than entry under a Local Law [s 3.28].</li> <li>2. Authority to give notice of entry [s 3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s 3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s 3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s 3.36].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Delegated authority under s 3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property or in an emergency.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> <li>▪ Ranger</li> <li>▪ Senior Environmental Health Officer</li> <li>▪ Environmental Health Officer</li> <li>▪ Planning Officer</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>

## 1. Local Government Act 1995 Delegations

<p><b>CEO Conditions on this Sub-Delegation:</b></p>	<ul style="list-style-type: none"> <li>▪ The CEO and relevant Director must be advised before delegated authority under s 3.33 is exercised.</li> <li>▪ Delegated authority under s 3.34(1) and s 3.34(3) may only be exercised, where there is imminent or substantial risk to public safety or property or in an emergency.</li> <li>▪ Conditions on the CEO delegation also apply to the sub-delegation.</li> <li>▪ Each person appointed under this delegation must be issued with an identification badge and carry this badge whenever exercising this delegation.</li> <li>▪ Each person to whom a power or duty is delegated must keep records in accordance with Regulations in relation to the exercise of the power or the discharge of the duty.</li> </ul>
<p>Compliance Links:</p>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 9.10 Appointment of authorised persons – refer also s 3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry.</li> <li>▪ s 3.34(2) Entry in an emergency.</li> </ul>
<p>Record Keeping:</p>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.3 Declare Vehicle is Abandoned Vehicle Wreck

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 3.40A(4) Abandoned vehicle wreck may be taken</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s 3.40A(4)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.4 Disposing of Confiscated or Uncollected Goods or alternatively, referred to Council for decision.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.  Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<i>Local Government Act 1995</i> Part 3 Division 3 Subdivision 4 Impounding abandoned vehicle wrecks and goods.
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.4 Confiscated or Uncollected Goods

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 3.46 Goods May be withheld until costs paid</li> <li>▪ s 3.47 Confiscated or uncollected goods, disposal of</li> <li>▪ s 3.48 Impounding expenses, recovery of</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to refuse to allow goods impounded under s 3.39 or s 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s 3.46].</li> <li>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s 3.43 [s 3.47].</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s 3.48].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with <i>Local Government (Functions and General) Regulations 1996</i> Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
<b>Compliance Links:</b>	<i>Local Government Act 1995:</i> Part 3, Division 3, Subdivision 3 <ul style="list-style-type: none"> <li>▪ s 3.58 Disposing of Property - applies to the sale of goods under s 3.47 as if they were property referred to in that section.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.5 Close Thoroughfare to Vehicles

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 3.50 Closing certain thoroughfares to vehicles.</li> <li>▪ s 3.50A Partial closure of thoroughfare for repairs or maintenance.</li> <li>▪ s 3.51 Affected owners to be notified of certain proposals.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4 weeks [s 3.50(1)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4 weeks and before doing so, to: <ul style="list-style-type: none"> <li>▪ give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>▪ consider submissions relevant to the road closure/s proposed [s 3.50(1a), (2) and (4)].</li> </ul> </li> <li>3. Authority to revoke an order to close a thoroughfare [s 3.50(6)].</li> <li>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s 3.50A]</li> <li>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s 3.51].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ If, under s 3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s 3.50(8)].</li> <li>▪ Maintain access to adjoining land [s 3.52(3)].</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Engineering Technical Coordinator</li> </ul>

## 1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"><li>▪ Senior Ranger</li></ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
Compliance Links:	
Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>

## 1. Local Government Act 1995 Delegations

### 1.2.6 Obstruction of Footpaths and Thoroughfares

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government (Uniform Local Provisions) Regulations 1996 (ULP):</i></p> <ul style="list-style-type: none"> <li>▪ reg 5(2) Interfering with, or taking from, local government land.</li> <li>▪ reg 6 Obstruction of public thoroughfare by things placed and left - Sch 9.1, cl 3(1)(a).</li> <li>▪ reg 7A Obstruction of public thoroughfare by fallen things – Sch 9.1, cl 3(1)(b).</li> <li>▪ reg 7 Encroaching on public thoroughfare – Sch 9.1, cl 3(2).</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP reg 5(2)].</li> </ol> </li> <li>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP reg 6(2) and reg (4)].</li> <li>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP reg 6(6)].</li> <li>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP reg 7A].</li> <li>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP reg 7].</li> </ol>



## 1. Local Government Act 1995 Delegations

<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ Permission may only be granted where, the person has:             <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Development and Place</li> <li>▪ Engineering Technical Coordinator</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</li> </ul>
<b>Record Keeping</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.7 Public Thoroughfare – Dangerous Excavations

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> , regs 11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch 9.1, cl 6.
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner or occupier in writing to fill in or securely fence the excavation [ULP reg 11(1)].</li> <li>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP reg 11(4)].</li> <li>3. Authority to impose conditions on granting permission [ULP reg 11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP reg 11(8)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Actions under this Delegation must comply with procedural requirements detailed in <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> </ul>

## 1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Development and Place</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> <li>▪ Engineering Technical Coordinator</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
Compliance Links:	<ul style="list-style-type: none"> <li>▪ <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures.</li> <li>▪ Penalties under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</li> <li>▪ <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010</i>.</li> </ul>
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.8 Crossing – Construction, Repair and Removal

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>▪ reg 12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch 9.1, cl 7(2)</li> <li>▪ reg 13(1) Requirement to construct or repair crossing – Sch 9.1 cl 7(3)</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP reg 12(1)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP reg 12(1)(a)].</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP reg 13(1)].</li> <li>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP reg 13(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Engineering Technical Coordinator</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ Penalties under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</li> </ul>

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## 1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"><li>▪ <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010.</i></li></ul>
Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>

## 1. Local Government Act 1995 Delegations

### 1.2.9 Private Works on, over or under Public Places

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ Reg 17 Private works on, over, or under public places – Sch 9.1, cl 8</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP reg 17(3)].</li> <li>2. Authority to impose conditions on permission including those prescribed in reg 17(5) and (6) [ULP reg 17(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Actions under this Delegation must comply with procedural requirements under <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Engineering Technical Coordinator</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>

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## 1. Local Government Act 1995 Delegations

Compliance Links:	<ul style="list-style-type: none"><li>▪ <i>Local Government (Uniform Local Provisions) Regulations 1996.</i></li><li>▪ Penalties under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</li></ul>
Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>

## 1. Local Government Act 1995 Delegations

### 1.2.10 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government (Uniform Local Provisions) 1996:</i></p> <ul style="list-style-type: none"> <li>▪ reg 21(1) Wind erosion and sand drifts – Sch 9.1, cl 12.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to give notice to an owner or occupier of land if it is considered that clearing the owner or occupier's land may cause local government land, having a common boundary, to be adversely affected by wind erosion or sand drift [ULP reg 21(1)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Environmental Health Officer</li> <li>▪ Environmental Health Officer</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government (Uniform Local Provisions) Regulations 1996.</i></li> <li>▪ Penalties under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>



## 1. Local Government Act 1995 Delegations

### 1.2.11 Expressions of Interest for Goods and Services

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 3.57 Tenders for providing goods and services</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>▪ reg 21 Limiting who can tender, procedure for</li> <li>▪ reg 23 Rejecting and accepting expressions of interest to be acceptable tenderer.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G reg 21].</li> <li>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&amp;G reg 23].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	Nil.
<b>CEO Conditions on this Sub-Delegation:</b>	Nil.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government (Functions and General) Regulations 1996.</i></li> <li>▪ WALGA Subscription Service – Procurement Toolkit.</li> <li>▪ Town of Bassendean Purchasing Policy.</li> <li>▪ Town of Bassendean Procurement Guidelines.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.12 Tenders for Goods and Services

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 3.57 Tenders for providing goods or services</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>○ reg 11 When tenders have to be publicly invited;</li> <li>○ reg 13 Requirements when local government invites tenders though not required to do so;</li> <li>○ reg 14 Publicly inviting tenders, requirements for;</li> <li>○ reg 18 Rejecting and accepting Tenders;</li> <li>○ reg 20 Variation of requirements before entry into contract;</li> <li>○ reg 21A Varying a contract for the supply of goods or services.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. The CEO is delegated authority to invite tenders for the supply of contracts over the value of \$250,000 without further reference to Council, unless expressly identified and itemised by resolution of the Council. [F&amp;G reg 11(1)].</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&amp;G reg 11(f)].</li> <li>3. Authority to invite tenders although not required to do so [F&amp;G reg 13]. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.</li> <li>4. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G reg 14(2a)].</li> <li>5. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G reg 14(4)(a)].</li> <li>6. Authority to vary tender information after public notice of invitation to tender and before the close of tenders. [F&amp;G reg 14(5)].</li> <li>7. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&amp;G reg 18(4)].</li> <li>8. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 5 percent variation of the contract price, and to then negotiate minor variations with the successful tenderer before entering into a contract [F&amp;G reg 20(1) and (3)].</li> </ol>

## 1. Local Government Act 1995 Delegations

	<p>9. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G reg 18(4a)].</p> <p>10. Authority to vary a contract that has been entered into with a successful tenderer, provided the total variation value does not exceed 5 percent, of the original contract.</p> <p>11. Authority to exercise an extension option subject to:</p> <ol style="list-style-type: none"> <li>a. the extension being within the original terms and conditions approved by Council; and</li> <li>b. in accordance with reg 11(2)(j) [F&amp;G reg 21A].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Delegates exercising this delegation must comply with: <ul style="list-style-type: none"> <li>○ The Town of Bassendean Purchasing Policy.</li> <li>○ Town of Bassendean Procurement Guidelines.</li> </ul> </li> <li>▪ Prior to going to market, notification to Councillors through the CEO Bulletin of the nature of the goods and the estimated cost sought.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services <ul style="list-style-type: none"> <li>○ Functions 2, 4, 8 and 10.</li> </ul> </li> <li>▪ Director Community Planning <ul style="list-style-type: none"> <li>○ Functions 2 and 4. Function 10 provided the total variation value does not exceed above 5% of the original contract value.</li> </ul> </li> <li>▪ Executive Manager Infrastructure, Executive Manager Sustainability and Environment <ul style="list-style-type: none"> <li>○ Functions 4 and 10 provided the total variation value does not exceed above 5% of the original contract value.</li> </ul> </li> <li>▪ Coordinator Procurement, Contracts and Leases Functions 5, 6, 7 and 9.</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Conditions on the CEO delegation also apply to the sub-delegation.</p> <p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government (Functions and General) Regulations 1996</i> – prescribe applicable statutory procedures</li> <li>▪ WALGA Subscription Service – Procurement Toolkit</li> <li>▪ Purchasing Policy.</li> <li>▪ Town of Bassendean Procurement Guidelines.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.13 Disposing of Property

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 3.58(2) &amp; (3) Disposing of Property.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to dispose of property to: <ol style="list-style-type: none"> <li>a. the highest bidder at public auction [s 3.58(2)(a);</li> <li>b. the person who at public tender called by the local government makes what is, considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s 3.58(2)(b)].</li> </ol> </li> <li>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s. 3.58(3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Disposal of real property is excluded from this delegation.</li> <li>▪ When determining the method of disposal: <ol style="list-style-type: none"> <li>(a) Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>○ Reserve price has been set by independent valuation.</li> <li>○ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.</li> </ul> </li> <li>(b) Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</li> <li>(c) Where a private treaty is determined [s 3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> <li>○ Negotiate the sale of the property up to a -10% variance on the valuation; and</li> <li>○ Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded.</li> </ul> </li> </ol> </li> <li>▪ Where the market value of the property is determined as being less than \$20,000 (F&amp;G reg 30(3) excluded disposal) may be undertaken: <ul style="list-style-type: none"> <li>○ Without reference to Council for resolution; and</li> <li>○ In any case, be undertaken to ensure that the best value return is achieved however, where the property is</li> </ul> </li> </ul>

## 1. Local Government Act 1995 Delegations

	determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Finance</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Conditions on the CEO delegation also apply to the sub-delegation.</li> <li>▪ Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government Act 1995</i> – s 3.58 Disposal of Property.</li> <li>▪ <i>Local Government (Functions and General) Regulations 1995</i> – reg 30 Dispositions of property excluded from s 3.58 of the Act.</li> <li>▪ Asset Management Policy.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.14 Payments from the Municipal or Trust Funds

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government (Financial Management) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>▪ reg 12(1)(a) Payments from municipal fund or trust fund, restrictions on making.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to make payments from the municipal or trust funds [reg 12(1)(a)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Authority to make payments is subject to annual budget limitations.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Director Community Planning</li> <li>▪ Manager Finance</li> <li>▪ <b>Senior Accountant</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government Act 1995.</i></li> <li>▪ <i>Local Government (Financial Management) Regulations 1996</i> - refer specifically reg 13: Payments from municipal fund or trust fund by CEO, CEO's duties with respect to.</li> <li>▪ <i>Local Government (Audit) Regulations 1996.</i></li> <li>▪ Department of Local Government, Sport and Cultural Industries Operational Guideline No 11 – Use of Corporate Credit Cards.</li> <li>▪ Department of Local Government, Sport and Cultural Industries: Accounting Manual.</li> <li>▪ Town of Bassendean Purchasing Policy.</li> <li>▪ Town of Bassendean Procurement Guidelines.</li> <li>▪ Town of Bassendean Use of Corporate Credit Card Procedures.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.15 Defer payment, Grant Discounts, Waive Fees or Write Off Debts

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 6.12 Power to defer payment, grant discounts, waive fees or write off debts.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Waive a debt, fee or charge which is owed to the Town of Bassendean [s. 6.12(1)(b)].</li> <li>2. To waive or grant concessions in relation to any amount of money which is owed to the Town in relation to a development application. [s. 6.12(1)(b)].</li> <li>3. Grant a concession in relation to money which is owed to the Town of Bassendean [s 6.12(1)(b)].</li> <li>4. Write off an amount of money which is owed to the Town of Bassendean [s 6.12(1)(c)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Delegation for (1) above does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge [s 6.12(2)].</li> <li>▪ A debt may only be written off where all necessary measures have been taken to locate/contact the debtor and where costs associated to continue the action to recover the debt will outweigh the net value of the debt if recovered by the Town.</li> <li>▪ This Delegation must be exercised in accordance with Council Policies - Recovery of Sundry Debts, and Town of Bassendean Financial Hardship Policy.</li> <li>▪ The power to waive fees or write of money is subject to the amount not exceeding \$250.</li> <li>▪ Authorise a write off of any debts (not including rates or other charges) to a maximum value of \$250.</li> <li>▪ Council shall be informed of the details whenever this delegation is exercised.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Director Community Planning</li> <li>▪ Manager Finance</li> <li>▪ <b>Senior Accountant</b></li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>

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## 1. Local Government Act 1995 Delegations

Compliance Links:	<ul style="list-style-type: none"><li>▪ Council Policies - Recovery of Sundry Debts Policy, and Town of Bassendean Financial Hardship Policy.</li><li>▪ <i>Planning and Development Regulations 2009</i></li></ul>
Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>



## 1. Local Government Act 1995 Delegations

### 1.2.16 Power to Invest and Manage Investments

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 6.14 Power to invest.</li> </ul> <p><i>Local Government (Financial Management) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>▪ reg 19 Investments, control procedures for</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s 6.14(1)].</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM reg 19].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ All investment activity must comply with the <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> <li>○ reg 19 Investments ,control procedures for</li> <li>○ reg 19C Investment of money, restrictions on.</li> </ul> </li> <li>▪ Investment Policy.</li> <li>▪ A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Statements.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Manager Finance</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Conditions on the CEO delegation also apply to the sub-delegation.</li> <li>▪ A decision to invest must be jointly confirmed by two Delegates.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government (Financial Management) Regulations 1996.</i></li> <li>▪ Investment Policy.</li> </ul>
<b>Record Keeping</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.17 Rate Record Amendment

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 6.39(2)(b) Amend the rate record</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s 6.39(2)(b)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Delegates must comply with the requirements of s 6.40 of the Act.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	Nil.
<b>CEO Conditions on this Sub-Delegation:</b>	Nil.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government Act 1995</i> – s 6.40 prescribes consequential actions that may be required following a decision to amend the rate record.</li> <li>▪ Note – Decisions under this delegation may be referred for review to the State Administrative Tribunal.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.18 Agreement as to Payment of Rates and Service Charges

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 6.49 Agreement as to payment of rates and service charges</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to make an agreement with a person for the payment of rates or service charges [s 6.49]
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ This Delegation must be exercised in accordance with Council Policies: <ul style="list-style-type: none"> <li>○ Recovery of Rates and Service Charges</li> <li>○ Financial Hardship</li> </ul> </li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Manager Finance</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.  Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Council Policies: <ul style="list-style-type: none"> <li>○ Recovery of Rates and Service Charges</li> <li>○ Financial Hardship</li> </ul> </li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.19 Determine Due Date for Rates or Service Charges

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 6.50 Rates or service charges due and payable.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to determine the date on which rates or service charges become due and payable to the Town of Bassendean [s 6.50].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.20 Recovery of Rates or Service Charges

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 6.56 Rates or service charges recoverable in court.</li> <li>▪ s 6.64(3) Actions to be taken.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s 6.56(1)].</li> <li>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s 6.64(3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ This Delegation must be exercised in consideration of Council Policies: <ul style="list-style-type: none"> <li>○ Recovery of Rates and Service Charges</li> <li>○ Rates Exemption</li> <li>○ Financial Hardship.</li> </ul> </li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Council Policies: <ul style="list-style-type: none"> <li>○ Recovery of Rates and Service Charges</li> <li>○ Rates Exemption</li> <li>○ Financial Hardship.</li> </ul> </li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.21 Recovery of Rates Debts – Require Lessee to Pay Rent

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 6.60 Local Government may require lessee to pay rent.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Town of Bassendean [s 6.60(2)].</li> <li>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s 6.60(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ This Delegation must be exercised in consideration of Council Policies: <ul style="list-style-type: none"> <li>○ Recovery of Rates and Service Charges</li> <li>○ Financial Hardship.</li> </ul> </li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government Act 1995</i> – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s 6.60.</li> <li>▪ Council Policies: <ul style="list-style-type: none"> <li>○ Recovery of Rates and Service Charges</li> <li>○ Financial Hardship.</li> </ul> </li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.22 Rate Record – Objections

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 6.76 Grounds of objection.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to extend the time for a person to make an objection to a rate record [s 6.76(4)].</li> <li>2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s 6.76(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must not be party to any determination under this Delegation.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.23 Administration of Local Laws

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s. 3.18(1) <i>Local Government Act 1995.</i></li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<p>Powers to determine applications, issue and apply conditions to approvals, consents, permits, licences and registrations, undertake enforcement functions and exercise discretion under the following local laws –</p> <ol style="list-style-type: none"> <li>1. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010</li> <li>2. Animals, Environment, Nuisance and Pests Local Law 2019</li> <li>3. Bee Keeping Local Law 2018</li> <li>4. Dogs Local Law 2019</li> <li>5. Dust and Building Waste Local Law 2018</li> <li>6. Fencing Local Law 2013</li> <li>7. Health Local Law 2001</li> <li>8. Parking Local Law 2019</li> <li>9. Property Local Law 2001</li> <li>10. Responsible Cat Ownership Local Law 2006</li> <li>11. Waste Local Law 2019</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Infringements may only be issued by persons authorised for the purposes of section 9.16 of the <i>Local Government Act 1995.</i></li> <li>▪ <b>The CEO may only issue a permit under the Property Local Law for the operation of a circus on Town Property, where that circus does not involve the use of exotic animals.</b></li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Director Community Planning</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> <li>▪ Ranger</li> <li>▪ Senior Environmental Health Officer</li> <li>▪ Environmental Health Officer</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>



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## 1. Local Government Act 1995 Delegations

<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
Compliance Links:	<ul style="list-style-type: none"><li>▪ <i>Local Government Act 1995</i></li><li>▪ Part 9 Division 1 Objections and Review</li><li>▪ Part 9 Division 2 Enforcement and Legal Proceedings</li></ul>
Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>

## 1. Local Government Act 1995 Delegations

### 1.2.24 Disposal of Sick or Injured Animals

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
<b>Council Conditions on this Delegation:</b>	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Director Community Planning</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	
<b>Record Keeping</b>	Delegations exercised are to be recorded in the Town's document management system.

## 1. Local Government Act 1995 Delegations

### 1.2.25 Compensation for Damage Incurred when Performing Executive Functions

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
<b>Council Conditions on this Delegation:</b>	a. Delegation is limited to settlements which do not exceed a material value of \$5,000. b. Council shall be informed of the details whenever this delegation is exercised.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Director Community Planning</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	
<b>Record Keeping</b>	Delegations exercised are to be recorded in the Town's document management system.

## 1. Local Government Act 1995 Delegations

### 1.2.26 Management of Vested Land and Unvested Facilities

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything a local government could do under the <i>Parks and Reserves Act 1895</i> if it were a Board appointed under that Act, to control and manage any land reserved under the <i>Land Administration Act 1997</i> and vested in or placed under the control and management of the local government.
<b>Council Conditions on this Delegation:</b>	a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Director Community Planning</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	
<b>Record Keeping</b>	Delegations exercised are to be recorded in the Town's document management system.

## 1. Local Government Act 1995 Delegations

### 1.2.27 Authority to waive or grant concessions pursuant to Town of Bassendean Compassionate Waste Services Guidelines

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s. 6.12(1)(b) and (c) Power to defer payment, grant discounts, waive fees or write off debts.</li> <li>▪ Authority to waive a fee or grant a concession pursuant to the Town of Bassendean Compassionate Waste Services Guidelines.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to waive a fee or charge, or grant a concession in accordance with the Town of Bassendean Compassionate Waste Services Guidelines.
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s 5.44 CEO may delegate some powers and duties to other employees</p>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Recycling and Waste Coordinator</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>• Town of Bassendean Compassionate Waste Services Guidelines (adopted by Council 28 July 2020).</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.28 Authority to make Tree Preservation Orders in prescribed circumstances in accordance with clause 4.7.7.3(ii) of Local Planning Scheme No. 10

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<ul style="list-style-type: none"> <li>▪ Local Planning Scheme No. 10 – Clause 4.7.7.3(ii) – Tree Preservation Orders</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to make Tree Preservation Orders in accordance with clause 4.7.7.3(ii) of Local Planning Scheme No. 10 –             <ol style="list-style-type: none"> <li>i. Where consent is received from the owner(s) and occupier(s) of the land on which the tree is located, which, for the purpose of this delegation, includes lots where a tree may overhang;</li> <li>ii. Without notice to the owner(s) and/or occupier(s) of the land on which the tree is located, where there is a risk of imminent damage to the tree requiring an order to be made as a matter of urgency.</li> </ol> </li> <li>2. Where consent is not received from the owner(s) and occupier(s) of the land on which the tree is located and the CEO does not consider it appropriate to make an order, the matter will be referred to Council for determination.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s 5.44 CEO may delegate some powers and duties to other employees</p>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>• Town of Bassendean Local Planning Scheme No. 10.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.3 CEO to Employees

#### 1.3.1 Determine if an Emergency for Emergency Powers of Entry

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 3.34(2) Entry in emergency</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>Function:</b>	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s 3.34(2)].
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Two delegates, one of which must be a Director or Executive Manager or the Manager Development and Place, must agree and approve any actions under this delegation.</li> <li>▪ The CEO must be notified prior to the exercise of this delegation.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	▪
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> <li>▪ reg 6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> </ul>
<b>Function:</b>	<p>When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority – Obstruction of Footpaths and Thoroughfares:</p> <ol style="list-style-type: none"> <li>1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP reg 6(4)(d)].</li> <li>2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP reg 6(5)(b).</li> <li>3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP reg 6(5)(d)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority Obstruction of Footpaths and Thoroughfares.</li> <li>▪ Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ This delegated authority is effective only in alignment with Delegated Authority Obstructions of Footpaths and Thoroughfares.</li> <li>▪ <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</li> </ul>



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## 1. Local Government Act 1995 Delegations

Record Keeping:	<ul style="list-style-type: none"><li>Delegations exercised are to be recorded in the Town's document management system.</li></ul>
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## 1. Local Government Act 1995 Delegations

### 1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	Local Government (Uniform Local Provisions) Regulations 1996: <ul style="list-style-type: none"> <li>▪ reg 11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch 9.1, cl 6.</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> </ul>
<b>Function:</b>	<p>When determining to grant permission to for a dangerous excavation under Delegated Authority – Public Thoroughfare – Dangerous Excavations:</p> <ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [reg 11(6)(c)].</li> <li>2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [reg 11(7)(c)].</li> <li>3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority Public Thoroughfares – Dangerous Excavations.</li> <li>▪ Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ This delegated authority is effective only in alignment with Delegated Authority - Public Thoroughfares – Dangerous Excavations.</li> <li>▪ <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ Penalties under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</li> </ul>

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## 1. Local Government Act 1995 Delegations

Record Keeping:	<ul style="list-style-type: none"><li>Delegations exercised are to be recorded in the Town's document management system.</li></ul>
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## 1. Local Government Act 1995 Delegations

### 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> <li>▪ reg 17(5)(b) and reg 17(6)(c) Private works on, over, or under public places, Sch 9.1 cl. 8.</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> </ul>
<b>Function:</b>	<p>1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [reg 17(5)(b)].</p> <p>2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [reg 17(6)(c)].</p>
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Delegates exercising this delegation must comply with the prescribed manner and form for permissions set out under reg 17(4).</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ This delegated authority is effective only in alignment with Delegated Authority Private Works on, over or under Public Places</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.3.5 Appoint Persons (other than employees) to Open Tenders

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Functions and General) Regulations 1996:</i> <ul style="list-style-type: none"> <li>▪ reg 16(3) Receiving and opening tenders, procedure for.</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Coordinator Procurement Contracts and Leases</li> </ul>
<b>Function:</b>	1. Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G reg 16(3)].
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.3.6 Information to be Available to the Public

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government (Administration) Regulations 1996 (Admin Regs):</i></p> <ul style="list-style-type: none"> <li>▪ regs 29(2) and 29(3) Information to be available for public inspection (Act s 5.94).</li> <li>▪ reg 29B Copies of certain information not to be provided (Act s 5.96).</li> </ul> <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.95(1)(b) &amp; (3)(b) Limits on right to inspect local government information.</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> </ul>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin Regs reg 29(2)].</li> <li>2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin Regs reg 29(3)].</li> <li>3. Authority to determine the manner and form by which a person may request copies of rates record information [s 5.94(m)] or owners and occupiers register and electoral rolls [s 5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin Regs reg 29B].</li> <li>4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s 5.95(1)(b)].</li> <li>5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s 5.94(3)(b)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Record Keeping Policy.</li> <li>▪ Electronic Recording and Livestreaming of Council Meetings.</li> <li>▪ <i>Freedom of Information Act 1982</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Record Keeping Policy.</li> </ul>

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## 1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>
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## 1. Local Government Act 1995 Delegations

### 1.3.7 Financial Management Systems and Procedures

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government (Financial Management) Regulations 1996 (FM Regs):</i></p> <ul style="list-style-type: none"> <li>▪ reg 5 CEO's Duties as to financial management.</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Director Community Planning</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Finance</li> <li>▪ Coordinator Procurement, Contracts and Leases</li> </ul>
<b>Function:</b>	<p>1. Authority to establish systems and procedures which give effect to internal controls and risk mitigation for the:</p> <ol style="list-style-type: none"> <li>(a) Collection of money owed to the Town of Bassendean.</li> <li>(b) Safe custody and security of money collected or held by the Town of Bassendean.</li> <li>(c) Maintenance and security of all financial records, including payroll, stock control and costing records.</li> <li>(d) Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities.</li> <li>(e) Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards.</li> <li>(f) Making of payments in accordance with Delegated Authority</li> <li>(g) Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements. [FM Regs, reg 5].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Procedures are to be systematically documented and retained and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>▪ Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Governance Committee at least once within each three (3) financial years. [Audit reg 17].</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government Act 1995.</i></li> <li>▪ <i>Local Government (Financial Management) Regulations 1996</i></li> <li>▪ <i>Local Government (Audit) Regulations 1996</i></li> <li>▪ Purchasing Policy.</li> <li>▪ Procurement Guidelines.</li> <li>▪ Use of Corporate Credit Card Procedures.</li> </ul>



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## 1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"><li>▪ Record Keeping Policy.</li></ul>
Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>

## 1. Local Government Act 1995 Delegations

### 1.3.8 Audit – CEO Review of Systems and Procedures

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Audit) Regulations 1996:</i> <ul style="list-style-type: none"> <li>▪ reg 17 CEO to review certain systems and procedures.</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> </ul>
<b>Function:</b>	<p>1. Authority to conduct the review of the appropriateness and effectiveness of the Town of Bassendean systems and procedures in relation to:</p> <ul style="list-style-type: none"> <li>(a) risk management; and</li> <li>(b) internal controls; and</li> <li>(c) legislative compliance [reg 17(1)].</li> </ul>
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Each matter is to be reviewed at least once within every three (3) financial year, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government (Audit) Regulations 1996</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.3.9 Infringement Notices

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 9.13(6)(b) onus of proof in vehicle offences may be shifted.</li> <li>▪ s 9.19 Extension of Time.</li> <li>▪ s 9.20 Withdrawal of Notice.</li> </ul> <p><i>Building Regulations 2012:</i></p> <ul style="list-style-type: none"> <li>▪ reg 70(1A), 70(1), 70(2) Approved officers and authorised officers.</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger – function 1 only</li> <li>▪ Ranger – function 1 only</li> </ul>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s 9.13(6)(b)].</li> <li>2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s 9.19].</li> <li>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s 9.20].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>(a) The Senior Ranger delegate can only exercise the power under s 9.13(6)(b) onus of proof in vehicle offences may be shifted.</li> <li>(b) A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.</li> <li>(c) A Delegate who has been delegated authority to withdraw an infringement must NOT be appointed as an authorised person for the purposes of issuing an infringement notice.</li> <li>(d) Delegation as an 'Approved Officer' in accordance with <i>Building Act 2011 and Building Regulation 70(1)</i> for the purposes of <i>Building Act 2011</i> Infringement Notices is limited to the following listed position only: <ul style="list-style-type: none"> <li>○ Principal Building Surveyor.</li> </ul> </li> <li>(e) Delegation for <i>Dog Act, Cat Act, Parking Local Law</i>, Infringement Notices is limited to the following listed positions ONLY: <ul style="list-style-type: none"> <li>○ Senior Ranger</li> <li>○ Ranger</li> </ul> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>

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## 1. Local Government Act 1995 Delegations

Compliance Links:	<ul style="list-style-type: none"><li>▪ Ranger Procedure Manual</li></ul>
Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>

## 2. Building Act 2011 Delegations

### 2 Building Act 2011 Delegations

#### 2.1 Council to CEO / Employees

##### 2.1.1 Grant a Building Permit

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s. 127(1); s. 127(3) Delegations: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s. 18 Further information.</li> <li>▪ s. 20 Grant of building permit.</li> <li>▪ s. 22 Further grounds for not granting an application.</li> <li>▪ s. 27 Conditions imposed by permit authority</li> </ul> <i>Building Regulations 2012:</i> <ul style="list-style-type: none"> <li>▪ Reg. 23 Application to extend time during which permit has effect (s. 32).</li> <li>▪ Reg. 24 Extension of time during which permit has effect (s. 32(3)).</li> <li>▪ Reg. 26 Approval of new responsible person (s. 35(c)).</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s. 18(1)].</li> <li>2. Authority to refuse to consider an application if s. 18(1) not complied with [s. 18(2)].</li> <li>3. Authority to grant or refuse to grant a building permit [s. 20(1); s. 20(2); s. 22].</li> <li>4. Authority to impose, vary or revoke conditions on a building permit [s. 27(1); s. 27(3)].</li> <li>5. Authority to determine an application to extend time during which a building permit has effect [reg. 23]. <ol style="list-style-type: none"> <li>(a) Subject to being satisfied that work for which the building permit was granted has not been completed or the extension is necessary to allow rectification of defects of works for which the permit was granted [reg. 24(1)].</li> <li>(b) Authority to impose any condition on the building permit extension that could have been imposed under s. 27 [reg. 24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [reg. 26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s. 127(2)); or</li> </ul>

## 2. Building Act 2011 Delegations

	<ul style="list-style-type: none"> <li>▪ a person employed by the Local Government under s. 5.36 <i>Local Government Act 1995</i>; and</li> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg. 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>▪ s. 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
<b>Compliance Links:</b>	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> <li>▪ s. 119 Building and demolition permits – application for review by State Administrative Tribunal (SAT).</li> <li>▪ s. 23 Time for deciding application for building or demolition permit.</li> <li>▪ s. 17 Uncertified application to be considered by building surveyor.</li> </ul> <p><i>Building Regulations 2012</i></p> <ul style="list-style-type: none"> <li>▪ reg. 25: Review of decision to refuse to extend time during which permit has effect (s. 32(3)) – reviewable by SAT.</li> <li>▪ <i>Building Services (Registration Act) 2011</i> – Section 7.</li> <li>▪ <i>Home Building Contracts Act 1991</i> – Part 3A, Division 2 – Part 7, Division 2</li> <li>▪ <i>Building and Construction Industry Training Levy Act 1990</i>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 2. Building Act 2011 Delegations

### 2.1.2 Demolition Permits

<b>Delegator:</b>	Local Government (Permit Authority)
<b>Express Power to Delegate:</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>▪ s. 127(1) &amp; (3) Delegation: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>▪ s 18 Further information.</li> <li>▪ s 21 Grant of demolition permit.</li> <li>▪ s 22 Further grounds for not granting an application.</li> <li>▪ s 27(1) and (3) Impose conditions on permit.</li> </ul> <p><i>Building Regulations 2012</i></p> <ul style="list-style-type: none"> <li>▪ reg 23 Application to extend time during which permit has effect (s 32).</li> <li>▪ reg 24 Extension of time during which permit has effect (s 32(3)).</li> <li>▪ reg 26 Approval of new responsible person (s 35(c)).</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s 18(1)].</li> <li>2. Authority to grant or refuse to grant a demolition permit on the basis that all s 21(1) requirements have been satisfied [ss 20(1); 20(2); 22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [ss 27(1); 27(3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [reg 23].             <ol style="list-style-type: none"> <li>(a) Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [reg 24(1)].</li> <li>(b) Authority to impose any condition on the demolition permit extension that could have been imposed under s 27 [reg 24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [reg 26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>A delegation of a special permit authority's powers or duties may be only to:</p> <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s 127(2)); or</li> <li>▪ a person employed by the Local Government under s 5.36 Local Government Act 1995; and</li> </ul>

## 2. Building Act 2011 Delegations

	<ul style="list-style-type: none"> <li>Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>Director Community Planning</li> <li>Manager Development and Place</li> <li>Principal Building Surveyor</li> <li>Building Surveyor</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<i>Building Act 2011</i> <ul style="list-style-type: none"> <li>s 119 Building and demolition permits – application for review by SAT</li> <li>s 23 Time for deciding application for building or demolition permit</li> <li><i>Building Services (Complaint Resolution and Administration) Act 2011</i> – Part 7, Division 2.</li> <li><i>Building and Construction Industry Training Levy Act 1990</i>.</li> <li><i>Heritage Act 2018</i>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>Delegations exercised are to be recorded in the Town's document management system.</li> </ul>



## 2. Building Act 2011 Delegations

### 2.1.3 Occupancy Permits or Building Approval Certificates

<b>Delegator:</b>	Local Government (Permit Authority)
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(1) &amp; (3) Delegation: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 55 Further information.</li> <li>▪ s 58 Grant of occupancy permit, building approval certificate.</li> <li>▪ ss 62(1); 62(3) Conditions imposed by permit authority.</li> <li>▪ s 65(4) Extension of period of duration</li> </ul> <i>Building Regulations 2012</i> <ul style="list-style-type: none"> <li>▪ reg 40 Extension of period of duration of time limited occupancy permit or building approval certificate (s 65).</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s 55].</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s 58].</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit [ss 62(1); 62(3)].</li> <li>4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s 65(4); reg 40].</li> </ol>
<b>Council Conditions on this Delegation:</b>	A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s 127(2)); or</li> <li>▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and</li> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<i>Building Act 2011</i> <ul style="list-style-type: none"> <li>▪ s 59 time for granting occupancy permit or building approval certificate.</li> </ul>

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## 2. Building Act 2011 Delegations

	<ul style="list-style-type: none"><li>▪ s 60 Notice of decision not to grant occupancy permit or grant building approval certificate.</li><li>▪ s 121 Occupancy permits and building approval certificates – application for review by SAT.</li><li>▪ <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2.</i></li><li>▪ <i>Building and Construction Industry Training Levy Act 1990.</i></li><li>▪ <i>Heritage Act 2018.</i></li></ul>
Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>

## 2. Building Act 2011 Delegations

### 2.1.4 Designate Employees as Authorised Persons

<b>Delegator:</b>	Local Government (Permit Authority)
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(1) &amp; (3) Delegation: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 96(3) authorised persons.</li> <li>▪ s 99(3) Limitation on powers of authorised person.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person [s 96(3)].</li> <li>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s 99(3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s 127(2)); or</li> <li>▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and</li> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 97 requires each person designated as an authorised person must have an identity card.</li> <li>▪ reg 5A Authorised persons (s 3) – definition.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 2. Building Act 2011 Delegations

### 2.1.5 Building Orders

<b>Delegator:</b>	Local Government (Permit Authority)
<b>Express Power to Delegate:</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>▪ ss 127(1); 127(3) Delegation: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<ul style="list-style-type: none"> <li>▪ <i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>○ s 110(1) A permit authority may make a building order.</li> <li>○ s 111(1) Notice of proposed building order other than building order (emergency).</li> <li>○ ss 117(1); 117(2) A permit authority may revoke a building order or notify that it remains in effect.</li> <li>○ ss 118(2); 118(3) Permit authority may give effect to building order if non-compliance.</li> <li>○ s 133(1) A permit authority may commence a prosecution for an offence against this Act.</li> </ul> </li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to: <ul style="list-style-type: none"> <li>(a) Building work.</li> <li>(b) Demolition work.</li> <li>(c) An existing building or incidental structure [s 110(1)].</li> </ul> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s 111(1)(c)].</li> <li>3. Authority to revoke a building order [s 117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to: <ul style="list-style-type: none"> <li>(a) take any action specified in the order; or</li> <li>(b) commence or complete any work specified in the order; or</li> <li>(c) if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s 118(2)].</li> </ul> </li> <li>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s 118(3)].</li> <li>6. Authority to specify a way in which an outward facing side of a particular close/boundary wall must be finished off.</li> <li>7. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>A delegation of a special permit authority's powers or duties may be only to:</p> <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s 127(2)); or</li> <li>▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and</li> </ul>

## 2. Building Act 2011 Delegations

	<ul style="list-style-type: none"> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>▪ s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
Compliance Links:	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>▪ Section 111 Notice of proposed building order other than building order (emergency).</li> <li>▪ Section 112 Content of building order.</li> <li>▪ Section 113 Limitation on effect of building order.</li> <li>▪ Section 114 Service of building order.</li> <li>▪ Part 9 Review - s 122 Building orders – application for review by SAT.</li> </ul>
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 2. Building Act 2011 Delegations

### 2.1.6 Inspection and Copies of Building Records

<b>Delegator:</b>	Local Government (Permit Authority)
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(1) &amp; (3) Delegation: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 131(2) Inspection, copies of building records.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to determine an application from an interested person to inspect and copy a building record [s 131(2)].
<b>Council Conditions on this Delegation:</b>	A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s 127(2)); or</li> <li>▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and</li> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Building Act 2011</i> – s 146 Confidentiality.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 2. Building Act 2011 Delegations

### 2.1.7 Referrals and Issuing Certificates

<b>Delegator:</b>	Local Government (Permit Authority)
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(1) &amp; (3) Delegation: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 145A Local Government functions.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ul style="list-style-type: none"> <li>▪ Authority to refer uncertified applications under s 17(1) to a building surveyor who is not employed by the local government [s 145A(1)].</li> <li>▪ Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Town of Bassendean's, Local Government District [s 145A(2)].</li> </ul>
<b>Council Conditions on this Delegation:</b>	A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s 127(2)); or</li> <li>▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and</li> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ S 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>
<b>CEO Conditions on this Sub-Delegation</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 2. Building Act 2011 Delegations

### 2.1.8 Private Pool Barrier – Alternative and Performance Solutions

<b>Delegator:</b>	Local Government (Permit Authority)
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(1) &amp; (3) Delegation: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> <ul style="list-style-type: none"> <li>▪ Reg 51 Approvals by permit authority.</li> <li>▪ Reg 50(4) Use of alternative requirements.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [reg 51(2)].</li> <li>2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner or occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [reg 51(3)].</li> <li>3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [reg 51(5)].</li> <li>4. Authority to use alternative requirements for a barrier to a pre-May 2016 private swimming pool [reg 50(4)].</li> <li>5. Authority to arrange for an authorised person to inspect.</li> </ol>
<b>Council Conditions on this Delegation:</b>	A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s 127(2)); or</li> <li>▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and</li> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	



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## 2. Building Act 2011 Delegations

Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>
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## 2. Building Act 2011 Delegations

### 2.1.9 Smoke Alarms – Alternative Solutions

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(1) &amp; (3) Delegation: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> <ul style="list-style-type: none"> <li>▪ reg 55 Terms Used (alternative building solution approval).</li> <li>▪ reg 61 Local Government approval of battery powered smoke alarms.</li> </ul>
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>▪ <b>Chief Executive Officer</b></li> <li>▪ <b>Principal Building Surveyor</b></li> </ul>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [reg 55].</li> <li>2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [reg 61].</li> </ol>
<b>Council Conditions on this Delegation:</b>	A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s 127(2)); or</li> <li>▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and</li> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</li> </ul>
<b>Sub-Delegate/s:</b>	Nil.
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Reg 60: Requirements for smoke alarms.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 3. Bush Fires Act 1954 Delegations

### 3 Bush Fires Act 1954 Delegations

#### 3.1 Council to CEO, Mayor and Bush Fire Control Officer

##### 3.1.1 Make Request to FES Commissioner – Control of Fire

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 13(4) Duties and powers of bush fire liaison officers.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to request on behalf of the Town of Bassendean that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s 13(4)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited pursuant to s 48(3).</li> </ul>
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

#### 3.1.2 Prohibited Burning Times - Vary

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Bush Fires Act 1954:</i></p> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government.</li> <li>▪ s 17(10) local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Bush Fires Act 1954:</i></p> <ul style="list-style-type: none"> <li>▪ s 17(7) Prohibited burning times may be declared by Minister</li> </ul> <p><i>Bush Fire Regulations 1954:</i></p> <ul style="list-style-type: none"> <li>▪ reg 15 Permit to burn (s 18 <i>Bush Fires Act 1954</i>), form of and apply for after refusal etc.</li> </ul>
<b>Delegate:</b>	<b>Mayor and Chief Bush Fire Control Officer (jointly)</b>
<b>Function:</b>	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised <i>CALM Act</i> officer [s 17(7)] – [ <i>Conservation and Land Management Act 1984</i> ]
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Decisions under s 17(7) must be undertaken jointly by both the Mayor and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s. 17(7B) and (8).</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

#### 3.1.3 Prohibited Burning Times – Control Activities

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<ul style="list-style-type: none"> <li>▪ <i>Bush Fires Act 1954:</i></li> <li>▪ s 17(7) Prohibited burning times may be declared by Minister.</li> <li>▪ s 27(2) and (3) Prohibition on use of tractors or engines except under certain conditions.</li> <li>▪ s 28(4) and (5) Occupier of land to extinguish bush fire occurring on own land.</li> </ul> <i>Bush Fire Regulations 1954:</i> <ul style="list-style-type: none"> <li>▪ reg 15 Permit to burn (Act s 18), form of and apply for after refusal etc.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [reg 15].</li> <li>2. Authority to recover the cost of measures taken by the Town of Bassendean or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s 28(1) to take all possible measures to extinguish a fire on the land they occupy [s 28(4)], including authority to recover expenses in any court of competent jurisdiction [s 28(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Decisions by the Mayor under s 17(7) and (8) must be in accordance with the process and requirements set out in the provisions.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3)</li> </ul>
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

#### 3.1.4 Restricted Burning Times – Vary and Control Activities

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 18(5), (11) Restricted burning times may be declared by FES Commissioner.</li> <li>▪ s 22(6) and (7) Burning on exempt land and land adjoining exempt land.</li> <li>▪ s 27(2) and (3) Prohibition on use of tractors or engines except under certain conditions.</li> <li>▪ s 28(4) and (5) Occupier of land to extinguish bush fire occurring on own land.</li> </ul> <i>Bush Fire Regulations 1954:</i> <ul style="list-style-type: none"> <li>▪ reg 15 Permit to burn (Act s 18), form of and apply for after refusal etc.</li> <li>▪ reg 15C Local Government may prohibit burning on certain days.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority, where seasonal conditions warrant it and after consultation with an authorised <i>CALM Act</i> officer, to determine to vary the restricted burning times in respect of that year [s 18(5)].</li> <li>2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s 18(11)].</li> <li>3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [reg 15].</li> <li>4. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [reg 15C].</li> <li>5. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s 22(6) and (7)].</li> <li>6. Authority to recover the cost of measures taken by the Town of Bassendean or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s 28(1) to take all possible measures to extinguish a fire on the land they occupy [s 28(4)], including authority to</li> </ol>

### 3. Bush Fires Act 1954 Delegations

	recover expenses in any court of competent jurisdiction [s 28(5)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>
Compliance Links:	
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

#### 3.1.5 Control of Operations Likely to Create Bush Fire Danger

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 27D Requirements for carriage and deposit of incendiary material.</li> </ul> <i>Bush Fires Regulations 1954:</i> <ul style="list-style-type: none"> <li>▪ reg 39C Welding and cutting apparatus, use of in open air.</li> <li>▪ reg 39CA Bee smoker devices, use of in restricted or prohibited burning times etc.</li> <li>▪ reg 39D Explosives, use of.</li> <li>▪ reg 39E Fireworks, use of.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> <li>(a) a person operating a bee smoker device during a prescribed period [reg 39CA(5)].</li> <li>(b) a person operating welding apparatus, a power operated abrasive cutting disc [reg 39C(3)].</li> <li>(c) a person using explosives [reg 39D(2)].</li> <li>(d) a person using fireworks [reg 39E(3)]</li> </ol> </li> <li>2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s 27D].</li> </ol> <p><i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i></p>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3)</li> </ul>
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>



### 3. Bush Fires Act 1954 Delegations

#### 3.1.6 Burning Garden Refuse / Open Air Fires

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 24F Burning garden refuse during limited burning times.</li> <li>▪ s 24G Minister or local government may further restrict burning of garden refuse.</li> <li>▪ s 25 No fire to be lit in open air unless certain precautions taken.</li> <li>▪ s 25A Power of Minister to exempt from provisions of section 25.</li> </ul> <i>Bush Fires Regulations 1954:</i> <ul style="list-style-type: none"> <li>▪ reg 27(3) Permit, issue of.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2 metres of a building or fence, only where satisfied it is not likely to create a fire hazard [s 24F(2)(b)(ii) and (4)].</li> <li>2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s 24F [s 24G(2)].</li> <li>3. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [reg 27(3) and reg 33(5)].</li> <li>4. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plant growing upon any land within the District [reg 34].</li> <li>5. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> <li>a. camping or cooking [s 25(1)(a)].</li> <li>b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised <i>CALM Act</i> officer [s 25(1)(b)].</li> </ol> </li> <li>6. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s 25(1a) and s 25(1b)].</li> <li>7. Authority to serve written notice on a person to whom an exemption has been given under s 25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s 25A(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>

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### 3. Bush Fires Act 1954 Delegations

Compliance Links:	
Record Keeping:	<ul style="list-style-type: none"><li>Delegations exercised are to be recorded in the Town's document management system.</li></ul>

### 3. Bush Fires Act 1954 Delegations

#### 3.1.7 Firebreaks

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 33 Local government may require occupier of land to plough or clear fire-breaks.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Town of Bassendean: <ol style="list-style-type: none"> <li>a. clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</li> <li>c. as a separate or coordinated action with any other person carry out similar actions [s 33(1)].</li> </ol> </li> <li>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s 33(4)].</li> <li>3. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s 33(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

#### 3.1.8 Appoint Bush Fire Control Officer/s

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 38 Local Government may appoint bush fire control officer.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and: <ol style="list-style-type: none"> <li>a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one Deputy Chief Bush Fire Control Officer; and</li> <li>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s 38(1)].</li> </ol> </li> <li>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Town of Bassendean [s 38(5A)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil – Sub-delegation is prohibited by s 48(3).</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Firebreak and Fuel Load Notices.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

## 3. Bush Fires Act 1954 Delegations

### 3.1.9 Control and Extinguishment of Bush Fires

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 46 Bush fire control officer or forest officer may postpone lighting fire.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s 46(1A)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 3. Bush Fires Act 1954 Delegations

### 3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 58 General penalty and recovery of expenses incurred.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Town of Bassendean or those on behalf of the Town of Bassendean to do [s 58].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 3. Bush Fires Act 1954 Delegations

### 3.1.11 Prosecution of Offences

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 59 Prosecution of offences.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer Manager Development and Place</b>
<b>Function:</b>	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s 59].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>
<b>Compliance Links:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 65 Proof of certain matters.</li> <li>▪ s 66 Proof of ownership or occupancy.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

#### 3.1.12 Alternative Procedure – Infringement Notices

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 59A(2) Alternative procedure – infringement notices.</li> </ul>
<b>Delegate:</b>	<b>Senior Ranger Ranger</b>
<b>Function:</b>	1. Authority to serve an infringement notice for an offence against this Act [s 59A(2)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>
<b>Compliance Links:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 65 Proof of certain matters.</li> <li>▪ s 66 Proof of ownership or occupancy.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>



### 3. Bush Fires Act 1954 Delegations

#### 3.1.13 Withdrawal of Infringement Notices

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 59A(5) Alternative procedure – infringement notices.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer Manager Development and Place</b>
<b>Function:</b>	1. Authority to withdraw an infringement notice for an offence against this Act [s 59A(5)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>
<b>Compliance Links:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 65 Proof of certain matters.</li> <li>▪ s 66 Proof of ownership or occupancy.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 4. Cat Act 2011 Delegations

### 4 Cat Act 2011 Delegations

#### 4.1 Council to CEO

##### 4.1.1 Cat Registrations

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 44 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 9 Registration.</li> <li>▪ s 10 Cancellation of registration.</li> <li>▪ s 11 Registration numbers, certificates and tags.</li> <li>▪ s 12 Register of Cats.</li> <li>▪ s 13 Notice of certain decisions made under this subdivision.</li> </ul> <i>Cat Regulations 2012</i> <ul style="list-style-type: none"> <li>▪ Schedule 3, cl 1(4) Fees Payable.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s 9(1)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s 9(6)].</li> <li>3. Authority to cancel a cat registration [s 10].</li> <li>4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s 11(2)].</li> <li>5. Authority to keep a Register of Cats [s 12].</li> <li>6. Authority to give notice of certain decisions to a cat owner [s 13].</li> <li>7. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Town of Bassendean [Regulations Schedule 3 cl 1(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 45 Delegation by CEO of local government.</li> </ul>
<b>Sub-Delegate/s</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> <li>▪ Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Ranger not to exercise powers under s 13.</li> <li>▪ Conditions on the CEO delegation also apply to the sub-delegation.</li> </ul>

#### 4. Cat Act 2011 Delegations

Compliance Links:	<p><i>Cat Regulations 2012</i></p> <ul style="list-style-type: none"> <li>▪ reg 11 Application for registration (s 8(2)), prescribes the Form of applications for registration.</li> <li>▪ reg 12 Period of registration (s 9(7)).</li> <li>▪ reg 11 Changes in registration.</li> <li>▪ reg 14 Registration certificate (s 11(1)(b)).</li> <li>▪ reg 15 Registration tags (s 76(2)).</li> <li>▪ Decisions are subject to Objection and Review by the State Administrative Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i>.</li> <li>▪ <i>Responsible Cat Ownership Local Law 2006</i>.</li> </ul>
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

## 4. Cat Act 2011 Delegations

### 4.1.2 Cat Control Notices

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 44 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 26 Cat control notice may be given to cat owner.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Town of Bassendean [s 26].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 45 Delegation by CEO of local government</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Senior Ranger</li> <li>▪ Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Cat Regulations 2012</i> – reg 20 Cat control notice [s 23(3)], prescribes the Form of the notice.</li> <li>▪ <i>Responsible Cat Ownership Local Law 2006</i>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 4. Cat Act 2011 Delegations

### 4.1.3 Approval to Breed Cats

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 44 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 37 Approval to Breed Cats.</li> <li>▪ s 38 Cancellation of approval to breed cats.</li> <li>▪ s 39 Certificate to be given to approved cat breeder.</li> <li>▪ s 40 Notice to be given of certain decisions made under this subsection.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s 37(1) and (2)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s 37(4)].</li> <li>3. Authority to cancel an approval to breed cats [s 38].</li> <li>4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s 39(2)].</li> <li>5. Authority to give notice of certain decisions made under this subdivision to a cat owner.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 45 Delegation by CEO of local government</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<i>Cat Regulations 2012:</i> <ul style="list-style-type: none"> <li>▪ reg 21 Application for approval to breed cats (s 36(2)).</li> <li>▪ reg 22 Other circumstances leading to refusal of approval to breed cats (s 37(2)(f)).</li> <li>▪ reg 23 Person who may not be refused approval to breed cats (s.37(5)).</li> <li>▪ reg 24 Duration of approval to breed cats (s 37(6)).</li> <li>▪ reg 25 Certificate given to approved cat breeder (s 39(1)).</li> <li>▪ <i>Responsible Cat Ownership Local Law 2006</i>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

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## **4. Cat Act 2011 Delegations**

### **4.1.4 Appoint Authorised Persons (Revoked due to Act Amendment 7/11/2020)**

## 4. Cat Act 2011 Delegations

### 4.1.5 Recovery of Costs – Destruction of Cats

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 44 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 49(3) Authorised person may cause cat to be destroyed.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s 49(3)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 45 Delegation by CEO of local government</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Responsible Cat Ownership Local Law 2006.</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 4. Cat Act 2011 Delegations

### 4.1.6 Applications to Keep Additional Cats

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 44 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> <ul style="list-style-type: none"> <li>▪ reg 8 Application to keep additional number of cats</li> <li>▪ reg 9 Grant of approval to keep additional number of cats</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to require any document or additional information required to determine an application [reg 8(3)].</li> <li>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [reg 8(4)].</li> <li>3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [reg 9].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 45 Delegation by CEO of local government.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Responsible Cat Ownership Local Law 2006.</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>



## 4. Cat Act 2011 Delegations

### 4.1.7 Reduce or Waiver Registration Fee

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 44 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Cat Regulations 2012:</i> <ul style="list-style-type: none"> <li>▪ Schedule 3 Fees clause 1(4).</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) of the <i>Cat Regulations 2012</i> in respect to any individual cat or class of cat.
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ This delegation does not provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s. 6.16, s. 6.17 and s. 6.18 of the <i>Local Government Act 1995</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 45 Delegation by CEO of local government</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Delegates exercising this delegation require the authorisation of two delegates, one of whom must be the Manager Development and Place.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Responsible Cat Ownership Local Law 2006</i>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 4. Cat Act 2011 Delegations

### 4.2 Cat Act Delegations - CEO to Employees

#### 4.2.1 Infringement Notices – Extensions and Withdrawals

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 45 Delegation by CEO of local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 64 Extension of time.</li> <li>▪ s 65 Withdrawal of notice.</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s 64].</li> <li>2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s 65].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Delegates exercising this delegation require the authorisation of two delegates, one of whom must be the Manager Development and Place or Senior Ranger.</li> <li>▪ The delegate authorised to issue the infringement cannot be the same delegate authorised to withdraw the infringement.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Compliance Links:</b>	<i>Cat Regulations 2012:</i> <ul style="list-style-type: none"> <li>▪ reg 28 Withdrawal of infringement notice (s 65(1)).</li> <li>▪ <i>Responsible Cat Ownership Local Law 2006.</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 5. Dog Act 1976 Delegations

### 5 Dog Act 1976 Delegations

#### 5.1 Dog Act Delegations Council to CEO

##### 5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA Delegation of local government powers and duties.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10A Payments to veterinary surgeons towards costs of sterilisation.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$200.00 [s 10A(1)(a) and (3)].</li> <li>2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s 10A(1)(b) and (2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA(3) Delegation of local government powers and duties.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Delegates exercising this designation must confer with the Manager Finance to obtain relevant information about the subject resident.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Dog Local Law 2019</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 5. Dog Act 1976 Delegations

### 5.1.2 Refuse or Cancel Registration

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA Delegation of local government powers and duties.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 15(2) and s 15(4A) Registration periods and fees.</li> <li>▪ s 16(3) Registration procedure.</li> <li>▪ s 17A(2) If no application for registration made.</li> <li>▪ s 17(4) and (6) Refusal or cancellation of registration.</li> <li>▪ s 19 Refund of fee on cancellation.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine to refuse a dog registration and refund the fee, if any [s 16(2)].</li> <li>2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> <li>(a) the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3 years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or</li> <li>(b) the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or</li> <li>(c) the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept; or</li> <li>(d) the dog is required to be microchipped but is not microchipped; or</li> <li>(e) the dog is a dangerous dog [s 16(3) and s 17A(2)].</li> </ol> </li> <li>3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Town [s 15(4A)].</li> <li>4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant or owner has not applied to the State Administrative Tribunal for the decision to be reviewed [s 17(4)].</li> <li>5. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s 17(6)].</li> <li>6. Authority to refund such amount as prescribed of the registration fee on cancellation of registration and return by an owner of the registration tag to the Town [s 19].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ The CEO may sub-delegate to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> </ul>

## 5. Dog Act 1976 Delegations

<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA(3) Delegation of local government powers and duties.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<i>Dog Act 1976</i> <ul style="list-style-type: none"> <li>▪ s 17A If no application for registration made – procedure for giving notice of decision under s 16(3).</li> <li>▪ Note: Decisions under this delegation may be referred for review by the State Administrative Tribunal – s 16A; s17(4); s 17(6).</li> <li>▪ <i>Dog Local Law 2019</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

## **5. Dog Act 1976 Delegations**

### **5.1.3 Appoint Authorised Persons (Registration Officers) (Revoked due to Act Amendment 7/11/2020)**

## 5. Dog Act 1976 Delegations

### 5.1.4 Recovery of Moneys Due Under this Act

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA Delegation of local government powers and duties.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 29(1) Power to seize dogs.</li> <li>▪ s 29(5) Power to seize dogs.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint authorised persons to carry out the functions conferred by the <i>Dog Act 1976</i> [s 29(1)].</li> <li>2. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s 29(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in s 29(5) of this Delegation.</li> <li>▪ The CEO <b>may not</b> further delegate the powers and duties contained in s 29(1) of this Delegation.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA(3) Delegation of local government powers and duties.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	Includes recovery of expenses relevant to: <ul style="list-style-type: none"> <li>▪ s 30A(3) Operator of dog management facility may have dog microchipped at owner's expense.</li> <li>▪ s 33M Local government expenses to be recoverable.</li> <li>▪ s 47 Veterinary service expenses recoverable from local government.</li> <li>▪ reg 31 Local government expenses as to dangerous dogs (declared).</li> <li>▪ <i>Dogs Local Law 2019</i>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 5. Dog Act 1976 Delegations

### 5.1.5 Dispose of or Sell Dogs Liable to be Destroyed

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA Delegation of local government powers and duties.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 29(11) Power to seize dogs.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to dispose of or sell a dog which is liable to be destroyed [s 29(11)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>▪ Proceeds from the sale of dogs are to be directed into the Municipal Fund.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA(3) Delegation of local government powers and duties.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Conditions on the CEO delegation also apply to the sub-delegation.</p> <p>The exercise of this delegation requires the approval of two delegates, one of which must be either the Manager Development and Place or the Senior Ranger.</p>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Dog Local Law 2019.</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>



## 5. Dog Act 1976 Delegations

### 5.1.6 Declare Dangerous Dog

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA Delegation of local government powers and duties.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 33E(1) Individual dog may be declared to be dangerous dog (declared).</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to declare an individual dog to be a dangerous dog [s 33E(1)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ S 10AA(3) Delegation of local government powers and duties.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Conditions on the CEO delegation also apply to the sub-delegation.</p> <p>The exercise of this delegation requires the approval of two delegates, one of which must be the either the Manager Development and Place or the Senior Ranger.</p>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal.</li> <li>▪ <i>Dog Local Law 2019.</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 5. Dog Act 1976 Delegations

### 5.1.7 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA Delegation of local government powers and duties.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 33F(6) Owners to be notified of making of declaration</li> <li>▪ s 33G(4) Seizure and destruction.</li> <li>▪ s 33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s 33F(6)].</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s 33G(4)].</li> <li>3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s 33H(1)].</li> <li>4. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s 33H(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>▪ Delegation of the s 33F power to deal with an objection to a dangerous dog declaration should not be delegated to the same person or position who is authorised to exercise s 33E powers enabling the declaration of a dangerous dog.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s 10AA(3) Delegation of local government powers and duties.
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this delegation may be referred for review by the State Administrative Tribunal.</li> <li>▪ <i>Dog Local Law 2019.</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 5. Dog Act 1976 Delegations

### 5.1.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA Delegation of local government powers and duties.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 33H(5) Local government may revoke declaration or proposal to destroy.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s 33H(5)]: <ul style="list-style-type: none"> <li>(a) a notice declaring a dog to be dangerous; or</li> <li>(b) a notice proposing to cause a dog to be destroyed.</li> </ul>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>▪ Delegation of the s 33H(5) power to deal with an objection should not be delegated to the same person or position authorised to exercise s 33H(1) or s 33H(2).</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA(3) Delegation of local government powers and duties.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal.</li> <li>▪ <i>Dog Local Law 2019.</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 5. Dog Act 1976 Delegations

### 5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA Delegation of local government powers and duties</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 33M(1)(a) Local Government expenses to be recoverable.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s 15, up to any maximum amount prescribed, having regard to the expenses incurred by the Town of Bassendean in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s 33H(5)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer may sub-delegate to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>▪ Delegation does not include s 33M(1)(b) as the setting of a fixed fee should occur by Council resolution in accordance with s 6.16 Imposition of fees and charges, <i>Local Government Act 1995</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA(3) Delegation of local government powers and duties.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this delegation may be referred for review by the State Administrative Tribunal.</li> <li>▪ <i>Dog Local Law 2019</i>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 6. Food Act 2008 Delegations

### 6 Food Act 2008 Delegations

#### 6.1 Council to CEO

##### 6.1.1 Determine Compensation

<b>Delegator:</b>	Local Government (s 8 defined as 'enforcement agency')
<b>Express Power to Delegate:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 118 Functions of enforcement agencies and delegation.</li> <li>▪ s 118 (2)(b) Enforcement agency may delegate a function conferred on it.</li> <li>▪ s 118(3) Delegation subject to conditions [s 119] and guidelines adopted [s 120].</li> <li>▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 56(2) Compensation to be paid in certain circumstances.</li> <li>▪ s 70(2) and (3) Compensation.</li> </ul>
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Chief Executive Officer</li> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Environmental Health Officer</li> </ul>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s 56(2)].</li> <li>2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s 70(2); 70(3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ In accordance with s 118(3)(b), this delegation is subject to relevant Department of Health Chief Executive Officer Guidelines, as amended from time to time.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ <i>Food Regulations 2009</i> do not provide for sub-delegation.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 6. Food Act 2008 Delegations

### 6.1.2 Prohibition Orders

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 118 Functions of enforcement agencies and delegation.</li> <li>▪ s 118 (2)(b) Enforcement agency may delegate a function conferred on it.</li> <li>▪ s 118(3) Delegation subject to conditions [s 119] and guidelines adopted [s 120].</li> <li>▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 65(1) Prohibition orders.</li> <li>▪ s 66 Certificate of clearance to be given in certain circumstances.</li> <li>▪ s 67(4) Request for re-inspection.</li> </ul>
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Chief Executive Officer</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Environmental Health Officer</li> <li>▪ Environmental Health Officer</li> </ul>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s 65 of the <i>Food Act 2008</i> [s 65(1)].</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s 66].</li> <li>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s 67(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ In accordance with s 118(3)(b), this delegation is subject to relevant Department of Health Chief Executive Officer Guidelines, as amended from time to time.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ <i>Food Regulations 2009</i> do not provide for sub-delegation.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 6. Food Act 2008 Delegations

### 6.1.3 Food Business Registrations

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 118 Functions of enforcement agencies and delegation.</li> <li>▪ s 118 (2)(b) Enforcement agency (local government s 8) may delegate a function conferred on it.</li> <li>▪ s 118(3) Delegation subject to conditions [s 119] and guidelines adopted [s 120].</li> <li>▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 110(1) and s 110(5) Registration of food business.</li> <li>▪ s 112 Variation of conditions or cancellation of registration of food businesses.</li> </ul>
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Chief Executive Officer</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Environmental Health Officer</li> <li>▪ Environmental Health Officer</li> </ul>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s 110(1) and s 110(5)].</li> <li>2. Authority to vary the conditions or cancel the registration of a food business [s 112].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil – <i>Food Regulations 2009</i> do not provide for sub-delegation.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal.</li> <li>▪ The Australia and New Zealand Food Authority: Priority Classification System for Food Businesses.</li> <li>▪ Department of Health, WA Food Regulation: Food Business Risk Profiling – Guidance to the classification of food businesses,</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>



## 6. Food Act 2008 Delegations

### 6.1.4 Appoint Authorised Officers and Designated Officers

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 118 Functions of enforcement agencies and delegation.</li> <li>▪ s 118 (2)(b) Enforcement agency may delegate a function conferred on it.</li> <li>▪ s 118(3) Delegation subject to conditions [s 119] and guidelines adopted [s 120].</li> <li>▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 122(1) Appointment of authorised officers</li> <li>▪ s 126(6), (7) and (13) Infringement Officers</li> </ul>
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Chief Executive Officer</li> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s 122(2)].</li> <li>2. Authority to appoint an Authorised Officer appointed under s 122(2) of this Act or s 24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s 126(13)].</li> <li>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s 126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s 126(6)] and determining withdrawal of an infringement notice [s 126(7)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil – <i>Food Regulations 2009</i> do not provide for sub-delegation.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ s 122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers.</li> <li>▪ s 123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>



## 6. Food Act 2008 Delegations

### 6.1.5 Debt Recovery and Prosecutions

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 118 Functions of enforcement agencies and delegation.</li> <li>▪ s 118 (2)(b) Enforcement agency may delegate a function conferred on it.</li> <li>▪ s 118(3) Delegation subject to conditions [s 119] and guidelines adopted [s 120].</li> <li>▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 54 Cost of destruction or disposal of forfeited item.</li> <li>▪ s 125 Institution of proceedings.</li> </ul>
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Chief Executive Officer</li> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Environmental Health Officer</li> </ul>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s 54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s 54(3)].</li> <li>2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s 125].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Exercise of the power under s 54 is confined to the Chief Executive Officer and the Manager Development and Place.</li> <li>▪ In accordance with s 118(3)(b), this delegation is subject to relevant Department of Health Chief Executive Officer Guidelines, as amended from time to time.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ <i>Food Regulations 2009</i> do not provide for sub-delegation.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ s 143(1) publication of names of offenders (by the Department of Health CEO).</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 6. Food Act 2008 Delegations

### 6.1.6 Food Businesses List – Public Access

<b>Delegator:</b>	Local Government (s 8 defined as 'enforcement agency')
<b>Express Power to Delegate:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 118 Functions of enforcement agencies and delegation.</li> <li>▪ s 118 (2)(b) Enforcement agency may delegate a function conferred on it.</li> <li>▪ s 118 Delegation subject to conditions [s 119] and guidelines adopted [s 120].</li> <li>▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Food Regulations 2009:</i></p> <ul style="list-style-type: none"> <li>▪ reg 51 Enforcement agency may make list of food businesses publicly available.</li> </ul>
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Chief Executive Officer</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Environmental Health Officer</li> <li>▪ Environmental Health Officer</li> </ul>
<b>Function:</b>	1. Authority to decide to make a list of food businesses maintained under s 115(a) or s 115(b) publicly available [reg 51].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ In accordance with s 118(3)(b), this delegation is subject to relevant Department of Health Chief Executive Officer Guidelines, as amended from time to time.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Department of Health Chief Executive Officer Guidelines as amended from time to time.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## **7. Graffiti Vandalism Act 2016 Delegations**

### **7 Graffiti Vandalism Act 2016 Delegations**

#### **7.1 Council to CEO**

##### **7.1.1 Give Notice Requiring Obliteration of Graffiti**

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 16 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 18(2) Notice requiring removal of graffiti.</li> <li>▪ s 19(3) and s 19(4) Additional powers when notice is given.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s 18(2)].</li> <li>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s 19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s 19(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 17 Delegation by CEO of local government.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> <li>▪ Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this delegation may be referred for review by the State Administrative Tribunal</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## **7. Graffiti Vandalism Act 2016 Delegations**

### **7.1.2 Notices – Deal with Objections and Give Effect to Notices**

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 16 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 22(3) Objection may be lodged.</li> <li>▪ s 24(1)(b) &amp; (3) Suspension of effect of notice.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to deal with an objection to a notice [s 22(3)].</li> <li>2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> <li>(a) determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s 24(1)(b)]; and</li> <li>(b) to give notice to the affected person, before taking the necessary actions [s 24(3)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 17 Delegation by CEO of local government.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this delegation may be referred for review by the State Administrative Tribunal.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 7. *Graffiti Vandalism Act 2016* Delegations

### 7.1.3 Obliterate Graffiti on Private Property

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 16 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 25(1) Local government graffiti powers on land not local government property.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s 25(1)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Subject to exercising Powers of Entry under <i>Graffiti Vandalism Act 2016</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 17 Delegation by CEO of local government.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 7. *Graffiti Vandalism Act 2016* Delegations

### 7.1.4 Powers of Entry

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 16 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 28 Notice of entry.</li> <li>▪ s 29 Entry under warrant.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s 28].</li> <li>2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s 29].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 17 Delegation by CEO of local government.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 8. Public Health Act 2016 Delegations

### 8 Public Health Act 2016 Delegations

#### 8.1.1 Designate Authorised Officers

<b>Delegator:</b>	Enforcement Agency (means at s 4(1) a Local Government)
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 21 Enforcement agency may delegate.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> <ul style="list-style-type: none"> <li>▪ s 24(1) and (3) Designation of authorised officers.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	Authority to designate a person or class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> <li>1. The <i>Public Health Act 2016</i> or other specified Act.</li> <li>2. Specified provisions of the <i>Public Health Act 2016</i> or another specified Act;</li> <li>3. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act.</li> </ol> <p>Including:</p> <ol style="list-style-type: none"> <li>4. an environmental health officer or environmental health officers as a class; or</li> <li>5. a person who is not an environmental health officer or a class of persons who are not environmental health officers; or</li> <li>6. a combination of the two [s 24(1) and s 24(3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ This delegation is subject to each person so appointed being: <ul style="list-style-type: none"> <li>○ Appropriately qualified and experienced [s 25(1)(a)]; and</li> <li>○ Issued with a certificate, badge or identity card identifying the authorised officer [s 30 and s 31].</li> </ul> </li> <li>▪ A Register (list) of authorised officers is to be maintained in accordance with s 27.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i>, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s 21(4)].</li> </ul>
<b>Compliance Links:</b>	<i>Public Health Act 2016</i> <ul style="list-style-type: none"> <li>▪ s 20 Conditions on performance of functions by enforcement agencies.</li> <li>▪ s 25 Certain authorised officers required to have qualifications and experience.</li> <li>▪ s 26 Further provisions relating to designations.</li> <li>▪ s 27 Lists of authorised officers to be maintained.</li> <li>▪ s 28 When designation as authorised officer ceases.</li> <li>▪ s 29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers.</li> <li>▪ s 30 Certificates of authority.</li> <li>▪ s 31 Issuing and production of certificate of authority for purposes of other written laws.</li> <li>▪ s 32 Certificate of authority to be returned.</li> <li>▪ s 136 Authorised officer to produce evidence of authority.</li> </ul>

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## 8. Public Health Act 2016 Delegations

	<ul style="list-style-type: none"><li>▪ <i>Criminal Investigation Act 2006</i>, Parts 6 and 13 – refer s 245 of the <i>Public Health Act 2016</i>.</li><li>▪ <i>The Criminal Code</i>, Chapter XXVI – refer s 252 of the <i>Public Health Act 2016</i>.</li></ul>
Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>



## 8. Public Health Act 2016 Delegations

### 8.1.2 Enforcement Agency Reports to the Chief Health Officer

<b>Delegator:</b>	Enforcement Agency (means Local Government vide s.4 definition)
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Town of Bassendean [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
<b>Record Keeping:</b>	Delegations exercised are to be recorded in the Town's document management system.

## 8. Public Health Act 2016 Delegations

### 8.1.3 Determine Compensation for Seized Items

<b>Delegator:</b>	Enforcement Agency (means Local Government vide s.4 definition)
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.264 Compensation
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
<b>Council Conditions on this Delegation:</b>	a. Compensation is limited to a maximum value of \$5,000, with any proposal for compensation above this value to be referred for Council's determination.
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	Delegations exercised are to be recorded in the Town's document management system.

## 9. Health (Asbestos) Regulations 1992

### 9 HEALTH (ASBESTOS REGULATIONS) 1992

#### 9.1.1 Appoint Authorised Officer or Approved Officer

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Health (Asbestos) Regulations 1992:</i> <ul style="list-style-type: none"> <li>▪ Reg 15D(7) Infringement Notices</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Health (Asbestos) Regulations 1992:</i> <ul style="list-style-type: none"> <li>▪ Reg 15D(5) Infringement Notices</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Senior Environmental Health Officer</b>
<b>Function:</b>	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [reg 15D(5)].
<b>Council Conditions on this Delegation:</b>	Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [reg 15D(6)].
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.</li> </ul>
Compliance Links	<ul style="list-style-type: none"> <li>▪ <i>Criminal Procedure Act 2004</i> – Part 2</li> </ul>
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> <li>▪ Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person’s personnel file.</li> <li>▪ A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</li> </ul>

## 10. Planning and Development Act 2005 Delegations

### 10 *Planning and Development Act 2005*

#### 10. 1.1 Illegal Development

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42(b) Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Planning and Development Act 2005:</i></p> <ul style="list-style-type: none"> <li>▪ Section 214 Illegal development, responsible authority's powers as to ss 214(2), 214(3) and 214(5).</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> <li>(a) remove, pull down, take up, or alter the development; and</li> <li>(b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Part 13, <i>Planning and Development Act 2005</i>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 10. Planning and Development Act 2005 Delegations

### 10.1.2 Issue Written Notice – proposed road or waterways, drawings etc required

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42(b) Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Planning and Development Act 2005:</i></p> <ul style="list-style-type: none"> <li>▪ s 170(3) issue written notice to require a person subdividing land to do certain things.</li> <li>▪ s 170(4)(b) issue written notice require a person subdividing land to amend certain things.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ul style="list-style-type: none"> <li>▪ s 170(3)(a) issue written notice requiring person to amend the drawings or specifications or both; and</li> <li>▪ comply with such further conditions.</li> <li>▪ s 170(4) issue written notice requiring person to amend the drawings or specifications or both to satisfy s 169 minimum standards.</li> </ul>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Part 13, <i>Planning and Development Act 2005</i>.</li> <li>▪ s 169 Roads and waterways, minimum standards of construction for.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 10. Planning and Development Act 2005 Delegations

### 10.1.3 Deemed Provisions for Local Planning Scheme

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42(b) Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 9, Division 2:</i></p> <ul style="list-style-type: none"> <li>▪ cl 82 – Delegations by Local Government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 9, Division 2:</i></p> <ul style="list-style-type: none"> <li>▪ cl 68 – Determination of applications</li> <li>▪ cl 70 – Form and date of determination</li> <li>▪ cl 77 – Amending or cancelling applications.</li> </ul> <p><i>Planning and Development (Development Assessment Panels) Regulations 2011:</i></p> <ul style="list-style-type: none"> <li>▪ Regulation 17A – Amendment or cancellation of development approval by responsible authority.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<p>To determine an application for development approval or an application to amend or cancel a development approval by -</p> <ul style="list-style-type: none"> <li>○ Granting approval, with or without conditions; or</li> <li>○ refusing to grant approval.</li> </ul>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ This delegation is not to be exercised where: <ul style="list-style-type: none"> <li>○ an applicant requests in writing that Council determine the application.</li> <li>○ the originating application on a proposal was considered and determined by Council, all subsequent applications on the same proposal are to be presented to Council for determination unless in the opinion of a delegated officer, it is of a minor or insignificant nature.</li> </ul> </li> <li>▪ Determinations are limited to the following matters only: <ul style="list-style-type: none"> <li>○ uses that are noted with a “P” in Table 1 of the Local Planning Scheme that are permitted as of right subject to compliance with the requirements of the Local Planning Scheme.</li> <li>○ Uses that are shown as “D” or “A” in the zoning table of the Local Planning Scheme with the exception of the following Use Classes: <ul style="list-style-type: none"> <li>▪ Cinema or Theatre.</li> <li>▪ Fast Food Outlet, unless the outlet is located inside a shopping centre.</li> <li>▪ Hotel.</li> <li>▪ Industry – Mining.</li> <li>▪ Night Club.</li> <li>▪ Restricted Premises.</li> <li>▪ Tavern.</li> </ul> </li> </ul> </li> </ul>

## 10. Planning and Development Act 2005 Delegations

	<ul style="list-style-type: none"> <li>○ Development of land where the requirements of the Local Planning Scheme, State Planning Policies and/or Local Planning Policies have been complied with.</li> <li>○ Development of land where the requirements of the Local Planning Scheme, State Planning Policies and/or Local Planning Policies have not been complied with but where, in the opinion of the delegated officer: <ul style="list-style-type: none"> <li>▪ the proposal is consistent with the objectives of the Local Planning Scheme and relevant Policy;</li> <li>▪ the proposal would not have a detrimental impact on the streetscape or any other property; or</li> <li>▪ the variation is minor in nature; or</li> <li>▪ the variation can be overcome by imposing a condition(s) on any development approval granted, or modifying the design of the development.</li> </ul> </li> <li>○ Where advertising of the application is required: <ul style="list-style-type: none"> <li>▪ consent, no objection or no response is received from those consulted; or</li> <li>▪ in the opinion of the delegated officer, the proposal is consistent with the objectives and intent of the Local Planning Scheme and any Policy, as well as the principles of orderly and proper planning; or</li> <li>▪ in the opinion of the delegated officer, the proposal is consistent with the objectives and intent of the Local Planning Scheme and any Policy; or</li> <li>▪ any objection received can be overcome by imposing a condition(s) on any a development approval granted, or modifying the design of the development; or</li> <li>▪ the objection does not relate to valid planning and development considerations associated with the proposal.</li> </ul> </li> <li>○ Additions to a Non-Conforming Use where no objection is received from adjoining landowners during consultation.</li> <li>○ Telecommunications Infrastructure within commercial and industrial zones to a maximum height of thirty (30) metres.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 9, Division 2:</i></p> <ul style="list-style-type: none"> <li>▪ cl 83 – Local Government CEO may delegate powers.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Planning Officer</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Planning Officer</p>

## 10. Planning and Development Act 2005 Delegations

	<p>This delegation does not apply to applications within Special Control Areas, on the Heritage List, in designated bushfire prone areas or in the floodway or flood fringe, and is applicable for approvals only.</p> <p>Determination for approval of the application types listed below, including where there are additions to existing approved developments:</p> <ul style="list-style-type: none"> <li>- Outbuildings</li> <li>- Patios</li> <li>- Habitable additions</li> <li>- Ancillary Dwelling</li> <li>- Fences and retaining walls</li> <li>- Swimming pools and spas</li> <li>- Solar panels</li> <li>- Single Dwelling</li> <li>- Home Occupation</li> <li>- Carports</li> <li>- Non-habitable additions</li> <li>- Two grouped dwellings</li> <li>- Extension of development approvals for up to 2 years from the original expiry date.</li> </ul> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
Compliance Links:	<ul style="list-style-type: none"> <li>▪ Town of Bassendean Local Planning Policies.</li> </ul>
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>



## 10. Planning and Development Act 2005 Delegations

### 10.1.4 Other Matters

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42(b) Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p>See relevant provisions and clauses set out in functions below for:</p> <ul style="list-style-type: none"> <li>▪ <i>Planning and Development Act 2005</i></li> <li>▪ <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> <li>▪ <i>Local Town Planning Scheme 4A</i></li> <li>▪ <i>Local Town Planning Scheme 10</i></li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<p><b>1. Structure Plans</b></p> <p>(a) The determination under <b>Clause 17(1)</b> of the Deemed Provisions as to whether a structure plan complies with the requirements of <b>Clause 16(1)</b>, or if further information is required before the structure plan can be accepted for assessment and advertising.</p> <p>(b) The advertising of a structure plan under <b>Clause 18(2)</b> of the Deemed Provisions.</p> <p>(c) The provision of advice and assistance to the Commission under <b>Clause 23</b> of the Deemed Provisions.</p> <p>(d) The determination that advertising of an amendment to a structure plan is not required, where it is minor in nature, under <b>Clause 29(3)</b> of the Deemed Provisions.</p> <p>(e) The preparation of a report and recommendation on an amendment to a structure plan, under <b>Clause 20</b> of the Deemed Provisions, where it is determined that the amendment is minor in nature and advertising is not required.</p> <p><b>2. Activity Centre Plans</b></p> <p>(a) The determination under <b>Clause 33(1)</b> of the Deemed Provisions as to whether an activity centre structure plan complies with the requirements of <b>Regulation 32(1)</b>, or if further information is required before the structure plan can be accepted for assessment and advertising.</p> <p>(b) The advertising of an activity centre structure plan under <b>Clause 34(2)</b> of the Deemed Provisions.</p> <p>(c) The provision of advice and assistance to the Commission under <b>Clause 39</b> of the Deemed Provisions.</p> <p>(d) The determination that advertising of an amendment to a structure plan is not required, where it is minor in nature, under <b>Clause 45(3)</b> of the Deemed Provisions.</p>

## 10. Planning and Development Act 2005 Delegations

	<p>(e) The preparation of a report and recommendation on an amendment to an activity centre structure plan, under <b>Clause 36</b>, where it is determined that the amendment is minor in nature and advertising is not required.</p> <p><b>3. Local Development Plans</b></p> <p>(a) The determination not to advertise a Local Development Plan under <b>Clause 50(3)</b> of the Deemed Provisions.</p> <p>(b) The approval of a Local Development Plan with or without conditions under <b>Clause 52(1)(a)</b> of the Deemed Provisions.</p> <p>(c) The determination to require modifications to a Local Development Plan under a <b>Clause 52(1)(b)</b> of the Deemed Provisions.</p> <p>(d) The determination to amend an approved Local Development Plan under <b>Clause 59(1)</b> of the Deemed Provisions.</p> <p>(e) The refusal of a Local Development Plan under <b>Clause 52(1)(c)</b> of the Deemed Provisions.</p> <p><b>4. Heritage</b></p> <p>(a) The power under <b>Clause 10</b> of the Deemed Provisions to enter into a Heritage Agreement with the owner or occupier of land or building to bind the land or affect the use of land or building.</p> <p>(b) The determination under <b>Clause 11</b> of the Deemed Provisions to require a Heritage Assessment to be carried out prior to the approval of any development proposed in heritage area or a place on a heritage list.</p> <p>(c) The determination under <b>Clause 12 (1-3)</b> of the Deemed Provisions to vary site or development requirements, subject to undertaking public consultation to preserve the heritage values of a heritage area or a place on a heritage list or on the Register of Heritage Places.</p> <p>(d) The determination under <b>Clause 13 (1-6)</b> of the Deemed Provisions to consider a place on a heritage list is not being properly maintained and to give a person who is the owner or occupier of the heritage place a written notice requiring specified repairs to the heritage place, or extend or revoke a notice.</p> <p><b>5. Town Planning Scheme No. 4A</b></p> <p>The review of estimated costs, acceptance of a cost contribution, the lodgement and withdrawal of caveats and acquisition and disposal of land in accordance with clause 5.5.12.2.</p>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i>

## 10. Planning and Development Act 2005 Delegations

	<ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>• Director Community Planning</li> <li>• Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
Compliance Links:	
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

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## **11. Statutory Delegations and Authorisations to Local Government from State Government**

### **Environmental Protection Act 1986**

#### **Noise Control – Environmental Protection Notices [Reg.65(1)]**

Published by:  
Environment

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No. 47. 19-Mar-2004  
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**EV401**

#### **ENVIRONMENTAL PROTECTION ACT 1986**

##### **Section 20**

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made—

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9<sup>th</sup> day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

## 11. Statutory Delegations and Authorisations to Local Government from State Government

### Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

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EV402

#### ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to--

- (a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities--noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--
  - (i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

## 11. Statutory Delegations and Authorisations to Local Government from State Government

### Noise Management Plans – Construction Sites

Published by:  
Environment

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No. 71. 16-May-2014  
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**EV405**

#### **ENVIRONMENTAL PROTECTION ACT 1986**

Delegation No. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of--

- (a) Chief Executive Officer under the *Local Government Act 1995*; and
- (b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

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## **11. Statutory Delegations and Authorisations to Local Government from State Government**

### **Planning and Development Act 2005**

#### **Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner**

DoL FILE 1738/2002v8; 858/2001v9

#### ***PLANNING AND DEVELOPMENT ACT 2005***

#### **INSTRUMENT OF AUTHORISATION**

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the *2<sup>nd</sup>* day of *June* 2016



**HON DONALD TERENCE REDMAN MLA  
MINISTER FOR LANDS**



## 11. Statutory Delegations and Authorisations to Local Government from State Government

### SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

Column 1	Column 2	Column 3
<p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> <li>a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or</li> <li>the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road,</li> </ul> <p>in respect of development applications being made under or referred to in:</p> <ul style="list-style-type: none"> <li>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</li> <li>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</li> <li>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</li> <li>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</li> <li>(v) section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</li> </ul>	<p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassendean City of Bayswater City of Belmont Shire of Beverley Shire of Boddington Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brookton Shire of Broome Shire of Broomehill-Tambellup Shire of Bruce Rock City of Bunbury Shire of Busselton Town of Cambridge City of Canning Shire of Capel Shire of Carnamah Shire of Carnarvon Shire of Chapman Valley Shire of Chittering Shire of Christmas Island Town of Claremont City of Cockburn Shire of Cocos (Keeling) Islands Shire of Collie Shire of Coolgardie Shire of Coorow Shire of Corrigin Town of Cottesloe Shire of Cranbrook Shire of Cuballing Shire of Cue Shire of Cunderdin Shire of Dalwallinu Shire of Dandaragan Shire of Dardanup Shire of Denmark Shire of Derby/West Kimberley Shire of Donnybrook-Balingup Shire of Dowerin Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Exmouth City of Fremantle City of Greater Geraldton</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>



## 11. Statutory Delegations and Authorisations to Local Government from State Government

(vi) section 163 of the *Planning and Development Act 2005* in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the *Heritage of Western Australia Act 1990*, or of which such a place forms part;

(vii) section 171A of the *Planning and Development Act 2005* in respect of a prescribed development application (as that term is defined in that section of that Act).

Shire of Gingin  
Shire of Gnowangerup  
Shire of Goomalling  
City of Gosnells  
Shire of Halls Creek  
Shire of Harvey  
Shire of Irwin  
Shire of Jerramungup  
City of Joondalup  
Shire of Kalamunda  
City of Kalgoorlie-Boulder  
Shire of Katanning  
Shire of Kellerberrin  
Shire of Kent  
Shire of Kojoonup  
Shire of Kondinin  
Shire of Koorda  
Shire of Kulin  
City of Kwinana  
Shire of Lake Grace  
Shire of Laverton  
Shire of Leonora  
City of Mandurah  
Shire of Manjimup  
Shire of Meekatharra  
City of Melville  
Shire of Menzies  
Shire of Merredin  
Shire of Mingenew  
Shire of Moora  
Shire of Morawa  
Town of Mosman Park  
Shire of Mount Magnet  
Shire of Mt Marshall  
Shire of Mukinbudin  
Shire of Mundaring  
Shire of Murchison  
Shire of Murray  
Shire of Nannup  
Shire of Narembeen  
Shire of Narrogin  
Town of Narrogin  
City of Nedlands  
Shire of Ngaanyatjaraku  
Shire of Northam  
Shire of Northampton  
Shire of Nungarin  
Shire of Peppermint Grove  
Shire of Perenjori  
City of Perth  
Shire of Pingelly  
Shire of Plantagenet  
Town of Port Hedland  
Shire of Quairading  
Shire of Ravensthorpe  
City of Rockingham  
Shire of Roebourne  
Shire of Sandstone  
Shire of Serpentine Jarrahdale  
Shire of Shark Bay  
City of South Perth  
City of Stirling  
City of Subiaco  
City of Swan

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## 11. Statutory Delegations and Authorisations to Local Government from State Government

Shire of Tammin  
Shire of Three Springs  
Shire of Toodyay  
Shire of Trayning  
Shire of Upper Gascoyne  
Town of Victoria Park  
Shire of Victoria Plains  
Town of Vincent  
Shire of Wagin  
Shire of Wandering  
City of Wanneroo  
Shire of Waroona  
Shire of West Arthur  
Shire of Westonia  
Shire of Wickkepin  
Shire of Williams  
Shire of Wiluna  
Shire of Wongan-Ballidu  
Shire of Woodanilling  
Shire of Wyalkatchem  
Shire of Wyndham-East Kimberley  
Shire of Yalgoo  
Shire of Yilgarn  
Shire of York



**HON DONALD TERENCE REDMAN MLA**  
**MINISTER FOR LANDS**

*2<sup>nd</sup>* day of *June* 2016

## 11. Statutory Delegations and Authorisations to Local Government from State Government

### Development Control Powers – Powers of Local Governments and DOT - Metropolitan Region Scheme (DEL.2017/02)

**GOVERNMENT GAZETTE Tuesday, 30 May 2017 No.14**

#### **GUIDANCE NOTE:**

*This delegation must be read in conjunction with amendments Gazetted on Tuesday, 18 December 2018 No.193 – please see inserted below.*

PL403

#### PLANNING AND DEVELOPMENT ACT 2005

##### INSTRUMENT OF DELEGATION

Del 2017/02 Powers of Local Governments and Department of Transport  
Metropolitan Region Scheme

Delegation of certain powers and functions of the Western Australian Planning  
Commission relating to the Metropolitan Region Scheme

#### Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to an officer of a public authority or to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

#### Resolution under section 16 of the Act (delegation)

On 24 May 2017, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B;
- B. To delegate to the Managing Director, Policy, Planning and Investment—Transport, of the Department of Transport, and the person or persons from time to time holding or acting in that office, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme (MRS), of applications for approval to commence and carry out development specified in clause 3, Section A, subject to the conditions set out in clause 5 of Section B.
- C. To revoke its delegation of powers and functions to local governments as detailed in the notice entitled “DEL 2011/02 Powers of local governments (MRS)” published in the *Government Gazette* on 10 June 2014, to give effect to this delegation.

KERRINE BLENKINSOP, Secretary,  
Western Australian Planning Commission.

## 11. Statutory Delegations and Authorisations to Local Government from State Government

### PLANNING AND DEVELOPMENT ACT 2005 INSTRUMENT OF DELEGATION

#### SECTION A—Types of Development

##### 1. Development on zoned land

Applications for development on land zoned under the MRS except—

- (a) where the land is subject to a resolution under Clause 32 of the MRS; or
- (b) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or
- (c) where that land is partly within the development control area described in section 10 of the *Swan and Canning Rivers Management Act 2006* or is outside the development control area but abuts waters within the development control area; or
- (d) where the local government is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest, or
- (e) in respect of public works undertaken by public authorities.

##### 2. Development on regional road reservations

Applications for developments on or abutting land that is reserved in the MRS for the purpose of a regional road, but excluding any application relating to large format digital signage.

##### 3. Large Format Digital Signage applications

Applications from any public authority for development in relation to large format digital signage, on land reserved under the MRS for the purpose of a Primary Regional Road.

#### SECTION B—Conditions

##### 1. Referral requirements for development on land within or abutting a regional road reservation

The following applications for development on land that abuts or is fully or partly reserved as regional road reservation (classified as Category 1, 2 and 3) shall be referred to Main Roads WA (MRWA) or the Department of Planning (DoP), as applicable, for transport planning related comments and recommendations before being determined by the local government subject to the process explained in clause 4, Section B.

Type of regional road reservation in the MRS	Classification on plans SP 693 (PRR) and SP 694 (ORR)	Referral Agency
Primary Regional Road (PRR)	Category 1, 2 and 3	Main Roads WA
Other Regional Road (ORR)	Category 1, 2 and 3	Department of Planning

The regional road network (PRR and ORR) changes periodically with amendments to the MRS. This clause relates to all regional road reservations in the MRS as amended from time to time. Regional roads subject to this notice and the relevant agency that is responsible for their planning are shown on accompanying editions of plans SP 693 (PRR, MRWA) and SP 694 (ORR, WAPC).

## 11. Statutory Delegations and Authorisations to Local Government from State Government

The road categories shown on plans SP 693 (PRR) and SP 694 (ORR) classify the regional roads based on—

- (a) the permissible vehicular access arrangements to the subject land via the regional road frontage
  - Category 1 road means that frontage access is not allowed (control of access);
  - Category 2 road means that frontage access may be allowed subject to approval; and
- (b) the legibility and statutory powers of current road land requirements defined for the purpose of regional road reservation in the MRS
  - Category 3 road means that the subject regional road reservation is not accurately defined or is subject to review by the agency that is responsible for planning of the regional road.

“Category 1 road” applies where regional roads—

- (a) are constructed or planned to a fully controlled and grade separated freeway standard; or
- (b) are constructed or planned to an access controlled arterial standard, (i.e. functioning as Primary Distributor or Integrator Arterial (District Distributor) road with widely spaced signalised intersections or roundabouts, and a few, if any, direct access points to individual sites or local streets.

“Category 2 road” applies where regional roads—

- (a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
- (b) have direct frontage access to abutting properties due to the historic development of the road and properties.

“Category 3 road” applies where regional road reservation is not accurately defined or is under review.

For enquiries and assistance regarding—

- (a) PRR Category 1, 2 and 3—call Main Roads WA on 138 138.
- (b) ORR Category 1, 2 and 3—call Department of Planning on (08) 6551 9000.

Tables 1, 2 and 3 below outline the category of the regional road reservation and the criteria for referring development applications to agencies for comment in accordance with this instrument of delegation.

**Table 1—Referral process of development applications with respect to Category 1 (PRR or ORR reservations in the MRS)**

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> <li>(a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or</li> <li>(b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or</li> <li>(c) Development, which involves direct vehicle access to and/or from the regional road reservation.</li> </ul>	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

**Table 2—Referral process of development applications with respect to Category 2 (PRR or ORR reservations in the MRS)**

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> <li>(a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or</li> <li>(b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or</li> </ul>	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.



## 11. Statutory Delegations and Authorisations to Local Government from State Government

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
<p>(c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or</p> <p>(d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or</p> <p>(e) Development on a lot affected by the regional road reservation where—</p> <ul style="list-style-type: none"> <li>• all or part of the proposed development is within the regional road reservation; and</li> <li>• has a construction value greater than \$20 000; or</li> </ul> <p>(f) Development on a lot affected by the regional road reservation where—</p> <ul style="list-style-type: none"> <li>• none of the proposed development is within the regional road reservation; and</li> <li>• has a construction value greater than \$150 000</li> </ul>	

Table 3—Referral process of development applications with respect to Category 3 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. All development applications, other than those where local government first decides to refuse it.	1. Where the local government first decides to refuse the application under the MRS

Notes—

- (1) Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC's website: "Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)". (<http://www.planning.wa.gov.au/1212.asp>)
- (2) In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission's D C Policy—5.1 *Regional Roads (Vehicular Access)*, the Transport Impact Assessment Guidelines, and MRWA *Driveways Policy*, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads.  
(<http://www.planning.wa.gov.au/publications/812.asp>; and <https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx>)
- (3) Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC's *Transport Impact Assessment Guidelines*. (<http://www.planning.wa.gov.au/publications/1197.asp>)
- (4) With regard to proposals for new noise-sensitive developments, the local government shall have due regard to the provisions of Commission's *State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. (<http://www.planning.wa.gov.au/publications/1182.asp>)
- (5) With regard to development application for the display of advertisements on land reserved under the MRS local government should have regard to the Commission's DC Policy 5.4 *Advertising on Reserved Land*. (<http://www.planning.wa.gov.au/publications/825.asp>)

### 2. Referral requirements for development on land abutting the Swan River Trust Development Control Area

Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.

## 11. Statutory Delegations and Authorisations to Local Government from State Government

### 3. Referral requirements for development on land abutting other reservations

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 2, Section B of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.

In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning before being determined by the local government.

### 4. For the purpose of this Instrument of Delegation (excluding applications under clause 3, Section A)—

- (a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.
- (b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.
- (c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government's local planning scheme.

### 5. Referral Requirements for applications from a public authority for large format digital signage development on land within a Primary Regional Road reservation

Where applications for large format digital signage development relate to land that is reserved as Primary Regional Roads (PRR) reservation in the MRS, the following shall apply—

- (a) DoT shall refer the application to the relevant local government and Main Roads WA for comment and recommendation;
- (b) the local government and Main Roads WA shall provide their comments and recommendations, if any, to the delegate within 30 days of receipt of the application;
- (c) Once the 30 day period has elapsed, the delegate may determine the application, even in the absence of comments and recommendations; and
- (d) the delegate is not bound to follow any recommendation received.

### Interpretation

In this Instrument of Delegation, unless the context otherwise requires—

- A reference to a 'position' or 'classification' contemplates and includes a reference to its successor in title.
- "access" means both entry and exit from either a road or abutting development by a vehicle.
- "Commission" or "WAPC" means the "Western Australian Planning Commission".
- "development" has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or "development means the development or use of any land, including—
  - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
  - (b) the carrying out on the land of any excavation or other works;
  - (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
    - (i) is likely to change the character of that place or the external appearance of any building; or
    - (ii) would constitute an irreversible alteration of the fabric of any building".
- "DoT" means the Department of Transport
- "Large format digital signage" means an electronic billboard whether freestanding or attached to another structure with a display area of greater than 13m<sup>2</sup> "local government" means a local government within the area covered by the MRS.
- "local road" means a public road other than a private road or a road subject of reservation under Part II of the MRS.
- "not acceptable" means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.
- Main Roads WA means Main Roads Western Australia
- "Public authority" means any of the following—
  - (a) a Minister of the Crown in right of the State;

## 11. Statutory Delegations and Authorisations to Local Government from State Government

- (b) a department of the Public Service, State trading concern, State instrumentality or State public utility;
- (c) any other person or body, whether corporate or not, who or which, under the authority of a written law, administers or carries on for the benefit of the State, a social service or public utility;
- “regional road” means any road designated under the region Scheme as follows—
  - (a) land coloured red in the Scheme Map—Primary Regional Roads; and
  - (b) land coloured dark blue in the Scheme Map—Other Regional Roads.
- “reserved land” means land reserved under Part II of the MRS.
- “road reservation” means land reserved for the purposes of a regional road in the MRS.
- “significant increase in traffic” means generating more than 100 vehicle trips in the peak hour and would therefore require a transport assessment to accompany the development application. Refer to the Commission’s *Transport Impact Assessment Guidelines*

### CORRECTION TO DELEGATION 2017/02 GOVERNMENT GAZETTE 2 June 2017

PL101

*CORRECTION*  
**PLANNING AND DEVELOPMENT ACT 2005**  
INSTRUMENT OF DELEGATION  
Del 2017/02 Powers of Local Governments and Department of Transport  
Metropolitan Region Scheme

Certain typographical errors were recorded in the Instrument of Delegation, made under the *Planning and Development Act 2005*, and published on 30 May 2017 from page 2738 to 2743 of the *Government Gazette*.

The errors are corrected as follows—

1. On page 2739, the text of Resolution C is deleted and replaced with the following words—  
“TO REVOKE its delegation of powers and functions to local governments and the Department of Transport as detailed in the notice entitled “DEL 2015/02 Powers of local governments and Department of Transport (MRS)” published in the *Government Gazette* on 18 December 2015, to give effect to this delegation.”

### AMENDMENT TO DELEGATION 2017/02 GOVERNMENT GAZETTE, Tuesday, 18 December 2019, No.193

#### **GUIDANCE NOTE:**

*The below gazettal amends the above delegation and the two must be read in conjunction.*

PL402

**PLANNING AND DEVELOPMENT ACT 2005**

AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS OF LOCAL GOVERNMENT AND DOT  
Notice of amendment to the Instrument of Delegation, Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017

**Preamble**

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred on the WAPC by the Act or any other written law as the case requires.

**Resolution under section 16 of the Act (delegation)**

On 12 December 2018, pursuant to section 16 of the Act, the WAPC resolved—

- A. To amend the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme as gazetted on 30 May 2017, as set out in Schedule 1 below.

SAM FAGAN, Secretary,  
Western Australian Planning Commission.



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## **11. Statutory Delegations and Authorisations to Local Government from State Government**

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### **Schedule 1**

#### **1. Instrument of delegation amended**

The amendments within this Schedule are to the Schedules set out in the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017 and as amended.

#### **2. Amendment to Section A**

1. The word “but excluding any application relating to large format digital signage” are deleted from clause 2.
2. Clause 3 is deleted.

#### **3. Amendments to Section B**

1. The words in brackets “(excluding applications under clause 3, Section A)” are deleted from the title to clause 4.
2. Clause 5 is deleted.
3. In the interpretation section the terms “Large format digital signage” and “Public Authority” and their respective definitions, are deleted.

## 11. Statutory Delegations and Authorisations to Local Government from State Government

### WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)

822

GOVERNMENT GAZETTE, WA

27 March 2020

PL402

#### PLANNING AND DEVELOPMENT ACT 2005

##### INSTRUMENT OF DELEGATION

##### Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 15 of the *Strata Titles Act 1985*.

#### Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

#### Resolution under section 16 of the Act (delegation)

On 19 March 2020, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1;
- B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the *Strata Titles Amendment Act 2018*.

SAM FAGAN, Secretary,  
Western Australian Planning Commission.

#### Schedule 1

##### 1. Applications made under section 15 of the *Strata Titles Act 1985*

Power to determine applications for the issuing of a certificate of approval under section 15 of the *Strata Titles Act 1985*, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
  - i. a type of development; and/or
  - ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

##### 2. Reporting requirements

A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.

## 11. Statutory Delegations and Authorisations to Local Government from State Government

### Main Roads Act 1930

#### Traffic Management - Events on Roads

A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website.

WESTERN AUSTRALIA  
ROAD TRAFFIC CODE 2000  
REGULATION 297(2)  
INSTRUMENT OF AUTHORISATION

RELATING TO  
TRAFFIC MANAGEMENT FOR EVENTS

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises (Insert name of Local Government) (Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.



## 11. Statutory Delegations and Authorisations to Local Government from State Government

### Traffic Management – Road Works

A list of Local Governments authorised for the purposes of Road Traffic Code 2000 r.297(2) are available on Main Roads WA website [here](#)

**WESTERN AUSTRALIA  
ROAD TRAFFIC CODE 2000  
REGULATION 297(2)  
INSTRUMENT OF AUTHORISATION**

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads (“the Commissioner”) hereby authorises ..... (“Authorised Body”) by itself, its employees, consultants, agents and contractors (together “Representatives”) to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the “Traffic Management for Works on Roads Code of Practice” (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia (“the Code”) referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner’s delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.

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**11. Statutory Delegations and Authorisations to Local Government  
from State Government**

Dated:

THE COMMON SEAL OF THE )  
COMMISSIONER OF MAIN ROADS )  
WAS AFFIXED BY )  
)  
)  
COMMISSIONER OF MAIN ROADS )  
FOR THE TIME BEING IN THE PRESENCE OF: )

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Name of Witness

**ACKNOWLEDGMENT BY AUTHORISED BODY**

..... agrees to observe, perform and be  
bound by the above conditions.

THE COMMON SEAL OF THE )  
.....)  
WAS AFFIXED PURSUANT TO A RESOLUTION )  
OF THE COUNCIL IN THE PRESENCE OF )

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Witness



## 11. Statutory Delegations and Authorisations to Local Government from State Government

### Road Traffic (Vehicles) Act 2012 Approval for Certain Local Government Vehicles as Special Use Vehicles



#### ROAD TRAFFIC (VEHICLES) ACT 2012

*Road Traffic (Vehicles) Regulations 2014*

RTVR-2017-202046

#### APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES

Pursuant to the *Road Traffic (Vehicles) Regulations 2014* (the *Regulations*), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:

- (a) the *Local Government Act 1995*;
- (b) regulations made under the *Local Government Act 1995*;
- (c) a local law;
- (d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or
- (e) any combination of the above paragraphs (a) to (d);

as special use vehicles for the purposes of paragraph "f" of the definition of "special use vehicle" in regulation 327(4) of the *Regulations*, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the *Regulations*, subject to the following conditions:

#### CONDITIONS

1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.
2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.
3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.
4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.
5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.
6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.
7. Any vehicle fitted with flashing lights for the purposes of this approval must:

**ATTACHMENT NO. 11**



# Quarterly Report - Quarter Four

Status update - 1 April 2021 to 30 June 2021



Following is an update of projects/ actions set out in the Town of Bassendean Corporate Business Plan 2020-2024 for the period of 1 April 2021 to 30 June 2021. Projects not started refer to projects that are to commence in later financial years in accordance with the timeframe stated in the Corporate Business Plan.

## At a glance... 2020/2021 Financial Year Projects



### Strengthening and Connecting our Community (Priority Area 1)

■ On track	(19)
■ Off track	(3)
■ Not started	(1)
■ Complete	(5)
TOTAL	(28)



### Leading environmental sustainability (Priority Area 2)

■ On track	(19)
■ Off track	(0)
■ Not started	(7)
■ Complete	(3)
TOTAL	(29)



### Creating a vibrant town and precincts (Priority Area 3)

■ On track	(4)
■ Off track	(1)
■ Not started	(1)
■ Complete	(0)
TOTAL	(6)



### Driving financial sustainability (Priority Area 4)

■ On track	(9)
■ Off track	(2)
■ Not started	(1)
■ Complete	(3)
TOTAL	(15)



## Facilitating people-centred services (Priority Area 5)

■ On track	(6)
■ Off track	(0)
■ Not started	(3)
■ Complete	(2)
TOTAL	(11)



## Providing visionary leadership and making great decisions (Priority Area 6)

■ On track	(19)
■ Off track	(0)
■ Not started	(1)
■ Complete	(6)
TOTAL	(26)



## Building community identity by celebrating culture and heritage (Priority Area 7)

■ On track	(4)
■ Off track	(0)
■ Not started	(7)
■ Complete	(0)
TOTAL	(11)



## Strengthening and Connecting our Community (Priority Area 1)

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments			
			Q1	Q2	Q3	Q4					
C1	Fostering a culture of collaboration and trust between the organisation and community	C1.1 Provide opportunity to listen and involve our community in decisions that affect them	C1.1.1	Build and nurture relationships with community groups for shared outcomes	●	●	●	●	On Track	The Town has recently consulted on a series of Local Planning Policies, applications for development approval, the Town Centre Masterplan, Jubilee Reserve Masterplan, the Public Health Plan and 1 Surrey Street.	
C2	Establishing partnerships with the community that build capacity, connection and sense of belonging	C2.1 Identify community members and organisations with the capacity to deliver projects and programs	C2.1.1	Develop new community awards framework	●	●	●		Complete	New Policy adopted by Council in 2020/21.	
			C2.1.2	Deliver annual community awards			●	●	Complete	Awards delivered in May 2021.	
			C2.1.3	Promote an Expression of Interest for the delivery of future markets in Bassendean	●	●			Complete	Completed in April 2021.	
		C2.2	Build capacity of community groups to deliver social return on investment	C2.2.1	Co-design community amenity where opportunity exists to promote multi-use and social benefits	●	●	●	●	On Track	Town undertook engagement to prepare a masterplan for a future multi-use facility at Jubilee Reserve; in addition to open days for future of Mary Crescent wetlands
		C2.3	Identify and deliver community funding	C2.3.1	Revise Sponsorship and Grants Policy to facilitate delivery of new and innovative cultural and arts project	●	●	●		On Track	Revised policy developed and subject to internal feedback. To be presented to Council in August 2021.

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments			
			Q1	Q2	Q3	Q4					
		C.2.3.2	Promote grant opportunities to community groups	●	●	●	●	On Track	Grant opportunities promoted to community groups, as relevant.		
	C2.4	Foster volunteering to provide services for our community and to build connections	C2.4.1	Coordinate volunteer services.	●	●	●	●	On Track	BAU.	
	C.2.5	Build capacity of volunteers to deliver programs and services with limited input from the Town	C2.5.2	Deliver workshops and advice to support volunteers	●	●	●	●	On Track	Town continues to operate the Volunteers Centre as a BAU function. Considering opportunities for increasing networking and capacity building in 21/22.	
C3	Treating people equitably with access to programs and services, regardless of advantage or ability	C3.1	Ensure access and inclusion to spaces and places throughout our Town for all, including community members with disabilities, youth, seniors, Indigenous people, and culturally and linguistically diverse people	C.3.1	Implement Disability Access and Inclusion Plan and promote the plan within the wider community	●	●	●	●	On Track	DAIP annual implementation report finalised and submitted to Department .

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments			
			Q1	Q2	Q3	Q4					
	C.3.2	Enable programs and services that cater for all, including community members with disabilities, youth, seniors, Indigenous people, and culturally and linguistically diverse people	C.3.2.1	Inclusion to be considered as part of all new infrastructure, programs and services delivered	●	●	●	●	On Track	Suitable inclusions added within projects such as Whitfield Safe Active Street (SAS), such as the installation of tactiles in paths/footpaths and pedestrian crossings along with new ramps. Footpath repairs undertaken to remove trip hazards and uneven ground throughout the Town on an ongoing basis.	
C4	Creating an environment where people feel welcome and safe	C.4.1	Create public spaces and transport routes that encourage people to linger, interact and enjoy (including evening use)	C.4.1.1	Upgrade Palmerston and Padbury Reserves	●	●	●	●	On Track	Padbury Reserve playground is complete. Palmerston Reserve (Stage 1) to be completed early July.
				C.4.1.2	Deliver underground power to Eden Hill and parts of Bassendean	●	●	●	●	Off Track	Western Power is currently proceeding with the contract execution with the preferred vendor.  Residents will be advised on revised schedule by WP in early July. Proposed start date is 23 August 2021.
				C.4.1.3	Co-design and develop Mary Crescent Wetlands with local community and Greening Australia	●	●	●	●	On Track	Major project milestones are complete. Revegetation will occur over the winter and spring.

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments			
			Q1	Q2	Q3	Q4					
		C.4.1.4	Complete construction of a new nature based playground (and ablutions) at Sandy Beach Reserve	●	●	●	●	Off Track	Tender was advertised in May and the tender period closed in early June. Assessment of submissions underway with awarding of contract expected in July and construction to commence within 4 weeks of award.  Sewer extension works for new ablutions completed in June 2021.		
		C.4.1.5	Develop Ashfield Flats Look-out	●	●	●	●	Complete	Works Completed		
		C.4.1.6	Develop foreshore plan for Point Reserve	●	●	●	●	On Track	Consultant appointed.		
	C.4.2	Encourage the adoption of a collective responsibility towards safety	C.4.2.1	Provide a welcome pack to all new households	●	●	●	●	Off Track	Draft developed for further consultation.	
	C.4.2.2	Ongoing campaign in Town's communications	●	●	●	●	On Track	Promoted via Thrive magazine and other Town communications. Recent CPTED audit of town centre by Curtin University students will be promoted in July.			
	C5	Supporting healthy lifestyles throughout our Town	C.5.1	Improve functionality of amenities and lifestyle options	C.5.1.1	Provide health and wellbeing programs	●	●	●	●	On Track
		C.5.1.2	Develop a Public Health Plan (to include mental health)	●	●	●	●	On Track	Community survey open until 30 June.		

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments
			Q1	Q2	Q3	Q4		
C6 Creating a resilient and adaptable community	C.5.2 Improve walkability and cycle-ability, including through infrastructure improvements	C.5.2.1 Develop and activate Whitfield Safe Active Street	●	●	●	●	Complete	The Town held a second activation (Bikefest) on 10 April to increase awareness of the SAS. End of trip facilities have been installed at Palmerston Reserve and Sandy Beach Reserve, these include water fountains and bottle fill stations, bike repair station and bike parking.
		C.5.2.2 Implement footpath program	●	●	●	●	On Track	A new path has been installed at Mary Crescent Reserve that complements the new landscaping works creating improved connectivity within the area.
	C.6.1 Support community organisations in crisis preparedness and recovery	C.6.1.1 Develop and deliver education programs for community groups		●	●	●	Not Started	To leverage from EMRC “Flood Aware Be Prepared” in early 21/22.
	C.6.2 Prioritise local employment	C.6.2.1 Facilitate and promote opportunities to work and live locally via town centre masterplan, new planning framework and procurement model	●	●	●	●	On Track	Town Centre Masterplan project is continuing. Draft local planning framework currently being reviewed, with a report to be presented to Council in the second half of 2021.
	C.6.3 Identify essential and non-essential services for clear prioritisation	C.6.3.1 Undertake annual functional reviews as part of Workforce Plan	●	●	●	●	On Track	The Town’s Workforce Plan (2021-2025), provided to Council in Q4, includes undertaking service reviews over the coming two years, to ensure the Town’s services continue to meet objectives.

Objectives		Strategies		Actions		Timeframes 20/21				Status	Comments
						Q1	Q2	Q3	Q4		
C7	Facilitating community connection	C.7.1	Prioritise projects that bring people together and strengthen community connectedness	C.7.1.1	Facilitate, support and/or deliver opportunities for community connection, cohesion and inclusion	●	●	●	●	On Track	Bikefest (Whitfield SAS) - 10 April Old Perth Road Markets – 24 April Community Awards/Citizenship Ceremony – 23 May Old Perth Road Markets – 30 May Old Perth Road Markets – 27 June
				C.7.1.2	Undertake a precinct planning approach in and around Parks and Playgrounds to improve accessibility with paths seating and shade			●	●	On Track	Demonstrated at Padbury, Palmerston and Mary Crescent park upgrades





## Leading environmental sustainability (Priority Area 2)

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments
			Q1	Q2	Q3	Q4		
N1 Demonstrate strong leadership in waste reduction and carbon neutrality	N1.1 Initiate and drive innovative waste management practices	N1.1.1 Develop Waste Management Strategy	●	●	●	●	On Track	DWER has approved/endorsed the waste plan.
		N1.1.2 Implement Waste Management Strategy					Not Started	
	N1.2 Initiate and drive innovative renewable energy practices	N.1.2.1 Create Emissions Reduction Strategy for organisation					Not Started	
		N.1.2.2 Create Emissions Reduction Strategy for Community					Not Started	
		N.1.2.3 Implement Emissions Reduction Strategies for organisation and community					Not Started	
N2 Be innovative in responses to sustainability challenges	N.2.1 Embed sustainability considerations in Council decision making	N.2.1.1 Reduce our environmental footprint through investigating the co-location of Town administration	●	●	●	●	On Track	Initial concept developed. Budget to be considered by Council in July 2021.
		N.2.1.2 Embed sustainability as a key consideration in all planning, policies, reports etc			●	●	On Track	Executive Manager Sustainability and Environment now a member of the Corporate Executive Team to inform thinking/decision-making.

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments			
			Q1	Q2	Q3	Q4					
		N.2.1.3	Share our experiences as an early adopter of FOGO with other Councils to facilitate their transition	●	●	●	●	On Track	Case Study for Waste Authority/DWER website under development. Abstract submitted for the Waste and Recycling Conference.		
	N.2.2	Practise early uptake of suitable new technologies and innovations	N.2.2.1	Recycled concrete for footpath and kerb replacement	●	●	●	●	On Track	The Town has recently trialled the use of recycled crushed brick and tile as part of the Mary Crescent Project.	
			N.2.2.2	Explore 'green' power for Town facilities and battery storage and power purchasing agreements	●	●	●	●	On Track	Proposal communicated to Council for use of green power in the 2021/22 FY	
N3	Foster an empowered community that drives sustainability	N.3.1	Increase community support for sustainability considerations	N.3.1.1	Partner and support community groups	●	●	●	●	On Track	The Town has developed an approach to partner with environmental community groups to develop 1 and 10 year restoration plans.  Partnered with the community to deliver Bindaring Park works, Ashfield Lookout, Mary Crescent Reserve upgrade and the Green trail along the railway line.

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments		
			Q1	Q2	Q3	Q4				
		N.3.1.2	Continue to promote community awareness and benefits for more sustainable approaches	●	●	●	●	On Track	The following workshops/events were hosted this quarter:  Crop Swap at the OPR Markets - April Zero Waste Workshop – 8 May The Less Waste Kitchen- 29 May Get Energy Smart at Home- 2 June Zero Waste Workshop- 12 June Reducing Water Use with Healthy Soil – 12 June Cleaning with Chemistry- 16 June Learn how to make an instant garden bed - 19 June	
N4	N.4.1	Conserve, enhance and repair natural and urban areas	N.4.1.1	Weed strategy; continuous improvements and implementation	●	●	●	●	On track	In progress.
			N.4.1.2	Implement and finalise Town Planning Scheme No 4A	●	●	●	●	On Track	To be presented to the July OCM.
			N.4.1.3	Undertake an assessment of our river and foreshore condition (including Point Reserve)	●	●	●	●	On Track	The first stage of site inspections and assessments were completed over Q3.  The Report is currently being reviewed by officers.
			N.4.1.4	Develop a 10 year investment program for our environment based on priorities					Not Started	
	N.4.2	Facilitate management of reserves by Friends groups	N.4.2.1	Partner and support community groups	●				On Track	Ongoing support and planting days with Friends groups.

Objectives		Strategies		Actions		Timeframes 20/21				Status	Comments
						Q1	Q2	Q3	Q4		
N5	Value and conserve and protect our water resources and waterways	N.5.1	Implement Waterwise initiatives and policies for residents, businesses and other organisations	N.5.1.1	Deliver a water indexing workshop	●	●			Complete	
				N.5.1.2	Develop a Waterwise Bassendean Strategy					Not Started	
		N.5.2	Convert drains into living streams	N.5.2.1	Repurpose open drain between Second and Fourth Avenue to create a Living Stream	●	●	●	●	On Track	Detailed design work and Water Corporation approval is on track.
				N.5.2.2	Create a rolling program for the design and implementation of living streams and integrate into Long term Financial Plan					Not Started	
N6	Support the creation of a more green and shaded Town	N.6.1	Create an urban forest throughout reserves, gardens and streets	N.6.1.1	Deliver tree planting program for winter 2021	●	●	●	●	On Track	Approximately 600 trees have been planted so far. The planting program is forecast to be completed mid-August 2021.
				N.6.1.2	Develop longer term tree planting and biodiversity corridors program inclusive of a reporting framework to Council on rates of survival/ mortality/ health	●	●	●	●	On Track	A street tree condition report will be presented to CMC in July. This report will include an Infographics which will be used to educate the community on the benefits of street trees.
				N.6.1.3	Deliver a 'Green Trail' along our Principal Shared Path (near Railway line)	●	●	●	●	Complete	The green trail has been planted.

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments	
			Q1	Q2	Q3	Q4			
	N.6.2 Protect existing trees and green spaces	N.6.1.4	Promote and develop verge garden program	●	●	●	●	On Track	29 households participated in the verge rebate program. 17 households participated in the Mary Crescent verge transformation project. Works to be completed in July.
		N.6.2.1	Maintain our street gardens and street trees	●	●	●	●	On Track	Ongoing through the Parks and Gardens daily activities, tree assessments and compliance measures associated with Verge Permits and the Town's Street Trees Policy.
		N.6.2.2	Assess and map the health of our existing trees to better plan for the future	●	●	●	●	Complete	This is now complete.
		N.6.2.3	Implement Local Planning Policy 13 – Tree Retention and Provision	●	●	●	●	On Track	Business as usual, as part of normal development and subdivision control.
		N.6.2.4	Educate and promote the benefits of trees in our community	●	●	●	●	On Track	Integrated into ongoing communications. An Infographics style report on the benefits of street trees will be published on the Town's website and promoted via social media in the coming period.



## Creating a vibrant town and precincts (Priority Area 3)

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments
			Q1	Q2	Q3	Q4		
B1 Support the town centre to thrive	B1.1 Advocate for economic growth of our Bassendean town centre	B1.1.1 Drive opportunities to promote and support investment in the Town	●	●	●	●	On Track	Ongoing communications with business owners and developers.
	B.1.2 Engage potential government and private sector development partners to realise opportunities within the Town of Bassendean	B2.1.1 Develop a Town Centre Master Plan to promote and facilitate future investment	●	●	●		On Track	Master Plan process underway and expected to be completed in November 2021.
		B2.1.2 Promote local businesses	●	●	●	●	On Track	More recently as part of Thrive (May edition).
		B.2.1.3 Explore and advocate for redevelopment of Wilson St carpark and civic/community buildings	●	●	●	●	On Track	Master Plan project continuing. Promoting market-led proposal opportunity.
B2 Increase the residential population close to centres and train stations	B2.1 Ensure planning and development strategies and policies align with the desire to focus future development around centres and train stations	B3.1.1 Review the Local Planning Strategy and create a new Local Planning Scheme	●	●	●	●	Off Track	A meeting between the CEO ToB and the Director General of DPLH arranged for July to discuss delays. Councillors will be advised of the outcomes via the CEO Bulletin and the Town's website will also be updated. A report to Council will follow.
		B3.1.2 Implement recommendations of Local Planning Strategy					Not Started	Pending B3.1.1.



## Driving financial sustainability (Priority Area 4)

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments
			Q1	Q2	Q3	Q4		
E1 Ensure there is sufficient, effective and sustainable use of assets	E1.1 Assess assets (including review of portfolio, landholdings and facility condition, use and capacity) to optimise and rationalise	E1.1.1 Review Land Asset Strategy				●	Not Started	Councillors have requested the review occur following the completion of the Town Centre Master Plan. On this basis, review of LAS in latter part of 21/22.
		E.1.1.2 Develop Asset Management Strategy					On Track	Work on the Asset Management Strategy to be undertaken as part of LTFP in 21/22.
		E.1.1.3 Develop Asset Management Plans	●	●	●		Complete	The Town's Asset Management Plans have been accepted by CMC and were presented to Councillors at a workshop on 30 March
		E.1.1.4 Design and Deliver Success Hill Spillway(including restoration of embankment)						Off Track
	E.1.2 Ensure financial planning has a long-term outlook and a	E1.2.1 Integrate Long Term Financial Plan with SCP, CBP and AMPs	●	●	●	●	On Track	SCP, CBP and AMPs developed. Work to now integrate with LTFP. This will occur in 21/22.

Objectives		Strategies	Actions	Timeframes 20/21				Status	Comments		
				Q1	Q2	Q3	Q4				
		focus on land asset rationalisation	E1.2.2	Review the Town's asset portfolio against the SCP, community aspirations and long term financial sustainability			●	●	Complete	An assessment of the Town's asset portfolio against the SCP was completed in the first portion of this calendar year which accommodated a White Paper which analysed the current state and proposed a number of process improvements.	
E2	Ensure community facilities are accessible to and well utilised by a diverse range of community members	E.2.1	Community Infrastructure Strategy (use of community spaces, shared or individual hubs, appropriate number of facilities)	E.2.1.1	Develop Jubilee Reserve Masterplan	●	●	●		On Track	Consultation recently took place with community groups, sporting groups, and the broader public. The consultants have reviewed the feedback and are in the process of developing the draft interim report as well as the three concept plans which will be reviewed by staff and Councillors. It is expected that the matter to be formally presented to Council in August.
				E.2.1.2	Develop Business Case for Bassendean Oval				●	Off Track	Project requires re-scoping based on outcomes from Town Centre Master Plan.
		E.2.2	Leasing, Licensing and Hiring Strategy	E.2.2.1	Audit all facilities and lease/ hire agreements prior to expiration			●	●	On Track	Draft Framework completed. Property Management Framework to be presented to Council for endorsement next quarter.
				E.2.2.2	Review standard hire conditions	●	●	●	●	Complete	Staff have updated the terms and conditions for the hire of community facilities, parks / reserves and produced an online booking form.
				E.2.2.3	Identify opportunities for standardisation and inclusion of social dividend as leases/licenses expire			●	●	On Track	Property Management Framework to be presented to Council next quarter.



Objectives		Strategies	Actions	Timeframes 20/21				Status	Comments		
				Q1	Q2	Q3	Q4				
E3	Support the local economy	E.3.1	Prioritise infrastructure projects that generate local employment and support a circular economy	E.3.1.1	Advocate for local employment opportunities as they arise	●	●	●	●	On Track	This action has been identified and included in the Workforce Plan (2021-2025).
				E.3.1.2	Consider the impacts when assessing the Town's projects in terms of priorities	●	●	●	●	On Track	
		E.3.2	Ensure the local economy is positioned to recover from crises	E.3.2.1	Town to promote 'buy local' procurement practices		●	●	●	On Track	Implementation of VendorPanel, for procurement between \$5,000 and \$150,000 is continuing.
				E.3.2.2	Encourage social enterprise to build community capacity	●	●	●	●	On Track	Supporting a number of social enterprises to build community capacity.



## Facilitating people-centred services (Priority Area 5)

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments
			Q1	Q2	Q3	Q4		
CS1 Ensure community members know where and how to access services	CS.1.1 Improve communication regarding where community members can receive services, advice and provide feedback	CS.1.1.1 Review Customer Services Charter and Complaints Handling Procedure					On Track	Review commenced.
		CS.1.1.2 Develop educational guide regarding who deals with different decisions					Not Started	
	CS.1.2 Ensure transparent and open discussions with community members	CS.1.2.2 Continue to deliver people-centred approaches to engagement	●	●	●	●	On Track	Integrated into business as usual and projects.
		CS.1.2.3 Build and nurture relationships with community groups for shared outcomes	●	●	●	●	On Track	As above.
CS2 Deliver efficient and well-connected internet and computer technology systems	CS.2.1 Improve efficiency of internet and computer technology systems for community-facing services	CS.2.1.1 Develop ICT strategy and investment roadmap	●	●	●	●	Complete	
		CS.2.1.2 Develop and implement annual ICT work program	●	●	●	●	Complete	
		CS.2.1.3 Develop and implement agenda preparation module			●	●	Not started	To be completed in 2021/22 in accordance with the ICT Strategy.
		CS.2.1.4 Prepare Policy addressing Councillor ICT requirements				●	On Track	Work commenced on draft policy.
		CS.2.1.5 Undertake Records Management review to align to ICT strategy					Not Started	To be commenced 22/23 as per the ICT Strategy.

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments
			Q1	Q2	Q3	Q4		
	CS.2.2 Explore online options for services that currently require physical presence	CS.2.2.1 Facilitate online applications, lodgements and payments	●	●	●	●	On track	Testing of online payments in in progress.
		CS.2.2.2 Improve website functionality	●	●	●	●	On-going	Incremental improvements continue as business-as-usual activity. Specific works around engagement module.



## Providing visionary leadership and making great decisions (Priority Area 6)

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments
			Q1	Q2	Q3	Q4		
L1 Make brave decisions in line with a risk appetite	L.1.1 Early identification of potential risks / issues/ opportunities	L.1.1.1 Develop a Fraud and Corruption Control Plan			●	●	On Track	Draft fraud and corruption control plan prepared.
		L.1.1.2 Develop new risk management framework			●	●	On track	The framework has been drafted. Meeting occurred with the Town's auditors to assess if there was scope for them to assist with aspects of the implementation
		L.1.1.3 Implement Audit and Risk Register findings / recommendations to further strengthen organisation	●	●	●	●	Complete	The Town has adopted an Audit Risk Register that contains all the identified strategic risks. The Audit and Governance Committee Meeting held in June 2021 reviewed the Audit and Risk register. The updated register was considered by Council at its June Ordinary meeting.
	L.1.2 Embed opportunity cost considerations	L.1.2.1 Council reports include recommendations that consider risks and opportunity cost	●	●	●	●	Complete	
L2 Ensure major decision making is informed by community feedback	L.2.1 Ensure community engagement processes are implemented in major strategic projects	L.2.1.1 Develop and implement community engagement guidelines			●	●	On track	Considered as part of recently drafted Strategic Communications Plan.
		L.2.1.2 Embed community engagement as a key consideration in all major decision making	●	●	●	●	On track	Embedded into Council reports.

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments			
			Q1	Q2	Q3	Q4					
		L.2.1.3	Develop a strategic communications plan which is driven by Council's vision and SCP priorities			●	●	On Track	Draft Strategic Communications Plan developed.		
L3	Ensure operational activities reflect the strategic focus of Council	L.3.1	Ensure clear communication and flow of information from decision makers to operational staff	L.3.1.1	Continue to embed Councillor and Administration protocol	●	●	●	●	On Track	Regular communications to ensure that obligations understood in accordance with conduct requirements.
				L.3.1.2	Develop Internal Communications Plan			●	●	On Track	Fortnightly CEO Newsletters; Regular OSH Newsletters; Quarterly Staff Briefing; Executive debrief and team meetings.
	L.3.2	Implement a framework on decision making that identifies delegated authority for different levels of decision	L.3.2.1	Delegated Authority Register review and adoption to balance risk and efficient operations	●	●			Complete	The Delegations Register appears on the Town's website. The Annual Review of the Delegations Register is now underway.	
			L.3.2.2	Review policies and procedures to ensure good governance					On Track	The following policies were approved for adoption by Council – Standards for CEO Recruitment, Performance and Termination. LPP 8 – car parking LPP 16 – signage CP 5.5 – Disused Vehicles Behaviour Complaints Policy – Code of Conduct Council Members, Committee Members and Candidates  Council Policies – Debt Recovery, Financial Hardship and Rates Exemption were reviewed.  The following policies were approved for deletion by Council : CP 5.22 – Reserve Sponsorship Signage	

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments			
			Q1	Q2	Q3	Q4					
		L.3.2.3	Develop and implement new Quarterly reporting framework	●	●			Complete	The new Quarterly Report was implemented in Q1. The Quarterly Report aligns with the CBP.		
L4	Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	L.4.1	Build understanding and support for the vision and Strategic Community Plan	L.4.1.1	Engage and consult with the community on key initiatives and changes	●	●	●	●	On Track	BAU.
				L.4.1.2	Demonstrate linkage and alignment to SCP in officer reports for Council decisions	●				Complete	The Council Report template was amended to reflect the new Strategic Community Plan that was adopted by Council in Q1.
				L.4.1.3	Implement regular communications with all staff via monthly debriefs regular staff newsletters, team building events and team meetings	●	●	●	●	On Track	Fortnightly distribution of the staff newsletter. CEO Briefing/Networking Session held on 24 June 2021.
		L.4.2	Demonstrate clear connections between the Strategic Community Plan, project and business-as-usual services and operations	L.4.2.1	Deliver a new employee performance system to align organisational efforts to the Strategic Community Plan and Corporate Business Plan	●	●	●	●	On Track	New employee performance system rolled-out within organisation in Q2, with stage one completed in Q4.
		L.4.3	Create an organisational culture of performance, innovation and excellence	L.4.3.1	Develop and implement new Quarterly reporting framework to report on projects and align to SCP	●	●			Complete	The new Quarterly Report was implemented in Q1. The Quarterly Report aligns with the CBP.

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments			
			Q1	Q2	Q3	Q4					
		L.4.3.2	Implement new model of Code of Conduct			●	●	On Track	An interim Code of Conduct for employees was approved by the CEO in Q4. A new draft Code of Conduct for employees will be drafted in July for approval by the CEO.		
	L.4.4	Develop shared values between Council, administration and the community	L.4.4.1	Develop and promote shared values to ensure alignment to Strategic Community Plan		●	●	●	On Track	New corporate values endorsed by CEO in Q4.	
			L.4.4.2	Develop and deliver induction program for new Council					Not Started	Scheduled for 21/22.	
L5	Foster an environment of innovation and leadership	L.5.1	Foster an environment of innovation, where people are encouraged to contribute	L.5.1.1	Create and model agreed values and behaviours in everything we do		●	●	●	On Track	Values embedded into new performance framework.
		L.5.2	Foster leadership: harness the talent of individuals	L.5.2.1	Promote ongoing development of the Administration	●	●	●	●	On Track	Professional development actions identified within Workforce Plan (2021-2025) and 21/22 budget cycle. Individual employee plans identified within stage one of performance development system.
				L.5.2.2	Coordinate professional development and training opportunities for Elected Members	●	●	●	●	On Track	This is an ongoing requirement. No certificates of completion were received in Q4.
		L.5.3	Recognise and reward innovation and leadership	L.5.3.1	Implement recognition system for staff to acknowledge right behaviours and performance	●	●	●	●	On Track	Developed as a key consideration in annual staff awards program. This action has been identified and included in the Workforce Plan (2021-2025) including building an 'Employer of Choice' strategy and enhancing employee wellness initiatives.

Objectives		Strategies		Actions		Timeframes 20/21				Status	Comments
						Q1	Q2	Q3	Q4		
L6	Respond effectively and efficiently to crises	L.6.1	Implement crisis management framework	L.6.1.1	Finalise Business Continuity, Pandemic, and Disaster Recovery Plans	●	●	●	●	On Track	An internal COVID-19 Implementation Plan and Checklist was finalised in Q4. A general Business Continuity Plan is under development.
		L.6.2	Communicate the impacts to business continuity	L.6.2.1	Develop and deliver communications strategy as required	●	●	●	●	On Track	BAU. Ongoing communications with changing COVID restrictions to internal and external audiences.





## Building community identity by celebrating culture and heritage (Priority Area 7)

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments
			Q1	Q2	Q3	Q4		
CH1 Appreciate, celebrate and engage with Noongar Boodjar (land), history, culture and people	CH.1.1 Enhance partnerships with Noongar people – be guided by Traditional Owners in the appreciation, celebration and participation of Noongar Boodjar, history, culture and people	CH.1.1.1 Inclusion of Acknowledgement and Welcome to Country at key events and ceremonies	●	●	●	●	On Track	BAU
		CH.1.1.2 Develop a heritage agreement or shared approach to maintain and share noongar history, stories and culture		●	●	●	Not Started	Initial scoping to plan requirements. Subject to funding in the 2021/22 financial year.
	CH.1.2 Enhance participation and engagement of local Noongar people in community life and decision making	CH.1.1.3 Host a workshop with the Whadjuk Working Group to build and nurture the Town's relationship with the Whadjuk Working Group		●	●	●	Not Started	Subject to funding in the 2021/22 financial year.
	CH.1.3 Enhance participation and engagement of local Noongar people in caring for the land	CH.1.1.4 Create a cultural compact agreement (statement of respect) with the Whadjuk Working group.					Not Started	Subject to funding in the 2021/22 financial year.
CH2 Create a community closely connected to its history and heritage	CH.2.1 Maintain and share the historical stories of the Town of Bassendean	C.2.1.1 Develop further opportunities to share the historical stories of the Town of Bassendean eg new history walks	●	●	●	●	On Track	Historical stories shared via Thrive, website, Local Studies Collection and history walks.

Objectives	Strategies	Actions	Timeframes 20/21				Status	Comments		
			Q1	Q2	Q3	Q4				
		C.2.1.2	Develop a heritage agreement or shared approach to maintain and share noongar history, stories and culture		●	●	●	Not Started	Initial scoping to plan requirements. Subject to funding in the 2021/22 financial year.	
	CH.2.2	Ensure heritage locations and buildings of historical value within the Town are recognised, cared for and utilised by the community	CH.2.2.1	Review the Town's Local Heritage Survey				On Track	Work has commenced. The matter will be presented to Council in the second half of 2021.	
			CH.2.2.2	Create a Local Planning Policy relating to protecting heritage and character				Not Started	Scheduled for 2021/22.	
	CH.2.3	Implement initiatives, events and activities that focus on a range of cultural and artistic endeavours (not limited to entertainment)	CH.2.3.1	Create opportunities to showcase the Town's history and heritage to the community and visitors	●	●	●	●	On Track	Historical stories shared via Thrive, website, Local Studies Collection and history walks.
CH3	Engage the community in arts and culture	CH.3.1	Implement arts and cultural programs and activities that reflect the unique history of the Town of Bassendean and are relevant to its community	CH.3.1.1	Review Council's Public Arts Framework			●	Not Started	Feedback sought from Councillors (via the 18 June 2021 CEO bulletin) on existing <i>Council Policy 4.2 – Art Acquisition and Management</i> , to enable a review to occur. In relation to public art, Councillors have requested that the review of the two existing policies (CP4.3 and LPP15) occur following the finalisation of the Town Centre Masterplan. Work to commence in 2021/22.
				CH.3.1.2	Review Relax program			●	●	Not Started

**OUTSTANDING COUNCIL RESOLUTIONS – RECOMMENDED FOR DELETION (12/8/2021)**

REC_NO.	OFFICER	DESCRIPTION	ACTION_TAKEN
ROC21/85980	BRICE CAMPBELL	OCM-28/7/21 - VERGE COLLECTION AND BAYWASTE MOVED CR GANGELL SECONDED CR HAMILTON THAT COUNCIL ENDORSE OPTION 1 – NOT ACCEPT BOTH PROPOSALS AS THERE IS NO INCREASED COST IN THE 2021/22 FINANCIAL YEAR FOR THIS OPTION AND THAT THE COST OF TIP PASSES THROUGH BAYWASTE WILL BE INCLUDED IN THE 2022/23 BUDGET.	NOTED RECOMMEND DELETION
ROC21/85969	BRICE CAMPBELL	OCM-19/7/21 - FOGO IN SCHOOLS MOVED CR HAMILTON SECONDED CR QUINTON THAT COUNCIL DELEGATES TO THE CEO THE AUTHORITY TO WAIVE \$6720 TO PROVIDE UP TO SIX FOGO SERVICE CHARGES FOR THE 2021/22 PERIOD.	COMPLETED. RECOMMEND DELETION
ROC21/84739	DONNA SHAW	OCM-7/6/21 - AMENDMENT TO EXISTING DEVELOPMENT APPROVAL FOR ADDITIONS TO SMALL BAR - PATIO AND CAFÉ BLINDS (PATIO WALL - CORK AND BOTTLE) MOVED CR WILSON SECONDED CR QUINTON THAT COUNCIL: 1.APPROVES THE AMENDMENT TO THE EXISTING APPLICATION FOR DEVELOPMENT APPROVAL FOR ADDITIONS TO SMALL BAR - PATIO AND CAFÉ BLINDS (PATIO WALL) ABUTTING 77-83 (LOT 144) OLD PERTH ROAD BASSENDEAN SO AS TO INCLUDE 1.1M WALLS AS MARKED ON THE SUBMITTED PLANS AND TO INCLUDE A NEW CONDITION AS FOLLOWS: IF THE PATIO STRUCTURE IS REMOVED THE APPLICANT IS TO MAKE GOOD THE LIMESTONE GARDEN BED AT ITS COST AND TO THE TOWN'S SATISFACTION; AND 2.NOTES THAT ALL PREVIOUSLY IMPOSED CONDITIONS CONTINUE TO APPLY.	DETERMINATION ISSUED - RECOMMEND DELETION
ROC21/82667	DONNA SHAW	OCM-11/4/21 - FENCING LOCAL LAW 2013 – PERIODIC REVIEW MOVED CR BARTY SECONDED CR HAMILTON THAT COUNCIL PURSUANT TO SECTION 3.16 OF THE LOCAL GOVERNMENT ACT 1995 UNDERTAKES THE PERIODIC REVIEW OF THE FENCING LOCAL LAW 2013 AND NOTES THAT THE LOCAL LAW WILL BE ADVERTISED FOR A MINIMUM OF 42 DAYS BEFORE BEING SUBSEQUENTLY CONSIDERED BY COUNCIL.	CONSIDERED BY COUNCIL IN JULY 2021. RECOMMEND DELETION.

ROC19/66003	DONNA SHAW	OCM-12/02/19 - PROPOSED REVIEW OF LOCAL PLANNING POLICY NO. 4 – FLOODPLAIN MANAGEMENT AND DEVELOPMENT POLICY MOVED CR MYKYTIUK SECONDED CR BROWN THAT COUNCIL AUTHORISE STAFF TO COMMENCE A REVIEW OF LOCAL PLANNING POLICY NO. 4 – FLOODPLAIN MANAGEMENT AND DEVELOPMENT POLICY WITH A FURTHER REPORT TO BE PRESENTED TO COUNCIL FOLLOWING PREPARATION OF A DRAFT REVISED POLICY.	SUPERSEDED BY ROC20/74678. RECOMMEND DELETION.
ROC21/85838	DONNA SHAW	OCM-12/7/21 - EXISTING CARPORT AND PATIO - 50 (LOT 585) FAULKNER WAY EDEN HILL MOVED CR HAMILTON SECONDED CR WILSON THAT COUNCIL REFUSES THE APPLICATION FOR DEVELOPMENT APPROVAL FOR AN EXISTING CARPORT AND PATIO AT 50 (LOT 585) FAULKNER WAY EDEN HILL FOR THE FOLLOWING REASONS: 1.THE PROPOSAL DOES NOT COMPLY WITH STATE PLANNING POLICY 7.3 – RESIDENTIAL DESIGN CODES WITH RESPECT TO SECONDARY STREET SETBACK AND LOT BOUNDARY SETBACK REQUIREMENTS; 2.THE PROPOSAL DOES NOT COMPLY WITH LOCAL PLANNING POLICY NO. 12 – DEVELOPMENTS WITHIN THE STREET SETBACK AREA AS THE DESIGN COLOURS MATERIAL AND ROOF PITCH OF THE DEVELOPMENT IS INCONSISTENT WITH THE DWELLING; AND 3.THE PROPOSAL DETRIMENTALLY IMPACTS THE AMENITY OF THE LOCALITY AS IT IS INCONSISTENT WITH THE CHARACTER OF THE EXISTING AND DESIRED STREETScape AS PRESCRIBED WITHIN THE TOWN OF BASSENDEAN BUILT FORM AND CHARACTER STUDY. CARRIED UNANIMOUSLY 7/0	REFUSAL NOTICE SENT. SUBMISSIONER ADVISED OF OUTCOME. RECOMMEND DELETION
ROC21/85858	DONNA SHAW	OCM-15/7/21 - FENCING LOCAL LAW 2013 MOVED CR WILSON SECONDED CR QUINTON THAT COUNCIL APPROVES THE REVIEW OF THE FENCING LOCAL LAW WITH THE NEXT REVIEW TO BE SCHEDULED FOR 2029.	FENCING LOCAL LAW UPDATED ON WEBSITE. RECOMMEND DELETION

ROC21/83630	DONNA SHAW	OCM-14/5/21 - WAIVER OF RATES – LOT 304 KENNY STREET (DEPOSITED PLAN 417198) MOVED CR MCLENNAN SECONDED CR BARTY THAT COUNCIL WAIVES RATES FOR LOT 304 KENNY STREET BASSENDEAN ON DEPOSITED PLAN 417198 FOR THE PERIOD FROM 1 APRIL 2021 TO 30 JUNE 2021 IN ACCORDANCE WITH SECTION 6.47 OF THE LOCAL GOVERNMENT ACT 1995.	RATES WAIVED FOR BALANCE OF FINANCIAL YEAR - RECOMMEND DELETION
ROC21/84740	DONNA SHAW	OCM-8/6/21 - PROPOSED SINGLE HOUSE - 31 (STRATA LOT 1) ASHFIELD PARADE ASHFIELD MOVED CR WILSON SECONDED CR QUINTON THAT COUNCIL APPROVES THE APPLICATION FOR DEVELOPMENT APPROVAL FOR A SINGLE HOUSE AT 31 (STRATA LOT 1) ASHFIELD PARADE ASHFIELD SUBJECT TO CONDITIONS:	DETERMINATION ISSUED RECOMMEND DELETION
ROC21/84719	ELIZABETH KANIA	OCM-17/6/21 - COMPLAINTS COMMITTEE MOVED CR WILSON SECONDED CR QUINTON THAT COUNCIL: 1.PURSUANT TO SECTION 5.8 OF THE LOCAL GOVERNMENT ACT 1995 ESTABLISHES THE COMPLAINTS COMMITTEE FOR THE PURPOSE OF DEALING WITH COMPLAINTS MADE UNDER DIVISION 3 OF THE TOWN OF BASSENDEAN'S CODE OF CONDUCT FOR COUNCIL MEMBERS COMMITTEE MEMBERS AND CANDIDATES; 2.ADOPTS THE COMPLAINTS COMMITTEE TERMS OF REFERENCE AS ATTACHED TO THIS REPORT; 3.DELEGATES AUTHORITY TO THE COMPLAINTS COMMITTEE AS FOLLOWS: 3.1AUTHORITY TO MAKE A FINDING AS TO WHETHER AN ALLEGED BREACH THE SUBJECT OF A COMPLAINT HAS OR HAS NOT OCCURRED BASED UPON EVIDENCE FROM WHICH IT MAY BE CONCLUDED THAT IT IS MORE LIKELY THAT THE BREACH OCCURRED THAN THAT IT DID NOT OCCUR [MCC.CL.12(1) AND (3)]. IN MAKING ANY FINDING THE COMMITTEE MUST ALSO DETERMINE REASONS FOR THE FINDING [MCC.CL.12(7)]. 3.2WHERE A FINDING IS MADE THAT A BREACH HAS OCCURRED AUTHORITY TO: A.TAKE NO FURTHER ACTION [MCC.CL.12(4(A)); OR B.PREPARE AND IMPLEMENT A PLAN TO ADDRESS THE BEHAVIOUR OF THE PERSON TO WHOM THE COMPLAINT RELATES [MCC.CL.12(4)(B) (5) AND (6)]. 3.3AUTHORITY TO DISMISS A COMPLAINT AND IF DISMISSED THE COMMITTEE MUST ALSO DETERMINE REASONS FOR THE DISMISSAL [MCC.CL.13(1) AND (2)] SUBJECT TO THE FOLLOWING CONDITIONS: A.THE COMMITTEE WILL	DELEGATION REGISTER UPDATED TO INCLUDE DELEGATION TO THE COMPLAINT COMMITTEE. RECOMMEND DELETION AS ACTION COMPLETED.

		<p>MAKE DECISIONS IN ACCORDANCE WITH THE PRINCIPLES AND SPECIFIED REQUIREMENTS ESTABLISHED IN CODE OF CONDUCT COMPLAINTS MANAGEMENT POLICY; B.THAT PART OF A COMMITTEE MEETING WHICH DEALS WITH A COMPLAINT WILL BE HELD BEHIND CLOSED DOORS IN ACCORDANCE WITH S.5.23(2)(B) OF THE ACT; C.THE COMMITTEE IS PROHIBITED FROM EXERCISING THIS DELEGATION WHERE A COMMITTEE MEMBER IN ATTENDANCE AT A COMMITTEE MEETING IS EITHER THE COMPLAINANT OR RESPONDENT TO THE COMPLAINT SUBJECT OF A COMMITTEE AGENDA ITEM; D.IN THE EVENT OF (C) ABOVE THE COMMITTEE MEMBER IS TO RECUSE THEMSELVES FROM ATTENDANCE AT THE MEETING. SHOULD THIS RESULT IN LOSS OF A QUORUM AT THE MEETING THE COMMITTEE MAY RESOLVE TO DEFER CONSIDERATION TO A FUTURE MEETING AT WHICH THE CONFLICTED COMMITTEE MEMBER IS ABSENT AND A QUORUM OF MEMBERS IS PRESENT; AND 4.APPOINTS ALL COUNCILLORS TO BE MEMBERS OF THE COMPLAINTS COMMITTEE FOR THE 2019/21 TERM.</p>	
ROC21/84717	ELIZABETH KANIA	<p>OCM-16/6/21 - BEHAVIOUR COMPLAINTS POLICY – CODE OF CONDUCT COUNCIL MEMBERS COMMITTEE MEMBERS AND CANDIDATES MOVED CR WILSON SECONDED CR QUINTON THAT COUNCIL: 1.ADOPTS THE DRAFT BEHAVIOUR COMPLAINTS POLICY – CODE OF CONDUCT COUNCIL MEMBERS COMMITTEE MEMBERS AND CANDIDATES; AND 2.DIRECTS THE CEO TO WRITE TO THE MINISTER FOR LOCAL GOVERNMENT ADVISING THAT THE TOWN OF BASSENDEAN – (A)DOES NOT SUPPORT THE INCLUSION OF LOCAL LEVEL COMPLAINTS ABOUT ALLEGED BEHAVIOURAL BREACHES AND LOCAL GOVERNMENTS DEALING WITH COMPLAINTS PROVISIONS IN DIVISION 3 CLAUSES 10 AND 11; AND (B)SUPPORTS AN EXTERNAL OVERSIGHT BODY TO MANAGE LOCAL LEVEL COMPLAINTS INVOLVING COUNCIL MEMBERS AS PREFACED IN THE LOCAL GOVERNMENT REVIEW PANEL REPORT CITY OF PERTH INQUIRY REPORT AND SELECT COMMITTEE INTO LOCAL GOVERNMENT REPORT.</p>	<p>LETTER SENT TO MINISTER FOR LOCAL GOVERNMENT ON 28 JUNE 2021. RESPONSE RECEIVED FROM THE MINISTER AND INCLUDED IN THE CEO BULLETIN FOR COUNCILLORS' INFORMATION. RECOMMEND DELETION AS ALL MATTERS COMPLETED.</p>

ROC19/69640	GREGORY P NERI	<p>OCM-7/12/19 BASSENDEAN SKATE PARK – INSTALLATION OF SHADE MOVED CR QUINTON SECONDED CR WILSON THAT: 1.NOTES THE REPORT ON THE INSTALLATION OF SHADE SAILS AT THE BASSENDEAN SKATE PARK; 2.IF DEEMED A PRIORITY INVESTIGATES THE POTENTIAL FOR LOTTERYWEST OR OTHER FUNDING SOURCES TO CONTRIBUTE TO ANY FUTURE SHADE SAIL DEVELOPMENT AT THE SITE; AND 3.SUBJECT TO ABOVE ALLOCATES FUNDS IN THE 2020/21 BUDGET FOR THE DESIGN AND INSTALLATION OF SHADE SAILS AT THE BASSENDEAN SKATE PARK ABOVE THE NORTHERN GRASSED AREA AND/OR THE EASTERN END OF THE PARK.</p>	<p>RECIPIENT CREATED TAX INVOICE HAS BEEN RECIEVED FROM DEPT COMMUNITIES FOR THE INSTALLATION OF SHADE SAILS. FUNDS WERE INCLUDED IN THE 21/22 BUDGET. OFFICERS IN PROCESS OF PURCHASING SHADE SAILS. RECOMMEND DELETION.</p>
ROC20/77290	LUKE GIBSON	<p>OCM-25/11/20 - NEW LEASE AND LICENCE AGREEMENTS FOR FUNTRAIN ENTERPRISES PTY LTD MOVED CR HAMILTON SECONDED CR QUINTON THAT COUNCIL ENDORSE NEW LEASE AND LICENCE AGREEMENTS TO FUNTRAIN ENTERPRISES PTY LTD (TRADING AS SPARX EARLY LEARNING CENTRE) FOR THE USE OF 128 IVANHOE STREET AND ALF FAULKNER HALL EDEN HILL (RESPECTIVELY) FOR A PERIOD FROM 5 FEBRUARY 2021 TO 4 FEBRUARY 2023 WITH THE OPTION OF EXTENDING BOTH AGREEMENTS FROM 5 FEBRUARY 2023 TO 4 FEBRUARY 2025.</p>	<p>BOTH THE LEASE AND LICENCE AGREEMENT HAVE BEEN EXECUTED - RECOMMEND DELETION</p>

ROC21/82665	LUKE GIBSON	<p>OCM-9/4/21 - DRAFT AMENDED LOCAL PLANNING POLICY NO. 16 – CONTROL OF ADVERTISEMENTS UNDER THE LOCAL PLANNING SCHEME NO. 10 MOVED CR HAMILTON SECONDED CR MCLENNAN THAT COUNCIL PURSUANT TO CLAUSE 5(1) OF SCHEDULE 2 OF THE PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 ADOPTS DRAFT AMENDED LOCAL PLANNING POLICY NO. 16 – ADVERTISING AND SIGNAGE FOR THE PURPOSES OF ADVERTISING SUBJECT TO THE FOLLOWING CHANGES BEING MADE FIRST: 1.CLAUSE 6.2 NEED FOR DEVELOPMENT APPROVAL ADVERTISEMENTS ARE EXEMPT FROM REQUIRING DEVELOPMENT APPROVAL IN THE FOLLOWING CIRCUMSTANCES: (B)IF THE PROPOSAL IS NOT A ROOF SIGN AND MEETS ALL OF THE FOLLOWING REQUIREMENTS: (II)DOES NOT RESULT IN MORE THAN ONE (1) ADVERTISING SIGN ON EACH STREET FRONTAGE OF A TENANCY</p>	<p>ADVERTISING COMPLETE. MATTER REFERRED TO JUNE 2021 OCM. RECOMMEND DELETION.</p>
ROC21/85857	LUKE GIBSON	<p>OCM-14/7/21 - PROPOSED CHANGE OF USE TO USE NOT LISTED (FUNCTION CENTRE &amp; CREATIVE SPACE) MOVED CR QUINTON SECONDED CR BARTY THAT COUNCIL APPROVES THE APPLICATION FOR DEVELOPMENT APPROVAL FOR THE PROPOSED CHANGE OF USE FOR A USE NOT LISTED (FUNCTION CENTRE AND CREATIVE SPACE) AT LOT 7 (UNIT 7 NO. 15) DYER ROAD BASSENDEAN SUBJECT TO THE CONDITIONS.</p>	<p>DETERMINATION NOTICE ISSUED. SUBMITTERS NOTIFIED. RECOMMEND DELETION</p>



ROC21/83626	LUKE GIBSON	<p>OCM-10/5/21 - DRAFT LOCAL PLANNING POLICY NO. 8 – CAR PARKING AND END OF TRIP FACILITIES MOVED CR WILSON SECONDED CR BARTY THAT COUNCIL:</p> <p>1.PURSUANT TO CLAUSE 4(3) OF SCHEDULE 2 OF THE PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 ADOPTS DRAFT AMENDED LOCAL PLANNING POLICY NO. 8 – CAR PARKING &amp; END OF TRIP FACILITIES AS CONTAINED IN THE ATTACHMENT TO THIS REPORT; AND</p> <p>2.PURSUANT TO CLAUSE 5(2) OF SCHEDULE 2 OF THE PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 ADOPTS DRAFT AMENDED LOCAL PLANNING POLICY NO. 17 – HOME BASED BUSINESSES AS CONTAINED IN THE ATTACHMENT TO THIS REPORT.</p>	POLICIES ADOPTED BY COUNCIL UPDATED ON WEBSITE. RECOMMEND DELETION
ROC21/83627	LUKE GIBSON	<p>OCM-11/5/21 - USE OF YOUTH SERVICES CENTRE MOVED CR WILSON SECONDED CR BARTY THAT COUNCIL APPROVES THE USE OF THE BASSENDEAN YOUTH SERVICES CENTRE (DUDLEY ROBINSON YOUTH CENTRE) WEST ROAD BASSENDEAN BY SCOUTS WA FOR A PERIOD OF THREE YEARS AND NOTES THAT THE CHIEF EXECUTIVE OFFICER WILL ENTER INTO AN AGREEMENT WITH SCOUTS WA THAT ADDRESSES THE FOLLOWING: 1.THE ROLES AND RESPONSIBILITIES ASSOCIATED WITH USING THE FACILITY; 2.THE NEED FOR INSURANCES INDEMNIFYING THE TOWN OF ANY COSTS IN THE EVENT OF NEGLIGENT DAMAGE; 3.A NON-DISPARAGEMENT CLAUSE AND PROVISIONS RELATING TO DISPUTE RESOLUTION; 4.THE SUITABLE ROUTINE ACKNOWLEDGEMENT THAT SCOUTS WA IS SUPPORTED BY THE TOWN OF BASSENDEAN; AND 5.ANY OTHER MATTERS CONSIDERED NECESSARY.</p>	ARRANGEMENTS HAVE BEEN FINALISED. RECOMMEND DELETION.

ROC20/77251	LUKE GIBSON	<p>OCM-8/11/20 - 1 SURREY STREET MOVED CR HAMILTON SECONDED CR QUINTON THAT: 1.COUNCIL SEEKS TO DISPOSE OF 1 (LOT 50) SURREY STREET BASSENDEAN BY EXPRESSION OF INTEREST (EOI) IN ACCORDANCE WITH SECTION 3.58(3) OF THE LOCAL GOVERNMENT ACT 1995 WITH THE EOI PROCESS TO REQUIRE INTERESTED PARTIES TO DEMONSTRATE A GENUINE COMMUNITY BENEFIT ASSOCIATED WITH THEIR INTENDED ACQUISITION WHICH MAY INCLUDE A PUBLIC/PRIVATE PARTNERSHIP WITH THE TOWN OF BASSENDEAN AND WILL INCLUDE HERITAGE RESTORATION COMMUNITY ACCESS BENEFITS AND/OR FINANCIAL BENEFIT; 2.THE CEO WRITES TO THE WEST AUSTRALIAN BRANCH OF THE NATIONAL TRUST TO PROVIDE AN UPDATE ON THE DIRECTION COUNCIL HAS TAKEN WITH THIS RESOLUTION AND THANKS THE NATIONAL TRUST FOR ENGAGING WITH THE TOWN THIS YEAR; 3.THE CEO WRITES TO THE DEPARTMENT OF PLANNING LANDS AND HERITAGE TO SEEK THEIR FEEDBACK ON THE POTENTIAL FOR THE CROWN TO ACQUIRE THE PROPERTY; 4.COUNCIL ADVISES LOTTERYWEST THAT IT WISHES TO RELINQUISH THE \$37500 GRANT RELATING TO THE PENSIONER GUARD COTTAGE AND THANKS LOTTERYWEST FOR ITS ASSISTANCE AND SUPPORT IN RELATION TO 1 SURREY STREET BASSENDEAN; 5.COUNCIL ENTERS INTO AN AGREEMENT WITH THE BASSENDEAN HISTORICAL SOCIETY TO ALLOW ACCESS TO THE PENSIONER GUARD COTTAGE; AND 6.THE CEO PROVIDES COUNCIL WITH A REPORT ON THE OPTIONS AVAILABLE TO THE TOWN UNDER THE VARIOUS TYPES OF RESTRICTIVE COVENANTS TO PROTECT COMMUNITY ACCESS AND HERITAGE CONSIDERATIONS.</p>	SUPERSEDED BY ROC21/83621. RECOMMEND DELETION.
ROC21/84714	LUKE GIBSON	<p>OCM-13/6/21 - REVOCATION OF EXISTING COUNCIL POLICY 5.22 – RESERVE SPONSORSHIP SIGNAGE MOVED CR QUINTON SECONDED CR MACWILLIAM THAT COUNCIL REVOKES COUNCIL POLICY 5.22 – RESERVE SPONSORSHIP SIGNAGE.</p>	POLICY REMOVED FROM WEBSITE. RECOMMEND DELETION.

ROC21/82671	PAUL WHITE	<p>OCM-15/4/21 - IMPLEMENTATION OF DIFFERENTIAL RATES MOVED CR WILSON SECONDED CR MACWILLIAM THAT COUNCIL: 1.APPROVES THE DIFFERENTIAL RATES AND MINIMUM PAYMENT FOR 2021/22 FOR ADVERTISING BY PUBLIC NOTICE AS FOLLOWS: RATING CATEGORYRATE IN DOLLARMINIMUM PAYMENT IMPROVED – RESIDENTIAL COMMERCIAL AND INDUSTRIAL (GRV)8.4895\$1106 VACANT LAND – RESIDENTIAL COMMERCIAL AND INDUSTRIAL (GRV)12.7342\$1106 2.ENDORSES THE OBJECTS AND REASONS FOR THE PROPOSED DIFFERENTIAL RATES FOR 2021/22 ATTACHED TO THIS REPORT.</p>	IMPLEMENTED. RECOMMEND DELETION.
ROC21/83629	PAUL WHITE	<p>OCM-13/5/21 - CHILDREN'S SERVICES – FEES FOR WIND IN THE WILLOWS EARLY EDUCATION CENTRES FOR 2021/22 MOVED CR WILSON SECONDED CR MACWILLIAM THAT COUNCIL ADOPT A DAILY FEE OF \$123 FOR WIND IN THE WILLOWS BASSENDEAN EARLY CHILDHOOD EDUCATION AND WIND IN THE WILLOWS ASHFIELD EARLY CHILDHOOD EDUCATION FOR 2021/22.</p>	IMPLEMENTED. RECOMMEND DELETION.
ROC21/84716	PAUL WHITE	<p>OCM-15/6/21 - COUNCIL POLICIES – DEBT RECOVERY FINANCIAL HARDSHIP AND RATES EXEMPTION MOVED CR WILSON SECONDED CR HAMILTON THAT COUNCIL: 1.RECEIVE THIS REPORT ON IMPLEMENTATION OF THE FOLLOWING COUNCIL POLICIES: •RECOVERY OF RATES AND SERVICE CHARGES POLICY; •RECOVERY OF SUNDRY DEBTS POLICY; •FINANCIAL HARDSHIP POLICY; AND •RATES EXEMPTION POLICY. 2.ADOPTS THE AMENDED COUNCIL'S RECOVERY OF RATES AND SERVICE CHARGES POLICY WHICH INCLUDES DELETING "(CURRENTLY 5.5% PER ANNUM)" AND "(CURRENTLY 10% PER ANNUM)" IN SECTION 1.1 (A) INTEREST; AND 3.SET THE NEXT REVIEW DATE FOR THE POLICIES LISTED AT (1) ABOVE TO 30 JUNE 2023.</p>	POLICIES UPDATE. RECOMMEND DELETION

ROC21/83628	PAUL WHITE	OCM-12/5/21 - EDEN HILL NETWORK RENEWAL UNDERGROUND PROGRAM PILOT (NRUPP) – DEFERRAL OF SERVICE CHARGE MOVED CR WILSON SECONDED CR BARTY THAT COUNCIL DEFER LEVYING THE SERVICE CHARGE TO RECOUP THE COST OF UNDERGROUND POWER CONSUMER MAINS CONNECTION FROM PROPERTY OWNERS IN CONNECTION WITH THE EDEN HILL NETWORK RENEWAL UNDERGROUND PROGRAM PILOT UNTIL RATES ARE LEVIED FOR 2022/23.	NO ACTION REQUIRED - RECOMMEND DELETION.
ROC21/84720	PETA MABBS	OCM-18/6/21 - FESTIVE SEASON CLOSURE PERIOD (2021/2022) MOVED CR HAMILTON SECONDED CR MACWILLIAM THAT IN ADDITION TO POLICY 6.12 - FESTIVE SEASON OFFICE (ADMINISTRATION) CLOSURE COUNCIL: 1.APPROVES THE CLOSING OF THE CUSTOMER SERVICES CENTRE ADMINISTRATION BUILDING LIBRARY SENIORS AND DISABILITY SERVICES OFFICE WIND IN THE WILLOWS CHILD CARE CENTRE (BASSENDEAN AND ASHFIELD) YOUTH SERVICES AND COUNCIL DEPOT AS PER THE PROPOSED FESTIVE SEASON PERIOD OUTLINED ABOVE; 2.REQUESTS THE CEO PROVIDES EMERGENCY CONTACT DETAILS TO THE PUBLIC FOR THE FESTIVE PERIOD IN ACCORDANCE WITH POLICY 6.12; AND 3.REQUESTS THE CEO TO PROVIDE A SKELETON STAFF DURING THE FESTIVE SEASON IN ACCORDANCE WITH POLICY 6.12.	COMMUNICATION TO ALL STAFF ON END OF YEAR CLOSURE. RECOMMEND DELETION

ROC20/76594	PHILLIP ADAMS	<p>OCM-16/10/20 - RECOGNITION OF THE LATE TINA KLEIN</p> <p>1.AUTHORISING THE CEO TO INVESTIGATE AND IMPLEMENT POTENTIAL PLANTING/DEDICATION OF A TREE IN A PROMINENT LOCATION TO OCCUR DURING THE NEXT WINTER PLANTING SEASON; 2.REQUESTING STAFF SELECT A TREE VARIETY THAT HAS POTENTIAL TO GROW INTO A STATELY AND PROMINENT SPECIMEN OFFERING DECADES OF SHADED AMENITY FOR FUTURE GENERATIONS; AND 3.WRITING TO THE FAMILY OF THE LATE TINA KLEIN TO ASCERTAIN THEIR WISHES IN RESPECT TO POINTS 1 AND 2 OF THIS MOTION.</p>	<p>TREE PLANTING WAS CARRIED OUT TUESDAY 15 JUNE 2021 AT POINT RESERVE IN THE PRESENCE OF TINA KLEIN'S DAUGHTER CAT HER HUSBAND MR KLEIN AND FAMILY. THE FAMILY WERE VERY APPRECIATIVE OF THE TOWN'S EFFORTS IN ORGANISING THE MEMORIAL TREE PLANTING. THE TOWN HAS CARRIED OUT A TOTAL OF 3 MEMORIAL TREE PLANTINGS DURING THE 2021 TREE PLANTING PROGRAM. RECOMMEND DELETION</p>
ROC18/64877	SALVATORE SICILIANO	<p>OCM-10/12/18 - SPARX EARLY LEARNING CENTRE – RISK MITIGATION OPTIONS FOR TREE ROOTS MOVED CR MCLENNAN SECONDED CR HAMILTON THAT:</p> <p>1.COUNCIL RECEIVES THE ARBORIST'S REPORT AND THE PUBLIC LIABILITY SITE RISK ASSESSMENT BY LOCAL GOVERNMENT INSURANCE SERVICES REGARDING EXPOSED TREE ROOTS AND ASSOCIATED RISKS OF THE TWO MATURE FLOODED GUM TREES;</p> <p>2.COUNCIL DEFERS A DECISION REGARDING THE RISK MITIGATION OPTIONS FOR THE TREE ROOTS AND IN THE INTERIM TOWN STAFF WILL FURTHER DISCUSS OPTIONS WITH THE BUSINESS OWNER.</p>	<p>LEASE DOCUMENTATION HAS BEEN EXECUTED - RECOMMEND DELETION</p>