

TOWN OF BASSENDEAN

NOTICE OF ORDINARY COUNCIL MEETING

Dear Council Members

An Ordinary Meeting of the Council of the Town of Bassendean will be held on Tuesday, 27 October 2015 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

BOB JARVIS
CHIEF EXECUTIVE OFFICER

23 October 2015

Councillors, please note that the Briefing Session will commence at 5.00pm; a meal will be provided at 6.15pm; and the Ordinary Council meeting will commence at 7.00pm.

Cr Gangell will be the facilitator for the Briefing Session.

A G E N D A

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

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

Members of the public are requested to please sign the Attendance Sheet located in the Council Chamber.

2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

2.1 Public Question Time

Members of the public who wish to do so may ask questions at this point in the agenda.

2.2 Address by Members of the Public

Members of the public who wish to do so may address Council at this point in the agenda.

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

4.0 DEPUTATIONS

5.0 CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 22 September 2015 (Attachment No. 1)

OFFICER RECOMMENDATION – ITEM 5.1(a)

That the minutes of the Ordinary Council meeting held on 22 September 2015, be received.

OFFICER RECOMMENDATION – ITEM 5.1(b)

That the minutes of the Ordinary Council meeting held 22 September 2015, be confirmed as a true record.

5.2 Special Council Meeting held on 20 October 2015
(Attachment No. 2)

OFFICER RECOMMENDATION – ITEM 5.2(a)

That the minutes of the Special Council meeting held on 20 October 2015, be received.

OFFICER RECOMMENDATION – ITEM 5.2(b)

That the minutes of the Special Council meeting held 20 October 2015, be confirmed as a true record.

6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION

7.0 PETITIONS

8.0 DECLARATIONS OF INTEREST

9.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

9.1 Vandalism of Various Street Verge Trees Within the Town of Bassendean (Ref: COUP/MAINT/1 – Simon Stewart-Dawkins, Director Operational Services)

APPLICATION

The purpose of this report is to advise Council that over the few months there have been number of street verge trees removed, interfered with or pruned without permission from the Town of Bassendean.

ATTACHMENT

Confidential Attachment No. 1:

Street Tree Investigation Reports and historical photographs of trees and evaluations

Confidential Report:

Officers Recommendations for each of the street trees removed, interfered with or pruned without permission.

BACKGROUND

In the April 2015 Council (OCM – 15/04/15) approved the installation of vandalism awareness signs due to street trees being destroyed by a selfish act of vandalism, approved the retention of the vandalised street trees until newly planted trees are sufficiently established; and noted that vandalised trees may require some minor pruning while in place to reduce any public risk issues.

In August 2015 Council (OCM – 11/08/15) deferred a decision concerning unauthorised pruning to 8 street trees and 2 unauthorised removal of street trees, pending a site inspection.

On Tuesday 15 September 2015, Elected Members inspected the 8 street trees that have been pruned without Town of Bassendean approval.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013-2023:

Environmental sustainability and adaption to climate change:

Objectives: *Maintain a healthy environment which supports a diverse range of flora and fauna.*

Strategies: *Continue to develop and maintain biodiversity corridors to provide breeding places and food sources for native flora and fauna.*

In April 2014, Council (OCM-22/04/14) revised the following policies to bring into line with Council's 2013-2013 Strategic Community Plan:

- Significant Tree;
- Verge Treatment and Maintenance;
- Street Tree Protection;
- Street Tree Pruning, Removal and Replacement; and
- Amenity Tree Evaluation.

These policies are in place to clearly articulate the value trees have to our community and the contribution they bring to the amenity, aesthetics and sense of place for the residents of the Town.

COMMENTS

Council Officers have undertaken an investigation into each of the unauthorised street tree pruning and removals in accordance with the Town's Tree Investigation form which can be viewed under confidential attachments.

The Tree Investigation form provides a checklist for investigating breaches of a local law or Council policy and provides the estimated value of the street trees using the Amenity Tree Evaluation Policy.

Council's Amenity Tree Evaluation Policy provides a framework for a structured, consistent and effective method to determine the amenity value of trees and, as part of the evaluation, staff have referred to a 2009 Street Tree Audit, and to historic photographs.

As part of the investigation, Rangers have undertaken a door knock of the neighbours surrounding the illegally removed, damaged and pruned street trees. Five residents advised they were the persons responsible for the pruning of the tree adjacent to their property. In other locations, no one was aware of who was responsible for the interference.

The outcome of the investigation indicates that the street trees listed were removed/damage or pruned and therefore it is suggested that the appropriate response be taken to send a clear message to residents, contractors and developers that street trees are protected.

Whenever possible, the Town has an educational approach when dealing with breaches of Local Laws or Council Policies. In the future, the Bassendean Briefings and the 2016 Greenwaste information brochure will reiterate that residents and contractors are not permitted to prune or remove street trees.

In addition, the Town of Bassendean's website at www.bassendean.wa.gov.au - Information & Feedback / General Information Sheets, provides residents with information on a variety of matters including, but not limited to; Adopt-A-Street Tree, Street Tree Protection, Street Tree Planting, and advice that pruning and removal of street trees is not permitted.

As a result of the promotional material published and available on the Town's website, residents have in the past contacted the Town of Bassendean should they require assistance with the street tree adjacent to their property.

Under Council Policy, the removal of street trees shall not be permitted for any of the following reasons:

- The tree obscures or has the potential to obscure views other than traffic/pedestrian line of sight;
- The tree species is disliked;
- The tree species causes nuisance by way of leaf, fruit, and/or bark shedding or the like;
- The tree causes allergy and or health problems;
- The tree is in the way of a non-essential crossover or verge paving option;
- The tree shades a private garden, solar hot water systems, or the like.

Considering all street trees contribute to environmental benefits, the amenity, aesthetics and sense of place for the residents of the Town, the following options may be considered appropriate:

1. Write to the property owner or person(s) who pruned the street tree and advise them of Council policy and the implications under the Local Government Act 1995 should the tree be pruned again without the authority of the Town of Bassendean;
2. In accordance with Council's (OCM – 15/04/15) previous resolution, approve the installation of vandalism awareness signs should a street tree be destroyed by a selfish act of vandalism, approve the retention of the vandalised street trees until newly planted trees are sufficiently established; and note that vandalised trees may require some minor pruning while in place to reduce any public risk issues, and that these trees will be monitored for their safety;
3. Issue infringement letters to the property owner or person (s) that have been identified as having breached the Local Government Act 1995 - Schedule 9.1, clause 2 Disturbing local government land or anything on it and the Uniform Local Provisions Regulations 1996, Regulation 5 Clause 1, Interfering with, or taking from, local government land or other relevant provisions under the Act.

The October 2015 Confidential Attachment of the Ordinary Council Agenda suggests options for the each of the unauthorised street tree removals and prunings.

STATUTORY REQUIREMENTS

In the event of a person illegally removing, damaging, pruning or poisoning a street tree, Council may prosecute the offender under the following:

- Local Government Act 1995 - Schedule 9.1, clause 2. Disturbing local government land or anything on it; and
- Local Government Act 1995 - Uniform Local Provisions Regulations 1996, Regulation 5 Clause 1 - Interfering with, or taking from, local government land or other relevant provisions under the Act. In addition to the value of the tree, a penalty of \$5,000 may be imposed.

FINANCIAL CONSIDERATIONS

Should Council resolve to prosecute an offender, it is recommended that all income received be allocated to the following account – Contributions to Work - GL 212161.

The cost for required Arborist Reports or to remove or prune trees will be met from the 2015/2016 Street Tree Operating Budget.

OFFICER RECOMMENDATION – ITEM 9.1

That Council endorses the Officer Recommendation shown in the Confidential Report attached to the Ordinary Council Agenda of 27 October 2015 relating to street trees that have been pruned or removed without permission.

Voting requirement: Simple majority

10.0 REPORTS

10.1 Adoption of Recommendations En Bloc

The following information is provided to Councillors for guidance on the use of En Bloc voting as is permissible under the Town's Standing Orders Local Law 2011.

Standing Orders Local Law 2011, Clause 5.4 states:

- (1) In this clause adoption by en bloc voting means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.
- (2) Subject to subclause (3), Council may pass an adoption by en bloc voting.
- (3) An adoption by en bloc voting may not be used for a matter –
 - (a) that requires a 75% majority or a special majority;
 - (b) in which an interest has been disclosed;
 - (c) that has been the subject of a petition or deputation;
 - (d) that is a matter on which a member wishes to make a statement; or
 - (e) that is a matter on which a member wishes to move a motion that is different to the Officer recommendation.

Councillors should be aware that should they wish to declare an interest in any of the items listed in the en bloc voting table, and have not done so under Item 8.0, Declarations of Interest, they should do so at this point of the agenda.

OFFICER RECOMMENDATION – ITEM 10.1

That Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda 27 October 2015:

Item	Report
10.2	Significant Trees – Resident Nominates Street Trees for inclusion in the Town of Bassendean Significant Tree Register
10.3	Asset Management Strategy
10.7	Waiver of Fees – Scouts Association of Australia – WA Branch
10.9	Integrated Planning and Reporting Framework Strategy
10.13	Quarterly Reports for Quarter Ended 30 September 2015
10.17	Bassendean Youth Advisory Council Meetings held on 31 July, 28 August and 25 September 2015
10.18	Cultural Development Advisory Committee Meeting held on 30 September 2015
10.20	Determinations Made by the Principal Building Surveyor
10.21	Determinations Made by Development Services
10.22	Accounts for Payment – September 2015
10.23	Financial Statements – September 2015
10.24	Implementation of Council Resolutions
10.25	Use of the Common Seal
10.26	Calendar for November 2015

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

Item	Report
10.4	Acceptance of Department of Local Government and Communities Grant
10.5	Public Consultation Outcome - Proposed Purchase and Sale of Two Crown Reserves - Lot 7557 Lord Street, (A3280) Bassendean & 48 Chapman Street, (A742) Bassendean
10.6	Lease Agreement - Bassendean Men's Shed Association
10.8	Consider the Employment of a Strategic Planner
10.10	Audit & Risk Management Committee Meeting held on 14 October 2015
10.11	Annual Report for the Year Ended 30 June 2015
10.12	Setting of Ordinary Council and Committee Meeting Dates and Citizenship Ceremonies for 2016
10.14	Appointment of Delegates & Representatives to Council Committees & External Organisations
10.15	Review of Delegation to a Committee
10.16	Review of Delegations to the Chief Executive Officer & Other Officers
10.19	Children and Family Services Committee Meeting held on 14 October 2015
13.1	Offer to Purchase 10-14 Parker Street, Bassendean
13.2	Point Reserve - Road Closure

10.2 Significant Trees – Resident Nominates Street Trees for inclusion in the Town of Bassendean Significant Tree Register (Ref: INOM-9188315 & INOM-9188215 – Ken Cardy, Manager Asset Services)

APPLICATION

The purpose of this report is to seek approval from Council to list two nominated trees, both within the Town of Bassendean; one located within the street verge in front of 9 James Street the other in Anzac Terrace East (Kelly Park), as significant trees and for inclusion within the Town's Significant Tree Register.

ATTACHMENTS

Confidential Attachment No. 2:

Nomination Form - 9 James Street

Nomination Form - Anzac Terrace East (Kelly Park)

BACKGROUND

The Town's Significant Tree Policy has been developed to provide street and other public trees, which have been identified as having special significance to the community, an additional level of protection not already afforded under the auspices of existing Council policies.

The policy does not apply to trees on private property as these trees may be protected through the application of a Tree Preservation Order under the auspices of Local Planning Scheme 10. Likewise, this policy does not apply to trees on State Government land as the land on which these trees are located is reserved under the Metropolitan Region Scheme and therefore, not controlled by the Local Planning Scheme.

Trees may be listed on the Significant Tree Register if it can be clearly demonstrated that they meet one or more of the following criteria:

Aesthetic Value:

- Trees display outstanding qualities such as shade, colour, texture, fragrance and seasonality;
- Trees occurring in a prominent location; or
- Trees which contribute significantly to the landscape in which they grow (including streetscapes, parks, gardens or natural landscapes).

Scientific and Environmental Value:

- Trees of an important genetic (including remnant vegetation) value that may provide important and valuable propagating stock;
- Trees which provide a wider understanding of natural or cultural history by virtue of its use as a research site, teaching site, type locality or benchmark site;
- Trees which are a significant habitat element for rare, threatened, priority or locally uncommon or common native species; or
- Trees which are vulnerable or endangered.

Historic or Cultural Value:

- Trees which are highly valued by the community or cultural groups for reasons of strong religious, spiritual, cultural or social associations and including trees associated with aboriginal heritage and culture (such as gathering sites);
- Trees which are associated with a heritage listed place and that are representative of that same historic era;
- Trees which are not associated with a heritage site but for which it can be demonstrated that they have some historical significance; and/or
- Trees with local significance and that are important to the local community and are recognised features of the immediate landscape.

The Town has received two Significant Tree Register Nomination forms for trees located at the following locations;

- 9 James Street Bassendean - Red Flowering Gum (Corymbia Calphylla); and
- Anzac Terrace East (Kelly Park) Bassendean – Flooded Gum (Eucalyptus Rudis)

STRATEGIC IMPLICATIONS

Town Planning and Built Environment

Objective: Foster enhancement of public space and street appearance.

Strategies: Plan for improved streetscapes which include better footpaths, street furniture and inviting verges with well-developed and maintained street trees.

Encourage the retention of trees on development sites.

COMMENT

Under the Town's Significant Tree Policy, for trees to be listed as significant within the Town, the applicant is required to identify which response to each of the three categories listed within the application, best describe why they believe the tree(s) have special significance to the community of the Town of Bassendean.

The following two nomination forms have been received:

Nomination - (9 James Street):

This tree is just as important as its sister tree, which has already been registered as significant. It has a great canopy and a good example of this type of flowering gum. As many trees are disappearing in suburbia, we need to keep as many of these species as possible.

Special significance category:

Category	Response
Aesthetic Value	<ul style="list-style-type: none">• Trees display outstanding qualities such as shade, colour, texture, fragrance and/or seasonality;• Trees growing in prominent location.• Trees which contribute significantly to the landscape in which they grow.
Scientific Value	<ul style="list-style-type: none">• Trees of an important genetic value (including remnant vegetation) that may provide important and valuable propagating stock.• Trees which are venerable or endangered.
Historical or Cultural Value	<ul style="list-style-type: none">• Trees with local significance and that are important to the local community and are recognised features of the immediate landscape.

As per the Significant Tree Policy, the Supervisor Parks and Gardens has viewed the trees and made the following comments and recommendations in relation to the nomination:

"The Corymbia Calophylla is of average structure, good crown coverage. Needs regular clearing from house wire and provides shade and aesthetics".

Nomination – (Anzac Terrace East (Kelly Park)):

There is already one flooded gum within Kelly Park deemed significant. This one that I would like to be on the register is larger in girth, has a greater canopy and has been planted a long time ago. It provides great shade and habitat for birds. As these trees are planted in front of the Old Lockridge Hotel they could very well date back to that era. With significant increase in development in this area, every tree and every park should be deemed relevant for the future of the next generation.

Special significance category:

Category	Response
Aesthetic Value	<ul style="list-style-type: none">• Tree displays outstanding qualities such as shade, colour, texture, fragrance and/or seasonality.• Tree growing in prominent location.• Trees which contribute significantly to the landscape in which they grow.
Scientific Value	<ul style="list-style-type: none">• Tree of an important genetic value (including remnant vegetation) that may provide important and valuable propagating stock.• Trees which are vulnerable or endangered.
Historical or Cultural Value	<ul style="list-style-type: none">• Trees with local significance and that are important to the local community and are recognised features of the immediate landscape.• Trees which are highly valued by the community or cultural groups for reasons of strong religious, spiritual, cultural or social associations and include trees associated with Aboriginal heritage and culture (such as gathering sites).

The following is the Supervisor Parks and Gardens' comments and recommendations in relation to the nomination.

“Structurally Sound, Ideally located, magnificent tree – large canopy spread supplying ample shade. No Obstructions”.

STATUTORY REQUIREMENTS

Nil

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION – ITEM 10.2

That Council:

1. Accepts the Significant Tree Register nomination forms shown in the Confidential Attachment to the Ordinary Council Agenda of 27 October 2015; and
2. Grants approval to list the following trees as significant trees and to include them within the Town's Significant Tree Register:
 - a) Red Flowering Gum (*Corymbia Calphylla*) located within the street verge adjacent to 9 James Street, Bassendean; and
 - b) Flooded Gum (*Eucalyptus Rudis*) located within Kelly Park - Anzac Terrace East, Bassendean.

Voting Requirement Simple majority

10.3 Asset Management Strategy (Ref: GOVN/CCLMEET/17 & COUP/MAINT/2) – Simon Stewert-Dawkins, Director Operational Services)

APPLICATION

The purpose of this report is to provide Council with an update on the Town's Asset Management Strategy.

ATTACHMENT

Attachment No. 3: Asset Management Strategy - Rev No. 3.2

BACKGROUND

In 2014, Council revised and adopted an Asset Management Policy which sets out the Town's commitment to manage and care for assets. The policy intent is to ensure that an integrated decision making method will be utilised by Council in order that the built, social, economic and natural impacts of asset provision and maintenance are properly considered throughout the asset management process.

In addition Council adopted a Financial Sustainability Policy which outlines that the Town is a signatory to the Intergovernmental Agreement on Cost Shifting (IGA) between the three tiers of government and commits to sound public governance by the prudent management of assets and liabilities.

To drive the Asset Management Policy outcomes, in 2006, an Officer Working Group was established with a brief to provide guidance for the future development of asset management strategies, plans and programs.

As a result earlier version of the attached Asset Management Strategy report have been submitted to Council and used to guide the Asset Management Working Group's activities.

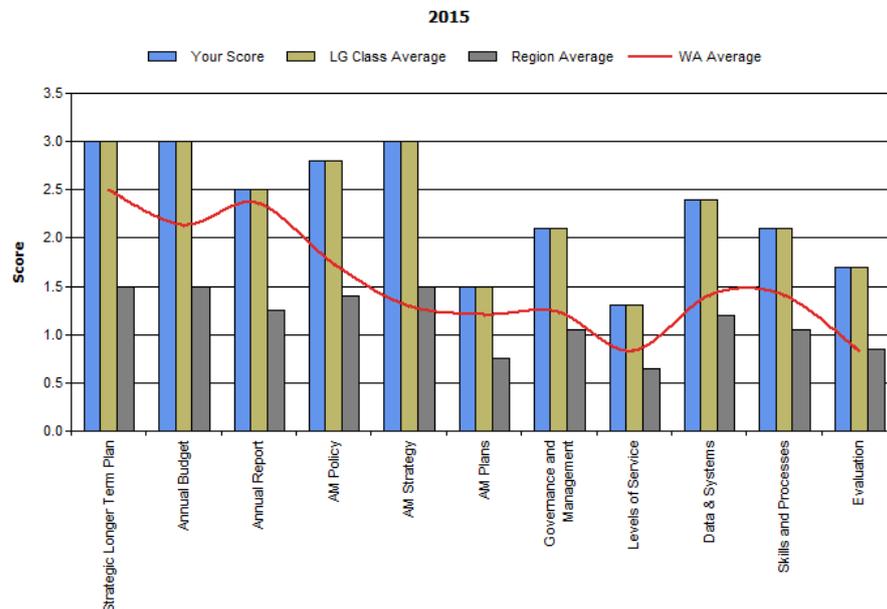
As part of the planning process, the Town joined the Western Australian Asset Management Improvement (WAAMI) program and adopted the National Asset Management framework that considers 11 assessments elements for "Core Maturity" being:

1. Strategic Planning;
2. Annual Budget;
3. Annual Report;
4. Asset Management Policy;
5. Asset Strategy;

6. Asset Plans;
7. Governance & Management;
8. Levels of Service;
9. Data and Systems
10. Skills & Processes; and
11. Evaluation.

In 2014, the Town completed its first self assessment using the National Assessment Framework and then in October 2015 a further asset management practices, self-assessment was undertaken. The outcome is included into the attached Asset Management Strategy Rev No. 3.2.

Below is a comparison of Local Governments who participate in the National Assessment Framework and compared the Town's performance with the other Local Governments. The table demonstrates that the Town is performing well above the Regional Average and WA Average.



On 15 October 2015, the Asset Management Working Group endorsed for Council consideration, the attached Asset Management Strategy - Rev No. 3.2.

COMMENT

The purpose of this Asset Management Strategy is to specify how the Town's asset portfolio is managed to meet the service delivery needs of our community and visitors. The Strategy details the objectives, performance and outcomes of our assets that enable the Town's Asset Management Policy to be achieved and the outcomes of our Asset Management Plans to be implemented.

The Asset Management Strategy also outlines the current status of the Town's asset management practices and processes, compares this to any future targets and identifies suitable improvement tasks to assist in the delivery of the Strategic Community Plan.

The Scope of the Strategy is generally in alignment with the State Government's Integrated Planning and Reporting Framework (IPRF), which details those local government assets of significant value, which are used to deliver services and/or activities. This Strategy focuses on the Town's infrastructure assets, which can broadly be considered as:

- **Recreation Assets:** Parks, reserves, sportsgrounds, foreshores, bushland and the infrastructure contained within them.
- **Property Assets:** Land holdings (including undeveloped land), buildings (e.g. libraries, depots, change rooms, town halls), fixtures, fittings, furniture and art work.
- **Transport Assets:** Roads, kerbing, bridges, culverts, stormwater drainage, lighting (non-western power), jetties, boat ramps, street furniture, signs, car parks and paths.
- **Information Technology:** Hardware, software, communications, CCTV and other information technology.
- **Plant and Equipment:** Vehicles, equipment and plant.
- **Waste:** Residential rubbish bins.

The Strategy has been developed to integrate with many of the Town's other key corporate documents, such as the following:

Community Strategic Plan

The history behind this plan is that in 2005, the Town carried out an exhaustive public consultation process on the community's aspirations for what the Town should be in the year 2030. The result was the "Vision 2030 Community Plan" which spelled out a vision for how residents wanted to see the Town progress towards a brighter, greener, more prosperous and more inclusive Bassendean. This plan has guided the Council in its decision making since that time and has been the principal source document for the current 2013-2023 Community Strategic Plan.

It should be noted that funding has been allocated in the 2015/2016 Budget to undertake a review of this plan

Long Term Financial Plan (LTFP)

The LTFP is adopted annually and provides a ten year rolling plan to inform the Corporate Business Plan and Annual Budget which in turn, enables the outcomes set out in the Strategic Community Plan to be achieved. The Town's Asset Management Plans link to the LTFP by providing information on cost/value, depreciation, residual value and useful life that is used in the accounting process for financial reporting. The LTFP also includes the whole of life financial forecasts contained within the AMPs.

Corporate Business Plan

Each year Council adopts prior to the Annual Budget, a Corporate Business Plan to establish the strategies the Town will put in place to achieve the goals and aspirations of the Community for the next 4 years.

Asset Management Plans (AMPs)

Asset Management Plans cover the major infrastructure assets that the Town is responsible for managing which includes; Recreation Assets, Property Assets, Transport Assets, Information Technology, Plant & Equipment and Waste. The AMPs provide financial projections as well as details on the required maintenance, renewal and capital projects for their respective asset group.

These AMPs combine multi-disciplinary techniques to provide a long term plan of how each asset group will be managed over their lifecycle in the most cost effective manner.

Workforce Plan

This plan will provide the current and future human resources requirements to undertake the strategies and will also be an informing strategy to the Corporate Business Plan.

Annual Budget

The Town's Annual Budget details the planned operating budget for the Town. It includes the estimated total value of resources required for the planned works and services, including revenues and reimbursable. The Annual Budget directly links to the LTFP's "Year 1", being the current (2015-16) financial year.

STATUTORY REQUIREMENTS

Local Govt Act 1995
Civil Liability Act 2002
Asset Management Policy (OCM-22/04/14)
Financial Sustainability Policy (OCM-22/04/14)

STRATEGIC ALIGNMENT

Strategic Community Plan 2013-2023:

Leadership and Governance
Objectives – Improve capability and capacity
Strategies – Review and implement asset management plans.

FINANCIAL CONSIDERATIONS

The Town's Asset Management Plans outline the long term management for assets and the information from the plans are used to inform the Long Term Financial Plan, Corporate Business Plan and Annual Budget.

OFFICER RECOMMENDATION – ITEM 10.3

That Council receives the Asset Management Strategy and notes that this is a working document.

Voting requirements: Simple majority

10.4 Acceptance of Department of Local Government and Communities Grant (Ref: – Greg Neri, Manager Youth Services)

APPLICATION

Council is requested to accept funding from the Department of Local Government and Communities for the amount of \$10,000 to action needs highlighted in the recent Youth Consultation Project.

BACKGROUND

In 2014/15, the Youth Services received funding to update its 'Youth Statement' document which involved consultation with over 100 Young People about issues such as; accommodation and housing, participation and positive promotion, employment education and training, funding and coordination, health, legal, leisure issues, public space, culture and the arts, volunteering and civic participation.

The Department of Local Government and Communities offered 'Stage 2' funding which seeks to address issues identified within the consultation.

Project Overview

The proposed project will respond to feedback from local young people within the Stage 1 consultation highlighting the need for a youth specific performance space. It is envisaged that works would be completed by early 2016 whereby an opening performance by local DJ would coincide with the Town's annual GRAVIT8 youth festival.

The Town was successful in securing this funding.

STATUTORY REQUIREMENTS

Local Government Act 1995 Clause 6.8(1)(b) states that a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by resolution and as the grant was not considered within the adopted budget, Council is requested to approve receipt and expenditure of the funds.

FINANCIAL CONSIDERATIONS

The grant approved by the Department of Local Government and Communities fully meets the cost of the proposed project and no ratepayer funds are required.

OFFICER RECOMMENDATION – ITEM 10.4

That Council:

1. Accepts funding from the Department of Local Government and Communities for the amount of \$10,000 and approves expenditure of the funds to action needs highlighted in the recent Youth Consultation Project; and
2. Amends the 2015/16 Budget accordingly.

Voting requirements: Absolute Majority

10.5 Public Consultation Outcome - Proposed Purchase and Sale of Two Crown Reserves - Lot 7557 Lord Street, (A3280) Bassendean & 48 Chapman Street, (A742) Bassendean - Nature Based Regional Playground (Ref: LUAP/SUBDIV/1 – Graeme Haggart, Director Community Development)

APPLICATION

To provide Council the outcome of the public consultation into, and to seek approval to proceed to acquire two Crown Reserves - Lot 7557 Lord Street (A3280) Bassendean & 48 Chapman Street (A742) and then sell those lots with the proceeds being placed in trust for the development of a nature based Regional Playground.

ATTACHMENT

Confidential Attachment No. 3: Summary of Responses

BACKGROUND

At its Ordinary Meeting of June 2015, Council, in part resolved the following (OCM-13/06/15):

“2. Requests approval of the West Australian Planning Commission for the proposal to purchase the two Crown Reserves - Lot 7557 Lord Street, (A3280) Bassendean, and 48 Chapman Street, (A742) Bassendean, and seeks comment from public utilities and service providers to ensure that there are no impediments to the disposal of the properties, and subject to the outcome of those two conditions:

- a) Includes in the public consultation process for the proposal to purchase and dispose of the reserves, signage on the property advising of the proposal, and a notice placed in a newspaper circulating in the District advising of the complete proposal;*
- b) Includes in the draft 2015/2016 Budget a provision of \$50,000 for the purchase of the two reserves at 5% of their value;*
- c) Establishes a Trust Fund for the purpose of receiving any sales proceeds from the two reserves for the establishment of a nature based Regional Playground at Sandy Beach Reserve; and*

3. *Receives a report at the completion of the public consultation period advising of the outcomes of that consultation, with a recommendation to proceed or not to proceed with the purchase of the two reserves - Lot 7557 Lord Street (A3280) Bassendean, and 48 Chapman Street (A742) Bassendean for 5% of their value."*

Pursuant to the above resolution, on 1 July 2015, the Chief Executive Officer wrote to the WA Planning Commission requesting approval to proceed with the proposal and also to the following public utilities and service providers on whether there are any known impediments to proceeding:

1. Water Corporation
2. Western Power
3. Atco Gas
4. Telstra Network Integrity
5. Optus Network Operations Centre – Asset Analysis

Reply correspondence has been received from all, saving the telco's.

Department of Planning responded on behalf the WA Planning Commission that there was no objection to proceeding with the proposal.

All responding utilities and service providers responded that there was no objection from them to the proposal.

The Town then commenced a six-week community consultation process from Monday 31 August 2015 and concluding on Friday 9 October 2015.

The feedback form asked whether the resident supported or oppose the purchase of each Reserve and their rezoning to residential in support of building a regional playground at Sandy Beach Reserve.

The community consultation included the following mechanisms:

1. All households within a 200 metre radius of the Reserves were letterboxed with the proposal and response form;
2. A prominent article in the August-September 2015 edition of the Bassendean Briefings (Issue 105) that was letterboxed to all households in the Town in the week of 24 to 28 August 2015;

3. An advertisement in the 1 September edition of the Eastern Reporter;
4. Information “flyers” and hard copy response forms were circulated to all families in care at the Wind in the Willows Child Care Centres;
5. Various Local Primary Schools promoted the consultation in their communications with parents
6. Various Facebook sites picked up the consultation
7. Prominently placed on the home page of the Town’s website and on the Public Comment page;
8. Posters to the consultation were erected at various Town community access facilities including the Administration Office, the Library and Wind in the Willows Child Care Centres; and
9. Signs erected on site at the two Reserves.

Feedback forms were provided in hard copy in the Administration Office and the Bassendean Memorial Library and with the information “flyer” and correspondence to residents. Electronic copies were available on the Town’s website and emailed on request.

Responses could be received by post, email or placed in a response box located in the Administration Office and Bassendean Memorial Library.

A summary of the comments received is included as Confidential Attachment. Original response forms are available on request.

COMMENT

A total of 97 individuals provided responses as below:

	Lord St		Chapman St	
	Number	%	Number	%
Support	82	87.2%	84	86.6%
Oppose	12	12.8%	13	13.4%
Total	94*	100%	97	100%

* Three respondents did not provide a position.

Approximately seven out of every eight responses received supported the proposal for each reserve, providing clear support for the proposal for both reserves.

The response form stated the process includes rezoning the reserves to residential. Both reserves are already zoned residential and so this process will not be required. If anything, the additional step inadvertently included could skew responses but would more likely skew to the negative. The high support rate may therefore be considered a conservative outcome.

The response form was intentionally unambiguous providing opportunity to support or reject the proposal without qualification.

Responses from the two telco's will be pursued and included in the request to the Minister if approval to proceed to purchase is granted.

Given that none of the public utilities and service providers has an objection, and the community are overwhelmingly supportive of the proposal, it is recommended Council approves a request for the Minister for Lands to dispose of Reserves 26529 and 31420 to the Town as eligible reserves in accordance with section 20A of the Town Planning Development Act 1928 for 5% their market valuation.

A Trust Fund for the purpose of receiving any sales proceeds from the two reserves for the establishment of a Regional Playground at Sandy Beach Reserve is also required to be established.

FINANCIAL CONSIDERATIONS

The cost of advertising, inclusion in the Bassendean Briefings, notices to residents have been covered within appropriate operating budget provisions.

The sum of \$50,000 has been allocated in the budget to purchase the reserve. This sum is based on the indicative market valuation provided to the Town in June 2015. A more comprehensive and current valuation will be required if the Minister approves the transaction.

Receipt of any sales of the reserves will need to be placed in a Trust Fund as specified by the resolution and the Department's requirements.

In accordance with Council's resolution, this Trust Fund would be established for the purpose of funding a Regional Playground at Sandy Beach Reserve. Given the preliminary valuations, the Town would expect approximately \$1million as a sales return on the two properties.

STRATEGIC IMPLICATIONS

The Town's Corporate Business Plan 2015-2019 includes the strategy: *"Strive to ensure access to open space and play equipment is maintained and improved"*.

OFFICER RECOMMENDATION – ITEM 10.5

That:

1. Council requests approval from the Minister for Lands for the Town of Bassendean to acquire Reserves 26529 and 31420 as eligible Reserves in accordance with section 20A of the Town Planning Development Act 1928 for 5% their market valuation as determined by the Valuer General's Office;
2. Council requests support from the Department of Planning for the closure of Reserves 26529 and 31420;
3. Subject to the land being acquired and sold by the Town, the proceeds of the sales be used in building a nature based regional playground at Sandy Beach Reserve; and
4. Council Establishes a Trust Fund to receive the proceeds of the sale of the land.

Voting requirement: Absolute majority

10.6 Lease Agreement - Bassendean Men's Shed Association (Inc) (Ref: – Graeme Haggart, Director Community Development)

PURPOSE

The purpose of this report is for Council to approve a Lease Agreement with the Bassendean Men's Shed Association (Inc.) to establish a Men's Shed facilities in the Town.

ATTACHMENTS

Attachment No. 4:

Agreement to Lease – Bassendean Men's Shed Inc; and
Draft Lease for Men's Shed: Town of Bassendean Depot, No. 69 Scaddan Street, Bassendean.

BACKGROUND

At the December 2013 Ordinary Council Meeting, Council resolved (OCM-4/12/13):

“To further consider a request to make 900m² to 1,000m² of land available at the Town's Depot in Scaddan Street, Bassendean, to the Lions Club of Bassendean for the purpose of developing a Bassendean Men's Shed, subject to:

- 1. Council being given the power to lease the land by the Department of Planning and Infrastructure (Land Asset Management Services);*
- 2. Technology Assisting Disability WA and St John's Ambulance granting approval for reciprocal carriageway access arrangements to Collier Road;*
- 3. Funding being allocated by Council to replace the existing kennels/chemical store facility elsewhere within the Depot;*
- 4. Funding being allocated by Council to conduct a geotechnical investigation; and*
- 5. Suitable lease terms being agreed between the Lion's Club of Bassendean and the Town of Bassendean. “*

Council would be aware that the Lions Club of Bassendean has pursued establishing a Men's Shed in Bassendean for several years and the Town has actively partnered with them to identify suitable land.

The Bassendean Men's Shed Association is now an incorporated entity in its own right and while still associated with the Lion's Club, is the entity with whom Officers have negotiated the attached draft Lease.

Subject to several conditions being met, in December 2013, Council resolved to allocate a parcel of land being a part of the Depot site that adjoins the St. John Ambulance leasehold site.

All conditions now having been met, the negotiated Lease document is presented for approval.

STRATEGIC IMPLICATIONS

The Inclusiveness, lifelong learning, health and social wellbeing key result area in the Corporate Business Plan includes an objective to: "Build a sense of belonging and connectivity in community" with strategies to:

- Encourage people of all ages, abilities and backgrounds to actively participate in community life and democratic processes;
- Nurture community resilience and self-reliance toward a sense of belonging with residents to a highly connected (close knit) community; and
- Support community members to actively volunteer and make a positive contribution to overall community health and wellbeing.

COMMENT

The options available to Council include:

1. To approve the Lease Agreement as negotiated with the Bassendean Men's Shed Association (Inc.);
2. To approve the Lease Agreement being subject to changes made by Council;
3. To refer the Lease Agreement back to Officers for amending and seek the Lease Agreement be represented at some future time; or
4. To refuse to enter into a Lease.

Below is a table that addresses actions/outcomes relevant to the December 2013 resolution of Council on the matter:

Resolution Requirement	Action/Outcome
Council being given the power to lease the land by the Department of Planning and Infrastructure (Land Asset Management Services)	<p>The process was initiated in early 2014. In May 2014, the Town received correspondence from Department of Lands that no objection exists to the application for change of purpose for Reserve 26147 (the Depot site) to permit use as a Men's Shed and to approve the power to lease.</p> <p>In August 2014 the Town wrote agreeing to revoke the existing Management Order over the Reserve in order a new Management Order can be issued.</p> <p>The process was finalised in December 2014 with the Town receiving the new Management Order providing the power to Lease.</p>
Technology Assisting Disability WA and St John's Ambulance granting approval for reciprocal carriageway access arrangements to Collier Road	The Town has received in writing that both the TADWA and the St John Ambulance Boards have formally resolved to approve vehicles accessing the Men's Shed site to utilise the existing Collier Road cross over and for the registering of an "easement for access" on their titles to that effect.
Funding being allocated by Council to replace the existing kennels/chemical store facility elsewhere within the Depot	A budget allocation of \$150,000 has been allocated to remove and replace the old kennels (now used for storage) elsewhere within the Depot
Funding being allocated by Council to conduct a geotechnical investigation	The geotechnical investigation has been carried out. The report finds that the site is outside of the area used as a tip and so no remediation is required.
Suitable lease terms being agreed between the Lion's Club of Bassendean and the Town of Bassendean	The draft Lease Agreement has been negotiated with the Bassendean Men's Shed Association Inc. A draft was prepared by McLeod's for the Town and there have been several meetings with the Association to clarify and negotiate/agree various clauses. The attached draft Lease is mutually agreed as being fair and equitable.

The proposed Lease terms include:

1. Demised area is 945m²;
2. Tenure is a total of 20 years being a 5 year term with 3 x 5 year options for renewal;
3. The grant of the Lease is conditional upon:
 - (a) The Association providing evidence, to the Town's reasonable satisfaction, that it has sufficient funding to construct the Facility;
 - (b) The Association obtaining all statutory approvals for the construction of the Facility, including without limitation all necessary planning and building approvals; and

- (c) The consent of the Minister for Lands to the Lease pursuant to section 18 of the Land Administration Act 1997;
4. The Lease is based on “charitable” lease principles including that the Town will charge a peppercorn rental and will not impose Council rates;
 5. The Association will meet the operating costs associated with the facility such as rubbish removal, utilities on consumption and all prescribed maintenance of the building; and
 6. As the Association is a new body, a “seeding fund” is proposed whereby the Town will allocate an annual operating subsidy in accordance with the following schedule, commencing in the year the Association takes possession of the building and commences operations:

Year of Operation	Subsidy Allocation
1	\$25,000
2	\$20,000
3	\$15,000
4	\$10,000
5	\$5,000

The proposed operating subsidy is not a new practice, with several established precedence, including the Stan Moses Pavilion Management Group that was established by the Town in 2006 to lease and operate the pavilion. The Town provides an annual subsidy to the management group.

The Bassendean Senior Citizens’ Welfare Association also received a subsidy for a number of years from 2006 to assist with their sustainability as a social body following their near closure.

The Bassendean Men’s Shed Association Inc. has been made aware that the operating subsidy remains conditional on Council approval.

At the conclusion of the lease period, or prior in the event that the Association folds or fails to honour their obligations under the lease, the property transfers to the Town.

The Bassendean Men's Shed Association (Inc.) has submitted a project plan to Lotterywest and is awaiting approval to proceed with a full application for capital funds to build the facility. Securing the Leasehold and along with the Town's demonstrated support to the project have been described by the Lotterywest Commission officers as critical to their deliberations on whether to fund the project.

Included as attachments are the final draft Lease Agreement as negotiated with the Bassendean Men's Shed Association and a Deed Agreement to the "Conditions Precedents" and that, subject to those conditions being met, that the Town will grant and the Association will accept a lease of the premises in the form and in accordance with the terms and conditions of the draft Lease.

Council should be aware that two other Men's Shed bodies exist in the region:

Hanwell Way Men's Shed Group; and
Bayswater Men's Shed Steering Group.

Lotterywest has expressed that only one facility will be supported by them in this region.

The Hanwell Men's Shed Group is a part of the Morley Baptist Church that recently purchased the Hanwell Function and Arts Centre in Hanwell Way, Bassendean. The group has expressed a desire to lease a portion of the arboretum that adjoins the church property to build a facility on that site. The Director Community Development has met with the group and advised them the Town is supporting the Bassendean Men's Shed Association in its endeavors and would not support a competing proposal at a nearby location.

The City of Bayswater has informed the CEO that it intends to continue to pursue establishing a Men's Shed. A public meeting has been held and a steering group has been established. The Officer supporting the project has left the City's employ and the momentum status for the project is not well understood by the Town.

STATUTORY REQUIREMENTS

Local Govt Act 1995

The Land Administration Act permits the vesting of Crown land for the care and use of organisations where there is a public benefit.

FINANCIAL CONSIDERATIONS

As indicated above, the Bassendean Men's Shed Association (Inc.) will under the Lease Agreement be required to meet operational and maintenance costs associated with the building. It is proposed the Town meet the cost of preparing the Lease Agreement.

The annual operating subsidy to the Men's Shed Association will not be required until the financial year in which the Shed commences operations. This is not likely to be until 2017/18, given the anticipated project timeframes to achieve the building. However, should the Men's Shed not be successful in receiving grants monies, the financial period for which any subsidy commences will require to be amended to a later period in the Long Term Financial Plan.

OFFICER RECOMMENDATION — ITEM 10.6

That Council:

1. Authorises the CEO to execute the Deed of Agreement as attached to the October 2015 Ordinary Council Meeting Agenda;
2. Authorises the CEO to have registered easements for access to the Bassendean Men's Shed site over Reserve 49216 and Reserve 49217, being the TADWA and St. John Ambulance Association properties;
3. Delegates authority to the CEO to execute the Lease Agreement, subject to confirmation that the conditions of the Deed have been met;
4. Delegates authority to the CEO to negotiate lease option renewals in line with the covenants in the Lease; and
5. Lists operating subsidy amounts for the Bassendean Men's Shed Association, as defined in the Lease Agreement, in the corresponding year's Budget being:

Year of Operation	Subsidy Allocation
2017/18	\$25,000
2018/19	\$20,000
2019/20	\$15,000
2020/21	\$10,000
2021/22	\$5,000

Voting requirements: Absolute Majority

10.7 Waiver of Fees – Scouts Association of Australia – WA Branch (Ref: COUP/USAGE/9 Tim Clark, Recreation Development Officer)

APPLICATION

The Scouts Association of Australia – WA Branch has written to Council to requested a waiver of fees for the hire of Ashfield Reserve for their ‘Cubilee’ event to be held on Saturday, 7 November 2015.

ATTACHMENTS

Attachment No. 5: Correspondence from Scouts Association of Australia – WA Branch

BACKGROUND

The Scouts Association of Australia – WA Branch is an incorporated not-for-profit organisation whose aim is to encourage the physical, intellectual, emotional, social and spiritual development of young people in WA.

In March 2015, the Recreation Development Officer was approach by a representative of the Scouts WA Branch regarding the possibility of hiring Ashfield Reserve for their annual ‘Cubilee’ event. At this time information was provided to the Scouts outlining the hire process and a hire application form to be completed. The Town received an application form for the hire of Ashfield Reserve in September 2015 along with a letter requesting a waiver of fees which is included as an attachment to this agenda.

STRATEGIC IMPLICATIONS

A waiver of fees such as this presents an example of the Town’s commitment to developing our community and is highlighted in the Town’s strategic plan as listed below:

Social

Goal: To facilitate and provide services to meet changing community requirements and maximize quality of life benefit to community

COMMENT

Options available to Council include waiving none, part or all of the \$385 hire fee.

The Town does not have a specific policy or guidelines for determining whether to waive hire fees for the hire of facilities or reserve in this instance. The Town's Use of Community Facilities policy states:

“Council supports 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.”

There are other policies that may be relevant and may be able to assist in determination for this request. These include:

- Free use for schools during school times
- 50% discount for children/junior groups
- Free use for locally based self help groups
- 10% discount for not-for-profit organisations

In the letter received from the Scouts, it advises that the group received a waiver of fees for hire of the reserve by the City of Cockburn. Enquiries conducted by Officers can confirm that Scouts utilised Koorana Reserve, Warnbro, which is in the City of Rockingham. Further enquiries found that the City of Rockingham did in fact charge the group for use of the reserve and the provision of additional bins.

The event attracts Scouting groups from across the State and it is anticipated that there will be approximately 1,600 youth and 400 adults attend throughout the day.

The Scouts have been provided all documentation regarding the event and Officers have provided the relevant approvals and are comfortable with their organisation and preparation for the day.

Therefore, given the type of group requesting the waiver, the scale (up to 2000 people) of the event and the type of participants attending the Recreation Development Officer will recommend Council support the request for a waiver of fees.

Alternate options for Council's consideration could be a discounted fee, or to impose the full hire fee.

If Council is to waive or grant concessions in relation to any amount of money, an absolute majority is required.

STATUTORY REQUIREMENTS

Section 6.12 (1) (b) of the Local Government Act 1995 states that Council may waive or grant concessions in relation to any amount of money. An absolute majority is required.

FINANCIAL CONSIDERATIONS

By resolving to waive the applicable fee for this hirer, Council will forego a total income of \$385 during the 2015/16 financial year.

A bond of \$500 will be required to be paid and held in Trust for the booking. Any additional costs incurred by the Town for grounds maintenance or rubbish removal that is attributable to the event, will be charged back to the hirer in accordance with standard practice.

OFFICER RECOMMENDATION — ITEM 10.7

That Council provides the Scout Association of Australia – WA Branch a waiver of the \$385 hire fee for the booking of Ashfield Reserve for their 'Cubilee' Event to be held on Saturday, 7 November 2015.

Voting requirements: Absolute Majority

10.8 Consider the Employment of a Strategic Planner (Ref: CORM/POLCY/1- Bob Jarvis, CEO and Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report is to provide a summary of the discussions that occurred at the Workshop held on 13 October 2015 in regards to the employment of a Strategic Planner.

BACKGROUND

At the September 2015 OCM Council resolved:

*“MOVED Cr Bridges, Seconded Cr Gangell, that a Councillors’ Information Workshop be held to discuss the employment of a strategic planner to be employed on a fixed term contract to prepare structure plans for the Town’s railway station precincts, as special control areas that include building heights and design guidelines that incorporate measures to ameliorate the urban heat island effect and provide a mix of unit layouts that suits singles, small families and retiring baby boomers. Priority is to be given to the Bassendean Station precinct and **to consider** funding to come from the windfall saving on the amount budgeted for the oval artesian bore; and an amendment be made in the 2015-2016 Budget to facilitate the required funding.”*

STRATEGIC IMPLICATIONS

LEADERSHIP AND GOVERNANCE

STAFF COMMENT

In relation to the employment of Staff, Council is required to ensure that there is an appropriate structure for administering the local government.

At the workshop, it was suggested that the Town establish the “scope of works” of the strategic planning for the Town and seek quotes from suitably qualified persons/organisations, to undertake the work.

The scope of works is likely to include:

- Activity Centre Structure Plans for the Bassendean and Ashfield Activity Centres;
- The preparation of Local Development Plans (formerly Detailed Area Plans);

- A review of the open space strategy to identify what additional/upgrades to open space are required to accommodate higher densities;
- The development of the Neighbourhood Community Redevelopment Implementation Plans and funding mechanisms;
- The preparation of a Movement and Access Strategy;
- A review of the Rights-of-way Strategy; and
- The preparation of design guidelines.

It was further suggested that an amount of \$15,000 be allocated for the appointment of a consultant and that funds be provided from the savings relating to the installation of the Bassendean Oval bore.

STATUTORY REQUIREMENTS

Part 5 of the Local Government Act 1995 refers to the employment of persons by local governments and matters relating to local government employees.

FINANCIAL CONSIDERATIONS

It has been suggested that the funding of the Strategic Planner could be achieved by the savings from the installation of the new bore at the Bassendean Oval. This is a saving for the 2015/16 year and would not fund future costs associated with the employment of a Strategic Planner.

OFFICER RECOMMENDATION – ITEM 10.8

That:

1. Council obtains quotations from suitably qualified persons and/or organisations for the development of the “scope of works” that will be required to be prepared for Council to provide the strategic planning framework for the Town. The scope of works is to identify all plans and policies required to implement the higher densities contained in the adopted Local Planning Strategy, and the likely costs and indicative timeframes to provide the plans and policies;
2. Council allocates an amount of \$15,000 in the 2015/16 Budget for the appointment of a consultant and utilise savings from the installation of the Bassendean Oval Bore;

3. The expenditure be authorised in accordance with Section 6.8 of the Local Government Act; and
4. The 2015/16 be amended accordingly.

Voting Requirements: Absolute Majority

10.9 Integrated Planning and Reporting Framework Strategy (Ref: CORM/POLCY/1- Bob Jarvis, CEO and the Executive Management Team)

APPLICATION

The purpose of the report is for Council to consider conducting a workshop for the adoption a strategy to undertake the development of a new or revised Community Strategic Plan, Corporate Business Plan and Informing Strategies.

BACKGROUND

At a Special Council meeting held on the 5 February 2013, Council (SCM- 03/02/13) resolved that:

1. *Council receives the comments and results from the community survey and workshop undertaken in preparation of the 2013-2023 Community Strategic Plan;*
2. *Council considers the results of the survey in the compilation of the Community Strategic Plan and amends the Strategies within the Community Strategic Plan to reflect the results and comments received by the community; and*
3. *The 2013-2023 Community Strategic Plan be presented to Council prior to being advertised for public comment*

Further, at its OCM of the 26 February 2013, Council resolved to:

Adopt the 2013-2023 Community Strategic Plan, attached to the Ordinary Council Agenda of 26 February 2013; and

2. *In accordance with Section 5.56 of Local Government Act and Administration Regulation 19D, give local, public notice of the adoption of the 2013-2023 Community Strategic Plan.*

STRATEGIC IMPLICATIONS

The review of the Community Strategic Plan and development of the Corporate Business Plan and informing strategies will provide long term plans that must be taken in to consideration in the future development of the Town of Bassendean.

The Town is required to develop the following:

- Community Strategic Plan - (review every 4 years);
- Corporate Business Plan - (reviewed annually);
- Informing Strategies - Asset Management Plans, Workforce Plans and Long term financial plans.

COMMENT

The integrated planning framework is designed to make local governments think long term and strategically will change the way that they develop there annual budgets.

The budget will be premised on the Corporate Business Plan which will incorporate the Asset Management Plan, Workforce Plan and the Long Term Financial Plan and remove the need for budget workshops and prioritising of projects etc, as these would have previously been considered by the community and Council in the development of the required plans.

In conducting the workshop, Officers will prepare a strategy for the next 12 months that will ensure that Council meets its statutory requirements in the development of the community, corporate and long term plans for the Town of Bassendean in the 2016/17 financial year.

The Strategy will provide a proposed timetable and details the various tasks to be undertaken for the 2015/16 and 2016/17 financial year.

The Town of Bassendean has until the 30 June 2017 to complete the Strategic Community Plan and this will require consultation with the community and interested stakeholders. This will also include the gathering of community visions and aspirations, adopting a Corporate Business Plan and developing the informing strategies required to complete the required plans.

STATUTORY REQUIREMENTS

Section 5.56 of the Local Government Act
Regulation 19D, 19DA & 19DB of the Local Government
(Administration) Regulations.

FINANCIAL CONSIDERATIONS

The 2015/16 Budget provides funding for the review of the Community Strategic Plan and Corporate Business Plan to take place. An external consultant will be appointed to facilitate the community consultation.

OFFICER RECOMMENDATION - ITEM 10.9

That Council holds a workshop on Tuesday 17 November 2015 to consider a Strategy for the development of a 2016-2026 Community Strategic Plan.

Voting requirement: Simple majority

10.10 Audit & Risk Management Committee Meeting held on 14 October 2015 (Ref: GOVNCCL/MEET/3, Michael Costarella, Director Corporate Services)

APPLICATION

The purpose of this report is for Council to receive the report on a meeting of the Audit & Risk Management Committee held on 14 October 2015.

ATTACHMENTS

Attachment No. 6: Minutes of the Audit & Risk Management Committee meeting held on 14 October 2015.

COMMENT

The following items were discussed:

Audited Annual Financial Statements for the Year Ended 30 June 2015 (Ref: FINM/AUD/7 – Michael Costarella Director Corporate Services)

APPLICATION

The purpose of this report is to receive the Draft Audited Annual Financial Statements for the year ended 30 June 2015.

2015/16 Opening Surplus Adjustment/Budget Review (Ref: FINM/AUD/1, Ken Lapham - Manager Corporate Services)

APPLICATION

The purpose of this report is to review the opening position of the 2015/16 adopted Budget and propose an amendment to the opening balance in line with the Audited Annual Financial Statements for the 2014/15 financial year.

Class Action For the Recovery of GST on Asset Sales and Income From the Use of Assets (Ref: FINM/AUD/8 – Ken Lapham, Manager Corporate Services)

APPLICATION

The purpose of this report is to receive a report from Genesis Accounting on the update, background and key points in regard to the proposed class action of Australian councils for the recovery of GST on assets.

**Request for a Rate Exemption – Sisters of Saint Joseph
12/6 Calnon Street, Bassendean (Ref:
RAT&VAL/RTPAYMT/2 – Ken Lapham, Manager
Corporate Services)**

APPLICATION

The purpose of this report is to provide Council information to assess whether an exemption from Council Rates could be granted under Section 6.26(2)(d) of the Local Government Act.

**Request for a Rate Concession – Morley Baptist Church
33 Hanwell Way Bassendean (Ref: RAT&VAL/RTPAYMT/2
– Mike Costarella, Director Corporate Services)**

APPLICATION

The purpose of this report is to provide Council information to assess whether a concession from Council Rates could be granted under Section 6.47 of the Local Government Act.

COMMITTEE RECOMMENDATION – ITEM 10.10

That:

1. Council receives the report on a meeting of the Audit and Risk Management Committee held on 14 October 2015;
2. Council receives the audited 2014/15 Annual Financial Statements and Audit Report as attached to the Audit and Risk Management Committee Agenda of the 14 October 2015;
3. Funds of \$118,300 be transferred to the Leave Entitlements Reserve in the 2015/16 financial year Budget;
4. The Surplus be adjusted by \$302,000 to reflect the reduced income in GPP Grants for 2015/16;
5. A report be prepared in relation to capital works projects that were previously excluded from the 2015/16 Budget to be considered as part of the 2015/16 budget review;
6. The 2015/16 Budget be amended accordingly to reflect the changes in Points 3 and 4 of the Committee Recommendation;

7. The information on the recovery Class action on GST be received;
8. Council determines that the Trustees of the Sisters of St. Joseph are eligible for a Rate exemption under Section 6.26(2)(d) of the Local Government Act; and
9. The item relating to the rates concession on 33 Hanwell Way, Bassendean, be deferred pending additional information.

Voting requirement:

Items 1 , 2, 5, 7 & 9 - Simple majority

Items 3, 4, 6 & 8 - Absolute Majority

10.11 Annual Report for the Year Ended 30 June 2015 (Ref: FINM/AUD/7 – Bob Jarvis, Chief Executive Officer)

APPLICATION

The purpose of this report is to:

- Adopt the 2014/15 Annual Report that includes the Annual Financial Statements for the year ended 30 June 2014; and
- Set a date for the General Meeting of the Electors.

ATTACHMENTS

Attachment No. 7: Draft Annual Report

BACKGROUND

The 2014/15 Annual Report has been completed and Council is requested to adopt the document.

The CEO is required to give local public notice of the availability of the report. Additionally, a General Meeting of Electors is to be held within 56 days of the adoption by Council of the Annual Report.

It is suggested that Council holds the General Meeting of Electors on Wednesday, 25 November 2015, commencing at 7.00pm.

RELEVANT LAW

The Local Government Act specifies as follows:

Section 5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain:
 - (a) a report from the mayor or president;
 - (b) a report from the CEO;
 - [(c) (d) deleted]
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
 - (f) the financial report for the financial year;

- g) such information as may be prescribed in relation to the payments made to employees;
- (h) the auditor's report for the financial year;
- (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;
- (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including -
 - (i) the number of complaints recorded in the register of complaints
 - (ii) how the recorded complaints were dealt with;
 - (iii) any other details that the regulations may require; and
- (i) such other information as may be prescribed.

Section 5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

* Absolute majority required.

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

Section 5.55 - Notice of Annual Reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

STRATEGIC IMPLICATIONS

Leadership and Governance

- *We will be accountable and make decisions for the good of the community*
- *Strengthen Council governance and compliance.*

COMMENT

The Annual Report and Financial Statements provides an overview of the activities of the Town of Bassendean and reports on the measures of success in line with the Corporate Business Plan for the 2014/15 year.

The Independent Audit Report provided by the Town's Auditors, Macri & Partners, is included in the Financial Report.

OFFICER RECOMMENDATION – ITEM 10.11

That Council:

1. Accepts the Town of Bassendean's 2014/15 Annual Report for the year ended 30 June 2015; and
2. Holds its General Meeting of Electors on Wednesday, 25 November 2015, in the Bassendean Community Hall commencing at 7.00pm.

Voting requirement:

Pt 1: Absolute majority

Pt 2: Simple majority

10.12 Setting of Ordinary Council and Committee Meeting Dates and Citizenship Ceremonies for 2016 (Ref: GOVN/CCLMEET/1 - CMT & Council Support Officer)

APPLICATION

Council is requested to consider its meeting dates for Council and Committees and endorse Citizenship Ceremony dates for 2016. Council is also requested to adopt the Bassendean River Parks Management Committee's Instrument of Appointment and Delegation.

ATTACHMENTS

Attachment No. 8:

- Draft Bassendean River Parks Management Committee's Instrument of Appointment and Delegation.
- Amended Audit & Risk Management Committee's Instrument of Appointment and Delegation

BACKGROUND

Council adopted its new Committees structure in September 2015 (OCM-9/9/15) and this report requests Council endorsement of the meeting dates for these Committees, together with dates for Council meetings and citizenship ceremonies.

Council is also requested to adopt the draft Bassendean River Parks Management Committee's Instrument of Appointment and Delegation. Council resolved to form this Committee in September 2015. Also included is a revised Audit & Risk Management Committee's Instrument of Appointment and Delegation in order to comply with Part 7 of the Local Government Act 1995.

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

STATUTORY REQUIREMENTS

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

STRATEGIC IMPLICATIONS

Objective

Build a sense of belonging and connectivity in the community.

Strategy

Encourage people of all ages, abilities and backgrounds to actively participate in community life and democratic processes.

COMMENT

Convening Council and Committee meetings is a task of the CEO, and involves the Council Support Officer advertising notices of meetings and circulating agendas, and setting up the venue where the meetings are to be held.

The Local Government Act also requires that Council meetings and meetings of a committee to which the Council has given delegated powers to make and act on decisions, must be open to the public to attend.

All meetings that are required to be open to the public must be advertised in accordance with the Act at least once a year.

It should be noted that further meetings may be held throughout the year, but local public notice is to be given as early as possible of any variations to the adopted schedule of meetings.

One Council meeting is to be held on the fourth Tuesday of the month commencing at 7.00pm, with a Councillor Briefing Session to be held on the same day prior to each Council meeting and commencing at 5.00pm.

It should be noted that an Ordinary Council meeting has not been set for January 2016, as this is a time when officers and elected members are generally on leave.

Also included for adoption are dates for citizenship ceremonies at three-monthly intervals throughout the year. These ceremonies have been scheduled for Australia Day and a Tuesday evening where Council does not have an ordinary meeting.

Council is also requested to extend the term of membership, other than Councillors, of the Local Studies Collection Management Committee for the meeting scheduled to meet on 5 November 2015, as nominations to fill vacancies on Committees will not be finalised in time for this meeting and there are work program deadline requirements. The Councillor vacancy will be endorsed at this Ordinary Council meeting. Anne Brinkworth was previously a member of this Committee.

OFFICER RECOMMENDATION – ITEM 10.12

That Council:

1. Adopts the Bassendean River Parks Management Committee's Instrument of Appointment and Delegation;
2. Adopts the revised Audit and Risk Management Committee's Instrument of Appointment and Delegation;
3. Council extends the term of membership of the Local Studies Collection Management Committee meeting to those members, excluding Councillors, to be held on 5 November 2015;
4. Endorses the following meeting dates for 2016:

Ordinary Council meetings are to be held in the Council Chamber, 48 Perth Road, Bassendean, at 7.00pm on Tuesdays on the following dates:

23 February, 22 March, 26 April, 24 May, 28 June, 26 July, 23 August, 27 September, 25 October, 22 November and 13 December;

Access & Inclusion Committee meetings to be held in the Council Chamber, 48 Old Perth Road, Bassendean, at 10.00am on Wednesdays on the following dates:

9 March, 4 May, 6 July and 7 September;

Audit and Risk Management Committee meetings to be held in the Council Chamber, 48 Old Perth Road, Bassendean at 5.30pm on Wednesdays on the following dates:

9 March, 8 June, 10 August and 12 October;

Bassendean River Parks Management Committee meetings to be held in the Council Chamber, 48 Old Perth Road, Bassendean at 10am on Wednesdays on the following dates:

17 February, 11 May, 17 August and 16 November;

Liveable Town Advisory Committee meetings to be held in the Council Chamber, 48 Old Perth Road, Bassendean at 7.00pm on Tuesdays on the following dates:

9 February, 12 April, 7 June, 9 August, 11 October and 6 December;

Local Emergency Management Committee meetings to be held in the Council Chamber, 48 Old Perth Road, Bassendean at 3.30pm on Wednesdays on the following dates:

3 February, 6 April, 1 June and 4 August;

Local Studies Collection Management Committee meetings to be held in the Council Chamber, 48 Old Perth Road, Bassendean at 9.30am on Thursdays on the following dates:

3 March, 5 May, 5 August and 6 October;

Municipal Heritage Inventory Review Committee meetings to be held at the Town of Bassendean, 48 Old Perth Road, Bassendean, as and when required.

Town Planning Scheme Review Committee meetings to be held at the Town of Bassendean, 48 Old Perth Road, Bassendean, as and when required.

Youth Advisory Council meetings to be held at the Bassendean Youth Service, MacDonald Pavilion, Steel Blue Oval, West Road, Bassendean, at 5.00pm on Fridays on the following dates:

26 February, 29 April, 27 May, 24 June, 29 July, 26 August, 30 September and 25 November;

5. The following dates for Citizenship Ceremonies for 2016:

26 January; 5 April; 5 July and 4 October.

Voting requirement: Absolute majority

10.13 Quarterly Reports for Quarter Ended 30 September 2015
(Ref: FINM/AUD/1 – Bob Jarvis, Chief Executive Officer)

APPLICATION

The purpose of this report is for Council to receive the Quarterly Reports for the period ended 30 September 2015.

ATTACHMENTS

Attachment No. 9: Quarterly Reports

BACKGROUND

Council's Quarterly Report format addresses progress against the CEO's Key Performance Indicators, as well as providing a progress report on budget deliverables, and the 2014-2018 Corporate Business Plan. It should be noted that the KPI's in this report are draft only as the CEO's Performance Appraisal has not been completed (documents currently with the Mayor). However, the contractual KPI's included are from the CEO's Contract and the other KPI's are based on the 2015/16 projected results from the Corporate Business Plan.

As part of the Strategic Plan, several lobbying strategies have been incorporated into the Quarterly Report to provide a continuously updated record of lobbying activities against the plans. The Quarterly Report also provides information on the progress of Cash In Lieu projects and grants applied for and received in each quarter.

STRATEGIC IMPLICATIONS

Strengthen Council governance and compliance.

OFFICER RECOMMENDATION – ITEM 10.13

That Council receives the Quarterly Reports for the quarter ended 30 September 2015.

Voting requirements: Simple majority

10.14 Appointment of Delegates & Representatives to Council Committees & External Organisations (Ref: GOVN/CCLMEET – Yvonne Zaffino, Council Support Officer)

APPLICATION

Councillors are requested to consider nominating as delegates and representatives on internal and external committees and organisations for a two year period, expiring on the next ordinary Local Government election day, unless otherwise indicated.

COMMENT

In accordance with Council Policy, appointments to Committees are for a period of two years. Where a Councillor is to be appointed to a committee or to an external body and there are more nominations than vacancies, the CEO is to conduct a secret ballot using the first past the post system to establish the preferred delegate or delegates to fill the position. In the event of a tied vote for a position, lots will be drawn by the CEO to determine the preferred delegate.

Council is to endorse the preferred delegate/s to be appointed to the vacant position/s and for the next preferred delegate to be appointed the deputy for the position to carry out the duties of the appointed Councillor in his or her absence when required.

It should be noted that in September 2015, Council resolved to disband the following Committees:

Children and Family Services Committee
Cultural Development Advisory Committee
Economic Development Advisory Committee

Council also resolved that the Liveable Town Advisory Committee is empowered to establish working groups and that these groups below shall report to the Liveable Town Advisory Committee.

The following table shows the number of delegates and deputy delegates required for each organisation.

External Committees/Organisations

Committee	Member(s)	Deputy	Meeting Details
WALGA — East Metropolitan Zone	2 members	1 member	Bi-monthly, fourth Thursday, 6.00pm
<i>It should be noted that the CEO is the third member on the WALGA Eastern Metropolitan Zone who is a voting member.</i>			
WALGA — Annual General Meeting	2 members	1 member	Annually
Eastern Metropolitan Regional Council	2 members	1 member	Bi-monthly, third Thursday, 6.00pm (plus additional meetings if required on alternate months)
Eastern Districts Planning Advisory Committee	1 member	1 member	Meetings are held as and when required by the WAPC.
Perth Airports Municipalities Group	1 member	1 member	Quarterly, third Thursday, 6.00pm
Swan River Trust	1 member	1 member	As required. Council's delegate is allowed to attend meetings of the Swan River Trust and speak on applications that affect the Town of Bassendean.
Swan River Trust Swan River Trust — Interagency Foreshore Working Group	2 members	1 member	As required.

In the event that a delegate is unable to attend a meeting of an external body, then the Mayor then the Deputy Mayor and other Councillors in order of length of service, is to be appointed to become deputies to Committees in the absence of the first and second deputies. Where two Councillors have the same length of service then the order shall be by alphabetical listing.

Development Assessment Panels

Appointments to the Metropolitan Central Joint Development Assessment Panel are made by the Minister for Planning and expire on 26 April 2017 and also when a current Councillor is not re-elected. Council's representative was Jennie Carter who was not re-elected and therefore it is necessary to appoint a Councillor to this vacancy.

Currently, Council's members are:

Member 1: Cr Pule
Member 2: Vacant

Deputy Member 1: Cr Gangell
Deputy Member 2: Cr Bridges

It is open for one of the Deputy Members to nominate for the position of Member, in which case it would be necessary to fill the Deputy membership vacated by that person.

The following table shows the number of members and deputies required and the role of each Committee/Group of Council:

Committee	Member(s)	Deputy	Role of Committee/Group	Meeting Details
Audit & Risk Management Committee	3 members	1 member	This Committee assists Council in carrying out its audit functions under the Local Government Act and advises Council on significant risk management issues related to the Town.	Council Chamber, 48 Old Perth Road, Bassendean, held quarterly at 5.30pm on a Wednesday
Bassendean Activity Centre Project Steering Group	3 members		This Steering Group is to ensure that the Activity Centre project runs smoothly; Considers opportunities for stakeholder involvement and to increase public awareness of the project; Identifies and consider land to be removed or included or in the project; Makes recommendation to the Town as to what portions of Town Centre 2 and the interface area should be made available for development/treated; and Guides the community consultation process.	Council Chamber, 48 Old Perth Road, Bassendean, as and when required.
Bassendean River Parks Management Committee	2 members	1 member	The objectives of the Committee are to make recommendations to Council regarding the following: 1. The management of the Bassendean River foreshore and catchment; 2. Preparing a management plan for the Ashfield Flats Reserve; and 3. Consider only matters pertaining to Bassendean River Parks which are referred to the Committee at Council's discretion.	Council Chamber, 48 Old Perth Road, Bassendean held quarterly at 10am on Wednesdays.
Disability Access & Inclusion Committee	1 member	1 member	This Committee advises Council on issues relating to people with disabilities including the improvement of access to Council services, programs and facilities, and monitors the implementation of the Town's Disability Services Plan.	Council Chamber, 48 Old Perth Road, Bassendean, held quarterly at 10.00am on Wednesdays.

Liveable Town Advisory Committee	3 members	1 member	To advise Council on current trends and issues relating to services for children, young people, seniors, and families, and to recommend strategies and policies to address the changing environment for current and future residents in the Town.	Council Chamber, 48 Old Perth Road, Bassendean held bi-monthly at 7.00pm on Tuesdays.
Local Emergency Management Committee	2 members	1 member	This Committee's role is to: - Advise and assist the Town of Bassendean in ensuring that local emergency management arrangements are established for the Town; - Liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and - Carry out other emergency management arrangement activities as directed by the SEMC or prescribed by the regulations.	Council Chamber, 48 Old Perth Road, Bassendean, held quarterly at 3.30pm on Wednesdays.
Local Studies Collection Management Committee	1 member	1 member	This Committee manages the Local Studies Collection for and on behalf of the Council	Council Chamber, 48 Old Perth Road, Bassendean, held quarterly at 9.30am on Thursdays.
Municipal Heritage Inventory Committee	3 members	1 member	This Committee makes recommendations to enable Council to complete the review of the Bassendean Municipal Heritage Inventory. Assists the Manager Development Services in managing the Municipal Inventory project. Reviews the work of the consultant, including: a) recommended places to be considered; b) review consultant recommendations for inclusion or deletion from the Municipal Inventory; and c) review consultant research and documentation. Assists the consultation with local information and resource material; and Assists the consultant in liaising with property owners or community representatives, if required.	Council Chamber, 48 Old Perth Road, Bassendean as and when required.

Town Planning Scheme Review Committee	All Councillors	<p>This Committee makes recommendations to Council on the partial review of the Local Planning Scheme No. 10 and in particular:</p> <ul style="list-style-type: none"> - A review of all residential densities under the Local Planning Scheme No. 10; and - A review of the area zoned Town Centre under the Local Planning Scheme No. 10 including the desirability of extending the Town Centre zoning to the east to Rosetta Street and to the west to Palmerston Street. 	Council Chamber, 48 Old Perth Road, Bassendean on Tuesday evenings as and when required.
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OFFICER RECOMMENDATION – ITEM 10.14

That Council appoints:

1. The following Councillors to be Members and Deputy Members to the following external Committees for the 2015/17 term:

Committee	Member(s)	Deputy/Deputies
WALGA — East Metropolitan Zone — Annual General Meeting	Cr _____ Cr _____ Cr _____ Cr _____	Cr _____ Cr _____
Eastern Metropolitan Regional Council (EMRC)	Cr _____ Cr _____	Cr _____
Eastern Districts Planning Advisory Committee	Cr _____	Cr _____
Perth Airports Municipalities Group (PAMG)	Cr _____	Cr _____
Swan River Trust	Cr _____	Cr _____
Swan River Trust - Interagency Foreshore Working Group	Cr _____ Cr _____	Cr _____

2. The following Councillors to be Members and Deputy Members of the following Committees of Council for the 2015/17 term:

Committee	Member(s)	Deputy
Audit & Risk Management Committee	Cr _____ Cr _____ Cr _____	Cr _____
Bassendean Activity Centre Project Steering Group	Cr _____ Cr _____ Cr _____	
Bassendean River Parks Management Committee	Cr _____ Cr _____	Cr _____
Disability Access & Inclusion Committee	Cr _____	Cr _____
Liveable Town Advisory Committee	Cr _____ Cr _____ Cr _____	Cr _____
Local Emergency Management Committee	Cr _____ Cr _____	Cr _____
Local Studies Collection Management Committee	Cr _____	Cr _____
Municipal Heritage Inventory Committee	Cr _____ Cr _____ Cr _____	Cr _____

3. Cr _____ as a member of the Metropolitan Central Joint Development Assessment Panel.

**Voting Requirement: Points 1 and 2 - Absolute majority
Points 3 – Simple majority**

10.15 Review of Delegation to a Committee (Ref: GOVN/CCLMEET/6 – Sue Perkins, Executive Assistant)

APPLICATION

The purpose of this report is for Council to review the current delegation made to a Committee under the Local Government Act 1995.

It is a requirement of Section 5.18 of the Local Government Act 1995 that the delegations made by the Council to Committees are reviewed at least once every financial year.

Currently, Council delegates limited powers to just one committee.

BACKGROUND

Pursuant to the Local Government Act, the Council has the power to delegate to the CEO (Section 5.42) or to a committee of Council (Section 5.16) as long as that committee is not exclusively comprised of community members.

Council may, from time-to-time as it deems necessary or expedient, delegate to a committee comprising Councillors and/or staff by an absolute majority decision any of its powers, duties and functions as it thinks fit within certain limitations. Where a committee has Councillor and/or staff and community members the delegation is limited to the management of local government property or an event.

Delegations are to be in writing and a register of delegations is to be kept by the CEO.

Limitations of delegation to a Committee

- Any power requiring an absolute or special majority;
- Any powers that are prescribed; and
- Any powers to a committee comprised only of community members.

There is a requirement under the Local Government Act 1995 that all delegations made under the Act must be reviewed at least once each financial year.

STRATEGIC IMPLICATIONS

Objective:

Strengthen Council governance and compliance

Strategy:

Review governance processes

Objective:

Improve capability and capacity

Strategy:

Monitor and enhance organisational performance and service delivery

COMMENT

Pursuant to the Local Government Act, the Council has the power to delegate to a committee of Council (section 5.16) as long as that committee is not exclusively comprised of community members.

The delegated power for the Committee is listed in the Council adopted Instrument of Appointment and Delegation and is shown in the recommendation below.

Council's options are to amend the officer recommendation to provide for less delegated authority or for more delegated authority.

Should Council desire to delegate more authority, then a further report would be required to recommend to Council which areas can be further delegated.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

Nil.

OFFICER RECOMMENDATION – ITEM 10.15

That Council, having reviewed the delegation currently in place, delegates to the Committee of Council listed in the table below the following delegation:

Delegation No	Committee	Delegation
9.3	Local Studies Collection Management Committee	The Management Committee shall be responsible for the management, operation and policy of the Collection. The designated officer shall submit a financial report to each ordinary meeting of the Committee. Minutes of the meeting shall be considered by Council with copies provided to the Bassendean Historical Society (Inc)

Voting Requirement: Absolute majority

10.16 Review of Delegations to the Chief Executive Officer & Other Officers (Ref: GOVN/CCLMEET/6 – Sue Perkins, Executive Assistant)

APPLICATION

The purpose of this report is for Council to review the delegations made to the Chief Executive Officer and to other officers under the Local Government Act 1995 or other Acts.

It is a statutory requirement that the exercise of powers and discharge of duties delegated by the Council be reviewed annually.

BACKGROUND

Pursuant to the Local Government Act 1995, the Council has the power to delegate to the CEO (Section 5.42).

Council can delegate to the CEO, by an absolute majority resolution, the exercise of any of its powers or the discharge of any of its duties from time-to-time and in such manner as the Council determines, excepting certain limitations as outlined below. The CEO has the power to on-delegate to other staff members.

Delegations are to be in writing and a register of delegations is to be kept by the CEO.

Limitations to delegating to the CEO under the Local Government Act 1995

A local government cannot delegate to a CEO any of the following powers or duties:

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;

- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

There is a requirement under the Act that all delegations made must be reviewed each financial year. The opportunity is also taken to review all other delegations to officers provided under alternative legislation.

ACTS AND SUBSIDIARY ACTS IN FORCE

Building Act 2011
Building Regulations 2012
Cat Act 2011
Cat Regulations 2012
Caravan Parks and Camping Grounds Regulations 1997
Dog Act 1976
Dog Regulations 2013
Environmental Protection Act 1986
Environmental Protection (Unauthorised Discharges) Regulations 2004
Environmental Protection (Noise) Regulations 1997
Food Act 2008
Food Regulations 2009
Health Act 1911
Health (Asbestos) Regulations 1992
Health (Air-handling and Water Systems) Regulations 1994
Health (Aquatic Facilities) Regulations 2007
Health (Cloth Materials) Regulations 1985
Health (Garden Soil) Regulations 1998
Health (Offensive Trades Fees) Regulations 1976
Health (Pesticides) Regulations 2011
Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974
Health (Public Buildings) Regulations 1992
Health (Skin Penetration Procedure) Regulations 1998
Health Act (Carbon Monoxide) Regulations 1975
Health Act (Laundries and Bathrooms) Regulations
Health Act (Local Authorities Sewerage Undertakings) Model By-laws
Health Act (Underground Water Supply) Regulations 1959
Sewerage (Lighting, Ventilation and Construction) Regulations 1971
Liquor Licensing Act 1988
Local Government (Miscellaneous Provisions) Act 1960

Local Government Act 1995
Planning and Development Act 2005
Regulations made under the Health Act 1911
Strata Titles Act 1985
Tobacco Products Control Act 2006
Tobacco Products Control Regulations 2006

COMMENT

Delegation of powers from Council to officers or a committee enables decisions to be made in a shorter timeframe. Legislation ensures that staff will be held accountable for any decisions made.

There is a saving of staff time in terms of report writing when delegations are used in preference to Council decision-making.

Delegations are also an effective means of implementing Council policy.

Council's options are to reconfirm the existing delegations at this point in time or amend the officer recommendation to provide for less delegated authority or for more delegated authority.

The Local Government Act 1995 allows Council to delegate to the CEO only and not to other officers, unless the delegation is covered by another Act such as the Health Act 1911, or the Local Government (Miscellaneous Provisions) Act 1960. The CEO is able to on-delegate any items under the Local Government Act 1995 to other officers.

The delegations in essence allow determinations such as planning decisions, building decisions and administration of the Health Act, etc, to be made in accordance with Council's policies.

The current delegations are working effectively.

However, it has been necessary to amend the power to determine applications for development approval to take account of the Planning and Development (Local Planning Schemes) Regulations 2015. In addition the source of the power to delegate some of the planning powers has been amended to the Local Government Act.

A new delegation has been added to the Heath Section relating to Section 11 of the Caravan Parks and Camping Grounds Regulations 1997, which is the legislation used to control persons camping in backyards, caravans on verges, etc.

OFFICER RECOMMENDATION – ITEM 10.16

That, having reviewed the delegations currently in place:

1. That Council delegates to the Chief Executive Officer:

No	Title	Legislative Power	Delegation
ADMINISTRATION			
1.1	Inconsistency with Street Amenity	Local Gov Act 1995, s5.42	The authority to issue notices under Section 3.25 of the Local Government Act 1995 when a property is deemed to be inconsistent with the amenity of the street in accordance with Schedule 3.1, Division 1 of the Act. <i>(Note: This delegation relates to a range of requirements, including containing run-off on private property, house numbering, unsightly appearance of land and storage of disused materials, etc.)</i>
1.2	Failure to comply with a notice	Local Gov Act 1995, s5.42	The authority to exercise the additional powers contained within Section 3.26 of the Local Government Act 1995 when notice is given, where the person to whom the notice is given under Section 3.25, as contained in delegation 1.1, fails to comply.
1.3	Permission to Extend Leased Buildings	Local Gov Act 1995, s5.42	The authority to extend leased buildings in the following circumstances: <ol style="list-style-type: none"> 1. The works comply with the Local Planning Scheme and planning approval; 2. The works do not involve any expenditure to Council unless that expenditure is budgeted; and 3. The value of the asset will not be diminished as a result of the works. <p>Unless otherwise provided for in the lease, the terms shall be increased to take account of the extension.</p>
1.4	Granting of Liquor Licences for Special Occasions	Local Gov Act 1995, s5.42	The authority to deal with applications from clubs seeking approval for liquor licences for special occasions on Council owned or vested land.
1.5	Reimbursement of Travel Expenses	Local Gov Act 1995 & Local Government Administration Regulations (32)	The authority to approve reimbursements of travel expenses in accordance with Section 5.98(2)(b) and (3) of the Local Government Act 1995 and Regulation 32 of the Local Government Administration Regulations.
1.6	Approval of future requests for donations from the WA Special Children's Christmas Party Appeal	Local Gov Act 1995, s5.42	The authority to approve future requests for donations from the WA Special Children's Christmas Party Appeal in liaison with the Mayor.
1.7	Circuses without Exotic Animals	Local Gov Act 1995, s5.42	The authority to approve the hire of a reserve or facility within the Town for the purpose of conducting a circus without exotic animals.

1.8	Unauthorised Signs located within street thoroughfares	Local Gov Act 1995, s5.42	The authority to take legal action to enforce infringement notices issued where proprietors fail to adhere to the Town's instructions to remove unauthorised advertising signs located within thoroughfares, including the impounding of such signs and/or serving of infringement notices where required.
1.9	Donations – Financial Assistance	Local Gov Act 1995, s5.42	The authority to assess and approve donations in accordance with Policy 6.13 – Donations & Financial Assistance - and to refuse applications for donations and financial assistance where they do not meet the requirements set down in this policy.
'ONE-OFF' DELEGATIONS			
2.2	Occupation of Land – State Emergency Service	Local Gov Act 1995, s5.42	The authority to enter into an agreement with the Bassendean State Emergency Service to allow the organisation to occupy portion of the land at Reserve 26417 Scaddan Street.
2.37	Lease & Licence Renewal Sparx Early Learning Centre, Eden Hill	Local Gov Act 1995, s5.42	The authority to: 1. execute the second and third option renewal entitlements for the lease of the Ivanhoe Child Care Centre; and 2. execute the second and third option renewal entitlements for the licence for the use of the Alf Faulkner Hall for Out of School Care.
2.46	Extension of Contract – Old Perth Road Markets Management Agreement	Local Gov Act 1995, s5.42	The authority to award the future options extending the Rotary Club of Swan Valley's contract to run the Old Perth Road Markets on their satisfactorily fulfilling their responsibilities as set out in the Agreement.
2.52	Extension of Contract – Annual Bulk Rubbish Collection	Local Gov Act 1995, s5.42	The authority to exercise the option under the Annual Bulk Rubbish Collection Contract (RFT C0 011 2011-12) to negotiate for a one year extension of the contract beyond the nominal expiry date of 4 November 2016.

2.53	Extension of Contract – Annual Green Waste Collection	Local Gov Act 1995, s5.42	The authority to exercise the option under the Annual Green Waste Contract (RFT CO 012 2011-12) to negotiate for a one year extension of the contract beyond the nominal expiry date of 5 May 2017.
2.61	Extension of Contract – Building & General Electrical Services	Local Gov Act 1995, s5.42	The authority to exercise the option under contract RFT CO 022 2013-14, Building & General Electrical Services, to negotiate for a one year extension of the contract beyond the nominal expiry date of 30 March 2017.
2.64	Telecommunications Facility Feasibility Investigation	Local Gov Act 1995, s5.42	The CEO was delegated the authority to enter into further discussions with Visionstream regarding the feasibility of establishing a new telecommunication infrastructure site on Jubilee Reserve, Mary Crescent Reserve, or any other alternative sites, that can accommodate all carriers and includes some aesthetic treatments to minimise the visual impact.
CORPORATE SERVICES			
3.1	The Power to Make Payments	Local Gov Act 1995 s5.42	The power to make payment from the Municipal Fund, the Trust Fund, the Reserve Fund and any other fund which the Council may operate from time-to-time.
3.2	Special Arrangements for Financial Hardship	Local Gov Act 1995 s5.42, s6.49	The power to enter into special arrangements for the payment of rates and services charges with ratepayers who demonstrate cases of financial hardship.
3.3	Approval of Credit Cards	Local Gov Act 1995, s5.42	The authority to approve the issue of Council credit cards.
3.5	Contracts and Tenders Approval	Local Gov Act 1995 s5.42	The authority to enter into contracts for the supply of goods, services and programs identified within the approved budget up to the value of \$150,000, exclusive of GST, and for the inviting of tenders for the supply of contracts over the value of \$150,000 without further reference to Council, unless expressly identified and itemised by resolution of the Council.
3.6	Disposal of Property Listed in the Annual Budget	Local Gov Act 1995 s5.42	The authority to dispose of local government property listed in the Annual Budget to a value not exceeding \$100,000.
3.8	Local Government Master Lending Agreement	Local Gov Act 1995, s5.42	The authority to sign schedule documents under the Local Government Master Lending Agreement, and to give instructions thereunder on behalf of the Town of Bassendean.
3.9	Investment of Surplus Funds	Local Gov Act 1995, s5.42	The authority to invest surplus funds in accordance with Council's Investment Policy.
PLANNING SERVICES			
4.1	Advice to the Western Australian Planning Commission	Local Gov Act 1995, s5.42	The authority to give advice to the Western Australian Planning Commission on applications to amalgamate and subdivide land under S135 of the Planning & Development Act 2005, provided the advice is consistent with the requirements of Local Planning Scheme No. 10.
4.4	Delegation of Powers under Local Planning Scheme No 10	Planning and Development (Local Planning Schemes) Regulations 2015	1. The power to determine applications under Clause 68.(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, with the exception of the following classes of development: a) Where, in the opinion of the Chief Executive Officer, the proposal involves a major commercial or residential development, which in the opinion of the delegate is likely to have a significant effect on the Town or on local amenity;

			<p>b) Where, in the opinion of the Chief Executive Officer, the proposal represents a significant departure from the Local Planning Scheme, the Residential Design Codes or Local Planning Policies and nevertheless, the Chief Executive Officer, if he was to decide, the matter would grant approval;</p> <p>c) Where, in the opinion of the Chief Executive Officer, the proposal involves the modification of Restrictive Covenants where there are valid objections on planning grounds; and</p> <p>d) The proposal has been subjected to neighbour or community consultation and has attracted objections which, in the opinion of the Chief Executive Officer, should not be resolved by Officers.</p> <p>2 The authority to prepare responses to the State Administrative Tribunal for appeals lodged against Council's decisions and notices, and decisions issued under delegated authority, and responses be circulated to Councillors for information.</p> <p>The CEO has on-delegated these powers to the Town Planner (Manager Development Services), subject to all applications for approval to commence development being presented to the Development Control Unit in order to provide professional advice and information to the Town Planner (Manager Development Services) under clause 68.(2) of the Planning and Development (Local Planning Schemes) Regulations 2015</p>
4.5	Power to make comment on Department of Housing & Works' Planning Proposals	Local Gov Act 1995, s5.42	The power to make comments to the Department of Housing & Works on public housing proposals, subject to Council being advised of such applications upon lodgement.
4.6	Dealing with requests from owners of land to pay in lieu of setting aside land for open space onsite (Cash-in-lieu payments)	Local Gov Act 1995, s5.42	<p>The authority to deal with requests from landowners to pay in lieu of setting aside land for open space under section 153 of the Planning and Development Act 2005, provided that:</p> <ol style="list-style-type: none"> 1. It would be inappropriate, in his opinion for the open space to be provided on site; 2. The request is not made in an area to be considered deficient in open space; 3. The owner pays to the Town of Bassendean the value of providing the open space onsite; and 4. All money received is to be paid into a separate cash-in-lieu fund and to be reported to Council through the quarterly report.
BUILDING SERVICES			
5.1	Strata Titles	Strata Titles Act 1985	The authority to endorse 'Built Strata' and 'Vacant Lot Strata' documentation in accordance with the Strata Titles Act 1985.
5.16	Appoint authorised persons for the purposes of the Building Act 2011	Building Act 2011, s96	The authority to designate authorised persons in accordance with Section 96 of the Building Act 2011.
5.17	Issue Building Orders in relation to building work, demolition work and/or an existing building or structure	Building Act 2011, s110	The authority to issue Building Orders in accordance with Section 110 of the Building Act 2011.
5.18	Withdraw Building Orders in relation to building work, demolition work and/or an existing building or structure	Building Act 2011, s117	The authority to revoke Building Orders in accordance with Section 117 of the Building Act 2011.

5.20	Prosecution for Offences committed under the Building Act 2011	Building Act 2011, s133(1)	The authority to commence prosecution for offences committed under the Building Act 2011.
HEALTH SERVICES			
6.1	Functions under the Health Act 1911 (As amended)	Health Act 1911 (As amended)	Delegates to the Chief Executive Officer, or the person acting in that position, as its deputies, for the purposes of discharging its functions under the Health Act 1911 (As amended).
6.3	Authorised Officers under section 11 of the Caravan Parks and Camping Grounds Regulations 1997	Local Gov Act 1995, s5.42	Delegates to the Chief Executive Officer the power to issue a written approval for a person(s) to camp on land for a period of longer than 3 nights but less than 3 months in any period of 12 months.
RANGER SERVICES			
7.1	Powers Under the Dog Act 1976	Dog Act 1976 Dog Regulations 2013	The authority to exercise any of the powers of the Council or discharge any of its duties under the Dog Act 1976, Dog Regulations 2013, and the Dogs' Local Law.
7.2	Applications to keep more than two dogs on a property	Dog Act 1976	The authority to approve or refuse applications to keep more than two dogs on a property in accordance with Section 26(3) of the Dog Act 1976.
7.3	Powers Under the Cat Act 2011	Cat Act 2011 & Cat (Uniform Provisions) Regulations 2013	The authority to exercise any of the powers of the Council or discharge any of its duties under the Cat Act 2011 and the Cat (Uniform Local Provisions) Regulations 2013
LOCAL LAWS			
8.1	Powers under the Local Laws	Local Gov Act 1995, s5.42	<p>The authority to exercise any of the powers of the Council or discharge any of its duties in connection with the following local laws made under the Local Government Act 1995, the Health Act 1911 (As amended) the Dog Act 1976 and the Cat Act 2011:</p> <ul style="list-style-type: none"> * Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010; * Bee Keeping Local Law 2001; * Dogs Local Law 2001; * Fencing Local Law 2013; * Health Local Law 2001; * Parking and Parking Facilities Local Law 2010; * Property Local Law 2001; and * Responsible Cat Ownership Local Law 2005. <p>The CEO has on-delegated the authority to exercise any of the powers of the Council or discharge any of its duties in connection with the above local laws made under the Local Government Act 1995, the Health Act 1911 (As amended), the Dog Act 1976 and the Cat Act 2011 to certain officers.</p>
MAYORAL DELEGATIONS			
13.1	Speaking on Behalf of the Council	Local Gov Act 1995, s5.41(f)	The authority to speak on and represent the view of the Council of the Town of Bassendean to the media and other third parties when the Mayor is not available.

2. That Council delegates to the Mayor and Chief Executive Officer:

1.10	Use of the Common Seal	Local Gov Act 1995, s5.42	The responsibility of affixing the Common Seal to documents requiring signing and sealing, and reports the exercise of that delegation to the next available Ordinary Meeting of the Council.
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3. That Council delegates to the Principal Building Surveyor:

No	Title	Legislative Power	Delegation
5.5	Compliances of Privately Owned Swimming Pools	Local Government (Miscellaneous Provisions) Act 1960 (s245A)	The authority to act as an officer appointed pursuant to section 245A of the Local Government (Miscellaneous Provisions) Act 1960 with respect to the compliance of privately owned swimming pools.
5.11	Approve or Refuse Building Permits	Building Act 2011, s20	The authority to approve or refuse applications for Building Approval Certificates in accordance with Section 20 of the Building Act 2011.
5.12	Approve or Refuse Demolition Permits	Building Act 2011, s21	The authority to approve or refuse applications for Demolition Permits in accordance with Section 21 of the Building Act 2011.
5.13	Refuse Building or Demolition Permits where there appears to be an error in the documents or information provided in the applications	Building Act 2011, s22	The authority to refuse applications for Building Permits or Demolition Permits in accordance with Section 22 of the Building Act 2011.
5.14	Approve, modify or refuse Occupancy Permits or Building Approval Certificates	Building Act 2011, s58	The authority to approve, modify or refuse Occupancy Permits or Building Approval Certificates in accordance with Section 58 of the Building Act 2011.
5.15	Approve or refuse an application to extend the validity of an occupancy permit or building approval certificate	Building Act 2011, s65	The authority to approve or refuse an application to extend the validity of an occupancy permit or building approval certificate in accordance with Section 65 of the Building Act 2011.
5.17	Issue Building Orders in relation to building work, demolition work and/or an existing building or structure	Building Act 2011, s110	The authority to issue Building Orders in accordance with Section 110 of the Building Act 2011.
5.18	Withdraw Building Orders in relation to building work, demolition work and/or an existing building or structure	Building Act 2011, s117	The authority to revoke Building Orders in accordance with Section 117 of the Building Act 2011.
5.19	Approval/Refusal to store materials on a verge	Building Regulations 2012, Reg 64	The authority to approve or refuse applications to store materials on a verge in accordance with Regulation 64 of the Building Regulations 2012.

4. That, pursuant to the provisions of Section 26 of the Health Act 1911 (as amended), Council:

No	Title	Legislative Power	Delegation
6.1	Functions under the Health Act 1911 (As amended)	Health Act 1911 (As amended)	Delegates to the Senior Environmental Health Officer, or the person acting in that position, as its deputies, for the purposes of discharging its functions under the Health Act 1911 (as amended).

5. That, pursuant to the provisions of Section 122 of Division 3 of the Food Act 2008, Council:

No	Title	Legislative Power	Delegation
6.2	Authorised Officers under the Food Act 2008	Food Act 2008, Division 3, Section 122	<ol style="list-style-type: none"> 1. Appoints the Senior Environmental Health Officer employed with the Town as an 'Authorised Officer' for the purposes of the Food Act 2008 under provisions of Sections 38 and 122(b); 2. Appoints the Town's food safety risk assessment contractor as an 'Authorised Officer' under provisions of Section 122(a) of the Food Act 2008, subject to the limitation that such officer cannot undertake any enforcement activity under the Food Act 2008 on behalf of the Town, except for the issuing of an 'improvement notice'; 3. Designates the Town's 'Authorised Officers' to be 'designated officers' for the purposes of issuing 'infringement notices' under provisions of Section 126(2) and (3) of the Food Act 2008; 4. Delegates the authority to the Senior Environmental Health Officer/Authorised Officer to issue 'prohibition notices' and instigate prosecutions under the Food Act 2008; 5. Designates the Chief Executive Officer responsible for authorised officers, to be a 'designated officer' to extend and revoke 'infringement notices' under provisions of Section 126(6) and (7) of the Food Act 2008; and 6. Designates the Chief Executive Officer as the 'designated officer' to receive payment from 'infringement notices' under provisions of Section 126(3) and (13).

6. That Council notes the following exercises of delegated authority:

No	Title	Legislative Power	Delegation
10.138	Notice under s179 of the Health Act 1911 (as amended) – 25 Old Perth Road, Bassendean	Health Act 1911 (As amended)	The Senior Environmental Health Officer exercised his delegated authority on 6 November 2014 when he issued a Closure Notice under Section 179 of the Health Act 1911 (as amended). The closure notice was served upon the proprietors of the Bassendean Hotel, Mr Stefano Rossi and Mr Vincent Lee. The Bassendean Hotel is situated at 25 Old Perth Road, Bassendean. The closure notice is limited to the first floor exterior balcony and the ground floor deck beneath the balcony that faces Parker Street following concerns about the structural integrity of the balcony.
10.139	Improvement Notice – 25 Old Perth Road, Bassendean	Food Act 2008	The Senior Environmental Health Officer exercised his delegated authority given under Delegation Number 6.2 - Authorised Officers Under the Food Act 2008 - on 11 November 2014 when an Improvement Notice was issued on the proprietors of the Bassendean Hotel, situated at 25 Old Perth Road, Bassendean. The Improvement Notice requires outstanding works in the kitchen of the restaurant within the hotel to be completed within 60 days.
10.140	Extension of Contract – Provision of Plumbing & Gas Services	Local Gov Act 1995, s5.42	The Chief Executive Officer exercised his delegated authority given under Delegation Number 2.49 - Provision of Plumbing & Gas Services - on 13 November 2014 when he approved a one year extension of contract RFT C0 005 2011-12 beyond the nominal expiry date of 9 March 2015.

10.141	Infringement Notice – Food Premises at Bassendean Shopping Centre, 2 West Road, Bassendean	Food Act 2008	<p>The Senior Environmental Health Officer exercised his delegated authority given under Delegation Number 6.2 - Authorised Officers under the Food Act 2008 - when on 27 November 2014 an infringement notice was served against the proprietor of Bassendean's Snapper, situated at Bassendean Shopping Village, 2 West Road, Bassendean.</p> <p>An infringement notice of \$250 was served following an investigation of a complaint received by Council. The complaint alleged that a blood stained fingerprint was found on the wrapping of a take-away meal.</p> <p>The offence:</p> <ol style="list-style-type: none"> 1. Contravention of Standard 3.2.2, Clause 15 (1) (a) of the Food Standards Code – a food handler must when engaging in any food handling operation take all practicable measures to ensure his or her body, anything from his or her body, does not contaminate food or surface likely to come into contact with food.
10.142	Approval to keep three dogs at 8c Mary Crescent, Eden Hill	Dog Act 1976	The Chief Executive Officer exercised his delegated authority on 19 December 2014 when he approved an application to keep three dogs at 8c Mary Crescent, Eden Hill, in accordance with Section 26 (3) of the Dog Act 1976.
10.143	Approval to keep three dogs at 19 North Road, Bassendean	Dog Act 1976	The Chief Executive Officer exercised his delegated authority on 11 February 2015 when he approved an application to keep three dogs at 19 North Road, Bassendean, in accordance with Section 26 (3) of the Dog Act 1976.
10.144	Improvement Notice – 4/15 Dyer Road, Bassendean	Food Act 2008	The Senior Environmental Health Officer exercised his delegated authority given under Delegation Number 6.2 - Authorised Officers Under the Food Act 2008 - on 29 April 2015 when an Improvement Notice was issued on the proprietors of Hong Tai (Food Premises) situated at 4/15 Dyer Road, Bassendean. The Improvement Notice requires cleaning items to be completed by 29 May 2015.
10.145	Extension of Contract – Refuse Collection & Litter Bin Cleaning Services	Local Gov Act 1995, s5.42	The Chief Executive Officer exercised his delegated authority given under Delegation Number 2.34, Refuse Collection & Litter Bin Cleaning (RFT CC087-088 2009-10), on 28 April 2015 when he approved a one year extension of the contract beyond the nominal expiry date of 30 June 2015.
10.146	Improvement Notice – Pasta Cup Bassendean Village Shopping Centre	Food Act 2008	The Senior Environmental Health Officer exercised his delegated authority given under Delegation Number 6.2, Authorised Officers Under the Food Act 2008, on 19 May 2015 when an Improvement Notice was issued on the proprietors of Pasta Cup Bassendean, situated at the Bassendean Village Shopping Centre. The Improvement Notice requires outstanding fit-out issues at the premises to be completed by 9 June 2015.
10.147	Improvement Notice – 71 Old Perth Road, Bassendean	Food Act 2008	The Authorised Officer exercised her delegated authority given under Delegation Number 6.2 (2), Authorised Officers Under the Food Act 2008, on 20 May 2015 when an Improvement Notice was issued on the proprietors of the Bassendean Mini Mart, 71 Old Perth Road, Bassendean. The Improvement Notice requires cleaning issues at the premises to be completed by 2 June 2015.
10.148	Extension of Contract – Provision of Street Sweeping Services	Local Gov Act 1995, s5.42	The Chief Executive Officer exercised his delegated authority given under Delegation Number 2.54 - Provision of Street Sweeping Services - on 2 July 2015 when he approved a one year extension of contract RFT CO 013 2011-12 beyond the nominal expiry date of 30 August 2015.

10.149	Permission to extend leased building – 1 May Holman Drive, Bassendean	Local Gov Act 1995, s5.42	The CEO exercised his delegated authority given under Delegation Number 1.3, Permission to Extend Leased Buildings, on 26 August 2015, when he approved the erection of photovoltaic cells on the roof structure at Swan Location 14073; 1 May Holman Drive, Bassendean, for the Maltese Association of WA.
10.150	Extension of Contract – Provision of Powerline Tree Pruning Services	Local Gov Act 1995, s5.42	The CEO exercised his delegated authority given under Delegation Number 2.50 on 22 September 2015 when he signed a letter extending contract RFT CO 007 2011-12 for a further one year beyond the nominal expiry date of 30 May 2015.
10.151	Extension of Contract – Recycling Collection Services	Local Gov Act 1995, s5.42	The CEO exercised his delegated authority given under Delegation Number 2.33 on 28 April 2015 when he signed a letter extending contract RFT CC087-088 2009-10, Recycling Collection Services, for a further one year beyond the nominal expiry date of 30 June 2015.
10.152	Termination of Management Licence Agreement – Cyril Jackson Recreation Centre	Local Gov Act 1995, s5.42	The CEO exercised his delegated authority given under Delegation Number 2.63 on 29 September 2014 when he signed a letter addressed to the Department of Education advising that Council has resolved to terminate the Licence Agreement for the Management of the Cyril Jackson Recreation Centre as of 30 September 2014.

7. That Council notes that the following delegations are no longer required:

No	Title	Delegation No	Delegation
11.64	Provision of Plumbing & Gas Services	2.49	This delegation is no longer required as the CEO exercised his delegated authority given under Delegation Number 2.49 – Provision of Plumbing & Gas Services – on 13 November 2014 when he approved a one-year extension of contract RFT CO 005 2011-12 beyond the nominal expiry date of 9 March 2015.
11.65	Refuse Collection & Litter Bin Cleaning Services	2.34	This delegation is no longer required as the CEO exercised his delegated authority given under Delegation Number 2.34, Refuse Collection & Litter Bin Cleaning Services, on 28 April 2015 to approve a one year extension of contract RFT CC087/2009-10 beyond the nominal expiry date of 30 June 2015.
11.66	Provision of Street Sweeping Services	2.54	This delegation is no longer required as the CEO exercised his delegated authority given under Delegation Number 2.54, Provision of Street Sweeping Services, on 2 July 2015 when he approved a one year extension of contract RFT CO 013 2011-12 beyond the nominal expiry date of 30 August 2015.
11.67	Provision of Plumbing & Gas Services	2.49	This delegation is no longer required as the CEO exercised his delegated authority given under Delegation Number 2.49 - Provision of Plumbing & Gas Services - on 13 November 2014 when he approved a one year extension of contract RFT CO 005 2011-12 beyond the nominal expiry date of 9 March 2015.
11.68	Provision of Power-line Tree Pruning Services	2.50	This delegation is no longer required as the CEO exercised his delegated authority given under Delegation Number 2.50, Provision of Powerline Tree Pruning Services, Contract RFT CO 007 2011-12, on 22 September 2015 when he approved a one year extension of the contract beyond the nominal expiry date of 30 May 2015.
11.69	Provision of Street Sweeping Services	2.54	This delegation is no longer required as the CEO exercised his delegated authority given under Delegation Number 2.54, Provision of Street Sweeping Services, on 2 July 2015 when he approved a one year extension of contract RFT CO 013 2011-12 beyond the nominal

			expiry date of 30 August 2015.
11.70	Extension of Contract - Security Monitoring & Maintenance of Security Equipment	2.51	This delegation is no longer required as the contract was not extended. A new contract was entered into with Casa Security.
11.71	Extension of Contract - Air-conditioning Maintenance Services	2.44	This delegation is no longer required as the contract was not extended. A new contract was entered into with KD Aire.
11.72	Extension of Contract – Recycling Collection Services	2.33	This delegation is no longer required as the CEO exercised his delegated authority given under Delegation Number 2.33 on 28 April 2015 when he signed a letter extending contract RFT CC087-088 2009-10, Recycling Collection Services, for a further one year beyond the nominal expiry date of 30 June 2015.
11.73	Partnership Agreement – North East RYDE Project	2.62	This delegation is no longer required as the RYDE Partnership Agreement will not be executed over the coming years as the Project Partner, 'Sorcit', has filed for liquidation. The RYDE Program will continued in partnership with the Bassendean Memorial Library and Bassendean Volunteer Centre.
11.74	Termination of Management Licence Agreement – Cyril Jackson Recreation Centre	2.63	This delegation is no longer required as the CEO exercised his delegated authority on 29 September 2014 when he advised the Department of Education that Council has resolved to terminate the Licence Agreement for the Management of the Cyril Jackson Recreation Centre as of 30 September 2014.
11.75	Proposed Additions & Alterations to a Single House at 31 Clarke Way, Bassendean	2.65	This delegation is no longer required as the front courtyard wall was modified to the satisfaction of the Town within the 60 day timeframe specified in the Conditional Approval for the development.
11.76	Extension of Contract – Appointment of Curator/Project Manager, 1 Surrey Street, Bassendean	2.58	This delegation is no longer required as the services of the Curator/Project Manager for 1 Surrey Street, Bassendean, are not required at this stage of the project.

Voting Requirement: Absolute majority

10.17 Bassendean Youth Advisory Council Meetings held on 31 July, 28 August and 25 September 2015 (Ref: GOVN/MEETCCL20 – Ayden Mackenzie – Youth Development Officer)

APPLICATION

The purpose of the report is for Council to receive the minutes of the Youth Advisory Council (YAC) meetings held on 31 July 2015, 28 August 2015 and 25 September 2015.

ATTACHMENTS

Attachment No. 10: Youth Advisory Council Minutes of 31 July, 28 August and 25 September 2015.

BACKGROUND

The Bassendean Youth Advisory Council meets monthly to consider issues of relevance to young people of the Town.

The Bassendean Youth Advisory Council (BYAC) is comprised of up to 6 young people who live, work or recreate in the Town. The BYAC meets monthly at Bassendean Youth Services.

STRATEGIC IMPLICATIONS

Issues discussed at the YAC are in line with the Bassendean 2023 Strategic Community Plan 2013-2023 and the key actions are of inclusiveness, lifelong learning, health and social wellbeing, and the following:

Objective: Build a sense of belonging and connectivity in community.

Strategies: Encourage people of all ages, abilities and backgrounds to actively participate in community life and democratic processes, and support community members to actively volunteer and make a positive contribution to the overall health and well-being of the community.

COMMENT

The Young Advisory Council has discussed Australian Border Protection issues, the Ashley Maddison website, marriage equality, Keen on Halloween and the Gravit8 Youth Festival.

It should be noted that the meeting on 31 July 2015 was counted out due to the lack of a quorum.

STATUTORY REQUIREMENTS

Nil

FINANCIAL CONSIDERATIONS

Nil

OFFICER RECOMMENDATION — ITEM 10.17

That Council receives the report on meetings of the Youth Advisory Council meetings held on 31 July, 28 August and 25 September 2015.

Voting requirements: Simple Majority

10.18 Cultural Development Advisory Committee Meeting held on 30 September 2015 (Ref: GOVN/CCL/MEET/8 - Salvatore Siciliano, Manager Recreation and Culture)

APPLICATION

The purpose of the report is for Council to receive the report on a meeting of the Cultural Development Advisory Committee held on Wednesday 30 September 2015.

ATTACHMENTS

Attachment No. 11: Cultural Development Advisory Committee Minutes of 30 September 2015

BACKGROUND

The Cultural Development Advisory Committee met on Wednesday 30 September 2015 for the last time as a result of the Liveable Town Advisory Committee being formally adopted by Council. The Cultural Development Advisory Committee will now be replaced by a Cultural Development and Arts Working Group. Six Committee members and three staff were in attendance. The Committee received an update on cultural projects.

STRATEGIC IMPLICATIONS

The Cultural Development Advisory Committee meets the following objective of the Bassendean 2023 Strategic Community Plan:

Encourage and support community connections and Strategy:

Provide opportunity and actively encourage community members to participate in community life through artistic and cultural expressions.

COMMENT

Discussion at the meeting focused on the following:

Evaluation of Past Events / Projects

2015 NAIDOC Family Day – Thursday 9 July 2015;
2015 Bassendean Visual Art Awards – 24 September to 30 September 2015;

Australia Day 2016 – Attendance of Cultural Development Officer at the Australia Day National Conference on the Gold; and
Street Art Program – Mural Art Project on Old Perth Road.

Planning on future events / projects

Human Circus Event being staged on Saturday 21 November 2015;
Place making/activation strategy – Random Acts of Vibrancy; and,
Creative Speakeasy Est.2015 networking function for artists and creatives being held on Wednesday 28 October 2015.

Other Cultural Projects

Update on Percent for Art Projects;
Update on 1 Surrey Street – Bassendean Pensioner Guard Cottage; and
Proposed Community Trunk Art Project to be undertaken by the community.

Other items

Cultural Planning and Budget 2015/2016 Update;
Implementation of Liveable Town Advisory Committee; and,
Notice of motion carried that the Town consider an alternative format to the current Australia Day event.

STATUTORY REQUIREMENTS

Local Government Act 1995

FINANCIAL CONSIDERATIONS

Nil

OFFICER RECOMMENDATION – ITEM 10.18

That Council receives the report of the meeting of the Cultural Development Advisory Committee held on Wednesday 30 September 2015.

Voting requirement: Simple Majority

10.19 Children and Family Services Committee Meeting held on 14 October 2015 (Ref: GOVN/CCLMEET/24 – Graeme Haggart, Director Community Development)

APPLICATION

This report is to inform Council on the meeting of the Children and Family Services Committee held on 14 October 2015.

ATTACHMENTS

Attachment No. 12: Minutes of the Children and Family Services Committee Meeting held on 14 October 2015

BACKGROUND

The Children and Family Services Committee meets quarterly on the second (or third) Wednesday in the months of February, May, July and October.

The roles of the Committee have been defined as objectives within the Committee's Instrument of Appointment and Delegation as being:

1. To advise Council on current trends and issues relating to services for children and their families and recommend associated strategies, policies and programs to meet the needs of current and future residents and visitors to the Town of Bassendean.
2. To make recommendations to Council for establishing equality of service provision in terms of services for Children and Families, Seniors and Youths
3. To identify aspirations and needs of families and children within the Town in a community development framework to articulate emerging priorities for provision of services and infrastructure
4. To recommend to Council issues to be considered for inclusion within the Town's strategic plans.
5. To identify facilities which ensure that parents and children have access to quality services that are appropriate to their needs regardless of their family circumstances, linguistic and cultural background, sexual orientation, religious or political conviction, age or any other factor identified in the Equal Opportunity Act of 1984.

Membership of the Committee includes:

- Two Councillors of the Town of Bassendean;
- Up to six resident representatives, including one representing indigenous residents;
- One representative from Health Department;
- One representative from Department of Education and Training
- One Independent Industry Expert.

STRATEGIC IMPLICATIONS

The Children and Family Services Committee:

- Improves the organisations capability and capacity; and
- Supports inclusiveness and social wellbeing of residents of the Town through building a sense of belonging and connectivity in the community by encouraging people of all abilities to actively in community life and democratic process.

COMMENT

At the meeting Committee considered the following items:

1. Launch of the “Opt-in to life (Inc)” organisation to support families living with perinatal mental health conditions, including postnatal depression has been delayed until March 2016.
2. Committee Work Program:
 - a. Committee discussed the progress made with funding strategies to achieve the Regional Playground.

In noting that the public comment period into the 20A Reserve purchase/sale process has now concluded and that accessing cash in lieu funds to achieve the facility design remains unlikely, the Committee recommends Council allocates the \$51,000 required to produce the design to a standard from which the facility can be costed from the known budget savings.

The Committee noted that the cash in lieu funds from the Rangeview Tavern site redevelopment has been received by the Town.

The Committee recommends Council requests the Minister for Planning to allow access to Cash in Lieu funds from that adjoining project be used for the purpose of building a District level playground, path network and associated amenity infrastructure (seating, drink fountain, bins, path lights, and so on) in Mary Crescent Reserve.

The Committee also recommends that Council considers a nature based approach in the design of the district playground in Mary Crescent Reserve.

- b. The Child Health Nurse continues to express anxiety at the level of anti-social behaviours associated with groups of people that loiter near the Clinic. Integrating the service to within a wider function community facility is the contemporary facility model. Alternate locations for the service including within the Bassendean Community Hall and the Bassendean Community and Seniors Centre were discussed.
 - c. The issue of anti-social behaviours associated with “Tweenies” has abated in recent months and seems to correlate with the advent of the new Policing structure that includes Local Policing Teams.
3. The Committee considered a report on the operational highlights within the Wind in the Willows Child Care Centres and of a range of issues/queries relevant to the community representatives.

STATUTORY REQUIREMENTS

Local Government Act 1995.

FINANCIAL CONSIDERATIONS

At this time, while there are anticipated savings on some projects in the current budget, the projects have yet to be completed and so the final amount of savings has yet to be confirmed. Accordingly, it is recommended that the funds required to proceed with the design of the nature based regional playground rather be sourced from within last financial year’s surplus. The Audit and Risk Management Committee recently recommended \$292,000 of the surplus to be used to fund unfunded capital works projects, of which the regional playground design is one.

A request to the Minister for Planning to access Cash In Lieu funds requires a defined sum. Given the Committee is keen to pursue nature based elements within the facility plan, there remains uncertainty as to the amount required. It is therefore proposed that this item be the subject of an officer report to the December meeting, at the latest.

COMMITTEE RECOMMENDATION

That:

1. Council allocates \$51,000 to produce the design to a standard from which the Nature Based Regional Playground facility can be costed from known budget savings;
2. Council requests the Minister of Lands to allow access to part of the Cash in Lieu funds from that adjoining project be used for the purpose of building a District level playground, path network and associated amenity infrastructure (seating, drink fountain, bins, path lights, and so on) in Mary Crescent Reserve;
3. The report on a meeting of the Family and Children Services Committee held on 13 October 2015, be received.

OFFICER RECOMMENDATION – ITEM 10.19

That:

1. Council considers an allocation an amount up to \$51,000 in the 2015/16 Budget to produce the design of a Nature Based Regional Playground facility utilising carried forward unallocated surplus funds from the closing surplus in the 2014/15 financial year;
2. The expenditure be authorised in accordance with Section 6.8 of the Local Government Act;
3. The 2015/16 adopted Budget be amended accordingly; and
4. Council receives an Officer Report by December 2015 on the design and cost of building a district level playground, path network and associated amenity infrastructure (seating, drink fountain, bins, path lights, and so on) in Mary Crescent Reserve in order the project cost can be a request to the Minister for Planning to allow access to part of the Cash in Lieu funds;

5. The report on a meeting of the Family and Children Services Committee held on 14 October 2015, be received.

Voting requirement:

Part 1, 2 and 3 - Absolute Majority

Parts 4 & 5 - Simple majority

**10.20 Determinations Made by the Principal Building Surveyor
Ref: LUAP/PROCED/1 – Kallan Short, Principal Building
Surveyor)**

The Principal Building Surveyor made the following building decisions under Delegated Authority:

Building Applications Determined in the Month of September 2015		
Application No	Property Address	Description
201500109	62 WHITFIELD STREET, BASSENDEAN	CARPORT & GARAGE ADDITION
201500185	31 OLD PERTH ROAD, BASSENDEAN	DRIVE THROUGH COFFEE/SHOP
201500163	14 WALKINGTON WAY, EDEN HILL	PATIO/CARPORT
201500269	13 NURSTEAD AVENUE, BASSENDEAN	SWIMMING POOL
201500263	27 PADBURY WAY, EDEN HILL	PATIO
201500262	49 IVANHOE STREET, BASSENDEAN	DEMOLITION
201500266	83 KATHLEEN STREET, BASSENDEAN	SINGLE STOREY RESIDENCE
201500260	14 ANZAC TERRACE, BASSENDEAN	RETROSPECTIVE DECKING
201500268	13 NURSTEAD AVENUE, BASSENDEAN	SWIMMING POOL FENCE
201500221	102 FIRST AVENUE, BASSENDEAN	2 STOREY APARTMENT COMPLEX (8 UNITS)
201500222	31 CLARKE WAY, BASSENDEAN	ADDITIONS INCLUDING MASTER BED ENSUITE PATIO CARPORT
201500228	22 CHARLBURY WAY, EDEN HILL	SPA & POOL FENCE CHANGES
201500280	10 NURSTEAD AVENUE, BASSENDEAN	SWIMMING POOL
201500283	202 ANZAC TERRACE, BASSENDEAN	SWIMMING POOL
201500247	88 BROADWAY , BASSENDEAN	DEMOLITION
201500246	19 SEVENTH AVENUE, BASSENDEAN	FAMILY ROOM & BEDROOM EXTENSION
201500242	53 FOURTH AVENUE, BASSENDEAN	4 X GROUPED DWELLINGS
201500235	14 WALTER ROAD EAST, BASSENDEAN	DWELLING
201500231	60 MARGARET STREET, ASHFIELD	PATIO AND DECK
201500278	43 ANZAC TERRACE, BASSENDEAN	FENCE
201500272	2 ESTHER STREET, EDEN HILL	GARAGE AND DECK
201500279	1 CHEDWORTH WAY, EDEN HILL	PATIO
201500271	80 SECOND AVENUE, BASSENDEAN	PATIO
201500277	62 CHESTERTON ROAD, BASSENDEAN	PATIO
201500273	8 SURREY STREET, BASSENDEAN	FENCE
201500257	11 CLARKE WAY, BASSENDEAN	FLAT ROOF PATIO
201500253	52 CHESTERTON ROAD, BASSENDEAN	PATIO
201500259	92 IDA STREET, BASSENDEAN	PATIO
201500251	100 HAMILTON STREET, BASSENDEAN	DWELLING
201500255	180 WALTER ROAD EAST, BASSENDEAN	FULL DEMOLITION
201500254	125 OLD PERTH ROAD, BASSENDEAN	DWELLING
201500258	19 SEVENTH AVENUE, BASSENDEAN	ADDDITIONS/ALTERATION

201500250	113 SECOND AVENUE, BASSENDEAN	EXTENSION BEDROOMS & ENSUITE
201500252	44 MALEY STREET, ASHFIELD	DEMOLITION
201500210	190 ANZAC TERRACE, BASSENDEAN	STUDIO

OFFICER RECOMMENDATION – ITEM 10.20

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

Voting requirement: Simple majority

10.21 Determinations Made by Development Services (Ref: LUAP/PROCED/1 – Christian Buttle, Development Services)

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

Applic No	Property Address	Type of Development	Determination
Planning and Subdivision Applications Determined to 16 Oct 2015			
Applications for Planning Approval			
ALF-6	47-71 OLD PERTH ROAD BASSENDEAN 6054	ALFRESCO DINING FACILITY - 'HOLLY RAYE'S'	Delegate Approved
2014-121	1 ANZAC TERRACE BASSENDEAN 6054	GROUPED DWELLING	Delegate Approved
2015-036	87 ANZAC TERRACE BASSENDEAN 6054	THREE GROUPED DWELLINGS	Delegate Approved
2015-094	5 FREELAND WAY EDEN HILL 6054	ADDITIONAL DWELLING TO REAR OF EXISTING TO FORM TWO GROUPED DWELLINGS	Delegate Approved
2015-096	141 FIRST AVENUE EDEN HILL 6054	SINGLE HOUSE	Delegate Approved
2015-103	38 HAMILTON STREET BASSENDEAN 6054	THREE GROUPED DWELLINGS	Delegate Approved
2015-123	155 ANZAC TERRACE BASSENDEAN 6054	HOME BUSINESS - HAIR SALON	Delegate Approved
2015-128	123 WHITFIELD STREET BASSENDEAN 6054	PATIO	Delegate Approved
2015-130	46 BROADWAY BASSENDEAN 6054	ANCILLARY DWELLING	Delegate Approved
2015-138	46 BROADWAY BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	Delegate Approved
2015-141	20 BLACKTHORN ROAD EDEN HILL 6054	CARPOR & PATIO	Delegate Approved
2015-147	60 MARGARET STREET ASHFIELD 6054	DECK & PATIO	Delegate Approved
2015-150	62 CHESTERTON ROAD BASSENDEAN 6054	PATIO	Delegate Approved
2015-152	UNIT 2 1 CHEDWORTH WAY EDEN HILL 6054	PATIOS X 2	Delegate Approved
2015-155	57 ESTHER STREET EDEN HILL 6054	SINGLE HOUSE	Delegate Approved
2015-156	27 WHITFIELD STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	Delegate Approved
2015-161	12 FIRST AVENUE BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	Delegate Approved
2015-164	57 CHESTERTON ROAD BASSENDEAN 6054	SINGLE HOUSE	Delegate Approved

2015-168	43 MCDONALD CRESCENT BASSENDEAN 6054	AMENDMENT TO WAREHOUSE APPLICATION (2014-098)	Delegate Approved
2015-178	UNIT 3 3 COTHILL COURT EDEN HILL 6054	PATIO	Delegate Approved
2015-180	22 PARMELIA WAY BASSENDEAN 6054	CARPORT	Delegate Approved
2015-182	7 WATSON STREET BASSENDEAN 6054	VERANDAH	Delegate Approved
	Subdivision Applications		
992-15	19 WATKINS STREET EDEN HILL 6054	TWO LOT SURVEY STRATA	Statutory Advice
1076-15	38 ELSFIELD WAY BASSENDEAN 6054	TWO LOT SURVEY STRATA	Statutory Advice
1126-15	51 BROADWAY BASSENDEAN 6054	THREE LOT SURVEY STRATA	Statutory Advice
1171-15	38 HAMILTON STREET BASSENDEAN 6054	THREE LOT SURVEY STRATA	Statutory Advice
152398	77 NORTH ROAD BASSENDEAN 6054	TWO LOT SUBDIVISION	Statutory Advice
152405	7 CARNEGIE ROAD BASSENDEAN 6054	TWO LOT SUBDIVISION	Statutory Advice
152578	88 BROADWAY BASSENDEAN 6054	TWO LOT SUBDIVISION	Statutory Advice
152602	5 GARNSWORTHY PLACE BASSENDEAN 6054	TWO LOT SUBDIVISION	Statutory Advice
152705	23 IDA STREET BASSENDEAN 6054	AMALGAMATION	Statutory Advice

OFFICER RECOMMENDATION – ITEM 10.21

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

Voting requirement: Simple majority

10.22 Accounts for Payment – September 2015 (Ref: FINM/CREDTS/4 – Jill Brazil, A/Manager Corporate Services)

APPLICATION

The purpose of this report is for Council to receive the Accounts for payment in accordance with Regulation 13 (3) of the Local Government (Financial Management) Regulations 1996.

ATTACHMENTS

Attachment No. 13: List of Accounts

BACKGROUND

The Monthly payments made for the period 1st August 2015 to 31st August 2015 are presented to Council, with details of payments made by the Town in relation to goods & services received.

STRATEGIC IMPLICATIONS

Leadership and Governance

Improve capability and capacity

- *Ensure Financial sustainability*
- *Monitor and enhance organisational performance and service delivery*

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

FINANCIAL CONSIDERATIONS

All payments are authorised prior to disbursement in accordance with the allocated budgets.

OFFICER RECOMMENDATION - ITEM 10.22

That Council receives the List of Accounts paid for September 2015, as attached to the Ordinary Council Agenda of 27 October 2015.

Voting Requirements: Simple majority

10.23 Financial Statements – September 2015 (Ref: FINM/AUD/1 - Ken Lapham, Manager Corporate Services)

APPLICATION

The purpose of this report is to present to Council various Financial reports in accordance with Local Government Financial Management Regulations.

ATTACHMENTS:

Attachment No. 14:

Financial Statements for the period ended the 30th September 2015. This also includes a statement the provides a comparison with the 2015-2019 Corporate Business Plan (Page 5)

BACKGROUND

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare a monthly statement of financial activity, reporting on the revenue and expenditure as set out in the Annual Budget.

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

In addition to this and in accordance with Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996, each year Council is required to adopt a percentage or value to be used in the reporting of material variances.

For the 2015/16 financial year the amount is \$5,000 or 10% whichever is the greater.

STRATEGIC IMPLICATIONS

Leadership and Governance
Improve capability and capacity

Ensure Financial sustainability
Monitor and enhance organisational performance and service delivery

COMMENT

Income

The Summary of Financial Activity (Nature & type) is indicating that the total income is \$4.8 million (excluding Rates), which is 0.1% over budget. Individually, Grants, Subsidies and Contributions, are 6% ahead of budget estimates, with Fees & charges being marginally ahead of budget forecasts.

Expenditure

The total operating expenses at the end of September 2015 were \$5.million, which is 23% under Budget estimates.

Materials and contracts is 41% behind budget estimates. Employee costs are 10% under budget estimates. Utilities charges are 45% behind budget estimates.

Capital Expenditure

Infrastructure Capital projects and Property Plant & equipment are 27% less than the year to date budget.

STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996

FINANCIAL CONSIDERATIONS

The Financial Statements provide a comparison between actual and budget income and expenditure estimates for the period ended the 30 September 2015. The Notes accompanying the statements provide a detailed breakdown to the Financial Statements.

OFFICER RECOMMENDATION – ITEM 10.23

That the Financial Reports for the period ended 30 September 2015, as attached to the Ordinary Council Agenda of 27 October 2015, be accepted.

Voting Requirements: Simple majority

10.24 Implementation of Council Resolutions (Ref: Sue Perkins, Executive Assistant)

At the Ordinary Council meeting held on 14 December 2010, it was resolved that only those items that are to be deleted from the implementation of Council resolutions be referred to Council, and all other items in progress be included in the Councillors' Bulletin on the last Friday of the month.

STRATEGIC IMPLICATIONS

Strengthen Council governance and compliance.

COMMENT

The following table details those resolutions of the Council that are recommended for deletion:

Issue ID	Assigned To	Brief Description	Action Taken
86050	Bob Jarvis	OCM-4/9/15 - Petition: Bassendean Primary School	Special Meeting of Electors held 22 October 2015. Recommend deletion.
74286	Graeme Haggart	OCM-6/11/14, OCM-5/4/14 - Lease to Foundation Housing	New Leases fully executed. Recommend deletion.
83287	Simon Stewert-Dawkins	OCM-34/4/15 - Notice of Motion – Cr Bridges: Bassendean River Parks Management Committee	New Committee has been adopted by Council and meeting dates to be endorsed in October 2015. Recommend deletion.
83386	Simon Stewert-Dawkins	OCM-28/5/15 - Point Reserve - Road Closure	On the 13 July 2015 D'Angelo Legal, on behalf of Mr Towie and Ms Medrala, requested a thirty day extension of time to provide a written response to the OCM-28/5/15 resolution. As no Elected Members expressed any concerns in the delay the Town wrote to D'Angelo Legal granting the thirty day extension. On the 11 August D'Angelo Legal provided a written response. A confidential report is included in the October 2015 Ordinary Council Agenda for consideration. Recommend deletion.

84164	Simon Stewert-Dawkins	OCM-41/6/15 - Notice of Motion – Cr Pule: Green Army Projects Round 4	The June 2015 OCM agenda advised Council of the status of the Green Army project. The Australian Government's Department of Environment Green Army Round Four was open from August until September 2015. An application was submitted by the EMRC on behalf of Member Councils including the Town of Bassendean. Council will be advised of the outcome of the application. Recommend deletion.
85669	Allan Caddy	OCM-17/8/15 - Bassendean Local Studies Collection Management Committee Meeting held on 6 August 2015	Instrument of Appointment and Delegation has been updated. Recommend deletion.
76688	Brian Reed	OCM-7/07/12 - Petition received from residents of Kathleen Street, which makes allegations about activities at a particular property.	Officers are continuing to monitor the situation and have asked neighbours to advise officers if there is any sign that the property is still being used in contravention of the Scheme. There has been no indication that the property continues to operate in breach of the Scheme. Recommend deletion.
86052	Brian Reed	OCM-7/9/15 - Possible inclusion of the Bassendean Fire Station, P129 Bassendean Fire Station (fmr), 10-14 Parker St, Bassendean Lots 103 and 104 on Deposited Plan 2572 being the whole of the land contained in Certificate of Title Volume 990 Folio 125; Lot	Heritage Council advised of Council's resolution. Recommend deletion.
86051	Dylan Stokes	OCM-6/9/15 - Proposed Additional Dwelling to rear of Existing Single House to Form Two Grouped Dwellings on Lot 41; No. 15 Nurstead Avenue, Bassendean	Planning consent issued. Recommend deletion.
82798	Ken Cardy	OCM-27/6/15, OCM-12/4/15 - Council Street Trees – 40 Third Ave, Bassendean	Have left phone messages, however, no answer to our letter. Recommend deletion.

86047	Ken Cardy	PQT OCM September 2015 - Mrs Val Dreyer, 31 Naunton Crescent, Eden Hill	Parks & Garden Supervisor has advised weeds have been removed during regular weeding program. Main Roads are responsible for the sand bag being used to guard the medium strip broken due to trucks running over it. Request has been forwarded again to Main Roads to fix the broken concrete. Recommend deletion.
86048	Ken Cardy	PQT OCM Sep 2015: Mr Don Yates – 10 Thompson Road, Bassendean	Have responded to Mr Yates on this issue 2/10/2015. Recommend deletion.
75567	William Barry	OCM-15/5/14 - Directional Signage and Commercial Opportunities	All available information and advice for this sign has been passed to the business concerned. They have been advised to prepare an application for the sign and submit directly to Main Roads for consideration. Recommend deletion.
86054	Yvonne Zaffino	OCM-9/9/15 - Review of Council Committees	Report on 2016 meeting dates to be considered by Council in October based on this review. Recommend deletion.

OFFICER RECOMMENDATION – ITEM 10.24

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 27 October 2015 be deleted from the Implementation of Council Resolutions list.

Voting Requirements: Simple majority

10.25 Use of the Common Seal (Ref: INFM/INTPROP/1 – Sue Perkins, Executive Assistant)

The Common Seal was not attached to any documents during the reporting period:

OFFICER RECOMMENDATION – ITEM 10.25

That Council notes that the Common Seal was not attached to any documents during the reporting period.

Voting Requirements: Simple majority

10.26 Calendar for November 2015 (Ref: Sue Perkins, Executive Assistant)

Thu	5 Nov	9.30am	Bassendean Local Studies Management Committee – Council Chamber
Thu	5 Nov	6.00pm	Special Council Meeting – EMRC – Swearing in of new Councillors (EMRC)
Tue	17 Nov	6.00pm	Elected Members’ Induction – State Records Office – Council Chamber
Tue	24 Nov	7.00pm	Ordinary Council Meeting – Council Chamber
Thu	26 Nov	6.00pm	WALGA Eastern Metropolitan Zone Meeting - EMRC
Fri	27 Nov	5.00pm	Youth Advisory Council Meeting – Youth Services

OFFICER RECOMMENDATION - ITEM 10.26

That the Calendar for November 2015 be adopted.

Voting Requirements: Simple majority

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

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

13.0 **CONFIDENTIAL BUSINESS**

13.1 **Offer to Purchase 10-14 Parker Street, Bassendean (Bassendean Fire Station - Ref: A4103-GOVN/COUNCILS/9 - Mike Costarella, Director Corporate Services)**

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

13.2 **Point Reserve - Road Closure (Ref: A3820 - Simon Stewert-Dawkins, Director Operational Services)**

APPLICATION

This matter is to be considered with members of the public excluded from the Chamber under Clause 5.23 (2) (c) and (d) of the Local Government Act 1995, as the Officer report discusses legal advice.

14.0 **CLOSURE**

The next Ordinary Council meeting will be held on Tuesday 24 November 2015.