

Ordinary Council Meeting

9 May 2018

Minutes



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 on the City's website www.kwinana.wa.gov.au

Vision Statement

Kwinana 2030

***Rich in spirit, alive with opportunities,
surrounded by nature – it's all here!***

Mission

**Strengthen community spirit, lead
exciting growth, respect the environment
- create great places to live.**



We will do this by –

- providing strong leadership in the community;
- promoting an innovative and integrated approach;
- being accountable and transparent in our actions;
- being efficient and effective with our resources;
- using industry leading methods and technology wherever possible;
- making informed decisions, after considering all available information; and
- providing the best possible customer service.

Values

We will demonstrate and be defined by our core values, which are:

- Lead from where you stand – Leadership is within us all.
- Act with compassion – Show that you care.
- Make it fun – Seize the opportunity to have fun.
- Stand Strong, stand true – Have the courage to do what is right.
- Trust and be trusted – Value the message, value the messenger.
- Why not yes? – Ideas can grow with a yes.

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Present:

HER WORSHIP MAYOR C ADAMS
DEPUTY MAYOR P FEASEY
CR W COOPER
CR S LEE
CR S MILLS
CR M ROWSE
CR D WOOD

MS J ABBISS	-	Chief Executive Officer
MS C MIHOVILOVICH	-	Director City Strategy
MRS B POWELL	-	Director City Engagement
MRS M COOKE	-	Director City Regulation
MR D ELKINS	-	Director City Infrastructure
MS M BELL	-	Director City Legal
MR T HOSSEN	-	Lawyer
MS A MCKENZIE	-	Council Administration Officer

Members of the Press	0
Members of the Public	0

1 Declaration of Opening:

Presiding Member declared the meeting open at 7:00pm and welcomed Councillors, City Officers and gallery in attendance and read the Welcome.

“IT GIVES ME GREAT PLEASURE TO WELCOME YOU ALL HERE AND BEFORE COMMENCING THE PROCEEDINGS, I WOULD LIKE TO ACKNOWLEDGE THAT WE COME TOGETHER TONIGHT ON THE TRADITIONAL LAND OF THE NOONGAR PEOPLE”

2 Prayer:

Councillor Dennis Wood read the Prayer

“OH LORD WE PRAY FOR 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(s) of Absence (previously approved)

Apologies

Councillor Merv Kearney

Leave(s) of Absence (previously approved):

Nil

4 Public Question Time:

Nil

5 Applications for Leave of Absence:

COUNCIL DECISION

155

MOVED CR W COOPER

SECONDED CR S MILLS

That Councillor Merv Kearney be granted a leave of absence from 10 May 2018 to 21 May 2018 inclusive (received in writing).

CARRIED
7/0

NOTE – That the Ordinary Council Meeting agenda incorrectly stated that the leave of absence request commence on 2 May 2018.

6 Declarations of Interest by Members and City Officers:

Deputy Mayor Peter Feasey declared an impartiality interest in item 15.2, Adoption of Local Development Plan – Stage 41 Wellard Village, Wellard as his supervisor is the Minister for Housing and this is a joint venture project.

Councillor Matthew Rowse declared an impartiality interest in item 15.2, Adoption of Local Development Plan – Stage 41 Wellard Village, Wellard due to his interest in the Village at Wellard Residents Association and their association with Peet Ltd.

7 Community Submissions:

Nil

8 Minutes to be Confirmed:

8.1 Ordinary Meeting of Council held on 24 April 2018:

COUNCIL DECISION

156

MOVED CR S LEE

SECONDED CR M ROWSE

That the Minutes of the Ordinary Meeting of Council held on 24 April 2018 be confirmed as a true and correct record of the meeting.

CARRIED
7/0

COUNCIL DECISION

157

MOVED CR P FEASEY

SECONDED CR W COOPER

That Council suspend Standing Orders.

CARRIED
7/0

COUNCIL DECISION

158

MOVED CR S MILLS

SECONDED CR S LEE

That Councillor Wendy Cooper be granted a leave of absence from 29 May 2018 to 1 June 2018 inclusive.

CARRIED
7/0

COUNCIL DECISION

159

MOVED CR D WOOD

SECONDED CR M ROWSE

That Councillor Sheila Mills be granted a leave of absence from 29 May 2018 to 1 June 2018 inclusive.

CARRIED
7/0

COUNCIL DECISION

160

MOVED CR W COOPER

SECONDED CR D WOOD

That Council reinstate Standing Orders.

CARRIED
7/0

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

Nil

10 Petitions:

Nil

11 Notices of Motion:

Nil

12 Reports – Community

12.1 City of Kwinana Reconciliation Statement of Intent

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

In 2017 the City of Kwinana commenced development of a Reconciliation Action Plan (RAP). As part of the overarching Reconciliation theme, it is proposed that Council endorse a Reconciliation Statement of Intent and for this statement to be unveiled at the City's Reconciliation Week Event (Monday 28 May 2018).

This report outlines the proposed Reconciliation Statement of Intent.

OFFICER RECOMMENDATION:

That Council adopt the following as the City of Kwinana's Reconciliation Statement of Intent:

The City of Kwinana is committed to the journey of Reconciliation and respects Aboriginal people's Connection to Country as the traditional custodians of the land. The City of Kwinana's vision is to work together with the Kwinana community to build positive relationships between Aboriginal and non-Aboriginal communities. Throughout this journey the City aims to promote and assist with the development of pathways and opportunities for Aboriginal and Torres Strait Islander communities that are meaningful, mutually beneficial and sustainable.

DISCUSSION:

A key action under the Rich In Spirit: A Unique Identity objective of the City's Strategic Community Plan 2017 – 2027 is the development of a Reconciliation Action Plan (RAP), together with Kwinana's Aboriginal and Torres Strait Islander (ATSI) communities.

On 28 March 2018 Council resolved to develop a Reconciliation Action Plan and adopted the Terms of Reference for the Kwinana Reconciliation Advisory Group. To mark this occasion the City is planning a symbolic event to be held during Reconciliation Week. At the centre of this event (28 May 2018) it is proposed to present the City's Reconciliation Statement of Intent to the community.

The proposed Reconciliation Statement of Intent incorporates the three pillars of Reconciliation, as declared by Reconciliation Australia, which are Relationships, Respect and Opportunities.

12.1 CITY OF KWINANA RECONCILIATION STATEMENT OF INTENT

Draft City of Kwinana Reconciliation Statement of Intent

The City of Kwinana is committed to the journey of Reconciliation and respects Aboriginal people's Connection to Country as the traditional custodians of the land. The City of Kwinana's vision is to work together with the Kwinana community to build positive relationships between Aboriginal and non-Aboriginal communities. Throughout this journey the City aims to promote and assist with the development of pathways and opportunities for Aboriginal and Torres Strait Islander communities that are meaningful, mutually beneficial and sustainable.

It is envisaged that the statement will be incorporated into the preamble of the Reconciliation Action Plan, when developed.

LEGAL/POLICY IMPLICATIONS:

There are no legal/policy implications as a result of this report or its recommendations.

FINANCIAL/BUDGET IMPLICATIONS:

Funds have been included in the 2017/18 budget for the development of the Kwinana Reconciliation Action Plan, and an event to be held during Reconciliation Week, May 2018.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications as a result of this report or its recommendations.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications as a result of this report or its recommendations.

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal is in alignment with following objectives and strategies detailed in the Strategic Community Plan and Corporate Business Plan.

Plan	Outcome	Objective
Strategic Community Plan	A unique identity	1.1 Develop and strengthen community identity to create a sense of belonging
	A City alive with activity	1.2 Inspire and strengthen community spirit through community activities and events
Corporate Business Plan	1.1 A unique identity	1.1.24 Develop a Reconciliation Action Plan

12.1 CITY OF KWINANNA RECONCILIATION STATEMENT OF INTENT

COMMUNITY ENGAGEMENT:

Several community engagement activities have been undertaken to commence development of the City's Reconciliation Action Plan, as outlined in previous reports. However as this is a statement by the City of Kwinana, it has been developed with consultation with Elected Members.

RISK IMPLICATIONS:

The risk implications in relation to this proposal are as follows:

Risk Event	That stakeholders with a connection to the City of Kwinana reconciliation process are not adequately consulted in the development of the Reconciliation Action Plan.
Risk Theme	Inadequate engagement practice
Risk Effect/Impact	Reputation
Risk Assessment Context	Project
Consequence	Moderate
Likelihood	Possible
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce - mitigate risk Prepare Contingent Plans - in event risk occurs
Response to risk treatment required/in place	Engagement of Aboriginal consultancy to assist with facilitation of Reconciliation Advisory Group and Reconciliation Action Plan development.
Rating (after treatment)	Low

COUNCIL DECISION

161

MOVED CR W COOPER**SECONDED CR M ROWSE**

That Council adopt the following as the City of Kwinana's Conciliation Statement of Intent:

The City of Kwinana is committed to the journey of conciliation and respects Aboriginal people's Connection to Country as the traditional custodians of the land. The City of Kwinana's vision is to work together with the Kwinana community to build positive relationships between Aboriginal and non-Aboriginal communities. Throughout this journey the City aims to promote and assist with the development of pathways and opportunities for Aboriginal and Torres Strait Islander communities that are meaningful, mutually beneficial and sustainable.

**CARRIED
7/0**

12.1 CITY OF KWINANA RECONCILIATION STATEMENT OF INTENT

NOTE: That the Officer Recommendation has been amended to change reconciliation to conciliation to reflect discussion at the first meeting of the Kwinana Conciliation Advisory Group (formerly Kwinana Reconciliation Advisory Group) where there was expressed desire for a process which acknowledges relationships of the past, but is forward looking with regard to building positive relationships for the future.

13 Reports – Economic

Nil

14 Reports – Natural Environment

Nil

15 Reports – Built Infrastructure

15.1 Adoption of Local Development Plan – Stage 1 Tamblyn Private Estate – Lot 600 Tamblyn Place, Wellard

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

A draft Local Development Plan (LDP) for Stage 1 of the Tamblyn Private Estate, located within the adopted Lot 502 Tamblyn Place, Wellard Local Structure Plan (LSP) area, has been received for consideration under the City of Kwinana's Local Planning Scheme No.2 (LPS2) (refer to Attachments A and B).

The draft LDP (Attachment B) sets out design requirements for the development of the lots indicated within the LDP boundaries. These requirements apply in addition to LPS2 and State Planning Policy No. 3.1 (*Residential Design Codes of Western Australia*) requirements and permit certain variations in order to achieve a desired outcome. Subdivision approval was granted for Stage 1 by the Western Australian Planning Commission (WAPC) on 8 February 2017 with a condition requiring preparation of an LDP for the subject lots.

The LDP is considered against two key local planning policies, Local Planning Policy No. 1 – Landscape Feature and Tree Retention Policy (LPP No.1) and Local Planning Policy No. 2 – Streetscapes (LPP No. 2) which were adopted by Council on the 28 September 2016 and 26 April 2017 respectively.

The objectives of LPP No.1 are the retention of significant trees and landscape features. In this respect, the City's Environment Team has worked with the proponent to identify trees to be retained, and City Officers are satisfied that the requirements of LPP No.1 are met.

LPP No. 2 focuses on improved streetscape across the City and places an emphasis on trees and landscaping and road design. The draft LDP has been reviewed by the City's Development Engineers along with the submitted engineering drawings and it complies with LPP No.2. LPP No.2 also requires that LDPs contain built form design provisions relating to garage setbacks, dwelling façade treatment, room ceiling height, fencing and the location of street trees. In this respect, the draft LDP is reflective of LPP No.2 and is acceptable.

It is recommended that Council approve the draft LDP in accordance with Clause 51(1) (a) of Schedule 2 – *Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015*.

OFFICER RECOMMENDATION

That Council approves the Local Development Plan for Stage 1 Tamblyn Private Estate, Wellard (as per Attachments B), pursuant to Clause 52(1)(a) of Schedule 2 – *Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015*.

15.1 ADOPTION OF LOCAL DEVELOPMENT PLAN – STAGE 1 TAMBLYN PRIVATE ESTATE – LOT 600 TAMBLYN PLACE, WELLARD

DISCUSSION:

Land Status

Metropolitan Region Scheme: Urban

Local Planning Scheme No. 2: Residential R25

Planning Comment

A LDP is a planning tool, which allows certain design requirements, either in addition to or in variance to those stipulated under LPS2 and the R-Codes to be imposed on subsequent development of land. These requirements will often cover aspects including dwelling placement and design, solar orientation, private open space, setbacks, garage placement and design, fencing, store areas and service provision. Requirements vary depending on the type of land and design outcome trying to be achieved. Most importantly is the LDP's ability to vary LPS2 and R-Code provisions where such variations are needed in achieving the most optimal design outcome.

The draft LDP (Attachment B) has been specifically required as a condition of the WAPC's subdivision approval for the subject land. It sets out design requirements for the development of the lots indicated within the LDP boundaries within the Tamblyn Private Estate, Stage 1 area.

Local Planning Policy No. 1 - Landscape Feature and Tree Retention Policy

LPP No.1 focuses on retention of significant trees and landscape features and location of services. The proponents have identified trees to be retained in the road reserve. The City's Manager of Environment undertook a site inspection and confirmed the location of trees to be retained. These trees have been marked out on site and are shown on the draft LDP as required by LPP No.1.

Local Planning Policy No. 2 - Streetscapes

Engineering drawings for Stage 1 have been lodged and reviewed by the City's Engineering Department. The engineering drawings are required to comply with LPP No.2 in terms of road infrastructure, location of footpaths and sufficient road reserve widths to accommodate street trees. The draft LDP has been reviewed by the City's Development Engineers in conjunction with the submitted engineering drawings and is supported.

Street Trees

To ensure the location of proposed street tree plantings, LPP No.2 requires the draft LDP to indicate the location of these trees. The Draft LDP has complied with the requirements of LPP No.2.

15.1 ADOPTION OF LOCAL DEVELOPMENT PLAN – STAGE 1 TAMBLYN PRIVATE ESTATE – LOT 600 TAMBLYN PLACE, WELLARD

In respect to building articulation, the LPP No. 2 refers to the following:

Dwelling facade treatment

All dwellings to provide an appropriate, high quality design interface with the surrounding streetscape, through the use of at least three of the following architectural design features:

- 1. Articulation in dwelling facade (i.e. varied wall setbacks);*
- 2. A minimum of two building materials, colours and/or finishes (E.g. render, brick, cladding);*
- 3. Major habitable room openings incorporating large windows to provide surveillance;*
- 4. Roof forms that incorporate gables;*
- 5. A balcony, portico, or verandah; or*
- 6. A built in planter box.*

The draft LDP complies with LPP No. 2 as the dwelling facade treatment provision has been incorporated into the LDP for all lots. Compliance with these provisions will ensure that all dwellings constructed within this LDP area will provide the desired design interface with the surrounding streetscape.

Fencing

- 1. Cohesive and consistent fencing is to be constructed by the developer along the front boundaries of all of the proposed lots with vehicle access from a rear laneway.*
- 2. For all rear-loaded lots, a ground level height difference of between 300mm and 600mm between the front boundary and the street is encouraged.*
- 3. Front fences within the primary street setback being visually permeable above 0.9m to a maximum height of 1.2m above natural ground level.*
- 4. For secondary street boundaries, fencing shall be visually permeable above 1200mm behind the primary street setback, for a minimum length of 3m behind the truncation with a habitable room addressing the street.*

This LDP area does not contain any laneway lots so cohesive and consistent fencing is not a requirement. However, provisions requiring visually permeable fencing for front fences and a portion of the secondary street have been included on the draft LDP.

Garages

The draft LDP does not contain any lots with 10-metre frontages therefore the garage provisions outlined in LPP No.2 are not included, as they are not relevant in this instance.

Draft Local Planning Policy No.8 – Designing Out Crime

The principles of the Draft Local Planning Policy No.8 – Designing Out Crime (LPP No.8) have been addressed through the R-codes, which require passive surveillance of the primary street through the location of a habitable room to the front of dwellings and permeable fencing within the front setback providing direct sight lines to the street.

Conclusion

It is considered that the LDP will be a single point of reference that will provide clarity and certainty to builders, property owners and City Officers. City Officers have assessed the provisions and requirements of the draft LDP and are supportive on the basis that it is consistent with the City's LPPs No. 1 and 2 and similar LDPs approved throughout the City.

15.1 ADOPTION OF LOCAL DEVELOPMENT PLAN – STAGE 1 TAMBLYN PRIVATE ESTATE – LOT 600 TAMBLYN PLACE, WELLARD

LEGAL/POLICY IMPLICATIONS:

For the purposes of Councillors considering a declaration of interest, the landowner is Ascari Developments Pty Ltd and the applicant is Development Works Pty Ltd. The following strategic and policy-based documents were considered in assessing the application:

- City of Kwinana *Local Planning Scheme No.2*;
- Lot 502 Tamblyn Place, Wellard Local Structure Plan;
- State Planning Policy No. 3.1 (*Residential Design Codes of Western Australia*);
- Liveable Neighbourhoods Operational Policy;
- Guidelines for Planning in Bushfire Prone Areas & Appendices 2015; and
- Local Planning Policies.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial or budget implications as a result of this application.

ENVIRONMENTAL IMPLICATIONS:

The LDP encourages the use of passive solar urban design. Trees have been retained within the road reserves where possible and additional street trees will be required for all lots.

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal will support the achievement of the following outcome and objective detailed in the Strategic Community Plan.

Plan	Outcome	Objective
Strategic Community Plan	A well planned City.	4.4 Create Diverse places and spaces where people can enjoy a variety of lifestyles with high levels of amenity.

COMMUNITY ENGAGEMENT

None of the lots within the LDP have been created and are all in the ownership of the developer. As such, it was not considered necessary to advertise the LDP.

15.1 ADOPTION OF LOCAL DEVELOPMENT PLAN – STAGE 1 TAMBLYN PRIVATE ESTATE – LOT 600 TAMBLYN PLACE, WELLARD

RISK IMPLICATIONS:

Risk Event	Appeal of Council's decision on the draft LDP Amendment.
Risk Theme	Failure to fulfil statutory regulations or compliance requirements Providing inaccurate advice/ information.
Risk Effect/Impact	Reputation Compliance
Risk Assessment Context	Strategic
Consequence	Minor
Likelihood	Possible
Rating (before treatment)	Low
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Work instructions in place and checklists used when assessing the application. Consideration of the application within the statutory timeframes. Compliance of the proposal with Local Planning Scheme No.2, R-Codes, Bushfire Guidelines and relevant Policies. Liaising with the applicant throughout the application process.
Rating (after treatment)	Low

COUNCIL DECISION

162

MOVED CR D WOOD

SECONDED CR S LEE

That Council approves the Local Development Plan for Stage 1 Tamblyn Private Estate, Wellard (as per Attachments B), pursuant to Clause 52(1)(a) of Schedule 2 – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

**CARRIED
7/0**

15.2 Adoption of Local Development Plan – Stage 41 Wellard Village, Wellard

DECLARATION OF INTEREST:

Deputy Mayor Peter Feasey declared an impartiality interest as his supervisor is the Minister for Housing and this is a joint venture project.

Councillor Matthew Rowse declared an impartiality interest due to his interest in the Village at Wellard Residents Association and their association with Peet Ltd.

SUMMARY:

A draft Local Development Plan (LDP) for Stage 41 of the Wellard Village development, has been received for consideration under the City of Kwinana's Local Planning Scheme No. 2 (LPS2) (refer to Attachments A, B and C). The draft LDP (refer Attachments B and C) sets out design requirements for the development of the lots indicated within the LDP boundaries. These requirements apply in addition to normal LPS2 and State Planning Policy No. 3.1 (*Residential Design Codes of Western Australia*) requirements and permit certain variations in order to achieve a desired outcome.

Subdivision approval was granted for Stage 41 by the Western Australian Planning Commission (WAPC) on 29 November 2016 with a condition requiring the preparation of an LDP for the subject lots.

The draft LDP is considered against two key local planning policies, Local Planning Policy No. 1 – Landscape Feature and Tree Retention Policy (LPP No 1) and Local Planning Policy No. 2 – Streetscapes (LPP No. 2) which were adopted by Council on the 28 September 2016 and 26 April 2017 respectively.

LPP No. 1 focuses on retention of significant trees and landscape features and in this respect, the clearing of vegetation for this stage was undertaken prior to the adoption of LPP No. 1. As a result, whilst one tree has been retained, a Landscape Feature and Tree Retention Plan was not required.

LPP No. 2 focuses on improved streetscape across the City and places an emphasis on trees and landscaping and road design. In this regard, Engineering drawings for Stage 41 have been lodged and, in conjunction with the draft LDP, have been reviewed by the City's Development Engineers who are satisfied the document complies with the requirements of LPP No. 2. LPP No. 2 also requires that all LDPs contain built form design provisions relating to garage setbacks, dwelling façade treatment, room ceiling height, fencing and the location of street trees. In this respect, the draft LDP is reflective of LPP No. 2.

It is recommended that Council approves the draft LDP in accordance with Clause 51(1)(a) of Schedule 2 – *Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015*.

OFFICER RECOMMENDATION

That Council approves the Local Development Plan for Stage 41 Wellard Village, Wellard (as per Attachments B and C), pursuant to Clause 52(1)(a) of Schedule 2 – *Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015*.

15.2 ADOPTION OF LOCAL DEVELOPMENT PLAN – STAGE 41 WELLARD VILLAGE, WELLARD

DISCUSSION:**Land Status**

Metropolitan Region Scheme: Urban

Local Planning Scheme No. 2: Residential R25 & R40

Planning Comment

A LDP is a planning tool which allows certain design requirements, either in addition to or in variance to those stipulated under the Scheme and R-Codes to be imposed on subsequent development of land. These requirements will often cover aspects including dwelling placement and design, solar orientation, private open space, setbacks, garage placement and design, fencing, store areas and service provision. Requirements vary depending on the type of land and design outcome trying to be achieved.

The draft LDP (Attachments B and C) has been specifically required as a condition of the WAPC's subdivision approval for the subject land. The draft LDP (sets out design requirements for the development of the lots indicated within the LDP boundaries within the Stage 41 Wellard Village area. These requirements apply in addition to standard Scheme and R-Codes requirements.

Local Planning Policy No. 1 - Landscape Feature and Tree Retention Policy

LPP No.1 focuses on retention of significant trees and landscape features and the location of services. LPP No. 1 states that prior to subdivision works being undertaken, the proponent is required to submit a Landscape Feature and Tree Retention Plan to the City for approval. The clearing and earthworks for Stage 41 was undertaken prior to the adoption of LPP No. 1, under a previous subdivision approval and as such, a Landscape Feature and Tree Retention Plan was not required in this instance. One tree was able to be retained as part of the previous clearing for the stage.

LPP No. 2 - Streetscapes

Engineering drawings for Stage 41 have been lodged and reviewed by the City's Engineering Department. The engineering drawings are required to comply with LPP No. 2 in terms of road infrastructure, location of footpaths and sufficient road reserve widths to accommodate street trees. The draft LDP has been reviewed by the City's Development Engineers in conjunction with the submitted engineering drawings and is supported.

Street Tree Locations

To ensure the location of new street trees is available to prospective purchasers and builders, LPP No. 2 requires all proposed street tree plantings to be shown on LDPs. The draft LDP indicates the location of all street trees and therefore complies with this requirement.

In respect to building articulation and garage setbacks LPP No. 2 refers to the following;

Dwelling facade treatment

All dwellings to provide an appropriate, high quality design interface with the surrounding streetscape, through the use of at least three of the following architectural design features:

15.2 ADOPTION OF LOCAL DEVELOPMENT PLAN – STAGE 41 WELLARD VILLAGE, WELLARD

1. *Articulation in dwelling facade (i.e. varied wall setbacks);*
2. *A minimum of two building materials, colours and/or finishes (E.g. render, brick, cladding);*
3. *Major habitable room openings incorporating large windows to provide surveillance;*
4. *Roof forms that incorporate gables;*
5. *A balcony, portico, or verandah; or*
6. *A built in planter box.*

The draft LDP complies with LPP No. 2 as the dwelling facade treatment provision has been incorporated into the LDP for all lots. Compliance with these provisions will ensure that all dwellings constructed within this LDP area will provide the desired design interface with the surrounding streetscape.

Fencing

1. *Cohesive and consistent fencing is to be constructed by the developer along the front boundaries of all of the proposed lots with vehicle access from a rear laneway.*
2. *For all rear-loaded lots, a ground level height difference of between 300mm and 600mm between the front boundary and the street is encouraged.*
3. *Front fences within the primary street setback being visually permeable above 0.9m to a maximum height of 1.2m above natural ground level.*
4. *For secondary street boundaries, fencing shall be visually permeable above 1200mm behind the primary street setback, for a minimum length of 3m behind the truncation with a habitable room addressing the street.*

This LDP area does not contain any laneway lots, therefore cohesive and consistent fencing is not a requirement. However, provisions requiring visually permeable fencing for front fences and a portion of the secondary street have been included on the draft LDP.

Garages

- a) *Garages are not to be forward of the dwelling alignment. Garages may be aligned with the dwelling provided they do not exceed the dwelling setback line.*
- b) *Where lots have a frontage of 12 metres or less, garages may exceed 50% of the primary lot frontage to a maximum of 60% of the primary lot frontage.*
- c) *Where garages exceed 50% of the primary lot frontage, they shall comply with the following:*
 - *A clear indication of the dwelling entrance.*
 - *The dwelling entrance shall be the dominant feature of the facade, and shall include a projecting portico or veranda with a minimum depth of 1.5 metres.*
 - *Garages are to be set back at least 0.5 metres behind the dwelling alignment.*
- d) *For any single storey dwelling on a lot with a frontage less than 10 metres in width and where vehicle access is gained solely from the primary street, only a single width garage/carport (including tandem) is permitted.*
- e) *Double garages are permitted on lots less than 10m wide where dwellings are two storeys and where major openings to habitable rooms are provided on the primary street frontage.*
- f) *For all lots where a footpath adjoins the boundary, the garage must be setback a minimum 4.5m from that boundary.*

The draft LDP contains the above provisions and complies with LPP No.2 in this regard.

15.2 ADOPTION OF LOCAL DEVELOPMENT PLAN – STAGE 41 WELLARD VILLAGE, WELLARD

Draft Local Planning Policy No. 8 – Designing Out Crime

The City's draft Local Planning Policy No. 8 – Designing Out Crime (LPP No. 8) outlines designing out crime principles to be considered at each stage of the development process. These principles have been considered as part of the preparation of the draft LDP. In addition to the provisions of the R Codes, which require all dwellings to provide surveillance of the primary street, the draft LDP includes provisions requiring lots which are located on the corner of a primary and secondary street to address and provide passive surveillance of the secondary street. The draft LDP also includes provisions to encourage dwellings adjacent to Public Open Space to provide surveillance of the Public Open Space. These include setbacks from the Public Open Space boundary for dwellings, and the restriction on outbuildings within this setback area, to encourage the location of outdoor living areas within this space. The draft LDP also restricts the use of visually impermeable fencing where lots are adjacent to Public Open Space.

Draft Local Planning Policy No. 7 – Uniform Fencing

The City's draft Local Planning Policy No. 7 – Uniform Fencing (LPP No. 7) sets out the City's development standards in relation to fencing within residential estates that is visible from the public realm. In relation to the draft LDP, LPP No. 7 requires all fencing which adjoins Public Open Space to contain visually permeable infill panels to encourage surveillance of the Public Open Space from adjacent lots. LPP No. 7 does allow for minor portions of fencing to be visually impermeable to screen part of a site for areas such as clothes drying areas. LPP No. 7 also specifies permitted fencing materials, and permissible fencing height (inclusive or exclusive of a retaining wall). LPP No. 7 is a draft policy adopted by Council on 11 April 2018 and is currently being advertised. The engineering drawings for this stage of subdivision were approved by the City's Engineering Department prior to the adoption of LPP No. 7. Notwithstanding this, visually permeable fencing will be provided where the rear boundary of lots adjoin Public Open Space and a provision has been included within the draft LDP which restricts the modification this fencing.

Conclusion

It is considered that the LDP will be a single point of reference that will provide clarity and certainty to builders, property owners and City Officers.

City Officers have assessed the provisions and requirements of the draft LDP and are supportive on the basis that it is consistent with the City's LPP No. 2 and similar LDPs approved throughout the City.

LEGAL/POLICY IMPLICATIONS:

For the purposes of Councillors considering a declaration of interest, the land owner is Peet Limited and Department of Housing Joint Venture and the applicant is Creative Design and Planning.

15.2 ADOPTION OF LOCAL DEVELOPMENT PLAN – STAGE 41 WELLARD VILLAGE, WELLARD

The following strategic and policy based documents were considered in assessing the application:

- City of Kwinana *Local Planning Scheme No.2*;
- Wellard Village Local Structure Plan;
- State Planning Policy No. 3.1 (*Residential Design Codes of Western Australia*);
- Liveable Neighbourhoods Operational Policy;
- Guidelines for Planning in Bushfire Prone Areas and Appendices 2015; and
- Local Planning and other related Policies.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial or budget implications as a result of this application.

ENVIRONMENTAL IMPLICATIONS:

The LDP encourages the use of passive solar urban design. The LDP also identifies additional street trees which will be required for all lots.

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal will support the achievement of the following outcome and objective detailed in the Strategic Community Plan.

Plan	Outcome	Objective
Strategic Community Plan	A well planned City.	4.4 Create diverse places and spaces where people can enjoy a variety of lifestyles with high levels of amenity

COMMUNITY ENGAGEMENT

The draft LDP was prepared by the developer. The lots have not yet been created and are all in the ownership of the developer. The draft LDP was not advertised as it is not considered to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area. The application is considered to be of low impact and would only affect the current landowners.

RISK IMPLICATIONS:

Risk Event	Appeal of Council's decision on the draft LDP.
Risk Theme	Failure to fulfil statutory regulations or compliance requirements Providing inaccurate advice/ information.

15.2 ADOPTION OF LOCAL DEVELOPMENT PLAN – STAGE 41 WELLARD VILLAGE, WELLARD

Risk Effect/Impact	Reputation Compliance
Risk Assessment Context	Strategic
Consequence	Minor
Likelihood	Possible
Rating (before treatment)	Low
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Work instructions in place and checklists used when assessing the application. Consideration of the application within the Statutory timeframes. Compliance of the proposal with LPS2, R-Codes, Bushfire Guidelines and relevant Policies. Liaising with the applicant throughout the application process.
Rating (after treatment)	Low

COUNCIL DECISION

163

MOVED CR S MILLS**SECONDED CR W COOPER**

That Council approves the Local Development Plan for Stage 41 Wellard Village, Wellard (as per Attachments B and C), pursuant to Clause 52(1)(a) of Schedule 2 – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

**CARRIED
7/0**

15.3 Consideration to Adopt Timed Vehicle Parking Restrictions within the Wellard Village Centre

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

The purpose of this report is for Elected Members to consider the adoption of timed vehicle parking restrictions within the Wellard Village Centre (Village Centre) in accordance with Attachment A. In recent times, certain streets within the Village Centre have been subject to parking congestion as a result of train commuters utilising on-street parking bays rather than the Public Transport Authority (PTA) Car Park located adjacent to the Wellard Station.

Timed parking restrictions are proposed to be introduced within the Village Centre focussing on the business precinct on The Strand (between Runnymede Gate and Chiswick Parade), Runnymede Gate (bounded by Lambeth Circle), Chiswick Parade (bounded by Lambeth Circle) and Charing Cross (bounded by Lambeth Circle). Once introduced, City Officers will monitor the outcomes of the timed parking restrictions, and make any recommendations to Council for any changes which may include implementing additional parking restrictions. The timed parking restrictions will apply Monday to Friday, 7am – 6pm and will have a maximum 1 hour parking limit.

Timed vehicle parking restrictions within the Village Centre were considered by Council at its Ordinary Council Meeting held on the 14 February 2018, and were adopted for the purpose of public advertising. Advertising took place between 26 February and 23 March 2018, and was carried out via business / landowner letters, two newspaper advertisements, two Facebook posts, and was available for download on the Public Notices section of the City of Kwinana website.

A total of 12 submissions were received during the advertising period, with 45 comments being received on the Facebook posts.

Of the submissions received, seven were in support, two were neutral, and three were against the implementation of the proposed timed parking restrictions. The majority of support for the timed parking came from business owners within the Village Centre as well as landowners / residents immediately adjoining.

In regards to the Facebook posts, of the 45 comments made, nine comments supported and ten comments objected to the proposal. The remaining 26 comments neither supported nor objected to the proposal.

City Officers are of the view that whilst a number of objections have been received, the introduction of timed parking within the Village Centre is required to enable a higher turnover of vehicle traffic for the surrounding businesses, and, to remedy the train commuter parking occurring in front of the businesses.

15.3 CONSIDERATION TO ADOPT TIMED VEHICLE PARKING RESTRICTIONS WITHIN THE WELLARD VILLAGE CENTRE

OFFICER RECOMMENDATION:

That Council:

1. Adopts and implements the proposed Timed Parking Restrictions for the Wellard Village Centre, as detailed in Attachment A, in accordance with Clause 3.1(1) of the *City of Kwinana Parking and Parking Facilities Local Law 2010*.
2. Authorises the installation of signage to give effect to the timed parking restrictions in accordance with Clause 3.1(2) of the *City of Kwinana Parking and Parking Facilities Local Law 2010*.
3. Requires the City Assist Team to evaluate the effectiveness, impact and potential to increase the area of the timed parking restrictions and present this to an Elected Member Briefing Session six months after implementation.

DISCUSSION:

Background

The Wellard Village Centre Shopping complex was granted planning approval by the South-West Metropolitan Joint Development Assessment Panel (JDAP) in December 2012. As part of its approval, the JDAP provided a recommendation to the City that it should consider the implementation of timed parking within the Village Centre in the short to medium term.

Since the opening of the shopping complex in December 2014, City Officers have been monitoring the parking outcomes in the area and considering the need for parking restrictions. More recently, City Officers have received a number of complaints and concerns from local business owners in the area regarding the use of the on-street bays by train commuters which impacts their businesses in regards to customer turnover and convenience. In this regard, City Officers have noted that certain streets within the Village Centre have been subject to parking congestion as a result of train commuters utilising on street parking bays rather than the PTA Car Park located adjacent to the Wellard Station.

To stop the bays being occupied by train commuters, City Officers have recommended that timed parking restrictions be implemented in the locations detailed in Attachment A. The parking restrictions are proposed to be introduced within the Village Centre focussing on the business precinct on The Strand (between Runnymede Gate and Chiswick Parade), Runnymede Gate (bounded by Lambeth Circle), Chiswick Parade (bounded by Lambeth Circle) and Charing Cross (bounded by Lambeth Circle).

Once introduced, City Officers will monitor the outcomes of the timed parking restrictions, and make any recommendations to Council for any changes which may include implementing additional parking restrictions. The parking restrictions would apply Monday to Friday, 7am – 6pm and would have a maximum 1 hour parking limit.

15.3 CONSIDERATION TO ADOPT TIMED VEHICLE PARKING RESTRICTIONS WITHIN THE WELLARD VILLAGE CENTRE

Timed Vehicle Parking within the Village Centre was the subject of discussions at an Elected Member Forum held in July 2016. It was suggested at the Forum that further discussions be held with the business owners and a report be put to Council on the matter of possible parking restrictions.

City Officers subsequently undertook discussions with the business owners in the Village Centre to determine the level of support within the area to the concept of timed parking. From this consultation, it appeared that the majority of the business owners supported the concept of timed parking in the area as at times, parking bays are occupied by commuters and not available for customers.

Subsequently, a report was put to Council's Ordinary Council Meeting held on the 14 February 2018 at which Council resolved to adopt, for the purposes of advertising, the proposed timed vehicle parking restrictions within the Village Centre.

Consultation

In regards to the *City of Kwinana Parking and Parking Facilities Local Law 2010*, whilst there is no legislated requirement for advertising, Council resolved at its February 2018 meeting, to publicly advertise the proposal for a 21 day period to allow for suitable community consultation regarding the implementation of timed parking within the Village Centre.

Advertising took place between 26 February and 23 March 2018, the advertising of the proposed timed parking restrictions included letters sent to all surrounding business owners, two newspaper advertisements, a notice being placed on the public notices section of the City's website, and two social media (Facebook) posts. Notification of the advertising was also sent to key stakeholders including the Wellard Village Residents Association, Peet and Co, and Colliers International (Property Managers for the Wellard Village Shopping Centre).

A total of 12 submissions were submitted during the advertising period. The City also received 45 comments on the two Facebook posts (that contained a link for people to make a formal submission)

Of the submissions received, seven were in support, two were neutral, and three were against the implementation of the proposed timed parking restrictions. The majority of support for the timed parking came from business owners within, and landowners / residents who immediately adjoined the Village Centre. A summary of the submissions and City Officers responses are provided in the Schedule of Submissions shown in Attachment B.

With regards to the Facebook posts, of the 45 comments made (across the two posts) a total of nine comments supported, and ten comments objected to the proposal. The remaining 25 comments did not relate to either support or objection of the proposal. A summary of the Facebook comments is shown in Attachment C.

15.3 CONSIDERATION TO ADOPT TIMED VEHICLE PARKING RESTRICTIONS WITHIN THE WELLARD VILLAGE CENTRE

Key Matters of Support

The key matters raised in both the submissions and Facebook comments providing support for the proposal are as follows:

- Commuters using the train already park on Lambeth Circle all day, and as such Lambeth Circle should be included in the introduction of timed parking restrictions;
- Timed parking will increase the patronage to the businesses by increasing the turnover of vehicle traffic;
- The same vehicles are parked outside of the businesses on Runnymede Gate, Chiswick Parade and The Strand for 10 plus hours a day. The implementation of the timed parking restrictions will prevent this from happening and make the on-street parking bays available for customers and patients;
- Timed parking restrictions will provide customers and patients of the businesses in Wellard Village easier access to parking directly in front of businesses.

Officer Comment

Timed parking restrictions are proposed to be introduced within the Village Centre focussing on the business precinct initially (not Lambeth Circle).

Once introduced, City Officers will however monitor the outcomes of the timed parking restrictions, and may then propose that Council make any further changes as necessary including implementing additional parking restrictions. Initial assessment by City Officers of aerial photography does suggest that sections of Lambeth Circle closer to the station are being used by train commuters during weekdays.

In this regard, Part 3 of the Officer Recommendation to this report requires that the City Assist Team evaluate the effectiveness, impact and potential to increase the area of the timed parking restrictions and present this to an Elected Member Briefing Session six months after implementation.

Key Matters of Objection

The key matters raised in both the formal submissions and Facebook comments objecting to the proposal are as follows:

- Commuters shouldn't have to pay for parking as the cost of using the train is high;
- A one hour time limit is too short to undertake shopping;
- Businesses are struggling in the centre and parking restrictions will make it harder for businesses;
- Parking restrictions will cause hardship for people using the shopping centre;
- The parking restrictions are a revenue raising exercise by the City.

City Officer Comment

City Officers have considered each of the key matters objecting to the proposal and provide a response to each of the issues below.

15.3 CONSIDERATION TO ADOPT TIMED VEHICLE PARKING RESTRICTIONS WITHIN THE WELLARD VILLAGE CENTRE

- 1. Commuters shouldn't have to pay for parking as the cost of using the train is high.**
The City is not proposing to implement paid parking as part of this proposal. The on-street parking will be subject to timed parking restrictions only and will remain free to park, in accordance with the timed restrictions. The existing PTA car park has a charge of \$2 per day, however this charge is not controlled or enforced by the City of Kwinana.
- 2. A one hour parking limit is too short to undertake shopping.**
The one hour parking limit is limited to public streets to encourage a higher turnover of vehicle traffic visiting the businesses within the Village Centre, and is intended to provide for shorter convenience shopping trips. The private parking located at the rear of the Village Centre shops has been provided by the developers of the Centre for the longer term parking needs of those patrons undertaking a range of shopping activities. This may include longer term parking.
- 3. Businesses are struggling in the Village Centre and parking restrictions will make it harder for businesses.**
As part of the timed parking proposal, all of the business owners within the Village Centre were consulted. All of the business owners who made a submission on the proposal indicated that their patrons are unable to find on-street parking due to train commuters utilising these parking bays. In this regard, the submissions received from businesses within the centre have provided support for the implementation of timed parking restrictions as it will provide for convenience parking of their patrons / patients.
- 4. Parking restrictions will cause hardship for people using the shopping centre.**
The time restrictions proposed for the on-street parking bays within the Village Centre are intended to provide for shorter convenience shopping trips and encourage a higher turnover of vehicles within the area. The private parking located at the rear of the Village Centre has been provided by the developer for short/medium and longer term parking needs of those patrons undertaking longer shopping activities.
- 5. The parking restrictions are a revenue raising exercise by the City.**
The implementation of timed parking restrictions within the Village Centre does not include the implementation of paid parking bays. In this regard, there will be little revenue raised by the City, other than through the issuing of fines for failing to comply with the timed parking restrictions.

LEGAL/POLICY IMPLICATIONS:

Acts and Regulations:

Parking and Parking Facilities Local Law 2010;

Urban Environment and Nuisance Local Law (2003);

15.3 CONSIDERATION TO ADOPT TIMED VEHICLE PARKING RESTRICTIONS WITHIN THE WELLARD VILLAGE CENTRE

The City's *Parking and Parking Facilities Local Law 2010* sets the framework for the implementation of parking restrictions within the district. In this regard, *Clause 1.8 – Powers of the local government* states:

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region, but must do so consistently with the provisions of this local law.

Additionally, *Clause 3.1 Determination of parking stalls and parking stations* states:

- (1) *The local government may by resolution constitute, determine and vary and also indicate by signs –*
 - (a) *parking stalls;*
 - (b) *parking stations;*
 - (c) *permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;*
 - (d) *permitted classes of vehicles which may park in parking stalls and parking stations;*
 - (e) *permitted classes of persons who may park in specified parking stalls or parking stations; and*
 - (f) *the manner of parking in parking stalls and parking stations.*
- (2) *Where the local government makes a determination under subclause (1) it shall erect signs to give effect to the determination.*

FINANCIAL/BUDGET IMPLICATIONS:

There will be a cost of approximately \$7000 associated with the installation of the signage required for the timed vehicle parking restrictions. This cost can be accommodated within the existing budget allocations.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications as result of this report or resolution.

STRATEGIC/SOCIAL IMPLICATIONS:

In terms of strategic and social implications, the proposed timed parking restrictions within the Wellard Village Centre align with the Strategic Community Plan objective of a well-planned City.

15.3 CONSIDERATION TO ADOPT TIMED VEHICLE PARKING RESTRICTIONS WITHIN THE WELLARD VILLAGE CENTRE

Plan	Outcome	Objective
Strategic Community Plan	A well planned City	4.4 Create diverse places and spaces where people can enjoy a variety of lifestyles with high levels of amenity

RISK IMPLICATIONS:

The control of parking is seen as a method of decreasing the occurrence of commuter parking utilising on-street parking provided for businesses within the Wellard Village Centre.

Risk Event	Limited control on Vehicle Parking within the Wellard Village Centre
Risk Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Effect/Impact	Compliance
Risk Assessment Context	Operational
Consequence	Major
Likelihood	Likely
Rating (before treatment)	High
Risk Treatment in place	Reduce – mitigate risk
Response to risk treatment required/in place	The report seeks to introduce timed parking controls in specific areas within the Wellard Village Centre.
Rating (after treatment)	Moderate

15.3 CONSIDERATION TO ADOPT TIMED VEHICLE PARKING RESTRICTIONS WITHIN THE WELLARD VILLAGE CENTRE

COUNCIL DECISION

164

MOVED MAYOR C ADAMS

SECONDED CR W COOPER

That Council:

1. Adopts and implements the proposed Timed Parking Restrictions for the Wellard Village Centre, as detailed in Attachment A, in accordance with Clause 3.1(1) of the *City of Kwinana Parking and Parking Facilities Local Law 2010* subject to the following modifications:
 - i. Exclude Charing Cross from the timed parking restriction area;
 - ii. Increase the timed parking limit to a two (2) hour maximum in lieu of the one (1) hour time limit shown;
 - iii. Extend the timed parking restrictions on The Strand to be effective between Chiswick Parade and Twickenham Parade, in lieu of between Chiswick Parade and Runnymede Gate as proposed.
2. Authorises the installation of signage to give effect to the timed parking restrictions in accordance with Clause 3.1(2) of the *City of Kwinana Parking and Parking Facilities Local Law 2010*.
3. Requires the City Assist Team to evaluate the effectiveness, impact and potential to increase the area of the timed parking restrictions and present this to an Elected Member Briefing Session six months after implementation.

CARRIED
7/0

NOTE – That the Officer Recommendation has been amended at point 1 to include modifications referred to at points I, ii and iii to increase the timed parking length and revise the areas that the timed parking restrictions applies.

16 Reports – Civic Leadership

16.1 Appointment of Council Representative to the Cockburn Sound Management Council

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

Following the Local Government Election held 20 October 2017, the appointment of Council representatives to committees and organisations was decided at the Ordinary Council Meeting held on 25 October 2017. As part of the resolution of Council of item 16.7, Appointment of Council Representatives to Committees and Organisations, Councillor Merv Kearney was appointed the Council Representative for the Cockburn Sound Management Council.

Councillor Merv Kearney has resigned from his position on the Cockburn Sound Management Council and therefore a new Council representative is required.

OFFICER RECOMMENDATION:

That Council approve the Elected Member appointment to the Cockburn Sound Management Council, as follows:

Position / Organisation	Name
Elected Member	

DISCUSSION:

The Cockburn Sound Management Council was established in August 2000 to coordinate environmental planning and management of Cockburn Sound and its catchment. The Cockburn Sound Management Council comprises 23 members who represent the community; recreation and conservation groups; industry; and Commonwealth, State and local governments.

Once the nomination has been approved by Council, the Cockburn Sound Management Council will be notified in writing of the new Elected Member representative.

Attachment A provides additional information regarding the Cockburn Sound Management Council.

16.1 APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE COCKBURN SOUND MANAGEMENT COUNCIL

LEGAL/POLICY IMPLICATIONS:

Elected Members and Officers Representing Council or the City as Delegates Council Policy

4. Policy Statement

- 4.1 Officers appointed to external committees or representing the City at any meeting other than Council meetings are to maintain close liaisons with Council.
- 4.2 When a delegate requires a decision from Council in respect to their external appointment, a request should be provided to the Chief Executive Officer to enable the preparation of a written report. The views of the delegate may, if deemed appropriate by the Chief Executive Officer, be expressed in the report, however the Officers should only reflect his or her professional opinion on the subject.
- 4.3 Wherever practicable, delegate's reports should be submitted in writing to Council and circulated to Elected Members.

FINANCIAL/BUDGET IMPLICATIONS:

No financial/budget implications have been identified as a result of this report or recommendation.

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:

This proposal will support the achievement of the following outcome and objective detailed in the Corporate Business Plan 2017-2022.

Plan	Outcome	Objective
Corporate Business Plan 2017-2022	Civic Leadership	5.1 An active and engaged Local Government, focussed on achieving the community's vision

16.1 APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE COCKBURN SOUND MANAGEMENT COUNCIL**COMMUNITY ENGAGEMENT:**

There are no community engagement implications as a result of this report.

RISK IMPLICATIONS:

The risk implications in relation to this proposal are as follows:

Risk Event	Without Council representation on committees and organisations, there is a risk that the community will not be represented in decisions made by such committees and organisations or be provided with information that may affect the City of Kwinana.
Risk Theme	Inadequate engagement practices
Risk Effect/Impact	Service Delivery
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Rare
Rating (before treatment)	Low
Risk Treatment in place	Avoid - remove cause of risk
Response to risk treatment required/in place	City Officers have prepared a Council Report, to ensure the Council appoints an Elected Member to the Cockburn Sound Management Council.
Rating (after treatment)	Low

COUNCIL DECISION

165

MOVED CR S LEE**SECONDED CR M ROWSE**

That Council approve the Elected Member appointment to the Cockburn Sound Management Council, as follows:

Position / Organisation	Name
Elected Member	Councillor Sandra Lee

**CARRIED
7/0**

NOTE – That the Officer Recommendation has been amended to include the nominated Elected Member's name.

16.2 Budget Variations

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

To amend the 2017/2018 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 Council approves the required budget variations to the Adopted Budget for 2017/2018 as outlined in the report.

NOTE: AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

ITEM #	LEDGER ACCOUNT	DESCRIPTION	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
1	600007.1562	Capital Expense – Infrastructure Footpaths – Footpaths Adventure Park and Gilmore Avenue	(150,000)	(55,000)	(205,000)
	600007.1567	Capital Expense – Infrastructure Streetlights – Latitude 32 Lighting Change	(382,474)	55,000	(327,474)
		Reason:			<i>Transport Development – Transfer between capital projects as the initial concept plan for the Walgreen footpath construction was an estimate and after the detailed design was completed it was identified that costs associated with the stairs had increased. It is proposed to use identified savings in Latitude 32 street lighting project.</i>
2	600007.1561	Capital Expense – Infrastructure Roads – Traffic Signal Project	Nil	(15,472)	(15,472)
	600007.1561	Capital Expense – Infrastructure Roads – Traffic Calming Device Repair	(25,000)	5,157	(19,843)
	300137.1003	Capital Revenue – Infrastructure Roads –Main Roads Traffic Signals Grant	Nil	10,315	10,315
		Reason:			<i>Transport Development - Grant funding has been approved from Main Roads for a traffic signal project for Gilmore Avenue/Sulphur Road/Summerton Road. The project requires a two thirds contribution from Main Roads and a one third contribution from the City of Kwinana, and it is proposed that the City contribution is sourced from existing traffic calming device repair budget.</i>

16.2 BUDGET VARIATIONS

3	600007.1561	Capital Expense – Infrastructure Roads - Cockburn Road to Rockingham Road resurfacing	(75,348)	(10,225)	(85,573)
	600007.1567	Capital Expense – Infrastructure Streetlights – Latitude 32 Lighting Change	(327,474)	5,202	(322,272)
	300137.1003	Capital Revenue – Infrastructure – Urban Road grant	50,232	5,023	55,255
		Reason:	Transport Development - Transfer between capital projects due to extra costs incurred from weekend and night works for Cockburn Road resurfacing. Additional urban grant funding has been approved from Main Roads, and it is proposed to use identified savings in Latitude 32 street lighting project for the remaining amount.		
4	600019.1002	Capital Expense – Building Construction – Smirks Cottage Accessible toilet facility	(50,000)	(6,919)	(56,919)
	600015.1002	Capital Expense – Building Construction – Building Contingency	(90,000)	6,919	(83,081)
		Reason:	Recreation & Culture Facility - Transfer between capital projects due to additional costs in decommissioning of septic and sewer connection at Smirks Cottage. It is proposed that additional funding comes from the Building contingency budget that covers all unforeseen breakdowns and requests.		
5	600023.1565	Capital Expense – Infrastructure Car Parks – Honeywood Playing Fields Carpark	Nil	(60,000)	(60,000)
	600007.1567	Capital Expense – Infrastructure Streetlights – Latitude 32 Lighting Change	(322,272)	60,000	(262,272)
		Reason:	Recreation & Culture Development – It is proposed to construct a car park to cater for visitors to the newly built Honeywood playing fields which has been constructed by the developer. It is proposed to use identified savings in Latitude 32 street lighting project.		

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.

16.2 BUDGET VARIATIONS

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications are detailed in this report.

ASSET MANAGEMENT IMPLICATIONS:

The allocation of funds towards the upgrading and renewal of existing City 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:

This proposal will support the achievement of the following objectives and strategies detailed in the Strategic Community Plan and/or Corporate Business Plan.

Plan	Objective
Corporate Business Plan	5.4 Ensure the financial sustainability of the City of Kwinana into the future.

COMMUNITY ENGAGEMENT:

There are no community engagement implications as a result of this report or recommendation.

RISK IMPLICATIONS:

Risk Event	The City does not manage its finances adequately and allows budget expenditure to exceed allocation and the City then finds itself unable to fund its services that have been approved through the budget process
Risk Theme	Failure to fulfil statutory regulations or compliance Providing inaccurate advice/information
Risk Effect/Impact	Financial Reputation Compliance
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Rare

16.2 BUDGET VARIATIONS

Rating (before treatment)	Low
Risk Treatment in place	Reduce (mitigate risk)
Response to risk treatment required/in place	Submit budget variation requests to Council as they arise, identifying financial implications and ensuring there is nil effect on the budget adopted
Rating (after treatment)	Low

ALTERNATIVE RECOMMENDATION**MOVED CR P FEASEY****SECONDED CR M ROWSE**

That Council approves the required budget variations to the Adopted Budget for 2017/2018 as outlined in the report, with the removal of item 5.

LOST
2/5

COUNCIL DECISION**166****MOVED CR S MILLS****SECONDED CR D WOOD**

That Council approves the required budget variations to the Adopted Budget for 2017/2018 as outlined in the report.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL
6/1

NOTE – That the carpark referred to in item 5, is a temporary carpark.

16.3 Proposed Parking and Parking Facilities Amendment Local Law 2018

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

A review of the City's local laws is being undertaken and it is recommended that the current *Parking and Parking Facilities Local Law 2010* be amended. A draft Parking and Parking Facilities Amendment Local Law 2018 is at Attachment A and is required to be advertised for public submissions before it can be considered by Council for adoption.

OFFICER RECOMMENDATION:

That the Presiding Member reads aloud the purpose and effect of the proposed *City of Kwinana Parking and Parking Facilities Amendment Local Law 2018*:

- a) The purpose of this local law is to regulate the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities.
- b) The effect of this local law is that a person parking a vehicle within the parking region is to comply with the provisions of this local law.

That Council give state-wide public notice of its proposal to make the *City of Kwinana Parking and Parking Facilities Amendment Local Law 2018*, as detailed in Attachment A.

DISCUSSION:

The **purpose** of this local law is to regulate the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities.

The **effect** of this local law is that a person parking a vehicle within the parking region is to comply with the provisions of this local law.

The City's current *Parking and Parking Facilities Local Law 2010* was adopted by Council on 15 December 2010.

A number of staff working group meetings and an Elected Members' forum have taken place to review the current local law.

The resulting draft amendment local law, as it will appear when advertised in the Government Gazette, is shown in Attachment A.

To assist Elected Members in assessing these proposed changes, a copy of the current local law, including the proposed amendments is provided at Attachment B, as was presented to an Elected Members' forum held on 31 October 2016.

16.3 PROPOSED PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2018

Explanatory Notes of all proposed amendments that have been made to the *Parking and Parking Facilities Local Law 2010* are contained within Attachment B. Deletions to current text are in red strike-through, proposed new text in blue and explanatory notes that do not form part of the local law, in brown text.

The City of Kwinana Town Planning Scheme Amendment 151 clarified definitions in relation to commercial vehicles and following the recent approval of the Scheme Amendment by the Western Australian Planning Commission on 15 August 2017, the local law required further minor amendments to incorporate the changes which have now been made and are included in the amendment local law.

LEGAL/POLICY IMPLICATIONS:

Local Government Act 1995

3.12 Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice*

FINANCIAL/BUDGET IMPLICATIONS:

Budget Item Name:	Governance Advertising and Promotions
Budgeted Amount:	\$12,000
Expenditure to Date:	\$ 3,560
Proposed Cost:	\$ 800
Balance:	\$7,640

*NOTE: All figures are exclusive of GST

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications related to this report.

ENVIRONMENTAL IMPLICATIONS:

There are no direct environmental implications related to this report.

16.3 PROPOSED PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2018

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal will support the achievement of the following objectives and strategies detailed in the Strategic Community Plan and/or Corporate Business Plan 2017 - 2022

Plan	Objective	Outcome
Corporate Business Plan 2017 - 2022	4.4 Create diverse places and spaces where people can enjoy a variety of lifestyles with high levels of amenity.	Review the local law to ensure consistency with the Town Planning Scheme No. 2.

COMMUNITY ENGAGEMENT:

Community engagement is proposed to take place in the form required by section 3.12(3) of the *Local Government Act 1995*. – Procedure for making local laws and includes the requirement to give statewide public notice that the local government proposes to make a local law the purpose and effect of which is summarised in the notice.

RISK IMPLICATIONS:

The risk implications in relation to this proposal are as follows:

Risk Event	Local laws not reviewed as required by the <i>Local Government Act 1995</i>
Risk Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Effect/Impact	Compliance
Risk Assessment Context	Strategic
Consequence	Minor
Likelihood	Unlikely
Rating (before treatment)	Moderate
Risk Treatment in place	Avoid - remove cause of risk
Response to risk treatment required/in place	Ensure the review of local laws complies with legislated requirements
Rating (after treatment)	Low

16.3 PROPOSED PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2018

COUNCIL DECISION

167

MOVED MAYOR C ADAMS

SECONDED CR D WOOD

That the Presiding Member reads aloud the purpose and effect of the proposed *City of Kwinana Parking and Parking Facilities Amendment Local Law 2018*:

- a) The purpose of this local law is to regulate the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities.
- b) The effect of this local law is that a person parking a vehicle within the parking region is to comply with the provisions of this local law.

That Council give state-wide public notice of its proposal to make the *City of Kwinana Parking and Parking Facilities Amendment Local Law 2018*, as detailed in Attachment A with the following amendments:

- i) The only 'modified penalties' in Attachment A to be increased are Item No. 22 & 23 (relating to disability parking permit).
- ii) All other penalties should not have an increase of penalties.
- iii) All 'new' penalties with the exception of Item No. 22 & 23: outlined in bold should not exceed \$100

CARRIED
7/0

NOTE – That the Officer Recommendation has been amended to include amendments i, ii and iii to Attachment A with the rationale being that without reasonable explanation, (in some cases) increasing penalties up to 100% is not justified.

Whilst it is appreciated that the penalties under the Town of Kwinana Parking and Parking Facilities Local Law 2010 are eight (8) years old, they still present a sufficient penalty.

16.4 Control of Dogs in Certain Public Places (Dog Exercise Areas) - Dog Act 1976 (WA) (Results of Public Notice)

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

At the Ordinary Council Meeting of 13 December 2017, Council required public consultation be undertaken to seek comment on proposed dog exercise areas. The potential locations that were proposed to be specified as dog exercise areas included:

- a portion of Lot 8032, fronting Darling Chase and to the northwest of Turnix Street, Wandí (at Attachment A) to be a fenced off dog exercise area; and either
- Lot 8009 (portion Reserve 51952) Honeywood Avenue, Wandí at Attachment B, or
- Lot 8005 (portion Reserve 51952) Honeywood Avenue, Wandí at Attachment C;

Public consultation for these parcels of land commenced on Wednesday, 17 January 2018, with submissions closing on Friday, 23 February 2018.

A total of 87 submissions were received and the following outcomes were determined:

- 38 of the submissions were supportive of Lot 8009 (portion Reserve 51952) Honeywood Avenue, Wandí (at Attachment B), as a dog exercise area, and
- 49 of the submissions received were supportive of Lot 8005 (portion Reserve 51952) Honeywood Avenue, Wandí (at Attachment C), as a dog exercise area.

A copy of these results is at Attachment E. No submissions were received opposing any of the listed parcels of land being specified as a dog exercise area.

At the same time community engagement also occurred on the preferred location for installation of outdoor exercise equipment with Lot 8009 being the preferred location. Therefore it has been determined that Lot 8005 (portion Reserve 51952) Honeywood Avenue, Wandí (at Attachment C) is the preferred parcel of land to be specified as a dog exercise area.

Under the powers conferred by section 31(3A) of the *Dog Act 1976*, a local government may by absolute majority, as defined in section 1.4 of the *Local Government Act 1995*, specify a public place under its care and control to be a dog exercise area.

Section 31(3C) of the *Dog Act 1976*, requires that at least 28 days before specifying a place to be a dog exercise area under subsection 31(3A), a local government must give local public notice of its intention as defined in section 1.7 of the *Local Government Act 1995* to so specify.

As the public notice period for submissions to the proposed dog exercise areas has now concluded and submissions received have been considered, the purpose of this report is to allow Council to determine whether to specify the areas the subject of this report as dog exercise areas.

16.4 CONTROL OF DOGS IN CERTAIN PUBLIC PLACES (DOG EXERCISE AREAS) - DOG ACT 1976 (WA) (RESULTS OF PUBLIC NOTICE)

OFFICER RECOMMENDATION:

That Council determine:

1. A portion of Lot 8032, fronting Darling Chase and to the northwest of Turnix Street, Wandí, at Attachment A, to be a fenced off dog exercise area; and
2. Lot 8005, (portion Reserve 51952) Honeywood Avenue, Wandí at Attachment C to be a dog exercise area;

as defined within the meaning of the *Dog Act 1976*.

Advice Notes:

As adopted at the Council meeting of 8 March 2017, a dog exercise area does not apply to land;

- a. Which has been set apart by the City of Kwinana as a children's playground;
- b. An area being used for sporting or other activities, as permitted by the City of Kwinana, during the times of such use; or
- c. a public carpark.

NOTE – AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

The parcels of land specified to be considered as dog exercise areas in this report are either vested in the City or owned freehold by the City.

1. Lot 8032, DP407386

Satterley Property Group, the developers of the vacant land listed as Lot 8032 on deposited plan 407386, bounded by Darling Chase and to the northwest of Turnix Street, Wandí, have expressed an intention to develop the vacant land into a fenced off dog exercise area for the use of nearby residents and other community members.

Lot 8032 on deposited plan 407386 has been transferred to the City freehold on 29 July 2016 to satisfy Condition 19 of WAPC 150060 for deposited plan 407386. Condition 19 provides as follows:

“19 The land affected by the Western Power easement for the high power electricity infrastructure, as per the attached plan, being ceded to the City of Kwinana to the satisfaction of the Western Australian Planning Commission”

The subject land is held freehold by the City, and the Western Power easements over Lot 8032 curtail the development of infrastructure, however, at some time in the future the power lines could be relocated or moved underground. At that time, Council may consider that the land, if circumstances necessitated, be developed for additional or other purposes.

16.4 CONTROL OF DOGS IN CERTAIN PUBLIC PLACES (DOG EXERCISE AREAS) - DOG ACT 1976 (WA) (RESULTS OF PUBLIC NOTICE)

Following local public notice and a review of the submissions received on the proposed dog exercise areas, the purpose of this report is to allow Council to determine whether to specify the areas identified in the report as dog exercise areas.

2. Lots 8009 and 8005, DP 400200

The City received requests from residents within the Honeywood community for Council to specify either of the following locations as a dog exercise area;

- 1) Lot 8009 (portion Reserve 51952) bounded by Bruny Meander and to the east of Honeywood Avenue, Wandí, (at Attachment B); or
- 2) Lot 8005 (portion Reserve 51952) Honeywood Avenue, bounded by Bindarri Grove, Davenport Approach, Paroo Way and to the west of Honeywood Avenue, Wandí (at Attachment C)

Lots 8005 and 8009 form Reserve 51952, divided by Honeywood Avenue and were vested to the City of Kwinana for the purposes of "Public Recreation and Drainage" on 19 January 2015.

Following local public notice and a review of the submissions received on the proposed dog exercise areas, the purpose of this report is to allow Council to determine whether to specify the areas identified above as dog exercise areas.

Submission Findings

The findings from the submissions indicate that there is sufficient support for Council to consider all three parcels of land the subject to this report as suitable to be declared as a dog exercise area. However, given the advice and information received following the consultation undertaken in relation to the preferred location for the installation of lifestyle equipment Lot 8009. It is recommended that Lot 8005 (portion Reserve 51952) Honeywood Avenue, Wandí (at Attachment C) is the preferred parcel of land to be specified as a dog exercise area.

LEGISLATIVE/POLICY IMPLICATIONS:

Dog Act 1976

31. Control of dogs in certain public places

(3A) *A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.*

(3C) *At least 28 days before specifying a place to be –*

(b) A dog exercise area under subsection (3A);

16.4 CONTROL OF DOGS IN CERTAIN PUBLIC PLACES (DOG EXERCISE AREAS) - DOG ACT 1976 (WA) (RESULTS OF PUBLIC NOTICE)

A local government must give local public notice as defined in the Local Government Act 1995 section 1.7 of its intention to so specify.

FINANCIAL/BUDGET IMPLICATIONS:

As the developer is offering to supply and install the fences and other materials for the fenced off dog exercise area within the estate, there will be no initial set up cost for this dog exercise area.

However, once the fenced off area is established as a dog exercise area and once one of the other areas has been specified as a dog exercise area, there will be ongoing costs incurred in the care, maintenance and insurance of the dog exercise areas.

ASSET MANAGEMENT IMPLICATIONS:

The establishment of the new fenced off dog exercise area will produce a new asset for the City to manage and control. Additional cost implications would need to be considered in future budgets to ensure the ongoing care and maintenance of these locations being specified dog exercise areas. This will include provision of signage and waste disposal units at both locations.

ENVIRONMENTAL IMPLICATIONS:

The environmental implications are negligible for the proposal and only applicable to public open space adjacent to the subject areas. The implications include:

- Risk to dogs due to interactions with wildlife (snakes) and vice versa;
- Litter (dog waste bags thrown in the bush);
- Feral animal control requirements; and
- Dogs off leash.

These issues can be managed through installation of dog exercise etiquette signage and the provision of dog waste bags and bins, when and where required.

STRATEGIC/SOCIAL IMPLICATIONS:

The City of Kwinana Strategic Community Plan 2017 – 2027 provides that Council will;

Plan	Outcome	Objective
Strategic Community Plan 2017 – 2027	A unique identity	4.1 Residents are provided with a range of multifunctional community places and accessible recreation facilities.
	Business Performance	4.2 The community has easy access to well equipped, quality parks and public open spaces.

16.4 CONTROL OF DOGS IN CERTAIN PUBLIC PLACES (DOG EXERCISE AREAS) - DOG ACT 1976 (WA) (RESULTS OF PUBLIC NOTICE)

COMMUNITY ENGAGEMENT:

Section 31(3C) of the *Dog Act 1976* requires that at least 28 days before specifying a place to be a dog exercise area under subsection (3A), that a local government must give local public notice as defined in section 1.7 of the *Local Government Act 1995* of its intention.

To satisfy this requirement, a local public notice was published in the Sound Telegraph on Wednesday, 17 January 2018. The local public notice stated that responses could be placed at an online survey that was set up at www.surveymonkey.com/r/dogexerciseareawandi, which allowed feedback regarding the proposal.

RISK IMPLICATIONS:

The risk implications in relation to this proposal are as follows:

Risk Event	Inadequate dog exercise areas within a residential area resulting in residents being prosecuted for exercising dogs in areas not set aside as dog exercise areas.
Risk Theme	Business and community disruption
Risk Effect/Impact	People/Health
Risk Assessment Context	Operational
Consequence	Minor
Likelihood	Likely
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Establish dog exercise areas within areas of need.
Rating (after treatment)	Low

16.4 CONTROL OF DOGS IN CERTAIN PUBLIC PLACES (DOG EXERCISE AREAS) - DOG ACT 1976 (WA) (RESULTS OF PUBLIC NOTICE)

COUNCIL DECISION

168

MOVED CR P FEASEY

SECONDED CR S LEE

That Council determine:

- 1. A portion of Lot 8032, fronting Darling Chase and to the northwest of Turnix Street, Wandi, at Attachment A, to be a fenced off dog exercise area; and**
- 2. Lot 8005, (portion Reserve 51952) Honeywood Avenue, Wandi at Attachment C to be a dog exercise area;**

as defined within the meaning of the *Dog Act 1976*.

Advice Notes:

As adopted at the Council meeting of 8 March 2017, a dog exercise area does not apply to land;

- a. Which has been set apart by the City of Kwinana as a children's playground;**
- b. An area being used for sporting or other activities, as permitted by the City of Kwinana, during the times of such use; or**
- c. a public carpark.**

**CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL
7/0**

17 Urgent Business

Nil

18 Councillor Reports

18.1 Councillor Wendy Cooper

Councillor Wendy Cooper reported that she had attended the Frank Konecny Community Centre launch event of National Community Centre which was very pleasant.

Councillor Cooper mentioned that she had attended the City of Kwinana Citizenship Ceremony which was lots of fun.

Councillor Cooper advised that she had attended the City of Kwinana Volunteer of the Year 'Awards Judging Panel' and that she is meeting lots of amazing people.

18.2 Councillor Sandra Lee

Councillor Sandra Lee reported that she had attended the Frank Konecny Community Centre launch event of National Community Centre which was a lovely occasion.

Councillor Lee mentioned that she had attended the City of Kwinana Citizenship Ceremony.

Councillor Lee advised that she had attended the presentation of the Gold Waterwise Council Status award and further reported that the City was the recipient of the award due to the following factors –

- Bertram Street Tree Planting Program
- Centralised Irrigation Control – In 2016/17 a further 6 bores were attached to the central control system. 63% of the City's bores are now attached to this central controller. Previously irrigation running times were set regardless of weather conditions or changes in water budgets as they were manually programmed on each site. The central control system allows irrigation operation and run times to be easily changed based on weather conditions which results in large water savings.
- Water monitoring and leak detection – Seven buildings have been fitted with water data loggers and a real time monitoring system has been installed at the Recquatic. These have picked up a number of large leaks.
- Public Toilet Retrofit - Inefficient toilets and urinals were replaced at Sloan's Reserve, Rhodes Park, Medina Oval and Challenger Beach.
- Adopt a Verge Program - This program encouraged residents to plant a local native waterwise garden on their verge. This involved a subsidised local native seedling sale, free mulch, a verge gardening tips document and a Verge Gardening Workshop where free soil conditioner and soil wetter was handed out to participants.
- Water Sensitive Urban Design at the Kwinana Adventure Park - The Kwinana Adventure Park project included the installation of four raingardens (gardens which filter stormwater).
- Local Planning Policy No 1 Landscape Feature and Tree Retention
- Green Building Policy
- Living Smart Sustainable Living Course at Wandi Community Centre (June 2017)

18 COUNCILLOR REPORTS

Councillor Lee presented the award to Mayor Carol Adams.

18.3 Councillor Matthew Rowse

Councillor Matthew Rowse reported that he had been very proud to attend the Australian and New Zealand Army Corps (ANZAC) Day Kwinana Services.

Councillor Rowse advised that he had attended YOKAI, Bridging the Employment Gap.

Councillor Rowse mentioned that he was proud to have attended the first Kwinana Reconciliation Advisory Group Meeting where we voted in Her Worship as Co-Chair and changed the name to the Kwinana Conciliation Advisory Group.

18.1 Councillor Dennis Wood

Councillor Dennis Wood reported that he had attended the ANZAC Service and was pleased with the large attendance.

19 Response to Previous Questions

Question taken on notice at the Ordinary Council Meeting held on 11 April 2018.

19.1 Mr Kevin Desmond, Parmelia

Question 2

Can I be provided with a list of the Councillors travel expenses for this financial year?

Response

The Presiding Member took the question on notice.

Further Response from the City of Kwinana

The 2017/2018 current Elected Member travel expenses are as follows:

Mayor Carol Adams - \$1261.64
Councillor Sandra Lee - \$615.27
Councillor Sheila Mills - \$341.78
Councillor Dennis Wood - \$214.49

Question 9

How much money has the City of Kwinana spent on Consultants this financial year?

Response

The Presiding Member took the question on notice.

19 RESPONSE TO PREVIOUS QUESTIONSFurther Response from the City of Kwinana

Consultancy Expenditure as at 27/4/18 is as follows:

Software Applications	19,410
Developer Contributions Administration	82,665
Executive Management	53,055
Customer Service	10,000
Library	938
Natural Environment	26,000
Infrastructure Management	79,093
	<hr/>
	271,161

20 Mayoral Announcements (without discussion)

Mayor Carol Adams reported that she had attended the ANZAC Day events.

The Mayor advised that she had been invited to a Tianqui Lithium function to provide a brief overview of Kwinana and the importance of new chemical technologies like Lithium Battery to the State economy and what this means more specifically for Kwinana and the employment opportunities for the region.

The Mayor mentioned that it was great to see that WA Lithium, a second large Lithium producer has signed an option for build a facility on Landcorp Land.

The Mayor reported that she had attended the Westport Local Government Reference Group Meeting.

The Mayor advised that she had attended the City of Kwinana Citizenship Ceremony, where 43 new Australians were welcomed.

The Mayor mentioned that she had attended a Meeting with the Chief Executive Officer (CEO) of Landcorp regarding the location of New Energy, Waste to Energy (WTE) facility in East Rockingham.

The Mayor reported that she had attended the farewell to former City of Rockingham CEO, Andrew Hammond and that she welcomes and congratulates newly appointed CEO, Michael Parker.

The Mayor advised that she had attended the Kwinana Swimming Club, Annual Club Trophy Presentation. The Mayor further advised that the club is going from strength to strength and now has 113 members. The club is extremely grateful for the support the City has provided them over the years.

The Mayor mentioned that she met with Alcoa Kwinana's new Refinery Manager.

20 MAYORAL ANNOUNCEMENTS (WITHOUT DISCUSSION)

The Mayor reported that she had attended YOKAI (Indigenous for a Call to Action) –with Councillor Matthew Rowse, the Mayor explained that Bridging the Employment Gap and indigenous leadership programs which is a great Segway into the City of Kwinana’s inaugural Conciliation Advisory Group. The Mayor further explained that tonight on our agenda we passed the City’s statement of intent and this is a very important first step which demonstrates our commitment as an organisation to embark on our Conciliation journey side by side with our Aboriginal and Torres Strait Islander people.

The Mayor advised that she had attended the City of Kwinana Volunteer of the Year ‘Awards Judging Panel’ and further advised that there are solid nominations and it is as always a pleasure to talk to community members about their volunteering efforts.

The Mayor mentioned that she had attended the Member of Parliament Breakfast with the WA Local Government Association President and State Councillors. The Mayor stated that the Politicians she spoke with showed interest about the WTE facility, soon to be constructed in Kwinana as well as showing interest in the Outer Harbour Project.

The Mayor reported that she had attended the Western Australian Local Government Association (WALGA) State Council Meeting and that it was a Strategic Forum with the below being discussion topics -

- Discussion on the Rural Fire Division announcement of \$80M funding ‘to enhance rural bushfire capacity’. However it will be funded through an increase in the Emergency Services Levy (ESL). This will equate to \$28 metropolitan increase and \$8 - \$17 per annum across the four regional ESL categories.
- There was concerns raised that the ESL has increased revenue of 8% per annum since its introduction and during this period the grants give out to local governments have essentially flat lined.
- The Local Government Audit fees for using external auditors (and in many cases the same auditor that local governments have been using for years) have doubled or had big increases. The President of Cue advised the meeting that their audit fee had increased 12%, using the same auditor and doing the same work. WALGA Executive Officer advised that local governments are reporting their fees have had big increases.

The Mayor further reported that other WALGA matters raised were:

- Rejection of the State Government’s offer to allocate 20% of the Motor Vehicle Licence fee revenue to the State Road Funds to Local Government Agreement and instead seek increase of 22%, 23% and 25%.
- That the WALGA interim submission to the WA Planning Commission on Development Control Policies exclude the clause dealing with Special Residential areas (e.g. Homestead Ridge).
- WALGA accepts that the Western Australian Planning Commission (WAPC) are not wanting any more Special Residential areas (and instead more residential size lots) but there is a concern that there could be development pressures to actually start to subdivide Special Residential Areas. In many areas Special Residential blocks are used as transition blocks (e.g. Serpentine Jarrahdale), so they do have their place and should be protected against potential future development.

20 MAYORAL ANNOUNCEMENTS (WITHOUT DISCUSSION)

- *Surveillance Devices Act 1998* – Body Worn Camera Use in Local Government Law Enforcement.
- That WALGA advocate for an amendment to Regulation 4 to include Local Government Officers as an “authorised persons” so that body cameras can be worn for their own protection and for evidentiary purposes.

The Mayor advised upcoming events of note are:

- Joint Commissioning Committee Meeting – Community for Children Program
- Volunteer Awards Judging Panel continues.

21 Matters Behind Closed Doors

21.1 21.1 Legal Matter - 42351

COUNCIL DECISION

169

MOVED CR W COOPER

SECONDED CR P FEASEY

That in accordance with Sections 5.23(2)(c) of the Local Government Act 1995, Council move behind closed doors to allow discussion of the Matter Behind Closed Doors items.

CARRIED
7/0

The public exited the Council Chambers at 7:50pm.

COUNCIL DECISION

170

MOVED CR W COOPER

SECONDED CR S MILLS

1. That Council give approval for the following vehicles detained under the *Control of Vehicles (Off-road Areas) Act 1978 (WA)* to be disposed of under s42(2) of the Act:
 - 2009 Xtreme Moto Dirt Bike, blue, 2 stroke (VIN: L98B3D1A691000028);
 - 2001 Kawasaki Dirt Bike, green, 2 stroke (VIN: JKAKXMLC31A026292);
2. That the proceeds of disposal are first applied towards meeting the costs of sale, conveyance and custody of that vehicle; and any surplus funds are paid into the City of Kwinana's trust fund; as per r20 of the *Control of Vehicles (Off-road Areas) Regulations 1979 (WA)*.
3. That any surplus funds deposited into the City of Kwinana's trust fund should be held for a period of one year from the date of disposal. If prior to the expiry of that year, any person satisfies that they were the owner of the vehicle at the time of disposal, the surplus funds shall be paid to that person. If after the expiry of that year, no person satisfies that they were the owner of the vehicle at the time of disposal, the City of Kwinana shall pay the surplus funds into its municipal fund; as per r20(3) of the *Control of Vehicles (Off-road Areas) Regulations 1979 (WA)*.

CARRIED
7/0

COUNCIL DECISION

171

MOVED CR P FEASEY

SECONDED CR W COOPER

That Council return Behind Closed Doors.

CARRIED
7/0

The Council Chambers doors were reopened at 7:52pm.

22 Meeting Closure

The Mayor declared the meeting closed at 7:55pm.

Chairperson: _____

23 May 2018