



Ordinary Council Meeting

Wednesday 22 February 2012

Agenda

Notice is hereby given of the Ordinary Council meeting to be held in the Council Chambers, Town of Kwinana Administration Centre commencing at 7:00pm.

A handwritten signature in black ink, appearing to read "Neil Hartley".

NEIL HARTLEY
Chief Executive Officer

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

Agendas and Minutes are available online at www.kwinana.wa.gov.au

Building a Bright Future

Our purpose is to create a bright future for the diverse Kwinana community, providing an environment where they can grow and improve their quality of life; fostering pride and ownership in our Town; where the natural environment is managed for the enjoyment of future generations and where facilities and infrastructure are provided to meet the needs for now and the future.

We will do this by -

- providing strong leadership in the community;
- being holistic in our approach;
- being accountable and transparent to all who we deal with;
- being efficient and effective with the resources in our care;
- accessing contemporary methods and technology at our disposal;
- being responsible and fair in our decision making, based on sound information; and
- meeting and exceeding the needs of our customers.



Our Values

We wish to develop the Town of Kwinana and the way we do business so it will be highly regarded by all those we work with. We wish to demonstrate and be known for the following core values which we believe underpins our approach in everything we do.

Leadership

Strong and visible leadership throughout the organisation whose professional outlook and support allows focus on the right priority issues for the community's benefit.

Service

Understanding what our customers and stakeholders need and want, and subject to affordability, drives us to work together and improve what we do and how we do it.

Accountability and Transparency

Accountability, fairness, consistency and transparency in our decision making and actions are vital to maintaining a trusting relationship between our organisation and our community based on ethics and integrity.

Growth

Growth must be managed in a sustainable manner to protect the quality of life that the community values.

Best Value

We strive to provide the best possible value for money to the community to the highest standard of customer service.

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1. Declaration of Opening:

2. Prayer:

Councillor Feasey to read the Prayer

“OH LORD WE PRAY GUIDANCE IN OUR MEETING. PLEASE GRANT US WISDOM AND TOLERANCE IN DEBATE THAT WE MAY WORK TO THE BEST INTERESTS OF OUR PEOPLE AND TO THY WILL. AMEN”

3. Apologies/Leave of Absence (previously approved)

4. Public Question Time:

In accordance with the Local Government (Administration) Regulations 1996 any person may during Public Question Time ask any question on any matter relating to the Council of the Town of Kwinana.

The maximum time allowed for each Public Question Time is 15 minutes, unless Council, by resolution, extends the time limit in order to allow further questions to be put by members of the public. Each person wishing to ask a question or questions within public question time will be allowed a maximum of three minutes, with additional questions that will exceed this time to be submitted in writing on the forms available.

A member of the public who raises a question during Question Time is to state his or her name and address.

5. Applications of Leave Absence:

Moved Cr Seconded Cr..... that Cr be granted a leave of absence from to inclusive.

6. Declarations of Interest by Members & Council Officers:

Councillors to deliver to the Chief Executive Officer:

- (a) written notice of any Declaration of Interest prior to the meeting; or
- (b) at the meeting immediately before the matter is discussed [Local Government Act Section 5.65(1)]. A Council employee who has an interest in any matter of which the employee is providing advice or a report directly to the Council or Committee must disclose the nature of the interest when giving the advice or report [Local Government Act Section 5.7(2)].

7. Community Submissions:

In accordance with Clause 13 of Council's Local Laws Relating to Standing Orders, any member of the public may, during the Community Submissions segment of the Agenda with the consent of the person presiding, speak on any matter before the Council or Committee provided that:

- (a) the person has requested the right to do so in writing addressed to the Chief Executive Officer by noon on the day of the meeting.
- (b) the person's speaking right to be exercised before the Council debates the particular Agenda item.
- (c) the person speaking during Community Submissions will be limited to a maximum period of three minutes, unless extended by the consent of the meeting which will be decided without debate.

8. Minutes to be Confirmed:

8.1 ORDINARY MEETING OF COUNCIL HELD ON 8 FEBRUARY 2012:

Moved Cr Seconded Cr that the Minutes of the Ordinary Meeting of Council held on 8 February 2012 be confirmed as a true and correct record of the meeting.

9. Referred Standing/Occasional/Management/Committee Meeting:

When the minutes or recommendations of a Committee are placed before the Council, the adoption of recommendations of the Committee is to be moved by -

- (a) the Presiding Member of the Committee if the Presiding Member is a Council member and is in attendance; or
- (b) a Council member who is a member of the Committee, if the Presiding Member of the Committee is not a Council member, or is absent; or
- (c) otherwise, by a Council member who is not a member of the Committee.

10. Petitions/Deputations/Presentations:

A petition to Council may be received, provided that the intention and legibility of the petition are clear.

A petition must contain -

- a) the names, addresses and signatures of the petitioners;
- b) the name and address of the person who lodged the petition with the Council shown on the front of the petition; and
- c) the subject of the petition at the top of each page.

The only motion which shall be considered by the Council on the presentation of any petition shall be -

- a) that the petition shall be received; or
- b) that the petition shall not be received; or
- c) that the petition be received and a report prepared; or
- d) that the petition be received and be referred to a Committee for consideration.

Note: Petitions Policy#1.4.7 includes an example of a petition and is available on the Town's website.

11. Notices of Motion:

A member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given, in writing, to the Chief Executive Officer either:-

- a) at the last previous Council meeting, or
- b) at least seven clear days before the meeting at which the motion is moved.

Every notice of motion shall relate to the good government of persons in the district and the Chief Executive Officer with the concurrence of the Mayor, shall rule out of order any notice which does not comply with this clause.

An officer report is to be prepared in respect of each notice of motion received, addressing the issue or issues raised in the notice and the report is to be considered in conjunction with the notice of motion.

12. Reports – Democratic Local Government:

Nil.

13. Reports– Resource and Asset Management:

13.1 ACCOUNTS FOR PAYMENT UP TO 31 JANUARY 2012

SUMMARY:

This is a Schedule of Accounts for Payment made by the Town of Kwinana.

OFFICER RECOMMENDATION:

That the Schedule of Accounts for the period ended 31 January 2012 as approved by the Chief Executive Officer in accordance with Delegated Authority DA1.1.5, be noted.

DISCUSSION:

The following schedule of accounts summarises all cheques and electronic funds transfer (EFT) drawn for the period to 31 January 2012. It is in agreement with the attached Schedule of Accounts.

FUND MUNICIPAL A/C	CHEQUE NO Cheque # 12236 to 12343 EFT #1943to 1966	AMOUNT	TOTAL
	Creditors Cheques & EFT	\$ 3,430,882.93	
	Non Creditors Cheques	\$ 35,062.60	
	Cancelled Cheques	\$ 5,499.70	
	Payroll 25/01/2012, 11/01/2012 & interim 30/01/2012	\$ 838,309.74	
TOTAL			<u>\$4,309,754.97</u>

LEGAL/POLICY IMPLICATIONS:

In accordance with Local Government (Financial Management) Regulations 1996, Regulation 13 where the power has been delegated to the CEO, a list of accounts paid by the CEO is to be prepared and presented to Council each month. The list is to show each payment, payee's name, payment amount and date of payment and sufficient information to identify the transaction.

FINANCIAL/BUDGET IMPLICATIONS:

Various, but understood to be consistent with budget/budget review position and allowable variations therein

13.1 ACCOUNTS FOR PAYMENT UP TO 31 JANUARY 2012

ASSET MANAGEMENT IMPLICATIONS:

No asset management implications have been identified as a result of this report or recommendation.

ENVIRONMENTAL IMPLICATIONS:

No environmental implications have been identified as a result of this report or recommendation.

STRATEGIC/SOCIAL IMPLICATIONS:

No strategic implications have been identified as a result of this report or recommendation.

RISK IMPLICATIONS:

No risk implications have been identified as a result of this report or recommendation.

13.2 BUDGET VARIATIONS

SUMMARY:

To amend the 2011/2012 budget to reflect various adjustments to the General Ledger with nil effect to the overall budget as detailed below. Due to the nature of these variations, they fall outside the annual budget review.

OFFICER RECOMMENDATION:

That the required budget variations to the Adopted Budget for 2011/2012 as outlined in the report, be approved.

NOTE: REQUIRES AN ABSOLUTE MAJORITY OF COUNCIL

DISCUSSION:

ITEM #	LEDGER ACCOUNT	DESCRIPTION	OPERATING BUDGET	INCREASE/ DECREASE	REVISED BUDGET
1	600017.1002	Capital Expense	(2,563,351)	(2,000)	(2,565,351)
	600015.1001	Capital Expense	(172,751)	2,000	(170,751)
	Reason:	<i>Education & Welfare Facility – Maydwell Way, Calista. Transfer of funds from annual contingency for all council buildings, to connect building to deep sewerage. Total estimated cost is \$6,000, however \$4,000 can be funded from the variation of \$4,000 that was approved at the 18 January, 2012 council meeting to install privacy fencing. This was able to be carried out in-house under the maintenance budget therefore, the additional \$2,000 is required to complete the connection as a priority.</i>			
2	600019.1002	Capital Expense	(26,005,016)	(2,100)	(26,007,206)
	600015.1001	Capital Expense	(170,751)	2,100	(168,751)
	Reason:	<i>Recreation & Culture Facility – Koorliny Arts Centre. Transfer of funds from annual contingency for all council buildings, to install window tinting in the new reception are of the Arts Centre.</i>			

LEGAL/POLICY IMPLICATIONS:

The Local Government Act 1995 Part 6 Division 4 s 6.8 (1) requires the local government not to incur expenditure from its municipal fund for an additional purpose except where the expenditure-

(b) is authorised in advance by resolution*

“additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

*requires an absolute majority of Council.

13.2 BUDGET VARIATIONS

FINANCIAL/BUDGET IMPLICATIONS:

Budget Item Name:	Various items as listed above.
Budgeted Amount:	
Expenditure to Date:	
Proposed Cost:	Nil effect.
Balance:	

*NOTE: All figures are exclusive of GST

ASSET MANAGEMENT IMPLICATIONS:

The allocation of funds towards the upgrading and renewal of existing Town assets in the capital expenditure items is in line with the Asset Management Strategy and will reduce the current asset management gap.

ENVIRONMENTAL IMPLICATIONS:

No environmental implications have been identified as a result of this report or recommendation.

STRATEGIC/SOCIAL IMPLICATIONS:

Council's Strategic Plan for the period 2008 to 2012 provides that Council will ensure the future sustainability of the Town of Kwinana through the implementation of sound revenue and expenditure policies, and seeking additional revenue sources.

RISK IMPLICATIONS:

Refer to Legal/Policy comments for risk implications.

14. Reports – Economic Development/Built Environment:

14.1 CONSIDERATION TO ADOPT A MINOR CHANGE TO WANDI NORTH LOCAL STRUCTURE PLAN: LOTS 1-7 DARLING CHASE, LOTS 677 - 680 LYON ROAD, LOT 683 ROWLEY ROAD, WANDI

SUMMARY:

At its Ordinary Council Meeting held 10 June 2009, Council resolved to adopt the Wandi North Local Structure Plan ("LSP" or "Structure Plan") for Lots 1-7 Darling Chase, Lots 677 - 680 Lyon Road, Lot 683 Rowley Road and including Lot 144 (drainage site), and Figg Rise (road reserve) in Wandi ("subject land"). Incorporated into the Wandi North LSP boundary is the Darling Chase road reserve at its southern most boundary (refer Attachments A & B). The Western Australian Planning Commission (WAPC) resolved to endorse the Structure Plan on 26 November 2009.

At its Ordinary Council Meeting held 9 February 2011, Council resolved to adopt the Wandi South LSP for Lots 675, 674, 51 & 52 Lyon Road and Lots 1, 53, 54, 55, 56, 57, 59, 60 & 61 Kenby Chase, in Wandi (refer Attachment C). The Wandi South LSP is currently with the WAPC for final endorsement however it has been noted by the Department of Planning (DoP) that the Darling Chase road reserve has also been incorporated into the Wandi South LSP. As such and in order for the WAPC to make a determination on the Wandi South LSP, the DoP has instructed the proponent to request a change to the Wandi North LSP in order to amend its southern boundary. This boundary amendment will ensure a portion of Darling Chase road reserve is closed and incorporated into a portion of POS within the Wandi South cell.

The proposed modification to the Wandi North Structure Plan is considered to be a minor change under Clause 6.17.5.1 of Town of Kwinana Town Planning Scheme No. 2 ("TPS2" or "Scheme"), meaning the modification does not materially alter the intent of the Structure Plan and can be determined by Council without the need for advertising.

OFFICER RECOMMENDATION:

1. That Council, in pursuance of Clause 6.17.5.1 of Town of Kwinana Town Planning Scheme No. 2, determines the proposed change to the Wandi North Local Structure Plan for Lots 1 - 7 Darling Chase, Lots 677 - 680 Lyon Road, and Lot 683 Rowley Road in Wandi as minor and adopt the change in accordance with the modified plan (Attachment D) and updated Public Open Space Schedule (Attachment E).

14.1 *CONSIDERATION TO ADOPT A MINOR CHANGE TO WANDI NORTH LOCAL STRUCTURE PLAN: LOTS 1-7 DARLING CHASE, LOTS 677 - 680 LYON ROAD, LOT 683 ROWLEY ROAD, WANDI*

2. **That Council, in pursuance of Clause 6.17.5.2 (a) of the Scheme, forwards a copy of the proposed minor change to the Wandi North LSP, including any relevant information to make a determination, to the Western Australian Planning Commission ("WAPC") within ten days of the date of this resolution.**
3. **That once notice of the WAPC's endorsement has been received, the modified Wandi North LSP be forwarded to the proponent and any other affected landowner or public authority as necessary.**

DISCUSSION:

Council adopted the Wandi North LSP in June 2009 (refer Attachment B). For conceptual and contextual purposes, the Darling Chase road reserve has been included in the Structure Plan area. However, due to the Darling Chase realignment works and the development of a Public Open Space (POS) area associated with the adjacent Wandi South Structure Plan, the boundary of the Wandi North LSP is required to be modified. Currently, both Wandi North and Wandi South include the existing Darling Chase road reserve within its respective LSP site area (refer Attachments B & C).

The proposed modification will show the southern boundary alignment of the Wandi North LSP as being realigned to abut the northern edge of the Darling Chase road reserve (refer Attachment D). The modification has been required by the DoP in order to "tidy-up" the anomaly of the Darling Chase road reserve being represented in the two adjacent Structure Plans. This modification will also better distinguish the responsibilities associated with Darling Chase upgrades and the POS area located in the portion of closed road reserve (refer to Attachment C).

The boundary change will result in a total site area reduction of approximately 1.28 hectares for the Wandi North cell. Given the site area will be reduced it is expected there will be a reduced Public Open Space (POS) contribution required for the Structure Plan area. A revised POS Schedule has been submitted with the modification outlining the reduced site area and its affect on the POS requirements for the cell (refer Attachment E & F). The proposed modification has been assessed by both the Town's Planning Department and the DoP (against State Government Policy and POS Guidelines) and it is evident no areas of POS are being removed from the Structure Plan as a result of the boundary realignment. Therefore the POS provision of the adopted Wandi North LSP is not affected. It is for this reason the modification is considered a minor change under TPS2.

14.1 *CONSIDERATION TO ADOPT A MINOR CHANGE TO WANDI NORTH LOCAL STRUCTURE PLAN: LOTS 1-7 DARLING CHASE, LOTS 677 - 680 LYON ROAD, LOT 683 ROWLEY ROAD, WANDI*

The proposed Wandi South LSP is currently with the WAPC (WAPC) for its consideration. To assist with this approval process, the DoP has requested the proponent amend the Wandi North LSP to resolve the contradiction of a road reserve being calculated in the site area of the two adjacent Wandi Structure Plans and be able to better consider the Wandi South LSP which includes the Darling Chase road reserve within its POS Scheduling.

Under Clause 6.17.5.1 of the Scheme, it is considered appropriate to consider the proposed modification as a minor amendment as it does not impact on the POS provisions for the Wandi North LSP nor does it materially alter the intent of the adopted Structure Plan. As such, the proposal has not been advertised for public comment.

LEGAL/POLICY IMPLICATIONS:

For impartiality reasons, the proponent is Greg Rowe & Associates acting on behalf of Satterley Property Group. Other landowners within the Wandi North LSP area include Annunziata & Santo Galati Rando.

- Planning and Development Act 2005
- Town of Kwinana Town Planning Scheme No. 2
- Wandi North Local Structure Plan
- Wandi South Local Structure Plan

FINANCIAL/BUDGET IMPLICATIONS:

Nil

ASSET MANAGEMENT IMPLICATIONS:

Ultimately, the area of POS to be included in the Wandi South LSP area will come under Management Order of the Town of Kwinana as it will be ceded to the Crown at subdivision for the purpose of a local reserve. The area of POS has a direct relationship with the adjoining Conservation Category Wetland, which will also be under Management of the Town once ceded to the Crown.

ENVIRONMENTAL IMPLICATIONS:

The proposed Wandi North LSP modification is not considered to have any significant impacts on the environment as it is not materially altering the intent of the adopted Structure Plan.

14.1 *CONSIDERATION TO ADOPT A MINOR CHANGE TO WANDI NORTH LOCAL STRUCTURE PLAN: LOTS 1-7 DARLING CHASE, LOTS 677 - 680 LYON ROAD, LOT 683 ROWLEY ROAD, WANDI*

STRATEGIC/SOCIAL IMPLICATIONS:

The proposed boundary alignment will provide clarity in terms of POS provision and responsibilities for upgrading the Darling Chase road reserve within the Wandi South LSP.

RISK IMPLICATIONS:

Council approves development under the Scheme to meet its statutory obligations and facilitate proper and orderly planning of the municipality to accommodate growth in accordance with the objectives of Council's Strategic Plan. Development approvals, Scheme amendments, subdivision and structure plans allow land use to change over time to meet Local and State Government policies and practices, community values and provide protection of the environment.

The modification to the Wandi North Local Structure Plan will ensure development of the Wandi South cell will progress without any complication. Should Council not resolve to approve the proposed modification as a minor change, it risks delays to the finalisation of the Wandi South Local Structure Plan and subsequently the timely facilitation of new growth occurring.

15. Reports – Natural Environment:

Nil.

16. Reports – Public Health:

Nil.

17. Reports – Public Safety:

Nil.

18. Reports – Community Development & Services:

Nil.

19. Reports – Traffic & Transport:

19.1 PROPOSED ROAD NAMES FOR SUNRISE ESTATE, WELLARD DEVELOPMENT

SUMMARY:

The developer, Cardno, has presented the proposed subdivision road names. These names are for the first stages of the development. The developer is now seeking Council approval for the new road names as indicated in attachment A.

The Geographic Names Committee has given its in-principle approval of the proposed road names. The theme for the road names is "Sunrise".

OFFICER RECOMMENDATION:

That Council approve the following road names for use within the Sunrise Estate development, as indicated in attachment A:

- Wake Way
- Harmony Street
- Tranquility Street
- Eclipse Lane
- Equinox Street
- Halo Lane
- Astral Street
- Solstice Bend
- Dusk Street
- Shimmer Street
- Daybreak Loop
- Twilight Street
- Serenity Street
- Solaris Street
- Sunrise Boulevard
- Affinity Street
- Dawn Street
- Indigo Bend

19.1 PROPOSED ROAD NAMES FOR SUNRISE ESTATE, WELLARD DEVELOPMENT

DISCUSSION:

The developer of Sunrise Estate, Cardno, are about to undertake construction of stage 1A of their development and are now applying for the road name approval for the estate. The "Sunrise" naming theme is used throughout the estate and a list of the proposed road names is shown on attachment A.

The proposed names for Sunrise Estate are;

- Wake Way
- Harmony Street
- Tranquility Street
- Eclipse Lane
- Equinox Street
- Halo Lane
- Astral Street
- Solstice Bend
- Dusk Street
- Shimmer Street
- Daybreak Loop
- Twilight Street
- Serenity Street
- Solaris Street
- Sunrise Boulevard
- Affinity Street
- Dawn Street
- Indigo Bend

The process for naming streets must adhere to the Geographic Names Committee Guidelines to ensure no duplication of road names occurs within the surrounding areas. Cedar Woods Properties has submitted the proposed roads names to the Geographic Names Committee for assessment. Geographic Names Committee has given its in-principle approval for the use of these proposed road names.

The naming theme for these streets is Sunrise. This theme was chosen from a shortlist of twenty names as it represents a new beginning and a fresh start. The name sunrise also has many positive associations such as warmth, light and hope.

19.1 PROPOSED ROAD NAMES FOR SUNRISE ESTATE, WELLARD DEVELOPMENT

LEGAL/POLICY IMPLICATIONS:

Geographic Names Committee Guidelines.

Council Policy 8.2.4 – Street names

FINANCIAL/BUDGET IMPLICATIONS:

Nil

ENVIRONMENTAL IMPLICATIONS:

Nil

STRATEGIC/SOCIAL IMPLICATIONS:

Nil

RISK IMPLICATIONS:

Nil

20. Reports – Culture & Recreation:

Nil.

21. Urgent Business

Note: In accordance with Clause 6.7 of Council's Standing Orders, only items resolved by Council to be Urgent Business will be considered.

Moved Cr Seconded Cr that Council deal with the items of urgent business as presented in the Addendum to the Agenda.

22. Councillors Reports:

23. Response to Previous Questions

24. Mayoral Announcements (without discussion):

25. Matters Behind Closed Doors:

In accordance with Section 5.23 of the Local Government Act 1995, all Council Meetings and all Committee Meetings (where the Committee has been delegated any power or duty by the Council), are to be open to members of the public.

In accordance with Clauses 6.8 & 20.7(5) Council's Local Law Relating to Standing Orders, all matters discussed Behind Closed Doors shall be strictly confidential.

Moved Cr Seconded Cr that Council meet behind closed doors as the following two items to be discussed and resolved is of a confidential nature, and deals specifically with....., which relates to a matter to be discussed at the meeting.

26. Meeting Closure: