

# Ordinary Council Meeting

11 May 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](http://www.kwinana.wa.gov.au)

## Vision Statement

***Kwinana 2030  
Rich in spirit, alive with opportunities,  
surrounded by nature – it's all here!***

## Mission

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



## We will do this by –

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

## Values

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

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

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## **Present:**

HER WORSHIP MAYOR C ADAMS  
DEPUTY MAYOR P FEASEY  
CR R ALEXANDER  
CR W COOPER  
CR S LEE  
CR S MILLS  
CR B THOMPSON  
CR D WOOD

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

Members of the Press	2
Members of the Public	0

## **1 Declaration of Opening:**

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

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

## **2 Prayer:**

***Councillor Ruth Alexander 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**

Nil

### **Leave(s) of Absence (previously approved):**

Nil

#### **4 Public Question Time:**

Nil

#### **5 Applications for Leave of Absence:**

##### **COUNCIL DECISION**

**186**

**MOVED CR S LEE**

**SECONDED CR R ALEXANDER**

**That Mayor Carol Adams be granted a leave of absence from 19 May 2016 to 22 May 2016 inclusive.**

**CARRIED  
8/0**

##### **COUNCIL DECISION**

**187**

**MOVED CR S MILLS**

**SECONDED CR B THOMPSON**

**That Councillor Wendy Cooper be granted a leave of absence from 28 July 2016 to 3 August 2016 inclusive.**

**CARRIED  
8/0**

#### **6 Declarations of Interest by Members and City Officers:**

Councillor Ruth Alexander declared a financial interest in item 16.5, Local Public Notice of Proposed Disposition of Koorliny Arts Centre, 10 Hutchins Cove, Kwinana due to being an employee of Koorliny Arts Centre.

Mayor Carol Adams declared an impartiality interest in item 16.5, Local Public Notice of Proposed Disposition of Koorliny Arts Centre, 10 Hutchins Cove, Kwinana due to a close family member being on the Koorliny Arts Centre Board.

Mayor Carol Adams declared a financial interest in item 16.9, TENDER – 597KWN15 – Provision of Banking and Bill Payment Services, due to holding shares in the franchise company managing the Kwinana Bendigo Bank.

Chief Executive Officer, Joanne Abbiss declared a financial interest in item 16.9, TENDER – 597KWN15 – Provision of Banking and Bill Payment Services, due to being a customer of NAB and Westpac as well as the Commonwealth Bank were a sponsor of the Telstra Business Women's Awards, which she won, as well as the person whom nominated her was an employee of the Commonwealth Bank.

Councillor Sandra Lee declared a financial interest in item 16.9, TENDER – 597KWN15 – Provision of Banking and Bill Payment Services, due to being a member of a managed shared fund that has shares in the Commonwealth, Westpac and National Australia Banks.



## 6 DECLARATIONS OF INTEREST BY MEMBERS AND CITY OFFICERS

Deputy Mayor Peter Feasey declared a financial interest in item 16.9, TENDER – 597KWN15 – Provision of Banking and Bill Payment Services, due to his wife being an employee of Westpac Bank.

Councillor Wendy Cooper declared a financial interest in item 16.9, TENDER – 597KWN15 – Provision of Banking and Bill Payment Services, due to holding shares in the franchise company managing the Kwinana Bendigo Bank.

Councillor Dennis Wood declared a financial interest in item 16.9, TENDER – 597KWN15 – Provision of Banking and Bill Payment Services, due to holding shares in the franchise company managing the Kwinana Bendigo Bank.

*The Corporate Lawyer exited the Council Chambers at 7:04pm*

## 7 Community Submissions:

Nil

## 8 Minutes to be Confirmed:

### 8.1 Ordinary Meeting of Council held on 27 April 2016:

#### COUNCIL DECISION

188

MOVED CR S LEE

SECONDED CR R ALEXANDER

That the Minutes of the Ordinary Meeting of Council held on 27 April 2016 be confirmed as a true and correct record of the meeting.

CARRIED  
8/0

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

Nil

## 10 Petitions:

Nil

## 11 Notices of Motion:

Nil

## 12 Reports – Community

### 12.1 Adoption of Homelessness Policy

#### **SUMMARY:**

This report seeks a Council resolution on the adoption of the Homelessness Policy (Attachment 1).

The Policy proposes to formalise Council's response to homelessness by providing:

- (1) a definition of homelessness;
- (2) a commitment to the provision of information and referral to appropriate services to those persons presenting as homeless in the City of Kwinana;
- (3) a commitment to working in partnership with agencies supporting homeless people in the City of Kwinana; and
- (4) a commitment to addressing the underlying causes of homelessness.

#### **OFFICER RECOMMENDATION:**

That Council adopt the Homelessness Policy (Attachment 1).

#### **DISCUSSION:**

Homelessness poses significant risks for those experiencing it. Over the past year there has been an increase in perceived homelessness in Kwinana resulting in an increased number of complaints to the City, plus media reports highlighting the issue. For example, WA Today published an article on 3 August 2015 entitled "WA homeless crisis: what the cars at Rockingham and Kwinana beaches mean" indicating that some 50 vehicles could be found across the two areas every night.

In 2014 Council approved the appointment of two Community Engagement positions to engage with, provide information to and refer as appropriate, at risk people experiencing social disadvantage to agencies who could provide them with support services. These officers have worked extensively with homeless and at risk people throughout the City on a range of issues. After the marked increase of homeless people present at Wells Park in late 2015, these officers engaged with and have worked effectively with the group, achieving a significant reduction in homelessness in this area.

To provide direction for the aforementioned Community Engagement positions and ensure an equitable and robust approach to addressing homelessness that aligns with community need and aspiration, there is identified need for a Council policy position (and corresponding operational procedures) on homelessness. To that end, the attached draft Homelessness Policy (hereafter "Policy") has been developed.

The Policy proposes to formalise Council's response to homelessness by providing:

- (1) a definition of homelessness;
- (2) a commitment to the provision of information and referral to appropriate services to those persons presenting as homeless in the City of Kwinana;
- (3) a commitment to working in partnership with agencies supporting homeless people in the City of Kwinana; and
- (4) a commitment to addressing the underlying causes of homelessness.



## 12.1 ADOPTION OF HOMELESSNESS POLICY

The Policy uses ABS' statistical definition of homelessness, which is as follows:

*A person is considered to be experiencing homelessness if their current living arrangement: (1) is in a dwelling that is inadequate; or (2) has no tenure, or if their initial tenure is short and not extendable; or (3) does not allow them to have control of, and access to space for social relations.*

Further, the Policy states that the underlying causes of homelessness are lack of affordable housing and crisis accommodation, education, employment and healthcare, and indicates that Council will lobby the State and Commonwealth governments to address them. Moreover, it states that Council will consider the aforementioned underlying causes of homelessness as part of its strategic and financial planning processes.

The principal benefit of a robust and equitable approach to addressing homelessness is the reduction in persons experiencing homelessness, and associated improvements in community health and wellbeing.

### **LEGAL/POLICY IMPLICATIONS:**

This report seeks a Council resolution on the adoption of the Homelessness Policy, and therefore has policy implications. In particular, the Policy has implications for the City's outreach, advocacy and planning work in relation to persons experiencing homelessness.

### **FINANCIAL/BUDGET IMPLICATIONS:**

The Homelessness Policy commits Council to outreach, advocacy and planning work in relation to persons experiencing homelessness, which has financial implications. However, this work is already being undertaken and accounted for in the City's annual budget; therefore, there are no incremental financial implications.

### **ASSET MANAGEMENT IMPLICATIONS:**

Homelessness has asset management implications, as some persons experiencing homelessness occupy or otherwise utilise City facilities (e.g. toilet blocks) and grounds. Through addressing homelessness, the Homelessness Policy will support Council's asset management objectives.

### **ENVIRONMENTAL IMPLICATIONS:**

Homelessness has environmental implications, as some persons experiencing homelessness occupy or otherwise utilise natural environments. Through addressing homelessness, the Homelessness Policy will support Council's environmental objectives.

12.1 ADOPTION OF HOMELESSNESS POLICY

**STRATEGIC/SOCIAL IMPLICATIONS:**

The Homelessness Policy aligns with several Strategic Community Plan objectives and strategies, including:

- 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 the City of Kwinana's Children, Family and Youth and other strategies in order to ensure that support programs are provided for the vulnerable, and community facilities and public spaces are enlivened by a variety of activities and programmes, particularly for youth and seniors.

**RISK IMPLICATIONS:**

Homelessness poses significant risks for those experiencing it, as well as for the image of the community in which it occurs. Through addressing homelessness, the Homelessness Policy addresses those risks.

**COUNCIL DECISION**

189

**MOVED CR B THOMPSON**

**SECONDED CR W COOPER**

**That Council adopt the Homelessness Policy (Attachment 1).**

**CARRIED  
8/0**



## POLICY HOMELESSNESS



# HOMELESSNESS POLICY

The purpose of this policy is to establish guidelines for the City of Kwinana's approach to addressing homelessness.

Adopted:	[INSERT DATE OF ADOPTION DD/MM/YYYY]
Last reviewed:	[INSERT DATE OF LAST REVIEW IOF APPLICABLE]
Legal Authority	Local Government Act Section 2.7 – The Role of Council [INSERT OTHER RELEVANT LEGISLATION HERE]

## Policy:

### 1. Definition of homelessness:

- 1.1. A person is considered to be experiencing homelessness if their current living arrangement: (1) is in a dwelling that is inadequate; or (2) has no tenure, or if their initial tenure is short and not extendable; or (3) does not allow them to have control of, and access to space for social relations.

### 2. Commitment to the provision of information and referral:

- 2.1. Council will ensure that persons experiencing homelessness are provided with information about support services, and referral as appropriate.

### 3. Commitment to working in partnership:

- 3.1. Council will endeavour to support and work in partnership with agencies that deliver services for vulnerable residents at risk of and experiencing homelessness.
- 3.2. Council will provide information about the aforementioned agencies through all appropriate channels.

### 4. Commitment to addressing the underlying causes of homelessness:

- 4.1. Council recognises that the underlying causes of homelessness are lack of affordable housing and crisis accommodation, education, employment and healthcare.
- 4.2. Council will lobby the State and Commonwealth governments to address the aforementioned underlying causes of homelessness.
- 4.3. Council will consider the aforementioned underlying causes of homelessness as part of its strategic and financial planning processes.

### **13 Reports – Economic**

Nil

### **14 Reports – Natural Environment**

Nil

## 15 Reports – Built Infrastructure

### 15.1 Consideration to Initiate Scheme Amendment No. 150 to modify Subdivision Guide Plan No. 2 within Special Rural Zone No. 2, Wandí

#### SUMMARY:

A request has been received to amend the adopted Subdivision Guide Plan (SGP) for Special Rural Zone No. 2, Wandí. The amendment proposes to modify the SGP to include a new subdivision design for two lots at Lot 41 Frayne Place (“subject lot”) to allow for a future subdivision application (Attachments A and B).

As can be seen from Attachment C, the subject lot is not currently identified on the SGP as a lot which can be subdivided. The site area of the lot measures 4.0358ha. It is proposed that the SGP be modified to allow the land to be subdivided into two lots of approximately 2 hectares each in accordance with Schedule 2 of Town Planning Scheme No.2 (TPS2). The proposed subdivision configuration provided by the applicant shows the two lots side by side which would allow both lots to have frontage off Frayne Place (Attachment C).

As can be seen from Attachment C, the existing dwelling and shed on the property are located towards the centre of the lot. Given the current location of the existing buildings, and to enable a minimum 2ha lot size for both lots, the new lot boundary is proposed to be 3.6m-4m from the building envelope on proposed Lot 2.

The applicant argues that the proposed building envelope around the existing buildings on Lot 2 is in the most cleared part of the lot and includes little vegetation. The City’s TPS requires building envelopes to be setback a minimum of 10m from side boundaries.

Clause 6.3.2 of the Scheme allows Council to vary Scheme setbacks whilst having regard for the effect on the privacy of adjoining lots and the position of existing buildings and structures. The proponent argues that more vegetation would be removed should the envelope be 10m from the boundary in accordance with the Scheme. City Officers believe there is reasonable justification to apply discretion for the setback variation based on the merits of the proposal.

The proposed envelope on Lot 1 is located towards the rear of the property and complies with the setback requirements of the Scheme. The applicant advises that the envelope is in a mostly cleared area and does not include any wetlands. City officers have considered this location of the building envelope and are supportive given it minimises the removal of vegetation.

The City’s Environment Team has considered the application and has supported its findings.

Schedule II of the City’s TPS, states that *subdivision shall be generally in accordance with the SGP No. 2 dated 2010*. Once the SGP has been amended to show subdivision potential for Lot 42 Frayne Place, a subdivision application can be lodged to the Western Australian Planning Commission (WAPC) and this is the intent of the proponent.



15.1 CONSIDERATION TO INITIATE SCHEME AMENDMENT NO. 150 TO MODIFY SUBDIVISION GUIDE PLAN NO. 2 WITHIN SPECIAL RURAL ZONE NO. 2, WANDI

**OFFICER RECOMMENDATION:**

1. That Council, in pursuance of Part 5 (s. 75) of the Planning and Development Act (2005), initiate an amendment to City of Kwinana Town Planning Scheme No 2 ("Scheme") for the purposes of:
  - 1.1 Modifying the Subdivision Guide Plan for Special Rural Zone No 2 in accordance with a proposed two lot subdivision configuration for Lot 41 (36) Frayne Place Wandl, as shown in Attachment C of this Council Report.
2. That the amendment is in the opinion of Council considered a Standard Amendment as it satisfies the following criteria of Regulation 34 of the Planning and Development (local Planning Scheme) Regulations 2015:

*An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*

*An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*
3. The amendment be referred to the Environmental Protection Authority ("EPA") as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, cause the amendment to be advertised for a period of 42 days in accordance with the Regulations. In the event that the EPA determines that the amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment.
4. Upon completion of advertising and notification of the level of assessment of the amendment by the EPA, the amendment be referred back to Council for final adoption.

**DISCUSSION:**

**Land Status**

Metropolitan Region Scheme:	Rural Water Protection
Town Planning Scheme No.2:	Special Rural Zone No.2

**Proposal**

A request has been received to amend the adopted SGP for Special Rural Zone No.2. The amendment proposes to modify the SGP to show proposed subdivision boundaries for two lots at Lot 41 Frayne Place ("subject lot") to allow for future subdivision (Attachments A and B).

**Existing Land uses**

The subject site is currently used for Special Rural purposes, with an existing dwelling and associated ancillary outbuildings. The proposed use of the property following the amendment will still need to be in accordance with the Special Rural zoning.

**15.1 CONSIDERATION TO INITIATE SCHEME AMENDMENT NO. 150 TO MODIFY SUBDIVISION GUIDE PLAN NO. 2 WITHIN SPECIAL RURAL ZONE NO. 2, WANDI**

**Fire Access and Management**

Fire risk is an important issue in the Special Rural Zones. A Fire Management Plan (FMP) prepared by FirePlan WA and dated December 2015 was submitted with the scheme amendment documentation. The FMP notes that the risk and potential impact of fire to persons and property would be greatly reduced through the implementation of measures including construction of fire breaks and maintaining a hazard separation zone. The proposed lot at the rear has been given a Bush Fire Attack level (BAL) rating of 19, and the proposed dwelling would be required to be constructed to Australian Standard (AS) 3959. At subdivision stage, notifications would be required to be placed on titles to alert purchasers and successors in title to the responsibilities of the FMP and bush fire building construction requirements.

The draft FMP was reviewed by the City's Fire Consultant who concurred with the findings and approved the FMP.

**Vegetation**

The area to the rear of the proposed lot has sparse vegetation and is understood to be previously used for paddocks. The scheme amendment documentation notes that the vegetation in this area is degraded and is an appropriate location for the building envelope. The City's Environment Manager carried out a site inspection at the property and agrees with the report. In addition, the lot is not located in an area of Landscape Protection.

**Wetlands**

There is a small portion of Resource Enhancement and Multiple Use Wetland located towards the northern boundary of the lot that extends into the adjoining Reserves. The area represents a significantly small proportion of the lot (approximately 200m<sup>2</sup>) and is not located near or within the proposed building envelopes. The proposed subdivision design is not expected to interfere with the wetland.

**Lot Configuration**

The proposed subdivision configuration shows the two lots side by side which would allow both lots to have frontage off Frayne Place. It is considered that the proposed envelope locations are unlikely to negatively affect the environment or local amenity. The proposal would limit the need for clearing for the new building envelope.

**Building Envelopes**

The existing dwelling and shed on the property are located towards the centre of the lot. Given the current location of the existing buildings, and to enable a minimum 2ha lot size for both lots, the new lot boundary is 3.6m-4m from the building envelope on proposed Lot 2. The proposed building envelope that is around the existing buildings on Lot 2 is in the most cleared part of the lot and includes little vegetation.

The City's TPS requires building envelopes to be setback a minimum of 10m from side boundaries. Should the envelope be 10m from the boundary in accordance with the Scheme, the proponent argues that more vegetation would be removed.

**15.1 CONSIDERATION TO INITIATE SCHEME AMENDMENT NO. 150 TO MODIFY SUBDIVISION GUIDE PLAN NO. 2 WITHIN SPECIAL RURAL ZONE NO. 2, WANDI**

Clause 6.3.2 of the Scheme allows Council however to vary building setbacks whilst having regard for the effect on privacy of adjoining lots and the position of existing buildings and structures. In this case, it is not considered that privacy will be impacted nor any adjoining properties affected by the locations of the envelopes and buildings. Officers believe there is reasonable justification to apply discretion for the setback variation based on the merits of the proposal.

The proposed envelope on Lot 1 is located towards the rear of the property and complies with the setback requirements of the Scheme. The proponent advises that the envelope is in a mostly cleared area and does not include any wetlands. Both envelopes have an area of approximately 2ha. City officers take the view the proposed amendment to the SGP is considered to result in minimal removal of vegetation with little impact on the surrounding locality.

The exact locations of building envelopes are to be determined at the subdivision stage and the proposed locations are a guide only. Council Officers inspected the site and support the proposed building envelope locations.

**LEGAL/POLICY IMPLICATIONS:**

For the purpose of Councillors considering a financial or impartiality interest only, the proponent is Altus Planning & Appeals and the owners are John Ross Mitchell and Jennifer Jill Mitchell.

Legislation

Planning and Development Act, 2005.

Metropolitan Region Scheme.

City of Kwinana Town Planning Scheme No. 2.

Planning and Development (Local Planning Schemes) Regulations, 2015.

Environmental Protection Act, 1986.

Planning for Bush Fire Protection Guidelines (Edition 2), 2010.

Policies

Development Within Special Rural Zones

**FINANCIAL/BUDGET IMPLICATIONS:**

All costs associated with the Scheme Amendment are to be met by the proponent.

**ASSET MANAGEMENT IMPLICATIONS:**

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

**ENVIRONMENTAL IMPLICATIONS:**

Prior to making its recommendations to Council on this matter, City Officers conducted a site visit to ensure that the proposed Scheme Amendment, including areas required for building locations, is environmentally sensitive and appropriate.

15.1 CONSIDERATION TO INITIATE SCHEME AMENDMENT NO. 150 TO MODIFY SUBDIVISION GUIDE PLAN NO. 2 WITHIN SPECIAL RURAL ZONE NO. 2, WANDI

**STRATEGIC/SOCIAL IMPLICATIONS:**

The proposed subdivision accords with the Scheme and intent of the Special Rural Zone.

**RISK IMPLICATIONS:**

Council approves developments 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.

**COUNCIL DECISION**

190

**MOVED CR W COOPER**

**SECONDED CR B THOMPSON**

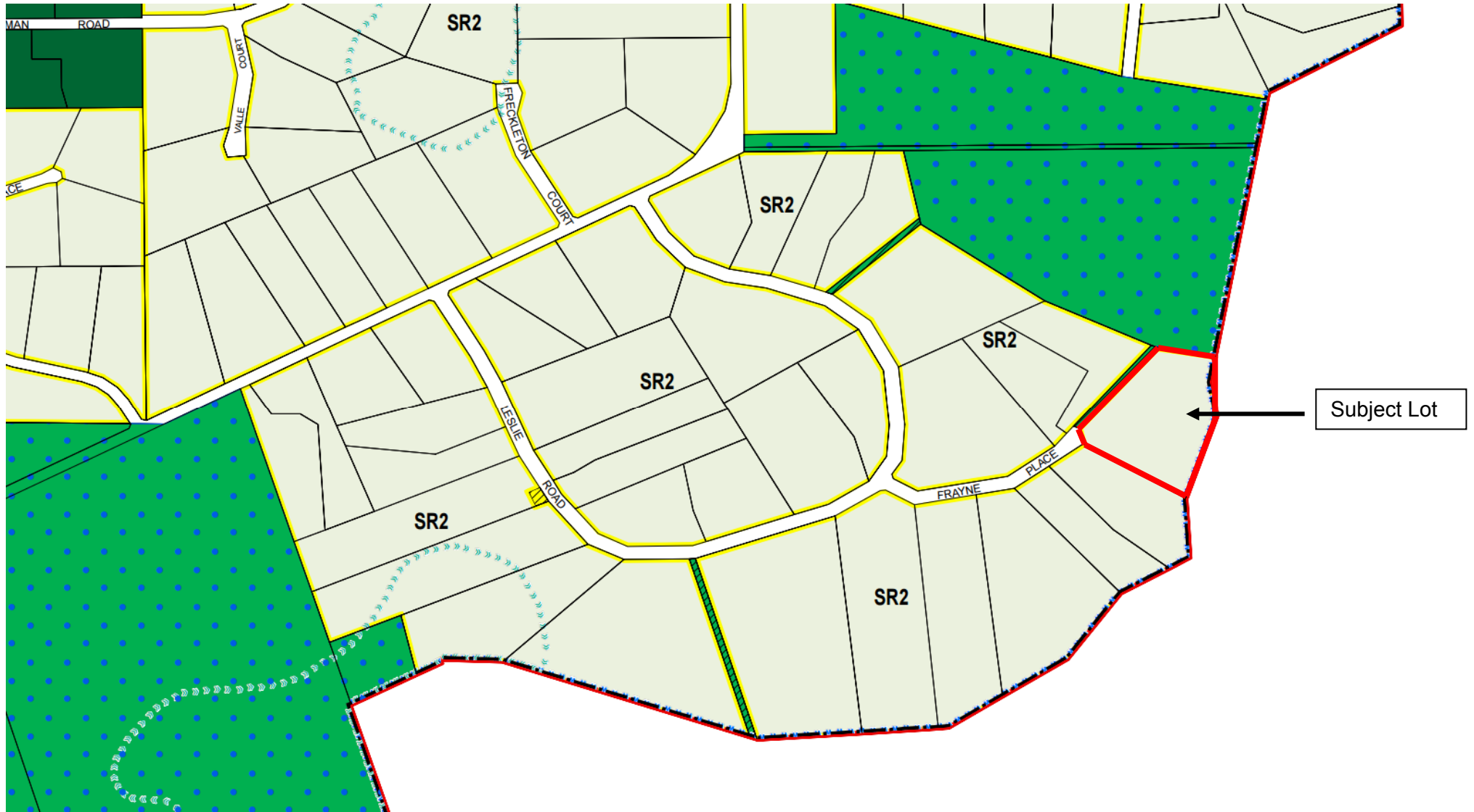
1. That Council, in pursuance of Part 5 (s. 75) of the Planning and Development Act (2005), initiate an amendment to City of Kwinana Town Planning Scheme No 2 ("Scheme") for the purposes of:
  - 1.2 Modifying the Subdivision Guide Plan for Special Rural Zone No 2 in accordance with a proposed two lot subdivision configuration for Lot 41 (36) Frayne Place Wandl, as shown in Attachment C of this Council Report.
2. That the amendment is in the opinion of Council considered a Standard Amendment as it satisfies the following criteria of Regulation 34 of the Planning and Development (local Planning Scheme) Regulations 2015:

*An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*

*An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*
3. The amendment be referred to the Environmental Protection Authority ("EPA") as required by Section 81 of the Act, and on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, cause the amendment to be advertised for a period of 42 days in accordance with the Regulations. In the event that the EPA determines that the amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the amendment.
4. Upon completion of advertising and notification of the level of assessment of the amendment by the EPA, the amendment be referred back to Council for final adoption.

**CARRIED**  
**8/0**

**Attachment A - Location Map**



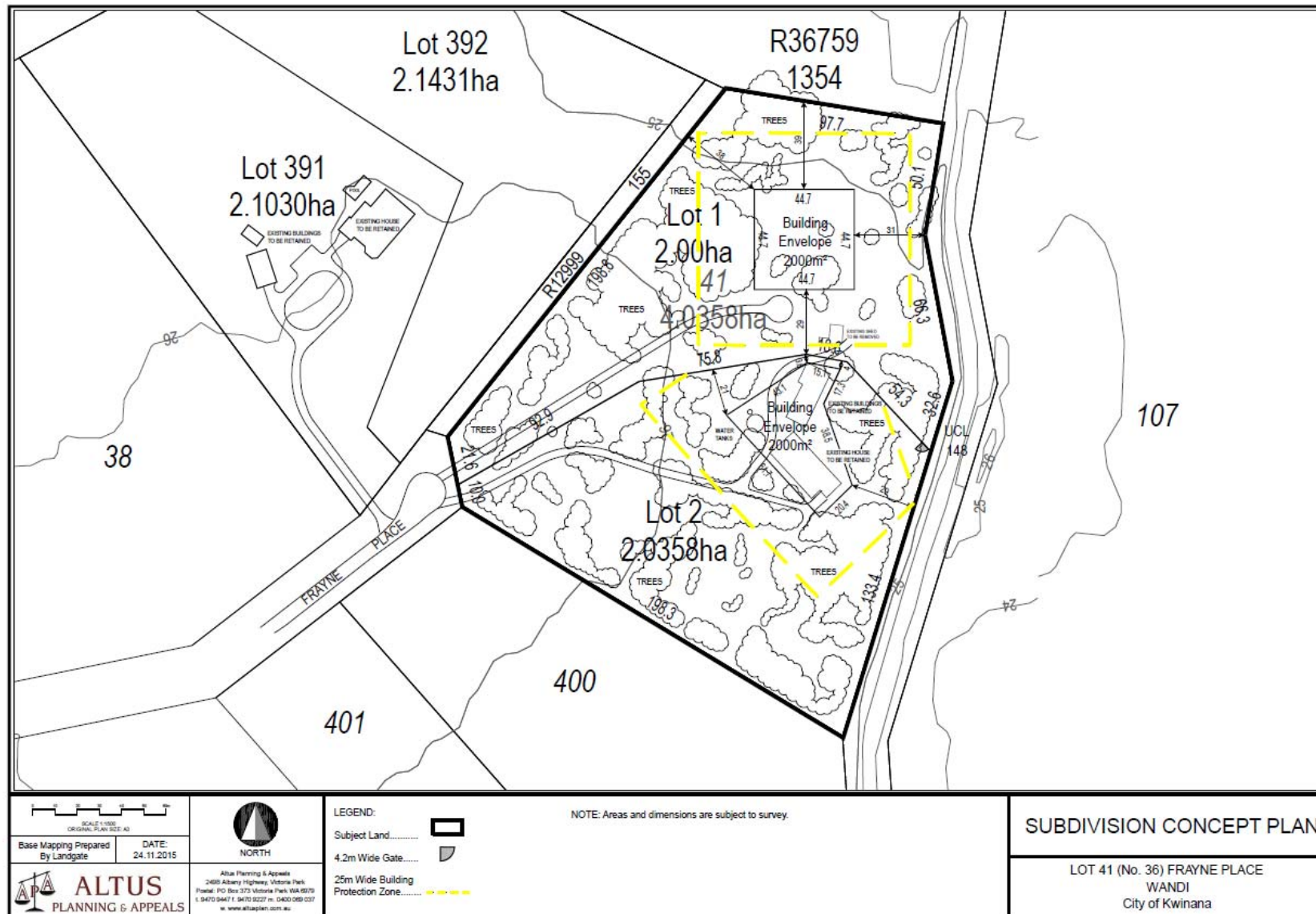


**Attachment B – Aerial Map**





# **Attachment C – Proposed subdivision layout & building envelopes**



## 16 Reports – Civic Leadership

### 16.1 Appointment of Council Representatives to Metropolitan Regional Road Group South West Sub Group and nomination of a delegate to the WALGA Freight Policy Forum

#### SUMMARY:

At the Ordinary Council Meeting held on 28 October 2015, the appointment of Elected Members' to Committees, External Committees and Representative Organisations for 2015 – 2017 was addressed.

City Officers have been made aware that the City of Kwinana is not represented at the Metropolitan Regional Road Group South West sub group and an opportunity has arisen to put forward a nomination to the WALGA Freight Policy Forum. It is recommended that an elected member and technical representative be appointed to the Metropolitan Regional Road Group South West sub group and that an elected member and technical representative be nominated for consideration by WALGA for appointment to the Freight Policy Forum.

#### OFFICER RECOMMENDATION:

1. That Council approve the following external appointments:

Metropolitan Regional Road Group South West sub group:

Position	Name
Elected Member	
Technical Representative	Manager Engineering Services

2. That Council nominate the following representatives to be considered by WALGA for appointment to the:

Freight Policy Forum:

Position	Name
Elected Member	
Technical Representative	Manager Engineering Services

#### DISCUSSION:

Both the Metropolitan Regional Road Group South West sub group and the WALGA Freight Policy Forum are transport related external committees.

#### 16.1 APPOINTMENT OF COUNCIL REPRESENTATIVES TO METROPOLITAN REGIONAL ROAD GROUP SOUTH WEST SUB GROUP AND NOMINATION OF A DELEGATE TO THE WALGA FREIGHT POLICY FORUM

The Metropolitan Regional Road Group South West sub group assists the Metropolitan Regional Road Group when managing and considering local road issues for the following local governments:

- City of Kwinana
- City of Cockburn
- Town of East Fremantle
- City of Fremantle
- City of Melville
- City of Rockingham

The Metropolitan Regional Road Group South West sub group are to meet regularly and at least twice per annum. Each local government is to have an elected member and technical representative. A compulsory item on the agenda is the status of claims for Main Roads Metropolitan Regional Road Group projects. Quarterly Expenditure Reports are reviewed at these meetings and the group is supported by a Main Roads Western Australia support staff member. The elected member is the voting representative and has one vote for each recommendation at the sub group meetings.

The WALGA Freight Policy Forum focuses on the agricultural areas of Western Australia and their links to ports. There is no set meeting dates and meetings will be convened when required, depending on the project, and attendance can be in person or via teleconferencing. The following is an extract of their objectives stated in their terms of reference:

##### *Defining the Freight Network*

- i. *Develop processes and recommendations that, when implemented, will ensure that there is an integrated freight network across State and Local Government roads, and across Local Government boundaries.*
- ii. *Consider and make recommendations for the regulations, policies and enforcement approaches that will enable Local Governments to efficiently manage the freight network, with particular focus on arrangements governing the use of "Restricted Access Vehicles."*
- iii. *Inform a collective Local Government perspective and engage with industry (including major freight consignors / receivers, Main Roads WA, Department of Transport and Regional Development Commissions) to plan the freight network and associated infrastructure to ensure alignment between public and private investments.*

##### *Funding the Freight Network*

- i. *The Policy Forum will act as a steering group to develop and oversee a project that will audit the current road standards on freight routes and determine the cost of upgrades and maintenance required to handle the freight task and meet accepted standards. Previous studies have adopted benchmark costs and desktop studies to estimate the costs of upgrading and maintaining roads to provide for the required freight task. These approaches which do not consider the existing condition of the road are limited.*

**16.1 APPOINTMENT OF COUNCIL REPRESENTATIVES TO METROPOLITAN REGIONAL ROAD GROUP SOUTH WEST SUB GROUP AND NOMINATION OF A DELEGATE TO THE WALGA FREIGHT POLICY FORUM**

- ii. *WALGA has developed a new tool to assist Local Governments calculate the cost of the additional wear on sealed roads from an identified freight task. These costs are not explicitly considered by a freight consignor in (for example) deciding whether to choose rail or road transport, or where to locate a freight hub. The Policy Forum will consider and provide advice concerning the application of these tools across the Local Government sector and changes to the regulatory environment that may be required to support Local Governments in negotiating the recoup of costs where appropriate.*

WALGA will determine whether Council's nominated delegates are accepted onto the Freight Policy Forum

**LEGAL/POLICY IMPLICATIONS:**

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

1. Elected Members and Officers representing Council or the City as delegates are not empowered to commit Council or the City to any course of action unless provided with specific authority of Council or until such time as Council has approved of such action through Council's normal process. This applies particularly when casting a vote in the capacity of a representative or delegate of Council or the City at a meeting of an external committee, agency or organisation.
2. Officers appointed to external committees or representing the City at any meeting other than Council meetings are to maintain close liaisons with Council.

**FINANCIAL/BUDGET IMPLICATIONS:**

No financial/budget 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:**

The City's Corporate Business Plan 2015-2020 includes a Civic Leadership section in the Corporate Business Plan which states:

Objective 5.1 – An active and engaged Local Government, focussed 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.

**16.1 APPOINTMENT OF COUNCIL REPRESENTATIVES TO METROPOLITAN REGIONAL ROAD GROUP SOUTH WEST SUB GROUP AND NOMINATION OF A DELEGATE TO THE WALGA FREIGHT POLICY FORUM**

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.

**RISK IMPLICATIONS:**

Without Council representation on committees and organisations, there is a risk that the community will not be represented in decisions made by such committees and organisations or be provided with information that may affect the City of Kwinana.

**COUNCIL DECISION**

**191**

**MOVED CR B THOMPSON**

**SECONDED CR S MILLS**

1. That Council approve the following external appointments:

**Metropolitan Regional Road Group South West sub group:**

Position	Name
Elected Member	Carol Adams
Proxy Elected Member	Sheila Mills
Technical Representative	Manager Engineering Services

2. That Council nominate the following representatives to be considered by WALGA for appointment to the:

**Freight Policy Forum:**

Position	Name
Elected Member	Carol Adams
Proxy Elected Member	Dennis Wood
Technical Representative	Manager Engineering Services

**CARRIED  
8/0**

## 16.2 Budget Variations

### SUMMARY:

To amend the 2015/2016 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 2015/2016 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	600031.1001	Capital Expense	(13,935)	(10,000)	(23,935)
	600031.1000	Capital Expense	(72,500)	(1,500)	(82,500)
	600007.1561	Capital Expense	(6,754,328)	11,500	(6,742,828)
	<b>Reason:</b>	<b><i>Infrastructure Management Overheads – transfer from identified savings in traffic management to fund the replacement of three traffic counters and the purchase of one laser level for Engineering.</i></b>			
2	600002.1001	Capital Expense	(163,400)	(5,812)	(169,212)
	400013.1123	Operating Expense	(345,000)	5,812	(339,188)
	<b>Reason:</b>	<b><i>Computing Infrastructure – transfer from identified savings in Community Public Relations to purchase server equipment required for the City's intranet project.</i></b>			

### 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.

### 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



## 16.2 BUDGET VARIATIONS

### **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:**

Council's Strategic Community Plan for the period 2015 to 2025 provides that Council will ensure the future sustainability of the City of Kwinana through the implementation of sound revenue and expenditure policies, and seeking additional revenue sources.

### **RISK IMPLICATIONS:**

Refer to Legal/Policy comments for risk implications.

### **COUNCIL DECISION**

192

**MOVED CR S LEE**

**SECONDED CR R ALEXANDER**

**That the required budget variations to the Adopted Budget for 2015/2016 as outlined in the report be approved.**

**CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**  
**8/0**

### 16.3 Statement of Objects and Reasons and Proposed 2016/17 Differential Rates and Minimum Payments

#### SUMMARY:

For Council to consider the Statement of Objects and Reasons and proposed differential rates and minimum payments for the 2016/17 financial year for the purpose of advertising and seeking public submissions as required by the *Local Government Act 1995*.

#### OFFICER RECOMMENDATION:

That Council endorse the advertising of:

1. Council's Statement of Objects and Reasons (Attachment 1) and;
2. The following proposed differential rates and minimum payments for 2016/2017:

GRV Rate Categories	Minimum Payment	Rate in \$
Improved Residential	943	0.07303
Vacant Residential	943	0.17974
Improved Special Residential	943	0.06385
Light Industrial and Commercial	1,226	0.09082
General Industry and Service Commercial	1,226	0.07961
Large Scale General Industry and Service Commercial	1,226	0.08260
UV Rate Categories	Minimum Payment	Rate in \$
General Industrial	1,226	0.02639
Rural	943	0.00464
Mining	1,226	0.00793
Urban / Urban Deferred	1,226	0.00612

#### DISCUSSION:

In line with Council's annual budget cycle, Council Officers seek endorsement by Council of the Statement of Objects and Reasons and the differential rates and minimum payments for the purpose of advertising and seeking public submissions.

Before Council can impose differential rates across the City, Council must advertise the proposed differential rates for a minimum of 21 days. The advertising period can occur up to two months prior to adoption of the budget. This period of advertising allows ratepayers the ability to consider the proposed rates in the dollar and make any submissions prior to Council adopting the proposed rate as part of the budget adoption process. The advertising process does not prohibit Council amending the rate model at budget adoption.

### 16.3 STATEMENT OF OBJECTS AND REASONS AND PROPOSED 2016/17 DIFFERENTIAL RATES AND MINIMUM PAYMENTS

Additionally, under the *Local Government Act 1995*, Council must seek permission from the Minister for Local Government to raise the differential rate where the highest differential rate is more than twice the lowest differential rate. This is applicable to raise the rate for:

1. The Vacant Residential differential as it is more than twice the lowest Gross Rental Valued (GRV) differential rate (Improved Special Residential); and
2. The General Industrial differential rate as it is more than twice the lowest differential rate (Rural) for Unimproved Valued (UV) categories.

Further to this, the City applies minimum payments in accordance with the *Local Government Act 1995*. The Act provides that a local government may not have more than 50% of its properties in any one class of property on minimum payments unless the prior consent of the Minister for Local Government is obtained. This is not an unusual event and is faced each year by many local governments. For 2016/17, the City will need to apply to the Minister for Local Government as there are more than 50% of vacant properties on the Vacant Residential differential.

The City continues to have the Vacant Residential rate in the dollar higher than the Improved Residential rate in the dollar as an objective to promote land development rather than land banking. The availability of residential housing stock is a concern and priority for both the State and Federal Governments and this initiative is aimed at promoting housing construction on vacant residential land.

Based on a 3% increase on the minimum payment, the number of minimum rated vacant properties now stands at approximately 69% of the total Vacant Residential properties.

The alternative to this process is to reduce minimum payments to a level which complies with the 50% requirement or increase the rate in the dollar for Vacant Residential properties.

Commencing December 2015 through to May 2016, Councillors participated in budget and long term financial planning workshops, where all projects, activities and initiatives were considered for the 2016/17 budget and beyond.

In arriving at the proposed rates in the dollar, Council has attempted to balance the need for revenue to fund the requirements of Council's services, activities, maintenance of assets, financing costs and capital infrastructure requirements with the desire to limit any increase on the ratepayer to affordable levels.

Therefore an increase of 3% in the rate in the dollars and minimum payments for a City that is still undergoing a considerable growth phase is considered reasonable.

Throughout the differential rating process, the City has been committed to harmonising its rating structure to achieve best practice in relation to its implementation and administration of rates. Therefore, a key focus area continues to be reviewing the rate categories ensuring that properties are rated in a fair and equitable manner, having due regard to objectivity, consistency, transparency and administrative efficiency.

To continue to achieve the rate harmonisation process, it is also proposed that there be a 6% increase in the rate in the dollar for 'General Industry and Service Commercial' (GRV < \$500,000) and a 6% increase in the rate in the dollar for 'Large Scale General Industry and Service Commercial' (GRV > \$500,000).

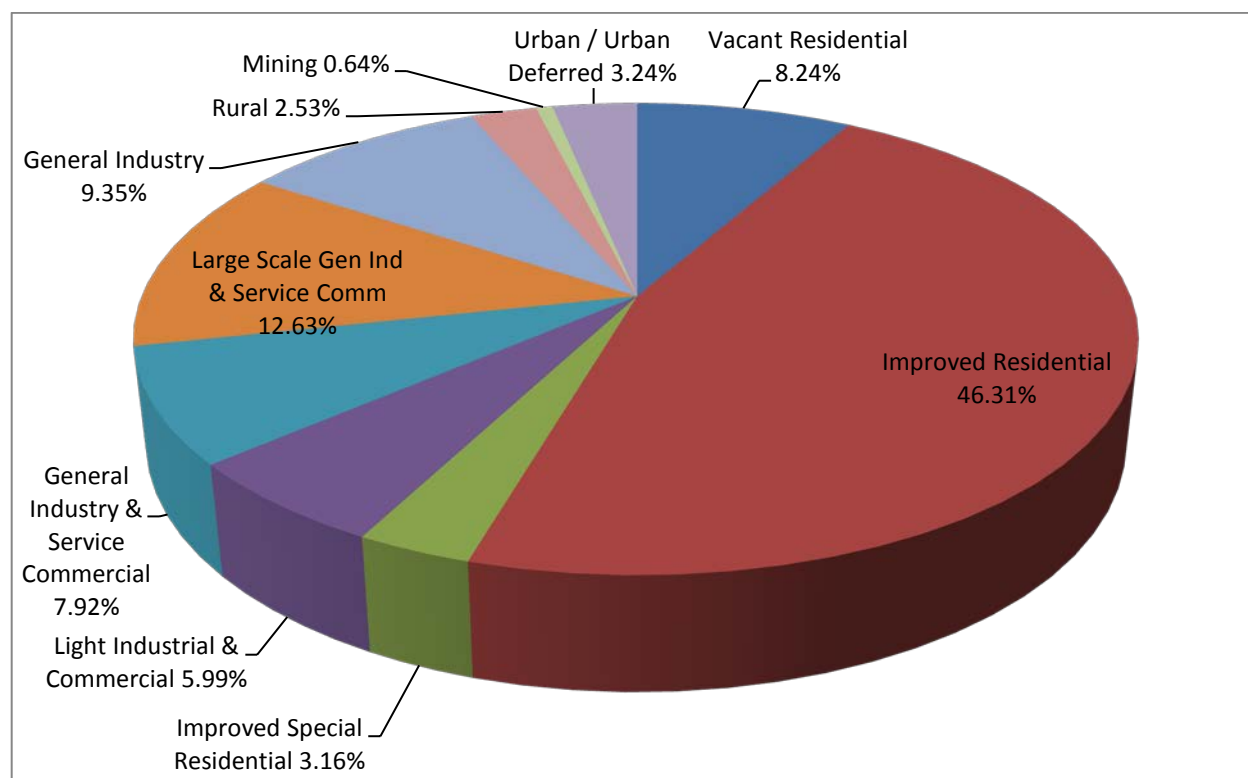
### 16.3 STATEMENT OF OBJECTS AND REASONS AND PROPOSED 2016/17 DIFFERENTIAL RATES AND MINIMUM PAYMENTS

With an expanding City, the costs associated in providing additional services to meet the needs of the community continue to increase. This is reflected in Table 1 below where over a six year period the number of properties has increased from 12,134 to 16,669 (37.37%).

Table 1



The graph below represents the total rates to be levied under the proposed differential rate categories and the contribution for each category:



### 16.3 STATEMENT OF OBJECTS AND REASONS AND PROPOSED 2016/17 DIFFERENTIAL RATES AND MINIMUM PAYMENTS

The proposed differential rates and minimum payments for the 2016/17 financial year are shown in Table 2 below.

Table 2

Proposed Rates Model 2016/17 (3% general increase in RID, 6% increase on 'General Industry and Service Commercial' and 'Large Scale General Industry and Service Commercial') Valuations Effective 26/04/2016					
ZONE GROUPS	2016/17 Proposed - Rates Model				
	VALUES	RATE IN \$ 2016/2017	AMOUNT OF RATES LEVIED	NUMBER OF PROPERTIES	% MINIMUMS
<b>Gross Rental Value (GRV)</b>					
IMPROVED RESIDENTIAL	182,456,280	0.07303	13,324,782	10,492	20.33%
VACANT RESIDENTIAL	8,864,083	0.17974	1,593,230	584	69.00%
IMPROVED SPECIAL RESIDENTIAL	16,868,756	0.06385	1,077,070	716	0.69%
LIGHT INDUSTRIAL AND COMMERCIAL	22,342,306	0.09082	2,029,128	147	10.91%
GENERAL INDUSTRY AND SERVICE COMMERCIAL (6%)	33,469,413	0.07961	2,664,500	318	10.42%
LARGE SCALE GENERAL INDUSTRY AND SERVICE COMMERCIAL (6%)	52,329,591	0.08260	4,322,424	48	0.00%
TOTAL GRV	316,330,429		25,011,134	12,305	24.70%
<b>Unimproved Value (UV)</b>					
GENERAL INDUSTRIAL	121,200,000	0.02639	3,198,468	3	0.00%
RURAL	184,212,000	0.00464	854,744	187	5.56%
MINING	27,291,000	0.00793	216,418	13	7.14%
URBAN/URBAN DEFERRED	171,510,000	0.00612	1,049,641	65	41.96%
TOTAL UV	504,213,000		5,319,271	268	18.04%
Sub Total	820,543,429		30,330,405	12,573	42.75%
ZONE GROUPS	VALUES	MINIMUM PAYMENT 2016/2017	AMOUNT OF RATES LEVIED	NUMBER OF PROPERTIES	
<b>Gross Rental Value (GRV)</b>					
IMPROVED RESIDENTIAL	31,522,248	943	2,524,411	2,677	
VACANT RESIDENTIAL	5,632,878	943	1,225,900	1,300	
IMPROVED SPECIAL RESIDENTIAL	68,260	943	4,715	5	
LIGHT INDUSTRIAL AND COMMERCIAL	168,008	1,226	22,068	18	
GENERAL INDUSTRY AND SERVICE COMMERCIAL (6%)	299,688	1,226	45,362	37	
LARGE SCALE GENERAL INDUSTRY AND SERVICE COMMERCIAL (6%)	-	1,226	-	-	
TOTAL GRV	37,691,082		3,822,456	4,037	
<b>Unimproved Value (UV)</b>					
GENERAL INDUSTRIAL	-	1,226	-	-	
RURAL	1,453,000	943	10,373	11	
MINING	15,000	1,226	1,226	1	
URBAN/URBAN DEFERRED	7,786,600	1,226	57,622	47	
TOTAL UV	9,254,600		69,221	59	
Sub Total	46,945,682		3,891,677	4,096	
GRAND TOTAL	867,489,111		34,222,082	16,669	
TOTAL RATES TO BE LEVIED					
		34,222,082			
Increase from 15/16		1,432,389			

The current preferred draft differential rate model will see an increase in the rates levied of \$1,432,389.

The rates in the dollar modelled and included in this Council report are relevant to the rates database as at the 26 April 2016.



**16.3 STATEMENT OF OBJECTS AND REASONS AND PROPOSED 2016/17 DIFFERENTIAL RATES AND MINIMUM PAYMENTS**

**LEGAL/POLICY IMPLICATIONS:**

Local Government Act 1995:  
Section 6.33 - Differential Rates  
Section 6.35 - Minimum Payment  
Section 6.36 - Local Government to give notice of certain rates

The City must conduct local advertising and detail each rate and minimum payment and make available the Objects and Reasons for rating. A minimum period of 21 days must be allowed to permit the community to provide feedback. Any submissions received must be considered by Council prior to the adoption of rates.

**FINANCIAL/BUDGET IMPLICATIONS:**

The financial implications resulting from the preferred differential rates model include a growth of \$1,432,389 of rates to be levied in the 2016/17 financial year.

The differential rates model as endorsed by Council will directly influence Council's ability to fund expenditure requirements proposed to be included in the 2016/17 budget and Long Term Financial Plan.

Minor expenses will be incurred in meeting advertisement requirements, which are accommodated within the current budget.

**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:**

The item is relevant to Council's approved Strategic Community Plan 2013-2023 and, in particular, the Corporate Business Plan 2015-2020:

Objective 6.1.4	Monitor the City's rating system to ensure it is responsive to the cost of living and provides flexibility and fairness for all.
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**RISK IMPLICATIONS:**

The greatest risk to Council is achieving the infrastructure and operational outcomes contained within Council's Strategic Plan, Long Term Financial Plan and Corporate Business Plan.

### 16.3 STATEMENT OF OBJECTS AND REASONS AND PROPOSED 2016/17 DIFFERENTIAL RATES AND MINIMUM PAYMENTS

Local Government Guidelines indicate that local government needs to ensure that rating principles of *the Local Government Act 1995* are correctly applied to rateable land within their district.

In implementing suitable systems and procedures to enable this to occur, the guidelines recommend local governments observe objectivity, fairness and equity, consistency, transparency and administrative efficiency.

#### **COUNCIL DECISION**

193

**MOVED CR R ALEXANDER**

**SECONDED CR S MILLS**

**That Council endorse the advertising of:**

- 1. Council's Statement of Objects and Reasons (Attachment 1) and;**
- 2. The following proposed differential rates and minimum payments for 2016/2017:**

<b>GRV Rate Categories</b>	<b>Minimum Payment</b>	<b>Rate in \$</b>
Improved Residential	943	0.07303
Vacant Residential	943	0.17974
Improved Special Residential	943	0.06385
Light Industrial and Commercial	1,226	0.09082
General Industry and Service Commercial	1,226	0.07961
Large Scale General Industry and Service Commercial	1,226	0.08260
<b>UV Rate Categories</b>	<b>Minimum Payment</b>	<b>Rate in \$</b>
General Industrial	1,226	0.02639
Rural	943	0.00464
Mining	1,226	0.00793
Urban / Urban Deferred	1,226	0.00612

**CARRIED  
8/0**



## **OBJECTS AND REASONS FOR DIFFERENTIAL RATE CATEGORIES**

### **GROSS RENTAL VALUE DIFFERENTIAL RATE CATEGORIES**

#### **Improved Residential (GRV)**

##### **Proposed Characteristics**

This differential rate category imposes a differential general rate on land valued on a gross rental value basis, which is zoned for the purpose of-

- (a) Residential under Town Planning Scheme No 2 and is not vacant land; or
- (b) Special Residential under Town Planning Scheme No 2 and is not vacant land; or
- (c) Town Centre Residential under Town Planning Scheme No 3 and is not vacant land.

##### **Proposed Objects and Reasons**

The object of this proposed rate is to apply a base differential general rate to land zoned and used for residential purposes and to act as the City's benchmark differential rate by which all other GRV rated properties are assessed.

The reason for this rate is to ensure that all ratepayers make a reasonable contribution towards the ongoing maintenance and provision of works, services and facilities throughout the City. It is also lower than vacant land as the City is endeavouring to encourage landowners to develop vacant land.

The proposed rate in the dollar for this category is 7.303 cents, with a minimum payment of \$943. It will be applied to 13,169 of the City's rateable properties and deliver 46.31% of the proposed rate income.

#### **Vacant Residential (GRV)**

##### **Proposed Characteristics**

This differential rate category imposes a differential general rate on land valued on a gross rental value basis, which is zoned for the purpose of-

- (a) Residential under Town Planning Scheme No 2 and is vacant land; or
- (b) Special Residential under Town Planning Scheme No 2 and is vacant land; or
- (c) Urban or Urban Deferred under the Metropolitan Region Scheme and is vacant land; or
- (d) Town Centre Residential under Town Planning Scheme No 3 and is vacant land; or
- (e) Special Rural under Town Planning Scheme No 2 and is vacant land.

### Proposed Objects and Reasons

The object of this rate is to promote the development of vacant land within the City's district.

The reason for this rate is impose a higher differential general rate on vacant residential land that acts as a disincentive to persons who are land banking and not actively developing vacant land.

The proposed rate in the dollar for this category is 17.974 cents, with a minimum payment of \$943. It will be applied to 1,884 of the City's rateable properties and deliver 8.24% of the proposed rate income.

### **Improved Special Residential (GRV)**

#### Proposed Characteristics

This differential rate category imposes a differential general rate on land valued on a gross rental value basis, which is:

(a) zoned for the purpose of:

- (i) Special Rural under Town Planning Scheme No 2 and is not vacant land; or
- (ii) Urban or Urban Deferred under the Metropolitan Region Scheme and is not vacant land; or
- (iii) Rural A under Town Planning Scheme No 2 and is not vacant land; or
- (iv) Rural Water Resource under Town Planning Scheme No 2 and is not vacant land; or
- (v) Development under Town Planning Scheme No 2 and is not vacant land; or
- (vi) Park, Recreation and Drainage under Town Planning Scheme No 2 and is not vacant land; or

(b) held or used for residential purposes under a Master Plan adopted pursuant to Part 3 of the Hope Valley-Wattleup Redevelopment Act 2000; and

(c) held or used for residential purposes under the zoning referred to in paragraphs (a) or (b).

### Proposed Objects and Reasons

The object of this rate category is to provide a lower differential rate for proposed characteristics under Improved Special Residential a) (i) to (vi) which is consistent with access to and provision of services to residential properties in a rural setting.

The reason for this rate is to reflect the lower demand on City resources, such as, lower impacts on transport infrastructure, when compared to the other GRV differential rating categories. It is also lower than vacant land as the City is endeavouring to encourage landowners to develop vacant land.

The proposed rate in the dollar for this category is 6.385 cents, with a minimum payment of \$943. It will be applied to 721 of the City's rateable properties and deliver 3.16% of the proposed rate income.

### **Light Industrial and Commercial (GRV)**

#### **Proposed Characteristics**

This differential rate category imposes a differential general rate on land valued on a gross rental value basis, which is zoned for the purpose of-

- (a) Light Industry under Town Planning Scheme No 2; or
- (b) Commercial under Town Planning Scheme No 2; or
- (c) Kwinana Town Centre under Town Planning Scheme No 2; or
- (d) Mixed Business under Town Planning Scheme No 2; or
- (e) Special Use under Town Planning Scheme No 2; or
- (f) General Town Centre under Town Planning Scheme No 3; or
- (g) Shopping/Business under Town Planning Scheme No 3; or
- (h) Market Square under Town Planning Scheme No 3.

#### **Proposed Objects and Reasons**

The object of this rate category is to apply a higher differential rate so as to raise additional revenue to offset the increased costs associated with service provision to these properties.

The reason for this rate is that a higher differential rate is required to meet the higher level of service costs associated with Light Industrial and Commercial properties and the localities within which they are situated, including costs of -

- (a) provision and maintenance of transport and streetscape infrastructure including car parking and traffic treatments; and
- (b) the management, administration and delivery of marketing activities aimed at enhancing the economic and social viability, and the general amenity of the Kwinana City Centre.

The proposed rate in the dollar for this category is 9.082 cents, with a minimum payment of \$1,226. It will be applied to 165 of the City's rateable properties and deliver 5.99% of the proposed rate income.



## **General Industry and Service Commercial (GRV)**

### **Proposed Characteristics**

This differential rate category imposes a differential general rate on land valued on a gross rental value basis, which is-

- (a) zoned for the purpose of:
  - (i) General Industry or Service Commercial under Town Planning Scheme No. 2; or
  - (ii) industrial use under a Master Plan adopted pursuant to Part 3 of the Hope Valley-Wattleup Redevelopment Act 2000,
- and
- (b) held or used for the purpose of General Industry and Service Commercial development, being an industrial or commercial use or development permissible under the zoning referred to in paragraph (a) and undertaken on land with a gross rental value of less than \$500,000.

### **Proposed Objects and Reasons**

The object of this differential rate category is to apply a differential rate to General Industry and Service Commercial properties (excluding properties within the Large Scale General Industry and Service Commercial differential rate category) in order to raise additional revenue to offset the costs associated with increased maintenance of infrastructure and higher levels of service associated with properties in this category.

The reason for this rate is the need to offset the higher level of costs incurred by the City in servicing properties in this category, including but not limited to the cost of transport infrastructure maintenance and provision and costs relating to monitoring of land use/environmental impacts.

The proposed rate in the dollar for this category is 7.961 cents, with a minimum payment of \$1,226. It will be applied to 355 of the City's rateable properties and deliver 7.92% of the proposed rate income.

## **Large Scale General Industry and Service Commercial (GRV)**

### **Proposed Characteristics**

This differential rate category imposes a differential general rate on land valued on a gross rental value basis, which is-

- (a) zoned for the purpose of:
  - (i) General Industry or Service Commercial under Town Planning Scheme No 2; or
  - (ii) industrial use under a Master Plan adopted pursuant to Part 3 of the Hope Valley-Wattleup Redevelopment Act 2000,
- and

- (b) is held or used for the purpose of Large Scale General Industry and Service Commercial development, being an industrial or commercial use or development permissible under the zoning referred to in paragraph (a) and undertaken on land with a gross rental value of \$500,000 or greater.

#### Proposed Objects and Reasons

The object of this rate category is to raise additional revenue to offset the costs associated with increased maintenance and renewal/refurbishment of transport infrastructure, and higher levels of service associated with properties in this category.

The reason for this rate is the need to offset the higher level of costs incurred by the City in servicing properties in this category, including the substantial cost of transport infrastructure maintenance and renewal/refurbishment due to significant heavy vehicle movements, and costs relating to monitoring of land use/environmental impacts.

The proposed rate in the dollar for this category is 8.260 cents, with a minimum payment of \$1,226. It will be applied to 48 of the City's rateable properties and deliver 12.63% of the proposed rate income.

### **UNIMPROVED VALUE DIFFERENTIAL RATE CATEGORIES**

#### **General Industrial (UV)**

##### Proposed Characteristics

This differential rate category imposes a differential general rate on land valued on an unimproved value (UV) basis, which is zoned for the purpose of General Industry under Town Planning Scheme No 2.

##### Proposed Objects and Reasons

The object of this rate category is to raise additional revenue to offset the costs associated with increased maintenance of infrastructure and higher levels of service provided to or associated with properties in this category.

The reason for this rate is to meet a significant proportion of the additional costs involved in servicing properties within this rate category, which include but are not limited to major outlays for transport infrastructure maintenance and renewal/refurbishment and significant costs relating to monitoring of land use and environmental impacts.

The proposed rate in the dollar for this category is 2.639 cents, with a minimum payment of \$1,226. It will be applied to 3 of the City's rateable properties and deliver 9.35% of the proposed rate income.

## **Rural (UV)**

### **Proposed Characteristics**

This differential rate category imposes a differential general rate on land valued on an unimproved value (UV) basis which is predominantly used or held for rural pursuits, rural industry or intensive agriculture, and is: -

- (a) zoned for the purposes of Rural A under Town Planning Scheme No 2; or
- (b) zoned for the purposes of Rural Water Resource under Town Planning Scheme No 2; or
- (c) zoned for the purposes of Urban or Urban Deferred under the Metropolitan Region Scheme and held or used as the owner's ordinary place of residence as determined by the City; or
- (d) zoned under a Master Plan adopted pursuant to Part 3 of the Hope Valley-Wattleup Redevelopment Act 2000 .

### **Proposed Objects and Reasons**

The object of the rate for this category is to impose a differential rate commensurate with the rural use of land, which additionally is to act as the City's benchmark differential UV rate and is considered to be the base rate by which all other UV rated properties are assessed.

The reason for this rate is to ensure that all ratepayers on rural land make a reasonable contribution towards the ongoing maintenance and provision of works, services and facilities throughout the City.

The proposed rate in the dollar for this category is 0.464 cents, with a minimum payment of \$943. It will be applied to 198 of the City's rateable properties and deliver 2.53% of the proposed rate income.

## **Mining (UV)**

### **Proposed Characteristics**

This differential rate category imposes a differential general rate on land valued on an unimproved value (UV) basis, which is:

- (a) zoned for the purpose of Rural B under Town Planning Scheme No 2; or
- (b) held or used for industrial, extractive industry or quarrying purposes under a Master Plan adopted pursuant to Part 3 of the Hope Valley-Wattleup Redevelopment Act 2000.

### **Proposed Objects and Reasons**

The object of this rate category is to raise additional revenue to offset the costs associated with increased maintenance of infrastructure and higher levels of service provided to properties in this category.

The reason for this rate is the need to offset the higher level of costs associated in servicing these properties, including the costs of transport infrastructure

maintenance and renewal/refurbishment, and costs relating to monitoring of land use and environmental impacts.

The proposed rate in the dollar for this category is 0.793 cents, with a minimum payment of \$1,226. It will be applied to 14 of the City's rateable properties and deliver 0.64% of the proposed rate income.

### **Urban/Urban Deferred (UV)**

#### **Proposed Characteristics**

This differential rate category imposes a differential general rate on land valued on an unimproved value (UV) basis, which is zoned for the purpose of Urban or Urban Deferred under the Metropolitan Region Scheme and is not held or used as the owner's ordinary place of residence as determined by the City.

#### **Proposed Objects and Reason**

The object of this rate is to raise additional revenue to offset the costs associated with future planning and provision of infrastructure.

The reason for this rate is to impose a higher differential general rate to meet the increased costs associated with planning and preparing for intensified residential development, including infrastructure provision gaps.

The proposed rate in the dollar for this category is 0.612 cents, with a minimum payment of \$1,226. It will be applied to 112 of the City's rateable properties and deliver 3.24% of the proposed rate income.

## **16.4 Request to Restrict Funds for 2015/2016 Projects and Rebudget in 2016/2017 Budget**

### **SUMMARY:**

To amend both the 2015/2016 and 2016/2017 budgets 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:**

1. That the required budget variations to the Adopted Budget for 2015/2016 as outlined in the report be approved.
2. Adopts the renaming of the Carried Forward Projects Reserve fund to the Restricted Grants and Contributions Reserve fund. The purpose remaining as to restrict funds required to complete projects from prior financial years.

NOTE: AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

### **DISCUSSION:**

The following budget items from 2015/2016 are requested to be transferred to the Restricted Grants and Contributions Reserve fund. Council will then be requested as part of the 2016/2017 budget to endorse transfers from the reserve to permit these projects to be completed.

### **Grants and Contributions:**

1. Calista Destination Park - Adventure Playground - Tender 590KWN15 awarded on 14/10/2015. Estimated total budget 2016/2017 of \$1,700,000 funded by Department of Infrastructure grant \$1,280,000 and Future Community Infrastructure Reserve \$19,526, with a council contribution from rates of \$400,474. Contractor delays mainly due to splash pad approval, ablution block issues and discovery of asbestos. Estimated date of practical completion is end of September 2016, with a three month maintenance period, resulting in estimated actual completion by December 2016.
2. Honeywood Wetlands – handover of reserves from The Satterley Group. Agreement made for payment of this contribution in 2015/16 to be utilised in 2016/2017 to commence weed control in the wetlands. Estimated total budget 2016/2017 of \$13,636 contribution from developer.
3. Prince Regent Park – Play Equipment. Still seeking quotes. Estimated total of budget 2016/2017 of \$45,850 funded by the Federal Government via Gary Gray \$20,000, with a council contribution from rates of \$25,850. Confirmation of funding not received in time to commence or complete this project within the 2015/16 budget year.
4. Water Wise Project – water efficiency measures for council facilities. Estimated total budget 2016/2017 of \$22,000 funded by Water Corporation grant of \$11,000 and council contribution (from revolving energy fund 15/16). Confirmation of funding not received in time to commence or complete this project within the 2015/2016 budget year.



## 16.4 REQUEST TO RESTRICT FUNDS FOR 2015/2016 PROJECTS AND REBUDGET IN 2016/2017 BUDGET

**Works not completed in 2015/16:**

5. Depot Service Delivery – Transformation Project 27 – RFQ 090/16 awarded at the ordinary council meeting 27 April, 2016. Estimated total budget 2016/2017 of \$90,000 council contribution from rates. The project was on a tight, yet achievable, timeframe to be completed within 2015/16, had it been immediately awarded following budget review adoption. The delay in engaging the consultant to commence the project has resulted in it no longer being possible to complete the project within the 2015/16 budget year.
6. Leisure Centre and Facilities Software – Formal RFQ to be undertaken. Estimated total budget 2016/2017 of \$80,000 council contribution from rates. Project on hold, awaiting outcomes of recent ICT external audit.
7. Contribution to Roadworks - Gilmore Avenue/Rockingham Road – Estimated total budget 2016/2017 of \$275,000 council contribution from rates. The City's contribution to be paid to the City of Rockingham on completion of works at this intersection in 2016/2017.
8. Darius Wells Solar Panels - Tender 593KWN16 withdrawn due to insufficient/incorrect insurances held by the tenderers. Estimated total budget of \$191,360 funded from \$85,810 council contribution (from revolving energy budget 15/16) and new borrowings of \$105,550. Tender to be re advertised as 605KWN16 for 2016/2017.
9. City Signage/Community Public Relations – key action from Corporate Business Plan – Estimated total budget 2016/2017 of \$50,000 council contribution from rates. Timeframe for signage revised due to unforeseen complications with proposed structures and locations.
10. ICT Computing Equipment – funds currently held in surplus as per annual budget review. Estimated total budget of \$217,745. ICT projects are on hold, awaiting outcomes of recent ICT external audit and formal adoption by Council of the recommendation of the audit.

**The following budget items require variations to the adopted budget 2015/2016:**

ITEM #	LEDGER ACCOUNT	DESCRIPTION	OPERATING BUDGET	INCREASE/ DECREASE	REVISED BUDGET
1	800020.1813	Transfer to Reserve	Nil	(400,474)	(400,474)
	600008.1568	Capital Expense	(7,234,078)	400,474	(6,833,604)
	<b>Reason:</b>	<b><i>Recreation and Culture Grounds – transfer of funds to the Restricted Grants and Contributions Reserve for the Calista Destination Park in 2016/2017.</i></b>			
2	800092.1813	Transfer to Reserve	Nil	(90,000)	(90,000)
	400467.1210	Operating Expense	(98,500)	90,000	(8,500)
	<b>Reason:</b>	<b><i>Depot Operating – transfer of funds to the Restricted Grants and Contributions Reserve for the Depot service delivery project in 2016/2017.</i></b>			
3	800016.1813	Transfer to Reserve	Nil	(13,636)	(13,636)
	300130.1600	Project Revenue	66,305	13,636	79,941
	<b>Reason:</b>	<b><i>Natural Environment – transfer of contribution from The Satterley Group to the Restricted Grants and Contributions Reserve, for weed control in the Honeywood wetlands in 2016/2017.</i></b>			
4	800020.1813	Transfer to Reserve	(400,474)	(45,850)	(446,324)
	600008.1568	Capital Expense	(6,833,604)	45,850	(6,787,754)
	<b>Reason:</b>	<b><i>Recreation and Culture Grounds – transfer of funds to the Restricted Grants and Contributions Reserve, for the construction of play equipment at Prince Regent Park, Bertram in 2016/2017.</i></b>			

**16.4 REQUEST TO RESTRICT FUNDS FOR 2015/2016 PROJECTS AND REBUDGET IN 2016/2017 BUDGET**

5	800049.1813	Transfer to Reserve	Nil	(80,000)	(80,000)
	600003.1001	Capital Expense	(269,500)	80,000	(189,500)
	<b>Reason:</b>	<b><i>Software Applications – transfer of funds to the Restricted Grants and Contributions Reserve for the purchase of new leisure centre and facilities software in 2016/2017.</i></b>			
6	800031.1813	Transfer to Reserve	Nil	(275,000)	(275,000)
	400461.1976	Operating Expense	(275,000)	275,000	Nil
	<b>Reason:</b>	<b><i>Infrastructure Management Overheads – transfer of funds to the Restricted Grants and Contributions Reserve, being a contribution to the City of Rockingham for the modification of the intersection of Gilmore Avenue/Mandurah Road, Rockingham in 2016/2017.</i></b>			
7	800042.1813	Transfer to Reserve	Nil	(85,810)	(85,810)
	600015.1002	Capital Expense	(349,472)	85,810	(263,662)
	<b>Reason:</b>	<b><i>Governance Facility – transfer of funds to the Restricted Grants and Contributions Reserve for the Darius Wells Solar Panels in 2016/2017.</i></b>			
8	800042.1813	Transfer to Reserve	(85,810)	(22,000)	(107,810)
	600015.1002	Capital Expense	(263,662)	22,000	(241,662)
	<b>Reason:</b>	<b><i>Governance Facility – transfer of funds to the Restricted Grants and Contributions Reserve for the Water Wise efficiency project in 2016/2017.</i></b>			
9	800008.1813	Transfer to Reserve	Nil	(50,000)	(50,000)
	400013.1123	Operating Expense	(356,000)	50,000	(306,000)
	<b>Reason:</b>	<b><i>Marketing and Communications – transfer of funds to the Restricted Grants and Contributions Reserve for the upgrade of signage from “Town” to “City” in 2016/2017.</i></b>			
10	800044.1813	Transfer to Reserve	Nil	(217,745)	(217,745)
	900025.179	Surplus Brought Forward 1/7	(217,745)	217,745	Nil
	<b>Reason:</b>	<b><i>Computing Infrastructure – transfer of funds to the Restricted Grants and Contributions Reserve for ICT computing equipment in 2016/2017 to facilitate the implementation of IT Audit recommendation when formally considered by Council.</i></b>			

**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.

**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

**16.4 REQUEST TO RESTRICT FUNDS FOR 2015/2016 PROJECTS AND REBUDGET IN 2016/2017 BUDGET**

**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:**

Council's Strategic Community Plan for the period 2015 to 2025 provides that Council will ensure the future sustainability of the City of Kwinana through the implementation of sound revenue and expenditure policies, and seeking additional revenue sources.

**RISK IMPLICATIONS:**

Refer to Legal/Policy comments for risk implications.

**COUNCIL DECISION**

194

**MOVED CR S LEE**

**SECONDED CR D WOOD**

1. That the required budget variations to the Adopted Budget for 2015/2016 as outlined in the report be approved.
2. Adopts the renaming of the Carried Forward Projects Reserve fund to the Restricted Grants and Contributions Reserve fund. The purpose remaining as to restrict funds required to complete projects from prior financial years.

**CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**

**8/0**

Mayor Carol Adams and Councillor Ruth Alexander exited the Council Chambers at 7:17pm, the Deputy Mayor took the chair.

## **16.5 Local Public Notice of Proposed Disposition of Koorliny Arts Centre, 10 Hutchins Cove, Kwinana**

### **SUMMARY:**

Koorliny Arts Centre is home to various community groups and classes that encourage growth, knowledge, wellbeing and fun, from painting, book clubs and craft groups, to dancing, music lessons and martial arts. It is recommended that Council approve the local public notice of the proposed disposition and the discount of 99.9% of the annual lease fee.

### **OFFICER RECOMMENDATION:**

That Council:

1. Give local public notice of the proposed disposition of Koorliny Arts Centre, 10 Hutchins Cove, Kwinana in accordance with Section 3.58(3)(a) and (4) of the Local Government Act 1995.
2. Approve a 99.9% discount in the market rental value to be advertised as the proposed rent to be paid to the City of Kwinana.
3. Advertise the proposed peppercorn rent to be \$100 per annum.

### **DISCUSSION:**

Koorliny Arts Centre offers an exciting range of theatre, music and dance throughout the year, with plenty of opportunities for people to expand their cultural horizons. Koorliny Arts Centre is also home to various community groups and classes that encourage growth, knowledge, wellbeing and fun - from painting and craft groups, to youth drama or life-skill building workshops.

Koorliny Arts Centre is a community facility and in accordance with Council's Leasing of Community Facilities Policy, Koorliny Arts Centre must meet the compulsory organisational criteria:

Organisation Criteria	Lessee Category	
	Koorliny Arts Centre	Peppercorn
1. The organisation must be an organisation, which applies any surpluses towards its purposes, prohibits any dividends or profits from being paid to its members and is exempt from paying income tax;	Yes	E
2. The organisation is a legal entity incorporated under appropriate legislation (such as the Associations Incorporation Act 1987);	Yes	E
3. The organisation is financially viable and able to demonstrate good financial management and record-keeping practices to the satisfaction of the City;	Yes	E
4. The organisation complies with relevant legislation governing its activities and holds any licences or registration certificates required for it to operate;	Yes	E

**16.5 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF KOORLINY ARTS CENTRE, 10 HUTCHINS COVE, KWINANA**

5. The organisation has a committee of management and appropriate governance arrangements, with established accountability and reporting methods to members of the organisation and / or to the community, including the capacity to maintain appropriate financial records for audit purposes;	Yes	E
6. The organisation adheres to all relevant Council local laws including the Local Government Property Local Law, Council policies and has complied with the terms of any previous lease or licence and/or grant from the City;	Yes	E
7. Demand exists for the service or activity to be provided through the facility;	Yes	E
8. Facility use is consistent with City objectives and current Business Plan;	Yes	E
9. Use of the facility will increase social engagement and promote health and wellbeing of the Kwinana community;	Yes	E
10. The service or activity is non-discriminatory. It will be open to all residents who meet the criteria for participation that are directly related to the nature of the service or activity or geographic catchment area; and	Yes	E
11. Disadvantaged groups can access the service or activity and strategies are in place to review and remove any barriers to participation.	Yes	E

Facility Management and Development Criteria	Lessee Category	
	Koorliny Arts Centre	Peppercorn
1. Proposed use of the facility is suitable for the nature of the site and the neighbourhood.	Yes	E
2. The organisation is prepared to maximise utilisation of the facility as requested by the City.	Yes	E
3. The organisation agrees to provide the City with requested information including current and projected opening hours and participant and/or membership numbers.	Yes	E

“E” in the column under the lessee category indicates that this is an essential criterion for that category of lessee to meet.

Council's Leasing of Community Facilities Policy allows for a peppercorn lease in some circumstances.

Koorliny Arts Centre is eligible for a peppercorn lease, as it meets the criteria outlined in the Leasing of Community Facilities Council Policy:

Category	Annual Rent	Eligibility
A: Peppercorn rent	As determined annually in the City's Schedule of Fees and Charges	Use approved by Council;  Meets all relevant eligibility criteria;  Provides significant community benefit; and  Has limited revenue-raising ability (net of cost of service) e.g. community play groups, neighbourhood house



**16.5 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF KOORLINY ARTS CENTRE, 10 HUTCHINS COVE, KWINANA**

The market rent valuation has been carried out on the premises by Pember Wilson & Eftos (pwe), and was received on 21 April 2016. The Market rental value, as detailed in confidential attachment A, has been determined to be \$160,000 per annum excluding GST and outgoings.

It is recommended that Koorliny Arts Centre receive a 99.9% discount of the market rental valuation and therefore the first year's annual rent is proposed to be \$100.00 excluding GST and outgoings.

**LEGAL / POLICY IMPLICATIONS:****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.*

**FINANCIAL/BUDGET IMPLICATIONS:**

There are financial/budget implications identified as a result of this report. The City will lose \$159,900 per annum of potential lease revenue, if entering into a peppercorn lease agreement.

**ASSET MANAGEMENT IMPLICATIONS:**

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

**16.5 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF KOORLINY ARTS CENTRE, 10 HUTCHINS COVE, KWINANA**

**ENVIRONMENTAL IMPLICATIONS:**

There are no environmental implications identified as a result of this report.

**STRATEGIC/SOCIAL IMPLICATIONS:**

There are no strategic/social implications identified as a result of this report.

**RISK IMPLICATIONS:**

Should Council resolve not to give local public notice, as per Section 3.58(3) of the Local Government Act 1995, the disposition cannot proceed.

**COUNCIL DECISION**

**195**

**MOVED CR B THOMPSON**

**SECONDED CR W COOPER**

**That Council:**

- 1. Give local public notice of the proposed disposition by way of a lease to Koorliny Arts Centre Inc for the property at 10 Hutchins Cove, Kwinana in accordance with Section 3.58(3)(a) and (4) of the Local Government Act 1995.**
- 2. Approve a 99.9% discount in the market rental value to be advertised as the proposed rent to be paid to the City of Kwinana.**
- 3. Advertise the proposed peppercorn rent to be \$100 per annum.**

**CARRIED  
6/0**

**NOTE – That the Officers Recommendation has been amended at section one to make mention of the required name of the party involved which was originally omitted.**

*Mayor Carol Adams and Councillor Ruth Alexander returned to the Council Chambers at 7:19pm, the Mayor resumed her position as the chair.*

## **16.6 Amendments to the Register of Delegated Authority – Illuminated Street Name Signs**

### **SUMMARY:**

At its 13 April 2016 meeting, Council adopted changes to its Policy – Advertising and Directional Signage in Thoroughfares and on Local Government Property. One change made to the Policy at that time was to require that an agreement be entered into with advertisers wishing to construct and advertise on illuminated street name signs.

This report is seeking to amend the Register of Delegated Authority – Local Government to Chief Executive Officer, Officers and Committees 2016 to delegate to the Chief Executive Officer the power to enter into an agreement with applicants wishing to construct and advertise on illuminated street name signs in accordance with Council's Policy - Advertising and Directional Signage in Thoroughfares and on Local Government Property.

### **OFFICER RECOMMENDATION:**

That Council:

1. Grant the following Delegation to the Chief Executive Officer, as detailed in Attachment A:
  - 1.15 Administration of agreements– Illuminated Street Name Signs

NOTE – AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

### **DISCUSSION:**

The delegation is required to ensure the services the local government provides, in relation to powers and duties of the local government under the *Local Government Act 1995* and other legislation for which a local government has responsibility, can be delivered in a timely and efficient manner.

Currently there is a general delegation and other specific delegations in place under Section 9.49 of the *Local Government Act 1995* that allows the CEO to sign documents that have been authorised by Council resolution or for existing delegations in place. It is recommended that a specific authorisation to empower the Chief Executive Officer to enter into agreements with applicants wishing to advertise on illuminated street name signs as permitted by Council's Policy – Advertising and Directional Signage in Thoroughfares and on Local Government Property.

**16.6 AMENDMENTS TO THE REGISTER OF DELEGATED AUTHORITY – ILLUMINATED STREET NAME SIGNS**

**LEGAL/POLICY IMPLICATIONS:**

**Local Government Act 1995**

**5.41. Functions of CEO**

The CEO's functions are to —

- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

**5.42. Delegation of some powers and duties to CEO**

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
  - (a) this Act other than those referred to in section 5.43; or
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

\* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

**9.49A. Execution of documents**

- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

**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:**

The role of Council is to ensure that the Council's delegations are aligned with the key goals and aspirations as set out in our Plan for the Future.

**RISK IMPLICATIONS:**

There are no risk implications related to this report.

16.6 AMENDMENTS TO THE REGISTER OF DELEGATED AUTHORITY – ILLUMINATED STREET NAME SIGNS

**COUNCIL DECISION**

**196**

**MOVED CR B THOMPSON**

**SECONDED CR S LEE**

**That Council:**

- 1. Grant the following Delegation to the Chief Executive Officer, as detailed in Attachment A:**
  - 1.15 Administration of agreements– Illuminated Street Name Signs**

**CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**  
**8/0**

## ATTACHMENT A

### Delegation 1.15

<b>1.15 Administration of agreements– Illuminated Street Name Signs</b>	
<b>Function to be performed:</b>	Authorised to enter into and administer agreements for illuminated street name signs on behalf of the City of Kwinana.
<b>Legislative power or duty delegated:</b>	Local Government Act 1995 - Part 9, Division 3 s9.49A(4) Execution of documents
<b>Legislative Power to Delegate:</b>	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
<b>Date Delegation made or reviewed:</b>	May 2016
<b>Delegation to:</b>	Chief Executive Officer
<b>Conditions and Exceptions:</b>	The CEO is authorised to enter into and administer agreements for illuminated street name signs on behalf of the City of Kwinana as permitted by Council's Policy – Advertising and Directional Signage in Thoroughfares and on Local Government Property.
<b>Statutory Power to sub-delegate:</b>	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees.
<b>Reporting Requirements:</b>	<ol style="list-style-type: none"><li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and</li><li>2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.</li></ol>



## **16.7 Adoption of new Policy – Promotional Street Banners on Gilmore Avenue and amendments to the Register of Delegated Authority – Local Government to Chief Executive Officer, Officers and Committees 2016 and inclusion of additional fees and charges associated with the new Policy**

### **SUMMARY:**

The City receives interest from various groups and businesses to allow advertising banners to be flown from the street banner poles located on Gilmore Avenue. These banner poles were installed years ago and have had sporadic use to date. To better manage this valuable advertising resource a new Policy – Promotional Street Banners on Gilmore Avenue has been drafted and is recommended for adoption and is with Attachment A.

Along with the Policy, this report includes a recommendation for a delegation from the Local Government to the Chief Executive Officer to enter into agreements with hirers to allow advertising on the banner poles and this delegation is shown at Attachment B and is recommended for inclusion in the Register of Delegated Authority – Local Government to Chief Executive Officer, Officers and Committees 2016.

The Policy calls for advertising to be booked for a minimum 3 month period with monthly fees applicable. These fees are detailed at Attachment C and are recommended for inclusion in the City's Schedule of Fees and Charges 2015/16.

### **OFFICER RECOMMENDATION:**

That Council:

1. Adopt the new Policy – Promotional Street Banners on Gilmore Avenue at Attachment A.
2. Grant the following Delegation to the Chief Executive Officer, as detailed in Attachment B:
  - 1.14 Administration of advertising agreements – Promotional Street Banners on Gilmore Avenue
3. Authorise the publication of a local public notice stating the intention to include the fees and charges tabled at Attachment C into the City's 2015/16 Schedule of Fees and Charges effective 21 days from the date of the local public notice.
4. Include the fees and charges tabled at Attachment C into the City's 2015/16 Schedule of Fees and Charges effective 21 days from the date of the local public notice.

**NOTE – AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED**

**16.7 ADOPTION OF NEW POLICY – PROMOTIONAL STREET BANNERS ON GILMORE AVENUE AND AMENDMENTS TO THE REGISTER OF DELEGATED AUTHORITY – LOCAL GOVERNMENT TO CHIEF EXECUTIVE OFFICER, OFFICERS AND COMMITTEES 2016 AND INCLUSION OF ADDITIONAL FEES AND CHARGES ASSOCIATED WITH THE NEW POLICY**

**DISCUSSION:**

**New Policy- Promotional Street Banners on Gilmore Avenue**

Council has in place an existing Policy – Advertising and Directional Signage in Thoroughfares and on Local Government Property, however, the requirements of advertising on the street banner poles located on Gilmore Avenue are more specific and are better served with the creation of a separate Policy.

This new Policy - Promotional Street Banners on Gilmore Avenue, details the requirements for which the City will hire the advertising space in the form of street banners and includes sections on:

- General conditions;
- Banner poles available for hire;
- Booking of banner poles;
- Period of hire;
- Specifications, installation and maintenance of banners;
- Design and messages;
- Removal of banners;
- Fees and charges;
- Administration and maintenance; and
- Other advertising and signs

The management of the hire of the banner poles will be done by agreement between the City and the hirer. To expedite the process it is recommended that the Chief Executive Officer be given delegated authority to enter into such agreements with prospective hirers in accordance with the requirements of this Policy.

**Delegation to Chief Executive Officer**

A delegation to the Chief Executive Officer to allow the signing of agreements between the City and the hirer would ensure the services the local government provides, in relation to the Policy - Promotional Street Banners on Gilmore Avenue can be delivered in a timely and efficient manner.

Currently there is a general delegation and other specific delegations in place under Section 9.49 of the *Local Government Act 1995* that allows the CEO to sign documents that have been authorised by Council resolution or for those existing delegation in place. It is recommended that an additional specific delegation to empower the Chief Executive Officer to sign on behalf of the City of Kwinana be approved, to enter into an agreement with a hirer for the use of the banners poles on Gilmore Avenue.

The delegation to the Chief Executive Officer also includes that the Chief Executive Officer will approve the not-for-profit and/or community groups that will not be charged for the hirer fees of the banner poles.

**16.7 ADOPTION OF NEW POLICY – PROMOTIONAL STREET BANNERS ON GILMORE AVENUE AND AMENDMENTS TO THE REGISTER OF DELEGATED AUTHORITY – LOCAL GOVERNMENT TO CHIEF EXECUTIVE OFFICER, OFFICERS AND COMMITTEES 2016 AND INCLUSION OF ADDITIONAL FEES AND CHARGES ASSOCIATED WITH THE NEW POLICY**

**Fees and Charges**

To allow certain advertising which may be financially burdening for not-for-profit or other community groups who would otherwise not be able to afford the advertising and if it is deemed that the use is primarily for a social or community benefit, it is recommended that the associated hire fees for the advertising may be waived and this is reflected in the addition to the City's Schedule of Fees and Charges 2015/16 below:

**Addition to the 2015/16 Schedule of Fees and Charges**

Description	Comments	Statutory Fee Indicator	GST	2015/16 Fee
<b>Promotional Street Banners – Gilmore Avenue</b>				
<b>Hire fees (per Banner Pole):</b>	Costs per monthly period as stated	No	Yes	
Initial period (3 months)				\$900
3 month block				\$900
6 month block				\$1,500
12 month block				\$2,400
Month by month				\$300 per month
<b>Fees for not-for-profit or community groups or where it is deemed the use is primarily for a social or community benefit.</b>				<b>Nil cost</b>

**LEGAL/POLICY IMPLICATIONS:**

**Local Government Act 1995**

**5.41. Functions of CEO**

The CEO's functions are to —

- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

**5.42. Delegation of some powers and duties to CEO**

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
  - (a) this Act other than those referred to in section 5.43; or
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

\* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

**16.7 ADOPTION OF NEW POLICY – PROMOTIONAL STREET BANNERS ON GILMORE AVENUE AND AMENDMENTS TO THE REGISTER OF DELEGATED AUTHORITY – LOCAL GOVERNMENT TO CHIEF EXECUTIVE OFFICER, OFFICERS AND COMMITTEES 2016 AND INCLUSION OF ADDITIONAL FEES AND CHARGES ASSOCIATED WITH THE NEW POLICY**

**s6.16. Imposition of fees and charges**

- (1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.
  - (2) A fee or charge may be imposed for the following:
    - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
    - (b) supplying a service or carrying out work at the request of a person;
    - (c) subject to section 5.94, providing information from local government records;
    - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
    - (e) supplying goods;
    - (f) such other service as may be prescribed.
  - (3) Fees and charges are to be imposed when adopting the annual budget but may be:
    - (a) imposed\* during a financial year; and
    - (b) amended\* from time to time during a financial year.
- \* Absolute majority required.

**s6.17. Setting level of fees and charges**

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
  - (a) the cost to the local government of providing the service or goods; and
  - (b) the importance of the service or goods to the community; and
  - (c) the price at which the service or goods could be provided by an alternative provider.

**s6.19. Local government to give notice of fees and charges**

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

**9.49A. Execution of documents**

- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

**FINANCIAL/BUDGET IMPLICATIONS:**

The additional hire fees will be directed to municipal funds to be spent on City services. It is unknown how much this hire fee will generate. Any funds will be presented to Council at budget review.

**ASSET MANAGEMENT IMPLICATIONS:**

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

**16.7 ADOPTION OF NEW POLICY – PROMOTIONAL STREET BANNERS ON GILMORE AVENUE AND AMENDMENTS TO THE REGISTER OF DELEGATED AUTHORITY – LOCAL GOVERNMENT TO CHIEF EXECUTIVE OFFICER, OFFICERS AND COMMITTEES 2016 AND INCLUSION OF ADDITIONAL FEES AND CHARGES ASSOCIATED WITH THE NEW POLICY**

**ENVIRONMENTAL IMPLICATIONS:**

There are no direct environmental implications related to this report.

**STRATEGIC/SOCIAL IMPLICATIONS:**

The role of Council is to ensure that the Council's delegations are aligned with the key goals and aspirations as set out in our Plan for the Future.

**RISK IMPLICATIONS:**

There are no risk implications related to this report.

**COUNCIL DECISION**

197

**MOVED CR D WOOD**

**SECONDED CR S MILLS**

**That Council:**

- 1. Adopt the new Policy – Promotional Street Banners on Gilmore Avenue at Attachment A.**
- 2. Grant the following Delegation to the Chief Executive Officer, as detailed in Attachment B:**
  - 1.14 Administration of advertising agreements – Promotional Street Banners on Gilmore Avenue**
- 3. Authorise the publication of a local public notice stating the intention to include the fees and charges tabled at Attachment C into the City's 2015/16 Schedule of Fees and Charges effective 21 days from the date of the local public notice.**
- 4. Include the fees and charges tabled at Attachment C into the City's 2015/16 Schedule of Fees and Charges effective 21 days from the date of the local public notice.**

**CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**

**8/0**

## ATTACHMENT A

# PROMOTIONAL STREET BANNERS ON GILMORE AVENUE

**Outlines the process and requirements for the hiring, design, installation and maintenance of street banners on the banner poles located along Gilmore Avenue, Kwinana.**

Adopted:	
Last reviewed:	
Relevant Legislation	Local Government Act 1995 Section 2.7 – Role of Council Main Roads Act 1930 Sections 33B and 33C Transport Co-ordination Act 1966 Section 27
Strategic Community Plan:	Objective 1.1: Protect and enhance community identity Strategy 1.1.2: Produce communications that celebrate the spirit of Kwinana

## Scope:

This Policy refers only to existing banner poles located along Gilmore Avenue, Kwinana for the purpose of flying promotional street banners (street banners).

## Policy:

### 1. General conditions

- 1.1 All applications for the hiring of the banner poles for the purpose of flying street banners will be assessed against the criteria within this Policy with due consideration of Main Roads Western Australia's 'Roadside Advertising Guidelines' and any other relevant local factors and appropriate conditions of approval that may be imposed.
- 1.2 Any hire of the banner poles will be done through a formal written agreement between the applicant and the City of Kwinana.

### 2. Banner poles available for hire

- 2.1 Of the 104 banner poles located on Gilmore Avenue, Kwinana, the available banner pole locations and quantity of banner poles available for hire at any particular time will be at the discretion of the City.
- 2.2 There is no guarantee that a particular banner pole will be available for hire and the City reserves the right to refuse an application should the City require the banner pole for other purposes.

### 3. Booking of banner poles

- 3.1 An application for the hire of a banner pole on Gilmore Avenue must be submitted on the application form available from the City, at least eight weeks prior to the requested installation date.
- 3.2 Applications will be assessed on a 'first booked' basis.
- 3.3 If a banner pole at a particular time or location for a booking is unavailable, the applicant will be advised by the City in writing.



#### **4. Period of hire**

- 4.1 The initial minimum period of hire is three calendar months.
- 4.2 Prior to the expiration of the initial or other hire period, an applicant may request an extension for a further period of either:
- Month by month
  - 3 monthly,
  - 6 monthly, or
  - 12 monthly,
- with the relevant fees and charges listed in the City's Schedule of Fees and Charges.
- 4.3 The period of hire will not exceed more than one (1) year per agreement. The City may enter into another agreement for a further 12 months.
- 4.4 Upon expiration of the period of hire, any request for extension must be in the form of a new application.
- 4.5 The period of hire will commence from the first day after installation takes place.

#### **5. Specifications, installation and maintenance of banners**

- 5.1 The manufacture, installation, maintenance and removal of banners and associated fittings are to be undertaken by the applicant.
- 5.2 The applicant is to supply all fittings with which to attach the street banners to the banner poles. Banner poles to be fitted with appropriate attachment rings only.
- 5.3 Banners must be constructed to meet Australian Standards, including but not limited to UV radiation resistance, meet the minimum wind load for Wind Region A, Terrain Level 2, and be designed based on importance level 1 as prescribed in Australian Standard AS 1170.2-1989 - Minimum design loads on structures – Wind Loads.
- 5.4 Banners to be supplied and installed by a suitably qualified person.
- 5.5 The applicant must ensure appropriate traffic management is place during street banner installation, removal or maintenance work, to the satisfaction of the City.

#### **6. Design and messages**

- 6.1 Approval of a street banner design is at the discretion of the City and designs may be refused for any reason deemed relevant by the City.
- 6.2 Street banner content must be of a theme that is consistent with the amenity, location, environment, events or strategies supported by the City of Kwinana.
- 6.3 The City will not approve any signage or advertising which, in its opinion is:
- Political advertising, religiously offensive, pornographic in nature, or that in any other way is likely to be considered offensive to any person or class of persons;
  - Promotes smoking, or tobacco products;
  - Promotes alcohol or the consumption of alcohol;

- Could be mistaken for a traffic sign or that constitutes a traffic hazard; or
- That is, or the content of which, is false, deceptive or misleading.

## **7. Removal of banners**

- 7.1 The City reserves the right to have any street banners removed at the applicant's expense, which do not meet the requirements of this Policy, the hire agreement, or any other Policy or written law.
- 7.2 Street banners which are in contravention of clause 6.1 may be dealt with in accordance with sections 3.39 and 3.46 of the *Local Government Act 1995* which includes removing and impounding any goods that are involved in a contravention and requiring the costs of removing, impounding and keeping them being paid to the local government prior to collection.

## **8. Fees and charges**

- 8.1 Fees and charges for the hire of banner poles are set out in the City's adopted Schedule of Fees and Charges and reviewed annually.
- 8.2 The minimum initial period of hire is three months.
- 8.3 The fee is for the hire of advertising space upon a banner pole only. The costs for the manufacture, installation, maintenance and removal of street banners, is to be borne by the applicant.
- 8.4 Fees must be paid in full prior to the commencement of any period of hire.
- 8.5 Where the City approves use by a not-for-profit or community group or where it is deemed the use is primarily for a social or community benefit as opposed to a commercial one, any fees and charges or other costs associated with the banner pole hire may be waived. Any additional request for funding is to be in accordance with Council's Policy – Community Funding. The costs for the manufacture, installation, maintenance and removal of the street banners still apply.
- 8.6 For applications approved under clause 8.5, the applicant will remain responsible for all other requirements of this Policy, including the construction, installation, maintenance and removal of the street banner for the period of hire of the banner pole and will be required to enter into an agreement with the City of Kwinana in accordance with clause 1.2.

## **9. Administration and maintenance**

- 9.1 The applicant will be responsible for maintenance of the street banner and associated fittings that connect the street banner to the banner pole.
- 9.2 The City will be responsible for the maintenance of banner poles, however, any damage that is caused to the banner poles by the hirer, or hirer's representative, will be the responsibility of the hirer and the City may require the hirer to pay for any damage caused to a banner pole by any actions as a result of the hirer's or hirer's representative actions.
- 9.3 In the event that a street banner or associated fittings are damaged or displaced, the applicant is to commence restoration efforts as soon as practicable or in any case, within five business days.
- 9.4 In the event that a street banner and associated fittings are damaged or displaced and the City becomes aware before the applicant, the City will notify the applicant of the damage or displacement and the applicant will have five

business days to commence restoration.

- 9.5 Street banners and associated fittings are to be in good condition at all times and any that are torn, ripped, defaced, worn out or otherwise in disrepair are to be replaced or repaired in accordance with clause 8.3.
- 9.6 At no time is a street banner in contravention of clause 8.3 to remain in-situ for longer than 14 days. If repairs are not able to be effected within this time period then it is to be removed until such time as it is repaired or replaced.
- 9.7 The City accepts no liability, direct or otherwise, for losses incurred during any period in which a street banner has become damaged or has been displaced, through no fault of the City.
- 9.8 At the expiration of an agreement with the City, the applicant is required to remove the street banner within 14 days. In the event this does not occur, the City may arrange for the removal of the street banner and if so, will invoice the applicant for the costs incurred by the City for the removal of the banner(s).

#### **10. Other advertising and signs**

All other advertising and signs that are not specified in this Policy are subject to the requirements of the City's local planning scheme, local laws and other Policies.

## ATTACHMENT B

### Delegation 1.14

<b>1.14 Administration of hire agreements– Promotional Street Banners on Gilmore Avenue</b>	
<b>Function to be performed:</b>	Authorised to enter into and administer hire agreements for advertising on promotional street banners in Gilmore Avenue on behalf of the City of Kwinana, including determining whether the requests is from a not-for-profit or community group or where the use is primarily a social or community benefit.
<b>Legislative power or duty delegated:</b>	Local Government Act 1995 - Part 9, Division 3 s9.49A(4) Execution of documents
<b>Legislative Power to Delegate:</b>	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
<b>Date Delegation made or reviewed:</b>	May 2016
<b>Delegation to:</b>	Chief Executive Officer
<b>Conditions and Exceptions:</b>	The CEO is authorised to enter into and administer hire agreements for advertising on promotional street banners in Gilmore Avenue on behalf of the City of Kwinana in accordance with the Council Policy 'Promotional Street Banners on Gilmore Avenue'.
<b>Statutory Power to sub-delegate:</b>	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees.
<b>Reporting Requirements:</b>	<ol style="list-style-type: none"><li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and</li><li>2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.</li></ol>

## ATTACHMENT C

### Addition to the 2015/16 Schedule of Fees and Charges

Description	Comments	Statutory Fee Indicator	GST	2015/16 Fee
<b>Promotional Street Banners – Gilmore Avenue</b>				
<b>Hire fees (per Banner Pole):</b>	Costs per monthly period as stated	No	Yes	
Initial period (3 months)				\$900
3 month block				\$900
6 month block				\$1,500
12 month block				\$2,400
Month by month				\$300 per month
<b>Fees for not-for-profit or community groups or where it is deemed the use is primarily for a social or community benefit.</b>				<b>Nil Cost</b>

## 16.8 Dog Exercise Areas and Areas to Prohibit Dogs Absolutely

### SUMMARY:

The City can establish dog exercise areas or specify places where dogs are prohibited by Council resolution (by absolute majority) in accordance with amended section 31 of the *Dog Act 1976*.

The City is required to give 28 days notice to the Community of its intention to specify dog prohibited areas or dog exercise areas.

### OFFICER RECOMMENDATION:

A. That Council give local public notice of the following proposed areas to be declared as dog exercise areas:

- Harry McGuigan Park, Medina Avenue, Medina (Reserve 24172)
- Littlemore Park, Littlemore Road, Orelia (Reserve 30086)
- Skottowe Parkway, Cromer Gardens, Parmelia (Reserve 40922)
- Lot 1333 and 1354 De Haer Road, Wandi (Reserve 36759)
- Peace Park Reserve, Parmelia Avenue, Parmelia (Reserve 33949)
- Sloans Reserve, Wellard Road, Leda (Reserve 25132)
- Daintree Loop Reserve, Centennial Avenue, Bertram (Reserve 47259)
- Harrison Way Reserve, Harrison Way, Calista (Reserve 30326)
- Whitebread Way Reserve, Whitebread Way, Leda (Reserve 43072)
- Hennessy Park Reserve, Hennessy Avenue, Orelia (Reserve 30736).
- Seabrook Way Reserve, Seabrook Way, Medina (Reserve 33240)
- Wellard Reserve, Wellard Road, Wellard (Reserve 40218)

#### *Advice Notes*

An area detailed as a Dog Exercise area does not apply to:

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

B. That Council give public notice of the following proposed areas where dogs are prohibited at all times:

- A public building, shop or business premises, with the exception of a shop or business premises where dogs are sold, unless permitted by a sign;
- A theatre or picture garden;
- All premises or vehicles classified as food premises or food vehicles under the *Food Act 2008*;
- A public swimming pool;
- Land which has been set apart by the City of Kwinana as a children's playground;
- Kwinana Golf Course – Reserve No. 25309 and;
- All beaches within the boundaries of the City of Kwinana.

NOTE: AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED



## 16.8 DOG EXERCISE AREAS AND AREAS TO PROHIBIT DOGS ABSOLUTELY

**DISCUSSION:**

The City of Kwinana is required to give 28 days notice of its intention to specify dog exercise areas or prohibited areas. Previous public consultation did occur between August and October 2014. Submissions were received and upon review, an amendment considered. Delays in the investigation of the submissions and identifying suitable areas now requires further public consultation.

The areas which have been detailed in this report are consistent with the areas previously advertised for public consultation with the exception of Chisham Oval Reserve (36562).

The omission is based on requests from members of the public to have the area deemed unsuitable and be removed. There are also minor changes due to duplication and grammatical errors. As new and future developments are placed under the care and control of the City, additional dog exercise areas will be identified and resolutions will be sought from Council.

Following the public submission period, submissions will be reviewed and a further report will be presented to Council for its consideration.

**LEGAL/POLICY IMPLICATIONS:*****Dogs Regulations 2013;***

37. Transitional regulation: provisions of certain local laws have no effect after 31 July 2014

(1) In this regulation —

***place control provision*** means a provision of a local law that was made under the *Dog Act 1976* section 51(b), (ba) or (bb) before 1 November 2013 (the day on which section 51(b), (ba) and (bb) were deleted by the *Dog Amendment Act 2013* section 56(a)).

(2) Each place control provision has no effect after 31 July 2014.

***Dog Act 1976;******31. Control of dogs in certain public places***

(2B) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place, Or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —

- (a) at all times; or
- (b) at specified times.

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

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

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

- (a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or
- (b) a dog exercise area under subsection (3A); or
- (c) a rural leashing area under subsection (3B), a local government must give local public notice as defined in the *Local Government Act 1995* section 1.7 of its intention to so specify.

16.8 DOG EXERCISE AREAS AND AREAS TO PROHIBIT DOGS ABSOLUTELY

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications identified as a result of this report, however there will be costs involved in the erection of compliant signage required at each dog exercise area and areas where dogs are prohibited at all times specifically Wells Park and Challenger Beaches, following the final adoption of these areas. This cost has been approximated as \$8960.00 plus GST. This is a legislated change that has not been budgeted for in the 2016/2017 budget.

**ASSET MANAGEMENT IMPLICATIONS:**

No asset management implications have been identified as a result of this report; however there will be ongoing maintenance costs in relation to the additional signage.

**ENVIRONMENTAL IMPLICATIONS:**

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

**STRATEGIC/SOCIAL IMPLICATIONS:**

Strategy 4.2.1 of Council's Strategic Community Plan for the period 2013 – 2023 provides that Council will;

*“ Activate and manage public open spaces and improve Infrastructure for play and recreation in existing areas.”*

**RISK IMPLICATIONS:**

Until this process is adopted the City does not have any areas specified as dog exercise areas nor areas where dogs are prohibited. The City Assist team will be unable to enforce breaches of legislation until this process is completed.

## 16.8 DOG EXERCISE AREAS AND AREAS TO PROHIBIT DOGS ABSOLUTELY

**COUNCIL DECISION**

198

MOVED CR W COOPER

SECONDED CR B THOMPSON

A. That Council give local public notice of the following proposed areas to be declared as dog exercise areas:

- Harry McGuigan Park, Medina Avenue, Medina (Reserve 24172)
- Littlemore Park, Littlemore Road, Orelia (Reserve 30086)
- Skottowe Parkway, Cromer Gardens, Parmelia (Reserve 40922)
- Lot 1333 and 1354 De Haer Road, Wandi (Reserve 36759)
- Peace Park Reserve, Parmelia Avenue, Parmelia (Reserve 33949)
- Sloans Reserve, Wellard Road, Leda (Reserve 25132)
- Daintree Loop Reserve, Centennial Avenue, Bertram (Reserve 47259)
- Harrison Way Reserve, Harrison Way, Calista (Reserve 30326)
- Whitebread Way Reserve, Whitebread Way, Leda (Reserve 43072)
- Hennessy Park Reserve, Hennessy Avenue, Orelia (Reserve 30736).
- Seabrook Way Reserve, Seabrook Way, Medina (Reserve 33240)
- Wellard Reserve, Wellard Road, Wellard (Reserve 40218)

***Advice Notes***

**An area detailed as a Dog Exercise area does not apply to:**

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

B. That Council give public notice of the following proposed areas where dogs are prohibited at all times:

- A public building, shop or business premises, with the exception of a shop or business premises where dogs are sold, unless permitted by a sign;
- A theatre or picture garden;
- All premises or vehicles classified as food premises or food vehicles under the *Food Act 2008*;
- A public swimming pool;
- Land which has been set apart by the City of Kwinana as a children's playground;
- Kwinana Golf Course – Reserve No. 25309 and;
- All beaches within the boundaries of the City of Kwinana.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

8/0

## **16.9 TENDER – 597KWN15 – Provision of Banking and Bill Payment Services**

### **SUMMARY:**

The City of Kwinana invited tenders from a suitably qualified and experienced service provider for the Provision of Banking and Bill Payment Services.

The Request for Tender was advertised in “The Weekend West” newspaper on Saturday, 19 December 2015.

The request for tender closed on Tuesday, 16 February 2016 at 2:00pm with five submissions received.

### **OFFICER RECOMMENDATION:**

That Council:

1. Award the contract 597KWN15 - Provision of Banking and Bill Payment Services, to Commonwealth Bank of Australia, for a period of five years, at an estimated price of \$380,560 including the implementation costs and incorporating the special and general conditions of contract, specifications and their tender submission and schedule of rates.

### **DISCUSSION:**

The evaluation panel members consisted of an Independent Consultant, Finance Manager, Financial Accountant, Director - Corporate and Engineering Services, Administration Assistant – Contract and Procurement Services.

Consultant Andrew Whitmore undertook the initial detailed qualitative criteria assessment against the selection criteria and provided a report including scores and a price rating as detailed in his Assessment of Presentation Documents. At an evaluation panel meeting the Consultant presented his assessment of each of the submissions received.

The internal panel members then reviewed each of the tender submissions and provided a written assessment on the contents of each tender submission against the documented evaluation criteria and the report provided by Andrew Whitmore.

At the final evaluation panel meeting the internal panel members agreed to the scores and assessment report as presented by Andrew Whitmore. The evaluation confidential recommendation report, detailed in Confidential Attachment A and the Consultant's Assessment of Presentation Documents, detailed in Confidential Attachment B.

### **LEGAL/POLICY IMPLICATIONS:**

Local Government (Functions and General) Regulations 1996

The Contract consideration is within the City's Register of Delegated Authority which gives the Chief Executive Officer delegated authority to reject/accept tenders for the supply of goods and services, the authority to negotiate and execute related contracts including minor variations up to the value of \$1,000,000 where there is a budget provision approved, or multiple year contracts (including extensions thereof) up to a total contract value of \$1,875,000.

**16.9 TENDER – 597KWN15 – PROVISION OF BANKING AND BILL PAYMENT SERVICES**

The Chief Executive Officer has declared a conflict of interest and is referring this report for the Provision of Banking and Bill Payment Services to Council for consideration and endorsement.

**FINANCIAL/BUDGET IMPLICATIONS:**

Budget Item Name:	Various
Budgeted Amount:	\$80,272 - 2015/2016 Financial Year
Estimated Proposed Cost:	\$380,560 - 5 year contract.

	Budget 15/16	Actual YTD	Available		Budget 14/15	Actual 14/15
<b>Bank Charges (Muni)</b>						
Youth Centre	1,500	574	926		1,500	1,057
General Finance	35,000	32,863	2,137		30,000	30,179
Recquatic Admin	3,600	9,427	(5,827)		10,000	3,335
Community Centre – Darius Wells	600	1,199	(599)		410	1,089
Library	140	332	(192)		-	145
<b>Bank Collection Fees</b>						
Rates	24,000	22,893	1,107		22,000	24,631
CBA Collection Fees	15,000	14,789	211		15,000	14,540
Bpoint Collection Fees	432	323	109		432	431
<b>TOTALS</b>	<b>80,272</b>	<b>82,400</b>	<b>(2,128)</b>		<b>79,342</b>	<b>75,407</b>

**ASSET MANAGEMENT IMPLICATIONS:**

No asset 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:**

Continuous monitoring and review ensures the future sustainability of the city. Improved services to ratepayers with new banking technology and options.

**RISK IMPLICATIONS:**

The total expenditure for 597KWN15 for Provision of Banking and Bill Payment Services will exceed the \$150,000 tender threshold as determined by the Local Government (Function and General) Regulations 1996. Failure to procure this requirement by means other than undertaking a tender process will be in breach of the tender regulations.

16.9 TENDER – 597KWN15 – PROVISION OF BANKING AND BILL PAYMENT SERVICES

**COUNCIL DECISION**

**199**

**MOVED CR R ALEXANDER**

**SECONDED CR S MILLS**

**That Council defer the item and authorise the Chief Executive Officer to request to the Minister of Local Government to make a determination regarding whom presides and whom partakes in the discussion and voting of this item following the Elected Member financial declarations received.**

**CARRIED  
8/0**

**NOTE – That the Officer Recommendation has been amended due to there not being a quorum for this item as a result of the declarations of interest being declared.**

*The Corporate Lawyer returned to the Council Chambers at 7:26pm*



## **17 Urgent Business**

Nil

## **18 Councillor Reports**

### **18.1 Councillor Wendy Cooper**

Councillor Wendy Cooper reported that she had attended the farewell to the Coordinator Cultural Development whom she believes has been a big contributor to lifting the profile of the arts in the City.

Councillor Cooper advised that she had attended the City of Kwinana Stakeholder Function and that it had been a joyful evening.

### **18.2 Councillor Sandra Lee**

Councillor Sandra Lee reported that she had attended the City of Kwinana Stakeholder Function and commented that it was a very nice evening.

### **18.3 Councillor Bob Thompson**

Councillor Bob Thompson reported that he had attended the City of Kwinana Stakeholder Function and commented that it had been very good.

Councillor Bob Thompson advised that he had visited the City of Kwinana 'Answering the Call' Exhibition which is very good.

### **18.4 Councillor Dennis Wood**

Councillor Dennis Wood reported that he had attended the RSL 60<sup>th</sup> Anniversary which was a terrific function.

Councillor Dennis Wood advised that he had attended City of Kwinana Stakeholder Function.

## **19 Response to Previous Questions**

Nil

## **20 Mayoral Announcements (without discussion)**

Mayor Carol Adams reported that she had attended the City of Kwinana Stakeholder Function with eight Ratepayer Associations in attendance.

**20 MAYORAL ANNOUNCEMENTS (WITHOUT DISCUSSION) CONTINUED**

The Mayor advised that she had attended the Kwinana Volunteer Fire and Rescue 60<sup>th</sup> Anniversary.

The Mayor mentioned that she had attended the Kwinana RSL 60th Anniversary.

The Mayor reported that she had attended the WALGA State Council and that an emerging issue that was discussed was the Capping of the Pensioner Rebate on Local Government Rates. The Mayor explained that pensioners are the most vulnerable members of our community and that they may not understand when they receive their rate notices why they will be hit in the hip pocket so hard, they may blame Council. The City of Armadale are concerned as they have 4,000 pensioners who will be affected and depending on their rates this could see them paying an additional \$200 - \$300 in rates. The City of South Perth has around 20% pensioner ratepayers. WALGA have been requested to develop a communication strategy to ensure all affected pensioners are informed of the significant changes to pensioner rate entitlement.

The Mayor advised that she has been continuing with the Kwinana Port Lobbying with meetings being held with Shadow Treasurer, Ben Whyatt, Minister Mia Davies of the National Party and Chairman of the WA Planning Commission, Eric Lumsden.

The Mayor also announced that this week marks her tenth year anniversary as the City of Kwinana Mayor and stated that she feels very privileged and honoured.

## **21 Matters Behind Closed Doors**

Nil

## **22 Meeting Closure**

The Mayor declared the Meeting closed 7:41pm.