

TOWN OF BASSENDEAN

MINUTES

ORDINARY COUNCIL MEETING

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

ON TUESDAY 17 OCTOBER 2017 AT 7.00PM

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

2.0 PUBLIC QUESTION TIME & ADDRESS BY MEMBERS OF THE PUBLIC

2.1 Public Question Time

Ms Fran Phelan, 15 River Street, Bassendean

Ms Phelan queried the whereabouts of the Honour Board from the Community Hall which was removed following the painting of the hall.

The Chief Executive Officer advised that he would follow it up.

Mrs Val Dreyer, 31 Naunton Crescent, Eden Hill

Mrs Dreyer requested the Town liaise with Main Roads to repair the kerbing on the corner of Old Perth Road and Guildford Road.

Mrs Dreyer also reported that a number of items that require attention:

- Bricks sticking up on the footpath on the corner of Walter Road;
- Verges on Walter Road;
- Puddle on Whitfield Street; and

- Medium strips at the lights on Lord Street bridge.

Ms Nonie Jekabsons, 6 Barton Parade, Bassendean

Ms Jekabsons expressed her concern regarding the fox problem in the Town.

The Chief Executive Officer responded that he will contact the relevant State Government department about the problem.

Mr Jai Wilson, Hamilton Street, Bassendean

Mr Wilson referred to the proposed Guildford Road barrier installation and asked if one of the alternative options considered was to install a concrete barrier along the road, the same that exists next to the Bassendean Train Station.

The Chief Executive Officer responded that he was not aware if it was one of the options that Main Roads was looking at.

Ms Kathryn Hamilton, 53 Broadway Street, Bassendean

Ms Hamilton referred to the proposed Guildford Road barrier installation and asked if there any plans for alternative options to be investigated. Also, is it within the power of the Town to lobby Main Roads.

The Mayor responded that Main Roads has responsibility over the road. Main Roads brought the matter to Council for consideration and Council made a determination. Main Roads will be undertaking some consultation with residents.

2.2 Address by Members of the Public

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

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Present

Councillors

Cr John Gangell, Mayor
Cr Mike Lewis, Deputy Mayor
Cr Gerry Pule
Cr Paul Bridges
Cr Bob Brown
Cr Renee McLennan

Officers

Mr Bob Jarvis, Chief Executive Officer
Mr Michael Costarella, Director Corporate Services
Mr Anthony Dowling, Director Strategic Planning
Mr Salvatore Siciliano, A/Director Community Development
Mr Ken Cardy, A/Director Operational Services
Mr Brian Reed, Manager Development Services
Mrs Amy Holmes, Minute Secretary

Public

Approximately 15 members of the public were in attendance.

Press

Nil

Apologies

Mr Graeme Haggart, Director Community Development
Mr Simon Stewert-Dawkins, Director Operational Services

4.0 DEPUTATIONS

Nil

5.0 CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting held on 26 September 2017

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 5.1(a)

OCM – 1/10/17 MOVED Cr Pule, Seconded Cr Lewis, that the minutes of the Ordinary Council Meeting, held on 26 September 2017, be received.

CARRIED UNANIMOUSLY 6/0

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 5.1(b)

OCM – 2/10/17 MOVED Cr Pule, Seconded Cr Brown, that the minutes of the Ordinary Council Meeting, held on 26 September 2017, be confirmed as a true record.

CARRIED UNANIMOUSLY 6/0

5.2 Special Council Meeting held on 2 October 2017

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 5.2(a)

OCM – 3/10/17 MOVED Cr Pule, Seconded Cr McLennan, that the minutes of the Special Council Meeting, held on 2 October 2017, be received, with the following amendment:

Page 2 of 4 – ‘probity lawyer’ should say ‘lawyer’ (there is a probity advisor).

CARRIED UNANIMOUSLY 6/0

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 5.2(b)

OCM – 4/10/17 MOVED Cr Pule, Seconded Cr McLennan, that the minutes of the Special Council Meeting held on 2 October 2017, as amended, be confirmed as a true record.

CARRIED UNANIMOUSLY 6/0

6.0 ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Presiding Member referred to the upcoming Council elections and thanked his family and friends for their support during his time as Mayor of the Town. He also thanked the Councillors and staff for the number of achievements in the Town and said he looked forward to the new Council achieving great things in the Town.

7.0 PETITIONS

Nil

8.0 DECLARATIONS OF INTEREST

Nil

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.”*

Cr McLennan withdrew this motion.

10.0 REPORTS

10.1 Adoption of Recommendations En Bloc

It was agreed that item 10.15 be removed from the en-bloc table and considered separately.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.1

OCM – 5/10/17 MOVED Cr Pule, Seconded Cr Brown, that Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Meeting 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
10.16	Accounts for Payment – September 2017
10.17	Financial Statements – September 2017

CARRIED UNANIMOUSLY 6/0

Council was then 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
10.15	Implementation of Council Resolutions
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 was for Council to consider the repeal of a number of obsolete Local Laws.

The Mayor read out the Purpose and Effect of the Local Law, as required.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.2

OCM – 6/10/17 MOVED Cr Pule, Seconded Cr Bridges, 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.

CARRIED UNANIMOUSLY 6/0

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 was for Council to pass a resolution to dedicate three parcels of land as a road under section 56 of the Land Administration Act 1997

COUNCIL RESOLUTION/OFFICER RECOMMENDATION — ITEM 10.3

OCM – 7/10/17 MOVED Cr Pule, Seconded Cr Brown, 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.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/10/17 6/0

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 was 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.

COUNCIL RESOLUTION/COMMITTEE RECOMMENDATION – ITEM 10.4

OCM – 8/10/17 MOVED Cr Pule, Seconded Cr Bridges, 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.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

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 was 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.

Cr Bridges moved the officer recommendation subject to minor corrections to the 2016/17 Annual Report.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.5

OCM – 9/10/17 MOVED Cr Bridges, Seconded Cr Brown, that Council:

1. **Subject to minor corrections**, 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.

CARRIED BY AN ABSOLUTE MAJORITY 6/0

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 was 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.

Cr Bridges moved the officer recommendation with a minor amendment to delegation 2.76 as shown in bold.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.6

OCM – 10/10/17 MOVED Cr Bridges, Seconded Cr McLennan, that having reviewed the delegations currently in place:

1. That Council delegates to the Chief Executive Officer:

No	Title	Legislative Power	Delegation
ADMINISTRATION			
1.1	Inconsistency with Street Amenity	Local Gov Act 1995, s5.42	The authority to issue notices under Section 3.25 of the Local Government Act 1995 when a property is deemed to be inconsistent with the amenity of the street in accordance with Schedule 3.1, Division 1 of the Act. <i>(Note: This delegation relates to a range of requirements, including containing run-off on private property, house numbering, unsightly appearance of land and storage of disused materials, etc.)</i>
1.2	Failure to comply with a notice	Local Gov Act 1995, s5.42	The authority to exercise the additional powers contained within Section 3.26 of the Local Government Act 1995 when notice is given, where the person to whom the notice is given under Section 3.25, as contained in delegation 1.1, fails to comply.
1.3	Permission to Extend Leased Buildings	Local Gov Act 1995, s5.42	The authority to extend leased buildings in the following circumstances: <ol style="list-style-type: none"> 1. The works comply with the Local Planning Scheme and 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	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.
'ONE-OFF' DELEGATIONS			
2.2	Occupation of Land – State Emergency Service	Local Gov Act 1995, s5.42	The authority to enter into an agreement with the Bassendean State Emergency Service to allow the organisation to occupy portion of the land at Reserve 26417 Scaddan Street.
2.46	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, subject to the practice of “lolly-popping” street trees under power lines ceasing.

2.82	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.
2.84	Contract Agreement – Little Italy Street Festival 2017	Local Gov Act 1995, s5.42	<p>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:</p> <ol style="list-style-type: none"> 1. Terms and conditions of Council supporting the Spring Sagra as a Town centre activation; 2. Clearly outlining the roles and responsibilities of the Town and Nella Fitzgerald Events in regards to staging the event; 3. The Town's logo be displayed in all promotional material; and 4. Funds are duly acquitted with proof of expenditure and a profit and loss statement and an event evaluation also being submitted. <p>* This event has been rescheduled to 2018.</p>
CORPORATE SERVICES			
3.1	The Power to Make Payments	Local Gov Act 1995, s5.42	The power to make payment from the Municipal Fund, the Trust Fund, the Reserve Fund and any other fund which the Council may operate from time-to-time.
3.2	Special Arrangements for Financial Hardship	Local Gov Act 1995, s5.42, s6.49	The power to enter into special arrangements for the payment of rates and services charges with ratepayers who demonstrate cases of financial hardship.
3.3	Approval of Credit Cards	Local Gov Act 1995, s5.42	The authority to approve the issue of Council credit cards.
3.5	Contracts and Tenders Approval	Local Gov Act 1995, s5.42	The authority to enter into contracts for the supply of goods, services and programs identified within the approved budget up to the value of \$150,000, exclusive of GST, and for the inviting of tenders for the supply of contracts over the value of \$150,000 without further reference to Council, unless expressly identified and itemised by resolution of the Council.
3.6	Disposal of Property Listed in the Annual Budget	Local Gov Act 1995 s5.42	The authority to dispose of local government property listed in the Annual Budget to a value not exceeding \$100,000.
3.8	Local Government Master Lending Agreement	Local Gov Act 1995, s5.42	The authority to sign schedule documents under the Local Government Master Lending Agreement, and to give instructions thereunder on behalf of the Town of Bassendean.

3.9	Investment of Surplus Funds	Local Gov Act 1995, s5.42	The authority to invest surplus funds in accordance with Council's Investment Policy.
PLANNING SERVICES			
4.1	Advice to the Western Australian Planning Commission	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> <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>

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.
BUILDING SERVICES			
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.
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, 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"> 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); 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/Authorised Officer to issue 'prohibition notices' and instigate prosecutions under the Food Act 2008; 5. Designates the Chief Executive Officer responsible for authorised officers, to be a 'designated officer' to extend and revoke 'infringement notices' under provisions of Section 126(6) and (7) of the Food Act 2008; and 6. Designates the Chief Executive Officer as the 'designated officer' to receive payment from 'infringement notices' under provisions of Section 126(3) and (13).
6.3	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
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
5.5	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:

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 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
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6.2	Authorised Officers under the Food Act 2008	Food Act 2008, Division 3, Section 122	<ol style="list-style-type: none"> 1. Appoints the Senior Environmental Health Officer employed with the Town as an 'Authorised Officer' for the purposes of the Food Act 2008 under provisions of Sections 38 and 122(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/Authorised Officer to issue 'prohibition notices' and instigate prosecutions under the Food Act 2008; 5. Designates the Chief Executive Officer responsible for authorised officers, to be a 'designated officer' to extend and revoke 'infringement notices' under provisions of Section 126(6) and (7) of the Food Act 2008; and 6. Designates the Chief Executive Officer as the 'designated officer' to receive payment from 'infringement notices' under provisions of Section 126(3) and (13).
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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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CARRIED BY AN ABSOLUTE MAJORITY 6/0

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 was for Council to receive the Quarterly Report for the period ended 30 September 2017.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.7

OCM – 11/10/17 MOVED Cr Pule, Seconded Cr Brown, that Council receives the Quarterly Report for the quarter ended 30 September 2017.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/10/17 6/0

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 was 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.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.8

OCM – 12/10/17 MOVED Cr Pule, Seconded Cr Lewis, 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.
CARRIED BY AN ABSOLUTE MAJORITY 6/0

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 was for Council to receive the minutes of the Youth Advisory Council (YAC) meeting held from May 2017 through to September 2017.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 10.9

OCM – 13/10/17 MOVED Cr Pule, Seconded Cr Brown, 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.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION – OCM-5/10/17 6/0

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION —
ITEM 10.10

OCM – 14/10/17 MOVED Cr Pule, Seconded Cr Brown, that the report on the meeting of the Bassendean Local Studies Collection Management Committee, held on 5 October 2017, be received.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-5/10/17 6/0

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.11

OCM – 15/10/17 MOVED Cr Pule, Seconded Cr Brown, that Council notes the decisions made under delegated authority by the Principal Building Surveyor.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-5/10/17 6/0

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.12

OCM – 16/10/17 MOVED Cr Pule, Seconded Cr Brown, that Council notes the decisions made under delegated authority by the Manager Development Services.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-5/10/17 6/0

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.13

OCM – 17/10/17 MOVED Cr Pule, Seconded Cr Brown, that Council notes that the Common Seal was not attached to any documents during the reporting period.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-5/10/17 6/0

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION -
ITEM 10.14

OCM – 18/10/17 MOVED Cr Pule, Seconded Cr Brown, that the Calendar for November 2017 be adopted.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-5/10/17 6/0

10.15 Implementation of Council Resolutions (Ref: GOVN/CCLMEET/1 - Sue Perkins, Executive Assistant)

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.15

OCM – 19/10/17 MOVED Cr Brown, Seconded Cr McLennan, 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, **excluding resolution ROC17/54543.**
CARRIED UNANIMOUSLY 6/0

10.16 Accounts for Payment – September 2017 (Ref: FINM/CREDTS/4 – Ken Lapham, Manager Corporate Services)

APPLICATION

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION -
ITEM 10.16

- OCM – 20/10/17** MOVED Cr Pule, Seconded Cr Brown, that Council receives the List of Accounts paid for September 2017, as attached to the Ordinary Council Agenda of 17 October 2017.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-5/10/17 6/0

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.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 10.17

- OCM – 21/10/17** MOVED Cr Pule, Seconded Cr Brown, that the Financial Reports for the period ended 31 August 2017 and 30 September 2017, as attached to the Ordinary Council Meeting Agenda of 17 October 2017, be received.
CARRIED UNANIMOUSLY BY EN BLOC RESOLUTION –
OCM-5/10/17 6/0

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

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

COUNCIL RESOLUTION – ITEM 11.1

- OCM – 22/10/17** MOVED Cr Bridges, Seconded Cr Pule, 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.
CARRIED UNANIMOUSLY 6/0

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

COUNCIL RESOLUTION – ITEM 11.2

OCM – 23/10/17 MOVED Cr McLennan, Seconded Cr Pule, 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.

CARRIED UNANIMOUSLY 6/0

12.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil

13.0 CONFIDENTIAL BUSINESS

COUNCIL RESOLUTION – ITEM 13.0(a)

OCM – 24/10/17 MOVED Cr Brown, Seconded Cr Lewis, that the meeting go behind closed doors in accordance with Section 5.23 of the Local Government Act 1995, the time being 7.30pm.

CARRIED UNANIMOUSLY 6/0

All members of the public vacated the Chamber, the time being 7.30pm.

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

This report was 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.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 13.1

OCM – 25/10/17 MOVED Cr McLennan, Seconded Cr Bridges, that:

1. Council awards the Town of Bassendean Sports Achievement Award to the junior nominees shown in the Confidential Officer Report attached to Ordinary Council Agenda 17 October 2017;
2. Council presents the Sports Achievement Award at the 28 November 2017 Ordinary Council Meeting; and
3. The report and name of the recipient of the Award remain confidential until after the Award is presented.

CARRIED UNANIMOUSLY 6/0

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 was 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.

COUNCIL RESOLUTION – ITEM 13.2(a)

OCM – 26/10/17 MOVED Cr Bridges, Seconded Cr Brown, that Point 12 signs (a) be amended to read “*the Club may place, install and erect approved signs on the oval’s bank, scoreboard and shelter, **but not on more than 50% of the heritage listed outer perimeter picket fence.***”

LOST 2/4

Crs Bridges & Brown voted in favour of the motion. Crs Gangell, Lewis, Pule & McLennan voted against the motion.

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 13.2(b)**

OCM – 27/10/17 MOVED Cr Lewis, Seconded Cr Pule, that:

1. Council endorses a new licence agreement between the Town of Bassendean and Swan Districts Football Club, for a period of 5 years (commencing in March and concluding in September of each year) with a 5 year extension option and that the annual license fee for the first year be \$31,150 (based on the current license fee plus CPI);
2. Council instructs the Town's solicitors to prepare a new licence agreement between the Town of Bassendean and the Swan Districts Football Club, based on the previous Licence Agreement's terms and conditions;
3. The Mayor and Chief Executive Officer be authorised to finalise the Licence agreement; and
4. The Mayor and Chief Executive Officer be authorised to finalise the Licence agreement, as required, with an extension option to the agreement, if required.

CARRIED BY AN ABSOLUTE MAJORITY 5/1

Crs Lewis, Pule, Gangell, Bridges & Brown voted in favour of the motion. Cr McLennan voted against the motion.

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 was 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.

Councillors were provided with the Confidential Report and Confidential Attachments that were provided to Councillors with the Ordinary Council Agenda of 26 September 2017 and an updated Officer recommendation was included in a Confidential Report, dated 17 October 2017.

OFFICER RECOMMENDATION – ITEM 13.3

That Council takes whatever action it deems necessary in response to the advice received from the EMRC in pursuit of the Council's resolution of 2 of October which states:

“That Council defers a decision on the Participants Agreement for a Waste Supply Agreement until information is received on whether an extension of timeframe is granted by the tenderer.”

COUNCIL RESOLUTION

OCM – 28/10/17 MOVED Cr Gangell, Seconded Cr Pule, that Council suspends Standing Orders.

CARRIED UNANIMOUSLY 6/0

All Officers present, except the Chief Executive Officer, Acting Director Operational Services and Minute Secretary, left the Chamber, the time being 8.00pm.

Mr Peter Schneider, Chief Executive Officer and Mr Stephen Fitzpatrick, Director Corporate Services, of the Eastern Metropolitan Regional Council, provided a confidential briefing to Council and then left the Chamber at 8.20pm.

Cr Gangell & Cr Pule left the Chamber, the time being 8.25pm. Cr Gangell & Cr Pule returned to the Chamber, the time being 8.27pm.

COUNCIL RESOLUTION

OCM – 29/10/17 MOVED Cr Bridges, Seconded Cr Pule, that Council resumes Standing Orders.

CARRIED UNANIMOUSLY 6/0

Cr McLennan foreshadowed an alternative motion as follows, should the Officer Recommendation fail:

“That Council advises the EMRC:

- a) That the Town of Bassendean commits to developing a waste strategy with an aim to increasing the Town's waste diversion levels through waste management measures higher up the waste hierarchy than landfill and energy recovery;*
- b) That at this stage, and until the waste strategy is finalised, it would be premature and prejudicial for the Town to commit any of its waste to a Waste to Energy facility;*

- c) *Therefore, should the EMRC choose to award the Waste to Energy tender, the Town of Bassendean will not be committing its residual waste to a Waste to Energy facility in Rockingham at this stage;*
- d) *That the Town of Bassendean reserves its right to consider a Participant Agreement for Waste Supply Agreement that enables the Town of Bassendean to commit some of its waste to the Waste to Energy facility in the future, should the Town wish to do so, on the same terms and conditions as if it chose to commit waste to the facility from the outset; and*
- e) *That the Town of Bassendean reaffirms its commitment to the EMRC and its desire to remain within the regional Council.*

OFFICER RECOMMENDATION — ITEM 13.1

That:

1. Council adopts the Participants Agreement for a Waste Supply Agreement attached as a confidential item to the Ordinary Council Meeting agenda of 17 October 2017;
2. Council authorises the Mayor and the Chief Executive Officer to sign the Participants Agreement for a WSA under Common Seal;
3. Council adopts the Financier Side Deed with the Security Trustee as a confidential item to the Ordinary Council Meeting agenda of 17 October 2017;
4. Council authorises the Mayor and Chief Executive Officer to sign the Financier Side Deed with the Security Trustee under Common Seal, subject to satisfactory amendments in accordance with independent legal advice;
5. Council authorises the Chief Executive Officer in consultation with the Mayor to seek legal advice and make minor changes to the agreements forming confidential attachments to the 17 October Ordinary Council Meeting agenda; and
6. The report and attachments remain confidential and be certified by the Mayor and Chief Executive Officer.

Councillors raised some issues regarding the timeliness of legal advice, and with the acceptance of staff, moved the following recommendation. It should be noted that this did not alter the thrust of the original recommendation.

COUNCIL RESOLUTION - ITEM 13.3

OCM – 30/10/17 MOVED Cr Pule, Seconded Cr Lewis, that

1. Council authorises the Chief Executive Officer, in consultation with the Mayor, to immediately seek legal advice and make changes to the Agreements forming the confidential attachments to the 17 October 2017 Ordinary Council Meeting agenda; and
2. Council commits to support the Participants Agreement for a Waste Supply Agreement and the Financier Side Deed (attached as confidential items to the Ordinary Council Meeting agenda of 17 October 2017), subject to being negotiated to the satisfaction of the Town of Bassendean in regard to the independent legal advice received by the Town;
3. Council authorises the Mayor and the Chief Executive Officer to sign the Participants Agreement for a Waste Supply Agreement and the Financier Side Deed with the Security Trustee under Common Seal (attached as confidential items to the Ordinary Council Meeting Agenda of 17 October 2017), subject to the satisfactory amendments as detailed in point 2 above.
4. The report and attachments remain confidential and be certified by the Mayor and Chief Executive Officer.

CARRIED 4/3

Crs Pule, Lewis & Gangell voted in favour of the motion. Crs Bridges, Brown & McLennan voted against the motion.

Cr Gangell exercised his second vote, resulting in the motion being carried.

13.4 CEO's Annual Performance Review

This matter was 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.

All remaining staff left the Chamber, the time being 10.05pm.

COUNCIL RESOLUTION – ITEM 13.4

OCM – 31/10/17 MOVED Cr Pule, Seconded Cr Lewis, that:

1. The CEO's (Mr Bob Jarvis) performance is considered to have met the established performance requirements in 2016-17;
2. Council adopts the Key Performance Indicators for 2017-18 in accordance with the 2017-2021 Corporate Business Plan and as attached to the Ordinary Council Agenda of the 17 October 2017; and
3. Mr Jarvis's cash component of the remuneration be increased by 1%.

CARRIED 4/2

*Crs Pule, Lewis, Gangell & Brown voted in favour of the motion.
Crs Bridges & McLennan voted against the motion.*

COUNCIL RESOLUTION – ITEM 13.0(b)

OCM – 32/10/17 MOVED Cr Gangell, Seconded Cr Pule, that the meeting come from behind closed doors, the time being 10.30pm.

CARRIED UNANIMOUSLY 6/0

As no members of the public returned to the Chamber, the reading aloud of the motions passed behind closed doors was dispensed with.

14.0 **CLOSURE**

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

There being no further business, the Presiding Member declared the meeting closed, the time being 10.30pm.