

Ordinary Council Meeting

14 December 2016

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 CAROL ADAMS DEPUTY MAYOR PETER FEASEY CR R ALEXANDER CR W COOPER CR S LEE CR B THOMPSON CR D WOOD

MS J ABBISS	-	Chief Executive Officer
MS C MIHOVILOVICH	-	Director City Strategy
MS M BELL	-	Corporate Lawyer
MR B SCAMBLER	-	Acting Director City Development
MR E LAWRENCE	-	Director Corporate and Engineering Services
MRS B POWELL	-	Director City Living
MS A MCKENZIE	-	Council Administration Officer

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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:

Deputy Mayor Peter Feasey 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 Sheila Mills

Leave(s) of Absence (previously approved):

Nil

4 Public Question Time:

Nil

5 Applications for Leave of Absence:

COUNCIL DECISION

391

MOVED CR P FEASEY

SECONDED CR R ALEXANDER

That Mayor Carol Adams be granted a leave of absence from 26 December 2016 to 16 January 2017 inclusive.

That Councillor Wendy Cooper be granted a leave of absence from 20 December 2016 to 5 January 2017 inclusive.

CARRIED 7/0

6 Declarations of Interest by Members and City Officers:

Nil

7 Community Submissions:

7.1 Mr Ryan Darby on behalf of Roberts Day regarding item 15.2, Proposed Temporary Advertising Sign – Lot 669 Mandogalup Road, Mandogalup:

We believe the sign as proposed is acceptable and support the officer recommendation for conditional approval. Whilst concerns were raised regarding the scale and size of the sign it is considered that it is important to note the following points when considering the proposal:

- The sign can only be seen from the freeway reserve when driving north, when driving south it is screened by existing vegetation within the actual road reserve itself.
- It is located 96 metres from the freeway north bound carriageway and the ground level of the sign is actually 5 metres below that carriageway, whilst it is sitting at about 10 metres in height, it does sit 5 metres below the carriageway level.
- Main Roads have provided their support for the sign.
- This sign is the only sign that will be visible from the freeway for this project, whilst it does have a lot of frontage to the freeway because of the depository of the site and the existing vegetation it is the only location where a sign can be seen.
- The sign will consist of sea containers but they are completely wrapped in signage so there will be no ugly backend to a sign as there is a lot of lattice work at the rear.
- It is a temporary sign only, so the conditions include it will be there for five years or until the life of the project when the last lot is sold, it wont be there in perpetuity

Thank you for your consideration of this sign.

7 COMMUNITY SUBMISSIONS CONTINUED

7.2 Mr Hayden Evans regarding item 15.1, Application for Retrospective Planning Approval for Earthworks and Swimming Pool within the Front Setback and Over Height Colourbond Front Boundary Fence – Lot 770 (118) Medina Avenue, Medina:

I have spoken to a number of you in the past regarding my property at 118 Medina Avenue, Medina and the implications of a swimming pool that has been put in the front setback area of the property. The main concerns on reading the agenda is the effects of the fence in the front of this property being 2.1 metres in height instead of the required height of 1.8 metres under the current Pool Act 2016 (sic), but also under the requirements of the previous act it also required a height of 1.8 metres also.

Mr Evans provided a number of documents and photographs to the Elected Members during his submission and made reference to the documents containing email correspondence as he explained to the Elected Members the discussions that he has had with the Building Commission and Department of Commerce regarding pool fence heights and the requirements by the Act.

Mr Hayden drew the Elected Members attention to highlighted sections of the documents as follows:

2.5.3 Swimming pool access, I have highlighted section (c) restrict the access of young children to the pool and the immediate pool surrounds; basically what it is saying there under the Act is that you have to do everything possible to prevent a child gaining access to that pool area.

Mr Evans provided photographs that he had prepared and requested be circulated to the Elected Members.

Mr Evans spoke to the Elected Members about the series of photographs that he had taken from the front of his property and explained each photograph in detail.

The photographs show a tape measure, one on the centre of the fence and then a close up of the tape measure at the neighbouring fence, you can see that the neighbouring fence is 90cms, under the current pool fencing act (sic) you must have a clear non climbable area of at least 90cms at the front of your property and the inside of your property. The reason being the inside is so someone can not climb the fence and if they get to the top for an under 5 year old it is too much of a drop to proceed to go into the pool area. As you can see from the photograph the neighbouring fence is hard up against my front fence, it is a climbable fence, this would give access to the pool for an under 5 year old if the pool fence was reduced to 1.8 metres. During the year Council took prosecution against me for building without a building permit, the main argument in the case was for health and safety reasons, particularly the safety of children, where Her Worship gave evidence to that effect, being so close to a school. I have taken all precautions here as you can see to stop persons entering this property, up until the point I received a stop work notice from the Council. To reduce the height of this fence would be negligent by the Council and would create great risk that someone could climb into that pool area.

7 COMMUNITY SUBMISSIONS CONTINUED

Under current rules, under the R Codes, R20 a 1.8 metre fence is applicable and can be solid in the front setback of a property if your outdoor area is on the front of your property, which I am in this case and Medina being one of those main areas. There has been debate by the Planning Team to what is designated as a main road, one would think that Medina Avenue in Medina would be the main road in Medina, but under the definition of the R Codes it refers to a main road and under the definition of a main road it gives different classifications of a road it does not actually use the words main road as it does in the R Codes.

The argument given to the Council is also one of the options to reduce the fence option to 1.8 metres and that would be approved, I still think that would be negligent with the climbable section of the fence which was brought to my attention in November last year by the Manager Building Services, whom raised concerns and I addressed those issues with the height of this fence, the best I could without going over the top. One of the arguments from Planning to decline the fence was that it created a noticeable disconnection from the streetscape to my property. Streetscape is based on the premise that we all look similar along any given street.

Mr Evans handed out a series of photographs which he stated demonstrates that Medina Avenue, in a lot of cases has fences well above the 1.8 metre mark.

Mr Evans handed out the Application for Certificate of Building Compliance (BA14) form for the Elected Members review.

Basically even if the fence is removed down to the 1.8 metres, which the Planners have agreed already that they are happy to accept and have approval already to go ahead with this, the issues with the streetscape and the property being different to the rest of the houses on Medina Avenue, which it clearly is not. A different form of fence can be constructed to any height you like in the form of a bamboo or any form of hedge along the property can be made at 5 metres, 7 metres or 8 metres high as there is no requirements under the Act to prevent someone from doing that. The only issue we are currently dealing with is 300mm of trellis in the front of the property, basically the streetscape argument of this would be out the window and the thing that should be considered here, as it has been considered throughout the Council's involvement, is the health and safety of our local children and having the local primary school three doors down and a 3 1/2 year old child myself, reducing that fence to 1.8 metre and having a 900mm fence next to it, my son would be able to climb the fence in a jiffy with no problems.

8 Minutes to be Confirmed:

8.1 Ordinary Meeting of Council held on 23 November 2016:

COUNCIL DECISION

392

MOVED CR W COOPER

SECONDED CR B THOMPSON

That the Minutes of the Ordinary Meeting of Council held on 23 November 2016 be confirmed as a true and correct record of the meeting.

8

CARRIED 7/0

9 Referred Standing / Occasional / Management /Committee Meeting:

Nil

10 Petitions:

Nil

11 Notices of Motion:

Nil

12 Reports – Community

12.1 Adoption of the City of Kwinana Multicultural Policy and Action Plan 2017-2020

SUMMARY:

This report seeks Council adoption of the City of Kwinana Multicultural Policy (Attachment A), and Multicultural Action Plan 2017-2020 (Attachment B).

The City of Kwinana Multicultural Policy is based on the Department of Local Government and Communities' Multicultural Planning Framework, with principles relating to the following values and objectives: (1) participation – full participation of culturally and linguistically (CaLD) communities in social, economic and cultural life; (2) equality – remove the barriers of equity experienced by CaLD communities; and (3) promotion – promote the benefits of Western Australia's cultural and linguistic diversity.

The City of Kwinana Multicultural Action Plan 2017-2020 is a three-year action plan that aims to guide the City and its partners in the development of multicultural initiatives across the three values and objectives.

OFFICER RECOMMENDATION:

- That Council adopt the City of Kwinana Multicultural Policy as detailed in Attachment A, and Multicultural Action Plan 2017-2020 as detailed in Attachment B.
- 2. That Council nominate Cr _____ and Cr _____ to sit on the Multicultural Advisory Group consisting of two elected members and five or more community and service provider representatives.

DISCUSSION:

Multicultural composition is at the heart of Australia's national identity and intrinsic to Australia's history and character. Multiculturalism has many social benefits, such as increasing tolerance; and psychological benefits, such as facilitating greater cognitive complexity, flexibility and creativity. Further, it contributes to resilience and innovation, and the development of thriving, vibrant, contemporary communities.

The City has demonstrated a strong commitment to multiculturalism in recent years through: (1) the presentation of multicultural events, including the annual Sunset Fiesta event as part of Harmony Week; (2) the provision of funding for multicultural organisations through the Community Development Fund; and (3) the provision of subsidised tenancy to multicultural organisations at community facilities.

Cultural diversity is rapidly increasing in Kwinana, in part due to transport links and housing affordability. On Census date in 2006, residents of non-English speaking background (NESB) constituted 5.8% of Kwinana's population. In 2011, NESB residents constituted 9.7% of the population; and based on the statistically-representative Community Wellbeing Scorecard survey conducted by the City in 2016, it is now more than 12%. In addition, Kwinana has the most Aboriginal residents per capita in the Perth metropolitan area.

12.1 ADOPTION OF THE CITY OF KWINANA MULTICULTURAL POLICY AND ACTION PLAN 2017-2020

However, according to the aforementioned Scorecard, less than half of residents of non-English-speaking background agreed with the statement, "I feel like I belong in my local community"; and 63% of residents agreed with the statement, "I prefer living in a community that attracts people from different cultures and ethnic backgrounds." This highlights the need to further promote and celebrate the City's cultural diversity and ensure appropriate services are available to residents from CaLD backgrounds.

To that end, the City has developed the Multicultural Action Plan (Attachment B) and an overarching Multicultural Policy (Attachment A). Aligned to the Government of Western Australia's Multicultural Planning Framework, these documents provide strategic focus in relation to fostering participation, equity and promotion. Participation refers to full participation by diverse residents in social, economic and cultural life; equity refers to the removal of barriers to equity experienced by diverse residents; and promotion refers to the benefits of Kwinana's cultural and linguistic diversity.

LEGAL/POLICY IMPLICATIONS:

The Multicultural Policy commits the City to adopting the values and objectives set out in the Department of Local Government and Communities' Multicultural Planning Framework; and the Multicultural Action Plan 2017-2020 articulates actions to progress Kwinana's multicultural development across the aforementioned Policy's domains of participation, equity and promotion. If adopted, the Policy and Action Plan will inform the City's future community planning and service provision.

FINANCIAL/BUDGET IMPLICATIONS:

The Multicultural Action Plan's actions relate to service provision and may have budget implications in future financial years, subject to annual budget deliberations. However, the recommendations are prioritised and are of a high-level nature, and may therefore be interpreted in a manner commensurate with Council direction and resourcing.

ASSET MANAGEMENT IMPLICATIONS:

Several of the Multicultural Action Plan's actions relate to service provision at community facilities and places, and therefore have asset management implications.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications associated with 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.

12.1 ADOPTION OF THE CITY OF KWINANA MULTICULTURAL POLICY AND ACTION PLAN 2017-2020

Plan	Objective	Strategy
Strategic Community Plan	1.1: Inspire and strengthen community spirit	1.2.1 Support and provide a range of cultural and community development activities and events that recognise Kwinana's cultural identity, encourage civic participation, strengthen capacity and celebrate the City's diversity.

COMMUNITY ENGAGEMENT:

- 1. Community Engagement has taken place in the following forms:
 - a. **Stakeholder interviews.** The interview design was informed by the aforementioned policy and strategic contexts. Stakeholders were identified by the City's Community Development Team based on their professional experience, and interviewed in person in July 2016.
 - b. Public survey. The survey instrument was multi-lingual (English, Filipino and Chinese); and informed by the aforementioned policy and strategic contexts. It comprised open-ended questions relating to participation, equality and promotion. It was administered via the online Survey Monkey survey tool, open from mid-August to mid-October 2016, and promoted via the City's Facebook page. The survey was completed by 185 respondents, of whom 58.9% were born overseas, 41.1% were born in Australia, 42.7% speak a language other than English at home, 41.1% identified as CaLD, and 26.49% were City staff.
 - c. **Text messaging.** The question "What would make Kwinana a great multicultural place?" was asked of approximately 1,500 residents by Short Message Service (SMS) to mobile phones on 3 October 2016, eliciting 17 responses.
 - d. **Community forum.** Informed by the aforementioned policy and strategic contexts, the forum design included questions relating to challenges and opportunities of Kwinana's multicultural development. It was promoted as the Kwinana Multicultural Evening via flyer distribution, and the City's Facebook page and What's On Kwinana site. The forum was held on the evening of 5 October 2016 at the Darius Wells Library and Resource Centre (a multicultural dinner was provided), and attended by 40 self-selected participants.
 - e. **Focus group.** The focus group comprised 7 self-selected participants from the abovementioned community forum. The group met on the evening of 9 November 2016 at the Darius Wells Library and Resource Centre, and prioritised the 97 potential actions identified through the aforementioned techniques by individually rating them on a scale of 1 (not important) to 5 (very important). The totals were then converted to a rating out of 100.
- 2. The following community engagement is proposed to take place:
 - a. **Regular consultation through a Multicultural Advisory Group.** As per the Accountability section of the Multicultural Action Plan, a Multicultural Advisory Group will be formed, meet quarterly, provide advice to the City on issues relating to people of CaLD backgrounds, and monitor the implementation of the Plan. The group will be comprised of two elected members, representatives from Kwinana's CaLD communities who have an interest in multicultural issues, and representatives from service providers in the multicultural sector.

12.1 ADOPTION OF THE CITY OF KWINANA MULTICULTURAL POLICY AND ACTION PLAN 2017-2020

RISK IMPLICATIONS:

Risk Event	Misalignment of multicultural service provision and community expectation
Risk Theme	Ineffective management of facilities/venues/events
Risk Effect/Impact	Service Delivery
Risk Assessment Context	Strategic
Consequence	Moderate
Likelihood	Likely
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Implement, monitor, evaluate and review the Multicultural Action Plan, informed by academic and practitioner literature and community engagement
Rating (after treatment)	Low

COUNCIL DECISION

393

MOVED CR B THOMPSON

SECONDED CR W COOPER

- 1. That Council adopt the City of Kwinana Multicultural Policy as detailed in Attachment A, and Multicultural Action Plan 2017-2020 as detailed in Attachment B.
- 2. That Council nominate Councillor Bob Thompson and Councillor Wendy Cooper to sit on the Multicultural Advisory Group consisting of two elected members and five or more community and service provider representatives.

CARRIED 7/0



Council Policy

Multicultural





Council Policy

Multicultural

1. Title

Multicultural

2. Purpose

The purpose of this policy is to establish guidelines for the City of Kwinana's multicultural initiatives.

3. Scope

This policy applies to all City of Kwinana elected members, employees and contractors.

4. Definitions

CaLD means culturally and linguistically diverse.

Multiculturalism means the cultural and ethnic diversity in society; and in a public policy sense, government measures to respond to that diversity.

5. Policy Statement

5.1 The City adopts the values and objectives set out in the Government of Western Australia's Multicultural Planning Framework, which are as follows:

- 5.1.1 Participation: Full participation of CaLD communities in social, economic and cultural life.
 - a) Facilitate the inclusion and empowerment of members of all communities as full and equal members of the Australian community, enjoying the rights and duties of a shared citizenship.
 - b) Encourage a sense of Australian identity and belonging as citizens, within a multicultural society.
- 5.1.2 Equity: Remove the barriers to equity experienced by CaLD communities.
 - a) Ensure that all individuals and minority groups, recognising the unique status of Aboriginal peoples, receive equal and appropriate treatment and protection under the law.
 - b) Remove all barriers to equal participation in, and enjoyment of, all aspects of society social, political, cultural and economic.
- 5.1.3 Promotion: Promote the benefits of Western Australia's cultural and linguistic diversity.
 - a) Enable the recognition and appreciation of the diverse cultures and backgrounds from which members of the Western Australian community are drawn.

- b) Foster the recognition of the achievements of, and contributions to, the Western Australian community of all individuals, regardless of their origins, perceived 'race', culture, religion and nationality.
- 5.2 The City will develop, implement, monitor, evaluate and review a triannual Multicultural Action Plan to guide the City and partners in the development of multicultural initiatives.
- 5.3 The Multicultural Action Plan will set out initiatives to progress participation, equity and promotion in multiculturalism pursuant to paragraph 5.1 of this Policy.

6. Financial/Budget Implications

Council will consider the initiatives set out in the Multicultural Action Plan as part of annual budget deliberations.

7. Asset Management Implications

Council will consider the initiatives set out in the Multicultural Action Plan as part of the programming of community facilities.

8. Environmental Implications

There are no environmental implications associated with this Policy.

9. Strategic/Social Implications

This Policy supports the achievement of the following Strategic Community Plan objective and strategy:

- Objective 1.1: Inspire and strengthen community spirit
- Strategy 1.2.1 Support and provide a range of cultural and community development activities and events that recognise Kwinana's cultural identity, encourage civic participation, strengthen capacity and celebrate the City's diversity.

10. Occupational Safety and Health Implications

There are no specific OSH implications associated with this Policy.

11. Risk Assessment

A risk assessment conducted as part of the Policy review has indicated that the risk to the City by not progressing multicultural initiatives in accordance with this Policy would result in a risk rating of Moderate.

It is assessed that the risk rating following the implementation of this Policy would be Low.

12. References

Name of Policy	Multicultural Council Policy
Date of Adoption and	TBD
resolution No	
Review dates and resolution	Nil
No #	
New review date	TBD
Legal Authority	Local Government Act 1995
	Section 2.7 – Role of Council
Directorate	City Living

D16/65703[v3]

Department	Community Development
Related documents	Acts/Regulations
	Local Government Act 1995
	Plans/Strategies
	Strategic Community Plan 2015-2025
	Policies
	Nil
	Work Instructions
	Nil
	Other documents
	Multicultural Planning Framework, Government of Western Australia (September 2010)

Note: Changes to References may be made without the need to take the Policy to Council for review.



City of Kwinana Multicultural Action Plan 2017-2020

Background

Multicultural composition is at the heart of Australia's national identity, and intrinsic to Australia's history and character. Multiculturalism has many social benefits, such as increasing tolerance; and psychological benefits, such as facilitating greater cognitive complexity, flexibility and creativity. Further, it contributes to resilience and innovation, and the development of thriving, vibrant, contemporary communities. The City has demonstrated a strong commitment to multiculturalism in recent years through: (1) the presentation of multicultural events, including the annual Sunset Fiesta event as part of Harmony Week; (2) the provision of funding for multicultural organisations through the Community Development Fund; and (3) the provision of subsidised tenancy to multicultural organisations at community facilities.

Cultural diversity is rapidly increasing in Kwinana, in part due to transport links and housing affordability. On Census date in 2006, residents of non-English-speaking background constituted 5.8% of Kwinana's population. In 2011, they constituted 9.7% of the population; and based on the statistically representative Community Wellbeing Scorecard survey conducted by the City in 2016, they now constitute more than 12%. In addition, Kwinana has the most Aboriginal residents per capita in the Perth metropolitan area.

However, according to the aforementioned Scorecard, less than half of residents of non-English-speaking background agreed with the statement, "I feel like I belong in my local community"; and only 63% of residents agreed with the statement, "I prefer living in a community that attracts people from different cultures and ethnic backgrounds." This highlights the need to further promote and celebrate the City's cultural diversity and ensure the provision of appropriate services to residents of CaLD backgrounds. To that end, the City has developed this Multicultural Action Plan and an overarching Multicultural Policy. Aligned to the Government of Western Australia's Multicultural Planning Framework, these documents provide strategic focus in relation to fostering participation, equity and promotion. Participation refers to the removal of barriers to equity experienced by diverse residents; and promotion refers to the benefits of Kwinana's cultural and linguistic diversity.

Definition of Multiculturalism

In a descriptive sense, multiculturalism is a term that describes cultural and ethnic diversity in society; and in a public policy sense, multiculturalism encompasses government measures to respond to that diversity. For the purposes of this Action Plan, the City adopts the principles of multiculturalism set out in the Australian Government's multicultural policy The People of Australia. That policy is about "embracing and benefiting from the strength of our different cultural traditions". It "responds to our cultural diversity and aims to strengthen social cohesion", and "acknowledges that government services and programs must be responsive to the needs of our culturally diverse communities."

Policy and Strategic Contexts

Commonwealth Context

The Australian Government adopted a new multicultural policy, The People of Australia, in December 2013. This Multicultural Action Plan aligns to that policy.

Australia's approach to multicultural policy embraces our shared values and cultural traditions and recognises that Australia's multicultural character gives us a competitive edge in an increasingly globalised world. The approach articulates the rights and responsibilities that are fundamental to living in Australia and supports the rights of all to celebrate, practise and maintain their cultural traditions within the law, and free from discrimination. The policy aims to strengthen social cohesion through promoting belonging, respecting diversity and fostering engagement with Australian values, identity and citizenship, within the framework of Australian law.

State Context

The Government of Western Australia adopted a new Charter of Multiculturalism in November 2004. This Multicultural Action Plan aligns to that Charter.

The Charter enables and facilitates the:

- recognition that a cohesive and inclusive society depends on mutual respect between individuals and between groups;
- empowerment of all Western Australians as free and equal members of society by assisting the removal of barriers to participation; and
- acknowledgement of differences such as ethnicity and language, while at the same time emphasising a sense of community membership and common civic culture, and enjoying the rights and duties of a democratic citizenship.

Furthermore, the Government of Western Australia's Department of Local Government developed a Multicultural Planning Framework for local governments in September 2010. That Framework sets out three objectives of multiculturalism in WA, which form the basis of the City's overarching Multicultural Policy and this Action Plan:

- Objective 1: Full participation of CaLD (Culturally and Linguistically Diverse) communities in social, economic and cultural life.
- Objective 2: Remove the barriers to equity experienced by CaLD communities.
- Objective 3: Promote the benefits of Western Australia's cultural and linguistic diversity

Local Context

The City's Strategic Community Plan 2015-2025 includes an aspiration, objective and strategy relating to multiculturalism:

- Aspiration 1. Rich in Spirit
- Objective 1.2: Inspire and strengthen community spirit
- Strategy 1.2.1 Support and provide a range of cultural and community development activities and events that recognise Kwinana's cultural identity, encourage civic participation, strengthen capacity and celebrate the City's diversity.

Moreover, aligned to the Government of Western Australia's Multicultural Planning Framework, the City's overarching Multicultural Policy and this Action Plan provide strategic focus in relation to fostering participation, equity and promotion. As discussed in previous sections: participation refers to full participation by diverse residents in social, economic and cultural life; equity refers to the removal of barriers to equity experienced by diverse residents; and promotion refers to the benefits of Kwinana's cultural and linguistic diversity.

Demographic Context

On Census date in 2011, residents of non-English-speaking background constituted 9.7% of Kwinana's population; and based on the statistically representative Community Wellbeing Scorecard survey conducted by the City in 2016, they now constitute more than 12%. Additionally, Kwinana has the most Aboriginal residents per capita in the Perth metropolitan area.

According to Census 2011, Kwinana's residents of non-English-speaking background were born in the following nations: Philippines (13.1%); India (4.2%); New Zealand (4.2%); South Africa (3.9%); China (3.5%); Germany (2.5%); Croatia (2.3%); Malaysia (2.2%); Chile (2.1%); and Thailand (2.1%).

Also according to Census 2011, 10% of Kwinana's residents speak a language other than English at home: Filipino/Tagalog (1.3%); Mandarin (0.6%); Spanish (0.6%); Italian (0.6%); German (0.4%); Afrikaans (0.4%); Maori (0.4%); Serbian (0.3%); Portuguese (0.3%); and Arabic (0.3%).

Research Method

Research for the Multicultural Action Plan Data comprised six data collection techniques, informed by the City's Community Engagement Policy:

- **1. Collation and synthesis of existing local government actions.** The actions from 10 existing Multicultural Action Plans by other Australian local governments and other relevant practitioner literature were collated and synthesised to generate a preliminary list of prospective actions.
- 2. **Stakeholder interviews.** The interview design was informed by the aforementioned policy and strategic contexts. Stakeholders were identified by the City's Community Development Team based on their professional experience, and interviewed in person in July 2016.
- 3. **Public survey.** The survey instrument was multi-lingual (English, Filipino and Chinese); and informed by the aforementioned policy and strategic contexts, it comprised open-ended questions relating to participation, equality and promotion. It was administered via the online SurveyMonkey survey tool, open from mid-August to mid-October 2016, and promoted via the City's Facebook page. The survey was completed by 185 respondents, of whom 58.9% were born overseas, 41.1% were born in Australia, 42.7% speak a language other than English at home, 41.1% identified as CaLD, and 26.49% were City staff.
- 4. **Text messaging.** The question "What would make Kwinana a great multicultural place?" was asked of approximately 1,500 residents by Short Message Service (SMS) to mobile phones on 3 October 2016, eliciting 17 responses.
- 5. **Community forum.** Informed by the aforementioned policy and strategic contexts, the forum design included questions relating to challenges and opportunities of Kwinana's multicultural development. It was promoted as the Kwinana Multicultural Evening via flyer distribution, and the City's Facebook page and What's On Kwinana site. The forum was held on the evening of 5 October 2016 at the Darius Wells Library and Resource Centre (a multicultural dinner was provided), and attended by 40 self-selected participants.
- 6. **Focus group.** The focus group comprised 7 self-selected participants from the abovementioned community forum. The group met on the evening of 9 November 2016 at the Darius Wells Library and Resource Centre, and prioritised the 96 potential actions identified through the aforementioned techniques by individually rating them on a scale of 1 (not important) to 5 (very important). The totals were then converted to a rating out of 100.

A total of 96 unique potential actions were identified through the aforementioned techniques, with 62 identified through the collation and synthesis of existing local government actions (technique 1), 40 identified through consultation (techniques 2 through 5), and 6 identified through both the collation/synthesis process and consultation.

These 96 potential actions were then prioritised by the focus group as per technique 6. Those rated in the highest 25% (the first quantile) were then categorised as high-priority actions; those rated in the second quantile were categorised as medium-

priority actions; those in the third quantile as low-priority actions; and those in the fourth quantile were removed. Several actions were then reworded for clarity, with the focus group consulted to ensure that meanings were retained. The result is an Action Plan comprising 66 actions, with approximately equal distribution across high, medium and low prioritisations.

Overall, the top four challenges identified in consultation were:

- Racism/discrimination;
- Difficulty gaining employment;
- Difficulty getting involved in local community groups and volunteering; and
- Language barriers.

Accountability

The implementation of the Multicultural Action Plan 2017-2020 will be monitored through the following mechanisms:

- **Regular reporting to Council.** A biennial Multicultural Action Plan Implementation Report will be provided to Council.
- Regular consultation through the Multicultural Advisory Group. This Group will be formed, meet quarterly, provide advice to the City on issues relating to people of CaLD background, and monitor the implementation of this Plan. The group will comprise representatives from Kwinana's CaLD communities who have an interest in multicultural issues, as well as service providers from the multicultural sector.

Action Plan

1. Participation: Full participation of CaLD communities in social, economic and cultural life

ACTION	RATING	СОЅТ	WHEN	WHO
High Priorities				
1.1 Establish a multicultural social club to provide opportunities for CaLD residents to practice their English and connect with other community members	85.8	\$5,000 pa	Ongoing	City Living
1.2 Facilitate the holding of workshops on skills for success in the Australian job market	85.5	Within existing resources	Ongoing	City Living
1.3 Participate in networks that facilitate coordinated approaches to education, employment and training for CaLD residents	85.8	Within existing resources	Ongoing	City Living
1.4 Facilitate culture sharing by organising get- togethers and classes for cooking, dance and other hobbies	82.8	\$5,000 pa	Ongoing	City Living
1.5 Work with the State and Commonwealth governments, and non-government agencies, in job creation initiatives targeting CaLD residents	82.8	Within existing resources	Ongoing	City Living
1.6 Develop and disseminate a "New Residents' Kit / Welcome Pack" including information about local resources and services	80	\$7,500	2017/18	City Living & City Strategy
Medium Priorities				
1.7 Advocate for and with CaLD communities in all appropriate forums and networks to share information about CaLD-related issues and opportunities	77.2	Within existing resources	Ongoing	City Living
1.8 Consider the community's diversity when reviewing vacancies; and where appropriate, include CaLD-related competencies in selection criteria (including relevant language skills)	77.2	Within existing resources	Ongoing	City Strategy
1.9 Develop and implement youth programs that increase engagement between CaLD young people, and Aboriginal Australian and non-CaLD young people; and consider mentoring opportunities as part of these	77.2	\$5,000 pa	Ongoing	City Living
1.10 Ensure CaLD-specific strategies in the City's future plans relating to training and employment development for the Kwinana community	77.2	Within existing resources	Ongoing	City Living
1.11 Advocate and work with all levels of government and the business community to strengthen Kwinana's position as a diverse and	74.2	Within existing resources	Ongoing	City Living

inclusive community				
1.12 Engage CaLD people with English language proficiency to assist those who don't with employment and housing, etc.	74.2	\$5,000 pa	Ongoing	City Living
1.13 Investigate the possibility of developing a work placement program for CaLD residents	74.2	Within existing resources	2017/18	City Strategy
1.14 Organise small community gatherings to build relationships	74.2	\$5,000 pa	Ongoing	City Living
Low Priorities				
1.15 Assist unincorporated CaLD groups to access funding	71.4	Within existing resources	Ongoing	City Living
1.16 Develop a Multicultural Officer position at the City to be the support person for referrals, information and possible advocacy	71.4	\$75,000 pa	2019/20 onward	City Living
1.17 Ensure information about grant and tender opportunities is communicated to CaLD communities in an accessible manner	71.4	Within existing resources	Ongoing	City Living
1.18 Provide CaLD communities with training and support in grant and tender writing	71.4	Within existing resources	Ongoing	City Living
1.19 Work with the City's residents and community groups to increase CaLD residents' participation in community life	71.4	Within existing resources	Ongoing	City Living
1.20 Collate and monitor data on the proportion of grants and tenders that support CaLD communities	68.6	Within existing resources	Ongoing	City Living & City Strategy
1.21 Ensure job advertisements encourage applicants from CaLD backgrounds	68.6	Within existing resources	Ongoing	City Strategy

2. Equality: Remove the barriers to equity experienced by CaLD communities

ACTION	RATING	соѕт	WHEN	wнo
High Priorities				
2.1 Advocate to the Department of Transport to develop more bus routes/more frequent buses in Kwinana	88.6	Within existing resources	2017/18	City Living
2.2 Investigate the opportunity to develop a local shuttle bus	82.8	Within existing resources	2017/18	City Living
2.3 Review all operations to remove barriers to accessibility for CaLD communities	71.4	Within existing resources	2017/18	City Living & City Strategy
2.4 Advocate for expansion of affordable English classes for newcomers and those previously without access	68.6	Within existing resources	2017/18	City Living
2.5 Hold foreign language classes taught by	68.6	\$5,000 pa	Ongoing	City Living

locals who speak those languages				
Medium Priorities				
2.6 Establish a shared database of multilingual staff who can assist Customer Service staff with enquiries and referral	65.8	Within existing resources	2017/18	City Strategy
2.7 Increase CaLD content in all community, cultural, health and recreational facilities and services	65.8	Within existing resources	Ongoing	City Living
2.8 Provide culturally-appropriate food options at City events and functions	65.8	Within existing resources	Ongoing	City Living
2.9 Ensure multilingual support (partial or complete) on City websites	62.8	Within existing resources	Ongoing	City Strategy
Low Priorities				
2.10 Establish a budget for interpreting and translating, and monitor and review usage across the City	60	\$5,000 pa	2019/20 onward	City Living
2.11 Increase CaLD content at the Kwinana Public Library and Youth Zone Space (e.g. multilingual Storytime sessions and CaLD-related youth activities)	60	Within existing resources	Ongoing	City Living
2.12 Increase CaLD content in City marketing and promotional materials	60	Within existing resources	Ongoing	City Strategy
2.13 Work with other organisations to ensure essential community information available in priority community languages	60	Within existing resources	Ongoing	City Living
2.14 Identify priority City publications for translation into key community languages, and translate them	57.2	\$5,000 pa	2019/20 onward	City Strategy
2.15 Introduce a standardised multilingual message, including a contact number for an interpreting service, on all City letterhead and communications	57.2	Within existing resources	2017/18	City Strategy

3. Promotion: Promote the benefits of Western Australia's cultural and linguistic diversity

ACTION	RATING	соѕт	WHEN	WHO
High Priorities				
3.1 Assist CaLD community groups to present cultural celebrations, including Chinese New Year and Diwali	80	\$10,000 pa	Ongoing	City Living
3.2 Ensure local multicultural groups are involved in all local events	80	Within existing resources	Ongoing	City Living
3.3 Work with CaLD groups and relevant service providers to ensure newcomers are welcomed and integrated into the community	80	Within existing resources	Ongoing	City Living
3.4 Hold a large multicultural festival with food, a market, music, fashion, and crafts	77.2	\$10,000 pa plus existing resources for Sunset Fiesta	Ongoing	City Living
3.5 Leverage all available opportunities to promote the benefits of cultural diversity and the success of Kwinana as a harmonious multicultural community	77.2	Within existing resources	Ongoing	City Living
3.6 Offer cross-cultural training to all City of Kwinana staff	77.2	\$5,000 pa	Ongoing	City Strategy
3.7 Present and support Harmony Week events	77.2	\$5,000 pa	Ongoing	City Living
3.8 Promote the importance of cross-cultural awareness training in the community	77.2	Within existing resources	Ongoing	City Living
3.9 Advocate for a more diverse range of languages to be offered in school as a second language	74.2	Within existing resources	2017/18	City Living
3.10 Advocate for cultural workshops in schools	74.2	Within existing resources	Ongoing	City Living
3.11 Undertake and support anti-racism initiatives	74.2	\$5,000 pa	Ongoing	City Living
3.12 Advocate to the State and Commonwealth governments for the promotion of Kwinana's growth potential through its CaLD-related strengths	71.4	Within existing resources	Ongoing	City Living
Medium Priorities				
3.13 Incorporate a "multicultural tent" into Kwinana Festival to celebrate diversity	68.6	\$5,000 pa	Ongoing	City Living
3.14 Present Aboriginal cultural celebrations that people of other cultures can be involved in	68.6	\$5,000 pa	Ongoing	City Living
3.15 Present cultural programs and workshops that invite residents of all cultural backgrounds to come together	68.6	\$5,000 pa	Ongoing	City Living
3.16 Present more multicultural festivals outside of Harmony Week	68.6	\$5,000 pa	Ongoing	City Living

	-	-	
65.8	Within existing resources	Ongoing	City Living
65.8	\$5,000 pa	Ongoing	City Living
65.8	\$5,000 pa	Ongoing	City Living
65.8	Within existing resources	Ongoing	City Strategy
62.8	Within existing resources	Ongoing	City Living
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60	Within existing resources	2019/20	City Living
60	Within existing resources	2017/18	City Strategy
60	\$5,000 pa	2019/20 onward	City Living
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12.2 Adoption of the City of Kwinana Youth Policy and Strategy 2017-2020

SUMMARY:

This report seeks Council adoption of the City of Kwinana Youth Policy (Attachment A), and Youth Strategy 2017-2020 (Attachment B).

The City of Kwinana Youth Policy is based on the Department of Local Government and Communities' Youth Strategic Framework, with principles relating to identified youth needs and aspirations across four domains: (1) their health, happiness and safety; (2) their learning, work and future financial independence; (3) their opportunity to live life to the full; and (4) their desire to make a difference.

The City of Kwinana Youth Strategy 2017-2020 is a three-year strategic document that aims to guide the City and partners in working with young people of Kwinana aged 12-24 years to ensure active engagement, responsiveness to their needs and aspirations, and delivery of best practice services and programming across the four aforementioned domains.

OFFICER RECOMMENDATION:

That Council adopt the City of Kwinana Youth Policy as detailed in Attachment A, and Youth Strategy 2017-2020 as detailed in Attachment B.

DISCUSSION:

The City has a growing youth population, with young people aged 12 to 24 years comprising 18.1 percent of the City's population on Census date 2011. Further, the City has a growing early years population, with children aged 0 to 11 years comprising 19 percent of the City's population in 2011. This growth represents a unique opportunity and challenge for the City and highlights the need for greater strategic focus in youth service provision.

The youth strategy priority actions are informed by a comprehensive consultation process which aimed to identify the issues, concerns and opinions of young people who live in Kwinana and to establish key priorities. Consultation was undertaken with young people, their parents, teachers and local agencies who provide services to young people. The full consultation report can be viewed at Attachment C.

The City, in partnership with the Department of Child Protection and Family Services and local industry, provides a wide range of services to young people, including youth development and support, sport and recreation, and library services. The City's Zone Youth Space provides a central hub for youth support services and youth development programs and events. The Youth Policy and Youth Strategy 2017-2020 aim to guide the aforementioned service provision to ensure active engagement with young people, responsiveness to their needs and aspirations, and delivery of best practice services and programming.

12.2 ADOPTION OF THE CITY OF KWINANA YOUTH POLICY AND STRATEGY 2017-2020

The Youth Policy (Attachment A) commits the City to adopting the values underpinning the Government of Western Australia's Youth Strategic Framework, which are as follows:

- 1. **Being healthy, happy and safe** Promoting healthy lifestyles is essential for the wellbeing of young people.
- 2. Learning, work and future financial independence Education and training are important for young people, enhancing their future independence and employment opportunities.
- 3. **Living life to the full** Being part of the community is important to young people and strongly influences their health and wellbeing.
- 4. **Making a difference** Many young people have a strong commitment to making the world a better place, contributing to community life at a local, state, national and even international level.

The Youth Strategy 2017-2020 (Attachment B), based on comprehensive community and stakeholder consultation and a literature review, sets out actions across five areas to ensure service provision and programming across the aforementioned domains:

- 1. Safe Communities for Youth People
- 2. Youth Participation and Citizenship
- 3. Access to Information
- 4. Access to Programs and Services
- 5. Collaboration to Build Community and Youth Sector Capacity

LEGAL/POLICY IMPLICATIONS:

The Youth Policy commits the City to adopting the values underpinning the Government of Western Australia's Youth Strategic Framework; and the Youth Strategy 2017-2020 sets out actions to ensure active engagement with young people, responsiveness to their needs and aspirations, and delivery of best practice services and programming. If adopted, the Policy and Strategy will inform the City's future community planning and service provision.

FINANCIAL/BUDGET IMPLICATIONS:

The Youth Strategy's actions relate to service provision and may have budget implications in future financial years, subject to annual budget deliberations. However, the recommendations are of a high-level nature and may be interpreted and applied in a manner commensurate with Council direction and resourcing.

ASSET MANAGEMENT IMPLICATIONS:

Several of the Youth Strategy's actions relate to service provision at community facilities and places, and therefore have asset management implications.

12.2 ADOPTION OF THE CITY OF KWINANA YOUTH POLICY AND STRATEGY 2017-2020

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications associated with this report or recommendations.

STRATEGIC/SOCIAL IMPLICATIONS:

The Youth Policy and Youth Strategy 2017-2020 align with the following Strategic Community Plan aspiration, objective and strategy:

- Aspiration 1. Rich in Spirit
- Objective 1.4: All sections of the community are supported by the provision of relevant community and human services
- Strategy 1.4.1 Develop and implement a range of strategies in order to ensure that well-being and support programs are provided for the community.

Risk Event	Misalignment of youth service provision and community expectation
Risk Theme	Ineffective management of facilities/venues/events
Risk Effect/Impact	Service Delivery
Risk Assessment Context	Strategic
Consequence	Moderate
Likelihood	Likely
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Implement, monitor, evaluate and review the Youth Policy and Youth Strategy, informed by academic and practitioner literature and community engagement
Rating (after treatment)	Low

RISK IMPLICATIONS:

COUNCIL DECISION

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MOVED CR W COOPER

SECONDED CR S LEE

That Council adopt the City of Kwinana Youth Policy as detailed in Attachment A, and Youth Strategy 2017-2020 as detailed in Attachment B.

CARRIED 7/0



Council Policy

Youth





Council Policy

Youth

1. Title

Youth Council Policy

2. Purpose

The purpose of this policy is to establish guidelines for the City of Kwinana's youth development initiatives.

3. Scope

This policy applies to all City of Kwinana elected members, employees and contractors.

4. Definitions

Youth means people aged 12 to 24 inclusive.

5. Policy Statement

5.1 The City adopts the values set out in the Government of Western Australia's Youth Strategic Framework, which are as follows:

5.1.1 Being healthy, happy and safe

Promoting healthy lifestyles is essential for the wellbeing of young people. Being well helps young people to participate in education, employment and other areas of life. Early intervention and prevention strategies are especially important for life-long health. These can be enhanced by connecting young people to the resources, services and programs they need to be healthy, happy and safe.

5.1.2 Learning, work and future financial independence

Education and training are important for young people, enhancing their future independence and employment opportunities. Access to advice to find the right learning pathways is essential, as is additional support for young people who need it while transitioning from school to further study and work. Learning and work also need to be balanced with other aspects of their lives, like family, friends and community participation.

5.1.3 Living life to the full

Being part of the community is important to young people and strongly influences their health and wellbeing. Participation in sports, recreation, arts, culture and other activities helps young people to develop positive relationships, social networks, a sense of belonging and to have fun. Being involved in positive ways helps young people to grow and develop their identities and learn life skills, like trust and reciprocity, and has benefits for education and workforce participation. Finding a balance between leisure, study, work and family life is essential. 5.1.4 Making a difference

Many young people have a strong commitment to making the world a better place, contributing to community life at a local, state, national and even international level. They are active volunteers and seek out opportunities to have their voices heard and influence decisions. Community respect for young people is important along with recognition that some common negative stereotypes about young people do not apply to the majority. Some young people need additional skills and support to help them contribute. Their efforts to make a difference should be recognised and valued.

- 5.2 The City will develop, implement, monitor, evaluate and review a triannual Youth Strategy to guide the City and partners in working with young people of Kwinana aged 12-24.
- 5.3 The Youth Strategy will set out initiatives to ensure active engagement with young people, responsiveness to their needs and aspirations, and delivery of best practice services and programming pursuant to paragraph 5.1 of this Policy.

6. Financial/Budget Implications

Council will consider the initiatives set out in the Youth Strategy as part of annual budget deliberations.

7. Asset Management Implications

Council will consider the initiatives set out in the Youth Strategy as part of the programming of community facilities.

8. Environmental Implications

There are no environmental implications associated with this Policy.

9. Strategic/Social Implications

This Policy supports the achievement of the following Strategic Community Plan objective and strategy:

- Objective 1.4: All sections of the community are supported by the provision of relevant community and human services.
- Strategy 1.4.1 Develop and implement a range of strategies in order to ensure that well-being and support programs are provided by the community.

10. Occupational Safety and Health Implications

There are no specific OSH implications associated with this Policy.

11. Risk Assessment

A risk assessment conducted as part of the Policy review has indicated that the risk to the City by not progressing youth development initiatives in accordance with this Policy would result in a risk rating of Moderate.

It is assessed that the risk rating following the implementation of this Policy would be Low.

12. References

Name of Policy	Youth Council Policy
Date of Adoption and	TBD
resolution No	
Review dates and resolution	Nil
No #	
New review date	TBD
Legal Authority	Local Government Act 1995
	Section 2.7 – Role of Council
Directorate	City Living
Department	Community Development
Related documents	Acts/Regulations
	Local Government Act 1995
	Plans/Strategies
	Strategic Community Plan 2015-2025
	Policies
	Nil
	Work Instructions
	Nil
	Other documents
	Youth Strategic Framework, Government of
	Western Australia (January 2016)

Note: Changes to References may be made without the need to take the Policy to Council for review.



Kwinana's Youth Strategy 2017-2020

The Youth Strategy is a strategic three-year (2017-2020) document that aims to guide the City and partners in working with young people of Kwinana aged 12-24 years, to ensure active engagement, responsiveness to their needs and aspirations, and delivery of best practice services and programming.



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Executive Summary

The City of Kwinana is committed to ensuring that young people are recognised and heard as equal citizens in the Kwinana community.

The Youth Strategy is a threeyear (2017-2020) strategic document that aims to guide the City and partners in working with young people of Kwinana aged 12-24 years, to ensure active engagement, responsiveness to their needs and aspirations, and delivery of best practice services and programming.

The Strategy is grounded in evidence provided by Kwinana's young people and the broader community to ensure planning is informed by a full understanding of the current needs and issues affecting young people in Kwinana.

Based on evidence provided by Kwinana's young people, parents and caregivers, the broader community, and service providers, the City has developed five key principles underpinning the vision for a youth lead community in Kwinana:

- 1. Safe Communities for Young People to Grow Up In
- 2. Youth Participation and Citizenship
- 3. Access to Information
- 4. Access to Programs and Services
- Collaboration to Build Community and Youth Sector Capacity

The City has committed to a comprehensive set of actions, outlined in the three-year Action Plan provided herein (pages 15-29) which will be reviewed annually.

Strategy and Policy Context

Strategic Context

City of Kwinana Strategic Community Plan 2013-2023

'Rich in Spirit, alive with opportunities, surrounded by nature- it's all here!'

The strategic direction of the City of Kwinana is provided through the Strategic Community Plan 2013-2023.

The City of Kwinana Strategic Community Plan 2013-2023, along with the City of Kwinana Corporate Plan and the City of Kwinana Youth Strategy 2017-2020, will provide direction for the activities of the City in regard to service provision and support for young people in Kwinana.

State Government Policy Context

"Our Youth our Future" is a whole-of-government strategic framework for youth prepared by the Government of Western Australia's Department of Local Government and Communities.

The Western Australian Government's commitment to young people is to work in partnership with the community to make a difference in areas that matter most to the young people themselves across four domains:

- 1. their health, happiness and safety;
- 2. their learning, work and future financial independence;
- 3. their opportunity to live life to the full; and
- 4. their desire to make a difference.

'Our Youth—Our Future' lays out the Government of Western Australia's vision for young people and a framework for the way state government agencies work together on these areas that matter to young people.

The City adopts these values underpinning the Government of Western Australia's Youth Strategic Framework and principles relating to identified youth needs and aspirations the across the four domains.

Key Principles for the Strategy

Through consultation for the Strategy and examination of other available data, a range of issues, challenges and opportunities for young people in Kwinana became evident. The priority strategy actions have been structured under five key principles:

- 1. Safe Communities for Young People to Grow Up In
- 2. Youth Participation and Citizenship
- 3. Access to Information
- 4. Access to Programs and Services
- 5. Collaboration to Build Community and Youth Sector Capacity

Each of the key themes for the Strategy directly relates to the achievement of the four key aspirations for the Kwinana Community as stated in the Strategic Community Plan.



Kwinana Youth Services

The City of Kwinana, in partnership with the Department of Child Protection and Family Services and local industry, provide a range of youth services detailed in the table below:

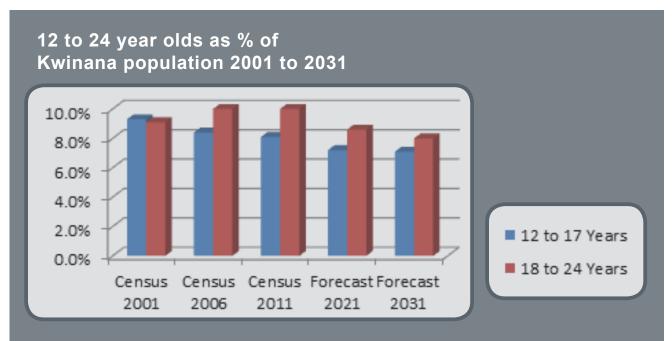
Service Area	Program
Youth and Community Support Services	Department for Child Protection funded Detached Youth Services which provides tailored Programs /Groups for 'at Risk' Young People. Dedicated youth center, the Zone Youth Space which provides a central hub of youth support services and youth development programs and events. Dedicated youth van is provided to assist in transporting young people. Youth and family counselling and case management support Youth drug and alcohol referral Youth mental health promotion and awareness Aboriginal health and wellbeing Youth offender case management support After school Drop In (Zone Youth Space) Alternative Education Programs Zone youth facility available for hire to community groups / agencies targeting youth aged 12 – 18 years. Zone office space for hire for like minded youth service agencies. Migrant youth settlement support Youth employment support Parenting information/education/awareness workshops
Youth Development	Leadership Youth Respect in Kwinana (LyriK) comprised of youth incentives and reward program, Youth Advisory Council, Junior Council, Youth Events; Annual Youth Festival, National Youth Week, Harmony Week, NAIDOC week and resilience workshops. Youth project grants, leadership program Youth Educational Scholarship program Skate Boarding clinics Urban Gaining Access to Training and Education (GATE) program Youth education and training forums Industry Links programs Aboriginal cultural development Culturally and Linguistically Diverse (CaLD) programs Gender diversity program Youth with disabilities support After school Term Program School Holiday Program Annual events
Sport and Recreation	Local Sporting Clubs provide a range of sporting opportunities include soccer, football, netball, basketball, hockey, swimming, martial arts and bowls. Kwinana Outdoor Youth Space provides dedicated outdoor space accommodating range of recreational activities such as skating, scootering, BMX freestyle and Parquor Kwinana's Recquatic Leisure Centre which provides young people with high quality recreation facility where a range of youth programs are hosted including Beatball, Vacation care and hip hop dancing program.

Library Services	Reading Club for 6-12 year olds, self-paced, monthly.
	School holiday activities for school aged children with parental supervision, during the holidays.
	YourTutor online homework help service, available to Year 3 to 12 members of the library, from 1-10pm Sunday to Friday – during school terms.
	Reading Eggs and Mathletics sessions, for selected school students (limited positions - not offered to the general public).
	Teen Club, literacy activities for 12-17 year olds, weekly – during school terms.
	New mothers/parenting sessions, dependent on demand.
	Summer Reading Challenge, reading program (December/January).
	Western Australian Young Reader's Book Awards, reading program for school aged children (April to August).
	National Simultaneous Storytime, storytime event (May).
	Collections and Resources for children and parents (board/picture books, easy readers, novels, non-fiction books, magazines, graphic novels, talking books, DVDs, CDs, puzzles, puppet and book kits, e-books, puzzle books, community
	languages, book and CD, console games, first experiences and Parenting resources).

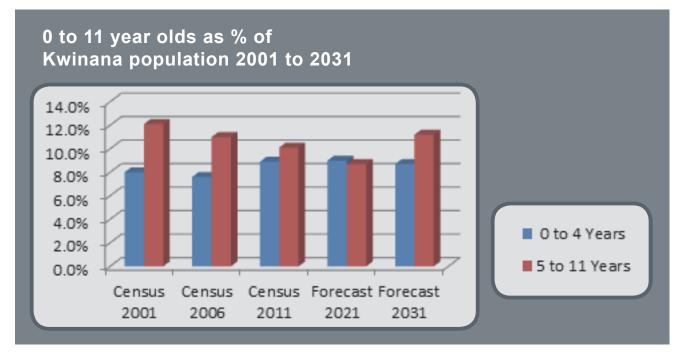
Young people in Kwinana

Population

The City has a growing youth population. In Census 2011, young people aged 12 to 24 years made up 18.1 percent of the City's population.

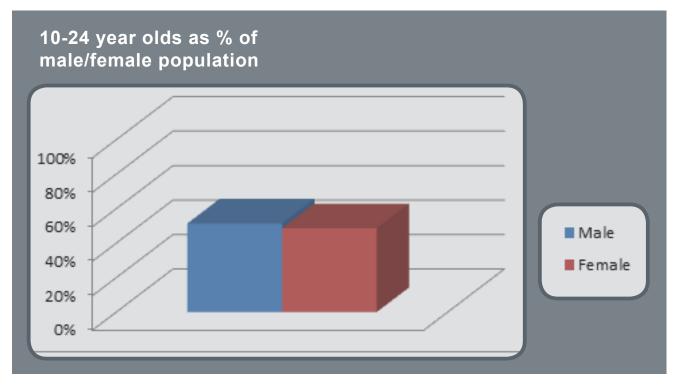


The City is also experiencing significant growth in the babies and children population with children aged 0 to 11 years, making up 19% of the Kwinana population in Census 2011.

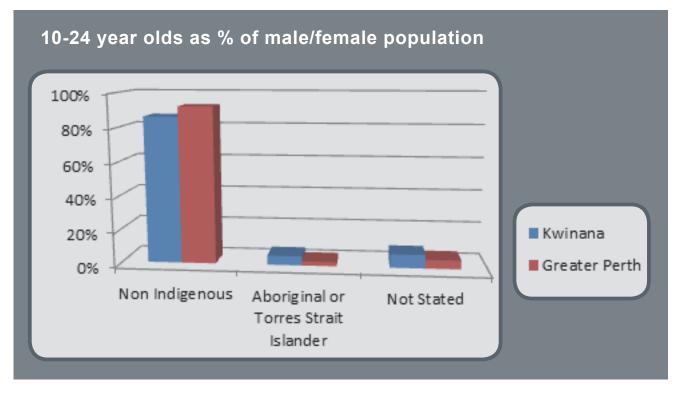


The suburbs of Parmelia and Kwinana City Centre currently house the largest number of young people, with 20.9% or 1375 members of Kwinana's current youth population residing in these suburbs. By 2021 it is forecast that the whole suburb of Wellard (including East & West Wellard) will house 24.7% of young people in Kwinana, an increase of almost 1,500 young people from 2011. By 2031, the suburbs that make up the 'Kwinana Balance' region will almost equal Wellard for youth population with both areas expected to combine to house just over 50% of the youth population in Kwinana. ¹.

There is an almost equal distribution of males and females aged 10-24 years in Kwinana, with males representing 51% of the youth population.



Kwinana also has a high Indigenous youth population with 5.5% of young people identifying as either Aboriginal or Torres Strait Islander. These figures are significantly higher than the Greater Perth region.



In the 2015 December quarter, the unemployment rate in City of Kwinana was 11.04% compared to Western Australia's over unemployment rate of 6.1% and the South West Group's rate of 5.87%. The South West Group includes Local Government Areas of Melville, Cockburn, Fremantle, East Fremantle, Kwinana and Rockingham (ABS, 2015).

Indigenous people in the South West region had a higher unemployment rate and lower participation rate when compared with the non-Indigenous population. The Kwinana LGA had the highest Indigenous Unemployment Rate (21.5 per cent) and lowest Participation Rate (30.3 per cent) (ABS, 2006).

Due to rapid residential development, Kwinana is becoming a place for young couples to purchase their first home and raise a family. As a result, increases in the numbers of children and young people are Kwinana is expected to continue in the immediate and long-term future.



A Snapshot of Young People in Kwinana

Parmelia has the largest concentration of youth aged 10-24 in Kwinana (1,375 at 20.9%), followed by Orelia (1,137 at 17.7%) & Bertram (1027 at 16%)^{1.}

According to the 2011 SEIFA index Kwinana has the highest level of disadvantage in the Perth Metropolitan area with a score of 968.¹

By 2021, about 19.5% of the Kwinana population is predicted to be between the ages of 10-24 years old.^{1.}

The City of Kwinana's Youth Unemployment rate of 13.9% sits significantly higher than the Greater Perth average of 10.2%. 2.08% of young people in Kwinana that have a disability that requires assistance for their core activities. The Greater Perth average is 1.49%.². The number of young people who had completed year 12 or equivalent in Kwinana (41.8%) was 18% lower than Greater Perth (59.9%).^{2.}



Youth Disengagement in Kwinana (16%) is almost double the Greater Perth average (8.5%). Calista-Medina has the highest rate of youth disengagement in Kwinana, with 23.5% of those identified.^{4.}

7.6% of young people speak a language other than English at home. The most popular being Filipino, followed by Maori and then Mandarin.^{2.}

Since 2011, the City of Kwinana has seen an increase in the number of humanitarian youth arrivals and now sits 10th on the list of Greater Perth LGA's with 43 arrivals since 2008 (31 of those since 2011).

households in Kwinana have access to internet, 6% lower than the Greater Perth average of 77%.



- 1. http://profile.id.com.au/kwinana/seifa-disadvantage
- ^{2.} http://atlas.id.com.au/kwinana
- ^{3.} MYAN WA Youth Settlement Fact Sheet 3rd December 2013. http://gallery.mailchimp.com/7195f465e2ddfb560ce39cd77/files/ WA_Youth_Settlement_Fact_Sheet.pdf
- ⁴ http://profile.id.com.au/kwinana/internet-connection

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Developing the Strategy

Methodology

The following consultation methods were used in the development of this Strategy:

- Youth Survey (60 respondents)
- Kwinana Schools Survey (9)
- Parent's Guardians and Carers Survey (36 respondents)
- Youth Service Provider Survey (13 respondents)
- Youth Focus Groups (3x sessions)
- Parents Focus Groups (1x sessions)
- Stakeholder Workshops (2x sessions)

Additionally, existing data collected through previous consultation for the Strategic Community Plan and Catalyse survey findings were also considered in the formulation of this documentation.

Detailed findings of the consultation can be found in the appendix of this Strategy.

Key Findings of Consultation

The consultation identified that young people in Kwinana are concerned about the same issues as the broader community in regards to antisocial behaviour and community safety issues. They are concerned about Kwinana's reputation and want the City of Kwinana to be identified as a great place for families to live with opportunity for employment and supporting infrastructure to recreate. Young people value the natural environment and community atmosphere. However, young people still face several serious issues, with 'coping with stress' being the greatest issue identified followed by 'family problems' and 'bullying'.

Parents raising young people in Kwinana have a generally positive view and also value Kwinana's family friendly lifestyle. Parents, however, can also see the difficulties faced by young people and also identify 'coping with stress' as the biggest issue followed by 'school and study problems' and 'body image'.

Local school's have a slightly different view on the key issues affecting young people but maintain high expectations of Kwinana's youth. The issues they feel are faced by young people relate to 'family problems' and 'problems with drugs and alcohol'. Schools call for greater support for parents and families.

Finally the local agencies who work with the community in Kwinana put forward the need for greater collaboration and communication between agencies, although it was identified that collaboration is already occurring. Some examples of excellent programs and services were provided and there is a sense that things are changing for the better. However, significant systemic issues relating to generational poverty and disadvantage were identified which continue to impact significantly on some youth and families in Kwinana.

Other key findings include;

- Increasing young people report experiencing negative emotions either through being a victim or perpetrator of bullying or violence or due to increasing life pressures leading to much greater reported levels of stress.
- The quality of a young person's home life and the number of adults available to provide consistent long term support directly impacts on mental, emotional and physical wellbeing of the young person suggesting a greater focus on the role of family.
- There is an emphasis on 'keeping young people occupied' and ensuring there are a range of low cost and/or free programs available for young people. In addition to the provision of programs it was found that there is a lack of knowledge and awareness of what programs and services are on offer, suggesting communications and marketing programs could be improved.
- Service providers positively recognised that there is strong provision of youth programs and services in Kwinana, however, it was identified that there is a need for greater focus on "coordination" and "collaboration" across services and with local schools.
- On numerous occasions through the consultation it was identified that some Kwinana youth experience marginalisation and social exclusion due to

complex, inter-generational poverty issues. There is recognition from services, local and state government agencies that these issues are on the radar and many strategies are already in place. However, there needs to be a continued effort and focus on addressing these issues, along with the establishment of reporting and monitoring systems.

Gap Analysis of Youth Service Provision in Kwinana

The commonly reported gaps in services for young people in Kwinana were:

- housing assistance
- programs addressing anger management, conflict resolution, effective communication and healthy lifestyles
- parenting support and capacity building programs and services
- specialise parenting and family support services for Cultural and Linguistically Diverse (CALD) communities and Fly In Fly Out (FIFO) families
- low cost and flexible after school activities and programs
- early intervention and secondary intervention mental health supports
- education and awareness in regards to accessing mental health services
- holistic wellbeing programs and early intervention programs in schools
- counselling and therapy for people who have experienced trauma/loss/grief

A number of issues with existing services were also identified including:

- lack of awareness of what is available to young people in the way of programs and services
- lack of police presence and support
- lack of forums for communication between parents and the local high schools
- lack of awareness of services and support available to parents and grandparents of young people
- Long wait lists to access mental health services
- Lack of multicultural awareness training occurring within agencies
- Difficulty for young Aboriginal people to access existing youth support services

Strategy

The Action Plan details the outcomes and measures for the implementation of the Youth Strategy. The City will work with the community, State and Federal Governments and a number of partners in achieving the outcomes detailed in the Action Plan.





Partners in the Strategy

A number of key partnerships are in place between the City and local agencies and industry. Partners include:

- The Smith Family
- Australian Red Cross
- Medina Aboriginal Cultural Community
- YMCA
- · Moorditj Koort Aboriginal Health and Wellness Centre
- Perth South Coastal Medicare Local
- Rockingham/Kwinana headspace
- Rockingham/ Kwinana Chamber of Commerce
- Bridging the Gap
- David Wirrpanda Foundation
- Local Primary and High Schools
- Nyoongar Wellbeing and Sports
- Koorliny Arts Centre
- Local industry groups
- State and Federal Government Departments
- Western Australia Police
- Relationships Australia
- Uniting Care West
- Salvation Army
- 360 Health

Evaluating the Strategy

The Youth Strategy will be evaluated in accordance with the City's Quality Assurance Framework, as well as by the actions outlined under Key Priority Activity 5.4 (p. 27). These actions include administering a Youth Wellbeing Scorecard with industry benchmarking biannually (modeled after the City's existing Community Wellbeing Scorecard and informed by the SIAPJove youth evaluation framework) to assist the City and sector to gain a better understanding of local youth wellbeing needs. Changes in data after two years will be analysed to inform the impact assessment and prioritisation of youth development initiatives, and the review of this Strategy.

Appendix D

Note: These actions will be monitored from time to time following approval from the relevant Director.

Priority Activities and Youth Strategy Actions

🛞 New initiative which is not currently funded and its delivery is subject to the acquisition of project funds

New initiative to be achieved within existing resources

Links to Other Strategies New When Who **Key Priority Activities Youth Strategy Actions** Cost and Plans Initiative City of Kwinana Community \$5.000 1.1 Educate and inform 1.1.1 In partnership with WA Police 2017/18 WA Police young people and and key stakeholders develop an anti-Safety Citv of Kwinana their families about the bullying and anti-violence social media Dept. Education National Dept. Education impacts of bullying, Gilmore College campaign. and Training National Safe Red Cross anti-social behavior Schools Framework and violence in the WA Dept. Police Crime community. Prevention Strategy Australian Red Cross Violence Prevention with **Communities Program** 1.1.2 In liaison with local schools Office of the Children's e Within 2017/18 City of Kwinana ensure the provision of workshops safety commission Parents existing Dept. Education targeting parents of teenagers, which Guide to Online Safety Gilmore College resources provide information on how to protect Peter Carnlev young people from cyber bullying and other online risks. 1.2 Ensure young City of Kwinana 1.2.1 Continue to provide the Zone Ν Within 2017/18. people have the Youth Space 'Drop In Service'. 2020/21 existing opportunities to develop resources meaningful, staff-youth 1.2.2 Investigate opportunities for \$5,000 2017/18 City of Kwinana relationships. grant funding for an Aboriginal youth Red Cross mentoring program based at the Zone. Medina Aboriginal Cultural Community

Principle 1: Safe and Inclusive Communities for Young People to Grow Up In

1.3 Adopt the ten key principles of the Youth Friendly Communities Framework to guide City service provision in meeting the needs of young people.	the Youth Friendly Communities project into the City's Strategic Community Plan, Place Plans, Healthy Lifestyles Plan and Kwinana Outdoor Youth	ect Lifestyles PlanCity of Kwinana Community		Within existing resources	2017/18	City of Kwinana
	1.3.2 Develop and implement an activation plan for the new Kwinana Outdoor Youth Space.	 WA Dept. Sport and Recreation Active Living for All – A Framework for Physical Activity & Strategic Directions for the Western Australian Sport and Recreation Industry. 	•	Within existing resources	2017/18	City of Kwinana
	1.3.3 Develop youth activation plans for key community facilities and spaces.		Ν	Within existing resources	2017/18	City of Kwinana

Principle 2: Youth Participation and Active Citizenship

Key Priority Activities	Youth Strategy Actions		New Initiative	Cost	When	Who
2.1 Ensure young people have avenues to communicate their views, needs and aspirations to leaders	2.1.1 Continue to provide and facilitate the Kwinana Youth Advisory Council (YAC), Junior Council and Youth Reference Groups.	 WA Dept. Local Government and Communities Youth Participation Kit. City of Kwinana Community Engagement Framework 	Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana
and decision makers.	2.1.2 Provide a 'Youth Project Grants' program with the view to increase the number of youth led community-based projects.	City of Kwinana Community Development Fund	Ν	Within existing resources	2017/18	City of Kwinana
	2.1.3 Conduct regular information sessions informing young people about how to access youth committees, volunteering opportunities and funding opportunities.		٠	Within existing resources	2017/18 - 2020/21	City of Kwinana

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	2.1.4 Facilitate the establishment of a youth-led reference group for the Kwinana Outdoor Youth Space Activation Project.		•	Within existing resources	2017/18	City of Kwinana
2.2 Ensure Young People are consulted on matters affecting them.	2.2.1 Develop specific youth engagement tools and techniques which target young people including those from marginalised or disadvantaged backgrounds in all significant / major community consultation processes.	 City of Kwinana Community Engagement Framework WA Dept. Local Government and Communities Youth Participation Kit 	•	Within existing resources	2017/18	City of Kwinana
contributions young people make to the	2.3.1 Continue to deliver the annual Leadership Youth Respect in Kwinana (LYRiK) Youth Awards Program.		Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana Coogee Chemicals Alcoa
community to counter negative stereotypes and encourage further	2.3.2 Develop media releases showcasing young people's achievements.		Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana
involvement.	2.3.2 In partnership with young people and the creative industries sector develop a project aimed at dispelling negative stereotypes and promoting positive youth culture.	 WA Dept. Police Students Advising Youth Project WA Dept. Culture and the Arts WA Music Industry Association WAM 	0	\$7,000	2020/21	City of Kwinana
2.4 Promote the benefits of volunteering and develop innovative and inclusive strategies for the 2017/18, 2020/21 participation of youth volunteers.	2.4.1 Develop a campaign in partnership with the Kwinana Volunteer Service targeting local high schools promoting the benefits and opportunities for volunteering.	 City of Kwinana Volunteer Strategy Volunteering Australia State of Volunteering in Australia 2016 	•	Within existing resources		City of Kwinana
	2.4.3 Provide a range of dedicated youth volunteer positions within the City of Kwinana.		Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana

2.5 Provide incentives to help motivate young people to achieve their	2.5.1 Continue to provide the City of Kwinana Youth Scholarship Program.		Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana
goals and aspirations.	2.5.2 Continue to provide leadership workshops to young people aimed at further developing leadership and resilience.	 WA Dept. Health Suicide Prevention Strategy WA Mental Health Commission Mental Health 2020 	Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana headspace Nyoongar Wellbeing and Sports Red Cross
	2.5.3 Continue to provide case management services which aim to support young people to overcome barriers.	 National Dept. Social Services National Affordable Housing Agreement (NAHA). 	Ν	Within existing resources	2017/18	City of Kwinana WA Dept. Child Protection and Family Support
2.6 Ensure young people have access to good quality local education and employment opportunities and are 'ready' to enter employment and/ or pursue economic success.	2.6.1 Continue to provide the Connections Your Next Step Youth Employment Pathways forum.	 Australian Dept. Employment Transition to Work Strategy National Partnership on Youth Attainment and Transitions (Training and Workforce Development) Training WA 2009-2018 (Training and Workforce Development) Skilling WA – a workforce development plan for Western Australia (Training and Workforce Development Chamber of Commerce an Industry and the National Disability Insurance Scheme – Local work for local youth strategy WA Dept. Training and Workforce Development Aboriginal Workforce Development Strategy 		Within existing resources	2017/18 - 2020/21	City of Kwinana Chamber of Commerce and Industry
	2.6.2 Continue to support the provision of alternative education programs at the Zone Youth Space.	 WA Dept. Education Challenger Institute of Technology 	Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana Challenger Institute of Technology

2.6.3 In partnership with the Aboriginal community pilot a 'target working' program in which vulnerable young people complete a project in exchange for fulfilment of a 'life goal' e.g. purchasing a car.	 City of Kwinana Reconciliation Action Plan WA Dept. Training and Workforce Development Aboriginal Workforce Development Strategy 	() \$10,0	00 2019/20	City of Kwinana Red Cross Medina Aboriginal Cultural Community Moodijt Koort David Wirrapanda Foundation Chamber of Commerce and Industry
2.6.4 In partnership with key education and employment stakeholders ensure the provision of a range of low-cost employment readiness courses and workshops.	 City of Kwinana Economic Development Strategy Australian Govt. Dept. Employment - Youth Employment Strategy 	() \$5,00	0 2017/18 - 2020/21	City of Kwinana WA Dept. Training and Work Force Development Kwinana Industry Council
2.6.5 In partnership with key stakeholders develop café-style incubator hubs aimed at encouraging entrepreneurialism, information and knowledge sharing and access to technology and other resources.	 City of Kwinana Economic Development Strategy 	() \$5,00	0 2019/20	City of Kwinana WA Dept. Training and Workforce Development Business Council of Australia
2.6.6 Identify and support a dedicated youth (18 – 24 years) traineeship position within the City of Kwinana.	 WA Dept. Training and Workforce Development Future Skills WA. 	() \$30,0	00 2017/18 - 2020/21	City of Kwinana

Principle 3: Access to Information									
Key Priority Activities	Youth Strategy Actions	Links to Other Strategies and Plans	New Initiative	Cost	When	Who			
3.1 Provide information, with a focus on a coordinated approach,	3.1.1 Develop of a suite of social media and SMS promotional tools that engage young people online.		٩	Within existing resources	2017/18 - 2020/21	City of Kwinana			
so that young people can access the information when needed, wherever they live.	3.1.2 Develop a 'hot topics for youth' social media campaign aimed at raising awareness about including (but not limited to) mental health, education and employment, physical activity, parenting skills and sexual health.	 Youth Partnership Project -Speak out for Change: Youth Voices on Youth Issues Summit Report 	*	Within existing resources	2017/18 - 2020/21	City of Kwinana			
	3.1.3 Continue to provide a coordinated youth outreach schedule in partnership with key stakeholders aimed at providing access to relevant information and identifying youth information needs.		Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana YMCA Redcross			
	3.1.4 Continue to support the Kwinana Rockingham Action For Today's Youth (KRAFTY) as the key information dissemination network for the youth sector in the south metro region.		Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana City of Rockingham			
	3.1.5 In partnership with key stakeholders ensure youth services information is promoted to culturally- and linguistically-diverse (CaLD), young people with disabilities and young people from marginalised or disadvantaged backgrounds.	 National Youth Settlement Framework WA Dept. Sport and Recreation - Including people with a Disability 	Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana Multicultural Youth Advocacy Network Inclusion WA			
	3.1.6 In partnership with community and youth support service agencies develop information and education sessions aimed at supporting marginalised and/or disadvantaged community members.	 At Risk Youth Strategy Department of Child Protection WA Dept. Corrective Services Youth Justice Framework Western Australia 	Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana Dept. Child Protection Family Support Salvation Army Red Cross Smith Family Relationships Australia			

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Principle 4: Access to Services and Programs											
Key Priority Activities	Youth Strategy Actions	Links to Other Strategies and Plans	New Initiative	Cost	When	Who					
4.1 Provide a range of high-quality, evidence- based and innovative programs and services for young people and their families including those who experience complex challenges or who are vulnerable and at risk.	4.1.1 Continue to facilitate multi-sector youth diversional programming and support service network group aimed at coordinating programming and case management service delivery for at risk young people.	 WA Dept. Child Protection and Family Services At Risk Youth Strategy WA Dept. Corrective Services Youth Justice Framework Western Australia 	Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana					
	4.1.2 Continue to work in partnership with stakeholders to deliver youth diversional programs i.e. Zone School Holiday Program, Beatball and Night Fields on Friday nights.		Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana Nyoongar Wellbeing and Sports WA Football Commission Basketball WA Kwinana Nights Junior Soccer Club Red Cross					
	4.1.3 Continue to deliver a range of low-cost, inclusive programs, which build confidence, self-esteem and general wellbeing.	 Commission for Children and Young People Building Blocks: Best Practice Programs that improve the wellbeing or children and young people. 	Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana Redcross YMCA Nyoongar Wellbeing and Sports Relationships Australia Headspace Rockingham					

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w ar in	1.4 Continue to Work in partnership ith service providers, organisations nd agencies to submit joint funding itiatives to address gaps in service rovision.	 WA Dept. Local Government and Communities Grant Directory WA Australian Community Grants Guru Website 	Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana Redcross YMCA Nyoongar Wellbeing and Sports Relationships Australia Headspace Rockingham
th	1.5 Continue to maintain and promote e City of Kwinana Youth Services irectory.		Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana
de in is do	1.6 In partnership with services eliver community events, which crease awareness of key social sues such as homelessness, omestic violence and drug and alcohol ouse.	 WA Dept. Child Protection Family Support Opening Doors to address homelessness. City of Kwinana Homelessness Policy WA Drug and Alcohol Office Local Government Alcohol Management Package City of Kwinana Healthy Lifestyles Plan National Dept. Human Services Family and Domestic Violence Strategy 	Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana Dept. Child Protection Family Support Red Cross Salvation Army
K	1.7 Ensure parents in the City of winana have access to appropriate arenting skills workshops.	WA Dept. Child Protection Family Support Earlier Intervention and Family Support Strategy	٨	\$5,000	2017/18 - 2020/21	City of Kwinana Ngala Smith Family Relationships Australia Parenting WA Dept. Child Protection Family Support Red Cross

	4.1.8 Continue to provide detached youth and community outreach sessions targeting homeless people and other marginalised and disadvantaged people.	•	Australian Government Department Social Services National Affordable House Agreement	Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana Dept. Child Protection Family Support
4.2 Advocate for the provision of transitional and supported	4.2.1 Continue to support the Kwinana Rockingham Homelessness Interagency Group.			Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana
accommodation, alcohol and drug intervention and mental health	4.2.2 Continue to support the South Metropolitan Mental Health Sub- committee.	•	Govt. WA Mental Health Commission Mental Health 2020	Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana
support services for young people and their families.	4.2.3 In partnership with non- government organisations ensure provision of community events, which raise awareness about homelessness and social disadvantage during Homelessness Awareness Week and other key state and national campaigns.	•	WA Dept. Child Protection Family Support Opening Doors to address homelessness. City of Kwinana Homelessness Policy	Ν	Within existing resources	2017/18 - 2020/21	City of Kwinana We Are One Redcross Headspace Fremantle Street Doctor Relationships Australia

The off Conaboration to bund community and routh Sector Capacity									
Key Priority Activities	Youth Strategy Actions	Links to Other Strategies and Plans	New Initiative	Cost	When	Who			
5.1 Provide leadership to the youth and community support sector services in Kwinana to enhance cross-sectoral coordination and collaboration.	5.1.1 Review and enhance the structure of existing youth and community support service committees and networks with the view to increasing communication, coordination and collaboration of services at local and regional level.	 Save the Children's Collective Impact Youth Partnership Project 	•	Within existing resources	2017/18	City of Kwinana WA Dept. Child Protection Family Support, WA Dept. Corrective Services Relationships Australia Smith Family Headspace WA Police YMCA Redcross			
5.2 Develop a base of professionals proficient in both youth work and policy practice.	5.2.1 Host a series of professional development workshops in Kwinana targeting youth workers.	Youth Work WA Code of Ethics for Youth Work	٨	\$5,000	2017/18 - 2020/21	City of Kwinana Youth Work WA			
5.3 Build relationships with Kwinana's secondary schools to foster complementary youth program development and strengthen partnerships.	5.3.1 Market and promote the Zone Youth Space to the local secondary schools as both a hub of youth services and hirable space for school events and functions.		•	Within existing resources	2017/18	City of Kwinana WA Dept. Education			

Principle 5: Collaboration to Build Community and Youth Sector Capacity

5.4 Collect, analyse and share data on the state of youth development in Kwinana biannually.	5.4.1 Administer a Youth Wellbeing Scorecard with industry benchmarking biannually (modeled after the City's existing Community Wellbeing Scorecard and informed by the SIAPJove youth evaluation framework) to assist the City and sector to gain a better understanding of local youth wellbeing needs.	City of Kwinana Community Wellbeing Scorecard	()	\$10,000	2017/18	City of Kwinana
	5.4.2 Identify and collect data on local youth from other sources.		•	Within existing resources	2017/18	City of Kwinana
	5.4.3 Identify best practice, evidence- based approaches in the literature to addressing priorities arising from the data.		•	Within existing resources	2017/18	City of Kwinana
	5.4.3 Hold capacity-building sessions for the sector in which the aforementioned data and evidence- based approaches are presented, and strategic cross-sector responses are formulated.		•	Within existing resources	2017/18	City of Kwinana
	5.4.4 Make the aforementioned data available via the web, and ensure all stakeholders are aware of it.		٩	Within existing resources	2017/18	City of Kwinana
	5.4.5 Analyse changes in data after two years to inform the impact assessment and prioritisation of youth development initiatives, and the review of this Strategy.		•	Within existing resources	2020/21	City of Kwinana

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References

profile.id. City of Kwinana Community Profile. www.profile.id.com.au/kwinana

atlas.id. City of Kwinana Social Atlas. www.atlas.id.com.au/kwinana

Multicultural Youth Advocacy Network. Humanitarian Youth Settlement in Western Australia.

Department for Communities. Our Youth-Our Future: Western Australia's Youth Strategic Framework. Government of Western Australia



Appendix 1

Consultation Report

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ATTACHMENT C

Youth Strategy Consultation Report

2016-2019

2016-2019

The purpose of the Youth strategy consultation was to identify the issues, concerns and opinions of young people who live in Kwinana and to establish key priorities through consulting with not only young people but their parents, teachers and local agencies who provide services to young people

Consultation

City of Kwinana Youth Strategy 2016 – 2019

Consultation Summary Report

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1.0 Introduction

The City of Kwinana Youth Strategy is a strategic document that will guide the Council in the provision of resources in the area of Youth Development over the next three years.

The purpose of the Youth plan consultation was to identify the issues, concerns and opinions of young people who live in Kwinana and to establish key priorities through consulting with not only young people but their parents, teachers and local agencies who provide services to young people.

2.0 Executive Summary

The consultation identified that Young people in Kwinana are concerned about the same issues as the broader community in regards to the ongoing antisocial behaviour and community safety issues. They are concerned about Kwinana's reputation and want the City of Kwinana to be identified as a great place for families to live with opportunity for employment and supporting infrastructure to recreate. Young people value the natural environment and community atmosphere. However, young people still face several serious issues, with "coping with stress" being the greatest issue identified followed by family problems and bullying.

Parents raising young people in Kwinana have a generally positive view and also value Kwinana's family friendly lifestyle. Parents, however, can also see the difficulties faced by young people and also identify coping with stress as the biggest issue followed by school and study problems and body image.

The school's have a slightly different view on the key issues affecting young people but maintain high expectations of Kwinana's youth. The issues they feel are faced by young people relate to family problems and problems with drugs and alcohol.

Schools call for greater support for parents and families.

Finally the local agencies who work with the community in Kwinana put forward the need for greater collaboration and communication between agencies, although it was identified that collaboration is already occurring. Some examples of excellent programs and services were provided and there is a sense that things are changing for the better. However, significant systemic issues around generational poverty and disadvantage were identified which continue to impact significantly on some youth and families in Kwinana.

3.0 Consultation Activities

- Youth Survey
- Parents Guardians and Carers Survey
- Youth Service Provider Survey
- Schools Survey
- Youth focus group x 3
- Parents focus group
- Stakeholder workshop x 2

4.0 Youth Survey

- 24.07% of respondents identify as Aboriginal or Torres Straight Islanders
- Equal representation of male and female respondents
- 46% of respondents use social media sites over 11 hours per week
- The most popular social media site is Facebook followed by Instagram and Google
- 53.7% of respondents access a computer at home while 42.5% accessing the internet on their smart phone
- 7.45% of respondents experience bullying extremely often with 25.93% experiencing bullying quite often. 33.33% do not experience bullying.
- The majority of respondents said that when they experience bullying it is at school.

- 35.19% feel "quite safe" in public spaces in Kwinana with 31.48% feeling "moderately safe". 7.41% do not feel safe at all.
- 66.67% of respondents use the internet as first point of call when looking for information followed by 57.41 using their parents; friends were next at 29.63%.
- When the going gets tough for respondents 53.70% will go to their parents and 50% will go to their friends. 16.67% will go to a youth worker.
- 31.48% of respondents feel as though they have over 6 adults in their life that they can count on. Just fewer than 50% feel as though they have between 1 3 adults they can count on.
- When asked what information or advice do you wish adults had shared with you a common response was around "how to deal with life", "life isn't easy", "its okay to fail", "getting a job isn't easy".
- 46.3% participate in sport outside school or study with 20.37% participating in sport as a spectator.
- Dancing was a popular recreation activity for respondents along with environmental or conservation activities.
- Barriers to participating in activities outside school or study identified by respondents include; scared of kids at the Zone, laziness, not enough time, no money and don't know.
- Respondents were asked what activities they would like to do in Kwinana, emerging themes include; organised sporting activities including dancing and fitness and computer gaming.
- Respondents were asked what issues are affecting them personally; the most frequently selected issue was coping with stress (51.85%), bullying (24.07%) and family problems (31.48%).
- 25.93% of respondents identified that they are not experiencing any issues at the moment.
- The most common response to where did you hear about the Zone was through friends.
- Similarly with the LYRIK program most people found out about the program through friends.

- Respondents listed their three favourite things about Kwinana the most frequent responses were, the natural areas, parks and bushland, friends and family.
- Respondents listed three things they dislike about living in Kwinana, the most frequent responses were, bullying, fighting and antisocial behaviour.
- 75.93% of respondents are not currently employed.
- 50% of respondents come from Gilmore College
- 68.52% of respondents get their income from their parents.
- 40.74% do not agree or disagree that there are employment options for young people in Kwinana. 38.9% agree that there are employment options for young people in Kwinana.

4.1 Youth Focus Groups Summary

- Participants were asked what their three favourite things about Kwinana which included the local shops, Community facilities and natural environment.
- Participants were asked to identify what they disliked about Kwinana and top responses included anti-social behaviour, lack of facilities i.e. Movies, JB Hi Fi and Hungry Jacks and Cultural segregation.

Smaller groups investigated the top issues identified and came up with some solutions which include:

- Increase the amount of police in the area
- Have a police station open 24 hours
- Increase community security
- Promote travelling in groups to ensure safety
- Increase education in community schools around bullying
- Have more CCTV throughout Kwinana
- Conduct fund raising for new facilities
- Petition Council for desired facilities

In the second focus group participants were asked what they would like to change in Kwinana. The top three things are;

- Lack of respect for others (which leads to violence, bullying and property damage)
- Overall perception ("only in Kwinana" joke, rumours of murders or attacks It's not a bad place!)
- Alcohol and drug abuse (too many bottle shops, too much underage drinking that leads to out of control parties).

The group then took the first two issues and were asked to identify 3 potential strategies or solutions. Their solutions are as follows:

Negative Perception

- Spread it to the World Utilise social networking and wider advertising to spread the message that Kwinana is a good place to live. It was acknowledged that this would potentially require significant funds to advertise on a large scale.
- More activities for youth hold more concerts and sporting activities that engage young people in positive activities. These activities would also require significant funds to resource them appropriately and would also require volunteers to assist in the running of the events.
- 3. Open Days Run more festivals, building open days and events like fun runs to promote positive engagement in the community. These events would also attract people from outside the Kwinana area and would act as an informal tourist opportunity that allows others to see the attractions of Kwinana. Again, money to promote and run these days would be required to be sourced.

Lack of Respect

 Equal rights for all races – There are segregated race groups currently operating in the City of Kwinana. Promoting and offering opportunities for all races to equally contribute and participate in events, activities, programs, education and more would help facilitate respect between the race groups. A potential issue would be the willingness of the different groups to engage in these opportunities.

- Youth Events Again, having more youth events would help promote a positive culture where respect is expected and given. Getting young people to participate and finding the money have been identified as the main issues in implementing these events.
- People using manners Conduct an education campaign to encourage the use of basic manners. Trying to change the mentality of 'You don't use your manners to me, so why should I use mine to you' was identified as an issue to implementing this strategy.

5.0 Parents, Guardians and Carers Survey Summary

- 10% of respondents identified as Aboriginal or Torres Straight Islanders
- 50% of respondents aged between 25 34 years
- Most respondents have 1 or 2 children living at home
- 77.8% respondents female
- 90% of income is through employment
- Disabilities identified were ADHA, dyslexia and developmentally delayed
- Respondents weighted a selection of known key issues facing young people from 1 –
 19 the top five issues facing young people selected by parents were:
 - Coping with stress
 - School and study problems
 - o Body image
 - o Depression / drugs
 - Physical or sexual abuse
- 76.47% of respondents rely on family support and advice with 52.94% using the internet for advice. 20.59% use the local library.
- 33.33% of respondents have accessed centrelink and 21.21% have accessed job search services
- The majority of respondents rated their experience raising kids in Kwinana as positive

• Respondents identified five problems in Kwinana as neglectful parenting, bad reputation, undesirable people and area, mental health problems and desperate.

6.0 Schools Survey Summary

- 55.56% of school respondents have "very high" expectations for the students at Kwinana Schools. 11.11% of respondents had "slightly high" expectations of Kwinana students.
- Respondents identified the top five issues they believe are impacting on young people in Kwinana as:
 - Family problems
 - Drugs and Alcohol
 - o Bullying
 - Relationship problems
 - Coping with stress
- Respondents were asked what the City of Kwinana can do support young people, responses include;
 - o "Continue to provide opportunities outside school hours"
 - "Problems are complex and require some high order thinking in regard to solutions"
 - "Support programs to assist grandparents with parenting and support for single parents to teach them appropriate cyber safety"
 - "The City has excellent programs"
 - "Fund more tuition programs for disadvantaged families"
- Respondents were asked what the City of Kwinana can do support local schools, responses included:
 - "Provide youth worker support and funding to establish programs"
 - "More support for parents to help them study with their kids"
 - "Fund a recycling program"

- "Schools are well support already with programs such as LYRIK Schools need to take up offers that already exist"
- "Leadership program which has started in the school"
- "More safe spaces for young people to hang out"
- Respondents were asked what specific programs they would like to see in their schools:
 - "Parent and child workshops and opportunities to interact within a safe, structured environment. Youth worker at Bertram one day a week. More leadership development opportunities like LYRIK."
 - "Tuition for struggling students"
 - "Music and dance programs, leadership and challenge programs".
- Respondents where asked what negatively impacts on schools abilities to educate young people in Kwinana. The most frequent response was neglectful and poor parenting.

7.0 Youth Service Provider Survey

- Respondents were asked what the City of Kwinana can do to more effectively support your organisation, responses include:
 - "Maintain good communication and collaboration"
 - "More affordable access to recreational and social interactions more sports competitions"
 - "Provide more staff to cope with demands of the community"
 - "Continue support via committees"
 - "Be aware of what CAMHS services are offered invitations to interagency meetings in the Kwinana area and ongoing consultation with the City of Kwinana

- One organisation in the City of Kwinana needs to "coordinate" the programs that are on offer in Kwinana and advise organisations as what the gaps are and which age groups are saturated with programs. There seems to be a lot of duplication of programs."
- "Ensuring young people have access to information."
- o "Community service forums, community awareness."
- Respondents were asked what the three greatest barriers facing young people in Kwinana, the top three responses are;
 - Lack of education, lack of parental support and guidance and generational poverty issues

8.0 Key Findings

The consultation identified that Young people in Kwinana are concerned about the same issues as the broader community in regards to the ongoing antisocial behaviour and community safety issues. They are concerned about Kwinana's reputation and want the City of Kwinana to be identified as a great place for families to live with opportunity for employment and supporting infrastructure to recreate. Young people value the natural environment and community atmosphere. However, young people still face several serious issues, with 'coping with stress' being the greatest issue identified followed by 'family problems' and 'bullying'.

Parents raising young people in Kwinana have a generally positive view and also value Kwinana's family friendly lifestyle. Parents, however, can also see the difficulties faced by young people and also identify coping with stress as the biggest issue followed by school and study problems and body image.

The school's have a slightly different view on the key issues affecting young people but maintain high expectations of Kwinana's youth. The issues they feel are faced by young people relate to 'family problems' and 'problems with drugs and alcohol'. Schools call for greater support for parents and families.

Finally the local agencies who work with the community in Kwinana put forward the need for greater collaboration and communication between agencies, although it was identified that collaboration is already occurring. Some examples of excellent programs and services were provided and there is a sense that things are changing for the better. However, significant systemic issues around generational poverty and disadvantage were identified which continue to impact significantly on some youth and families in Kwinana.

Other key findings include;

- Young people report experiencing bullying or violence.
- The quality of a young person's home life and the number of adults available to provide consistent long term support directly impacts on mental, emotional and physical wellbeing of the young person suggesting a greater focus on the role of family.
- The consultation findings suggest there should be greater focus on "keeping young people occupied" and ensuring there are a range of low cost or free programs available for young people.
- Consultation revealed that there is a lack of knowledge and awareness of what programs and services are on offer, suggesting communications and marketing programs need to be improved.
- Service providers positively recognised that there is strong provision of youth programs and services in Kwinana however it was identified that there is a need for greater focus on "coordination" and "collaboration" across services and with local schools.
- On numerous occasions through the consultation it was identified that some Kwinana youth experience marginalization and social exclusion due to complex, inter-generational poverty issues. There is recognition from services, local and state government agencies that these issues are on the radar and many strategies are already in place. However, there needs to be a continued effort and focus on

addressing these issues, along with sound reporting and monitoring systems established.

8.1 Gap Analysis of Youth Service Provision in Kwinana

The commonly reported gaps in services for young people in Kwinana were:

- housing assistance.
- programs addressing anger management, conflict resolution, effective communication and healthy lifestyles.
- parenting support and capacity building programs and services.
- specialise parenting and family support services for Aboriginal and Cultural and Linguistically Diverse (CALD) communities.
- low cost and flexible after school activities and programs.
- early intervention and secondary intervention mental health supports.
- education and awareness in regards to accessing mental health services.
- holistic wellbeing programs and early intervention programs in schools.
- counselling and therapy for people who have experienced trauma/loss/grief.

A number of issues with existing services were also identified including:

- lack of awareness of what is available to young people in the way of programs and services.
- lack of police presence and support.
- lack of forums for communication between parents and the local high schools.
- lack of awareness of services and support available to parents and grandparents of young people.
- Long wait lists to access mental health services.
- Lack of multicultural awareness training occurring within agencies.

Difficulty for young Aboriginal people to access existing youth support services

13 Reports – Economic

Nil

14 Reports – Natural Environment

Nil

15 Reports – Built Infrastructure

15.1 Application for Retrospective Planning Approval for Earthworks and Swimming Pool within the Front Setback and Over Height Colourbond Front Boundary Fence – Lot 770 (118) Medina Avenue, Medina

SUMMARY:

An application has been received seeking retrospective planning approval for an over height Colourbond front fence, swimming pool and earthworks within the primary street setback on Lot 770 (118) Medina Avenue, Medina ("subject land") (Refer Attachments A - J). The land owner has undertaken extensive retaining and earthworks within the front setback to enable the installation of a swimming pool. The land owner then installed an over height Colourbond fence on the front and side boundaries within the front setback area. These works were undertaken throughout September 2015 without prior planning or building approvals being granted.

The earthworks and retaining walls required to support the installation of the swimming pool have resulted in the front setback area being excavated and retained, which appears adequate, so that the existing natural ground levels at the front boundary were generally maintained. In this regard, the earthworks and retaining walls are generally consistent and able to be considered under the performance criteria of Section 5.3.7 – Site Works P7.2 of the Residential Design Codes of Western Australia ("R-Codes").

The land owner is also seeking retrospective planning approval of a 2.1 metre high Colourbond front fence consisting of a 1.8 metre high solid fence and 0.3 metre high lattice panel above. The land owner initially advised that the fence was installed as a temporary swimming pool barrier to prevent public access however is now seeking its permanent approval. In regards to providing a sufficient pool barrier, the City's Building Department has confirmed that if the fencing within the front setback on the subject property is modified in accordance with the Officers Recommendation of this report, then the fencing would be compliant with the pool barrier legislation.

The fence does not comply with the Deemed-to-comply or Design Principles of the Residential Design Codes of Western Australia ("R-Codes"), the fencing requirements specified under the City's Local Planning Policy - Residential Subdivision and Development Guidelines, or the provisions of City of Kwinana Town Planning Scheme No. 2 ("Scheme"). In addition, the land owner has not complied with Clause 2.2 (1) of the City of Kwinana Fencing Local Law as approval was not sought for the fence prior to its erection. Whilst not a specific consideration for the planning application, the front fence also does not comply with Clause 2.1(1), 2.1(2)(a), and Clause 2(d) within Schedule 2 of the City of Kwinana Fencing Local Law, as the fence in its current form does not meet the requirements for a Sufficient Fence as prescribed by the Local Law.

On the basis of the numerous non compliances of the front and side boundary fence within the front setback area, it is recommended that Council refuse retrospective planning approval, and resolve to issue written direction to the land owner under Clause 8.3 of the Scheme and Section 214(3)(a) of the *Planning and Development Act 2005* to alter the front fence such that it is made visually permeable 1.2m above natural ground level.

OFFICER RECOMMENDATION:

- 1. That Council refuses to grant retrospective planning approval for the over height Colourbond front fence on Lot 770 (118) Medina Avenue, Medina, for the following reasons:
 - i. The front fence does not comply with the Deemed-to-comply provisions of Clause 5.2.4 – Street Walls and Fences C4 of the Residential Design Codes of Western Australia ("R-Codes") as it is not visually permeable above 1.2m from natural ground level as measured from the primary street side of the front fence.
 - ii. The front fence does not comply with Design Principles of Clause 5.2.4 Street Walls and Fences P4 of the R-Codes, as Medina Avenue, Medina is not a designated Primary/District Distributor or Integrator Arterial road, which could otherwise have traffic or noise impacts to support a front fence above 1.2m from natural ground level.
 - iii. The fence does not allow for surveillance (actual or perceived) between the dwelling and the street, which minimises opportunities for concealment and entrapment as required under Clause 5.2.3 – Street Surveillance of the R-Codes.
 - iv. The front fence does not comply with Clause 6.4.1 (c) of the City of Kwinana Town Planning Scheme No. 2 which requires residential development to comply with the Residential Design Codes of Western Australia.
 - The front fence is inconsistent with Section 3.5 Fencing Front Fencing Clause b) of the City's Local Planning Policy – Residential Subdivision and Development Guidelines.
 - vi. Approval of the front fence would set an undesirable precedent for Council to consider similar such front fences which do not comply with the R-Codes or Scheme, and which would severely impact on the amenity of the area and safety of pedestrians through limiting visual passive surveillance both into and from the adjoining street environment. This is not recommended for reasons of proper and orderly planning.
- 2. That Council, in accordance with Clause 8.3 of the Scheme and Section 214(3)(a) of the Planning and Development Act 2005, issues written direction to the land owner of Lot 770 (118) Medina Avenue, Medina to alter the front and side boundary fencing located within the street setback area such that it is made visually permeable 1.2m above natural ground level, except for posts which may extend up to 1.8m above natural ground level in order to support visually permeable infill material, to a maximum height of 1.8 metres as measured from the primary street side of the fence. Such alteration to be made within 60 days of the date of the written direction.

3. That Council advises the land owner of Lot 770 (118) Medina Avenue, Medina that they may apply to the State Administrative Tribunal for a review of the written direction. Any such application for review to be made to the State Administrative Tribunal within 28 days of the date of the written direction.

DISCUSSION:

Land Status

Metropolitan Region Scheme: Urban Town Planning Scheme No. 2: Residential R12.5 / R20

Background

An application has been received seeking retrospective planning approval for an over height Colourbond front fence, swimming pool and earthworks within the primary street setback on Lot 770 (118) Medina Avenue, Medina ("subject land") (Refer Attachments A - J). The land owner has undertaken extensive retaining and earthworks within the front setback to enable the installation of a swimming pool. The land owner has also installed a 2.1 metre high fence (consisting of a 1.8m high Colourbond fence with a 0.3m section of lattice attached to the top) within the front setback area. The works were undertaken throughout September 2015 without prior planning or building approvals being granted.

Earthworks and Retaining Walls

The earthworks and retaining walls required to support the installation of the swimming pool have resulted in the front setback area being excavated and retained so that the existing natural ground levels at the front boundary were generally maintained. In this regard, the earthworks and retaining walls are able to be considered under the Design Principles of Clause 5.3.7 – Site Works P7.2 of the Residential Design Codes of Western Australia (R-Codes).

Design Principles Clause 5.3.7 – Site Works P7.2 of the R-Codes states: "Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street."

In regards to the above, the existing ground levels at the front boundary were largely unaltered as part of the development. The land owner has excavated land within the front setback area to allow for the installation of the pool and constructed a retaining wall adjacent to the front boundary ranging from approximately 1000mm to 500mm in height. As viewed from the street the existing natural ground levels remain largely unchanged with the pool situated approximately 1000mm to 500mm lower than the adjoining footpath level. In respect to the earthworks and retaining walls constructed within the front setback area of the subject lot, these works could be considered to meet the performance objectives of the R-Codes and could be supported.

Front Fence and Fencing within the Front Setback Area

As part of this application, the land owner is also seeking retrospective planning approval of a 2.1 metre high fence within the front setback, consisting of a 1.8 metre high solid Colourbond fence and 0.3 metre high lattice panel above. Following the fence's installation, the land owner advised City Officers that the fence was installed as a temporary swimming pool barrier to prevent public access. However, the land owner is now seeking its permanent approval.

The land owner has sought to justify the over height front fence for the purpose of providing a sufficient pool barrier. Whilst the justification provided by the applicant has been noted, the justification for an over height front fence in this location does not comply with the Design Principles or Deemed-to-comply requirements of the R-Codes, the City of Kwinana Town Planning Scheme No.2, or the City of Kwinana Local Planning Policy - Residential Subdivision and Development Guidelines. In addition, the fence does not comply with the requirements of the City of Kwinana Fencing Local Law.

Assessment under the R-Codes

The Deemed-to-comply requirement of Clause 5.2.4 – Street Walls and Fences C4 of the R-Codes is as follows:

Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence.

In addition, the Design principles specified under Clause 5.2.4 – Street Walls and Fences P4 of the R-Codes states:

Front fences are low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need:

- for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and
- for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.

In regard to the above, the front and side boundary fencing within the front setback area on Lot 770 (118) Medina Avenue does not comply with the Deemed-to-comply or Design principles specified under Clause 5.2.4 – Street Walls and Fences of the R-Codes for the following reasons:

- i. The fence is not visually permeable above 1.2m from natural ground level;
- ii. Medina Avenue is not designated as a Primary/District Distributor or Integrator Arterial road, which could otherwise have generated traffic noise or traffic impacts to justify a front fence above 1.2m from natural ground level.
- iii. The fence does not allow for surveillance (actual or perceived) between the dwelling and the street, which minimises opportunities for concealment and entrapment as required under Clause 5.2.3 Street Surveillance of the R-Codes.

Assessment under City of Kwinana Town Planning Scheme No.2

Clause 6.4.1 (c) of the Scheme states: Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those codes and the schedules to those codes.

The Scheme does not prescribe any additional provisions with regard to fencing within the Residential zone and as such, the R-Codes provide the appropriate development provisions. In this respect, and as discussed under the R-Code assessment above, the front and side boundary fencing within the front setback does not comply with the provisions of the R-Codes and therefore also does not comply with the requirements of Clause 6.4.1 (c) of the Scheme.

Assessment under Local Planning Policy - Residential Subdivision and Development Guidelines

The City's Local Planning Policy - Residential Subdivision and Development Guidelines sets out a number of development provisions which are applicable to residential development within the City. In particular, Section 3.5 - Fencing sets out the provisions regarding fencing and also provides a general fencing objective. The fencing objective under the policy is 'to ensure that boundary fencing and in particular front fencing does not detract from the streetscape, defines allotments and allows for passive surveillance of public areas'.

More specifically, Section 3.5.2 Front Fencing point b) of the policy states: Front fences, and the portion of side fencing located forward of the primary building line are to be visually permeable (nominally 50% open) above 0.9 metres in height to a maximum height of 1.8 metres.

With regard to the provisions of Local Planning Policy – Residential Subdivision and Development Guidelines, the fence as currently constructed does not comply with the provisions or objectives of the policy. As previously discussed the fence has been constructed with an overall height of 2.1 metre, consisting of a 1.8 metre high solid Colourbond fence and 0.3 metre high lattice panel above. In this regard, the fence does not comply with the provisions of the Local Planning Policy.

City of Kwinana Fencing Local Law

The City's Fencing Local Law provides the requirements for sufficient fences within the City of Kwinana. In this regard, the Local Law references the fencing requirements of the Scheme and the requirement for fences to comply with both pieces of legislation. Whilst the provisions of the Local Law do not apply to the planning application, they should be given due regard in the overall consideration of the fencing constructed on the subject land.

Part 2 - Fences of the Local Law specifies the requirements for fences generally. The following Parts and Clauses of the Fencing Local Law are relevant to the consideration of the fencing constructed on the subject land.

Clause 2.1 Sufficient Fences sub-clause (1) states:

A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence unless otherwise granted approval by the local government under clause 2.10. Clause 2.1 Sufficient Fences sub-clause (2)(a) states:

Subject to sub-clauses (3) and (4), and any provision contained in a town planning scheme, a sufficient fence-

 (a) on a residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Schedule 2;

Clause 2.1 Sufficient Fences sub-clause (4) states:

An application must be made to the local government for grant of consent to any variation to the specifications in Schedules 2, 3 and 4.

Clause 2.1 Sufficient Fences sub-clause (7) states:

Notwithstanding any other provision in this local law, a dividing fence or boundary fence shall not exceed 1800 millimetres in height unless the approval of the local government has been obtained for such a fence.

Part 2.2 – Fences within front setback areas sub-clause (1) states:

A person shall not, without the written approval of the local government, erect a fence greater than 1200 millimetres in height, within the front setback area of a residential lot within the district.

Clause 2.6 Fences on a Residential Lot states:

A person shall not without the written consent of the local government, erect a fence on a residential lot of a height exceeding 1800 mm. For the erection of a fence in the front setback area, see clause 2.2.

Clause 2.7 Fences within the district states:

All fences within the district must comply with the provisions of the town planning scheme and its policies

Schedule 2 – Specifications for a sufficient boundary fence on a residential lot - Clause 2 Corrugated fence states:

A fence constructed of corrugated fibre reinforced pressed cement or steel sheeting constructed to manufacturer's specifications or which satisfies the following specifications—

(d) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height but which is subject to clause 2.2.

In regards to the provisions of the Local Law, the fencing as it is currently constructed does not strictly comply with the above mentioned Parts and Clauses of the law. The constructed fence height of 2.1m does not comply with the local law, to the extent that it is non-compliant with the provisions of the Town Planning Scheme. In addition, any variation to the local law requires the prior approval of Council, which the land owner has not obtained.

Conclusion

Whilst the land owner has sought to justify the over height fencing for the purpose of providing a sufficient pool barrier, this justification does not comply with the Design Principles or Deemed-to-comply requirements of the R-Codes, the development provisions and requirements of the City of Kwinana Town Planning Scheme No.2, or the City of Kwinana Local Planning Policy - Residential Subdivision and Development Guidelines. In addition, the fence does not comply with the Sufficient Fence requirements of the City of Kwinana Fencing Local Law.

In regards to providing a sufficient pool barrier, the City's Building Department has confirmed that the fencing within the front setback on the subject property can be modified in accordance with the Officers Recommendation of this report and this would be compliant with the pool barrier legislation.

As previously discussed, the Design Principles of the R-Codes only allow for the consideration of solid fencing within the front setback area to a maximum height of 1.8m on lots which are adjacent or abut a Primary/District Distributor or Integrator Arterial roads. In this regard, the subject land is located on Medina Avenue which is designated as a Local Connector Road and as such the Design Principles of the R-Codes should not be used to support the approval of the fence.

Approving the fence would set an undesirable precedent for Council to consider similar front fences which do not comply with the provisions of the R-Codes, the Scheme, Local Planning Policies and the Fencing Local Law. Approval of such fences within the street setback area can severely impact on the amenity of the area and safety of pedestrians through limiting visual passive surveillance both into and from the adjoining street environment. The recommendation of this report seeks to ensure development on the property is compliant with the provisions of the Scheme, State and Local Planning Policies, and City of Kwinana Local Laws.

LEGAL/POLICY IMPLICATIONS:

For the purpose of Councillors considering a financial or impartiality interest only, the proponent/owner is Hayden Evans.

Planning and Development Act, 2005; Residential Design Codes of Western Australia; City of Kwinana Town Planning Scheme No. 2; City of Kwinana Local Planning Policy - Residential Subdivision and Development Guidelines; City of Kwinana Fencing Local Law; Australian Standard AS1926.1-2012; Australian Standard AS1926.2-2007.

FINANCIAL/BUDGET IMPLICATIONS:

There have been no financial or budget implications identified as part of this application.

ASSET MANAGEMENT IMPLICATIONS:

There have been no asset management implications identified as part of this application.

ENVIRONMENTAL IMPLICATIONS:

There are no Environmental implications as a result of this application.

STRATEGIC/SOCIAL IMPLICATIONS:

It is not considered to be socially acceptable to approve a fence which will impact on the amenity of residential areas, as well as the safety of passing pedestrians.

Plan	Objective	Strategy
Corporate Business Plan	10.1 Planning	10.1.1 To implement the long term strategic land use planning for the social, economic and environmental wellbeing of the City

COMMUNITY ENGAGEMENT:

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

RISK IMPLICATIONS:

Council approves development under its Town Planning Scheme to meet its statutory obligations and facilitate proper and orderly development of the municipality to accommodate development in accordance with the objectives of the Strategic Community Plan.

Development Approvals, Scheme Amendments, Subdivision and Structure Planning allow land use to change over time to meet Council and State Government policies and practices, community values and provide protection to the environment.

The amenity issues associated with this application have been detailed and addressed in this Report. It is considered that there is a moderate risk to Council in its refusal of this development, as the land owner has the right to review Council's decision at the State Administrative Tribunal.

Risk Event	Applicant lodges right of review to the State Administrative Tribunal	
Risk Theme	Failure to fulfil statutory regs or compliance requirements	
Risk Effect/Impact	Compliance	
Risk Assessment Context	Operational	
Consequence	Moderate	
Likelihood	Possible	
Rating (before treatment)	Moderate	
Risk Treatment in place	Accept - do nothing, accept its full impact	
Response to risk treatment required/in place	No risk treatment required	
Rating (after treatment)	Moderate	

COUNCIL DECISION

395

MOVED CR D WOOD

SECONDED CR P FEASEY

That the item be moved Behind Closed Doors to discuss legal matters relating to the item.

LOST 3/4

COUNCIL DECISION 396 MOVED CR P FEASEY

SECONDED CR D WOOD

That Council move Behind Closed Doors to discuss legal matters relating to the item.

CARRIED 7/0

The public left the Council Chambers at 7:35pm

COUNCIL DECISION 397 MOVED CR P FEASEY

SECONDED CR R ALEXANDER

That Council come back from Behind Closed Doors.

The Council Chambers reopened at 7:42pm

COUNCIL DECISION

398 MOVED CR P FEASEY

SECONDED CR R ALEXANDER

- 1. That Council refuses to grant retrospective planning approval for the application on Lot 770 (118) Medina Avenue, Medina, for the following reasons:
 - i. The front fence does not comply with the Deemed-to-comply provisions of Clause 5.2.4 – Street Walls and Fences C4 of the Residential Design Codes of Western Australia ("R-Codes") as it is not visually permeable above 1.2m from natural ground level as measured from the primary street side of the front fence.
 - ii. The front fence does not comply with Design Principles of Clause 5.2.4 Street Walls and Fences P4 of the R-Codes, as Medina Avenue, Medina is not a designated Primary/District Distributor or Integrator Arterial road, which could otherwise have traffic or noise impacts to support a front fence above 1.2m from natural ground level.
 - iii. The fence does not allow for surveillance (actual or perceived) between the dwelling and the street, which minimises opportunities for concealment and entrapment as required under Clause 5.2.3 – Street Surveillance of the R-Codes.
 - iv. The front fence does not comply with Clause 6.4.1 (c) of the City of Kwinana Town Planning Scheme No. 2 which requires residential development to comply with the Residential Design Codes of Western Australia.
 - v. The front fence is inconsistent with Section 3.5 Fencing Front Fencing Clause b) of the City's Local Planning Policy – Residential Subdivision and Development Guidelines.
 - vi. Approval of the front fence would set an undesirable precedent for Council to consider similar such front fences which do not comply with the R-Codes or Scheme, and which would severely impact on the amenity of the area and safety of pedestrians through limiting visual passive surveillance both into and from the adjoining street environment. This is not recommended for reasons of proper and orderly planning.

- 2. That Council, in accordance with Clause 8.3 of the Scheme and Section 214(3)(a) of the Planning and Development Act 2005, issues written direction to the land owner of Lot 770 (118) Medina Avenue, Medina to alter the front and side boundary fencing located within the street setback area such that it is made visually permeable 1.2m above natural ground level, except for posts which may extend up to 1.8m above natural ground level in order to support visually permeable infill material, to a maximum height of 1.8 metres as measured from the primary street side of the fence. Such alteration to be made within 60 days of the date of the written direction.
- 3. That Council advises the land owner of Lot 770 (118) Medina Avenue, Medina that they may apply to the State Administrative Tribunal for a review of the written direction. Any such application for review to be made to the State Administrative Tribunal within 28 days of the date of the written direction.

CARRIED 7/0

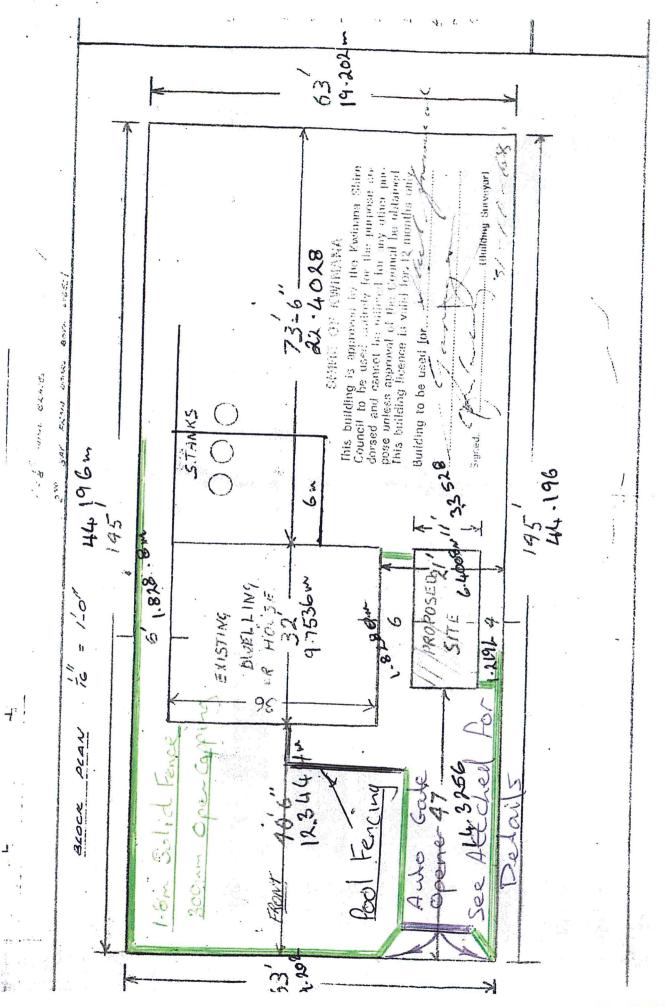
NOTE – That the officer recommendation has been amended at point 1, to remove the words "over height Colourbond front fence" and replace with the word "application".





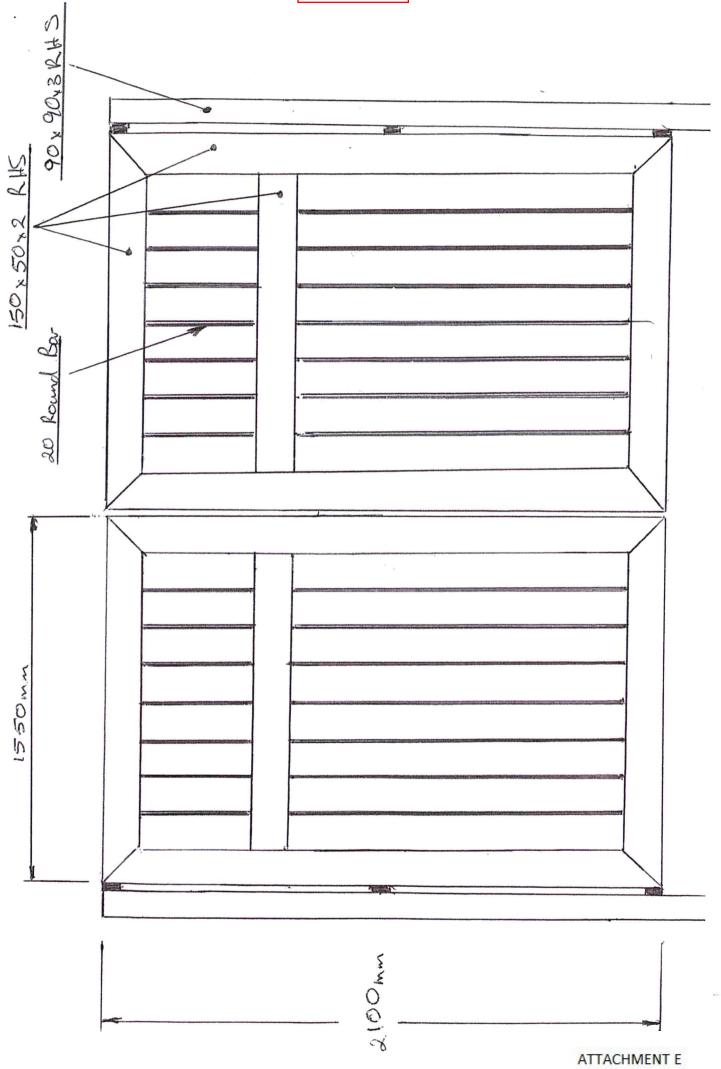


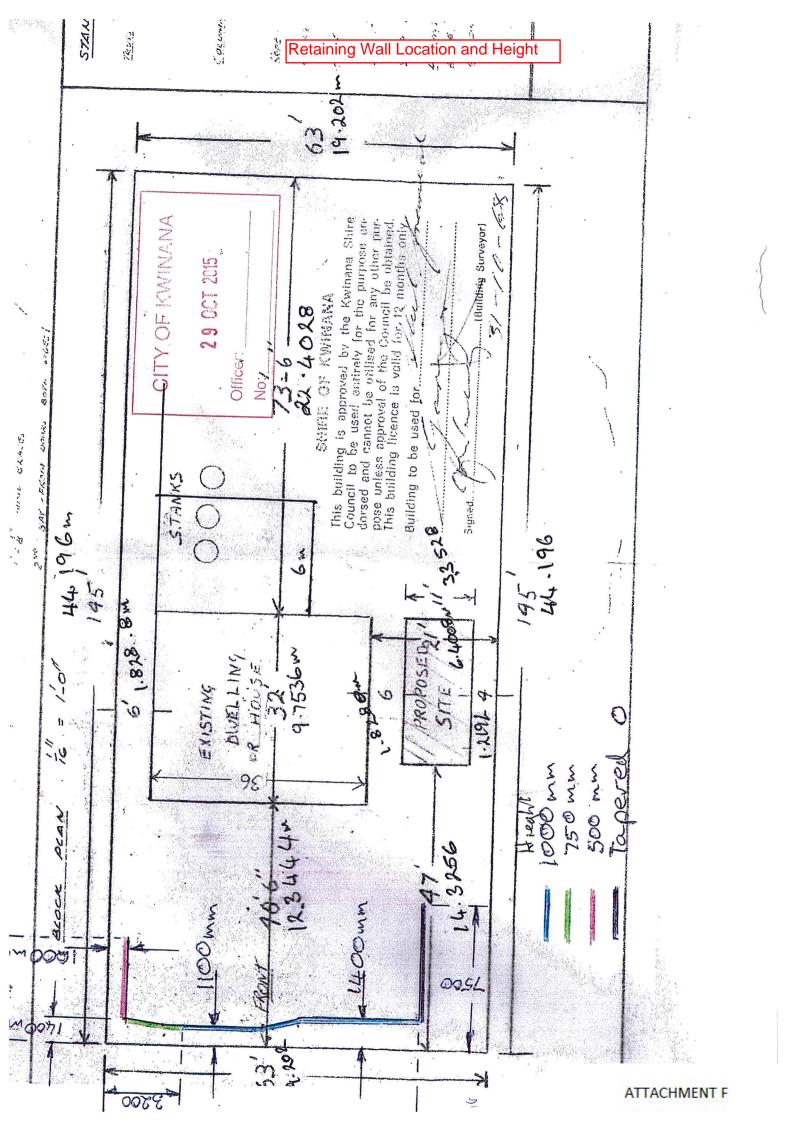
Fencing Location Plan

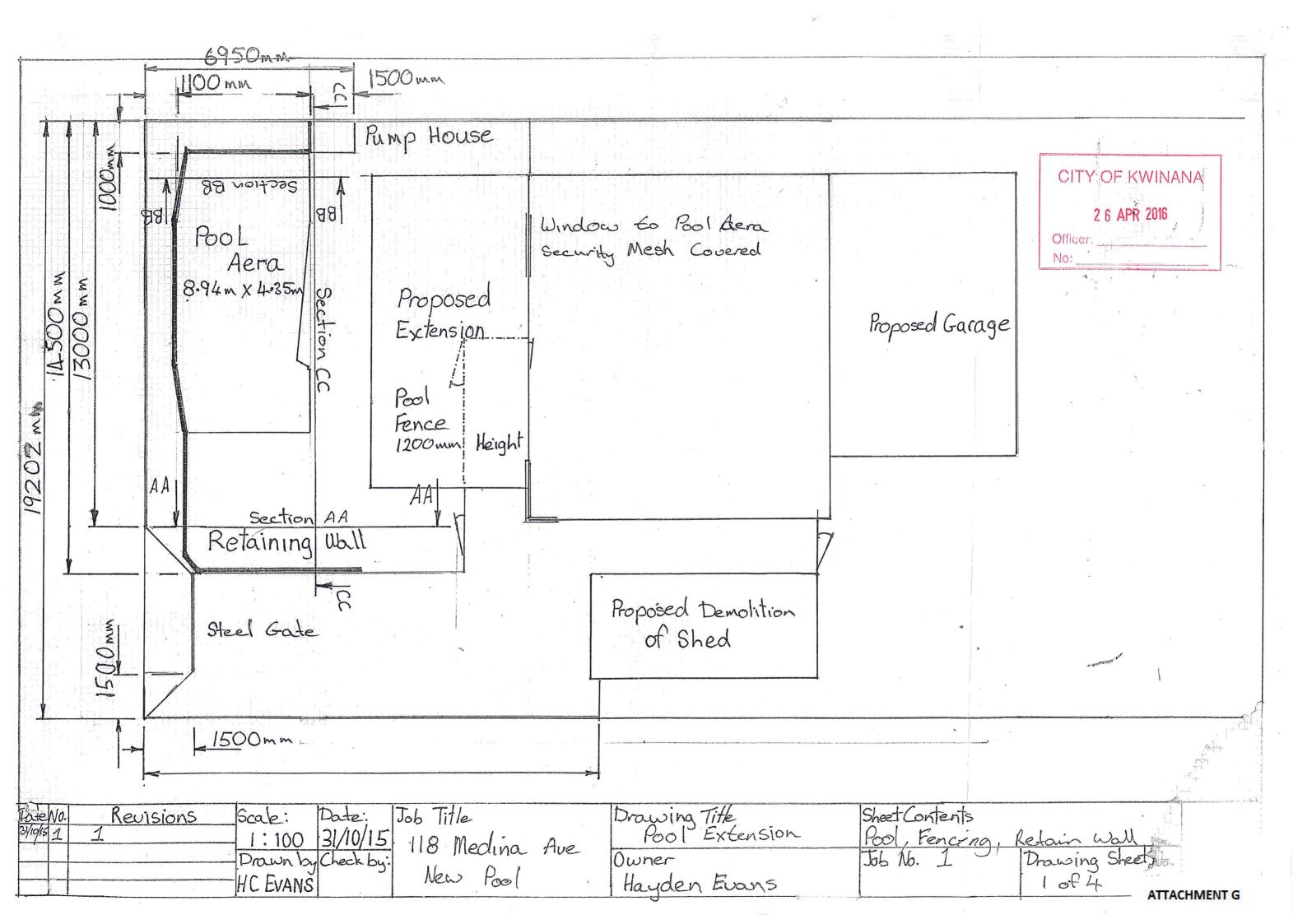


ATTACHMENT D

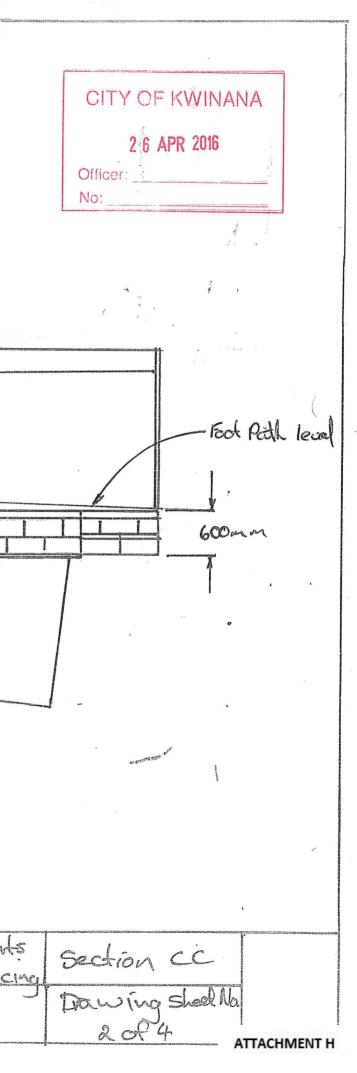
Gate Details



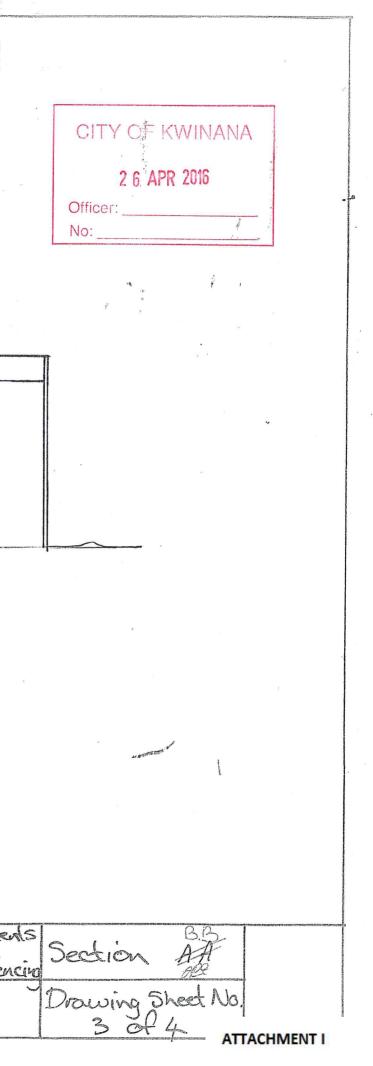




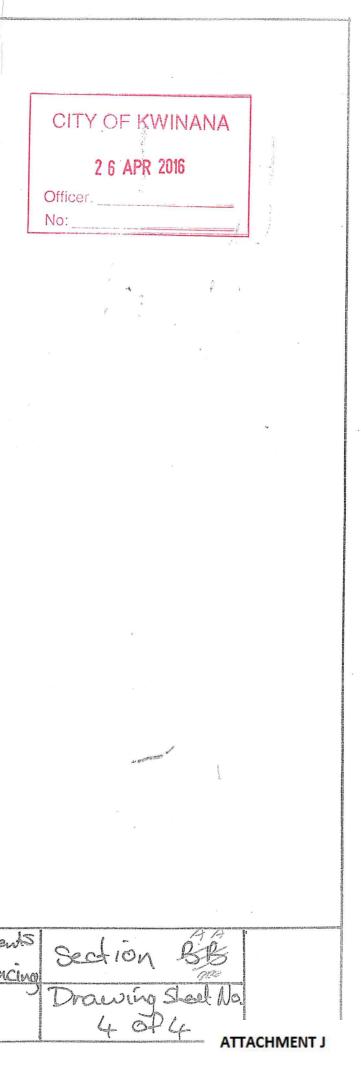
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15.2 Proposed Temporary Advertising Sign – Lot 669 Mandogalup Road, Mandogalup

SUMMARY:

An application has been received for the installation of an advertising sign on Lot 669 Mandogalup Road, Mandogalup (the subject site). It is situated adjacent to the Kwinana Freeway (refer to Attachments A - C).

The sign is proposed to be constructed from four sea containers (one buried underground to provide the pad and three stacked containers above ground). The sea containers will be entirely wrapped by a weather and tear-resistant 'skin' onto which advertising material will be printed so the sea containers are not visible. Advertising material will be secured to the south-eastern face of the sign, which is proposed to be illuminated by lighting secured to the structure (Attachment C).

The sign area is proposed to be 95m² (10.36m high including a 2.59m high battered sand pad and 12.2m wide).

Temporary approval is sought for 10 years as the sign will form part of a marketing campaign aimed at promoting Qube Property Group's Mandogalup landholding (within Mandogalup West Local Structure Plan (MWLSP) area).

The application was discussed at a Councillor Forum on the 5 September 2016 and is now presented to Council for its consideration.

Requirement for Council Determination

City Officers have delegation to determine sign applications that comply with the *City of Kwinana By-law Relating to Signs and Bill Posting* ("By-law"). While variations have been issued by Council, Section 33.1.3 of the Local Law restricts the size of hoarding signs to 36m².

Although the sign is not compliant, Section 34.2 of the by-law allows Council to grant a sign licence that *"would otherwise be in contravention of the by-laws providing that Council is satisfied that the sign is not injurious to the amenity or natural beauty or safety of the area."*

In considering any application for a development, the Scheme requires Council to have regard to its objectives, to seek to minimise visual amenity impacts, and to blend harmoniously with the locality. Traffic safety is also an important consideration.

City Officers have considered the merits of the proposed temporary sign against the above objectives of the local law and scheme and have, on balance, formed the view that the temporary sign can be recommended for approval.

There is no doubt the temporary sign is large and well above the amount set by the local By-law. It would in fact be the second largest sign to be endorsed by Council over recent years. The sign will be visible from traffic travelling north on the Kwinana Freeway and would sit on its own within the landscape.

City Officers however have considered the following:-

- Although the sign is of sea container construction, it will be entirely wrapped by a weather and tear-resistant 'skin' onto which advertising material will be printed. Therefore the sign will not present as a sea container structure.
- In response to a suggestion by City Officers that the number of above ground sea containers be reduced from three to two, the proponent provided contour levels that show that the proposed sign location sits at 4.6m below the Kwinana Freeway carriageway. The proponent noted that these level differences informed the decision to use a 4-container configuration (with one being buried) as the height of which was determined to be necessary to mitigate this level difference. It was to avoid further interference to visibility caused by the vegetation along the Freeway median and road reserve. If a three container arrangement were to be employed, the majority of the sign would be below the level of the Freeway carriageway and would not provide adequate visibility.
- The immediate locality is zoned Rural A, a rural area with no residential dwellings in the immediate vicinity. The closest residences are located a minimum of 600m to the west of the proposed sign location. A projected image of the sign against this rural landscape is shown in Attachment D. Against this wide and open rural landscape, the sign does not appear excessively large and obtrusive such that it would significantly impact on the amenity of the rural and Freeway locality. In this respect, a sign which is similar in size and height to that proposed is the sign on Weston Street, Naval Base (approved by Council in April 2014) which is 81m² in area and overall height of 9m (including 4.5m high supports). Whilst large, it is not considered that the Weston Street sign presents as too large (albeit that it is set within an industrial setting rather than rural).
- The subject site is located within the Kwinana Industrial Air Quality buffer. This area has been set aside under State Government strategic planning documents for "Industrial Investigation".
- The subject site abuts Hoffman Road and the Kwinana Freeway Primary Regional Road reserve to the east. The sign is proposed to be located against a backdrop of trees and vegetation located along Hoffman Road reserve and the Freeway reserve. The sign will be partially screened by existing vegetation to the north and has been designed to be visible to passing Freeway traffic travelling from the south (Refer to Attachment D). The sign would not be visible from residential properties on the eastern side of the Freeway.

- Whilst the subject site is located on the edge of a "Landscape Protection Area" that affords the protection of the Lake Wattleup Wetlands, the wetlands are located approximately 2.8km to the north west of the subject property. The proposed sign is not considered to affect the landscape amenity of the wetlands.
- Given the distance of the sign from the Freeway carriageway, (approximately 45m) and the level differences between the Freeway and the proposed sign location, it is not considered that the sign will be visually obtrusive to passing motorists.
- Main Roads, the responsible authority for the Kwinana Freeway and its traffic safety provided support for the sign subject to conditions and advice notes.
- The proponent is seeking temporary approval for 10 years. City Officers reviewed this in relation to similar estate signs that have been previously approved within the City and in particular along the Kwinana Freeway. Similar signs have been approved for a period of five years with a new application required at the expiry of this period. Should Council be supportive of the application, then it is recommended that this sign be approved for a period of five years to be consistent with other similar approvals. At the expiry of the five year time frame, the sign is required to be removed or a new approval obtained from the City.

This proposed sign at 95m² (10.36m high and 12.2m wide) would be amongst the largest signs that have been approved within the City to date. The following large signs have been approved by Council in recent years;

- The sign approved in September 2015 on McDowell Lane, 104.44m² in area and overall height of 18.5m (including 13m high supports); and
- The sign located on Weston Street, Naval Base (approved in April 2014), 81m² in area and overall height of 9m (including 4.5m high supports).

The following estate advertising signs (albeit smaller than the proposed sign) have been approved under delegation along the Freeway;

• Three Estate signs advertising the Honeywood Estate located along the Freeway (between Thomas and Rowley Road exits), 32m² in area and 6m in height (including 2m high supports). These applications were approved under delegation as they comply with the By-law.

OFFICER RECOMMENDATION:

1. That Council approves the Temporary Advertising Sign on Lot 669 Mandogalup Road, Mandogalup subject to the following conditions and advice notes:

CONDITIONS

- 1.1 The subject lot being kept in a neat/tidy condition at all times by the owner/occupier to the satisfaction of the City of Kwinana.
- 1.2 The sign is not to be constructed of reflective materials.
- 1.3 The sign is to be located wholly within the confines of the lot boundary and not within road reserve.

- 1.4 The sign being kept clean and free from graffiti and vandalism at all times by the owner/occupier to the satisfaction of the City of Kwinana. Any graffiti shall be removed and vandalism repaired within 48 hours.
- 1.5 The advertisement on the sign shall only relate to the Qube Property Group's residential development. The display or replacement of any advertisement on the sign that does not relate to this development requires approval from the City of Kwinana.
- 1.6 The approval being limited to a period of 5 years from the date of this approval or upon the completion of land sales, whichever occurs first. Prior to the expiry of the approval, the proponent shall either remove the sign and it's supporting structures or obtain further planning approval from the City of Kwinana.
- 1.7 Any illumination of the proposed sign shall not exceed 300cd/^{m2} and shall not flash, pulsate or chase.
- 1.8 The proponent shall repair the sign as required at the request of the City of Kwinana.
- 1.9 The sign shall at all times be maintained to a high standard to the satisfaction of the City of Kwinana.
- 1.10 No clearing of vegetation is permitted without the prior approval of the City of Kwinana.
- 1.11 This approval is valid for 24 months only. If development is not completed within this period a fresh approval must be obtained before commencing or continuing with the development.

ADVICE NOTES

- 1.13 Should the applicant be aggrieved by the decision or any condition imposed, then a right of review should be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
- 1.14 The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health Act 1911 and Regulations, and the National Construction Code.
- 1.15 The proponent shall pay the appropriate fees and lodge a building permit/sign licence application with the City of Kwinana and be issued with a building permit/sign licence in accordance with the Building Act 2011 and the Building Regulations 2012.
- 1.16 The applicant is advised that this is not a building permit/sign licence the City of Kwinana issues to enable construction to commence. A building permit/sign licence is a separate Council requirement and works cannot be commenced until a building permit/sign licence is obtained.
- 1.17 The proponent is advised they should obtain Main Roads agreement prior to any future modifications to the sign.
- 1.18 A copy of the sign artwork must be submitted to Main Roads for approval before affixing to the proposed structure.
- 1.19 The proponent shall not alter or disturb the present grades and contours of the surface of the land within the Western Power easements.

2. Authorise the Principal Building Surveyor to issue a Sign Licence for the sign pursuant to the City of Kwinana By-law relating to Signs and Bill Posting.

DISCUSSION:

Land Status

Metropolitan Region Scheme: Town Planning Scheme No. 2: Rural Rural A

Planning Discussion

Proposal

An application has been received for the installation of an advertising sign on Lot 669 Mandogalup Road, Mandogalup (the subject site). It is situated adjacent to the Kwinana Freeway (refer to Attachments A - C).

The sign will be constructed from four sea containers (one buried underground to provide the pad and three stacked containers above ground). The sign will be installed on top of a battered sand pad with a height of 2.59m. The dimensions of the sign are 12.2m wide and 10.36m high (including a 2.59m high battered sand pad). The sign area will be 95m². Temporary approval is sought for 10 years. The sea containers will be entirely wrapped by a weather and tear-resistant 'skin' onto which advertising material will be printed.

The sign will form part of a marketing campaign aimed at promoting Qube Property Group's Mandogalup landholding within the MWLSP area.

The details of the advertising are shown at Attachment C. Advertising material will be secured to the south-eastern face of the sign, which is proposed to be illuminated by lighting secured to the structure.

Context/Site Analysis

The subject site is located on the western side of the Kwinana Freeway in Mandogalup. The site is zoned Rural A under the Scheme and adjoins Rural zoned land to the south, west and north. It abuts Hoffman Road and the Kwinana Freeway Primary Regional Road reserve to the east. The proposed sign is to be located in a cleared area and does not require removal of any vegetation.

The site is subject to Western Power Easements to the north and south, however, the proposed sign will be located outside of the easements. The application was however referred to Western Power and no objections were raised.

The application was also referred to Main Roads for its consideration and comments. Main Roads supported the application subject to conditions and advice notes which have been incorporated into the officer recommendation.

Town Planning Scheme Implications

The sign is not exempt from the requirement to obtain development approval under clause 61(1) of the Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 ("Deemed Provisions"). Clause 61(1)(h) exempts from the requirement to obtain development approval, *"the erection or installation of a sign of a class specified in a local planning policy or local development plan that applies in respect of the sign…"*. The City does not have a Local Planning Policy that stipulates the proposed sign as being exempt from the requirement for development approval.

The following matters are to be considered by Council under Clause 67 of the Deemed Provisions:

- (*m*) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development; and
- (n) the amenity of the locality including ... the character of the locality..."

The proposed sign is located within a Rural A Zone with no residential dwellings in the immediate vicinity. The site abuts Hoffman Road and the Kwinana Freeway Primary Regional Road reserve to the east and the sign will be located against a backdrop of open rural landscape with trees and vegetation located to the immediate north along Hoffman Road reserve and the Freeway reserve. Against this wide and open rural landscape, the sign does not appear excessively large and obtrusive such that it would significantly impact on the amenity of the rural and Freeway locality.

The proposed height of the sign has been justified by the level differences between the proposed sign location and the Freeway carriageway. Although the sign has been designed to be visible from the Freeway, there does not appear to be wider visual impacts of any significant consequence based on the information provided. In addition, the sign is to be located in an area where similar signs have been approved along the Freeway.

In considering any application for an advertising sign, the Scheme requires the City to have regard to the objectives of the Scheme, the character and amenity of the area and traffic safety. The Planning Policy of the Scheme for Mandogalup (Policy Area 4) which is relevant to the application is as follows:

Area 4 - Mandogalup

- (a) The predominant use shall be rural, provided such uses are not in conflict with principles of groundwater conservation and do not significantly contribute to nutrient discharge to the district drainage network;
- (b) Subdivision shall only be supported where consistent with the predominant use;
- (c) The landscape amenity of the Lake Wattleup Wetlands shall be conserved;
- (d) Tailings ponds are not permitted.

The subject site is also located within an "Area of Landscape Protection" which requires Council to consider the overall impact of the proposed development on the landscape amenity of the area and the desirability of limiting such impacts. This 'Landscape Protection Area' affords the protection of the Lake Wattleup Wetlands. The wetlands are located approximately 2.8km to the north west of the subject property. The proposed sign is not considered to affect the landscape amenity of the wetlands.

In regards to the abovementioned scheme requirements, the sign application should be assessed on its merit and impacts on the amenity of the surrounding environment.

The location of the sign on the property is within the north eastern most corner of the site directly adjacent to the Hoffman Road and Kwinana Freeway reserves respectively. It is considered that the sign is located on the site in a position which is less likely to impact on the amenity of the surrounding area, however, it will have a significant visual presence and impact as viewed from the Kwinana Freeway.

The proposed sign is of a significant size, being 10.36m high and an area of 95m². The proposed number of sea containers and overall height of the sign was queried by Officers and it was suggested that the number of above ground sea containers be reduced from three to two. In response to this, the proponent provided contour levels that show that the proposed sign location sits at 4.6m below the Freeway carriageway. The proponent noted that these level differences informed the decision to use a 4-container configuration (with one being buried), the height of which was determined to be necessary to mitigate this level difference and avoid further interference to visibility caused by the vegetation along the Freeway median and road reserve. It was also noted that as sea containers have a typical vertical dimension of 2.4 to 2.6m, a 4-container configuration was required to achieve a suitable level of visibility and that if a three container arrangement were to be employed, the majority of the sign would be below the level of the Freeway carriageway and would not provide adequate visibility.

The surrounding area is mainly Rural, with the nearest residences being located approximately 600m away. The site adjoins the Hoffman Road reserve and the Kwinana Freeway reserve to the east. Although the sign is to be constructed from sea containers, these will be entirely wrapped by a weather and tear-resistant 'skin'. It is considered that the appearance of the sign in the Rural A context is acceptable and would not adversely affect the existing amenity of this area.

It is considered that the visual impacts are largely contained to the Kwinana Freeway Reserve and Freeway traffic. In this respect, this is a large advertising sign which will be partially screened by existing vegetation but there is no doubt the sign would have a significant visual impact for that immediate view corridor from the south (see Attachment D).

Notwithstanding this however, the applicant sought to demonstrate to City Officers that the location of the sign, on the south eastern corner of the site on a fairly flat Rural Zoned lot, and located lower that the Freeway carriageway largely limits its visual impact to the immediate area of the Kwinana Freeway and passing traffic and does not appear to have as significant wider visual impacts. The applicant argues the visual impacts appear to be contained.

Local By-Law Implications

In addition to the Scheme, the City has also assessed the application against the City of Kwinana Local Law relating to Signs and Bill Posting. The City considers the sign to be a Hoarding sign under the Local Law, which is defined as:

"means a detached or detachable structure other than a pylon sign that is erected for the sole purpose of displaying a sign or signs and includes poster panel, a wall panel or an illuminated panel but does not include a hoarding within the meaning of section 377 of the Local Government Act."

The proposed sign is designed to display the advertisement for promoting the QUBE Property Group's residential development. City Officers do not consider the proposed sign to be a hoarding within the meaning of Section 377 of the Local Government Act, which relates to hoardings erected to protect the public from construction or excavations within or abutting a road reserve.

City Officers have assessed the application against the Local Law and do not consider the sign is fully compliant with the Local Law. Section 33.1.2 states that a sign shall not:

"except with the approval of the Council be erected within 15m of a street or other public place and in any case, not closer than its own height to a street or public place.

The proposed sign is located 12m from the Hoffman Road reserve and approximately 26m from the Kwinana Freeway reserve/property boundary at its closest point. However, the sign is not located closer than its own height (10.36m) from Hoffman Road reserve (minimum proposed setback 12m). It is also noted that the sign is setback approximately 16m from Hoffman Road pavement and 45m from the Freeway road pavement. In this regard however, the setback of the sign to the road pavements is considered acceptable with respect to the intent of the Local Law.

Section 33.1.3 of the Local Law also restricts the size of hoarding signs to 36m². The proposed advertising sign is 95m² in area. The proposed area of the sign would require a variation to the Local Law. Section 34.2 of the By-law allows Council to grant a sign licence that "would otherwise be in contravention of the by-laws providing that Council is satisfied that the sign is not injurious to the amenity or natural beauty or safety of the area".

As discussed previously, City Officers have considered the amenity implications of the application, and, while the size of the temporary sign is significant, the application is not considered so significant in its context such that it is overly injurious to the amenity or natural beauty or safety of the area.

The sign's size and format has been supported by Main Roads and is not considered to affect traffic safety. In this respect, given the 16m and 45m setbacks from the adjoining roadways and Main Roads position, the increased size is not considered inappropriate.

In addition to the requirements of the Local Law, the Scheme requires due regard be given to the character and amenity of the area when considering applications for signage. The sign is proposed to be located in the south east corner of the property and will be partially screened from view by existing vegetation located along Hoffman Road reserve and the Freeway reserve.

Conclusion

It is acknowledged that the temporary sign is a substantial size and will have an impact in the immediate locality. City Officers have however considered the location and potential amenity effects in the context of the site and consider that on balance, the application is supportable. The principle reasons are as follows;

- The immediate locality is zoned Rural A with no residential dwellings in the immediate vicinity. The closest residences are located a minimum of 600m to the west of the proposed sign location. A projected image of the sign against this rural landscape is shown in Attachment D. Against this wide and open rural landscape, the sign does not appear excessively large and obtrusive such that it would significantly impact on the amenity of the rural and Freeway locality.
- 2. The subject site is located within the Kwinana Industrial Air Quality buffer. This area has been set aside under State Government strategic planning documents for "Industrial Investigation".
- 3. The subject site abuts Hoffman Road and the Kwinana Freeway Primary Regional Road reserve to the east. The sign is proposed to be located against a backdrop of open rural landscape with trees and vegetation located immediately north, along Hoffman Road reserve and the Freeway reserve. The sign will be partially screened by existing vegetation to the north and has been designed to be visible to passing Freeway traffic travelling from the south. The sign would not be visible from residential properties on the eastern side of the Freeway.
- 4. The justification provided by the proponent regarding the number of proposed above ground sea containers is considered acceptable given the level differences between the proposed sign location and the Freeway carriageway. The proposed sign does not require removal or trimming of existing vegetation to aid visibility of the sign.
- 5. The subject site is located on the edge of a "Landscape Protection Area" for the Lake Wattleup Wetlands but is not considered to affect the landscape amenity of the wetlands.
- 6. Main Roads, the responsible authority for the Kwinana Freeway and its traffic safety provided support for the sign subject to conditions and advice notes.
- 7. The proponent is seeking temporary and not permanent approval.

LEGAL/POLICY IMPLICATIONS

For the purposes of Councillors considering financial or impartiality interests, the proponent is Roberts Day on behalf of Qube Mandogalup Development Pty Ltd and the owners are JJ White Pty Ltd.

The following strategic and policy based documents should be considered in assessing this application:-

- City of Kwinana Town Planning Scheme No.2
- City of Kwinana Local By-Law relating to Signs and Bill Posting
- Local Planning and other related policies

FINANCIAL/BUDGET IMPLICATIONS:

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

ENVIRONMENTAL IMPLICATIONS:

The applicant has not indicated they intend to clear vegetation for the proposal. The sign is located in a generally clear area of the site, with a row of trees and shrubs located along the eastern boundary, within Hoffman Road reserve. The trees in the road verge are not allowed to be removed or trimmed to improve visibility of the proposed sign.

STRATEGIC/SOCIAL IMPLICATIONS

It could be argued that the proposal stimulates economic development in the City as the sign will be promoting a large residential development within the Mandogalup area.

COMMUNITY ENGAGEMENT:

The proposed sign will be located more than 600m from any dwellings on adjoining Rural A properties and will be visible from the Kwinana Freeway. It will not be visible from residential properties to the east of the Freeway. The proposal is considered to be a Lower Impact under the City's Community Engagement Policy and was not referred to adjoining properties. The application was however referred to Main Roads for comment and was supported subject to conditions.

RISK I	IMPLIC	ATIONS:
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Risk Event	Appeal of Council's decision or conditions of approval imposed.
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. The recommendation on the application is justified on the basis of compliance with the Town Planning Scheme, the By-law and the discretion that is afforded to Council to vary these documents. Liaising with the applicant throughout the application process. Seeking legal advice on the recommendation to Council and recommended conditions of approval.
Rating (after treatment)	Low

COUNCIL DECISION

399 MOVED CR S LEE

SECONDED CR B THOMPSON

1. That Council approves the Temporary Advertising Sign on Lot 669 Mandogalup Road, Mandogalup subject to the following conditions and advice notes:

CONDITIONS

- 1.1 The subject lot being kept in a neat/tidy condition at all times by the owner/occupier to the satisfaction of the City of Kwinana.
- **1.2** The sign is not to be constructed of reflective materials.
- 1.3 The sign is to be located wholly within the confines of the lot boundary and not within road reserve.
- 1.4 The sign being kept clean and free from graffiti and vandalism at all times by the owner/occupier to the satisfaction of the City of Kwinana. Any graffiti shall be removed and vandalism repaired within 48 hours.
- 1.5 The advertisement on the sign shall only relate to the Qube Property Group's residential development. The display or replacement of any advertisement on the sign that does not relate to this development requires approval from the City of Kwinana.
- 1.6 The approval being limited to a period of 5 years from the date of this approval or upon the completion of land sales, whichever occurs first. Prior to the expiry of the approval, the proponent shall either remove the sign and it's supporting structures or obtain further planning approval from the City of Kwinana.
- 1.7 Any illumination of the proposed sign shall not exceed 300cd/^{m2} and shall not flash, pulsate or chase.
- 1.8 The proponent shall repair the sign as required at the request of the City of Kwinana.
- 1.9 The sign shall at all times be maintained to a high standard to the satisfaction of the City of Kwinana.
- 1.10 No clearing of vegetation is permitted without the prior approval of the City of Kwinana.
- 1.11 This approval is valid for 24 months only. If development is not completed within this period a fresh approval must be obtained before commencing or continuing with the development.

ADVICE NOTES

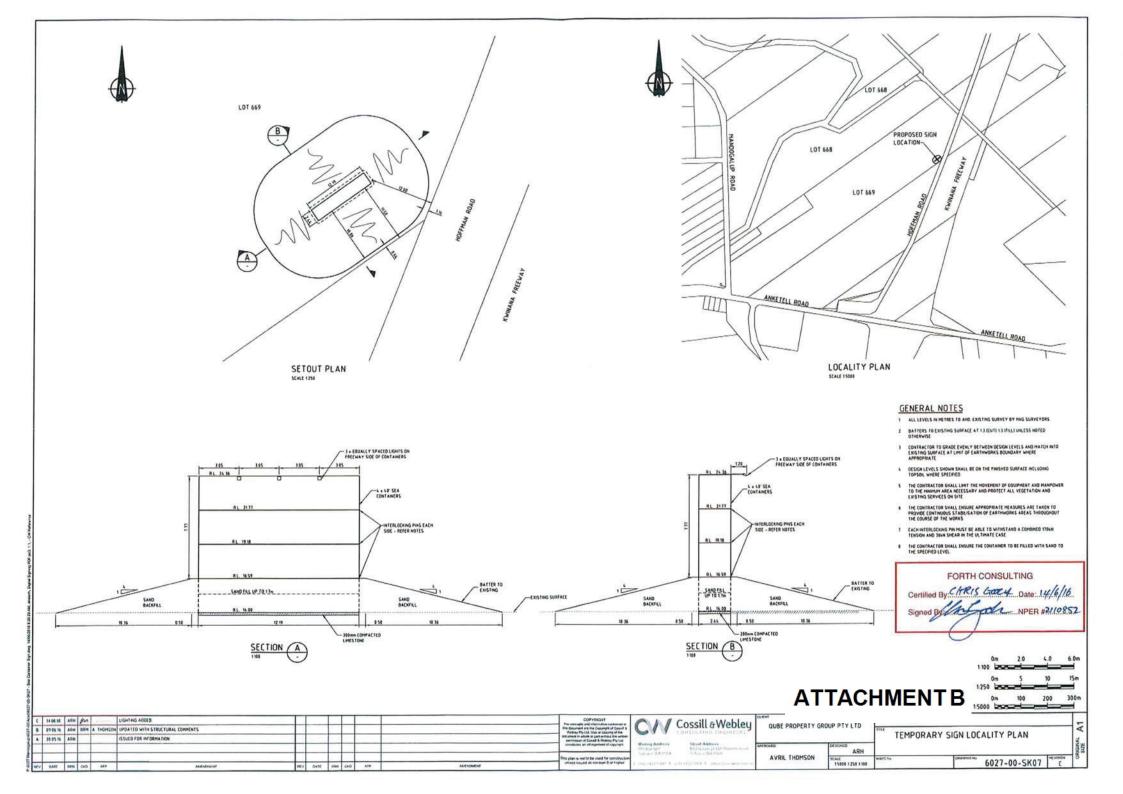
- 1.13 Should the applicant be aggrieved by the decision or any condition imposed, then a right of review should be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
- 1.14 The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health Act 1911 and Regulations, and the National Construction Code.
- 1.15 The proponent shall pay the appropriate fees and lodge a building permit/sign licence application with the City of Kwinana and be issued with a building permit/sign licence in accordance with the Building Act 2011 and the Building Regulations 2012.
- 1.16 The applicant is advised that this is not a building permit/sign licence the City of Kwinana issues to enable construction to commence. A building permit/sign licence is a separate Council requirement and works cannot be commenced until a building permit/sign licence is obtained.
- 1.17 The proponent is advised they should obtain Main Roads agreement prior to any future modifications to the sign.
- 1.18 A copy of the sign artwork must be submitted to Main Roads for approval before affixing to the proposed structure.
- 1.19 The proponent shall not alter or disturb the present grades and contours of the surface of the land within the Western Power easements.
- 2. Authorise the Principal Building Surveyor to issue a Sign Licence for the sign pursuant to the City of Kwinana By-law relating to Signs and Bill Posting.

CARRIED 7/0

ATTACHMENT A – LOCATION PLAN



ATTACHMENTA



New QUBE Land Estate Coming Soon.

qubeproperty.com.au



New QUBE Land Estate Coming Soon.

qubeproperty.com.au

ATTACHMENT C



15.3 Development Application – Change of Use to 'Use Not Specified' (Dog Day-care) - Lot 198 (44) Seabrook Way, Medina

SUMMARY:

An application has been received seeking planning approval for a Change of Use – Use Not Specified (Dog Day-care) at the above-mentioned property (subject land) (Refer Attachments A-D). The property is located within the Light Industrial area in Medina.

The application involves a Dog Day-care which proposes to provide care for up to 48 dogs per day. The service is proposed to operate from 6:30am to 6:00pm Monday to Friday. The applicant has stated that the peak drop off time is expected to occur between 6:30am and 9:00am, and peak collection time between 4:00pm and 6:00pm. No dogs are proposed to reside at the property (only day care services are offered) and as such, the use is not considered a 'Dog Kennel' as there will be no boarding or breeding of dogs.

Initially, the City's Planning Officers had considered the application as a 'Dog Kennel' and subsequently advertised the development to properties within a 100 metre radius of the subject land (Refer Attachment E). A letter of support was received and a letter of objection was received. The objection has been noted however, the submitter did not provide any comment as to the reason for the objection.

During the assessment of the proposal however, and upon investigation of similar applications approved by other Local Governments and State Administrative Tribunal (SAT) Appeals, Planning Officers reconsidered the proposal as a 'Use Not Specified'. The 'Use' of the development was reconsidered as it was found that the proposal did not adequately fall under the definition of a "Dog Kennel' use. Further, the Scheme does not contain any other land use classifications for which the proposal could be appropriately considered. Almost immediately after this decision, further advertising took place for the application as a 'Use Not Specified' and the same letter of objection was received.

In this regard however, a 'Use Not Specified' requires Council to determine, by absolute majority, that the Dog Day-care business is consistent with the objectives and purposes of the Light Industrial Zone, and then advertise the proposal in accordance with Part 2.3 of the Scheme. City Officers, in their eagerness to progress the application, had overlooked this scheme requirement.

Given the nature of the proposed use, and the location of the development within the Medina Light Industrial area, City Officers are of the view that the Dog Day Care use is unlikely to result in any negative impacts on the amenity of the surrounding area and can be approved.

City Officers believe that a conditional approval should include a condition which requires the applicant to submit, for approval, an acoustic report to ensure that noise levels generated from the use are compliant with the Environmental Protection Act Noise Regulations. A Waste Management plan is also recommended to be conditioned to be submitted for approval prior to the operation of the facility.

Given that the application has already been advertised, and must be advertised again, in the interests of the application being progressed to determination as quickly as possible, City Officers have prepared a recommendation which seeks to minimise any further delay. It is recommended that subject to no submissions of objection being received during the advertising period, Council delegates authority to the Chief Executive Officer to approve application for the Dog Day Care at Lot 198 Seabrook Way, subject to conditions. Should objections be received, then the application will be put back to Council at the earliest available Council Meeting.

OFFICER RECOMMENDATION:

That Council:

- 1. Determine by ABSOLUTE MAJORITY that the Dog Day Care business is consistent with the objectives and purposes of the Light Industrial Zone, and advertise the application in accordance with Part 2.3 of the Scheme.
- 2. Subject to no submissions of objection be with valid planning reason received during the advertising period, delegates authority to the Chief Executive Officer to approve the Dog Day Care at Lot 198 Seabrook Way, Medina, subject to the following conditions and advice to the applicant:

1. CONDITIONS:

- 1.1 The premises being kept in a neat/tidy condition at all times by the owner/occupier to the satisfaction of the City of Kwinana.
- 1.2 Stormwater drainage from roofed and paved areas to be disposed of on site.
- 1.3 The applicant shall implement dust control measures for the duration of site works to the satisfaction of the City of Kwinana.
- 1.4 A minimum of 68m² (5%) of the subject site to be landscaped and maintained to a high standard to the satisfaction of the City of Kwinana.
- 1.5 The applicant shall submit an updated site plan within 60 days of this approval to that satisfaction of the City of Kwinana, indicating the location of four (4) vehicle parking bays of the dimensions 5.5 x 2.5 metres in the verge. Verge parking bays are to be clearly marked on the ground, sealed and drained as per the City of Kwinana's Trafficable area specifications.
- 1.6 The proponent shall provide the City of Kwinana with a written agreement from all utility service agencies who have services in or adjacent to the verge area stating that the development will not have any impact on the function or maintenance of these services. Details are to be submitted within 60 days of the date of this approval.
- 1.7 Where utility service providers approve verge parking the owner/proponent shall indemnify Council and utility providers against public liability claims to a value of \$10,000,000 against the damage to or injury arising from the use and works, undertaken in the course of establishing and operation of verge parking prior to any development of the lot occurring. Indemnity shall be provided to the City of Kwinana within 90 days of the date of this approval.

The indemnity should also include damage to services in the verge arising from works undertaken in the verge in order to establish verge parking. Where public utilities require access to the verge for upgrade and maintenance purposes, the landowner/proponent shall reinstate the verge and parking area immediately thereafter at no cost to the City of Kwinana or the utility provider. The proponent shall also meet all costs associated with the relocation of services.

- 1.8 The requirement to indemnify the City of Kwinana, referred to in Condition 1.7 above shall be secured by a legally binding agreement between the landowner/proponent and the City of Kwinana and shall be secured by caveat and the cost associated with the drafting, preparation and registration of the agreement will be met by the landowner/proponent.
- 1.9 The approval and agreement should also require the acknowledgement by the owner that the permanent use of the verge for parking cannot be granted and that at some time in the future, Council or other utility agencies may require the parking area be removed and the verge area be reinstated at no cost to Council. In this instance the proponent/landowner will need to come to an alternative arrangement agreed to by Council.
- 1.10 The Verge parking areas shall not be used for loading, unloading or storage of goods at any time.
- 1. 11 A maximum of four (4) staff are permitted to attend the premises at any given time.
- 1.12 No animals shall be kept on the premises overnight.
- 1.13 A maximum of 48 dogs are permitted on site to be cared for as part of the dog day care at any one time.
- 1.14 The proponent is to submit to the City of Kwinana for approval within 60 days of this approval a Waste Management Plan that details how dog waste will be managed to the satisfaction of the City of Kwinana.
- 1. 15 The proponent is to submit a Noise Impact Assessment Report prepared by a qualified acoustic consultant to determine noise impacts on the nearest noise sensitive premises arising from the operation of the Dog Day-care to ensure compliance with the Environmental Protection (Noise) Regulations, within 60 days of the date of this approval. Once endorsed by the City of Kwinana, the proponent will implement the recommendations prior to operation of the proposed use to the satisfaction of the City of Kwinana.
- 1.16 This approval is valid for 24 months only. If the development is not completed within this period a fresh approval must be obtained before commencing or continuing with the development.

2. ADVICE NOTES:

- 2.1 The applicant is advised that all future development must be submitted to the City of Kwinana prior to the commencement of works or alteration of land use.
- 2. 2 Should the applicant be aggrieved by the decision or any condition imposed, then a right of review should be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
- 2. 3 The applicant is advised that this conditional development approval is not a Building Permit/Sign Licence giving authority to commence construction. Prior to any building work commencing on site a Building Permit/Sign Licence must be issued and penalties apply for failing to adhere to this requirement. A certificate of design compliance is to be obtained from an independent private building surveyor prior to submission to the City of Kwinana.
- 2.4 Compliance with the Environmental Protection (Noise) Regulations 1997 in regard to noise levels.
- 2. 5 The applicant should ensure the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health (Sewerage, Lighting and Ventilation) Regulations, Government Sewerage Policy, Health Act 1911 and Regulations, Contaminated Sites Act 2003 and the National Construction Code.

DISCUSSION:

Land Status

Town Planning Scheme No. 2: Light Industry Metropolitan Region Scheme: Urban

Background

An application has been received seeking planning approval for a 'Change of Use – Use Not Specified (Dog Day-Care)' at the above-mentioned property (Refer Attachments A-D). The property is located within the Medina Light Industry area. The application involves a Dog Day-care service which proposes to provide care for up to 48 dogs per day. The service is proposed to operate from 6:30am to 6:00pm Monday to Friday. The applicant has stated that the peak drop off time is expected to occur between 6:30am and 9:00am, and peak collection time between 4:00pm and 6:00pm. No dogs are proposed to reside at the property, only day care services are offered.

Initially, the City's Planning Officers had considered the application as a 'Dog Kennel' and subsequently advertised the development to properties within a 100 metre radius of the subject land (Refer Attachment E). The City's Planning Officers also referred the application to the City Assist team for comment. City Assist recommended that if the use was to be classified as a 'Dog Kennel', then Planning Officers should review the provisions of the "Dog Act 1976" and the City's "Local Law - Dogs 2010" given the number of dogs proposed to be on-site.

During the assessment of the proposal however, and upon investigation of similar applications approved by other Local Governments, Planning Officers reconsidered the proposal as a 'Use Not Specified'. The land use classification of the development was reconsidered as it was found that the proposal did not adequately fall under the definition of a "Dog Kennel' use. Further, the Scheme does not contain any other land use classifications for which the proposal could be appropriately considered. Almost immediately after this decision, further advertising took place for the application as a 'Use Not Specified' and the same letter of objection was received.

In this regard however, a 'Use Not Specified' requires Council to determine, by absolute majority, that the Dog Day-care business is consistent with the objectives and purposes of the Light Industrial Zone, and then advertise the proposal in accordance with Part 2.3 of the Scheme. City Officers, in their eagerness to progress the application, had overlooked this scheme requirement.

As part of their review of the use of the application, Planning Officers considered recent SAT cases within the City of Wanneroo and the City of Belmont, where similar proposals for dog day care facilities were considered. The outcomes of the three SAT cases are as follows:

- 1. "The Tribunal has formed the view, therefore, that the proposed use cannot reasonably be considered as 'kennels'. Minding the dogs of others for up to a day is not considered to fit readily within the requirement for boarding the dogs, as required for the use to be classified as 'Kennels'."
- 2. "Significantly, the proposed development does not involve the provision of lodging, that is, accommodation, a place of abode or residence for dogs, or dogs living at the site, as it does not include overnight use. Furthermore, while a possible meaning of "board" contemplates furnishing of food without accommodation, the limited and incidental provision of food in the proposed development by way of "treats" as part of play or training, or as an adjunct to the administration of a dog's requirement for medication, does not reasonably satisfy this possible meaning. The proposed development does not, therefore, reasonably fall within the interpretation of "Dog Kennels" as defined in the Scheme. The proposed development is a genuine "Use Not Listed" under the Scheme, that is, it is a use not specifically mentioned and a use not reasonably contemplated by any of the use classes listed in the Scheme."
- 3. "The Tribunal noted that the boarding of dogs was central to the characterisation of a use as 'Kennels' under the local planning scheme. The Tribunal determined that the proposed use did not include the boarding of dogs, which it considered required the overnight accommodation of the dogs. In addition, the provision of food was a consideration for the boarding of dogs and the proposed use did not include the feeding of the dogs, other than treats as part of play or training, or with medication."

It is clear from the findings of these SAT cases, that the proposal for a Dog Day-care service cannot be considered as 'Dog Kennel' use as there is no "boarding" which is considered to be overnight accommodation of the dogs. As such, the Dog Day-care service is most appropriately considered as a 'Use Not Specified' under the Scheme. To ensure the use remains consistent with its determination of a 'Use Not Specified', a condition has been recommended stipulating that there is to be no boarding or overnight accommodation of the dogs, which is in keeping with the applicant's proposal.

Consideration of Use Not Specified

Clause 4.7 of the Scheme specifies that:

If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes, the Council may, except in the case of Mixed Business Zone No. 1 –

(b) determine by absolute majority that the proposed use may be consistent with the objectives and purposes of the zone and thereafter follow the advertising procedures of Clause 2.3 in considering an application for Planning Approval.

In this regard, in the consideration of the development as a 'Use Not Specified', Council is required to determine, by absolute majority, that the Dog Day-care business is consistent with the objectives and purposes of the Light Industrial Zone, and then advertise the proposal in accordance with Part 2.3 of the Scheme. The Medina Light Industrial Area falls within Policy Area 18 – Kwinana Town under the Scheme. The specific policy objective for this area under the Scheme is as follows:

Area 18 - Kwinana Town

Whereas low density single family residential development has been established in accordance with an overall structure plan and whereas further development is proposed and whereas a wide range of commercial, service commercial, recreational, civic and cultural facilities have been established the following planning policy shall apply:

(g) Subdivision and development of the Medina Light Industrial Area in the vicinity of Seabrook Way and Gentle Road shall be designed and developed in such a manner as to not detract from the environmental quality of the wetlands in respect of earthworks, stormwater drainage and industrial effluent disposal.

In addition, the Scheme defines Light Industry as follows:

Light Industry - means an industry:

- (a) in which the processes carried on, the machinery used, and the carriage of goods and commodities to and from the premises will not cause any injury to or prejudicially affect the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise; and
- (b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like service.

In accordance with points (a) and (b) above, the proposed Dog Day-care facility will provide a service which does not cause injury to or prejudicially affect the amenity of the area and will not impose an undue load on essential services such as water, gas, etc. The business will employ a small number of staff and it is anticipated that it will not have a noticeable affect on the amenity of the area. Further the development is proposed to be carried out on an existing developed property and is not expected to have any impact on the environmental quality of the adjoining wetlands as contemplated under Policy Area 18. In this regard, a condition of the Officer's recommendation requires the submission of a waste management plan which will address the control and disposal of dog waste generated on the site. As such, the likelihood of the development impacting on the environmental quality of the adjoining wetland is significantly reduced.

Whilst the development cannot be considered as a 'Dog Kennel' there is a number of similarities in the nature of both uses. Within the Light Industrial Area, a 'Dog Kennel' represents an "SA" use under the Scheme and may be considered by Council following advertising of the proposal. In this regard, it would not be unreasonable to consider the Dog Day-care service to be generally consistent with the objectives and purposes of the Light Industrial Zone.

Parking Analysis

As the development is being considered as a 'Use Not Specified' the Scheme does not specify car parking requirements, as such, the parking requirements for the proposal are at the discretion of the City. The applicant has proposed a total of 8 parking bays within the adjacent verge as the proposal seeks to utilise the majority of the site for the purposes of the Dog Day-care. The City's Local Planning Policy (LPP) "Development within the Industrial Zones" allows verge parking to be undertaken along this portion of Seabrook Way. The City's Engineering Department has assessed the proposed parking and have stated that the maximum number parking bays that can be accommodated within the verge is a total of four. A condition has been included for amended plans to be submitted indicating the location of the four verge car parking bays.

City Officers consider this to be sufficient given the traffic generated from the use will be during the pick up and drop off of an animal, which is estimated to be five (5) minutes at a time. The number of employees is limited to the owner of the business at this stage and in future there will be a maximum of three additional staff. A condition has been recommended for the maximum number of employee's on-site to be limited to 4 people.

Advertising

Initially the application was considered as a 'Dog Kennel' use and as such, the application was advertised to properties within a 100 metre radius of the subject property (Refer Attachment E). There was one letter of support received and one letter of Objection was received. The objection has been noted however, the submitter did not provide any comment as to the reason for the objection.

As discussed previously, during the assessment process Planning Officers subsequently reconsidered the development to be a 'Use Not Specified'. Almost immediately after this decision, further advertising took place for the application as a 'Use Not Specified' and the same letter of objection was received.

n this regard however, a 'Use Not Specified' requires Council to determine, by absolute majority, that the Dog Day-care business is consistent with the objectives and purposes of the Light Industrial Zone, and then advertise the proposal in accordance with Part 2.3 of the Scheme.

In respect to this, should Council determine that the Dog Day Care business is consistent with the objectives and purposes of the Light Industrial Zone, the application will need to be re-advertised in accordance with Part 2.3 of the Scheme. It is recommended that subject to no submissions of objection being received during the advertising period, Council delegates authority to the Chief Executive Officer to approve application for the Dog Day Care at Lot 198 Seabrook Way, subject to conditions. Should objections be received with valid planning reasons, then the application will be put back to Council at the earliest available Council Meeting.

Noise Management

A condition of approval is for the applicant to engage a suitably qualified and recognised consultant to determine if the noise caused by the proposed development during use will be compliant with the Environmental Protection (Noise) Regulations 1997. It is recommended that the applicant refer to the Australian Acoustical Society or the Association of Australian Acoustical Consultants when engaging a consultant.

This report should demonstrate the anticipated sound level measurements for dog barking associated with the development. The report should clearly indicate what, if any, specific requirements are needed to ensure noise emissions comply with the Environmental Protection (Noise) Regulations 1997. City Officers do not foresee any noise issues arising from the proposal as the facility is located within the Light Industry Zone, however, the acoustic report required for submission will confirm potential noise impacts.

Waste Management

The applicant has advised that dog waste will be dealt with by employees as necessary and disposed of onsite in the waste bins provided by the City. Dog waste must be disposed of to the satisfaction of the City of Kwinana and as such the City's Environmental Health Department has requested that a "Waste Management Plan" be submitted for review and endorsement. In this regard, a condition has been placed on the recommendation requiring the applicant to submit a detailed waste management plan for the proposal prior to occupation of the development.

<u>Signage</u>

The application proposes two signs of 2300mm x 2000mm on existing signage poles. The proposed signage is consistent with the Scheme provisions for signage within the industrial area.

Conclusion

The application for change of use to Use Not Listed (Dog Day-care) is considered to meet the objectives of the zone and matters to be considered by the Council. It is considered that the use is similar to other uses which may be approved in the Medina Light Industrial area and the proposal is unlikely to have a negative impact on the amenity of the surrounding businesses.

LEGAL/POLICY IMPLICATIONS:

For the purpose of Councillors considering a declaration of interest only, the landowner is Nigel Robert Evans and the applicant is Sally Evans.

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

- Planning and Development Act, 2005.
- Metropolitan Region Scheme.
- City of Kwinana Town Planning Scheme No. 2.
- Environmental Protection (Noise) Regulations 1997.
- Development within the Industrial Zones.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial/budget implications identified as part of this report.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications identified as part of this report.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications identified as part of this report.

STRATEGIC/SOCIAL IMPLICATIONS:

Whilst the use is classed as a 'Use Not Specified' under the Scheme, it is considered to be compatible with and similar to other permitted land uses in this zone, in particular a 'Dog Kennel'.

RISK IMPLICATIONS:

Council approves development under its Scheme to meet its statutory obligations and facilitate proper and orderly development of the municipality to accommodate development in accordance with the objectives of the Strategic Community Plan. Development approvals, Scheme amendments, subdivision and structure planning allows land use to change over time, in order to meet Council and State Government policies and practices, community values and provide protection for the environment. Council are also advised that any decision made is subject to appeal rights to the State Administrative Tribunal. The applicant may also request reconsideration by Council as per Clause 2.4.4 of Town Planning Scheme No. 2.

Risk Event	Appeal of Council's decision or conditions of approval imposed.
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. The recommendation on the application is justified on the basis of compliance with the Town Planning Scheme, the By-law and the discretion that is afforded to Council to vary these documents. Liaising with the applicant throughout the application process. Seeking legal advice on the recommendation to Council and recommended conditions of approval.
Rating (after treatment)	Low

COUNCIL DECISION

400 MOVED CR B THOMPSON

SECONDED CR S LEE

That Council:

- 1. Determine by ABSOLUTE MAJORITY that the Dog Day Care business is consistent with the objectives and purposes of the Light Industrial Zone, and advertise the application in accordance with Part 2.3 of the Scheme.
- 2. Subject to no submissions of objection with valid planning reason be received during the advertising period, delegates authority to the Chief Executive Officer to approve the Dog Day Care at Lot 198 Seabrook Way, Medina, subject to the following conditions and advice to the applicant:

1. CONDITIONS:

- 1.1 The premises being kept in a neat/tidy condition at all times by the owner/occupier to the satisfaction of the City of Kwinana.
- 1.2 Stormwater drainage from roofed and paved areas to be disposed of on site.
- 1.3 The applicant shall implement dust control measures for the duration of site works to the satisfaction of the City of Kwinana.
- 1.4 A minimum of 68m² (5%) of the subject site to be landscaped and maintained to a high standard to the satisfaction of the City of Kwinana.
- 1.5 The applicant shall submit an updated site plan within 60 days of this approval to that satisfaction of the City of Kwinana, indicating the location of four (4) vehicle parking bays of the dimensions 5.5 x 2.5 metres in the verge. Verge parking bays are to be clearly marked on the ground, sealed and drained as per the City of Kwinana's Trafficable area specifications.
- 1.6 The proponent shall provide the City of Kwinana with a written agreement from all utility service agencies who have services in or adjacent to the verge area stating that the development will not have any impact on the function or maintenance of these services. Details are to be submitted within 60 days of the date of this approval.

1.7 Where utility service providers approve verge parking the owner/proponent shall indemnify Council and utility providers against public liability claims to a value of \$10,000,000 against the damage to or injury arising from the use and works, undertaken in the course of establishing and operation of verge parking prior to any development of the lot occurring. Indemnity shall be provided to the City of Kwinana within 90 days of the date of this approval.

The indemnity should also include damage to services in the verge arising from works undertaken in the verge in order to establish verge parking. Where public utilities require access to the verge for upgrade and maintenance purposes, the landowner/proponent shall reinstate the verge and parking area immediately thereafter at no cost to the City of Kwinana or the utility provider. The proponent shall also meet all costs associated with the relocation of services.

- 1.8 The requirement to indemnify the City of Kwinana, referred to in Condition 1.7 above shall be secured by a legally binding agreement between the landowner/proponent and the City of Kwinana and shall be secured by caveat and the cost associated with the drafting, preparation and registration of the agreement will be met by the landowner/proponent.
- 1.9 The approval and agreement should also require the acknowledgement by the owner that the permanent use of the verge for parking cannot be granted and that at some time in the future, Council or other utility agencies may require the parking area be removed and the verge area be reinstated at no cost to Council. In this instance the proponent/landowner will need to come to an alternative arrangement agreed to by Council.
- 1.10 The Verge parking areas shall not be used for loading, unloading or storage of goods at any time.
- 1.11 A maximum of four (4) staff are permitted to attend the premises at any given time.
- 1.12 No animals shall be kept on the premises overnight.
- 1.13 A maximum of 48 dogs are permitted on site to be cared for as part of the dog day care at any one time.
- 1.14 The proponent is to submit to the City of Kwinana for approval within 60 days of this approval a Waste Management Plan that details how dog waste will be managed to the satisfaction of the City of Kwinana.
- 1. 15 The proponent is to submit a Noise Impact Assessment Report prepared by a qualified acoustic consultant to determine noise impacts on the nearest noise sensitive premises arising from the operation of the Dog Day-care to ensure compliance with the Environmental Protection (Noise) Regulations, within 60 days of the date of this approval. Once endorsed by the City of Kwinana, the proponent will implement the recommendations prior to operation of the proposed use to the satisfaction of the City of Kwinana.

1. 16 This approval is valid for 24 months only. If the development is not completed within this period a fresh approval must be obtained before commencing or continuing with the development.

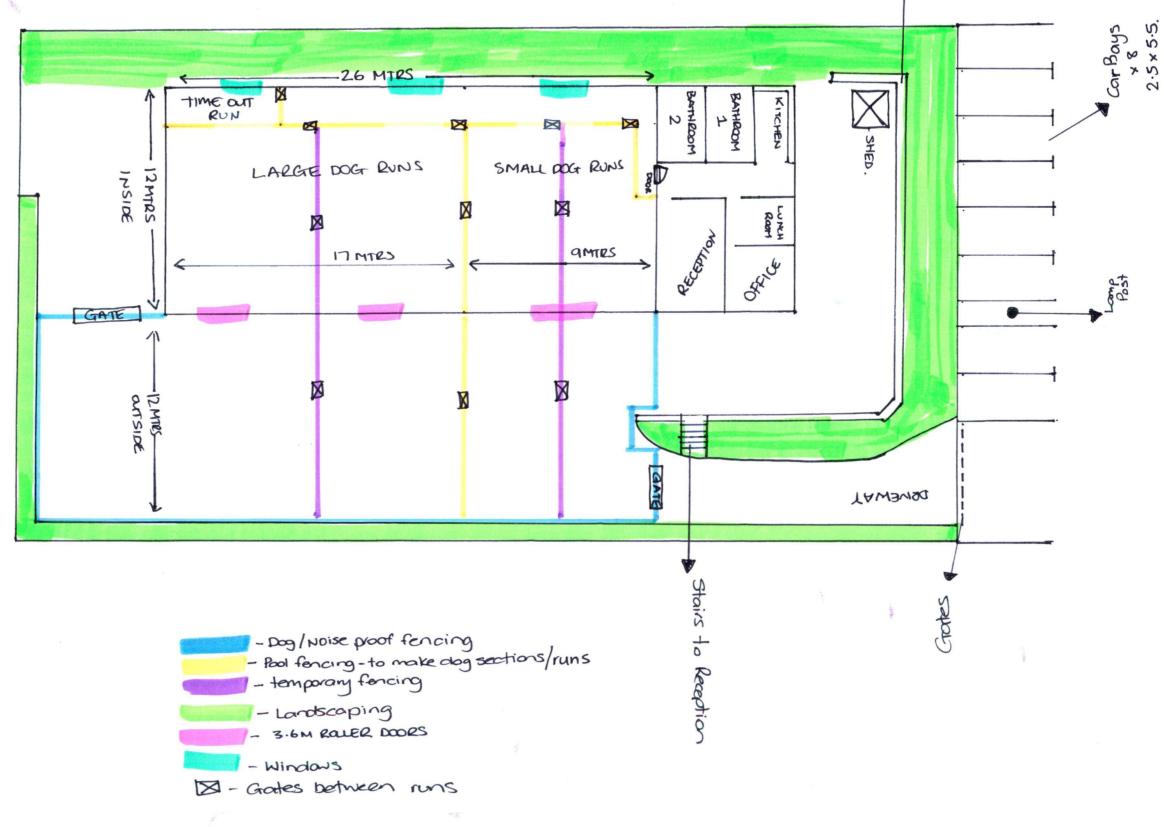
2. ADVICE NOTES:

- 2.1 The applicant is advised that all future development must be submitted to the City of Kwinana prior to the commencement of works or alteration of land use.
- 2. 2 Should the applicant be aggrieved by the decision or any condition imposed, then a right of review should be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
- 2. 3 The applicant is advised that this conditional development approval is not a Building Permit/Sign Licence giving authority to commence construction. Prior to any building work commencing on site a Building Permit/Sign Licence must be issued and penalties apply for failing to adhere to this requirement. A certificate of design compliance is to be obtained from an independent private building surveyor prior to submission to the City of Kwinana.
- 2.4 Compliance with the Environmental Protection (Noise) Regulations 1997 in regard to noise levels.
- 2. 5 The applicant should ensure the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health (Sewerage, Lighting and Ventilation) Regulations, Government Sewerage Policy, Health Act 1911 and Regulations, Contaminated Sites Act 2003 and the National Construction Code.

CARRIED 7/0

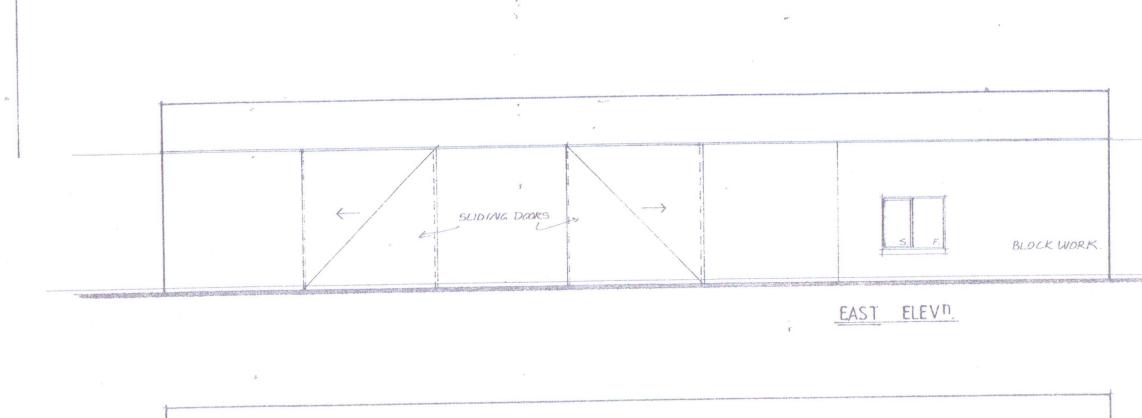
ATTACHMENTA: Location Plan

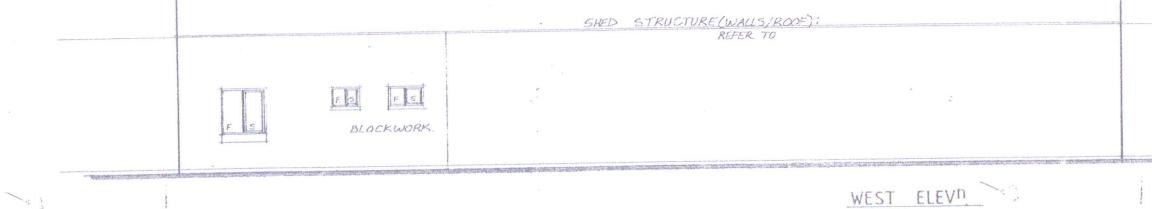


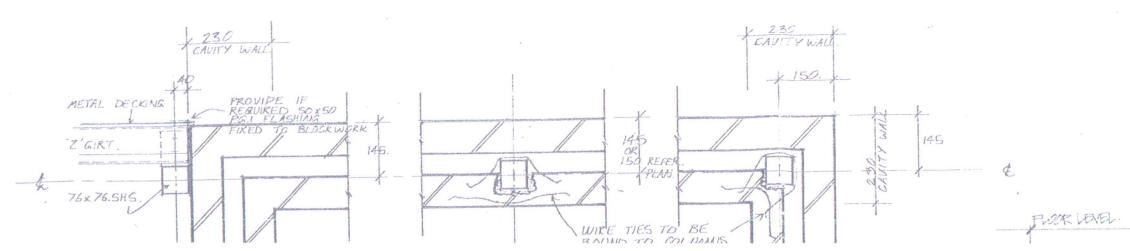


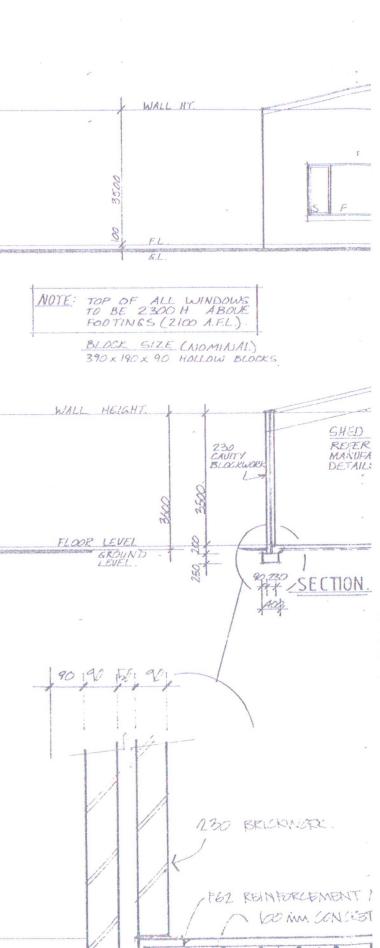


ATTACHMENTC: Elevation Plan (Pt 1)



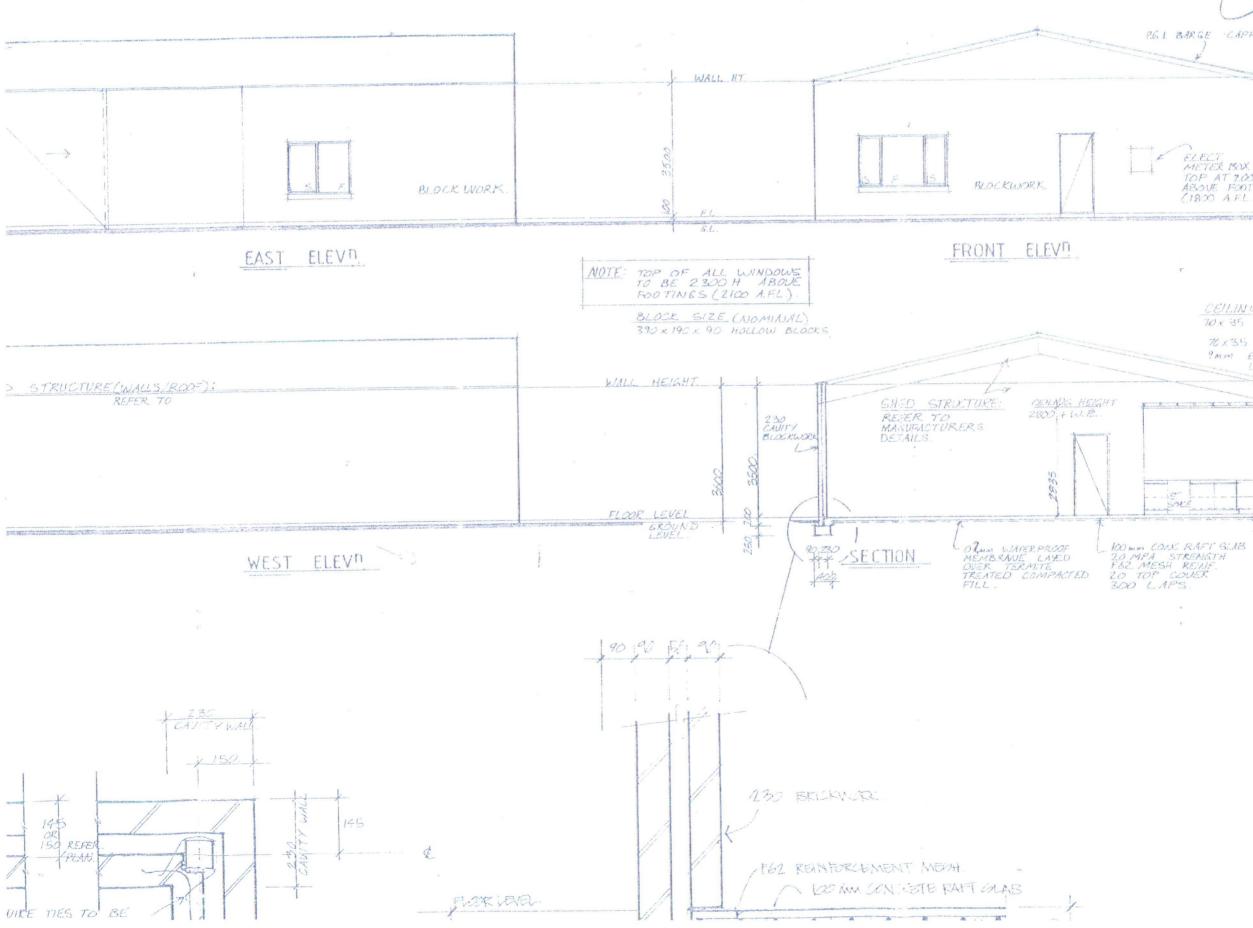






ATTACHMENTD: Elevation Plan (Pt 2)

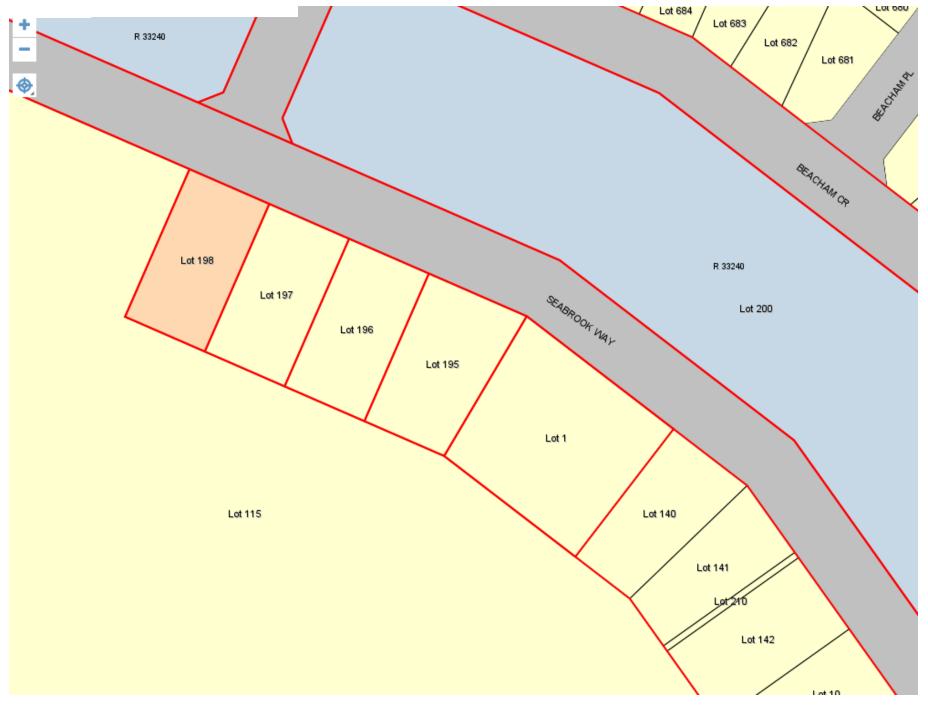
In.



TOWN OF KWINANA BUILDING DEPT This plan is approved by the Kwinana Town Council subject to compliance with the Local Government Act 1960 and the Uniform Building By-laws as HARcew Buller ng Surveyor 0 P.G.I. BARGE CAPPLAKS. ELECT METER BOX TOP AT 2000 ABOVE FOOTIN (1800 A.F.L.) CEILING GENERALLY. TOX 35 CELLING JOISTS AT 450 CTS 70×35 WALL PLATE. 9mm GELECTED CEILING. LIANNG. EXTEND BLOCKWORK TO D-SIDE ROOF SHEETING & FLASH &S REQUIRED 490x250 CONC STRUP FCOTINGS CIS M.E.A & PREA REINERCING SOMM COVER).

COUNCIL COPY

ATTACHMENTE: Advertising Plan



15.4 Report on submissions and final adoption of Local Planning Policy 4: Administration of Development Contribution Plans

SUMMARY:

Draft Local Planning Policy 4: Administration of Development Contribution Plans (Policy) was adopted by Council on 27 May 2015 for the purpose of advertising. Public advertising occurred during 25 June and 17 July 2015 (23 days) and seven submissions were received.

The issues raised by the submitters, as well as further internal review, legal advice and the trialling of the Policy over the past year, have resulted in the City recommending a number of modifications to the advertised version of the Policy. In summary, the modifications relate to:

- Providing more details and procedural requirements for the crediting and/or refunding of infrastructure works undertaken by developers (clause 2 of the Policy);
- Crediting to developers interest earned on provisional Development Contribution Plan (DCP) payments in excess of their final liability; and
- Renaming and minor edits due to the gazettal of the *Planning and Development* (Local Planning Schemes) Regulations 2015.

The modified Policy will provide greater clarity and guidance to developers and the City on the administration of DCPs within the City. It is recommended that Council adopt Local Planning Policy No. 4: Administration of Development Contribution Plans, as modified.

OFFICER RECOMMENDATION:

That Council adopt Local Planning Policy 4: Administration of Development Contribution Plans, as detailed in Attachment 1.

BACKGROUND:

Adoption for Advertising

Draft Local Planning Policy 4: Administration of Development Contribution Plans was adopted by Council on 27 May 2015 for advertising. The Policy was prepared to build upon the existing provisions of Town Planning Scheme No. 2 (TPS2 or Scheme) in relation to the administration of DCPs and specifically covers the following three key areas:

- 1. Procedures for administering a DCP where an amendment to the Scheme is regarded as 'seriously entertained';
- 2. Acceptance of works-in-kind and/or crediting of works undertaken by the developer; and
- 3. The right of a developer to review its development contribution liability.

Public advertising

Public advertising of the draft Policy occurred between 25 June 2015 and 17 July 2015 – a total of 23 days. The advertising consisted of:

- Public notice in the Weekend Courier for two consecutive weeks on 25 June 2015 and 1 July 2016;
- Public notice displayed on the City's website for the duration of the advertising period;
- Written notification to land developers within the City.

Seven written submissions were received. Attachment 3 summarises the issues raised by submitters and provides a recommended response to these issues. The 'Consideration of Submissions' section of this report elaborates and addresses common or more complicated issues raised during the advertising period.

CONSIDERATION OF SUBMISSIONS:

The Schedule of Submissions (shown as Attachment 3) details the matters raised by the submitters on the draft Policy and provides the City's response. There were a number of recurring matters raised that are addressed specifically below. These matters are:

- 1. Definition of 'seriously entertained';
- 2. Ability to require provisional DCP payments prior to the gazettal of the DCP in the Scheme;
- 3. Contingency amount added to the DCP provisional payment;
- 4. Land valuation;
- 5. Works in kind administration matters; and
- 6. Interest incurred on provisional DCP payments.

1. Definition of 'seriously entertained'

Submissions

Three submitters queried the definition of a 'seriously entertained' planning proposal in the Policy stating that the definition was inconsistent with planning case law precedents, specifically *Nicolls and WAPC [2005] WASAT 40.* The submitters stated that an amendment to the Scheme needs to be advertised and finally adopted by Council in order to be considered 'seriously entertained'.

Comment

The City sought legal advice on whether a DCP proposed by an amendment to the Scheme that has been initiated by the Council and consent granted for advertising, can be considered 'seriously entertained'. The legal advice considered the above referenced case law but advised that the position of the Policy is legally defensible and noted that it has been common WAPC practise for some time that an appropriate condition of subdivision be applied for proposed DCPs.

Recommendation

In light of the City's legal advice, no change is recommended to the Policy statement regarding when an amendment to the Scheme proposing DCPs is 'seriously entertained'.

2. Ability to require provisional DCP payments prior to the gazettal of the DCP in the Scheme

Submissions

Three submitters objected to the draft Policy requirement that provisional DCP payments be made prior to the gazettal of the DCP in the Scheme. The submitters stated that this approach is inconsistent with SPP3.6 which states '*Development contributions can be calculated but cannot be collected prior to the gazettal of the plan*' SPP3.6, clause 5.4.

<u>Comment</u>

Despite the clause in SPP3.6 referenced by the submitters, it has been the standard practise of the City for some time to require provisional payments for DCPs that are yet to be gazetted. This approach reduces the financial risk to the local government in recovering DCP contributions after gazettal of the DCP.

SPP3.6 is currently being reviewed by the Department of Planning and the City has advocated that this provision be amended to reflect common practise throughout the industry for provisional payments to be required by the local government.

Recommendation

No change is recommended to the Policy approach that provisional DCP payments are collected prior to the gazettal of the Scheme.

3. Contingency amount added to the DCP provisional payment

Submissions

Four submitters objected to the 30% contingency amount to be added to the provisional DCP payment. The submitter's commented that the amount is unjustified and excessive, particularly when compared to other construction type indexes. It was also commented that many infrastructure costings already include contingencies depending on the stage of design and that the arbitrary additional 30% is not required.

<u>Comment</u>

The contingency amount is included to allow for cost fluctuations in the infrastructure items between the time of payment of provisional contribution and the gazettal of the DCP and subsequent contribution adjustments with the developers. Whilst individual construction index rates are a main component of this contingency amount, the greatest factor is the potential length of time that can occur progressing a DCP to gazettal. The City's recent experiences show that this can also be outside of the City's control (eg. Amendment 132 was under assessment with the Department of Planning from May 2013 and the City has only just recently been advised of the Minister's decision in relation to the amendment).

A review of other local government's approaches to contingency and provisional payments indicates that 30% is not unreasonable or inconsistent. Three outer metropolitan local governments require between 30-50% contingency depending on the stage of the DCP, the certainty of the infrastructure costs, and the type of security provided (i.e. land or bank guarantee). One local government surveyed applies a 100% contingency amount but does not require provisional DCP contributions and allows land to be provided as security.

The approach to contingency amounts could be expanded to differentiate between the types of security provided (i.e. land vs bank guarantee) or to take into account the stage of the DCP. However this is considered to complicate the Policy and the City instead recommends applying the simple 30% contingency amount.

Recommendation

As the proposed 30% contingency is broadly consistent with other outer metropolitan local governments in Perth, and there is discretion already available under the Policy, it is recommended that no change be made to the Policy.

4. Land valuation

Submissions

Two submitters have suggested that the period where land valuations are considered valid under the Policy be increased to 12 - 18 months.

Comment

The Policy requires that a recent land valuation be provided by the developer to accompany a request that land be offered as security for DCP payments and/or contingency amounts. The Policy stated that the land valuation must be no more than 6 months old to ensure that the land valuation information is recent and up to date. Also the 6 month date is consistent with a land valuation required under the *Planning and Development Act 2005* (P & D Act) for the purpose of valuing land when providing cash payment in lieu of public open space.

Initially during the operation of the draft Policy, the requirement for a land valuation no more than 6 months old was causing some problems amongst the industry, however in the past 12 months, this has no longer been an issue. So that the land valuation is still recent, and to be consistent in approach with the P & D Act, no change is recommended to the Policy.

Recommendation

That land valuations required by the Policy are no more than 6 months olds.

5. Works in kind administration matters

Submissions

Three submitters commented on the works in kind provisions of the Policy, in particular:

- Whether works already constructed are deemed to have been 'approved by the CEO' as required by the Policy;
- What should happen for infrastructure items proposed by a DCP not yet gazetted particularly if the item is not included in the gazetted DCP; and
- Request that bonded infrastructure items be credited as works 'in kind'.

Comment

The City has reviewed this section of the Policy (clause 2) in consideration of the submitter's comment and in consultation with John Ellis from SPP Consulting WA. The City has expanded and clarified the process whereby developers can be credited and/or refunded for constructing infrastructure items that are covered by the DCP. The full range of changes to the advertised Policy can be seen in Attachment 2 (tracked changes), however the areas where clause 2 has been amended are summarised as follows:

- Clarification that credits or refunds will be applied with reference to the priority timing of the infrastructure as stated in the applicable DCP report;
- A statement that all historical pre-funded items (which predates the DCP gazettal and this Policy) without appropriate arrangements are priorities by default;
- Additional criteria on the detail to be provided by the developer when seeking approval for works 'in kind' and an explicit requirement for a formal agreement or exchange of letters to be made with the City prior to undertaking any infrastructure works; and
- Clarification that DCP funds and credits can be pooled within each DCP.

Recommendation

That the changes outlined above, and detailed in the revised Policy, be made.

6. Interest earned on provisional DCP payments

Submissions

Two submitters commented that provisional DCP payments should be placed in interest bearing accounts and that any interest earned should be applied to the developer's contribution. This would be consistent with the Policy approach to the management of the 30% contingency amount.

<u>Comment</u>

Provisional DCP payments are currently stored in reserve accounts for each DCP. These accounts do earn interest however the advertised Policy did not state that any interest earned on provisional DCP payments would be credited to the developer in the same way the Policy addressed this for the 30% contingency amount.

The developer's final DCP liabilities are not calculated until the adoption of the cost apportionment schedule after the gazettal of the DCP. However once the developer pays the provisional DCP payment, the relevant condition of subdivision can be cleared and titles issued for the new lots; thereby enabling the developer to sell the lots. It is considered that interest earned on the DCP payment should be credited to the DCP fund rather than the developer.

However the interest earned on any amount of the provisional payment in excess of the final development contribution liability (as calculated upon the adoption of the cost apportionment schedule after gazettal of the Amendment) is proposed to be credited to the developer. This interest would include any amount earned on the contingency amount, as per the advertised version of the Policy.

Recommendation

That the Policy be amended to state that interest earned on the provisional DCP payment and contingency amount in excess of the final contribution liability (calculated upon the adoption of the cost apportionment schedule after the gazettal of the Amendment) will be credited to the developer in the same way applied to the 30% contingency amount in the advertised Policy.

ADDITIONAL RECOMMENDED MODIFICATION:

Since the advertising of the draft Policy, Council initiated Amendment 145 to TPS2 that proposes changes to the community infrastructure items currently coordinated and funded through DCPs 8-15. Amendment 145 was initiated and advertised in late 2015 and is therefore considered a 'seriously entertained planning proposal' – consistent with the draft Policy. As such, the City is applying the draft Policy and making arrangements with developers for legal agreements to cover provisional DCP payments and adjustment mechanisms for the actual DCP liabilities following gazettal of Amendment 145, where appropriate conditions of subdivision approval have been applied.

On a separate matter, the DCPs subject to Amendment 145 include the established urban areas of Kwinana where landowners are, in some circumstances, able to subdivide land into 2, 3 or 4 lot subdivisions. In these situations, the cost and complications of requiring a legal agreement to cover the provisional DCP payments is considered to outweigh the potential risk that the City is exposed to and an alternative approach has been considered and is discussed as follows.

The City proposes that the Policy include the discretionary ability for the City to accept a DCP payment from a landowner of a 2, 3 or 4 lot subdivision as a 'full and final discharge' of their DCP liabilities, including for those proposed by the 'seriously entertained' scheme amendment. This discretion would only apply to amendments to the community infrastructure DCP and would, in the first instance, apply only to Amendment 145. Refer to clause 1(h) of Attachment 1 for the precise wording of this recommended clause.

The City proposes that the DCP payment required to be a 'full and final discharge' is equal to the DCP draft cost apportionment schedule <u>plus</u> a 15% escalation allowance. The 15% escalation allowance is to cover any increase in the DCP contribution over time and is to limit the City's exposure so such escalation. This allowance has been calculated by compounding the average Australian Bureau of Statistics Index Number 3101 'Road and bridge construction Western Australia' annual change of 3.19% from the past 17.5 years, over a 4 year period – i.e. 13.4%. Four years is considered a reasonable period of time for gazettal of an amendment following advertising, particularly an amendment to DCPs that already form part of the Scheme.

The table below shows the added 15% escalation allowance to each of the DCP provisional contributions for community infrastructure. DCPs 14 and 15 are the common areas where 2, 3 or 4 lot subdivisions occur and the highlighted amounts show the 15% escalation allowance for these DCPs. For a 4 lot subdivision, the 15% escalation allowance is \$1,194.83 for DCP14 and \$1,468.91 for DCP15 which is slightly less than the costs associated with preparing a legal agreement and allows the landowner to finalise their subdivision. As discussed above, the City's financial exposure to an escalation in costs has been taken into account and therefore this discretionary approach is considered a reasonable and pragmatic approach to dealing with provisional DCP payments for subdivisions of this scale.

Development contribution plan	Current contribution (adopted Feb 2015 and still current in Dec 2016)	Amendment 145 advertised (provisional) contribution	15% escalation allowance	Total
8 - Mandogalup	\$10,717.44	\$7,043.73	\$1,056.56	\$8,100.29
9 - Wandi / Anketell North	\$7,316.29	\$6,087.26	\$913.09	\$7,000.35
10 - Anketell South / Casuarina	\$5,105.10	\$5,550.47	\$832.57	\$6,383.04
11 - Wellard East	\$7,392.05	\$6,573.93	\$986.09	\$7,560.02
12 - Wellard West	\$4,107.71	\$5,759.78	\$863.97	\$6,623.75
13 - Bertram	\$4,765.73	\$5,150.64	\$772.60	\$5,923.24
14 - Wellard / Leda	\$1,366.31	\$2,448.19	\$367.23	\$2,815.42
15 - Town Centre etc	\$1,149.52	\$1,991.38	\$298.71	\$2,290.09

LEGAL/POLICY IMPLICATIONS:

<u>Planning and Development (Local Planning Schemes) Regulations 2015 and</u> <u>City of Kwinana Town Planning Scheme No. 2</u>

Part 2 of Schedule 2 Deemed Provisions for local planning schemes enables the local government to prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area and sets out the process by which the local government is to follow to adopt the Policy. The Policy has been prepared and advertised in accordance with these provisions.

FINANCIAL/BUDGET IMPLICATIONS:

The preparation and advertising of the Policy has been undertaken within the City's existing operating budget as 'business as usual'. The provisions of the Policy provide greater clarity to the development industry and City officers alike and are aimed at minimising the City's exposure to financial risks associated with administering DCPs.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications that 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	Strategy
Corporate Business Plan	10.1.1 To implement the long term strategic land use planning for the social, economic and environmental wellbeing of the City	10.1.1.1 Review the Local Planning Policy for Administration of Development Contributions

COMMUNITY ENGAGEMENT:

Community Engagement has taken place in accordance with Clause 4, Part 2 of Schedule 2: Deemed Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015.*

The following actions were undertaken:

- Public advertising of the draft Policy occurred between 25 June 2015 and 17 July 2015 a total of 23 days;
- Public notice in the Weekend Courier for two consecutive weeks on 25 June 2015 and 1 July 2016;
- Public notice displayed on the City's website for the duration of the advertising period; and
- Written notification to land developers within the City.

Seven written submissions were received. Attachment 3 summarises the issues raised by submitters and provides a recommended response to these issues. The 'Consideration of Submissions' section of this report elaborates and addresses common or more complicated issues raised during the advertising period.

RISK IMPLICATIONS:

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

Risk Event	Lack of clarity for effective and efficient decision making for Council and advice for the development industry
Risk Theme	Providing inaccurate advice/ information
Risk Effect/Impact	Service Delivery
Risk Assessment Context	Operational
Consequence	Minor
Likelihood	Possible
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Adoption of the draft Policy provides greater clarity and guidance to developers and the City on the administration of DCPs within the City, thereby mitigating the risk.
Rating (after treatment)	Low

COUNCIL DECISION

401

MOVED CR D WOOD

SECONDED CR W COOPER

That Council adopt Local Planning Policy 4: Administration of Development Contribution Plans, as detailed in Attachment 1.

CARRIED 7/0



Local Planning Policy 4

Administration of Development Contribution Plans





ADMINISTRATION OF DEVELOPMENT CONTRIBUTION PLANS

To complement the provisions of the Town Planning Scheme in administering Development Contribution Plans within the Town Planning Scheme area

Adopted:	To be inserted
Last reviewed:	
Legal Authority	Part 2 of Schedule 2 Deemed Provisions – Planning and Development (Local Planning Schemes) Regulations 2015

Application:

The provisions of this policy apply to land within Special Control Areas - Development Contribution Areas as shown on the Town Planning Scheme No. 2 (Scheme) map and detailed in Schedule V of the Scheme.

Policy:

1. <u>Procedure for administering a proposed Development Contribution Plans (DCPs) where an amendment to the Scheme is regarded as 'seriously entertained'.</u>

An amendment to the Scheme will be considered by the City of Kwinana as a 'seriously entertained' planning proposal once the amendment has been initiated by the Council and consent has been granted for public submissions to be sought. This approach is consistent with paragraph 5, clause 5.4 of State Planning Policy 3.6: Development Contributions for Infrastructure and to date, has been supported by the Western Australian Planning Commission in applying relevant conditions of subdivision approval that have the effect of the developer being liable for contributions under the DCP proposed by the amendment to the Scheme.

1.1 Where an amendment is regarded as 'seriously entertained', and proposes a DCP applicable to the land subject to the development application or subdivision application, the City will either:

a) Impose a condition of planning approval that generally states, *"Prior to the commencement of development, appropriate arrangements will be made with the City of Kwinana for the payment of development contributions as proposed by Amendment XX to Town Planning Scheme No. 2 to the satisfaction of the Chief Executive Officer, City of Kwinana."*

b) Recommend the imposition of a condition of subdivision approval that generally states, "Appropriate arrangements are to be made with the City of Kwinana for the payment of development contributions as proposed by Amendment XX to Town Planning Scheme No. 2 to the satisfaction of the Chief Executive Officer, City of Kwinana."

1.2 Where the proposed Amendment has not yet been gazetted, and the developer is seeking clearance of a condition of subdivision or planning approval (outlined in clause 1.1), the City will require that the developer enter into a legally binding deed of agreement (agreement) with the City in accordance with the following provisions:

Responsibility for costs

(a) The developer will be responsible for all costs associated with the preparation of the agreement. The agreement will be prepared by the City's solicitors and must be

satisfactory to the City, acting reasonably.

Provisional contributions

- (b) A provisional contribution will be made to the City at the time of liability for the payment of development contributions, as provided by the Scheme. The provisional contribution will be based on the City's best estimates of the cost contribution payable by the developer at the time of liability of the contribution.
- (c) The provisional contribution referred to in clause 1.2(b) will also include an additional contingency amount of 30% of the provisional contribution to allow for any cost increase from the time of preparing the provisional contribution and determination of the actual contribution after gazettal of the proposed Amendment. The provisional contribution and 30% contingency amount will be held as security by the City as restricted funds where interest will be earned based on the cash interest rates of the Municipal Fund. Interest earned at the cash interest rates of the Municipal Fund on the provisional contribution and 30% contingency amount **in excess** of the liability shown in the adopted cost apportionment schedule for the developer's land will be credited to the developer for the period up to the time of approval of the first DCP Report following the gazettal of the proposed Amendment.

Acquittal of agreements (actual contribution and timing)

- (d) The agreement will provide that following the gazettal of the proposed Amendment:
 - i) Payment of the development contribution shall be in accordance with the Scheme and the adoption of the first DCP Report and cost apportionment schedule; and
 - ii) Any difference between the provisional contribution (including the contingency amount and any interest earned on the provisional contribution and contingency amount calculated on the cash rate for the quarter preceding the payment date, on a pro rata basis) and the actual contribution liable under the Scheme shall be made good by either the developer or the City whomever that may be, within 60 days of the adoption of the applicable Cost Apportionment Schedule.
- (e) Upon completion of the payment arrangements referred to in clause 1.2(d) the agreement will be at an end.

Discretion to vary the above provisions

- (f) The Chief Executive Officer (CEO) may vary the provisions of clauses 1.2(b) (d) inclusive and negotiate a specific arrangement with a developer, in appropriate circumstances and where the CEO is satisfied that the City's ability to receive the actual development contribution liable under the proposed Amendment once gazetted is sufficiently secured. In considering a request under this clause, the CEO will have regard to the following matters:
 - i) Where land is proposed as security in lieu of the 30% contingency amount referred to in clause 1.2(c):
 - The developer will provide a valuation report prepared by a certified land valuer within the past 6 months, that demonstrates the value of the land proposed as security exceeds the contingency amount;
 - Where a staged development is proposed and the land offered as security forms part of the development at a particular stage, the City will require an updated valuation of the land that demonstrates sufficient value in the remaining land not forming part of the development; and
 - A caveat will be required to be lodged on the land offered as security that registers the City's interest in the land.
 - ii) Where a bank guarantee is proposed as security in lieu of the 30% contingency amount referred to in clause 1.2(c), the bank guarantee shall be for the contingency amount, will be unconditional and not have an expiry date.

- iii) Whether the developer is likely to provide infrastructure item/s required by the proposed Amendment as part of their subdivision or development works and will in all likelihood receive a credit for the works in accordance with clause 2 of this policy.
- (g) Where the development is being undertaken by a State Government Department the CEO has discretion to waiver the requirement for a provisional contribution and contingency amount.
- (h) Where the development is for 4 dwellings / lots or less and the proposed Amendment relates to community infrastructure, the CEO has the discretion in appropriate circumstances to waive the requirement for a legal agreement under clauses 1.2(b) (d) where the developer pays the City a provisional contribution and 15% escalation allowance at the time of seeking clearance for the subdivision / development. Payment under this clause will constitute full and final discharge of the developer's liability under the development contribution plan proposed by the Amendment.

2. <u>Acceptance of works-in-kind and/or crediting works undertaken by the developer</u>

Clause 6.16.5.14.1 of the Scheme allows for the developer to pay its development contribution by the provision of physical infrastructure, or some other method acceptable to the local government. This is generally referred to as 'works-in-kind'. Priority list or priority timing refers to the infrastructure item/s identified in the current DCP report (as adopted post gazettal, or the most up to date draft) as items that will be required within approximately 24 months and which are generally crucial to development of a DCP area. In order for the CEO to accept works-in-kind by a developer as a credit towards the developer's contribution, the following provisions shall apply:

- (a) The infrastructure item must be an item included in the DCP provided by the Scheme. Infrastructure items will not be finalised until gazettal;
- (b) In order to obtain credits (offsets against a DCP liability) or accrue interest on worksin-kind, the infrastructure has to be on the priority list established in the current DCP Report. As only future priorities can be set within a DCP Report, all historical prefunded items (that pre-date the DCP gazettal and this policy) without appropriate arrangements are priorities by default.
- (c) Before commencing construction of infrastructure items, developers are required to enter into an appropriate arrangement with the City. The arrangement can be in the form of a legal agreement (for items of fundamental importance to the DCP or for complex or unusual arrangements) or an exchange letter. The City will determine whether a letter or an agreement is appropriate in the relevant circumstance.
- (d) As part of the arrangement, developers are required to provide detailed costs and scope of works to the City for approval prior to commencement of construction of prefunded infrastructure.
- (e) The City is to verify all cost claims for completed works (or completed stages) before any credits (offsets against a liability) will be applied.
- (f) Works-in-kind infrastructure credits will be credited (offset against liability) to a developer in accordance with the priority timing established in the current DCP Report. Until supported by priority timing, an unrealised credit cannot be used for contribution offset purposes.
- (g) Council may in appropriate circumstances permit provisional off-sets for the prefunding of expected items of infrastructure prior to the gazettal of the DCP, if the Council is satisfied:

(i) the item of infrastructure has a very high probability of being an item of infrastructure in the DCP and will be an item of priority infrastructure; and (ii) the developer enters into an appropriate pre-funding agreement satisfactory to the City and generally in accordance with clauses 2(c) - (e) inclusive.

(h) The pooling of DCP funding and credits across all infrastructure items allows for the

prioritisation of infrastructure procurement.

- The cost of infrastructure items as detailed in the prevailing DCP Report determines the amount of credit allowable for such infrastructure and will be referenced in 2(c) and (d).
- (j) Unless the City determines otherwise, in the event of sale of partially subdivided land, existing DCP obligations will transfer with the land. Similarly, this will apply to any existing DCP credits associated with that development (the DCP cannot be required prematurely to pay out credits when land transfers).



DRAFT (20 May 2015) LOCAL PLANNING POLICY No. 4

ADMINISTRATION OF DEVELOPMENT CONTRIBUTION PLANS







ADMINISTRATION OF DEVELOPMENT CONTRIBUTION PLANS

To complement the provisions of the Town Planning Scheme in administering Development Contribution Plans within the Town Planning Scheme area

Adopted:	To be inserted
Last reviewed:	
Legal Authority	Part 2 of Schedule 2 Deemed Provisions – Planning and Development (Local Planning Schemes) Regulations 2015City of Kwinana Town Planning Scheme No. 2 Sec 8.6

Application:

The provisions of this policy apply to land within Special Control Areas - Development Contribution Areas as shown on the Town Planning Scheme No. 2 (Scheme) map and detailed in Schedule V of the Scheme.

Policy:

1. <u>Procedure for administering a proposed Development Contribution Plans (DCPs) where an amendment to the Scheme is regarded as 'seriously entertained'.</u>

An amendment to the Scheme will be considered by the City of Kwinana as a 'seriously entertained' planning proposal once the amendment has been initiated by the Council and consent has been granted for public submissions to be sought. This approach is consistent with paragraph 5, clause 5.4 of State Planning Policy 3.6: Development Contributions for Infrastructure and to date, has been supported by the Western Australian Planning Commission in applying relevant conditions of subdivision approval that have the effect of the developer being liable for contributions under the DCP proposed by the amendment to the Scheme.

1.1 Where an amendment is regarded as 'seriously entertained', and proposes a DCP applicable to the land subject to the development application or subdivision application, the City will either:

a) Impose a condition of planning approval that generally states, "Prior to the commencement of development, appropriate arrangements will be made with the City of Kwinana for the payment of development contributions as proposed by Amendment XX to Town Planning Scheme No. 2 to the satisfaction of the Chief Executive Officer, City of Kwinana."

b) Recommend the imposition of a condition of subdivision approval that generally states, "Appropriate arrangements are to be made with the City of Kwinana for the payment of development contributions as proposed by Amendment XX to Town Planning Scheme No. 2 to the satisfaction of the Chief Executive Officer, City of Kwinana."

1.2 Where the proposed Amendment has not yet been gazetted, and the developer is seeking clearance of a condition of subdivision or planning approval (outlined in clause 1.1), the City will require that the developer enter into a legally binding deed of agreement (agreement) with the City in accordance with the following provisions:

Responsibility for costs

(a) The developer will be responsible for all costs associated with the preparation of the



DRAFT FOR PUBLIC COMMENT -- LPP4: ADMINISTRATION OF DEVELOPMENT CONTRIBUTION PLANS agreement. The agreement will be prepared by the City's solicitors and must be satisfactory to the City, acting reasonably.

Provisional contributions

(d)

- (b) A provisional contribution will be made to the City at the time of liability for the payment of development contributions, as provided by the Scheme. The provisional contribution will be based on the City's best estimates of the cost contribution payable by the developer at the time of liability of the contribution.
- (c) The provisional contribution referred to in clause 1.2(b) will also include an additional contingency amount of 30% of the provisional contribution to allow for any cost increase from the time of preparing the provisional contribution and determination of the actual contribution after gazettal of the proposed Amendment. The provisional contribution and 30% contingency amount will be held as security by the City in its Trust Register as a 'Restricted Creditor' where interest will be earned based on the cash interest rates of the Municipal Fund. Interest earned at the cash interest rates of the Municipal Contribution and 30% contingency amount in excess of the liability shown in the adopted cost apportionment schedule for the developer's land will be credited to the developer for the period up to the time of approval of the first DCP Report following the gazettal of the proposed Amendment.

Acquittal of agreements (actual contribution and timing)

- The agreement will provide that following the gazettal of the proposed Amendment:
 i) Payment of the development contribution shall be in accordance with the Scheme and the adoption of the first DCP Report and cost apportionment schedule: and
- ii) Any difference between the provisional contribution (including the contingency amount and any interest earned on theis provisional contribution and contingency amount calculated on the cash rate for the quarter preceding the payment date, on a pro rata basis) and the actual contribution liable under the Scheme shall be made good by either the developer or the City whomever that may be, within 60 days of the adoption of the applicable Cost Apportionment Schedule.
- (e) Upon completion of the payment arrangements referred to in clause 1.2(d) the <u>agreement will be at an end.</u> City will extinguish the agreement.

Discretion to vary the above provisions

- (f) The Chief Executive Officer (CEO) may vary the provisions of clauses 1.2(b) (d) inclusive and negotiate a specific arrangement with a developer, in appropriate circumstances and where the CEO is satisfied that the City's ability to receive the actual development contribution liable under the proposed Amendment once gazetted is sufficiently secured. In considering a request under this clause, the CEO will have regard to the following matters:
 - i) Where land is proposed as security in lieu of the 30% contingency amount referred to in clause 1.2(c):
 - The developer will provide a valuation report prepared by a certified land valuer within the past 6 months, that demonstrates the value of the land proposed as security exceeds the contingency amount;
 - Where a staged development is proposed and the land offered as security forms part of the development at a particular stage, the City will require an updated valuation of the land that demonstrates sufficient value in the remaining land not forming part of the development; and
 - A caveat will be required to be lodged on the land offered as security that registers the City<u>'s</u> of Kwinana's interest in the land.
 - ii) Where a bank guarantee is proposed as security in lieu of the 30% contingency amount referred to in clause 1.2(c), the bank guarantee shall be for the contingency amount, will be unconditional and not have an expiry date.



	ł	DRAFT FOR PUBLIC COMMENT LPP4: ADMINISTRATION OF DEVELOPMENT CONTRIBUTION PLANS
	i	ii) Whether the developer is likely to provide infrastructure item/s required by the proposed Amendment as part of their subdivision or development works and will in all likelihood receive a credit for the works in accordance with clause 2 of this policy.
((Where the development is being undertake by a State Government Department the CEO has discretion to waiver the requirement for a provisional contribution and contingency amount.
<u>)</u>	<u>ר</u> כ נ 1 8	Where the development is for 4 dwellings / lots or less and the proposed Amendment relates to community infrastructure, the CEO has the discretion in appropriate circumstances to waive the requirement for a legal agreement under clauses 1.2(b) – d) where the developer pays the City a provisional contribution and 15% escalation allowance at the time of seeking clearance for the subdivision / development. Payment under this clause will constitute full and final discharge of the developer's iability under the development contribution plan proposed by the Amendment.
2. <u>/</u>	Accept	tance of works-in-kind and/or crediting works undertaken by the developer
the pro This is <u>infrast</u> to date genera	ovisior gene <u>ructure</u> e draft ally cru	.5.14.1 of the Scheme allows for the developer to pay its development contribution by of physical infrastructure, or some other method acceptable to the local government. rally referred to as 'works-in-kind'. Priority list or priority timing refers to the eitem/s identified in the current DCP report (as adopted post gazettal, or the most up) as items that will be required within approximately 24 months and which are ucial to development of a DCP area. In order for the CEO to accept works-in-kind by a s a credit towards the developer's contribution, the following provisions shall apply:
)	ŧ	The infrastructure item must be an item included in the Development Contribution PlanDCP provided by the Scheme. Infrastructure items will not be finalised until
((b) <u> </u> i	<u>gazettal;</u> n order to obtain credits (offsets against a DCP liability) or accrue interest on works- n-kind, the infrastructure has to be on the priority list established in the current DCP
(<u>f</u> 22 (c) E	Report. As only future priorities can be set within a DCP Report, all historical pre- unded items (that pre-date the DCP gazettal and this policy) without appropriate arrangements are priorities by default. Before commencing construction of infrastructure items, developers are required to enter into an appropriate arrangement with the City. The arrangement can be in the
	<u>f</u>	orm of a legal agreement (for items of fundamental importance to the DCP or for complex or unusual arrangements) or an exchange letter. The City will determine whether a letter or an agreement is appropriate in the relevant circumstance.
((d)	As part of the arrangement, developers are required to provide detailed costs and scope of works to the City for approval prior to commencement of construction of pre- unded infrastructure.
((e) 1	The City is to verify all cost claims for completed works (or completed stages) before
(any credits (offsets against a liability) will be applied. Norks-in-kind infrastructure credits will be credited (offset against liability) to a
	<u>c</u> <u>F</u>	developer in accordance with the priority timing established in the current DCP Report. Until supported by priority timing, an unrealised credit cannot be used for contribution offset purposes.
((g) T	The CEO may in appropriate circumstances permit provisional off-sets for the pre-
	i:	unding of expected items of infrastructure prior to the gazettal of the DCP, if the CEO s satisfied:
		i) the item of infrastructure has a very high probability of being an item of nfrastructure in the DCP and will be an item of priority infrastructure; and
	(ii) the developer enters into an appropriate pre-funding agreement satisfactory to the
		<u>City and generally in accordance with clauses 2(c) – (e) inclusive.</u> The pooling of DCP funding and credits across all infrastructure items allows for the



<u>(i)</u>	The cost of infrastructure items as detailed in the prevailing DCP Report determin
(a) (i)	
(a) (i)	the amount of credit allowable for such infrastructure and will be referenced in 2(c
(a) (i)	and (d).
(/ minimum	Unless the City determines otherwise, in the event of sale of partially subdivided I
	existing DCP obligations will transfer with the land. Similarly, this will apply to any
	existing DCP credits associated with that development (the DCP cannot be required)
	prematurely to pay out credits when land transfers).
(b)	The developer shall obtain the explicit approval from the City prior to undertaking
	works that the developer shall be seeking credit for. The approval will detail the se
	of works and the costs estimated or submitted as a tender by the developer.
(c)	The approved scope of works and costs to be credited shall be limited to a standa
	acceptable by the City, with regards to any applicable Australian Standards, Coun
	policy or the like. Any works undertaken by the developer above and beyond the
	standard determined by the City won't be credited towards the developer's
	contribution.
(d)	Works-in-kind will only be credited towards the developer's contribution once the
	have been completed in accordance with the approved scope of works and after t
	actual costs have been verified and audited if necessary.
(e)	Reimbursement for the works-in-kind will only be made to the developer once suff
	funds have been collected by the City in the DCP for that particular item.
	The crediting of works-in-kind will only be applied to that particular item in the DCI
(g)	Notwithstanding clause 2(f), the City may, at its discretion, apply the crediting of w
	in-kind to the developer's overall development contribution taking into consideration
	the priority and timing of infrastructure items under the DCP. Generally the City w
	seek to avoid substantial borrowings to fund key infrastructure items such as maje
	road upgrades and therefore may not allow for the crediting of another item under
	DCP to be applied to the key infrastructure item. This may be in order for the City
	ensure sufficient contributions are collected to undertake the key infrastructure wo
	in accordance with the priority and timing of the DCP.
(h)	Where a developer has other land holdings in the Development Contribution Area
	credit may be held by the City until it is required to be used by the developer to off
	future development contributions within that Development Contribution Area.
(i) -	The CEO may enter into a legal agreement with a developer to defer the developr
	contribution payment towards an item that will be provided by the developer as we
	in-kind at a later stage of the development. Such an agreement will detail the score
	works, costs and timing of the works and may include a requirement for security to
	provided by the developer.
2	Right for rev

Clause 6.16.5.11.6 of the Scheme allows for the developer to request a review of the amount of the development contribution. If a developer requests a review the City will seek to enter into an agreement with the developer that defines the scope of the review and the obligations of both parties.

ATTACHMENT 3 – Schedule of submissions

	Submitter and property affected by proposal (where applicable)	Overall object / support / neutral	Summary of submission	City response
1	Qube Property Group Mandogalup Development Joint Venture	Object	a) - Land valuation should be relevant for 18 months, not 6 months	The Policy requires that a recent land valuation be provided by the developer to accompany a request that land be offered as security for DCP payments and/or contingency amounts. The Policy stated that the land valuation must be no more than 6 months old to ensure that the land valuation information is recent and up to date. Also the 6 month date is consistent with a land valuation required under the <i>Planning and</i> <i>Development Act 2005</i> (P & D Act) for the purpose of valuing land when providing cash payment in lieu of public open space. Initially during the operation of the draft Policy, the requirement for a land valuation no more than 6 months old was causing some problems amongst the industry, however in the past 12 months, this has no longer been an issue. So that the land valuation is still recent, and to be consistent in approach with the P & D Act, no change is recommended to the Policy.
			 b) Object to imposition of condition on planning approval for DCP arrangements 	The City sought legal advice on whether a DCP proposed by an amendment to the Scheme that has been initiated by the Council and consent granted for advertising, can be considered 'seriously entertained'. The legal advice considered the above referenced

	Submitter and property affected by proposal (where applicable)	Overall object / support / neutral	Summary of submission	City response
				case law but advised that the position of the Policy is legally defensible and noted that it has been common WAPC practise for some time that an appropriate condition of subdivision be applied for proposed DCPs. Not supported .
			 c) Request inclusion to allow developer to 'bond' the 'works in kind' but still be able to received clearance 	Bonds are taken for works associated with conditions of subdivision. It is considered simpler to keep the subdivision works (and bonding) separate from the DCP infrastructure works. Not supported.
2	Fred Ferrante Lot 13 & 100 Treeby Road, Anketell	Object	 a) Strong objection to the contingency amount added to the provisional contribution 30% is excessive, unjustified and unwarranted Provisional payments should only apply for 12-18 months while the Scheme amendment is processed. Appropriate way to reduce risk with DCPs is to review the cost estimates and expedite the finalisation of the DCP. 30% contingency is greater than a number of other price index measures – including land and house price sale data, producer 	The contingency amount is included to allow for cost fluctuations in the infrastructure items between the time of payment of provisional contribution and the gazettal of the DCP and subsequent contribution adjustments with the developers. Whilst individual construction index rates are a main component of this contingency amount, the greatest factor is the potential length of time that can occur progressing a DCP to gazettal. The City's recent experiences show that this can also be outside of the City's control (eg. Amendment 132 was under assessment with the Department of Planning from May 2013 and the City has only just recently been advised of the Minister's decision in relation to the amendment). A review of other local government's approaches to contingency and provisional payments indicates that 30% is not unreasonable or inconsistent. Three outer

	Submitter and property affected by proposal (where applicable)	Overall object / support / neutral	Summary of submission	City response
			price indexes, and road and bridge price indexes. - 30% contingency is not justified and should be reduced to 10%.	 metropolitan local governments require between 30- 50% contingency depending on the stage of the DCP, the certainty of the infrastructure costs, and the type of security provided (i.e. land or bank guarantee). One local government surveyed applies a 100% contingency amount but does not require provisional DCP contributions and allows land to be provided as security. The approach to contingency amounts could be expanded to differentiate between the types of security provided (i.e. land vs bank guarantee) or to take into account the stage of the DCP. However this is considered to complicate the Policy and the City instead recommends applying the simple 30% contingency amount.
3	Urban Development	Neutral		Not supported.
5	Institute of Australia WA	neutrai	 a) Queries the definition of 'seriously entertained' in the draft policy and references case law from <i>Nicolls and WAPC</i> [2005] WASAT 40. An amendment needs to be formally adopted post advertising to be considered 'seriously entertained'. 	Refer to City response to submission point 1b). Noted.

	Submitter and property affected by proposal (where applicable)	Overall object / support / neutral	Summary of submission	City response
			 b) Requirement for provisional payments departs from SPP3.6 that states '<i>Development contributions can be calculated but cannot be collected prior to the gazettal of the plan.</i>' 	Despite the clause in SPP3.6 referenced by the submitters, it has been the standard practise of the City for some time to require provisional payments for DCPs that are yet to be gazetted. This approach reduces the financial risk to the local government in recovering DCP contributions after gazettal of the DCP.
				SPP3.6 is currently being reviewed by the Department of Planning and the City has advocated that this provision be amended to reflect common practise throughout the industry for provisional payments to be required by the local government.
			 c) Methods for securing provisional payments are inconsistent with SPP3.6 which stipulates payment only being made when a Scheme is gazetted. 	Noted. Refer to City response to submission point 3 (b) above. Noted.
			 d) Clarification for 30% contingency amount is requested as the figure appears arbitrary. 	Refer to City response to submission point 2 (a). Noted
4	Taylor Burrell	Neutral	a)	Refer to City response to submission point 2(a).

Submitter and property affected by proposal (where applicable)	Overall object / support / neutral	Summary of submission	City response
Barnett on behalf of LWP Wellard P/L Oakabella Estate, Wellard		 Concerned about the 30% contingency amount. Requests that the contingency be removed or reduced on the following basis: DCA1 costs are well understood Contingency amounts are already included in some items Unnecessary contingency amounts have the potential to impact land and housing affordability. Suggestion that any provisional contribution is held in trust and any interest earned is credited back to the developer. The method for determining any interest earned should be reviewed to provide greater accuracy than simply applying a cash rate for the quarter preceding the payment date as outlined in the draft policy. 	Noted. Provisional DCP payments are currently stored in reserve accounts for each DCP. These accounts do earn interest however the advertised Policy did not state that any interest earned on provisional DCP payments would be credited to the developer in the same way the Policy addressed this for the 30% contingency amount. The developer's final DCP liabilities are not calculated until the adoption of the cost apportionment schedule after the gazettal of the DCP. However once the developer pays the provisional DCP payment, the relevant condition of subdivision can be cleared and titles issued for the new lots; thereby enabling the developer to sell the lots. It is considered that interest earned on the DCP payment should be credited to the DCP fund rather than the developer. However the interest earned on any amount of the provisional payment in excess of the final development contribution liability (as calculated upon the adoption of the cost apportionment schedule after gazettal of the Amendment) is proposed to be credited to the developer. This interest would include any amount earned on the contingency amount, as per the advertised version of the Policy.

	Submitter and property affected by proposal (where applicable)	Overall object / support / neutral	Summary of submission	City response
				Noted.
5	Eastcourt Property Group Providence Estate, Wellard	Object	 a) Requirement for provisional payment is inconsistent with SPP3.6 that states <i>'Development contributions can be calculated but cannot be collected prior to the gazettal of the plan.'</i> Recommend that the policy is modified so the City can calculate contributions, and make satisfactory arrangements for payment of contributions, but cannot collect contributions until the DCP is gazetted in the Scheme. 	Refer to City response to submission point 3(b). Not supported.
			 b) The policy's two options for payment of provisional contributions have significant cost implications for land development. Preferred approach is that payment is deferred until the DCP is gazetted, but security is provided to the City in the 	Refer to City response to submission point 3(b). Not supported. It is also noted that Council is to have due regard to the policy, but is not bound by the policy, so variations to the policy can be considered by the Council on a case by case situation.

Submitter and property affected by proposal (where applicable)	Overall object / support / neutral	Summary of submission	City response
		interim.	Refer to City response to submission point 1(a). Not
		 c) Land valuation should remain valid for at least 12 months, in lieu of the 6 months stated in the policy. 	supported.
		 d) 30% contingency is a substantial impost on developers and should not be imposed without substantial justification / validation. Recommend that this amount be reduced to 10% or less, particularly in circumstances where an infrastructure item has been fully designed and costs by either the City of the developer. 	Refer to City response to submission point 2(a). Not supported.
		 e) Do not support the discretion available to State Government agencies to waive provisional contributions. All land developers should be treated equally, irrespective of whether they are state owned or private. 	This discretionary clause (clause 1.2(g) of the draft Policy) has been included due to there being considerably less risk to the City in collecting the final DCP liabilities from a state government department (joint venture or not) than a private development company. A private development company may go into receivership making the collection of DCP liabilities at a later date problematic for the City, whereas a legal agreement with a state government

Submitter and property affected by proposal (where applicable)	Overall object / support / neutral	Summary of submission	City response
		- This provision puts private developers at a competitive disadvantage to state owner projects. The situation is further complicated where the project is state owned and is joint ventured with the private sector.	department is considered sound. It is not considered appropriate for the City to comment on or administer matters of market competition for the land development industry. A central purpose of the proposed Policy is to enable land development to progress prior to the finalisation of a DCP; all whilst minimising the financial risk exposure to the City. The proposed discretionary clause is consistent with this purpose and approach to risk management.
		 f) Strongly support the ability for the developer to provide physical infrastructure in lieu or cash payment. Note that the policy requires the City's approval to obtain a credit for the infrastructure item prior to construction of the infrastructure. We assume that the City's previous approval of the civil engineering drawings for such items satisfies this policy provision. We request the 	Noted. The revised provisions under clause 2 state that 'all historical pre-funded items (that pre-date the DDCP gazettal and this policy) without appropriate arrangements are priorities by default.' DCPs are prepared by the City to coordinate and apportion infrastructure costs across developments so that the early provision of required infrastructure is possible. Generally speaking it is not the City's role or responsibility to provide infrastructure that benefits development out of its general revenue and therefore it is not appropriate that the City should assume risk for infrastructure within a DCP that is ultimately needed as a result of the development.

Submitter and property affected by proposal (where applicable)	Overall object / support / neutral	Summary of submission	City response
		 the items are to be treated as credits in the cost calculation process. We are concerned that in circumstances where a DCP is deemed to be seriously entertained but is not yet gazetted, there is a risk that a pre-funded infrastructure item is removed from the gazetted DCP prior to the gazetted. We note that the draft policy is silent on the administration in these circumstances and request clarifications. Our preference is that the City should assume some of the risk / responsibility for the cost of the item, and that the policy be modified to reflect this. 	Noted.
		 g) Query the interpretation of what constitutes 'seriously entertained'. Recommend that the City seek legal clarification in relation to this matter. h) 	Refer to City response to submission point 1(b). Noted.
		n) - Eastcourt is very appreciative of	NOLEA.

	Submitter and property affected by proposal (where applicable)	Overall object / support / neutral	Summary of submission	City response
			the excellent working relationship that we currently have with the City of Kwinana, and in particular, the pragmatic approach that has been taken to date with respect to infrastructure contributions on the Providence project. Whilst we support the general principles of the draft Policy, we are concerned that certain provisions have considerable implications for our projects in the City of Kwinana and we request that our comments are given careful consideration as part of the finalisation of this Policy.	
6	Lorraine Elliott Planning Services on behalf of Armana Holdings Sunrise Estate, Wellard East	Neutral	 a) No objection to Part 1 of the policy as it is consistent with the submitter's current arrangements with the City, and allows some flexibility. b) Concern about Part 2 where works have already been 	Noted. Supported. The revised provisions under clause 2 state that 'all historical pre-funded items (that pre-date the DDCP gazettal and this policy) without appropriate

Submitter and property affected by proposal (where applicable)	Overall object / support / neutral	Summary of submission	City response
		 carried out without the prior approval of the CEO. All works undertaken have had City approval to some degree, but this is not the explicit approval of the CEO for the purpose of the policy. Request that Clause (b) be amended to add 'If works have already been undertaken without explicit CEO approval but were undertaken in accordance with Council approved plans then the developer is to submit a schedule of final costs to be assess by Council officers for the purpose of determining the amount to be credited.' 	arrangements are priorities by default.'
		 c) Support clause (g) as it provides some flexibility for allowing the crediting of works- in-kind to the developer's overall development contributions. 	Noted.
		d) - Part 3 should be clearer about	Noted. Part 3 was included as reference to the 'right of review' clauses in the Scheme. However this

	Submitter and property affected by proposal (where applicable)	Overall object / support / neutral	Summary of submission	City response
			what form the agreement between the Council and developer would be.	section is recommended to be removed from the final policy as, based on legal advice, it was not considered necessary and did not add value to the 'right of review' process. Should a developer seek a review of their DCP liabilities, the City would negotiate this process on an individual basis.
7	Terra Novis Wandi Developments Whistling Grove Estate, Wandi	Support	 a) Interest should be earned on the full provisional contribution paid (including the 30%) contingency, and the interest earned should be based on the Municipal Fund. The interest earned should be credited to the developer up until gazettal of the Scheme. 	Refer to City response to submission point 4(a). Partially supported

15.5 Consideration to adopt an Amendment to Town Planning Scheme No.2 to provide a definition for 'Commercial Vehicle', amend the definition of 'Transport Depot', and to, introduce a planning approval process for the assessment of commercial vehicle parking

SUMMARY:

This purpose of this report is for Council to consider the final adoption of Amendment 151 to the City of Kwinana Town Planning Scheme No. 2 (Scheme) with respect to Commercial Vehicle parking within the City. Council initiated the amendment for advertising at its Ordinary Meeting held on the 16 December 2015.

The proposed amendment seeks to introduce provisions to direct and control the parking of commercial vehicles on zoned land within the City, prohibits commercial vehicle parking on residential lots less than 500m², and also proposes a planning approval process for commercial vehicle parking. The amendment also defines a commercial vehicle size and specifies lot areas (appropriate for commercial vehicle parking) to ensure that amenity impacts are managed and controlled through a planning approval process.

The proposed amendment was advertised for 42 days following Council's resolution to initiate the amendment in December 2015. A total of two submissions were received (Refer Attachment A) and the comments do not require any changes to the amendment.

This matter was recently the subject of a Council Forum.

OFFICER RECOMMENDATION:

That Council, pursuant to Section 75 of the Planning and Development Act 2005 ("Act"), adopt Amendment 151 (as detailed in Attachment B) to the City of Kwinana Town Planning Scheme No. 2 ("Scheme") for the purposes of:

(1) Amending Appendix IV – Interpretations:

To include a definition for Commercial Vehicle as follows:

"Commercial Vehicle" means a vehicle that has a Gross Vehicle Mass "GVM" of greater than 4.5 tonnes or is greater than 7 metres in length and 2.4 metres in height or a trailer which is greater than 7 metres in length, whether licensed or not, which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing, includes any utility, van, prime-mover, rigid truck, articulated vehicle, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or any earthmoving machine, whether self-propelled or not. Where one commercial vehicle is carried and parked on another commercial vehicle, it is considered to be one vehicle.

By deleting the existing definition of "Transport Depot" in the Scheme and replacing with the following definition:

'Transport Depot' means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —

- a) any ancillary maintenance or refuelling of those vehicles; and
- b) any ancillary storage of goods brought to the premises by those vehicles; and
- c) the transfer of goods or persons from one vehicle to another, but does not include the parking or garaging of one or more commercial vehicles approved pursuant to clause 6.20 of the Scheme.
- (2) Inserting a new heading and development provisions into Section 6.20 as follows:
 - 6.20 Parking of Commercial Vehicles
 - 6.20.1 Subject to this clause, the parking or garaging of a commercial vehicle on any land requires the prior approval of the Council.
 - 6.20.2 An application for the approval of the Council under this clause may be made on the form prescribed in Appendix II.
 - 6.20.3 This clause does not apply where the proposed parking of commercial vehicle(s):
 - a) occurs during the period that the commercial vehicle(s) is engaged in work on the lot on which it is parked (for example, harvesting or earthmoving on the lot);
 - b) is solely for the purpose of visiting the subject lot for the delivery or receiving of goods and is for a duration of no longer than 4 hours between 7am to 7pm in any 24 hour period for Residential zones and Special Residential Zones and no longer than 5 hours in any 24 hour period for Special Rural Zone, Urban Water Resource and Rural Zones; or
 - c) is approved under this Scheme as a transport depot, or is an incidental activity carried out in conjunction with an approved Commercial or Industrial use.
 - 6.20.4 An approval under this clause may only be granted where an occupier of the lot upon which the commercial vehicle(s) is to be parked is also:
 - a) the owner of the commercial vehicle(s); and
 - b) the driver of the commercial vehicle(s); and

- c) the proprietor of a business which owns or operates every commercial vehicle which is to be parked or garaged on the lot.
- 6.20.5 The maximum number of commercial vehicles which may be approved by Council under clause 6.20.1 within a particular zone is set out in Schedule VIII.
- 6.20.6 The requirements of clause 6.20.4 and 6.20.5 are not capable of variation by clause 6.2 of the Scheme except in the following manner–
 - a) For lot sizes greater than 500m2, Council may vary the 'Maximum number of motorised Commercial Vehicles' as stipulated in Column 3 of Schedule VIII by a maximum of one additional motorised commercial vehicle provided –
 - *i)* the applicant satisfies each of the criteria outlined within clause 6.20.4;
 - *ii)* the additional commercial vehicle will be sufficiently screened from view of the surrounding streets and the adjacent properties; and
 - *iii)* the additional commercial vehicle will not detrimentally impact on the character, safety or amenity of the surrounding locality.
 - b) For lot sizes greater than 500m2, Council may vary the 'Maximum number of non-motorised Commercial Vehicles', as stipulated in Column 4 of Schedule VIII provided the additional trailer(s) or other attachments:
 - i) will only be used in conjunction with a motorised commercial vehicle(s) permitted to be parked on the subject lot pursuant to this clause;
 - *ii)* will be sufficiently screened from view of the surrounding streets and adjacent properties; and
 - *iii)* will not detrimentally impact on the character of the surrounding locality.
- (3) Inserting a new Schedule VIII under Schedules as follows:

SCHEDULE VIII - PARKING OF COMMERCIAL VEHICLES

The following provisions stipulate the maximum number of commercial vehicles that Council may approve in any application for approval under Clause 6.20 Parking of Commercial Vehicles.

Zone	Lot Size	Maximum number of motorised Commercial Vehicles	Maximum number of non-motorised Commercial Vehicles
All zones	Lot size of 500m ² or less	No commercial vehicles are permitted.	No non-motorised commercial vehicles are permitted.
Residential Special Residential	Lot size greater than 500m ²	One rigid (non-articulated) vehicle not exceeding 7m in length and 2.4m in height. No prime mover will be permitted to be parked on any lot.	One non-motorised commercial vehicle but not a trailer which exceeds 7 metres in length.
Special Rural Rural Water Resource Rural A Rural B	Lot size greater than 500m ²	 One rigid (non-articulated) commercial vehicle or one prime mover. Commercial vehicle with a Gross Vehicle Mass (GVM) in excess of 42 tonnes is prohibited. 	One trailer exceeding 7 metres in length or one other non-motorised commercial vehicle.

(4) Deleting Clause 6.4.5 Commercial Vehicles under Division 1- Residential Zone

6.4.5 Commercial Vehicles

No person within the Residential Zone shall;

- a) park or allow to remain stationary for more than four hours consecutively;
 - i) more than one commercial vehicle;
 - *ii)* any vehicle which, due to size or load, is not capable of being completely housed within a domestic garage approved by Council;
 - *iii)* a vehicle which, together with its load, exceeds three metres in height.
- b) repair, service or clean a commercial vehicle unless such work is carried out whilst the vehicle is housed in a domestic garage or a domestic building;
- c) park or allow to remain stationary a commercial vehicle of a load capacity exceeding 2 tonnes.

- (5) Deleting development conditions 14, under Schedule 1 Special Residential Zones
 - 14. No person shall within a Special Rural Zone:
 - a) park or allow to remain stationary for more than four hours consecutively;
 - *i)* more than one commercial vehicle;
 - *ii)* any vehicle which, due to size or load, is not capable of being completely housed within a domestic garage approved by Council;
 - iii) a vehicle which, together with its load, exceeds three metres in height.
 - b) repair, service or clean a commercial vehicle unless such work is carried out whilst the vehicle is housed in a domestic garage or a domestic building;
 - c) park or allow to remain stationary a commercial vehicle of a load capacity exceeding 2 tonnes.

DISCUSSION:

Background

The parking of commercial vehicles on zoned land has become more prevalent and problematic over recent years especially in relation to the parking of commercial vehicles on smaller lots used for residential purposes. City Officers receive numerous complaints from residents, claiming the parking of a commercial vehicle is impacting on their amenity, causing a noise disturbance or is potentially impacting on their property values. Concerns generally include the sizes of vehicles and the assumed operation of a business on residential lots.

The City receives regular enquiries from residents seeking approval to park smaller commercial vehicles on residential lots where the vehicle is parked only and not used in relation to the operation of a commercial activity or business. This is currently not allowed by the City's Local Laws regulating the parking of commercial vehicles on residential lots. The purpose of this amendment is to provide more flexibility in the parking of commercial vehicles throughout the City.

The purpose of the proposed amendment is to align the Scheme and City Local Laws and policies regulating the parking of commercial vehicles within the City. In this regard, an amendment to the City's Local Laws regarding the parking of commercial vehicles has been prepared to align with the content of this Scheme Amendment. It is expected that the amendment to the Local Law will be presented to Council for its consideration at the next available Council Meeting following the gazettal of the Scheme Amendment.

Current State

The Scheme currently allows for the parking of a commercial vehicle on residential zoned land where the carrying capacity of the vehicle does not exceed two (2) tonnes. The Scheme further allows the parking of one commercial vehicle if parked within an approved domestic garage and the height of the vehicle does not exceed three metres in height. In Special Residential (Schedule 1) Zone, the scheme has development conditions for the parking of a commercial vehicle which correlates with Clause 6.4.5 of the Scheme.

The Scheme contains no further provisions (other than those listed above) regarding commercial vehicles and commercial vehicle parking on any other zoned land within the City. It is for this reason that the proposed scheme amendment is being presented to Council for its consideration.

Legal Advice

Legal advice received from the City's Solicitors has concluded the Scheme requires a definition of a commercial vehicle to strengthen the Scheme and provide clear guidance for the assessment and enforcement of matters regarding the parking of commercial vehicles.

Planning Discussion

The amendment will introduce a definition for Commercial Vehicle as being a vehicle with a Gross Vehicle Mass "GVM" of greater than 4.5 tonnes or a size greater than 7 metres in length and 2.4 metres in height, or a trailer which is greater than 7 metres in length.

The amendment also mandates a planning approval process for the parking of a commercial vehicle on land zoned for residential purposes (Residential, Special Residential, Special Rural, Rural Water Resource, Rural A and B).

Additionally, the amendment seeks to introduce provisions prohibiting the parking of a commercial vehicle on land with a lot area less than 500m² in size. The parking of a commercial vehicle on Residential and Special Residential Zone land with a lot area greater than 500m² will be allowed on acquiring a planning approval, on the condition the commercial vehicle is less than 7 metres in length and 2.4 metres in height. This provision allows the parking of a smaller size commercial vehicle.

On land zoned Special Rural, Rural Water Resource, Rural A and B with a lot area greater than 500m², the parking of a commercial vehicle will be allowed on acquiring a planning approval. Only one prime mover will be permitted and no commercial vehicle exceeding a Gross Vehicle Mass (GVM) of 42 tonnes will be allowed.

The amendment proposes a maximum number of motorised and non-motorised commercial vehicles depending on the zoning.

The proposed amendment will align the Scheme with the City's Local Laws which are currently under review. In this regard, an amendment to the City's Local Laws regarding the parking of commercial vehicles has been prepared to align with the content of this Scheme Amendment. It is expected that the amendment to the Local Law will be presented to Council for its consideration at the next available Council Meeting following the gazettal of the Scheme Amendment.

Advertising

The proposed amendment was advertised for a period of 42 days following Council's resolution to initiate the amendment in December 2015. Advertising took place through January 2016 and February 2016. A total of 2 submissions were received during the advertising period and are listed in the Schedule of Submissions (Attachment A).

Analysis of Submissions

Only one submission was received by the end of the advertising period, 4 March 2016. The City also received a late submission on 14 March 2016 which is included in the attached Schedule of Submissions shown in Attachment A.

The key issues raised were concerning the amenity impacts of commercial vehicle parking under the existing scheme provisions. Additionally, one submission raised the matter of parking of commercial vehicles on their property for safety and financial reasons.

As previously discussed, with the exception of the Residential and Special Residential Zones, the Scheme currently does not control the parking of commercial vehicles within the City. In this regard, the proposed amendment seeks to define a commercial vehicle and also set out a framework for approving the parking of commercial vehicles within the City. The Scheme Amendment will give greater control to the City in regards to commercial vehicle parking and its associated impacts. Both of the submissions were from residents of Marri Park and their comments do not require any changes to the amendment.

LEGAL/POLICY IMPLICATIONS:

Acts and Regulations:

Planning and Development Act, 2005; Town Planning Regulations, 2015; Parking and Parking Facilities Local Law; Urban Environment and Nuisance Local Law;

Schemes:

Metropolitan Region Scheme; Town of Kwinana Town Planning Scheme No. 2;

Policies:

City of Kwinana Development within Special Rural Zones

FINANCIAL/BUDGET IMPLICATIONS:

There is a small cost associated with the Scheme Amendment with regards to the advertising of the proposal to the community and publishing within the Government Gazette.

ENVIRONMENTAL IMPLICATIONS:

A potential improvement to amenity on properties would be envisaged by the ability to control the parking of commercial vehicles within the scheme areas.

STRATEGIC/SOCIAL IMPLICATIONS:

In terms of strategic and social implications, the proposed amendment accords with the scheme and the intent of the other Planning Schemes. The amendment facilitates the parking of commercial vehicles within residential areas subject to certain conditions.

RISK IMPLICATIONS:

Council approves development under its Scheme to meet its statutory obligations and facilitate proper and orderly development of the municipality to accommodate development in accordance with the objectives of Council's Strategic Plan.

Development approvals, Scheme amendments, subdivision and structure planning allows land use to change over time, in order to meet Council and State Government policies and practices, community values and provide protection to the environment.

In terms of this request, the amendment and consolidation of the definitions and lawful access surrounding commercial parking within appropriately administered areas of the City is considered to improve the amenity of these areas, and, revitalise the intent of these areas for the purposes set by Council.

The control in amenity and the number of and movements of commercial vehicles is seen as a method of decreasing the incidents affecting amenity on properties and residents.

Risk Event	Limited control on Commercial Vehicle Parking within City
Risk Theme	Failure to fulfil statutory regs 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 content of the amendment will introduce additional controls regarding the parking of commercial vehicles and require planning approval for the parking of such vehicles.
Rating (after treatment)	Moderate

COUNCIL DECISION

402 MOVED CR W COOPER

SECONDED CR S LEE

That Council, pursuant to Section 75 of the Planning and Development Act 2005 ("Act"), adopt Amendment 151 (as detailed in Attachment B) to the City of Kwinana Town Planning Scheme No. 2 ("Scheme") for the purposes of:

(3) Amending Appendix IV – Interpretations:

To include a definition for Commercial Vehicle as follows:

"Commercial Vehicle" means a vehicle that has a Gross Vehicle Mass "GVM" of greater than 4.5 tonnes or is greater than 7 metres in length and 2.4 metres in height or a trailer which is greater than 7 metres in length, whether licensed or not, which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing, includes any utility, van, prime-mover, rigid truck, articulated vehicle, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or any earthmoving machine, whether self-propelled or not. Where one commercial vehicle is carried and parked on another commercial vehicle, it is considered to be one vehicle.

By deleting the existing definition of "Transport Depot" in the Scheme and replacing with the following definition:

'Transport Depot' means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —

- d) any ancillary maintenance or refuelling of those vehicles; and
- e) any ancillary storage of goods brought to the premises by those vehicles; and
- f) the transfer of goods or persons from one vehicle to another, but does not include the parking or garaging of one or more commercial vehicles approved pursuant to clause 6.20 of the Scheme.
- (4) Inserting a new heading and development provisions into Section 6.20 as follows:
 - 6.20 Parking of Commercial Vehicles
 - 6.20.1 Subject to this clause, the parking or garaging of a commercial vehicle on any land requires the prior approval of the Council.
 - 6.20.2 An application for the approval of the Council under this clause may be made on the form prescribed in Appendix II.
 - 6.20.3 This clause does not apply where the proposed parking of commercial vehicle(s):
 - d) occurs during the period that the commercial vehicle(s) is engaged in work on the lot on which it is parked (for example, harvesting or earthmoving on the lot);
 - e) is solely for the purpose of visiting the subject lot for the delivery or receiving of goods and is for a duration of no longer than 4 hours between 7am to 7pm in any 24 hour period for Residential zones and Special Residential Zones and no longer than 5 hours in any 24 hour period for Special Rural Zone, Urban Water Resource and Rural Zones; or
 - f) is approved under this Scheme as a transport depot, or is an incidental activity carried out in conjunction with an approved Commercial or Industrial use.
 - 6.20.4 An approval under this clause may only be granted where an occupier of the lot upon which the commercial vehicle(s) is to be parked is also:
 - d) the owner of the commercial vehicle(s); and
 - e) the driver of the commercial vehicle(s); and

- f) the proprietor of a business which owns or operates every commercial vehicle which is to be parked or garaged on the lot.
- 6.20.5 The maximum number of commercial vehicles which may be approved by Council under clause 6.20.1 within a particular zone is set out in Schedule VIII.
- 6.20.6 The requirements of clause 6.20.4 and 6.20.5 are not capable of variation by clause 6.2 of the Scheme except in the following manner–
 - c) For lot sizes greater than 500m2, Council may vary the 'Maximum number of motorised Commercial Vehicles' as stipulated in Column 3 of Schedule VIII by a maximum of one additional motorised commercial vehicle provided –
 - *iv)* the applicant satisfies each of the criteria outlined within clause 6.20.4;
 - v) the additional commercial vehicle will be sufficiently screened from view of the surrounding streets and the adjacent properties; and
 - vi) the additional commercial vehicle will not detrimentally impact on the character, safety or amenity of the surrounding locality.
 - d) For lot sizes greater than 500m2, Council may vary the 'Maximum number of non-motorised Commercial Vehicles', as stipulated in Column 4 of Schedule VIII provided the additional trailer(s) or other attachments:
 - iv) will only be used in conjunction with a motorised commercial vehicle(s) permitted to be parked on the subject lot pursuant to this clause;
 - v) will be sufficiently screened from view of the surrounding streets and adjacent properties; and
 - vi) will not detrimentally impact on the character of the surrounding locality.
- (3) Inserting a new Schedule VIII under Schedules as follows:

SCHEDULE VIII - PARKING OF COMMERCIAL VEHICLES

The following provisions stipulate the maximum number of commercial vehicles that Council may approve in any application for approval under Clause 6.20 Parking of Commercial Vehicles.

Zone	Lot Size	Maximum number of motorised Commercial Vehicles	Maximum number of non-motorised Commercial Vehicles
All zones	Lot size of 500m ² or less	No commercial vehicles are permitted.	No non-motorised commercial vehicles are permitted.
Residential Special Residential	Lot size greater than 500m ²	 One rigid (non-articulated) vehicle not exceeding 7m in length and 2.4m in height. No prime mover will be permitted to be parked on any lot. 	One non-motorised commercial vehicle but not a trailer which exceeds 7 metres in length.
Special Rural Rural Water Resource Rural A Rural B	Lot size greater than 500m ²	 One rigid (non-articulated) commercial vehicle or one prime mover. Commercial vehicle with a Gross Vehicle Mass (GVM) in excess of 42 tonnes is prohibited. 	One trailer exceeding 7 metres in length or one other non- motorised commercial vehicle.

(4) Deleting Clause 6.4.5 Commercial Vehicles under Division 1- Residential Zone

6.4.5 Commercial Vehicles

No person within the Residential Zone shall;

- d) park or allow to remain stationary for more than four hours consecutively;
 - iv) more than one commercial vehicle;
 - v) any vehicle which, due to size or load, is not capable of being completely housed within a domestic garage approved by Council;
 - vi) a vehicle which, together with its load, exceeds three metres in height.
- e) repair, service or clean a commercial vehicle unless such work is carried out whilst the vehicle is housed in a domestic garage or a domestic building;
- f) park or allow to remain stationary a commercial vehicle of a load capacity exceeding 2 tonnes.

- (5) Deleting development conditions 14, under Schedule 1 Special Residential Zones
 - 14. No person shall within a Special Rural Zone:
 - d) park or allow to remain stationary for more than four hours consecutively;
 - iv) more than one commercial vehicle;
 - any vehicle which, due to size or load, is not capable of being completely housed within a domestic garage approved by Council;
 - vi) a vehicle which, together with its load, exceeds three metres in height.
 - e) repair, service or clean a commercial vehicle unless such work is carried out whilst the vehicle is housed in a domestic garage or a domestic building;
 - f) park or allow to remain stationary a commercial vehicle of a load capacity exceeding 2 tonnes.

CARRIED 7/0

Attachment A – Schedule of Submissions

No SUBMITTER AND ADDRESS	NATURE AND SUMMARY OF SUBMISSION	PLANNING COMMENT & RECOMMENDATION
Resident 1	The amendment is supported by the resident. The resident raised several concerns he is experiencing with commercial vehicle (truck) parking that relates to noise, early starts, servicing on weekends, rubbish left on property and fire risks from tyres and fuel being stored on properties.	1. That the comments are noted and no change required for the Scheme Amendment.
Resident 2	The resident is an owner and driver parking his commercial vehicles on his property. According to the resident the commercial vehicles parking does not pose any impact on his neighbours and he keeps the property neat and tidy. The vehicles are parked at his property for safety reasons and the financial impact of leasing a commercial property to park his vehicles.	 That the comments are noted and no change required for the Scheme Amendment.

ATTACHMENT B



CITY OF KWINANA

TOWN PLANNING SCHEME NO. 2

AMENDMENT NO. 151

Planning and Development Act 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

City of Kwinana

Town Planning Scheme No. 2

Amendment No. 151

At the Ordinary Council Meeting held 16 December 2015 it was RESOLVED that the Council, in pursuance of section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- (1) Amending Appendix IV Interpretations:
 - a) To include a definition for Commercial Vehicle as follows:

"Commercial Vehicle" means a vehicle that has a Gross Vehicle Mass "GVM" of greater than 4.5 tonnes or is greater than 7 metres in length and 2.4 metres in height or a trailer which is greater than 7 metres in length, whether licensed or not, which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing, includes any utility, van, prime-mover, rigid truck, articulated vehicle, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or any earthmoving machine, whether self-propelled or not. Where one commercial vehicle is carried and parked on another commercial vehicle, it is considered to be one vehicle.

b) By deleting the existing definition of "Transport Depot" in the Scheme and replacing with the following definition:

'Transport Depot' means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —

- (a) any ancillary maintenance or refuelling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another,

but does not include the parking or garaging of one or more commercial vehicles approved pursuant to clause 6.20 of the Scheme.

- (2) Inserting a new heading and development provisions into Section 6.20 as follows:
 - 6.20 Parking of Commercial Vehicles
 - 6.20.1 Subject to this clause, the parking or garaging of a commercial vehicle on any land requires the prior approval of the Council.

- 6.20.2 An application for the approval of the Council under this clause may be made on the form prescribed in Appendix II.
- 6.20.3 This clause does not apply where the proposed parking of commercial vehicle(s):
 - a) occurs during the period that the commercial vehicle(s) is engaged in work on the lot on which it is parked (for example, harvesting or earthmoving on the lot);
 - b) is solely for the purpose of visiting the subject lot for the delivery or receiving of goods and is for a duration of no longer than 4 hours between 7am to 7pm in any 24 hour period for Residential zones and Special Residential Zones and no longer than 5 hours in any 24 hour period for Special Rural Zone, Urban Water Resource and Rural Zones; or
 - c) is approved under this Scheme as a transport depot, or is an incidental activity carried out in conjunction with an approved Commercial or Industrial use.
- 6.20.4 An approval under this clause may only be granted where an occupier of the lot upon which the commercial vehicle(s) is to be parked is also:
 - a) the owner of the commercial vehicle(s); and
 - b) the driver of the commercial vehicle(s); and
 - c) the proprietor of a business which owns or operates every commercial vehicle which is to be parked or garaged on the lot.
- 6.20.5 The maximum number of commercial vehicles which may be approved by Council under clause 6.20.1 within a particular zone is set out in Schedule VIII.
- 6.20.6 The requirements of clause 6.20.4 and 6.20.5 are not capable of variation by clause 6.2 of the Scheme except in the following manner–
 - (a) For lot sizes greater than 500m², Council may vary the 'Maximum number of motorised Commercial Vehicles' as stipulated in Column 3 of Schedule VIII by a maximum of one additional motorised commercial vehicle provided
 - *i) the applicant satisfies each of the criteria outlined within clause 6.20.4;*
 - *ii)* the additional commercial vehicle will be sufficiently screened from view of the surrounding streets and the adjacent properties; and
 - *iii)* the additional commercial vehicle will not detrimentally impact on the character, safety or amenity of the surrounding locality.
 - (b) For lot sizes greater than 500m², Council may vary the 'Maximum number of non-motorised Commercial Vehicles', as stipulated in

Column 4 of Schedule VIII provided the additional trailer(s) or other attachments:

- will only be used in conjunction with a motorised commercial vehicle(s) permitted to be parked on the subject lot pursuant to this clause;
- *ii) will be sufficiently screened from view of the surrounding streets and adjacent properties; and*
- iii) will not detrimentally impact on the character of the surrounding locality.
- (3) Inserting a new Schedule VIII under Schedules as follows:

SCHEDULE VIII – PARKING OF COMMERCIAL VEHICLES

The following provisions stipulate the maximum number of commercial vehicles that Council may approve in any application for approval under Clause 6.20 Parking of Commercial Vehicles.

Zone	Lot Size	Maximum number of motorised Commercial Vehicles	Maximum number of non-motorised Commercial Vehicles
All zones	Lot size of 500m ² or less	No commercial vehicles are permitted.	No non-motorised commercial vehicles are permitted.
Residential Special Residential	Lot size of greater than 500m ²	 One rigid (non-articulated) vehicle not exceeding 7m in length and 2.4m in height. No prime mover will be permitted to be parked on any lot. 	One non-motorised commercial vehicle but not a trailer which exceeds 7 metres in length.
Special Rural Rural Water Resource Rural A Rural B	Lot size of greater than 500m ²	 One rigid (non-articulated) commercial vehicle or one prime mover. Commercial vehicle with a Gross Vehicle Mass (GVM) in excess of 42 tonnes is prohibited. 	One trailer exceeding 7 metres in length or one other non-motorised commercial vehicle.

- (4) Deleting Clause 6.4.5 Commercial Vehicles under Division 1- Residential Zone
 - 6.4.5 Commercial Vehicles

No person within the Residential Zone shall;

- (a) park or allow to remain stationary for more than four hours consecutively;
 - (i) more than one commercial vehicle;
 - (ii) any vehicle which, due to size or load, is not capable of being completely housed within a domestic garage approved by Council;
 - (iii) a vehicle which, together with its load, exceeds three metres in height.
- (b) repair, service or clean a commercial vehicle unless such work is carried out whilst the vehicle is housed in a domestic garage or a domestic building;
- (c) park or allow to remain stationary a commercial vehicle of a load capacity exceeding 2 tonnes."
- (5) Deleting development conditions 14, under Schedule 1 Special Residential Zones
 - 14. No person shall within a Special Rural Zone:
 - (a) park or allow to remain stationary for more than four hours consecutively;
 - (i) more than one commercial vehicle;
 - (ii) any vehicle which, due to size or load, is not capable of being completely housed within a domestic garage approved by Council;
 - (iii) a vehicle which, together with its load, exceeds three metres in height.
 - (b) repair, service or clean a commercial vehicle unless such work is carried out whilst the vehicle is housed in a domestic garage or a domestic building;
 - (c) park or allow to remain stationary a commercial vehicle of a load capacity exceeding 2 tonnes.

Dated this day of 20

CHIEF EXECUTIVE OFFICER

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REPORT ON SCHEME AMENDMENT NO. 151

TOWN PLANNING SCHEME NO. 2

CITY OF KWINANA

1.0 SUMMARY

WAPC REF: to be inserted

Proposal: To amend the Town Planning Scheme No. 2 to provide a definition for "Commercial Vehicle", amend the definition of a "Transport Depot" and introduce development provisions and an approval process for the parking of commercial vehicles within the district of the City of Kwinana.

2.0 BACKGROUND

The parking of commercial vehicles on zoned land has become more prevalent and problematic over recent years especially in relation to the parking of commercial vehicles on smaller lots used for residential purposes. City Officers receive numerous complaints from residents, claiming the parking of a commercial vehicle is impacting on their amenity, causing a noise disturbance or is potentially impacting on their property values. Concerns generally include the sizes of vehicle and the assumed operation of a business on residential lots.

The City has received regular enquiries from residents seeking approval to park smaller commercial vehicles on residential lots where the vehicle is parked only and not used in relation to the operation of a commercial activity or business. This is currently not allowed by the City's Local Laws regulating the parking of commercial vehicles on residential lots.

The purpose of the proposed amendment is to align Town Planning Scheme No.2 (TPS2) and City Local Laws and policies regulating the parking of commercial vehicles within the City.

Current State

TPS2 currently allows for the parking of a commercial vehicle on residential zoned land where the carrying capacity of the vehicle does not exceed two (2) tonnes. The Scheme further allows the parking of one commercial vehicle if parked within an approved domestic garage and the height of the vehicle does not exceed three metres in height. In the Special Residential (Schedule 1) Zone, the scheme has development conditions for the parking of a commercial vehicle which correlates with Clause 6.4.5 of the Scheme.

The parking of a commercial vehicle on Special Rural Zone land is directed by Council's "Development within Special Rural Zones" Policy and includes a section (2.1) entitled "Parking of Truck/Commercial Vehicles" which provide guidance to Council in terms of assessing the number and size of vehicles permitted on special rural lots, the storage of goods, servicing of vehicles and distance from adjoining properties. The above policy provides guidance to officers to asses the parking of commercial vehicles on Special Rural Zoned Lots but does not have statutory weight and as such cannot be enforced.

The scheme contains no further provisions (other than those listed above) regarding commercial vehicles and commercial vehicle parking on any other zoned land within the City. It is for this reason that this scheme amendment is being introduced.

Proposed Amendment

The amendment proposes to introduce a definition for Commercial Vehicle as being a vehicle with a Gross Vehicle Mass "GVM" of greater than 4.5 tonnes or a size greater than 7 metres in length and 2.4 metres in height, or a trailer which is greater than 7 metres in length.

The proposed amendment also introduces a planning approval process for the parking of a commercial vehicle on land zoned for residential and rural purposes (Residential, Special Residential, Special Rural, Rural Water Resource, Rural A and B).

Additionally the amendment seeks to introduce provisions prohibiting the parking of a commercial vehicle on land with a lot area less than 500m² in size. The parking of a commercial vehicle on Residential and Special Residential Zone land with a lot area greater than 500m² will be allowed on obtaining a planning approval, on the condition the commercial vehicle is less than 7 metres in length and 2.4 metres in height. This provision allows the parking of a smaller size commercial vehicle within the residential zone.

On land zoned Special Rural, Rural Water Resource, Rural A and B with a lot area greater than 500m², the parking of a commercial vehicle will be allowed on acquiring a planning approval. Only one prime mover will be permitted and no commercial vehicle exceeding a Gross Vehicle Mass (GVM) of 42 tonnes will be allowed.

The amendment proposes a maximum number of motorised and non-motorised commercial vehicles depending on the zoning.

The proposed amendment further will align TPS2 with the City's Local Laws which are currently under review.

3.0 CONCLUSION

The inclusion of a definition and provisions in TPS2 will strengthen the City's ability to more appropriately manage commercial vehicle parking within the City. It will prohibit commercial vehicle parking on smaller lots and will permit commercial vehicle parking on land according to a lot size and zone.

This amendment seeks to achieve this by implementing the following modifications to the Scheme:

- Introducing a definition for a Commercial Vehicle
- Revising the existing definition of Transport Depot;
- Include development provisions and an approval process for Commercial Vehicle Parking.

• Remove the conflicting reference to commercial vehicles from the Scheme.

The amendment process will benefit from the provision of feedback from stakeholders and government departments and this will enable revision and refinement of the proposed commercial vehicle parking provisions. It is intended that this amendment will be able to provide more clarity, certainty and equity to all those that may wish to apply for commercial vehicle parking on their land. It is also intended to reduce the loss of amenity to adjoining landowners that may be affected by the presence of commercial vehicles on nearby or adjoining properties.

Planning and Development Act 2005

City of Kwinana

Town Planning Scheme No. 2

Amendment No. 151

The City of Kwinana under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* (as amended) hereby amends the above local planning scheme by:

- (1) Amending Appendix IV Interpretations:
 - a) To include a definition for Commercial Vehicle as follows:

"Commercial Vehicle" means a vehicle that has a Gross Vehicle Mass "GVM" of greater than 4.5 tonnes or is greater than 7 metres in length and 2.4 metres in height or a trailer which is greater than 7 metres in length, whether licensed or not, which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing, includes any utility, van, prime-mover, rigid truck, articulated vehicle, trailer, tractor and any attachment to any of them or any article designed to be attached to any of them, and any bus or any earthmoving machine, whether self-propelled or not. Where one commercial vehicle is carried and parked on another commercial vehicle, it is considered to be one vehicle.

b) By deleting the existing definition of "Transport Depot" in the Scheme and replacing with the following definition:

'Transport Depot' means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —

- (a) any ancillary maintenance or refuelling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another,

but does not include the parking or garaging of one or more commercial vehicles approved pursuant to clause 6.20 of the Scheme.

- (2) Inserting a new heading and development provisions into Section 6.20 as follows:
 - *"6.20 Parking of Commercial Vehicles"*
 - 6.20.1 Subject to this clause, the parking or garaging of a commercial vehicle on any land requires the prior approval of the Council.
 - 6.20.2 An application for the approval of the Council under this clause may be made on the form prescribed in Appendix II.

- 6.20.3 This clause does not apply where the proposed parking of commercial vehicle(s):
 - a) occurs during the period that the commercial vehicle(s) is engaged in work on the lot on which it is parked (for example, harvesting or earthmoving on the lot);
 - b) is solely for the purpose of visiting the subject lot for the delivery or receiving of goods and is for a duration of no longer than 4 hours between 7am to 7pm in any 24 hour period for Residential zones and Special Residential Zones and no longer than 5 hours in any 24 hour period for Special Rural Zone, Urban Water Resource and Rural Zones; or
 - c) is approved under this Scheme as a transport depot, or is an incidental activity carried out in conjunction with an approved Commercial or Industrial use.
- 6.20.4 An approval under this clause may only be granted where an occupier of the lot upon which the commercial vehicle(s) is to be parked is also:
 - a) the owner of the commercial vehicle(s); and
 - b) the driver of the commercial vehicle(s); and
 - c) the proprietor of a business which owns or operates every commercial vehicle which is to be parked or garaged on the lot.
- 6.20.5 The maximum number of commercial vehicles which may be approved by Council under clause 6.20.1 within a particular zone is set out in Schedule VIII.
- 6.20.6 The requirements of clause 6.20.4 and 6.20.5 are not capable of variation by clause 6.2 of the Scheme except in the following manner–
 - (a) For lot sizes greater than 500m², Council may vary the 'Maximum number of motorised Commercial Vehicles' as stipulated in Column 3 of Schedule VIII by a maximum of one additional motorised commercial vehicle provided
 - c) the applicant satisfies each of the criteria outlined within clause 6.20.4;
 - d) the additional commercial vehicle will be sufficiently screened from view of the surrounding streets and the adjacent properties; and
 - e) the additional commercial vehicle will not detrimentally impact on the character, safety or amenity of the surrounding locality.
 - (b) For lot sizes greater than 500m², Council may vary the 'Maximum number of non-motorised Commercial Vehicles', as stipulated in Column 4 of Schedule VIII provided the additional trailer(s) or other attachments:
 - i) will only be used in conjunction with a motorised commercial

vehicle(s) permitted to be parked on the subject lot pursuant to this clause;

- *ii) will be sufficiently screened from view of the surrounding streets and adjacent properties; and*
- *iii)* will not detrimentally impact on the character of the surrounding locality.
- (3) Inserting a new Schedule VIII under Schedules as follows:

SCHEDULE VIII – PARKING OF COMMERCIAL VEHICLES

The following provisions stipulate the maximum number of commercial vehicles that Council may approve in any application for approval under Clause 6.20 Parking of Commercial Vehicles.

Zone	Lot Size	Maximum number of motorised Commercial Vehicles	Maximum number of non-motorised Commercial Vehicles
All zones	Lot size of 500m ² or less	No commercial vehicles are permitted.	No non-motorised commercial vehicles are permitted.
Residential Special Residential	Lot size of greater than 500m ²	 One rigid (non-articulated) vehicle not exceeding 7m in length and 2.4m in height. No prime mover will be permitted to be parked on any lot. 	One non-motorised commercial vehicle but not a trailer which exceeds 7 metres in length.
Special Rural Rural Water Resource Rural A Rural B	Lot size of greater than 500m ²	 One rigid (non-articulated) commercial vehicle or one prime mover. Commercial vehicle with a Gross Vehicle Mass (GVM) in excess of 42 tonnes is prohibited. 	One trailer exceeding 7 metres in length or one other non-motorised commercial vehicle.

- (4) Deleting Clause 6.4.5 Commercial Vehicles under Division 1- Residential Zone
 - *"6.4.5 Commercial Vehicles*

No person within the Residential Zone shall;

- (a) park or allow to remain stationary for more than four hours consecutively;
 - (ii) more than one commercial vehicle;
 - (ii) any vehicle which, due to size or load, is not capable of being completely housed within a domestic garage approved by Council;

- (iii) a vehicle which, together with its load, exceeds three metres in height.
- (b) repair, service or clean a commercial vehicle unless such work is carried out whilst the vehicle is housed in a domestic garage or a domestic building;
- (c) park or allow to remain stationary a commercial vehicle of a load capacity exceeding 2 tonnes."
- (5) Deleting development conditions 14, under Schedule 1 Special Residential Zones
 - 14. No person shall within a Special Rural Zone:
 - (a) park or allow to remain stationary for more than four hours consecutively;
 - (i) more than one commercial vehicle;
 - (ii) any vehicle which, due to size or load, is not capable of being completely housed within a domestic garage approved by Council;
 - (iii) a vehicle which, together with its load, exceeds three metres in height.
 - (b) repair, service or clean a commercial vehicle unless such work is carried out whilst the vehicle is housed in a domestic garage or a domestic building;
 - (c) park or allow to remain stationary a commercial vehicle of a load capacity exceeding 2 tonnes.

EVIDENCE OF ADOPTION

Adopted by resolution of the City of Kwinana at the Ordinary Meeting of the Council held on the ____ day of _____2015.

MAYOR

CHIEF EXECUTIVE OFFICER

 EVIDENCE OF ADOPTION OF
 Adopted for final approval by resolution of the City of

 FINAL APPROVAL
 Kwinana at the Ordinary Meeting of the Council held on the

 ______ day of ______ 2016 and the Common Seal of the City
 of

 Kwinana was hereunto affixed by the authority of a
 resolution of the Council in the presence of:

MAYOR

CHIEF EXECUTIVE OFFICER

RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

DELEGATED UNDER S.16 OF PD ACT 2005

Date _____

FINAL APPROVAL GRANTED

MINISTER FOR PLANNING

Date _____

Page 13 of 13

SEAL

15.6 Draft Urban Amenity Strategy and Draft Local Planning Policy No. 2: Streetscapes – Consideration for advertising under Town Planning Scheme No. 2

SUMMARY

This report details a draft Urban Amenity Strategy and an accompanying draft Local Planning Policy (LPP) for Streetscapes to apply to new residential subdivision within the City.

As the City of Kwinana continues to grow, Councillors have expressed a strong desire for its new residential estates to have the highest possible level of amenity, be attractive and inviting and to capture some of the unique characteristics of Kwinana's older areas, in particular, its trees and greenery.

In this respect, there are many influences on what makes for good urban amenity but some key elements include the quality of streetscapes, the nature and quality of Public Open Space (POS) and the mix and scale of built form. Local governments can influence each of these elements in different ways and to differing extents through a range of mechanisms. These range from advocacy, partnership and negotiation (particularly with major developers and State Government), communication with new home owners and through statutory and regulatory mechanisms.

In conjunction with Councillors, City Officers have been developing a strategy to seek to achieve the best outcomes for the City for its new residential subdivisions. This process has involved a wide range of City staff, specialist consultants, Councillors, the majority of large developers in the City and representatives of the Department of Planning (DoP).

Four major forums have been held with all of these stakeholders, two separate workshops with the Urban Development Institute of Australia (UDIA) and separate meetings with the DoP. The last large forum was held on Monday 28 November 2016. This meeting process has facilitated a distillation of the issues about the best ways in which the City can progress its urban amenity objectives. It has allowed those participating in the forums to best appreciate each others views and identify what elements can make the most profound impacts on urban amenity.

In this respect, probably the most important influence on residential amenity emerging from the forums has been the significant benefits that street trees can have on streets. The presence of trees (as seen elsewhere in the City of Kwinana and across Perth) provides natural beauty, cooling and shade, scale and a calming affect on traffic. It also provides visual screening lessening the importance of built form. It takes time as trees need to grow but the view was formed at the forums that it is realistic and right to expect that residents in new subdivisions in Kwinana should enjoy those same benefits as others across Perth.

Notwithstanding, the mix and scale of built form remains an important consideration and has been the subject of much discussion as part of this process, particularly with UDIA and the DoP. The City has expressed its concern about the lack of variation in lot sizes and built form expression to medium/higher densities (e.g. the lack of scale and preponderance of smaller frontage lots. As policies governing subdivision design and lot size / built form are determined by the Western Australian Planning Commission (WAPC), the City has limited capacity alone to significantly influence outcomes in a statutory fashion.

The City's initial position was to seek to influence subdivision design and built form via a LPP but this work was met with strong concern and opposition from local developers and UDIA who pointed to the primacy of the WAPC Policy and the WAPC role as the approval authority for subdivision and built form (via the R Codes). The DoP also noted the authority of the WAPC's policies and statutory approval role.

Both UDIA and DoP acknowledged however the City's concerns about the quality of built form outcomes noting that this is a matter which the WAPC is presently considering as part of its Design WA review. Design WA is a State Government initiative to ensure good design is at the centre of all development in Western Australia. The Stage One focus is on apartment design but the next stages are to consider neighbourhood and house design. As a direct result of the dialogue between the UDIA and the City, UDIA is now advocating strongly to the DoP that the City take a leading role in the development of mid density design suggesting a tri-partite arrangement whereby the DoP and UDIA works in partnership with the City as a pilot Local Government.

UDIA WA Chief Executive Officer, Allison Hailes met with the Mayor, Councillors and City staff at a recent Urban Amenity Forum wherein the view of the meeting was that given the complexities of built form and subdivision design, and, the pre-eminence of WAPC policy in approving design, that the Design WA process is the most appropriate forum for the City to express its concerns and seek to influence WAPC policy.

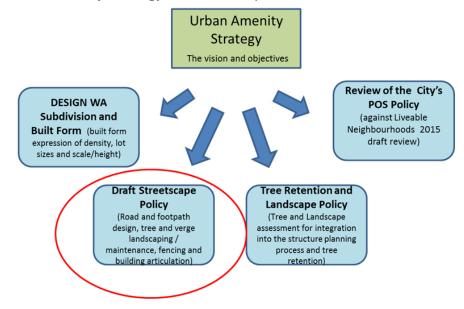
The City does however have the capacity to make a significant influence on streetscape and the key local developers have expressed support to partner the City in this regard. So the focus of the more recent forums has been on developing a draft Streetscape LPP.

It has also become evident through this work that quality tree lined residential streetscapes, when developed well, can have a more fundamental and lasting impact on urban amenity than can built form.

Draft Urban Amenity Strategy .

A draft Urban Amenity Strategy has been prepared to guide the City towards improving the amenity of its new residential areas. The draft strategy is shown on Attachment A.

"The vision of the City is to ensure that its neighbourhoods and urban environments celebrate the unique characteristics of Kwinana. To ensure high quality and leafy landscapes, the City will have a strong focus on street tree planting and urban landscaping. In addition, the City will encourage built form and streetscapes, seeks a diversity of lot typologies and densities to encourage community diversity, as well as quality, accessible and diverse public open space. The retention of trees and key significant vegetation will also be a key feature of future neighbourhoods and urban areas in keeping with the character of the City's older established suburbs."



The draft Urban Amenity Strategy framework is provided below.

The framework highlighted above and policies adopted within this framework are intended to apply to new structure planning and subdivision and is not retrospective. This is not to say that the strategy may not be added to at some point to consider existing residential areas.

Draft Local Planning Policy No 2: Streetscapes

The draft Streetscape LPP is shown in Attachment B. As discussed, it focuses on trees and landscaping, footpaths and parking, setbacks, fencing and building articulation.

A key consideration has been the early delivery of trees and landscaping as part of subdivisional development to achieve early high amenity and then protecting the trees through to maturity. The use of bonds and associated communication strategies are being recommended in concert with early landscaping incentives by subdividers.

The policy details different approaches for typical residential streets and suggests preferred approaches to maintenance of these streets.

In principle support has been expressed to the draft policy approach by the majority of the developers who attended the last forum. Some preliminary feedback has been received and the policy will be advertised to allow for formal comments to be received.

OFFICER RECOMMENDATION

That Council takes the following action in respect to the draft Urban Amenity Strategy and draft Local Planning Policy (LPP) No. 2: Streetscapes:

 Advertise the draft Urban Amenity Strategy as detailed in Attachment A and draft LPP No. 2: Streetscapes as detailed in Attachment B in accordance with Clauses 4(1) and 4(2) of Division 2 of the Planning and Development Regulations 2015.

2. Review the draft Urban Amenity Strategy as detailed in Attachment A and draft LPP No. 2: Streetscapes as detailed in Attachment B in the light of any submissions in accordance with Clause 4(3) of the *Planning and Development Regulations 2015.*

BACKGROUND

As detailed, Councillors have expressed a strong desire for its new residential estates to have the highest possible level of amenity and capture some of the unique characteristics of Kwinana's older areas, in particular its trees and greenery. This was in response to the view that many of the City's new residential subdivisions don't achieve this, particularly in the medium/higher density areas where there are some uninviting streetscapes with little or no greenery coupled with monotonous, bland smaller lot product.

This concern is compounded by the removal of bushland or wooded landscapes to make way for new subdivision.

Along with Councillors, City Officers have been developing a strategy and policy framework to seek to achieve the best outcomes for the City for application to its new residential subdivisions. Mindful of the need to work with stakeholders, a number of forums have been held as well as separate meetings with UDIA and DoP.

Open discussion and debate has facilitated a distillation of the issues and has allowed an appreciation of those elements that make the most profound impacts to urban amenity.

As already noted, while there are many elements contributing, the one which has emerged as the most important is the need for more street trees in the City streets. Mature trees provide natural beauty, cooling and shade, scale and a calming affect on traffic. They also screen and lessen the importance of built form.

In respect to built form and subdivision design, the City examined the positon of local developers and UDIA by suggesting a number of provisions for subdivision and built form. This approach was met with strong concern and opposition and reference to the primacy of the WAPC Policy and its role as the approval authority for subdivision and R Codes policy. The DoP also noted the authority of the WAPC's policies and its statutory approval role.

Both organisations acknowledged the City's concerns noting that this is a matter which the WAPC is presently considering as part of its Design WA review. As result of these discussions, UDIA agreed to advocate strongly to the DoP that the City take a lead local government role towards the development of a State Policy on mid density design and supports a pilot project with the City. This is a positive outcome of the openness to which the City has sought to achieve its amenity outcomes.

At a recent meeting with UDIA, Councillors and City staff formed the view that the Design WA process is the most appropriate forum to express the City's concerns and seek to influence WAPC policy.

The City does however have the capacity to make a significant influence on urban amenity via streetscape and major local developers have expressed support to partner the City in this regard. This is important as a joint approach is needed to achieve the best outcomes. The focus of the recent forums has been on developing a draft LPP for Streetscapes.

PROPOSAL

Draft Urban Amenity Strategy .

The draft Urban Amenity Strategy has been developed to provide high level guidance for delivery of the urban amenity vision (See Attachment A). The following key objectives apply:

Streetscape

Streetscape refers to the physical space between the façade of one building to the other across the private lot and public reserve.

The City will encourage, develop and require where appropriate, streetscape outcomes for both new and existing neighbourhoods which provide for strong visual quality outcomes, community access and usability. In managing streetscapes, the City will focus on ensuring that road widths and verges are appropriate for the provision of street tree planting and quality landscaping along with footpaths, cycle paths and other community access infrastructure as well as street tree planting and landscaping implementation as required.

A strong focus will also be placed on setbacks, retaining walls, fencing types and locations, front verge treatments and landscaping to deliver consistency and quality in approach.

The draft Streetscape Policy focuses on achieving these elements. As discussed, a strong emphasis will be on the early delivery of trees though subdivision and the retention of the trees through to maturity



Maturing street trees in a typical low order access street (note that Liveable Neighbourhoods now requires a footpath/dual use path along one side).

Vegetation and Tree Retention

The City will seek to ensure where practical and appropriate, the retention of significant trees and vegetation within subdivision and development. Additionally, where possible, retention of natural landform will be pursued.

Councillors will be aware that the City has recently adopted the Landscape Protection and Tree Retention Policy which focuses on the retention of trees as part of local structure planning and subdivision. This policy is an important component in the City meeting its objectives for urban amenity. Existing large trees provide immediate height and scale to contribute great streets and complement street tree planting.



Retaining large trees assists in creating great streetscapes early.

Public Open Space

Along with streetscapes it is important that the City develop quality open space and ensure that POS which is developed within new neighbourhoods and development precincts is of quality in terms of community and public facilities, accessibility, landscaping and vegetation retention.

The City is in the process of preparing a POS Policy with City Officers examining the best means of providing for the different functions of the minimum 10% provision under Liveable Neighbourhoods. This work is also being considered against the recent review of Liveable Neighbourhoods being undertaken by the WAPC.

Subdivision design / lot mix and built form

The strategy is seeking the best urban amenity outcomes through neighbourhood subdivision design and through built form as possible. The City is intending to work with the DoP and local developers to achieve the best outcomes. Particular opportunities exist with the Department of Housing.

The City is seeking subdivision designs that deliver a diversity of lot sizes and lot mix particularly in higher density precincts. Permeability, connectivity and walkability are critical. Where higher density urban development is undertaken, the aim to ensure appropriate location and sizing of higher density lot configurations to ensure suitable diversity and placement of higher density lots

The City is encouraging a diversity of built form outcomes within neighbourhoods and high density precincts with a focus on a mixture of single and multistorey built form outcomes, quality architectural styles and finishes and suitable built form scale.

2

This aspect of the strategy has been subject to considerable discussion as it is the most difficult for local government to influence given it is largely the policy of the WAPC which affects subdivision and built form.

As discussed, the City intends to express its concerns with subdivision design and built form outcomes to the WAPC as a part of the Design WA process.

Draft LPP No 2; Streetscape

The draft LPP Streetscape addresses a number of key elements within the street. These relate to the street reserve (including street trees, verge landscaping, footpaths, parking) and then the street interface (fencing and landscaping in the setback and building articulation).

These elements will vary across different street types and the draft policy details these differences and how they apply to the City's streets. In this respect, the vast majority of new street types within the City are 14-15 metre wide access streets (typical residential streets). Of these, the majority of streets are front loaded (private access from the street), with some front/rear loaded (private access from the rear lane ways), and then, a smaller amount rear/rear loaded.

As part of this work, City Officers have considered a maintenance approach. This is detailed below but has been noted in the policy.

The key elements of the LPP are detailed below:

Street Trees

Some of the key provisions of the draft LPP Streetscape are detailed below.

Street trees	Street trees			
Policy provisions	Rationale	Current situation	Implications	
At least one large tree per lot (90L or greater) immediately following construction of road levels/road/retaining walls as part of subdivision works.	To provide shade, summer cooling, attractive ambience, provide a sense of enclosure and assist with stormwater management	No formal policy provision at present. Hit and miss, but with a tendency to limited street tree provision.	More street trees may require some additional maintenance. As needs maintenance by City for trees at present. Should not need to maintenance after the 2 year maintenance period provided by the subdivider.	
Developer to maintain street trees for a minimum of two years.	To enable the establishment of a sustainable tree root system in the critical first two years of a planted tree.	General practice in quality estates where street trees are provided.	Additional cost for developers not already doing it.	

Street tree bond/ or incentive scheme to be applied supporting retention	Critical to retain new and existing street trees and pivotal to the intent of this draft streetscape policy.	No bond or retention strategy in place. Street trees maintained by resident with occasional maintenance by City.	Administration and enforcement required by the City. City to develop an asset management system and database for trees.
Trees to be of a scale and form appropriate to the street and verge width.	To match tree types to the scale and function of a street.	No formal policy provision at present.	City to prepare an approved street tree palette and guidance on the location of tree types.
Mature trees to be retained in the street and public open spaces wherever practical.	To provide a strong sense of place at the early stages of development and to provide habitat for fauna.	Policy in place- Landscape Protection and Tree Retention Policy.	Requires more attention to detail at the structure planning and subdivision stage.

Additional Accompanying City Strategy.

The City (in partnership with the subdivider) will undertake a Communications Strategy to apply to the new home owner promoting the amenity, environmental and commercial benefits of street trees / landscaped gardens and verges, the reasons for the bonds the need to protect trees to give them time to grow and advise not to remove trees from public verge. Likely to be a brochure provided to each new home owner /resident.



No street trees: no shade or visual amenity



Street trees provide shade and scale (note: oncarriageway parking rather than embayed parking)



Retention of mature trees provides scale and character



Street trees enable streets to improve over time



Street trees planted at the rate of 1 per lot

Street trees provide a scale that the buildings may not

Verge Landscaping

Some of the key provisions of the draft LPP Streetscape are detailed below.

Verge landscaping			
Policy provisions	Rationale	Current situation	Implications
Encouragement for the provision of early high quality landscaping within road verges by the subdivider and front yards by the lot purchaser (possibly as part of landscaping package).	To create an attractive environment early on in the life of the subdivision (before trees grow) and encourage the establishment of positive behaviours by residents towards the maintenance of verges and front yards.	Varies depending on subdivider with no formal policy provision. Nil maintenance of verges by City except Neighbourhood Connectors and some lower order streets in Activity Centres.	Water a constraint as limited bore water is available in the City for verge treatments. Likely to be cost implications for subdivider and the City. No change to maintenance by the City for verges for the majority of City Streets. Additional costs anticipated only for rear loaded lot verges for weeding / rubbish removal.
Verges planted with water-wise native vegetation.	To reduce water consumption (and nutrient pollution).	Verges generally planted with turf.	Higher up-front cost and requires less frequent but more complex maintenance.

Additional Accompanying City Strategy.

The City (in partnership with the subdivider) will undertake a Communications Strategy to apply to the new home owner promoting the amenity, environmental and commercial benefits of street trees / landscaped gardens and verges, the reasons for the bonds the need to protect trees to give them time to grow and advise not to remove trees from public verge. Likely to be a brochure provided to each new home owner /resident.



Verges turfed or not landscaped: lacks visual appeal looks 'down-market', and suggests a lack of community pride in the street



Landscaped verges add character and visual amenity, and imply a higher standard of development with a stronger sense of community



Emphasis in verge landscaping at street corners



Waterwise planting in the verge

Footpaths

Some of the key provisions of the draft LPP Streetscape are detailed below.

Footpaths			
Policy	Rationale	Current situation	Implications
provisions			
Footpaths (and Dual Use Paths) located adjacent to the lot boundaries rather than the kerb.	To provide space for correct street tree alignment and for trees to be planted close to the carriageway to allow canopy cover over the road but not intrude into properties.	Generally the footpath is located on the kerb boundary in lower density areas enabling verges to be incorporated into front gardens.	Possibly result in less private maintenance of verge areas in front of properties. However, there are many examples elsewhere suggesting that private maintenance occurs. See photographs below.
	To allow trees to establish and create a street canopy.	Generally, footpaths and DUP located on the property boundary in higher density areas	below.



Footpath at kerb restricts tree planting on account of the service alignments



Footpath at boundary provides more space for tree planting



Footpath at boundary provides shade to footpath and cars, and keeps tree canopies away from houses

Example of footpath at the lot boundary with correct street tree alignment



Example of maintained verges with footpath at lot boundaries





Parking

Some of the key provisions of the draft LPP Streetscape are detailed below.

Parking			
Policy provisions	Rationale	Current situation	Implications
Carriageway parking rather than embayed parking for local access streets. Embayment parking is only to be provided on roads classified as neighbourhood connectors and above, and those streets designated	To provide greater parking capacity and traffic calming, and allows for more frequent street trees and verge planting along the length of the street.	Embayed parking generally provided.	Significant cost savings for the developer.
More frequent tree islands are encouraged to be included within embayed on-street parking in the case of higher traffic volume roads.	To meet the provision of one street tree per island to create more appealing and amenable streets.	No formal policy provision at present.	Minor additional cost to the developer.





On-carriageway parking slows down the traffic and enable the verge to be used for landscape



Fencing

Some of the key provisions of the draft LPP Streetscape are detailed below.

Fencing			
Policy provisions	Rationale	Current situation	Implications
Provision of uniform front fencing along the front boundaries of all proposed lots with vehicle access from a rear laneway.	To provide greater visual continuity and strengthen the visual appeal and legibility of the streetscape.	Hit and miss. No formal policy provision at present.	Cost implications for the subdivider
Encourage a ground level height difference of between 0.3m and 0.6m between the front setback and the street where possible.	To provide an additional degree of privacy for residents (especially where setbacks are limited) and provides better definition to the street reserve.	Common practice arising from the management of overland stormwater flows.	Potential cost implications for the subdivider.
Limit the height of fencing forward of any part of the building frontage to a maximum of 1.2m in total and 0.9m for solid walls/fencing.	To balance visual privacy for the resident with the need for passive surveillance of the street.	Under R-codes fencing permitted to a maximum height of 1.8m, being visually permeable above 1.2m	Minor cost saving for the developer/lot owner.
No Colorbond fencing (or similar) within the primary street setback area or forward of any part of the building frontage	To enhance the visual appeal of the streetscape.	No formal policy provision at present.	No significant cost implications.

For secondary street boundaries, fencing shall be visually permeable above 1200mm behind the primary street setback, for a length of up to 3m behind the truncation with a habitable room addressing the street	To provide some passive surveillance of the secondary street.	Consistent with current practice in the better quality new estates.	Minor cost saving for the developer/lot owner.
Alternative materials to Colorbond is encouraged on the secondary street boundary e.g. Brick/Masonry.	To enhance the visual appeal of the streetscape.	No formal policy provision at present.	Cost implications to landowner/developer.



Colorbond fencing in the street setback



Consistent and low fencing treatment with change in level at boundary



Colorbond fencing to the street boundary



Visually permeable fencing with a change in level at boundary

Landscape in the Setback

Some of the key provisions of the draft LPP Streetscape are detailed below.

Landscape in the setback			
Policy provisions	Rationale	Current situation	Implications
Encouragement for the provision of early high quality landscaping by the subdivider by the lot purchaser (possibly as part of landscaping package).	To establish an appealing streetscape as soon as possible.	Consistent with current practice in the better quality new estates.	Cost implication for some developers.



Building Articulation

Some of the key provisions of the draft LPP Streetscape are detailed below. It is intended that these provisions will now apply to all Local Development Plans and in particular, the smaller cottage lots with narrow frontages.

These provisions will now replace the temporary practice whereby two storey development has been informally required by the City for lots at and less than 7.5 metre frontages.

The City will participate in Design WA and advocate strongly for a greater mix of lot type and built form and scale for medium and higher density sites as opposed to small lot product.

Building articulation			
Policy provisions	Rationale	Current situation	Implications
Provide diversity in front elevations where a build-out of 2 or more dwellings is proposed.	To avoid a monotonous streetscape.	Already included in some covenants.	Requires more design input but with no significant cost implications.
Require a combination of at least 3 of the following design features on the front elevation: Variation in wall setbacks A minimum of 2 wall materials Gables and varied roof form A balcony, veranda or portico A planter box	To establish an appealing streetscape.	Consistent with design guidelines in many estates.	City to prepare model built form provisions for Local Development Plans.
Minimum wall height equivalent to 28c for the front rooms of single and grouped dwellings:	To provide an appealing scale to dwellings.	Consistent with design guidelines in many estates.	Cost implication for lot-owners in some developments.
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.	To reduce the visual impact of garages on the streetscape.	Included in a number of Local Development Plans	
Tandem or single garages for lots with a frontage less than 10 metres	To reduce the visual impact of garages on the streetscape.	Consistent with the RMD codes.	In practice, no implications as consistent with current practice.



Application of Policy Provisions and Approach to Street Types and Maintenance Implications

City Officers have examined different street types across the City (using Liveable Neighbourhoods typologies) considering how best to apply the Streetscape Policy provisions and approach and whether there are benefits to changing current maintenance regimes for street trees and road verges for better urban amenity outcomes.

The most common street type by far is what City Officers have termed a Front Loaded Access Street. These are the typical residential streets with access to lots of the street (front loaded) and are about 14 to 15 metres wide. City Officers have assessed several previous structure planning approvals and estimate that on average, 73% of new front loaded lots are being developed within new subdivision.

Other street types are those with a combination of front loaded lots and rear loaded cottage lots (lots where access is gained from the laneway at the rear). Less frequent are streets where lots are accessed entirely from laneways (rear/rear loaded cottage lot streets) From research on previous structure planning, rear loaded cottage lots tend to occur on average about 27% of the time in new subdivisions.

Higher order neighbourhood connector roads occur less frequently but tend to service wider catchments.

The City is responsible for the maintenance of road pavements and drainage for these streets. In respect to maintenance of trees and verges however, the City undertakes nil maintenance on any of these lower order access streets at present. The only exceptions occur where these street are located in key activity centres such as Wellard Village or the Kwinana Town Centre.

With respect to trees, City Officers note that planted street trees should need no maintenance after the initial 2 year early growth period (where costs are met by the subdivider). The City will on occasions need to step in to ensure some street trees are surviving but little maintenance occurs as a rule.

The City does maintain road verges within higher order access roads and Neighbourhood Connector Roads generally as dry garden reserves (weeding and rubbish) but sometimes as irrigated gardens (water from the bore systems).

City Officers assessed a range of maintenance intervention options for the lower order access streets from continuing with no maintenance to maintaining all verges (either dry or irrigated). These options and associated costs were also presented to the most recent Stakeholder Forum for discussion.

City Officers are recommending that no fundamental changes are required to maintenance of these streets. This assumes however that the other elements of the policy approach are undertaken such as the provision of early quality trees and landscaping, the Communication Strategy with new residents, on street parking and footpaths are located adjacent to the lot boundaries).

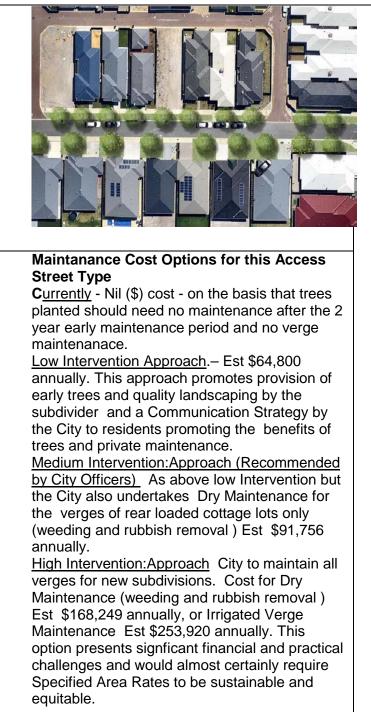
The exception is the introduction of dry garden maintenance (weeding and rubbish removal) for verges in front of rear loaded cottage lots but that this be subject to assessment by City Officers at practical completion of subdivision conditions as to the need. The rationale is that commonly, there is a level separation between the street reserve and rear loaded cottage lots, with a footpath between and with provisions encouraging fencing; there is likely a clear physical separation between lot and verge.

Given the context of improved amenity by the City, it is considered that a managed approach to weeding and rubbish removal is preferable to no maintenance at all as at present where weeds and rubbish would simply accumulate.

Based on 830 new residential lots being developed on average annually over the next 10 years (as per the draft Community Infrastructure Plan), of which 27% are rear loaded cottage lots, 222 new rear loaded cottage lots are created annually. With a verge area on average of 22m² and a dry maintenance rate of \$5.47m² annually, then the cost of dry maintenance for these 222 lots would be \$26,956. This cost would be in addition to an estimated annual administration cost of holding bonds for all lots, \$49,800 plus \$15,000 towards an annual household brochure (communication strategy). In total, the estimated annual cost is \$91,756. This cost would compound annually as an additional 222 lots are developed annually. An initial one off set up cost of approximately \$18,000 is proposed to establish an administrative process for the holding of bonds (\$3,000) and \$15,000 to establish the communication strategy framework.

There is still the option however for Council to consider a more intensive maintenance regime should it wish. Whilst there are significant practical difficulties and challenges for more intensive maintenance of verges, it is possible that the City could take a higher intervention approach with either dry or irrigated verge maintenance approaches. These options have been costed and detailed below. It is suggested to Council that should this approach appeal as an option, then it would almost certainly require Specified Area Rates to meet the costs in order for it to be sustainable and equitable.

Access Street Examples	Approach and Provisions by Street type
Image: constraint of the second state of the secon	 Access Street - Front Loaded Footpath aligned to the lot boundary; Footpath to one side of the street; Street tree for each lot installed after subdivision works are complete; One 90L tree provided per lot, two trees on secondary street; Subdivider encouraged to offer landscaping package and maintenance for a year; City to prepare communications strategy for new landowners to encourage maintenance and tree retention compliance; City to provide street tree bond/incentive with landowner/builder; and Local Development Plan provisions for front elevation treatment.



Access Street – Front/Rear Loaded

- Footpath aligned to the lot boundary;
- Footpath to one side of the street - on laneway lot front boundary;
- Street tree for each lot installed after subdivision works are complete;
- One 90L tree provided per lot, two trees on secondary street;
- Parking provided on street not embayed parking;
- Fencing to be installed on laneway lot front boundary;
- Subdivider encouraged to offer landscaping package and maintenance for a year;
- City to prepare communications strategy for new landowners to encourage maintenance and tree retention compliance;
- City to investigate street tree bond/incentive with landowner/builder; and
- Local Development Plan provisions for front elevation treatment.



Access Street – Rear/Rear Loaded

- Footpath aligned to the lot boundary;
- Footpath to both sides of the street;
- Street tree for each lot installed after subdivision works are complete;
- One 90L tree provided per lot, two trees on secondary street;
- Parking provided on street not embayed parking;
- Fencing to be installed on laneway lot front boundary;
- Subdivider encouraged to offer landscaping package and maintenance for a year;
- City to prepare communications strategy for new landowners to encourage maintenance and tree retention compliance;
- City to investigate street tree bond/incentive with landowner/builder; and
- Local Development Plan provisions for front elevation treatment.

	 Higher Order Access Streets and Internal Connector Roads – Subdivider encouraged to offer landscaping package and maintenance for a year; City to prepare communications strategy for new landowners to encourage maintenance and tree retention compliance; City to investigate street tree bond/incentive with landowner/builder; and Local Development Plan provisions for front elevation treatment.
 Maintanance Cost Options for this Access Street Type Currently – Varied maintenance costs with City maintaining mixture of dry and irrigated verges for these higher order roads where required. There is generally a clear separation between road verge and private property. Low Intervention Approach. (Recommended by City Officers) – Est \$64,800 annually. This approach promotes provision of early trees and quality landscaping by the subdivider and a Communication Strategy by the City to residents promoting the benefits of trees and private maintenance. High Intervention:Approach City to maintain all verges for new subdivisions . Cost for Dry Maintenance (weeding and rubbish removal) Est \$168,249 annually, or Irrigated Verge Maintenance Est \$253,920 annually. This option presents significant financial and practical challenges and would almost certainly require Specified Area Rates to be sustainable 	Fencing, footpaths as per current standards.

LEGAL / POLICY IMPLICATIONS:

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

- City of Kwinana Town Planning Scheme No. 2
- State Planning Policy No. 3.1 (*Residential Design Codes of Western Australia*)
- Liveable Neighbourhoods Operational Policy

FINANCIAL / BUDGET IMPLICATIONS:

As detailed, the approach to improved streetscapes could involve a number of options. These could vary from nil costs to a high degree of maintenance of street verge landscaping. City Officers are recommending that the City accept the financial responsibility for maintenance of dry verges in front of all newly created cottage lots (rear loaded). The City is also recommending a range of other policy initiatives to promote better streetscapes from bonds or retention strategies for trees to communication strategies to encourage positive resident behaviour toward street maintenance. These are also costed as are initial one off up front administrative costs

ENVIRONMENTAL IMPLICATIONS:

The implementation of a Policy will result in an increase to the number of street trees in new developments. The main benefits to the community are aesthetic and through environmental buffering of temperature, wind and extreme environmental events.

STRATEGIC / SOCIAL IMPLICATIONS:

Corporate Business Plan	5.1 An active and engaged Local	5.1.1 Ensure that the City's strategic direction,
	Government, focussed on	policies, plans, services and programs are
	achieving the community's vision	aligned with the community's
	-	vision

RISK IMPLICATIONS:

Council approves development under its Town Planning Scheme to meet its statutory obligations and facilitate proper and orderly development of the municipality.

Risk Event	If the Council does not adopt a Policy there is a risk the City's streetscapes will continue to be developed in an ad-hoc manner with poor outcomes.
Risk Theme	Reputational
Risk Effect/Impact	Reputation
Risk Assessment Context	Strategic
Consequence	Minor
Likelihood	Likely
Rating (before treatment)	Low

Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Adopt Streetscape Policy
Rating (after treatment)	Low

COUNCIL DECISION

403

MOVED CR W COOPER

SECONDED CR S LEE

That Council takes the following action in respect to the draft Urban Amenity Strategy and draft Local Planning Policy (LPP) No. 2: Streetscapes:

- 1. Advertise the draft Urban Amenity Strategy as detailed in Attachment A and draft LPP No. 2: Streetscapes as detailed in Attachment B in accordance with Clauses 4(1) and 4(2) of Division 2 of the Planning and Development Regulations 2015.
- 2. Review the draft Urban Amenity Strategy as detailed in Attachment A and draft LPP No. 2: Streetscapes as detailed in Attachment B in the light of any submissions in accordance with Clause 4(3) of the *Planning and Development Regulations 2015.*

CARRIED 7/0

The Acting Director City Development left the Council Chambers at 7:52pm



Background

The City of Kwinana enjoys a unique local character within its older neighbourhoods and newly developing urban areas. The City faces substantial additional growth in population and associated urban development over the next twenty years. In order to ensure that new neighbourhoods and development precincts are consistent with, and enhance the key character of Kwinana, this Urban Amenity Strategy has been developed to provide guidance to the community and developers in identifying urban amenity outcomes that the City seeks to achieve in new neighbourhoods and urban development precincts. The strategy builds on numerous key objectives within the City's Strategic Community Plan 2015-2025.

The vision and key objectives of the strategy will be implemented through a range of decision making mechanisms as well as in the approach the City takes to development of the public domain and open space.

Vision

The vision of the City is to ensure that its neighbourhoods and urban environments celebrate the unique characteristics of Kwinana. To ensure high quality and leafy landscapes, the City will have a strong focus on street tree planting and urban landscaping. In addition, the City will encourage a diversity of lot typologies and densities to promote community diversity, as well as quality, accessible and diverse public open space. The retention of trees and key significant vegetation will also be an important feature of future neighbourhoods and urban areas in keeping with the character of the City's older established suburbs.



Application

The Urban Amenity Strategy will be applied to strategic planning processes as well as statutory planning processes associated with new neighbourhoods and urban developments within the City. The strategy will also guide activities undertaken by the City in the refurbishment of existing public infrastructure – streetscapes, Public Open Space (POS) and other community infrastructure within the City.

Implementation Mechanisms

A range of implementation mechanisms will be used to ensure the vision and objectives of the Urban Amenity Strategy are integrated into decision making processes. These include the following:

- Local planning strategy
- Local planning scheme
- Local structure plan approval processes
- Development approval processes
- Subdivision referrals and clearances (including Engineering drawings and Landscape Plans).

In addition a suite of more detailed planning polices will be applied or further developed for guidance on specific aspects of the Urban Amenity Strategy. These include the following:

- Streetscape policy
- Precinct plans
- Public Open Space Policy
- Local structure plan/subdivision assessment processes
- Liveable neighbourhoods assessment template
- Tree Protection and Retention Policy
- Landscape Development Guidelines
- Local Biodiversity Policy
- Others to be developed as required.

Another important element to the success of this strategy is communication with new home owners and residents about the substantial amenity, environmental and commercial benefits associated with the protection and retention of street trees and well maintained attractive gardens and verges. Achieving a good quality urban amenity is closely linked to the aspirations and actions of residents.

Key Principles and Objectives

1. Streetscape

The City will encourage, develop and require where appropriate streetscape outcomes for both new and existing neighbourhoods which provide for strong visual quality outcomes, community access and

usability. In managing streetscapes, the City will focus on ensuring that road widths and verges are appropriate for the provision of street tree planting and quality landscaping along with footpaths, cycle paths and other community access infrastructure. Street tree planting and landscaping implementation is required.



A strong focus will also be placed on setbacks, retaining walls, fencing types and locations, and front verge treatments and landscaping to deliver consistency and quality in approach.



2. Vegetation and Tree Retention

The City will seek to ensure where practical and appropriate, the retention of significant trees and vegetation within subdivision and development design in order to maintain a "leafy" neighbourhood and urban precinct character as a key local character element.

Additionally, where possible, retention of natural landform will be pursued as a strategy to assist with tree retention.





Public Open Space

The City will develop quality open space and ensure that POS which is developed within new neighbourhoods and development precincts is of high quality in terms of community and public facilities, accessibility, landscaping and vegetation retention.

4. Subdivision Design and Lot Mix

To promote the most appropriate urban amenity outcomes through neighbourhood subdivision

design, the City will seek subdivision designs that deliver a diversity of lot sizes and lot mix particularly in higher density precincts. In addition, the City will encourage permeability, connectivity and walkability, and appropriate location and sizing of areas of POS in order to maximise the amenity of future urban neighbourhoods.



Where higher density urban development or mixed use planning is undertaken, the City will encourage strong diversity in lot sizes

and lot mix and in particular will aim to ensure appropriate location and sizing of higher density lot configurations to ensure suitable diversity and placement of higher density lots.

5. Built Form

The City will encourage high quality built form outcomes, particularly where lot densities are higher or where mixed use precincts are developed. The City will seek a diversity of built form outcomes within neighbourhoods and high density precincts with a focus on a mixture of single and multistorey built form outcomes, quality architectural styles and finishes and suitable built form scale.

Where appropriate, the City will seek to achieve built form and architectural outcomes that fit with agreed architectural design outcomes which reflect specific precinct or neighbourhood character.



Attachment B



Draft Local Planning Policy No. 2 Streetscapes

Adopted:	
Last reviewed:	
Legal Authority	Division 2 – Local Planning Policies of Part 2 – Deemed provisions for local planning schemes of <i>Planning and</i> <i>Development (Local Planning Schemes) Regulations</i> 2015

1. POLICY OBJECTIVES

The Objectives of the Policy are to:

- Enhance the character of local streets through the delivery of an urban street canopy; and
- Encourage attractive streetscapes and enhance neighbourhood amenity.

2. POLICY APPLICATION

This policy applies to all land within the City of Kwinana Town Planning Schemes No. 2 and No. 3 (TPS2 and TPS3).

This policy applies to:

- Applications for Local Structure Plans;
- Subdivision applications;
- Local Development Plans; and
- Construction of single and/or grouped dwellings.

3. DEFINITIONS

The terms used in this policy are defined as follows:

Carriageway:

The area within the road reserve, measured from kerb face to opposite kerb face that is provided for the movement or parking of vehicles.

Road Reserve:

Means the land set aside for a road and verge and usually vested in a public authority

Verge:

That part of the road reserve between the carriageway and the boundary of adjacent lots.

4. PROVISIONS

1. Trees

- 1.1. Number of trees in residential streetscapes:
 - Standard Lot minimum one tree per lot.
 - Corner lot minimum of one tree on the primary street and two trees on the secondary street.
- 1.2. Trees are to be a minimum size of 90L at the time of planting.



- 1.3. Tree species selected in accordance with the City's Street Tree Species List.
- 1.4. Trees are to be installed by the developer immediately following completion of subdivision works.
- 1.5. All trees planted in road reserves are to be on standard alignments as set out in the Utility Providers Code of Practice.
- 1.6. The retention of existing trees in the verge is guided by Local Planning Policy 1: Landscape Feature and Tree Retention.
- 1.7. Upon handover, street trees shall be added to the City's Tree Data Base / asset management system to ensure ongoing adequate maintenance and retention (note* the establishment of this database is still in progress).

Street Tree Bond/incentive strategy

The City is currently investigating a process to implement a street tree bond/incentive strategy.



Image 1: Example of tree lined access street

2. Landscaping

- 2.1. Verges and medians are landscaped using appropriate water wise low maintenance treatments that provide a suitable interface for the adjoining land use, contribute to the amenity of the development area, are appropriate in size and scale at maturity for the street type and verge/median, do not obstruct sightlines and are environmentally suitable.
- 2.2. All irrigated and non-irrigated landscape works installed by the developer, inclusive of street tree planting, is to be maintained and watered by the developer at the developers cost for a minimum of 2 years after practical completion is awarded by the City.
- 2.3. The developer is to ensure street trees and landscaping receives adequate water either through a temporary irrigation system off a City bore or a hand watering program.





Images 2 & 3: Examples of high quality landscaping in the verge

3. Footpaths

3.1. Footpaths and dual use paths shall be located adjacent to the lot boundary rather than the kerb line.

4. Parking

- 4.1 Embayment parking is only to be provided on roads classified as neighbourhood connectors and above, and those streets designated as bus routes.
- 4.2 For all access streets, carriageway parking is permitted to allow for additional street tree and verge planting.
- 4.3 More frequent tree islands are encouraged to be included within embayed on-street parking in the case of higher traffic volume roads.



Image 4: On-street parking allowing for a street tree in front of each lot

5. Fencing

- 5.1. Uniform fencing is to be constructed along the front boundaries of all of the proposed lots with vehicle access from a rear laneway.
- 5.2. For all rear-loaded lots, a ground level height difference of between 300mm and 600mm between the front boundary and the street is encouraged.
- 5.3 Front fences within the primary street setback being visually permeable above 0.9m to a maximum height of 1.2m above natural ground level.
- 5.4 For secondary street boundaries, fencing shall be visually permeable above 1200mm behind the primary street setback, for a length of up to 3m behind the truncation with a habitable room addressing the street.
- 5.5 Alternative materials to Colorbond is encouraged on the secondary street boundary e.g. Brick/Masonary.





Image 5: Uniform front boundary fencing installed by the Developer

6. Built form

6.1 Dwelling diversity:

Where more than 2 dwellings are adjacent and constructed by the same purchaser, diversity in the front facade is encouraged; in colour, material and architectural features. Substantial repetition of the same facade treatment is to be avoided.

6.2 All Local Development Plans (LDP's) are to contain the following model provisions:

6.2.1 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 garage/carport (including tandem) is permitted.
 - e) Double garages are permitted on lots less than 10m wide where dwellings are two storeys.

6.2.2 <u>Dwelling facade treatment</u>

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.



6.2.3 Room ceiling height

The front elevation of a single storey dwelling will have greater presence when the ceiling height of rooms is greater than the standard 2.4m. For lots where vehicle access is gained soley from a rear laneway or right-of-way, the ceiling height for rooms located on the front elevation shall be minimum 28 vertical brick courses (2.7m).



Image 6: Good examples of dwelling facade treatments

5. ASSESSMENT & APPROVAL

This section sets out requirements that must be addressed at each stage of the planning framework including Local Structure Planning stages, Subdivision applications and Local Development Plans.

5.1 Local Structure Plan

- 5.1.1 The following additional information will be required in support of a Local Structure Plan that proposes to create residential streets:
- 5.1.2 A Landscape Masterplan (LMP) is to be prepared for all Local Structure Plans. In regards to streetscapes, the LMP is to include the following:
 - Area of non irrigated garden bed proposed to be handed over to the City of Kwinana.
 - Area of dry garden bed proposed to be handed over to the City of Kwinana.
 - Area of turf proposed to be handed over to the City of Kwinana.
 - Number and indicative locations of bores.
 - Proposed planting palettes.
 - Numbers, locations and species of all proposed street trees to be installed.
 - Existing trees proposed to be retained.
 - Any other information required to demonstrate the proposed streetscape concept.
- 5.1.3 Front landscape packages are encouraged for all new subdivisions.
- 5.1.4 Where front landscaping packages are proposed, the LSP is to demonstrate how local access roads will be landscaped.

5.2 <u>Subdivision</u>

5.2.1 For residential subdivision applications that propose to create local streets or laneways the City will request the applicant to demonstrate how the requirements of this Policy can be met.

5.2.2 To ensure the requirements of this Policy can be met, residential subdivisions that propose to create local streets, laneways and/or residential lots with narrow frontages, Council may recommend the following conditions to the Western Australian Planning Commission:

Kwinana

Local Development Plan being prepared and approved for lots shown on the plan dated [INSERT VALUE] (attached) that address the following:

- a. Street tree locations;
- b. Crossover locations;
- c. On-street parking (embayed or informal) locations;
- d. Stormwater treatment bio-filter/tree pit/swale locations; and
- e. WSUD stormwater

to the satisfaction of the Western Australian Planning Commission. (Local Government)

5.3 <u>Subdivision Clearance</u>

5.3.1 To satisfy engineering conditions imposed on residential subdivisions the following plans and information shall be submitted to the City for its approval:

Streetscape landscape and irrigation detailed design drawings that depict verge, median and road reserve. Drawings to include plans, sections and details of all hard-landscaping, soft-landscaping, structures, walls, furniture, and other landscape elements including the location, size, and type of street trees to be planted, to the City's satisfaction.

- 5.3.2 Where the developer arranges for landscaping to take place in accordance with approved engineering/landscaping plans referred to in clause 5.3.1 above, it shall be supported by a maintenance period of at least two years after planting to ensure all landscape works are properly established.
- 5.3.3 Street trees shall be installed following completion of civil subdivision works and prior to the issuance of subdivision clearance.
- 5.3.4 Landscape Practical Completion

The developer is to contact the City to arrange a Practical Completion inspection once all landscape works have been completed as per the approved landscape and irrigation detailed design plans. The City will issue a Practical Completion Acceptance Certificate after the works are inspected and it is confirmed the landscaping and irrigation has been installed in accordance with the approved detailed design plans.

5.5 Landscape Handover

5.5.1 The City will accept handover of streetscapes two years from Practical Completion being issued by the City of Kwinana, subject to the following:

a) the City being satisfied that the maturity of vegetation, density of planting, species selection and standard of infrastructure are consistent with that specified in the landscaping detailed design plans and PC conditions approved by the City;

b) for at least 24 consecutive months prior to handover, the developer maintaining the streetscape to the same standard as it would otherwise



be maintained by the City post-handover, including the tapering-off of vegetation from irrigation to ensure long-term survival;c) the developer providing the City with annual metered bore water usage data for any irrigated streetscape during the term of their maintenance period, to demonstrate compliance with the water license allocation for that area.

5.5.2 Ongoing Maintenance

After handover, the City of Kwinana shall maintain front verges for all new rear loaded lots. The front verge may only be maintained where the landscaping installed is not irrigated (i.e. dry planting). Maintenance will include weeding and rubbish collection.

(*Subject to assessment by City Officers as to the need for maintenance e.g. whether the verge is adequately maintained by landowners)

The landscaping could be maintained to an irrigated standard (subject to practical considerations) or a mix of irrigated /dray gardens. This would most likely be predicated on the application of a Specified Area rate.

5.6 Local Development Plan

- 5.6.1 All local development plans are to contain model provisions included within this Policy.
- 5.6.2 All trees to be retained must be shown on the approved Local Development Plan (LDP).
- 5.6.3 All proposed street tree plantings to be shown on the approved LDP.



Appendix 1 – Policy provisions by street type

Access Street Examples	Provisions by Street type
	 Access Street - Front Loaded Footpath aligned to the lot boundary; Footpath to one side of the street; Street tree for each lot installed after subdivision works are complete; One 90L tree provided per lot, two trees on secondary street; Subdivider encouraged to offer landscaping package and maintenance. City to prepare communications strategy for new landowners to encource compliance; City to investigate and apply street tree bond/incentive with landownee. Local Development Plan provisions for front elevation treatment.
	 Access Street – Front/Rear Loaded Footpath aligned to the lot boundary; Footpath to one side of the street - on laneway lot front boundary; Street tree for each lot installed after subdivision works are complete; One 90L tree provided per lot, two trees on secondary street; Parking provided on street – not embayed parking; Fencing to be installed on laneway lot front boundary; Subdivider encouraged to offer landscaping package and maintenance. City to prepare communications strategy for new landowners to encour compliance; City to investigate and apply street tree bond/incentive with landownee. City to maintain road verges for rear loaded cottage lots as dry garded assessment by City Officers at practical completion of subdivision core.

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nce for a year; courage maintenance and tree retention

ner/builder; and

te;

nce for a year; courage maintenance and tree retention

ner/builder; dens (weeding and rubbish) but subject to conditions as to the need; and .

Appendix 1 – Policy provisions by street type



Access Street – Rear/Rear Loaded



Appendix 2 – Policy Rationale

	STREET TREES			
Key Policy Provisions	Rationale	Current Situation	Implications and constraints	
At least one large tree per lot (90L or greater immediately following construction of road levels/road/retaining walls as part of subdivision works.	To provide shade, summer cooling, attractive ambience, provide a sense of enclosure and assist with stormwater management	No formal policy provision although normally approved on submitted Landscape Plans endorsed by City.	More street trees may require some additional maintenance. As needs maintenance by City for trees at present. Should not need to maintenance after the 2 year maintenance period provided by the subdivider.	
Street tree bond / retention strategy to apply.	Critical to retain new and existing street trees and pivotal to the intent of this draft streetscape policy.	No bond or retention strategy in place. Street trees maintained by resident with occasional maintenance by City.	Administration and enforcement. City to develop an asset management system and database for trees.	
Developer to maintain street trees for a minimum of two years.	To enable the establishment of a sustainable tree root system in the critical first two years of a planted tree.	General practice in quality estates where street trees are provided.	Additional cost for developers not already doing it.	
Trees to be of a scale and form appropriate to the street and verge width.	To match tree types to the scale and function of a street.	No formal policy provision at present.	City to prepare an approved street tree palette and guidance on the location of tree types.	
Mature trees to be retained in the street and public open spaces wherever practical.	To provide a strong sense of place at the early stages of development and to provide habitat for fauna.	Policy in place- Landscape Protection and Tree Retention Policy.	Requires more attention to detail at the structure planning and subdivision stage.	
Additional Accompanying City Str The City (in partnership with the sub		Strategy to apply to the new home o	wner promoting the amenity, environmental	

The City (in partnership with the subdivider) will undertake a Communications Strategy to apply to the new home owner promoting the amenity, environmental and commercial benefits of street trees/landscaped gardens and verges, the reasons for the bonds the need to protect trees to give them time to grow and advise not to remove trees from public verge. Likely to be a brochure provided to each new home owner/resident.





No street trees: no shade or visual amenity



Street trees provide shade and scale (note: oncarriageway parking rather than embayed parking)



Retention of mature trees provides scale and character



Street trees enable streets to improve over time



	VERGE LAN	IDSCAPING	
Key Policy Provisions	Rationale	Current Situation	Implications and constraints
Encouragement for the provision of early high quality landscaping within road verges by the subdivider and front yards by lot purchaser (possibly as part of landscaping package)	Create an attractive environment early on in the life of the subdivision (before trees grow) and encourage the establishment of behaviours by residents for the maintenance of verges and front yards.	Varies depending on subdivider with no formal policy provision.	Cost implications.
Verges planted with water-wise native vegetation.	To reduce water consumption (and nutrient pollution).	Verges generally planted with turf.	Higher up-front cost and requires les frequent but more complex maintenance.

Additional Accompanying City Strategy

The City (in partnership with the subdivider) will undertake a Communications Strategy to apply to the new home owner promoting the amenity, environmental and commercial benefits of street trees / landscaped gardens and verges, the reasons for the bonds the need to protect trees to give them time to grow and advise not to remove trees from public verge. Likely to be a brochure provided to each new home owner /resident.



Verges turfed or not landscaped: lacks visual appeal looks 'down-market', and suggests a lack of community pride in the street



Landscaped verges add character and visual amenity, and imply a higher standard of development with a stronger sense of community



Emphasis in verge landscaping at street corners



Waterwise planting in the verge



	FOOTPATH A	ND PARKING	
Key Policy Provisions	Rationale	Current Situation	Implications and constraints
Footpath on lot boundaries (rather than kerb aligned)	Provides space for correct street tree alignment and for trees to be planted close to the carriageway to allow canopy cover over road but not intrude into properties. Considered best design approach for the long term (10 years plus) to allow trees to establish and create a street canopy.	Generally the footpath located on the kerb boundary enabling verges to be incorporated into front gardens.	Possibly result in less private maintenance of verge areas in front of properties. However, there are many examples elsewhere suggesting that private maintenance occurs.
Carriageway parking rather than embayed parking for local access streets. Embayment parking is only to be provide on roads classified as neighbourhood connectors and above, and those streets designated	To provide greater parking capacity and traffic calming, and allows for more frequent street trees and verge planting along the length of the street.	Embayed parking generally provided.	Significant cost savings for the developer.
More frequent tree islands are encouraged to be included within embayed on-street parking in the case of higher traffic volume roads.	To meet the provision of one street tree per lot to create more appealing and amenable streets.	No formal policy provision at present.	Minor additional cost to the developer.





Footpath at kerb restricts tree planting on account of the service alignments



Footpath at boundary provides more space for tree planting



Footpath at boundary provides shade to footpath and cars, and keeps tree canopies away from houses

FENCING AND BUILT FORM			
Key Policy Provisions	Rationale	Current Situation	Implications and constraints
Boundary fencing		I	
Primary Street: Uniform fencing being constructed along the front boundaries of all proposed lots with vehicle access from a rear laneway	To provide greater visual continuity and strengthen the visual appeal and legibility of the streetscape.		Cost implications for the subdivider



Encourage a ground level height difference of between 0.3m and 0.6m between the front setback and the street where possible.	To provide an additional degree of privacy for residents (especially where setbacks are limited) and provides better definition to the street reserve.	Common practice arising from the management of overland stormwater flows.	Potential cost implications for the subdivider.
Front fences within the primary street setback being visually permeable above 0.9m to a maximum height of 1.2m above natural ground level.	To balance visual privacy for the resident with the need for passive surveillance of the street.	Under R-codes fencing permitted to a maximum height of 1.8m, being visually permeable above 1.2m	Minor cost saving for the developer/lot owner
No Colorbond fencing (or similar) within the primary street setback area or forward of any part of the building frontage	To enhance the visual appeal of the streetscape.	No formal policy provision at present.	No significant cost implications.
Secondary street: For secondary street boundaries, fencing shall be visually permeable above 1200mm behind the primary street setback, for a length of up to 3m behind the truncation with a habitable room addressing the street.	To provide some passive surveillance of the secondary street.	Consistent with current practice in the better quality new estates.	Minor cost saving for the developer/lot owner.
Alternative materials to Colorbond is encouraged on the secondary street boundary e.g. Brick/Masonary.	To enhance the visual appeal of the streetscape.	No formal policy provision at present.	Cost implications to landowner/developer.



MODEL LOCAL DEVELOPMENT PLAN PROVISIONS			
Key Policy Provisions	Rationale	Current Situation	Implications and constraints
Garages			
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.	To reduce the visual impact of garages on the streetscape.	Included in a number of recent Local Development Plans	Provision to be included in all future LDP's
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.	The percentage of the lot frontage the garage occupies should be limited to avoid garages dominating the streetscape.	Under Clause 5.2.2 of the R-Codes, garages that occupy more than 50% of the frontage must be located 1m behind the building alignment.	Provision to be included in all future LDP's
 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, with the exception of rear aneways (6m) and two storey dwellings. 	City Officers consider that a double garage is appropriate for lots less than 12m where the dwelling is the main focus of the facade (i.e. garage setback behind) and a prominent entry feature is provided.	Garages dominating the streetscape of narrow front loaded lots	Provision to be included in all future LDP's



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 garage/carport (including tandem) is permitted.	The RMD codes limit double garages to lots with a width of at least 10.5m. However, a good two storey design with a double garage on a lot less than 10.5m (i.e. 7.5 - 10m) can produce a positive streetscape outcome.	Included in a number of recent Local Development Plans	Provision to be included in all future LDP's
Double garages are permitted on lots less than 10m wide where dwellings are two storeys.	This provision would encourage two storey development on front loaded narrow lots for the incentive of a double garage.	Included in a number of recent Local Development Plans	Provision to be included in all future LDP's
 Dwelling facade treatment: Dwellings provide an appropriate, high quality design interface with the surrounding streetscape, through the use of at least three of the following architectural design features: Articulation in dwelling facade (i.e. varied wall setbacks); A minimum of two building materials, colours and/or finishes (E.g. render, brick, cladding); Major habitable room openings incorporating large windows to provide surveillance; Roof forms that incorporate gables; A balcony, portico, or verandah; or A built in planter box 	A choice of architectural features provides flexibility for builders and is not expected to create additional costs. The majority of the architectural features proposed have been found to be included in Developer Covenants within most new estates in the City of Kwinana.	Various built form provisions have been included in LDP's for different estates across the City. Inconsistency in provisions used between estates. Currently no state government requirements for built form (R-codes etc.). – Although will be considered in future Policy work through Design WA.	Provision to be included in all future LDP's



Front room ceiling height – cottage lots: The front elevation of a single storey dwelling will have greater presence when the ceiling height of rooms is greater than the standard 2.4m. For lots where vehicle access is gained soley from a rear laneway or right-of- way, the celling height for rooms located on the front elevation shall be minimum 28 vertical brick courses (2.7m).	An increased wall height for dwellings on narrow, rear loaded lots, is seen to create a greater presence in the street.	Currently no minimum front elevation height requirements for laneway lots. This provision has been seen to be included in a number of Developer Covenants in the City.	Potential cost implications to landowner
Street trees/retained trees All street trees and trees to be retained must be shown on the approved LDP.	Showing trees on the LDP informs purchasers that a tree exists (if buying off the plan) and to consider the tree location when designing the dwelling.	Retained trees are shown on LDP's Street trees are shown on some LDP's.	Provision to be included in all future LDP's
Provision to be included that retained trees and street trees and not to be removed by the purchaser.	It also reinforces that the tree is part of the estate and is not the ownership of the lot purchaser.		

16 Reports – Civic Leadership

16.1 Accounts for Payment up to 30 November 2016

SUMMARY:

This is a List of Accounts paid by the City of Kwinana.

OFFICER RECOMMENDATION:

That the List of Accounts paid for the period ended 30 November 2016 be noted.

DISCUSSION:

The following list of accounts summarises all cheques and electronic funds transfer (EFT) drawn for the period 30 November 2016. It is in agreement with the attached List of Accounts.

FUND	PAYMENT NO	AMOUNT	TOTAL
MUNICIPAL A/C	Automatic Payment Deductions	\$ 37,950.09	
	Cheque Payments Cheque # 200127 to 200212	\$ 283.335.39	
	EFT Payments EFT # 3378 to #3395	\$ 4,023,851.52	
	Payroll 9/11/21016 & 23/11/2016	\$ 1,397,076.29	
TRUST A/C		\$ Nil	
TOTAL PAID			<u>\$5,742,213.29</u>

LEGAL/POLICY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

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:

Objective	Strategy
6.1 Ensure the financial sustainability of the City of Kwinana into the future.	6.1.2 Implement sound revenue and expenditure policies, seek additional revenue sources and optimise financial management systems.
	6.1 Ensure the financial sustainability of the City of Kwinana into

COMMUNITY ENGAGEMENT:

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

RISK IMPLICATIONS:

There are no risk implications that have been identified as a result of the report or recommendation.

COUNCIL DECISION

404 MOVED CR B THOMPSON

SECONDED CR S LEE

That the List of Accounts paid for the period ended 30 November 2016 be noted.

CARRIED 7/0



		1/12/2016	9:32:42AM		TOK [LIVE]
Minimum Am	ount:	\$0.00			
Cheque/Ref	Date	Creditor	Payee	Description	Amount
Automatic Ded		0.001101		2000.19.10.1	
00018249	01/11/2	016 5223	Go Go On-Hold Pty Ltd	Monthly On-Hold Messages Service	\$264.00
01641702	22/11/2	016 549	Esanda	Monthly lease fees for KWN700 for 2/11-1/12	\$1,294.70
031116A	04/11/2	016 8212	Commonwealth Bank	Credit Card Purchases L Barker - 05/10-3/11/	\$1,624.95
031116B	04/11/2	016 8212	Commonwealth Bank	Credit Card Purchases A Dymond - 05/10-3/1	\$1,479.91
031116C	04/11/2	016 8212	Commonwealth Bank	Credit Card Purchases B Powell - 05/10-3/11/	\$2,751.71
031116D	04/11/2	016 8212	Commonwealth Bank	Credit Card Purchases S Wiltshire- 05/10-3/1	\$3,264.39
031116E	04/11/2	016 8212	Commonwealth Bank	Credit Card Purchases E Lawrence- 05/10-3/	\$1,460.00
031116F	04/11/2	016 8212	Commonwealth Bank	Credit Card Purchases C Mihovilovich 5/10-3/	\$4,384.05
12	21/11/2	016 7690	Wright Express Australia Pty Ltd	Fleet Fuel 30/09/16-28/10/16	\$4,250.00
35814219	01/11/2	016 4805	TPG Internet Pty Ltd	Monthly Internet Mandogalup Station 6/11-5/1	\$49.99
35874518	01/11/2	016 4805	TPG Internet Pty Ltd	Kwinana South Station Internet 8/11-7/12/16	\$49.99
360574	30/11/2	016 2765	Toyota Financial Services	Monthly lease fees - 1EWZ823 & 1EYT548	\$1,194.07
37889154	30/11/2	016 4805	TPG Internet Pty Ltd	Internet Connection 6/12/16-5/1/17 Mandogal	\$49.99
82888622	15/11/2	016 727	li Net Technologies Pty Ltd	Monthly Internet Senior Citizens 14/11-14/12/	\$39.95
82985461	01/11/2	016 727	li Net Technologies Pty Ltd	Internet Bertram Community Centre 1/11-1/12	\$59.95
83287287	14/11/2	016 727	li Net Technologies Pty Ltd	Monthly Internet Zone Training 12/11-12/12/1	\$59.95
83287305	14/11/2	016 727	li Net Technologies Pty Ltd	Monthly Internet Darius Training 12/11-12/12/	\$59.95
83535799	21/11/2	016 727	li Net Technologies Pty Ltd	Monthly Internet Kwinana Village 20/11-20/12	\$39.95
83714050	30/11/2	016 727	li Net Technologies Pty Ltd	Internet Wellard Community Centre 25/11-25/	\$59.95
9525456	21/11/2	016 229	BP Australia Pty Ltd	Fleet Fuel 01/10 to 31/10/2016	\$15,512.64
					\$37,950.09
Cheques					<i>Q</i> (1,000.00
00200127	02/11/2	016 267	Schweppes Pty Ltd	Cool Ridge Spring Water for Cafe	\$309.45
00200128	02/11/2	016 1490	Town Of Kwinana - Pay Cash	Pety cash recoup to 27/10/16 - Recquatic	\$690.75
00200129	02/11/2	016 1592	Water Corporation	Usage to 201016 5KL Little Rascals	\$1,575.23
00200131	02/11/2	016 1592	Water Corporation	Usage to 201016 3KL BMX Track	\$3,241.89
00200132	02/11/2	016	Robert & Margaret Queen	Overpaid rent invoice due to removal of garag	\$15.00
00200133	02/11/2	016	Alicia Brown	Refund bond-Patio Adv Park 22/10/2016	\$100.00
00200134	02/11/2	016	Debra Fabry	Refund bond-Patio Adv Park 30/10/16	\$100.00
00200135	02/11/2	016	Shannon Collison	Refund bond-Patio Adv Park 29/10/16	\$63.25
00200136	02/11/2		Kate Louise Hart	Refund bond-Pato Adv Park 29/10/16	\$63.25
00200138	02/11/2		Zoe Ann Prue	Refund bond-Patio Adv Park 23/10/16	\$63.25
00200139	02/11/2		Marguand Kylie	Refund bond-Patio Adv Park 23/10/16	\$63.25
00200140	02/11/2		William Pellegrini	Snrs Security Subsidy Scheme-Application 20	\$100.00
00200141	09/11/2		Building Commission (Department of	Building Services Levy for the month Oct	
00200142	09/11/2		Construction Training Fund	CTF Levy for month of October 2016	\$36,128.34
00200143	09/11/2		Town Of Kwinana - Pay Cash	Petty cash recoup to 9/11/16-Admin	\$41,145.45
00200144	09/11/2		Water Corporation	Water charges to 21/10/16 25KL - Waste S	\$952.10
00200145	09/11/2		Jamie Whyte	Refund bond-Hall hire 6/10/2014	\$1,396.28
00200146	09/11/2		Cyril Mark Taylor C/- Natalie Rann	Rates Refund	\$12.00
00200147	09/11/2		June Alvina Figuls C/- Vicki Philip	Rates Refund	\$540.69
00200148	09/11/2		Sonya Richardson	Cancellation of Patio booking on 3/12/216	\$547.28
00200148	09/11/2		Kai Donaldson	Lyrik Awards Incentive Payment- Round 21	\$36.75
00200149	09/11/2		Sonya Richardson	Refund bond-The Patio 3/12	\$250.00
00200150	09/11/2		Mr L Smith	Refund sec dep-L428 Daybreak Loop	\$100.00
00200151	16/11/2			Cancelled chg (#18484-Gavin R Evans)	\$1,456.00
00200152	16/11/2		City of Kwinana		\$11.14
00200153			Dijana Visekruna Water Corporation	Refund of Patio hire fee- booking cancel	\$136.75
	16/11/2		Water Corporation	Usage to 081116 17U Incubator	\$4,616.35
00200155	16/11/2		•	Cancelled Chq (#18393 - Jamie Whyte)	\$5,517.50
00200156	16/11/2	1592	Water Corporation	Charges to 311216 Shop 24/40 Meares Ave	\$1,109.38



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Cheque/Ref	Date		Payee	Description	Amount
00200157	16/11/2016		Shire of Ashburton	Interest on overdue LSL Invoice - M Ferialdi	\$67.40
00200158	16/11/2016		Ashleigh Pattullo	Ref Planning application-DA #8917-L45 Park	\$147.00
00200160	16/11/2016		Nine Lines Theatrical Production Co	Refund bond-Hall hire	\$200.00
00200161	16/11/2016		Asim Iftikhar	Refund bond-Hall hire 6/11/2016	\$100.00
00200162	16/11/2016		Shani Gillies	Refund bond-Patio hire 6/11/16	\$100.00
00200163	16/11/2016		Belinda Holland	Refund bond-Patio hire 5/11/16	\$100.00
00200164	16/11/2016		Natalie Smith	Refund bond-Patio hire 5/11/16	\$100.00
00200165	16/11/2016		David William Clifford Horne	Rates Refund	\$511.13
00200166	16/11/2016		Pointform Pty Ltd	Rates Refund	\$287.56
00200167	16/11/2016		Debra Ann Foxton	Rates Refund	\$410.59
00200168	16/11/2016		Longterm Self Storage	Christmas lolly run	\$121.30
00200169	16/11/2016		WA Council of Addictions	Refund bond-Hallhire 26-29/4/2016	\$300.00
00200170	16/11/2016		John Vickers	Refund planning application-DA#8787-L78 Ba	\$147.00
00200171	23/11/2016	2118	Calista Primary School	Sponsorship of 2016 Graduation Book Priz	\$50.00
00200172	23/11/2016	330	City of Cockburn	Monthly tipping fee's - sweeper - Septem	\$25,339.43
00200173	23/11/2016	429	CSR Building Products Limited	Department of Housing - Ceiling tiles.	\$200.10
00200174	23/11/2016	631	Games World	collection development for Children's ji	\$900.00
00200175	23/11/2016	2052	Kwinana District Football Club	Hire of the football community bus for t	\$210.00
00200176	23/11/2016	837	Kwinana Heritage Group	Quarterly payment. October - December 20	\$2,500.00
00200177	23/11/2016	862	Kwinana Men's Support Service	Wooden pens for Citizenship	\$455.00
00200178	23/11/2016	980	Midway Drycleaners	Darius Wells Library & Resource Cnt-tabl	\$136.00
00200179	23/11/2016	4655	Natsync Environmental	Guiding services for Nightstalk at Bertr	\$435.00
00200180	23/11/2016	3390	SSB Pty Ltd T/A Content Living - Th	Refund sec dep-L122 Irasburg Parade	\$1,456.00
00200181	23/11/2016	3565	St Vincent's School	Sponsorship of 2016 Graduation Book Priz	\$50.00
00200182	23/11/2016	2081	Vinidex Tubemakers Pty Ltd	1 length of 300mm PVC stormawater pipe	\$210.38
00200183	23/11/2016	1592	Water Corporation	Charges to 14/11/16 428KL-Tennis Club/Pu	\$15,102.40
00200184	23/11/2016		Vintage Car Club of WA inc Peel Bra	Display of vintage cars at Festival	\$200.00
00200185	23/11/2016		Ron Niven	Sheep Shearing demonstration-Festival 2016	\$400.00
00200186	23/11/2016		Hungry Jacks Pty Ltd	Refund O/payment of Food Business fees-SL	\$41.00
00200187	23/11/2016		Michael Lee Shrewing	Rates Refund	\$1,267.10
00200188	23/11/2016		Wandi Anketell Holdings Pty Ltd	Rates Refund	\$1,049.08
00200189	23/11/2016		Wellard Residential Pty Ltd	Rates Refund	\$29,388.07
00200190	23/11/2016		Ruby Benjamin Animal Foundation	Donation for 2016/17 Subsidies	\$500.00
00200191	23/11/2016		Lauren Copping	Refund for cancellation of gym cancellation	\$63.15
00200192	23/11/2016		Nattaya Caruana	Refund of swimming lessons	\$127.30
00200193	23/11/2016		Department of Housing	Refund bond-Stage 1A Cassia Glades	\$52,275.25
00200194	23/11/2016		Department of Housing	Refund bond-Stage 1B Cassia Rise	\$27,569.33
00200195	23/11/2016		Agostina Orazio	Refund bond-Hall hire 19/11/16	\$100.00
00200196	23/11/2016		Trudy Worthington	Refund bond-Patio 21/11/16	\$100.00
00200197	23/11/2016		Jo Ann Erlano Hilario	Refund bond-Patio 20/11/16	\$100.00
00200198	30/11/2016	1490	Town Of Kwinana - Pay Cash	Petty cash recoup to 24/11/16 - D/W Lib	
00200199	30/11/2016		Water Corporation	Charges to 18/11/16 7KL- Peace Park	\$1,151.85
00200200	30/11/2016		Kathleen May Murphy	Rates Refund	\$1,228.07
00200201	30/11/2016		Department of Housing	Rates Refund	\$300.00 \$1,127.22
00200202	30/11/2016		Department of Housing	Rates Refund	
00200203	30/11/2016		Department of Housing	Rates Refund	\$4,772.45 \$946.37
00200204	30/11/2016		Lesley Margaret Todd	Rates Refund	\$946.37
00200204	30/11/2016		Judy Mercado Deocades	Refund bond - Hall hire 23/10/16	\$417.80
00200205	30/11/2016		Choice Living (WA) Pty Ltd	Refund CTF - BL28769 - L672 Jasper Bend,\	\$1,000.00
00200200	30/11/2016		Allison Sampson	Kwinana Community Share activity-Festival	\$408.61
00200208	30/11/2016		Department of Housing Private Bag 2	Rates Refund	\$300.00
00200200	50/11/2010		Department of Housing Filvate Day 2		\$53.48



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Cheque/Ref 00200209	Date 20/11/2016		Payee Sidanisile Mkhwananzi	Description	Amount
	30/11/2016			Refund bond-Hall hire 26/11/16 Rates Refund	\$400.00
00200210	30/11/2016 30/11/2016	3037	Department of Housing Private Bag 2 Colonial First State Investments Li		\$16.05
00200211	30/11/2016		One Path - formerly ING Life Limite	Superannuation-October2016-18 Superannuation-October2016-24	\$1,705.36
00200212	30/11/2010	5442			\$6,350.23
					\$283,335.39
EFT 3378.1034-01	02/11/2016	1034	North Lake Electrical Pty Ltd	Low probe fault - Thomas Oval	¢10 201 47
3378.1178-01	02/11/2016		Holcim (Australia) Pty Ltd	1.6m3 concrete - Feilman Dr LEDA	\$18,381.47 \$382.80
3378.1206-01	02/11/2016		Ritz Party Hire	Payment of Infrastructure-2016 Children'	\$3,058.70
3378.1227-01	02/11/2016		Rockingham Holden	New Holden Colada Ute - KWN 2031	\$41,523.23
3378.1249-01	02/11/2016		Royal Life Saving Society	Wristbands - Recguatic	\$468.80
3378.1266-01	02/11/2016		Salmat Targeted Media Pty Ltd	Kwinana 2030 community workshops - lette	\$408.80
3378.1277-01	02/11/2016		Savage Garden Services	Slash and spray sump- Banksia Park Retir	\$9,132.00
3378.1313-01	02/11/2016		Daimler Trucks Perth	MH-MFSCCC08 SEAT COVER FE8 CANTEF	\$288.00
3378.1423-01	02/11/2016	1423	Telstra	Usage to 27/9/16 - Mobile whole organisa	\$208.00
3378.1444-01	02/11/2016	1444	The Good Guys	Fridge, kettle and microwave for Adventu	\$1,337.00
3378.1520-01	02/11/2016		Truck & Car Panel & Paint	Repairs to KWN1783	\$752.64
3378.1524-01	02/11/2016	1524	Turfmaster Facility Management	2016 Turf Renovation Program	\$139,565.91
3378.1649-01	02/11/2016	1649	Dennis Cleve Wood	ICT Allowance	\$3,141.19
3378.1652-01	02/11/2016	1652	Woolworths Ltd	Lollies for Open Day Lolly Bags (part of	\$1,538.37
3378.1655-01	02/11/2016	1655	Worksense Safety & Workwear Pty Ltd	Trouse cargo Navy 97S	\$166.47
3378.1689-01	02/11/2016	1689	Sandra Elizabeth Lee	ICT Allowance	\$2,905.33
3378.2125-01	02/11/2016	2125	Synergy	Usage to 171016 62U Ascot Park	\$15,463.75
3378.2224-01	02/11/2016	2224	Prestige Catering & Event Hire	Quarterly Celebration - 20 October 2016	\$4,372.30
3378.2321-01	02/11/2016	2321	Civic Legal	Legal fees - L27 on SSP 66799	\$1,230.16
3378.2931-01	02/11/2016	2931	Ruth Elizabeth Alexander	ICT Allowance	\$2,905.33
3378.2981-01	02/11/2016	2981	Peter Edward Feasey	Meeting Fees	\$4,756.66
3378.30-01	02/11/2016	30	Carol Elizabeth Adams	Meeting Fees	\$11,680.75
3378.3155-01	02/11/2016	3155	PFD Food Services Pty Ltd	Assorted items for cafe	\$1,482.80
3378.3411-01	02/11/2016	3411	West Aussie Amusements Pty Ltd	Deposit-Laser tag battlefield-12/11/16	\$300.00
3378.357-01	02/11/2016	357	BullAnt Security Pty	Thomas Kelly Pavilion - Rekey locks as I	\$207.32
3378.3859-01	02/11/2016	3859	Tina Kathryn Olsen	Reimbursement for Depot Melbourne Cup Lu	\$205.00
3378.3877-01	02/11/2016	3877	Schweppes Australia Pty Ltd	Soft Drinks and Gatorade - cafe	\$345.95
3378.4245-01	02/11/2016	4245	ED Property Services	APU - units 61 & 62, replace broken fenc	\$4,026.00
3378.4257-01	02/11/2016	4257	Armadillo Products Pty Ltd	Oil Digital Dispensing Nozzle, Meclube 1	\$528.00
3378.4279-01	02/11/2016	4279	Data #3 Limited	Premium Support Renewal - DB Visualizer	\$533.94
3378.4719-01	02/11/2016	4719	Complete Office Supplies Pty Ltd	John Wellard Community Centre 2017 diary	\$121.22
3378.4861-01	02/11/2016	4861	Big W	Birthday hats- William Bertram	\$47.00
3378.492-01	02/11/2016	492	Dianne Stronach	Reimb of Kettle for FDC	\$57.00
3378.5004-01	02/11/2016	5004	Liberal Party of Australia (WA	Refund bond-Hall hire 30/7/2016	\$200.00
3378.5071-01	02/11/2016	5071	JB HiFi Commercial Division	1x Apple iPhone 7 32GB, Iphone case	\$1,120.58
3378.5143-01	02/11/2016	5143	Wendy Gaye Cooper	ICT Allowance	\$2,905.33
3378.5188-01	02/11/2016	5188	The Lulus Pty Ltd	Stage show and mascot walk around-25/10/	\$1,045.00
3378.5369-01	02/11/2016	5369	The Online Shopping Co Pty Ltd	Hire-Snow Machine & Bond-Twilight Market	\$325.00
3378.5536-01	02/11/2016	5536	Crusaders Softball Club Inc	Kidsport voucher - Brigitte Boscolo	\$200.00
3378.5830-01	02/11/2016	5830	CPD Group Pty Ltd	Admin building Network Cable Upgrade-RFQ	\$53,844.56
3378.583-01	02/11/2016	583	Flexi Staff Pty Ltd	Philip Dowling w/e 09/10/16, Philip Dowl	\$6,328.52
3378.6223-01	02/11/2016		Robert Thompson	ICT Allowance	\$2,905.33
3378.6313-01	02/11/2016	6313	Crockford Nominees Pty Ltd	Goods & Services	\$500.00
3378.6576-01	02/11/2016	6576	Kylie Ilana Jesus	Facilitator After School Kids Club-20/10	\$180.00
3378.6660-01	02/11/2016	6660	Preplan Pty Ltd	Fire Management Plan advice-L1,2,10 John	\$478.50

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Cheque/Ref		Creditor	Payee	Description	Amount
3378.6703-01	02/11/2016		Lucor Pty Ltd	Catering 3/10/16-Dining Room	\$707.00
3378.69-01	02/11/2016	69	Alinta Gas	Usage to 201016 7863U Darius Wells	\$915.95
3378.7200-01	02/11/2016	7200	Allyce Rosamond Paulsen	Programs Assistant-Bertram ASKC & Cake d	\$180.00
3378.72-01	02/11/2016	72	All Lines & Signs	Linemarking Walgreen Crescent	\$1,320.00
3378.7386-01	02/11/2016	7386	Planning Solutions (Aust) Pty Ltd	Indian Ocean Gateway works - BC/CM	\$282.70
3378.7521-01	02/11/2016	7521	Strategen Environmental Consultants	Strategic Advice Urban Amenity Policy	\$11,594.00
3378.7557-01	02/11/2016	7557	Sheila Mills	Meeting Fees	\$2,990.21
3378.7605-01	02/11/2016	7605	Flying Canape	Catering - 11/10/2016 - Media Event	\$1,790.00
3378.762-01	02/11/2016	762	Blackwood & Sons Ltd	Sealant sikaflex grey (03204031)	\$901.59
3378.7671-01	02/11/2016	7671	Clean Freaks Mobile Car Detailing	Full interior valet service - KWN1897 PL	\$160.00
3378.7737-01	02/11/2016	7737	Kat Morasutti	Darius Wells-Program-Social Network-Term	\$105.00
3378.7917-01	02/11/2016	7917	Rick Wolters	Reimb of Sports Equipment for Community	\$68.00
3378.7939-01	02/11/2016	7939	Mackay Urban Design	Urban Amenity Strategy and Residential	\$6,600.00
3378.8157-01	02/11/2016	8157	Anytime Fitness Kwinana	Silversport - Tereza Ukich	\$200.00
3378.827-01	02/11/2016	827	Kwinana Bowling Club Inc	Silversport x 3	\$583.50
3378.828-01	02/11/2016	828	Koorliny Arts Centre	2nd quarter operating subsidy for 2016/1	\$111,983.30
3378.8288-01	02/11/2016	8288	Tumble Tots Party Hire	Supply of Children's Play Equipment for	\$645.00
3378.8388-01	02/11/2016	8388	Julie Dawn Wylie	Rates Refund	\$535.30
3378.8390-01	02/11/2016	8390	Bee Delighted Mobile Cafe	180 x coffees at the Opening Day of Adve	\$630.00
3378.8391-01	02/11/2016	8391	Kalamunda & Districts Basketball As	Kidsport Voucher - Denzel Major	\$200.00
3378.8392-01	02/11/2016	8392	Madonna Manuel	Refund bond-Patio Adv Park 30/10/2016	\$100.00
3378.903-01	02/11/2016	903	Lo-Go Appointments	Temp staff w/e 15/10/16 - Erica McLernon	\$5,805.00
3378.959-01	02/11/2016	959	McLeods Barristers & Solicitors	DCP Legal Advice - DCA 8-15	\$1,413.62
3379.7367-01	07/11/2016	7367	ClickSuper Pty Ltd	Superannuation-October2016-03	\$213,162.90
3380.565-01	09/11/2016	565	Bright Futures Family Day Care - Pa	FDC Payroll to 06/11/2016	\$102,910.62
3381.568-01	09/11/2016	568	Bright Futures In Home Care - Payro	IHC Payroll to 06/11/2016	\$55,245.26
3382.1079-01	09/11/2016	1079	Parmelia Delivery Round	The West Australian newspaper - Inc deli	\$46.00
3382.1187-01	09/11/2016	1187	Red Sand Supplies Pty Ltd	Tipping - Concrete waste	\$438.90
3382.1227-01	09/11/2016	1227	Rockingham Holden	New Holden Colado - KWN2032	\$39,718.13
3382.1343-01	09/11/2016	1343	Southern Metropolitan Regional Coun	Overcompaction charge for October 2016	\$779.46
3382.1423-01	09/11/2016	1423	Telstra	Usage to 211016 FDC	\$22.16
3382.1478-01	09/11/2016	1478	Toolmart Australia Pty Ltd	Assorted parts	\$2,895.95
3382.1520-01	09/11/2016	1520	Truck & Car Panel & Paint	Non Insurance claim quote # 1311 - 1ENC3	\$1,134.98
3382.1629-01	09/11/2016	1629	Weston Road Systems	Temporary Spotting for Hope Valley Road	\$1,622.50
3382.1652-01	09/11/2016	1652	Woolworths Ltd	milk for admin bldg. 31.10.16, Fruit for	\$1,557.47
3382.1833-01	09/11/2016	1833	Host Direct	Chaffing fuel, serving dishes and cutler	\$443.41
3382.1937-01	09/11/2016	1937	Coles Myer Ltd - Gift Card Accounti	Staff Xmas Bonus Gift Cards	\$7,920.00
3382.2024-01	09/11/2016	2024	Institute of Public Works Engineeri	IPWEA Fleet Plus Subscription remainder	\$770.00
3382.21-01	09/11/2016	21	Accidental First Aid Supplies	First aid training -Lorette Trocinski	\$160.00
3382.2125-01	09/11/2016	2125	Synergy	Usage to 011116 2898.94U Bertram Comm C	\$109,434.25
3382.2224-01	09/11/2016	2224	Prestige Catering & Event Hire	Catering 311016 Dinner	\$822.90
3382.2432-01	09/11/2016	2432	Lindsay Calyun	Payment for Welcome to Country and Works	\$800.00
3382.2646-01	09/11/2016	2646	Neverfail Springwater	bottled water account admin bldg. 29 Au	\$120.05
3382.3391-01	09/11/2016	3391	Ventura Home Pty Ltd T/A Aussie Liv	Refund sec dep-L923 Barakee Rd	\$2,912.00
3382.3411-01	09/11/2016		West Aussie Amusements Pty Ltd	\$925 remaining balance - supply of Laser	\$925.00
3382.342-01	09/11/2016		CJD Equipment Pty Ltd	17 & 24/10/16, P223, KWN624, Repairs to	\$2,812.59
3382.3452-01	09/11/2016		WA Recycling Service	Callection verg waste-Area 3	\$97,041.85
3382.3580-01	09/11/2016		HECS Fire	BP - Clubhouse, investigate and rectify	\$418.00
3382.3877-01	09/11/2016		Schweppes Australia Pty Ltd	Water and Sports Drinks	\$769.66
3382.4166-01	09/11/2016		Alison Dymond	Reimbursement mobile phone 13 Sep - 12 O	\$50.00
3382.4245-01	09/11/2016		ED Property Services	APU - unit 72, renewal of kitchen cupboa	\$495.00
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	09/11/2016		Atom Supply	Part no: 6001 5799 -1001 Navy Cargo Pant	\$22.31
	09/11/2016		JB Hi-Fi Rockingham	Collection Development of Children's mus	\$197.88
	09/11/2016		Aveling Homes Pty Ltd	Refund sec dep-L156 Sapphire Chase	\$4,368.00
	09/11/2016		Carringtons WA	Traffic management for bitumen repairs 0	\$1,090.48
	09/11/2016		AMPAC Debt Recovery (WA) Pty Ltd	Commissions and Costs October 2016	\$2,360.52
	09/11/2016		Complete Office Supplies Pty Ltd	William Bertram Community Centre 2017 Di	\$268.05
	09/11/2016		LGISWA	LGIS Property Adjustment for 2015/2016 V	\$1,621.75
	09/11/2016		JB HiFi Commercial Division	65 x EMTEC USB drive triple packs	\$930.25
	09/11/2016		The Literature Centre	collection Development of Children/teen	\$826.00
	09/11/2016		Accord Security Pty Ltd Flexi Staff Pty Ltd	Accord Guard for 24/7 Security Sept/Oct	\$10,898.36
	09/11/2016		,	Philip Dowling w/e 23/10/16	\$1,405.18
	09/11/2016		Elexacom	The Zone - Supply and replace 16 faulty	\$8,649.87
	09/11/2016		KDAire Mechanical Services Pty Ltd	Victory For Life-September Maintenance	\$246.18
	09/11/2016		Alicia Jane McKenzie	Internet Reimbursement Nov 2016	\$79.99
	09/11/2016		Cindy Ballard	Medina revitalisation project community	\$300.00
	09/11/2016		Labourforce Impex Personnel Pty Ltd	Glen Snook w/e 23/10/16	\$1,653.55
	09/11/2016		Alinta Gas	Usage to 261016 137U Orelia Sports Pavil	\$8,513.95
	09/11/2016		Game Vault	Game Vault vehicle Inc. set up & supervi	\$1,440.00
	09/11/2016		Kym Rochelle Molloy	Travel Assistance Brock Molloy	\$175.00
	09/11/2016		Michael Beauchamp	C/over subsidy rebatge-L402 Dalrymple Dr	\$648.00
	09/11/2016		Pickles Auctions	Request to collect TOK034 25/05/16	\$55.00
	09/11/2016		Morgan James Scarfe	Circus Skills workshop - Adventure Park	\$1,034.00
	09/11/2016		Flying Canape	Catering-Adventure Playground Opening-VI	\$6,645.00
	09/11/2016		Innova Builders (WA) Pty Ltd	C/over subsidy rebate-L1086 Corton App.W	\$360.00
	09/11/2016		EEO Specialists	EEO Training - 26 October 2016	\$7,150.00
	09/11/2016		Frontline Fire and Rescue Equipment	Annual Hose Testing for Mandogalup Appli	\$1,980.00
	09/11/2016		Starbucks Flooring	APU - unit 7, replace buckled vinyl in k	\$1,685.00
	09/11/2016		K Mart	Darius wells - mugs, containers, kettles	\$242.50
	09/11/2016		Victorian Gum Inc	Family Tree Maker software	\$123.00
	09/11/2016		Milton Cooper Real Estate	Rates Refund	\$9,950.66
	09/11/2016		Katherine Ann Schilling	Reimbursement for Supplies for Childrens	\$436.58
	09/11/2016		Robert Sutherland	Travel Assistance- Tyler Sutherland	\$175.00
3382.8402-01 (09/11/2016	8402	Prime Movers	Silversports - Muriel Stewart & June She	\$396.00
	09/11/2016		Rockyora Netball Club	Kidsport voucher - Jalaila Harris	\$155.00
3382.8404-01 (09/11/2016	8404	Red Dog Tae Kwon Do	Kidsport voucher - Anthony Smith	\$200.00
3382.8405-01 (09/11/2016	8405	Stacey Avery	Travel Assistance - Rugby 7s National Ch	\$175.00
	09/11/2016	8406	Dane jobe	Travel Assistance-Rugby 7s National Cham	\$175.00
3382.8407-01 (09/11/2016	8407	Thomas Williams	Refund of Cancellation of membership	\$92.70
3382.8408-01 (09/11/2016	8408	Amy Gillmer	Refund of Swimming lessons	\$107.20
3382.8409-01 (09/11/2016	8409	Hayley Johnson	Refund of Swimming lessons - Jax Johnson	\$117.00
3382.8410-01 (09/11/2016	8410	Narelle Maiolo	Refund bond- subdivision-11 Ougden Way	\$16,157.50
3382.8411-01 (09/11/2016	8411	Local Spiritual Assembly of the Bah	Refund bond-Hall hire 31/10/16	\$1,000.00
3382.8412-01 (09/11/2016	8412	Alvin Cooney	Refund bond-Hall hire 10/6/2016	\$300.00
3382.8413-01 (09/11/2016	8413	Kenneth Kien Nyap Wong	C/over subsidy rebate-L986 Magnetic Way,	\$540.00
3382.8414-01 (09/11/2016	8414	Todd Gregory Barrett	C/over subsidy rebate-L953 Littabella Av	\$360.00
3382.8415-01 (09/11/2016	8415	Craig Douglas Sims	C/over subsidy rebate-L372 Duxbury Loop,	\$360.00
3382.8416-01 (09/11/2016	8416	Maria Rose Victor-Hoogland	C/over subsidy rebate-L1040 Ealing Rd, W	\$360.00
3382.8417-01 (09/11/2016	8417	Godfrey Mukwada	C/over subsidy rebate-L294 Solaris St,WE	\$360.00
3382.8418-01 (09/11/2016	8418	Jessie Herrera Martinez	C/over subsidy rebate -L358 Daybreak Loo	\$360.00
3382.8419-01 (09/11/2016	8419	Rebecca Joyce Norton	C/over subsidy rebate-L2110 Ironcap Grov	\$540.00
3382.8420-01 (09/11/2016	8420	William John Collidge	C/over subsidy rebate-L3 Born Road, CASU	\$840.00



	4/40/2040	0.00.00 MM		TOK [LIVE]
Minimum Amount	1/12/2016	9:33:36AM		
Minimum Amount:	\$0.00			
Cheque/Ref Date 3382.843-01 09/1		·	Description Kidsport vouchers x 7	Amount
		Kwinana Little Athletics Centre	•	\$1,400.00
		Lo-Go Appointments	Temp City Assist Officer - Cain Tutton -	\$20,162.52
		Works Social Club Australian Services Union	Payroll Deduction Payroll Deduction	\$240.00
		Maxxia Pty Ltd	Being employee Net ITC for period 1/10 t	\$593.44
		Health Insurance Fund of WA (HIF)	Payroll Deduction	\$5,159.17
		Town of Kwinana - Xmas fund	Payroll Deduction	\$1,929.60
		Child Support Agency	Payroll Deduction	\$6,540.00
		LGRCEU	Payroll Deduction	\$3,243.13
		Bright Futures Family Day Care - Pa	FDC payroll 24/10/16-6/11/16	\$881.50
		Captain Cleanup	Clean Up show - Festival 12/11/2016	\$868.15
		Vodafone Messaging	Alpha network access fee - Nov 2016	\$650.00
		Ritz Party Hire	Infrastructure for Festival	\$176.00
		Savage Garden Services	Mulching of 3 R/A along Sulphur Rd & Mea	\$5,096.00
		Australia Post		\$3,497.00
		Telstra	Agency commission fees for period ending	\$1,521.57
			Usage to 28/10/16 - Internet & Data	\$78,552.26
		Toyotaways	1 set Canvas Front Seat Covers Part# PZQ	\$288.67
		Waste Stream Management Pty Ltd	Monthly tipping D8, Monthly tipping RC2,	\$384.99
		Woolworths Ltd	Supplies for clevercraft program Bertram	\$1,473.48
		Youth Affairs Council of WA	Donation-Sara Shengeb to attend Human Ri	\$300.00
		Cardno (WA) Pty Ltd	Update Traffic Model Documentation DCA1	\$2,541.00
		Synergy	Usage to 2/11/16 - Admin/Arts Ctre/Parme	\$32,793.80
		Prestige Catering & Event Hire	Catering deposit for 02/12/2016	\$398.80
		ID Consulting Pty Ltd	ID Forecast - Annual Subscription Fee	\$52,800.00
		Cabcharge Australia Ltd	Cabcharge Voucher Used plus service char	\$164.49
		Caltex Australia Petroleum Pty Ltd	Caltex Card - October 2016	\$5,798.55
		Sign a Rama	Signage for Festival	\$203.45
		Specialised Security Shredding	Specialised Security Shredding - GC Bin	\$40.48
		Outsource Business Support Solution	System and Reporting Support for Finance	\$1,320.00
		Craig Treeby	First 50% phone/internet allowance for 2	\$360.00
		Marketforce Pty Ltd	11x2 ad in Sound Telegraph for multicult	\$2,243.62
		BGC Residential Pty Ltd	Refund of Engineering Infrastructure fee	\$95.25
		Civica Pty Ltd	RM 8 Admin Training - 3 Days	\$6,880.50
		Rosie O Face Painters Extraordinair	Bubble Tunnel & Activity for Festival	\$1,500.00
		Staples Australia	Administration Building - Kleenex 4720 E	\$184.32
		Adventure World	Deposit for Excursion on 20/12/16	\$660.00
		Data #3 Limited	259x Microsoft Office Pro Plus License S	\$87,675.75
		JB Hi-Fi Rockingham	Purchase of 4 DVDs for the Outdoor Summe	\$39.92
		AMPAC Debt Recovery (WA) Pty Ltd	Legal costs - November 16	\$66.00
		Eddie Mouna	First 50% phone/internet allowance for 2	\$360.00
		Sea Containers WA Pty Ltd	1 x 10' GP Tool Shed, second hand refurb	\$3,410.00
3386.583-01 16/1	1/2016 583	Flexi Staff Pty Ltd	Bryce Law w/e 30/09/16	\$1,405.18
3386.6011-01 16/1	1/2016 6011	LJ Hooker Kwinana	Rates refund - 33 Silverline Bend, BERTR	\$439.77
		Australian Parkour Association	payment for workshops to Australian Park	\$570.00
		Constable Care Child Safety Foundat	Mascot Appearance	\$643.50
		Elexacom	Up lights in front S/E entry wall-Windso	\$3,968.69
3386.6576-01 16/1	1/2016 6576	Kylie Ilana Jesus	Facilitate After School Kids Club - 27/1	\$360.00
3386.6707-01 16/1	1/2016 6707	Labourforce Impex Personnel Pty Ltd	Glen Snook w/e 30/10/16	\$2,070.00
3386.6837-01 16/1	1/2016 6837	Balls N All Amusements	Arcade Games for Festival	\$1,400.00
3386.69-01 16/1	1/2016 69	Alinta Gas	Usage to 201016 281U BP Clubhouse	\$48.40
3386.6972-01 16/1	1/2016 6972	Go Doors Pty Ltd	Bertram Community Centre - Install x 2 n	\$764.50



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1/12/2016 9:33:36AM Minimum Amount: \$0.00 Creditor Cheque/Ref Date Pavee Description Amount 3386.7200-01 16/11/2016 7200 Allyce Rosamond Paulsen Program Assistant Bertram ASKC - 9/11/2 \$90.00 3386.7387-01 16/11/2016 7387 Farmtastic Party Hire Animal Farm & Pony Rides \$1,200.00 3386.7604-01 16/11/2016 7604 Tanya Halliday Reimb of Client meetings \$74.15 3386.7737-01 16/11/2016 7737 Kat Morasutti Facilitation, planning - Kwinana Social \$481.25 3386 7885-01 16/11/2016 7885 Miha Mitchell Polynesian Dancers for Festival \$500.00 3386.795-01 16/11/2016 795 K Mart Equipment for Festival Fair Day \$49.00 3386.8027-01 16/11/2016 8027 Fiona Susan Bettesworth Voucher for Festival Fari Day Survey \$50.00 3386.827-01 16/11/2016 827 Kwinana Bowling Club Inc Silversport - Brian Martin \$127.50 3386 829-01 16/11/2016 829 Kwinana Cricket Club Kidsport vouchers x 2 Harrison & Zachery \$335.00 3386.830-01 16/11/2016 830 Kwinana District Diamond Sports Ass Kidsport vouchers x 7 \$1,452.00 16/11/2016 835 Kwinana Golf Club Inc 3386 835-01 Silversport - Brenda Singleton \$200.00 3386.8428-01 16/11/2016 8428 Carl St Jack Refund bond-Hall hire 23/9/16 \$300.00 3386.8429-01 16/11/2016 8429 Eldho Varghese Refund bond-Hall hire 1/10/16 \$1,000.00 3386.8430-01 16/11/2016 8430 Yuma Suzuki Reimb of Pest Management Technicians Lic \$170.00 3386.888-01 16/11/2016 888 Les Mills Australia Monthly license - November 2016 \$431.56 3387.153-01 16/11/2016 153 Australian Taxation Office Taxation \$201,585.00 23/11/2016 3388.1033-01 1033 Nilfisk Ptv Ltd Recouatic - Rental Contract for period 0 \$1.371.70 3388 1036-01 23/11/2016 1036 North Parmelia Primary School Sponsorship of Graduation Book Prize \$50.00 1046 OCE Australia Ltd 3388.1046-01 23/11/2016 Monthly Charges for ColorWave 550 - Scan \$212.06 3388.1072-01 23/11/2016 1072 Paint Industries 4L topdek weathertuff canary yellow \$217.25 3388.1097-01 23/11/2016 1097 Perlex Holdings Hire of bungy run, wrecking ball & bound \$1,920.00 1130 Port Printing Works 3388.1130-01 23/11/2016 500 X Library membership brochures \$1,236.68 23/11/2016 3388 115-01 115 Asphalt Surfaces Ptv I to 50 tonnes asphalt \$1,717.92 23/11/2016 Quality Traffic Management Pty Ltd 3388.1157-01 1157 Traffic management for st light repairs-\$26,898.78 3388.1178-01 23/11/2016 1178 Holcim (Australia) Pty Ltd Concrete 14mm GF \$682.88 3388.1186-01 23/11/2016 1186 Red Dot School Holidays materials for Trick or T \$83.83 3388.1187-01 23/11/2016 Red Sand Supplies Pty Ltd Tipping concrete - 13/10/16 1187 \$115.50 3388 1206-01 23/11/2016 1206 Ritz Party Hire Medina Revitalisation Project Community \$944.00 3388.1227-01 23/11/2016 1227 Rockingham Holden Drain fuel and replace filters and test \$619.60 3388.1245-01 23/11/2016 1245 Rotary Club Of Kwinana Inc. Refreshments & Parking attendant - Festi \$360.00 3388.1252-01 23/11/2016 1252 Running Bare Australia Pty Limited Assorted running bare clothing for prosh \$410.30 3388.1265-01 23/11/2016 1265 Sai Global Ltd SAI Global - Licence for 12 months for t \$592.62 3388.1266-01 23/11/2016 Salmat Targeted Media Pty Ltd What's on flyer distribution 25%, What's 1266 \$1,806.73 1272 Sanity Music Stores Pty Limited 3388.1272-01 23/11/2016 Purchase and supply selected 19 x DVDs \$528.91 3388.1276-01 23/11/2016 1276 Satellite Security Services D/Wells 19/10/16-repalce disabled toilet \$8,703.70 3388.1282-01 23/11/2016 1282 Sealanes (1985) Pty Ltd TM91732 carton of gatorade Berry 600ml, \$1,292.85 3388.130-01 23/11/2016 130 Australasian Performing Rights Music licensing fees 2016 - Recquation \$1,701.98 3388.1313-01 23/11/2016 1313 Daimler Trucks Perth CUSTOMER REPORTS ENGINE LIGHT ANI \$1,502.10 3388.1330-01 23/11/2016 1330 Sound Business Equipment Lanyards and iron on prints - Adventure \$79.90 3388.1343-01 23/11/2016 1343 Southern Metropolitan Regional Coun D15/30235 Legal agreement relating to th \$24,385.79 3388.1357-01 23/11/2016 1357 Sportsworld Of WA Assorted goggles and swimming accessorie \$767 25 3388.1360-01 23/11/2016 1360 Saint John Ambulance Australia (WA) First aid for opening of the adventure p \$789.09 23/11/2016 1393 Sunny Sign Company Pty Ltd Street Sign: OPAL WAY 3388 1393-01 \$297.00 3388.1423-01 23/11/2016 1423 Telstra Usage to 27/10/2016 - TBM mobile \$6,279.28 3388.1463-01 23/11/2016 1463 Thomson Reuters (Professional) 2016-2017 edition of Fair Work Legislati \$122.10 1481 Total Eden Pty Ltd 3388.1481-01 23/11/2016 Sprinkler surround cutter \$24.20 TOP87-8730 STUD, TOP23-7270 NUT-WHEI 3388.1485-01 23/11/2016 1485 T-Quip \$1,218.90 3388.1500-01 23/11/2016 1500 Toyotaways 4882360030 - CVR FR STABB 9011908834 \$15.99 3388.1516-01 23/11/2016 1516 Trisley's Hydraulic Services Pty Lt Replace the Soda Ash line - Recouatic \$363.00 3388.1520-01 23/11/2016 1520 Truck & Car Panel & Paint Excess only repairs - KWN1895 \$500.00 3388.1528-01 23/11/2016 BP - 27 Bright Rd, replace unserviceable 1528 Twights Plumbing Pty Ltd \$14,963.30



1/12/2016	9:33:36AM		TOK [LIVE]
Minimum Amount: \$0.00	9.55.50AW		
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Cheque/Ref Date Credito 3388.1533-01 23/11/2016 153	r Payee 3 Udia (WA)	Description UDIA Breakfast Forum - Designing Perth -	Amount
	3 WA Boiler Spares & Services	Boiler inspection	\$198.00
	2 Western Australian Local Government	Registration to Crisis Communications-N	\$198.00
	7 WA Rangers Assocation Inc	20 x NB1 WA Ranger Notebooks (Small), 10	\$380.00
) Auto Control Doors	Darius Wells Library & Res Cnt-Auto Door	\$100.00
	3 Western Irrigation Pty Ltd	Thomas Road Entry Res-Hydrometer/Turboba	\$668.80
	5 WH Locations Services Pty Ltd	Technical service-pothole & GPR	\$3,663.00
	6 Witch Cycle Suzuki	Service & repairs - Rego 102779	\$2,654.52
	2 Woolworths Ltd	Food for FoodREDi programs (17 & 24 Nove	\$1,027.50
	5 Youth Affairs Council of WA	Sector breakfast with Professor Jane Bur	\$927.64
	3 Qualcon Laboratories Pty Ltd	Pavement & Layer Thickness Test-Kwinana	\$15.00
	6 Kyocera Document Solutions Australi	Taskalfa 3050ci to 12/10/16 - Zone	\$3,283.50
) Hanson Construction Materials Pty L	Cnr Wellard Road and Gilmore Ave - 0.8m3	\$6,297.23
	2 Officeworks BusinessDirect	Delivery Fee	\$3,062.18
	2 1st Kwinana Scout Group	Donations	\$141.95
	Cardno (WA) Pty Ltd	Johnson Road Modelling - 30/09/2016	\$200.00
		•	\$5,390.00
	5 Greenacres Turf Group	Supply and delivery of 600m2 Village Gre	\$4,358.00
	 Arteil Relatebias's Earthmoving Repairs 	As per quote received via email from Ste 5" DIAMETER EXHAUST PIPE X 300MM	\$740.30
	7 Palatchies's Earthmoving Repairs		\$12.89
	Beaurepaires Tyres Kwinana Abaclute Deinting Services	3551587 - B1 16/70-20 (14) MP-567 BKT LO	\$5,120.47
	Absolute Painting Services	APU - unit 12, complete re-paint incl. t	\$2,585.00
	Pember Wilson & Eftos	Valuation of Lot 100 (23) Isaac Way, Cal	\$2,475.00
	2 Hewlett-Packard Australia Pty Ltd	Contract TWR201109HPSW - HP TRIM Pkg	\$1,362.04
	7 Globe Australia Pty Ltd	CT Glyphosate 450 20Lt, Herbicide 10L	\$1,534.50
	2 Dell Australia Pty Ltd	2Yr ProSupport & Mission Critical: (7x24	\$6,591.20
	1 Subway Kwinana	Subway Platter - Film School 2.0	\$228.00
	Palm Lakes Gardens & Landscape Serv	BP - 23 Bright Rd, relay paving at Cloth	\$1,650.00
	Snap Printing Rockingham	Printing of A1 posters for Adventure Par	\$360.00
	Orelia Primary School Aust Dtul td	Totem pole project at Orelia Primary Sch	\$650.00
	7 Beaver Tree Services Aust Pty Ltd	Tree removal & grinding - 24 Farmer Way	\$41,293.95
	1 Accidental First Aid Supplies	Oxy Sok service October 2016	\$198.04
	5 Asbestos Masters WA	Britton Place Wandi - removal of asbesto	\$330.00
	5 Synergy	Usage to 2/11/16 74291U - Recquatic	\$18,374.20
	Bob Jane T-Mart	BST 245/70R16 113S D697 OWT (8)	\$2,443.00
	7 Rankine Mosquito Management	Mosquito management plan - October 2016	\$15,059.00
	1 Civic Legal	Withdrawal of Caveat-Lot47 on SSP66799	\$6,765.88
	9 Totally Confidential Records Manage	Monthly storage retrieval and collection	\$555.56
	5 Bristol Cleaning Services	BP - Clubhouse, window cleaning, August	\$480.00
	ABCO Products	Administration - Puregiene Superior Comp	\$6,625.85
	7 Bullet Sign Shop	8x A3 Corflute signs printed f/c one sid	\$527.56
3388.248-01 23/11/2016 24	3 Bunnings Building Supplies	Rapid set 20kg (estimated cost)	\$4,736.18
3388.2507-01 23/11/2016 250	7 Ixom Operations Pty Ltd	Cylinder fees - chlorine gas - Nov 2016	\$1,957.74
	6 Sigma Chemicals	Sodium Bicarbonate, Delivery - Recquatic	\$695.75
	3 Peet Southern JV Pty Ltd	Ref bond-Sec deposit Wellard Stage 25	\$80,358.63
	7 Westrac Equipment Pty Ltd	6V-8337, BOLT, 8T-0338,, etc	\$1,268.18
3388.263-01 23/11/2016 26	3 Central Regional Tafe	Reference guide for Reptile training cou	\$42.90
3388.2646-01 23/11/2016 264	6 Neverfail Springwater	Bottled water account for Admin bldfg 6.	\$405.75
3388.2652-01 23/11/2016 265	2 Modern Teaching Aids Pty Ltd	Lego pieces for Community Centres Lego k	\$1,676.47
3388.2669-01 23/11/2016 266	9 Auto One Kwinana	Wire - purchased by Jack	\$25.00
3388.2697-01 23/11/2016 269	7 Adasound Public Address	PA system for the opening of the Adventu	\$1,256.00
3388.2698-01 23/11/2016 269	3 Wilson Security Pty Ltd	BP Mobile Park Retirement Mobile Securit	\$1,245.90

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Cheque/Ref 3388.275-01	<i>Date</i> 23/11/2016	Creditor 275	Payee Cannon Hygiene Australia Pty Ltd	Description Quarterly Invoice - Sanitary bins from 1	Amount \$517.53
3388.2807-01	23/11/2016		PLE Computers Pty Ltd	2x ASUS DSL-N12E Wireless-N300 ADSL M	\$127.00
3388.2817-01	23/11/2016	2817	Medina Aboriginal Cultural Centre	Kwinana adventure playground Community A	\$900.00
3388.2848-01	23/11/2016	2848	DX Print Group Pty Ltd	200 x Attendance record books of 100 doc	\$2,634.50
3388.2852-01	23/11/2016	2852	Downer EDI Works Pty Ltd	Catamole Emulsion (approx cost for 250L)	\$186,777.99
3388.2903-01	23/11/2016	2903	Insight Call Centre Services	Call Monitoring - September - 2016 - WAL	\$1,812.31
3388.299-01	23/11/2016	299	Central TAFE	RDA Cataloguing Short Course 24 August 1	\$395.00
3388.302-01	23/11/2016	302	Chadson Engineering	WaterCo pool return inlet set	\$457.60
3388.3028-01	23/11/2016	3028	Wren Oil	PUMP OUT BELOW GROUND WASTE OIL	\$16.50
3388.304-01	23/11/2016	304	Challenger Ford	Ford Ranger KWN1817 new window motor	\$493.50
3388.3105-01	23/11/2016	3105	Poly Pipe Traders	M/F cutoff riser 15mm	\$4,502.56
3388.3106-01	23/11/2016	3106	Lochness Pty Ltd	Standing Order - Broadacre mowing of Sp	\$32,396.48
3388.3152-01	23/11/2016	3152	Charles Service Company	Supply 1 cleaner for 3 hours for the KAP	\$61,014.47
3388.3155-01	23/11/2016	3155	PFD Food Services Pty Ltd	Stock for Café Splash	\$734.30
3388.3212-01	23/11/2016	3212	Marketforce Pty Ltd	Community Awards Ad in Weekend Courier	\$6,788.75
3388.3224-01	23/11/2016	3224	Retech Rubber	Fiona Harris Pavilion Playground - Repai	\$935.00
3388.3312-01	23/11/2016	3312	Daniels Printing Craftsmen	Reprint of the Recquatic Term 4 newslett	\$2,610.30
3388.3334-01	23/11/2016	3334	Bertram Primary School	Sponsorship of 2016 Graduation Book Priz	\$50.00
3388.3338-01	23/11/2016	3338	AAA Blinds Port Kennedy	Admin-Francis Morgan Meeting Room-19/10/	\$128.00
3388.335-01	23/11/2016	335	City of Rockingham	Tip fees to 18/10/2016	\$122,753.73
3388.3359-01	23/11/2016	3359	J Corp Pty Ltd	B/L#4.2016.28809.1-O/payment-L107 Orange	\$36.00
3388.339-01	23/11/2016	339	Civica Pty Ltd	MSP Monthly Service Fee - License, Suppo	\$33,640.62
3388.342-01	23/11/2016	342	CJD Equipment Pty Ltd	Assorted filters and fluids	\$1,055.92
3388.347-01	23/11/2016	347	Cleanaway Pty Ltd	Waste Services - October 2016	\$122,754.57
3388.356-01	23/11/2016	356	Warnbro Community & Family Centre I	Hire of activity room2 - Term 4- 2016	\$859.00
3388.357-01	23/11/2016	357	BullAnt Security Pty	Creation of NEW stand alone padlock to b	\$2,515.34
3388.3580-01	23/11/2016	3580	HECS Fire	Administration - Attend to call out 06/1	\$12,625.80
3388.358-01	23/11/2016	358	Coastline Mower World	Diamond Concrete blade	\$2,143.50
3388.359-01	23/11/2016	359	Coates Hire Operations Pty Ltd	Variable Message Board Senior hire for 6	\$608.96
3388.3596-01	23/11/2016	3596	KLMedia Pty Ltd	Purchase DVDs	\$56.78
3388.3597-01	23/11/2016	3597	Rosie O Face Painters Extraordinair	Payment to Rosie O Face Painters for fac	\$2,070.00
3388.3642-01	23/11/2016	3642	Hodge Collard Preston Pty Ltd	Concept Design for new Administration Bu	\$20,768.00
3388.3677-01	23/11/2016	3677	TC Precast Pty Ltd	Universal side entry pit frame, Universa	\$374.00
3388.3686-01	23/11/2016	3686	KAJ Installations & Services	APU - garage 2A, repair to roller door	\$1,342.00
3388.3736-01	23/11/2016		Holyoake Australian Institute For	Drumbeat Facilitator Training-30/11/16-T	\$993.25
3388.3788-01	23/11/2016		Bunnings Building Supplies O'Connor	John Wellard Community Centre - Hardware	\$675.88
3388.3804-01	23/11/2016		Manfred Surveys	Feature Survey Outdoor Youth Space (Skat	\$1,298.00
3388.3863-01	23/11/2016		Chamber Of Commerce & Industry	EBA Consultation 11 October 2016 and 13	\$308.00
3388.3900-01	23/11/2016		Rockingham Books	Local stock collection development, Pare	\$1,037.21
3388.3914-01	23/11/2016		Bladon WA Pty Ltd - Advertising &	SPF 30+ Sunscreen Sachet. Healthy lifest	\$1,529.00
3388.3919-01	23/11/2016		Playmaster Pty Ltd	Supply and install playground equipment	\$50,435.00
3388.3977-01	23/11/2016		MRP Osborne Park-General Pest/Termi	General Pest/Termite Division 4307	\$180.00
3388.3999-01	23/11/2016		Wizard Training Solutions	Course 25/10/16	\$3,093.20
3388.4002-01	23/11/2016		Savage Surveying	Sloan cottage car park - Kerb nailing	\$1,494.90
3388.4003-01	23/11/2016		Infiniti Group	black bin bags 240L x 1 box white bin b	\$761.09
3388.4035-01	23/11/2016		Wildflower Society of WA (Murdoch	Provision of interpretative services for	\$250.00
3388.4057-01	23/11/2016		Kelyn Training Services	2 Depot staff-Operate & Maintain Chainsa	\$560.00
3388.407-01	23/11/2016		Staples Australia	Library stationery - October 2016	\$1,947.57
3388.4074-01	23/11/2016		Tanks for Hire	Supply of Water Trailer for 2016 Childre	\$308.00
3388.4077-01	23/11/2016		Commarine	Commarine Job#2221 VW Amarok VIN: WV	\$2,540.43
3388.4112-01	23/11/2016	4112	Cleverpatch Pty Ltd	Items for outreach and storytime craft	\$351.89



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Cheque/Ref	Date	Creditor	Payee	Description	Amount
3388.4118-01	23/11/2016	4118	FunkyDory	Darius Wells - Program - Pumpkin Carving	\$90.00
3388.4125-01	23/11/2016	4125	LD Total	October- Irrigation Maintenance Belgravi	\$84,920.19
3388.413-01	23/11/2016	413	Covs Parts Pty Ltd	Oil filters	\$3,981.52
3388.4134-01	23/11/2016	4134	WA Independant Steel	UA6490 6060T5, SIGN C CHANNEL, MILL FI	\$798.60
3388.4246-01	23/11/2016	4246	Atom Supply	Uniform Issue - SIMON CHANT- 2007 Workit	\$10,222.57
3388.4270-01	23/11/2016	4270	Party Decor	Entertainment and Characters for Festiva	\$1,200.00
3388.4350-01	23/11/2016	4350	T J Depiazzi & Sons	Supply and Deliver 50m3 of Pinebark Mulc	\$10,116.7
3388.435-01	23/11/2016	435	Custom Built Saunas	Repair to steam generator tank	\$1,232.00
3388.4412-01	23/11/2016	4412	JB Hi-Fi Rockingham	Purchase Various games, cbales, controll	\$549.90
3388.4422-01	23/11/2016	4422	Octagon - BKG Lifts	The Zone - Quarterly maintenance - Passe	\$2,015.2
3388.4424-01	23/11/2016	4424	Natsales Australia Pty Ltd	Advertising on 6 bins for 3 months. Adve	\$1,881.00
3388.4550-01	23/11/2016	4550	Bitumen Surfacing	Spray Sealing of Hope Valley Road as Req	\$21,114.5
3388.4551-01	23/11/2016	4551	Jaycar Pty Ltd	purchase of materials for Woodshop progr	\$384.9
3388.4627-01	23/11/2016	4627	Sara Natasha Urban	MC - Adventure Park Opening 16/10/16	\$755.00
3388.4692-01	23/11/2016	4692	Elliotts Irrigation Pty Ltd	Iron filter servicing - 4/10/16	\$473.00
3388.4719-01	23/11/2016	4719	Complete Office Supplies Pty Ltd	Library stationery for October 2016	\$1,940.89
3388.4743-01	23/11/2016	4743	Artcom Fabrication	Corflute flip signs for street entertain	\$1,419.00
3388.4749-01	23/11/2016	4749	Greensense Pty Ltd	WALGA Greenhouse Gas Reporting Platform	\$4,314.5
3388.4790-01	23/11/2016	4790	Spotlight Pty Ltd	Pin It Made It Supplies for Term 4	\$487.20
3388.483-01	23/11/2016	483	Landgate	Gross Rental Valuations to 21/10/16	\$3,022.12
3388.4846-01	23/11/2016	4846	Sally Murphy	Author Presentation for Children's Book	\$700.00
3388.4853-01	23/11/2016	4853	Ashley Thomas Harding	Staff Reward event (BBQ) x 11 staff @\$25	\$275.00
3388.4861-01	23/11/2016	4861	Big W	D/Wells Library & Resource Centre progra	\$3,745.5
3388.4914-01	23/11/2016	4914	Website Weed & Pest (WA) Pty Ltd	Spray bees in the verge trees outside 1	\$2,271.5
3388.4918-01	23/11/2016	4918	Fairfax Digital Australia & NZ Pty	615KWN16 - Tenderlink upload of document	\$192.5
3388.5061-01	23/11/2016	5061	Department of Planning -DAP	JDAP AppDA8813, L20 Port Rd, Kwinana B	\$5,885.0
3388.5062-01	23/11/2016	5062	Tony Aveling & Associates Pty Ltd	Safety and Health Representative Trainin	\$990.00
3388.5079-01	23/11/2016	5079	Kids Just Wanna Have Fun Amusement	Christmas function 1 table tennis and 1	\$610.0
3388.522-01	23/11/2016	522	Dymocks Book Sellers	Purchase 5 titles value at \$139.46	\$139.4
3388.537-01	23/11/2016	537	Educational Art Supplies Co	Art and Craft supplies for Family Day Ca	\$854.6
3388.5465-01	23/11/2016	5465	Battlezone Laser Combat	Excursion on 31/01/17 from 10:00am-2:30p	\$200.0
3388.5520-01	23/11/2016	5520	Master Lock Service	Administration Building - installation o	\$2,661.9
3388.5523-01	23/11/2016	5523	Yelakitj Moort Nyungar Assoc Inc	Cultural Services - Kwinana Adventure Pa	\$500.0
3388.5586-01	23/11/2016		Freo Group Limited	Hire of a 25 ton crane, low loader and 1	\$1,986.6
3388.560-01	23/11/2016		Goodchild Enterprises	BOSCH U1R-260-S3+ BATTERY	
3388.56-01	23/11/2016		Aim	Adobe Acrobat Intermediate Training 2 No	\$346.50 \$451.00
3388.5627-01	23/11/2016		Tyrecycle Pty Ltd	Passenger, Passenger w rim, Light truck/	
3388.5652-01	23/11/2016		Put On A Happy Face	Supply 2 face painters for the Kwinana R	\$1,104.7
3388.5670-01	23/11/2016		Tracey Jane Gooden	Reimbursement for Expenses Various	\$640.00 \$304.50
3388.5743-01	23/11/2016		Programmed Maintenance Services Ltd	Banksia Park Retirement Estate Garden &	\$304.5
3388.5750-01	23/11/2016		Kev's Wheelie Kleen	D/W Library & Resource Ctre-19/10/16	\$9,245.6
3388.5764-01	23/11/2016		Code Group Pty Ltd	Margaret Feilman Civic Building renovati	\$682.0
3388.5794-01	23/11/2016		The Funk Factory	Big Band experience Adventure Park Openi	\$990.0
3388.5822-01	23/11/2016		Perth Security Services	Certificate II in security Operations -	\$2,970.0
3388.5823-01	23/11/2016		Accord Security Pty Ltd	Accord Guard 24/7 Security Coverage 03/1	\$1,650.0
					\$19,116.0
3388.583-01	23/11/2016		Flexi Staff Pty Ltd	Bryce Law w/e 28/08/16	\$4,881.7
3388.5882-01	23/11/2016		Promotions Only	Purchase of staff 'Events' shirts	\$1,175.3
3388.5921-01	23/11/2016		Custom Composts	Supply and deliver 2 pallets of C-Life T	\$1,320.0
3388.5958-01	23/11/2016		West Coast Profilers	Profiling, truck, sweep - Hope Valley	\$34,430.82
					\$382.80
3388.598-01 3388.5982-01	23/11/2016 23/11/2016		Forpark Pty Ltd Mahomad Arif Satar	Varris Way Playground - S4001 - HNG Whee Reimb of items for Arts Projects	\$38: \$4

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\$0.00

Minimum Amount:

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Amount

\$300.00

\$627.00

\$102.03

\$437.80

\$388.52

\$940.79

\$110.00

\$564.29

\$247.50

\$1 500 00

\$29,172.55

\$7.418.40

\$1,139.00

\$2,992.00

\$5.018.50

\$1,137.51

\$1.251.30

\$11,583.23

\$1,100.00

\$15,310.43

\$538.20

\$4,668.91

\$2.415.00

\$587.40

\$252.00

\$434.50

\$35.99

\$3,608.00

\$4,260.96

\$23,100.00

\$1,018.19

\$822.25

\$660.00

\$400.00

\$1,479.50

\$1,150.00

\$1,636.25

\$3 121 86

\$2,107.05

\$440.00

\$985.60

\$4,301.00

\$3,058.00

\$672.38

\$1,088.00

\$1,262.06

\$1,133.83

delivery of 1 lunchbox inspiration sessi

\$132.00

\$415.00

\$2,002.00

Cheque/Ref Date Creditor Pavee Description 3388.5990-01 23/11/2016 5990 Dismantle Inc Refund bond- Hall hire 3388 5995-01 23/11/2016 5995 Zenien Pty Ltd T/as ATFT Astuta Tru Call Out for CCTV Consulting/Engineering 3388.6000-01 23/11/2016 6000 Scott Printers Pty Ltd Print and delivery of the Staff Values b 3388.60-01 23/11/2016 60 Air Liquide October cylinder hire fees 23/11/2016 6007 Adventure 4 x 4 Pty Ltd Supply/Install 2500 FMP Black Rhino Rack 3388.6007-01 3388.6018-01 23/11/2016 6018 ALSCO Pty Ltd Table linen for Council dinners, citizen 3388.6090-01 23/11/2016 6090 Pirtek Fluid Transfer Solutions 1x 2.300 MTR R2AT-16 HOSE ASSY, 1x HO 3388 6091-01 23/11/2016 6091 Kilo Holdings Pty Ltd Planter hire - Darius Wells 3388 614-01 23/11/2016 614 Fridgair Industries Wellard Pavilion - Replace fan motor to 3388.6224-01 23/11/2016 6224 The Grant Finder Facil & Assistance school holiday program 23/11/2016 6313 Crockford Nominees Ptv I td 3388.6313-01 Goods & Services 3388.6370-01 23/11/2016 6370 Elexacom Depot - Test all exit and emergency ligh 3388.6371-01 23/11/2016 6371 KDAire Mechanical Services Pty Ltd Fiona Harris Pavilion - Monthly Maintena 3388.6380-01 23/11/2016 1 Oral History - subject Joe Martin 6380 Anne Yardlev 3388.6460-01 23/11/2016 6460 Artistralia Movie licencing for Movie Nights - Chish 3388.6567-01 23/11/2016 6567 Poolegrave Signs Update pricing board 3388.6571-01 23/11/2016 6571 SPP Consulting (WA) Pty Ltd **Consultancy Services** Facilitation of Bertram Holiday Programs 3388 6576-01 23/11/2016 6576 Kylie Ilana Jesus 3388.664-01 23/11/2016 664 Greenway Enterprises C641763 Cyclone Shovel - Square mouth, C 3388.6670-01 23/11/2016 6670 Kero Fill 600 litres kero 3388.6700-01 23/11/2016 Sprayking WA Pty Ltd October - Chemical weed control of Hards 6700 23/11/2016 6741 3E Consulting Engineers Pty Ltd Design Consultancy Medina Netball Courts 3388.6741-01 23/11/2016 3388 6749-01 6749 Australia Post Postage for September/October 2016 3388.684-01 23/11/2016 684 Hart Sport Assorted sporting items - Recquatic 6972 Go Doors Pty Ltd 3388.6972-01 23/11/2016 Depart of Housing - Main entry door-Adju 3388.7-01 23/11/2016 7 AAA Windscreens & Tinting Supply and install window tints to work 3388.7034-01 23/11/2016 Notice Board Systems Pty Ltd Advertising at Bertram IGA half year Oct 7034 Spring has Sprung workshop 3388 7103-01 23/11/2016 7103 Antonina Lance 3388.7164-01 23/11/2016 7164 Anser Technical Street Lighting Design for Leda Boulevar 3388.7168-01 23/11/2016 7168 Exit Waste Thomas Kelly Pavilion - Clean greasetrap 3388.720-01 23/11/2016 720 Hydramet Pty Ltd 2 x Chlorine Gas regulator 3388.7236-01 23/11/2016 7236 Wheelers Book Club Ltd Purchase books to the value of \$167.72 3388.7237-01 23/11/2016 7237 Dee Roche Leadership Development City of Kwinana - Values Health Check Pr 7285 Bolinda Digital Pty Ltd 3388.7285-01 23/11/2016 Purchase E-Audio Books as per Borrow Box 3388.7303-01 23/11/2016 7303 KNK Civils 1 x operator and positrack 3388.7350-01 23/11/2016 7350 Lets All Party 2 Walking Dinos inc. supervisor GST and 7366 REDIMED Pty Ltd 3388.7366-01 23/11/2016 Medical Assessment-Darren Clarke 3388.7387-01 23/11/2016 7387 Farmtastic Party Hire Farm Animals for Open Day on 29 October 3388.7388-01 23/11/2016 7388 Morris Jacobs Drawing lessons - Tuesdays 3388.7415-01 23/11/2016 7415 Hames Sharley Pty Ltd Planning and Urban Design Studies - Cine 3388.7436-01 23/11/2016 7436 Action Glass Pty Ltd APU - unit 43, replace chipped front win 3388.7445-01 23/11/2016 7445 Mustang Welding & Fabrication Repairs to mudguard on trailer - PL350 Coffee Machine Service for the period 24 23/11/2016 7492 Xpresso Delight Perth 3388 7492-01 3388.7502-01 23/11/2016 7502 Redox Pty Ltd Pallet of D.E. + delivery 3388.7521-01 23/11/2016 7521 Strategen Environmental Consultants Planning and Urban Design Studies 23/11/2016 3388.7522-01 7522 GPS Linemarking Cricket boundrey line marking at Orelia 1x Epson EB-G5750WU Replacement Lamp 1 3388.7529-01 23/11/2016 7529 Projector Lamp Experts 3388.7605-01 23/11/2016 7605 Flying Canape Catering - 27/10/16 3388.762-01 23/11/2016 762 Blackwood & Sons Ltd Steel blue argyle size 11 3388.7625-01 23/11/2016 7625 Flex Industries Pty Ltd LOW WATER ALARM INOP - KWN702 TOY(

7691 Hardy Nutrition Dietary Consulting

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Cheque/Ref 3388.7696-01	Date C 23/11/2016	Creditor 7696	Payee Allied Pumps Pty Ltd	Description Wandi The Pavilion Service Stormwater Pu	Amount
3388.7765-01	23/11/2016		ArborCarbon Pty Ltd	KAP Tree Risk Assessment Field Work	\$1,501.50
3388.7780-01	23/11/2016		Moore Stephens (WA) Pty Ltd	Audit Certification Banksia Park	\$8,148.25
3388.7809-01	23/11/2016		Frontline Fire and Rescue Equipment	Annual Hose Pressure Testing as per Aust	\$10,406.00
3388.7858-01	23/11/2016		Datacom systems (WA) Pty Ltd	Monthly Saas Fee Sphere Website - Octobe	\$3,232.19
3388.7937-01	23/11/2016		Kerb Direct Kerbing Pty Ltd	Contract 606KWN16 Supply and Lay Kerbing	\$1,870.00
3388.7939-01	23/11/2016		Mackay Urban Design	Residential Streetscape - Sept & Oct 16	\$8,413.90 \$5,500.00
3388.7944-01	23/11/2016		Simply Swing	Dance performers - Kwinana Festival	\$5,500.00
3388.7960-01	23/11/2016		Kerb 2 Kerb Concreting	Supply and lay 10mtrs of mountable kerb	\$300.00
3388.7993-01	23/11/2016	7993	EdgyX Pty Ltd	Incursion on 6 October 2016. Total cost	\$247.50
3388.7999-01	23/11/2016		R&D Knowledge Services Pty Ltd	Development of special read only permiss	\$550.00
3388.8027-01	23/11/2016		Fiona Susan Bettesworth	Morning Tea for RAP Meeting	\$23.50
3388.806-01	23/11/2016	806	Kearns Garden & Hardware Supplies	APU- purchase of hardware	\$692.79
3388.8064-01	23/11/2016	8064	Hannah - Rose Winter	Darius Wells - Assistant for Programs -	\$437.50
3388.8099-01	23/11/2016	8099	Total Tools Rockingham	Sledgehammer	\$684.95
3388.8100-01	23/11/2016	8100	Lucid Consulting Australia Pt Ltd	Margaret Feilman Civic Building Renovati	\$6,160.00
3388.8103-01	23/11/2016	8103	RAEZ	Ludicrous COGZ day hire - International	\$280.00
3388.8119-01	23/11/2016	8119	The Smart Security Company P/L	BP - 24 hour Monitoring of emergency sys	\$3,753.75
3388.8129-01	23/11/2016	8129	Just Kids Speech Pathology	In service workshop x 2 hrs	\$660.00
3388.8133-01	23/11/2016	8133	Glen Flood Group Pty Ltd	City of Kwinana - Depot service delivery	\$23,745.15
3388.8220-01	23/11/2016	8220	Return On Investment Health Trainin	Youth Mental Health First Aid training-5	\$250.00
3388.8227-01	23/11/2016	8227	Emerald Gardens and Landscaping	Installation of totem poles at Orelia Pr	\$715.00
3388.8240-01	23/11/2016	8240	MRA Consulting Group Pty Ltd	Consultancy services Kwinana Waste Manag	\$19,800.00
3388.8243-01	23/11/2016	8243	Brackson Construction Pty Ltd	Deposit-Materials- install decking-Wheat	\$12,878.31
3388.8246-01	23/11/2016	8246	Leanne Maciel	Refund bond-Hall hire 30/1/16	\$300.00
3388.8274-01	23/11/2016	8274	Kids Nature Club	Arts and craft activity - Adventure Park	\$925.00
3388.8278-01	23/11/2016	8278	Radrock Adventures	High Ropes Course for Open Day - 29 Octo	\$1,540.00
3388.8287-01	23/11/2016	8287	Barn Babes Animal Farm	Supply of Animal Farmyard - 2016 Childre	\$550.00
3388.8289-01	23/11/2016	8289	Arty Brellas	Payment to Arty Brellas for attendance a	\$1,760.00
3388.829-01	23/11/2016	829	Kwinana Cricket Club	Reimb items for Nightfields	\$90.15
3388.8305-01	23/11/2016	8305	Tyrannosaurus Park	Entertainment for Festival - 12/11/2016	\$3,080.00
3388.8306-01	23/11/2016	8306	Nature Calls Portable Toilets	Supply of Toilets for 2016 Children's Pa	\$616.00
3388.8319-01	23/11/2016	8319	Poolwerx Spearwood	Daily water testing and balance (plus co	\$2,030.15
3388.8320-01	23/11/2016		ASB Marketing Pty Ltd	150x Carmel Water Bottle (cup). 75 with	\$1,025.75
3388.8321-01	23/11/2016	8321	Hi Tech Security (WA) Pty Ltd	Kwinana Adventure Playground Calista -	\$6,616.50
3388.8325-01	23/11/2016		Envirosweep	Provision of Street and Footpath sweep	\$20,746.00
3388.8327-01	23/11/2016		Construction Hydraulic Design	Margaret Feilman Civic Building Renovati	\$2,662.00
3388.8333-01	23/11/2016		Cameron Van Der Does	Magician for Festival	\$400.00
3388.8346-01	23/11/2016		Skateboarding WA	Kwinana Pop Up Skate Park Activation 201	\$3,795.00
3388.8353-01	23/11/2016		Gastech Australia Pty Itd	Parts for Pump	\$3,418.25
3388.8354-01	23/11/2016		Easy Signs Pty Ltd	New banners FDC	\$703.12
3388.8355-01	23/11/2016		JGC Group Pty Ltd	Development and Delivery of club worksho	\$990.00
3388.8370-01	23/11/2016		Outpost Central	Elster screw-in pulse lead (part number	\$119.90
3388.8434-01	23/11/2016		Darryn L Hammond	Overnight stage surveillance - Kwinana F	\$200.00
3388.8435-01	23/11/2016		Penny Hardy	Refund stall fees for Kwinana Festival	\$83.00
3388.8436-01	23/11/2016		Peter Boyd	Construction of screening- playgroup	\$500.00
3388.8437-01	23/11/2016		Natalie Wiley	Refund of membership left as credit	\$268.00
3388.8438-01 3388.8439-01	23/11/2016 23/11/2016		GISSA International	Refund bond-Hall hire 15/11/16 Refund bond-Hall hire 5/11/16	\$300.00
3388.8440-01	23/11/2016		Sriramaraju Mantera KJB Leasing Pty Ltd	Refund part applic fees-business closed	\$300.00
3388.8441-01	23/11/2016		Manawa Mai Tawhiti	Refund bond-Hall hire 9/10/16	\$422.00
0000.0441-01	20/11/2010	1+1			\$300.00



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	ount: \$0.00				
Chaqua/Def	Data	Craditar	Pavaa	Description	Amount
Cheque/Ref 3388.867-01	Date 23/11/2016	Creditor 867	Payee Lamp Replacements	Description Osram globes	Amount \$228.80
3388.882-01	23/11/2016	882	Leda Primary School	Sponsorship of 2016 Graduation Book Priz	\$50.00
3388.928-01	23/11/2016	928	Major Motors	MUDFLAPV- MUDFLAP 60 x 45, ACTION TI	\$94.38
3388.959-01	23/11/2016	959	McLeods Barristers & Solicitors	Food Act Prosecution - Matter 39181	\$8,491.55
3388.971-01	23/11/2016	971	Men Of The Trees Nursery	70 Seedlings for Local Orgs Christmas Pa	\$112.00
3388.985-01	23/11/2016	985	Squire Patton Boggs Au	Proceedings commenced by Lehman Bros sp	\$3,258.90
3389.2853-01	23/11/2016	2853	Maxxia Pty Ltd	Payroll Deduction	\$5,160.14
3389.3376-01	23/11/2016	3376	Health Insurance Fund of WA (HIF)	Payroll Deduction	\$1,929.60
3390.8330-01	24/11/2016	8330	Solomons Flooring Willetton	Final payment-Remove/dispose carpet & in	\$11,290.00
3391.565-01	23/11/2016	565	Bright Futures Family Day Care - Pa	FDC payroll 07/11/16-20/11/16	\$108,839.42
3391.568-01	23/11/2016	568	Bright Futures In Home Care - Payro	IHC Payroll 07/11 - 20/11/2016	\$51,234.27
3392.153-01	29/11/2016	153	Australian Taxation Office	Taxation	\$186,292.00
3393.1034-01	30/11/2016	1034	North Lake Electrical Pty Ltd	Check electrical fault - Kelly Park	\$600.55
3393.11-01	30/11/2016	11	ABA Automatic Gates	Repairs to the Depot boom gate	\$66.00
3393.1228-01	30/11/2016	1228	Rockingham Mower & Chainsaw Centre	Edger blade bulk pack	\$1,260.00
3393.1277-01	30/11/2016	1277	Savage Garden Services	Slash all sumps along Wellard Road as re	\$22,476.90
3393.1357-01	30/11/2016	1357	Sportsworld Of WA	Assorted goggles and swimwear	\$393.25
3393.1360-01	30/11/2016	1360	Saint John Ambulance Australia (WA)	First Aid Training - Date TBA - Trevor J	\$160.00
3393.1423-01	30/11/2016	1423	Telstra	Usage to 16/11/16 - MV Mandogalup Hope V	\$235.33
3393.1528-01	30/11/2016	1528	Twights Plumbing Pty Ltd	APU - unit 57, Saturday call out, clean	\$627.00
3393.1536-01	30/11/2016	1536	Ulverscroft Large Print Books	Audio titles as selected from catalogue	\$2,284.29
3393.1589-01	30/11/2016	1589	Waste Stream Management Pty Ltd	Tipping - 5 tonne - D8 class 1	\$147.40
3393.1629-01	30/11/2016	1629	Weston Road Systems	Temporary Spotting on Wellard Road as Re	\$2,035.00
3393.1652-01	30/11/2016	1652	Woolworths Ltd	Café Supplies	\$473.12
3393.2053-01	30/11/2016	2053	Barbara Elizabeth Powell	Conference expenses in QLD - 9 Nov 2016	\$2,877.14
3393.2125-01	30/11/2016	2125	Synergy	Usage to 17/11/16 166U - Challenger Beac	\$4,934.40
3393.2224-01	30/11/2016	2224	Prestige Catering & Event Hire	Morning tea-16 November, 2016 - D/W Lib	\$627.60
3393.2321-01	30/11/2016	2321	Civic Legal	Professional Fees-Matter No.GMS/150026	\$5,257.12
3393.2475-01	30/11/2016	2475	Xercise Pro	annual xersice pro licensing fees	\$2,555.00
3393.2652-01	30/11/2016	2652	Modern Teaching Aids Pty Ltd	Items for Darius Wells Creche	\$915.61
3393.3031-01	30/11/2016	3031	Specialised Security Shredding	GC Bin Exchange - 27/10/16	\$10.12
3393.3084-01	30/11/2016	3084	Outsource Business Support Solution	System/Reporting Support for Finance Tea	\$1,155.00
3393.3117-01	30/11/2016	3117	Western Power Connections Manager	MP165124 - Streetlights,18 Stewart Way,	\$3,746.00
3393.3155-01	30/11/2016	3155	PFD Food Services Pty Ltd	Assorted items for Cafe Splash	\$533.30
3393.335-01	30/11/2016	335	City of Rockingham	Tp fees to 02/11/16	\$81,845.65
3393.3357-01	30/11/2016	3357	BGC Residential Pty Ltd	Refund sec dep-L403 Fareham Crescent	\$1,400.00
3393.3359-01	30/11/2016	3359	J Corp Pty Ltd	Refund sec dep-L477 Marble Blvd	\$1,400.00
3393.3391-01	30/11/2016	3391	Ventura Home Pty Ltd T/A Aussie Liv	Refund sec dep-L450 Price Pkway	\$1,456.00
3393.3392-01	30/11/2016	3392	Summit Homes Group	Refund sec dep-L591 Corrour St	\$60,100.00
3393.3632-01	30/11/2016	3632	Eclipse Soils Pty Ltd	Disposal of greenwaste - Sloans Cottage	\$256.66
3393.4246-01	30/11/2016	4246	Atom Supply	Uniform Issue - DEB BRADLEY	\$626.47
3393.4411-01	30/11/2016	4411	Lucie's Yoga	Silversport - David Stone 13 x classes	\$195.00
3393.4664-01	30/11/2016	4664	AMPAC Debt Recovery (WA) Pty Ltd	Legal cost - Rates November 16	\$25.00
3393.583-01	30/11/2016		Flexi Staff Pty Ltd	Temp staff w/e 12/11/16 - P Dowling	\$1,759.08
3393.5962-01	30/11/2016		Rockingham PCYC	Kidsport vouchers x 2 - Emma & Kadi Ba	\$400.00
3393.610-01	30/11/2016	610	Narelle Fay French	Reimb of Finance Team Milestone Celebrat	\$550.00
3393.6224-01	30/11/2016		The Grant Finder	After School Activities Term 4 2016-D/W	\$620.00
3393.6319-01	30/11/2016	6319	Meagan Sandra Hodgson	Ice & Milk for Perishables-Wellard Twili	\$11.30
3393.6395-01	30/11/2016		Web for Small Business	Darius Wells - Technology Programs for T	\$495.00
3393.6707-01	30/11/2016		Labourforce Impex Personnel Pty Ltd	Glen Snook w/e 14/10/16	\$1,653.55
3393.6710-01	30/11/2016		Shane Anthony Russon	Rates Refund	\$1,798.36
			,		φ1,190.30



TOK [LIVE]

	1/12/2010	6	9:33:36AM		
Minimum Amo	ount: \$0.00				
Cheque/Ref	Date	Creditor	Payee	Description	Amount
3393.69-01	30/11/2016		Alinta Gas	Usage to 17/11/16 0U - Feilman Civic C	
3393.7200-01	30/11/2016	7200	Allyce Rosamond Paulsen	Programs Assist- Bertram ASKC & Cake	
3393.7672-01	30/11/2016	7672	Lollipops Jandakot	Excursion, food & drink for Children's P	\$446.00
3393.7809-01	30/11/2016	7809	Frontline Fire and Rescue Equipment	Parts and items for Fire & Rescue	\$222.64
3393.7833-01	30/11/2016	7833	Kwinana Veterinary Hospital Pty Ltd	Dog microchip - 27/10/16	\$2,314.50
3393.8027-01	30/11/2016	8027	Fiona Susan Bettesworth	Juice for Community Groups function	\$5.69
3393.8221-01	30/11/2016	8221	Mermaid Academy Pty Ltd	Mermaid for 3 hours for the recquatic op	\$550.00
3393.8320-01	30/11/2016	8320	ASB Marketing Pty Ltd	Adventure Park Merchandise-Erasers &	
3393.8442-01	30/11/2016	8442	Master Instruments	Batteries for Traffic Counters	\$117.18
3393.8445-01	30/11/2016	8445	Eric Hawkins	Refund bond - Patio 28/10/2016	\$63.25
3393.8446-01	30/11/2016	8446	Community Housing Ltd	Rates Refund	\$6,670.71
3393.8449-01	30/11/2016	8449	Jack Morris	Cancelled PT sessions due to financial	
3393.8451-01	30/11/2016	8451	Michelle Little	Travel Assistance for Ashleigh Reidy	\$175.00
3393.8452-01	30/11/2016	8452	Metrix Consulting	Refund bond-Hall hire 16 & 17/11/16	\$300.00
3393.8453-01	30/11/2016	8453	Pathmanabhan Naidu	Refund bond-Hall hire 19/11/16	\$2,000.00
3393.8454-01	30/11/2016	8454	Kwinana Community Financial Service	Refund bond-Hall hire 17/11/16	\$300.00
3393.8455-01	30/11/2016	8455	Charles Jenkins	C/over subsidy rebate-L2004 Litoria Dr,	\$360.00
3393.8456-01	30/11/2016	8456	Benjamin Crane Williams	C/over subsidy rebate-L198 Morington (
3393.853-01	30/11/2016	853	Kwinana South Bush Fire Brigade	Hazard burn reduction x 2	\$540.00
3393.903-01	30/11/2016	903	Lo-Go Appointments	Placement fee for Geoff Copley - City A	
3393.934-01	30/11/2016	934	Mandogalup Volunteer Fire Brigade	Hazard reduction burns x 7	\$2,222.00
3393.959-01	30/11/2016	959	McLeods Barristers & Solicitors	Legal fees - Matter No.38623	\$9,995.19
3393.96-01	30/11/2016	96	Apace Aid (Inc)	Materials for plant salvage October 2010	
3393.974-01	30/11/2016	974	Metro Filters	Service due for Canopy in Café Splas	
3394.565-01	25/11/2016	565	Bright Futures Family Day Care - Pa	FDC Payroll to 20/11/2016 Interim	\$2,313.84
3395.568-01	28/11/2016	568	Bright Futures In Home Care - Payro	IHC Payroll to 4/12/2016 Interim file	\$1,228.72
					\$4,023,851.52
Cancelled Chec	lues				. ,,
00200130	02/11/2016	7975	Jamie Whyte	****** C A N C E L L E D ******	\$0.00
00200137	02/11/2016		Gemma Ralls	****** C A N C E L L E D ******	\$0.00
00200159	16/11/2016		Judy Mercades Deocades	****** C A N C E L L E D ******	\$0.00
					\$0.00
				Total Non Payroll Payments	687 \$4,345,137.00
				-	
Payroll					
Cheque/Ref	Date		Description		Amount
PY01-10	9/11/2016		Payroll		626,135.55
PY01-11	23/11/2016		Payroll	Total Payroll	770,940.74
					1,397,076.29

Grand Total

5,742,213.29

At 7.56pm, the following items were carried by an 'en bloc' resolution of Council:

Agenda Items				
16.2	16.6	16.9		
16.3	16.7	16.10		
16.4	16.8	16.11		

16.2 Budget Variations

SUMMARY:

To amend the 2016/2017 budget to reflect various adjustments to the General Ledger with nil effect to the overall budget as detailed below. Due to the nature of these variations, they fall outside the annual budget review.

OFFICER RECOMMENDATION:

That the required budget variations to the Adopted Budget for 2016/2017 as outlined in the report be approved.

NOTE: AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

ITEM #	LEDGER ACCOUNT	DESCRIPTION	OPERATING BUDGET	INCREASE/ DECREASE	REVISED BUDGET
1	600003.1001	Capital Expense	(247,000)	(20,000)	(267,000)
	400234.1031	Operating Expense	(216,674)	20,000	(196,674)
		Software Applications - tran	sfer of identified	d savings in Cor	nputing
	Reason:	Infrastructure salaries due t system.	o vacant positio	on to upgrade TF	RIM records
2	600004.1001	Capital Expense	(32,500)	(2,000)	(34,500)
	400261.1220	Operating Expense	(10,000)	2,000	(8,000)
	Reason:	Recquatic Admin - transfer stationery to replace members			ic Admin

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:

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

*NOTE: All figures are exclusive of GST

ASSET MANAGEMENT IMPLICATIONS:

The allocation of funds towards the upgrading and renewal of existing 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 (D16/3339).

Plan	Objective	Strategy
Corporate Business Plan	6.1 Ensure the financial sustainability of the City of Kwinana into the future.	6.1.2 Implement sound revenue and expenditure policies, seek additional revenue sources and optimise financial management systems.

COMMUNITY ENGAGEMENT:

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

RISK IMPLICATIONS:

There are no risk implications that have been identified as a result of the report or recommendation.

16.2 BUDGET VARIATIONS

COUNCIL DECISION 405 MOVED CR P FEASEY

SECONDED CR B THOMPSON

That the required budget variations to the Adopted Budget for 2016/2017 as outlined in the report be approved.

CARRIED BY AN 'EN BLOC' ABSOLUTE MAJORITY OF COUNCIL 7/0

16.3 Monthly Statement of Financial Activity for the Period Ending 31 October 2016

SUMMARY:

The Monthly Statement of Financial Activity and explanation of material variances for the period ending 31 October 2016 has been prepared for Council acceptance.

OFFICER RECOMMENDATION:

That Council accepts:

- 1. The Monthly Statements of Financial Activity for the period ending 31 October 2016; and
- 2. The explanations for material variances for the period ending 31 October 2016.

DISCUSSION:

Variance percentages between budget estimates to the end of October and actual amounts to the end of October have been presented in the attached Statement of Financial Activity.

The material variances that are required to be reported on are:

Description	Actual	Y-T-D Budget		Variance (%)
Directorate Corporate and Engineering Services Revenue	1,872,425	1,673,987		11.85%
Directorate City Development	2,492,700	1,833,539		35.95%
Directorate Corporate and Engineering Services Expenditure	(4,578,088)	(5,248,041)	•	12.77%
Directorate City Living Expenditure	(8,541,177)	(10,079,748)	▼	15.26%
Directorate City Development Expenditure	(1,018,813)	(1,545,588)	•	34.08%
Contributions for the Development of Assets	1,451,244	340,935		325.67%
Proceeds from Disposal of Assets	132,111	273,500	▼	(51.70%)
Purchase Computing Equipment	(46,720)	(174,952)	▼	73.30%
Purchase Transportation Vehicles	(161,948)	(473,000)	•	65.76%

Description	Actual	Y-T-D Budget		Variance (%)
Purchase Land and Buildings	(201,724)	(492,436)	▼	59.04%
Purchase Reserve Development	(18,814)	(377,000)	•	95.01%
Purchase Playground Equipment	(1,934,057)	(641,569)		(201.46%)
Transfers from Reserves	1,431,731	1,617,682	▼	11.49%

Note: A negative (%) variance indicates additional expenditure or reduced revenue than budgeted. A positive % variance indicates additional revenue or reduced expenditure than budgeted.

Directorate Corporate and Engineering Services Revenue – 11.85%

- This area shows increased income mainly due to the following areas:
 - a. Engineering Services (*Infrastructure Maintenance*) 2016/17 Local Roads Program Direct Grant funds anticipated to have been received during the period were greater than had been forecast resulting in additional income. These funds will be included in the annual budget review.

Directorate City Development Revenue - 35.95%

This area shows increased revenue mainly due to the following areas:

a. Planning & Building Services (*Developer Contributions Administration*) – applications for subdivision clearance were received earlier than had been expected resulting in a timing variance. Upon receipt, funds are transferred to Reserve for future hard and soft infrastructure development.

Directorate Corporate and Engineering Services Expenditure – 12.77%

This area shows reduced expenditure mainly due to the following areas:

- a. Engineering Services (*Infrastructure Maintenance*) purchase orders have been raised and works scheduled for maintenance and renewal works.
- b. Facilities Management (*Reserves and Parks*) purchase orders have been raised and works scheduled for maintenance and renewal works.

Directorate City Living Expenditure – 15.26%

This area shows reduced expenditure mainly due to the following areas:

- a. Community Centres (Community Centres) employee costs associated with vacancies within the team have resulted in savings to date.
- b. Community Development (CDO Arts and Culture) delayed receipt of costs associated with Petscapades, Children's Party and Festival have resulted in a timing variance.
- c. Community Services (*Community Services Admin*) costs associated with the activation of the Adventure Playground and implementation of the Community Engagement Strategy were less than had been anticipated.
- d. Environmental Health Services (*Waste Management*) consultancy costs associated with waste management planning are yet to be realised. In addition, delayed receipt of invoices for waste and resource recycling has resulted in timing variances.
- e. Facilities Management (*Building Services*) purchase orders are in the system and works are underway.

Directorate City Development Expenditure – 34.08%

This area shows reduced expenditure mainly due to the following areas:

- a. Planning and Building Services (*Building Control/Approvals*) recruitment of the vacant Building Surveyor position has been deferred pending the submission of a business case.
- Planning and Building Services (Developer Contributions Administration) City contributions required under the Wellard Village Agreement are payable upon request for clearance by Developers however no applications had been lodged at reporting date.
- c. Planning and Building Services (*Statutory Planning/Approvals*) recruitment of the vacant Planning Compliance Technical position was deferred due to Officer secondment and a business case is to be prepared.
- d. Planning and Building Services (*Strategic Planning*) recruitment of vacant positions has been deferred pending the submission of a business case. In addition, consultants have been engaged to undertake works on the Urban Amenities Strategy, purchase orders are in the system and invoices are expected.

Contributions for the Development of Assets - 325.67%

The third milestone payment for the Adventure Park was received from the Department of Infrastructure earlier than had been anticipated resulting in a timing variance.

Proceeds from Disposal of Assets - 51.70%

Processing of asset disposals is delayed until the end of year financial audit is complete and the system has been rolled over. This will occur in November at which time processing will recommence.

Purchase Computing Equipment – 73.30%

A purchase order has been raised in the system for the renewal of Microsoft licences however the invoice is yet to be received resulting in a timing variance.

Purchase Transportation Vehicles - 65.76%

Vehicle purchases anticipated to have occurred during the month were delayed either due to supplier lead time or delay in discussions with relevant officers in relation to the purchase of motor vehicles. Purchase orders are in the system for most vehicles and delivery is anticipated to occur in November.

Purchase Land and Buildings - 59.04%

Much of the budgeted expenditure at Callistemon Court and Banksia Park Retirement Village is contingent upon units becoming vacant or when repairs are required. Purchase orders are in the system for painting works; air conditioning projects are being combined for quote whilst other works are scheduled for early 2017 resulting in a timing variance. Pending the feasibility of the administration building, the administration building projects are on hold.

Purchase Reserve Development - 95.01%

Various projects including those relating to the Parks for People Strategy have been delayed due to the completion and opening of the Adventure Playground. Design is now underway with purchase orders raised and construction expected to commence in early 2017. Thomas Oval Netball Court renewal works are conditional upon securing Department of Sport and Recreation funding that was expected to have been confirmed during the month however is yet to be announced. Following the Councillor workshop regarding beautification works within the Medina Revitalisation area, a purchase order has been raised and works scheduled. In addition, landscape works to the Recquatic Centre entrance and surrounding gardens will now not occur until after the peak summer season thereby minimising disruption within the City Centre.

Purchase Playground Equipment - (201.46%)

Costs associated with the construction of the Kwinana Adventure Playground were incurred earlier than had been anticipated at setting of the budget resulting in a timing variation.

Transfers from Reserves - 11.49%

Transfers from Reserves are processed monthly as costs are incurred.

Investment activity October 2016

- *Tier 1* Investment rates available to the City were not favourable therefore no funds were invested in this tier.
- *Tier 2* Funds were allocated in accordance with the guidelines of the Investment Policy.
- *Tier 3* Funds were allocated in accordance with the guidelines of the Investment Policy.
- *Tier 4* Funds were allocated in accordance with the guidelines of the Investment Policy.

LEGAL/POLICY IMPLICATIONS:

Local Government (Financial Management) Regulations - Clause 34.

FINANCIAL/BUDGET IMPLICATIONS:

As outlined in the 'Discussion' and 'Risk' sections.

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:

Plan	Objective	Strategy
Corporate Business Plan	6.1 Ensure the financial sustainability of the City of Kwinana into the future.	6.1.2 Implement sound revenue and expenditure policies, seek additional revenue sources and optimise financial management systems.

COMMUNITY ENGAGEMENT:

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

RISK IMPLICATIONS:

Risk Event	Inadequate management of the City's provisions, revenues and expenditures.
Risk Theme	Failure to fulfil statutory regulations or compliance Providing inaccurate advice/information
Risk Effect/Impact	Financial Reputation Compliance
Risk Assessment Context	Operational
Consequence	Minor
Likelihood	Unlikely
Rating (before treatment)	Low
Risk Treatment in place	Reduce (mitigate the risk)
Response to risk	Annual adoption of variance tolerances for reporting
treatment required/in	purposes.
place	
Rating (after treatment)	Low

COUNCIL DECISION

406

MOVED CR P FEASEY

SECONDED CR B THOMPSON

That Council accepts:

- 1. The Monthly Statements of Financial Activity for the period ending 31 October 2016; and
- 2. The explanations for material variances for the period ending 31 October 2016.



CITY OF KWINANA

MONTHLY STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2016 TO 31 OCTOBER 2016

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CITY OF KWINANA RATE SETTING STATEMENT by DIRECTORATE FOR THE PERIOD 1 JULY 2016 TO 31 OCTOBER 2016

	NOTE	October	October	2016/17		Variar Budget to	
		2016 Actual \$	2016 Y-T-D Budget \$	Revised Budget \$		YTD \$	Y-T-D %
Estimated Surplus/(Deficit) July 1 B/Fwd	7	2,844,089	1,241,890	1,241,890		Ŷ	70
Revenues	1						
Directorate City Strategy		262,302	232,927	507,395		(100, 430)	(11.050/)
Directorate Corporate & Engineering Services Directorate City Living		1,872,425 10,087,117	1,673,987 9,481,854	5,221,483 16,128,520		(198,438)	(11.85%)
Directorate City Development	_	2,492,700	1,833,539	8,373,574	A	(659,161)	(35.95%)
_		14,714,544	13,222,307	30,230,972			
Expenses Directorate City Strategy	1	(1,364,302)	(1,497,443)	(4,528,319)			
Directorate Corporate & Engineering Services		(4,578,088)	(5,248,041)	(30,267,435)	•	(669,953)	12.77%
Directorate City Living		(8,541,777)	(10,079,748)	(29,210,417)	•	(1,537,971)	15.26%
Directorate City Development	_	(1,018,813)	(1,545,588)	(4,323,214)	•	(526,775)	34.08%
		(15,502,980)	(18,370,820)	(68,329,385)			
NET OPERATING RESULT EXCLUDING RATES	-	(788,436)	(5,148,513)	(38,098,413)			
Adjustments for Cash Budget Requirements:							
Non-Cash Expenditure and Revenue			(110.000)	(0// /0 ⁻)			
(Profit) on Asset Disposals Loss on Asset Disposals	4	-	(119,039) 13,994	(214,497) 20,557			
Movement in Deferred Pensioner Rates		20,890	- 13,994	20,557			
Movement in Employee Leave Provision			-	-			
Depreciation on Assets	_	-		11,316,975			
		20,890	(105,045)	11,123,035			
Capital Revenue							
Grants/Contributions for Development of Assets		1,451,244	340,935	3,735,090	A	(1,110,309)	(325.67%)
Proceeds from Disposal of Assets	4 _	<u>132,111</u> 1,583,355	<u>273,500</u> 614,435	<u>476,500</u> 4,211,590	•	141,389	51.70%
		1,000,000	014,435	4,211,390			
Capital Expenditure							
Purchase Furniture and Equipment	3	(15,461)	(71,320)	(98,820)	_	(400.000)	70.000/
Purchase Computing Equipment Purchase Plant and Machinery	3 3	(46,720) (440,306)	(174,952) (533,250)	(493,197) (864,750)	•	(128,232)	73.30%
Purchase Transportation Vehicles	3	(161,948)	(473,000)	(590,000)	•	(311,052)	65.76%
Purchase Land and Buildings	3	(201,724)	(492,436)	(2,246,320)	•	(290,712)	59.04%
Purchase Reserve Development	3	(18,814)	(377,000)	(1,296,963)	•	(358,186)	95.01%
Purchase Playground Equipment Purchase Infrastructure - Urban Road Grant	3 3	(1,934,057) (20,585)	(641,569)	(3,363,555)		1,292,488	(201.46%)
Purchase Infrastructure - Black Spot Grant	3	(20,303)	-	(1,109,133) (22,000)			
Purchase Infrastructure - Roads to Recovery	3	(790)	-	(966,398)			
Purchase Infrastructure - Road Resurfacing	3	(1,364)	-	(22,000)			
Purchase Infrastructure - Street Lights	3	(2,159)	-	(25,000)			
Purchase Infrastructure - Bus Shelters Purchase Infrastructure - Footpaths	3 3	- (24,194)	-	(50,000) (125,000)			
Purchase Infrastructure - Drainage	3	-	-	(320,000)			
Purchase Infrastructure - Other Structures	3	-	-	-			
Purchase Infrastructure - Municipal Roadworks	3	(69,225)	(70,000)	(386,558)			
Purchase Infrastructure - Car Parks Purchase of Land held for resale	3 3	(19,684)	-	(115,000)			
r dichase of Land field for resale	5 _	(2,957,031)	(2,833,527)	(12,094,694)			
Financing Expenditure & Revenue	_						
Repayment of Loans Principal Repayment of Liquidity Advance	5 5	(20,178)	(2,500,000)	(640,453)			
Proceeds from New Loan Borrowings	5	(2,500,000) 2,500,000	(2,500,000)	(2,500,000) 2,605,550			
Self-Supporting Loan Principal Revenue	5	12,404	12,528	37,590			
Transfer from Loan Fund for Capital	5	19,510	-	62,705			
Transfers to Reserves (Restricted Assets)	6	(2,472,336)	(1,533,739)	(8,882,279)	_	105 051	
Transfers from Reserves (Restricted Assets)	6	<u>1,431,731</u> (1,028,869)	<u>1,617,682</u> 96,471	<u>8,011,364</u> (1,305,523)	•	185,951	11.49%
		(1,020,009)	50,471	(1,505,523)			
Estimated Surplus/(Deficit) Year to Date	7	33,742,384	28,340,094	-			
Amount Required to be Raised from Rates	8 -	(34,068,386)	(34,474,383)	(34,922,115)			
	~ =	(,,	(0.1, 0.1,000)	(, - = , 0)			

This statement is to be read in conjunction with the accompanying notes.

CITY OF KWINANA STATEMENT OF COMPREHENSIVE INCOME BY PROGRAM FOR THE PERIOD 1 JULY 2016 TO 31 OCTOBER 2016

	NOTE	October 2016 Actual \$	October 2016 Y-T-D Budget \$	2016/17 Revised Budget \$
Revenues General Purpose Funding Governance	1	35,542,359 152,669	35,707,719 111,763	38,834,295 113,895
Law, Order, Public Safety Health Education and Welfare Community Amenities		131,970 35,355 2,453,992 8,701,550	107,452 56,362 2,071,582 7,826,680	407,851 384,632 6,061,114 13,996,608
Recreation and Culture Transport Economic Services Other Property and Services		1,015,896 167,697 488,532 92,910	987,312 120,500 511,182 77,099	2,989,458 261,984 1,564,439 324,314
Expenses Excluding Finance Costs	1	48,782,930	47,577,651	64,938,590
General Purpose Funding Governance Law, Order, Public Safety Health Education and Welfare		(406,905) (1,424,578) (754,857) (461,277) (2,825,973)	(490,650) (998,676) (949,732) (480,921) (2,654,864)	(1,589,197) (5,005,345) (2,914,286) (1,394,160) (8,751,990)
Community Amenities Recreation & Culture Transport Economic Services		(2,325,679) (3,895,768) (1,568,823) (609,403)	(3,488,643) (5,093,903) (2,117,303) (705,475)	(10,629,660) (17,863,035) (12,877,280) (2,050,999)
Other Property and Services	_	(1,212,562) (15,485,825)	<u>(1,285,474)</u> (18,265,641)	(4,009,285) (67,085,237)
Finance Costs Governance Education and Welfare Recreation & Culture Transport	1	632 1,216 (7,679) <u>(11,324)</u> (17,155)	(3,237) (5,769) (69,059) (13,120) (91,185)	(63,009) (96,765) (886,255) (177,562) (1,223,591)
	—	33,279,950	29,220,825	(3,370,238)
Grants/Contributions for the Development of Assets		1,451,244	340,935	3,735,090
Profit on Disposal of Assets (Loss) on Disposal of Assets	4 4	-	119,039 (13,994)	214,497 (20,557)
NET RESULT	_	34,731,194	29,666,805	558,792
Other Comprehensive Income		-	-	-
TOTAL COMPREHENSIVE INCOME	=	34,731,194	29,666,805	558,792

This statement is to be read in conjunction with the accompanying notes.

CITY OF KWINANA STATEMENT OF COMPREHENSIVE INCOME BY NATURE & TYPE FOR THE PERIOD 1 JULY 2016 TO 31 OCTOBER 2016

	NOTE	October 2016 Actual \$	October 2016 Y-T-D Budget \$	2016/17 Revised Budget \$
Revenues	1			
Rates	8	34,068,386	34,474,383	34,922,115
Operating Grants, Subsidies & Contributions		4,728,992	3,509,785	13,705,037
Reimbursements and Donations		248,590	220,936	586,782
Fines & Penalties		17,121	58,582	186,000
Fees and Charges		8,140,499	7,980,566	11,781,944
Interest Earnings		980,338	733,668	1,967,000
Income from Property		589,703	588,463	1,757,512
Other Revenue		9,301	11,268	32,200
		48,782,930	47,577,651	64,938,590
Expenses Excluding Finance Costs	1			
Employee Costs		(8,062,879)	(9,969,056)	(27,329,505)
Materials and Contracts		(5,936,337)	(6,643,905)	(24,119,697)
Utilities Charges (gas, electricity, water, etc)		(678,880)	(800,129)	(2,564,418)
Leases		(74,789)	(106,984)	(320,935)
Depreciation on Non-current Assets		-	-	(11,316,975)
Insurance Expenses		(533,252)	(486,096)	(593,600)
Other Expenditure		(199,688)	(259,471)	(840,107)
		(15,485,825)	(18,265,641)	(67,085,237)
Finance Costs				
Interest Expenses	5	(17,155)	(91,185)	(1,223,591)
	—	33,279,950	29,220,825	(3,370,238)
Grants/Contributions for the Development of Assets				
Non-operating Grants, Subsidies & Contributions Non-operating Reimbursements & Donations		1,424,270 26,974	340,935	3,735,090
	_	1,451,244	340,935	3,735,090
Profit/(Loss) on Disposal of Assets	4			
Profit on Asset Disposals		-	119,039	214,497
Loss on Asset Disposals		-	(13,994)	(20,557)
		-	105,045	193,940
NET RESULT	_	34,731,194	29,666,805	558,792
Other Comprehensive Income		-	-	-
TOTAL COMPREHENSIVE INCOME	-	34,731,194	29,666,805	558,792

This statement is to be read in conjunction with the accompanying notes.

1. SIGNIFICANT ACCOUNTING POLICIES

The significant accounting policies which have been adopted in the preparation of this statement of financial activity are:

(a) Basis of Accounting

The budget has been prepared in accordance with applicable Australian Accounting Standards, other mandatory professional reporting requirements and the Local Government Act 1995 (as amended) and accompanying regulations (as amended).

(b) The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in this statement.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statement, but a separate statement of those monies appears at Note 9 to this budget.

(c) Rounding Off Figures

All figures shown in this statement, other than a rate in the dollar, are rounded to the nearest dollar.

(d) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

(e) Goods and Services Tax

In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables are stated inclusive of applicable GST.

(f) Fixed Assets

Property, plant and equipment and infrastructure assets are brought to account at cost or fair value less, where applicable, any accumulated depreciation or amortisation and any accumulated impairment balances.

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(g) Depreciation of Non-Current Assets

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation periods are:

ASSET CLASS	ASSSET DESCRIPTION	Economic	Depreciation
ABBET CEASS		Life	Rate
Land	Land	Nil	
	Vested Land	Nil	
	Other Vested Land	Nil	
Buildings	Fencing	20 to 50	5% to 2%
	Building Structure	40 to 60	2.5% to 1.67%
	Air conditioning	10 to 30	10% to 3.33%
	Soft Furnishings	10	0.10%
	Fixtures	10	0.10%
	Other	10 to 30	10% to 3.33%
	Alarms	3 to 10	33.33% to 10%
Plant & Equipment	Vehicles	5 to 10	20% to 10%
	Major Plant	5 to 10	20% to 10%
	Minor Plant & Equipment	3 to 10	33.33% to 10%
Furniture & Equipment	Computing Equipment	2 to 7	50% to 14.29%
	Office Furniture	7 to 13	14.29% to 7.69%
	Office Equipment	3 to 10	33.33% to 10%
	Audio Visual Equipment	3 to 10	33.33% to 10%
	Specialised Equipment	7 to 13	14.29% to 7.69%
	White Goods	7 to 13	14.29% to 7.69%
	Art Works	Nil	
Infrastructure - Roads		50	0.02%
Infrastructure - Footpaths		50	0.02%
Infrastructure - Drainage	Drainage	75	0.0133%
	Sewerage	75	0.0133%
Infrastructure - Crossovers		50	0.02%
Infrastructure - Car Parks		20 to 40	5% to 2.5%
Infrastructure - Bus Shelters		20	0.05%
Infrastructure - Street Lights	Street Lights	30	0.0333%
	Other Lights	30	0.0333%
Infrastructure – Parks & Ovals	Playground Equipment	5 to 15	20% to 6.67%
	Bores/Pumps/Irrigation	8 to 20	12.5% to 5%
	BBQ's	10 to 20	10% to 5%
	Streetscapes	20 to 50	5% to 2%
	Landscape Surrounds	10 to 50	10% to 2%
	Sportsgrounds - Reticulated	15 to 25	6.67% to 4%
	Public Open Space Not Reticul	20 to 50	5% to 2%
Infrastructure - Other Structures	Jetties	20 to 40	5% to 2.5%
	Other Structures	20 to 50	5% to 2%
	Tennis Courts	30 to 50	3.33% to 2%

2. STATEMENT OF OBJECTIVE

In order to discharge its responsibilities to the community, the City has developed a set of operational and financial objectives. These objectives have been established both on an overall basis, reflected by the City's Vision, and for each of its broad activities/programs.

CITY'S VISION

"Kwinana 2030: Rich in spirit, alive with opportunities, surrounded by nature - it's all here!"

Council operations as disclosed in this budget encompass the following service orientated activities/programmes:

GENERAL PURPOSE FUNDING

Rates Income and Expenditure, Grants Commission and Pensioner Deferred Rates interest and interest on Investments. Principal and Interest payments on borrowing's.

GOVERNANCE

Members of Council and Governance (includes Audit and other costs associated with reporting to council). Administration, Financial and Computing Services are included.

LAW, ORDER, PUBLIC SAFETY

Supervision of various local laws, fire prevention and animal control.

HEALTH

Prevention and treatment of human illness, including inspection of premises/food control, immunisation and child health services.

EDUCATION AND WELFARE

Provision, management and support of services for families, children and the aged and disabled within the community; including pre-school playgroups, day and after school care, assistance to schools, senior citizens support groups, meals on wheels provision and Aged Persons Units and Resident Funded Units.

COMMUNITY AMENITIES

City planning and development, rubbish collection services, stormwater drainage, the provision of public conveniences, bus shelters, roadside furniture and litter control.

RECREATION AND CULTURE

Provision of facilities and support for organisations concerned with leisure time activities and sport, support for the performing and creative arts and the preservation of the national estate. This includes maintenance of halls, aquatic centre, recreation and community centres, parks, gardens, sports grounds and the operation of Libraries.

TRANSPORT

Construction, maintenance and cleaning of streets, roads, bridges, drainage works, footpaths, parking facilities, traffic signs and the City depot, including plant purchase and maintenance.

ECONOMIC SERVICES

Rural services and pest control and the implementation of building controls.

OTHER PROPERTY & SERVICES

Private works, public works overheads, council plant operations, materials, salaries and wages. With the exception of private works, the above activities listed are mainly summaries of costs that are allocated to all works and services undertaken by the council.

3. ACQUISITION OF ASSETS

The following assets are budgeted to be acquired during the period under review:

The following assets are budgeted to be acquired during the period under review:	October	2016/17
By Directorate	2016 Actual \$	Revised Budget \$
City Strategy		
Furniture & Equipment	-	-
Transportation Vehicles	-	(39,000)
Land & Buildings	-	(39,000)
Corporate & Engineering Services		
Furniture & Equipment	-	-
Computing Equipment	(46,720)	(493,197)
Plant & Equipment	(434,418)	(802,500)
Transportation Vehicles Land & Buildings	(26,332)	(158,000)
Reserve Development	- (18.814)	- (1,296,963)
Playground Equipment	(1,934,057)	(3,243,555)
Urban Road Grant	(20,585)	(1,109,133)
Black Spot Grant	(,) -	(22,000)
Roads to Recovery Grant	(790)	(966,398)
Road Resurfacing	(1,364)	(22,000)
Street Lighting	(2,159)	(25,000)
Bus Shelter Construction	-	(50,000)
Footpath Construction	(24,194)	(125,000)
Drainage Construction	-	(320,000)
Municipal Roadworks	(69,225)	(386,558)
Carpark Construction	(19,684)	(115,000)
	(2,598,342)	(9,135,304)
City Living		
Furniture & Equipment	(15,461)	(98,820)
Plant & Equipment	(5,888)	(62,250)
Transportation Vehicles	(63,751)	(193,000)
Land & Buildings	(201,724)	(2,246,320)
Playground Equipment	(286,824)	(120,000) (2,720,390)
City Development		
Transportation Vehicles	(71,865)	(200,000)
	(71,865)	(200,000)
	(2,957,031)	(12,094,694)

3. ACQUISITION OF ASSETS (Continued) <u>By Class</u>	October 2016 Actual \$	2016/17 Revised Budget \$
Furniture and Equipment Computing Equipment Plant and Equipment Transportation Vehicles Land and Buildings Reserve Development Playground Equipment Infrastructure - Urban Road Grant Infrastructure - Black Spot Grant Infrastructure - Black Spot Grant Infrastructure - Roads to Recovery Infrastructure - Roads to Recovery Infrastructure - Road Resurfacing Infrastructure - Street Lights Infrastructure - Bus Shelters Infrastructure - Drainage Infrastructure - Drainage Infrastructure - Carpark	(15,461) $(46,720)$ $(440,306)$ $(161,948)$ $(201,724)$ $(18,814)$ $(1,934,057)$ $(20,585)$	(98,820) (493,197) (864,750) (590,000) (2,246,320) (1,296,963) (3,363,555) (1,109,133) (22,000) (966,398) (22,000) (25,000) (50,000) (125,000) (320,000) (386,558) (115,000)
	(2,957,031)	(12,094,694)

4. DISPOSALS OF ASSETS

The following assets have been disposed of during the period under review

By Class	Net Book Value October Actual \$	Sale Proceeds October Actual \$	Profit(Loss) October Actual \$	
Furniture and Equipment	_	_	_	
Plant and Equipment	(98,458)	98,458	-	
Transportation Vehicles	(33,653)	33,653	-	
Buildings	-	-	-	
Reserve Development	-	-	-	
Land	-	-	-	
Other	-	-	-	
	(132,111)	132,111	-	

<u>Summary</u>	October Actual \$
Profit on Asset Disposals (Loss) on Asset Disposals	

5. INFORMATION ON BORROWINGS

(a) Loan Repayments

1-Jul-16	Rate	Date	Loans	Repay					
			Oct-16 Actual \$	Oct-16 Actual \$	2016/17 Budget \$	Outsta Oct-16 Actual \$	2016/17 Budget \$	Repayr Oct-16 Actual \$	2016/17 Budget \$
925,362	6.25%	25-Jun-25	-	-	79,376	925,362	845,986	(632)	63,009
193,278	7.53%	19-Jun-23	-	-	21,880	193,278	171,398	(440)	15,486
1,521,312	4.67%	25-Jun-28	-	-	-	1,521,312	1,521,312	(776)	81,279
289,483	6.38%	04-May-22	-	20,178	41,000	269,305	248,483	6,324	19,836
463,867	7.53%	19-Jun-23	-	-	52,512	463,867	411,355	(1,056)	37,166
2,047,558	6.25%	25-Jun-25	-	-	175,636	2,047,558	1,871,922	(1,399)	139,419
7,421,567	4.54%	28-Jun-29	-	-	-	7,421,567	7,421,567	(3,662)	386,856
297,904	4.07%	25-Jun-23	-	-	37,590	297,904	260,314	(133)	13,815
3,350,000	4.05%	26-Jun-30	-	-	-	3,350,000	3,350,000	(1,475)	159,318
1,296,840	3.25%	27-Mar-30	-	-	-	1,296,840	1,296,840	10,079	50,851
1,700,000	3.14%	24-Jun-31	-	-	90,000	1,700,000	1,700,000	(999)	70,000
-			-	-	35,302	-	191,360	-	8,994
1,249,239	6.25%	25-Jun-25	-	-	107,157	1,249,239	1,142,082	(853)	85,062
2,500,000	2.18%	27-Sep-16	-	2,500,000	2,500,000	-	-	12,177	-
-	2.47%	27-Sep-21	2,500,000	-	-	2,500,000	2,500,000	-	92,500
23,256,410			2,500,000	2,520,178	3,140,453	23,236,232	22,932,619	17,155	1,223,591
	193,278 1,521,312 289,483 463,867 2,047,558 7,421,567 297,904 3,350,000 1,296,840 1,700,000	193,278 7.53% 1,521,312 4.67% 289,483 6.38% 463,867 7.53% 2,047,558 6.25% 7,421,567 4.54% 297,904 4.07% 3,350,000 4.05% 1,296,840 3.25% 1,700,000 3.14% - - 1,249,239 6.25% 2,500,000 2.18% 2,47% 23,256,410	193,278 7.53% 19-Jun-23 1,521,312 4.67% 25-Jun-28 289,483 6.38% 04-May-22 463,867 7.53% 19-Jun-23 2,047,558 6.25% 25-Jun-25 7,421,567 4.54% 28-Jun-29 297,904 4.07% 25-Jun-23 3,350,000 4.05% 26-Jun-30 1,296,840 3.25% 27-Mar-30 1,700,000 3.14% 24-Jun-31 - - - 1,249,239 6.25% 25-Jun-25 2,500,000 2.18% 27-Sep-16 2,47% 27-Sep-21 23,256,410	193,278 7.53% 19-Jun-23 - 1,521,312 4.67% 25-Jun-28 - 289,483 6.38% 04-May-22 - 463,867 7.53% 19-Jun-23 - 2,047,558 6.25% 25-Jun-25 - 7,421,567 4.54% 28-Jun-29 - 297,904 4.07% 25-Jun-23 - 3,350,000 4.05% 26-Jun-30 - 1,296,840 3.25% 27-Mar-30 - 1,700,000 3.14% 24-Jun-31 - - - - - 1,249,239 6.25% 25-Jun-25 - 2,500,000 2.18% 27-Sep-16 - - 2.47% 27-Sep-21 2,500,000	193,278 7.53% 19-Jun-23 - - 1,521,312 4.67% 25-Jun-28 - - 289,483 6.38% 04-May-22 - 20,178 463,867 7.53% 19-Jun-23 - - 2,047,558 6.25% 25-Jun-25 - - 7,421,567 4.54% 28-Jun-29 - - 297,904 4.07% 25-Jun-23 - - 3,350,000 4.05% 26-Jun-30 - - 1,296,840 3.25% 27-Mar-30 - - 1,700,000 3.14% 24-Jun-31 - - 1,249,239 6.25% 25-Jun-25 - - 2,500,000 2.18% 27-Sep-16 - 2,500,000 2.47% 27-Sep-21 2,500,000 - 2,500,000	193,278 7.53% 19-Jun-23 - - 21,880 1,521,312 4.67% 25-Jun-28 - - - - 289,483 6.38% 04-May-22 - 20,178 41,000 463,867 7.53% 19-Jun-23 - 52,512 2,047,558 6.25% 25-Jun-25 - 175,636 7,421,567 4.54% 28-Jun-23 - - 297,904 4.07% 25-Jun-23 - - - 3,350,000 4.05% 26-Jun-30 - - - 1,296,840 3.25% 27-Mar-30 - - - 1,700,000 3.14% 24-Jun-31 - 90,000 - 35,302 1,249,239 6.25% 25-Jun-25 - - 107,157 2,500,000 2,500,000 2,500,000 - 2.47% 27-Sep-21 2,500,000 - - - - - 1,249,239 6.25% 25-Jun-25 - - - 107,157 2,500,000	193,278 7.53% 19-Jun-23 - - 21,880 193,278 1,521,312 4.67% 25-Jun-28 - - - 1,521,312 289,483 6.38% 04-May-22 - 20,178 41,000 269,305 463,867 7.53% 19-Jun-23 - - 52,512 463,867 2,047,558 6.25% 25-Jun-25 - 175,636 2,047,558 7,421,567 4.54% 28-Jun-29 - - 7,421,567 297,904 4.07% 25-Jun-23 - - 3,350,000 1,296,840 3.25% 27-Mar-30 - - 1,296,840 1,700,000 3.14% 24-Jun-31 - - 35,302 - 1,249,239 6.25% 25-Jun-25 - - 107,157 1,249,239 2,500,000 2.18% 27-Sep-16 - - 2,500,000 - 2,500,000 2,47% 27-Sep-21 2,500,000 - 2,500,000 - 2,500,000 - 2,500,000 2	$\begin{array}{ c c c c c c c c c c c c c c c c c c c$	$\begin{array}{ c c c c c c c c c c c c c c c c c c c$

Principal Repayments - Debentures	-	640,453
Liquidity Advance Repayments	2,500,000	2,500,000
	2,500,000	3,140,453

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(*) Self Supporting loan financed by payments from third parties (**) Short Term Facility Loans All loan repayments were financed by general purpose revenue.

5. INFORMATION ON BORROWINGS (Continued)

(b) New Debentures

Particulars/Purpose	Amount B	Sorrowed	Institution	Loan Type	Term (Years)	Total Interest	Interest Rate	Amoun	t Used	Balance Unspent
-	Actual	Budget				& Charges		Actual	Budget	\$
Darius Wells Building Solar Panels	-	105,550	WA Treasury	Debenture	10	4,960	4.0% & 0.7%	-	105,550	-
Loan 101 - City Centre Redevelopment	2,500,000	2,500,000	WA Treasury	Debenture	5	101,750	2.47% & 0.7%	2,500,000	2,500,000	-
	2,500,000	2,605,550				106,710		2,500,000	2,605,550	-

The City has a \$12,578,433 Short Term Loan Facility with Western Australian Treasury Corporation (WATC) that expires on 30 June 2017

(c) Unspent Debentures

Particulars	Date Borrowed	Balance 1-Jul-16 \$	Borrowed During Year \$	Expended During Year	Liquidity Repayment \$	Balance 31-Oct-16 \$
Loan 99 - Administration Office Renovations	25-Jun-10	62,705	-	19,510	-	43,195
		62,705	-	19,510	-	43,195

(d) Self Supporting Loan Repayments

	Principal 1-Jul-16	New Loans		cipal ments	Prin Outsta	cipal anding		rest ments
Particulars			Oct-16 Actual \$	2016/17 Budget \$	Oct-16 Actual \$	2016/17 Budget \$	Oct-16 Actual \$	2016/17 Budget \$
Recreation & Culture Loan 103 - Kwinana Golf Club	297,904	-	12,404	37,590	285,500	260,314	3,405	13,815
	297,904	-	12,404	37,590	285,500	260,314	3,405	13,815

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6. RESERVES

Reserve Accounts Transactions

			Transfers			
RESERVE FUND DETAILS	Opening Balance 1 July 2016	To Reserve	Interest	From Reserve	Movements	Closing Balance 31 October 2016
Aged Persons Units Reserve	528,629	-	6,077	(10,751)	-	523,955
Asset Management Reserve	1,212,394	-	12,333	(60,159)	-	1,164,568
Asset Replacement Reserve	531,373	-	5,685	(260,912)	-	276,146
Banksia Park Reserve	72,480	-	831	(5,162)	-	68,149
CLAG Reserve	246,658	-	2,838	-	-	249,496
Community Services & Emergency Relief Reserve	25,299	-	291	-	-	25,590
Employee Leave Reserve	4,100,853	-	-	-	-	4,100,853
Family Day Care Reserve	1,423,011	-	16,372	(568)	-	1,438,815
Future Community Infrastructure Reserve	2,571,524	-	29,588	(302,844)	-	2,298,268
Golf Course Cottage Reserve	26,469	-	304	-	-	26,773
Infrastructure Reserve	119,703	-	1,377	-	-	121,080
Refuse Reserve	8,385,016	-	96,478	-	-	8,481,494
Restricted Grants & Contributions Reserve	2,303,075	-	-	(612,276)	-	1,690,799
Settlement Agreement Reserve	157,743	-	-	-	-	157,743
Un-Restricted Reserves Sub Total	21,704,227	-	172,174	(1,252,672)	-	20,623,729

			Transfers			
RESERVE FUND DETAILS	Opening Balance 1 July 2016	To Reserve	Interest	From Reserve	Movements	Closing Balance 31 October 2016
DCA 1 - Hard Infrastructure - Bertram	1.483.289	255,259	16,018	-	-	1,754,566
DCA 2 - Hard Infrastructure - Wellard East	1.530.683	270,265	9.803	-	-	1.810.751
DCA 5 - Hard Infrastructure - Wandi	2,846,531	159,361	12,504	-	-	3,018,396
DCA 7 - Hard Infrastructure - Mandogalup (West)	-	8,413	-	-	-	8,413
DCA 8 - Soft Infrastructure - Mandogalup	-	-	-	-	-	-
DCA 9 - Soft Infrastructure - Wandi/Anketell	9,116,394	519,457	30,567	(61,407)	-	9,605,011
DCA 11 - Soft Infrastructure - Wellard East	3,647,606	443,523	26,169	(31,201)	-	4,086,097
DCA 12 - Soft Infrastructure - Wellard West	5,779,219	346,166	42,463	(8,081)	-	6,159,767
DCA 13 - Soft Infrastructure - Bertram	286,381	-	76,562	(8,100)	-	354,843
DCA 14 - Soft Infrastructure - Wellard/Leda	406,289	1,366	31,569	(60,969)	-	378,255
DCA 15 - Soft Infrastructure - Townsite	137,457	2,299	48,398	(9,301)	-	178,853
Developer Contribution Reserves Sub Total	25,233,849	2,006,109	294,053	(179,059)	-	27,354,952
Reserves Total	46,938,076	2,006,109	466,227	(1,431,731)	-	47,978,681

All of the above reserve accounts are to be supported by money held in financial institutions.

6.	RESERVES	October Actual \$	2016/17 Budget \$
	Cash Backed Reserves	•	Ŷ
(a)	Aged Persons Units Reserve Opening Balance Amount Set Aside / Transfer to Reserve Interest Applied to Reserve Amount Used / Transfer from Reserve	528,629 6,077 (10,751) 523,955	528,629 279,314 9,488 (210,315) 607,116
(b)	Asset Management Reserve Opening Balance Amount Set Aside / Transfer to Reserve Interest Applied to Reserve Amount Used / Transfer from Reserve	1,212,394 12,333 (60,159) 1,164,568	1,212,394 24,193 (816,174) 420,413
(c)	Asset Replacement Reserve Opening Balance Amount Set Aside / Transfer to Reserve Interest Applied to Reserve Amount Used / Transfer from Reserve	531,373 5,685 (260,912) 276,146	531,374 250,000 11,767 (559,000) 234,141
(d)	Banksia Park DMF Reserve Opening Balance Amount Set Aside / Transfer to Reserve Interest Applied to Reserve Amount Used / Transfer from Reserve	72,480 	72,479 1,869 (85,400) (11,052)
(e)	CLAG Reserve Opening Balance Amount Set Aside / Transfer to Reserve Interest Applied to Reserve Amount Used / Transfer from Reserve	246,658 2,838 249,496	246,658 72,306 4,593 (83,120) 240,437
(f)	Community Services & Emergency Relief Reserve Opening Balance Amount Set Aside / Transfer to Reserve Interest Applied to Reserve Amount Used / Transfer from Reserve	25,299 	25,299 561
(g)	Employee Leave Reserve Opening Balance Amount Set Aside / Transfer to Reserve Interest Applied to Reserve Amount Used / Transfer from Reserve	4,100,853 - - - - 4,100,853	4,100,853 - - - 4,100,853
(h)	Family Day Care Reserve Opening Balance Amount Set Aside / Transfer to Reserve Interest Applied to Reserve Amount Used / Transfer from Reserve	1,423,011 - - - - - - - - - - - - - - - - - -	1,423,011 28,997 (170,570) 1,281,438
(i)	Future Community Infrastructure Reserve Opening Balance Amount Set Aside / Transfer to Reserve Interest Applied to Reserve Amount Used / Transfer from Reserve	2,571,524 - 29,588 (302,844) 2,298,268	2,571,524 518,629 33,752 (1,985,799) 1,138,106
(j)	Golf Course Cottage Reserve Opening Balance Amount Set Aside / Transfer to Reserve Interest Applied to Reserve Amount Used / Transfer from Reserve	26,469 - - - - - - - - - - - - - - - - - - -	26,469 - 577 - 27,046

6.	RESERVES	October Actual	2016/17 Budget
	Cash Backed Reserves	\$	\$
(k)	Infrastructure Reserve		
()	Opening Balance	119,703	119,703
	Amount Set Aside / Transfer to Reserve	-	-
	Interest Applied to Reserve Amount Used / Transfer from Reserve	1,377	2,586
		121,080	122,289
<i>/</i> 1\	Refuse Reserve		
(1)	Opening Balance	8,385,016	8,385,016
	Amount Set Aside / Transfer to Reserve	-	-
	Interest Applied to Reserve Amount Used / Transfer from Reserve	96,478	148,242
	Amount Osed / Mansiel nom Reserve	8,481,494	(710,119) 7,823,139
(m)	Restricted Grants & Contributions Reserve Opening Balance	2,303,075	2,303,075
	Amount Set Aside / Transfer to Reserve		241,890
	Interest Applied to Reserve	-	-
	Amount Used / Transfer from Reserve	(612,276) 1,690,799	(1,999,670) 545,295
		1,000,700	010,200
(n)	Settlement Agreement Reserve Opening Balance	157,743	157,743
	Amount Set Aside / Transfer to Reserve	-	-
	Interest Applied to Reserve Amount Used / Transfer from Reserve	-	-
		157,743	157,743
	Un-Restricted Reserves Sub Total	20,623,729	16,712,824
	Developer Contributions Reserve - DCA 1 - Hard		
(o)	Infrastucture Bertram Opening Balance	1,483,289	1,483,289
	Amount Set Aside / Transfer to Reserve	255,259	-
	Interest Applied to Reserve Amount Used / Transfer from Reserve	16,018 -	27,970
	Movement	1 754 566	1 511 250
		1,754,566	1,511,259
(n)	Developer Contributions Reserve - DCA 2 - Hard Infrastucture Wellard		
(P)	Opening Balance	1,530,683	1,530,683
	Amount Set Aside / Transfer to Reserve Interest Applied to Reserve	270,265 9,803	825,740 34,269
	Amount Used / Transfer from Reserve		
		1,810,751	2,390,692
(a)	Developer Contributions Reserve - DCA 4 - Hard Infrastucture Anketell		
(4)	Opening Balance	-	-
	Amount Set Aside / Transfer to Reserve Interest Applied to Reserve	-	305,103
	Amount Used / Transfer from Reserve		-
			305,103
(*)	Developer Contributions Reserve - DCA 5 - Hard Infrastucture Wandi		
(r)	Opening Balance	2,846,531	2,846,531
	Amount Set Aside / Transfer to Reserve Interest Applied to Reserve	159,361 12,504	- 58,736
	Amount Used / Transfer from Reserve		
		3,018,396	2,905,267
	Developer Contributions Reserve - DCA 7 - Hard		
(s)	Infrastructure Mandogalup (West) Opening Balance	-	-
	Amount Set Aside / Transfer to Reserve Interest Applied to Reserve	8,413	-
	Amount Used / Transfer from Reserve	-	
		8,413	

6.	RESERVES		
•.		October	2016/17
	Cash Backed Reserves	Actual	Budget
		\$	\$
	Developer Contributions Reserve - DCA 8 -Soft		
(t)	Infrastucture Mandogalup		
	Opening Balance	-	-
	Amount Set Aside / Transfer to Reserve Interest Applied to Reserve	-	475,303
	Amount Used / Transfer from Reserve	-	(16,119)
		-	459,184
	Developer Contributions Reserve - DCA 9 -Soft		
(u)	Infrastucture Wandi/Anketell		
(-)	Opening Balance	9,116,394	9,116,394
	Amount Set Aside / Transfer to Reserve	519,457	1,733,961
	Interest Applied to Reserve Amount Used / Transfer from Reserve	30,567 (61,407)	192,062 (358,151)
	Amount oscu / mansier nom reserve	9,605,011	10,684,266
()	Developer Contributions Reserve - DCA 10 -Soft		
(v)	Infrastucture Casuarina/Anketell Opening Balance	_	_
	Amount Set Aside / Transfer to Reserve	-	362,462
	Interest Applied to Reserve	-	-
	Amount Used / Transfer from Reserve	<u> </u>	<u>(24,502)</u> 337,960
		<u></u>	337,900
	Developer Contributions Reserve - DCA 11 -Soft		
	Infrastucture Wellard East		
(w)	Opening Balance Amount Set Aside / Transfer to Reserve	3,647,606 443,523	3,647,605 1,382,313
	Interest Applied to Reserve	26,169	80,796
	Amount Used / Transfer from Reserve	(31,201)	(83,009)
		4,086,097	5,027,705
	Developer Contributions Reserve - DCA 12 -Soft		
	Infrastucture Wellard West		
(x)	Opening Balance	5,779,219	5,779,218
	Amount Set Aside / Transfer to Reserve	346,166	842,081
	Interest Applied to Reserve Amount Used / Transfer from Reserve	42,463 (8,081)	122,810 (307,302)
	Movement	(-,)	
		6,159,767	6,436,807
	Developer Contributions Reserve - DCA 13 -Soft		
(y)	Infrastucture Bertram		
	Opening Balance	286,381	286,381
	Amount Set Aside / Transfer to Reserve		281,178
	Interest Applied to Reserve Amount Used / Transfer from Reserve	76,562 (8,100)	6,580 (96,569)
		354,843	477,570
(7)	Developer Contributions Reserve - DCA 14 -Soft Infrastucture Wellard/Leda		
()	Opening Balance	406,289	406,290
	Amount Set Aside / Transfer to Reserve	1,366	191,283
	Interest Applied to Reserve Amount Used / Transfer from Reserve	31,569	7,270
	Amount Osed / Transfer from Reserve	<u>(60,969)</u> 378,255	<u>(226,471)</u> 378,372
	Developer Contributions Reserve - DCA 15 -Soft		
(aa)	Infrastucture Townsite Opening Balance	137,457	107 150
	Amount Set Aside / Transfer to Reserve	2,299	137,458 320,716
	Interest Applied to Reserve	48,398	2,882
	Amount Used / Transfer from Reserve	(9,301)	(279,074)
		178,853	181,982
	Developer Contributions Reserves Sub Total	24,336,556	27,885,797
	Total Cash Backed Reserves	47,978,681	47,808,991
			Ф

All of the above reserve accounts are to be supported by money held in financial institutions.

6. RESERVES

In accordance with council resolutions in relation to each reserve account, the purpose for which the reserves are set aside are as follows:

Aged Persons Units Reserve

This Reserve has been established to provide funds for the capital acquisition and maintenance of the Aged Persons Units, Callistemon Court

Arts Centre Reserve

This Reserve was established to cover any increases in the cost of operations and maintenance for the Kwinana Arts Centre

Asset Management Reserve

This Reserve is utilised to provide funds for renewal projects for the City's building and infrastructure assets.

Asset Replacement Reserve

This Reserve is utilised to replace existing fleet, plant and other City assets

Banksia Park Reserve

This Reserve has been established to provide funds for the capital acquisition and maintenance of the Banksia Park Retirement Village

CLAG Reserve

This Reserve has been established to provide funds for the prevention and education of Mosquito management.

Community Services & Emergency Relief Reserve

This Reserve is established to provide funding to alleviate the effect of any disaster within the City of Kwinana boundaries and to provide funds to develop

Employee Leave Reserve

This Reserve is established for the purpose of ensuring that adequate funds are available to finance employee leave entitlements

Family Day Care Reserve

This Reserve provides for the capital acquisitions and maintenance of this facility

Future Community Infrastructure Reserve

This Reserve is established to accumulate the City's contributions for the capital funding of future community infrastructure in accordance with Town Planning Scheme #2

Golf Course Cottage Reserve

This Reserve was established to provide funds for the maintenance of this building

Infrastructure Reserve

This Reserve was established to be used to provide funds to create new City assets or for the major upgrade of City assets to increase the service level provided by the asset

Refuse Reserve

This Reserve was established to provide funds for the costs and subsidy of Waste Management in the City

Restricted Grants & Contributions Reserve

The Reserve is utilised to restrict funds required to complete projects from prior financial years

Settlement Agreement Reserve

This Reserve was established to provide funds to account for future negotiated settlement agreement payments.

DCA 1 - Hard Infrastructure - Bertram

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 1 - Hard Infrastructure Bertram

DCA 2 - Hard Infrastructure - Wellard

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 2 - Hard Infrastructure Wellard

DCA 5 - Hard Infrastructure - Wandi

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 5 - Hard Infrastructure Wandi

DCA 8 - Soft Infrastructure - Mandogalup

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 8 - Soft Infrastructure Mandogalup

DCA 9 - Soft Infrastructure - Wandi/Anketell

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 9 - Soft Infrastructure Wandi/Anketell

CITY OF KWINANA

NOTES TO AND FORMING PART OF THE FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2016 TO 31 OCTOBER 2016

6. RESERVES

DCA 10 - Soft Infrastructure - Casuarina/Anketell

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 10 - Soft Infrastructure Casuarina/Anketell

DCA 11 - Soft Infrastructure - Wellard East

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 11 - Soft Infrastructure Wellard East

DCA 12 - Soft Infrastructure - Wellard West

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 12 - Soft Infrastructure Wellard West

DCA 13 - Soft Infrastructure - Bertram

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 13 - Soft Infrastructure Bertram

DCA 14 - Soft Infrastructure - Wellard/Leda

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 14 - Soft Infrastructure Wellard/Leda

DCA 15 - Soft Infrastructure - Townsite

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 15 - Soft Infrastructure Townsite

October

Brought

7. NET CURRENT ASSETS

Composition of Estimated Net Current Asset Position

	2016	Forward
	Actual	1-Jul
CURRENT ASSETS	\$	\$
Cash - Unrestricted	23,714,031	8,356,933
Cash - Restricted (Reserves)	47,978,681	46,938,076
Cash - Restricted (Unspent Loan Funds)	43,195	62,705
Rates - Current	13,316,720	1,590,578
Sundry Debtors	560,620	1,139,001
GST Receivable	-	554,076
Accrued Receivables	-	410,710
Inventories	33,269	26,163
	85,646,516	59,078,242
LESS: CURRENT LIABILITIES		
Sundry Creditors	(461,278)	(4,674,862)
Bonds and Deposit Creditors	(3,420,978)	(3,408,346)
Accrued payables - Current		(1,150,164)
Current Borrowings	(3,105,457)	(3,105,457)
Provisions - Current	(4,545,806)	(4,545,806)
	(11,533,519)	(16,884,635)
Net Current Asset Position (Prior to Adjustment)	74,112,997	42,193,607
Less:		
Cash Restricted - (Unspent Loan Funds)	(43,195)	(62,705)
Cash Restricted - (Reserves)	(47,978,681)	(46,938,076)
	(48,021,876)	(47,000,781)
Add Back:		
Cash Backed Leave Reserve - Current	4,545,806	4,545,806
Current Loan Liability	3,105,457	3,105,457
	7,651,263	7,651,263
	\$ 33,742,384	\$ 2,844,089

8. RATING INFORMATION

RATE TYPE	Rate in \$	Number of	Rateable Value	2016/17 Actual Rate	2016/17 Actual Interim	2016/17 Back	2016/17 Total	2016/17 Total
Differential Oceanal Date		Properties	\$	Revenue	Rates	Rates	Revenue	Budget
Differential General Rate				\$	\$	\$	\$	\$
Gross Rental Value (GRV)								
Improved Residential	0.07303	10,615	184,561,500	13,478,527	520,633	-	13,999,160	14,150,127
Vacant Residential	0.17974	555	8,674,147	1,559,091	(153,242)	-	1,405,849	1,559,091
Improved Special Rural	0.06385	716	16,868,756	1,077,070	154,200	-	1,231,270	1,077,070
Light Industrial and Commercial	0.09082	146	22,148,306	2,011,509	33,240	-	2,044,749	2,011,509
General Industry and Service Commercial	0.07961	318	33,469,413	2,664,500	3,087		2,667,587	2,664,500
Large Scale General Industry and Service Commercial	0.08260	48	52,329,591	4,322,424	(247,800)		4,074,624	4,322,424
Improved Value (UV)								
General Industrial	0.02639	3	121,200,000	3,198,468	-	-	3,198,468	3,198,468
Rural	0.00464	187	184,212,000	854,744	(360,284)		494,460	854,744
Mining	0.00793	13	27,291,000	216,418	13,486	-	229,904	216,418
Urban/Urban Deferred	0.00612	65	171,510,000	1,049,641	(145,449)	-	904,192	1,049,641
		12,666	822,264,713	30,432,392	(182,129)	-	30,250,263	31,103,992

.. RATING INFORMATION (Continued)

	Minimum	Number of	Rateable Value	2016/17 Actual Rate	2016/17 Actual Interim	2016/17 Back	2016/17 Total	2016/17 Total
	φ	Properties	value \$	Revenue	Rates	Rates	Revenue	Budget
Minimum Payments		•		\$	\$	\$	\$	\$
Gross Rental Value (GRV)								
Improved Residential	943	2,679	31,546,688	2,526,297	-	-	2,526,297	2,526,297
Vacant Residential	943	1,220	5,290,264	1,150,460	-	-	1,150,460	1,150,460
Improved Special Rural	943	5	68,260	4,715			4,715	4,715
Light Industrial and Commercial	1226	18	168,008	22,068	-	-	22,068	22,068
General Industry and Service Commercial	1226	37	299,688	45,362	-	-	45,362	45,362
Large Scale General Industry and Service Commercial	1226	0	-	-			-	-
Improved Value (UV)								
General Industrial	1226	0	-	-	-		-	-
Rural	943	11	1,453,000	10,373			10,373	10,373
Mining	1226	1	15,000	1,226	-		1,226	1,226
Urban/Urban Deferred	1226	47	7,786,600	57,622	-	-	57,622	57,622
Sub-Totals		4,018	46,627,508	3,818,123	-	-	3,818,123	3,818,123
							34,068,386	34,922,115
Specified Area Rates							-	-
Totals		16,684	868,892,221	34,250,515	(182,129)	-	34,068,386	34,922,115

The City of Kwinana raises rates on all land within it's boundaries, except exempt land, using a combination of dual rating and differential rating. Generally land within the urban area is rated at Gross Rental Value (GRV) and land within the rural area being rated with Unimproved Valuations (UV). Certain Town Planning zonings have attracted different rates so as to achieve greater equity within the urban and rural sectors.

The general rates detailed above for the 2016/17 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also bearing considering the extent of any increase in rating over the level adopted in the previous year.

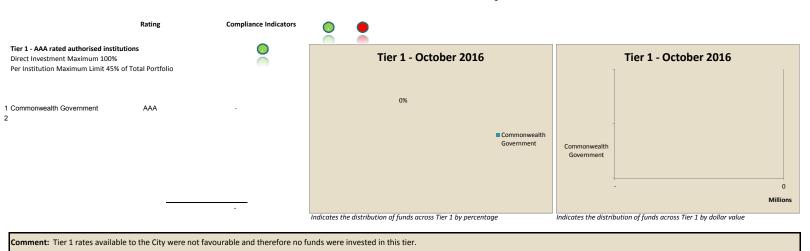
The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

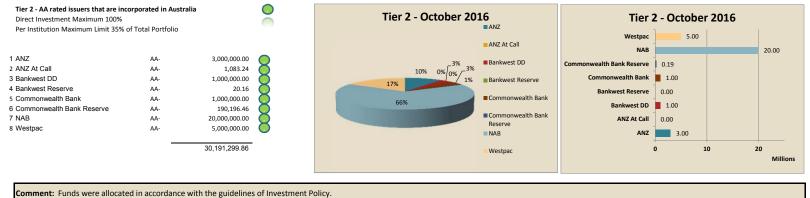
9. TRUST FUNDS

Funds held at balance date over which the Municipality has no control and which are not included in this financial statements are as follows:

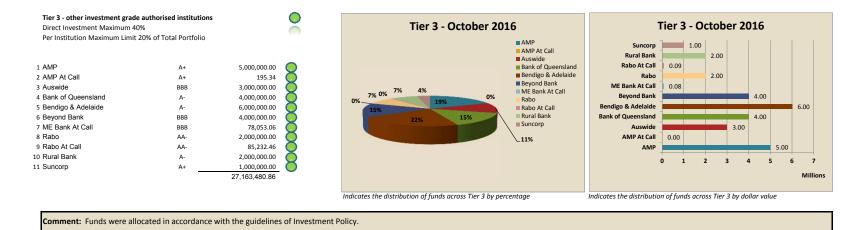
Balance 1-Jul-16 \$	Amounts Received \$	Amounts Paid \$	Balance 2016/17 \$	
-	-	-	-	
-	-	-	-	
	-	-	-	

Kwinana









Tier 4 - other compliant authorised institutions \bigcirc Direct Investment Maximum 30% Tier 4 - October 2016 Tier 4 - October 2016 Per Institution Maximum Limit 5% of Total Portfolio Goldfields Term Deposits MyState Bank 1 ECU UR 1,000,000.00 ECU 9% 2 Bank of Sydney UR 2,500,000.00 Bananacoast Credit Union Bank of Sydney 3 Arab Bank BB+ 2,000,000.00 17% 229 Arab Bank Police CU 4 Police CU UR 2,000,000.00 17% 5 Bananacoast Credit Union UR 1,000,000.00 Police CU Arab Bank 6 MyState Bank 1,000,000.00 UR Bananacoast Credit Union 7 Goldfields 2,000,000.00 UR Bank of Sydney MyState Bank ECU Goldfields CDOs 0 2 1 3 MA S6-7 (Parkes IA'AAA') NR Millions MA S6-7 (Parkes IIA'AAA') NR Indicates the distribution of funds across Tier 4 by percentage Indicates the distribution of funds across Tier 4 by dollar value 11,500,000.00 68,854,780.72

Comment: Funds were allocated in accordance with the guidelines of Investment Policy.

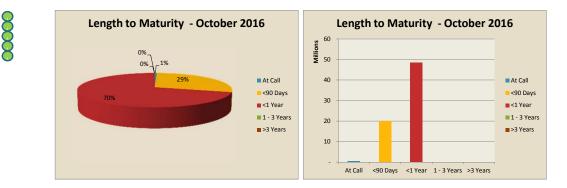
- Legend
- FRNs Floating Rate Notes
- CDOs Collateralised Debt Obligations



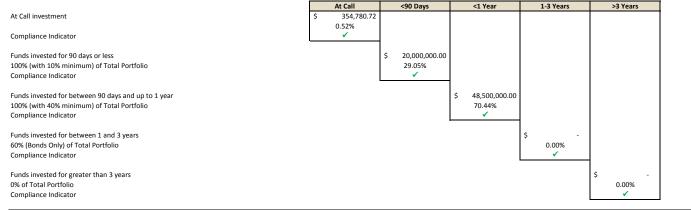




\$



Portfolio Term to Maturity Limits



Comment: Portfolio compliant with the Policy



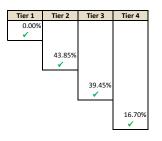
Portfolio Credit Framework

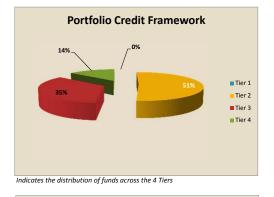
Direct Investment Maximum 100% Per Institution Maximum Limit 45% of Total Portfolio

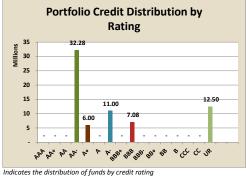
Direct Investment Maximum 100% Per Institution Maximum Limit 35% of Total Portfolio

Direct Investment Maximum 40% Per Institution Maximum Limit 20% of Total Portfolio

Direct Investment Maximum 30% Per Institution Maximum Limit 5% of Total Portfolio



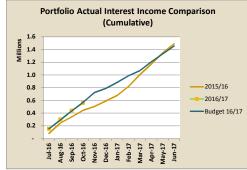




Comment: Portfolio compliant with the Policy



Indicates the total amount invested at the report date compared to prior years



Indicates the amount of interest earnt on investments for the period to report date

4

16.4 Review of City of Kwinana Wards and Representation - 2016

SUMMARY:

A local Government without wards is not required to carry out regular reviews under the provisions of Schedule 2.2 of the *Local Government Act 1995*. However, it may undertake an assessment of the number of elected members and the effectiveness of the existing ward system to explore whether change is desirable.

The last review of wards undertaken by the City of Kwinana was in 2012, where Council resolved to delay a final resolution on the introduction of an Industrial Ward pending the acceptance of the City's request that the Western Trade Coast Industrial Precinct by placed under the stewardship of the City of Kwinana, as was outlined in the City's Local Government Reform Submission.

Currently, the City of Kwinana has no wards, eight Councillors and approximately 18,240 electors with an elected member/elector ratio of 1 elected member to each 2,280 electors.

The City of Kwinana's Metropolitan Local Government Reform Submission proposed that the Western Trade Coast Industrial Precinct be placed under the stewardship of the City of Kwinana and it was acknowledged in this submission that should this proposal be accepted, the Council envisaged a need for additional representation in the form of a ninth elected member as representative of the 'Industrial Ward'.

The final decision of the local government reform process was made in early 2015, in that no amalgamations or boundary adjustments will occur within the City of Kwinana. The option that was considered in 2012 is no longer considered relevant with the Western Trade Coast Industrial Precinct and the recommendation is to conclude the 2012 review recommending that no change be made to the number of elected members and ward system.

OFFICER RECOMMENDATION:

That Council:

- Resolve that as a result of the Local Government Advisory Board decision in 2015 to not proceed with local government reform, an Industrial Ward is not supported;
- b) Continue with the current no ward system and not require a further review of wards or representation at this time, permitted by clause 6(2) of schedule 2.2 of the Local Government Act 1995; and
- c) Advise the Local Government Advisory Board that Council's original in principle support in December 2012 of an Industrial Ward, pending the acceptance of the City's request that the Western Trade Zone Industrial Precinct be placed under the stewardship of the City of Kwinana as outlined in the City's Local Government Reform Submission, is no longer supported by Council and that it is recommended that there be no change to the no ward system currently in place within the City of Kwinana.

NOTE: AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

As part of the review conducted in 2006, Council recommended to the Local Government Advisory Board that it abolish all wards within the Town of Kwinana, to take effect from (and including) the 2007 Ordinary Election.

The subsequent District of Kwinana (Discontinuation of Ward System) Order 2006 appeared in the Government Gazette 17 November 2006.

In late 2012 a review of Wards and Representation was undertaken and while a local government without wards is not required to carry out regular reviews under the provisions of Schedule 2.2 of the *Local Government Act 1995*, the City decided to undertake an assessment of the number of elected members and the no wards system to explore whether change is desirable.

At an elected member's forum conducted on 31 October 2016, the elected members considered the information contained with the attached Discussion Paper – Review of Wards and Representation 2016 (Attachment A). This discussion paper recommended the following four options for consideration:

- **Option 1** Conclude the 2012 ward and representation review and endorse that no change be made to the current no ward system and representation as a result of the LGAB making no changes to the boundary of the City of Kwinana;
- **Option 2** Create a two ward structure with an Industrial Ward (current resolution item to be considered);
- **Option 3** Create another ward structure with eight elected members; and/or
- **Option 4** Increase or decrease the number of elected members.

The following summary of information in regard to each option is provided:

Option 1 Conclude the 2012 ward and representation review and endorse that no change be made to the current no ward system and representation as a result of the LGAB making no changes to the boundary of the City of Kwinana

Currently, the City of Kwinana has no wards, eight elected members and an estimated 18,240 electors (Certified Residents Roll August 2015) with an elected member/elector ratio of one elected member to 2,280 electors.

The primary reason for adopting the 'no ward' system in 2006, was on the advice of the Local Government Advisory Board representative, who highlighted that elector/elected member representation ratios were the single relevant issue in determining ward representation, where a maximum 10% variation allowance was applicable at that time. With high growth residential development in the Rural Ward, it seemed that the 'no ward' system was the only likely option available.

Data sourced from the City's profile in Community Profile.id reflects this disproportionate growth in the eastern suburbs over the coming 20 years. This estimated growth, particularly in the Wandi/Mandogalup area is in excess of 11% and approaching 10% in Wellard per annum, and with the requirement for wards to have a variation of no more than 10%, it is difficult to structure wards so that this growth can be absorbed equitably over the coming years.

When providing reasoning for a ward structure to the Board, a local government must demonstrate that the proposed structure will remain equitable for the period required by a review (that is, eight years).

This is not achievable given the growth in the eastern suburbs and minimal growth in establish areas.

Option 2 Create a two ward structure with an Industrial Ward (current resolution item to be considered);

At its meeting of 12 December 20012, Council resolved:

"That Council supports the principle of introducing an Industrial Ward but delay making a final resolution on the question, pending the acceptance of the City's request that the Western Trade Coast Industrial Precinct be placed under the stewardship of the City of Kwinana as outlined in the City's Local Government Reform Submission"

This option that was considered in 2012 is no longer considered applicable. The purpose for which it was first raised is no longer relevant as a result of the Local Government Advisory Board deciding to make no changes to the City of Kwinana's boundary. It is recommended that a decision by Council be made that this option no longer be considered in respect to the resolution of 12 December 2012.

In addition, as the approval of wards is largely decided by the number of electors being equitable between all wards, as a very small number of electors live within the area defined by the proposed Industrial Ward, it is highly unlikely that such a ward structure would be approved.

Option 3 Create another ward structure with eight elected members

While there are advantages associated with a ward system (these are detailed in the 2012 report) the primary reason for adopting the 'no ward' system in 2006, was on the advice of the Local Government Advisory Board representative, who highlighted that Elector/Councillor representation ratios were the single relevant issue in determining ward representation, where a maximum 10% variation allowance was applicable at that time. With high growth residential development in the Rural Ward it seemed that the 'no ward' system was the only likely option available.

Option 4 Increase or decrease the number of elected members.

There is a State wide trend for reductions in elected members (particularly following recommendations from the local government reform panel) and many local governments have found that their operations work satisfactorily with fewer elected members. It is recommended that the current representation of 8 elected members is sufficient.

SUMMARY

Of the four options listed, it is recommended that, given the ongoing growth in population within the eastern suburbs of the City and different proposals being considered for the industrial areas, the current no ward system remains as the best option at this time and in the foreseeable future. However, a review of wards and representation may be undertaken at any time by a local government or the community where they see a need for it.

LEGAL/POLICY IMPLICATIONS:

Local Government Act Schedule 2.2 6. Local government with wards to review periodically

- (1) A local government the district of which is divided into wards is to carry out reviews of
 - (a) its ward boundaries; and
 - (b) the number of offices of councillor for each ward, from time to time so that not more than 8 years elapse between successive reviews.
- (2) A local government the district of which is not divided into wards may carry out reviews as to
 - (a) whether or not the district should be divided into wards; and
 - (b) if so
 - (i) what the ward boundaries should be; and
 - (ii) the number of offices of councillor there should be for each ward, from time to time so that not more than 8 years elapse between successive reviews.
- (5) A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.

ENVIRONMENTAL IMPLICATIONS:

No environmental 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.

FINANCIAL/BUDGET IMPLICATIONS:

Option 1:

No financial implications have been identified.

Option 2, 3 and 4:

If a review of the City's wards and representation was required, it would require the cost of advertising for giving local public notice (approximately \$750), the distribution of information as requested by community members (approximately \$250) and costs for public forum(s) if required (\$500).

If an increase in elected members numbers was to occur, it would cost the City approximately \$45,900 per elected member per year.

The direct costs for each elected member per year are approximately:

Meeting Fee	30,900
Functions	2,500
Training and Conferences	5,000
Information Technology and	3,500
communication allowance	
Travel	1,000
Sundry Expenses (jacket, hat etc)	1,000
Initial expenses	2,000
TOTAL PER ANNUM	\$45,900

No budget allocation has been anticipated for any of the above costs in the Long Term Financial Plan.

STRATEGIC/SOCIAL IMPLICATIONS:

Corporate Business Plan

- Objective 5.1 An active and engaged Local Government focussed on achieving the community's vision
 - Strategy 5.1.2 Councillors enthusiastically represent the community, participate in activities and events, advocate the community's vision, encourage stakeholder involvement, as well as promote the opportunities and attributes the area offers
 - Strategy 5.1.5 Actively participate in regional planning, partnerships and projects in order to deliver better outcomes for the Kwinana community

RISK IMPLICATIONS:

Risk Event	Elected members not representative of the community either in the number of representatives or by area.
Risk Theme	Ward system and elected member representation not effective to meet the needs of the City of Kwinana community
Risk Effect/Impact	Reputational internal and external
Risk Assessment Context	Operational

Consequence	Moderate
Likelihood	Possible
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce (mitigate the risk)
Response to risk	Ensure that Council have adopted the most effective
treatment required/in	ward and elected member strategy to meet the
place	needs of the community, now and for the period of
	review.
Rating (after treatment)	Low

COMMUNITY SUBMISSION

In 2012 there was a public consultation period where Council were required to consider all submissions. These submissions are outlined in Attachment B as part of the 2012 Council report.

COUNCIL DECISION 407 MOVED CR P FEASEY

SECONDED CR B THOMPSON

That Council:

- a) Resolve that as a result of the Local Government Advisory Board decision in 2015 to not proceed with local government reform, an Industrial Ward is not supported;
- b) Continue with the current no ward system and not require a further review of wards or representation at this time, permitted by clause 6(2) of schedule 2.2 of the Local Government Act 1995; and
- c) Advise the Local Government Advisory Board that Council's original in principle support in December 2012 of an Industrial Ward, pending the acceptance of the City's request that the Western Trade Zone Industrial Precinct be placed under the stewardship of the City of Kwinana as outlined in the City's Local Government Reform Submission, is no longer supported by Council and that it is recommended that there be no change to the no ward system currently in place within the City of Kwinana.

CARRIED BY AN 'EN BLOC' ABSOLUTE MAJORITY OF COUNCIL 7/0



DISCUSSION PAPER

Review of Wards and Representation 2016

The purpose of this discussion paper is to address the status of the Review of Ward Boundaries and Representation that was undertaken in late 2012.

Legislation

The requirement to conduct a review of wards is addressed in the Local Government Act 1995, where in Clause 6 of Schedule 2.2 it states:

6. Local government with wards to review periodically

(1) A local government the district of which is divided into wards is to carry out reviews of —

 (a) its ward boundaries; and

(b) the number of offices of councillor for each ward, from time to time so that not more than 8 years elapse between successive reviews.

(2) A local government the district of which is not divided into wards may carry out reviews as to —

(a) whether or not the district should be divided into wards; and

(b) if so —

(i) what the ward boundaries should be; and

(ii) the number of offices of councillor there should be for each ward, from time to time so that not more than 8 years elapse between successive reviews.

(3) A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.

Background

In late 2012 a review of Wards and Representation was undertaken and while a local government without wards is not required to carry out regular reviews under the provisions of Schedule 2.2 of the *Local Government Act 1995*, it may however undertake an assessment of the number of elected members and the no wards system to explore whether change is desirable.

As the City does not have a Ward structure in place a Ward review is not required, however, Resolution 261 that was made at item 16.5 of 12 December 2012 needs to be addressed. An extract of item 16.5 is at Attachment A and the Discussion Paper related to that item is at Attachment B of this Discussion Paper. The resolution made on 12 December 2012 is as follows:

COUNCIL DECISION

261

MOVED CR R ALEXANDER

SECONDED CR S WOOD

That Council supports the principle of introducing an Industrial Ward but delays making a final resolution on the question, pending the acceptance of the City's request that the Western Trade Coast Industrial Precinct be placed under the stewardship of the City of Kwinana as outlined in the City's Local Government Reform Submission.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 7/1

Current Situation

Currently the City of Kwinana has eight elected members and an estimated 18,240 electors (Certified Residents Roll August 2015) with an elected member/elector ration of 1 elected member to each 2,280 electors.

Review Process

The review process involves a number of steps:

- Council resolves to undertake the review
- Public submission period opens
- Information provided to the community for discussion
- Public submission period closes
- Council considers all submissions and relevant factors and makes a decision
- Council submits a report to the Local Government Advisory Board (the Board) for its consideration
- (If a change is proposed) The Board submits a recommendation to the Minister for Local Government

If the Minister approves any changes then these are anticipated to be in place for the next ordinary local government election in October 2017.

Factors to be considered

Several factors will be considered as part of a further review and may include:

- The advantages and disadvantages of introducing a dedicated Industrial Ward;
- The advantages and disadvantages of increasing the number of elected members in order to introduce a dedicated representative for an Industrial Precincts;
- The advantages and disadvantages of creating another ward structure; or
- The advantages and disadvantages of retaining the status quo.
- The advantages of increasing or decreasing the number of elected members.

Procedure for conducting a review of wards and representation

The explanation and procedure for conducting a review of wards and representation is provide at Attachment C. This information has been obtained from the Local Government Act 1995 and guideline 'How to conduct a review of wards and representation for local governments with and without a ward system' (December 2014) and published by the Local Government Advisory Board.

A copy of the entire Guideline can be found on the Director of Local Government and Communities website at:

https://www.dlgc.wa.gov.au/Publications/Documents/LGAB_Review_Wards_Representation _Info_Package.pdf#search=ward%20review

Officer Recommendations

The following options are recommended to be considered in respect to this review and further explanation of these options and the process required are at Attachment C. The current resolution or the following options are put forward for consideration. It should be noted that following public consultation if a review is to be undertaken, that members of the community may suggest other options, if a decision to undertake a ward review is made by Council.

Officer recommended options for consideration:

- **Option 1** Conclude the 2012 ward and representation review and endorse that no change be made to the current no ward system and representation as a result of the LGAB making no changes to the boundary of the City of Kwinana;
- **Option 2** Create a two ward structure with an Industrial Ward (current resolution item to be considered);
- **Option 3** Create another ward structure with eight elected members; and/or
- **Option 4** Increase or decrease the number of elected members.

Current suburb boundaries



Option 1 Conclude the 2012 resolution.

This option maintains the current system of no wards, eight Councillors and an estimated 18,240 electors (Certified Residents Roll August 2015) with an elected member/elector ratio of one elected member to 2,280 electors.

Determining factors relating to current wards

Community of Interest

The City of Kwinana is a growing residential area, with a substantial industrial area, and some commercial and rural areas. The City has a well established sense of community feeling and belonging.

The City includes one of Perth's largest employment areas in the Kwinana Industrial Area, including oil refineries, a power station, a waste water treatment plant and quarries. Approximately 5,000 people work directly and 25,000 work indirectly, at the Kwinana Industrial Area. The City encompasses a total land area of nearly 120 square kilometres.

Physical and topographical features

The City of Kwinana is located in Perth's outer southern suburbs, between 25 and 37 kilometres south of the Perth CBD. The City of Kwinana is bounded by the City of Cockburn in the north, Serpentine Jarrahdale Shire in the east, the City of Rockingham in the south, and the Indian Ocean in the west.

The City is a coastal area and is defined by major roads and railway lines, both public and freight.

Demographic trends

The City's population is made up primarily of young people and families. According to the 2011 Census data 27.0% of the population was aged between 0 and 17, and 13.6% were aged 60 and over, compared with 23.3% and 17.8% respectively for Greater Perth. This highlights the need to consider housing and lifestyle choices suitable for a 'young workforce' population.

Economic factors

The City is financially sustainable with good short and long term financial planning in place. A number of significant developments are taking place within the City.

The City is primarily urban and special rural residential development with a number of retail precincts and a major industrial area to the west of the City.

Ratio of Elected Members to Electors

Currently the City of Kwinana has no wards, eight Councillors and an estimated 18,240 electors (Certified Residents Roll August 2015) with an elected member/elector ration of one elected member to 2,280 electors.

The primary reason for adopting the 'no ward' system in 2006, was on the advice of the Local Government Advisory Board representative, who highlighted that Elector/Councillor representation ratios were the single relevant issue in determining ward representation, where a maximum 10% allowance is applicable. With high growth residential development in then Rural Ward, it seemed that the 'no ward' system was the only likely option available.

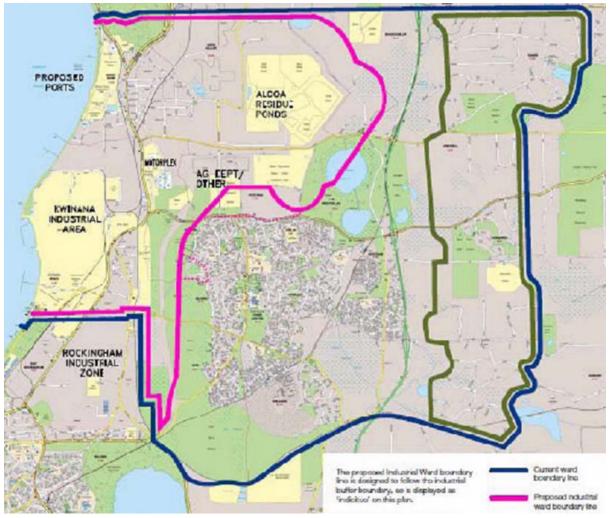
Council Resolution:

Resolve that as a result of the Local Government Advisory Board decision in 2015 to not proceed with the local government reform, an Industrial Ward is not supported

Option 2 Create a two ward structure with an Industrial Ward (current resolution item to be considered);

This option that was considered in 2012 is no longer considered viable. The purpose for which it was first raised is no longer relevant as a result of the Local Government Advisory Board deciding to make no changes to the City of Kwinana's boundary. It is recommended that a decision by Council be made that this option no longer be considered in respect to the resolution of 12 December 2012.

In addition, as the approval of wards is largely decided by the number of electors being equitable between all wards, as a very small number of electors live within the area defined by the proposed Industrial Ward, it is highly unlikely that such a ward structure would be approved.



Map of Industrial Ward Zone (in pink outline) from 2012 proposal.

Option 3 Create another ward structure with eight elected members

While there are advantages associated with a ward system (these are detailed in the 2012 report) the primary reason for adopting the 'no ward' system in 2006, was on the advice of the Local Government Advisory Board representative, who highlighted that Elector/Councillor representation ratios was a relevant issue in determining ward representation, where a maximum 10% variation allowance was applicable at that time. With high growth residential development in the then Rural Ward, it seemed that the 'no ward' system was the only preferred option available.

The following data sources from the City's profile in Community Profile.id reflects this disproportionate growth in the eastern suburbs over the coming 20 years. This growth, particularly in the Wandi/Mandogalup area is in excess of 11% and is approaching 10% per annum. The requirement for wards to have a variation of no more than 10%, it is difficult to structure wards so that this growth can be absorbed equitably over the coming years.

When providing reasoning for a ward structure to the Board, a local government must demonstrate that the proposed structure will remain equitable for the period required by a review (8 years). This is clearly not achievable given the growth in the eastern suburbs and minimal growth in establish areas.

Population Forecasts

City of Kwinana	Forecast year												
Area	2011	2016		2021		2026		2031		2036		Change between 2011 and 2036	
	Population	Population	% increase	Population	% increase	Population	% increase	Population	% increase	Population	% increase	Total Change	Avg. annual percantage change
City of Kwinana	30697	39941	30.11	51563	29.10	62695	21.59	73679	17.52	84207	14.29	53510	6.97
Ankatell/Casuarina	1780	1779	-0.06	2571	44.52	5346	107.93	9812	83.54	13963	42.31	12183	27.38
Bertram	5352	6089	13.77	6771	11.20	6851	1.18	6742	-1.59	6672	-1.04	1320	0.99
Calista/Medina/ employment area	4347	4680	7.66	4882	4.32	5043	3.30	5139	1.90	5207	1.32	860	0.79
Leda	3509	3450	-1.68	3479	0.84	3400	-2.27	3356	-1.29	3336	-0.60	-173	-0.20
Orelia	4901	5099	4.04	5934	16.38	6455	8.78	6672	3.36	6644	-0.42	1743	1.42
Parmelia/City Centre	6468	6851	5.92	8685	26.77	10746	23.73	12310	14.55	12330	0.16	5862	3.63
Wandi/Mandogalup	924	2882	211.90	4722	63.84	7196	52.39	9564	32.91	15528	62.36	14604	63.22
Wellard (East)	714	2978	317.09	4593	54.23	6011	30.87	7366	22.54	7524	2.14	6810	38.15
Wellard (West)	2701	6133	127.06	9927	61.86	11647	17.33	12719	9.20	13003	2.23	10302	15.26

Greatest growth:

1st

2nd

3rd

Example of Ward Representation average totals

Note: Maximum variation permissible between wards is +/- 10% of electors.

Area	2011	2016		2021		2026		2031		2036		Total Change	Avg. annual percentage change
	Population	Population	% increase										
City of Kwinana	30697	39941	30.11	51563	29.10	62695	21.59	73679	17.52	84207	14.29	53510	6.97
			I	I				[[I		1	
Population of 3 wards (per ward)	10232	13314		17188		20898		24560		28069		17837	
Population of 4 wards (per ward)	7674	9985		12891		15674		18420		21052		13378	
			1	1	r	1		r	r	1		1	r
Population of 5 wards (per ward)	6139	7988		10313		12539		14736		16841		10702	

Option 4 Increase or decrease the number of elected members.

There is a State wide trend for reductions in elected members (particularly following recommendations from the local government reform panel) and many local governments have found that their operations work satisfactorily with fewer elected members.

The advantages in an increase in elected members may include the following examples and a decrease in elected members may be viewed in a converse manner:

- A larger number of elected members may result in a decreased elected member workload and may increase effectiveness. A less demanding role may encourage others to nominate for Council. A reduction in the ratio of councillors to electors may reduce the demands on elected members.
- The increase of one elected member to represent a specific area will increase the likelihood of specific representation of a prominent elector group but without the risk of domination.
- An increase in the number of elected members will increase the diversity of interests still within the Council and may improve the decision making.
- Opportunities for community participation in Council's affairs may be increased if there are more elected members for the community to contact.
- There will be an increase to the ratio of elected members to electors.

The **disadvantages** in an increase in elected members may include the following examples:

- The decision making process may not be as effective and efficient with increased numbers of elected members. It is more timely to ascertain the views of a fewer number of people and decision making may be easier.
- The cost of maintaining elected members will be increased.
- An increase in elected members may lead to a lesser commitment from those elected, and as a result may lead to less interest and participation in Council's affairs.
- Increased numbers of elected members are not as readily identifiable to the community.
- Increased positions on Council may lead to smaller interest in elections as it becomes more difficult to differentiate.

ATTACHMENT B

16.5 Review of City of Kwinana Wards and Representation 2012

SUMMARY:

A local Government without Wards is not required to carry out regular reviews under the provisions of Schedule 2.2 of the *Local Government Act 1995*. However, a local government without wards can undertake an assessment of the number of elected members and the no wards system to explore whether change is desirable.

The last review of wards undertaken by the City of Kwinana was in 2006, where all wards were abolished to take effect from the 2007 local government election.

Currently the City of Kwinana has no wards, eight Councillors and approximately 15,578 electors with a Councillor/elector ratio of 1 Councillor to each 1,947 electors.

The City of Kwinana's Metropolitan Local Government Reform Submission proposed that the Western Trade Coast Industrial Precinct be placed under the stewardship of the City of Kwinana and it was acknowledged in this submission that should this proposal be accepted that the City envisaged a need for additional representation in the form of a ninth Councillor as representative of the 'Industrial Ward'.

Whilst the final outcome of the local government reform process is yet to be determined (this is not anticipated until about mid 2013), the preference of Council is to consider the option of enabling the introduction of an alternative system of wards and representation, to take effect at the 2013 Local Government Elections.

At the Ordinary Meeting of Council held on 12 September 2012 Council supported the commencement of a review of the City's wards and representation and moved that a Discussion Paper be distributed and community submissions sought.

OFFICER RECOMMENDATION:

That Council recommends to the Local Government Advisory Board that:

- An order be made under s 2.2(1) of the Local Government Act 1995 to divide the district into two wards with boundaries as detailed in the attached map (at option 2 – including incorporating the 'additional' areas of the Medina Industrial precinct and the land immediately north of Thomas Road)
- 2. An order be made under s 2.3(2) of the *Local Government Act 1995* to name the two wards Industrial and Residential (as detailed in the map).
- 3. An order be made under s 2.18(3) of the *Local Government Act 1995* to designate the following number of offices of councillor for each ward: Industrial (1), Residential (8).

*ABSOLUTE MAJORITY OF COUNCIL REQUIRED

DISCUSSION:

Whilst the final outcome of the local government reform process is yet to be determined (this is not anticipated until about mid 2013), at the Ordinary Meeting of Council held on 12 September 2012 Council, supported the commencement of a review of the City's wards and representation and moved that a Discussion Paper be distributed and community submissions sought as the preference of Council was to consider the option of enabling the introduction of an alternative system of wards and representation, to take effect at the 2013 Local Government Elections (noting that it would be too late to take that course of action for the October 2013 elections, unless formally decided by December 2012).

Public notice was given in the Sound Telegraph on 26 September 2012 (pg 49) and the West Australian on 20 September 2012 (pg 83) calling for submissions. The submission period closed at 4.00pm on Friday 02 November 2012.

The review also featured in the Desk of the CEO on 19 October 2012 and appeared on the City's internet site both as a public notice for the duration of the call for public submissions and again for the week of 19 - 26 October when it appeared in the Desk of the CEO.

The City received four submissions, the summary of which is included below. The full submissions are attached to this agenda.

A Councillor workshop was held on 19 November 2012 at which the options were assessed following the close of public submissions.

During the Councillors Workshop, the conclusion of officers assessment of all options, including the options outlined in the City's Discussion Paper and those received during the submission period were presented to Councillors for their consideration.

Summary of submissions:

Community submissions were recently sought in regard to the City's Review of Representation. A discussion paper was prepared and local public notice, calling for submissions, was given. The discussion paper proposed two options for consideration; however, members of the community were also invited to suggest other options. The two proposed options that appeared in the Discussion Paper were;

- **Option 1** Maintain the current system of representation with eight councillors and no wards.
- **Option 2** Create a two ward structure with nine councillors. A map showing proposed wards is attached.

A further option was suggested during the public submission period:

Option 3 Create a three ward structure – City, Industrial and Rural.

The City received four submissions as outlined in the table below.

Support for Option 1:						
Mr Barry Nelson, Parmelia.						
Mr Nelson expressed his support to retain the status quo. Mr Nelson stated that he thought there was "no justification for companies or non resident property owners to have a representative on the council." "That other local governments with large industrial areas manage without special councillors." "changes to local governments should be put on hold till it becomes clear what is to happen to this council."						

Support for Option 2:						
Mr Chris Leatt-Hayter, representing Fremantle Ports.	Mr Chris Oughton, representing Kwinana Industries Council (KIC).					
Mr Leatt-Hayter expressed his support to create a two ward structure with nine councillors. Mr Leatt-Hayter stated that "The Port believes that the addition of an industrial ward will be beneficial to Fremantle Ports and its operations as it will provide a dedicated Councillor to focus on industrial operations specifically."	Mr Oughton expressed his support to create a two ward structure with nine councillors. Mr Oughton provided some "context into the economic and social impact of the Kwinana industrial area and the companies that give the KIC the imprimatur to speak on their behalf on this matter."					

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Support for Option 2 continued:				
	Mr Chris Oughton, Kwinana Industries Council. (continued)			
	Mr Oughton explained that "The current KIC membership is 11 full members, who include all the major industries found within the KIA (Kwinana Industrial Area), and 27 associate members covering the support and service sectors. KIC members employ approximately 5,000 workers directly and another 26,000 indirectly, and its economic activity contributes \$1.6 bn to the State economy." Mr Oughton outlined the following reasons that KIC support the creation of a two ward structure with nine councillors. "Protection of the buffer zone." "Input into the strategic direction of the Council." "Bringing an additional dimension to contribute to the broader political sphere of influence." Giving the needs of the industrial area a voice during budget development time." Raising awareness of the needs of industry at the Councillor and officer levels." Mr Oughton stated that "these relate to having an informed representative and			
	advocate of the industrial community's interests at the City's policy table."			

Support for Option 3:							
Ms Janet A Carr, Wandi Progress Association.							
Ms Carr expressed her support for the introduction of a three ward system, including City, Industrial and Rural wards. Ms Carr explained that the Wandi Progress Association believe that the City has three quite distinct areas, the City area, the Industrial area and the Rural area. In addition WPA believe that as all eight of the current elected members live within the 'City' area, "they have little or no interest in the rural residents". The WPA also stated that they were "mindful of the proposed amalgamation of Councils and that the rural area may well be absorbed within another Council boundary in due course."							

These submissions are attached to this agenda.

Assessment of Options:

Increasing Elected Members

The **advantages** in an increase in elected members may include the following examples:

- A larger number of elected members may result in a decreased Councillor workload and may increase effectiveness. A less demanding role may encourage others to nominate for Council.
- The increase of one elected member to represent a specific area will increase the likelihood of specific representation of a prominent elector group but without the risk of domination.
- An increase in the number of elected members will increase the diversity of interests around the Council table.
- Opportunities for community participation in Council's affairs may be increased if there are more elected members for the community to contact.
- A reduction in the ratio of councillors to electors may reduce the demands on elected members.
- The decision making process may be broader based with increased factors taken into account.
- There will be an increase to the ratio of councillors to electors.

The **disadvantages** in an increase in elected members may include the following examples:

- The decision making process may not be as effective and efficient with increased numbers of elected members. It is more timely to ascertain the views of a fewer number of people and decision making may be easier.
- The cost of maintaining elected members will be increased.
- An increase in elected members may lead to a lesser commitment from those elected reflected in less interest and participation in Council's affairs.
- Increased numbers of elected members are not as readily identifiable to the community.
- Increased positions on Council may lead to smaller interest in elections as it becomes more difficult to differentiate.
- There is a State wide trend for reductions in elected members (particularly following recommendations from the local government reform panel) and many local governments have found that their operations work satisfactorily with fewer Councillors.

No ward system (status quo)

The **advantages** of no ward system may include for example:

- Elected members are elected by the whole community not just a section of it. Knowledge and interest in all areas of the Council's affairs results in broadening the views beyond the immediate concerns of those in a ward.
- The smaller town sites and rural areas have the whole Council working for them.
- Members of the community who want to approach an elected member can speak to any elected member.
- Social networks and communities of interest are often spread across a local government and elected members can have an overview of these.
- Elected members can use their specialty skills and knowledge for the benefit of the whole local government.
- There is balanced representation with each elected member representing the whole community.
- The election process is much simpler for the community to understand and for Council to administer.

The **disadvantages** of no ward system may include for example:

- Electors may feel that they are not adequately represented if they don't have an affinity with any of the elected members.
- Elected members living in a certain area may have a greater affinity and understanding of the issues specific to that area.
- There is a potential for an interest group to dominate Council.
- Elected members may feel overwhelmed by having to represent all electors and may find it difficult to make the time to understand and represent all the issues.
- It may be more difficult and costly for candidates to be elected if they need to canvass the whole local government area.

Ward system (introduction of ward or wards)

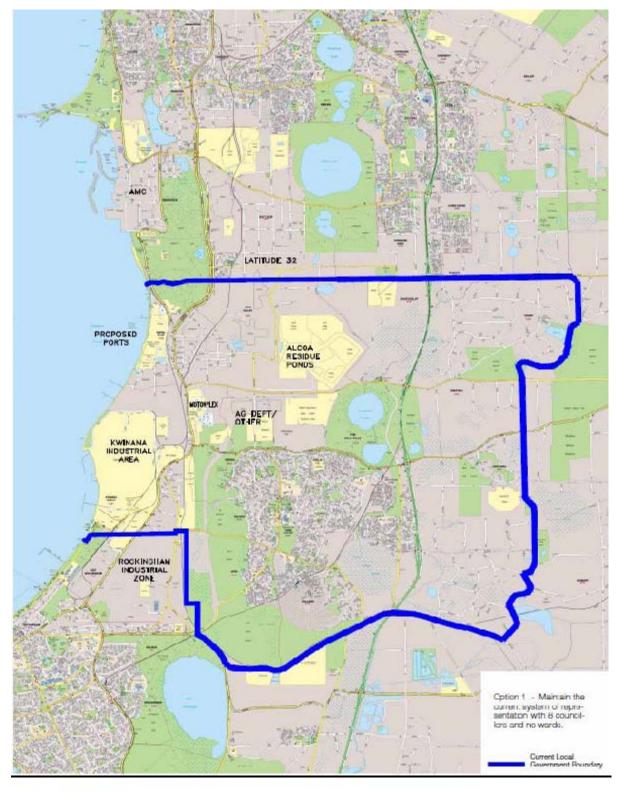
The advantages of a ward system may include for example:

- Different sectors of the community can be represented ensuring a good spread of representation and interests amongst elected members.
- There is more opportunity for elected members to have a greater knowledge and interest in the issues in the ward.
- It may be easier for a candidate to be elected if they only need to canvass one ward.

The **disadvantages** of a ward system may include for example:

- Elected members can become too focused on their wards and less focused on the affairs of other wards and the whole local government.
- An unhealthy competition for resources can develop where electors in each ward come to expect the services and facilities provided in other wards, whether they are appropriate or not.
- The community and elected members can tend to regard the local government in terms of wards rather than as a whole community.
- Ward boundaries may appear to be placed arbitrarily and may not reflect the social interaction and communities of interest of the community.
- Balanced representation across the local government may be difficult to achieve, particularly if a local government has highly populated urban areas and sparsely populated rural areas.

16.5 REVIEW OF CITY OF KWINANA WARDS AND REPRESENTATION 2012



Option 1 Maintain the Current System of representation with eight Councillors and no wards.

Option 1 – No Change

This option maintains the current system of no wards, eight Councillors and approximately 15,578 electors with a Councillor/elector ratio of 1 Councillor to each 1,947 electors.

Determining factors relating to current wards

1. Community of Interest

The City of Kwinana is a growing residential area, with a substantial industrial area, and some commercial and rural areas. The City has a well established sense of community feeling and belonging.

The City includes one of Perth's largest employment areas in the Kwinana Industrial Area, including oil refineries, a power station, a waste water treatment plant and quarries. Approximately 5,000 people work directly and 25,000 work indirectly, at the Kwinana Industrial Area. The City encompasses a total land area of nearly 120 square kilometres.

2. Physical and topographical features

The City of Kwinana is located in Perth's outer southern suburbs, between 25 and 37 kilometres south of the Perth CBD. The City of Kwinana is bounded by the City of Cockburn in the north, Serpentine Jarrahdale Shire in the east, the City of Rockingham in the south, and the Indian Ocean in the west.

The City is a coastal area and is defined by major roads and railway lines, both public and freight.

3. Demographic trends

The City's population is made up primarily of young people and families. According to the 2011 Census data 27.0% of the population was aged between 0 and 17, and 13.6% were aged 60 and over, compared with 23.3% and 17.8% respectively for Greater Perth. This highlights the need to consider housing and lifestyle choices suitable for a 'young workforce' population.

4. Economic factors

The City is financially sustainable with good short and long term financial planning in place. A number of significant developments are taking place within the City.

The City is primarily urban and special rural residential development with a number of retail precincts and a major industrial area to the west of the City.

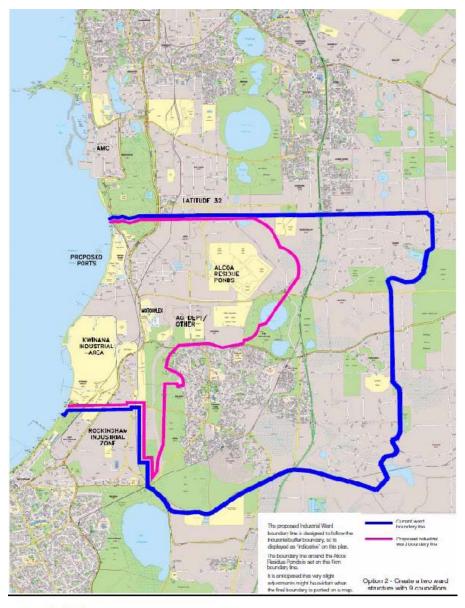
5. Ratio of Elected Members to Electors

Currently the City of Kwinana has no wards, eight Councillors and approximately 15,578 electors with a Councillor/elector ratio of 1 Councillor to each 1,947 electors.

The primary reason for adopting the 'no ward' system in 2006, was on the advice of the then Local Government Advisory Board representative, who highlighted that Elector/Councillor representation ratios were the single relevant issue in determining ward representation, and that a maximum 10% variation allowance was applicable at that time, the avenue of exceptional circumstances did not seem to be open to possibility and with inevitable residential development in the ten Rural Ward, it seemed that the 'no ward' system was the only likely option available.

Figures taken from the electoral roll 2011.

16.5 REVIEW OF CITY OF KWINANA WARDS AND REPRESENTATION 2012





Option 2 - Create a two ward structure with nine councillors

This option increases the number of wards to two (Residential and Industrial) and increases the number of Councillors to nine.

Determining factors -

1. Community of Interest

The following communities of interest currently exist:

- The Industrial area would be encompassed within one ward.
- The City's Industrial Area is the State's premier industrial area, is 'unique', and has significantly different needs to other communities of interest within the City (rural, commercial and urban).

2. Physical and topographical features

• Ward boundaries would be defined by the Industrial Buffer Zone boundary and the proposed ward area represents about one third of the entire City of Kwinana area.

3. Demographic trends

• The Industrial Zone is primarily made up of non resident (not resident in the 'Industrial Ward') workforce aged people.

4. Economic factors

- The introduction of an Industrial ward would allow for better alignment with economic activities.
- The Industrial Area contributes about one third of the City's rate revenue and some \$16b to the nation's GDP. It also employs approximately 5,000 people working directly at this precinct and 25,000 working indirectly.

5. Ratio of Elected Members to Electors

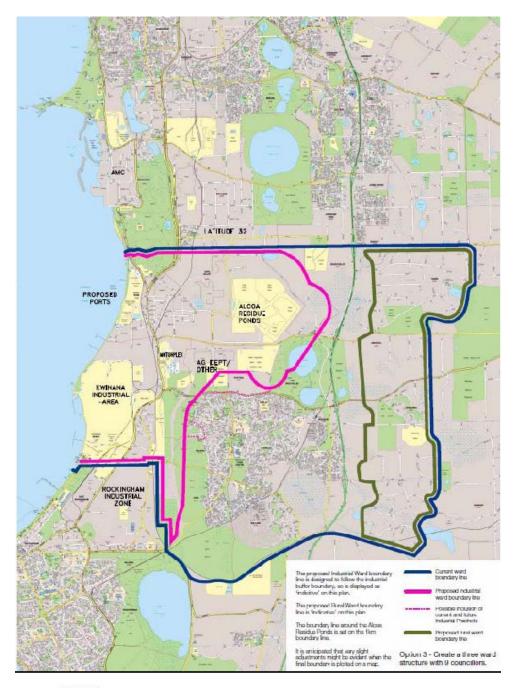
It is difficult to estimate the number of electors within the Industrial Zone as the owners and occupiers have to register their interest in order to be added to the City's owners and occupiers roll.

Based on the number of assessments within the Industrial Area the City estimates that there are approximately 1,218 *potential electors* within the Industrial Area. This would create a ratio of 1 Councillor to 1,218 electors.

16.5 REVIEW OF CITY OF KWINANA WARDS AND REPRESENTATION 2012

Summary - Currently, the Industrial Ward cannot justify an existence on elector/Councillor ratio alone as 1,218 'potential electors' is not within the expected 10% margin of the current average of 1,947 electors per Councillor. The Industrial Ward proposal therefore, needs to be 'sufficiently unique' to warrant support from the City and the State Government's Local Government Advisory Board. Other considerations though, like for example, geographic area, employment generation, City rate base, economic significance to the state/nation, transport infrastructure relevance, local and environmental impact potential, and town planning uniqueness, would it is believed, be justifiable classifiers to uniqueness.

16.5 REVIEW OF CITY OF KWINANA WARDS AND REPRESENTATION 2012



Option 3 Create a three ward structure with 9 Councillors.

Option 3 - Create a three ward structure with 9 Councillors

This option increases the number of wards to three (Rural, Residential and Industrial) and increases the number of Councillors to nine.

Determining factors -

1. Community of Interest

The following communities of interest currently exist:

- Whilst there are clearly differences, the Rural areas of the City are not considered to have significantly different needs to that of the 'non rural' residential areas of the City.
- Whilst there are subtle differences (like horse ownership), residents share many common interests and issues with the 'non rural' residential areas of the City.

2. Physical and topographical features

- Rural areas-have a larger block size than the average residential block size.
- Predicted longer term development envisage the rural areas within the City shrinking progressively into the future.
- Expected population growth within the City is predicted to be focused within the non rural residential areas.

3. Demographic trends

• The rural areas are in line with the City's population, which is made up primarily of young people and families.

4. Economic factors

• Good alignment with economic activities.

5. Ratio of Elected Members to Electors

• Approximately 1,358 electors with a Councillor/elector ratio of 1 Councillor to each 1,358 electors.

16.5 REVIEW OF CITY OF KWINANA WARDS AND REPRESENTATION 2012

Summary - Whilst at first glance a rural ward appears reasonable, there is an inevitable long term urbanisation requirement for the greater Perth area as the state government wishes to promote utilisation of available lands closest to the Perth CBD for intense residential purposes (more intense urbanisation enables the most efficient utilisation of state based infrastructure and services). The Local Government Advisory Board may accept Councillor/elector ratio of 1,358 for a single Rural Ward even though it is not within the 10% guideline, but this ratio will further reduce over coming decades as existing rural and rural/residential areas are progressively developed into urban, and the ward boundary adjusts to capture those new residents into the Residential Ward. Therefore, even if the City were to successfully argue that a Kwinana Rural Ward was justified today, that justification would no longer exist at some point in the future. This is unlike the Industrial Ward proposal, which is considered 'sufficiently unique' to warrant a long term existence.

Figures taken from the electoral roll 2011.

LEGAL/POLICY IMPLICATIONS:

Currently the City of Kwinana does not have any wards and as such is not legislatively required to review on a periodic basis as prescribed. However, *Local Government Act 1995*, - Schedule 2.2—Provisions about names, wards and representation, states that a Local government *with* wards is to carry out a review of its ward boundaries and the number of Councillors for each ward, so that not more than eight years elapses between reviews.

Local Government Act 1995

Schedule 2.2—Provisions about names, wards and representation

[Section 2.2(3)]

[Heading amended by No. 64 of 1998 s. 53.]

1. Terms used

In this Schedule, unless the contrary intention appears —

affected electors, in relation to a submission, means electors whose eligibility as electors comes from residence, or ownership or occupation of property, in the area directly affected by the submission;

review means a review required by clause 4(4) or 6 or authorised by clause 5(a);

submission means a submission under clause 3 that an order be made to do any or all of the things referred to in section 2.2(1), 2.3(3) or 2.18(3).

2. Advisory Board to make recommendations relating to new district

- (1) When a local government is newly established, the Advisory Board
 - (a) at the direction of the Minister; or
 - (b) after receiving a report made by a commissioner appointed under section 2.6(4) after carrying out a review, is, in a written report to the Minister, to recommend the making of an order to do all or any of the things referred to in section 2.2(1)(a), 2.3(2) or 2.18(1).
- (2) In making its recommendations under subclause (1) the Advisory Board is to take into account the matters referred to in clause 8(c) to (g) so far as they are applicable.

3. Who may make submissions about ward changes etc.

- (1) A submission may be made to a local government by affected electors who
 - (a) are at least 250 in number; or
 - (b) are at least 10% of the total number of affected electors.
- (2) A submission is to comply with any regulations about the making of submissions.

4. Dealing with submissions

- (1) The local government is to consider any submission made under clause 3.
- (2) If, in the council's opinion, a submission is —

5. Local government may propose ward changes or make minor proposals

A local government may, whether or not it has received a submission —

- (a) carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should, in the council's opinion, be made; or
- (b) propose* to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is —
 - (i) one of a minor nature; and
 - (ii) not one about which public submissions need be invited; or
- (c) propose* to the Minister the making of an order changing the name of the district or a ward.

* Absolute majority required.

6. Local government with wards to review periodically

- (1) A local government the district of which is divided into wards is to carry out reviews of
 - (a) its ward boundaries; and
 - (b) the number of offices of councillor for each ward, from time to time so that not more than 8 years elapse between successive reviews.
- (2) A local government the district of which is not divided into wards may carry out reviews as to
 - (a) whether or not the district should be divided into wards; and
 - (b) if so
 - (i) what the ward boundaries should be; and
 - (ii) the number of offices of councillor there should be for each ward, from time to time so that not more than 8 years elapse between successive reviews.
- (3) A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.
 [Clause 6 amended by No. 49 of 2004 s. 68(5) and (6).]

7. Reviews

- (1) Before carrying out a review a local government has to give local public notice advising
 - (a) that the review is to be carried out; and
 - (b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.
- (2) In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.

10. Recommendation by Advisory Board

- (1) Where under clause 5(b) a local government proposes to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3), and the Board is of the opinion that the proposal is
 - (a) one of a minor nature; and
 - (b) not one about which public submissions need be invited, the Board, in a written report to the Minister, is to recommend the making of the order but otherwise is to inform the local government accordingly and the local government is to carry out a review.
- (2) Where under clause 9 a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8 that, in the Board's opinion, correctly takes into account the matters referred to in clause 8(c) to (g), the Board, in a written report to the Minister, is to recommend the making of the order.
- (3) Where a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8, or that a submission under clause 4(2) be rejected, that, in the Board's opinion, does not correctly take into account the matters referred to in that clause —
 - (a) the Board may inform the local government accordingly and notify the local government that a proposal that does correctly take those matters into account is to be made within such time as is set out in the notice; and
 - (b) if the local government does not make a proposal as required by a notice under paragraph (a), the Board may, in a written report to the Minister, recommend* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account those matters.

* Absolute majority required.

Where a local government fails to carry out a review as required by clause 6, the Advisory Board, in a written report to the Minister, may recommend* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account the matters referred to in clause 8.
 * Absolute majority required.

FINANCIAL/BUDGET IMPLICATIONS:

The process of reviewing the City's wards and representation will include the cost of advertising for giving local public notice (approximately \$750.00) and distribution of information as requested by community members (approximately \$250.00).

An increase in Councillor numbers could cost the City up to an additional \$21,050 if all individual cost area allocations were fully expended.

The cost allocations for each Councillor per year are:

Meeting Fee	7,000
Functions	4,500
Training and Conferences	5,400
Information Technology &	2,650
communication allowance	
Travel	1,000
Sundry Expenses (jacket, hat etc)	500
TOTAL PER ANNUM	\$21,050

ASSET MANAGEMENT IMPLICATIONS:

No Asset Management implications have been indentified 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:

It is important to regularly review current systems and representations in order to ensure the City is meeting the needs of its community members. The City's core strategic values include the following:

Leadership – Strong and visible leadership that consistently focuses on priority issues for the community's benefit;

Service – Providing consistent, responsive and informative communication and service to the community.

Accountability and Transparency – Our decisions will be accountable and transparent, based on ethics, integrity, and fairness having considered the importance of diversity and equal opportunity.

RISK IMPLICATIONS:

The currently progressing Metropolitan Local Government Review provides both a positive and a negative risk. On the one hand, it highlights the positive of the City promoting the importance and uniqueness of industry to the City of Kwinana (or any amalgamated local government that incorporates Kwinana), yet on the other, any changes promoted today, might simply be over-ruled by the Parliament if legislation is introduced to force metropolitan amalgamations following the 9 March state election and the Metropolitan Local Government Review public consultation period, which closes in April 2013.

COUNCIL DECISION

259

MOVED CR R ALEXANDER

SECONDED CR S LEE

That Council recommends to the Local Government Advisory Board that:

- 1. An order be made under s 2.2(1) of the *Local Government Act 1995* to divide the district into two wards with boundaries as detailed in the attached map (at option 2 including incorporating the 'additional' areas of the Medina Industrial precinct and the land immediately north of Thomas Road)
- 2. An order be made under s 2.3(2) of the *Local Government Act 1995* to name the two wards Industrial and Residential (as detailed in the map).
- 3. An order be made under s 2.18(3) of the *Local Government Act 1995* to designate the following number of offices of councillor for each ward: Industrial (1), Residential (8).

LOST 4/4

COUNCIL DECISION 260 MOVED CR P FEASEY

SECONDED CR S WOOD

That Council suspend standing orders to facilitate discussion on this item.

LOST 3/5 Note - Officers provided an alternative recommendation in light of a majority of Councillors being of the view that delaying a final consideration on this matter until after the state government's metropolitan local government review was completed, was a more appropriate decision-making timeline.

COUNCIL DECISION

261

MOVED CR R ALEXANDER

SECONDED CR S WOOD

That Council supports the principle of introducing an Industrial Ward but delays making a final resolution on the question, pending the acceptance of the City's request that the Western Trade Coast Industrial Precinct be placed under the stewardship of the City of Kwinana as outlined in the City's Local Government Reform Submission.

> CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 7/1

Attachment as part of Review of City of Kwinana Wards and Representation 2012

City of Kwinana

DISCUSSION PAPER - 2012

Review of Representation

Background

The City of Kwinana has resolved to undertake a review of its system of representation. The purpose of the review is to assess whether eight Councillors and a 'no wards' structure is still appropriate to the situation of the City.

A local Government without wards is not required to carry out regular reviews under the provisions of Schedule 2.2 of the *Local Government Act 1995*. However, a local government without wards can undertake an assessment of the number of elected members and the no wards system to explore whether change is desirable.

The last review of wards in the City of Kwinana was undertaken in 2006 and it is now appropriate to carry out another review.

Council at the review conducted in 2006, recommended to the Local Government Advisory Board that it "...abolish all wards within the Town of Kwinana, to take effect from (and including) the 2007 Ordinary Election, on the condition that the Councillors whose terms expire in 2009 be permitted to continue to hold office until the 2009 Ordinary Election...".

The subsequent *District of Kwinana (Discontinuation of Ward System) Order 2006* appeared in the Government Gazette 17 November 2006.

Current Situation

Currently the City of Kwinana has eight Councillors and approximately 15,578 electors with a Councillor/elector ration of 1 Councillor to each 1,947 electors.

Review Process

The review process involves a number of steps:

- Council resolves to undertake the review
- Public submission period opens
- Information provided to the community for discussion
- Public submission period closes
- Council considers all submissions and relevant factors and makes a decision
- Council submits a report to the Local Government Advisory Board (the Board) for its consideration
- (If a change is proposed) The Board submits a recommendation to the Minister for Local Government

If the Minister approves any changes then these are anticipated to be in place for the next ordinary local government election in October 2013.

Factors to be considered

Several factors will be considered as part of the review and will include:

- The advantages and disadvantages of introducing a dedicated Industrial Ward;
- The advantages and disadvantages of increasing the number of Councillors in order to introduce a dedicated representative for the Industrial Precincts;
- The advantages and disadvantages of retaining the status quo.

Options to consider

The Council will consider the following options and members of the community may suggest others:

- **Option 1** Maintain the current system of representation with eight councillors and no wards.
- **Option 2** Create a two ward structure with nine councillors. A map showing proposed wards is attached.

Public submissions

Members of the community are invited to make a written submission about any aspect of this review and can lodge it at:

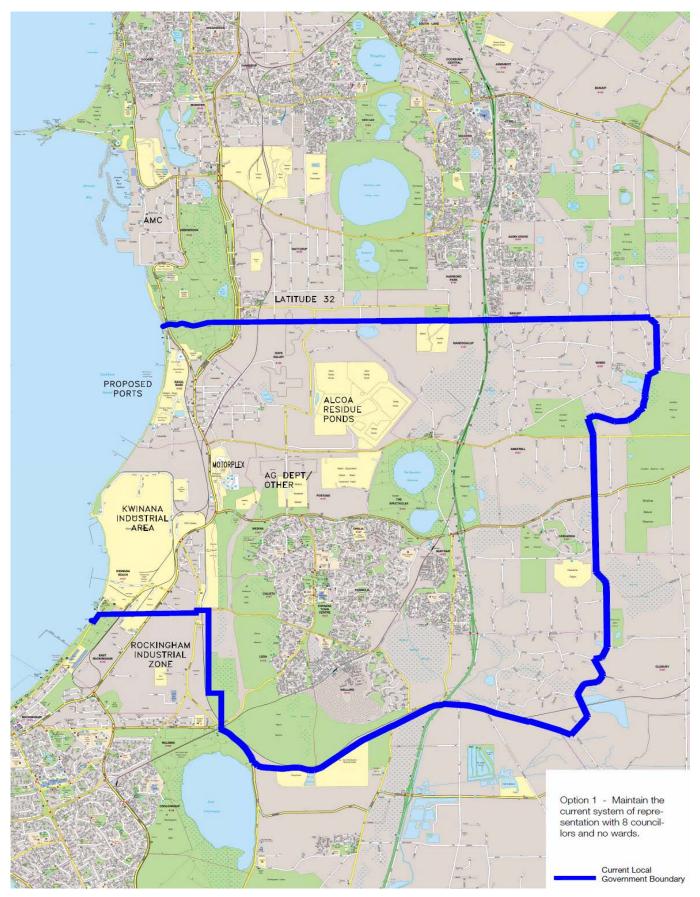
City of Kwinana PO Box 21 KWINANA 6966

Fax: 08 9439 0222 Email: admin@kwinana.wa.gov.au

All submissions must be received by 5pm on 02 November 2012.

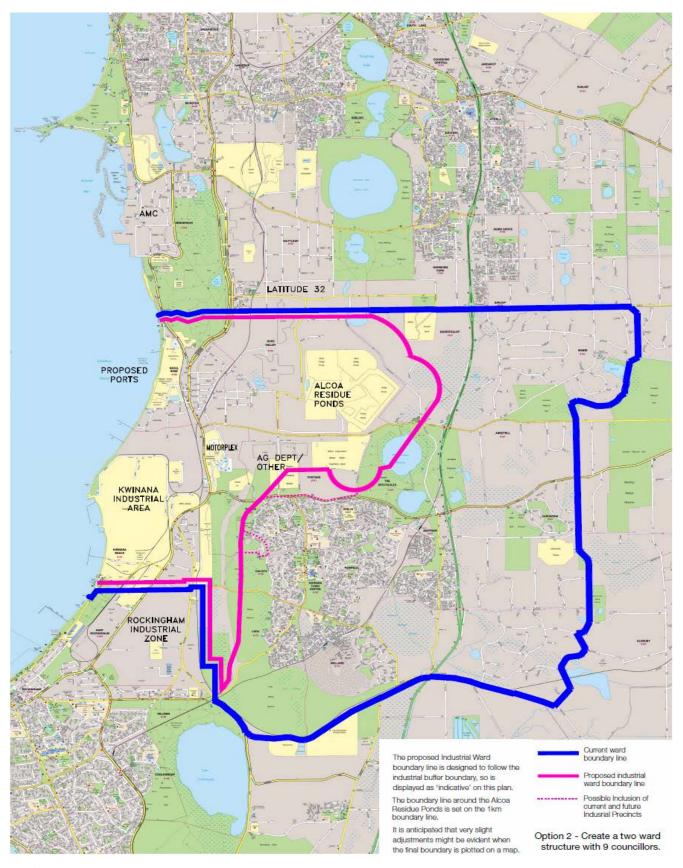
Thank you for your interest and involvement in this review. Council welcomes your comments on any matters that may assist it to make informed and responsible decisions for the benefit of the people of the City of Kwinana.

Carol Adams MAYOR Neil Hartley CHIEF EXECUTIVE OFFICER



Option 1

Maintain the current system of representation with eight Councillors and no wards.



Option 2 Create a two ward structure with nine Councillors.

Conduct of a Ward Review

Legislation

The Local Government Act 1995 allows for the creation and abolishing of wards and the naming of wards, where in Sections 2.2 and 2.3 it states:

2.2. Districts may be divided into wards

(1) The Governor, on the recommendation of the Minister, may make an order —

- (a) dividing a district into wards; or
- (b) creating new wards in a district that is already divided into wards; or
- (c) changing the boundaries of a ward; or
- (d) abolishing any or all of the wards into which a district is divided; or
- (e) as to a combination of any of those matters.
- (2) For the purposes of this Act
 - (a) an order that divides a district into wards is to be regarded as establishing a ward system for the district; and
 - (b) an order that abolishes all of the wards into which a district is divided and does not create new wards, is to be regarded as discontinuing the ward system for the district.

(3) Schedule 2.2 (which deals with wards and representation) has effect.

(4) The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

2.3. Names of districts and wards

(1) An order under section 2.1 designating an area of the State to be a district is to include an order naming the district.

(2) An order under section 2.2 establishing a ward system for a district is to include an order naming the wards.

(3) If a local government proposes under Schedule 2.2 that an order be made changing the name of the district or a ward, the Minister may recommend to the Governor that the order be made, and the Governor may make the order accordingly.

(4) The Minister can only make a recommendation under subsection (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

Section 2.17 of the Act deals with the membership and size of Council where it states:

2.17. Members of council

(1) If the method of filling the office of mayor or president is election by electors, the council is to consist of -

- (a the mayor or president; and
- (b) not less than 5 nor more than 14 councillors one of whom is to hold the office of deputy mayor or deputy president in conjunction with his or her office as a councillor.

(2) If the method of filling the office of mayor or president is election by the council, the council is to consist of not less than 6 nor more than 15 councillors of whom —

- (a) one is to hold the office of may or or president as well as the office of councillor; and
- (b) another is to hold the office of deputy mayor or deputy president as well as the office of councillor.

(3) If the council has 15 councillors and a decision is made under section 2.11(2) to change the method of filling the office of mayor or president to election by electors, the council may, despite subsection (1)(b), continue to have 15 councillors after the decision has effect.

Section 2.18 of the Act refers to the fixing or changing of the number of councillors:

2.18. Fixing and changing number of councillors

(1) When a local government is newly established the Governor, by order made on the recommendation of the Minister, is to —

- (a) specify the number of offices of councillor on the council of the local government; and
- (b) if the district is to have a ward system, specify the numbers of offices of councillor for the wards.

(2) When an order is made under section 2.2 discontinuing a ward system for a district, the number of offices of councillor on the council remains unchanged unless the order specifies otherwise.

(3) The Governor, on the recommendation of the Minister, may make an order —

- (a) changing the number of offices of councillor on a council; or
- (b) specifying or changing the number of offices of councillor for a ward; or
- (c) as to a combination of those matters.

(4) The Minister can only make a recommendation under subsection (1) or (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

Schedule 2.2 of the Local Government Act 1995 – Provisions about names, wards and representations details the requirements for carrying out a review of wards and/or representation.

Review Process

In brief, the following steps need to be undertaken:

1. Council resolves to undertake the review.

Before a local government proposes that an order be made —

- (a) to do any of the matters in section 2.2(1), other than discontinuing a ward system; or
- (b) to specify or change the number of offices of councillor for a ward, or proposes under clause 4(2) that a submission be rejected, its council is to have regard, where applicable, to —
- (c) community of interests; and
- (d) physical and topographic features; and
- (e) demographic trends; and
- (f) economic factors; and
- (g) the ratio of councillors to electors in the various wards.

2. Public submission period opens

A public notice is to be published stating that submissions may be made to the local government before a day fixed by the notice.

3. Information provided to the community for discussion.

The local government may undertake other initiatives to promote community discussion and interest, including public meetings, media and website articles and interviews, sending information to non-resident electors, ratepayers or progress associations or other groups of interest.

4. Public submission period closes

The public submission period closes on a day that is <u>not less than 6 weeks</u> after the notice is first given.

- 5. Council considers all submissions and relevant factors and makes a decision
- 6. Council submits a report to the Local Government Advisory Board (the Board) for its consideration.

On completing a review, the local government is to make a report in writing to the Advisory Board and may propose* to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit.

7. *If a change to the status quo is proposed, the Board submits a recommendation to the Minister for Local Government.

If the Minister approves any changes then these are anticipated to be in place for the next ordinary local government election in October 2017.

D16/71605

16.5 Council Policy Review – Half Mast Flags, Honorary Freeman and Freeman, City of Kwinana Common Seal and Progredimur Seal, and Policy Development

SUMMARY:

A review of Council Policies – 'Half Mast Flags',' Honorary Freeman and Freeman', 'City of Kwinana Common Seal and Progredimur Seal', and 'Policy Development' was undertaken and are recommended for Council endorsement.

OFFICER RECOMMENDATION:

That Council adopt the following amended Policies contained within Attachment A;

- Half Mast Flags;
- Honorary Freeman and Freeman;
- City of Kwinana Common Seal and Progredimur Seal; and
- Policy Development

DISCUSSION:

A copy of the Policies as recommended for amendment is detailed in Attachment A with the current Policies contained within Attachment B. A summary of changes recommended to the Policies are included below.

In addition, a new Policy format has been created that ensures that Policies address a number of compulsory criteria, including a risk assessment, financial, environmental and other assessment criteria. The new format also provides a section for links to other internal and external documents as appropriate as part of the improvement the City is undertaking to ensure that corporate documents are referenced and integrated.

Policies recommended for amendment

Half Mast Flags

This Policy was required to be reviewed in accordance with the biennial review of Council Policies. The recommended changes include:

- Minor changes to grammar in line with the City's style guide.
- Minor grammatical corrections throughout the Policy.
- Inclusion of the new compulsory sections to ensure that the Policy addresses a wide range of implications.
- Inclusion of a requirement to provide a risk assessment within the Policy.

Honorary Freeman and Freeman

This Policy was required to be reviewed in accordance with the biennial review of Council Policies. The recommended changes include:

- Minor changes to grammar in line with the City's style guide.
- Minor grammatical corrections throughout the Policy.
- Strengthening of the Policy Statement and breakdown of clauses to provide better explanation of the requirements of this Policy.

- Inclusion of the new compulsory sections to ensure that the Policy addresses a wide range of implications.
- Inclusion of a requirement to provide a risk assessment within the Policy.

City of Kwinana Common Seal and Progredimur Seal

This Policy was required to be reviewed in accordance with the biennial review of Council Policies. The recommended changes include:

- Minor changes to grammar in line with the City's style guide.
- Minor grammatical corrections throughout the Policy.
- Inclusion of the new compulsory sections to ensure that the Policy addresses a wide range of implications.
- Inclusion of a requirement to provide a risk assessment within the Policy.
- Removal of the Freeman nomination form from the Policy in line with other Policies. The form will still be accessible and will be available for use.

Policy Development

This Policy was required to be reviewed in accordance with the biennial review of Council Policies. The recommended changes include:

- Minor changes to grammar in line with the City's style guide.
- Minor grammatical corrections throughout the Policy.
- Inclusion of the new compulsory sections to ensure that the Policy addresses a wide range of implications.
- Inclusion of a requirement to provide a risk assessment within the Policy.

LEGAL/POLICY IMPLICATIONS:

Local Government Act 1995 2.7. Role of council

- (1) The council
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

FINANCIAL/BUDGET IMPLICATIONS:

There are no direct financial implications for this report. Individual Policies may have financial implications and if so, budgetary considerations are included on an annual basis.

ASSET MANAGEMENT IMPLICATIONS:

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

ENVIRONMENTAL IMPLICATIONS:

Individual Policies may have environmental implications and if so, are addressed within the Policy.

STRATEGIC/SOCIAL IMPLICATIONS:

Corporate Business Plan 2016 - 2021

- Objective 5.1 An active and engaged Local Government, focused on achieving the community's vision.
- Strategy 5.1.1 Ensure that the City's strategic direction, Policies, plans, services and programs are aligned with the community's vision.

RISK IMPLICATIONS:

Policy – Half Mast Flags

Tonoy Than Mast Thags	
Risk Event	Not lowering flags to half mast in accordance with
	this Policy.
Risk Theme	Community engagement
Risk Effect/Impact	Reputational impact
Risk Assessment Context	Operational
Consequence	Low
Likelihood	Almost certain
Rating (before treatment)	High
Risk Treatment in place	Reduce (mitigate the risk) by providing an adequate
	Policy for the lowering of flags to half-mast.
Response to risk	Have an adequate Council Policy in place and
treatment required/in	ensure that it is reviewed regularly.
place	
Rating (after treatment)	Low

Policy – Honorary Freeman and Freeman

Risk Event	Council does not have an adequate Policy to allow for the assessing of nominees for an award of Freeman of the City.
Risk Theme	Community engagement
Risk Effect/Impact	Reputational impact
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Possible
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce (mitigate the risk) by having an adequate Council Policy to assess nominees for the awarding of the title of Freeman of the City
Response to risk treatment required/in place	Have an adequate Council Policy in place and ensure that it is reviewed regularly.
Rating (after treatment)	Low

Policy – Common Seal and Progredimur Seal	
Risk Event	Council does not have an adequate Policy to allow
	for the correct execution of documents.
Risk Theme	Community engagement
Risk Effect/Impact	Reputational impact
Risk Assessment Context	Operational
Consequence	High
Likelihood	Possible
Rating (before treatment)	High
Risk Treatment in place	Reduce (mitigate the risk) by having an adequate
	Council Policy to provide for the correct sealing of
	documents.
Response to risk	Have an adequate Council Policy in place and
treatment required/in	ensure that it is reviewed regularly.
place	
Rating (after treatment)	Low

Policy – Policy Development

Risk Event	Council does not have an adequate Policy to meet legislative requirements or strategic direction.
Risk Theme	Community engagement
Risk Effect/Impact	Reputational impact
Risk Assessment	Operational
Context	·
Consequence	High
Likelihood	Possible
Rating (before	High
treatment)	
Risk Treatment in place	Reduce (mitigate the risk) by having an adequate Council Policy to provide for the correct sealing of documents.
Response to risk	Ensure adequate Council Policies are in place and
treatment required/in	ensure they are reviewed regularly.
place	
Rating (after treatment)	Low

COUNCIL DECISION 414 MOVED CR W COOPER

SECONDED CR R ALEXANDER

That Council adopt the following amended Policies contained within Attachment A;

- Half Mast Flags;
- Honorary Freeman and Freeman;
- City of Kwinana Common Seal and Progredimur Seal including amendments; and
- Policy Development

CARRIED

7/0

NOTE – That the officer recommendation has been amended to include amendments to the City of Kwinana Common Seal and Progredimur Seal attachment.



Council Policy

Half-Mast Flags

D13/64387[v4]

1. Title

Half-Mast Flags

2. Purpose

The purpose of this policy is to ensure that the City's practice of lowering flags to half–mast is exercised in a consistent, respectful and appropriate manner.

The flying of flags at half-mast is a strong visual statement that speaks to the sense of loss felt by all community members.

3. Scope

This Policy is provided in respect to the flying of official flags at the City's Administration Building and at other City of Kwinana buildings controlled by City staff at which there may be official flags flown.

The City may fly flags at half-mast on specific occasions to commemorate a solemn occasion, including:

- To coincide with national, state or regionally significant events (generally at the behest of the various levels of government protocol arrangements);
- When a current or former Elected Member of the City of Kwinana dies;
- When a Freeman of the City of Kwinana dies;
- When a significant member of the City of Kwinana community dies; or
- When a City of Kwinana Employee dies.

4. Definitions

Flags means official flags including national, state and local government flags flown at City owned facilities.

5. Policy Statement

Flying of flags at half mast so that;

- Flags are flown at half-mast as a sign of mourning.
- The flag is to be lowered to a position recognisably half-mast to avoid the appearance of a flag which has accidentally fallen away from the top of the flagpole.
- An acceptable position would be when the top of the flag is a third of the distance down from the top of the flagpole.
- When lowering the flag from a half-mast position it should be briefly raised to the peak and then lowered ceremoniously.
- The flag should never be flown at half-mast at night even if it is illuminated.
- When flying the Australian National Flag with other flags, all flags in the set

should be flown at half-mast. The Australian National Flag should be raised first and lowered last.

• On authorisation from the Chief Executive Officer flags are to be flown at halfmast, between the hours of 8:00am until 5:00pm.

6. Financial/Budget Implications

There are no specific financial or budget implications associated with this Policy.

7. Asset Management Implications

There are no specific asset management implications associated with this Policy.

8. Environmental Implications

There are no specific environmental implications associated with this Policy.

9. Strategic/Social Implications

Strategic Community Plan 2015 - 2025

Objective 1.2: Inspire and strengthen community spirit

Strategy 1.2.1 Support and provide a range of cultural and community development activities and events that recognise Kwinana's cultural identity, encourage civic participation, strengthen capacity and celebrate the City's diversity

10. Occupational Safety and Health Implications

There are no specific OSH implications associated with this Policy.

11. Risk Assessment

A risk assessment conducted as part of the Policy review has indicated that the risk to the City by not lowering flags to half mast in accordance with this Policy will be a low risk

It is assessed that the risk rating following the implementation of this Policy would remain as a low risk.

12. References

Name of Policy	Half Mast Flags
Date of Adoption and resolution No	28/04/2010 #105
Review dates and resolution No #	11/07/2012 #163 10/12/2014 #347
New review date	10/12/2016
Legal Authority	Local Government Act 1995 Section 2.7 – Role of Council
Directorate	Corporate and Engineering Services
Department	City Assist
Related documents	Acts/Regulations Local Government Act 1995 Flag Act 1953

Plans/Strategies
Strategic Community Plan 2015 - 2025
Policies
D13/64401[v3] Policy Development
Work Instructions
D16/5833 – GCS – WI55 – Protocols and procedures for the flying
of official flags
Other documents
Australian Government publication - Excerpt from the booklet
Australian flags – Part 2: The protocols for the appropriate use
and the flying of the flag -
https://www.dpmc.gov.au/sites/default/files/publications/australian- flags-excerpt.pdf

Note: Changes to References may be made without the need to take the Policy to Council for review.



Council Policy

Honorary Freeman and Freeman

D13/64389[v4]

1. Title

Honorary Freeman and Freeman

2. Purpose

To recognise outstanding and meritorious service to the City of Kwinana.

3. Scope

Subject to the eligibility and selection criteria of this policy being met, Council may, by resolution, confer the title of 'Honorary Freeman of the Municipality' to a former Mayor or 'Freeman of the Municipality'. The title is to be reserved for persons who have rendered exceptional service to the community.

4. Definitions

List definitions and terminology that will assist in the understanding of this Policy.

5. Policy Statement

5.1. Eligibility Criteria for 'Freeman of the Municipality'

Nominees for the conferring of the title 'Freeman of the Municipality' should have lived within the City of Kwinana for a significant number of years (significant is taken to mean at least 10 years) and who have given extensive and distinguished service to the community (e.g. service to other organisations, voluntary and community groups) in a largely voluntary capacity.

Council may also consider conferring of the title of 'Posthumous Freeman of the Municipality'. In this case, the abovementioned eligibility criteria would apply.

5.2. Selection Criteria

Nominees are to be judged on their record of service to the community. The selection criteria are to include:

- a. length of service in a field (or fields) of activity
- b. level of commitment to the field (or fields) of activity
- c. personal leadership qualities
- d. benefits to the community of the City of Kwinana resulting from the nominee's work
- e. specific achievements of the nominee

5.3. Nomination Procedure

a. Nominations for the Award may be made by **E**elected Members, individuals or organisations and are to be sponsored by an Eelected Member of the City of Kwinana. They are to be submitted to the Mayor on the Official Nomination Form (Attachment A).

- b. Nominations are to be made in the strictest confidence without the knowledge of the nominee.
- c. On receipt of a nomination the Mayor is to convene a meeting of the Freeman Working Group.
- d. The Freeman Working Group is to consider the nomination and make a recommendation to the Council whether or not to confer the title 'Freeman of the Municipality' on the nominee.
- e) Council is to consider the item behind closed doors.
- f) Once a nomination has been accepted by Council, the nominee and any person(s) or organisation(s) involved in the nomination are to be informed of the decision and a suitable media release is to be distributed.

5.4. Title of 'Honorary Freeman of the Municipality'

A person who has acted as Mayor at the City of Kwinana for a period of eight consecutive years is to be made an Honorary Freeman automatically in recognition of their service and leadership given to the City.

The appointment is to be made at the conclusion of their term of office.

5.5. Awarding the Titles

The formal conferring of these titles is to be carried out at a civic reception held by Council. This may be a special reception for this purpose, or the ceremony may form a focal point of any other suitable reception hosted by Council. The decision on the occasion and format of the ceremony is to rest with the Mayor, in consultation with the Chief Executive Officer in consultation with the Mayor.

The successful nominee is to receive a certificate (framed in a quality frame) and an official name badge (of a similar design to Elected Member badges) which confirms his or her status.

5.6. Privileges

The successful nominee is to have their name displayed on the City's Freeman honour board.

Freeman and Honorary Freeman shall be invited to attend civic functions of the City at the discretion of the Mayor.

5.7. Number of Freeman within the City

There is no limit on the number of persons upon which the title of Freeman of the City of Kwinana may be conveyed.

5.8. Revocation of Title of Freeman or Honorary Freeman

Council, by resolution, shall also have the ability to revoke the title bestowed upon a person, if a ; A criminal matter for which the Freeman or Honorary Freeman in question was found guilty of, or for any other matter, was considered by Council to have caused embarrassment to the municipality or that the ongoing recognition of such a title on this person by the City was inappropriate.

The removal of the name from Honour Boards and other places and any other such items will be at the discretion of Council and conducted through liaison with the Chief Executive Officer.

6. Financial/Budget Implications

Expenses will be incurred associated with the bestowing of an award including the cost of a civic reception to award the title, the cost of a certificate and the amending of the honour board.

As there would likely be little or no prior knowledge of the bestowing of a Freeman of the City award, funds would not likely be set aside in the annual budget. Unless excess funds can be identified during that financial year, the holding of a reception will be held over until the following year where a budget allocation can be made.

7. Asset Management Implications

There are no specific asset management implications associated with this Policy.

8. Environmental Implications

There are no specific environmental implications associated with this Policy.

9. Strategic/Social Implications

Strategic Community Plan 2015 – 2025

Objective 1.2: Inspire and strengthen community spirit Strategy 1.2.1 Support and provide a range of cultural and community development activities and events that recognise Kwinana's cultural identity, encourage civic participation, strengthen capacity and celebrate the City's diversity.

10. Occupational Safety and Health Implications

There are no specific OSH implications associated with this Policy.

11. Risk Assessment

A risk assessment conducted as part of the Policy review has indicated that the risk to the City by not assessing nominees in accordance with a criteria could lead to negative reputation. The risk rating would be moderate.

It is assessed that the risk rating following the implementation of this Policy would reduce the risk rating to low.

12. References

Name of Policy	Honorary Freeman and Freeman
Date of Adoption and resolution No	23/07/2003 #077
Review dates and resolution	14/11/2007 #026
No #	28/04/2010 #105
	11/07/2012 #163
	10/12/2014 #347
Next review date due	12/12/2016
Legal Authority	Local Government Act 1995 Section 2.7 – Role of Council
Directorate	City Strategy
Department	Governance and Civic Services
Related documents	Acts/Regulations
	Local Government Act 4995
	Plans/Strategies

Strategic Community Plan 2015 – 2025
Policies D13/64401[v3] – Policy Development
Work Instructions Nil
Other documents Nil

Note: Changes to References may be made without the need to take the Policy to Council for review.

Council Policy

City of Kwinana Common Seal and Progredimur Seal

1. Title

City of Kwinana Common Seal and Progredimur Seal

2. Purpose

To outline the use of the official City of Kwinana Common Seal and Progredimur Seal.

3. Scope

That tThe City of Kwinana's official Common Seal and Progredimur Seal (as depicted below) be are retained for the City's exclusive use for purposes authorised by Council.

4. Definitions

List definitions and terminology that will assist in the understanding of this Policy.

5. Policy Statement

5.1 Execution of documents

The Mayor and Chief Executive Officer are authorised to affix the common seal as depicted below, to documents related to the business of the City initiated by either a resolution of Council or by the exercise of a delegated authority. This seal is for use on documents relating directly to the business of the City.

5.2 Exception to use

The Common Seal of the Local Government is not to be affixed to any document except as authorised by the Local Government. [Local Government Act Section 9.49A(2).]

5.3 Registration of use

A register is to be kept of all documents that the "Common Seal" is affixed to and the register will include the Resolution Number of Council or Delegated Authority reference.

5.4 Common Seal

The Common Seal is uUsed for official documentation such as planning documentation, lease documents, legal documents etc.

OF KWIMP

COMMON SEAL

5.5 **Progredimur Seal**

The Progredimur Seal may be used by the Mayor and Chief Executive Officer without resolution of Council, on documents that are not related to the business of the City but are to authenticate documents requested by persons, such as new residents, pensioners and others that require personal status or other matters confirmed by the City.

It may also be Used for pension statements and, identity certifications (generally documents that are not of Australian origin).



PROGREDIMUR SEAL

6. Financial/Budget Implications

There are no specific financial or budget implications associated with this Policy.

7. Asset Management Implications

There are no specific asset management implications associated with this Policy.

8. Environmental Implications

There are no specific environmental implications associated with this Policy.

9. Strategic/Social Implications

There are no specific strategic/social implications associated with this Policy.

10. Occupational Safety and Health Implications

There are no specific OSH implications associated with this Policy.

11. Risk Assessment

A risk assessment conducted as part of the Policy review has indicated that the risk to the City by not executing documents correctly would result in a risk rating of high.

It is assessed that the risk rating following the implementation of this Policy would reduce the risk rating to low.

12. References

Name of Policy	City of Kwinana Common Seal and Progredimur Seal
Date of Adoption and resolution No	20/10/1976 #5(i)
Review dates and	27/09/2006 #519
resolution No #	28/04/2010 #105
	11/07/2012 #163
	10/12/2014 #348
Next review date due	10/12/2016
Legal Authority	Local Government Act 1995
	Section 9.49A – Execution of documents
Directorate	City Strategy
Department	Governance and Civic Services
Related documents	Acts/Regulations
	Local Government Act 1995
	Plans/Strategies
	Corporate Business Plan 2016 - 2021
	Policies
	D16/64401[v3] – Policy Development
	Work Instructions Nil.
	Other documents Nil

Note: Changes to References may be made without the need to take the Policy to Council for review.



Council Policy

Policy Development

D13/64401[v3]

1. Title

Policy Development

2. Purpose

To provide a guide by which Council can consistently develop, review and adopt Policy statements.

3. Scope

1. Purpose of Policy:

Policies are to be limited to the following purposes that:-

- a) Policies that allow officers to carry out their duties and exercise their delegations in a manner that is consistent with Council's strategic direction and expectations and without the delay of referring the matter to Council.;
- b) Policies that relate to Council's responses to community needs and aspirations as part of its role in community leadership.;
- c) Policies are in relation to legislative instruction/direction.; and
- d) Policies that align with Council's approach towards key strategies included in its Strategic Community Plan to ensure priorities are being addressed.

4. Definitions

Policy means a Policy of the local government determined by Council as permitted by the Local Government Act 1995.

5. Policy Statement

2–5.1 Policy Formulation:

- a) New policies formulated by City Council Officers are to be prepared in a draft format and are to be referred to the relevant Director, Manager, or the Chief Executive Officer accompanied by a supporting report for referral to Council. Where appropriate, consultation with affected stakeholders should occur as part of the pPolicy development process.
- b) Whenever a new pPolicy policy matter is proposed, every endeavour is to be made to incorporate the new policy into an existing pPolicy statement relating to the same matter in lieu of creating further Policies.

3. 5.2 Policy Conflict

a) No draft pPolicy statement is to be proposed which would conflict with an existing local law or other legislation. Where a draft pPolicy is to be adopted and it conflicts with an existing pPolicy statement, Council is to consent to the abolition or amendment of the conflicting pPolicy at the same time.

4. 5.3 Policy Review:

- a) All pPolicies are to be reviewed at least biennially.
- b) Council officers are to prepare a report to the relevant Director, Manager, or the Chief Executive Officer for referral to Council recommending the pPolicy/pPolicies be retained, amended or abolished.
- c) Every effort is to be made to abolish obsolete Policies and keep the number of policies to a minimum.

6. Financial/Budget Implications

There are no specific financial or budget implications associated with this Policy, however they must be taken into consideration when developing or reviewing individual policies.

7. Asset Management Implications

There are no specific asset management implications associated with this Policy however they must be taken into consideration when developing or reviewing individual Policies.

8. Environmental Implications

There are no specific environmental implications associated with this Policy, however they must be taken into consideration when developing or reviewing individual Policies.

9. Strategic/Social Implications

Corporate Business Plan 2016 – 2021

Objective 5.1 An active and engaged Local Government, focused on achieving the community's vision.

Strategy 5.1.1 Ensure that the City's strategic direction, Policies, plans, services and programs are aligned with the community's vision.

10. Occupational Safety and Health Implications

There are no specific OSH implications associated with this Policy however they must be taken into consideration when developing or reviewing individual Policies.

11. Risk Assessment

A risk assessment conducted as part of the Policy review has indicated that the risk to the City by Council not adopting adequate Policies would result in a risk rating of high.

It is assessed that the risk rating following the implementation of this Policy would reduce the risk rating to low.

12. References

Name of Policy	Policy Development
Date of Adoption and resolution No	11/11/1998 #325
Review dates and resolution No #	27/09/2006 #519 28/04/2010 #105 11/07/2012 #163 10/12/2014 #348
Next review date due	10/12/2016
Legal Authority	Local government Act 1995 Section 2.7 – Role of Council
Directorate	City Strategy
Department	Governance and Civic Services
Related documents	Acts/Regulations Local Government Act 1995
	Plans/Strategies Strategic Community Plan 2015 – 2025 Corporate Business Plan 2016 – 2021
	Policies All Council Policies
	Work Instructions D11/5886[v6] Council Policy Review
	Other documents D14/54909 – Policy Review Register D16/65703[v2] – Template – GCS – Council Policy

Note: Changes to References may be made without the need to take the Policy to Council for review.



HALF MAST FLAGS

The flying of flags at half-mast is a strong visual statement that speaks to the sense of loss felt by all community members.

The purpose of this policy is to ensure that the City's practice of lowering flags to half – mast is exercised in a consistent, respectful and appropriate manner.

Adopted:	28/04/2010 #105
Last reviewed:	11/07/2012 #163 10/12/14 #347 10/12/14 #347
Legal Authority	Local Government Act 1995 Section 2.7 – Role of Council

Policy:

Flying flags at half-mast

- 1. Flags are flown at half-mast as a sign of mourning.
- 2. The flag is to be lowered to a position recognisably half-mast to avoid the appearance of a flag which has accidentally fallen away from the top of the flagpole.
- 3. An acceptable position would be when the top of the flag is a third of the distance down from the top of the flagpole.
- 4. When lowering the flag from a half-mast position it should be briefly raised to the peak and then lowered ceremoniously.
- 5. The flag should never be flown at half-mast at night even if it is illuminated.
- 6. When flying the Australian National Flag with other flags, all flags in the set should be flown at half-mast. The Australian National Flag should be raised first and lowered last.
- 7. On authorisation from the Chief Executive Officer flags are to be flown at half-mast, between the hours of 8:00am until 5:00pm.

When flags may be flown at half-mast

The City may fly flags at half-mast on specific occasions to commemorate a solemn occasion, including:

- To coincide with national, state or regionally significant events (generally at the behest of the various levels of government protocol arrangements)
- When a current or former Elected Member of the City of Kwinana dies.
- When a Freeman of the City of Kwinana dies.
- When a significant member of the City of Kwinana community dies.
- When a City of Kwinana Employee dies.



To recognise outstanding and meritorious service to the City of Kwinana.

	dopted:	23/07/2003 #077
	t reviewed:	14/11/2007 #026 28/04/2010 #105 11/07/2012 #163 10/12/14 #347
Lega	al Authority	Local Government Act 1995 Section 2.7 – Role of Council
		Policy:
resolut 'Freem	tion, confer th nan of the Mu	bility and selection criteria of this policy being met, Council may, by the title of 'Honorary Freeman of the Municipality' to a former Mayor or unicipality'. The title is to be reserved for persons who have rendered to the community.
The pr	ocess for nom	nination and selection for the title are as follows:
1. <u>E</u>	Eligibility Crite	ria for 'Freeman of the Municipality'
Nominees for the conferring of the title 'Freeman of the Municipality' should have lived within the City of Kwinana for a significant number of years (significant is taken to mean at least 10 years) and who have given extensive and distinguished service to the community (e.g. service to other organisations, voluntary and community groups) in a largely voluntary capacity.		
Council may also consider conferring of the title of 'Posthumous Freeman of the Municipality'. In this case, the abovementioned eligibility criteria would apply.		
2. <u>s</u>	Selection Crite	eria
Nominees are to be judged on their record of service to the community. The selection criteria are to include:		, ,
а	a) length of	service in a field (or fields) of activity
b) level of c	ommitment to the field (or fields) of activity
с	c) personal	leadership qualities
d	d) benefits t work	to the community of the City of Kwinana resulting from the nominee's
е	e) specific a	chievements of the nominee
3. <u>N</u>	Nomination Pr	<u>ocedure</u>
a	organisat	ons for the Award may be made by Elected Members, individuals or ions and are to be sponsored by an Elected Member of the City of They are to be submitted to the Mayor on the Official Nemination Form

- organisations and are to be sponsored by an Elected Members, individuals of Kwinana. They are to be submitted to the Mayor on the Official Nomination Form (Attachment A).
- b) Nominations are to be made in the strictest confidence without the knowledge of the nominee.
- c) On receipt of a nomination the Mayor is to convene a meeting of the Freeman Working Group.
- d) The Freeman Working Group is to consider the nomination and make a recommendation to the Council whether or not to confer the title 'Freeman of the Municipality' on the nominee.



- e) Council is to consider the item behind closed doors.
- f) Once a nomination has been accepted by Council, the nominee and any person(s) or organisation(s) involved in the nomination are to be informed of the decision and a suitable media release is to be distributed.
- 4. <u>Title of 'Honorary Freeman of the Municipality'</u>

A person who has acted as Mayor at the City of Kwinana for a period of eight consecutive years is to be made an Honorary Freeman automatically in recognition of their service and leadership given to the City.

The appointment is to be made at the conclusion of their term of office.

5. <u>Awarding the Titles</u>

The formal conferring of these titles is to be carried out at a reception held by Council. This may be a special reception for this purpose, or the ceremony may form a focal point of any other suitable reception hosted by Council. The decision on the occasion and format of the ceremony is to rest with the Mayor, in consultation with the Chief Executive Officer.

The successful nominee is to receive a certificate (framed in a quality frame) and an official name badge (of a similar design to Elected Member badges) which confirms his or her status.

6. Privileges

The successful nominee is to have their name displayed on the City's Freeman honour board.

Freeman and Honorary Freeman shall be invited to attend civic functions of the City at the discretion of the Mayor.

7. Number of Freeman within the City

There is no limit on the number of persons upon which the title of Freeman of the City of Kwinana may be conveyed.

8. <u>Revocation of Title of Freeman or Honorary Freeman</u>

Council, by resolution, shall also have the ability to revoke the title bestowed upon a person, if;

A criminal matter for which the Freeman or Honorary Freeman in question was found guilty of, or for any other matter, was considered by Council to have caused embarrassment to the municipality or that the ongoing recognition of such a title on this person by the City was inappropriate.

The removal of the name from Honour Boards and other places and any other such items will be at the discretion of Council and conducted through liaison with the Chief Executive Officer.



Please set out below details of the activities undertaken by the person you are nominating, and the reasons why you consider he or she should receive special recognition from the Council of the City of Kwinana by the conferring of the title 'Freeman of the Municipality'.

The names and addresses of individuals and/or organisations able to support your recommendation should also be provided.



Nomination Form for the conferring of the title 'Freeman of the Municipality'

The information contained in this document is strictly confidential

To:	The Mayor City of Kwinana PO Box 21 KWINANA WA 6966
Dear	Sir/Madam
l here	by nominate(Full Name)
of	(Address)
for the	e conferring of the title 'Freeman of the Municipality'.
•	pport of this recommendation I supply the information set out on pages 2 and 3 document.
Yours	faithfully

..... Dated:



DETAILS OF PERSON SUBMITTING NOMINATION

The following information about the person submitting this recommendation is needed to enable officers of the City of Kwinana to see further details, if required. In addition to completing the full details below, please indicate, in the box provided, your preferred address for further contact.

NAME (IN FULL):	
HOME ADDRESS:	
HOME PH NO:	
BUSINESS ADDRESS:	
TELEPHONE NO:	

DETAILS OF PERSON BEING NOMINATED FOR THE TITLE

Please provide a biographical profile of the person you are nominating by completing the section below and by providing the details requested on the next page. If insufficient space is available on page 3 of the form, please attach a separate statement.

SURNAME:	
GIVEN NAMES:	
HOME ADDRESS:	
TELEPHONE NO:	
OCCUPATION:	
BUSINESS ADDRESS:	
TELEPHONE NO:	
AWARDS ETC:	
DATE AND PLACE OF BIRTH:	



CITY OF KWINANA COMMON SEAL AND PROGREDIMUR SEAL

To outline the use of the official City of Kwinana Common Seal and Progredimur Seal

Adopted:	20/10/1976 #5(i)
Last reviewed:	27/09/2006 #519 28/04/2010 #105 11/07/2012 #163
	10/12/14 #348
Legal Authority	Local Government Act 1995 Section 9.49A – Execution of
	Documents

Policy:

That the City of Kwinana's official Common Seal and Progredimur Seal (as depicted below) be retained for the City's exclusive use for purposes authorised by Council.

The Mayor and Chief Executive Officer are authorised to affix the common seal as depicted below, to documents related to the business of the City initiated by either a resolution of Council or by the exercise of a delegated authority. This seal is for use on documents relating directly to the business of the City.

The Common Seal of the Local Government is not to be affixed to any document except as authorised by the Local Government. [Local Government Act Section 9.49A(2).]

A register is to be kept of all documents that the "Common Seal" is affixed to and the register will include the Resolution Number of Council or Delegated Authority reference.

COMMON SEAL

Used for official documentation such as planning documentation, lease documents, legal documents etc



OFFICIAL CITY COMMON SEAL AND PROGREDIMUR SEAL

The Progredimur Seal may be used by the Mayor and Chief Executive Officer without resolution of Council, on documents that are not related to the business of the City but are to authenticate documents requested by persons, such as new residents, pensioners and others that require personal status or other matters confirmed by the City.

PROGREDIMUR SEAL



Used for pension statements, identity certifications (generally documents that are not Australian)



POLICY DEVELOPMENT

To provide a guide by which Council can consistently develop, review and adopt policy statements.

Adopted:	11/11/1998 #325
Last reviewed:	27/09/2006 #519 28/04/2010 #105 11/07/2012 #163 10/12/14 #348
Legal Authority	Local Government Act 1995 Section 2.7 – Role of Council

Policy:

1. <u>Purpose of Policy:</u>

Policies are to be limited to the following purposes:-

- a) Policies that allow officers to carry out their duties and exercise their delegations in a manner that is consistent with Council's strategic direction and expectations and without the delay of referring the matter to Council.
- b) Policies that relate to Council's responses to community needs and aspirations as part of its role in community leadership.
- c) Policies in relation to legislative instruction/direction.
- d) Policies that align with Council's approach towards key strategies included in its Strategic Community Plan to ensure priorities are being addressed.

2. <u>Policy Formulation:</u>

- a) New policies formulated by Council Officers are to be prepared in a draft format and are to be referred to the relevant Director, Manager, or the Chief Executive Officer accompanied by a supporting report for referral to Council. Where appropriate, consultation with affected stakeholders should occur as part of the policy development process.
- b) Whenever a new policy matter is proposed, every endeavour is to be made to incorporate the new policy into an existing policy statement relating to the same matter.
- 3. Policy Conflict
 - a) No draft policy statement is to be proposed which would conflict with an existing local law or other legislation. Where a draft policy is to be adopted and it conflicts with an existing policy statement, Council is to consent to the abolition or amendment of the conflicting policy at the same time.
- 4. <u>Policy Review:</u>
 - a) All policies are to be reviewed *at least biennially*.
 - b) Council officers are to prepare a report to the relevant Director, Manager, or Chief Executive Officer for referral to Council recommending the policy/policies be retained, amended or abolished.

16.6 Amendment to Council Appointment of Officers – Local Government to Officers 2016

SUMMARY:

A local government is authorised to exercise powers and duties under various Acts and Regulations, whereby they must appoint particular officers to carry out the duties of the local government. These appointments are reflected in the 'Council Appointment of Officers - Local Government to Officers 2016'.

At its 10 February 2016 meeting, Council resolved to appoint officers as authorised officers to undertake functions of the Control of Vehicles (Off-road Areas) Act 1978, as detailed in Attachment A.

It is recommended that due to recent resignations and appointments that the current Council Appointment of Officers – Local Government to Officers 2016, be amended as listed below with the inclusion of Geoffrey Copley, the resignations of Brad Casserly and Mark Allies and the reclassification of Christoph Matzen, as detailed in the Attachment A:

1.4 Control of Vehicles (Off-road Areas) Act 1978 – Appointment of authorised officers

OFFICER RECOMMENDATION:

That Council amend the Appointment of Officers – Local Government to Officers 2016 to:

- 1. Include Geoffrey Copley as an authorised officer for the purposes of the Control of Vehicles (Off-road Areas) Act 1978;
- 2. Remove Brad Casserly and Mark Allies from the list of authorised officers for the purposes of the Control of Vehicles (Off-road Areas) Act 1978; and
- 3. Amend the classification of Christoph Matzen to City Assist Officer; as detailed in Attachment A.

NOTE – AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

Section 38(3)(a) of the Control of Vehicles (Off-road Areas) Act 1978 allows a local government to appoint authorised officers for the purposes of that Act. The Register titled Council Appointment of Officers – Local Government to Officers 2016 details the Acts and Regulations that require Council to make a direct appointment to a person or class of persons.

It is recommended that due to recent resignations and appointments that the current Council Appointment of Officers – Local Government to Officers be amended as listed in the Officer's Recommendation with the inclusion of Geoffrey Copley as a City Assist Officer, the resignations of Brad Casserly and Mark Allies and the reclassification of Christoph Matzen as a City Assist Officer, as detailed in Attachment A: 16.6 AMENDMENT TO COUNCIL APPOINTMENT OF OFFICERS – LOCAL GOVERNMENT TO OFFICERS 2016

LEGAL/POLICY IMPLICATIONS:

Control of Vehicles (Off-road Areas) Act 1978

38. Authorised officers, who are, functions of etc.

- (3) A local government may by resolution appoint
 - (a) any employee of the local government; to be an authorised officer for the purposes of this Act either in respect of the whole of its district or any part thereof defined in the appointment.

FINANCIAL/BUDGET IMPLICATIONS:

There are no direct financial implications related to this report.

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.

STRATEGIC/SOCIAL IMPLICATIONS:

Corporate Business Plan

Objective 7.2 Develop and implement training and development programs/activities that meet current and future skills and competency needs

RISK IMPLICATIONS:

Risk Event	Officers not provided with correct legal
	authorisations.
Risk Theme	Enforcing legislation.
Risk Effect/Impact	Compliance impact
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Almost certain
Rating (before treatment)	High
Risk Treatment in place	Appoint Officers (mitigate the risk) through a formal
	Council Resolution
Response to risk	Ensure Officers are appointed and authorised in
treatment required/in	accordance with legislation.
place	
Rating (after treatment)	Low

16.6 AMENDMENT TO COUNCIL APPOINTMENT OF OFFICERS – LOCAL GOVERNMENT TO OFFICERS 2016

COUNCIL DECISION 408 MOVED CR P FEASEY

SECONDED CR B THOMPSON

That Council amend the Appointment of Officers – Local Government to Officers 2016 to:

- 1. Include Geoffrey Copley as an authorised officer for the purposes of the Control of Vehicles (Off-road Areas) Act 1978;
- 2. Remove Brad Casserly and Mark Allies from the list of authorised officers for the purposes of the Control of Vehicles (Off-road Areas) Act 1978; and
- 3. Amend the classification of Christoph Matzen to City Assist Officer; as detailed in Attachment A.

CARRIED BY AN 'EN BLOC'ABSOLUTE MAJORITY OF COUNCIL 7/0

1.4 Control of Vehicles (Off-Road Areas) Act 1978- Appointment of authorised officers			
Function to be performed:	Appointment of such persons to be Authorised Persons for the purposes of this Act.		
Power to appoint:	Control of Vehicles (Off-Ro s38(3)(a)		
Date of Appointment:		olution #500 /1305	
Appointment of:	Joanne Abbiss Errol Lawrence Clinton Venables Cecil Wells Christoph Matzen Geoffrey Copley Brad Casserly Rodney De San Miguel Trevor Jones Ian Abel Kieran Togher Paul Lucas Mark Allies Hayley Goodwin	Chief Executive Officer Director Corporate and Engineering Services Manager Essential Services Coordinator City Assist Senior-City Assist Officer City Assist Officer	
Special Requirements:	Control of Vehicles (Off-Road Areas) Act 1978 s38(4) A person who is appointed as an authorised officer pursuant to subsection (2) or subsection (3) — (d) shall be issued with a certificate of his appointment as an authorised officer in the prescribed form, evidencing the area of jurisdiction entrusted to him under this Act, which he shall, on reasonable demand, produce for inspection by any person.		

16.7 Council Policy Review – Scattering of Ashes, Memorial Plaque and Tree Requests, and Clubs – Various Sporting Codes – Goal Posts and Nets and Elected Members - Photographs

SUMMARY:

A review of Council Policies – 'Scattering of Ashes, Memorial Plaque and Tree Requests', 'Clubs, Various Sporting Codes – Goal Posts and Nets', and 'Elected Members – Photographs' was undertaken and are recommended for Council endorsement.

OFFICER RECOMMENDATION:

That Council adopt the following amended Policies contained within Attachment A;

- Scattering of Ashes, Memorial Plaques and Tree Requests;
- Various Sporting Codes Goal Posts and Nets; and
- Elected Members Photographs

DISCUSSION:

A copy of the Policies as recommended for amendment are detailed in Attachment A, with the current Policies contained within Attachment B. A summary of changes recommended to the Policy are included below.

In addition, a new Policy format has been created that ensures that Policies address a number of compulsory criteria, including a risk assessment, financial, environmental and other assessment criteria. The new format also provides a section for links to other internal and external documents as appropriate as part of the improvement the City is undertaking to ensure that corporate documents are referenced and integrated.

Policy recommended for amendment

Scattering of Ashes, Memorial Plaques and Tree Requests

This Policy was required to be reviewed in accordance with the biennial review of Council Policies. The recommended changes include:

- Minor changes to grammar in line with the City's style guide.
- Minor grammatical corrections throughout the Policy.
- Inclusion of the new compulsory sections to ensure that the Policy addresses a wide range of implications.
- Inclusion of a requirement to provide a risk assessment within the Policy.

Various Sporting Codes – Goal Posts and Nets

This Policy was required to be reviewed in accordance with the biennial review of Council Policies. The recommended changes include:

- Minor changes to grammar in line with the City's style guide.
- Minor grammatical corrections throughout the Policy.
- Strengthening of the Policy Statement and breakdown of clauses to provide better explanation of the requirements of this Policy.
- Inclusion of the new compulsory sections to ensure that the Policy addresses a wide range of implications.

16.7 COUNCIL POLICY REVIEW – SCATTERING OF ASHES, MEMORIAL PLAQUE AND TREE REQUESTS, AND CLUBS – VARIOUS SPORTING CODES – GOAL POSTS AND NETS AND ELECTED MEMBERS - PHOTOGRAPHS

• Inclusion of a requirement to provide a risk assessment within the Policy.

Elected Members - Photographs

This Policy was required to be reviewed in accordance with the biennial review of Council Policies. The recommended changes include:

- Minor changes to grammar in line with the City's style guide.
- Minor grammatical corrections throughout the Policy.
- Inclusion of the new compulsory sections to ensure that the Policy addresses a wide range of implications.
- Inclusion of a requirement to provide a risk assessment within the Policy

LEGAL/POLICY IMPLICATIONS:

Local Government Act 1995 section 2.7 states:

2.7. Role of council

- (1) The council
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

FINANCIAL/BUDGET IMPLICATIONS:

There are no direct financial implications for this report. Individual Policies may have financial implications and if so, budgetary considerations are included on an annual basis.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications for this report.

ENVIRONMENTAL IMPLICATIONS:

There are no direct environmental implications for this report.

16.7 COUNCIL POLICY REVIEW – SCATTERING OF ASHES, MEMORIAL PLAQUE AND TREE REQUESTS, AND CLUBS – VARIOUS SPORTING CODES – GOAL POSTS AND NETS AND ELECTED MEMBERS - PHOTOGRAPHS

STRATEGIC/SOCIAL IMPLICATIONS:

Objectives and strategies related to each Policy are as follows:

Policy – Scattering of Ashes, Memorial Plaque and Tree Requests

Plan	Objective	Strategy
e.g. Strategic Community Plan 2015 - 2025	4.1: Residents are provided with a range of multifunctional community places and accessible recreation facilities	4.1.2 Continue to improve the standard, and maximise the utility, of existing community and recreation infrastructure through implementation of maintenance and refurbishment programs that enable expansion of the services and activities offered.

Policy – Various Sporting Codes – Goal Posts and Nets

Plan	Objective	Strategy
e.g. Strategic Community Plan 2015 - 2025	4.2: The community has easy access to well equipped, quality parks and public open spaces	4.2.2 Implement the City's Parks for People Plan to provide the community with functional, accessible and practical open parks and play spaces for a diverse range of users

Policy – Elected Members - Photographs

Plan	Objective	Strategy
e.g. Strategic Community Plan 2015 - 2025	1.8: Respect and promote Kwinana's unique heritage	1.8.1 Ensure that Kwinana's cultural heritage is suitably respected, interpreted and shared with the community in a variety of formats.

COMMUNITY ENGAGEMENT:

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

RISK IMPLICATIONS:

The risk implications related to each Policy as follows:

Policy – Scattering of Ashes, Memorial Plaque and Tree Requests		
Risk Event	Council unable to meet the needs of the community in respect to the scattering of ashes or memorialisation of people or events.	
Risk Theme	Inadequate Policy of Council relevant to the needs of the community for the scattering of ashes or memorialisation of people or events.	

Policy – Scattering of Ashes, Memorial Plaque and Tree Requests

16.7 COUNCIL POLICY REVIEW – SCATTERING OF ASHES, MEMORIAL PLAQUE AND TREE REQUESTS, AND CLUBS – VARIOUS SPORTING CODES – GOAL POSTS AND NETS AND ELECTED MEMBERS - PHOTOGRAPHS

Risk Effect/Impact	People/Health
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Almost certain
Rating (before treatment)	High
Risk Treatment in place	Reduce - mitigate risk by providing a Policy that meets the needs of the community for the scattering of ashes or memorialisation of people or events.
Response to risk treatment required/in	Provide an adequate Policy of Council relevant to the needs of the community for the scattering of
place Rating (after treatment)	ashes or memorialisation of people or events.

Policy – Various Sporting Codes – Goal Posts and Nets

Risk Event	Council unable to meet the needs of the
	community in respect to the provision of
	sporting goals or nets.
Risk Theme	Inadequate Policy of Council relevant to the needs
	of the community for the provision of sporting goals
	or nets.
Risk Effect/Impact	Service Delivery
Risk Assessment Context	Operational
Consequence	Minor
Likelihood	Almost certain
Rating (before treatment)	High
Risk Treatment in place	Share - Share with another party by providing a
	Policy to engage with various sporting groups to
	address their needs for goal posts and nets.
Response to risk	Have an adequate Policy in place to ensure that the
treatment required/in	provision, placement and removal of fixed sporting
place	goals or nets through the liaison with various sporting groups can be achieved.
Rating (after treatment)	Low

16.7 COUNCIL POLICY REVIEW – SCATTERING OF ASHES, MEMORIAL PLAQUE AND TREE REQUESTS, AND CLUBS – VARIOUS SPORTING CODES – GOAL POSTS AND NETS AND ELECTED MEMBERS - PHOTOGRAPHS

Risk Event	Council does not undertake a photographical history of the City's elected members and Council
Risk Theme	Inadequate Policy of Council to enable the collection of historical information.
Risk Effect/Impact	Reputation
Risk Assessment Context	Operational
Consequence	Minor
Likelihood	Almost certain
Rating (before treatment)	Low
Risk Treatment in place	Avoid - remove cause of risk by ensuring photographic records are taken.
Response to risk treatment required/in place	Have an adequate Policy in place to ensure that a photographic record of elected members and Council is recorded for historical value.
Rating (after treatment)	Low

Policy – Various Sporting Codes – Goal Posts and Nets

COUNCIL DECISION

409

MOVED CR P FEASEY

SECONDED CR B THOMPSON

That Council adopt the following amended Policies contained within Attachment A;

- Scattering of Ashes, Memorial Plaques and Tree Requests;
- Various Sporting Codes Goal Posts and Nets; and
- Elected Members Photographs

CARRIED BY 'EN BLOC' 7/0



Council Policy

Scattering of Ashes, Memorial Plaque and Tree Requests

D13/70397[v3]

1. Title

Scattering of Ashes, Memorial Plaque and Tree Requests

2. Purpose

The City wishes t To offer a way to acknowledge people, organisations and events that have made a significant social and/or cultural contribution towards the development of the City of Kwinana.

3. Scope

This policy provides guidance on the requirements to gain approval to scatter ashes, memorialise a person, association or event with a plaque or tree within a park or reserve and the design, installation and ongoing maintenance responsibilities.

4. Definitions

Exceptional circumstance means a circumstance for which, in the view of Council the placement of a memorial that may not otherwise meet the requirements, may be permitted.

5. Policy Statement

5.1 Placement of Ashes

Ashes may be scattered (not buried/interred) in a small private ceremony within the City's owned or managed property with the approval of the Chief Executive Officer.

5.2 Memorial Plaques and Trees

The Chief Executive Officer may authorise the installation of commemorative plaques on the limestone wall of the Wells Park retaining walls.

The City is to consider the installation of plaques and trees commemorating the anniversary of significant events unique to the City's history and development or to provide information of interest to the general community relevant to the plaque's specific site or location.

No new commemorative plaque is to be considered which commemorates a person, event or occasion already memorialised in the City of Kwinana unless there are exceptional circumstances. Special anniversaries may be acknowledged.

The plaque can be no larger than $100\text{mm} \times 100\text{mm}$, with the surrounding plinth or support / surround no larger than $150\text{mm} \times 150\text{mm}$, and all costs associated with purchasing the plaque, plinth or support/surround and engraving the chosen message are the responsibility of the donor.

Requests are to be assessed against the primary contribution criteria and if unsuccessful, the secondary contribution criteria listed below. Applications should be forwarded to the City of Kwinana on the 'Application for Memorial' Form. at Annexure

5.3 Wells Park Memorial Wall

The City has set aside a location specifically for the installation of plaques that meet certain criteria as listed below. This location was chosen for its historical significance, is easily accessible and has appropriate facilities nearby which people may use and make the event more meaningful. The criteria for placement of plaques on Wells Park Memorial Wall are:

- Plaques are to be attached to the Wells Park retaining walls face of the wall only;
- The positioning and installation erection of plaques is to be undertaken by City staff;
- The plaque is to be supplied by the applicant;
- The plaques are to be made of marine quality stainless steel with stainless steel mountings; and
- The plaques are to be 150mm in length and 150mm in height.

All general conditions for the placement of a plaque in accordance with this policy are to be adhered to.

5.4 Roadside Memorials

Every year, too many people lose their lives on Western Australian roads and when touched by tragedy, family and friends find a roadside memorial can help comfort and heal, as it provides a tangible record of a life lived and serves as a reminder to the community to drive carefully.

Main Roads WA have developed a Roadside Memorials Policy and Guidelines to help families deal with such tragedies and to assist in understanding the requirements of installing a suitable roadside memorial at the safest location. It should be noted that the policy is intended to provide guidance and each case will be dealt with on an individual basis.

The City of Kwinana supports the Main Roads WA Roadside Memorials Policy and guidelines.

5.5 Memorial Grove – Magenup Lake, Wandi

In February 2005, Council approved an area within Magenup Lake Reserve off Leslie Road, Wandi, to be set aside for the placement of plaques / memorials and gave permission for Men of The Trees and Bowra and O'Dea to do so.

Applications for use of this Memorial Grove are to be assessed in accordance with this policy and must be approved by the Chief Executive Officer.

5.6 Assessment Criteria for approval of Memorials

Primary contribution to the City of Kwinana.

- The person, organisation or event covered all City of Kwinana suburbs;
- The person, organisation or event resided / was based in the City of Kwinana for more than 10 years;
- The person, organisation or event contributed more than 10 years of their life towards the development of the City of Kwinana;
- The person, organisation or event contributed to 3 or more sectors of a

community eg sport, education, arts, culture, youth, mature age etc;

- That no other memorial exists on the reserve. If this is the case, specific consideration to the existing memorial is to be given before another memorial request is assessed, including, where appropriate, contacting the existing memorial applicant;
- The person, organisation or event is to have a relevant relationship to the proposed site;
- Secondary contribution to the City of Kwinana;
- The person passed away in an unexpected manner or at a young age;
- The same type of park amenity or another form of public art requested does not exist within close proximity on the reserve; and
- The location and type of amenity does not negatively impact on residents surrounding the reserve.

5.7 General Conditions for Placement

- The Chief Executive Officer's determination of the application, content details, site selection, exact positioning and installation details of any commemorative plaque or tree is final;
- Approval must be sought and granted by the City of Kwinana prior to the installation of a plaque or tree;
- Any existing plaque or tree or memorial cannot be taken as a precedent for future approval;
- Approval is not to be granted if in the opinion of the City the commemorative plaque or tree is considered offensive or has the potential to offend; and
- The City shall maintain a register of memorials and contact details for all applicants.

6. Financial/Budget Implications

Unless otherwise agreed, the donors of the approved commemorative plaque or tree are required to pay for the design, manufacture, installation, and maintenance of the commemorative plaque or tree.

7. Asset Management Implications

- The City may at any time temporarily remove the plaque for maintenance purposes.
- Should the plaque or tree be lost or vandalised; repair and replacement costs remain the responsibility of the donor of the plaque or tree.
- A plaque or tree may be permanently removed if the use of the site significantly changes and future development plans may require the relocation or removal of a memorial. This would be at the discretion of the City of Kwinana following consultation with the family or organisation concerned, whichever may be applicable.
- In accordance with the Metropolitan Cemeteries Board policy, commemorative plaques in the City are approved for a set period of 25 years, at which point tenure may be reviewed at the discretion of the City of Kwinana.
- In the event the commemorative plaque or tree is damaged or requires repair and the original donor is unable to be reached, the memorial may be repaired or removed. The City must be informed of changes to contact details for all applicants for memorials in the event that they need to be contacted.
- Failure to maintain the plaque following notification by the City may result in the removal of the plaque at the City's discretion.

8. Environmental Implications

If the planting of a memorial tree is requested, the City will place a particular emphasis on planting locally native species of trees where suitable.

9. Strategic/Social Implications

Strategic Community Plan 2015 – 2025 Objective 4.1 Residents are provided with a range of multifunctional community places and accessible recreation facilities.

10. Occupational Safety and Health Implications

The placement of Roadside Memorials must meet the requirements of Main Roads WA Roadside Memorials Policy and Guidelines and all memorials are subject to the ability to install them in a safest location.

11. Risk Assessment

A risk assessment conducted as part of the Policy review has indicated that the risk to the City by not maximising community engagement in providing a community need would result in a risk rating of High.

It is assessed that the risk rating following the implementation of this Policy would reduce the risk rating to Low.

12. References

Name of Policy	Scattering of Ashes, Memorial Plaque and Tree Requests
Date of Adoption and resolution No	28/04/2010 #105
Review dates and resolution No #	11/07/2013 #163 12/11/2014 #306
New review date	12/11/2016
Legal Authority	Local Government Act 1995 Section 2.7 – Role of Council
Directorate	Community Development
Department	Environment
Related documents	Acts/Regulations Local Government Act 1995
	Plans/Strategies Strategic Community Plan 2015 – 2025 Roadside Memorials Policy and Guidelines (Main Roads WA)
	Policies Nil
	Work Instructions D14/74010 Work Instruction - Application for memorial (draft)
	Other documents D14/74053 Register of Memorials D16/77486 Application for Memorial

Note: Changes to References may be made without the need to take the Policy to Council for review.



Council Policy

Clubs, Various Sporting Codes – Goal Posts and Nets

1. Title

Clubs, Various Sporting Codes - Goal Posts and Nets

2. Purpose

For Council to hold responsibility for the provision, placement and removal of fixed goal posts.

For the City to maintain responsibility for the provision, placement and removal of fixed goal posts on sporting grounds and reserves vested in the care of the City.

3. Scope

The City Council shall be responsible for the provision, placement and removal of fixed goals. Out of season storage of goals where applicable shall be the responsibility of the Club.

4. Definitions

Goals means any sports goals or nets required for sports and approved by the City under this Policy.

5. Policy Statement

5.1 Application for Goals

An application for supply/installation of goals can be made by an approved seasonal tenant only and is to be made in conjunction with their application for seasonal tenancy.

The request for goals should be made prior to commencement of the season and discussed with the relevant management group of the facility or the Bookings Officer prior to application.

Installation or removal of posts is the responsibility of City staff and will only be conducted in the transition between seasons, unless a replacement is required for safety/theft reasons.

5.2 Location of goals

In this connection, the hirer shall provide, to the Healthy Lifestyles Coordinator, at least 15 working days notice for the placement of goals and at the time of giving such notice shall have marked the sports ground and have indicated thereon the precise location for the goals.

Location of the goals on site shall be negotiated between the City and each club concerned. Applications must be made at least 15 working days prior to required installation date.

5.3 Responsibility

Sporting clubs shall be responsible for their own goal structures other than fixed goals, i.e. hockey, junior soccer etc, and will be required to ensure that these fixtures are structurally sound and installed to the correct standards

identified by the relevant manufacturers specifications and/or sports associations requirements.

Where the goal structure is the responsibility of the sporting club and is identified as unsound and/or in a state of disrepair, the club will be required to immediately ensure public safety is not compromised and, remove, replace or make repairs to the structure within forty eight hours of being informed of this by the City.

Out of season storage of goals where applicable shall be the responsibility of the club.

5.4 Removal of unsafe goals

Notwithstanding the above, the City reserves the right to remove any structure/s without notice should they be found to be in an unsafe condition.

6. Financial/Budget Implications

There is an annual budget provision for renewal of aged/damaged assets.

7. Asset Management Implications

These items are assets of the City and are treated within OSH guidelines for removal and storage. Annual safety audits are undertaken. Assets at end of life are replaced.

8. Environmental Implications

Assets at end of life are considered for recycling.

9. Strategic/Social Implications

Strategic Community Plan 2015 - 2025

Objective 4.1.2	Continue to improve the standard and maximise the utility of existing community and recreation
	infrastructure through implementation of maintenance and refurbishment programs that enable expansion of the services and activities offered.
Objective 4.2.2	Activate and manage public open spaces and improve infrastructure for play and recreation in existing areas.

Healthy Lifestyles Kwinana – Public Health Plan 2015 - 2018 Easy access to well-equipped, quality parks and public open spaces

10. Occupational Safety and Health Implications

Goal posts are to always remain in a condition that fully accords with Australian Standards or prescribed State Sports Association guidelines.

Goal posts that are removed at the end of each season must be checked for signs of rust and general weakness and repaired or replaced before the commencement of the next season by the City's Depot team.

11. Risk Assessment

A risk assessment conducted as part of the Policy review has indicated that the risk to the City by not meeting the needs of the community I respect to the provision of sporting goals or nets would result in a risk rating of High.

It is assessed that the risk rating following the implementation of this Policy would reduce the risk rating to Low.

In addition, a risk assessment must be performed annually on each of the goals by City of Kwinana Depot staff. This is to be conducted as part of preparations for sporting grounds usage each season.

12. References

Name of Policy	Clubs, Various Sporting Codes – Goal Posts and Nets
Date of Adoption and resolution No	26/05/1982 #491
Review dates and	27/09/2006 #519
resolution No #	28/04/2010 #105
	11/07/2012 #163
Next review date	11/07/2014
Legal Authority	Local Government Act 1995
	Section 2.7 – Role of Council
Directorate	City Living
Department	Healthy Lifestyles
Related documents	Acts/Regulations Public Health Act 2016
	Plans/Strategies
	Strategic Community Plan 2015 - 2025
	Healthy Lifestyles Kwinana – Public Health Plan 2015 – 2018
	Policies D16/34076 OSH Policy
	Work Instructions (Draft) Work Instruction - Healthy Lifestyle Risk Assessment for Sporting Goal Posts.
	Other documents Nil

Note: Changes to References may be made without the need to take the Policy to Council for review.



Council Policy

Elected Members - Photographs

1. Title

Elected Members - Photographs

2. Purpose

The purpose of this policy is to;

- a) Promote public awareness of the current serving elected members; and
- b) Maintain a photographic history of the local government's elected Councils.

3. Scope

This policy is to be referred to when photographs need to be taken of new elected members and when a new Council group is formed, specifically following the biennial local government elections.

4. Definitions

Council means the group of elected members who as a group form the Council of the City of Kwinana.

Elected member means a current serving elected member of Council and includes the Mayor.

5. Policy Statement

The following points need to be adhered to when photographs for the purposes of this Policy are taken:

- That individual photographs of the current serving **E**elected Mmembers be displayed in the main foyer of the Administration Centre with the current Mayor and Deputy Mayor taking the prominent position.
- That a group photograph of the elected Council be taken after an election and displayed in the Administration Building.
- That all Eelected Mmembers receive an electronic copy of the current group photograph and their individual photograph.
- Photographs of the retiring Eelected Mmembers and past Councils to be removed from the frame and be provided to the Kwinana Library to be stored in the History Collection.
- Electronic copies of photographs are to be stored within the Records Management System

6. Financial/Budget Implications

Funding allocations for photographs are to be provided for by Council in its annual budget review.

7. Asset Management Implications

There are no specific asset management implications associated with this Policy, however, photographs are to be archived if no longer on display and also held digitally.

8. Environmental Implications

There are no specific environmental implications associated with this Policy

9. Strategic/Social Implications

Strategic Community Plan 2015 – 2025

Objective 1.8 Respect and promote Kwinana's unique heritage. Strategy 1.8.1 Ensure that Kwinana's cultural heritage is suitably respected, interpreted and shared with the community in a variety of formats

10. Occupational Safety and Health Implications

There are no specific OSH implications associated with this Policy.

11. Risk Assessment

A risk assessment conducted as part of the Policy review has indicated that the risk to the City by not taking a photographical history of the City's elected members and Council need would result in a risk rating of High.

It is assessed that the risk rating following the implementation of this Policy would reduce the risk rating to Low.

12. References

Name of Policy	Elected Members – Photographs
Date of Adoption and resolution No	30/05/1984 #
Review dates and resolution No #	27/09/2006 #519 28/04/2010 #105 11/07/2012 #163 10/12/2014 #347
New review date	10/12/2016
Legal Authority	Local Government Act 1995 Section 2.7 – Role of Council
Directorate	City Strategy
Department	Governance and Civic Services
Related documents	Acts/Regulations Local Government Act 1995
	Plans/Strategies Strategic Community Plan 2015 – 2025
	Policies Nil
	Work Instructions Nil

Other documents Nil

Note: Changes to References may be made without the need to take the Policy to Council for review.

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SCATTERING OF ASHES, MEMORIAL PLAQUE AND TREE REQUESTS

The City wishes to offer a way to acknowledge people, organisations and events that have made a significant social and/or cultural contribution towards the development of the City of Kwinana.

Adopted:	28/04/2010 #105
Last reviewed:	11/07/2012 #163 12/11/2014 #306
Legal Authority	Local Government Act 1995 Section 2.7 – Role of Council

Policy:

This policy provides guidance on the requirements to gain approval to memorialise a person, association or event with a plaque or tree within a park or reserve and the design, installation and ongoing maintenance responsibilities

Placement of Ashes

Ashes may be scattered (not buried/interred) in a small private ceremony within the City's owned or managed property with the approval of the Chief Executive Officer.

Memorial Plaques and Trees

The Chief Executive Officer may authorise the installation of commemorative plaques on the limestone wall of the Wells Park retaining walls.

The City is to consider the installation of plaques and trees commemorating the anniversary of significant events unique to the City's history and development or to provide information of interest to the general community relevant to the plaque's specific site or location.

No new commemorative plaque is to be considered which commemorates a person, event or occasion already memorialised in the City of Kwinana unless there are exceptional circumstances. Special anniversaries may be acknowledged.

The plaque can be no larger than 100mm x 100mm, with the surrounding plinth or support / surround no larger than 150mm x 150mm, and all costs associated with purchasing the plaque, plinth or support/surround and engraving the chosen message are the responsibility of the donor.

Requests are to be assessed against the primary contribution criteria and if unsuccessful, the secondary contribution criteria listed below. Applications should be forwarded to the City of Kwinana on the 'Application for Memorial' Form at Annexure A.



Wells Park Memorial Wall

The City has set aside a location specifically for the installation of plaques that meet certain criteria as listed below. This location was chosen for its historical significance, is easily accessible and has appropriate facilities nearby which people may use and make the event more meaningful. The criteria for placement of plaques on Wells Park Memorial Wall are:

- Plaques are to be attached to the Wells Park retaining walls face of the wall only.
- The positioning and erection of plaques is to be undertaken by City staff.
- The plaque is to be supplied by the applicant.
- The plaques are to be made of marine quality stainless steel with stainless steel mountings.
- The plaques are to be 150mm in length and 150mm in height.
- All general conditions for the placement of a plaque in accordance with this policy are to be adhered to.

Roadside Memorials

Every year, too many people lose their lives on Western Australian roads and when touched by tragedy, family and friends find a roadside memorial can help comfort and heal, as it provides a tangible record of a life lived and serves as a reminder to the community to drive carefully.

Main Roads WA have developed a Roadside Memorials Policy and Guidelines to help families deal with such tragedies and to assist in understanding the requirements of installing a suitable roadside memorial at the safest location. It should be noted that the policy is intended to provide guidance and each case will be dealt with on an individual basis.

The City of Kwinana supports the Main Roads WA Roadside Memorials Policy and guidelines.

Memorial Grove – Magenup Lake, Wandi

In February 2005, Council approved an area within Magenup Lake Reserve off Leslie Road, Wandi, to be set aside for the placement of plaques/memorials and gave permission for Men of The Trees and Bowra and O'Dea to do so.

Applications for use of this Memorial Grove are to be assessed in accordance with this policy and must be approved by the Chief Executive Officer.



Assessment Criteria for approval of Memorials

Primary contribution to the City of Kwinana

- The person, organisation or event covered all City of Kwinana suburbs;
- The person, organisation or event resided / was based in the City of Kwinana for more than 10 years;
- The person, organisation or event contributed more than 10 years of their life towards the development of the City of Kwinana;
- The person, organisation or event contributed to 3 or more sectors of a community eg sport, education, arts, culture, youth, mature age etc;
- That no other memorial exists on the reserve. If this is the case, specific consideration to the existing memorial is to be given before another memorial request is assessed, including, where appropriate, contacting the existing memorial applicant and
- The person, organisation or event is to have a relevant relationship to the proposed site.

Secondary contribution to the City of Kwinana

- The person passed away in an unexpected manner or at a young age;
- The same type of park amenity or another form of public art requested does not exist within close proximity on the reserve; and
- The location and type of amenity does not negatively impact on residents surrounding the reserve.

General Conditions for Placement

The Chief Executive Officer's determination of the application, content details, site selection, exact positioning and installation details of any commemorative plaque or tree is final.

Unless otherwise agreed, the donors of the approved commemorative plaque or tree are required to pay for the design, manufacture, installation, and maintenance of the commemorative plaque or tree.

Approval must be sought and granted by the City of Kwinana prior to the installation of a plaque or tree.

Any existing plaque or tree or memorial cannot be taken as a precedent for future approval.

Approval is not to be granted if in the opinion of the City the commemorative plaque or tree is considered offensive or has the potential to offend.

The City may at any time temporarily remove the plaque for maintenance purposes.

Should the plaque or tree be lost or vandalised; repair and replacement costs remain the responsibility of the donor of the plaque or tree.



The plaque or tree may be permanently removed if the use of the site significantly changes and future development plans may require the relocation or removal of a memorial. This would be at the discretion of the City of Kwinana following consultation with the family or organisation concerned, whichever may be applicable.

In accordance with the Metropolitan Cemeteries Board policy, commemorative plaques in the City are approved for a set period of 25 years, at which point tenure may be reviewed at the discretion of the City of Kwinana.

In the event the commemorative plaque or tree is damaged or requires repair and the original donor is unable to be reached, the memorial may be repaired or removed. The City must be informed of changes to contact details for all applicants for memorials in the event that they need to be contacted.

Failure to maintain the plaque following notification by the City may result in the removal of the plaque at the City's discretion.

The City shall maintain a register of memorials and contact details for all applicants.



SCATTERING OF ASHES, MEMORIAL PLAQUE AND TREE REQUESTS

Annexure A – Memorial Application Form

Application for Memorial Form

PARTICULARS OF PERSO	N MAKING APPLICATION
Name:	
Organisation:	
Address:	
Suburb:	Post Code:
Telephone: Ema	il:
*I have read and acknowledge the City's of Kwinana's Policy "Scatt	ering of Ashes, Memorial Plaque and Tree Requests"
*Signature:	Date:
Type of Memorial/s: Plaque	Tree *Roadside
Location: Wells Park Memorial Wall	Magenup Lake Memorial Grove
*Other	
*If Roadside or Other, detail location:	
Justification in accordance with Policy: Primary/Sec (Provide covering letter if considered appropriate)	condary Contribution Criteria:
Plaque wording (if applicable):	
Office use o	nly
Location assessed suitable: Yes No	Reason (if no)
	City Officer:
Chief Executive Officer's Approval:	Date:
TRIM References: Application:	Approval Letter:
Details updated in Register of Memorials: Yes	City Officer:



CLUBS-VARIOUS SPORTING CODES – GOAL POSTS AND NETS

For Council to hold responsibility for the provision, placement and removal of fixed goal posts.

Adopted:	26/05/1982 #491
Last reviewed:	27/09/2006 #519 28/04/2010 #105 11/07/2012 #163
Legal Authority	Local Government Act Section 2.7 – The Role of Council

Policy:

- 1. The Council shall be responsible for the provision, placement and removal of fixed goals.
- 2. In this connection, the hirer shall provide, to the Healthy Lifestyles Coordinator, at least 15 working days notice for the placement of goals and at the time of giving such notice shall have marked the sports ground and have indicated thereon the precise location for the goals.
- 3. Sporting clubs shall be responsible for their own goal structure other than fixed goals, ie hockey etc, and will be required to ensure that these fixtures are structurally sound and installed to the correct standards identified by the sports associations.
- 4. Where the goal structure is the responsibility of the club and is identified as unsound and/or in disrepair, the club will be required to remove the structure within forty eight hours of being informed of this by the City. Notwithstanding the above, the Council reserves the right to remove any structure found to be in an unsafe condition.



ELECTED MEMBERS - PHOTOGRAPHS

ELECTED MEMBERS – PHOTOGRAPHS

To promote public awareness of the current serving elected members.

To maintain a photographic history of the local government's elected Councils.

Adopted:	30/05/1984 #
Last reviewed:	27/09/2006 #519 28/04/2010 #105 11/07/2012 #163 10/12/14 #347
Legal Authority Local Government Act 1995 Section 2.7 – Role of Council	

Policy:

- 1. That individual photographs of the current serving Elected Members be displayed in the main foyer of the Administration Centre with the current Mayor and Deputy Mayor taking the prominent position.
- 2. That a group photograph of the elected Council be taken after an election and displayed in the Administration Building.
- 3. That all Elected Members receive an electronic copy of the current group photograph and their individual photograph.
- 4. Photographs of the retiring Elected Members and past Councils to be removed from the frame and be provided to the Kwinana Library to be stored in the History Collection.
- 5. Electronic copies of photographs are to be stored within the Records Management System.

16.8 Amendment to Council Appointment of Officers – Local Government to Officers 2016

SUMMARY:

A local government is authorised to exercise powers and duties under various Acts and Regulations, whereby they must appoint particular officers to carry out the duties of the local government. These appointments are reflected in the 'Council Appointment of Officers - Local Government to Officers 2016'.

At its 10 February 2016 meeting, Council resolved to appoint officers as environmental health officers to undertake functions of the Health Act 1911, its Regulations and ancillary legislation enacted under the Health Act 1911 including the City's health and other local laws, as detailed in the Attachment A.

The City has employed an environmental health officer, Peter Toboss, for a three month period commencing 13 December 2016, to undertake inspections under the Health Act 1911 and he is required to be appointed as an environmental health officer by Council.

In addition, Peter McKenzie and Ron Boucher have completed their employment with the City as environmental health officers and their appointments should be deleted.

It is recommended that the current Council Appointment of Officers – Local Government to Officers be amended as listed below, with the inclusion of Peter Toboss and the deletion of Peter McKenzie and Ron Boucher as detailed in the Attachment A:

1.2 Health Act 1911 – Appointment of environmental health officers

OFFICER RECOMMENDATION:

That Council amend the Appointment of Officers – Local Government to Officers 2016 to:

- 1) include Peter Toboss as an environmental health officer until 17 March 2017; and
- 2) delete Peter McKenzie and Ron Boucher as environmental health officers, as detailed in Attachment A.

NOTE – AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

Sections 27(1) of the Health Act 1911 allows a local government to appoint certain officers including environmental health officers. The Register titled Council Appointment of Officers – Local Government to Officers 2016 details the Acts and Regulations that require Council to make a direct appointment to a person or class of persons.

The City has employed an additional officer, Peter Toboss for a period of 3 months commencing 13 December 2016 to undertake inspections as permitted by Section 27(2) of the Health Act 1911.

16.8 AMENDMENT TO COUNCIL APPOINTMENT OF OFFICERS – LOCAL GOVERNMENT TO OFFICERS 2016

To undertake these inspections, the Health Act 1911 requires the inspections to be undertaken by an environmental health officer appointed by Council. It is recommended that Peter Toboss be appointed for this purpose and as Peter McKenzie and Ron Boucher have ceased their employment it is recommended that Council approve that they removed as environmental health officers with the City from the register.

As required by section 28(1) of the Health Act 1911, the appointment of environmental health officers is then dependent on the approval of the Executive Director, Public Health.

LEGAL/POLICY IMPLICATIONS:

Health Act 1911

Sections 27 and 28 of the Health Act 1911 state:

27. Officers of local government

- (1) Every local government may, and when required by the Executive Director, Public Health shall, appoint a medical practitioner as medical officer of health, and also such environmental health officers and analysts as may be deemed necessary by the Executive Director, Public Health.
- (2) Such medical officer of health, environmental health officers, and analysts shall perform such duties as the local government from time to time directs, and also such as are specially prescribed by any order addressed by the Executive Director, Public Health to the local government.

28. Appointments to be approved

(1) Every appointment by a local government of a medical officer of health, environmental health officer, or analyst shall be subject to the approval of the Executive Director, Public Health who may require satisfactory proof of competency to be supplied, and may give his approval absolutely or with any modification or condition as to the period of appointment or otherwise.

FINANCIAL/BUDGET IMPLICATIONS:

There are no direct financial implications related to this report.

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.

16.8 AMENDMENT TO COUNCIL APPOINTMENT OF OFFICERS – LOCAL GOVERNMENT TO OFFICERS 2016

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 (D16/3339).

Plan	Objective	Strategy
Corporate Business Plan 2016 - 2021	10.3 Environmental Health	10.3.1 Provide services and advice to the community and all stakeholders to comply with statutory obligations to achieve a healthy community and environment.

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	That environmental health officers operate without being appointed as required by legislation.
Risk Theme	Inadequate environmental health management
Risk Effect/Impact	People/Health
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Almost certain
Rating (before treatment)	High
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Ensure that environmental health officers are appointed as required by legislation.
Rating (after treatment)	Low

16.8 AMENDMENT TO COUNCIL APPOINTMENT OF OFFICERS – LOCAL GOVERNMENT TO OFFICERS 2016

COUNCIL DECISION 410 MOVED CR P FEASEY

SECONDED CR B THOMPSON

That Council amend the Appointment of Officers – Local Government to Officers 2016 to:

- 1) include Peter Toboss as an environmental health officer until 17 March 2017; and
- 2) delete Peter McKenzie and Ron Boucher as environmental health officers, as detailed in Attachment A.

CARRIED BY AN 'EN BLOC'ABSOLUTE MAJORITY OF COUNCIL 7/0

1.2 Health Act 1911 - Appointment of environmental health officers		
Function to be performed:	To appoint environmental health officers of the local government	
Power to appoint:	Health Act 1911 s27 (1)	Officers of Local Government
Date of Appointment:	25 February 2015 August 2015 September 2015 10 February 2016 December 2016	D15/8364[v2] Resolution 535 Resolution 570 D16/1305 Resolution
Appointment of:	Peter McKenzie Christopher Tanner Vicky Chui Gladys Nyashanu Jarod Griffiths Louis DeKlerk Ron Boucher Peter Toboss	Manager Environmental Health Services Coordinator Environmental Health and Waste Services Coordinator Environmental Health (Health and Food Safety) Environmental Health Officer Environmental Health Officer Environmental Health Officer Environmental Health Officer (until 30 April 2016) Environmental Health Officer (until 17 March 2017)
Special Requirements:	Health Act 1911 s28 (1) Appointments to be approved by Executive Director Public Health	

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16.9 Disposal of Property by Way of Lease – Whole of Level 1, 18 Darius Drive, Kwinana (Feilman Building) – Between the City of Kwinana and Minister for Works (DFES)

SUMMARY:

This report seeks Council approval to enter into a new lease agreement (Attachment A) between the City of Kwinana and Minister for Works (DFES), in relation to Level 1, in the Feilman Building, situated at 18 Darius Drive, Kwinana.

At the Ordinary Council Meeting held on 10 February 2016, Council resolved to give local public notice of the proposed disposition in accordance with Section 3.58(3)(a) and (4) of the Local Government Act 1995.

The City advertised the proposed disposition by way of lease in the local public notice section of the Weekend Courier on Friday, 26 February 2016. Submissions were invited to be made in writing by Friday, 11 March 2016. There were no submissions received.

Section 3.58(4)(c) of the Local Government Act 1995 requires the market value of the disposition to be ascertained by a valuation carried out not more than 6 months before the proposed disposition. The valuation of the subject property was undertaken on 19 January 2016, which will be more than 6 months before the disposition; however, the market in relation to commercial office space declined and a more recent valuation obtained by Minister for Works is proposing a commercial rent to be paid in the amount of \$64,770 per annum with CPI increases in subsequent years. City officers have been in negotiations with Minister for Works' agent and a lease fee has been negotiated that is \$66,580 per annum, in the first year of the term and \$69,580 per annum, in the second year of the term with increases in subsequent years.

OFFICER RECOMMENDATION:

That Council:

- 1. Note that there have been no submissions received during the submission period.
- 2. Acknowledge the valuation undertaken on 19 January 2016 carried out more than 6 months before the proposed disposition to be the ceiling of an indicative rate per square metre range for commercial office space in the City Centre and that year one's rent be \$66,580, relying on Landgate's lower end Valuation, which reflects current commercial office market rental values.
- 3. Authorise the Chief Executive Officer and Mayor to sign the lease agreement between the City of Kwinana and Minister for Works (DFES), in relation to Level 1, in the Feilman Building, as detailed in Attachment A.

DISCUSSION:

The City was approached by the Department of Fire and Emergency Services (DFES), specifically seeking office accommodation on the first floor, in the Feilman building.

DFES performs a critical role coordinating emergency services for a range of natural disasters and emergency incidents threatening life and property, and is Western Australia's leading hazard management agency, formerly the Fire and Emergency Services Authority of WA. DFES operates 24 hours a day, every day of the year, providing emergency services across Western Australia's vast 2.5 million square kilometres on land, by sea and air.

The market rental valuation has been carried out on the premises by Pember Wilson & Eftos (pwe), and was received on 25 January 2016. The market rental value as at 25 January 2016 was determined to be \$66,000 per annum excluding GST and outgoings for the first floor. This rental amount was based on a net lettable area of 330 square metres, which equated to \$200 per square metre.

Due to the City of Kwinana and DFES having differing views of how many square metres the first floor was, the City engaged McMullen Nolan Group Pty Ltd (MNG) to undertake a building survey, to ascertain the net lettable areas for the first floor and the ground floor, in the Feilman Building. The net lettable area for the first floor is 381 square metres, as detailed in Attachment B. Subsequently, the increase in the net lettable area increased the rental amount from \$66,000 to \$76,200 per annum.

ACORPP, a property consultant company that has been appointed to undertake the lease negotiations on behalf of the Minister for Works, engaged the Valuer-General (Landgate) to undertake a valuation of the subject property. Although we have been unable to site the valuation completed by Landgate, ACORPP has advised Landgate's valuation amount is based on a rate that is less than \$200 per square metre. ACORPP advised the lease agreement is subject to confirmation from Landgate that the terms and conditions are in line with market parameters and at that stage, it was unable to obtain Landgate's support to the market rent the City of Kwinana proposed. ACORPP proposed a rental structure based on a rate of \$170 per square metre. Note that two properties that are in close proximity to the Feilman building are currently being leased as follows:

- 1. Leased Area: 262.646 square metres Net Rent Effective as at 1 July 2016: \$51,978.18 Net rate per square metre: \$197.90 Lease Commencement Date: 1 July 2006
- Leased Area: 390.33 square metres Net Rent Effective as at 21 May 2016: \$75,348.16 Net rat per square metre: \$193.04 Lease Commencement Date: 21 April 2006

The aforementioned market rental evidence is located approximately 150 metres west of the subject property. The office buildings enjoy major exposure and access to Gilmore Avenue, which indicates the location of this building is superior to the subject property.

Although, the commercial leasing market has somewhat declined since the 19 January 2016 valuation date and that the subject property has inferior exposure compared to the above other leased properties that are in close proximity, it must be acknowledged that the subject property comprises its own lift and stair case, and offers quality office space with exclusive use of all facilities available to the first floor. The proposed rental and rent review structure is set out as follows:

Year	Rent
1	\$66,580 per annum (\$174.75 per m2)
2	\$69,580 per annum (\$182.62 per m2)
3	Plus CPI or 3% (Whichever is greater)
4	Plus CPI or 3% (Whichever is greater)
5	Plus CPI or 3% (Whichever is greater)

It is recommended that the lease be for a period of five (5) years, with options for a further three, two (2) years terms.

LEGAL/POLICY IMPLICATIONS:

"For the purpose of Councillors considering a financial or impartiality interest only, the proponent/owner is the Minister for Works (DFES)."

Local Government Act 1995

Section 3.58 (3) and (4). Disposing of property

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property
 - (a) it gives local public notice of the proposed disposition
 - *(i)* describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

Department of Local Government's Advice

Section 3.58(4)(c)(ii)

The City's Officers received advice from the Department of Local Government in relation to the definition of proposed disposition, as stated in the Local Government Act 1995. The Principal Advisory Officer, Department of Local Government and Communities states:

"Another suggested option is that council may wish to pass a resolution in accordance with section 3.58(4)(c)(ii), which states: as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition."

"As you may be aware the intent of the provision is to ensure that the valuation is current at the time of the disposal. Should that intent be met and be able to be demonstrated then it appears the City would have adequately fulfilled its obligations in relation to the proposed disposition."

FINANCIAL/BUDGET IMPLICATIONS:

There are financial/budget implications identified as a result of this report.

The City will lose approximately \$357,677 of potential lease revenue, over the next five years if the lease agreement is not entered into.

ASSET MANAGEMENT IMPLICATIONS:

The Minister for Works (DFES) will undertake its own fit out work on the first floor at its own expense.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications identified as a result of this report.

STRATEGIC/SOCIAL IMPLICATIONS:

Plan	Objective	Strategy
Corporate Business Plan	6.3 Maximise the value of the City's property assets	6.3.1 Develop the City's Land Asset Management Plan and acquire, manage and dispose of Council land assets on the basis of the adopted recommendations

RISK IMPLICATIONS:

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

Risk Event	That Council does not approve the lease of the Feilman building
Risk Theme	Ineffective management of facilities/venues/events
Risk Effect/Impact	Financial
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Almost certain
Rating (before treatment)	High
Risk Treatment in place	Avoid
Response to risk treatment required/in place	This report is in relation to a new lease agreement, and negotiations have achieved a more favourable outcome for the City than originally proposed.
Rating (after treatment)	Low

COUNCIL DECISION

411

MOVED CR P FEASEY

SECONDED CR B THOMPSON

That Council:

- 1. Note that there have been no submissions received during the submission period.
- 2. Acknowledge the valuation undertaken on 19 January 2016 carried out more than 6 months before the proposed disposition to be the ceiling of an indicative rate per square metre range for commercial office space in the City Centre and that year one's rent be \$66,580, relying on Landgate's lower end Valuation, which reflects current commercial office market rental values.
- 3. Authorise the Chief Executive Officer and Mayor to sign the lease agreement between the City of Kwinana and Minister for Works (DFES), in relation to Level 1, in the Feilman Building, as detailed in Attachment A.

CARRIED BY 'EN BLOC' 7/0

Information Table

Item 1	Landlord				
	CITY OF KWINANA (formerly known as Town of Kwinana) of corner of Gilmore Avenue and Sulphur Road, Kwinana, Western Australia				
Item 2	Tenant				
	MINISTER FOR WORKS being a body corporate pursuant to the provisions of the <i>Public Works Act 1902</i> (WA) of care of Optima Centre, 16 Parkland Road, Osborne Park, Western Australia				
Item 3	Land				
	Lot 116 on Deposited Plan 73096 being the whole of the land in Certificate of Title Volume 2812 Folio 369				
Item 4	Premises				
	Whole of Level 1 of the building at 18 Darius Drive, Kwinana Town Centre with a Net Lettable Area of 381 square metres as shown on the survey plan annexed to this Lease. For the avoidance of doubt the foyer, toilets and balcony areas on Level 1 are included in the Premises.				
Item 5	Term				
	The period of 5 years from the Commencement Date to the Expiry Date				
	(a) Commencement Date : 14 December 2016				
	(b) Expiry Date: 13 December 2021				
Item 6	Option to Extend this Lease				
	(1) First Option Period : 2 years commencing on 14 December 2021				
	(2) Second Option Period : 2 years commencing on 14 December 2023				
	(3) Third Option Period : 2 years commencing on 14 December 2025				
Item 7	Rent				
	For the period 14 December 2016 to 13 December 2017 the Rent is \$66,580 per annum plus GST.				
	For the period 14 December 2017 to 13 December 2018 the Rent is \$69,580 per annum plus GST.				

Item 8	Rent Comm	encement Date	
	14 Decembe	r 2016	
Item 9	Fixed Revie	w Dates	
	Not applicab	le	
Item 10	Fixed Revie	w Percentage	
	Not applicab	le	
Item 11	Market Revi	ew Dates	
	During the Fi	irst Option Period:	14 December 2021
	During the S	econd Option Period:	14 December 2023
	During the T	hird Option Period:	14 December 2025
Item 12	2 CPI / 3% (Whichever is Greater) Review Dates		Review Dates
	During the Term: 14 December 2018, 14 December 2019, 14 December 2020		
	During the Fi	irst Option Period:	14 December 2022
	During the S	econd Option Period:	14 December 2024
	During the T	hird Option Period:	14 December 2026
Item 13	Outgoings		
	Net Lettable Area of the Premises at the Commencement Date: 381 square metres		
	Net Lettable Area of the Building at the Commencement Date: 738 square metres		
	Tenant's Share at the Commencement Date: 51.63%		
Item 14	em 14 Notices		
If to the Landlord:			
	Attention:	CEO	
	Address:	PO Box 21, Kwinana	a, Western Australia
	If to the Tenant:		
	Attention:		ent Office Accommodation, Department of anagement and Works

Address: Locked Bag 44, Cloisters Square, Perth, WA 6850

Fax: (08) 6551 2134

Item 15 Additional Provisions

(1) **Tenant's fitout**

- (a) The Landlord must provide the Tenant with full access to the Premises at least 2 weeks prior to the Commencement Date at no cost except for consumption of Utilities for the purposes of carrying out the Tenant's fitout of the Premises.
- (b) The Tenant shall be entitled to install its fit out within the Premises. The Tenant shall provide plans and specifications of the Tenant's fit out works for the Landlord's approval, which cannot be unreasonably withheld, delayed or conditioned, prior to the commencement of any Tenant fit out works.

(2) Signage

- (a) The Tenant has the right to install its signage on any directory signage board installed by the Landlord in the Building lobby. The right to install signage is to be provided to the Tenant by the Landlord at no cost.
- (b) The Tenant may install signage on allocated locations on the exterior of the Building throughout the Term and any extension at no licence fee to the Tenant, subject to obtaining the Landlord's written approval, which cannot be unreasonably withheld, delayed or conditioned.
- (c) The Tenant is responsible for the following (at its own cost):
 - (i) installing and maintaining the signage;
 - (ii) obtaining any approvals required from an Authority for all exterior signage however the Landlord must use reasonable endeavours to assist the Tenant in any application required to obtain the approvals; and
 - (iii) removing the signage at the end of this Lease and making good any damage to the Building (including any caused by that removal) (subject to fair wear and tear) to the reasonable satisfaction of the Landlord.

(3) Car parking

- (a) The Landlord grants the Tenant during the Term of this Lease and any renewed or extended term, an exclusive licence to:
 - (i) use and occupy 10 reserved car bays (**Car Bays**); and

(ii) in common with all other persons having the same right, use the driveways, entrances and exits necessary for access to and from the Car Bays,

at no cost or charge to the Tenant.

(b) The Landlord must ensure that the Car Bays are as close as possible to the Building. Any relocation of the Car Bays is subject to mutual agreement between the parties acting reasonably.

LEASE

BETWEEN:	The party or parties named in Item 1 of the Information Table. ("Landlord")
AND:	The party named in Item 2 of the Information Table. (" Tenant ")

AGREEMENT

1. Definitions and Interpretation

1.1 **Definitions**

In this Lease:

- (1) **ABS** means the Australian Bureau of Statistics;
- (2) **Accounting Year** means each period of 12 months ending on 30 June in each year disregarding any part of that period falling outside the Term;
- (3) **Air Conditioning Equipment** means the plant, chilled water piping, condenser water loops, electrical installations, ductwork and diffusers used to heat, cool, circulate and extract air throughout the Building;
- (4) **Australian Property Institute** means the Australian Property Institute (Inc.) Western Australian Division;
- (5) **Authority** includes any governmental or public authority of any kind;
- (6) **Best Practice** means work practices and methodologies that reflect the highest practicable standards recognised by the applicable industry and are in current use from time to time during this Lease;
- (7) **Building** means the building in which the Premises are situated including any modifications, extensions or alterations to the Building and the Landlord's Property;
- (8) **Business Day** means a day which is not a Saturday, Sunday or public holiday in Perth, Western Australia;
- (9) **Business Hours** means from 8:00 am to 6:00 pm on a Business Day;
- (10) **Commencement Date** means the date specified in Item 5 of the Information Table;
- (11) **Common Areas** means those parts of the Land and Building set aside or designated for the use of the occupiers of the Building or members of the public generally in common with each other and the Landlord;

- (12) **Costs** means costs, charges and expenses including those incurred in connection with advisors;
- (13) **CPI / 3% (Whichever is Greater) Review Date** means the dates (if any) specified in Item 12 of the Information Table;
- (14) **Environmental Laws** means all Laws regulating or otherwise relating to the environment including laws relating to land use planning, heritage, pollution, contamination, public and occupational health and safety, or any other aspect of protection of the environment;
- (15) **Expiry Date** means the date specified in Item 5 of the Information Table;
- (16) **Fixed Review Date** means the dates (if any) specified in Item 9 of the Information Table;
- (17) **Government Tenant** includes any corporation or other legal entity owned or controlled by a State Government, and any person, agent, authority or other instrumentality acting for or exercising the power of a state or federal Government;
- (18) **index number** means the Consumer Price Index (All groups) for Perth published from time to time by the ABS; if the ABS updates the reference base of the index number, the index number must be appropriately adjusted so as to preserve the intended continuity of calculation by using the appropriate arithmetical factor determined by the ABS;
- (19) **Information Table** means the part of this Lease described as the Information Table;
- (20) **Insolvency Event** occurs, in respect of a person when that person:
 - (a) informs its creditors generally that it is insolvent;
 - (b) has a meeting of its creditors called with a view to entering a scheme of arrangement or executing a deed of company arrangement;
 - (c) enters a scheme of arrangement except for a reconstruction whilst solvent;
 - (d) executes a deed of company arrangement with creditors;
 - has a controller or liquidator (as those terms are defined in the Corporations Act 2001 (Cth)) of its property or part of its property appointed;
 - (f) is the subject of an application to a court for its winding up, which application is not stayed within 10 Business Days;
 - (g) has a winding up order made in respect of it;

- (h) has an administrator appointed under section 436A, 436B or 436C of the Corporations Act 2001 (Cth); or
- (i) enters into voluntary liquidation;
- (j) fails to comply with a statutory demand within 14 days of the time for compliance and:
 - (i) if the corporation applies to have a statutory demand set aside within 14 days of the time for compliance, the application to set aside the statutory demand is unsuccessful; and
 - (ii) the corporation fails to comply with the statutory demand within 7 days of the order of the court dismissing the application.
- (21) Land means the land described in Item 3 of the Information Table;
- (22) Landlord includes:
 - (a) in the case of a person, that person's executors, administrators and assigns; and
 - (b) in any other case, the Landlord's successors and assigns;
- (23) **Landlord's Property** means the plant, equipment, fixtures, fittings and any other Landlord's property in the Premises;
- (24) **Landlord's Rent Notice** means a notice given by the Landlord under clause 3.3(2);
- (25) **Law** means any law, whether common law or any law under any statute, ordinance or code and includes subordinate legislation;
- (26) Market Rent means the current open market rental value of the Premises on the relevant Market Review Date determined on the basis that the Valuer must value the Premises for office use, or the alternative purpose that the Premises are being used for, and:
 - (a) disregard:
 - any goodwill attributable to the Premises by reason of the trade, business or activity carried on by the Tenant and the value of the Tenant's Property;
 - (ii) any rent free period, financial contribution (including a contribution to fit out Costs) or other inducement to lease given to the Tenant in consideration for entering into this Lease;
 - (iii) the Costs of the Tenant moving to other premises;
 - (iv) the fact that the Tenant currently occupies the Premises;

- (v) any partitions installed by or other alterations made by the Tenant;
- (vi) any state of disrepair of the Premises if that condition results from any work carried out or not carried out on the Premises by the Tenant or from the Tenant's breach of any provision of this Lease;
- (vii) naming and signage rights granted to the Tenant under this Lease;
- (viii) the provision of any wintergardens or balconies by the Landlord;
- (ix) any increase or decrease in the value of Land or the Building as a result of structural alterations or fit out works carried out by or for the Tenant;
- (x) the Tenant's limited make good obligations under this Lease; and
- (b) take into account:
 - any rent free period, financial contribution (including a contribution to fit out Costs) or other inducement to lease (ie leasing incentives) given to tenants of other premises similar to the Premises at the time of the relevant Market Review Date;
 - (ii) the provisions of this Lease;
 - (iii) the full term of this Lease regardless of any part that has elapsed;
 - (iv) the rent and any other amounts paid or payable by tenants in respect of other premises of a quality, nature, size and location similar to the Premises;
 - (v) the use of the Premises;
 - (vi) the assumption that the Premises are vacant and available for fitting out; and
 - (vii) the assumption that the Tenant has observed and performed all the provisions of this Lease.
- (27) **Market Review Date** means the dates (if any) specified in Item 11 of the Information Table;
- (28) **Net Lettable Area** means the net lettable area as certified by a licensed surveyor appointed by the Landlord at its cost using the Property Council's 2008 Method of Measurement for office buildings;

- (29) **Official Requirement** means any requirement, notice, order or direction properly given by any Authority;
- (30) **Option Period** means any of the First Option Period, Second Option Period or Third Option Period as the context requires.
- (31) **Outgoings** has the meaning set out in Schedule 1;
- (32) **Premises** means the premises described in Item 4 of the Information Table including the area:
 - (a) from the top surface of the floor to the under surface of the ceiling;
 - (b) to the inside surface of any windows;
 - (c) to the external surface of internal walls; and
 - (d) to the inside surface of any external wall.
- (33) **Property Council** means the Property Council of Australia Limited;
- (34) **Property Manager** means a representative or employee of the Landlord appointed under clause 12.1(2) to represent the Landlord in relation to this Lease;
- (35) **quarter** means a 3 month period.
- (36) Rates and Taxes means:
 - (a) council rates and charges including rubbish removal rates and charges;
 - (b) land tax and metropolitan region improvement tax calculated on the basis that the Land is the only land owned or leased by the Landlord;
 - (c) water, drainage and sewerage rates including meter rents, charges for the disposal of stormwater, and water charges; and
 - (d) all other rates, taxes, charges, assessments and impositions,

which are imposed by an Authority in relation to the Land or the Building, excluding any capital gains tax, income tax or personal tax assessed on the Landlord;

- (37) **Rent** means the rent stated in Item 7 of the Information Table;
- (38) **Rent Commencement Date** means the date stated in Item 8 of the Information Table;
- (39) **Review Date** includes each of the dates (if any) stated in Item 9, Item 11, and Item 12 of the Information Table;

- (40) **Schedule** means the schedules to this Lease;
- (41) Services means all gas, electricity, telephone, water, sewerage, fire prevention, ventilation, air conditioning, hydraulic, elevator and security services grease traps, communications equipment and all other services or systems provided in the Building or available for the Tenant's use whether provided by the Landlord or any Authority;
- (42) **State** means the State of Western Australia;
- (43) **Tenant** includes the Tenant's successors and permitted assigns;
- (44) Tenant's Employees means each of the Tenant's employees, contractors and agents or other employees, contractors and agents of the State and those persons over whom the Tenant exercises control at the Premises;
- (45) **Tenant's Property** means the property of the Tenant or the Tenant's Employees brought into, installed or erected in the Premises (and includes any property acquired from a former occupier of the Premises);
- (46) **Tenant's Rent Notice** means a notice given by the Tenant under clause 3.3(4) or clause 3.3(7).
- (47) **Tenant's Share** means the same proportion which the Net Lettable Area of the Premises bears to the total Net Lettable Area of the Building;
- (48) **Term** means the term of this Lease stated in Item 5 of the Information Table;
- (49) **Utilities** means all gas, electricity, telephone, water and communications services provided in the Building or available for the Tenant's use whether provided by the Landlord or any Authority;
- (50) **Valuer** means a person who:
 - (a) is a fellow or an associate, of not less than 10 years standing, of the Australian Property Institute and is practising and registered under the *Land Valuers Licensing Act 1978* (WA) at the time of appointment; and
 - (b) has at least 5 years' experience in valuing the kind of premises leased by this Lease.

1.2 Interpretation

In this Lease, unless the contrary intention appears:

- headings or subheadings are inserted for guidance only and do not govern the meaning or construction of this Lease or of any provision contained in this Lease;
- (2) words expressed in the singular include the plural and vice versa;

- (3) words expressed in one gender include the other genders;
- (4) a reference to a person includes a natural person, partnership, joint venture, association, or corporation and a government or any governmental, local authorities and agencies;
- (5) a reference to a party to a document includes that party's successors personal representatives and permitted assigns;
- (6) an agreement on the part of 2 or more persons binds them jointly and severally;
- (7) a reference to a body, other than a party to this Lease (including an institute, association or authority), whether statutory or not:
 - (a) which ceases to exist; or
 - (b) whose powers or functions are transferred to another body,

is a reference to the body which replaces it or which substantially succeeds to its powers or functions;

- (8) where a general description of a thing, including a right or obligation, is followed by a specific instance or example of that thing, that specific instance or example does not limit the scope of the general description;
- (9) a reference to a thing includes a part of that thing but without implying that part performance of an obligation is performance of the whole;
- (10) references to clauses and parties are references to clauses of, and parties to, this Lease and a reference to a subclause is a reference to a subclause in the clause in which the reference appears;
- (11) all the provisions in the Information Table and in a Schedule at the back of this Lease are incorporated in and form part of this Lease;
- (12) no rules of construction apply to the disadvantage of a party because that party was responsible for the drafting of this Lease or of any of the provisions of this Lease;
- (13) a reference to a statute includes a regulation, rule, by-law, requisition and order made under that statute and any amendment to or re-enactment of that statute, regulation, rule, by-law, requisition or order for the time being in force;
- (14) a reference to a document, including this Lease, includes each document or agreement varying or replacing that document;
- (15) where the day on or by which any thing is to be done is not a Business Day, that thing must be done on or by the next Business Day;
- (16) a reference to 'dollars' and \$ is to Australian currency;

- (17) month means a calendar month;
- (18) 'including' and 'includes' are not words of limitation;
- (19) a period of time dating from a given day or the day of an act or event, is to be calculated exclusive of that day;
- (20) a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later;
- (21) an accounting term is a reference to that term as it is used in accounting standards under the Corporations Act 2001 (Cth), or, if not inconsistent with those standards, in accounting principles and practices generally accepted in Australia;
- (22) time is a reference to Perth time; and
- (23) a reference to the "State" in this Lease includes the Crown in right of the State of Western Australia whether body corporate or otherwise, and the State of Western Australia's departments, agencies and instrumentalities.

1.3 Areas and Measurement

- (1) If any area of the Premises or the Building is to be calculated or measured for the purposes of this Lease, those calculations and measurements must be in accordance with the method for the measurement of Net Lettable Area.
- (2) The Landlord is responsible for calculating or measuring any area for the purposes of this Lease and must pay the Costs incurred.
- (3) If any calculation or measurement required in relation to this Lease is not completed within 60 days after the Commencement Date, the Tenant may arrange for it to be done and the reasonable and proper Costs incurred by the Tenant must be paid by the Landlord on demand or, if not paid within 30 days after demand, may be set-off against the Rent and other money payable under this Lease.

1.4 Written Notices

If a provision of this Lease requires a notice to be given by a party, it must be in writing unless the provision states that it may be given orally.

1.5 Whole Agreement

The terms contained in this Lease comprise the whole agreement between the Landlord and the Tenant.

1.6 Lease to Operate as Deed

This Lease operates as a deed on execution by the Landlord and the Tenant.

1.7 Change of Landlord

The Landlord is released from the Landlord's obligations under this Lease which arise after the date the Landlord ceases to be the registered proprietor of the Land subject to the new registered proprietor of the Land becoming bound (by operation of Law or otherwise) by all the Landlord's obligations under this Lease from the same date.

2. Term and Holding Over

2.1 **Term**

The Landlord leases to the Tenant and the Tenant takes a lease of the Premises for the Term commencing on the Commencement Date and terminating on the Expiry Date subject to the provisions of this Lease.

2.2 **Quiet Enjoyment**

If the Tenant complies with the Tenant's obligations under this Lease, the Tenant may use the Premises without interruption or disturbance from the Landlord or any person claiming by, through or under the Landlord.

2.3 **Other Occupiers**

The Landlord must not, and the Landlord must use its best endeavours to ensure other occupiers of the Building and the Land do not, create any nuisance, disturbance, obstruction or security risk or do anything that interferes with or affects the Tenant's use of the Premises, the Building and the Land.

2.4 Holding Over

If the Tenant continues to occupy the Premises after the Expiry Date or after any extended term without objection by the Landlord (except under a lease arising from the valid exercise of an option to renew) the following provisions apply.

- (1) The Tenant occupies the Premises as a monthly tenant (unless otherwise agreed) at a total rent equal to 1/12th of the aggregate of the Rent and other money payable by the Tenant to the Landlord under this Lease immediately before the monthly tenancy commenced, payable monthly in advance the first of the monthly payments to be made on the day following the Expiry Date.
- (2) As far as applicable, the monthly tenancy otherwise continues on the terms and conditions of this Lease.
- (3) The monthly tenancy may be terminated at any time by either the Landlord or the Tenant giving to the other not less than 30 days' notice ending on any date.

3. Rent and Rent Reviews

3.1 Rent

- (1) The Tenant must pay the Rent to the Landlord without demand, deduction or right of set-off (unless allowed by this Lease) by equal monthly instalments in advance.
- (2) The first instalment must be paid on the Rent Commencement Date.
- (3) Subsequent instalments must be paid on the first day of each month.
- (4) If necessary, the first and last instalments will be apportioned on a daily basis.
- (5) All instalments must be paid at the place the Landlord reasonably directs.

3.2 **CPI / 3% (Whichever is Greater) Rent Review**

- If Item 12 of the Information Table has been completed by inserting CPI / 3% (Whichever is Greater) Review Dates, the Rent must be reviewed on the basis in this clause 3.2 with effect from and including each date in Item 12 and apply CPI or 3%, whichever is greater.
- (2) The Rent must be reviewed to an amount which is the greater of the amounts in paragraphs (a) and (b) as follows:
 - (a) the amount which is represented by A in the following formula:

$$A = \frac{B}{C} \times D$$

Where

- B = the index number determined for the quarter ending immediately prior to the relevant CPI / 3% (Whichever is Greater) Review Date;
- C = the index number determined for the quarter ending immediately prior to the later of the Commencement Date or the date from when the Rent was last reviewed; and
- D = the Rent payable immediately prior to the relevant CPI / 3% (Whichever is Greater) Review Date; and
- (b) the Rent applying immediately before the relevant CPI / 3% (Whichever is Greater) Review Date increased by 3%.
- (3) If the Consumer Price Index (All Groups) for Perth is suspended or discontinued, the words "**index number**" means the price index substituted by the ABS.

- (4) If no price index is substituted, the words "**index number**" means an index which the parties agree most closely reflects changes in the cost of living.
- (5) If the parties cannot agree on a substitute index, the president of the Australian Property Institute, at the request of either party, may appoint an expert to determine a substitute index which most closely reflects changes in the cost of living and the words "**index number**" means that index.

3.3 Market Rent Review

- (1) If Item 11 of the Information Table has been completed by inserting Market Review Dates, the Rent must be reviewed to the Market Rent determined on the basis in this clause 3.3 with effect from and including each date in Item 11.
- (2) The Landlord must state the amount which the Landlord considers to be the Market Rent (and provide evidence for the calculation of the Market Rent) by notice to the Tenant at any time:
 - (a) no earlier than 3 months before the relevant Market Review Date; and
 - (b) no later than 3 months after the relevant Market Review Date.
- (3) Time is of the essence in respect of the Landlord's Rent Notice and a notice given other than within that period has no effect.
- (4) Within 45 Business Days after receiving the Landlord's Rent Notice, the Tenant may give the Landlord a notice either agreeing to or disputing the amount stated in the Landlord's Rent Notice.
- (5) If the Tenant's Rent Notice states that the Tenant agrees to the amount stated in the Landlord's Rent Notice, the Rent payable from the relevant Market Review Date will be the amount in the Landlord's Rent Notice.
- (6) If the Tenant's Rent Notice states that the Tenant disputes the amount stated in the Landlord's Rent Notice (or if the Tenant does not give a notice in time) the Rent payable from the relevant Market Review Date will be the Market Rent determined under clauses 3.4 to 3.6 inclusive.
- (7) If the Landlord's Rent Notice is not given within the time required under clause 3.3(2), the Tenant may by notice to the Landlord at any time no later than 12 months after the relevant Market Review Date require that the Rent payable from the relevant Market Review Date will be determined under clauses 3.4 to 3.6 inclusive.
- (8) If neither the Landlord nor the Tenant gives a notice under this clause 3.3, the Rent remains unchanged.

3.4 **Determination of Market Rent**

(1) The Landlord and the Tenant must in good faith try to agree on the Market Rent.

- (2) If agreement is not reached within 45 Business Days after the Tenant's Rent Notice is given (or any other period agreed by the parties),then either party can request the President of the Australian Property Institute to appoint a determining Valuer to determine the Market Rent acting as an expert.
- (3) The Valuer must be appointed on the basis that the Landlord and the Tenant will make submissions in accordance with clauses 3.5(4) and 3.5(6).

3.5 **Rules Governing Valuer's Determination**

The following rules apply to the determination made by the Valuer:

- (1) the Valuer must make a written determination containing reasons as soon as possible after their appointment (but not later than 40 Business Days after their appointment unless otherwise agreed by the parties);
- (2) irrespective of when made, the Valuer's determination is final and binding on the Landlord and the Tenant, other than in the case of manifest error;
- (3) the Valuer's costs must be paid within 20 Business Days after the date of the Valuer's invoice. If a party defaults in the payment of the Valuer's costs, the other party may pay the amount owing and recover the amount paid as a debt from the defaulting party. If the defaulting party is the Landlord, the Tenant may set-off the debt against the Rent and other money payable under this Lease;
- (4) the Landlord and the Tenant may make written submissions to the Valuer in relation to the Market Rent within 15 Business Days after the date of appointment of the Valuer to be appointed;
- (5) a party making a written submission must at the same time give a copy of it to the other party;
- (6) a party may within 5 Business Days after receiving a copy of the other party's written submission, give the Valuer a written response to that submission and must give a copy of the response to the other party.
- (7) a request for information must be complied with promptly in writing by the party to whom it is directed and that party must make a copy of that information available to the other party;
- (8) information may be provided on a confidential basis and, if so, the party receiving it and the Valuer must treat the information as confidential and must not use that information other than for the purpose of the Market Rent determination; and
- (9) the costs of a Valuer appointed solely by one party must be paid by the appointing party. The costs of a jointly appointed Valuer must be paid by the Landlord and the Tenant in equal shares.

3.6 **Payment of determined Market Rent**

- (1) Until the determination of the reviewed Rent has been made, the Tenant must continue to pay Rent at the rate payable immediately before the relevant Market Review Date.
- (2) Any variation in Rent as the result of review under clauses 3.3 and 3.4 takes effect from the relevant Market Review Date.
- (3) Within 30 Business Days after the determination of the reviewed Rent, the Landlord must refund to the Tenant any overpaid Rent or the Tenant must pay to the Landlord any shortfall in Rent resulting from the determination of the Market Rent. The Tenant may set-off the amount of any refund due from the Landlord against the Rent and other money payable under this Lease.

3.7 Fixed Percentage Review

- (1) On each Fixed Review Date, the Rent must be reviewed on the basis in this clause 3.7 with effect from the relevant Fixed Review Date.
- (2) On each Fixed Review Date the Rent applying immediately before the relevant Fixed Review Date must be increased by the percentage number specified in Item 10 of the Information Table and the increased amount will be the Rent applying from and including the relevant Fixed Review Date.

3.8 General

The Rent determined under this clause 3 may be lower, the same as or higher than the Rent applying immediately before the relevant Review Date.

4. Outgoings

4.1 **Tenant's Share**

The Tenant must pay the Landlord the Tenant's Share of the Outgoings for each Accounting Year.

4.2 **Tenant's Share at Commencement**

If figures are inserted in Item 13 of the Information Table, the Net Lettable Area of the Premises, the total Net Lettable Area of the Building and the Tenant's Share at the Commencement Date are as specified in Item 13.

4.3 Estimates

At the beginning of the first Accounting Year and at least 20 Business Days before the beginning of each subsequent Accounting Year the Landlord must give the Tenant an estimate of the Outgoings and the Tenant's Share of the Outgoings payable for the relevant Accounting Year.

4.4 Instalments

The Tenant must pay the amount of the estimate under the preceding clause by monthly instalments on the same day that Rent is payable. The amount of each instalment must be set out in invoices given by the Landlord to the Tenant.

4.5 **Benefit of Discounts**

If the Landlord obtains the benefit of any discount or other concession in respect of any Outgoings, whether because of early payment or any other reason, only the amount actually paid or payable by the Landlord is to be included in the Outgoings in determining the amount of the Tenant's Share.

4.6 **Fines etc**

Except to the extent caused by the Tenant's failure to pay an amount by the due date under this Lease, the amount of any fine or other penalty, including interest, imposed in relation to any Outgoings is not to be included in the Outgoings in determining the amount of the Tenant's Share.

4.7 Late Inclusion in Outgoings

Any expenditure by the Landlord may not be included in the Outgoings later than 12 months from the date the expenditure occurred.

4.8 Landlord's duty to minimise Outgoings

The Landlord must use reasonable endeavours to minimise the Outgoings and the Outgoings must be commensurate with the Outgoings as found in similar buildings in similar locations. In the event the Tenant believes that the building management costs are in excess of commercial rates then the Tenant is able to request the matter be resolved through the dispute resolution provisions in clause 24.

5. Outgoings Adjustment

5.1 Audited Statement

As soon as reasonably practicable after the end of each Accounting Year (but no later than 6 months after the end of the relevant Accounting Year) the Landlord must:

- (1) notify the Tenant of the actual amount of the Outgoings and the actual amount of the Tenant's Share of the Outgoings payable by the Tenant for that Accounting Year; and
- (2) give the Tenant statements (which must be audited, if required by the Tenant) relating to the Outgoings, containing full details of the nature of all Outgoings sufficient to enable the Tenant to verify the Landlord's expenditure on Outgoings.

5.2 **Obligation to Pay suspended**

If the Landlord does not comply with the preceding clause, the Tenant's obligation to pay the Tenant's Share of the Outgoings is suspended until the Landlord has complied with it.

5.3 Inspection of Records

- (1) The Tenant has the right to review the audited Outgoings and to undertake an independent audit if deemed necessary (but not more than once during any 12 month period, other than where an independent audit identifies a material and systemic discrepancy in the Landlord's calculation of Outgoings), at the Tenant's sole discretion.
- (2) If requested by the Tenant, the Landlord must allow the Tenant to inspect all the Landlord's records relating to the determination and calculation of the Outgoings and provide all reasonable assistance and information including actual invoices necessary to enable the Tenant to undertake an audit under clause 5.3(1).
- (3) Any independent audit undertaken by the Tenant under clause 5.3(1) will be at the Tenant's cost.

5.4 Estimate Less

If the amount of the Outgoings paid by the Tenant for the relevant Accounting Year based on the Landlord's estimate is less than the amount payable by the Tenant, the Tenant must pay the difference to the Landlord within 20 Business Days after the Landlord requests payment.

5.5 Estimate More

If the amount of the Outgoings paid by the Tenant is more than the amount payable by the Tenant, the Landlord must give credit to the Tenant for the difference when the next payment of money is due by the Tenant under this Lease. If no further payment will become due the Landlord must pay the difference to the Tenant within 20 Business Days after the difference has been calculated.

6. Utilities

6.1 Charges for Utilities

The Tenant must pay by the due date all charges for Utilities supplied to the Premises, as invoiced by the relevant supplier.

6.2 **Amount Payable**

If any Utilities are supplied to the Premises by the Landlord, the Landlord must:

(1) charge the Tenant for those Utilities at the rate at which the Utilities are supplied to the Landlord; and

(2) in relation to electricity and gas consumption charges, provide the Tenant with documentation which is reasonably sufficient for the Tenant to verify the charge including meter reading details and a copy of the invoice issued by the relevant supplier.

6.3 Utilities to the Premises

The Tenant may make the Tenant's own arrangements direct with a supplier of a Utility.

6.4 **Electrical Installations**

The Tenant must not:

- make any alterations or additions to the electrical installations or wiring on the Premises without the Landlord's consent, which will not be unreasonably refused or delayed or conditioned;
- (2) install any electrical equipment which overloads the cables, switchboards or sub-boards through which electricity is conveyed to the Premises; or
- (3) interfere with or obstruct access to the Air Conditioning Equipment or fire alarm or prevention system installed in the Premises.

7. Use of the Premises

7.1 **Permitted Use**

The Tenant may only use the Premises for office purposes and ancillary uses in accordance with the Tenant's normal operations unless the Landlord consents to another use. The Landlord acknowledges and agrees that the permitted use of the Premises includes providing fire and emergency services and ancillary uses.

7.2 **Obligations**

The Tenant must:

- (1) keep the Premises free of pests, insects and vermin;
- (2) securely lock all exterior doors and windows in the Premises when the Premises are not occupied;
- (3) comply with fire drills and emergency procedures (including evacuation) when reasonably requested by the Landlord;
- (4) make reasonable efforts to enforce any prohibition against smoking in the Building imposed by Law or by the Landlord;
- (5) promptly inform the Landlord after becoming aware of any substantial damage to the Premises or the Building or of the faulty operation of any Utilities;

- (6) ensure that its employees, contractors and agents do not smoke in or around the Building and use best endeavours to ensure that visitors do not smoke in or around the Building; and
- (7) comply with all relevant/applicable Laws in its use and occupation of the Premises.

7.3 **Prohibitions**

The Tenant must not:

- (1) use the Premises as a residence;
- (2) keep any animals or birds in the Premises;
- (3) carry on any illegal activities on the Premises; and
- (4) do anything on the Premises which causes nuisance, damage or disturbance to occupiers of nearby property.

7.4 **Restrictions**

The Tenant must not, without the Landlord's consent, which will not be unreasonably refused, delayed or conditioned (but subject to any other provision of this Lease):

- (1) hold any auction, bankrupt or fire sale on the Premises;
- (2) modify or interfere with the drainage or water supply facilities serving the Premises or any equipment connected to those facilities;
- (3) obstruct the entrances, exits, driveways and any other similar areas forming part of the Common Areas;
- store or use inflammable or explosive substances in the Premises unless they are stored in proper containers and are used in accordance with all relevant Laws;
- (5) interfere with or obstruct the operation of or access to the Services or overload any Service;
- (6) use any facilities in or near the Premises or in the Building, including the toilets and drains, for any improper purpose;
- (7) fix blinds or awnings to the outside of the Premises;
- (8) affix to the outside of the Premises a television or radio mast, antenna, satellite dish or any other similar device;
- (9) install any equipment in the Premises which may overload any Utilities;
- (10) do anything in the Premises which involves the use of hazardous material; or

(11) interfere with the use of the common areas by other tenants in the Building or their employees or invitees.

8. Maintenance and Repair

8.1 **Repair of Premises**

- (1) The Tenant must keep the interior of the Premises in good repair and condition except for:
 - (a) fair wear and tear; and
 - (b) damage by fire, storm, tempest and any other risk which a prudent owner can and usually does insure against, including damage to plate glass.
- (2) The second exception in clause 8.1(1) does not apply to the extent that insurance money is irrecoverable through the negligent act or default of the Tenant or the Tenant's Employees.
- (3) Nothing in clause 8.1(1) imposes responsibility on the Tenant for any maintenance, replacement, renovation or repair of a capital or structural nature unless required because of:
 - (a) the negligent act or default of the Tenant or the Tenant's Employees; or
 - (b) the Tenant's use of the Premises other than as permitted by this Lease.

8.2 Cleaning, Maintenance and Breakages

The Tenant must:

- (1) keep the Premises clean and tidy;
- (2) store all waste and garbage in proper containers; and
- (3) repair or replace, or pay to the Landlord the reasonable cost of repairing or replacing, damaged or inoperative electric light bulbs, globes, tubes and other means of illumination in the Premises.

8.3 Cleaning Service

The Tenant will be required to arrange for its own cleaners to clean the Premises and it will not be responsible for the payment of cleaning costs of the Premises to the Landlord.

9. Alterations

9.1 Alterations and Additions

- (1) Subject to clause 9.1(2), the Tenant may alter or add to the Premises, including the Tenant's initial fitout of the Premises.
- (2) The Tenant is to provide the Landlord with plans and specifications for the Tenant's fitout works for the Landlord's approval and such approval must not be unreasonably withheld, delayed or conditioned.

9.2 Installation of Equipment

The Tenant must not, without the Landlord's consent, which will not be unreasonably refused or delayed or conditioned:

- (1) install any water, gas or electrical fixtures, equipment or appliances or any apparatus for air conditioning, heating, cooling, ventilating or illuminating the Premises; or
- (2) mark, drill, deface or damage any part of the Premises.

9.3 **Partitions**

- (1) Before the Tenant installs any partitions in the Premises, the Tenant must submit to the Landlord for approval a copy of the plans and specifications for the proposed work which must comply with relevant Laws and Official Requirements.
- (2) The partitions must be installed at the Tenant's expense.
- (3) The Landlord will not unreasonably refuse or delay approval under this clause 9.3.

10. Legal Obligations

10.1 **Compliance with Laws and Official Requirements**

The Tenant must comply with and observe any Law or Official Requirement concerning:

- (1) the Tenant's Property; or
- (2) the Tenant's use or occupation of the Premises or the gender or number of persons in the Premises.

10.2 Structural Alterations

The Tenant is not required under clause 10.1 to do or pay for structural alterations or additions except those arising from:

- (1) the nature of the Tenant's business;
- (2) the number or gender of the persons comprising the Tenant or the Tenant's Employees; or
- (3) any negligent act or default by the Tenant or the Tenant's Employees.

11. Common Areas

11.1 Tenant May Use

The Tenant and the Tenant's Employees have the non-exclusive right to use the Common Areas for the purposes for which they are designed or intended in common with the Landlord and other persons authorised by the Landlord.

11.2 Fire stair usage

The Tenant and the Tenant's Employees have the non-exclusive right to use the Building's fire stairs (if any) for internal access between the floors of the Premises.

11.3 Control and Safety

- (1) Subject to clause 11.3(2) the Landlord is responsible for the control of the Common Areas and any other parts of the Building not leased to a tenant. The Landlord must ensure that the Common Areas are properly maintained, safely lit and kept in a clean and safe condition commensurate with similar buildings in similar locations at all times.
- (2) The Tenant may request the Landlord to provide a higher level of control, maintenance, lighting, safety or cleanliness. The Tenant must pay the cost of any control, maintenance, lighting, safety or cleanliness higher than the standard applicable to similar buildings in similar locations which the Tenant requires the Landlord to provide.

12. Management of the Building by Landlord

12.1 Management

- (1) The Landlord must properly manage and operate the Building.
- (2) The Landlord must appoint a Property Manager (which can be a representative or employee of the Landlord) to represent the Landlord in relation to this Lease. The Property Manager is taken to be authorised to exercise the rights and powers of, and discharge the obligations of, the Landlord under this Lease. For the avoidance of doubt, the Tenant acknowledges that the Landlord will self-manage the Premises and agrees that self-management by the Landlord will satisfy this clause.

12.2 Rules

The Landlord may prescribe reasonable rules relating to safety and the use and operation of the Building and vary them at any time by notice to the Tenant, provided that the rules are not inconsistent with this Lease. The Tenant must comply with a rule or variation from the time that reasonable notice of the rule or variation is given to the Tenant except that this Lease applies instead of any rule to the extent that there is any inconsistency between them. The Landlord must take reasonable action to enforce the rules.

12.3 Safety and Security

- (1) The Landlord must comply with any reasonable request of the Tenant which is made for the purpose of ensuring the safety and security of the Premises. If the request requires any expenditure, the Tenant must reimburse the Landlord's reasonable costs, unless the request relates to an obligation of the Landlord under another provision of this Lease.
- (2) The Landlord must ensure that, in managing and operating the Building, it:
 - (a) adheres to Best Practice; and
 - (b) complies with all Laws and Official Requirements,

in the management of emergency evacuation procedures.

12.4 Right to Enter

- (1) The Landlord may:
 - (a) after giving at least 3 Business Days' notice to the Tenant; or
 - (b) in an emergency, or to do rectification or preventative works to comply with its obligations under this Lease with respect to Services, without notice,

enter the Premises.

- (2) In exercising its entry rights under clause 12.4(1), the Landlord or its representative:
 - (a) must be accompanied by a representative of the Tenant at all times;
 - (b) must not interfere with the Tenant's business, in particular any fire and emergency operations; and
 - (c) must comply with the Tenant's usual access requirements.

12.5 Minimise disruption

If the Landlord does anything permitted by the preceding clause the Landlord must:

- (1) take reasonable action to ensure there is no disruption to the Tenant's use of the Premises; and
- (2) promptly make good any damage to the Tenant's Property caused by the Landlord.

12.6 For Sale Signs

- (1) The Landlord may place advertisements on the exterior of the Premises if the Premises are for sale or lease but such advertisements must not conceal any Tenant's signs or otherwise hinder the Tenant's use of the Premises.
- (2) If the Premises are for lease, the advertisements may only be placed on the Premises within the last 3 months of the Term.

12.7 **Directory Boards**

The Landlord must, if the Tenant requests, arrange for the Tenant's name (or relevant State agency) to be included in any directory board in the Building giving information about tenants in the Building.

13. Tenant's Rights in relation to use of Building

13.1 After Hours Access

The Tenant may have uninterrupted access to the Premises at all times whether or not during Business Hours, but the Tenant must comply with the Landlord's reasonable requirements relating to safety and security in connection with access outside Business Hours.

13.2 Cabling

The Tenant may use risers or spaces within the Building provided for the running of computer and other electrical, data and communications cabling for the occupants' use, for the running of that cabling as long as the Tenant ensures that:

- (1) the running of the computer and other electrical, data and communications cables in the Building does not cause irreparable damage to the Building;
- (2) the Building is secured where the computer and other electrical, data and communications cables are run; and
- (3) the use of the Building for the running of the computer and other cabling is reasonable, having regard to the needs of the other tenants or occupiers.

14. Assignment and Subletting

14.1 Assignment and Subletting Permitted with Consent

Subject to clause 14.4 the Tenant may assign all or part of this Lease or sublet all or part of the Premises with the Landlord's prior written consent which is not to be unreasonably withheld, conditioned or delayed.

14.2 **Requirements for Assignment**

The Landlord will not refuse its consent to the assignment or unreasonably delay that consent if the Tenant first makes a written application to the Landlord for consent and:

- (1) the Tenant is not in default under this Lease, written notice of which has been given to the Tenant (disregarding a default which has been remedied by the Tenant or waived by the Landlord);
- (2) the Tenant provides evidence that the incoming tenant is a respectable, responsible and solvent person and is capable of performing the obligations of the Tenant under this Lease;
- (3) if the incoming tenant is a company (other than a company whose shares are listed on the Australian Stock Exchange) the incoming tenant's obligations are guaranteed by the directors of the company or (at the Tenant's option) the incoming tenant agrees to give the Landlord a bank guarantee for an amount no less than 3 months' Rent as security for the performance of the incoming tenant's obligations; and
- (4) the Tenant, the incoming tenant and any incoming guarantor (if applicable) sign a deed, in a form prepared or approved by the Landlord, acting reasonably, requiring the incoming tenant to comply with the Tenant's obligations under this Lease together with those requirements in Schedule 3 and any incoming guarantor to guarantee those obligations.

14.3 **Requirements for Subletting**

The Landlord will not refuse its consent to the subletting or unreasonably delay that consent if the Tenant first makes a written application to the Landlord for consent and:

- (1) the Tenant is not in default under this Lease, written notice of which has been provided to the Tenant (disregarding a default which has been remedied by the Tenant or waived by the Landlord); and
- (2) the Tenant provides evidence that the incoming tenant is a respectable, responsible and solvent person.

14.4 Assignment to Government Tenant

Clause 14.1 does not apply to an assignment or subletting to any Government Tenant and the Tenant may assign this Lease or sublet the Premises to a Government Tenant at any time without the Landlord's consent, but the Tenant must promptly give the Landlord notice of any assignment to a Government Tenant.

14.5 Exclusion of Property Law Act

Sections 80 and 82 of the Property Law Act 1969 are excluded.

14.6 **Tenant Released**

From the date that the Tenant assigns this Lease, subject to compliance with clause 14.2, the Tenant is released from all its obligations under this Lease but will not be released from any obligations which are outstanding in respect of the period before the date of assignment.

14.7 Assignment or subletting to Non-Government Tenant

- (1) The provisions in Schedule 3 apply if this Lease is assigned (in whole or in part) to any person other than a Government Tenant.
- (2) The provisions in this Lease that relate to self-insurance by the Tenant (clause 15.5) will not apply if this Lease is assigned or the Premises are sublet to any person other than a Government Tenant.

15. Liabilities and Indemnity

15.1 Effect on the Landlord's Insurance

The Tenant must not knowingly do or omit to do anything to or upon the Premises which:

- (1) increases the cost of; or
- (2) renders void or voidable,

any of the Landlord's insurance relating to the Premises or the Building, but the Tenant is not liable for any claim by the Landlord under this clause unless the Landlord has first given the Tenant notice of the relevant insurance requirements and allowed the Tenant a reasonable period to comply with those requirements and the Tenant has failed to do so within that period.

15.2 Inflammable Substances

The Tenant must not store chemicals, inflammable liquids, acetylene, gas, volatile or explosive oils, compounds or substances on the Premises (unless it is reasonably necessary for the Tenant's use of the Premises permitted under this Lease).

15.3 **Risk**

Subject to the Landlord's obligations under this Lease:

- (1) all property of the Tenant in the Premises is at the Tenant's risk; and
- (2) the Tenant occupies and uses the Premises at the Tenant's risk,

except to the extent that any loss or damage is caused by the negligent act or default of the Landlord or the Landlord's employees, contractors or agents.

15.4 Indemnity

The Tenant is responsible for and indemnifies the Landlord against any liability resulting from:

- (1) any loss of or damage to property or any injury to or death of any person occurring in the Premises or caused by the Tenant wherever occurring; or
- (2) any reasonable action taken by the Landlord to remedy a default by the Tenant.

This indemnity does not apply to the extent that the liability is caused or contributed to by the Landlord or the Landlord's employees, contractors or agents.

15.5 **Tenant self insures**

The parties acknowledge that the Government self insures. Accordingly, while the Tenant is a Government Tenant, the Tenant is not required to effect or maintain any insurance.

16. Carpets

16.1 Replacement

- (1) If at any time during the Term:
 - (a) any area of the carpet becomes worn out or unsafe for any reason; and
 - (b) the Tenant gives the Landlord a notice requiring that those areas of the carpet be replaced,

the Landlord must, at its cost, replace those areas of the carpet as soon as practicable after receiving notice from the Tenant.

- (2) The parties agree that the Landlord's obligation to replace the carpet under this clause 16.1 does not apply in respect of damage to the carpet caused by the Tenant (which must be made good by the Tenant) subject to fair wear and tear.
- (3) Any new carpet must be of a commercial grade carpet tile to the Tenant's specifications and colour choice however the Tenant's specifications must not require the replacement carpet to be higher than:
 - (a) the original carpet specification; and

(b) the carpet specification required in order for the Landlord to maintain the standard of a similar building in a similar location in Perth, for the Building.

16.2 Manner of Replacement

- (1) The Landlord is responsible (at its cost) for any furniture and workstation uplift and dismantling costs associated with the replacement of carpet under this clause 16.
- (2) The Landlord must make reasonable efforts to arrange for the replacement of the carpet to be undertaken outside the Tenant's normal office hours.
- (3) Neither the Landlord nor the Tenant is obliged to remove fixed partitions and other items that are fixed to the floor and, unless the Tenant otherwise agrees having been requested by the Landlord, carpet replacement must be undertaken around fixed partitions.

16.3 **Dispute about replacement**

Any dispute relating to the replacement of the carpet in the Premises (or any part) is to be determined in accordance with clause 24.

17. Landlord's Obligations Concerning Premises and Building

17.1 Suitability of Premises

The Landlord:

- (1) warrants that at the Commencement Date the Premises are fit for occupation and for the use permitted by this Lease and comply with all Laws relating to the Premises; and
- (2) undertakes that during the Term (subject to the other provisions of this Lease), the Premises will remain fit for occupation and will continue to comply with all Laws that were applicable at the Commencement Date.

17.2 Exclusions

The Landlord's obligations under clause 17.1 are subject to the Tenant's fitout and other Tenant's works carried out within the Premises:

- (1) being complete; and
- (2) not adversely affecting the suitability of the Premises as required under clause 17.1.

17.3 Capacity of Electrical Supply

The Landlord must not reduce the capacity of the electrical supply available to the Premises below the level applying at the Commencement Date.

17.4 Maintenance of the Building

- (1) The Landlord must maintain the Building and the Common Areas (including finishes, appearance, Services and level of cleaning) to a high standard in accordance with other similar buildings of a similar age and location for the Term.
- (2) The Landlord must:
 - (a) replace plant and equipment that is older than its effective life;
 - (b) on demand by the Tenant, provide information to the Tenant showing the Landlord's proposed schedule for replacement and maintenance of plant and equipment servicing the Premises; and
 - (c) maintain a high quality security system and Services servicing the Premises.
- (3) Without limitation, the Landlord must properly maintain and repair:
 - (a) the roof and structure of the Building and all electrical wires and water and sewerage pipes and drains;
 - (b) the exterior surface, coating or fabric of the Building;
 - (c) the surfaces of all core walls, including repainting them when necessary;
 - (d) Building light switches and power points which cease to work;
 - (e) lighting in the Common Areas;
 - (f) the windows of the Building;
 - (g) all driveways and car parking areas on the Land and all crossovers providing access to the Land; and
 - (h) all stairs and passageways and keep them safely lit.
- (4) The Tenant must notify the Landlord or the Managing Agent as soon as possible if it becomes aware of any maintenance issue with the Building and the Common Areas for which with Landlord is responsible.
- (5) If the Landlord fails to comply with clauses 17.4(1) within a reasonable time after having been made aware of any relevant maintenance requirement, then without prejudice to any other right or remedy the Tenant may have, the Rent and Outgoings are to abate 10 Business Days after notification (including the date of notification) of the relevant event until the failure is rectified.

17.5 Moisture Penetration

- (1) If there is moisture penetration into the Premises which damages the Premises or causes the Tenant's use of the Premises to be prevented or interrupted, the Landlord must as soon as practicable (following notice by the Tenant of the moisture penetration):
 - (a) repair and, if necessary, modify the Building to stop the moisture penetration re-occurring to the satisfaction of the Tenant (acting reasonably); and
 - (b) at the Landlord's cost, repair and, if necessary, replace the Tenant's Property affected.
- (2) The obligations of the Landlord pursuant to this clause 17.5 will not apply to the extent that the Tenant, or anyone that the Tenant is responsible for, has directly caused or contributed to the moisture penetration.

17.6 Asbestos and bacteria

- (1) The Landlord warrants that the Premises are at the Commencement Date (and will continue during the Term to be) free of asbestos and any bacteria of a type and in a quantity which may be hazardous or dangerous to health (other than bacteria caused by the Tenant).
- (2) Prior to the Commencement Date and if required by the Tenant, the Landlord must, at the Landlord's cost, obtain a hazardous materials survey of the Premises.
- (3) If the Air Conditioning Equipment is of a water cooled or evaporative nature the Landlord must on a regular basis (but at least quarterly) arrange for competent professional scientific testing of the Air Conditioning Equipment to verify compliance with clause 17.6(1) and must provide the Tenant with a certified copy of the result of each testing.
- (4) If:
 - (a) the Premises contain asbestos; or
 - (b) bacteria of a type and in quantity which is hazardous or dangerous to health are found in the Premises or in the Air Conditioning Equipment serving the Premises,

the Landlord must remove the asbestos or bacteria (other than bacteria caused by the Tenant) promptly as required by the Tenant or as directed by any Authority.

(5) If either asbestos or bacteria (other than bacteria caused by the Tenant) within the Premises or within any Air Conditioning Equipment serving the Premises causes a declaration by any Authority that the Premises are hazardous or dangerous to health and the Landlord does not take immediate steps to remedy the hazard or danger or does not effectively

remove it within 1 month after the declaration, the Tenant may terminate this Lease within 4 months after the declaration.

(6) The Landlord at the cost of the Landlord must repair or reinstate the Premises to the extent that the Premises have been damaged or affected by the removal of any substances or as a result of any other action taken under this clause 17.6.

17.7 Other Hazardous Substances

If any other noxious, toxic, poisonous or hazardous substance in or forming part of the Premises, the Building or the Landlord's Property is found which is:

- (1) not asbestos or bacteria;
- (2) introduced or caused by the Landlord; and
- (3) dangerous to health,

the Landlord must eliminate any danger caused by the substance as directed by any Authority or otherwise by removal of the substance so that the substance ceases to be dangerous to health.

17.8 Environmental Laws

The Landlord must comply with all Environmental Laws relating to the Building.

17.9 Occupational Health

The Landlord warrants that the Premises conform to and are consistent with all applicable notices and directions of WorkSafe pursuant to the *Occupational Safety and Health Act 1984* (WA) unless they relate to the Tenant's fitout of the Premises or are issued as a result of the Tenant's work or activities.

18. Landlord's Obligations Concerning Services

18.1 Maintenance of Services

The Landlord must maintain the Services in accordance with the Australian Standards applying to the maintenance of building services, including those in existence at the Commencement Date as set out in Schedule 2, so that the Services function properly at all times during Business Hours, except when shut down for maintenance or repairs.

18.2 Maintenance of Air Conditioning Equipment and Lifts

Without limiting the preceding clause, the Landlord must:

(1) clean, maintain and treat the Air Conditioning Equipment and any lifts servicing the Premises :

- (a) in a proper and adequate manner; and
- (b) to a suitable working standard and condition; and
- (2) when asked by the Tenant, provide written information about that cleaning, maintenance and treatment .

18.3 Failure of Air Conditioning and Lifts

The Tenant is (subject to clause 18.4) entitled to a full day's rent abatement for each day that:

- (1) the Air Conditioning Equipment fails to maintain the air temperature within the Premises between 20.5° and 24.5° Celsius;
- (2) more than half of the total number of lifts servicing the Premises fail, unless the cause is a failure of the electricity supply beyond the Landlord's control; or
- (3) any of the Services to the Premises fail because of the Landlord's deliberate act or default.

18.4 **Rent Abatement Conditions**

For the Tenant to become entitled to abatement of rent:

- (1) the Tenant must have given notice to the Landlord of the occurrence of an event mentioned in clause 18.3;
- (2) the failure of the Air Conditioning Equipment must have continued for 3 business days or the failure of the lifts or Services must have continued for 1 business day after giving of the notice; and
- (3) the failure must not have been caused by the Tenant's act or default.

18.5 **Tenant's Right to Rectify Air Conditioning and Lifts**

If the Tenant becomes entitled to abatement of rent under clause 18.3, the Tenant may, without affecting that entitlement:

- (1) arrange for the Air Conditioning Equipment, lifts or Services, as the case may be, to be repaired to normal operating condition; and
- (2) set-off against the rent and other money payable under this Lease the costs incurred by the Tenant in arranging for the repair to be done.

18.6 **Termination of the Lease**

The Tenant may terminate this Lease if:

- (1) the Air Conditioning Equipment; or
- (2) more than half of the total number of the lifts servicing the Premises,

fail to operate for 14 days after the notice under clause 18.4(1) is given and the Landlord has not taken all reasonable steps (details of which must be given to the Tenant on request) to rectify the failure in that time except that the Tenant may not terminate this Lease if:

- (3) the Landlord has rectified the failure during the 14 days; or
- (4) the failure was caused by the Tenant's act or default.

19. Landlord's General Obligations

19.1 Insurance

The Landlord must insure the Building against damage by fire, storm, tempest and all other usual insurable risks against which a prudent owner would normally insure including risk of damage to plate glass and with provision for the replacement of cracked or broken plate glass.

19.2 Rates and Taxes

The Landlord must by the relevant due date or dates pay all Rates and Taxes and any other Outgoings relating to the Land but excluding any Utilities which are metered and invoiced directly to the Tenant and in respect of the Premises.

19.3 Smoking

If after the Tenant executes this Lease the Landlord grants a lease or license of premises in the Building, in or around the Building that lease or license must include a provision that the tenant and the tenant's employees contractors and agents are prohibited from smoking in or around the Building.

19.4 Grounds

If there are lawns, gardens or other landscaped areas on the Land, the Landlord must properly care for and maintain them.

20. Default and Termination

20.1 **Tenant's Default**

The Tenant is in default if the Tenant fails to comply with any of the Tenant's obligations under this Lease within 30 Business Days after the Landlord has given the Tenant a written notice specifying the default and requiring it to be remedied.

20.2 **Termination of Lease**

- (1) If the Tenant is in default under clause 20.1, the Landlord may give the Tenant a second written notice specifying:
 - (a) that the default has not been remedied; and

- (b) that the Landlord intends to terminate this Lease if the default is not remedied within 10 Business Days.
- (2) If the Tenant:
 - (a) fails to remedy the default following the second written notice from the Landlord under clause 20.2(1); or
 - (b) repudiates this Lease in writing,

the Landlord may by written notice to the Tenant, terminate this Lease on the date that is 6 months after giving the initial notice given under clause 20.1 or on any later date.

20.3 Interest on Overdue Money

The Tenant must pay interest to the Landlord on any Rent or other money due to the Landlord and unpaid for 30 Business Days. Interest is to be computed from (and including) the due date for payment until (but not including) the date of actual payment. The rate of interest is to be 2% per annum above the Bank Bills Swap Bid Rate (BBSY) published by Reuters.

20.4 Essential Terms and Damages

The parties agree that each of the Tenant's Obligations which are specified in:

- (1) clause 3 (**Rent and Rent Reviews**);
- (2) clause 4 (**Outgoings**);
- (3) clause 7.1 (**Permitted Use**);
- (4) clause 10 (Legal Obligations); and
- (5) clause 14 (Assignment and Subletting),

are essential terms of this Lease but this clause does not mean or imply that there are no other essential terms in this Lease.

20.5 **Insolvency of Landlord**

If an Insolvency Event occurs in relation to the Landlord, the Tenant may by notice to the Landlord, terminate this Lease on the date of giving the notice or on any later date.

20.6 **Tenant may rectify Landlord's Default**

(1) From the Commencement Date if the Landlord defaults under this Lease and has not remedied the default or taken reasonable steps to remedy it after the Tenant has given the Landlord notice of the default within the reasonable time frame stated in the notice, the Tenant may (without limiting the other rights of the Tenant) itself remedy the default.

- (2) The Landlord must pay the Tenant's Costs of remedying the default, which include relocation costs of the Tenant, on demand or those Costs may subject to 20.6(3), at the Tenant's election, be set-off against the Rent and other money payable by the Tenant under this Lease.
- (3) The Tenant's Costs of remedying the default may only be set off against the Rent or other money payable at such times as:
 - (a) such moneys have been expended; and
 - (b) to the extent only that any amount is in dispute, any dispute regarding whether they were entitled to be or were properly expended has been resolved.

21. Termination of Term

21.1 Make Good

Except to the extent required under clause 21.2 below, the Landlord acknowledges and agrees that the Tenant is not required to:

- (1) redecorate the Premises at any time during the Term of this Lease, during any Option Period, or upon termination;
- (2) make good the Premises upon termination;
- (3) re-instate the Premises to base building standard and configuration;
- (4) remove any of the Tenant's Property; or
- (5) repair or replace any floor coverings.

21.2 Leave Premises reinstated, clean and in good repair

Notwithstanding clause 21.1, on the expiry of the Term or within 90 Business Days after the earlier termination of this Lease, the Tenant must:

- (1) if requested by the Landlord, reinstate the Premises to the condition it was in on the Commencement Date as recorded in the property condition report agreed between the parties (excluding general fair wear & tear);
- (2) paint the internal walls of the Net Lettable Area of the Premises;
- (3) leave the Premises in a clean and tidy condition, good repair, order and condition in accordance with this Lease, fair wear and tear excepted; and
- (4) if requested by the Landlord, steam clean the carpet in the Premises.

21.3 Removal of Tenant's Property

The Tenant may remove any part of the Tenant's Property from the Premises at any time before termination of this Lease and must repair any damage to the Premises caused by removal of the Tenant's Property.

21.4 Non-removal

- (1) If the Tenant does not remove the Tenant's Property or any part of it before the expiry of the Term or within 90 Business Days after the earlier termination of this Lease, the Landlord must give notice to the Tenant of any Tenant's Property which has not been removed and allow the Tenant access to the Premises for the purpose of removing it within 5 Business Days after the notice is given.
- (2) If any of the Tenant's Property comprising loose furniture has not been removed within that time, the Landlord will treat that loose furniture as if it has become the Landlord's Property and deal with it in a manner it considers appropriate.

22. Damage and Destruction

22.1 **Definitions**

In this clause 22:

- (1) "abatement notice" means a notice given under clause 22.2(1);
- (2) **"reinstatement notice**" means a notice given by the Landlord to the Tenant of the Landlord's intention to carry out the reinstatement works; and
- (3) "reinstatement works" means the work necessary to:
 - (a) reinstate the Premises; and
 - (b) make the Premises fit for occupation and use and accessible by the Tenant.

22.2 Abatement

- (1) If at any time:
 - (a) the Premises are wholly or partly unfit for occupation and use by the Tenant; or
 - (b) access to the Premises is either wholly or partly interfered with having regard to the nature and location of the Premises and the normal means of access to them;

as a result of:

- (c) destruction or damage;
- (d) the presence of or the removal of asbestos;
- (e) the existence of bacteria of a type or in a quantity harmful to the health of persons in the Premises (other than bacteria caused by the Tenant); or
- (f) construction, rebuilding or alteration of the Premises, the Building, or any adjoining building owned or partly owned by the Landlord,

then the Tenant may notify the Landlord of the relevant event and the parts of the Premises affected and the extent to which they are affected and from the date that the Tenant notifies the Landlord the Rent and Outgoings payable by the Tenant are to abate in whole or in part according to the circumstances.

- (2) If clause 22.2(1) applies, the remedies for:
 - (a) recovery of the Rent, Outgoings and any other money or a proportionate part falling due after the damage or destruction; or
 - (b) enforcement of the obligation to repair and maintain;

are suspended in whole or in part from the date of the abatement notice until the Premises are reinstated or otherwise made fit for the Tenant's occupation and use and fully accessible.

22.3 Tenant May Terminate

If clause 22.2(1) applies, then at any time after 2 months from the date the abatement notice, the Tenant may terminate this Lease by notice to the Landlord unless the Landlord has within that period of 2 months:

- (1) given the Tenant a reinstatement notice; and
- (2) diligently started to carry out the reinstatement works.

22.4 Tenant May Terminate after reinstatement notice

If the Landlord gives a reinstatement notice to the Tenant and does not commence the reinstatement works within a reasonable time the Tenant may terminate this Lease by giving not less than 1 months' notice to the Landlord and, at the expiration of the notice period, this Lease terminates.

23. Costs and Expenses

23.1 **Costs and Expenses arising on Default**

A party who is in default must pay to or reimburse the other party on demand the amount of all Costs (including legal Costs) on a full indemnity basis arising as a result

of enforcing any right under this Lease including giving a notice under section 81 of the *Property Law Act 1969(WA)*.

23.2 Other Costs and Expenses

Unless otherwise stated in this Lease, each party will pay its own Costs (including legal Costs) in connection with this Lease or anything done or to be done under this Lease.

23.3 **Duties and Fees**

The Tenant must pay or reimburse the Landlord on demand the amount of all duty and fees including registration fees in accordance with clause 23.2 (but not including fines and penalties not attributable to the Tenant) payable in connection with this Lease.

24. Dispute Resolution

24.1 **Negotiation**

- (1) If there is a dispute or difference arising out of or in connection with this Lease, then within 15 Business Days of a party notifying the other party in writing of the dispute or difference, a representative from each party must meet and use all reasonable endeavours acting reasonably to resolve the dispute or difference by joint discussions.
- (2) The meeting of the representative from each party will be without prejudice except to the extent of any agreements made, recorded and signed by the attendees.

24.2 Independent expert

- (1) If a dispute or difference arising out of or in connection with this Lease is unable to be resolved in accordance with clause 24.1, at the request of either the Landlord or the Tenant the dispute or difference is to be determined:
 - in the case of a financial or accounting matter, by a practising chartered accountant who is a member of The Institute of Chartered Accountants of Australia (WA Division) appointed for that purpose by the then President of that body;
 - (b) in the case of a construction matter, by a member of Engineers Australia (WA Division) appointed for that purpose by the then President of that body;
 - in the case of value, by a Valuer who is a member of the Australian Property Institute appointed for that purpose by the then President of that body;

- (d) in any other case, a qualified person appointed by the senior officer for the time being of an appropriate association, institution, society or board agreed upon by the Landlord and the Tenant (and failing agreement within 3 Business Days then as appointed by the then President of The Law Society of Western Australia (Inc) at the request of either the Landlord or the Tenant).
- (2) If a dispute or difference needs to be resolved under this clause 24.2 and it relates to more than one area of expertise, the parties may agree to the appointment of a panel of independent experts which represents the appropriate skills in accordance with clause 24.2(1).
- (3) In making a determination, the appointed person must act as an expert and not as an arbitrator.
- (4) The appointed person must make a written determination containing reasons as soon as possible after appointment, but must give each party the opportunity to make written submissions and give consideration to any submissions made.
- (5) The cost of the determination must be paid by both parties in equal shares unless otherwise decided by the appointed person.
- (6) The decision of the appointed person will be final and binding on the parties except in the case of manifest error or where either party has not been provided with a fair opportunity to make submissions in relation to the matter in issue.
- (7) For the avoidance of doubt the parties acknowledge that matters of law cannot be made the subject of dispute resolution pursuant to this clause and the parties are entitled to pursue their legal rights in respect of such matters without reference to this clause.

24.3 **Continuation of rights and obligations**

Despite the existence of a dispute or difference each party must continue to perform its obligations under this Lease.

24.4 Market Rent Reviews

This clause 24 does not apply with respect to any disputes arising in connection with Market Rent reviews and clauses 3.3 to 3.6 will apply to all matters relating to the determination of the Rent on a Market Review Date.

25. Notices

Any notice, or other communication including any request, demand, consent or approval to or by a party under this Lease:

(1) must be in writing;

- (2) must be addressed to a party and may be delivered by courier, mailed by registered post or faxed, in accordance with the details set out in Item 14 or any other address notified by a party to the other;
- (3) must be signed by a person authorised by the sender or signed by a solicitor on behalf of the sender; and
- (4) will be treated as having been given by the sender and received by or served on the addressee:
 - (a) if by delivery in person when delivered to the addressee;
 - (b) on the day which is the second Business Day after the date of posting – where posted by registered post within Australia to an address within Australia;
 - (c) on the day which is the eighth Business Day after the date of posting - where posted by air mail registered post from a place within Australia to an address outside Australia or posted from a place outside Australia to an address within Australia; and
 - (d) by facsimile transmission on the date of transmission where a transmission report is produced by the facsimile machine by which the facsimile message was transmitted which indicates that the facsimile message was transmitted in its entirety to the facsimile number of the recipient,

but if the transmission (in the case of facsimile) is on a day which is not a Business Day or is after 5:00pm (addressee's time) it will be treated as having been duly given on the succeeding Business Day at 9:00am.

If transmission of business correspondence and legal notices by facsimile becomes obsolete or falls out of use generally and a party notifies the other party to that effect, the provisions of this clause 25 relating to service of notices by facsimile ceases to apply.

26. General

26.1 Right of set off

- (1) The Tenant may set-off against any Rent and other amounts payable by the Tenant under this Lease any amount payable to the Tenant by the Landlord pursuant to any agreement in place between the Landlord and the Tenant or Government Tenant. If the amount payable to the Tenant is unascertained, the Tenant may in good faith estimate that amount and setoff in respect of the estimate, subject to the Tenant accounting to the Landlord when that amount is ascertained.
- (2) Clause 26.1(1) is without prejudice to any other right (other than set-off) to which the Tenant is at any time otherwise entitled (whether by operation of Law, contract or otherwise).

26.2 Registration

- (1) If required by the Tenant:
 - (a) this Lease is to be registered on the title to the Land at the Tenant's cost; and
 - (b) the Landlord must do everything required of the Landlord to enable this Lease to be registered as soon as reasonably possible after the Commencement Date.
- (2) The Tenant may lodge a subject to claim caveat in respect of the Premises in relation to the Tenant's interests under this Lease, but must withdraw that caveat after the Tenant has ceased to have any interest in the Premises under this Lease.

26.3 Severance

- (1) If any part of this Lease is, or becomes, void or unenforceable, that part is, or will be, severed from this Lease so that all parts that are not, or do not become, void or unenforceable remain in full force and effect and are unaffected by that severance.
- (2) Clause 26.3(1) has no effect if the severance alters the substance of this Lease or is contrary to public policy.

26.4 Accrued rights

The termination of this Lease (including by way of forfeiture) does not affect the rights or remedies of either party against the other party in relation to a breach of this Lease by a party before the termination of this Lease.

26.5 Cumulative Rights

The rights, powers, authorities, discretions and remedies arising out of or under this Lease are cumulative and do not exclude any other right, power, authority, discretion or remedy of a party.

26.6 **Proper Law and jurisdiction**

- (1) This Lease is governed by, and to be interpreted in accordance with, the Laws in force in Western Australia.
- (2) Each party irrevocably and unconditionally submits to the exclusive jurisdiction of the courts of Western Australia and courts of appeal from them.
- (3) Without preventing any other mode of service, any document in an action (including any writ of summons or other originating process or any third or other party notice) may be served on any party by being delivered to or left for that party at its address for service of notices under clause 25.

26.7 Waiver and estoppel

- (1) Failure to exercise or enforce, or a delay in exercising or enforcing, or the partial exercise or enforcement of, a right, power, or remedy under any Law or under this Lease by a party does not preclude, or operate as a waiver of, the exercise or enforcement, or further exercise or enforcement, of that or any other right, power or remedy provided under any Law or under this Lease.
- (2) A waiver given by a party under this Lease is only effective and binding on that party if it is given or confirmed in writing by that party.
- (3) No course of dealings between the parties removes the requirement under clause 26.7(2) that a waiver must be in writing to be effective and binding upon the parties.
- (4) No waiver of a breach of a term of this Lease operates as a waiver of any other breach of that term or of a breach of any other term of this Lease.

26.8 Further Assurance

Each party must do all things and execute all further documents necessary to give full effect to this Lease and the transactions provided for by this Lease.

26.9 Variation

This Lease must not be changed or modified in any way subsequent to its execution except in writing by the parties.

26.10 Entire Agreement

This Lease supersedes all previous agreements in respect of its subject matter and embodies the entire agreement between the parties with respect to the subject matter of this Lease.

26.11 Continuing Application of Provisions

To the extent that the provisions of this Lease confer rights and impose obligations on the parties in respect of matters occurring after termination of this Lease, those provisions will survive and not merge in termination, and will continue to apply and remain in full force and effect for the benefit of the parties according to their terms.

26.12 Non-merger

The warranties, undertakings and indemnities in this Lease will continue in full force and effect until the respective rights and obligations of the parties have been fully performed and satisfied.

26.13 Relationship of the parties

(1) Nothing in this Lease gives a party authority to bind the other party in any way.

(2) Neither this Lease, nor the relationship created by it, is intended to create, and will not be construed as creating any partnership or joint venture or fiduciary relationship, as between the parties.

26.14 Supervening legislation

Any present or future legislation which operates to vary the obligations of a party under this Lease with the result that another party's rights, powers or remedies are adversely affected (including, by way of delay or postponement) is excluded except to the extent that its exclusion is prohibited or rendered ineffective by Law.

26.15 Time of the Essence

Time is of the essence in relation to the rights and obligations set out in this Agreement.

27. GST

27.1 **Definitions**

In this Lease:

- (1) "GST" has the meaning given in section 195-1 of the GST Act;
- (2) "GST Act" means A New Tax System (Goods and Services Tax) Act 1999 (Cth);
- (3) "Input Tax Credit" has the meaning given in section 195-1 of the GST Act;
- (4) **"Primary Payment**" means any payment (including any reimbursement or payment under an indemnity) by the Tenant to the Landlord under this Lease;
- (5) **"Taxable Supply**" has the meaning given in section 195-1 of the GST Act; and
- (6) **"Tax Invoice**" has the meaning given in section 195-1 of the GST Act and in the *A New Tax System (Goods and Services Tax) Regulations 1999*(Cth).

27.2 Payments exclusive of GST

The amount of all Primary Payments specified in this Lease is exclusive of GST.

27.3 **Primary Payment Increased**

If GST is payable by the Landlord in respect of a Primary Payment or any part in connection with a Taxable Supply provided under this Lease:

(1) the Primary Payment is increased by an amount equal to the applicable GST; and

(2) subject to the Landlord complying with clause 27.7, the Tenant must pay the amount of the increase in the same manner and on the same date as the Tenant is required to pay the Primary Payment.

27.4 Adjustment

If a party is entitled to be reimbursed or indemnified by another party for costs or expenses, the reimbursement or indemnity payment is to be reduced by the amount (or corresponding proportion) of the Input Tax Credits available to the party (or its representative member) in respect of these costs and then increased by any applicable GST payable under clause 27.3.

27.5 Adjustment Event

If an adjustment event arises in respect of a taxable supply made by the Landlord under this Lease, the additional amount payable on account of GST under this clause 27 will be recalculated to reflect the adjustment event and a payment will be made by the Tenant to the Landlord or the Landlord to the Tenant as the case requires. The Landlord must provide an adjustment note at the same time the adjustment occurs.

27.6 Non Monetary Consideration

If the consideration (or part of it) for a Taxable Supply provided by the Tenant to the Landlord is not expressed as an amount of money, the Tenant must pay to the Landlord an additional amount equal to the GST exclusive market value of that consideration multiplied by the GST rate at the same time the consideration (or part of it) is provided subject to the receipt of a Tax Invoice.

27.7 Tax Invoice

If a Primary Payment is to be increased to account for GST under clause 27.3 the Landlord must, by the date on which the increased Primary Payment is to be paid, issue a Tax Invoice to the Tenant.

28. Option to Extend

28.1 First Option Period

If a period is stated in Item 6(1) of the Information Table ("**First Option Period**") the Tenant has the option to extend this Lease for the First Option Period, if the Tenant is not in default under this Lease (written notice of which default has been given to the Tenant) when the option is exercised. This option may be exercised by the Tenant notifying the Landlord in writing that the Tenant wants to extend this Lease for that period at least 3 months before the Expiry Date.

28.2 Second Option Period

If a period is stated in Item 6(2) of the Information Table ("**Second Option Period**") the Tenant has the option to extend this Lease for the Second Option Period, if the Tenant is not in default under this Lease (written notice of which default has been

given to the Tenant) as extended when the option is exercised. This option may be exercised by the Tenant notifying the Landlord in writing that the Tenant wants to extend this Lease for that period at least 3 months before the last day of the First Option Period.

28.3 Third Option Period

If a period is stated in Item 6(3) of the Information Table ("**Third Option Period**") the Tenant has the option to extend this Lease for the Third Option Period, if the Tenant is not in default under this Lease (written notice of which default has been given to the Tenant) as extended when the option is exercised. This option may be exercised by the Tenant notifying the Landlord in writing that the Tenant wants to extend this Lease for that period at least 3 months before the last day of the Second Option Period.

28.4 Terms and Conditions

If this Lease is extended under clause 28.1 all the provisions of this Lease continue to apply, except the option in clause 28.1. If this Lease is further extended under clause 28.2 all the provisions of this Lease continue to apply, except the options in clauses 28.1 and 28.2. If this Lease is further extended under clause 28.3, all the provisions of this Lease continue to apply, except the options in clauses 28.1, 28.2 and 28.3.

28.5 Rent During Option Term

The rent payable by the Tenant from the beginning of any extended term of this Lease is to be the same rent payable immediately before the date of commencement of the extended term unless that date is a Review Date, in which case the rent is to be reviewed with effect from that date in accordance with this Lease, and the rent is subject to further review during the extended term as provided in this Lease.

28.6 **Tenant's Right to Terminate**

Notwithstanding anything else in this Lease, if:

- (1) the date of commencement of an extended term is a Review Date; and
- (2) the reviewed Rent payable from that date has not been determined before the Tenant gave a notice exercising the option to extend this Lease for the relevant term,

then the Tenant has the right to terminate this Lease as extended by notice to the Landlord given in accordance with clause 28.7.

28.7 Notice of Termination

A notice of termination under clause 28.6 must:

(1) be given no later than 21 days after the reviewed Rent is determined;

(2) specify the date of termination, which may not be earlier than 3 months from the date of the notice or later than 9 months from the date of the notice.

29. Subdivision

29.1 Subdivision prohibited

The Landlord must not do anything, including:

- (1) strata titling the Building under the Strata Titles Act 1985 (WA); or
- (2) subdividing the Land,

that would result in any part of the Land being owned by any person other than the Landlord.

30. Mortgagee's Consent

30.1 Landlord to Obtain

The Landlord must procure, at the Landlord's cost, the consent of any mortgagee of the Land to this Lease unconditionally or upon terms acceptable to the Tenant.

30.2 Failure to Obtain

If the Landlord has not complied with clause 30.1 within 60 days from the date the Tenant gives the Landlord notice of the non-compliance, the Tenant may terminate this Lease at any time by notice to the Landlord, except that the Tenant may not give that notice of termination at any time after the Landlord has complied with clause 30.1.

31. Additional Provisions

The special terms, covenants and conditions (if any) set out in Item 15 of the Information Table ("Additional Provisions") are deemed to be incorporated into this Lease as if fully set out in the body of this Lease and, in the event of there being any inconsistency with the terms, covenants and conditions contained in the body of this Lease, then the Additional Provisions prevail.

Schedule 1

Definition of "Outgoings"

Outgoings means the total of all amounts properly and reasonably paid or payable by the Landlord in respect of an Accounting Year with respect to the Land in connection with:

- (1) Rates and Taxes;
- (2) premiums and any other costs or expenses relating to any insurance which the Landlord reasonably takes out in connection with the Building excluding loss of rent insurance;
- (3) the appointment of a managing agent for the management of the Building (except to the extent that the amounts payable to the managing agent in respect of the Premises exceed 2.5% of the net Rent payable under this Lease during the relevant Accounting Year) but no amounts may be charged to the Tenant during the period in which the Landlord selfmanages the Premises;
- (4) direct costs associated with the administration and operation of the Building including the auditing of statements relating to the Outgoings;
- (5) gardening, maintenance and reticulation of the landscaping of the Common Areas including compliance with clause 19.4;
- (6) supplying Services to the Building, except Services which are separately metered and charged to the person to whom they are supplied;
- (7) maintaining and repairing the Building and plant and equipment in the Building;
- (8) cleaning exterior windows;
- (9) security and safety for the Building and all persons using the Building, including providing fire protection equipment and all types of alarms;
- (10) removing garbage and trade waste;
- (11) security and caretaking;
- (12) audits carried out by the Landlord's auditors to determine the Outgoings payable by the Tenant;
- (13) compliance with occupational health and safety standards and regulations, (including the cost of audits carried out to determine compliance).

The Outgoings do not include any capital costs (including the replacement of parts, except for minor replacements required in the course of normal maintenance and repair), any expenditure for structural work or any sinking fund.

The Outgoings do not include the cost of a higher level of control, maintenance, lighting, safety or cleanliness, as requested by the Tenant pursuant to clause 11.3(2).

Schedule 2

Australian Standards

NO.	DESCRIPTION
AS 1851 - 2005	Maintenance of Fire Protection Systems and Equipment
AS 1905.1 - 2005	Components for the Protection of Openings in Fire Resistant Walls
AS 1905.2 - 2005	Components for the Protection of Openings in Fire Resistant Walls - Fire Resistant Roller Shutters
AS 2293.2 - 1995	Emergency Evacuation Lighting in Buildings Part 2 – Inspection and Maintenance
AS 2220 - 1978	Evacuation Warning and Intercommunication System in Buildings
AS 2467 - 1981	Maintenance of Electrical Switchgear
AS 2676.1 & 2 - 1992	Guide to the Installation, Maintenance, Testing and Replacement of Secondary Batteries in Buildings
AS 3666.2 - 2002	Air-Handling and Water systems of Buildings – Microbial Control Part 2: Operation and Maintenance
HB 40.1 2001	The Australia Refrigeration and Air Conditioning Code of Good Practice
AS/NZS 3760: 2003 plus Amendment 1 2005	Inservice Safety Inspection and Testing of Electrical Equipment

Schedule 3

Modification applying to this Lease on assignment to a Non-Government Tenant

The following additional clauses apply if this Lease is assigned to any person other than a Government Tenant:

1. Change in Ownership of Shares in Company

- (1) If the Tenant is a company, any change in the persons who beneficially own or control a majority of the company's voting shares at the date of this Lease constitutes an assignment of this Lease.
- (2) The Tenant is in breach of clause 14.1 unless the Tenant obtains the Landlord's prior consent to the change in shareholding.
- (3) This clause does not apply if the Tenant is a corporation whose voting shares are listed on the Australian Stock Exchange or if at least 80% of its voting shares are owned by another company whose voting shares are so listed.

2. Public Risk and Plate Glass Insurance

The Tenant must keep current:

- (1) an adequate public risk insurance policy relating to the Tenant's use of the Premises and the Common Areas a minimum of \$20,000,000.00 or a greater sum if reasonably nominated by the Landlord by 1 months' notice;
- (2) an adequate policy covering any windows, doors, plate glass and any display showcases forming part of or in the Premises for the full insurable reinstatement cost; and
- (3) insurance for the Tenant's Property (including insurance for burglary) and any insurance required by Law as a result of the Tenant's use of the Premises, including a policy of employer's indemnity in relation to any employees working in the Premises.

3. Tenant's Insurances

The Tenant must ensure that all policies of insurance required to be effected by the Tenant under this clause:

- (1) are taken out with an insurer approved by the Landlord;
- (2) are for an amount, cover risks and contain conditions which are acceptable to the Landlord (acting reasonably);
- (3) have no unusual exclusions, endorsements or alterations unless first approved by the Landlord; and

(4) (in respect of the insurance referred to in subclauses (1) and (2) of the preceding subclause) are taken out in the name of the Tenant and noting the interest of the Landlord.

4. Payment and Production of Insurance Policies

- (1) The Tenant must promptly pay all premiums and other money payable in respect of the Tenant's insurances.
- (2) The Tenant must give the Landlord a copy of the policy and a certificate of currency for the insurance which the Tenant is required to effect under this clause whenever the insurance is taken out and a copy of the receipt for the latest premium payable whenever the Landlord requests.

EXECUTED as a Deed.

THE COMMON SEAL of the CITY OF) KWINANA was hereto affixed by) authority of a resolution of the Council) pursuant to the Local Government Act) 1995 (WA) in the presence of:)

MAYOR

(Print Full Name)

CHIEF EXECUTIVE OFFICER

(Print Full Name)

SIGNED for and on behalf of the MINISTER)
FOR WORKS by ,)
for the time being of)
the Department of Finance acting under)
delegated authority pursuant to Section 5A of)
the Public Works Act 1902 in the presence of)

Signature of Witness

Name of Witness (Block Letters)

Address of Witness (Block Letters)

Occupation of Witness (Block Letters)

Premises plan

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LEASE - WHOLE OF LEVEL 1, 18 DARIUS DRIVE, KWINANA TOWN CENTRE

Dated

2016

PARTIES

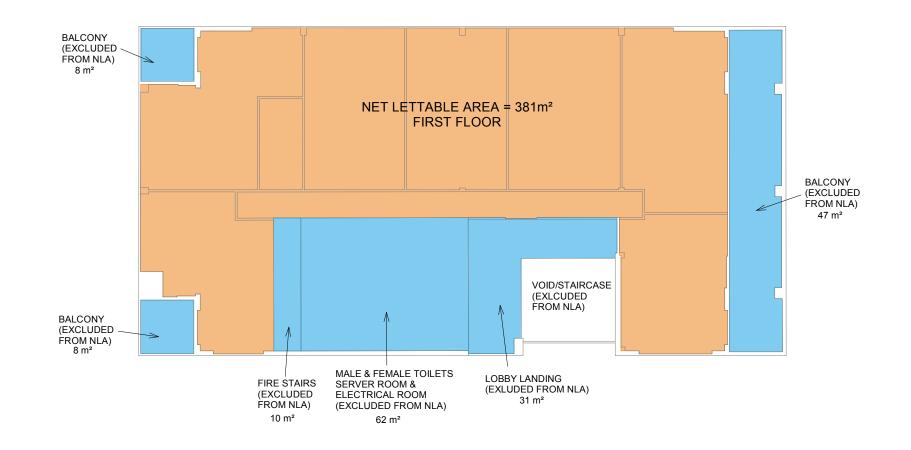
CITY OF KWINANA (Landlord)

MINISTER FOR WORKS (Tenant)

State Solicitor's Office Commercial and Conveyancing 141 St George's Terrace Perth WA 6000 Telephone : (08) 9264 1888 Ref: SSO: 2330-16

Standard Government Lease – Short Form

Attachment B





P.O. Box 3526 Success, W.A. 6964. E-mail: info@mngsurvey.com.au Phone: +61 (08) 6436 1599, Fax: +61 (08) 6436 1500

MNG Ref:- 100119le-002a - 100119le-002a Date:- 25/07/2016

MARGARET FEILMAN BUILDING FIRST FLOOR - 18 DARIUS DRIVE, KWINANA NETT LETTABLE AREA (NLA) PCA-2008.



16.10 City of Kwinana Internal Audit Feasibility Report

SUMMARY:

Due to increased focus on the accountability of local governments a review of the effectiveness of all business processes is becoming best practice. Internal audit is one way to reduce risk and identify inefficient internal controls; however it brings more than just this reassurance to an organisation. There are many benefits to implementing this value add approach such as:

- Improves the "control environment" of the organisation.
- Makes the organisation process-dependent instead of person-dependent.
- Identifies redundancies in operational and control procedures and provides recommendations to improve the efficiency and effectiveness of procedures.
- Serves as an early warning system, enabling deficiencies to be identified and remediated on a timely basis (i.e. prior to external, regulatory or compliance audits)
- Ultimately increases accountability within the organisation.
- It can support strategic objectives; for example cost reduction initiatives.

To ensure the City of Kwinana's assets are safe guarded and to oversee the allocation of the public resources it is recommended that the endorse the implementation of the proposed internal audit function.

A summary of the steps required to implement the function are:

- 1. Hold an Audit Committee Meeting to recommend to Council:
 - a) To modify the Audit Committee Terms of Reference.
 - b) To implement the internal audit function, that an additional member to committee is created and this position be advertised for an external audit committee member (refer to advertisement in section 11.2.1) for a term of 2 years or until the next ordinary election; which ever happens first.
 - c) To pay to the external audit committee member an amount of \$1,800 per meeting for reimbursement of loss of income and other expenses related to attending each meeting.
 - d) To appoint Cr _____, Cr ____, Cr _____, Cr _____ and the Director City Strategy (no voting rights) to the appointment selection panel and once the preferred candidate is selected provide the recommendation to Council.
- 2. Include at the Ordinary Council Meeting following the Audit Committee recommendations that Council:
 - a) Approve the changes to the Audit Committee Terms of Reference.
 - b) Approve the audit committee recommendation for an internal audit function, appointment of additional member to committee (absolute majority required), payment per meeting and advertisement.
 - c) Appointment of selection panel.

- 3. Advertise on seek and other job advertising mediums.
- 4. The appointment of the selection panel that will provide the recommendation of appointment to Council at an Ordinary Council Meeting (absolute majority required).
- 5. Hold an Audit Committee Meeting to recommend to Council:
 - a) To adopt the internal audit charter.
 - b) To adopt the internal audit plan for the next one to three years.
 - c) To appoint the preferred external committee member.
- 6. Include at the following Ordinary Council Meeting after the Audit Committee that Council approve audit committee recommendations outlined in point five.

OFFICER RECOMMENDATION:

That the Audit Committee meeting on 13 March 2017 include an item that will recommend to:

- 1. Modify and recommend to Council the adoption of the updated Audit Committee Terms of Reference.
- 2. Prepare advertisement for the appointment of the external audit committee member.
- 3. Recommend the members of the Audit Committee that will be sitting on the appointment selection panel.

NOTE: AN ABSOLUTE MAJORITY OF COUNCIL WILL BE REQUIRED

DISCUSSION:

Internal control serves as the first line of defence in fraud and violations of laws, regulations and provisions of contracts and agreements. Internal control is often referred to as management controls and includes processes, work instructions and procedures that each business unit creates to ensure that work is completed accurately and correctly. Internal controls should be reviewed at least annually to ensure compliance with relevant legislation; business improvement and efficiency in operations are being met.

The direct and ultimate responsibility for internal control always lies with management. However, the baseline responsibility is usually attributed to each business unit, while the oversight and guidance lies with the Council. By not adequately managing or having in place effective internal controls the City is at substantial risk of loss of funding, contractual penalties or regulatory scrutiny.

Internal controls are just one element in the defence against exposure to risk. The Institute of Internal Auditors endorses the 'Three Lines of Defence' model as a way of explaining the relationship between the functions and as a guide to how responsibilities should be divided:

- 1. the first line of defence functions that own and manage risk;
- 2. the second line of defence functions that oversee or specialise in risk management, compliance; and
- 3. the third line of defence functions that provide independent assurance, above all **internal audit.**

What is Internal Auditing?

According to the Institute of Internal Auditors (IIA), "internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes." Simply said, internal audit is responsible for monitoring the effectiveness of the internal control processes that have been established by management.

The principal tasks of internal audit include:

- Risk assessment Risk is defined as the probability that an event or action may adversely affect the organisation or activity under audit. Risk occurs when we try to achieve objectives in an uncertain environment and is measured in terms of likelihood (probability of occurring) and consequence (impact if the event were to occur). Internal audit will identify, prioritise and aim to minimise audit projects by level of potential risk.
- 2. Process walkthroughs and documentation Gaining an understanding of the processes and procedures as they currently exist, especially with respect to the IT systems utilised in the processing of high volumes of data.
- **3. Control assessment** Identifying gaps, where procedures and controls are not properly designed.
- **4. Testing** Performing tests of controls to verify whether controls are working as designed.
- **5. Reporting** Providing observations and recommendations to improve processes and controls.

The Institute of Internal Auditors (IIA) states that the internal audit mission is "to enhance and protect organisational value by providing risk-based and objective assurance, advice and insight".

Benefits of one organisations approach to internal audit may represent issues and challenges for another organisation if it is replicated. It is important that the City's approach is customised to meet its needs. Consideration must be given to service delivery, size, organisation structure, processes, financial constraints and risks to strategic objectives not being achieved.

The controls in place at the City of Kwinana are:

- Policies and Procedures
- Reconciliations of accounting records
- Management sign offs
- Documented corporate business plan
- Code of conduct
- Safety procedures
- Separation of duties

- Ethical behaviour of management and staff
- Employee understanding of procedures
- Competency, knowledge and experience of staff

The State Government requires local governments to complete an annual Compliance Audit Return and submit to the Department of Local Government and Communities (Department). Reputational risk if compliance is not met is a concern for government bodies and it appears it is a concern of the Department also.

Regardless of the method of internal audit, the internal audit plan should identify, risk assess, create awareness, monitor, manage breaches, continuously improve and report on the compliance areas in the Compliance Audit Return established by the Department. It is important that the review is independent and objective to provide assurance and confidence that the objectives of the organisation are being achieved. An example of being independent is appointing an external auditor on the Audit Committee or contracting the internal audit function to an independent person.

There are International Standards for the Professional Practice of Internal Auditing (*Standards*) and these Standards provide a framework for performing and promoting internal auditing and set mandatory requirements consisting of:

- Statements of basic requirements for the professional practice of internal auditing and for evaluating the effectiveness of its performance. The requirements are internationally applicable at organisational and individual levels.
- Interpretations, which clarify terms or concepts within the statements.

The following local governments are recognised for adopting these standards:

- Ipswich City Council
- City of Port Phillip
- City of Stirling
- Wyong Shire Council
- Toowoomba Regional Council
- Holroyd City Council

Internal audits methodically review systems and operations of the organisation, in conjunction with management. These reviews (audits) are aimed at identifying how well risks are managed including whether the right processes are in place, and whether agreed procedures are being adhered to. Audits can also identify areas where efficiencies or innovations might be made. Internal audits are organised under an ongoing program of review. Internal audits should be across all areas of the City. In addition to core areas of financial control and IT, internal audits will review engineering practices, complaint handling, record keeping systems; as well as more intangible aspects such as organisational culture and ethics. Any system that has an impact on the effective operation of an organisation may be included in the internal audit's scope.

Internal audit reports are presented to Council (via the audit committee) as they provide an independent viewpoint on the extent to which an organisation is poised for success and advice on areas for improvement.

Audit committees are required to be established under the Local Government Act 1995 and they play a key role in assisting the City to fulfil its responsibilities relating to internal control, financial reporting, risk management, legislative compliance and accountability.

Internal auditors work in all sectors (public, private and not-for-profit) and there are several models that can be used to deliver these services to an organisation. Each model has its own advantages and disadvantages that require consideration when selecting a model to suit the needs of the City.

The following outlines the advantages and disadvantages of each model as expressed by the Institute of Internal Auditors.

Internal Audit Model	Advantages	Disadvantages		
In-House				
- Internal audit services are provided exclusively or predominately by in-house	- Risks reside with an in-house manager	- May be difficult to attract and retain suitable staff		
employees of the organisation. - Can be a centralised team or	 Knowledge of organisation objectives, risks, systems and culture 	- Specialist skills may not be available in-house		
distributed team of in-house audit services	- Respond quickly to emerging issues	 Limited flexibility May be human resource issues 		
 Internal audit is managed in– house by an employee of the organisation. 	- No conflicts of interest	with in-house staff		
	- More direct control over quality of work			
	- Retains corporate knowledge			
	- Provide training for future managers			
	- Critical mass makes in-house internal audit viable and sustainable			
	- Generally considered to be cost- effective			
Financial Implications*:	1			
Employed experienced internal auditor - \$15,790				
Total - \$15,790				

Co–Sourced		
 Internal audit services are provided by a combination of in– house employees and service 	- Risks reside with an in-house manager	- May be human resource issues with in-house staff
providers. - Internal audit is managed in–	- Fewer employee shortages	- Turnover of service provider staff, potentially reduces organisation
house by an employee of the organisation.	 Knowledge of organisation objectives, risks, systems and culture 	knowledge and may inhibit building of professional relationships with management
	- Specialists skills can be sourced	 In-house staff may need to remedy quality of deliverables
	- Flexibility	where effective third party quality control arrangements may not be
	- Fewer conflicts of interest	consistently maintained, adding to time and cost for engagements
	 More direct control over quality of work 	- Additional in-house staff time
	- Retains corporate knowledge	required for procurement, service provider selection and contract management
	- Can provide training for future managers	management
	- Critical mass makes this model viable and sustainable	
	 Skills transfer to in-house employees from service providers 	
	- Generally considered to be cost- effective	
Financial Implications*:		
In-house experienced internal audito Review by outsource provider - \$2,0		
Total - \$17,790		

Outsourced with In-House Manag		
- Internal audit services are	- Risks reside with an in-house	- May be conflicts of interest
provided by service providers	manager	
contracted to the organisation for		- Cost may be greater than in-
this purpose.	- Fewer employee shortages	house or co-sourced delivery
- Internal audit is managed in-	- Specialist skills can be sourced	- Turnover of service provider staf
house by an employee of the		potentially reduces organisation
organisation.	- Flexibility	knowledge and may inhibit buildin
organisation.	1 loxionity	of professional relationships with
	- Can provide specialist skills not	management
	available in-house	management
		- In-house staff may need to
		remedy quality of deliverables
		where effective third party quality
		control arrangements may not be
		consistently maintained, adding to
		time and cost for engagements
		- Additional in-house staff time
		required for procurement, service
		provider selection and contract management
		- Potential conflicts in the timing or
		engagement with management
		may be more difficult to resolve fo
		service provider staff
Financial Implications*:		
In-house Management 40 hours management - \$3,180		
Total - \$39,180		
100% Outsourced		
- Internal audit services are	- Fewer employee shortages	As with 'Outsourced with In-house
provided by service providers	El es de litre :	Management', plus:
contracted to the organisation for	- Flexibility	Distances in the d
this purpose.		- Risks remain with the
The convice are sider -1	- Can provide specialist skills not	organisation but reside with
- The service provider also	available in-house	someone who is not an employee
manages the internal audit		Managament may be set lass
function.		- Management may have less
Drojoot monogoment of the		control
- Project management of the		In house menagerie unlikely to
service provider contract is done		- In-house manager is unlikely to
in-house by an employee of the organisation.		be audit trained and may not have the knowledge to ensure audit
งารูลแเรลแบบ.		quality is maintained
Financial Implications*:	1	1.
Outsourced Internal Audit - \$39,000		
180 hours auditing work (\$150/hr)		
20 hours partner review (\$600/hr)	- \$12,000	
Total - \$39,000		
Total - \$39,000		

- Internal audit services are	ntment on Audit Committee with In - Risks reside with an in-house	- May be difficult to attract and
provided exclusively or	manager	retain suitable staff/external
predominately by in-house	manager	member
employees of the organisation.	- Knowledge of organisation	member
employees of the organisation.	objectives, risks, systems and	- Specialist skills may not be
- Can be a centralised team or	culture	readily available
distributed team of in-house audit	Culture	
services	- Agility to respond quickly to	- Limited flexibility
30111003	emerging issues	Ennice nexionity
- Internal audit is managed in-		- May be human resource issues
house by an employee of the	- No conflicts of interest	with in-house staff
organisation.		
organisation.	- More direct control over quality	
- Experienced external applicant	of work	
appointed as an audit committee	OF WORK	
member	- Retains corporate knowledge	
member	Retains corporate knowledge	
	- Can provide training for future	
	managers	
	managere	
	- Critical mass makes in-house	
	internal audit viable and	
	sustainable	
	- Generally considered to be cost-	
	effective	
	- External member fills any skills	
	gap on the audit committee	
	- Skills transfer to employees and	
	other audit committee members	
	 External member provides 	
	independent views, knowledge	
	and experience	
Financial Implications*:		
	* • = • • •	
In-house experienced internal audito		
External audit committee member (4		
Advertising for audit committee men	nber - \$600	

* Financial implications have been based on four hours per week allocated to internal audit tasks (200 hours per vear).

The State Government's internal audit function is currently outsourced to SR Governance (Common Use Arrangement 23706), who operates in accordance with the Institute of Internal Auditors' Standards. Two officers from this organisation attend meetings of the Audit and Risk Management Committee providing advice and guidance as well as findings and recommendations associated with audits conducted in line with the Strategic Internal Audit Plan.

Whilst internal audit is usually a part of the organisation, reporting structures are put in place to make it independent from the mainstream organisation. The structure needs to ensure the audit operates without any interference. The use of an internal audit charter will outline how work is to be conducted and authorises that there is unrestricted access to all records, data, personnel and assets.

A combination of the in-sourced and co-sourced models adapted to best fit the needs of the City may be the most appropriate model for the City. Regulation 6. of the *Local Government (Financial Management) Regulations 1996* prevents an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government from —

- (a) conducting an internal audit; or
- (b) reviewing the discharge of duties by that employee,

or for managing, directing or supervising a person who carries out a function referred to in paragraph (a) or (b).

The reporting structure is important and with the above in mind it is therefore suggested that the City Strategy directorate administer the internal audit function which includes handling any HR matters, budget and resource requirements and preparation of work requested by the audit committee. It is also suggested that consideration be given to appointing an external member (non-elected member) to the audit committee.

Funding

The establishment of an internal audit function need not be a major investment. The City does not have to commit to hiring an entire department. As suggested the function can be internal, but just as easily out-sourced or co-sourced or a combination of the models. A very efficient option would begin with a preliminary risk assessment and then prioritising the areas of need at which time, a meaningful decision can be made as to how to efficiently staff the priority projects.

Internal Audit Function

Whilst there is some capacity in the City Strategy directorate to support the internal audit function, additional resources may be required during the periods of engagement. It is suggested that a budget of \$15,800 be allocated to fund 200 hours per annum of internal audit work.

Independent Member appointed to Audit Committee

Section 5.100 of the Local Government Act 1995 restricts the City from paying a member who is not a council member or an employee a fee for attending any committee meeting. However where a local government decides that any person who is a committee member but who is not a council member or an employee is to be reimbursed by the local government for an expense incurred by the person in relation to a matter affecting the local government.

Council will need to decide by resolution that it will reimburse a person who is not a council member or employee and it needs to approve the kind of expenses that it will reimburse to that person. The type of expenses are usually those that relates to out of pocket expenses that a person incurs in meeting their obligations as a member of the committee; these may include loss of income due to their time in attending the meeting where the person is self-employed; and any other reasonable expenses. The method of payment will be through creditors where an invoice will be supplied by the external committee member.

To reimburse the independent member for loss of income due to their time attending and preparing for the meeting; the level of reimbursement needs to be commensurate with the expertise and knowledge such people bring. The level of experience required of these individuals is comparable to the level and experience required of a Partner at a Professional Public Accounting Practice. It is estimated that there is approximately 3 hours involved in time to prepare, travel to and from and attend the Audit Committee meetings; equating to an approximate cost of \$1,800 per committee meeting per independent member. There would also be an additional cost of advertising for the role of approximately \$600.

Summary of Costs

Independent Member

	Cost per Meeting	No. of Meetings per Year	Cost per Year
Independent Member	\$1,800	4	\$7,200
Cost to Advertise*	-	-	\$600
Total Independent Member	\$1,800	4	\$7,800

* Only required when advertising – not necessarily annually.

Additional Resources – City Strategy

	Cost per hour (incl. on costs)	Hours per Year for resourced Internal Audit Engagements	Cost per Year
Experienced Internal Auditor	\$79	200	\$15,800
Total Additional Resources	\$79	200	\$15,800

Total costs per Annum \$23.600

To ensure the City of Kwinana's assets are safe guarded and to oversee the allocation of the public resources it is recommended that the City implement an internal audit function.

A summary of the steps required to implement the function are:

- 1. Hold an Audit Committee Meeting to recommend to Council:
 - a) To modify the Audit Committee Terms of Reference.
 - b) To implement the internal audit function, that an additional member to committee is created and this position be advertised for an external audit committee member (refer to advertisement in section 11.2.1) for a term of 2 years or until the next ordinary election; which ever happens first.
 - c) To pay to the external audit committee member an amount of \$1,800 per meeting for reimbursement of loss of income and other expenses related to attending each meeting.
 - d) To appoint Cr _____, Cr ____, Cr ____, Cr ____ and the Director City Strategy (no voting rights) to the appointment selection panel and once the preferred candidate is selected provide the recommendation to Council.

- 2. Include at the Ordinary Council Meeting following the Audit Committee recommendations that Council:
 - a) Approve the changes to the Audit Committee Terms of Reference.
 - b) Approve the audit committee recommendation for an internal audit function, appointment of additional member to committee (absolute majority required), payment per meeting and advertisement.
 - c) Appointment of selection panel.
 - 3. Advertise on seek and other job advertising mediums.
 - 4. The appointment of the selection panel that will provide the recommendation of appointment to Council at an Ordinary Council Meeting (absolute majority required).
 - 5. Hold an Audit Committee Meeting to recommend to Council:
 - a) To adopt the internal audit charter.
 - b) To adopt the internal audit plan for the next one to three years.
 - c) To appoint the preferred external committee member.
 - 6. Include at the following Ordinary Council Meeting after the Audit Committee that Council approve audit committee recommendations outlined in point five.

Further information on the feasibility of internal audit is detailed in Confidential Attachment B titled Internal Audit Function Feasibility Report.

LEGAL/POLICY IMPLICATIONS:

Defined in section 2.7 of the Local Government Act 1995 the role of Council is to:

- (1) (a) govern the local government's affairs; and
 - (b) be responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

The Act also provides for the requirement for Council to form an Audit Committee:

Division 1A — Audit committee

- 7.1A. Audit committee
 - (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.
 - * Absolute majority required.

The Act requires an audit committee to consist of a minimum of three members. If there are only three members on the committee then all members must be members of Council. In the event Council wishes to have more than three members on the committee; if appropriate, the whole Council may be appointed to the audit committee; or a local government may appoint one or more persons that are external to the Council, which is recommended. If Council wishes to appoint external members to the committee than the committee is to have a minimum of three members and of those members a majority must be council members.

Within the legislation of the Act there are also various requirements of the CEO and employees of a local government; one in particular is that the CEO is to review certain systems and procedures in relation to:

- (a) risk management;
- (b) internal control; and
- (c) legislative compliance.

The CEO's review may relate to any or all of the above matters referred, but each of those matters is to be the subject of a review at least once every two calendar years. The CEO is then required to report to the audit committee the results of those reviews.

In August 2016 a bill was introduced to amend the Local Government Act 1995 to provide for the auditing of local governments by the Auditor General. The key aspects of the Local Government Amendment (Auditing) Bill 2016 include:

- 1. requiring all audits to be done under the supervision of the Auditor General or the Office of the Auditor General;
- 2. introducing 'performance audits' to examine the efficiency and effectiveness of a local government's operations; and
- 3. a requirement for local governments to publish annual reports (which contain audit reports) on their websites.

The Minister stated that the Bill was in response to recommendations from the Corruption and Crime Commission and the Public Accounts Committee to raise the standard of accountability of local governments to a level consistent with State Government authorities and public sector agencies.

Information from other local governments in relation to the internal audit functions has been difficult to access due to the confidential nature of the reports. The Local Government Act 1995 allows a council or a committee to close a meeting to the public if a matter that if disclosed, could be reasonably expected to:

- i. impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
- ii. endanger the security of the local government's property; or
- iii. prejudice the maintenance or enforcement of a lawful measure for protecting public safety.

FINANCIAL/BUDGET IMPLICATIONS:

If the proposed model is approved the financial implications will be as follows:

Independent Member

	Cost per Meeting	No. of Meetings per Year	Cost per Year
Independent Member	\$1,800	4	\$7,200
Cost to Advertise*	-	-	\$600
Total Independent Member	\$1,800	4	\$7,800

* Only required when advertising – not necessarily annually.

Additional Resources – City Strategy

	Cost per hour (incl. on costs)	Hours per Year for resourced Internal Audit Engagements	Cost per Year
Experienced Internal Auditor	\$79	200	\$15,800
Total Additional Resources	\$79	200	\$15,800

Total costs per Annum	\$23,600
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ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications associated with this report.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications associated with this report.

ENVIRONMENTAL IMPLICATIONS:

There was no community consultation carried out in relation to this report.

STRATEGIC/SOCIAL IMPLICATIONS:

This report aligns with the following objectives contained within the City's Corporate Business Plan:

- 6.5 Apply best practice principles and processes to maximise efficiencies and qualities
 - 6.5.1 Ensure internal organisational policies and procedures are aligned to the achievement of the corporate and community vision.

RISK IMPLICATIONS:

Risk Event	To continue with current practices and not to implement internal audit function
Risk Theme	All themes
Risk Effect/Impact	All
Risk Assessment Context	Strategic/Operational
Consequence	Moderate
Likelihood	Almost certain
Rating (before treatment)	High
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Implement an internal audit function with an additional external member appointed to the Audit Committee
Rating (after treatment)	Low

COUNCIL DECISION

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412
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MOVED CR P FEASEY

SECONDED CR B THOMPSON

That the Audit Committee meeting on 13 March 2017 include an item that will recommend to:

- 1. Modify and recommend to Council the adoption of the updated Audit Committee Terms of Reference.
- 2. Prepare advertisement for the appointment of the external audit committee member.
- 3. Recommend the members of the Audit Committee that will be sitting on the appointment selection panel.

CARRIED BY AN 'EN BLOC' ABSOLUTE MAJORITY OF COUNCIL 7/0

16.11 Sale of Land for Recovery of Unpaid Rates

SUMMARY:

Assessment number 5279 within the City of Kwinana has outstanding rates which are at a stage where City Officers believe that the City has no other option than to proceed with the sale of the property to secure payment of the rates.

Sale of land is seen as a last resort and is only recommended when all avenues for debt collection have been exhausted.

It is proposed the property will be sold either in accordance with Section 6.64(1)(b) of the Local Government Act 1995, or by obtaining a Power of Sale by way of an application for a Property Seizure and Sale Order (PSSO), whereby the Bailiff will arrange to auction the property.

Either way, the outstanding rates balance on the property will be recovered from the sale and the remaining proceeds will be returned to the debtor if no other creditor claims exist.

OFFICER RECOMMENDATION:

That Council, authorises the Chief Executive Officer to proceed to undertake the necessary steps to secure the sale of the property hereunder which has rates in arrears of more than three years, and recover from the proceeds of sale all outstanding balances.

DISCUSSION:

The City is at a stage where City officers believe that there is no other option than to proceed with the sale of the property to secure payment of overdue rates.

Legal action is at a stage where the sale of land in accordance with either methods, Section 6.64(1) (b) or by Power of Sale is the only alternative.

City officers have made contact with the owners and have attempted to enter into payment arrangements for payment of outstanding rates for this property. The owner is aware of the outstanding debt and they have not complied with the payment arrangements that were established.

Three direct debit payment arrangements have been attempted since 2011/2012; however, each arrangement was cancelled due to excessive dishonors. Written notification has been directed to the last known postal address of the ratepayer advising that it will be our intention to refer the matter to Council with a recommendation to sell the property in order to recover the outstanding balance. The ratepayer has not responded to this recent correspondence.

The list detailing the recovery action attempted so far is contained within Confidential Attachment A.

LEGAL/POLICY IMPLICATIONS:

The property will become the subject of recovery procedures, which with the approval of Council, would involve the implementation of action under the relevant sections of the Local Government Act, to sell the properties in order to recover the overdue rates.

Section 6.64 of the Local Government Act 1995 states:

- 1. If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and
 - a) From time to time lease the land;
 - b) Sell the land;
 - c) Cause the land to be transferred to the Crown; or
 - d) Cause the land to be transferred to itself.
- 2. On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the and a notice, in the form or substantially in the form prescribed.
- 3. Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

Section 6.68 - Exercise of power to sell land

- 1. Subject to subsection (2), a local government is not to exercise its power under section 6.64 (1) (b) (in this Subdivision and Schedule 6.3 referred to as the "**power of sale**") in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.
- 2. A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land.
- 3. Schedule 6.3 has effect in relation to the exercise of the power of sale

Section 6.56 - Rates or service charges recoverable in court

1. If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.

16.11 SALE OF LAND FOR RECOVERY OF UNPAID RATES

Local Government Operational Guidelines Number 22 states:

A question of interpretation has been raised in relation to the meaning of section 6.64(1) of the Act which gives the power to a local government to take possession of the land where any rates or services charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years.

Advice received from the Department indicates that irrespective of any payment made towards the unpaid rates which have been outstanding for at least three years the process for taking possession of the land remains valid. It is considered that section 6.64(1) of the Act applies where **any** part of a sum (for rates and/or service charges) is still unpaid three years after it first became due.

FINANCIAL/BUDGET IMPLICATIONS:

There will be a \$17,954.94 reduction in the Rates Debtors balance sheet account.

Nil effect on budget 2016/2017.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications have been identified as a result of this report or recommendation.

ENVIRONMENTAL IMPLICATIONS:

There are 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	Strategy
Corporate	6.1 Ensure	6.1.4 Monitor the City's
Business	the financial	rating system to ensure it
Plan	sustainability of the	is responsive to the cost
	City of Kwinana into	of living and provides
	the future	flexibility and fairness for
		all

COMMUNITY ENGAGEMENT:

There are no community engagement implications that have been identified as a result of this report or recommendation.

16.11 SALE OF LAND FOR RECOVERY OF UNPAID RATES

RISK IMPLICATIONS:

Diale Event	Debter emplies for enforcement to be
Risk Event	Debtor applies for enforcement to be
	suspended
Risk Theme	Errors omissions delays
Risk Effect/Impact	Financial
Risk Assessment	Operational
Context	
Consequence	Insignificant
Likelihood	Unlikely
Rating (before	Low
treatment)	
Risk Treatment in	Accept – do nothing, accept its full impact
place	
Response to risk	Refer to legal counsel
treatment required/in	
place	
Rating (after treatment)	Low

Risk Event	Sale does not occur within 12 months
Risk Theme	Errors omissions delays
Risk Effect/Impact	Financial
Risk Assessment Context	Operational
Consequence	Insignificant
Likelihood	Possible
Rating (before treatment)	Low
Risk Treatment in place	Accept – do nothing, accept its full impact
Response to risk treatment required/in place	Refer to legal counsel
Rating (after treatment)	Low

Risk Event	Council do not support the officer's recommendation
Risk Theme	Errors omissions delays
Risk Effect/Impact	Financial
Risk Assessment Context	Operational
Consequence	Insignificant
Likelihood	Unlikely
Rating (before treatment)	Low
Risk Treatment in place	Accept – do nothing, accept its full impact
Response to risk	Accept debt remains on rates debtors
treatment required/in	balance sheet
place	
Rating (after treatment)	Low

16.11 SALE OF LAND FOR RECOVERY OF UNPAID RATES

COUNCIL DECISION 413 MOVED CR P FEASEY

SECONDED CR B THOMPSON

That Council, authorises the Chief Executive Officer to proceed to undertake the necessary steps to secure the sale of the property hereunder which has rates in arrears of more than three years, and recover from the proceeds of sale all outstanding balances.

CARRIED BY 'EN BLOC' 7/0

17 Urgent Business

Nil

18 Councillor Reports

18.1 Deputy Mayor Peter Feasey

Deputy Mayor Peter Feasey reported that he attended the Senior Citizens Christmas Lunch which was great.

Deputy Mayor Feasey advised that he had attended the City of Kwinana sponsored water slides at the Kwinana Seniors Football Club.

18.2 Councillor Ruth Alexander

Councillor Ruth Alexander reported that she had attended several local school graduations which had been lovely to see.

Councillor Alexander advised that she had attended the Christmas Carols event held outside the Darius Wells Library and Resource Centre that were hosted by Member for Brand, Madeline King and Roger Cook MLA.

18.3 Councillor Wendy Cooper

Councillor Wendy Cooper wished everyone a Merry Christmas.

18.4 Councillor Sandra Lee

Coucillor Sandra Lee reported that she had attended the City of Kwinana Local Organisations Christmas Function.

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

Councillor Lee mentioned that she had attended the Kings College Graduation Ceremony.

Councillor Lee reported that she had attended the Bertram Primary School Graduation Ceremony.

Councillor Lee wished everyone a Merry Christmas and a happy and safe New Year.

18.5 Councillor Bob Thompson

Councillor Bob Thompson reported that he had attended the City of Kwinana Local Organisations Christmas Function and enjoyed it.

Councillor Thompson advised that he had attended the City of Kwinana Citizenship Ceremony.

18 COUNCILLOR REPORTS CONTINUED

Councillor Thompson mentioned that he had attended the St Vincent's Primary School Graduation.

Councillor Thompson reported that he had attended the Wellard Twilight Markets and that they were the busiest market and that there was such a lovely atmosphere at the event.

Councillor Thompson wished everyone all the best for Christmas and the New Year.

18.6 Councillor Dennis Wood

Councillor Dennis Wood reported that he had attended the City of Kwinana Citizenship Ceremony.

Councillor Wood advised that he had attended the City of Kwinana Seniors Lunch.

19 Response to Previous Questions

Questions taken on notice at the Ordinary Council Meeting held on 9 November 2016.

Due to the members of the public being minors the City has supressed the names of the members of the public that asked questions.

19.1 Resident 1

Question 1

In your roles as local Councillors and besides from the existing projects such as the skate park how are you stratagising to improve our City on behalf on the youth?

<u>Response</u>

The Mayor took the question on notice.

Further Response from the City of Kwinana

The City currently has a "Children, Family and Youth" policy and strategy in place and has implemented a number of initiatives over the past 5 years to ensure the City remains responsive to the needs of young people and their families - the construction of the Zone Youth Centre and the Skate Park are two such initiatives, as is the continuing development of the LYRiK Programme. We have recently undertaken significant consultation with young people and other stakeholders to review the policy and strategy and will be adopting the new Youth specific policy and strategy at the last Council meeting of year, on the 14 December, 2016.

The new Youth Policy commits the City to adopting the values underpinning the Government of Western Australia's Youth Strategic Framework, which are as follows:

- 1. **Being healthy, happy and safe** Promoting healthy lifestyles is essential for the wellbeing of young people.
- 2. **Learning, work and future financial independence** Education and training are important for young people, enhancing their future independence and employment opportunities.

19 RESPONSE TO PREVIOUS QUESTIONS CONTINUED

- 3. **Living life to the full** Being part of the community is important to young people and strongly influences their health and wellbeing.
- 4. **Making a difference** Many young people have a strong commitment to making the world a better place, contributing to community life at a local, state, national and even international level.

The proposed Youth Strategy sets out actions across five areas to ensure strategic services and programming across the domains mentioned above:

- 1. Safe Communities for Youth People
- 2. Youth Participation and Citizenship
- 3. Access to Information
- 4. Access to Programs and Services

5. Collaboration to Build Community and Youth Sector Capacity

There are a range of initiatives outlined in the strategy such as:

- Ensure young people have avenues to communicate their views, needs and aspirations to leaders and decision makers.
- Promote the positive contributions young people make to the community to counter negative stereotypes and encourage further involvement.
- Ensure young people have access to good quality local education and employment opportunities and are 'ready' to enter employment and/or pursue economic success.
- Provide a range of high-quality, evidence-based and innovative programs and services for young people and their families including those who experience complex challenges or who are vulnerable and at risk.

Question 2

Would it be appropriate if a member from the Kwinana Youth Advisory Council were to liaise with a member of the City Council, so that we, as youth representatives could be better informed with the work of the Council and give greater voice to our community's youth?

<u>Response</u>

The Mayor took the question on notice.

Further Response from the City of Kwinana

This would be a very welcome initiative and there are a number of ways this could be achieved, either through the Junior Council, or other forums that could be organised on a regular basis. Members of the City's youth work staff will liaise with the Youth Advisory Council to make sure this occurs.

20 Mayoral Announcements (without discussion)

The Mayor Carol Adams reported that it tis the season for Graduations and School Awards and that she had attended those held at Bertram Primary School, Leda Primary School, Calista Primary School, North Parmelia Primary School and Peter Carnley Anglican Community School Presentation. The Mayor added that the new Gymnasium at Peter Carnley Anglican Community School has been named after Keith Limbeck, the outgoing school Board Chairperson.

The Mayor advised that she had attended the City of Kwinana Educational Scholarship Event and further advised that \$7,000 had been awarded and that the City has been providing scholarships for over 10 years.

The Mayor mentioned that she had attended Peter Carnley Anglican Community School and provided a presentation to the Year 3 students regarding the 'Role of a Mayor'.

The Mayor reported that she had attended the Thank a Volunteer Event on the International Day of the Volunteer.

The Mayor advised that she had attended the Fremantle Council Port Cities Priorities Event at Victoria Quay South.

The Mayor mentioned that she had attended the City of Kwinana Local Organisations Christmas Function which was well attended and a great night.

The Mayor reported that the 2016 Children's Environment and Health Local Government Report Card had been received and the City of Kwinana was recognised in the following categories:

- Children's Consultation category (<u>category winner</u>); sponsored by the Commissioner for Children and Young People WA, is awarded to a local government that implements innovative strategies to give young people a voice.
- Commendation: smoke free environments

The Mayor advised that she had attended the City of Kwinana Seniors Christmas Lunch which was a great event.

The Mayor mentioned that she had attended the Kwinana Senior Citizens Christmas Luncheon.

The Mayor reported that she had attended the Kwinana Early Years Annual General Meeting.

The Mayor advised that the 2017 Elections are approaching and that they have been busy doing the rounds with the different parties as we head towards the 11 March 2017. The Mayor explained that she has attended a Freight Forum with Rita Saffioti and Mark McGowan, where they outlined their views for the transport in the region. The Mayor further advised that she joined the Rockingham Mayor and several Councillors from Kwinana and Rockingham along with a candidate for Baldivis, Member for Warnboro, Kwinana and Mandurah to discuss Local Government issues, we spoke about rate capping and the need to be more innovative.

The Mayor mentioned that she attended UDIA Breakfast where Rita Saffioti told a whole room of Developers and Planners how the Labor government will manage Perth's urban growth.

20 MAYORAL ANNOUNCEMENTS (WITHOUT DISCUSSION) CONTINUED

The Mayor reported that she had attended a breakfast with Deputy Premier, Lisa Harvey and she spoke about law and order issues and Police presence in the Southern Corridor.

The Mayor acknowledged that it was the last Ordinary Council Meeting to be held in 2016 and passed on her thanks to the Chief Executive Officer, the Director City Strategy for her time as the Acting Chief Executive Officer, the Executive Team and the City of Kwinana staff for their commitment.

The Mayor passed on her thanks to the Elected Members for their support and achievements throughout the year, of which there were numerous.

The Mayor stated that she was looking forward to a break and coming back nice and refreshed.

21 Matters Behind Closed Doors

Nil

22 Meeting Closure

The Mayor declared the meeting closed 8:15pm.

Chairperson: