

# 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, 17 October 2017 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 7.00pm.

BOB JARVIS  
CHIEF EXECUTIVE OFFICER

12 October 2017

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## A G E N D A

Councillors, please note that the Briefing Session is open to the public and will commence at 5.00pm. A meal for Councillors and Officers will be provided at 6.00pm; and the Ordinary Council meeting will commence at 7.00pm.

Cr Lewis will be the facilitator for the Briefing Session.

### 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.

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

**2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC**

**2.1 Questions Taken on Notice**

**2.2 Public Question Time**

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

**2.3 Address by Members of the Public**

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

*It should be noted that Public Statements are not recorded in the minutes. Statements raised by members of the public must be regarding items on 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 26 September 2017  
(Attachment No. 1)**

**OFFICER RECOMMENDATION – ITEM 5.1(a)**

That the minutes of the Ordinary Council meeting held on 26 September 2017, be received.

**OFFICER RECOMMENDATION – ITEM 5.1(b)**

That the minutes of the Ordinary Council meeting held 26 September 2017, be confirmed as a true record.

**5.2 Special Council Meeting held on 2 October 2017**  
**(Attachment No. 2)**

**OFFICER RECOMMENDATION – ITEM 5.2(a)**

That the minutes of the Special Council meeting held on 2 October 2017, be received.

**OFFICER RECOMMENDATION – ITEM 5.2(b)**

That the minutes of the Special Council meeting held 2 October 2017, 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 Notice of Motion – Cr McLennan: Principal Shared Path – Success Hill**

At the September 2017 Ordinary Council meeting, the following Notice of Motion was deferred to this meeting following a site inspection:

*“That Council requests Officers write to MRWA in relation to the proposed Principal Shared Path extension along Railway Parade and communicates:*

- a) the concerns held by both Council & the local community for the mature, native trees along this route;*
- b) that only plans which do not require removal of these trees and which will not have any significant impact on the trees’ roots will be acceptable to the Town of Bassendean; and*
- c) that the Town & local residents be given the opportunity to provide feedback on any draft plans prior to finalisation.*

## Background – Cr McLennan

### **Strategic Implications:**

Strategic Priority 2: Natural Environment

Objective 2.2: Protect our river, bushland reserves & biodiversity

Strategy 2.2.1: Protect and restore our biodiversity and ecosystems.

The State Government has recently announced that \$129 million will be spent on fixing a series of dead ends and gaps in Perth's cycling path network over the next four years.

This funding includes allocation to complete the section of the Principal Shared Path (PSP) along Railway Parade to Lord Street in Success Hill.

Although improvements in cycling infrastructure are welcomed and encouraged, community members have raised concerns for the existing trees along this route and the ability for the proposed path to be constructed without significantly impacting on the mature native flowering trees that line the street and provide dwindling habitat for the few remaining honey eaters in the area amongst other species.

This concern is particularly relevant considering that when recent upgrades were made to the PSP from Railway Parade to the river, multiple mature native trees were removed.

Town of Bassendean Officers have reported that MRWA (Main Roads Western Australia) are in the early stages of investigating the proposed location for this section of the PSP and that an inspection with MRWA has been conducted to determine optional routes in order to minimise the removal of trees. The Town has also requested that MRWA engage an arborist to assess the trees and ensure tree root damage is minimised.

Given the importance of retaining mature, native trees and the value placed on these remaining specimens by the community, it would be prudent to ensure that MRWA is aware from the outset that the Town of Bassendean and the community does not support removal of any further trees in order to complete this section of the path.

Indeed, if the proposed works necessitated the removal of trees consideration should be given to whether or not the extension is required in this section given that it is a very short section where cyclist are required to ride on a quiet, cul-de-sac road.

### Officers Comment

On July 14, 2017, Main Roads WA and the Town of Bassendean's Engineering Technical Coordinator and Director Operational Services met on Railway Parade to discuss the alignment options for the proposed principal shared path.

Two potential options were discussed, which were presented to Council at the September 2017 OCM, and each was designed to minimise the impact of mature tree's. The Town's recommendation is to minimise the removal of the existing mature trees and any impact on the principal shared path and therefore in favour of Option 1.

On Tuesday 10 October 2017 Council and Officers met on site with representatives from Main Roads WA and the Public Transport Authority of Western Australia (PTA) to further discuss this issue.

After receiving Council and Officers' comments, the PTA and Main Roads WA are reviewing the Principal Shared Path – Success Hill options, and once Officers receive revised drawings, a report will be presented to Council.

## **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 of 17 October 2017:

Item	Report
10.3	Dedication of Collier Road In The Town Of Bassendean- Applicant Main Roads Western Australia
10.7	Quarterly Report for Period Ended 30 September
10.9	Bassendean Youth Advisory Council Meetings May to September 2017
10.10	Bassendean Local Studies Collection Management Committee Meeting held on 5 October 2017
10.11	Determinations Made by the Principal Building Surveyor
10.12	Determinations Made by Development Services
10.13	Use of the Common Seal
10.14	Calendar for November 2017
10.15	Implementation of Council Resolutions
10.16	Accounts for Payment – September 2017
10.17	Financial Statements – September 2017

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

Item	Report
10.2	Proposed Town of Bassendean Repeal Local Law
10.4	Audit & Risk Management Committee Meeting held on 4 October 2017
10.5	Annual Report for the Year Ended 30 June 2017
10.6	Review of Delegations to the Chief Executive Officer & Other Officers
10.8	RFT CO 070 2017-18 Security Monitoring and Maintenance of Security Equipment
11.1	Notice of Motion – Cr Bridges: Municipal Heritage Inventory Thematic History and Matrix
11.2	Notice of Motion – Cr McLennan: Access to Success Hill
13.1	Sports Achievement Awards
13.2	Request for Extension of Licence Agreement – Swan Districts Football Club Inc.
13.3	Eastern Metropolitan Regional Council (EMRC)Resource Recovery Facility – Participant Agreement for Waste Supply and Financiers Side Deed, update, and progress on request for extension
13.4	CEO's Annual Performance Review

## **10.2 Proposed Town of Bassendean Repeal Local Law (Ref: LAWE/LOCLWS/2 – Brian Reed, Manager Development Services)**

### APPLICATION

The purpose of this report is for Council to consider the repeal of a number of obsolete Local Laws.

### ATTACHMENTS

#### **Attachment No. 3:**

- Local Laws Process Flow Chart
- Town of Bassendean Local Law 2010 Disallowance Motion

### BACKGROUND

The Town did attempt to make a Town of Bassendean Repeal Local Law, to repeal a number of obsolete Local Laws in 2010, however, the Repeal Local Law was disallowed by Parliament in 2012, following gazettal of the Local Law.

The disallowance motion was made as the Town had not followed the correct process under section 3.12 of the Local Government Act, rather than on the content of the Local Law. (refer to attachment)

In the disallowance motion, mention was made of a proposal by the Minister for Local Government to make the Local Law making process less prescriptive. Section 3.12 of the Act has since been amended to insert a clause that states “a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure”.

### COMMUNICATION & ENGAGEMENT

Once Council decides to make the local law, section 3.12 of the Local Government Act 1995 requires that notice of the proposed local law is advertised state wide and locally.

It is envisaged that the consultation will also occur through “Your Say Bassendean”.

### STRATEGIC IMPLICATIONS

Preparing for a review of the Town’s Local Laws is one of the Chief Executive Officer’s key performance indicators under the theme of “develop and implements change management strategies to enhance service delivery”.

## COMMENT

As mentioned in the background section of this report, Council has previously resolved to repeal the local laws:

### Purpose and Effect

**The Purpose and Effect of the law is to repeal Local Laws considered to be obsolete or defunct or by the introduction of alternative legislation.**

## STATUTORY REQUIREMENTS

The process for repealing a local law is the same as for making a local law and 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.

## FINANCIAL CONSIDERATIONS

The costs of advertising the proposed local law will be met out of account 401333

## OFFICER RECOMMENDATION — ITEM 10.2

That under the powers conferred on it under the Local Government Act 1995 and all other powers enabling it, the Council of the Town of Bassendean proposes to make the Town of Bassendean Repeal Local Law to repeal the following Local Laws:

- (a) The *By-law regarding Discount on Rates*, published in the *Government Gazette* on 17 September 1920;
- (b) The *Schedule of Poundage and Sustenance Fees*, published in the *Government Gazette* on 19 February 1915 and as amended and published in the *Government Gazette* on 16 December 1921, 7 September 1923, 9 October 1942, 13 August 1948 and 18 April 1952;
- (c) The *By-law prescribing a Shopping and Residential Area*, published in the *Government Gazette* on 11 January 1935;

- (d) The *Local Law relating to Parks and Reserves*, published in the *Government Gazette* on 13 August 1937;
- (e) The *Local Law relating to Health Model By-laws Series "A"*, published in the *Government Gazette* on 14 November 1941;
- (f) The *Adoption of Draft Model By-laws (Street Lawns and Gardens) No. 11*, published in the *Government Gazette* on 11 June 1963;
- (g) The *By-laws relating to Parking of Commercial Vehicles on Street Verges*, published in the *Government Gazette* on 29 May 1981 and as amended and published in the *Government Gazette* on 21 April 1989;
- (h) The *By-law relating to Refuse, Rubbish, Dangerous Things and Nuisances*, published in the *Government Gazette* on 22 July 1983;
- (i) The *By-law relating to Conduct of Proceedings and the Business of Council*, published in the *Government Gazette* on 15 November 1991 and as amended and published in the *Government Gazette* on 19 January 1996;
- (j) The *Town of Bassendean Urban Environment and Nuisance Local Law*, published in the *Government Gazette* on 16 August 2001; and
- (k) The *Town of Bassendean Signs, Hoardings and Bill Posting Local Law*, published in the *Government Gazette* on 16 August 2001.

**Voting requirement: Simple Majority**

**10.3 Dedication of Collier Road in the Town Of Bassendean-Applicant Main Roads Western Australia (Ref: ROAD/MAINT/10 - Brian Reed, Manager Development Services, Trent Macpherson, Acting Manager Asset Services)**

APPLICATION

The purpose of this report is for Council to pass a resolution to dedicate three parcels of land as a road under section 56 of the Land Administration Act 1997

ATTACHMENTS

**Attachment No. 4:**

- Correspondence received from Main Roads Western Australia dated 7 September 2017.
- Image showing parcels of land to be dedicated as a road.

BACKGROUND

As part of the Tonkin Grade Separation project, the three parcels of Crown land shown as items 28, 29 & 30 on attached Land Dealings Plan 1360-181-2, are required to be dedicated as road for inclusion in the Collier Road reserve.

COMMUNICATION & ENGAGEMENT

No consultation has been undertaken by the Town relating to the dedication of the land as a road

STRATEGIC IMPLICATIONS

Strategic Priority 3: Built Environment.

Objective 3.2 - Enhance connectivity between places and people.

3.2.4 - Enhance road safety through design.

COMMENT

The three parcels of land concerned are owned by the Crown, and hence do not involve the acquisition of private land. The land is required to be dedicated as a road by Main Roads WA as part of the Tonkin Grade Separation project.

STATUTORY REQUIREMENTS

*Land dedicated for roads under the Land Administration Act 1997*

In accordance with section 56 of the Land Administration Act 1997, local governments may request the dedication of land to become a public road reserve.

#### FINANCIAL CONSIDERATIONS

Nil. Main Roads WA will indemnify the Council against any costs and claims that may arise as a result of the dedication.

#### OFFICER RECOMMENDATION — ITEM 10.3

That Council requests the Minister for Planning, Lands and Heritage to dedicate the land being Items 28, 29 & 30 shown on Main Roads WA's Land Dealing Plan 1360-181-2, a road pursuant to section 56 of the Land Administration Act 1997, as attached to the Ordinary Council Agenda of 17 October 2017.

**Voting requirements: Simple Majority**

**10.4 Audit & Risk Management Committee Meeting held on 4 October 2017 (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 4 October 2017 and adopt the recommendations from the Committee.

ATTACHMENTS

**Attachment No. 5.**

- Minutes of the Audit & Risk Management Committee held on 4 October 2017.
- Audit Completion Report to the Audit Committee for the year ended 30 June 2017.
- List of the major variances between the 2016/17 Budget and Actual amounts.
- Correspondence from the Morley Baptist Church received on 6 September 2017.
- 2016/17 Audited Annual Financial Statements including the Audit Report – (refer to Annual Report).

COMMUNICATION & ENGAGEMENT

The Committee comprises of community members appointed by Council to undertake the audit of financial and risk management matters.

COMMENT

The following items were discussed:

**Audited Annual Financial Statements for the Year Ended 30 June 2017**

The purpose of this report is to receive the Audited Annual Financial Statements for the year ended 30 June 2017.

**Request for a Rate Exemption – Morley Baptist Church, 33 Hanwell Way, Bassendean**

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

**COMMITTEE/OFFICER RECOMMENDATION – ITEM 10.4**

That: Council:

1. Receives the report on the Audit and Risk Management Committee meeting held on 4 October 2017;
2. Receives the audited 2016/17 Annual Financial Statements, Audit Report and Completion Report, as attached to the Audit and Risk Management Committee Agenda of 4 October 2017;
3. Provides a rate exemption on 33 Hanwell Way, Bassendean, for the 2017/18 financial year in accordance with Section 6.26 (2)(d) of the Local Government Act.

**Voting requirement:**

**Points 1 & 2: Simple Majority**

**Point 3: Absolute majority**

**10.5 Annual Report for the Year Ended 30 June 2017 (Ref: FINM/AUD/7 – Bob Jarvis, Chief Executive Officer)**

APPLICATION

The purpose of this report is to:

- Adopt the 2016/17 Annual Report that includes the Audited Annual Financial Statements for the year ended 30 June 2017; and
- Set a date for the General Meeting of Electors.

ATTACHMENTS

**Attachment No. 6:**

- Draft 2016/17 Annual Report
- 2016/17 Audited Annual Financial Statements including the Audit Report.

BACKGROUND

The 2016/17 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 Tuesday 5 December 2017, 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.

#### **COMMUNICATION & ENGAGEMENT**

The General Meeting of Electors provides members of the public the opportunity to ask questions and make statements.

#### **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 the 1016/17 Audited 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.

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

### OFFICER RECOMMENDATION – ITEM 10.5

That Council:

1. Accepts the Town of Bassendean's 2016/17 Annual Report for the year ended 30 June 2017; and
2. Holds its General Meeting of Electors on Tuesday 5 December 2017, in the Bassendean Community Hall commencing at 7.00pm.

### **Voting requirement:**

**Pt 1: Absolute majority**

**Pt 2: Simple majority**

**10.6 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 & 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.

It has been necessary to create a new delegation to the CEO under the Bush Fires Act 1954 to allow the CEO to appoint a Chief Bush Fire Control Officer, Deputy and other Fire Control Officers. A new point 7.5 will be added to Ranger Services' delegations as follows:

#### *7.5 Powers Under the Bush Fires Act 1954*

*The authority to appoint a Chief Bush Fire Control Officer, Deputy and other Fire Control Officers under section 38A of the Bush Fires Act 1954.*

In addition to the above, Council's appointed Food Safety Risk Assessment Contractor is now empowered to issue infringement notices under the Food Act 2008, which has involved a change to Delegation 6.2. This change is recommended to increase organisational efficiency.

**OFFICER RECOMMENDATION – ITEM 10.6**

That having reviewed the delegations currently in place:

1. That Council delegates to the Chief Executive Officer:

No	Title	Legislative Power	Delegation
<b>ADMINISTRATION</b>			
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"> <li>1. The works comply with the Local Planning Scheme and development approval;</li> <li>2. The works do not involve any expenditure to Council unless that expenditure is budgeted; and</li> <li>3. The value of the asset will not be diminished as a result of the works.</li> </ol> <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	The authority to deal with applications from clubs seeking approval for liquor licences for special occasions on Council owned or vested land.  The authority to deal with applications for section 39 certificates (certificate of local health authority) and section 40 certificates (certificate of local planning authority).
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.
<b>'ONE-OFF' DELEGATIONS</b>			
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.
2.46	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.
2.54.1	Unauthorised parking of a commercial vehicle at Lot 106; 10 Culworth Road, Bassendean	Planning & Development Act 2005 & Local Planning Scheme No 10, Clause 10.3	The Manager Development Services was delegated the authority to initiate legal action if the property at Lot 106; 10 Culworth Road, Bassendean, continues to be used for commercial vehicle parking in contravention of the Local Planning Scheme No 10.

2.66	Lease Agreement – Bassendean Men’s Shed Association (Inc)	Local Gov 1995, s5.42	Act	The CEO was delegated the authority to: 1. Execute the Deed of Agreement as attached to the October 2015 Ordinary Council Meeting Agenda; 2. 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. Execute the Lease Agreement, subject to confirmation that the conditions of the Deed have been met; and 4. Negotiate lease option renewals in-line with the covenants in the Lease.
2.69	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.
2.70	Extension of Contract – Provision of Cleaning Services for Council Facilities	Local Gov 1995, s5.42	Act	The CEO was delegated the authority to exercise the option under contract RFT CO 039 2015-16, Supply, Provision of Cleaning Services for Council Facilities, to negotiate for a one year extension of the contract beyond the nominal expiry date of 1 May 2018.
2.72	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.
2.74	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.
2.76	Extension of Contract – Provision of Tree Maintenance for the Town of Bassendean	Local Gov 1995, s5.42	Act	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.
2.82	Recycling & Waste Services	Local Gov 1995, s5.42	Act	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.

2.84	Contract Agreement – Little Italy Street Festival 2017	Local Gov Act 1995, s5.42	The CEO was authorised to enter into a formal contract on behalf of the Town with Nella Fitzgerald Events for the staging of the Little Italy Street Festival scheduled for 9 & 10 September 2017*, regarding the following: <ol style="list-style-type: none"> <li>1. Terms and conditions of Council supporting the Spring Sagra as a Town centre activation;</li> <li>2. Clearly outlining the roles and responsibilities of the Town and Nella Fitzgerald Events in regards to staging the event;</li> <li>3. The Town’s logo be displayed in all promotional material; and</li> <li>4. Funds are duly acquitted with proof of expenditure and a profit and loss statement and an event evaluation also being submitted.</li> </ol> <p>* This event has been rescheduled to 2018.</p>
<b>CORPORATE SERVICES</b>			
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.

<b>PLANNING SERVICES</b>			
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.
4.4	Delegation of Powers under Local Planning Scheme No 10	Planning and Development (Local Planning Schemes) Regulations 2015	<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> <p>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> <p>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;</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 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>

4.5	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.
4.6	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.
4.7	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.
<b>BUILDING SERVICES</b>			
5.1	Occupancy Permits & Building Approval Certificates	Building Act 2011	The authority to endorse Occupancy Permits-Strata and Building Approval Certificates-Strata in accordance with the Building Act 2011.
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.
<b>HEALTH SERVICES</b>			
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, or the person acting in that position, 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"> <li>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(1)(b);</li> <li>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.;</li> <li>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;</li> <li>4. Delegates the authority to the Senior Environmental Health Officer/Authorised Officer to issue 'prohibition notices' and instigate prosecutions under the Food Act 2008;</li> <li>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</li> <li>6. Designates the Chief Executive Officer as the 'designated officer' to receive payment from 'infringement notices' under provisions of Section 126(3) and (13).</li> </ol>
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.
<b>RANGER SERVICES</b>			
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
<b>LOCAL LAWS</b>			
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>
<b>MAYORAL DELEGATIONS</b>			
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:

<b>No</b>	<b>Title</b>	<b>Legislative Power</b>	<b>Delegation</b>
5.5	Compliances of Privately Owned Swimming Pools	Building Act 2011, and Division 2 of the Building Regulations 2012	The authority as an Authorised Officer to administer the provisions of Division 2 of the Building Regulations 2012 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 Permits 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.

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

<b>No</b>	<b>Title</b>	<b>Legislative Power</b>	<b>Delegation</b>
6.1	Functions under the Health (Miscellaneous Provisions) Act 1911 (As amended)	Health(Miscellaneous Provisions) 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 (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"> <li>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(1)(b);</li> <li>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.</li> <li>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;</li> <li>4. Delegates the authority to the Senior Environmental Health Officer/Authorised Officer to issue 'prohibition notices' and instigate prosecutions under the Food Act 2008;</li> <li>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</li> <li>6. Designates the Chief Executive Officer as the 'designated officer' to receive payment from 'infringement notices' under provisions of Section 126(3) and (13).</li> </ol>

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

No	Title	Delegation No	Delegation
10.168	Approval to keep three dogs at 40 Prospector Loop, Bassendean	7.2	The CEO exercised his delegated authority on 19 October 2016 when he approved an application to keep three dogs at 40 Prospector Loop, Bassendean.
10.169	Approval to keep three cats at 3/42 Walkington Way, Eden Hill	7.3	The CEO exercised his delegated authority on 25 October 2016 when he approved an application to keep three cats at 3/42 Walkington Way, Eden Hill.
10.170	Notice under the Food Act 2008 – 77 West Road, Bassendean	6.2	The Senior Environmental Health Officer exercised her delegated authority under the Food Act 2008 on 30 January 2017 when a Prohibition Order was issued on the proprietor of the West Road Deli at 77 West Road, Bassendean, for unsafe food handling practices.
10.171	Food Act Prosecution – 77 West Road, Bassendean	6.2	The Senior Environmental Health Officer exercised her delegated authority given under Delegation 6.2, Authorised Officers Under the Food Act 2008, on 15 February 2017 when she signed prosecution documents in relation to alleged non-compliances at the West Road Deli, 77 West Road, Bassendean.

10.172	Extension of Contract – Building & General Electrical Services for Maintenance & Minor Works	2.61	The CEO exercised his delegated authority on 1 March 2017 when he signed a letter addressed to Paramount Electrical Services extending contract RFT CO 022 2013-14, Building & General Electrical Services for Maintenance & Minor Works, from 1 April 2017 to 31 March 2018.
10.173	Notice Under Section 3.25 of the Local Government Act – 11 Kenmure Avenue, Ashfield	1.1	The CEO exercised his delegated authority on 12 July 2017 when he signed a Notice issued under Section 3.25 of the LGA 1995 on the owner of Lot 1036; 11 Kenmure Avenue, Ashfield, to remove rubbish and disused materials from the property as listed in the Schedule within 42 days.
10.174	Notice Under Section 3.25 of the Local Government Act – 186 Walter Road East, Bassendean	1.1	The CEO exercised his delegated authority on 5 September 2017 when he signed a Notice issued under Section 3.25 of the LGA 1995 on the owner of Lot 351; 186 Walter Road East, Bassendean, to remove rubbish and disused materials from the property as listed in the Schedule within 42 days.
10.175	Notice Under Section 3.25 of the Local Government Act – 186 Walter Road East, Bassendean	1.1	The CEO exercised his delegated authority on 5 September 2017 when he signed a Notice issued under Section 3.25 of the LGA 1995 on the Tenant of Lot 351; 186 Walter Road East, Bassendean, to remove rubbish and disused materials from the property as listed in the Schedule within 42 days.
10.176	Notice Under Section 3.25 of the Local Government Act – 30 Naunton Crescent, Bassendean	1.1	The CEO exercised his delegated authority on 7 September 2017 when he signed a Notice issued under Section 3.25 of the LGA 1995 on the Owner of Lot 316; 30 Naunton Crescent, Bassendean, to remove rubbish and disused materials from the property as listed in the Schedule within 42 days.
10.177	Notice Under Section 3.25 of the Local Government Act – 30 Naunton Crescent, Bassendean	1.1	The CEO exercised his delegated authority on 7 September 2017 when he signed a Notice issued under Section 3.25 of the LGA 1995 on the Tenant of Lot 316; 30 Naunton Crescent, Bassendean, to remove rubbish and disused materials from the property as listed in the Schedule within 42 days.
10.178	Extension of Contract – Old Perth Road Markets	2.46	The CEO exercised his delegated authority on 3 July 2017 when he signed a new Management Agreement from 1 May 2017 to 30 April 2020 with the Rotary Club of Swan Valley for the running of the Old Perth Road Markets.

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

No	Title	Delegation No	Delegation
11.82	Unauthorised Construction – Lot 20; 63 Ivanhoe Street, Bassendean	2.71	This delegation is no longer required as the applicant has now complied with the R-Codes.
11.83	Retrospective Development Application for a Patio at Lot 19; 15 Bridson Street, Bassendean	2.81	This delegation is no longer required as Council resolved at the OCM in April 2017 to change the legal action time to 90 days.

11.84	Extension of Contract – Annual Bulk Rubbish Collection	2.52	This delegation is no longer required as the contract has expired.
11.85	Extension of Contract – Building & General Electrical Services for Maintenance & Minor Works	2.61	This delegation is no longer required as the CEO exercised his delegated authority on 1 March 2017 when he signed an extension of the contract to 31 March 2018.
11.86	Telecommunications Facility Feasibility Investigation	2.64	This delegation is no longer required as Visionstream has found an alternative site for its infrastructure.
11.87	Unauthorised Parking at 93 Kenny Street, Bassendean	2.67	This delegation is no longer required as the matter has been resolved without the need to prosecute.
11.88	Unauthorised Non-residential Storage at 107 Kenny Street, Bassendean	2.68	This delegation is no longer required as the matter has been resolved without the need to prosecute.
11.89	Prosecution Proceedings for Non-Compliance – 14 Clune Street, Bassendean	2.77	This delegation is no longer required as the matter has been resolved without the need to prosecute.
11.90	Breach of Conditions of Development Approval – Lot 9; 2A & 2B Walter Road East, Bassendean	2.78	This delegation is no longer required as the matter has been resolved without the need to prosecute.
11.91	Unauthorised Construction of a side boundary fence at Lot 3; Unit 4, 51 Devon Road, Bassendean	2.79	This delegation is no longer required as the matter has been resolved without the need to prosecute.
11.92	Retrospective Development Application at Lot 420; 97 Second Avenue, Bassendean	2.80	This delegation is no longer required as the matter has been resolved without the need to prosecute.
11.93	Extension of Time for Prosecution Action to Remove Unauthorised Patio at Lot 19; 15 Bridson Street, Bassendean	2.83	This delegation is no longer required as the matter has been resolved without the need to prosecute.
11.94	Unauthorised Development – Double Carport at 1 Garnsworthy Place, Bassendean	2.85	This delegation is no longer required as the matter has been resolved without the need to prosecute.

8. That Council delegates to the Chief Executive Officer:

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.
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**Voting Requirement: Absolute majority**

**10.7 Quarterly Report for Period Ended 30 September 2017 (Ref: FINM/AUD/1 – Bob Jarvis, Chief Executive Officer)**

APPLICATION

The purpose of this report is for Council to receive the Quarterly Report for the period ended 30 September 2017.

ATTACHMENTS

**Attachment No. 7:** Quarterly Report

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 in the 2017-2027 Corporate Business Plan, where those deliverables will commence in the current financial year.

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 10.7

That Council receives the Quarterly Report for the quarter ended 30 September 2017.

**Voting requirements: Simple majority**

**10.8 RFT CO 070 2017-18 Security Monitoring and Maintenance of Security Equipment (Ref: PLES/TENDNG/56, Ken Cardy - Acting Director Operational Services)**

APPLICATION

The purpose of this report is to appoint a successful Tenderer from the tenders received for RFT CO 070 2017-18 Security Monitoring and Maintenance of Security Equipment for a five (5) year period.

ATTACHMENTS

**Confidential Attachment No. 3**

Tenders received providing information that is commercial in confidence.

BACKGROUND

Contractors were invited to tender for RFT CO 070 2017-18 Security Monitoring and Maintenance of Security Equipment for the Town of Bassendean via an advertisement in the Western Australian Newspaper on Saturday, 26 August 2017. Tenders closed at 11am on 19 September 2017.

COMMUNICATION AND ENGAGEMENT

An advertisement was placed in The West Australian Newspaper as well as also being advertised on the Town's Facebook page and website.

STRATEGIC IMPLICATIONS

The recently adopted Strategic Community Plan 2017-2027, contains the following under the heading of Social :

<b>Objectives</b> <i>What we need to achieve</i>	<b>Strategies</b> <i>How we're going to do it</i>	<b>Measures of Success</b> <i>How we will be judged</i>
1.3 Plan for a healthy and safe community	Facilitate Safer neighbourhood environments	Safety, Health & Wellbeing

## COMMENT

In response to RFT CO 070 2017-18 Security Monitoring and Maintenance of Security Equipment for the Town of Bassendean; two (2) tender responses were received prior to the tender deadline 11:00am, Tuesday 19<sup>th</sup> September 2017.

A further Tender was received at 12.05pm from Protection 1 Pty Ltd however in accordance with the Local Government (Functions and General) Regulations 1996 Clause 18, this Tender was rejected. (See below):

### **18 Rejecting and Accepting Tenders**

A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.

The contract is for a five year period commencing 1 November 2017.

As per the Town's Procurement Guidelines, an Evaluation Panel was formed and required to assess each tender against the selection criteria.

Both (two) Tenderers met the RFT compliance requirements. The following index represents the selection criteria and weighting for this contract.

Program and Methodology	25%
Experience with Similar Works	25%
Risk Score	30%
Price	20%

Pricing is regarded as commercial in confidence and therefore between the parties involved. Tables containing full pricing and selection criteria weighting is contained in a confidential attachment.

## STATUTORY REQUIREMENTS

Local Government Act 1995  
Local Government (Functions and General) Regulations 2007

### FINANCIAL CONSIDERATIONS

The costs associated with this contract is included in the 2017/18 Budget and will be included in future budgets for each year of the contract.

### OFFICER RECOMMENDATION – ITEM 10.8

That Council appoints Casa Security Pty Ltd to undertake the work as required in RFT CO 070 2017-18 Security Monitoring and Maintenance of Security Equipment in accordance with the specifications and terms and conditions for a period of five (5) years, commencing on 1 November 2017.

**Voting Requirement: Absolute majority**

**10.9 Bassendean Youth Advisory Council Meetings May to September 2017 (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) meeting held from May 2017 through to September 2017.

ATTACHMENTS

**Attachment No. 8:**

Minutes of the Bassendean Youth Advisory Council dated: 26 May, 30 June, 28 July, 25 August and 19 September 2017.

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 May through September meetings of the Bassendean Youth Advisory Council focused a number of issues including the NAIDOC Family Day Youth Zone, Driver Mentor Program, Review of the NAIDOC Family Day Youth Zone, Same Sex Marriage, and Keen on Halloween and Gravit8.

STATUTORY REQUIREMENTS

Nil

FINANCIAL CONSIDERATIONS

Nil

OFFICER RECOMMENDATION — ITEM 10.9

That Council receives the report on the meetings of the Youth Advisory Council meetings dated 26 May, 30 June, 28 July, 25 August and 19 September 2017.

**Voting requirements: Simple Majority**

**10.10 Bassendean Local Studies Collection Management Committee Meeting held on 5 October 2017 (Renata Pietracatella, Manager Library and Information Services)**

APPLICATION

The purpose of this report is for Council to receive the report on a meeting of the Bassendean Local Studies Collection Management Committee held on 5 October 2017.

ATTACHMENTS

**Attachment No. 9**

Local Studies Collection Management Committee Minutes of 5 October 2017.

COMMENT

At its meeting on 5 October 2017, the Committee dealt with the Local Studies Librarian's report.

The Financial Activity Statement as at September 2017 was presented and received by the Committee.

OFFICER RECOMMENDATION — ITEM 10.10

That the report on a meeting of the Bassendean Local Studies Collection Management Committee held on 5 October 2017, be received.

**Voting requirements: Simple majority**

**10.11 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:

<b>Building Applications Determined in the Month of September 2017</b>		
<b>Application No</b>	<b>Property Address</b>	<b>Description</b>
201700251	88 HAMILTON STREET, BASSENDEAN	FULL DEMOLITION
201700250	31 IVANHOE STREET, BASSENDEAN	PATIO ADDITION
201700235	33 CLARKE WA, BASSENDEAN	ADDITIONS (2 BEDROOMS & VERANDAH)
201700239	10 WHITFIELD STREET, BASSENDEAN	SOLAR PANELS
201700237	59 EILEEN STREET, BASSENDEAN	ALTERATIONS & ADDITIONS
201700233	69 CHESTERTON ROAD, BASSENDEAN	FENCE
201700236	60 IVANHOE STREET, BASSENDEAN	PATIO
201700234	23 CYRIL STREET, BASSENDEAN	GABLE PATIO
201700238	302 MORLEY DRIVE, EDEN HILL	RETROSPECTIVE BUILDING APPROVAL CERTIFICATE - BACKROOM
201700227	300 COLLIER ROAD, BASSENDEAN	SERVICE STATION (7-ELEVEN)
201700226	17 HAMILTON STREET, BASSENDEAN	GARAGE EXTENSION
201700205	16 LITTLEMORE WAY, EDEN HILL	PATIO
201700204	84 PENZANCE STREET, BASSENDEAN	GARAGE CONVERSION
201700243	40 HAIG STREET, ASHFIELD	SOLAR PANELS
201700245	37 KATHLEEN STREET, BASSENDEAN	FENCE APPLICATION
201700241	85 FIRST AVENUE, BASSENDEAN	PATIO
201700249	42 FOURTH AVENUE, BASSENDEAN	SHED
201700248	3-5 DYER ROAD, BASSENDEAN	SOLAR PANELS & PV SYSTEM
201700244	100 IVANHOE STREET, EDEN HILL	RE-ROOFING
201700242	40 WILSON STREET, BASSENDEAN	ADDITION TO EXISTING DWELLING
201700246	37 PENZANCE STREET, BASSENDEAN	PATIO

**OFFICER RECOMMENDATION – ITEM 10.11**

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

**Voting requirement: Simple majority**

**10.12 Determinations Made by Development Services (Ref: LUAP/PROCED/1 – Christian Buttle, Senior Planning Officer)**

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

<b>Planning and Subdivision Applications Determined to 6 October 2017</b>			
<b>Applic No.</b>	<b>Property Address</b>	<b>Description</b>	<b>Determination</b>
2016-108	18-22 JACKSON STREET BASSENDEAN 6054	STORAGE YARD	DELEGATE APPROVED
2017-055	4 PROWSE STREET BASSENDEAN 6054	CARPORT (RELOCATION)	DELEGATE APPROVED
2017-108	65B ANZAC TERRACE BASSENDEAN 6054	SINGLE HOUSE	DELEGATE APPROVED
2017-117	13 JAMES STREET BASSENDEAN 6054	GARAGE	DELEGATE APPROVED
2017-120	113 SECOND AVENUE BASSENDEAN 6054	CARPORT	DELEGATE APPROVED
2017-122	50 LORD STREET BASSENDEAN 6054	RETAINING WALL	DELEGATE APPROVED
2017-128	69 SCADDAN STREET BASSENDEAN 6054	WORKSHOP & ASSOCIATED OFFICE	DELEGATE APPROVED
2017-129	57 PEARSON STREET ASHFIELD 6054	SINGLE HOUSE	DELEGATE APPROVED
2017-130	29 PARKER STREET BASSENDEAN 6054	CARPORT AND FRONT FENCE INCORPORATING GATE HOUSE	DELEGATE APPROVED

**OFFICER RECOMMENDATION – ITEM 10.12**

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

**Voting requirement: Simple majority**

**10.13 Use of the Common Seal (Ref: INFM/INTPROP/1 – Sue Perkins, Executive Assistant to the CEO)**

The Chief Executive Officer and the Mayor have been delegated the responsibility for affixing the Common Seal to documents requiring signing and sealing, and for reporting the exercise of that delegation to the next available Ordinary Meeting of the Council.

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

**OFFICER RECOMMENDATION – ITEM 10.13**

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

**Voting Requirements: Simple majority**

**10.14 Calendar for November 2017 (Ref: Sue Perkins, Executive Assistant)**

Tue 7 Nov	6.00pm	EMRC Special Council Meeting – Swearing in of new Councillors – EMRC
Tue 28 Nov	5.00pm	Briefings Session – Council Chamber
Tue 28 Nov	7.00pm	Ordinary Council Meeting – Council Chamber
Thu 30 Nov	6.00pm	WALGA East Metropolitan Zone Meeting – EMRC

**OFFICER RECOMMENDATION - ITEM 10.14**

That the Calendar for November 2017 be adopted.

**Voting Requirements: Simple majority**

**10.15 Implementation of Council Resolutions (Ref: GOVN/CCLMEET/1 - 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:

<b>REC_NO.</b>	<b>OFFICER</b>	<b>BRIEF_DESCRIPTION</b>	<b>ACTION_TAKEN</b>
ROC17/54543	KEN CARDY	OCM-32/06/17 - NOTICE OF MOTION – CR BROWN: INTERSECTION ROUNDABOUTS AND EFFECTIVE CHICANES INTO WHICH SUITABLE LARGE TREES CAN BE PLANTED	FUNDS TO BE LISTED IN 2018-19 BUDGET FOR TREES WHERE SUITABLE TO BE PLANTED IN ROUNDABOUTS . <b>RECOMMEND DELETION</b>
ROC17/53985	SALVATORE SICILIANO	OCM-14/5/17 - COMMUNITY EVENTS SPONSORSHIP APPLICATION – BASSENDEAN 55 PLUS ASSOCIATION INC.	BASSENDEAN 55 PLUS ASSOCIATION HAVE LODGED ACQUITTAL. <b>RECOMMEND DELETION.</b>

**OFFICER RECOMMENDATION – ITEM 10.15**

That the outstanding Council resolutions detailed in the table listed in the Ordinary Council Meeting Agenda of 17 October 2017 be deleted from the Implementation of Council Resolutions list.

**Voting Requirements: Simple majority**

**10.16 Accounts for Payment – September 2017 (Ref: FINM/CREDTS/4 – Ken Lapham, 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. 10:** List of Accounts

**BACKGROUND**

The monthly payments made for the period September 2017 are presented to Council, with details of payments made by the Town in relation to goods & services received.

**STRATEGIC IMPLICATIONS**

***Good Governance***

**Enhance Organisational Accountability**

- *Ensure Financial sustainability*
- *Strengthen governance, risk management and compliance*

**STATUTORY REQUIREMENTS**

Local Government (Financial Management) Regulations 1996

**FINANCIAL CONSIDERATIONS**

All payments are authorised prior to disbursement in accordance with their allocated budget.

**OFFICER RECOMMENDATION - ITEM 10.16**

That Council receives the List of Accounts paid for September 2017, as attached to the Ordinary Council Agenda of 17 October 2017.

**Voting Requirements: Simple majority**

**10.17 Financial Statements – August/September 2017 (Ref: FINM/AUD/1 – Ken Lapham, Manager Corporate Services)**

APPLICATION

The Local Government Financial Management Regulations, Clause 34(1) requires that a monthly financial report be presented to Council. A Local Government is to prepare each month a statement of financial activity that clearly shows a comparison of the budget estimates with the actual revenue and expenditure figures for the year to date.

ATTACHMENTS:

**Attachment No. 11:** Financial Reports for August/September 2017

BACKGROUND

Regulations require 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 2017/18 financial year the amount is \$5,000 or 10% whichever is the greater.

STRATEGIC IMPLICATIONS

**Good Governance**

**Enhance Organisational Accountability**

- *Ensure Financial sustainability*
- *Strengthen governance, risk management and compliance*

COMMENT

The Monthly Financial Statements for August/September 2017 are attached to the agenda.

The attached statements as presented represent the adopted 2017/18 Budget estimates & actual income and expenditure amounts for the period ending 31<sup>st</sup> August 2017 & 30<sup>th</sup> September 2017.

### August 2017:

The Summary of Financial Activity (Income by Nature & type) is indicating that income for the Year to date (August 2017) is 2.58% ahead of budget Year to date estimates. Interest on investments, Operating Grants, Fees & charges, Service charges are on target.

Total expenditure by nature & type for YTD is 15.6% below Budget YTD expectations. Employee costs, Materials & contracts, Utilities are well under budget expectations in the current reporting period. Expenditure on Infrastructure Capital expenditure work has not commenced at this point.

### September 2017:

The Summary of Financial Activity (Income by Nature & type) is indicating that income for the Year to date (September 2017) is 9.0% behind budget Year to date estimates. Interest on investments, Operating Grants, Fees & charges, Service charges are on slightly behind estimates. Total expenditure by nature & type for YTD is 23.8% below Budget YTD expectations. All levels of expenditure are under budget expectations in the current reporting period. Expenditure on Infrastructure Capital expenditure work has commenced, with limited expenditure so far.

The Statements provide a comparison between actual and budget income and expenditure on year to date basis. The Notes accompanying the statements provide a detailed breakdown of the amounts.

## STATUTORY REQUIREMENTS

Local Government (Financial Management) Regulations 1996.

## FINANCIAL CONSIDERATIONS

The Financial Statements provide an overview of the income and expenditure for the period's ending 31<sup>st</sup> August and 30 September 2017. The notes accompanying the statements provide a detailed breakdown to the Financial Statements.

## OFFICER RECOMMENDATION – ITEM 10.17

That the Financial Reports for the period ended 31 August 2017 and 30 September 2017, as attached to the Ordinary Council Agenda of 17 October 2017, be received.

**Voting Requirements: Simple majority**

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

### **11.1 Notice of Motion – Cr Bridges: Municipal Heritage Inventory Thematic History and Matrix**

Cr Bridges has advised in writing that he wishes to move the following motion at this meeting:

*“That the Town of Bassendean amends the Municipal Heritage Inventory Thematic History and Matrix to include changes recommended by the Bassendean Historical Society and endorsed by the Town’s Local Studies Librarian.”*

#### **Background information – Cr Bridges**

The Thematic History and Matrix prepared to support the Town of Bassendean’s Municipal Heritage Inventory contains a number of typographical and factual errors that require correction. Former Councillor, author of ‘Bassendean – A Social History’ and President of the Bassendean Historical Society Jennie Carter, has offered to work with our Local Studies Librarian to address these anomalies. As this document is an important summary of the historical development of our Town, will be used by school children and others, and is an official Town of Bassendean publication, it is important that the content be accurate.

#### **OFFICER COMMENT**

Prior to this notice of motion being listed, the Town was already working with the Hocking Heritage Studio to fix identified grammatical errors and inaccuracies. The Town has since received comments from Jennie Carter with further recommended changes that will also be actioned. Noting that the Thematic History is solely a planning instrument used to guide places for inclusion within the MHI, adding further information to this document is unnecessary.

It is the officer’s recommendation that this notice of motion be withdrawn, as the motion refers to a process that is already underway. It may be appropriate for Council to consider allocating funds within the 2017/2018 mid-year budget review for a social history to be written, noting that the Thematic History is not intended for public distribution and a comprehensive social history would require the whole document to be rewritten, which would then be at odds with its original purpose.

## 11.2 **Notice of Motion – Cr McLennan: Access to Success Hill**

Cr McLennan has advised that she wishes to move the following motion at this meeting:

*“That, in response to concerns raised by the Success Hill Action Group (SHAG) around the single point of vehicle access and egress to the Success Hill area via Success Road, Council requests:*

1. *Officers seek statistical information on road incidents that have occurred at the Success Road – Lord Street intersection, measurements of the volume of traffic and delay time during peak hours at this location;*
2. *The Town of Bassendean engage with the community, and specifically the residents of Success Hill in the area north of the train line, to gauge the level of concern around the existing single point of vehicle access / egress to the area and seeking suggestions for & feedback on potential solutions to this issue;*
3. *The community engagement to include an initial workshop to discuss & develop possible solutions with residents followed by a survey that is made available online and also distributed to the letterboxes of all residents in the immediate vicinity; and*
4. *Officers provide a report on the outcomes of the community engagement and subsequent recommendations for addressing any concerns raised by the February 2018 Ordinary Council meeting.”*

### **OFFICER COMMENT**

In 2013 traffic classifier counters were placed on site (8 Success Road). The results of the count indicates the average weekday traffic (5 days) was 883 vehicles per day and the 85% average speed was 42.8km/hr.

To investigate delay time and efficiency of the intersection, the Town will need to engage a Traffic Engineer consultant to conduct an intersection study (SIDRA analysis).

In the last 5 years, there has been four crashes, 2 x thru – right, 1x same lane rear end and 1x same lane right rear. Three of the four crashes happened during peak times.

In 2012, the Town engaged a contractor to prepare a Local Area Traffic Management (LATM) Plan for the Town. The Plan suggests Walter Rd East and Lord Street be made a four way intersection which would open to the Success Hill area and improve traffic movement throughout the area.

Early 2017 the City of Swan discussed with the Town their intention to make Lord St a dual carriageway to Morley Drive by 2022. Once further details are provided by the City of Swan the Town is planning to work with the City of Swan on producing a concept design of the Lord St upgrade extension, from Morley Drive to Guildford Rd. This will affect the Success Rd intersection and will improve all traffic movement. Prior to any major design work being undertaken the Town will engage with the community and residents of the Success Hill area.

Given that there will be a study undertaken between the City of Swan and the Town of Bassendean, it is suggested that the matter be deferred pending the results of the study, at which time a report will be presented to Council.

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

### **13.0 CONFIDENTIAL BUSINESS**

#### **13.1 Sports Achievement Awards (Ref: COMR/AWADP/4 –Tim Dayman, Recreation Development Officer)**

*This report is to be discussed with members of the public excluded under Section 5.23 (2) (b) of the Local Government Act, in order to maintain the confidentiality of the names of the nominees.*

#### **13.2 Request for Extension of Licence Agreement – Swan Districts Football Club Inc. (Ref: LEGL/AGMT/8 – Salvatore Siciliano, Acting Director Community Development)**

*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.*

**13.3 Eastern Metropolitan Regional Council (EMRC) Resource Recovery Facility – Participant Agreement for Waste Supply and Financiers Side Deed, update, and progress on request for extension (Ref: LEGL/AGMT/44 - Bob Jarvis, Chief Executive Officer)**

*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.*

**13.4 CEO's Annual Performance Review**

*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.*

**14.0 CLOSURE**

The next Ordinary Council meeting will be held either on Tuesday 28 November 2017.