

TOWN OF BASSENDEAN

NOTICE OF BRIEFINGS SESSION

A Briefings Session of the Council of the Town of Bassendean will be held on Tuesday, 16 October 2018 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

A G E N D A

The Mayor will preside at Briefing Sessions. In the absence of the Mayor, the session will be presided over by the Deputy Mayor.

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Acknowledgement of Traditional Owners

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

Live Streaming – Audio and Video

The Town is committed to engaging with its community and recognises that providing opportunities for the community to attend Council meetings will result in more informed and engaged residents.

Live Streaming will commence at the times that the meetings are due to commence and finish when the Presiding Member closes or adjourns the meeting for any reason.

Meetings closed for consideration of matters under Section 5.23 of the Local Government Act or by resolution of Council will not be streamed.

Members of the public are requested to sign the attendance sheet located on the table at the rear of the Council Chamber.

2.0 ATTENDANCES AND APOLOGIES

3.0 DEPUTATIONS

4.0 DECLARATIONS OF INTEREST

5.0 ADDRESSES BY MEMBERS OF THE PUBLIC

15 minutes will be allocated for addresses by members of the public on matters contained in the agenda only.

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

6.0 REPORTS

6.1 Request for Approval—Public Advertising of Residential Density Scenarios and associated preliminary Key Design Principles, and associated Communications Plan (Ref: LUAP/BASSEDEAN/LPS 2017-2030) – by Anthony Dowling, Director Strategic Planning)

APPLICATION

Council is requested to:

1. Consent to publically advertising and consulting with the Bassendean community, key stakeholders and landowners on two residential density scenarios developed for increasing residential density within the Town, and associated preliminary key design principles; and
2. Endorse as a guide an associated communications plan to communicate to and seek feedback from the Bassendean community, key stakeholders, and landowners on those scenarios.

ATTACHMENTS

Attachment No. 1:

Attachment No. 1A	Extract map of the <i>Perth and Peel @ 3.5 Million</i> planning framework applicable to Bassendean
Attachment No. 1B	Proposed Residential Density Changes—Scenario 1 Map
Attachment No. 1C	Proposed Height Limits Map—Scenario 1
Attachment No. 1D	Residential Density Scenario 1 Summary Sheet
Attachment No. 1E	Proposed Residential Density Changes—Scenario 2 Map
Attachment No. 1F	Proposed Height Limits Map—Scenario 2
Attachment No. 1G	Residential Density Scenario 2 Summary Sheet
Attachment No. 1H	Preliminary Key Design Principles
Attachment No. 1I	Communications Plan

BACKGROUND

In March this year the Western Australian Planning Commission (WAPC) finalised its regional planning framework for the Perth and Peel metropolitan regions.

This framework, entitled *Perth and Peel @ 3.5 Million* (PP3.5M) sets out a broad land use plan for the development of a projected 800,000 additional dwellings across the region by the year 2050. About 47% of this projected dwelling increase has been apportioned to infill residential development within Perth's inner urban areas (such as Bassendean).

The balance remaining (53%) has been apportioned to the development of new housing estate developments in the 'greenfield' areas on the fringes of the region.

The WAPC now expects local governments to suitably amend its local planning frameworks (eg. local planning strategies, local planning schemes, land use structure plans etc) to facilitate additional housing development that can accommodate a fair share of this projected population.

To this end, the WAPC has set a target of 4,150 additional dwellings to be developed in Bassendean by 2050 (revised down slightly from an initial 4,200 dwellings).

Council has previously resolved to revise or amend its local planning framework (2015 *Local Planning Strategy* and *Local Planning Scheme 10*) to facilitate this increase although this resolution was predicated on the initial draft PP3.5M framework as it applied to Bassendean.

In essence, the initial draft PP3.5M framework—as it applied to Bassendean—identified and designated activity centres more or less around the Town's three train stations, and urban corridors along Guildford Road, Collier Road, Iolanthe Street, Broadway, Ivanhoe Street and Morley Drive.

The finalised PP3.5M framework (see Attachment 1A to this report) retains the aforementioned activity centres and urban corridors but added Lord Street as an Urban Corridor.

Predicated on this, two scenarios have since been prepared identifying areas for density coding changes. They are now presented for Council's consideration and deliberation.

A copy of the two maps denoting scenarios 1 and 2 are provided at Attachments 1B and 1E to this report respectively. Summary sheets of both scenarios are also provided at Attachments 1D and 1G to this report respectively. The information contained in these sheets will be substantially expounded upon in supporting information currently being prepared for community consultation.

Maximum building height maps for each scenario have also been prepared as a response to previous community concerns about residential building heights proposed in LandCorp's Town Centre redevelopment plans. They have also been prepared to illustrate appropriate building heights associated with the kind of density development envisaged by or likely to arise from the assigned density codings.

Whilst there are various schools of thought as to how high residential buildings should be within an urban environment, given Bassendean's current townscape, built form, and its heritage building stock, it is probably appropriate for buildings not to be more than 5-6 storeys high, with the location of buildings at these heights being restricted to the Town's Activity Centres.

For Urban Corridors, it is recommended that building heights be no more than say, 3 - 5 storeys high. For all other areas—except where specifically designated in Scenario 2—it is recommended that buildings be no taller than 2 storeys high.

Maps denoting recommended maximum building heights are provided at Attachments 1C and 1F respectively.

Increasing residential density often results in the development of taller and bulkier buildings. Depending on their location, they can often be out-of-scale within their setting. Sometimes too, they are less than aesthetically-pleasing. The cumulative effect of all of this can often result in adverse impacts upon local amenity.

To avoid such impacts, and in the interest of ensuring attractive and aesthetically-pleasing building forms associated with all types of residential development likely to arise from increased residential density development, a series of preliminary key design principles have been prepared for consideration by Council, the Bassendean community and key stakeholders.

The preliminary key design principles are presented as a 'work-in-progress' and at this stage, lack detail to better illustrate and explain the proposed principles. However, they are a 'starting point' for the development and adoption of site and building design guidelines proposed to apply to future urban development within Bassendean.

Therefore, it is considered opportune that they also be publically advertised with the two density scenarios to enable community and key stakeholder consideration and feedback.

This will have the benefit of:

- (i) Assisting the Bassendean community and key stakeholders in understanding and grasping potential likely effects of increased residential density, particularly in respect to building typologies, height, bulk, mass and disposition within a lot; and
- (ii) Eliciting consideration of any other design principles that may be relevant and appropriate to engendering desired built forms within Bassendean.

Finally, given the importance of this planning project, and its likely transformative effects upon Bassendean's existing urban fabric and townscape, it will be important for the Town to clearly communicate widely as to why increased residential density needs to be considered, what forms it could take, and how to manage any adverse impacts and effects that might arise with such increase.

It will also be important for the community, key stakeholders and landowners to be afforded the opportunity to respond to these changes, and for them to be informed of the outcomes.

To this end, a communication plan has been prepared, setting out how to widely communicate the density scenarios and the key design principles, elicit feedback on them, and report on the outcome of consultation and Council's subsequent decision making as to a preferred residential density plan. A copy of this plan, prepared by the Town's current marketing consultant (i.e. marketing) is provided at Attachment 11.

Council's endorsement of this plan is sought.

STRATEGIC IMPLICATIONS

The PP3.5M framework is a region-wide framework applying to the Perth and Peel metropolitan regions. As it is anticipated that the framework will be incorporated by reference into State Planning Policy 1—State Planning Framework (the draft framework already is referenced), the State and Local governments must have due regard to the framework when plan-making and making planning decisions.

Thus, local governments will be expected to amend or modify as necessary their local planning frameworks.

As previously mentioned in this report, Council has already resolved to do this.

Whilst the issue of increasing residential density within established, predominantly single residential housing areas has been a polarising issue for many local governments (and perhaps to a limited extent within Bassendean) it is contended that this may also be a consequence of a previous lack or absence of strategic direction by either the State or local governments as to where such development ought to occur.

PP3.5M appears to attempt to rectify this. It focuses on providing medium to higher density housing within designated activity centres and along major public transit routes or around public transit hubs. It has endeavoured to steer this type and scale of development away from established, predominantly single-housing areas to areas deemed more suitable for this form of development.

However, it is open to local governments, if they desire, to identify and designate under its local planning framework other areas deemed suitable for increased residential density development.

The two residential density scenarios presented herein are a response to PP3.5M.

Scenario 1 takes the base density coding recommended for activity centres and urban corridors and applies them to the activity centres and urban corridors designated for Bassendean. Outside of these areas there are no proposed increases to existing density codings currently assigned under Local Planning Scheme (LPS) 10.

Scenario 2 attempts to reflect a more nuanced, subtle approach to increasing residential density. It does this by providing a spectrum of medium to high density codings along an urban transect akin to the illustration below.



(Source: WAPC, *Central Sub-regional Planning Framework*, 2018)

Either density scenario is likely to have a transformative effect upon the Bassendean townscape. However, any transformative effects arising from Scenario 2 are likely to be less noticeable compared to Scenario 1—at least in respect to visual impacts.

This is why the development and adoption by Council of site and building design guidelines is important to ensure that variations and changes to built form and scale within a pleasing townscape can be manifested subtly, rather than abruptly or with a jarring effect.

In respect to the Town’s Community Strategic Plan 2017-2027, either of the scenarios have the potential to assist or lead the Town in achieving the following specific objectives and associated strategies:

Strategic Priority 1: Social

Objective (<i>What we need to achieve</i>)
1.4 Improve lifestyle choices for the aged, families and youth

Strategic Priority 3: Built Environment

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>
3.1 Plan for an increased population and changing demographics	3.1.1 Facilitate diverse housing and facility choices
	3.1.2 Implement sustainable design and development principles
	3.1.3 Plan for local neighbourhoods and their centres
	3.1.4 Ensure infrastructure is appropriate for service delivery

In addition to the above objectives and strategies, the achievement of objective 3.3 (see below) under Strategic Priority area 3 can be attained through the development of the preliminary key design principles and subsequent detailed design guidelines.

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>
3.3 Enhance the Town's appearance	3.3.1 Improve amenity and the public realm
	3.3.2 Strengthen and promote Bassendean's unique character and heritage
	3.3.3 Implement design policies and provisions of buildings and places

Finally, preparation of and subsequent endorsement of the associated communications plan will assist in achieving the below strategic objective and strategies falling under Strategic Priority Area 5:

Strategic Priority 5: Good Governance

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>
5.2 Proactively partner with the community and our stakeholders	5.2.1 Improve customer interfaces and service
	5.2.2 Engage and communicate with the community
	5.2.3 Advocate and develop strong partnerships to benefit community

COMMENT

The scenarios as presented are indicative only and may be subject to further change and rationalisation etc.

This should be particularly noted by landowners and property investors. The density codings and height limits designated in either scenario should not be construed as the ultimate use and residential density of land so designated at this stage, and should not be relied upon in making investment decisions.

As mentioned elsewhere, the scenarios and the preliminary key design principles are a 'work-in-progress' and thus, ought not to be construed as a 'fait accompli'. Rather, they are considered a starting point for dialogue between Council, its community, key stakeholders, and landowners in the way Bassendean's urban environment and townscape ought to be shaped into the future.

In order to dialogue with the community, key stakeholders and landowners in respect to shaping Bassendean's urban environment and townscape into the future, it is now considered opportune to publically advertise the scenarios and preliminary key design principles and seek feedback.

Due to time and reporting constraints, and although they are a 'work-in-progress', the preliminary key design principles are probably not yet in a fashion acceptable for public advertising and consultation. It will be important to add some graphics to the principles to better illustrate them as well as making further minor changes to their text and 'language', principally for the purpose of clarity.

Members of Council's Design Bassendean Advisory Group will be consulted in the making of any further modifications/alterations to the principles prior to their public advertisement. It is considered such work can be undertaken quickly between Council considering this officer's report and the proposed commencement of public advertising on 3 November 2018.

The aforementioned date is proposed due to the need for sufficient lead time to arrange advertising and to commence consultation.

It is recommended that at least 6 weeks be allowed for public advertisement, consultation, and the lodging of submissions on the scenarios and the preliminary key design principles.

By commencing on 3 November 2018 the advertising, consultation and submission period will conclude on 14 December 2018. This will enable analysis of submissions and reports on the outcomes to immediately commence prior to Christmas 2018.

However, should any reasonable request be received in writing before 14 December 2018 to extend the time for lodgement of a submission, it is recommended that the Chief Executive Officer be authorised to grant extensions up to 21 December 2018.

In respect to the Communications Plan (Attachment 1I), its implementation will be assisted by the Town's current marketing strategy consultant. This will include presenting and leading the dialogue, in conjunction with the Director Strategic Planning, on the density scenarios and the preliminary key design principles at the proposed consultation events.

STATUTORY REQUIREMENTS

At this stage, PP3.5M has not been legislated by the State nor has it been adopted as a specific State Planning Policy. However, it is anticipated that it will be incorporated by reference into State Planning Policy (SPP) 1—State Planning Framework, given that the draft of PP3.5M is already incorporated into SPP 1.

By virtue of relevant provisions in the Planning and Development Act 2005 (PDA), both the State and local governments must have regard to SPP1, and by extension, PP3.5M, in their plan-making and planning deliberations.

FINANCIAL CONSIDERATIONS

Nil.

The Town's Strategic Planning Account in the 2018-19 Town Budget includes funds allocated to cover the expense for producing the scenario mapping, preparation and production of supporting and explanatory material, preparation and implementation of the communications plan, and updating of the Town's 'Your Say Bassendean' digital platform by the creation of a project hub under the banner of 'Design Bassendean' for communicating and eliciting community feedback on the Town's strategic planning projects.

OFFICER RECOMMENDATION — ITEM 6.1

That Council:

1. Authorises for public advertisement, consultation and feedback the following maps and associated summary sheets:
 - (i) Proposed Residential Density Changes—Scenario 1 Map (as per Attachment 1B to the Officer Report)
 - (ii) Proposed Height Limits Map—Scenario 1 (as per Attachment 1C to the Officer Report)
 - (iii) Proposed Residential Density Changes—Scenario 2 Map (as per Attachment 1E to the Officer Report)
 - (iv) Proposed Height Limits Map—Scenario 2 (as per Attachment 1F to the Officer Report)
2. Authorises for public advertisement, community consultation and feedback the associated preliminary key design principles provided at Attachment 1H to the Officer's Report;
3. Allows a minimum 6 week period for public advertising, consultation and receipt of submissions on the aforementioned maps listed in Point 1 above and the associated preliminary key design principles, commencing on or about Saturday 3 November 2018 and concluding at 4.00pm on Monday, 17 December 2018;
4. Authorises the Chief Executive Officer to grant an extension of time of up to 21 December 2018 for the lodgement of a submission on the two residential density scenarios and associated preliminary key design principles upon any reasonable request being received in writing by the Town prior to the 14 December 2018;
5. Notes and accepts that the preliminary key design principles remain a 'work-in-progress' and allows further modifications or amendments to be made to them, subject to consultation with and the general concordance of the members of the Design Bassendean Advisory Group, prior to them being publically advertised; and

6. Endorses the associated Residential Density Scenarios Communications Plan provided at Attachment 1I to the Officer's Report for the purposes of consulting the Bassendean community, key stakeholders and landowners on the two scenarios and associated preliminary key design principles.

Voting requirements:

Simple Majority - Points 1, 2, 3, 5 and 6

Absolute Majority – Point 4

6.2 Adoption of Town of Bassendean Bee Keeping Local Law 2018 (Ref: LAWE/LOCLWS/2 - Brian Reed, Manager Development Services)

APPLICATION

The purpose of this report is for Council to finalise the Town of Bassendean Bee Keeping Local Law 2018.

ATTACHMENTS

Attachment No. 2:

Town of Bassendean Bee Keeping Local Law 2018

BACKGROUND

This matter was last considered by Council at its meeting held in May this year when it was resolved by OCM -12/05/18 that Council commences the advertising and consultation processes outlined in clauses (3) and (3a) of section 3.12 of the Local Government Act 1995 for the proposed Town of Bassendean Bee Keeping Local Law, as attached to the Ordinary Council Agenda of 22 May 2018.

COMMUNICATION & ENGAGEMENT

The proposed local law was advertised in accordance with the provisions of section 3.12 of the Local Government Act 1995. An advert was placed in the *West Australian* on 27th June 2018, which included the purpose and effect of the local law, inviting any submissions to be made by 10th August 2018.

Details of the proposed local law were also advertised through *your say Bassendean*, with hard copies of the proposed local law being available at the Customer Service Centre and the Memorial Library.

No public submissions were received as a result of the general advertising.

A letter was written to the Minister for Local Government, which led to the informal comments being received from the Department of Local Government, relating to minor editing which have been incorporated into the final version of the local law, as attached to the agenda.

STRATEGIC IMPLICATIONS

Good Governance

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>
5.2 Proactively partner with the community and our stakeholders	5.2.1 Improve customer interfaces and service

COMMENT

The comments received from the Department of Local Government have been incorporated into the Local Law as attached to this agenda. The comments largely relate to formatting.

STATUTORY REQUIREMENTS

The following represents the process outlined under section 3.12 of the Act which remains outstanding.

- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

** Absolute majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
 - (a) stating the title of the local law;
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.

(7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

(8) In this section —

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Under section 3.13 of the Act, if the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

FINANCIAL CONSIDERATIONS

The cost of advertising the revised local law was \$502.31, which has been met from Account 401333. There will be additional advertising cost associated with publishing the local law in the Government Gazette and giving local public notice of its adoption.

OFFICER RECOMMENDATION — ITEM 6.2

That Council makes the Town of Bassendean Bee Keeping Local Law 2018 as attached to the Ordinary Council Agenda of 23 October 2018.

Voting requirements: Absolute Majority

6.3 **Local Laws Review 2018 (Ref: LAWE/LOCLWS/2 – Sharna Merritt, Senior Ranger)**

APPLICATION

The purpose of this report is for Council to consider the preparation of new Parking and Dogs Local Laws.

ATTACHMENTS

Attachment No. 3:

- Proposed Town of Bassendean Parking Local Law
- Proposed Town of Bassendean Dogs Local Law

BACKGROUND

Section 3.16 of the Local Government Act requires that all adopted local laws be reviewed within a period of 8 years to determine whether or not it considers that it should be repealed or amended.

The Town's *Parking and Parking Facilities Local Law 2010* was gazetted in 2011 and the *Dogs Local Law* was gazetted in 2001 and amended in 2006 and are therefore overdue for a review.

However, it is evident that the existing local laws need to be repealed and new local laws created, rather than amending them, to reflect changes in the relevant legislation and standard practices.

The Parking and Dog Local Laws have been drafted with a view to the Town making new Local Laws and further action cannot be taken without Council authorisation.

It is therefore proposed that Council commences the advertising and consultation processes required towards the adoption of new local laws.

Parking Local Law

The Town adopted the Parking and Parking Facilities Local Law in 2011, repealing the *Parking and Parking Facilities Local Law 2001*.

Dogs Local Law

The Town adopted the Dogs Local Law in 2001, repealing the local law Relating to Dogs published in the Government Gazette on 13 July 1984, and further amended the Local Law with the *Dogs Amendment Local Law 2006*.

Officers have reviewed the Local Laws and draft Local Laws have now been prepared. Officers require Council to confirm their intent to make new Local Laws and authorise officers to proceed with the process outlined in the Act.

This process is clarified in the comment section below.

COMMUNICATION & ENGAGEMENT

Communication and engagement will be undertaken with the next step in the required process, as described in the comment section.

STRATEGIC IMPLICATIONS

It is also covered in the Community Strategic Plan 2017-2027 under Priority 5 - Good Governance.

Objectives <i>What we need to achieve</i>	Strategies <i>How we're going to do it</i>	Measures of Success <i>How we will be judged</i>
5.2 Proactively partner with the community and our stakeholders	5.2.1 Improve customer interfaces and service	Community / Stakeholder Satisfaction Survey (Community engagement and participation)
	5.2.2 Engage and communicate with the community	
	5.2.3 Advocate and develop strong partnerships to benefit community	

STATUTORY REQUIREMENTS

The process for making a local law is governed by section 3.12 of the Local Government Act 1995.

Section 3.12 (2) of the Act requires the person presiding at the Council meeting to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

As this is a requirement of the Act, this matter cannot be dealt with en bloc.

Purpose and Effect

Parking Local Law

The **purpose** of the proposed Parking Local Law is to:

1. Constitute a parking region;
2. Enable the Town of Bassendean to regulate the parking of vehicles within the parking region; and
3. Provide for the management and operation of parking facilities provided by the Town of Bassendean.

The **effect** of the proposed Parking Local Law is that persons parking a vehicle within the parking region are to comply with the provisions of this local law.

Dogs Local Law

The **purpose** of the proposed Dogs Local Law is to provide for the management of dogs within the Town of Bassendean in relation to containment, number of dogs at a premise and excreta.

The **effect** of the proposed Dogs Local Law is that dog owners within the Town are to comply with the provisions of this local law.

FINANCIAL CONSIDERATIONS

The costs of advertising the Local Laws will be covered in the 2018/19 Operational Budget. The costs of advertising are likely to be approximately \$750 and will be met by Account number 401333.

COMMENT

Clause (2) of Section 3.12, described above, requires that the purpose and effect of a proposed Local Law be noted. This clause is satisfied if the purpose and effect are recorded in the officer's report and the official minutes of the meeting. The purpose and effect of each Local Law are outlined below, along with other relevant considerations.

Parking Local Law

The Local Law has been updated to reflect the current Council policies, deleted sections that are no longer relevant or have been duplicated in other legislation and has been updated with new terminology, penalties and clauses.

Major changes to this local law include the removal of references to ACROD/Disability Parking restrictions, as this is covered under the *Local Government (Parking for People with Disabilities) Regulations 2014*, which function as Local Laws, and the inclusion of Parking Permit, Yellow edge lines, shared zone and bicycle lane clauses.

Due to these suggested amendments, it is not thought appropriate to prepare an amending Local Law, which would simply delete and insert the appropriate modifications.

This proposed local law replaces the existing *Parking and Parking Facilities Local Law 2010*.

Dogs Local Law

The Local Law has been updated to delete sections that are no longer relevant due to amendments to relevant State Legislation and other statutory and Council policies and procedures. It has also been updated with new penalties.

One major change is the removal of designated dog prohibited and exercise areas, as a decision of Council, rather than a section of Local Law, as per the amended *Dog Act 1976*, now determines this.

Due to these suggested amendments, it is not thought appropriate to prepare an amending Local Law which would simply delete and insert the appropriate modifications.

This proposed local law replaces the existing *Dogs Local Law 2001*.

OFFICER RECOMMENDATION – ITEM 6.3

That Council commences the advertising and consultation processes outlined in clauses (3) and (3a) of section 3.12 of the Local Government Act 1995 for the proposed Parking Local Law and Dogs Local Law.

Voting requirement: Simple majority

6.4 RFT 083 2018-19 Provision of Graffiti Removal Services, Line Marking Services & High Pressure Cleaning Services within the Town of Bassendean (Ref: COUP/TENDNG/76 - - Jeremy Walker A/g Manager Asset Services)

APPLICATION

The purpose of this report is to appoint a successful contractor from those tender offers received for RFT 083 2018-19 Provision of Graffiti Removal Services, Line Marking Services & High Pressure Cleaning Services within the Town of Bassendean.

ATTACHMENTS

Confidential Attachment No. 1:

Tender pricing

BACKGROUND

Potential tenderers were invited to submit a tender offer for “RFT 083 2018-19 Provision of Graffiti Removal Services, Line Marking Services & High Pressure Cleaning Services within the Town of Bassendean” through a Western Australian Newspaper advertisement, Town of Bassendean Webpage and Facebook article on Saturday 1 September 2018.

The Town received three responses, prior to the closing time 11:00am on Tuesday 25 September 2018, and all tenders received conformed with the specifications and general conditions of the tender document.

COMMUNICATION AND ENGAGEMENT

The “Request for Tender” was advertised in the West Australian Newspaper on Saturday, 1 September 2018 and through the Town’s website and Facebook page.

STRATEGIC IMPLICATIONS

STRATEGIC PRIORITY 3: Built Environment

Objectives <i>What we need to achieve</i>	Strategies <i>How we’re going to do it</i>
3.3 Enhance the Town’s appearance	3.3.1 Improve amenity and public real

COMMENT

An Evaluation Panel was formed to assess each submission against the selection criteria. The Panel included the Town's Engineering Supervisor, Building Maintenance Supervisor and the Director of Corporate Services.

Tenderers pricing details, regarded as commercial in confidence, and the selection criteria weightings are included in the attached Confidential Attachment.

STATUTORY REQUIREMENTS

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

FINANCIAL CONSIDERATIONS

The costs associated with this contract are included in the 2018-19 Budget, both Capital and Operational and future Budgets throughout the period of the contract.

OFFICER RECOMMENDATION – ITEM 6.4

That Council appoints Kleenit Pty Ltd to undertake the work as required in RFT 083 2018-19 Provision of Graffiti Removal Services, Line Marking Services & High Pressure Cleaning Services within the Town of Bassendean in accordance with their offer and the specification and terms and conditions for works for a period of three (3) years commencing, 1 December 2018.

Voting Requirement: Absolute majority

6.5 RFQ 369W 2017-18 Provision of High-Speed Connectivity for the Town of Bassendean (Ref: INFT/TENDNG/5) – Peter Barker, Information Technology Coordinator

APPLICATION

The purpose of this report is to appoint a successful contractor from those offers received for RFQ 369W 2017-18 Provision of High-Speed Connectivity for the Town of Bassendean.

ATTACHMENTS

Confidential Attachment No. 2:

Tender pricing

BACKGROUND

Suppliers were invited to submit an offer for “RFQ 369W 2017-18 Provision of High-Speed Connectivity for the Town of Bassendean” via the WALGA Preferred Supplier Equotes Portal.

Seven suppliers were advised of the request on 16 August 2018.

The Town received three responses, prior to the closing time 11:00am on Tuesday, 11 September 2018.

COMMUNICATION AND ENGAGEMENT

The “Request for Quote” was uploaded to the WALGA E-quotes Portal.

STRATEGIC IMPLICATIONS

Objectives <i>What we need to achieve</i>	Strategies <i>How we’re going to do it</i>
5.1 Enhance organisational accountability	5.1.5 Ensure optimal management of assets

COMMENT

The contract is for the connection of High Speed Connectivity to the following locations:

- Administration - 48 Old Perth Road, Bassendean;

- Ashfield Community Centre - 2 Colstoun Road, Ashfield; and
- Depot – 69 Scaddan Street, Bassendean.

The current connections from 48 Old Perth Road Bassendean to the Depot and Ashfield Community Centre are via wireless links, which were originally installed in 2000. The link goes directly to the Depot and relays via the Depot to the Ashfield Community Centre. The current speed varies up to a maximum speed of 100mbs, which at times makes it difficult to work effectively in both sites as the speed can no longer handle the number of workstations situated at both sites.

This proposal upgrades the speed to a guaranteed 1gbps (1,000mbs), which will provide much greater speed and reliability, putting the speed on par with 48 Old Perth Road, 35 Old Perth Road and the Bassendean Memorial Library.

A second consideration is that the Disaster Recovery backup servers can be relocated from the Bassendean Memorial Library to the Ashfield Community Centre, providing a much higher degree of safety for the Towns information services in case of a disaster that renders 46-48 Old Perth Road inoperable.

All offers received were above expected costs due to the addition of the Depot being included in the final request. As offers received exceeded estimated costs and exceeded the CEO's authority, this Report was required for Council OCM.

Tenderers pricing details, regarded as commercial in confidence, are included in the Confidential Attachment.

STATUTORY REQUIREMENTS

Local Government Act 1995
Local Government (Functions and General) Regulations
1996

FINANCIAL CONSIDERATIONS

The 2018/19 Budget includes an amount of \$50,000 in the Capital Works Program. However, the amount required will be an operating expense and this will be transferred to account 401359. The amount required can be funded from this account.

OFFICER RECOMMENDATION – ITEM 6.5

That:

1. Council accepts and appoints TPG Telecom's Option 1 to undertake the work as required in RFQ 369W 2017-18 Provision of High-Speed Connectivity for the Town of Bassendean in accordance with its offer and the specification and terms and conditions;
2. The 2018/19 Budget be amended as follows:
 - (a) Account AE1801 amount of \$50,000 be transferred to the Operating account 401359; and
3. The expenditure be authorised in accordance with section 6.8 of the Local Government Act 1995.

Voting Requirement: Absolute majority

6.6 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 and 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.

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
Bush Fires Act 1954
Bush Fires Regulations 1954
Bush Fires (Infringement) Regulations 1978
Cat Act 2011
Cat Regulations 2012
Cat (Uniform Local Provisions) Regulations 2013
Caravan Parks and Camping Grounds Act 1995
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
Graffiti Vandalism Act 2016
Health (Miscellaneous Provisions) Act 1911
Regulations made under the Health (Miscellaneous Provisions) Act 1911
Sewerage (Lighting, Ventilation and Construction) Regulations 1971
Liquor Licensing Act 1988
Local Government Act 1995
Local Government (Miscellaneous Provisions) Act 1960
Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Strata Titles Act 1985
Tobacco Products Control Act 2006
Tobacco Products Control Regulations 2006

STRATEGIC IMPLICATIONS

Section 5.42 of the Local Government.

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.

It is a statutory requirement that Council reviews its delegations made to the Chief Executive Officer, and to other officers, annually and in the Town's case, by the end of October.

COMMUNICATION & ENGAGEMENT

Delegations are a matter for Council and as such, no consultation is required for the review of delegations to the Chief Executive Officer and other Officers.

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.

The existing delegations have been reviewed by officers and 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 (Miscellaneous Provisions) 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 efficiently.

OFFICER RECOMMENDATION – ITEM 6.6

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	<p>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.</p> <p><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></p>
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	<p>The authority to extend leased buildings in the following circumstances:</p> <ol style="list-style-type: none"> 1. The works comply with the Local Planning Scheme and development 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 and for liquor licence applications generally.	Liquor Licensing Act 1988	<p>The authority to deal with applications from clubs seeking approval for liquor licences for special occasions on Council owned or vested land.</p> <p>The authority to deal with applications for section 39 certificates (certificate of local health authority) and section 40 certificates (certificate of local planning authority).</p>
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 1995, s5.42	Act	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 1995, s5.42	Act	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 1995, s5.42	Act	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 1995, s5.42	Act	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				
2.1	Occupation of Land – State Emergency Service	Local Gov 1995, s5.42	Act	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.
2.2	Extension of Contract Old Perth Road Markets Management Agreement	Local Gov 1995, s5.42	Act	The authority to award future options extending the Rotary Club of Swan Valley's contract to facilitate the ground operations of the Old Perth Road Markets.
2.3	Lease Agreement – Bassendean Men's Shed Association (Inc)	Local Gov 1995, s5.42	Act	The CEO was delegated the authority to: 1. Execute the Lease Agreement; and 2. Negotiate lease option renewals in line with the covenants in the Lease.
2.4	Extension of Contract Supply Cart & Install Asphalt – Minor & Major Works	Local Gov 1995, s5.42	Act	The CEO was delegated the authority to exercise the option under contract RFT CO 041 2015-16, Supply, Cart & Install Asphalt, Minor & Major Works, to negotiate for a one year extension of the contract beyond the nominal expiry date of 28 February 2019.
2.5	Extension of Contract Provision of Plumbing & Gas Services	Local Gov 1995, s5.42	Act	The CEO was delegated the authority to exercise the option under Contract RFT CO 046 2015-16, Provision of Plumbing and Gas Services, to negotiate for a one year extension of the contract beyond the nominal expiry date of 10 June 2019.
2.6	Extension of Contract Provision of Turf Maintenance at Bassendean Oval Ashfield Reserve & Jubilee Reserve	Local Gov 1995, s5.42	Act	The CEO was delegated the authority to exercise the option under Contract RFT CO 043 2015-16, Provision of Turf Maintenance at Bassendean Oval, Ashfield Reserve and Jubilee Reserve, to negotiate for a one year extension of the contract beyond the nominal expiry date of 30 June 2019.

2.7	Recycling & Waste Services	Local Gov Act 1995, s5.42	The CEO was delegated the authority to exercise the option under the contract with Suez Recycling & Recovery Pty Ltd to negotiate an extension of 5 years of the contract beyond the nominal expiry date of 30 June 2022.
2.8	Request for Continuation of Current Access Arrangements – Maidos Street Laneway, Ashfield	Local Gov Act 1995, s5.42	The CEO was authorised to duly sign and execute any necessary alterations/amendments to the Deed of Easement and any associated documents required to continue to honour and/or effect the current access arrangements for the Maidos Street Laneway, Ashfield.
2.9	Extension for the term of use of the Bassendean Seniors' & Community Centre Kitchen for the Community Kitchen Pilot Program	Local Gov Act 1995, s5.42	<p>The CEO was authorised to enter into an agreement with Michael Grau for the non-exclusive use of the facility until 30 June 2019, subject to the following conditions:</p> <ol style="list-style-type: none"> a. Requests the Applicant to indemnify Council from any liability and provide a copy of their current insurance certificate of currency; b. Grants permission for the Applicant to use their own equipment on the premises subject to being certified by a qualified electrician and that the Applicant be instructed to comply with the requirements of the Occupation Health and Safety Act; c. The facility be made available to Mr Grau for one day per week, with additional days being made available with the approval of the CEO; d. Requests the applicant to work with Officers of the Town to deliver an activity and/or service at no cost for the benefit of the community in return for using the premises at no charge; e. Requests the Applicant to provide an evaluation report to Officers in the first instance by 1 March 2019; and f. Provide no less than 4 weeks notice in writing to the applicant should Council choose to discontinue the trial prior to 30 June 2019. The user/s of the community kitchen will be required to remove and make good any alterations that the user has made to the premises during the agreement period.
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.
3.4	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.
3.5	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.
3.6	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.
3.7	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	Planning & Development Act 2005 & Local Planning Scheme No 10	The authority to give advice to the Western Australian Planning Commission on applications to amalgamate and subdivide land under s142 of the Planning & Development Act 2005, provided the advice is consistent with the requirements of Local Planning Scheme No. 10, subject to all applications for subdivision or amalgamation being presented to the Development Control Unit.

<p>4.2</p>	<p>Delegation of Powers under Local Planning Scheme No 10</p>	<p>Planning and Development (Local Planning Schemes) Regulations 2015</p>	<p>1. The power to determine applications under Clause 68.(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, with the exception of the following classes of development:</p> <ul style="list-style-type: none"> 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; b) Where, in the opinion of the Chief Executive Officer, the proposal represents a significant departure from the Local Planning Scheme, the R-Codes or Local Planning Policies and nevertheless, the Chief Executive Officer, if he was to decide the matter, would grant approval; 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 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>2 The authority to prepare responses to the State Administrative Tribunal for applications for review 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), pursuant to Clause 83 of the Planning and Development (Local Planning Schemes) Regulations 2015 subject to all applications for development approval 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>
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4.3	Power to make comment on Department of Housing & Works' Planning Proposals	Clause 68(2) of the Planning & Development (Local Planning Schemes) Regulations 2015	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.
4.4	Dealing with requests from owners of land to pay in lieu of setting aside land for open space onsite (Cash-in-lieu payments)	Planning & Development Act 2005, s153	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: It would be inappropriate, in his opinion for the open space to be provided on site; The request is not made in an area to be considered deficient in open space; The owner pays to the Town of Bassendean the value of providing the open space onsite; and All money received is to be paid into a separate cash-in-lieu fund and to be reported to Council through the quarterly report.
4.5	Strata Titles	Strata Titles Act 1985	The authority to endorse 'Built Strata' Form 24 and Form 26 documentation in accordance with the Strata Titles Act 1985.
BUILDING SERVICES			
5.1	Strata Titles	Building Act 2011	The authority to endorse Occupancy Permits-Strata and Building Approval Certificates-Strata in accordance with the Building Act 2011.
5.8	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.
5.9	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.
5.10	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.
5.11	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 (Miscellaneous Provisions) Act 1911 (As amended)	Health (Miscellaneous Provisions) Act 1911 (As amended)	Delegates to the Chief Executive Officer, the Senior Environmental Health Officer and the Environmental Health Officer, or the persons acting in those positions, as its deputies, for the purposes of discharging its functions under the Health (Miscellaneous Provisions) Act 1911 (As amended).

6.2	Authorised Officers under the Food Act 2008	Food Act 2008, Division 3, s122	<p>That pursuant to the provisions of Section 122 of Division 3 of the Food Act 2008, Council:</p> <ol style="list-style-type: none"> 1. Appoints the Senior Environmental Health Officer and the Environmental Health Officer employed with the Town as 'Authorised Officers' for the purposes of the Food Act 2008 under provisions of Sections 38 and 122(1)(b); 2. Appoints the Town's food safety risk assessment contractor as an 'Authorised Officer' under provisions of Section 122(1)(a) of the Food Act 2008, subject to the limitation that such officer cannot undertake any enforcement activity under the Food Act 2008.; 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 and the Environmental Health Officer, Authorised Officers, 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).
6.3	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.
6.4	Public Health Act 2016	Public Health Act 2016	Delegates to the Chief Executive Officer the authority to designate authorised officers under Section 21(1)(b)(i) of the Public Health Act 2016.
RANGER SERVICES			
7.1	Powers Under the Dog Act 1976, Dog Regulations 2013 & the Dogs' Local Law	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 Regulations 2012 & Cat (Uniform Local 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, Cat Regulations 2012, and the Cat (Uniform Local Provisions) Regulations 2013
7.4	Powers Under the Graffiti Vandalism Act 2016	Graffiti Vandalism Act 2016	The authority to exercise any of the powers of the Council or discharge any of its duties under the Graffiti Vandalism Act 2016
7.5	Powers Under the Bush Fires Act 1954	Bush Fires Act 1954 s38A	The authority to appoint a Chief Bush Fire Control Officer, Deputy and other Fire Control Officers under s38A of the Bush Fires Act 1954.
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> <p>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> <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 views 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:

No	Title	Legislative Power	Delegation
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.

3. That Council delegates to the Principal Building Surveyor:

No	Title	Legislative Power	Delegation
5.1	Strata Titles	Building Act 2011	The authority to endorse Occupancy Permits-Strata and Building Approval Certificates-Strata in accordance with the Building Act 2011.
5.2	Compliance of Privately Owned Swimming Pools	Building Act 2011 & Division 2 of the Building Regulations 2012	The authority to administer the provisions of Division 2 of the Building Regulations 2012 with respect to the compliance of privately owned swimming pools.
5.3	Approve or Refuse Building Permits	Building Act 2011, s20	The authority to approve or refuse applications for Building Permits in accordance with Section 20 of the Building Act 2011.
5.4	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.
5.5	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.
5.6	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.
5.7	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.
5.9	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.
5.10	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.

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 (Miscellaneous Provisions) Act 1911 (As amended)	Health(Miscellaneous Provisions) Act 1911 (As amended)	Delegates to the Chief Executive Officer, Senior Environmental Health Officer and the Environmental Health Officer, or the persons acting in those positions, as its deputies, for the purposes of discharging its functions under the Health (Miscellaneous Provisions) 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 and the Environmental Health Officer employed with the Town as 'Authorised Officers' for the purposes of the Food Act 2008 under provisions of Sections 38 and 122(1)(b); 2. Appoints the Town's food safety risk assessment contractor as an 'Authorised Officer' under provisions of Section 122(1)(a) of the Food Act 2008. 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 and the Environmental Health Officer, as Authorised Officers, 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:

10.1 Application to Keep a Third Dog at 18 Freeland Way, Bassendean

The Chief Executive Officer exercised his delegated authority on 13 November 2017 when he approved an application to keep three dogs at 18 Freeland Way, Bassendean, in accordance with Section 26(3) of the Dog Act 1976.

10.2 Approval to keep three cats at 122B Whitfield Street, Bassendean

The Chief Executive Officer exercised his delegated authority on 22 January 2018 when he approved an application to keep three cats at 122B Whitfield Street, Bassendean, in accordance with the Cat Act 2011 or the Town of Bassendean Responsible Cat Ownership Amendment Local Law 2006.

10.3 Application to Keep a Third Dog at 14 Jubilee Avenue, Bassendean

The Chief Executive Officer exercised his delegated authority on 23 January 2018 when he approved an application to keep three dogs at 14 Jubilee Avenue, Bassendean, subject to the dogs remaining registered at all times and do not contravene the *Dog Act 1976* or the *Town of Bassendean Dogs Local Law 2001*.

10.4 Improvement Notice – Red Rooster

The SEHO exercised her delegated authority given under Delegation Number 6.2 - Authorised Officers Under the Food Act 2008 on 24 January 2018 when an Improvement Notice was issued on the proprietors of Red Rooster (Food Premises) situated at Bassendean Shopping Village. The Improvement Notice requires cleaning items to be completed by 31 January 2018.

10.5 Improvement Notice – Zushi Zone

The SEHO exercised her delegated authority given under Delegation Number 6.2 - Authorised Officers Under the Food Act 2008 on 24 January 2018 when an Improvement Notice was issued on the proprietors of Zushi Zone (Food Premises) situated at Bassendean Shopping Village. The Improvement Notice requires payment of the outstanding food business annual fee by 31 January 2018.

10.6 Improvement Notice – Bassendean Fresh

The SEHO exercised her delegated authority given under Delegation Number 6.2 - Authorised Officers Under the Food Act 2008 on 24 January 2018 when an Improvement Notice was issued on the proprietors of Bassendean Fresh (Food Premises) situated at Bassendean Shopping Village. The Improvement Notice requires action to be taken to eradicate pests and further, to maintain fixtures in working order, namely hot water supply to all sinks by 25 January 2018.

10.7 Infringement Notice 24012018 – Bassendean Fresh

The SEHO exercised her delegated authority given under Delegation Number 6.2 - Authorised Officers under the Food Act 2008 when on 24 January 2018 an infringement notice was served against the proprietor of Bassendean Fresh, situated at Bassendean Shopping Village, 2 West Road, Bassendean. An infringement notice of \$250 was served for breach of Section 22 of the Food Act 2008: A person must comply with any requirement imposed on the person by a provision of the Food Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale.

10.8 Infringement Notice 24012018 – Bassendean Mini Mart

The SEHO exercised her delegated authority given under Delegation Number 6.2 - Authorised Officers under the Food Act 2008 when on 2 October 2017 an infringement notice was served against the proprietor of Bassendean Mini Mart, situated at 47-71 Old Perth Road, Bassendean. An infringement notice of \$250 was served for breach of Section 22 of the Food Act 2008:

1. A person must comply with any requirement imposed on the person by a provision of the Food Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale.

Contravention of Standard 1.2.5 Clause 3 of the Food Standards Code in that food was displayed for sale past its used-by-date.

10.9 Approval to keep more than two cats at 6 Perway Lane, Bassendean

The Chief Executive Officer exercised his delegated authority on 1 February 2018 when he approved an application to keep more than two cats at 6 Perway Lane, Bassendean, in accordance with the Cat Act 2011 and the Town of Bassendean Responsible Cat Ownership Amendment Local Law 2006.

10.10 Improvement Notice – Pizza Hut

The Senior Environmental Health Officer exercised her delegated authority given under Delegation Number 6.2, Authorised Officers Under the Food Act 2008, on 13 March 2018 when an Improvement Notice was issued on the proprietors of Pizza Hut (Food Premises) situated at the Bassendean Village Shopping Centre. The Improvement Notice requires cleaning items to be completed by 20 March 2018.

10.11 Extension of Contract – Provision of Cleaning Services for Council Facilities

The Chief Executive Officer exercised his delegated authority on 8 May 2018 when he signed an Application for Extension to Contract form to extend contract RFT CO 039 2015-16 from 2 May 2018 to 1 May 2019.

10.12 Perth Special Children's Christmas Party

The Chief Executive Officer exercised his delegated authority on 4 May 2018 when he approved a payment of \$500 for advertising sponsorship for the Perth Special Children's Christmas Party.

10.13 Approval to keep more than two cats at 4a Elsfield Way, Bassendean

The Chief Executive Officer exercised his delegated authority on 1 May 2018 when he approved an application to keep four cats at 4a Elsfield Way, Bassendean, in accordance with the *Cat Act 2011*, all associated regulations, and the *Town of Bassendean Responsible Cat Ownership Amendment Local Law 2006*.

10.14 Provision of Tree Maintenance for the Town of Bassendean

The Chief Executive Officer exercised his delegated authority on 29 May 2018 when he exercised his delegated authority under delegation number 2.9 (2.76) to extend contract RFT CO 038 2015-16 for one year to 30 June 2019.

10.15 Infringement Notice – Zushi Zone, Bassendean Shopping Village, West Road, Bassendean

The SEHO exercised her delegated authority, given under Delegation Number 6.2, Authorised Officers under the Food Act 2008, on 31 July 2018 when an infringement notice (No 31072018) was served against the proprietors of the Zushi Zone, situated at Bassendean Shopping Village. An infringement notice with a penalty of \$250 was served for breach of Section 22 of the Food Act 2008: A person must comply with any requirement imposed on the person by a provision of the Food Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale.

10.16 Improvement Notice – Bassendean Fresh, Bassendean Shopping Village, West Road, Bassendean

The SEHO exercised her delegated authority, given under Delegation Number 6.2, Authorised Officers Under the Food Act 2008, on 17 July 2018 when an Improvement Notice was issued on the proprietors of Bassendean Fresh (Food Business) situated at the Bassendean Shopping Village. The Improvement Notice required the proprietor to:

1. maintain the premises in a clean and sanitary condition;
2. maintain premises, fixtures and fittings in working order;
3. provide soap and disposable hand towels to sink; and
4. clearly label all products with Country of Origin.

10.17 Improvement Notice – Zushi Zone, Bassendean Shopping Village, West Road, Bassendean

The SEHO exercised her delegated authority, given under Delegation Number 6.2, Authorised Officers Under the Food Act 2008, on 17 July 2018 when an Improvement Notice was issued on the proprietors of Zushi Zone (Food Business) situated at the Bassendean Shopping Village. The Improvement Notice required the proprietor to maintain the premises in a clean and sanitary condition.

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

No	Title	Delegation No	Delegation
11.95	Extension of Contract – Provision of Cleaning Services for Council Facilities	2.6	This delegation is no longer required as the CEO exercised his delegated authority on 8 May 2018 when he signed an Application for Extension to Contract form to extend contract RFT CO 039 2015-16 from 2 May 2018 to 1 May 2019.
11.96	Extension of Contract – Provision of Tree Maintenance for the Town of Bassendean	2.9	The CEO was delegated the authority to exercise the option under Contract RFT CO 038 2015-16, Provision of Tree Maintenance for the Town of Bassendean, to negotiate for a one year extension of the contract beyond the nominal expiry date of 30 June 2018, subject to the practice of “lolly-popping” street trees under power lines ceasing.
11.97	Contract Agreement – Little Italy Street Festival 2017 (2018)	2.11	This delegation is no longer required as the Street Festival was held in 2018.
11.98	Extension of Licence Agreement Swan Districts Football Club Inc	2.12	This delegation is no longer required as the Lease Agreement was signed and seal in October 2018.
11.99	Eastern Metropolitan Regional Council – Resource Recovery Facility	2.13	This delegation is no longer required as it has been fully implemented.
11.100	Lease of Seniors’ & Community Centre, 50 Old Perth Road, Bassendean	2.15	This delegation is no longer required as it has been replaced by OCM-17/07/18.
11.101	Unauthorised parking of a commercial vehicle at Lot 106; 10 Culworth Road, Bassendean	2.3	This delegation is no longer required as the commercial vehicle is no longer parked at the property.

8. That Council notes that the Local Studies Collection Management Committee delegation is no longer required as the Committee has been disbanded.

Voting Requirement: Absolute majority

**6.7 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 2018		
Application No	Property Address	Description
201800001	22 WHITFIELD STREET, BASSENDEAN	PATIO
201800061	22-24 OLD PERTH ROAD, BASSENDEAN	SHOP FITOUT
201800029	72 MARGARET STREET, ASHFIELD	ADDITIONS/ALTERATION TO DWELLING
201800095	87 HAMILTON STREET, BASSENDEAN	DWELLING
201800201	9 PADBURY WAY, EDEN HILL	PATIO
201800205	8 FOURTH AVENUE, BASSENDEAN	RE ROOFING
201800207	74 BROADWAY, BASSENDEAN	PATIO
201800202	24 MAIDOS STREET, ASHFIELD	RETAINING WALL
201800204	13 SURREY STREET, BASSENDEAN	GABLE PATIO
201800211	46 REID STREET, BASSENDEAN	ACTIVITY ROOM
201800214	8 TROY STREET, BASSENDEAN	RETAINING WALL
201800210	300 MORLEY DRIVE, EDEN HILL	FENCE
201800165	33A SCHOFIELD STREET, EDEN HILL	SINGLE STOREY DWELLING & GARAGE
201800146	84 HAMILTON STREET, BASSENDEAN	DWELLING
201800183	33 SCHOFIELD STREET, EDEN HILL	SINGLE STOREY DWELLING & GARAGE
201800187	93 KATHLEEN STREET, BASSENDEAN	RECLADDING DWELLING ROOF
201800132	15 WATKINS STREET, EDEN HILL	SINGLE STOREY DWELLING
201800195	2 CLARKE WAY, BASSENDEAN	PATIO
201800196	113 WALTER ROAD EAST, BASSENDEAN	TIMBER SHED
201800192	25 BRADSHAW STREET, EDEN HILL	ROOF TO EXISTING SINGLE DWELLING ASBESTOS TO COLORBOND
201800190	36 FREELAND WAY, EDEN HILL	PATIO X 2

OFFICER RECOMMENDATION – ITEM 6.7

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

Voting requirement: Simple majority

6.8 Determinations Made by Development Services (Ref: LUAP/PROCED/1 – Brian Reed, Manager Development Services)

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

Planning and Subdivision Applications Determined to 9 October 2018			
Applic No	Property Address	Description.	DETERMINATION
2018-029	5 PARNELL PARADE BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2018-080	10 CULWORTH ROAD BASSENDEAN 6054	RETROSPECTIVE APPLICATION FOR ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2018-083	UNIT A 74 BROADWAY BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2018-086	145 WEST ROAD BASSENDEAN 6054	OUTBUILDING (SEA CONTAINER)	DELEGATE REFUSAL
2018-092	57 EILEEN STREET BASSENDEAN 6054	OUTBUILDING	DELEGATE APPROVED
2018-095	4 PALMERSTON STREET BASSENDEAN 6054	ANCILLARY DWELLING ALONG WITH ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2018-097	2 CLARKE WAY BASSENDEAN 6054	CARPORT	DELEGATE APPROVED
2018-101	80 PARKER STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2018-103	41 KATHLEEN STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2018-104	UNIT 1 29 MAY HOLMAN DRIVE BASSENDEAN 6054	SIGNS	DELEGATE APPROVED
2018-105	125A WALTER ROAD EAST BASSENDEAN 6054	GROUPED DWELLING	DELEGATE APPROVED
2018-107	8 ATKINS WAY EDEN HILL 6054	RETROSPECTIVE APPLICATION FOR OUTBUILDING	DELEGATE APPROVED
2018-110	87 HAMILTON STREET BASSENDEAN 6054	AMENDED APPLICATION FOR SINGLE HOUSE (INCREASE FINISHED FLOOR LEVEL)	DELEGATE APPROVED
2018-114	17 MONS STREET ASHFIELD 6054	OUTBUILDING	DELEGATE APPROVED
2018-115	13 SURREY STREET BASSENDEAN 6054	PATIO	DELEGATE APPROVED
2018-117	103 WEST ROAD BASSENDEAN 6054	HOME OCCUPATION (MORTGAGE BROKING)	DELEGATE APPROVED
2018-119	66 EILEEN STREET BASSENDEAN 6054	ADDITIONS AND ALTERATIONS TO SINGLE HOUSE	DELEGATE APPROVED
2018-128	47-71 OLD PERTH ROAD BASSENDEAN 6054	CHANGE OF USE TO SHOP (FLORIST)	DELEGATE APPROVED

	Subdivision Applications		
157097	18 SEVENTH AVENUE BASSENDEAN 6054	THREE LOT SUBDIVISION	STATUTORY ADVICE

OFFICER RECOMMENDATION – ITEM 6.8

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

Voting requirement: Simple majority

7.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

7.1 Cr Gangell: Installation of Below Ground Bollards

That Council receives a report on the cost of installing below ground bollards on intersections on Old Perth Road from Guildford Road to James Street.

7.2 Cr Gangell: Installation of Festoon Lighting

That Council receives a report on the cost of installing festoon lighting within the grassed area out the front of the Council Chambers.

7.3 Cr Gangell: Street Art and Furniture

That the Town seeks quotations from a suitably qualified organisation for the commissioning of street art and furniture to be installed around the Town Centre and Council receives a report back with costings for consideration in future budgets.

8.0 CONFIDENTIAL BUSINESS

It should be noted that that the audio and live streaming will be turned off whilst confidential items are being discussed.

9.0 CLOSURE

The next Briefing Session will be held on Tuesday 20 November 2018 commencing at 7.00pm.