

Ordinary Council Meeting

9 August 2017

Minutes



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

Agendas and Minutes are available on the City's website www.kwinana.wa.gov.au

Vision Statement

Kwinana 2030

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

Mission

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



We will do this by –

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

Values

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

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

TABLE OF CONTENTS

1	Declaration of Opening:.....	5
2	Prayer:.....	5
3	Apologies/Leave(s) of Absence (previously approved).....	5
4	Public Question Time:.....	6
5	Applications for Leave of Absence:.....	6
6	Declarations of Interest by Members and City Officers:.....	6
7	Community Submissions:	6
8	Minutes to be Confirmed:	7
8.1	Ordinary Meeting of Council held on 26 July 2017:	7
9	Referred Standing / Occasional / Management /Committee Meeting:	7
10	Petitions:.....	7
11	Notices of Motion:	7
12	Reports – Community	7
13	Reports – Economic.....	7
14	Reports – Natural Environment.....	7
15	Reports – Built Infrastructure.....	8
15.1	Adoption of Amended Local Development Plan – Wellard Glen Estate – Lot 90 & Part Lot 378 Millar Road, Wellard East.....	8
15.2	Consideration to Adopt Scheme Amendment No. 154 – Recoding of Lot 501 Varris Way, Orelia from “R30” to “R40”	13
15.3	Adoption of Local Development Plan – Treeby Park – Anketell South	19
16	Reports – Civic Leadership	26
16.1	Review of Council Policy – Investment Policy.....	26
16.2	Amendments to the Register of Delegated Authority – Local Government to Chief Executive Officer, Officers and Committees 2016 – Appointment of Acting Chief Executive Officer	30
16.3	Council Policy Review – ‘Elected Members Allowances, Expenses and Gifts’, ‘Naming of Parks, Places and Buildings’, and ‘Street Naming’	34
16.4	Amendments to the Register of Delegated Authority – Local Government to Chief Executive Officer, Officers and Committees 2016 – Bush Fires Act 1954 – Functions of local government	40
16.5	Fireworks event notice Sunday 24 September 2017	43
16.6	Budget Variations	48
17	Urgent Business.....	51
17.1	Request to the Prime Minister to increase the Goods and Services Tax (GST) share for Western Australia	51
18	Councillor Reports	54
18.1	Councillor Ruth Alexander	54
18.2	Councillor Wendy Cooper	54
18.3	Councillor Sandra Lee.....	54
18.4	Councillor Dennis Wood	55
19	Response to Previous Questions.....	55

20	Mayoral Announcements (without discussion).....	55
21	Matters Behind Closed Doors	56
22	Meeting Closure	56

Present:

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

MS J ABBISS	-	Chief Executive Officer
MS C MIHOVLOVICH	-	Director City Strategy
MS M BELL	-	Acting Director City Regulation
MRS B POWELL	-	Director City Engagement
MR R NAJAFZADEH	-	Acting Director City Infrastructure
MR P NEILSON	-	Manager Planning
MS A MCKENZIE	-	Council Administration Officer

Members of the Press	0
Members of the Public	0

1 Declaration of Opening:

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

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

2 Prayer:

Councillor 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):

Councillor Sheila Mills from 3 August 2017 to 17 August 2017 inclusive.

4 Public Question Time:

Nil

5 Applications for Leave of Absence:

Nil

6 Declarations of Interest by Members and City Officers:

Councillor Sandra Lee declared a proximity interest regarding item 15.2, Consideration to Adopt Scheme Amendment No. 154 – Recoding of Lot 501 Varris Way, Orelia from “R30” to “R40”, due to her property abutting Lot 501 Varris Way, Orelia.

Mayor Carol Adams declared a financial interest in item 16.1, Review of Council Policy – Investment Policy, due to holding shares in Kwinana Community Financial Services Limited who manage the Kwinana Bendigo Bank.

Deputy Mayor Peter Feasey declared a financial interest in item 16.1, Review of Council Policy – Investment Policy, due to being the Treasurer of a local sporting club who bank with Bendigo Bank.

Councillor Wendy Cooper declared a financial interest in item 16.1, Review of Council Policy – Investment Policy, due to holding shares in Kwinana Community Financial Services Limited who manage the Kwinana Bendigo Bank.

Councillor Sandra Lee declared a financial interest in item 16.1, Review of Council Policy – Investment Policy, due to holding a bank account with Bendigo Bank.

Councillor Bob Thompson declared a financial interest in item 16.1, Review of Council Policy – Investment Policy, due to holding shares in Kwinana Community Financial Services Limited who manage the Kwinana Bendigo Bank.

Councillor Dennis Wood declared a financial interest in item 16.1, Review of Council Policy – Investment Policy, due to holding shares in Kwinana Community Financial Services Limited who manage the Kwinana Bendigo Bank.

7 Community Submissions:

Nil

8 Minutes to be Confirmed:

8.1 Ordinary Meeting of Council held on 26 July 2017:

COUNCIL DECISION

557

MOVED CR P FEASEY

SECONDED CR B THOMPSON

That the Minutes of the Ordinary Meeting of Council held on 26 July 2017 be confirmed as a true and correct record of the meeting.

**CARRIED
7/0**

9 Referred Standing / Occasional / Management /Committee Meeting:

Nil

10 Petitions:

Nil

11 Notices of Motion:

Nil

12 Reports – Community

Nil

13 Reports – Economic

Nil

14 Reports – Natural Environment

Nil

15 Reports – Built Infrastructure

15.1 Adoption of Amended Local Development Plan – Wellard Glen Estate – Lot 90 & Part Lot 378 Millar Road, Wellard East

SUMMARY:

A request to amend the Local Development Plan (LDP) for Lot 90 & Part Lot 378 Millar Road, Wellard East has been received for the consideration of Council under the City of Kwinana Town Planning Scheme No. 2 (Scheme) (refer Attachment B). The original LDP was approved by Council on 23 December 2014 (refer Attachment C) and the first amendment to this LDP was approved by Council on 18 January 2017 (refer Attachment D).

The proponent now seeks the approval of Council to further amend the adopted amended LDP to vary the Bushfire Attack Levels (BALs) specified on the LDP for some of the lots. The original Fire Management Plan (FMP) for the Wellard Glen Estate was prepared and approved in 2014. Due to the time that has lapsed since the approval of this FMP, and the subsequent changes to the intensity and distribution of the vegetation, a revised Bushfire Assessment Report has been prepared (as an addendum to the approved FMP) for all lots within Stage 3 and Lots 661 and 611 within stages 1 and 5 respectively. In this respect, the classification of the vegetation has been revised and has resulted in reduced BALs for all lots affected.

The BAL ratings on the current LDP are then inconsistent with the revised FMP and this requires amendment for reasons of consistency and fire risk. The submitted BAL report and the amended FMP were reviewed by the City's Fire Consultant and were approved.

All the other provisions on the current amended LDP relating to design requirements for laneway lots and Quiet House Design provisions relating to noise emanating from the Kwinana Freeway remain unchanged.

This LDP, initially adopted in December 2014 and amended in January 2017, contains a total of 242 lots with 48 lots now sold and in private ownership. Building permits have been issued for these lots and the dwellings have been constructed or are under construction. Subdivision works (road design and levels) have been completed with landscaping commenced and landscaping drawings approved for much of the LDP site with only the northern area yet to be completed. Note that whilst the Local Planning Policy No. 2 – Streetscapes – (LPP No.2) does not apply retrospectively to the approved subdivision and engineering approvals, City Officers are in liaison with the proponents about how relevant objectives of the policy can apply such as early tree planting and landscaping.

OFFICER RECOMMENDATION:

That Council approves the Amended Local Development Plan for Lot 90 & Part Lot 378 Millar Road, Wellard East (Wellard Glen Estate) as per Attachment B), pursuant to Clause 52(1)(a) of Schedule 2 – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

**15.1 ADOPTION OF AMENDED LOCAL DEVELOPMENT PLAN – WELLARD GLEN ESTATE – LOT 90
& PART LOT 378 MILLAR ROAD, WELLARD EAST**

DISCUSSION:

Land Status

Town Planning Scheme No 2:
Metropolitan Region Scheme:

Residential R20, R25 & R40
'Urban' Zone

Background

The LDP for the Wellard Glen Estate was originally approved by Council on 23 December 2014 (refer Attachment C). An amended LDP was adopted by Council on 18 January 2017 (refer Attachment D) and included additional provisions relating to;

- variations to minimum open space requirements;
- variations to primary and secondary street setbacks;
- dwelling façade treatment for laneway lots; and
- designated garage locations for some lots.

The proponent now seeks to further amend the adopted amended LDP of 18 January 2017 to amend the BALs on 29 lots within stage 3 and two lots within stage 1 and 5 respectively of this development (refer Attachment B).

Fire Management

As discussed previously in this report, the original FMP for the Wellard Glen Estate was prepared and approved in 2014. Due to the time that has lapsed since the approval of this FMP, and the subsequent changes to the structure of the vegetation, a revised Bushfire Assessment Report has been prepared (as an addendum to the approved FMP) for all the 29 lots within Stage 3 and Lots 661 and 611 within stages 1 and 5 respectively. The reassessment was undertaken based on the vegetation class, slope under classified vegetation and the distance maintained between proposed development areas and predominant vegetation. This resulted in the affected lots having reduced BALs. The construction requirements for proposed buildings were assigned based on the specified BAL. The revised BAL assessment report was reviewed by the City's fire consultant and is supported.

The LDP is being amended to reflect the updated BAL ratings for the affected lots. This will ensure prospective purchasers are provided with consistent documentation in relation to the construction requirements for these lots.

Other LDP Requirements

All the other provisions on the current amended LDP relating to design requirements for laneway lots and Quiet House Design provisions relating to noise emanating from the Kwinana Freeway remain unchanged.

15.1 ADOPTION OF AMENDED LOCAL DEVELOPMENT PLAN – WELLARD GLEN ESTATE – LOT 90 & PART LOT 378 MILLAR ROAD, WELLARD EAST

This LDP, initially adopted in December 2014 and amended in January 2017, contains a total of 242 lots with 48 lots now sold and in private ownership. Building permits have been issued for these lots and the dwellings have been constructed or are under construction. Subdivision works (road design and levels) have been completed with landscaping commenced and landscaping drawings approved for much of the LDP site with only the northern area yet to be completed. Note that whilst LPP No.2 does not apply retrospectively to the approved subdivision and engineering approvals, City Officers are in liaison with the proponents about how relevant objectives of the policy can apply such as early tree planting and landscaping.

COMMUNITY ENGAGEMENT:

The current amended LDP was approved on the 18 January 2017. The lots that are subject to the BAL changes are still in the ownership of the developer. Given the proposed changes only relate to reduced BALs, no other persons are considered to be affected by these changes except the developer and future landowners. In this regard, it was considered that the draft amended LDP did not require advertising.

LEGAL/POLICY IMPLICATIONS:

For the purpose of Councillors considering a financial or impartiality interest only, the applicant is Peter Webb and Associates and the landowner is Mary Donald Nominees Pty Ltd.

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

- City of Kwinana Town Planning Scheme No. 2;
- Wellard East (Lot 90 & Part Lot 378 Millar Road) Local Structure Plan;
- State Planning Policy No. 3.1 (*Residential Design Codes of Western Australia*);
- Liveable Neighbourhoods Operational Policy;
- Guidelines for Planning in Bushfire Prone Areas & Appendices 2015; and
- Local planning and other related policies

FINANCIAL/BUDGET IMPLICATIONS:

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

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications as a result of this application. Quiet house design provisions are included in the LDP.

15.1 ADOPTION OF AMENDED LOCAL DEVELOPMENT PLAN – WELLARD GLEN ESTATE – LOT 90 & PART LOT 378 MILLAR ROAD, WELLARD EAST

STRATEGIC/SOCIAL IMPLICATIONS:

LDPs allow for variations to the Scheme and R-Codes which take into account specific site characteristics and configuration of lots, particularly smaller lots. The use of such mechanisms is common practice, and is encouraged to allow for the most optimal form of urban development to occur. LDPs are only one tool in the suite of those used to create urban places and communities and should be considered in conjunction with other subdivision requirements, social and environmental policy.

It could be argued that the proposal stimulates economic development in the City as the amended LDP results in the residential development in the Wellard Glen Estate to progress in a timely manner.

RISK IMPLICATIONS:

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

**15.1 ADOPTION OF AMENDED LOCAL DEVELOPMENT PLAN – WELLARD GLEN ESTATE – LOT 90
& PART LOT 378 MILLAR ROAD, WELLARD EAST**

COUNCIL DECISION

558

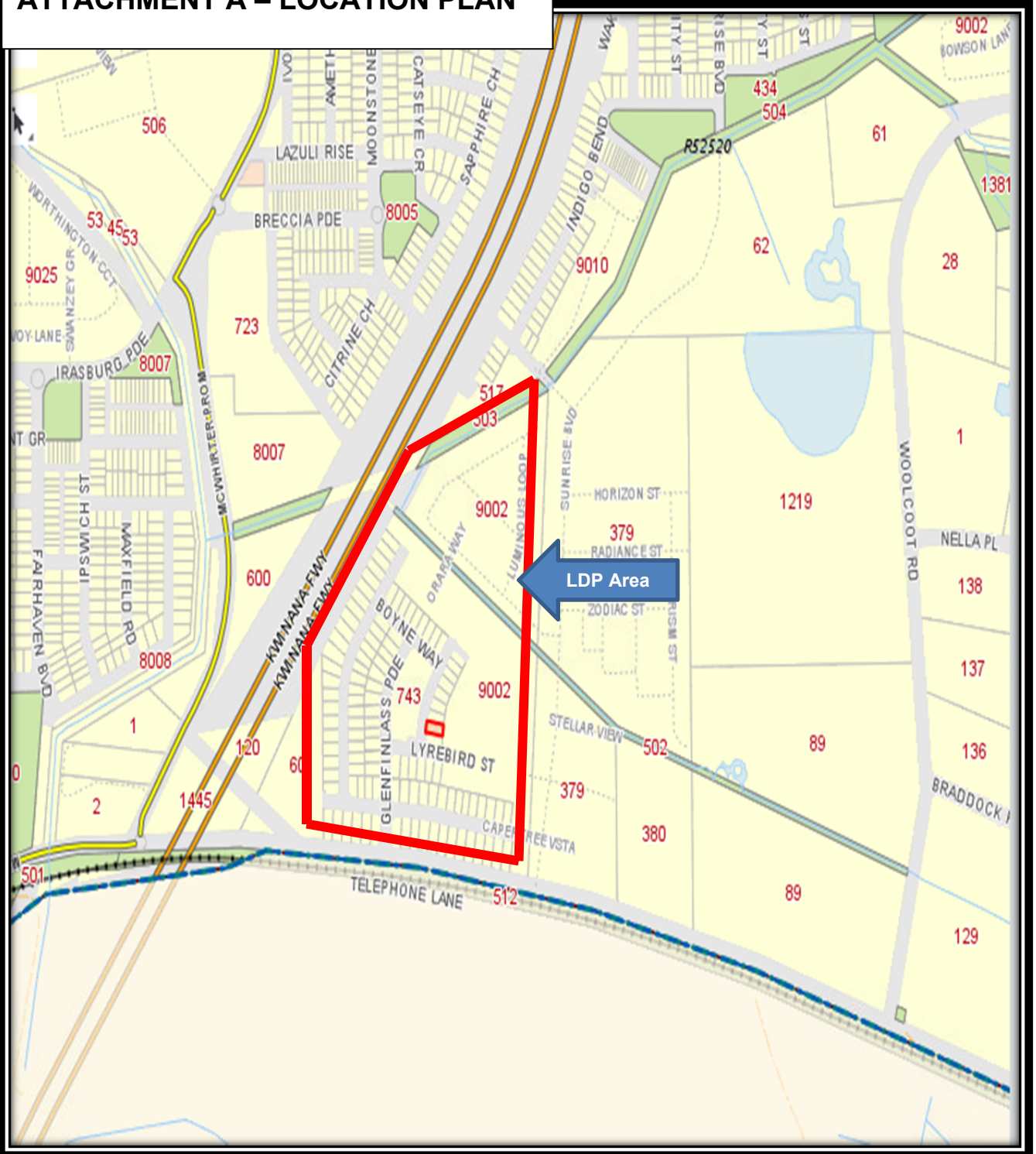
MOVED CR W COOPER

SECONDED CR S LEE

That Council approves the Amended Local Development Plan for Lot 90 & Part Lot 378 Millar Road, Wellard East (Wellard Glen Estate) as per Attachment B), pursuant to Clause 52(1)(a) of Schedule 2 – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

**CARRIED
7/0**

ATTACHMENT A – LOCATION PLAN





LOCAL DEVELOPMENT PLAN (AMENDED)

Wellard Glen Estate

LOT 90 AND PART LOT 378 MILLAR ROAD, WELLARD EAST

PREPARED FOR DJM MacCORMICK PROPERTY GROUP

LOCAL DEVELOPMENT PLAN PROVISIONS

This Local Development Plan (LDP) applies to all lots contained within the Wellard Glen Estate Structure Plan area.

Unless otherwise varied by this LDP, a proposal shall be designed and assessed in accordance with the Residential Design Codes of WA (R Codes), City of Kwinana Town Planning Scheme No. 2 and any applicable local planning policies.

The following design requirements shall apply in conjunction with the requirements annotated on the plan.

Minimum Open Space and Outdoor Living

Residential R25:

- The site coverage may be increased to 65%, subject to a 30m² outdoor living area being provided with a minimum length and width dimension of 4.0m and two thirds of this outdoor living area remaining uncovered and located behind the street setback area.

Residential R40:

- The site coverage may be increased to 70%, subject to a 20m² outdoor living area being provided with a minimum length and width dimension of 4.0m and two thirds of this outdoor living area remaining uncovered and located behind the street setback area.

Garages and Carports

- Where lots have frontages of 12m or less, garages shall not exceed 60% of the frontage and the following shall be provided:
 - a clear indication of the dwelling entrance;
 - shall incorporate a verandah or projecting portico; and
 - the dwelling entrance shall be the dominant feature of the facade, and shall include a projecting portico or verandah with a minimum depth of 1.5m.
- Where garages exceed 50% of the lot frontage to the primary street they shall be setback at least 1.0m behind the dwelling alignment.
- Garages are to be setback a minimum of 3.0m from the primary street. This provision does not apply to laneway lots.
- Where a lot abuts a rear laneway, vehicle access and/or garages will only be from the rear laneway. The siting of garages shall comply with the vehicular access restrictions as shown on the LDP.
- For laneway lots, garages and carports shall be setback a minimum of 0.5m from the rear laneway boundary. (Note that dwelling setbacks to the laneway will be in accordance with Table 2(a) and 2(b) of the R Codes.)
- All garages are required to have a door that encloses the garage.

Setbacks

Primary and secondary street setbacks

- For all R25 and R40 lots:

Dwelling Setbacks	minimum (m)	maximum (m)
Primary Street	R25: 3.0 R40: 2.0	R25: 5.0 R40: 4.0
Secondary Street	R25 and R40: 1.0	-
Verandah Setback (laneway lots only)	R40 (laneway lots): 1.5	R40 (laneway lots): 3.0

Note: The front setback averaging provision of the R Codes does not apply.

- A porch, balcony or verandah or the equivalent may project no more than 1.0m into the primary street setback area, provided that the total of such projections does not exceed 50% of the frontage. This provision does not apply to the laneway lots.

Side setbacks

- For lots with frontages of 11.0m or less, nil setbacks for dwellings (including garages and carports) are permitted to both side boundaries simultaneously. No maximum length provision is applicable.

Storage

- For laneway lots, storage areas with a minimum internal area of 4m² and a minimum dimension of 1.5m are to be provided at the time of construction of the dwellings. Storage areas shall be constructed under the main roof of the residence or garage, and shall be accessible from either the exterior or within the garage.

Streetscape

- For laneway lots, dwellings are to provide an appropriate, high quality interface with the surrounding streetscape, through the use of the following architectural features:
 - articulation in the dwelling facade (i.e. varied wall setbacks);
 - a mix of building materials, colours and finishes (e.g. render, brick, cladding);
 - major habitable room openings incorporating large windows to provide street surveillance;
 - roof forms that incorporate either gables, eaves, veranda or a feature portico;
 - the wall plate height on the front elevation shall be a minimum of 28 courses.

Acoustic

- Dwellings on lots identified under the Traffic Noise Assessment as being at risk of noise (as shown on the LDP) shall be constructed in accordance with the Australian Standard (2107:2000).
- This LDP shall be read in conjunction with the Traffic Noise Assessment, prepared by Lloyd George Acoustics (January 2012).
- The following House Design Package applies to the lots listed in the table below (details of the House Design Package are contained within Appendix A of the Traffic Noise Assessment):

House Package	Dwelling to be constructed to comply with AS 2107:2000
A	Lot 501-543 Lot 563-578 Lot 648-693 Lot 708-722 Lot 736-742

- For laneway lots, all dwellings shall be constructed with the following minimum quiet house design requirements:
 - walls shall be double leaf cavity brickwork, such as two leaves of 90mm thick bricks with 50mm air gap. Any alternatives shall achieve a minimum Rw50 acoustic rating.
 - Windows shall be minimum 4mm laminated glazing in a high quality residential grade frame to achieve a minimum Rw+Cv23 acoustic rating.
 - Roof/Ceiling - to be minimum 10mm thick plasterboard with R2.0 insulation between ceiling joists. Combined with roof, acoustic performance to be minimum Rw42.
 - Eaves are to be enclosed using a minimum 4mm thick compressed cement sheeting or equivalent.
 - Air conditioning units, or the like, must be selected on the basis of quiet operation and units shall be roof mounted on appropriate anti-vibration mounts, or be no more than 1.5m above ground level.
 - Any alternative construction methods shall be supported by a report undertaken by a suitably qualified acoustic consultant.

Fire Management

- Dwellings constructed on lots identified as being at risk of bushfire attack under the approved Fire Management Plan (as amended by the BAL Report - Stage 3 Wellard Glen (dated 16 February, 2017) and included as an Addendum to the Fire Management Plan), or within 100m from bushland greater than 1.0 hectare in area, shall be constructed to the appropriate BAL rating in accordance with Australian Standard (AS3959) as shown on the LDP.
- A proposed reduction to the nominated BAL rating for any development will require a planning application for consideration. The submission is to include the detailed method for determining bushfire attack level - Method 2 for AS3959, WAPC Guidelines Planning for Bushfire Protection.
- Once land to the east of the Lots identified with an asterisk (*) is developed the rating will no longer be applicable to those subject lots.

This Local Development Plan has been adopted by Council and signed by the Principal Planner:

Principal Planner

date

PURCHASER ACKNOWLEDGEMENT

Name:

Signature:

date:

LEGEND

- Lots subject to this LDP
- R20 R Code Density
- D Duplex Site
- Garage Location (mandatory)
- Garage Location (preferred)
- No Vehicle Access
- House Package A
- BAL 19
- BAL 12.5

Scale: 1:2500 @ A3
File No: C2078
Plan No: P2078-12
Date: 07/06/2017

Amendment No.	Summary of Amendment	Date Endorsed by Local Government
1.	This amendment has been undertaken to include the following provisions: <ol style="list-style-type: none">variations to the minimum open space requirements;variations to the primary and secondary street setbacks;dwellings design requirements for laneway lots;garage locations included - Lots 675, 695, 696, 697, 698, 699, 700, 721, 722, 723, 730, 733, 736, 737.	18/01/2017
2.	This amendment has been undertaken to revise the BAL ratings to reflect the updated assessment in the Stage 3 BAL Report by Smith Consulting dated 16 February 2017. BAL ratings are revised on the LDP for the following lots: Lots 602 to 606, 611, 613 to 635, 661, and 670.	

ATTACHMENT B



Local Development Plan

The following design requirements shall apply in conjunction with the requirements annotated on the plan. The provisions in the Local Development Plan (LDP) comprise additional Residential Design Code "Acceptable Development" provisions. Unless varied in the LDP, a proposal shall be designed and assessed in accordance with the Residential Design Codes, Town of Kwinana Town Planning Scheme No. 2 and/or local planning policies.

Unless varied below, the R40 provisions within the Residential Design Codes apply to Lots 612-674, 709-720 and 738-742.

Small Lot Development

- Where lots have frontage of 12 metres or less, garages shall not exceed 60% of the lot frontage. The following shall be provided:
 - A clear indication of the dwelling entrance; and
 - Shall incorporate a veranda or a projecting portico.
- For laneway lots, storage areas with a minimum internal area of 4m² and minimum dimension of 1.5m are to be provided at the time of construction of the dwellings. Storage areas shall be constructed under the main roof of the residence or garage, and shall be accessible from either the exterior or within the garage.

For Lots 613 to 618 and 634 to 639 the following design requirements shall apply:

Setbacks

- All dwellings shall have nil setbacks to both side boundaries (including garages and carports), excluding secondary street boundaries. There is no maximum length provision applicable.
- Development shall have the following setbacks to the Primary Street:

Setback to Primary Street (Laneway Lots)		
	Min (m)	Max (m)
Dwelling	2.0	4.0
Verandah	1.5	3.0

Garages and Carports

- Where garages exceed 50% of the lot frontage to the primary street they shall be setback at least 1.0 metre behind the dwelling alignment.
- Garages and carports shall be setback a minimum of 0.5m from the rear laneway boundary. (Note that dwelling setbacks to the laneway will be in accordance with Tables 2(a) and 2(b) of the R Codes)
- All garages are required to have a door that encloses the garage.

Vehicular Access

- Vehicular access to laneway lots will only be from the rear laneway. The siting of garages shall comply with the vehicular access restrictions as shown on the DAP.

For Lots 501 to 543, 563 to 578, 648 to 693, 708 to 722 and 737 to 742 the following design requirements shall apply:

Acoustic

- Dwellings on lots identified under the Traffic Noise Assessment as being at risk of noise (as shown on the LDP plan) shall be constructed in accordance with Australian Standard (2107:2000).
- This LDP shall be read in conjunction with the Traffic Noise Assessment (Prepared by Lloyd George Acoustics in January 2012).
- The following House Design Package applies (details of the House Design Package are contained within Appendix A of the Traffic Noise Assessment):

House Package	Dwelling to be constructed to comply with AS 2107:2000
A	Lots 501-543, 563-578, 648-693, 708-722 and 737-742

For Lots 501 to 591, 602 to 635, 661 to 670, 675 to 713 and 717 to 742 the following design requirements shall apply:

Fire Management

- Dwellings constructed on lots identified as being at risk of bushfire attack under the approved Fire Management Plan, or within 100m from bushland greater than 1 hectare in area, shall be constructed to the appropriate BAL rating in accordance with Australian Standard (AS3959) as shown on the LDP.
- A proposed reduction to the nominated BAL rating for any development will require a planning application for consideration. The submission is to include the detailed method for determining bushfire attack level - Method 2 for AS3959, WAPC Guidelines Planning for Bushfire Protection.
- Once land to the east of the Lots subject to the BAL 19 rating is developed the rating will no longer be applicable to those subject lots.

LEGEND

- House Package A
- No Vehicular Access
- Nil Side Setback
- BAL 19
- BAL 12.5
- LDP Boundary
- X Garage Locations
- R 20 R Coding
- D = Duplex Site

This Local Development Plan has been adopted by Council and signed by the Principal Planner:

Principal Planner: City of Kwinana

Date: 15/1/15

PURCHASER ACKNOWLEDGEMENT

Name: _____ Date: _____

Signature: _____

LOCAL DEVELOPMENT PLAN

Lot 90 and Part Lot 378 Millar Road, Wellard East



ATTACHMENT C



LOCAL DEVELOPMENT PLAN (AMENDED) Wellard Glen Estate

LOT 90 AND PART LOT 378 MILLAR ROAD, WELLARD EAST

PREPARED FOR DJM MacCORMICK PROPERTY GROUP

LOCAL DEVELOPMENT PLAN PROVISIONS

This Local Development Plan (LDP) applies to all lots contained within the Wellard Glen Estate Structure Plan area.

Unless otherwise varied by this LDP, a proposal shall be designed and assessed in accordance with the Residential Design Codes of WA (R Codes), City of Kwinana Town Planning Scheme No. 2 and any applicable local planning policies.

The following design requirements shall apply in conjunction with the requirements annotated on the plan.

Minimum Open Space and Outdoor Living

Residential R25:

- The site coverage may be increased to 65%, subject to a 30m² outdoor living area being provided with a minimum length and width dimension of 4.0m and two thirds of this outdoor living area remaining uncovered and located behind the street setback area.

Residential R40:

- The site coverage may be increased to 70%, subject to a 20m² outdoor living area being provided with a minimum length and width dimension of 4.0m and two thirds of this outdoor living area remaining uncovered and located behind the street setback area.

Garages and Carports

- Where lots have frontages of 12m or less, garages shall not exceed 60% of the frontage and the following shall be provided:
 - a clear indication of the dwelling entrance;
 - shall incorporate a verandah or projecting portico; and
 - the dwelling entrance shall be the dominant feature of the facade, and shall include a projecting portico or verandah with a minimum depth of 1.5m.
- Where garages exceed 50% of the lot frontage to the primary street they shall be setback at least 1.0m behind the dwelling alignment.
- Garages are to be setback a minimum of 3.0m from the primary street. This provision does not apply to laneway lots.
- Where a lot abuts a rear laneway, vehicle access and/or garages will only be from the rear laneway. The siting of garages shall comply with the vehicular access restrictions as shown on the LDP.
- For laneway lots, garages and carports shall be setback a minimum of 0.5m from the rear laneway boundary. (Note that dwelling setbacks to the laneway will be in accordance with Table 2(a) and 2(b) of the R Codes.)
- All garages are required to have a door that encloses the garage.

Setbacks

Primary and secondary street setbacks

- For all R25 and R40 lots:

Dwelling Setbacks	minimum (m)	maximum (m)
Primary Street	R25: 3.0 R40: 2.0	R25: 5.0 R40: 4.0
Secondary Street	R25 and R40: 1.0	-
Verandah Setback (laneway lots only)	R40 (laneway lots): 1.5	R40 (laneway lots): 3.0

Note: The front setback averaging provision of the R Codes does not apply.

- A porch, balcony or verandah or the equivalent may project no more than 1.0m into the primary street setback area, provided that the total of such projections does not exceed 50% of the frontage. This provision does not apply to the laneway lots.

Side setbacks

- For lots with frontages of 11.0m or less, nil setbacks for dwellings (including garages and carports) are permitted to both side boundaries simultaneously. No maximum length provision is applicable.

Storage

- For laneway lots, storage areas with a minimum internal area of 4m² and a minimum dimension of 1.5m are to be provided at the time of construction of the dwellings. Storage areas shall be constructed under the main roof of the residence or garage, and shall be accessible from either the exterior or within the garage.

Streetscape

- For laneway lots, dwellings are to provide an appropriate, high quality interface with the surrounding streetscape, through the use of the following architectural features:
 - articulation in the dwelling facade (i.e. varied wall setbacks);
 - a mix of building materials, colours and finishes (e.g. render, brick, cladding);
 - major habitable room openings incorporating large windows to provide street surveillance;
 - roof forms that incorporate either gables, eaves, veranda or a feature portico;
 - the wall plate height on the front elevation shall be a minimum of 28 courses.

Acoustic

- Dwellings on lots identified under the Traffic Noise Assessment as being at risk of noise (as shown on the LDP) shall be constructed in accordance with the Australian Standard (2107:2000).
- This LDP shall be read in conjunction with the Traffic Noise Assessment, prepared by Loyd George Acoustics (January 2012).
- The following House Design Package applies to the lots listed in the table below (details of the House Design Package are contained within Appendix A of the Traffic Noise Assessment):


House Package	Dwelling to be constructed to comply with AS 2107:2000)
A	Lot 501-543 Lot 563-578 Lot 648-693 Lot 708-722 Lot 736-742

- For laneway lots, all dwellings shall be constructed with the following minimum quiet house design requirements:
 - walls shall be double leaf cavity brickwork, such as two leaves of 90mm thick bricks with 50mm air gap. Any alternatives shall achieve a minimum Rw50 acoustic rating.
 - Windows shall be minimum 4mm laminated glazing in a high quality residential grade frame to achieve a minimum Rw+Ctr23 acoustic rating.
 - Roof/Ceiling - to be minimum 10mm thick plasterboard with R2.0 insulation between ceiling joists. Combined with roof, acoustic performance to be minimum Rw42.
 - Eaves are to be enclosed using a minimum 4mm thick compressed cement sheeting or equivalent.
 - Air conditioning units, or the like, must be selected on the basis of quiet operation and units shall be roof mounted on appropriate anti-vibration mounts, or be no more than 1.5m above ground level.
 - Any alternative construction methods shall be supported by a report undertaken by a suitably qualified acoustic consultant.

Fire Management

- Dwellings constructed on lots identified as being at risk of bushfire attack under the approved Fire Management Plan, or within 100m from bushland greater than 1.0 hectare in area, shall be constructed to the appropriate BAL rating in accordance with Australian Standard (AS3959) as shown on the LDP.
- A proposed reduction to the nominated BAL rating for any development will require a planning application for consideration. The submission is to include the detailed method for determining bushfire attack level - Method 2 for AS3959, WAPC Guidelines Planning for Bushfire Protection.
- Once land to the east of the Lots subject to the BAL 19 rating is developed the rating will no longer be applicable to those subject lots.

This Local Development Plan has been adopted by Council and signed by the Principal Planner:


Principal Planner
18 January 2017
date

PURCHASER ACKNOWLEDGEMENT

Name:

Signature:

date:

LEGEND

- Lots subject to this LDP
- R20 R Code Density
- D Duplex Site
- Garage Location (mandatory)
- Garage Location (preferred)
- No Vehicle Access
- House Package A
- BAL 19
- BAL 12.5

Scale: 1:2500 @ A3
File No: C2078
Plan No: P2078-10
Date: 18/01/2017

scale
0 5 10 25 50 100

PETER D WEBB AND ASSOCIATES


CONSULTANT
PO BOX 920
UNIT 2/19 YC

ATTACHMENT D

Amendment No.	Summary of Amendment	Date Endorsed by Local Government
1.	This amendment has been undertaken to include the following provisions: (1) variations to the minimum open space requirements. (2) variations to the primary and secondary street setbacks. (3) dwelling design requirements for laneway lots. (4) garage locations included - Lots 675, 688, 690, 693, 694, 695, 709, 720, 721, 722, 727, 730, 733, 736, 737.	

Councillor Sandra Lee exited the Council Chambers at 7:05pm

15.2 Consideration to Adopt Scheme Amendment No. 154 – Recoding of Lot 501 Varris Way, Orelia from “R30” to “R40”

SUMMARY:

The purpose of this report is for Council to consider final adoption of Scheme Amendment 154 to the City of Kwinana Town Planning Scheme No. 2 (Scheme) for Lot 501 Varris Way, Orelia (site) (refer Attachments A - B).

The proposed amendment seeks to recode the land from “R30” to “R40” under the Scheme. Lot 501 Varris Way, Orelia is a site which was re-classified from a surplus Public Open Space reserve identified under the City’s Land Rationalisation process to Residential “R30” in May 2011, which also included the adjoining Lot 412 Nathaniel Way.

The proposed Amendment was advertised for a period of 42 days following Council’s resolution to initiate the Amendment on the 12 April 2017. No submissions on the Amendment were received.

OFFICER RECOMMENDATION:

1. That Council, in pursuance of Section 75 of the Planning and Development Act 2005 (“Act”), adopt Amendment 154 to the City of Kwinana Town Planning Scheme No. 2 (“Scheme”) for the purposes of:
 - i. Modifying the Scheme Maps by deleting the ‘R30’ zoning and replacing with ‘R40’ over Lot 501 Varris Way, Orelia.
2. That in the opinion of Council the amendment is a ‘Standard Amendment’ as it satisfies the following criteria of Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015:

An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;

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. That the Amendment documentation be signed and sealed without modification and then submitted to the Western Australian Planning Commission, with a request for the endorsement of final approval by the Minister.

DISCUSSION:

Land Status

Metropolitan Region Scheme:	Residential
Town Planning Scheme No. 2:	Residential “R30”

15.2 CONSIDERATION TO ADOPT SCHEME AMENDMENT NO. 154 – RECODING OF LOT 501 VARRIS WAY, ORELIA FROM “R30” TO “R40”

Background

The proposed amendment seeks to recode the land from “R30” to “R40” under the Scheme. Lot 501 Varris Way, Orelia is a site which was re-classified from a surplus Public Open Space reserve identified under the City’s Land Rationalisation process to Residential “R30” in May 2011.

The subject site was identified under the Land Rationalisation process for a multiple dwelling / affordable housing development however, subsequent changes to the Residential Design Codes (R-Codes) have had the effect that the site is no longer able to be developed in accordance with the previously prepared plans. The applicant has advised that the proposed Scheme amendment will enable the development of the land for multiple dwellings in accordance with the concept plans prepared by the land owner following the finalisation of the City’s Land Rationalisation process.

The proposed Amendment was the subject of discussion at an Elected Member forum held in August 2016, where the landowner presented their latest draft development plans for the site and outlined the implications of the changes to the R-Codes on the development. Scheme Amendment 154 was initiated, for advertising, at Council’s Ordinary Council Meeting held on the 12 April 2017.

Planning Discussion

The subject site has an area of 2301m² and is bound by largely single residential development to the east and west boundaries, Lot 412 Nathaniel Way to the southern boundary, and a Park, Recreation and Drainage reserve to the northern boundary. The site is narrow and elongated and has an 8.1 metre frontage to Varris Way. The narrow configuration of the lot and the small frontage to Varris Way represent a considerable constraint to the development of the site in a grouped / single dwelling configuration.

The land owner has advised that pending the outcome of the proposed Scheme Amendment, the site is intended to be developed in a two storey multiple dwelling arrangement consisting of approximately 16 units (as per the preliminary concept plans prepared following the Land Rationalisation process), in lieu of approximately 7-8 grouped dwelling / residential lots permitted under the current zoning. In respect to the proposed amendment however, whilst the total number of multiple units permitted to be developed on the site increases, the overall dwelling floor area and site coverage decreases when compared to the R30 coding.

Under the current R30 zoning, if the land was to be developed in a single / grouped dwelling arrangement the site would yield approximately 7-8 dwellings with an average lot area of 300m². The City’s Residential Development Local Planning Policy also allows for a site coverage of 65%, which equates to approximately 1,495 m² of the total site area being able to be covered in buildings. In addition, due to the irregular lot shape and configuration, it is likely that a grouped / single dwelling development would provide limited opportunity for interaction and passive surveillance between the adjoining public open space and the subject site.

15.2 CONSIDERATION TO ADOPT SCHEME AMENDMENT NO. 154 – RECODING OF LOT 501 VARRIS WAY, ORELIA FROM “R30” TO “R40”

In contrast, under the proposed amendment to an R40 coding, the R-Codes provides for a plot ratio of 0.6 which equates to a total dwelling / unit floor area of 1,380m² being able to be provided on the site. Additionally under the R-Codes, development at an R40 density has a maximum site coverage of 55%. In this case, the maximum permitted site coverage would be 1265m², with the remaining permissible floor area being provided on the second storey. In this regard, the development of the site in a multiple dwelling arrangement has the capacity to reduce the overall site coverage permitted and also reduce the sprawl of the development over the entire site.

Amendments to the R-Codes

In October 2015, the R-Codes were amended with respect to multiple dwelling provisions for R30 and R35 coded areas. In this regard, the amendment reduced the multiple dwelling yields for these densities to be comparable with the single lot and grouped dwelling provisions. Prior to the R-Code amendments, multiple dwelling developments in R30 and R35 areas were subject to a plot ratio provision similar to that under the current R40 density. A plot ratio gives a developer a maximum dwelling floor area permissible over the site which is then broken down in varying percentages for each required dwelling type – i.e. one, two and three bedroom apartments. The resultant changes to the R-Codes have removed the plot ratio in lieu of an average lot/dwelling area of 300m² at an R30 density, which in turn has significantly reduced the development potential on R30 coded lots.

As discussed above, the land owner had purchased the subject site in conjunction with Lot 412 Nathaniel Way with the intention of developing multiple dwellings over both sites as anticipated under the Land Rationalisation process. Lot 412 Nathaniel Way was approved for a 39 unit multiple dwelling development in December 2014 and was subsequently not affected by the amendments to the R-Codes. Lot 501 Varris Way however, is not able to be developed as a multiple dwelling development as a direct result of the amendments to the R-Codes. In order to enable the development of the site as intended, an amendment to the Scheme is required.

Advertising

Following Council's Resolution to initiate Scheme Amendment 154 in April 2017, the proposal was referred to the EPA for assessment and recommendations. The EPA did not require formal assessment of the Amendment and the proposal was subsequently advertised to surrounding land owners for 42 days from 2 June 2017 – 14 July 2017. The proposal was also advertised in the Weekend Courier for two consecutive weeks (Friday 2 June and Friday 9 June). A sign outlining the proposed Amendment was also placed on site during the advertising period. No submissions were received.

Conclusion

The proposed amendment seeks to facilitate the development of the site as intended under the Land Rationalisation process, and seeks to resolve the implications of the amendments to the R-Codes on the development of the site. The proposed amendment is consistent with the objectives of the residential zone and broader regional planning framework. The request to initiate the proposed scheme amendment has been considered by the City's Development Assessment Unit which considers the rezoning of the subject site appropriate given its location and consistency with the objectives of the Scheme, the City's Draft Local Planning Strategy and the long term vision for the development of land within a walkable catchment of local / neighbourhood centres.

15.2 CONSIDERATION TO ADOPT SCHEME AMENDMENT NO. 154 – RECODING OF LOT 501 VARRIS WAY, ORELIA FROM “R30” TO “R40”

LEGAL/POLICY IMPLICATIONS:

For the purpose of Councillors considering a financial or impartiality interest only, the proponent/owner is MBA Residential Pty Ltd.

The following legislation and policies apply:-

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Perth and Peel @ 3.5 Million

South Metropolitan Peel Sub-regional Planning Framework

Residential Design Codes of Western Australia

City of Kwinana Town Planning Scheme No.2

City of Kwinana Draft Local Planning Strategy

FINANCIAL/BUDGET IMPLICATIONS:

All costs for the scheme amendment will be met by the proponent.

ENVIRONMENTAL IMPLICATIONS:

The proposed Scheme Amendment presents no environmental implications.

STRATEGIC/SOCIAL IMPLICATIONS:

Plan	Objective	Strategy
Corporate Business Plan	4.4 - Create diverse places and spaces where people can enjoy a variety of lifestyles with high levels of amenity.	4.4.6 - Ensure that an appropriate density of development is achieved that accommodates projected population growth and is balanced against community expectations

COMMUNITY ENGAGEMENT:

The proposed Scheme Amendment was advertised in accordance with the requirements of the Planning and Development Act 2005 in conjunction the objectives of the City's Community Engagement Policy.

RISK IMPLICATIONS:

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

15.2 CONSIDERATION TO ADOPT SCHEME AMENDMENT NO. 154 – RECODING OF LOT 501 VARRIS WAY, ORELIA FROM “R30” TO “R40”

Risk Event	If the Council does not consider the proposed Amendment the applicant may seek the assistance of the Minister for Planning to direct Council to make a determination.
Risk Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Effect/Impact	Compliance
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Possible
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce Mitigate Risk
Response to risk treatment required/in place	Amendment report presented to Council for consideration
Rating (after treatment)	Low

COUNCIL DECISION

559

MOVED CR B THOMPSON

SECONDED CR R ALEXANDER

1. That Council, in pursuance of Section 75 of the Planning and Development Act 2005 (“Act”), adopt Amendment 154 to the City of Kwinana Town Planning Scheme No. 2 (“Scheme”) for the purposes of:
 - i. Modifying the Scheme Maps by deleting the ‘R30’ zoning and replacing with ‘R40’ over Lot 501 Varris Way, Orelia.
2. That in the opinion of Council the amendment is a ‘Standard Amendment’ as it satisfies the following criteria of Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015:

An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;

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.

15.2 CONSIDERATION TO ADOPT SCHEME AMENDMENT NO. 154 – RECODING OF LOT 501 VARRIS WAY, ORELIA FROM “R30” TO “R40”

3. **That the Amendment documentation be signed and sealed without modification and then submitted to the Western Australian Planning Commission, with a request for the endorsement of final approval by the Minister.**

**CARRIED
6/0**

Councillor Sandra Lee returned to the Council Chambers at 7:08pm





TOWN PLANNING SCHEME AMENDMENT NO. 152

LOT 501 VARRIS WAY, ORELIA

TOWN OF KWINANA

ATTACHMENT B

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME

CITY OF KWINANA

DISTRICT ZONING SCHEME

TOWN PLANNING SCHEME No. 2 - AMENDMENT No. 152

RESOLVED that the Council, pursuant to Section 75 of the Planning and Development Act 2005, initiate an Amendment to the City of Kwinana Town Planning Scheme No. 2 to:

1. Modify the Scheme Maps by deleting the R30 zoning and replacing with R40 over Lot 501 Varris Way, Orelia.

Dated this day of 20.....

JOANNE ABBISS
CHIEF EXECUTIVE OFFICER

SCHEME AMENDMENT REPORT

LOCAL AUTHORITY:	CITY OF KWINANA
DESCRIPTION OF CITY OF KWINANA TOWN PLANNING SCHEME:	TOWN PLANNING SCHEME NO. 2
TYPE OF SCHEME:	DISTRICT ZONING SCHEME
SERIAL NO. OF AMENDMENT:	AMENDMENT NO. 152
PROPOSAL:	MODIFYING THE SCHEME MAPS BY DELETING THE RESIDENTIAL R30 ZONING AND REPLACING WITH RESIDENTIAL R40 OVER LOT 501 VARRIS WAY, ORELIA.

CONTENTS

1. Introduction	5
2. Description of Site	5
2.1 Subject Site	
2.2 Location	
3. Site Context	8
3.1 Lot Configuration	
3.2 Site Background	
3.3 Surrounding Land Uses	
5. Servicing	10
5.1 Sewer	
5.2 Potable Water	
5.3 Roads	
5.4 Gas	
5.5 Electricity	
5.6 Telecommunication	
6. Town Planning Considerations	10
6.1 Regional Planning Framework	
6.1.1 Perth and Peel @3.5 million	
6.1.2 South Metro Peel Sub Regional Framework	
6.1.3 Metropolitan Region Scheme	
6.2 Local Planning Framework	
6.2.1 City of Kwinana Town Planning Scheme No. 2	
6.2.1.1 Zoning	
6.2.1.2 Land Use Permissibility	
6.3 Local Planning Policies	
6.3.1 Local Planning Policy – Development within the Industrial Zones	
7. Justification for the Proposed Scheme Amendment	14
7.1 Overview	
7.2 Purpose of Amendment	
7.3 Consistency with TPS2 & Zoning Permissibility	
7.4 Consistency with Planning Policy	
7.5 Suitability of Proposed Density	
7.6 Concept Plans	
8. Conclusion	16

ATTACHMENTS

- 1.** Certificate of Title and Survey Plan
- 2.** Scheme Amendment Maps
- 3.** Concept Plans
- 4.** Adoption Pages
- 5.** Lot 412 Nathaniel Way

1. Introduction

This report seeks the City of Kwinana's support for an amendment to Town Planning Scheme No. 2. The amendment seeks the rezoning of Lot 501 Varris Way, Orelia (**Subject Site**) from 'Residential R30' to 'Residential R40'.

The proposal seeks to address more recent amendments to the Residential Design Codes which has occurred since acquisition of the subject site and has impacted the intent of the site, further the amendment seeks to achieve future development of the site such that it is consistent with surrounding precedent, the proposed amendment:

- Remains consistent with the prevailing amenity of the locality;
- Consistent with the general intent of the applicable zoning; and
- Addresses wider strategic planning policy.

Further to the above commentary, this site has specific contextual background which should be considered in the assessment of the proposed amendment. This includes the disposal of the site in 2013 to MBA residential through Landcorp and the City itself for the purpose of developing affordable multiple dwellings in meeting wider strategic planning, social and economic objectives.

Having regard to the factors above, all which will be reviewed in further detail, approval of the proposed scheme amendment is consistent with orderly and proper planning and should be supported.

MBA Residential

MBA Residential is a full service builder and property development company who have demonstrated quality development outcomes within the locality including the original purchase of a superlot from the City of Kwinana and Landcorp, Lot 501 forms part of the original land holding. Since acquisition of the larger land holding the site has been subdivided into 11 residential lots and two development sites. Consequent construction of 9 homes on Nathaniel Way has occurred, both single storey and double storey. MBA Residential also applied and received development approval over Lot 412 Varris Way, Orelia in which an approval for 39 multiple dwellings currently sits over the land.

2. Description of Site

2.1 Subject Site

The site subject of the scheme amendment is Lot 501 Varris Way, Orelia.

Certificate of title details as follows:

- Vol 2758 fol 286
- On Deposited Plan 72227.

The site is 2,301m² with an approx. 6m frontage to Varris Way and currently vacant. Refer to Figures 1 - 3 below.



Figure 1. Site Plan

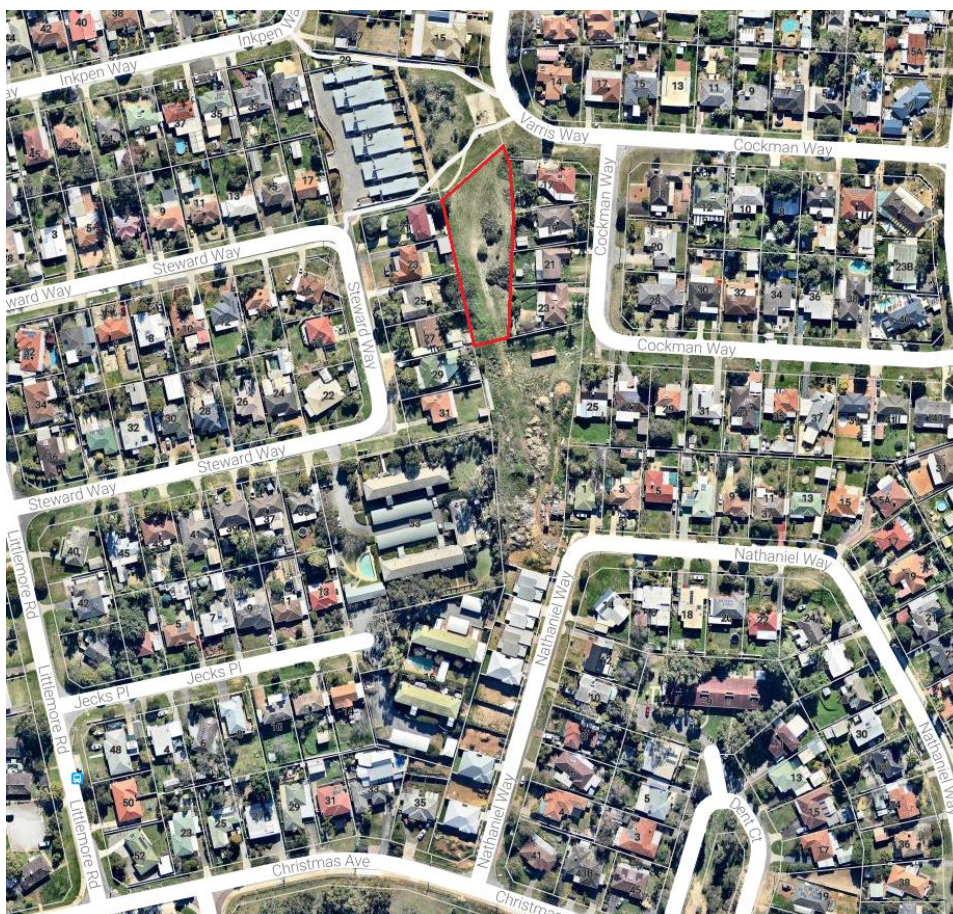


Figure 2. Aerial Plan



Figure 3. Aerial Plan

2.2 Location

The subject site is strategically located within the established residential locality of Orelia 12km to the Rockingham Town Centre and foreshore precinct and within 20 mins commute from Cockburn Central, the site is approx. 40kms from the Perth CBD.

The site is service east/west by Thomas Road and north/south by the Kwinana Freeway providing a high level of accessibility.

Refer to Figure 4 below indicating the location of the subject site.

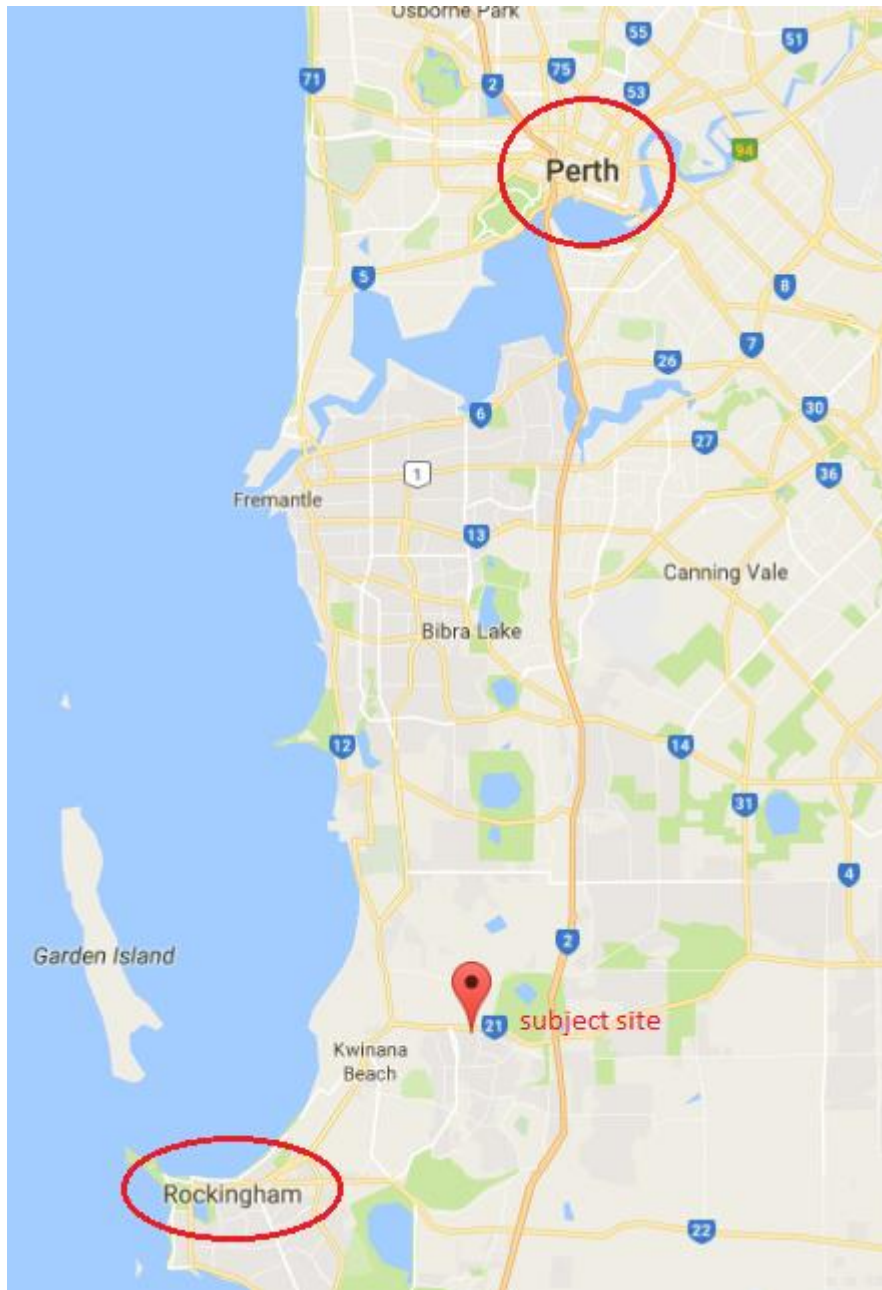


Figure 4. Location Plan

3. Site Context

3.1 Lot Configuration

The site is shallow and elongated with a small frontage to Varris Way. The frontage is a constraint to the site to be contemplated in driving efficiencies over the site, see aerial image below.



Figure 5. Aerial Plan

3.2 Site Background

As outlined MBE Residential acquired the site in 2013 from Landcorp and City of Kwinana, the site was acquired with a strategic view in mind of the City to facilitate affordable multiple dwellings.

The City has previously resolved at Council meetings of the disposal of the land and the purpose behind the disposal in the interest of affordable multiple dwellings.

3.3 Surrounding Land Uses

The surrounding land uses include single dwellings as well as a number of existing multiple dwellings, identified in part 7.5 of this report. Of significant note is the abutting site, Lot 412 Nathaniel Way, the site is under ownerships of MBA Residential and was acquired at the same time as Lot 501 Varris Way. Lot 412 Nathaniel Way has an existing development approval DA ref 8042, the approval consists generally of the following:

- Site area 4,445m²;
- Zoning Residential R30; and
- 39 multiple dwellings.

A copy of the approval and plans are included in Attachment 5.

5. Servicing

The site has convenient access to all essential services.

6. Town Planning Considerations

6.1 Regional Planning Framework

6.1.1 Perth and Peel @ 3.5 million

Perth and Peel@ 3.5 million is the State Governments key strategic framework to guide development within the Metropolitan areas of Perth and Peel. Released for public comment in May 2015 the key areas within the framework relevant to the propose scheme amendment are as follows:

- **A focus on density and better use of existing infrastructure;**
- **Infill development contributing 47% of all new dwellings;**
- **Housing supply is supported;**
- **Housing affordability and diversity to cater for the 800,000 new homes required by 2031**

All of the above form key pillars of the strategic framework form the basis of what development should seek to satisfy, all of which are satisfied via the proposed scheme amendment.

The Perth and Peel @3.5 million is divides the metro area into four sub-regional framework areas to guide development including the Central, North-West, North-East and South Metropolitan Peel regions. The subject site within the City of Kwinana sits within the South Metropolitan Peel region.

6.1.2 South Metropolitan Peel – Sub-regional Planning Framework

South Metropolitan Peel Region

The region encompassing the City of Kwinana and subject site is anticipated to experience strong population growth through to 2050 and as stated by the framework will be influenced by employment, lifestyle and affordable housing options. The region anticipates growth from 523,400 residents to 1,264,400.

Infill Targets

Infill is one key area of dwelling yield anticipated to contribute towards facilitating the strong long term population growth in the region. The sub-regional frameworks address a number of matters including infill targets for each local government, the City of Kwinana as shown in the table extract below is required to achieve and additional 1,365 dwellings via infill by 2050. Further the frameworks outline the benefits of urban infill as follows:

Infill development within established urban areas has the potential to contribute to housing diversity and respond to changing demographics and community aspirations. It is expected infill will also contribute to economies of scale and provide opportunities for more affordable living within vibrant,

revitalised neighbourhoods offering diverse housing options, mixed-uses, reduced car dependency, efficient public transport and increased opportunities for social interaction.

TABLE 2: URBAN INFILL DWELLING TARGETS BY LOCAL GOVERNMENT

Local government	Dwelling targets	Estimated population
Armadale	15,019	33,042
Gosnells	12,801	28,162
Serpentine–Jarrahdale	1,365	3,003
Cockburn	14,678	32,292
Kwinana	1,365	3,003
Rockingham	14,678	32,292
Mandurah	14,507	31,915
Murray	1,075	2,365
Total	75,488	166,074

The framework in addressing infill breaks down the target further and provides Local Government KPIs in the short, medium and long term,. It is important to note the City of Kwinana are to achieve 129 dwellings by 2016 and 302 by 2021, the proposed scheme amendment will facilitate the City in achieving the required targets.

TABLE 2.4: URBAN INFILL DWELLING TARGETS BY LOCAL GOVERNMENT

Local government	2011–16	2016–21	2021–26	2026–31	Total 2031	Post-2031	Total
Armadale	3,072	2,154	1,976	1,598	8,800	6,219	15,019
Gosnells	2,125	1,616	2,008	1,751	7,500	5,301	12,801
Serpentine–Jarrahdale	204	241	150	204	799	566	1,365
Cockburn	2,980	2,794	1,689	1,136	8,599	6,079	14,678
Kwinana	129	302	299	69	799	566	1,365
Rockingham	2,192	2,232	2,083	2,093	8,600	6,078	14,678
Mandurah	2,796	1,940	2,179	1,585	8,500	6,007	14,507
Murray	78	90	138	324	630	445	1,075
Total	13,576	11,369	10,522	8,760	44,227	31,261	75,488

Economy and Employment

The framework addresses economy and employment, as previously outlined the site is strategically located within close proximity to the Town Centre of Rockingham as well as the coastal industrial area of Kwinana, Kwinana is outlined under the frameworks as follows:

Population-driven business and employment are significant contributors to total employment within the sub-region. The coastal strip between Fremantle and Kwinana is a focus for strategic industrial land uses due to the availability of major infrastructure including existing and proposed port installations and freight infrastructure within this area.

6.1.2 Metropolitan Region Scheme

The subject site is zoned 'Urban' under the Metropolitan Region Scheme.

6.1.3 State Planning Policy 3.1 - Residential Design Codes

The Residential Design Codes were amended in October 2015 with respect to Residential R30 and R35 multiple dwelling provisions. The amendment, which came into effect on 23rd October 2015, effectively reduced multiple dwelling yields being consequently comparable grouped dwellings yields under the R Codes provisions. As such the premise on which the site was acquired, to develop a commercially viable multiple dwelling development, has been impacted significantly due to the yield having been reduced. With the increased cost of multiple dwellings, a certain yield is required to achieve building efficiencies and provide an affordable housing product.

Further to the dwelling yield amendments, car parking amendments were also put in place and increased the required bays.

Regarding the yield amendments to the R Codes, previously under a plot ratio requirements the achievable yield would be circa 15-16 pending design. The amended provisions require 300m² of site area per multiple dwelling equating to 7 dwellings on the subject site.

6.2 Local Planning Framework

6.2.1 City of Kwinana Town Planning Scheme No. 2

6.2.1.1 Zoning

The subject site is zoned Residential R30' under the City of Kwinana Town Planning Scheme no. 2 as shown in Figure 6 below.

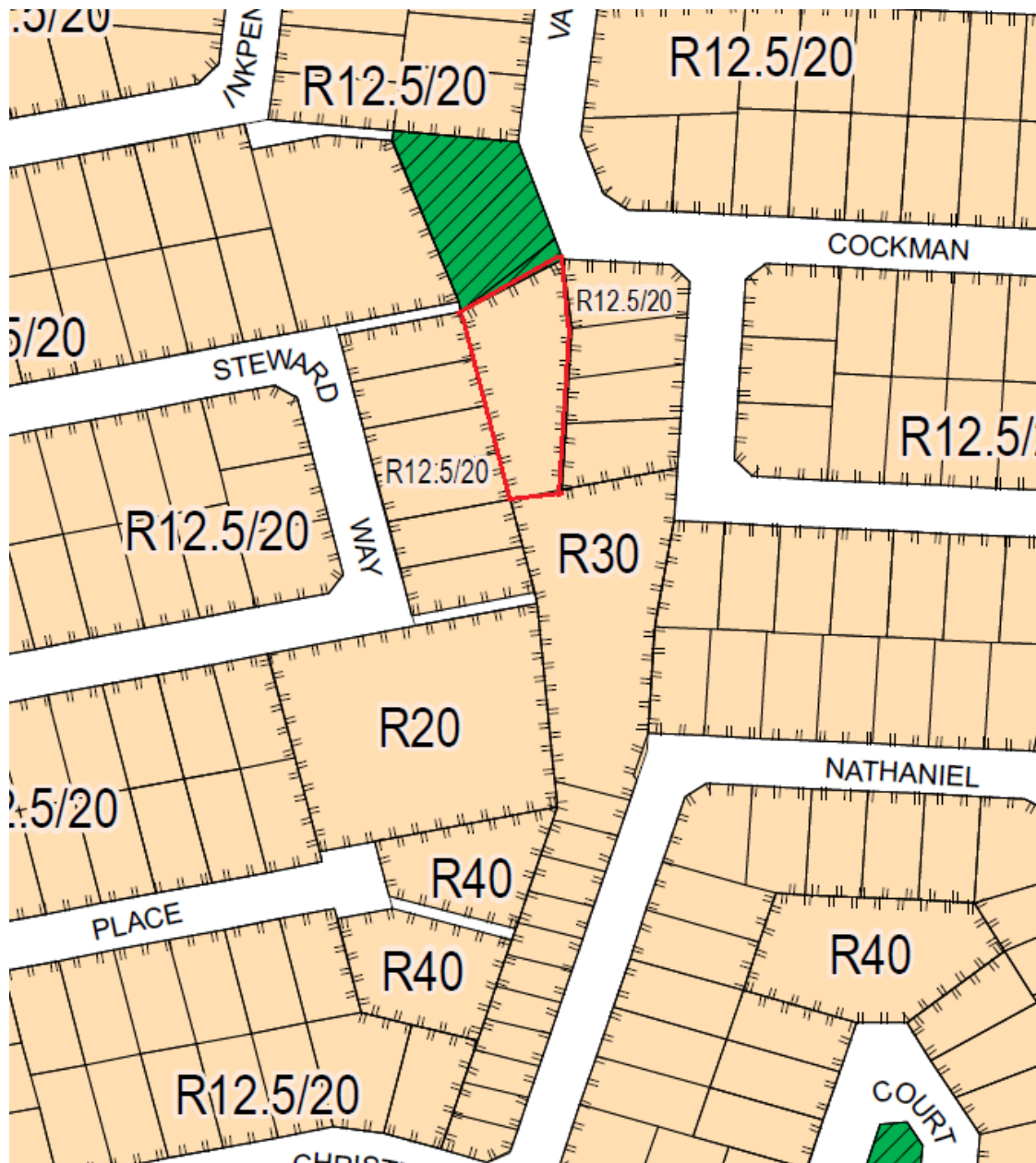


Figure 6. Zoning Plan

6.2.1.2 Land Use Permissibility

The proposed scheme amendment seeks to facilitate the ability to construct multiple dwellings over the subject site in line with the previous provisions of the R Codes, however given the amendment to the R Codes the required zoning to achieve multiple dwelling is R40. Regarding 'Multiple Dwellings' as a land use, within the Residential Zone they are capable of approval by the City and consistent with the zone under the TPS2 Zoning Table.

6.2 Local Planning Policies

6.3.1 Local Planning Policy – Design Guidelines for Medium Density Development

Any future proposed development would seek to be consistent with the City's policy regarding medium density.

7. Justification for the Proposed Scheme Amendment

7.1 Overview

This scheme amendment seeks Council's support to initiate an amendment to TPS2 to:

- Rezone the subject site, being Lot 501 Varris Way, Oerlia, from Residential R30 to Residential R40;
- Amendment the Scheme Maps accordingly.

Refer to Attachment 2 – Scheme Maps.

7.2 Purpose of Amendment

The purpose of the proposed scheme amendment is to rezone the subject site to facilitate efficient, commercial viable, affordable medium density housing in the form of multiple dwellings, consistent with the development application approved over the abutting site.

7.3 Consistency with TPS2 & Zoning Permissibly

The proposed amendment seeks to facilitate an ultimate solution of 'multiple dwellings' over the subject site, as a land use 'multiple dwellings' are consistent with the intent of the Residential zone and general locality having regard to the:

- Site specific requirements;
- Lot configuration;
- Surrounding development;
- Wider infill targets of the City of Kwinana;
- Housing Affordability; and
- Housing Diversity.

7.4 Consistency with Planning Policy

As previously outlined in this report the proposed amendment is consistent with the wider strategic planning framework applicable to the City and the associated KPIs regarding infill development.

7.5 Suitability of Proposed Density

The proposed density is suitable in achieving an efficient, affordable and quality development in the site given the lot configuration and inefficiencies of grouped dwellings. Further there is significant precedent within the immediate area for multiple dwellings, both existing and proposed and/or approved. As outlined in Figure 7 below:



Figure 7. Precedent Multiple Dwellings

7.6 Concept Plans

To assist in understand the likely development which would be undertaken over the subject site as a consequence of the scheme amendment, a proposed concept has been prepared.

The concept incorporates 16 multiple dwellings. The product suite within the development allows a range of dwelling types to provide for family sized homes as well as affordable homes for first home buyers, the products offered would generally be as follows:

No.	Apartment Type	Area (m ²)
4	1x1	45 – 50
4	2x1	64 – 70
4	2x2	64 – 70
4	3x2	100 - 110
Total Maximum Floor Area		1200

A site plan, elevations and render of the proposed development concept is included in Attachment 3 and demonstrates an appropriate built form outcome consistent with orderly and proper planning and of good design with minimal impacts on surrounding land uses by virtue of appropriate bulk and scale.

8. Conclusion

In order to facilitate the intended development, as a consequence of amendments to the R Codes, support is requested from the City for the proposed scheme amendment. The amendment will facilitate the development of the site consistent with the original intent of the site as per Council resolution to dispose of it in 2012/13 and the consequent sale.

153W
Perth Batch
M234162



WESTERN



AUSTRALIA

REGISTER NUMBER	
501/DP72227	
DUPLICATE EDITION	DATE DUPLICATE ISSUED
2	1/5/2013

DUPLICATE CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME
2758

FOLIO
286

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.


REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 501 ON DEPOSITED PLAN 72227

**REGISTERED PROPRIETOR:
(FIRST SCHEDULE)**

MBA RESIDENTIAL PTY LTD OF 15 SYRINX PLACE, MULLALOO
(T M234162) REGISTERED 8 APRIL 2013

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)**

Warning: A current search of the certificate of title held in electronic form should be obtained before dealing on this land.
Lot as described in the land description may be a lot or location.

-----END OF DUPLICATE CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:	DP72227 [SHEET 1].
PREVIOUS TITLE:	LR3002-72.
PROPERTY STREET ADDRESS:	LOT 501 VARRIS WAY, ORELIA.
LOCAL GOVERNMENT AREA:	CITY OF KWINANA.

**City of Kwinana
Town Planning Scheme No.2
Amendment No. XXX**



Existing Zoning



Proposed Zoning


LOCAL SCHEME ZONES

(see scheme text for additional information)

 Residential


LOCAL SCHEME RESERVES

(see scheme text for additional information)

 Park recreation and drainage


LOCAL SCHEME ZONES

(see scheme text for additional information)

 Residential

LOCAL SCHEME RESERVES

(see scheme text for additional information)

 Park recreation and drainage

ADOPTION/REFUSAL

ADOPTION [Regulation 13(1)]
ADOPTED by resolution of the Council of the
City of Kwinana at the Ordinary Meeting of the
Council held on the ____th day of _____, 201__.

MAYOR

CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

1. FINAL ADOPTION BY COUNCIL

Adopted for Final Approval by Resolution of the City of
Kwinana at the _____ Meeting of Council held on
the day of _____. The
Common Seal of the City of Kwinana was hereunto affixed
by authority of a resolution of the Council in the presence
of:

MAYOR

CHIEF EXECUTIVE OFFICER

2. RECOMMENDED / SUBMITTED FOR FINAL APPROVAL:

DELEGATED UNDER S.16 OF PD ACT 2005

Date: _____

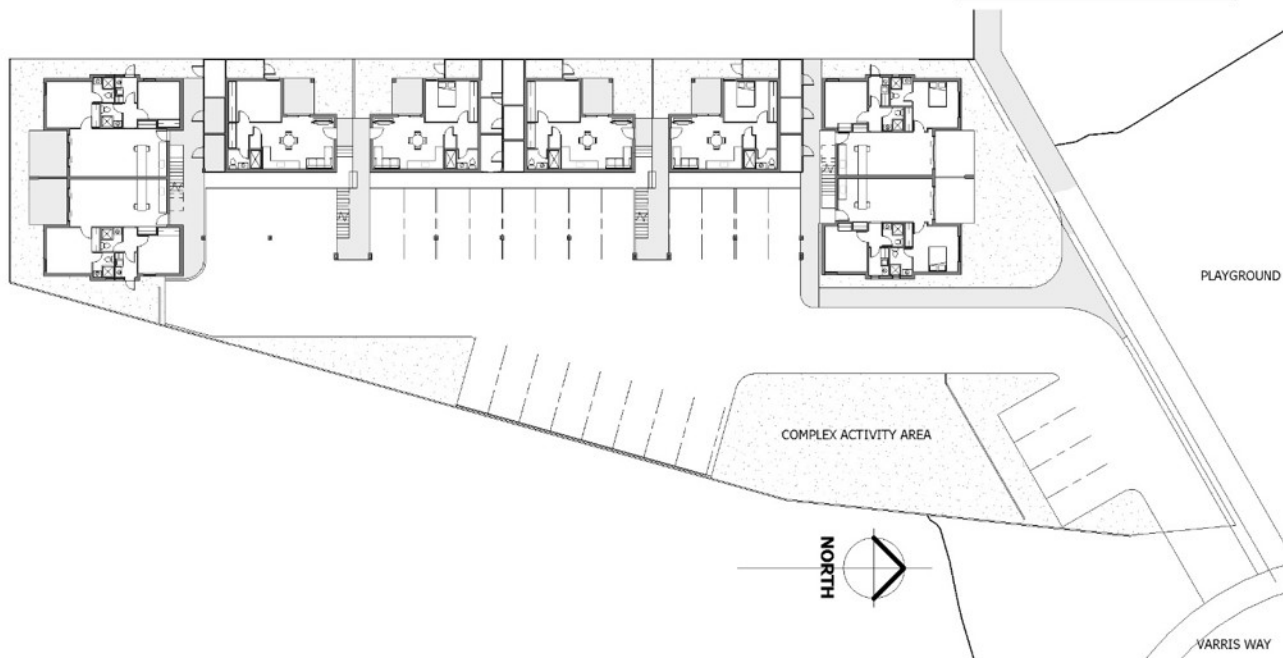
3. FINAL APPROVAL GRANTED

MINISTER FOR PLANNING

Date: _____

APARTMENTS LEGEND

- 4 APARTMENTS 1 X 1 45m²
- 4 APARTMENTS 2 X 1 64m²
- 4 APARTMENTS 2 X 2 64m²
- 4 APARTMENTS 3 X 2 99m²



Planning & Design
Construction
Property Development
Project Management

NOTES:

- 1- ALL DIMENSION ARE IN MILLIMETRES
- 2- ALL DIMENSION MUST BE CHECKED ON SITE
- 3- ANY DISCREPANCY IN THE PLANS SHOULD BE REPORTED MBA RESIDENTIAL TO SET THE NECESSARY CHANGES

MBA RESIDENTIAL

STAGE 3

SITE PLAN

Project number	Project Number
Date	JAN 2016
Drawn by	MANUEL VIDAL
Checked by	EDDIE HALABI

Scale

A100

1 : 250





Planning & Design
Construction
Property Development
Project Management

NOTES

1. ALL DIMENSIONS ARE IN MILLIMETRES
2. ALL DIMENSIONS MUST BE CHECKED ON SITE
3. ANY DISCREPANCY IN THE PLANS SHOULD BE REPORTED TO MBA RESIDENTIAL TO SET THE NECESSARY CHANGES

MBA RESIDENTIAL

STAGE 3

RENDER

Project Number	Project Number
Date	JAN 2016
Drawn by	MANUEL VIDAL
Checked by	EDDIE HALLARI

A105

Scale 1:1



1

LONGITUDINAL SECTION

1 : 200



2

ENTRY / PARK VIEW



3

ACTIVITY AREA VIEW



Planning & Design
Construction
Property Development
Project Management

NOTES:

- 1- ALL DIMENSION ARE IN MILLIMETRES
- 2- ALL DIMENSION MUST BE CHECKED ON SITE
- 3- ANY DISCREPANCY IN THE PLANS SHOULD BE REPORTED MBA RESIDENTIAL TO SET THE NECESSARY CHANGES

MBA RESIDENTIAL

STAGE 3

SECTION & VIEWS

Project number	Project Number	A104
Date	JAN 2016	
Drawn by	Author	
Checked by	Checker	
Scale		1 : 200

CITY OF KWINANA

TOWN PLANNING SCHEME No. 2

AMENDMENT No. 152

The City of Kwinana under and by virtue of the powers conferred upon it by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme by:

1. Modify the Scheme Maps by deleting the Residential R30 zoning and replacing with Residential R40 over Lot 501 Varris Way, Orelia.

ADOPTION

ADOPTED by resolution of the Council at the City of Kwinana Ordinary meeting of the Council held on the day of20.....

.....
CHIEF EXECUTIVE OFFICER

.....
MAYOR

FINAL APPROVAL

ADOPTED for Final Approval by resolution of the City of Kwinana at the Ordinary Meeting of the Council held on the day of 20..... and the Seal of the Municipality was, pursuant to that resolution, hereunto affixed in the presence of:-

.....
CHIEF EXECUTIVE OFFICER

.....
MAYOR

Recommended/Submitted for Final Approval by the Western Australian Planning Commission:

.....
Delegated under s.16 of the P&D Act 2005

Final Approval Granted

.....
MINISTER FOR PLANNING

.....
DATE

17 December 2014

MBA Residential Pty Ltd
4/6 Sainsbury Road
PALMYRA WA 6157

PARCEL:16353
ASSESS:20126

Attention: Eddie Halabi

Dear Sir/Madam

**DEVELOPMENT APPLICATION: 8042: Multiple Dwellings: Lot: 412 DP: 402157 - 23
Nathaniel Way ORELIA 6167**

Thank you for your application for the abovementioned proposal, I am pleased to inform you that Council resolved at its Ordinary Council meeting of 10 December 2014 to approve your application subject to the conditions and advice notes on the attached Planning Approval.

Should you require further information regarding this matter please do not hesitate to contact Felicitas Dhlwayo of Council's Planning Department on 9439 0448.

Yours faithfully

A blue ink signature of Brenton Scambler, consisting of stylized, overlapping loops.

Brenton Scambler
COORDINATOR STATUTORY PLANNING

PLANNING AND DEVELOPMENT ACT 2005

CITY OF KWINANA

DECISION OF APPLICATION FOR PLANNING APPROVAL

Parcel Number: 16353 Application Number: 8042
Assessment Number: 20126
Lot Number: Lot: 412 DP: 402157
Property: 23 Nathaniel Way ORELIA 6167

Development: Multiple Dwellings

OWNER DETAILS: **MBA Residential Pty Ltd**
4/6 Sainsbury Road
PALMYRA WA 6157

APPLICANT DETAILS: **MBA Residential Pty Ltd**
4/6 Sainsbury Road
PALMYRA WA 6157

Council's Planning Approval to the proposed development, described on the application dated 06/06/2014 and the accompanying plans, is **GRANTED** subject to the attached conditions:

CONDITIONS:

- (1) The premises being kept in a neat/tidy condition at all times by the owner/occupier to the satisfaction of the City of Kwinana.
- (2) The applicant shall implement dust control measures for the duration of site works to the satisfaction of the City of Kwinana.
- (3) The proponent shall submit a Waste Management Plan that addresses the management, maintenance, location of bin storage and collection facilities prior to occupancy of the development to the satisfaction of the City of Kwinana.



- (4) This approval is valid for 24 months only. If development is not substantially commenced or completed within this period a fresh approval must be obtained.
- (5) Driveways and parking areas to be located and constructed to the specifications and satisfaction of the City of Kwinana.
- (6) Crossovers shall be of concrete construction and located to the specifications and satisfaction of the City of Kwinana.
- (7) The kerbing fronting the lot on Cockman Way shall be removed and replaced with mountable profile to the satisfaction of the City of Kwinana.
- (8) The footpath on the Nathaniel Way entrance shall remain.
- (9) The provision of 39 Resident parking bays and 10 Visitor vehicle parking bays on site, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.
- (10) Vehicle parking bays shall comply with Australian Standard 2890.1 (as amended).
- (11) The provision of 13 resident and 4 visitor bicycle parking spaces in accessible locations on the subject site, designed in accordance with Austroads Guide to Traffic Engineering Practice Part 14 – Bicycles 10.3 and AS2890.3.
- (12) Pedestrian pathways, car parking areas and communal areas being suitably lit in accordance with the Australian Standards to the satisfaction of the City of Kwinana.
- (13) Structures (walls, fencing, meter boxes) and vegetation are not to exceed 0.75 metres in height within 1.5 metres of where walls and fences adjoin vehicle access points.
- (14) Any fencing within the front setback area is to be visually permeable above 1.2 metres in accordance with the R-Codes requirements to the satisfaction of the City of Kwinana.
- (15) The proponent shall prepare a Landscaping Plan to the satisfaction of the City of Kwinana which outlines the proposed species and location of vegetation including semi-mature/advanced species along the western boundary. The Landscaping Plan shall be submitted and approved by the City of Kwinana within 28 days of this approval.
- (16) Landscaping and reticulation shall be established in accordance with the approved Landscape Plan within 60 days of completion of the development and thereafter maintained to the satisfaction of the City of Kwinana.
- (17) Vehicle parking spaces, landscaping, accessways, rubbish and recycling bins and all other information detailed on the attached plans are to be installed prior to occupying the proposed development and maintained thereafter by the owner/occupier to the satisfaction of the City of Kwinana.
- (18) The development being connected to a potable water supply to the satisfaction of the City of Kwinana.
- (19) The development being connected to a reticulated deep sewer to the satisfaction of the City of Kwinana.
- (20) Stormwater to be contained and disposed of on site, in accordance with the City's specification of providing 1m³ soakwell capacity for every 45m² impervious, roofed and paved area.
- (21) The applicant to pay an appropriate per Unit contribution to the City of Kwinana for the ongoing costs of managing mosquitoes and midges in the City of Kwinana. The payment shall be made to the City of Kwinana upon completion of the dwellings.

- (22) Prior to practical completion or endorsement of a strata plan, the applicant shall:
- a) Pay a cost contribution as assessed by the City in accordance with Clause 6.16.5 of the City of Kwinana Town Planning Scheme No. 2 and the development contribution plans applicable to Development contribution Area No. 15.
- (23) The development shall comply with AS2107:2000 (Acoustics – recommended design sound levels and reverberation times for building interiors). Written certification from a suitably qualified acoustic consultant is to be submitted to the City for approval prior to the submission of a building permit application to ensure that dwellings comply with these standards.
- (24) Essential facilities, such as clothes drying facilities, store areas, rubbish bins and bin storage areas being installed prior to occupying the proposed development and maintained thereafter by the owners/occupier to the satisfaction of the City of Kwinana.
- (25) Stores being constructed of the same design and materials as the Multiple Dwellings and carports to the satisfaction of the City of Kwinana.
- (26) The proposed bin enclosures shall be designed in accordance with the City of Kwinana Health Local Law and shall be fitted with appropriate drainage connected to the sewer network and provided with a hose cock outlet for cleaning to the satisfaction of the City of Kwinana.
- (27) The balcony of apartment L, and window of bedroom 2 in apartment K within the northern apartment block shall be provided with adequate privacy screening in accordance with the R-Codes to the satisfaction of the City of Kwinana. Such detail is to be provided at the building permit stage.
- (28) A schedule of colours, materials and finishes for the buildings shall be submitted to the City of Kwinana for approval prior to lodgement of a building permit, and implemented in the development.
- (29) The external finishes of all solid fencing abutting the road reserve and vacant property being anti graffiti treated to the satisfaction of the City of Kwinana.
- (30) The store rooms for all units shall have a minimum dimension of 1.5 metres and minimum internal area of 4m² to comply with Clause 5.4.5 C5.1 of the R-Codes. The amended plans shall be submitted to the City of Kwinana prior to submission of a building permit.

ADVICE NOTES

- (1) The applicant is advised that all future development must be submitted to the City of Kwinana prior to the commencement of works or alteration of land use.
- (2) Should the applicant be aggrieved by the decision or any condition imposed, then a right of review should be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
- (3) Construction shall not be commenced until the applicant has paid the appropriate fees, submitted the appropriate supporting documentation and has been issued with a

Building Permit in accordance with the Building Act 2011 and the Building Regulations 2012.

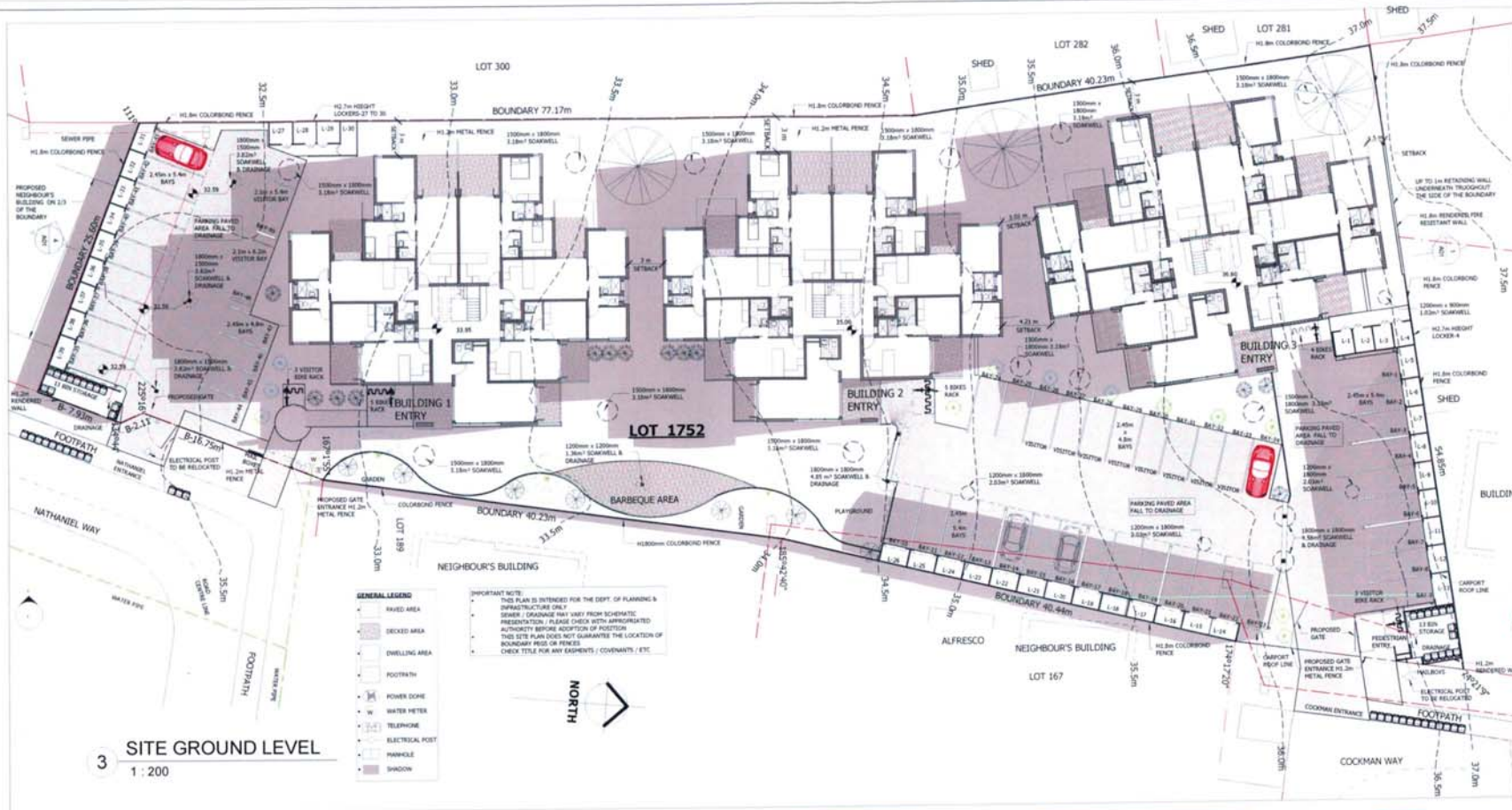
- (4) The applicant is further advised that this is not a building permit the City of Kwinana issues to enable construction to commence. A building permit is a separate Council requirement and construction cannot be commenced until a building permit is obtained.
- (5) The applicant should ensure the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health Act 1911 and Regulations, and the National Construction Code.
- (6) With regard to Condition 3, the City will liaise further with the applicant and its Waste Management Contractors to determine whether the option of on-site rubbish removal can be agreed. In the absence of any such arrangement, then the applicant will provide bins at a ratio of 1 standard 240 litre rubbish bin and 1 standard 240 litre recycling bin per three apartments.
- (7) With regard to condition 21, a contribution as per the current Council fees and charges schedule (currently \$55 per unit) is required to be paid to the City of Kwinana to ensure the ongoing management of mosquitoes and midges in the area.

Date: 17 December 2014

Signed:



Brenton Scambler
COORDINATOR STATUTORY PLANNING



- COUNCIL SOAKWELL REQUIREMENTS ARE 1m³ PER 45m² OF ROOFED OR PAVED AREA
- EACH BUILDING ROOF AREA IS 558.3m² FOR A TOTAL OF 1674.90m², THEREFORE 37.22m³ STORMWATER CAPACITY IS REQUIRED
 - 12 SOAKWELLS OF 1500 x 1800, EACH HAVE A CAPACITY OF 3.18m³
 - CARPORT ROOF & PAVED AREAS 474.5m² LOCATED ON NATHANIEL WAY SIDE. 10.54m³ STORMWATER CAPACITY IS REQUIRED
 - 3 SOAKWELLS OF 1800 X 1500, EACH HAVE A CAPACITY OF 3.82m³
 - CARPORT ROOF & PAVED AREA 1051.4m² LOCATED ON COCKMAN WAY SIDE. 23.36m³ STORMWATER CAPACITY IS REQUIRED
 - 4 SOAKWELLS OF 1800 X 1800 OR 4.58m³
 - 3 SOAKWELLS OF 1200 X 1800 OR 2.03m³
 - 1 SOAKWELLS OF 1200 X 900 OR 1.02m³
 - BARBEQUE AREA 52m² OR 1.16m³ STORMWATER CAPACITY IS REQUIRED
 - 1 SOAKWELLS OF 1200 X 1200 OR 1.36m³

CITY OF KWINANA
PLANNING APPROVAL

SUBJECT TO ATTACHED CONDITIONS

R-CODES

TOTAL SITE AREA: 4,445.0m²
R30 MULTIPLE DWELLING
MAXIMUM PLOT RATIO 0.5
OPEN SPACE 45%
ALLOWABLE SHADOW CAST 35%
TYPE A DWELLING FOR PARKING
STORAGE AREA 4.5m²
OUTDOOR LIVABLE AREA 10m²

ALLOWABLE FLOOR AREA 2,222.5m²
TOTAL FLOOR AREA FOR THE 3 BUILDINGS 2,244m² (NOT INCLUDING ALFRESCO & BALCONY) ACTUAL PLOT RATIO 0.50
OPEN SPACE 69.5% OR 3,089.28m²

THE SHADOW CASTED AT MIDDAY THE 21st OF JUNE IS WITHIN THE PROPERTY

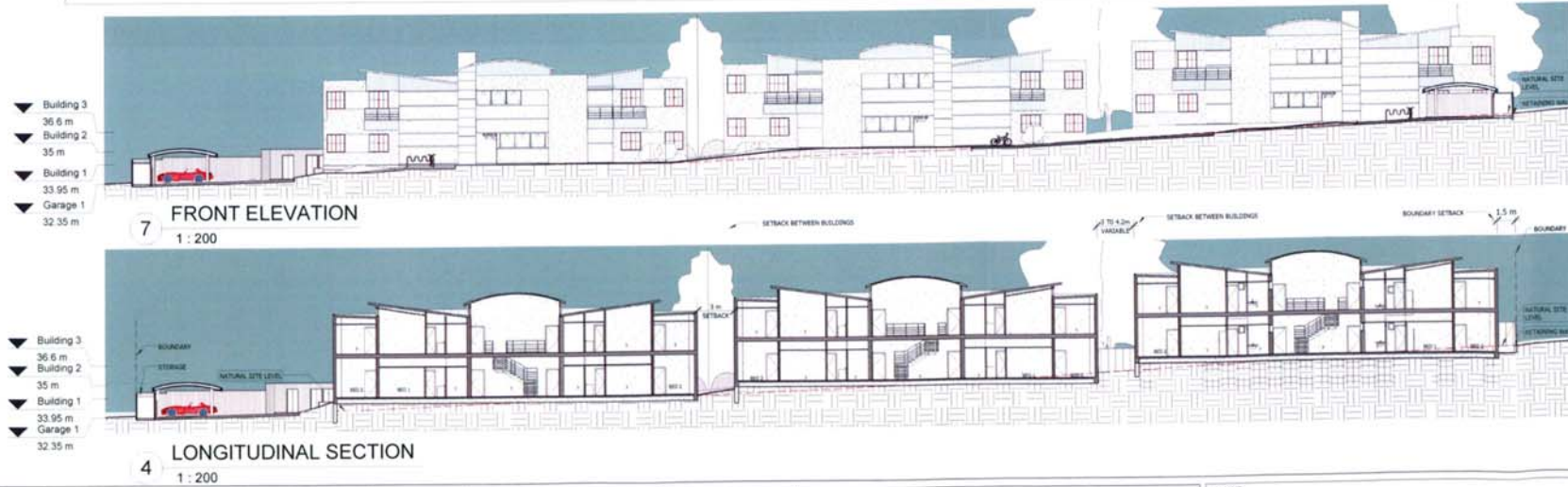
PRIVATE PARKING: (REQUIRED 39 BAYS)
PRIVATE COVERED PARKING: 32 BAYS
PRIVATE UNCOVERED PARKING: 7 BAYS

VISITOR PARKING: (REQUIRED 10 BAYS)
IN-SITE PARKING: 10 BAYS

EACH STORAGE AREA AVERAGE IS 4 m²

FIRST LEVEL BALCONIES AVERAGE RANGE IS 10m²

BUS STOPS ARE WITHIN 250m IN STAGHT LINE FROM THE SITE.



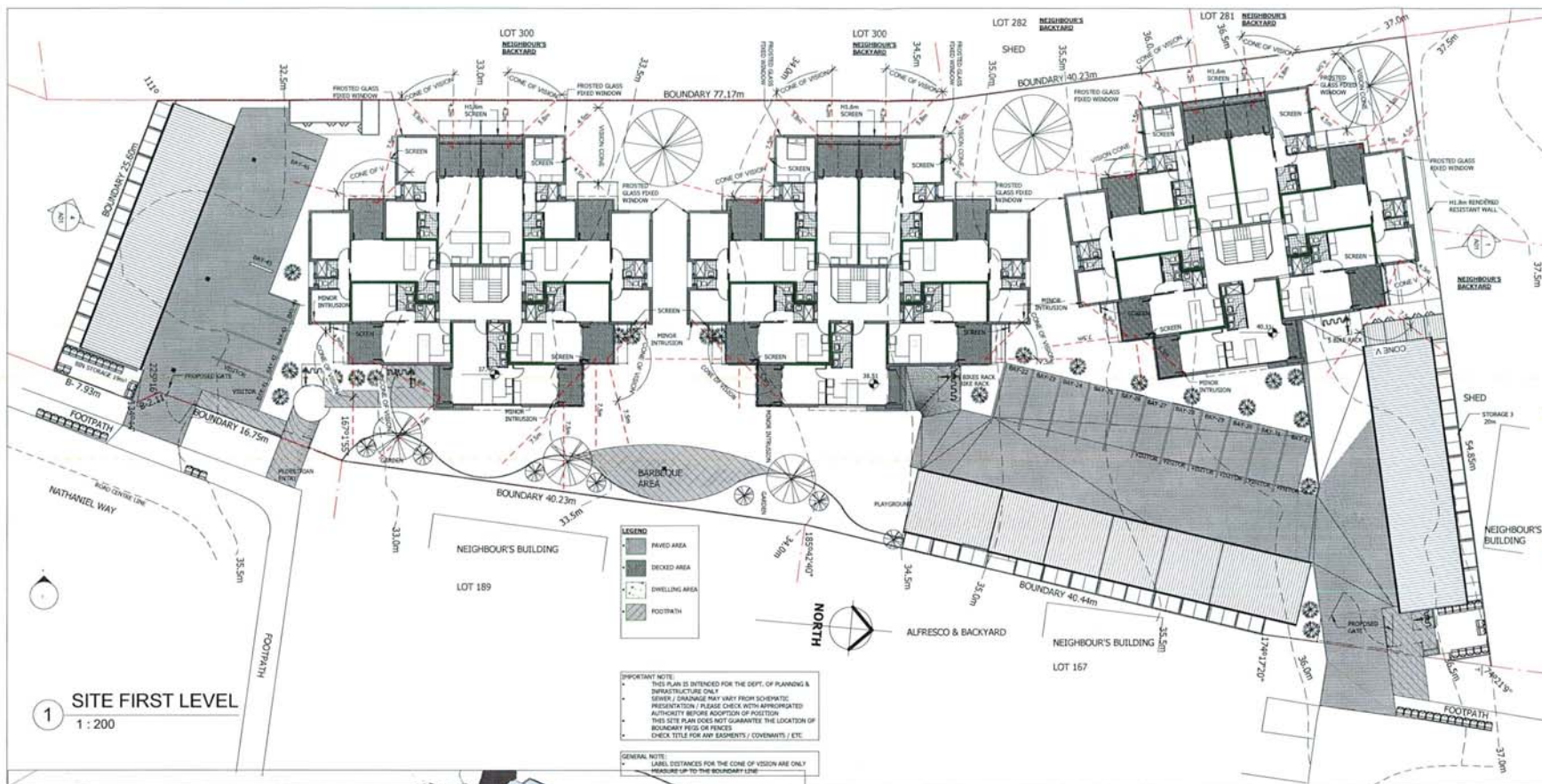
Planning & Design
Construction
Property Development
Project Management



NOTES:
1. ALL DIMENSIONS ARE IN METRES.
2. ALL DIMENSIONS MUST BE CHECKED ON SITE.
3. ANY DISCREPANCY IN THE PLANS SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY.

PROJECT
NATHANIEL WAY, ORELIA, WA
ADDRESS
LOT 1752, NATHANIEL & COCKMAN WAY, ORELIA WA

SHEET NAME
GROUND FLOOR, ELEVATION & SECTION
Project number
Date
Drawn by
Checked by
HBA-002
01/10/2014
NATHANIEL WEA
SIOCK WALLACE
Scale
A01
1:200



GENERAL NOTE: SCREENING DEVICES WILL BE APPLIED TO THE FOLLOWING AREAS

BUILDING 1

- BALCONY 'I' OF APARTMENT 'I'
- BALCONY 'J' OF APARTMENT 'J'

BUILDING 2

- BALCONY 'I' OF APARTMENT 'I'
- BALCONY 'J' OF APARTMENT 'J'

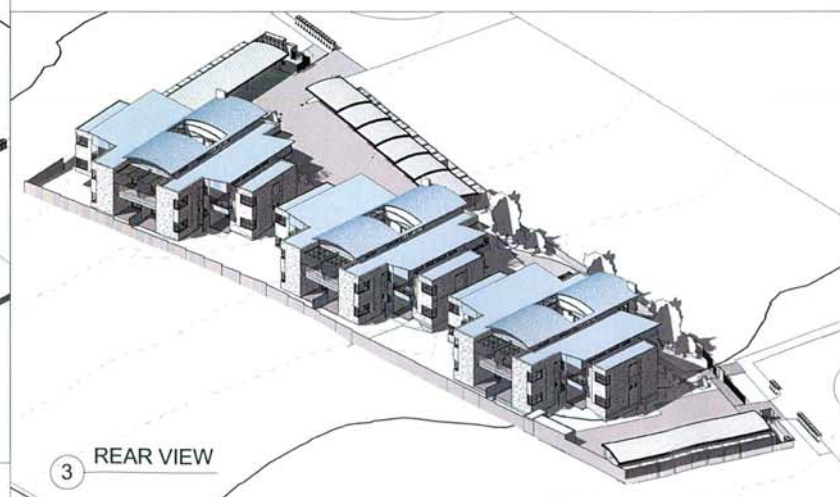
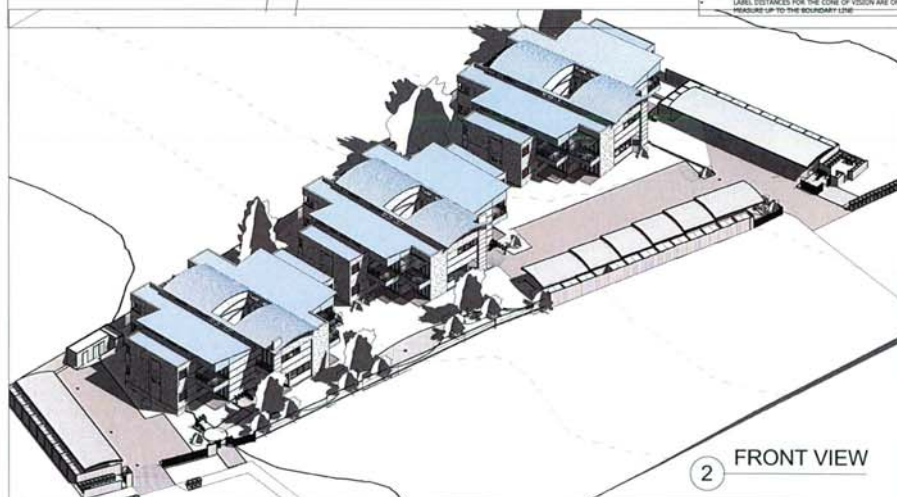
BUILDING 3

- BALCONY 'I' OF APARTMENT 'I'
- BALCONY 'J' OF APARTMENT 'J'
- BALCONY 'L' OF APARTMENT 'L'
- BED 2 OF APARTMENT 'K'

CITY OF KWINANA

PLANNING APPROVAL

SUBJECT TO ATTACHED CONDITIONS



Planning & Design
Construction
Property Development
Project Management



0m 4m 8m 12m 16m 20m
VISUAL SCALE 1:200 @ A1

NOTES:
1- ALL DIMENSIONS ARE IN METRES
2- ALL DIMENSIONS MUST BE CHECKED ON SITE
3- ANY DISCREPANCY IN THE PLANS SHOULD BE REPORTED
PMA RESIDENTIAL TO SET THE NECESSARY CHANGES

PROJECT:
NATHANIEL WAY, ORELIA, WA
ADDRESS:
LOT 1752, NATHANIEL & COCKMAN WAY, ORELIA WA

SHEET NAME:
SITE FIRST LEVEL, 3D VIEWS

Project number: MPA-002
Date: 01/10/2024
Drawn by: MANUEL VISEAL
Checked by: EDGAR HALLABE

A02

1 : 200

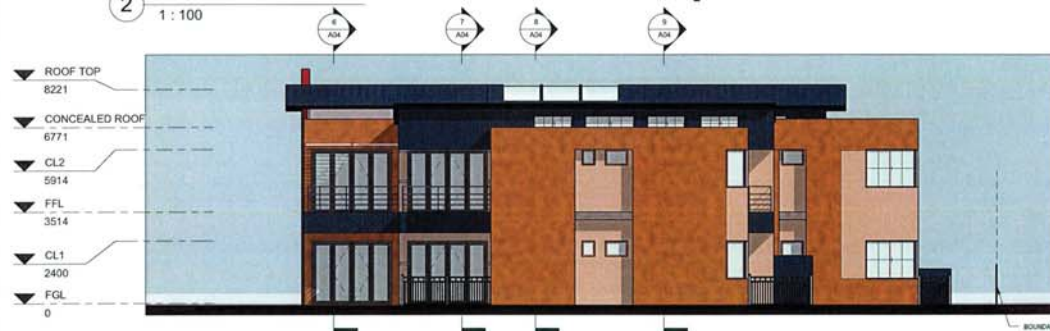
10/12/2024 14:11:49



1 FRONT ELEVATION
1 : 100



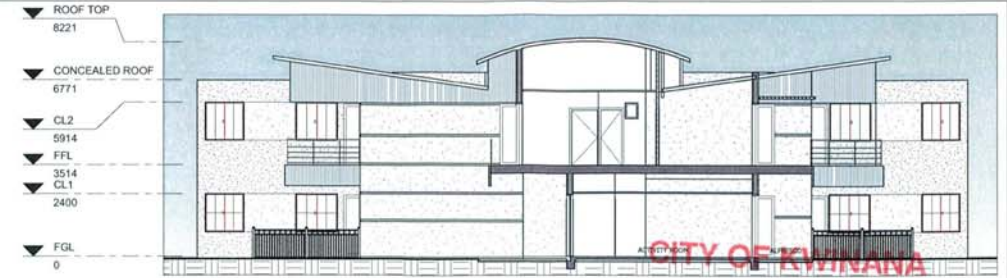
2 REAR ELEVATION
1 : 100



5 SIDE ELEVATION 1
1 : 100



3 SIDE ELEVATION 2
1 : 100



6 SECTION 1
1 : 100



7 SECTION 2
1 : 100



8 SECTION 3
1 : 100



9 SECTION 4
1 : 100



Planning & Design
Construction
Property Development
Project Management



NOTES:
1- ALL DIMENSIONS ARE IN METRES
2- ALL DIMENSIONS MUST BE CHECKED ON SITE
3- ANY DISCREPANCY IN THE PLANS SHOULD BE REPORTED
FOR RESIDENTIAL TO GET THE NECESSARY CHANGES

PROJECT:
ORELIA MULTIDWELLING DEVELOPMENT PROPOSAL
ADDRESS:
LOT 1752, NATHANIEL & COCKMAN WAY, ORELIA WA

SHEET NAME:
ELEVATIONS & SECTIONS

Project number: PBA-002
Date: 25/05/2015
Drawn by: MANUEL VIDAL
Checked by: EDGEE MALAIS

A04

1 : 100

2015/05/13 2:48 PM

15.3 Adoption of Local Development Plan – Treeby Park – Anketell South

SUMMARY:

A draft Local Development Plan (LDP) for Treeby Park within the Anketell South Local Structure Plan (LSP) area has been received for consideration under the City of Kwinana's Town Planning Scheme No. 2 (Scheme) (refer to Attachments A, B and C).

The draft LDP (refer Attachments B and C) sets out design requirements for the development of the lots indicated within the LDP boundaries. These requirements apply in addition to normal Scheme and State Planning Policy No. 3.1 (*Residential Design Codes of Western Australia*) (R-Codes) requirements and will permit certain variations in order to achieve a desired outcome.

Subdivision approval was granted for Lot 13 Treeby Road, Anketell by the Western Australian Planning Commission (WAPC) on 9 June 2014 with a condition requiring preparation of an LDP for the subject lots. Engineering drawings were then approved by the City's Engineering Department in November 2014 and subsequently subdivision works commenced in early 2015 and have now been completed.

Local Planning Policy No. 1 - Tree Retention Policy

This policy was adopted by Council on 28 September 2016. The policy focuses on retention of significant trees and landscape features and location of services.

Subdivision approval was issued mid 2014 prior to the advertising of this policy and the City is therefore unable to require the policy provisions to be applied retrospectively. However, many objectives of the policy have been achieved through a condition of subdivision approval required that significant vegetation not impacted by subdivision works be retained. Bulk earthworks approval for this subdivision which allowed clearing of the site was issued in November 2014 following the approval of Environmental Management and Wetland Management reports by the City's Manager of Environment. These reports identified trees that were to be retained on site, in particular within the Public Open Space (POS). In addition, landscape drawings have been approved that detail the landscaping of the POS and the road verges.

Fire Management

The draft LDP indicates the lots that are subject to specific building design requirements for bushfire in accordance with the Bush Fire Attack Level (BAL) ratings as specified in the Fire Management Plan (FMP) for this area. The proposed BALs were reviewed by the City's Fire Consultant and are supported.

Local Planning Policy No. 2 – Streetscapes (LPP No. 2)

LPP No. 2 was adopted by Council on 26 April 2017. The policy focuses on improved streetscape across the City and places emphasis on trees and landscaping and road design. Whilst the policy does not apply retrospectively to approved subdivision and engineering drawings (approved in June and November 2014 respectively), the policy does include built form design provisions relating to garage setbacks, dwelling façade treatment, room ceiling height, fencing and location of street trees. The draft LDP contains the model provisions that are stipulated in the policy. In respect to built form provisions, the draft LDP is generally reflective of the adopted LPP No.2 and is considered acceptable.

15.3 ADOPTION OF LOCAL DEVELOPMENT PLAN – TREEBY PARK – ANKETELL SOUTH

The draft LDP (refer Attachments B and C) has been assessed and is supported by City Officers. It is recommended that Council approves the draft LDP in accordance with Clause 51(1)(a) of Schedule 2 – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

OFFICER RECOMMENDATION

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

DISCUSSION:

Land Status

Metropolitan Region Scheme: Urban
Town Planning Scheme No. 2: Residential R20, R30 and R40

Planning Comment

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

The draft LDP (Attachments B and C) has been specifically required as a condition of the WAPC's subdivision approval for the subject land. The draft LDP (refer Attachments B and C) sets out design requirements for the development of the lots indicated within the LDP boundaries within the Treeby Park area. These requirements apply in addition to normal Scheme and R-Codes requirements and will permit certain variations in order to achieve an optimal form of development.

Local Planning Policy No. 1 - Tree Retention Policy

As discussed previously in this report, this policy was adopted by Council on 28 September 2016. Subdivision approval and engineering drawings were issued prior to the advertising of this policy. However, a condition of subdivision approval required that significant vegetation not impacted by subdivision works be retained.

Bulk earthworks approval for this subdivision which allowed clearing of the site was issued in November 2014 following the approval of Environmental Management and Wetland Management reports by the City's Manager of Environment. These reports identified trees that were to be retained on site, in particular within the POS. In addition, landscape drawings have been approved that detail the landscaping of the POS and the road verges.

15.3 ADOPTION OF LOCAL DEVELOPMENT PLAN – TREEBY PARK – ANKETELL SOUTH

Fire Management

The draft LDP also indicates the lots that are subject to specific building design requirements for bushfire in accordance with the BAL ratings as specified in the FMP for this area.

The proposed BALs were reviewed by the City's Fire Consultant and are supported.

LPP No. 2 – Streetscapes

As discussed, LPP No. 2 was adopted by Council on 26 April 2017. In respect to building articulation and garage setbacks the policy refers to the following;

Garages

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

The draft LDP contains the above provisions and in particular, requires a 4.5m primary street setback for garages on lots where a footpath adjoins the boundary. This provision only applies to Lots 62-68 and 119-132 which have footpaths that are boundary aligned. The rest of the lots are either laneway lots or have footpaths that are kerb aligned. This provision is intended to ensure that vehicles parked in the driveway would not overhang and obstruct the footpath. For lots with footpaths that are kerb aligned (being Lots 55-61, 70-79, and 80-91), a reduced garage setback is permitted, however, such garages are not to be forward of the dwelling alignment. The draft LDP contains a provision that stipulates that the garage setbacks for these lots can be reduced to a minimum of 3 metres as long as they are not forward of the dwelling alignment.

Dwelling facade treatment

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

1. *Articulation in dwelling facade (i.e. varied wall setbacks);*
2. *A minimum of two building materials, colours and/or finishes (E.g. render, brick, cladding);*

15.3 ADOPTION OF LOCAL DEVELOPMENT PLAN – TREEBY PARK – ANKETELL SOUTH

3. *Major habitable room openings incorporating large windows to provide surveillance;*
4. *Roof forms that incorporate gables;*
5. *A balcony, portico, or verandah; or*
6. *A built in planter box.*

Room ceiling height

The front elevation of a single storey dwelling will have greater presence when the ceiling height of rooms is greater than the standard 2.4m. For lots where vehicle access is gained solely from a rear laneway or right-of-way, the ceiling height for rooms located on the front elevation shall be minimum 32 vertical brick courses (2.7m).

The draft LDP complies with the policy in respect to both above requirements as the dwelling facade treatment and room ceiling height provisions have been incorporated into the LDP provisions. Compliance with this provision will ensure that dwellings constructed on laneway lots have an increased front elevation height and greater streetscape presence.

The policy also states the following regarding fencing;

Fencing

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

As discussed, engineering drawings were approved in November 2014 and subsequently subdivision works commenced in early 2015 and have now been completed. The City issued Landscape Drawing approvals in May 2016. The construction of the front fencing under the new policy by the developer would commonly take place as part of the engineering and landscaping design and in this case, have not been required or constructed as part of these approvals as they were issued in 2014 and 2016 ahead of the adoption of the policy. City Officers are however in discussions with the applicant about the best treatment of the front setbacks possible and importantly, street trees are to be provided for each lot. Provisions requiring visually permeable fencing for front fences and a portion of the secondary street have been included on the draft LDP should they be constructed.

Street Tree Locations

To ensure the locations of retained trees and new street trees is available to prospective purchasers and builders, the policy requires that all retained trees and proposed street tree plantings be shown on the LDP. The proposed street tree locations have been shown on the draft LDP. The LDP also states that street trees are not to be removed or relocated by landowners.

15.3 ADOPTION OF LOCAL DEVELOPMENT PLAN – TREEBY PARK – ANKETELL SOUTH

Quiet House Design

The draft LDP also specifies quiet house design provisions for lots with a frontage of 7.5m or less. The purpose of the quiet house design provisions is to mitigate noise transfer between dwellings on narrow lots.

Conclusion

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

The City's Officers have assessed the provisions and requirements of the draft LDP and are supportive.

Community Engagement.

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

LEGAL/POLICY IMPLICATIONS:

For the purposes of Councillors considering a declaration of interest, the land owner is Well Holdings Pty Ltd and Trevalley Investments Pty Ltd and the applicant is Burgess Design Group.

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

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

FINANCIAL/BUDGET IMPLICATIONS:

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

ENVIRONMENTAL IMPLICATIONS:

The LDP encourages the use of passive solar urban design. Quiet house design provisions are included in the LDP.

15.3 ADOPTION OF LOCAL DEVELOPMENT PLAN – TREEBY PARK – ANKETELL SOUTH

STRATEGIC/SOCIAL IMPLICATIONS:

LDPs allow for variations to the Scheme and R-Codes which take into account specific site characteristics and configurations of lots, particularly smaller lots. The use of such a mechanism is common practice, and is encouraged to allow for the most optimal form of urban development to occur. LDPs are only one tool in the suite of those used to create urban places and communities and should be considered in conjunction with other subdivision requirements, social and environmental policy.

It could be argued that the proposal stimulates economic development in the City as the draft LDP results in the residential development in the Treeby Park to progress in a timely manner.

RISK IMPLICATIONS:

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

15.3 ADOPTION OF LOCAL DEVELOPMENT PLAN – TREEBY PARK – ANKETELL SOUTH

COUNCIL DECISION

560

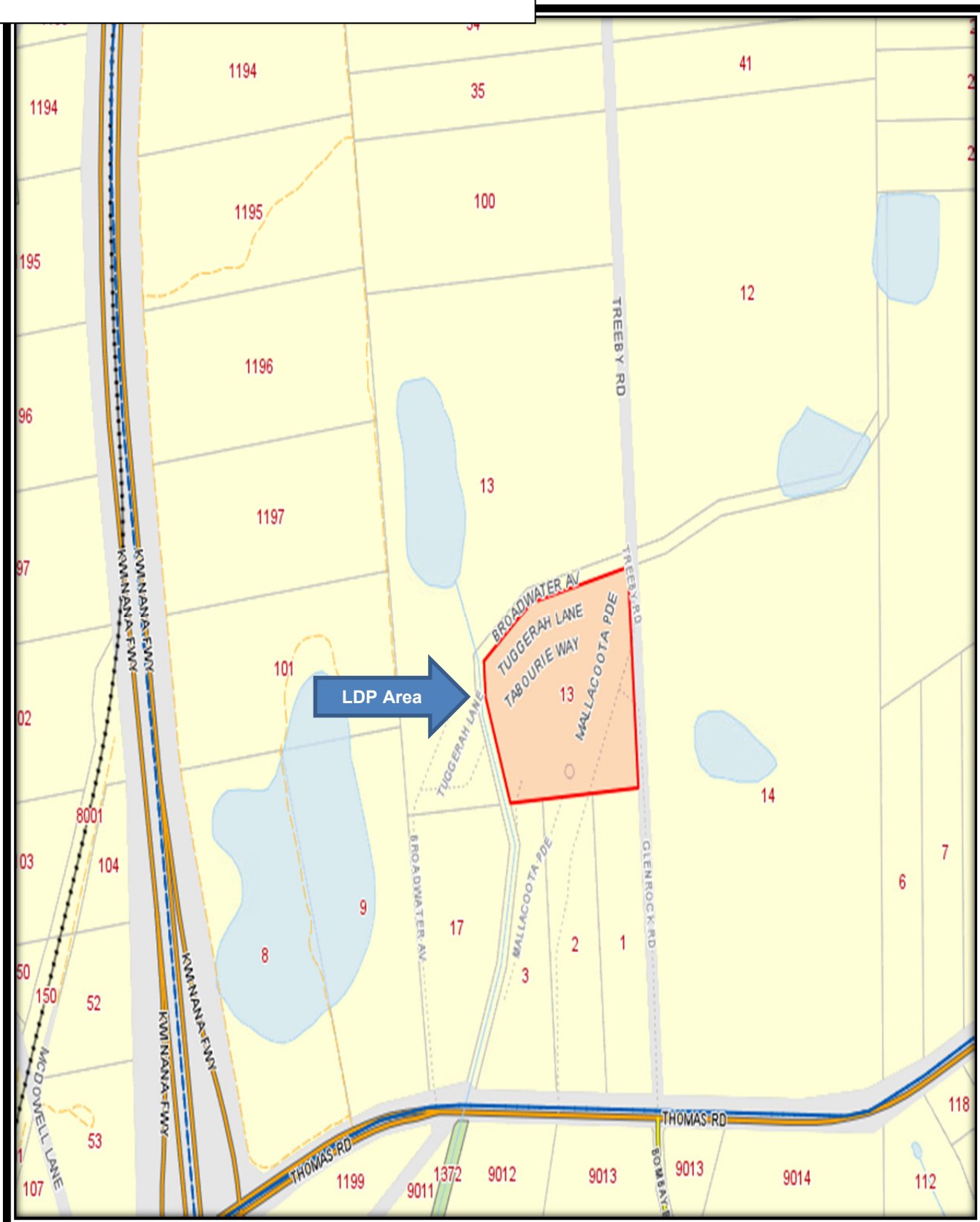
MOVED CR D WOOD

SECONDED CR W COOPER

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

**CARRIED
7/0**

ATTACHMENT A – LOCATION PLAN

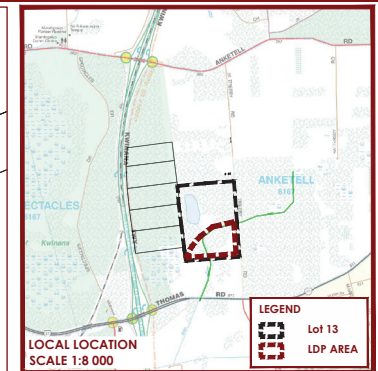


ENDORSED

Coordinator of Statutory Planning
City of Kwinana

Date

LDP:
City of Kwinana Reference No.



LEGEND

- Local Development Plan Area
- R40
- R30
- R20
- Public Open Space
- Minimum 2.0m Primary Street Setback
- Minimum 3.0m Primary Street Setback(R20)
- Minimum 1.0m Secondary Street setback
- Minimum 0.5m Laneway Setback
- No vehicular access
- Designated Garage Location
- Dwelling orientation
- Approximate street tree location
(refer to approved Landscaping Plan available from the City for detail. Street trees are not to be removed or relocated by landowners).

Dwellings to be constructed to AS3959

- BAL 29
- BAL 19
- BAL 12.5



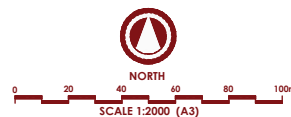
All areas and dimensions are subject to survey, engineering and detailed design and may change without notice. © Copyright of Burgess Design Group.

ATTACHMENT B



BURGESS DESIGN GROUP
TOWN PLANNING • URBAN DESIGN

All Enquiries To Be Directed To
The City of Kwinana



Plan No: WEI ANK 08-02c-01 Client: Well Holdings Ltd
Date: 10.07.17 Planner: MS

LOCAL DEVELOPMENT PLAN (PAGE 1 OF 2)
TREEBY PARK
ANKETELL SOUTH
CITY OF KWINANA

PROVISIONS

General

1. The provisions of the City of Kwinana Town Planning Scheme No.2 and State Planning Policy 3.1 *Residential Design Codes* (R-Codes) are varied within this LDP.
2. All other requirements of the Local Planning Scheme and R-Codes shall be satisfied in all other manners.
3. Minor variations to the requirements of the R-Codes and the LDP may be approved by the City of Kwinana.

Street Setbacks

4. A 2.0m minimum and 4.0m maximum setback to the primary street is permitted (no averages apply) for all lots coded R30 and R40.
5. A 3.0m minimum and 5.0m maximum setback to the primary street is permitted (no averages applies) for all lots coded R20.
6. A 1.0m minimum setback to the secondary street is permitted (no averages apply) for all lots.
7. A 0.5m minimum and 1.5m maximum setback to the laneway is permitted for all laneway lots.
8. A 1m minimum setback to a porch/veranda is permitted for R30 and R40 coded lots, and a 2m minimum setback to a porch/veranda is permitted for R20 coded lots (no maximum length applies to all lots).

Fences

9. Front fences within the primary street setback shall be visually permeable above 0.9m to a maximum height of 1.2m above natural ground level.
10. For secondary street boundaries, fencing shall be visually permeable above 1.2m behind the primary street setback, for a length of up to 3m behind the truncation with a habitable room addressing the street.

Boundary Setbacks

11. For lots with a frontage of 12m or more, walls not more than 3.5m high may be built up to one side boundary, behind the street setback area and not within 4m of the rear boundary, unless that boundary is a secondary street. Where possible, boundary walls should only be located along southern and western boundaries to maximise exposure to northern and eastern sun-light.
12. For lots with a frontage less than 12m, walls not more than 3.5m high may be built up to both side boundaries, behind the street setback area and not within 4m of the rear boundary or along secondary streets.
13. Garages are permitted to have a nil side setback to one boundary. The garage nil side setback is not required to be on the same nil side setback boundary as the dwelling.

Vehicular Access

14. No vehicular access is permitted across property boundaries in locations depicted on this LDP.

Dwelling Design and Streetscape

15. Dwelling facades facing the street/s shall provide at least three of the following architectural design features:
 - 15.1. Articulation in dwelling facade (i.e. varied wall setbacks);
 - 15.2. A minimum of two building materials, colours and/or finishes (e.g. render, brick, cladding);

- 15.3. Major habitable room openings incorporating large windows to provide surveillance;
- 15.4. Roof forms that incorporate gables;
- 15.5. A balcony, portico, or verandah; or,
- 15.6. A built in planter box.
16. A minimum internal ceiling height of 32 vertical brick courses (2.7m) shall be provided for all rooms forming part of the front elevation of any dwelling that gains vehicular access exclusively from a rear laneway.
17. In accordance with the City's Policy, a minimum of one street per lot is required. Street trees will be provided by the developer within the road verge, and maintained for a minimum of two years until established. Street trees are to be generally located as shown on this Local Development Plan, subject to detailed landscape design. Refer to approved landscape plans (available from the City) for detail. Street trees are not to be relocated or removed by landowners.

Open Space and Outdoor Living

18. Site cover may be increased to 60% (for R20 lots) subject to the provision of 30m² of outdoor living area with a minimum dimension of 4 metres, two thirds of this area uncovered and located behind the street setback area.
19. Site cover may be increased to 65% (for R30 lots) subject to the provision of 30m² of outdoor living area with a minimum dimension of 4 metres, two thirds of this area uncovered and located behind the street setback area.
20. Site cover may be increased to 70% (for R40 lots) subject to the provision of 30m² of outdoor living area with a minimum dimension of 4 metres, two thirds of this area uncovered and located behind the street setback area.

Garages & Storage

21. All garages shall be enclosed with a door.
22. For lots with an area of 260m² or less, storage areas with a minimum internal area of 4m² and with a minimum dimension of 1.5m are to be provided at the time of construction of the dwelling. Storage areas shall be constructed under the main roof of the residence or garage, and shall be accessible from either the exterior or within the garage.
23. Garages are to be setback a minimum of 3m from the primary street and are not to be forward of the dwelling alignment. Garages may be aligned with the dwelling provided they do not exceed the garage setback line.
24. Despite Provision No.23, garages shall be setback 4.5m from the primary street on Lots 62, 63, 64, 65, 66, 67, 68, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131 and 132.
25. Garages may have a nil side setback, which can be in addition to and separate from any other boundary walls proposed as part of the dwelling (as described under **Provision 11**).
26. Garage shall not be located forward of the dwelling.
27. Where a lot has a frontage at the setback line between 10m and 12m, garages may occupy up to 60% of that frontage where:
 - 27.1. The garage is setback a minimum of 0.5m behind the dwelling alignment;
 - 27.2. A clear pedestrian entry point to the dwelling is provided; and,

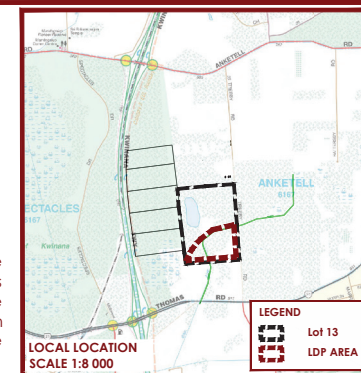
- 27.3. A projecting portico, porch or similar entry feature to the dwelling with a minimum depth of 1.5m is provided.
28. Where a lot has a frontage at the setback line less than 10m:
 - 28.1. Only a single or tandem garage shall be permitted; or,
 - 28.2. A double garage shall be permitted where an upper floor or balcony extends for the full width of the garage.

Fire Management

29. All development shall comply with the approved Fire Management Plan, which shall be read in conjunction with this LDP. Dwellings on lots identified as being within a Bushfire Prone Area, or within 100m of any bushland equal to or greater than 1ha in area, shall be constructed in accordance with the applicable BAL standards as specified in AS3959.
30. A proposed reduction to the nominated BAL rating for any development will require a planning application for consideration. The submission is to include the detailed method for determining Bushfire Attack Level - Method 2 from AS3959 supporting the lower rating demonstrating compliance with AS3959, WAPC Guidelines for Bushfire Protection Policy.
31. For Lots 128-132, a BAL-19 rating can be applied when all structures are setback at least 5m from the primary street, otherwise a BAL 29 shall apply.

Quiet House Design

32. Dwellings on lots with a frontage of 7.5m or less shall be constructed in accordance with the following Quiet House Design standards:
 - 32.1. Walls shall be of double leaf cavity brickwork, such as two leaves of 90mm thick brick with 50mm cavity, or alternatives that meet Rw50 acoustic rating;
 - 32.2. Windows shall be minimum 4mm thick glass in a high quality residential grade frame to achieve a minimum Rw+Ctr23 acoustic rating;
 - 32.3. Ceilings shall be minimum 10mm thick plasterboard with R2.0 insulation between joists, or alternatives that meet minimum Rw42;
 - 32.4. Eaves to be enclosed with minimum 4mm thick fibre cement sheeting;
 - 32.5. Any fans, air-conditioning units or the like must be selected on the basis of quiet operation; and,
 - 32.6. Air-conditioning units are to be roof mounted on appropriate anti-vibration mounts, or be no more than 1.5m above natural ground level.
33. Any alternative construction methods that propose to vary the above requirements shall be supported by a report prepared by a suitably qualified acoustic consultant.



ENDORSED

.....
Coordinator of Statutory Planning
City of Kwinana

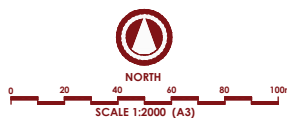
.....
Date

LDP:
City of Kwinana Reference No.



BURGESS SIMPSON
TOWN PLANNING • URBAN DESIGN

All Enquiries To Be Directed To
The City of Kwinana



Plan No: WEI ANK 08-02c-02 Client: Well Holdings Ltd
Date: 10.07.17 Planner: MS

LOCAL DEVELOPMENT PLAN (PAGE 2 OF 2)

TREEBY PARK
ATTACHMENT C ANKETELL SOUTH

CITY OF KWINANA

Mayor Carol Adams, Deputy Mayor Peter Feasey, Councillor Wendy Cooper, Councillor Sandra Lee, Councillor Bob Thompson and Councillor Dennis Wood exited the Council Chambers at 7:12pm.

Councillor Ruth Alexander took the position of Presiding Member.

16 Reports – Civic Leadership

16.1 Review of Council Policy – Investment Policy

SUMMARY:

A review of the Council policy – Investments was undertaken and is recommended for Council endorsement.

OFFICER RECOMMENDATION:

That Council adopt the amended and renamed Investment Policy as detailed in Attachment A.

DISCUSSION:

A copy of the policy recommended for amendment is detailed in Attachment A with the current policy contained within Attachment B. A summary of changes recommended to the policy are included below:

- There has been no major change to the overarching framework; the policy still requires the 'prudent person standard' to be applied and any conflict of interest to be reported to the CEO.
- Approved investments under the Local Government Act 1995 have not changed however in a recent change to regulation 19C (2) of the *Local Government (Financial Management) Regulations 1996* now allows deposits of a fixed term to be invested for a period of up to three years. This is a change from a maximum term of 12 months and recognises that local government's investment options and requirements for cash should reflect the nature of the projects they undertake which are not always short term in timeframe.
- Risk Management guidelines have been simplified and brought into line with industry best practice. Overall the framework is still achieving the desired result of limiting the risk to the City for:
 - o Portfolio Credit Risk – the risk associated with being exposed to a particular combination of credit ratings.
 - o Counterparty Credit Risk – the risk associated with being exposed to a single entity/institution.
 - o Term to Maturity Credit Risk – the risk associated with the length of time until an investment is due to mature.
- An exceptions paragraph has been included to recognise the Bendigo Bank – Kwinana Community Bank Branch. The Kwinana Community Bank Branch invests 80% of all its profits back into Kwinana's community through its community grants program.

16.1 REVIEW OF COUNCIL POLICY – INVESTMENT POLICY

- Reporting and Performance monitoring has been amended to remove the requirement of using an Independent Advisor to report on performance. This has been identified as not providing the City with value as the requirements to invest set by legislation limits the type of investments the City can enter into and is costing \$12,000 annually. Other increased reporting requirements have been added to ensure that the City Officers and the Council maintains confidence in the safeguarding and performance of the City's resources in respect to investments.

LEGAL/POLICY IMPLICATIONS:

Local Government Act 1995 section 6.14 states:

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local governments may —*
 - (a) *make provision in respect of the investment of money referred to in subsection (1); and*
 - (b) *deleted]*
 - (c) *prescribe circumstances in which a local government is required to invest money held by it; and*
 - (d) *provide for the application of investment earnings; and*
 - (e) *generally provide for the management of those investments.*

Local Government (Financial Management) Regulations 1996 regulation 19 and 19C states:

19.(1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.

- (2) *The control procedures are to enable the identification of —*
 - (a) *the nature and location of all investments; and*
 - (b) *the transactions related to each investment.*

*19C.(1) In this regulation —
authorised institution means —*

- (a) *an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
- (b) *the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986; foreign currency means a currency except the currency of Australia.*

16.1 REVIEW OF COUNCIL POLICY – INVESTMENT POLICY

- (2) *When investing money under section 6.14(1), a local government may not do any of the following —*
- (a) *deposit with an institution except an authorised institution;*
 - (b) *deposit for a fixed term of more than 3 years;*
 - (c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
 - (d) *invest in bonds with a term to maturity of more than 3 years;*
 - (e) *invest in a foreign currency.*

FINANCIAL/BUDGET IMPLICATIONS:

The City as part of its budget only included an amount of \$3,000. If Council wish to continue with an advisor a budget variation will be required.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications associated with this report.

ENVIRONMENTAL IMPLICATIONS:

There are no environment implications associated with this report.

STRATEGIC/SOCIAL IMPLICATIONS:

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

Plan	Objective	Strategy
Corporate Business Plan	6.1 Ensure the financial sustainability of the City of Kwinana into the future	6.1.2 Implement sound revenue and expenditure policies, seek additional revenue sources and optimise financial management system

COMMUNITY ENGAGEMENT:

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

16.1 REVIEW OF COUNCIL POLICY – INVESTMENT POLICY

RISK IMPLICATIONS:

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

Risk Event	Council fails to have an adequate investment policy in place that is regularly reviewed. Enabling for prohibited investments to occur.
Risk Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Effect/Impact	Compliance
Risk Assessment Context	Operational
Consequence	Minor
Likelihood	Unlikely
Rating (before treatment)	Low
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Annual review of the investment policy and controls.
Rating (after treatment)	Low

OFFICER RECOMMENDATION

That Council adopt the amended and renamed Investment Policy as detailed in Attachment A.

MOTION LOST FOR WANT OF A QUORUM

Mayor Carol Adams, Deputy Mayor Peter Feasey, Councillor Wendy Cooper, Councillor Sandra Lee, Councillor Bob Thompson and Councillor Dennis Wood returned to the Council Chambers at 7:15pm once the motion was lost for want of a quorum.

Mayor Carol Adams resumed her position as the Presiding Member.

COUNCIL DECISION

561

MOVED CR D WOOD

SECONDED CR R ALEXANDER

That Council adjourn the item and authorise the Chief Executive Officer to request the Minister for Local Government to make a determination regarding whom presides and whom participates in the discussion and decision making procedures relating to this item following the Elected Member financial declarations received.

**CARRIED
7/0**

NOTE – That the Officer Recommendation was lost due to there not being a quorum following the Elected Member financial declarations received.

Council Policy

Investment Policy



Council Policy

Investment Policy

D17/45604

- 1. Title**
Investment Policy

- 2. Purpose**
To provide a framework for the investment of the City's surplus funds that seeks to maximise the return to the City whilst having due consideration for the risk and security of each investment; and ensures that the City's liquidity requirements are being satisfied.

- 3. Scope**
This policy applies to all of the City's investments.

- 4. Definitions**

"Authorised Institution (ADI)" means the same as that defined in Regulation 19C (1) of the Local Government (Financial Management) Regulations 1996 as amended.

"Counterparty" means the other party that participates in a financial transaction.

"Credit Rating" means an estimate of overall ability and willingness of an entity or person to fulfil financial obligations in full and on time, based on previous financial dealings. Ratings are opinions issued by credit rating agencies.

"Foreign Currency" means a currency other than Australian Dollars (AUD).

"Short-term" in relation to investments means it matures in 12 months or less.

"Long term" in relation to investments means it matures in excess of 12 months.

- 5. Policy Statement**
All of the City's investments will be managed in accordance with the following framework.

5.1 Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment Policy, and not for speculative purposes.

5.2 Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of the City's investment portfolio. This policy requires Officers to disclose any conflict of interest to the Chief Executive Officer.

5.3 Authorised Investments

Authorised Investments shall be limited to Australian currency denominated:

- Deposits (including Flexi and At Call deposits) with Authorised Deposit Taking Institutions;
- Deposits with Authorised Deposit Taking Institutions (ADIs) as defined in

section 5 of the Banking Act 1959 (Commonwealth) with a Standard & Poor's (or its equivalent) credit rating of BBB or higher (subject to overall limits) and the Western Australian Treasury Corporation (WATC), for a term not exceeding 3 years;

- Bonds that are guaranteed by the Commonwealth Government or a State or Territory and which have a term not exceeding three years.

5.4 Prohibited Investments

5.4.1 This Investment Policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand-alone securities issued that have underlying futures, options, forward contracts and swaps of any kind.

5.4.2 This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

5.4.3 This policy also requires that the City may not do any of the following when investing money, as per r19C of the Local Government (Financial Management) Regulations 1996:

- Deposit with an institution except an authorised institution
- Deposit for a fixed term of more than 3 years
- Invest in bonds that are not guaranteed by the Commonwealth Government or a State or Territory government
- Invest in bonds with a term to maturity of more than 3 years; and
- Invest in a foreign currency

5.5 Risk Management Guidelines

5.5.1 Portfolio Credit Framework

To control the credit quality on the investment portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum for category %
AAA and Bendigo Bank Kwinana Community Branch	A-1+ and Bendigo Bank Kwinana Community Branch	100%
AA	A-1+	100%
A	A-1	60%
BBB	A-2	20%

If any of the investments within the portfolio are subject to a credit rating downgrade such that the portfolio credit percentages are no longer compliant with the Investment Policy, or there is a review of this policy, the investment will be divested as soon as practicable.

5.5.2 Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum for category %
AAA and Bendigo Bank Kwinana Community Branch	A-1+ and Bendigo Bank Kwinana Community Branch	45%
AA	A-1+	45%
A	A-1	25%
BBB	A-2	10%

If any of the investments within the portfolio are subject to a credit rating downgrade such that the portfolio credit percentages are no longer compliant with the Investment Policy, or there is a review of this policy, the investment will be divested as soon as practicable.

5.5.3 Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Investment Type	Term to Maturity
ADI Deposits	≤ 3 years
State/Commonwealth Government Bonds	≤ 3 years

5.5.4 Exceptions – Bendigo Bank – Kwinana Community Bank Branch

To recognise the contributions made to the community of Kwinana the following exceptions apply to the Bendigo Bank – Kwinana Community Bank Branch.

Under this policy Bendigo Bank - Kwinana Community Branch have the same limitations provided for in sections 5.5.1 Portfolio Credit Framework and 5.5.2 Counterparty Credit Framework as the highest S&P long and short term rating. The maximum exposure to the Bendigo Bank - Kwinana Community Bank Branch as a single entity/institution is limited to a maximum direct investment of 45%.

5.6 Professional Advice

5.6.1 The City may from time to time engage the services of suitably qualified investment professionals to provide assistance in investment strategy formulation, portfolio implementation and monitoring.

5.6.2 Any such advisor must be licensed by the Australian Securities and Investment Commission and be within the allocated budget. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of this Investment Policy.

5.6.3 Any independent advisor engaged by the City is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

5.7 Reporting and Performance Monitoring

5.7.1 A monthly report will be provided to Council in conjunction with the monthly Statement of Financial Activity. The report will detail the investment

portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

5.7.2 This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes.

5.7.3 Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

5.7.4 Certificates must be obtained from the financial institutions confirming the amounts of investments held on the City's behalf as at 30 June each year and reconciled to the Investment Register.

6. Financial/Budget Implications

There are no direct financial or budget implications associated with this policy; however the importance of safe guarding the City's resources and maximising returns is addressed within this policy.

7. Asset Management Implications

There are no asset management implications associated with this Policy.

8. Environmental Implications

There are no environmental implications associated with this Policy.

9. Strategic/Social Implications

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

Plan	Objective	Strategy
Corporate Business Plan	6.1 Ensure the financial sustainability of the City of Kwinana into the future	6.1.2 Implement sound revenue and expenditure policies, seek additional revenue sources and optimise financial management system

10. Occupational Safety and Health Implications

There are no OSH implications associated with this Policy.

11. References

Name of Policy	Investment Policy
Date of Adoption and resolution No	08/04/2009 #473
Review dates and resolution No #	28/04/2010 #105 11/07/2012 #163 XX/XX/2017
New review date	June 2018
Legal Authority	6.14. Power to invest (1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.
Directorate	City Strategy
Department	Finance
Related documents	Acts/Regulations

	<p>Local Government Act 1995 Local Government (Financial Management) Regulations 1996 The Trustees Amendment Act 1997– Part III Investments</p> <p>Delegated Authority CEO 2.6 Power to Invest</p>
--	--

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



POLICY

INVESTMENT POLICY & STRATEGY



INVESTMENT POLICY & STRATEGY

To establish procedures in relation to the prudent investment of surplus Council funds not immediately required, thereby providing maximum return on investment within Council's accepted risk management levels.

To maintain sufficient liquidity to meet anticipated cash flow requirements and preservation of capital, minimising risks of incurring loss and provide greater financial returns for the City.

Adopted:	08/04/2009 #473
Last reviewed:	28/04/2010 #105 11/07/2012 #163
Legal Authority	All investments are to comply with the following: <ul style="list-style-type: none"> Local Government Act 1995 – Section 6.14; The Trustees Amendment Act 1997– Part III Investments; Local Government (Financial Management) Regulations 1996 – Regulation 19, Regulation 28, and Regulation 49. Australian Accounting Standards

Policy:

Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the CEO.

Approved Investments

Without approvals from Council, investments are limited to:

- Commonwealth/Semi-Government Bonds;
- Interest bearing deposits with an authorised institution;
- Bank Accepted/Endorsed Bank Bills; and
- Bank Negotiable Certificates of Deposit.

Prohibited Investments

This investment policy prohibits investment in the following:

- Deposits with any institution which is not an authorised institution;
- Deposits for a fixed term of more than 12 months;
- Bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- Bonds with a term to maturity of more than three years; and
- Foreign Currency.

This investment policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.
- This policy prohibits investment in CDO based structures.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment, although nothing in the policy shall prevent drawing down a loan and placing the funds on short-term deposit before being used.

Risk Management Guidelines

Investments obtained are to comply with three key criteria relating to:

- a) Portfolio Credit Framework: limit overall exposure of the portfolio
- b) Counterparty Credit Framework: limit exposure to individual counterparties/institutions
- c) Term to maturity Framework: limits based upon maturity of securities.
- d) Liquidity: Portfolio management must always maintain adequate levels of liquidity to cover seasonality, planned capital expenditure and contingencies
- e) Rollover and Income: Where conditions permit, stability and protection of the Town's income against unexpected weakness in interest rates should be considered.

a) Portfolio Credit Framework

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

Tier	Direct Investment Maximum %	Per Institution Maximum % (Refer to Counterparty Credit Framework)
Tier 1	100%	45%
Tier 2	100%	35%
Tier 3	40%	20%
Tier 4	30%	5%

Tier 1 issuers include the Commonwealth government of Australia, Western Australian Treasury Corporation and AAA rated authorised institutions. This tier also includes government guaranteed term deposits with issuers meeting the "authorised institutions" definition but which are rated lower than AAA.

Tier 2 issuers include ANZ, Commonwealth Bank of Australia, National Australia Bank and Westpac. This tier also includes AA rated issuers that are incorporated in Australia (ie. not branches of international banks) and State and Territory governments.

Tier 3 issuers include other investment grade authorised institutions. This includes but is not limited to AMP Bank (A), Suncorp Bank (A), Rural Bank (A), Bank of Queensland (BBB) and ME Bank (BBB).

Tier 4 all other compliant authorised institutions including Credit Unions.

b) Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below.

S & P Long Term Rating	S & P Short Term Rating	Counterparty Maximum %
AAA	A-1+	45%
AA	A-1	35%
A	A-2	20%
BBB	A-3 and B	5%
Unrated Authorised Institutions	-	5%

If any of the City's investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable taking account of the conditions relating to the investment. Council staff are not obliged to divest such existing investments if it is not in the interests of Council to do so.

Investments that do not comply with the policy for new investments for reasons other than credit rating downgrade may be retained to maturity.

c) Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits	
Portfolio %<90 days	100% (with 10% minimum)
Portfolio %<1 year	100% (with 40% minimum)
Portfolio %1 to 3 year	60% (Bonds Only)
Portfolio %>3 year	0%

Individual Investment Maturity Limits	
Authorised Institutions	12 months
Commonwealth/Semi-Government Bonds	3 years

Investment Advisor

The City's investment advisor must be approved by Council and licensed by the Australian Securities and Investments Commission. The advisor must be independent and have no actual or potential conflict of interest in relation to investment products being recommended.

Measurement

The investment return for the portfolio is to be regularly reviewed (at least once a year) by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least once a month to coincide with monthly reporting.

Investment Strategy is to be reviewed annually noting:

- Council's risk tolerance
- Whether performance benchmarks have changed
- Reliability and independence of any financial advice
- Whether products being invested in provide adequate returns for their associated risk:
- Appropriateness of the products being invested in with regard to Council's liquidity requirements.

Benchmarking

Performance benchmarks need to be established in order to remain compliant with prudent person legislation.

Investment	Performance Benchmark
Cash	Cash Rate
Enhanced/Direct Investments	UBSWA Bank Bill

Reporting and Review

An investment Strategy will run in conjunction with the investment policy. The Strategy will outline:

- Council's cash flow expectations;
- Optimal target allocation of investment types, credit rating exposure, and term to maturity exposure; and
- Appropriateness of overall investment types for Council's portfolio.

The investment strategy will be reviewed with an independent advisor at least once a year. The annual review is to include an assessment of at least the following:

- The City's risk tolerance levels ;
- Whether performance benchmarks have changed;
- Reliability and independence of any financial advice;
- Whether products being invested in provide adequate returns for their associated risk; and
- Appropriateness of the products being invested in with regard to the Town's liquidity requirements.

Investments are to be actively managed until maturity and reviewed weekly by the Chief Executive Officer or designates.

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

An investment report is to be presented to Council on a monthly basis forming part of the Financial Activities on the City. The report will detail the investment portfolio in terms of performance, percentage exposure of the total portfolio, maturity date and changes in market value.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

Investment Strategy

Council's investment strategy is to optimise interest income within its' acceptable levels of risk whilst ensuring the security of these funds enabling the City to meet its business objectives. Key considerations in this regard include funding requirements identified by the Ten Year Plan and the Capital Works Program.

This can be achieved whilst complying with the relevant legislation by:

- a. Investing solely in Australian cash and fixed interest as outlined in the *Local Government (Financial Management) Regulations 2012*:

Asset Class	Recommended %
Australian Cash & Fixed Interest	100

Note: A capital loss can occur in the event of an increase in interest rates however as Council's direct investments are generally held to maturity the risk is minimal.

- b. Observing the City's risk profile in relation to investing surplus funds is to be relatively prudent; conservative and risk averse. Recognised credit risk assessment criteria are:

- Standard & Poor's
- Moody's

The profile will be achieved by effectively managing:

- the diversity of the counterparties, and
- the creditworthiness of the investments within the investment portfolio.

- c. Maintaining sufficient liquidity and access to funds for Council's day to day requirements.
- d. Exceeding performance benchmarks in line with the Town's risk profile, achieve a net return consistent with or better than the UBSA bank bill index.
- e. Using diversification to spread risk by placing maximum percentage limits on investments and individual institutions.

Definitions

11am Call Deposit refers to cash invested on an overnight basis. Funds can be recalled or re-invested before 11am on the following business day.

Authorised Institution means an authorised deposit-taking institution as defined by the *Banking Act 1959* (Commonwealth) section 5 or the Western Australian Treasury Corporation as established by the *Western Australian Treasury Corporation Act 1986*.

Bank Accepted/Endorsed Bank Bills are bills of exchange drawn by a company or individual (borrower) usually for periods of between 30 and 180 days. The bill is accepted by the bank, which in turn accepts the liability for payment at maturity. It is a short-term instrument issued at a discount to the face value.

Bank Negotiable Certificates of Deposit are securities issued by a bank or company as proof of debt. A certificate of deposit is repayable at a fixed date and cannot be cashed-in before maturity. They can be issued at a discount to face value, or carry fixed or floating interest. They are tradeable and generally highly liquid.

Commonwealth/Semi-Government Bonds are “fixed-income” securities guaranteed by the Commonwealth, State or Territory governments of Australia. The amount of income the bond will generate each year is set when the bond is sold.

Foreign Currency means a currency except the currency of Australia.

Interest bearing deposits of an authorised institution include 11am call deposits and term deposits.

Term Deposit refers to funds invested with a financial institution at a predetermined rate (or floating rate margin) that applies for the duration of the deposit. The principal is held on deposit for a fixed term with interest payable either at regular intervals or at maturity. It is not a tradeable security and the investor may be penalised when funds are repaid.

16.2 Amendments to the Register of Delegated Authority – Local Government to Chief Executive Officer, Officers and Committees 2016 – Appointment of Acting Chief Executive Officer

SUMMARY:

At its 14 June 2017 meeting, Council resolved to delegate certain functions to the Chief Executive Officer, Officers and Committees, to have the discretion to exercise delegated authority under the relevant legislation.

As part of the ongoing review to ensure that all delegations and appointments have been captured, an additional delegation that is at Attachment A, allows the Chief Executive Officer to appoint an Acting Chief Executive Officer to cover periods of annual or other leave and for other reasons that may arise, for a period not exceeding eight weeks.

OFFICER RECOMMENDATION:

That Council grant the following Delegation to the Chief Executive Officer, as detailed in Attachment A:

1.23 Appointment of Acting Chief Executive Officer

NOTE – AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

The Local Government Act 1995 (Act) requires that a local government employ a person to be the Chief Executive Officer of the local government and to undertake a number of important functions of the local government on a daily basis.

It is logical to assume however, that the incumbent Chief Executive Officer would not be available at all times, for either leave or work related activities and that it would be critical for the City's business continuity during these times to delegate those functions to another person as Acting Chief Executive Officer.

The purpose of this report is to delegate the function of selecting a person to the role of Acting Chief Executive Officer, to the Chief Executive for a period where he or she may be absent as outlined above.

Section 5.36 of the Act 1995 states that:

5.36. Local government employees

- (1) *A local government is to employ —*
 - (a) *a person to be the CEO of the local government; and*
 - (b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*
- (2) *A person is not to be employed in the position of CEO unless the council —*
 - (a) *believes that the person is suitably qualified for the position; and*
 - (b) *is satisfied* with the provisions of the proposed employment contract.*

** Absolute majority required.*

16.2 AMENDMENTS TO THE REGISTER OF DELEGATED AUTHORITY – LOCAL GOVERNMENT TO CHIEF EXECUTIVE OFFICER, OFFICERS AND COMMITTEES 2016 – APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

It should be noted that a contract for a person acting in a position of Chief Executive Officer may not be required for a period not exceeding one year, where in s5.39(1a) of the Act it states:

5.39. Contracts for CEO and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
- (1a) *Despite subsection (1) —*
- (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting.*

Clause 5.42 of the Act permits Council to delegate functions to the Chief Executive Officer, however, in regard to employing a Chief Executive Officer as stated in sub-clause 5.36(2), Council must be satisfied that the person is suitably qualified. In order to delegate the function of employing an Acting Chief Executive Officer to the Chief Executive Officer, while satisfying the requirements of sub-clause 5.36(2), it is recommended that the delegation include the position titles of those persons that Council would be satisfied are suitably qualified. For this purpose, it is suggested that persons employed in the following positions would be suitable:

- Director City Strategy
- Director City Engagement
- Director City Infrastructure
- Director City Regulation
- Corporate Lawyer

LEGAL/POLICY IMPLICATIONS:

As detailed in the text above; and

Local Government Act 1995

Delegation of Authority to CEO

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.*

16.2 AMENDMENTS TO THE REGISTER OF DELEGATED AUTHORITY – LOCAL GOVERNMENT TO CHIEF EXECUTIVE OFFICER, OFFICERS AND COMMITTEES 2016 – APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

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

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) any power or duty that requires the approval of the Minister or the Governor;*
- (i) such other powers or duties as may be prescribed.*

Section 5.36(2) of the Local Government Act 1995 states that a person is not to be employed in the position of CEO unless the Council is satisfied with the provisions of the proposed employment contract and this decision must be by absolute majority. However, section 5.39 (1a)(a) of the Local Government Act 1995 allows an employee to act in the position of a CEO for a term not exceeding one year without a written contract for the position in which he or she is acting. Section 5.43(a) prevents a local government from delegating to the CEO any power that requires an absolute majority. In summary, when a person is acting in the position of CEO a written contract is not required and therefore an absolute majority of Council is not required and this power can therefore be delegated to the CEO.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications associated with this report.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications associated with this report.

16.2 AMENDMENTS TO THE REGISTER OF DELEGATED AUTHORITY – LOCAL GOVERNMENT TO CHIEF EXECUTIVE OFFICER, OFFICERS AND COMMITTEES 2016 – APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

COMMUNITY ENGAGEMENT:

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

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal will support the achievement of the following objectives and strategies detailed in the Corporate Business Plan:

Plan	Objective	Strategy
Corporate Business Plan 2016 - 2021	5.1 An active and engaged Local Government, focussed on achieving the community's vision	5.1.1 Ensure that the City's strategic direction, policies, plans, services and programs are aligned with the community's vision.

RISK IMPLICATIONS:

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

Risk Event	Officers not appointed or provided with delegated authority to undertake certain functions.
Risk Theme	Failure to fulfil statutory or compliance requirements.
Risk Effect/Impact	Compliance
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Unlikely
Rating (before treatment)	Moderate
Risk Treatment in place	Avoid - remove cause of risk
Response to risk treatment required/in place	Ensure officers are appointed or delegated in accordance with the relevant legislation.
Rating (after treatment)	Low

COUNCIL DECISION

562

MOVED CR R ALEXANDER

SECONDED CR W COOPER

That Council grant the following Delegation to the Chief Executive Officer, as detailed in Attachment A:

1.23 Appointment of Acting Chief Executive Officer

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

7/0

ATTACHMENT A

Delegation 1.23

1.23 Appointment of Acting Chief Executive Officer.	
Function to be performed:	Authorised to appoint an Acting Chief Executive Officer for a period not exceeding eight weeks.
Legislative power or duty delegated:	Local Government Act 1995 - Part 9, Division 3 5.36. Local government employees (1) A local government is to employ — (a) a person to be the CEO of the local government.
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	August 2017
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<p>Local Government Act 1995 5.36. Local government employees (1) A local government is to employ — (a) a person to be the CEO of the local government.</p> <p>(2) A person is not to be employed in the position of CEO unless the council — (a) believes that the person is suitably qualified for the position.</p> <p>To satisfy the requirement of sub-clause 5.36(2)(a), Council considers those persons employed in the following positions suitable -</p> <ul style="list-style-type: none"> • Director City Strategy • Director City Engagement • Director City Infrastructure • Director City Regulation • Corporate Lawyer <p>The Chief Executive Officer may appoint one or more of the those Officers listed above to the role of Acting Chief Executive Officer either singularly or consecutively for a period not exceeding eight weeks at his or her discretion, to ensure and provide for best business continuity during the required period(s).</p>
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.

Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.
--------------------------------	--

16.3 Council Policy Review – ‘Elected Members Allowances, Expenses and Gifts’, ‘Naming of Parks, Places and Buildings’, and ‘Street Naming’

SUMMARY:

A review of the Council policies – ‘Elected Members Allowances, Expenses and Gifts’, ‘Naming of Parks, Places and Buildings’, and ‘Street Naming’ was undertaken and is recommended for Council endorsement.

OFFICER RECOMMENDATION:

That Council adopt the following:

1. Reviewed policy:
 - Elected Members Allowances, Expenses and Gifts as detailed in Attachment A;
2. Reviewed and renamed policy:
 - Naming of Streets, Parks, Places and Buildings as detailed in Attachment A; and
3. Delete the Street Naming Policy

DISCUSSION:

A copy of the policies as recommended for amendment are detailed in Attachment A with the current policies contained within Attachment B. A summary of changes recommended to the policies are included below.

Policies recommended for amendment

Elected Members Allowances, Expenses and Gifts

The recommended changes include:

- In clause 1.5, the day on which payments are to be made to elected members has been clarified and stated as the 5th day of the following month.
- Reformatting of the Policy and renumbering of some clauses in line with the new Council Policy format;
- Minor changes to grammar.

Policy recommended for amendment and renaming

Naming of Streets, Parks, Places and Buildings

This policy was required to be reviewed in accordance with the biennial review of Council policies. The recommended changes include:

- The text from the Street Naming policy has been included into this policy as it is considered reasonable to include all the naming requirements into the one policy.
- Reformatting of the policy and renumbering of some clauses in line with the new Council Policy format;
- Minor changes to grammar.

16.3 COUNCIL POLICY REVIEW – ‘ELECTED MEMBERS ALLOWANCES, EXPENSES AND GIFTS’, ‘NAMING OF PARKS, PLACES AND BUILDINGS’, AND ‘STREET NAMING’

Policy recommended for deletion

Street Naming

The text of this policy has been incorporated in the renamed Naming of Streets, Parks, Places and Buildings policy.

LEGAL/POLICY IMPLICATIONS:

Local Government Act 1995

2.7. Role of council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

5.98. Fees etc. for council members

(1A) In this section —

determined means determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B.

- (1) A council member who attends a council or committee meeting is entitled to be paid —
 - (a) the fee determined for attending a council or committee meeting; or
 - (b) where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.
- (2A) A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —
 - (a) the fee determined for attending a meeting of that type; or
 - (b) where the local government has set a fee within the range determined for meetings of that type, that fee.
- (2) A council member who incurs an expense of a kind prescribed as being an expense —
 - (a) to be reimbursed by all local governments; or
 - (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement, is entitled to be reimbursed for the expense in accordance with subsection (3).
- (3) A council member to whom subsection (2) applies is to be reimbursed for the expense —
 - (a) where the extent of reimbursement for the expense has been determined, to that extent; or
 - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.

16.3 COUNCIL POLICY REVIEW – ‘ELECTED MEMBERS ALLOWANCES, EXPENSES AND GIFTS’, ‘NAMING OF PARKS, PLACES AND BUILDINGS’, AND ‘STREET NAMING’

- (4) *If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.*
- (5) *The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —*
 - (a) *the annual local government allowance determined for mayors or presidents;*
or
 - (b) *where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.*
- (6) *A local government cannot —*
 - (a) *make any payment to; or*
 - (b) *reimburse an expense of, a person who is a council member or a mayor or president in that person’s capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.*
- (7) *A reference in this section to a committee meeting is a reference to a meeting of a committee comprising —*
 - (a) *council members only; or*
 - (b) *council members and employees.*

5.98A. Allowance for deputy mayor or deputy president

- (1) *A local government may decide to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).*
- (2) *An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.*

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —

- (a) *the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or*
- (b) *where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.*

5.99A. Allowances for council members in lieu of reimbursement of expenses

- (1) *A local government may decide* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all eligible council members —*
 - (a) *the annual allowance determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for that type of expense; or*

16.3 COUNCIL POLICY REVIEW – ‘ELECTED MEMBERS ALLOWANCES, EXPENSES AND GIFTS’, ‘NAMING OF PARKS, PLACES AND BUILDINGS’, AND ‘STREET NAMING’

- (b) *where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for annual allowances for that type of expense, an allowance of that amount, and only reimburse the member for expenses of that type in excess of the amount of the allowance.*
- (2) *For the purposes of subsection (1), a council member is eligible to be paid an annual allowance under subsection (1) for a type of expense only in the following cases —*
 - (a) *in the case of an annual allowance that is paid in advance, if it is reasonably likely that the council member will incur expenses of that type during the period to which the allowance relates;*
 - (b) *in the case of an annual allowance that is not paid in advance, if the council member has incurred expenses of that type during the period to which the allowance relates.*

5.100. Payments for certain committee members

- (1) *A person who is a committee member but who is not a council member or an employee is not to be paid a fee for attending any committee meeting.*
- (2) *Where —*
 - (a) *a local government decides that any person who is a committee member but who is not a council member or an employee is to be reimbursed by the local government for an expense incurred by the person in relation to a matter affecting the local government; and*
 - (b) *a maximum amount for reimbursement of expenses has been determined for the purposes of section 5.98(3)(b), the local government must ensure that the amount reimbursed to that person does not exceed that maximum.*

FINANCIAL/BUDGET IMPLICATIONS:

There are no direct financial/budget implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS:

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

ENVIRONMENTAL IMPLICATIONS:

There are no direct environmental implications related to this report.

16.3 COUNCIL POLICY REVIEW – ‘ELECTED MEMBERS ALLOWANCES, EXPENSES AND GIFTS’, ‘NAMING OF PARKS, PLACES AND BUILDINGS’, AND ‘STREET NAMING’

STRATEGIC/SOCIAL IMPLICATIONS:

Plan	Objective	Strategy
Corporate Business Plan 2016 - 2021	5.1 An active and engaged local government, focussed on achieving the community's vision	5.1.1 Ensure that the City's strategic direction, policies, plans, services and programs are aligned with the community's vision

COMMUNITY ENGAGEMENT:

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

RISK IMPLICATIONS:

The risk implications in relation to the policies listed in this report are as follows:

Policy - Elected Members Allowances, Expenses and Gifts

Risk Event	An elected member creates a possible act of misconduct as a result of inadequate direction by Council as to its policy on allowances, expenses and gifts.
Risk Theme	Misconduct
Risk Effect/Impact	Compliance
Risk Assessment Context	Strategic
Consequence	Minor
Likelihood	Possible
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Provide a policy that details Council's requirements in regard to allowances, expenses and gifts.
Rating (after treatment)	Low

16.3 COUNCIL POLICY REVIEW – ‘ELECTED MEMBERS ALLOWANCES, EXPENSES AND GIFTS’, ‘NAMING OF PARKS, PLACES AND BUILDINGS’, AND ‘STREET NAMING’

Policy - Naming of Streets, Parks, Places and Buildings

Risk Event	The naming of a street, park, place or building did not comply with legislated requirements.
Risk Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Effect/Impact	Compliance
Risk Assessment Context	Operational
Consequence	Insignificant
Likelihood	Unlikely
Rating (before treatment)	Low
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Provide a policy that details Council's requirements in regard to the naming of streets, places, parks and buildings.
Rating (after treatment)	Low

COUNCIL DECISION

563

MOVED CR S LEE

SECONDED CR D WOOD

That Council adopt the following:

- 1. Reviewed policy:**
 - **Elected Members Allowances, Expenses and Gifts as detailed in Attachment A;**
- 2. Reviewed and renamed policy:**
 - **Naming of Streets, Parks, Places and Buildings as detailed in Attachment A; and**
- 3. Delete the Street Naming Policy**

**CARRIED
7/0**

Council Policy	
Elected Members Allowances, Expenses and Gifts	D14/82819[v5]

1. **Title**
Elected Members Allowances, Expenses and Gifts
2. **Purpose**
To outline the support that is to be provided to elected members through the payment of allowances, reimbursement of expenses incurred, insurance cover and supplies provided in accordance with the Local Government Act 1995 while performing the official duties of office.
3. **Scope**
Elected members should take care to differentiate between expenditure incurred in their private capacity and expenditure necessary to fulfil their role as an elected member. Reimbursement is to be made for expenses outlined in the Policy.
4. **Definitions**
List definitions and terminology that will assist in the understanding of this Policy.
5. **Policy Statement**
 - 5.1 **Allowances:**
 - 5.1.1 **Mayoral allowance**
The Mayor is to receive the maximum annual local government allowance allowed under the Salaries and Allowances Act 1975.
 - 5.1.2 **Deputy Mayoral allowance**
The Deputy Mayor is to receive the maximum annual local government allowance allowed under the Salaries and Allowances Act 1975.
 - 5.1.3 **Annual meeting attendance fees**
The Mayor and Councillors (elected members) are to receive the maximum annual local government meeting attendance fee allowed under the Salaries and Allowances Act 1975. This annual fee is provided on the principle that each **elected member Councillor** regularly attends meetings of Council and committees to which they are appointed and carry out other responsibilities of the office.
 - 5.1.4 **ICT allowance**
The elected members are to receive the maximum annual local government information and communications technology allowance. As a minimum, elected members are to provide:
 - at least one telephone access point for City and community access, and a mobile phone, inclusive of voice message recording capacity.
 - a fully functioning internet connection which allows them to

access emails, perform any necessary research and keep abreast of current and contentious issues in regard to their role as an elected member.

- consumables for computer equipment and internet, fax, phone, and mobile usage (such as printing cartridges, paper).

This allowance is designed to meet all Council related call costs and all other relevant telecommunication costs, including relevant hardware to use a telephone, mobile phone, and the internet.

1.5 Payments

The amount of an elected members entitlement to an annual attendance fee or annual allowance specified in this policy shall be apportioned on a pro rata basis according to the portion of a year that the person holds office as an elected member and is eligible for the relevant annual attendance fee or annual allowance. All payments will be in arrears and paid monthly **on 5th day of the following month.**

5. 2. Information and Communication Equipment

5 2.1 ICT equipment and office supplies

- a) The City is to make available to all elected members, for use during their term of office, a suitably equipped laptop for the conduct of Council related business, which is in line with the standard IT product the City uses within the organisation at the date of request.
- b) As well as a laptop, the City is to make available to all elected members, for use during their term of office, an Ipad and/or printer. The equipment must be in line with the standard product that the City uses within the organisation at the date of request and the elected member can choose for the Ipad to have 3G capabilities.

The elected member can request a printer up to the value of \$300. This type of hardware does not relate to hardware required to meet their communication needs, such as modems, internet sticks, and handsets, as outlined in section 1.4 of this policy.

A request to purchase hardware will be submitted to the Chief Executive Officer, and the purchase must be made by the City. No reimbursement to elected members will be made for this hardware. All equipment must be for Council business only.

- c) If the standard equipment provided by the City does not suit the elected member requirements, the elected member must, at their own expense, purchase the preferred equipment, and maintain the equipment that will best suit their requirements. No reimbursement can be claimed.

Notes:

Electronic equipment that is provided by the City remains the property of the local government and is to be returned by the elected member if no longer required, their term has expired and they are not re-elected, or it requires replacement.

It is expected that elected members are to make every effort to utilise their electronic equipment, in lieu of paper documents for attendance at meetings etc.

Personal computers and associated equipment that is provided by the City is to be offered to the elected member for purchase at the depreciated value of the equipment at the expiry of their term of office, or at other times as approved by the Chief Executive Officer. No Council property is to be disposed of without prior approval of the Chief Executive Officer.

5.2.2 Maintenance of equipment

- a) At all times during an elected member's term, the City is to provide and make provision for the ongoing maintenance of the supplied equipment referred to in clause 5.2.1 of this policy with all maintenance costs being met by the City. The City will not provide ongoing maintenance to equipment that has been purchased by the elected member.
- b) In the event of a malfunction of the equipment the elected member is to contact, during business hours, a Governance staff member or designated service provider, who is to coordinate the attendance of maintenance personnel.
- c) Under no circumstances should elected members undertake repairs or maintenance to City equipment without the express permission of the Chief Executive Officer.

5.3. Reimbursable Expenses

5.3.1 Travelling expenses

Elected members are to be reimbursed for travelling expenses incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) in the performance of the official duties of their office, subject to:

5.3.1.1 Claims being related to travel to a destination from their normal place of residence or work and return in respect to the following:

- (a) Council meetings, civic functions, citizenship ceremonies or briefings called by either Council, the Mayor and/or the Chief Executive Officer;
- (b) Committees to which the elected member is appointed a delegate or in the circumstance an elected member deputising for the delegate who is unable to attend, by Council.
- (c) Meetings, training and functions scheduled by the Chief Executive Officer or Directors.
- (d) Conferences, community organisations, industry groups and local government associations to which the elected member has been appointed by Council as its delegate or a deputy to the delegate.

- (e) Functions and presentations attended in the role as an elected member or whilst deputising for the Mayor, that are supported by a copy of the relevant invitation or request for attendance.
- (f) Gatherings or events (i.e. funerals, local business or community events), approved by the Chief Executive Officer for attendance by the Mayor or the Mayor's nominated deputy as a representative of the City.
- (g) Any other occasion in the performance of an act under the express authority of Council.
- (h) Site inspections in connection with matters listed on any Council agenda (members to state the item number listed on any Council agenda along with the date and time of the visit on the claim form).
- (i) In response to a request to meet with a ratepayer/elector, but excluding contact with any relevant to the biennial elections (members to state the time and purpose of the visit and the name and address of the ratepayer/elector on the claim form).

5.3.1.2 Elected members are to be reimbursed travelling expenses incurred while using their own private motor vehicle in the performance of the official duties of Council. The extent to which an elected member of a local government can be reimbursed for travel costs referred to in regulation 31(1)(b) of the Local Government (Administration) Regulations 1996 is –

- (a) if the person lives or works in the local government district or an adjoining local government district, the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
- (b) if the person does not live or work in the local government district or an adjoining local government district, the actual cost, in relation to a journey from the person's place of residence or work and back —
 - (i) for the person to travel from the person's place of residence or work to the meeting and back; or
 - (ii) if the distance travelled referred to in subparagraph (i) is more than 100 kilometres, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.

5.3.1.3 All claims for reimbursement being lodged with the Governance Team on the appropriate claim form, on a monthly basis. In submitting claims for reimbursement, elected members are to detail the date of the claim, particulars of travel and nature of business, distance travelled, vehicle displacement and the total travelled in kilometres and certify the accuracy of information. This should be accompanied by supporting documentation where applicable.

5.3.1.4 Travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be calculated at the same rate contained within Section 30.6 of the Local Government Officers' (Western Australia) Interim Award 2011 as at 17 June 2015.

5.3.1.5 Public transport

In the event that an elected member does not have access to a private vehicle, for travel referred to above, or has a preference for public transport, the elected member may use the services of the bus and rail public transport system, expenditure for which is to be reimbursed upon completion of a travel claim form and lodgement of receipts. A taxi service is also acceptable where this is considered necessary.

5.3.1.6 Parking fees

Parking fees incurred as a result of travel to any occasion referred to in clause 3.1.1 of this policy are to be reimbursed upon lodgement of receipts accompanying the associated travel claim form.

- The cost of 'valet' parking is not to be reimbursed (unless authorised by the Chief Executive Officer).

5.3.2 Child care costs

Elected members are to receive reimbursement of the lesser of the actual cost incurred or the maximum amount allowed under the Salaries and Allowances Act 1975 for care of children, of which they are a parent or legal guardian, whilst attending a Council meeting or a meeting of a committee of which they are a member.

5.4. Other support/supplies/gifts

5.4.1 Supplies

The City is to supply the following items to be used only in fulfilling the role of the office of elected member :

(a) Briefcase or similar

A briefcase or similar (i.e. laptop carrying bag) is to be supplied to each elected member following their inaugural election to office.

(b) Corporate jacket

A corporate jacket is to be supplied to each elected member following their inaugural election to office.

Note: Corporate jackets and brief cases or similar are to be replaced

where they are damaged to an extent to be unserviceable through reasonable wear and usage, approved by the Chief Executive Officer. The briefcase or similar and corporate jacket, may be retained by the ~~elected member~~ ~~Councillor~~ at the expiry of the elected member's term of office.

- (c) Annual diary (upon request)
A diary can be supplied to each elected member following their inaugural election to office and a new annual calendar diary can be supplied at the commencement of each calendar year.

Note: Elected members should note that any diary used by an elected member to record the scheduling or occurrence of activities related to the fulfilment of the office of elected members is subject to the requirements of the State Records Act 2000.

- (d) Letterhead
Reasonable quantities of personalised elected member letterhead is to be supplied and replaced on request.

Elected members are not permitted to use City of Kwinana letterhead due to legal implications associated with the use of official City stationery.

- (e) Business cards
The City is to provide each elected member with a quantity of 500 colour printed business cards for relevant City business use within each term of office.

The elected member business card format is to include; photograph, name, bestowed titles and contact information.

Note: Letterheads and business cards and are to be used strictly for official Council business and are not to be used for election purposes under any circumstances.

- (f) Name badges
- i. Formal (gold tone) elected member name badge.
 - ii. Formal (gold tone) elected member partner name badge.
 - iii. Plastic informal elected member name badge.

Note: The City is to within reason, replace on request any name badge which is lost or irreparably damaged.

- (g) Filing cabinet
Upon request, a four drawer filing cabinet may be supplied to each elected member following their inaugural election to office.

- (h) Other Council business related expenses
Other reimbursements for Council related expenses include: reimbursement of clothing, footwear, apparel, dry cleaning, and personal presentation, to a maximum cost to the City of \$1000 per elected member and \$2000 for the Mayor per financial year, to fulfil their role as an elected member for attending official functions where they are formally

representing the City. Where an elected member is due for election the maximum amount will be based on a pro rata amount.

5.4.2 Insurance

The City is to insure or provide insurance cover for elected members for:

5.4.2.1 Personal accident whilst engaged in the performance of the official duties of their office, however, the cover does not include ordinary medical expenses.

Spouses/partners of elected members are to receive the same level of cover when attending meetings, conferences or functions with the express approval of Council.

5.4.2.2 Professional indemnity for matters arising out of the performance of the official duties of their office provided the performance or exercise of the official duty is in the opinion of Council, not illegal, dishonest, against the interests of the City or otherwise in bad faith.

5.4.2.3 Public liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the policy of insurance.

5.4.2.4 Motor vehicle at the particular time owned or driven by the elected member or driven by another person on behalf of the elected member whilst the elected member is proceeding as a member to and from any occasion while performing the functions of an elected member or as a result of an act under the express authority of Council.

5.4.3 Medical expenses

Elected members are to receive reimbursement of medical expenses not covered by their medical insurance fund, incurred while in the performance of the official duties of their office, upon submission of relevant receipts and medical documentation to the Chief Executive Officer and subject to such reimbursement being limited to the sum of \$500 without the prior approval of Council. This can include damage to or loss of spectacles, flu vaccine, and other aids.

5.4.4 Gifts from the local government

In accordance with Clause 5.100A of the Local Government Act 1995 and Local Government (Administration) Regulations 1996 clause 34AC gifts may only be given to elected members upon the occasion of their retirement, following the completion of at least one full four year term of office.

On the retirement of an elected member and in recognition of their years of service the following will be presented;

- i. Framed photograph;
- ii. Plaque
- iii. a gift up to the value of \$100 per year of service to a maximum of \$1000 (provided that at least one full 4 year term of office

has been served).

5.4.5 Accompanying person on official City business

Where an elected member attends an event, for example receiving an award on behalf of the City, attending stakeholder annual dinners, in an official capacity representing the City, the payment of one accompanying person will be made, and must be approved by the Chief Executive Officer.

The City will pay for up to four events per financial year for an accompanying person to attend with an elected member.

6. Financial/Budget Implications

Specific financial or budget implications associated with this Policy are dealt within the text of clause 5 of this policy.

7. Asset Management Implications

There are no specific asset management implications associated with this Policy.

8. Environmental Implications

There are no specific environment implications associated with this Policy.

9. Strategic/Social Implications

Corporate Business Plan 2016 – 2021

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

10. Occupational Safety and Health Implications

There are no specific OSH implications associated with this Policy.

11. Risk Assessment

A risk assessment conducted as part of the Policy review has indicated that the risk to the City by not providing an adequate policy to address the circumstances for which elected members allowances, expenses and gifts are dealt with would result in a risk rating of moderate.

It is assessed that the risk rating following the implementation of this policy would result in a risk rating of low.

12. References

Name of Policy	Elected Members Allowances, Expenses and Gifts
Date of Adoption and resolution No	11/07/2012 #163
Review dates and resolution No #	11/12/2013 #055 12/11/2014 #304 24/02/2016 #122 10/08/2016 #291
New review date	10/08/2018
Legal Authority	Local Government Act 1995 Sections 2.7, 2.8,

	2.10, 5.98, 5.98A, 5.99, 5.99A, and 5.100
Directorate	City Strategy
Department	Governance and Civic Services
Related documents	<p>Acts/Regulations Local Government (Administration) Regulations 1996 Part 8</p> <p>Salaries and Allowances Act 1975 Part 7B.</p> <p>Plans/Strategies Nil</p> <p>Policies Nil</p> <p>Work Instructions D10/3923[v5] – WI 04 – Councillor Expenses</p> <p>Other documents Nil</p>

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

Council Policy	
Naming of Streets , Parks, Places and Buildings	D13/64393[v3]

1. **Title**
Naming of **Streets**, Parks, Places and Buildings
2. **Purpose**
To provide guidelines for the naming of **streets**, **P**parks, **P**places and **buildings** and to **standardise street naming** within the City of Kwinana.
3. **Scope**
This policy is in respect to the naming of all **streets**, **parks**, **places** and **buildings** ~~local government property~~ within the City of Kwinana.
4. **Definitions**
List definitions and terminology that will assist in the understanding of this Policy.
5. **Policy Statement**

5.1 **Naming of Streets**

The Geographic Names Committee (GNC) and Council approve new street names. The proposed name is to comply with the latest version of Landgate's Policies and Standards for Geographical Naming in Western Australia, in order for the GNC to approve it.

All proposed road naming or renaming is to be submitted in writing to **the City Council** including the contact name and address details of the applicant. The request is to provide adequate information to enable the road to be clearly identified and is to include a reason for the request.

To expedite the approval process for new names, applicants are encouraged to contact the City to obtain a copy of their pre-approved road names, in order to select a pre-approved name.

Street naming should occur on the basis of;

- name of crew and passengers, arriving in Western Australia on the original settlers' ships;
- aboriginal words;
- past **elected members**; ~~Councillors and~~
- past long term serving officers;
- local pioneers; or
- any other name approved by the Geographic Names Committee (GNC) and Council.

It should be noted that names should not be offensive or likely to cause offence, and should not be that of a living person or current company/business.

Some existing road names within the City of Kwinana do not comply with this

policy. Generally however, these are only to be changed if there are compelling reasons (e.g. confusion with a similar name).

5.2 Naming of Parks, Places and Buildings

A ~~The~~ 'Naming of Parks, Places and Buildings Selection Working Group' is to comprise of;

- three elected members; and
- at least one prominent community member (for example, the Citizen of the Year).

The working group is to meet as required.

5.2.1 Selection of names for Parks, Places and Buildings

Following a consultation process that ensures consistency and fairness with regards to input from the community and stakeholders (to be determined by the Director City Living), submissions for names are to be considered by the Working Group. The naming of all the City's Parks, Places and Buildings is to be determined by Council resolution.

The naming of parks and places must be in accordance with Landgate's Policies and Standards for Geographical Naming in Western Australia which incorporates the relevant sections of the AS/NZS 4819-2011 Rural and Urban Addressing Standard.

5.2.2 What is encouraged

- Names should have some relevance to the area in which the asset is located. Aspects to be taken into account include historical, cultural, heritage, environmental, [geographical](#) or botanical significance.
- Aboriginal place names may be adopted where these names are appropriate to the locality and provided that consultation occurs with the relevant Aboriginal groups and there is agreement on the use of the proposed name.

5.2.3 What is discouraged

- Assets should not be named after commercial enterprises.
- Names should not be derogatory or offensive on the grounds of race, ethnicity, religion or gender.
- Names of living persons should not to be approved by Council. Landgate's Policies and Standards for Geographical Naming in Western Australia, states that the use of a person's name whom has not been deceased for at least two years will not be considered.

5.2.4 General naming rules

Council should ensure as far as possible that names are:

- Relatively short (e.g. the use of scientific names may not be appropriate).
- Relevant to the purpose for which they are recommended.
- Not easily confused with or duplicating names within the region or nearby localities.
- Consistent with Landgate's Policies and Standards for Geographical Naming in Western Australia

5.2.5 List of recommended names

The City has a master list of recommended Parks, Places and Building Names. This master list is to be formed from those names recommended by previous consultation ~~that have not yet been used, but not yet utilised.~~

Persons requesting the addition of a name to the master list are to submit supporting information.

Requests for the addition of a name to the master list will be considered by the Naming of Parks, Places and Buildings Selection Working Group.

6. Financial/Budget Implications

There may be costs associated with providing naming signage and ceremonies associated with this Policy.

7. Asset Management Implications

There are no specific asset management implications associated with this Policy.

8. Environmental Implications

There are no specific environmental implications associated with this Policy.

9. Strategic/Social Implications

[Strategic Community Plan 2017 – 2027](#)

[Objective 1.9: Respect and promote Kwinana's unique heritage](#)

10. Occupational Safety and Health (OSH) Implications

There are no specific OSH implications associated with this Policy.

11. Risk Assessment

A risk assessment must be performed as part of the Council Policy review and the information as detailed in the Council report. Risk events and risk ratings will change and it is the responsibility of the relevant Directorate to ensure risk is reviewed regularly.

12. References

Name of Policy	Naming of Streets, Parks, Places and Buildings
Date of Adoption and resolution No	29/04/1992 #422 (Naming of Streets Policy) 08/09/2010 #182 (Naming of Parks, Places and Buildings Policy)
Review dates and resolution No #	
New review date	
Legal Authority	Local Government Act 1995 Section 2.7 – Role of Council
Directorate/s	City Engagement Living City Infrastructure
Department/s	Community Development Engineering Services

Related documents	<p>Acts/Regulations Local Government Act 1995 Section 2.7 – Role of Council</p> <p>Land Administration Act 1997</p> <p>Plans/Strategies Nil</p> <p>Policies Nil</p> <p>Work Instructions Nil</p> <p>Other documents AS/NZS 4819-2011 Rural and Urban Addressing Standard</p>
-------------------	---

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

ELECTED MEMBERS ALLOWANCES, EXPENSES AND GIFTS

To outline the support that is to be provided to elected members through the payment of allowances, reimbursement of expenses incurred, insurance cover and supplies provided in accordance with the *Local Government Act 1995* while performing the official duties of office.

Adopted:	11/07/2012 #163
Last reviewed:	11/12/2013 #055 12/11/2014 #304 24/02/2016 #122 10/08/2016 #291
Legal Authority	Local Government Act 1995 Sections 2.7, 2.8, 2.10, 5.98, 5.98A, 5.99, 5.99A, and 5.100 Local Government (Administration) Regulations 1996 Part 8 Salaries and Allowances Act 1975 Part 7B

POLICY:

Elected members should take care to differentiate between expenditure incurred in their private capacity and expenditure necessary to fulfil their role as an elected member. Reimbursement is to be made for expenses outlined in the Policy.

1. ALLOWANCES:

1.1 Mayoral allowance

The Mayor is to receive the maximum annual local government allowance allowed under the *Salaries and Allowances Act 1975*.

1.2 Deputy Mayoral allowance

The Deputy Mayor is to receive the maximum annual local government allowance allowed under the *Salaries and Allowances Act 1975*.

1.3 Annual meeting attendance fees

The Mayor and councillors (elected members) are to receive the maximum annual local government meeting attendance fee allowed under the *Salaries and Allowances Act 1975*. This annual fee is provided on the principle that each councillor regularly attends meetings of Council and committees to which they are appointed and carry out other responsibilities of the office.

1.4 ICT allowance

The elected members are to receive the maximum annual local government information and communications technology allowance. As a minimum, elected members are to provide:

- at least one telephone access point for City and community access, and a mobile phone, inclusive of voice message recording capacity.
- a fully functioning internet connection which allows them to access emails, perform any necessary research and keep abreast of current and contentious issues in regard to their role as an elected member.
- consumables for computer equipment and internet, fax, phone, and mobile usage (such as printing cartridges, paper).

This allowance is designed to meet all Council related call costs and all other relevant telecommunication costs, including relevant hardware to use a telephone, mobile phone, and the internet.

1.5 Payments

The amount of an elected members entitlement to an annual attendance fee or annual allowance specified in this policy shall be apportioned on a pro rata basis according to the portion of a year that the person holds office as an elected member and is eligible for the relevant annual attendance fee or annual allowance. All payments will be in arrears and paid monthly.

2. INFORMATION AND COMMUNICATION EQUIPMENT

2.1 ICT equipment and office supplies

- a) The City is to make available to all elected members, for use during their term of office, a suitably equipped laptop for the conduct of Council related business, which is in line with the standard IT product the City uses within the organisation at the date of request.
- b) As well as a laptop, the City is to make available to all elected members, for use during their term of office, an Ipad and/or printer. The equipment must be in line with the standard product that the City uses within the organisation at the date of request and the elected member can choose for the Ipad to have 3G capabilities. The elected member can request a printer up to the value of \$300. This type of hardware does not relate to hardware required to meet their communication needs, such as modems, internet sticks, and handsets, as outlined in section 1.4 of this policy. A request to purchase hardware will be submitted to the Chief Executive Officer, and the purchase must be made by the City. No reimbursement to elected members will be made for this hardware. All equipment must be for Council business only.
- c) If the standard equipment provided by the City does not suit the elected member requirements, the elected member must, at their own expense, purchase the preferred equipment, and maintain the equipment that will best suit their requirements. No reimbursement can be claimed.

Notes:

Electronic equipment that is provided by the City remains the property of the local government and is to be returned by the elected member if no longer required, their term has expired and they are not re-elected, or it requires replacement.

It is expected that elected members are to make every effort to utilise their electronic equipment, in lieu of paper documents for attendance at meetings etc.

Personal computers and associated equipment that is provided by the City is to be offered to the elected member for purchase at the depreciated value of the equipment at the expiry of their term of office, or at other times as approved by the Chief Executive Officer. No Council property is to be disposed of without prior approval of the Chief Executive Officer.

2.2 Maintenance of equipment

- a) At all times during an elected member's term, the City is to provide and make provision for the ongoing maintenance of the supplied equipment referred to in clause 2.1 of this policy with all maintenance costs being met by the City. The City will not provide ongoing maintenance to equipment that has been purchased by the elected member.
- b) In the event of a malfunction of the equipment the elected member is to contact, during business hours, a Governance staff member or designated service provider, who is to coordinate the attendance of maintenance personnel.
- c) Under no circumstances should elected members undertake repairs or maintenance to City equipment without the express permission of the Chief Executive Officer.

3. REIMBURSABLE EXPENSES

3.1 Travelling expenses

Elected members are to be reimbursed for travelling expenses incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) in the performance of the official duties of their office, subject to:

3.1.1 Claims being related to travel to a destination from their normal place of residence or work and return in respect to the following:

- (a) Council meetings, civic functions, citizenship ceremonies or briefings called by either Council, the Mayor and/or the Chief Executive Officer;
- (b) Committees to which the elected member is appointed a delegate or in the circumstance an elected member deputising for the delegate who is unable to attend, by Council.
- (c) Meetings, training and functions scheduled by the Chief Executive Officer or Directors.
- (d) Conferences, community organisations, industry groups and local government associations to which the elected member has been appointed by Council as its delegate or a deputy to the delegate.
- (e) Functions and presentations attended in the role as an elected member or whilst deputising for the Mayor, that are supported by a copy of the relevant invitation or request for attendance.
- (f) Gatherings or events (i.e. funerals, local business or community events), approved by the Chief Executive Officer for attendance by the Mayor or the Mayor's nominated deputy as a representative of the City.
- (g) Any other occasion in the performance of an act under the express authority of Council.
- (h) Site inspections in connection with matters listed on any Council agenda (members to state the item number listed on any Council agenda along with the date and time of the visit on the claim form).
- (i) In response to a request to meet with a ratepayer/elector, but excluding contact with any relevant to the biennial elections (members to state the time and purpose of the visit and the name and address of the ratepayer/elector on the claim form).

3.1.2 Elected members are to be reimbursed travelling expenses incurred while using their own private motor vehicle in the performance of the official duties of Council. The extent to which an elected member of a local government can be reimbursed for travel costs referred to in regulation 31(1)(b) of the *Local Government (Administration) Regulations 1996* is –

(a) if the person lives or works in the local government district or an adjoining local government district, the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or

(b) if the person does not live or work in the local government district or an adjoining local government district, the actual cost, in relation to a journey from the person's place of residence or work and back —

(i) for the person to travel from the person's place of residence or work to the meeting and back; or

(ii) if the distance travelled referred to in subparagraph (i) is more than 100 kilometres, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that

boundary.

3.1.3 All claims for reimbursement being lodged with the Governance Team on the appropriate claim form, on a monthly basis. In submitting claims for reimbursement, elected members are to detail the date of the claim, particulars of travel and nature of business, distance travelled, vehicle displacement and the total travelled in kilometres and certify the accuracy of information. This should be accompanied by supporting documentation where applicable.

3.1.4 Travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be calculated at the same rate contained within Section 30.6 of the *Local Government Officers' (Western Australia) Interim Award 2011* as at 17 June 2015.

3.1.5 Public transport

In the event that an elected member does not have access to a private vehicle, for travel referred to above, or has a preference for public transport, the elected member may use the services of the bus and rail public transport system, expenditure for which is to be reimbursed upon completion of a travel claim form and lodgement of receipts. A taxi service is also acceptable where this is considered necessary.

3.1.6 Parking fees

Parking fees incurred as a result of travel to any occasion referred to in clause 3.1.1 of this policy are to be reimbursed upon lodgement of receipts accompanying the associated travel claim form.

- The cost of 'valet' parking is not to be reimbursed (unless authorised by the Chief Executive Officer).

3.2 Child care costs

Elected members are to receive reimbursement of the lesser of the actual cost incurred or the maximum amount allowed under the *Salaries and Allowances Act 1975* for care of children, of which they are a parent or legal guardian, whilst attending a Council meeting or a meeting of a committee of which they are a member.

4. OTHER SUPPORT/SUPPLIES/GIFTS

4.1 The City is to supply the following items to be used only in fulfilling the role of the office of elected member :

(a) Briefcase or similar

A briefcase or similar (i.e. laptop carrying bag) is to be supplied to each elected member following their inaugural election to office.

(b) Corporate jacket

A corporate jacket is to be supplied to each elected member following their inaugural election to office.

Note: Corporate jackets and brief cases or similar are to be replaced where they are damaged to an extent to be unserviceable through reasonable wear and usage, approved by the Chief Executive Officer. The briefcase or similar and corporate jacket, may be retained by the Councillor at the expiry of the elected member's term of office.

(c) Annual diary (upon request)

A diary can be supplied to each elected member following their inaugural election to office and a new annual calendar diary can be supplied at the commencement of each calendar year.

Note: Elected members should note that any diary used by an elected member to record the scheduling or occurrence of activities related to the fulfilment of the office of –elected members is subject to the requirements of the *State Records Act 2000*.

(d) Letterhead

Reasonable quantities of personalised elected member letterhead is to be supplied and replaced on request.

Elected members are not permitted to use City of Kwinana letterhead due to legal implications associated with the use of official City stationery.

(e) Business cards

The City is to provide each elected member with a quantity of 500 colour printed business cards for relevant City business use within each term of office.

The elected member business card format is to include; photograph, name, bestowed titles and contact information.

Note: Letterheads and business cards and are to be used strictly for official Council business and are not to be used for election purposes under any circumstances.

(f) Name badges

- i. Formal (gold tone) elected member name badge.
- ii. Formal (gold tone) elected member partner name badge.
- iii. Plastic informal elected member name badge.

Note: The City is to within reason, replace on request any name badge which is lost or irreparably damaged.

(g) Filing cabinet

Upon request, a four drawer filing cabinet may be supplied to each elected member following their inaugural election to office.

(h) Other Council business related expenses

Other reimbursements for Council related expenses include: reimbursement of clothing, footwear, apparel, dry cleaning, and personal presentation, to a maximum cost to the City of \$1000 per elected member and \$2000 for the Mayor per financial year, to fulfil their role as an elected member for attending official functions where they are formally representing the City. Where an elected member is due for election the maximum amount will be based on a pro rata amount.

4.2 Insurance

The City is to insure or provide insurance cover for elected members for:

- 4.2.1 Personal accident whilst engaged in the performance of the official duties of their office, however, the cover does not include ordinary medical expenses.
Spouses/partners of elected members are to receive the same level of cover when attending meetings, conferences or functions with the express approval of Council.
- 4.2.2 Professional indemnity for matters arising out of the performance of the official duties of their office provided the performance or exercise of the official duty is in the opinion of Council, not illegal, dishonest, against the interests of the City or otherwise in bad faith.
- 4.2.3 Public liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the policy of insurance.

- 4.2.4 Motor vehicle at the particular time owned or driven by the elected member or driven by another person on behalf of the elected member whilst the elected member is proceeding as a member to and from any occasion while performing the functions of an elected member or as a result of an act under the express authority of Council.

4.3 Medical expenses

Elected members are to receive reimbursement of medical expenses not covered by their medical insurance fund, incurred while in the performance of the official duties of their office, upon submission of relevant receipts and medical documentation to the Chief Executive Officer and subject to such reimbursement being limited to the sum of \$500 without the prior approval of Council. This can include damage to or loss of spectacles, flu vaccine, and other aids.

4.4 Gifts from the local government

In accordance with Clause 5.100A of the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* clause 34AC gifts may only be given to elected members upon the occasion of their retirement, following the completion of at least one full four year term of office.

On the retirement of an elected member and in recognition of their years of service the following will be presented;

- i. Framed photograph;
- ii. Plaque
- iii. a gift up to the value of \$100 per year of service to a maximum of \$1000 (provided that at least one full 4 year term of office has been served).

4.5 Accompanying person on official City business

Where an elected member attends an event, for example receiving an award on behalf of the City, attending stakeholder annual dinners, in an official capacity representing the City, the payment of one accompanying person will be made, and must be approved by the Chief Executive Officer. The City will pay for up to four events per financial year for an accompanying person to attend with an elected member.

NAMING OF PARKS, PLACES AND BUILDINGS

To provide guidelines for the naming of Parks, Places and Buildings within the City of Kwinana.

Adopted:	08/09/2010 #182
Last reviewed:	11/07/2012 #163 27/05/2015 #472
Legal Authority	Local Government Act 1995 Section 2.7 – Role of Council Land Administration Act 1997

Policy:

The 'Naming of Parks, Places and Buildings Selection Working Group' is to comprise three Elected Members and at least one prominent community member (for example, the Citizen of the Year). The Working Group is to meet as required.

Following a consultation process that ensures consistency and fairness with regards to input from the community and stakeholders (to be determined by the Director City Living), submissions for names are to be considered by the Working Group. The naming of all the City's Parks, Places and Buildings is to be determined by Council Resolution.

The naming of parks and places must be in accordance with Landgate's *Policies and Standards for Geographical Naming in Western Australia* which incorporates the relevant sections of the AS/NZS 4819-2011 *Rural and Urban Addressing Standard*.

What is encouraged

- Names should have some relevance to the area in which the asset is located. Aspects to be taken into account include historical, cultural, heritage, environmental or botanical significance.
- Aboriginal place names may be adopted where these names are appropriate to the locality and provided that consultation occurs with the relevant Aboriginal groups and there is agreement on the use of the proposed name.

What is discouraged

- Assets should not be named after commercial enterprises.
- Names should not be derogatory or offensive on the grounds of race, ethnicity, religion or gender.
- Names of living persons should not to be approved by Council. Landgate's *Policies and Standards for Geographical Naming in Western Australia*, states that the use of a person's name whom has not been deceased for at least two years will not be considered.

Council should ensure as far as possible that names are:

- Relatively short (e.g. the use of scientific names may not be appropriate).
- Relevant to the purpose for which they are recommended.
- Not easily confused with or duplicating names within the region or nearby localities.
- Consistent with Landgate's *Policies and Standards for Geographical Naming in Western Australia*

List of Recommended Names

- The City has a master list of recommended Parks, Places and Building Names. This master list is to be formed from those names recommended by previous consultation but not yet utilised.
- Persons requesting the addition of a name to the master list are to submit supporting information.
- Requests for the addition of a name to the master list will be considered by the Naming of Parks, Places and Buildings Selection Working Group.

STREET NAMING

To standardise street naming within the City of Kwinana.

Adopted:	29/04/1992 #422
Last reviewed:	27/09/2006 #519 28/04/2010 #105 11/07/2012 #163 09/09/2015 #562
Legal Authority	Local Government Act 1995 Section 2.7 – Role of Council

Policy:

1. That Geographic Names Committee (GNC) and Council approve new street names. The proposed name is to comply with the latest version of Landgate's *Policies and Standards for Geographical Naming in Western Australia*, in order for the GNC to approve it.
2. All proposed road naming or renaming is to be submitted in writing to Council including the contact name and address details of the applicant. The request is to provide adequate information to enable the road to be clearly identified and is to include a reason for the request.
3. To expedite the approval process for new names, applicants are encouraged to contact the City to obtain a copy of their pre-approved road names, in order to select a pre-approved name.
4. Street naming should occur on the basis of name of crew and passengers, arriving in Western Australia on the original settlers' ships, aboriginal words, past Councillors and past long term serving officers, local pioneers or any other name approved by the Geographic Names Committee (GNC) and Council. It should be noted that names should not be offensive or likely to cause offence, and should not be that of a living person or current company/business.
5. Some existing road names within the City of Kwinana do not comply with this policy. Generally however, these are only to be changed if there are compelling reasons (e.g. confusion with a similar name).

16.4 Amendments to the Register of Delegated Authority – Local Government to Chief Executive Officer, Officers and Committees 2016 – Bush Fires Act 1954 – Functions of local government

SUMMARY:

At its 14 June 2017 meeting, Council resolved to delegate certain functions to the Chief Executive Officer, Officers and Committees, to have the discretion to exercise delegated authority under the relevant legislation.

As part of the ongoing review to ensure that all delegations and appointments have been captured, a replacement delegation that is at Attachment A, allows the Chief Executive Officer to perform the functions of the local government in respect to the Bush Fires Act 1954.

OFFICER RECOMMENDATION:

That Council approve the following delegation to the Chief Executive Officer, as detailed in Attachment A:

6.1 Bush Fires Act 1954 - Functions of a local government

NOTE – AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

The Local Government Act 1995 requires that a local government employ a person to be the Chief Executive Officer of the local government and to undertake a number of important functions of the local government on a daily basis.

The purpose of this report is to delegate the functions of a local government for the purposes of the Bush Fires Act 1954 (Act) to the Chief Executive. The current delegation has delegated the power of appointing bush fire control officers to the Chief Executive Officer under s38 of the Act and is at Attachment B.

Section 48(4) of the Act allows the local government to act through its Council, members of staff or agents in the normal course of business, however, it is considered better practice to delegate the functions of the local government under section 48 to the Chief Executive Officer, thereby providing better control mechanisms in these daily functions required by a local government in respect to the Bush Fires Act 1954.

A revised delegation 6.1 is provided at Attachment A and is recommended for replacement of the current delegation.

LEGAL/POLICY IMPLICATIONS:

Bush Fires Act 1954

48. Delegation by local governments

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.

16.4 AMENDMENTS TO THE REGISTER OF DELEGATED AUTHORITY – LOCAL GOVERNMENT TO CHIEF EXECUTIVE OFFICER, OFFICERS AND COMMITTEES 2016 – BUSH FIRES ACT 1954 – FUNCTIONS OF LOCAL GOVERNMENT

- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —
 - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
 - (b) is to be treated as performance by the local government.
- (3) A delegation under this section does not include the power to subdelegate.
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

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.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications associated with this report.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications associated with this report.

COMMUNITY ENGAGEMENT:

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

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal will support the achievement of the following objectives and strategies detailed in the Corporate Business Plan:

Plan	Objective	Strategy
Corporate Business Plan 2016 - 2021	5.1 An active and engaged Local Government, focussed on achieving the community's vision	5.1.1 Ensure that the City's strategic direction, policies, plans, services and programs are aligned with the community's vision.

16.4 AMENDMENTS TO THE REGISTER OF DELEGATED AUTHORITY – LOCAL GOVERNMENT TO CHIEF EXECUTIVE OFFICER, OFFICERS AND COMMITTEES 2016 – BUSH FIRES ACT 1954 – FUNCTIONS OF LOCAL GOVERNMENT

RISK IMPLICATIONS:

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

Risk Event	Officers not appointed or provided with delegated authority to undertake certain functions.
Risk Theme	Failure to fulfil statutory or compliance requirements.
Risk Effect/Impact	Compliance
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Unlikely
Rating (before treatment)	Moderate
Risk Treatment in place	Avoid - remove cause of risk
Response to risk treatment required/in place	Ensure officers are appointed or delegated in accordance with the relevant legislation.
Rating (after treatment)	Low

COUNCIL DECISION

564

MOVED CR B THOMPSON

SECONDED CR R ALEXANDER

That Council approve the following delegation to the Chief Executive Officer, as detailed in Attachment A:

6.1 Bush Fires Act 1954 - Functions of a local government

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

7/0

ATTACHMENT A

Delegation 6.1

6.1 Bush Fires Act 1954 – Functions of a local government	
Function to be performed:	Perform any of the functions of a local government for the purposes of the Bush Fires Act 1954.
Legislative power or duty delegated:	Bush Fires Act 1954 s48(1) Delegation by Local Government
Legislative Power to Delegate:	Bush Fires Act 1954 s48(1) Delegation by Local Government
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358 10 February 2016 D16/1283 14 June 2017 Council Resolution #513 August 2017
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<p>Bush Fires Act 1954 s48(4) Nothing in s48 is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.</p> <p>This delegation excludes powers and duties that:</p> <ol style="list-style-type: none">are prescribed in the Act with the requirement for a resolution by the local government;are prescribed in the Act for performance by appointed Officers;are subject to separate delegated authority within this register; ors33(5a) – making of local laws.
Statutory Power to sub-delegate:	Bush Fires Act 1954 s48 (3) No power provided to sub-delegate.
Reporting Requirements:	<ol style="list-style-type: none">Any exercise of this delegation is to be recorded in the Register Delegation of Authority.Records to be maintained in accordance with section 50 of the Bush Fire Act.Notice of an appointment made under the provisions of subsection (1), shall be published at least once in a newspaper circulating in its district in accordance with 38(2A).

Attachment B

6.1 Bush Fires Act 1954 - Appointment of Bush Fire Control Officers	
Function to be performed:	Appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of the Bush Fires Act.
Legislative power or duty delegated:	Bush Fires Act 1954 s38(1) Appointment of Bush Fire Control Officers
Legislative Power to Delegate:	Bush Fires Act 1954 s48(1) Delegation by Local Government
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Bush Fires Act 1954 s38(1) must be a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer s38(2A) local notice of appointment s38A(2) unless FES Commissioner appoints s38(2E) shall be issued with certificate of appointment
Statutory Power to sub-delegate:	Bush Fires Act 1954 s48 (3) No power provided to sub-delegate
Reporting Requirements:	<ol style="list-style-type: none"> 1. Notice of an appointment made under the provisions of subsection (1), shall be published at least once in a newspaper circulating in its district in accordance with 38(2A). 2. Any exercise of this delegation is to be recorded in the Register Delegation of Authority. 3. Records to be maintained in accordance with section 50 of the Bush Fire Act.

16.5 Fireworks event notice Sunday 24 September 2017

SUMMARY:

An application to hold a fireworks event was received 29 June 2017 from Cardile International Fireworks Pty Ltd. The fireworks display (total duration of 12 minutes) is supporting the event being the Punjabi Sports and Multicultural Festival located at Calista Oval (2 Walgreen Crescent Calista) on Sunday 24 September 2017 during the hours of 7:30pm-8:30pm (preferred hours). This application is referred to Council due to delegated authority matters relating to the Dangerous Goods Safety Act 2004 as advised by the City's lawyers and Governance Services.

The applicant is seeking acknowledgement from the local government to hold the fireworks display as part of the requirement under the Dangerous Goods Safety Act 2004 and its subsidiary Regulations in order to lodge an application with the Department of Mines, Industry Regulation and Safety (DIRS) – the approving agency,

OFFICER RECOMMENDATION:

That Council:

1. Acknowledges the Application for Fireworks Event Notice permit from Cardile International Fireworks Pty Ltd for the fireworks event named 'Punjabi Sports and Multicultural Festival' to be held at Calista Oval (2 Walgreen Crescent Calista), (as per Confidential Attachment A) with no objections; and
2. Authorises the Chief Executive Officer to sign the Application for a Fireworks Event Notice permit from Cardile International Fireworks Pty Ltd detailed in (1) above, on behalf of the City of Kwinana (Local Government) subject to the following conditions:

Conditions

- a. That the fireworks display complies with the Safe Use of Outdoor Fireworks in Western Australia Code of Practice;
- b. That the prescribed separation distances between buildings and patrons are strictly in accordance with the Australian Standard 2187:4:1998 Explosives-Storage, Transport and Use Part 4 Pyrotechnics-Outdoor Displays and shall be adhered to at all times;
- c. That the separation between spectators including the general public be marked off as a "No Entry" area and be properly supervised by personnel to ensure no person is exposed to undue risk and potential harm from projectiles;
- d. That the "Fall Out" zone is a non contact area and there is no risk of harm from pyrotechnic residue to spectators, general public or temporary and permanent structures and buildings area;

16.5 FIREWORKS EVENT NOTICE SUNDAY 24 SEPTEMBER 2017

- e. That the noise sensitive premises within 500 metres and general residential premises within 250 metres of the event are notified, giving details of date, time and duration seven (7) days prior to the event;
- f. That during the period of fireworks display (7:30pm–8:30pm) a minimum of 700 litres of water for fire fighting purposes shall be available on site on a mobile fire fighting vehicle;
- g. That a thorough inspection must be conducted at first light the following day to check that no unfired fireworks, hazardous debris or rubbish remain.
- h. That any verbal or written directions of the DFES Officer, Police Officer or an Environmental Health Officer are forthwith adhered to in the interests of public health and safety.

DISCUSSION:

The Punjabi Sports and Multicultural Festival was held for the first time on the 16 October 2016 on the Bertram Primary School Oval. The event included multicultural dance displays/music, food and service vendors and organised team sport challenges such as volleyball. The organiser reported that the event was hugely successful, however there were some parking issues identified in the immediate area. Due to the overall success the organiser is proposing to hold the event at Calista Oval which should afford greater parking opportunities and increased participation numbers. The organiser wishes to complement the event with a 12 minute fireworks display between 7:30pm – 8:30pm. Cardile International Fireworks P/L has inspected the event location and has submitted a site map detailing proposed firing/exclusion based on the largest firework shell being 75mm and requiring a 45m exclusion zone.

The DIRS prescribed form – Fireworks Event Notice submitted by an applicant does not seek approval from the local government but an acknowledgement or objection. Part 3 of this form requests an authorised delegate or the Chief Executive Officer of the local government to acknowledge or state an objection to the fireworks event.

Based on legal advice provided by the City's lawyers McLeods and Governance Services there appears to be no provision within the Dangerous Goods Safety Act 2004, subsidiary Regulations or the Local Government Act 1995 for a delegation from local government to provide this acknowledgement or objection to the event.

The matter of delegated authority arising from legal advice has been discussed with the DIRS. Pending further legal advice, the DIRS may seek an amendment to the current legislation and the Fireworks Event Notice form, to establish clear delegated authority.

LEGAL/POLICY IMPLICATIONS:

For the purpose of Councillors considering a financial or impartiality interest only, the proponent and landowner are Robert Cardile of Cardile International Fireworks Pty Ltd and City of Kwinana respectively.

Relevant legislation applicable to this item.

16.5 FIREWORKS EVENT NOTICE SUNDAY 24 SEPTEMBER 2017

Dangerous Goods Safety (Explosives) Regulations 2007

S148(2)(c) states that:

Before the holder of a fireworks contractor licence can apply for a fireworks event permit, the holder must sign a fireworks event notice and give it to the following –

(c) the local government of the district in which the event will occur;

The Dangerous Goods Safety (Explosives) Regulations 2007 S148(6) states that:

(6) *On receiving a fireworks event notice, a local government may give the holder a written response that –*

(a) agrees to the proposed event; or

(b) objects to it unless certain conditions specified in the response are met; or

(c) objects to it on the grounds that the local government considers the event –

(i) is not in the public interest; or

(ii) will cause danger to the public or unintended damage to any property or to the environment.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications associated with this report.

ENVIRONMENTAL IMPLICATIONS:

Fireworks displays are to be conducted in accordance with Safe Use of Outdoor Fireworks in Western Australia Code of Practice;

STRATEGIC/SOCIAL IMPLICATIONS:

There are no strategic/social implications associated with this report.

COMMUNITY ENGAGEMENT:

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

16.5 FIREWORKS EVENT NOTICE SUNDAY 24 SEPTEMBER 2017

RISK IMPLICATIONS:

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

Risk Event	Potential harm to persons, environment and property
Risk Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Effect/Impact	People/Health Environment
Risk Assessment Context	Operational
Consequence	Major
Likelihood	Possible
Rating (before treatment)	Extreme
Risk Treatment in place	Reduce - mitigate risk Prepare Contingency Plans - in the event the risk occurs
Response to risk treatment required/in place	Strict adherence to Risk Assessment/Emergency Management Plan submitted by Cardile International Fireworks Pty Ltd and the Western Australian Outdoor Fireworks Code of Practice shall minimise any risk exposure to operational staff, spectators, properties and environment in general.
Rating (after treatment)	Low

COUNCIL DECISION

565

MOVED CR P FEASEY**SECONDED CR B THOMPSON**

That Council:

- 1. Acknowledges the Application for Fireworks Event Notice permit from Cardile International Fireworks Pty Ltd for the fireworks event named 'Punjabi Sports and Multicultural Festival' to be held at Calista Oval (2 Walgreen Crescent Calista), (as per Confidential Attachment A) with no objections; and**
- 2. Authorises the Chief Executive Officer to sign the Application for a Fireworks Event Notice permit from Cardile International Fireworks Pty Ltd detailed in (1) above, on behalf of the City of Kwinana (Local Government) subject to the following conditions:**

16.5 FIREWORKS EVENT NOTICE SUNDAY 24 SEPTEMBER 2017

Conditions

- a. That the fireworks display complies with the Safe Use of Outdoor Fireworks in Western Australia Code of Practice;
- b. That the prescribed separation distances between buildings and patrons are strictly in accordance with the Australian Standard 2187.4:1998 Explosives-Storage, Transport and Use Part 4 Pyrotechnics-Outdoor Displays and shall be adhered to at all times;
- c. That the separation between spectators including the general public be marked off as a “No Entry” area and be properly supervised by personnel to ensure no person is exposed to undue risk and potential harm from projectiles;
- d. That the “Fall Out’ zone is a non contact area and there is no risk of harm from pyrotechnic residue to spectators, general public or temporary and permanent structures and buildings area;
- e. That the noise sensitive premises within 500 metres and general residential premises within 250 metres of the event are notified, giving details of date, time and duration seven (7) days prior to the event;
- f. That during the period of fireworks display (7:30pm–8:30pm) a minimum of 700 litres of water for fire fighting purposes shall be available on site on a mobile fire fighting vehicle;
- g. That a thorough inspection must be conducted at first light the following day to check that no unfired fireworks, hazardous debris or rubbish remain.
- h. That any verbal or written directions of the DFES Officer, Police Officer or an Environmental Health Officer are forthwith adhered to in the interests of public health and safety.

CARRIED
7/0

16.6 Budget Variations

SUMMARY:

To amend the 2017/2018 budget to reflect various adjustments to the General Ledger with nil effect to the overall budget as detailed below. Due to the nature of these variations, they fall outside the annual budget review.

OFFICER RECOMMENDATION:

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

NOTE: AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

ITEM #	LEDGER ACCOUNT	DESCRIPTION	OPERATING BUDGET	INCREASE/ DECREASE	REVISED BUDGET
1	400434.1600	Operating Expense	(5,139,622)	(29,050)	(5,168,672)
	700007.1007	Transfer from Reserve	Nil	29,050	29,050
	Reason:	<i>Mainstream Waste - transfer from Refuse reserve for refund of fees paid for 360L bin change overs in previous years.</i>			
2	600019.1002	Capital Expense	(812,600)	(476,900)	(1,289,500)
	700013.1917	Transfer from Reserve	527,100	476,900	1,004,000
	Reason:	<i>Recreation & Culture Facility - transfer from Future Community Infrastructure reserve for Wellard Pavilion extension and Bertram community sports facility Building A second stage.</i>			

LEGAL/POLICY IMPLICATIONS:

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

(b) is authorised in advance by resolution*

"additional purpose" means a purpose for which no expenditure estimate is included in the local government's annual budget.

*requires an absolute majority of Council.

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications are detailed in this report.

16.6 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:

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

Plan	Objective	Strategy
Corporate Business Plan	6.1 Ensure the financial sustainability of the City of Kwinana into the future.	6.1.2 Implement sound revenue and expenditure policies, seek additional revenue sources and optimise financial management systems.

COMMUNITY ENGAGEMENT:

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

RISK IMPLICATIONS:

Risk Event	The City does not manage it's finances adequately and allows budget expenditure to exceed allocation and the City then finds itself unable to fund it's services that have been approved through the budget process
Risk Theme	Failure to fulfil statutory regulations or compliance Providing inaccurate advice/information
Risk Effect/Impact	Financial Reputation Compliance
Risk Assessment Context	Operational
Consequence	Major
Likelihood	Rare
Rating (before treatment)	Low
Risk Treatment in place	Reduce (mitigate risk)
Response to risk treatment required/in place	Submit budget variation requests to Council as they arise, identifying financial implications and ensuring there is nil effect on the budget adopted
Rating (after treatment)	Low

16.6 BUDGET VARIATIONS

COUNCIL DECISION

566

MOVED CR P FEASEY

SECONDED CR D WOOD

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

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

7/0

17 Urgent Business

COUNCIL DECISION

567

MOVED CR P FEASEY

SECONDED CR W COOPER

That Council deal with the item of urgent business as presented in the Addendum to the Agenda.

**CARRIED
7/0**

17.1 Request to the Prime Minister to increase the Goods and Services Tax (GST) share for Western Australia

SUMMARY:

A letter from the Shire of Plantagenet was received on the 4 August 2017 seeking Council to write to the Prime Minister, Mr Malcolm Turnbull and the Leader of the Opposition Mr Bill Shorten requesting that Western Australia receive an increase in the GST share (refer to Attachment B). Western Australia receives 34 cents in the dollar of the GST revenue it generates.

OFFICER RECOMMENDATION:

That Council:

1. Approve the letter addressed to the Prime Minister, Mr Malcolm Turnbull and the Leader of the Opposition Mr Bill Shorten as detailed in Attachment A, to request that Western Australia receives an increase in the GST distribution it receives.
2. Respond to the Shire President of the Plantagenet confirming that the letter has been sent.
3. Send a copy of the letters to the Western Australian Federal members for their information.

DISCUSSION:

Local Government is not a direct recipient of GST grants. However as a result of the legislative constraints on a local government's capacity to raise revenue, the sector is reliant on grant funding from the State Government. These funds are used to provide goods, services and infrastructure that are needed by the community. Therefore any Policies that impact the State's financial position indirectly affect the Local Government sector. The GST share for Western Australia has significantly impacted the State Government's financial position and has forced the State Government to implement budget repair measures, which include measures that have impacted local governments. The distribution of GST revenue does not reflect the changing conditions in the WA economy which include less income being received in royalties as a result of the decline in mining activity and in 2016 the WA economy recorded its slowest rate of economic growth in 13 years.

17.1 REQUEST TO THE PRIME MINISTER TO INCREASE THE GOODS AND SERVICES TAX (GST) SHARE FOR WESTERN AUSTRALIA

The Shire of Plantagenet have written to all Western Australian local governments to coordinate the request to the Prime Minister, Mr Malcolm Turnbull and the Leader of the Opposition Mr Bill Shorten so that that the local government letters will be received at a similar time. A copy of the letters will be sent to the Western Australian Federal members for their information. The request is for the GST revenue for Western Australia to be set at an amount of 70 cents in the dollar. The current rate is 34 cents in the dollar and this has impacted the State Government financially. This has impacted all local governments who receive financial support by the State Government. With the most recent example being a reduction in the Direct Grants pool of the State Road Funds to the Local Government Program by the values of \$10.3 million in 2017/18 and \$9.8 million in subsequent years. This will result in a near 42% reduction to each Local Government's previous 2017-18 Direct Grant indicative allocation.

It is recommended that an amount of 70 cents in the dollar be the recommended GST share for Western Australia in the letters as detailed in Attachment A as an immediate amount and that further analysis be undertaken to determine the Western Australian share once the formula is reviewed to reflect the changes in the economy.

LEGAL/POLICY IMPLICATIONS:

There are no Policy implications as a result of this report. If Council approve the Officers Recommendation, Council will have a view on the GST distribution that Western Australia receives.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications as a result of this report. As detailed in the report the City would likely benefit indirectly (more services provided in Kwinana) or directly (through grants) financially from the State Government receiving a greater share of GST.

ASSET MANAGEMENT IMPLICATIONS:

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

ENVIRONMENTAL IMPLICATIONS:

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

STRATEGIC/SOCIAL IMPLICATIONS:

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

COMMUNITY ENGAGEMENT:

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

17.1 REQUEST TO THE PRIME MINISTER TO INCREASE THE GOODS AND SERVICES TAX (GST) SHARE FOR WESTERN AUSTRALIA

RISK IMPLICATIONS:

There are no risk implications as a result of this report.

COUNCIL DECISION

568

MOVED CR W COOPER

SECONDED CR S LEE

That Council:

- 1. Approve the letter addressed to the Prime Minister, Mr Malcolm Turnbull and the Leader of the Opposition Mr Bill Shorten as detailed in Attachment A, to request that Western Australia receives an increase in the GST distribution it receives.**
- 2. Respond to the Shire President of the Plantagenet confirming that the letter has been sent.**
- 3. Send a copy of the letters to the Western Australian Federal members for their information.**

**CARRIED
7/0**

9 August 2017

The Hon Malcolm Turnbull MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

The dire state of GST distribution is impacting Western Australia and the Local Government sector.

We believe the inequitable distribution is negatively affecting the standard of living of all West Australians. No state should continue to subsidise other states for so long or to such an extent as is the case with Western Australia.

You might be aware of the most recent CommSec 'State of the States' Report that notes WA continues to 'lag other economies' and 'current growth remains below national averages *on all indicators*' (my emphasis). Under such economic circumstances, why does WA continue to financially support other states?

Western Australia's share of GST, as you know, is currently sitting at 34 cents in the dollar. The mining boom is over and it would appear reasonable that WA should now be in a position to keep a larger proportion of GST revenue. In fact, we are of the opinion that it should never drop below 70 cents.

Very recently the McGowan government endeavoured to remove vehicle licensing concessions for all WA Local Governments. A disallowance motion in the Upper House prevented this measure from proceeding. If it had gone through the impact on Local Government could have been as high as \$9m per annum. The McGowan government indicated it needed to make such tough decisions due to lack of revenues, including the GST share.

Administration

Cnr Gilmore Ave & Sulphur Rd, Kwinana WA 6167 | PO Box 21, Kwinana WA 6966 | **Hours** Mon-Fri 8am-5pm (Cashier hours 8am-4pm)
Telephone 08 9439 0200 | **Facsimile** 08 9439 0222 | **TTY** 08 9419 7513 | admin@kwinana.wa.gov.au | www.kwinana.wa.gov.au



On 26 July 2017 the Minister for Transport Ms Rita Saffioti MLA announced that direct untied road maintenance grants would be cut by \$10m. This will mean that the City of Kwinana grant is cut by \$73,453. This is equivalent to 0.1% of our total rate revenue. Ms Saffioti has said that this cut is a direct result of the removal of local government licensing concessions being overturned.

It seems ludicrous that WA is hurting financially. This in turn makes the government hurt local government financially. While only receiving 34 cents in the dollar of GST revenue, our residents will continue to feel financial pain, while helping others.

I would very much appreciate your considered response.

Yours sincerely

Carol Adams
Mayor, City of Kwinana

9 August 2017

The Hon Bill Shorten MP
Leader of the Opposition Party
Parliament House
CANBERRA ACT 2600

Dear Leader of the Opposition Party

The dire state of GST distribution is impacting Western Australia and the Local Government sector.

We believe the inequitable distribution is negatively affecting the standard of living of all West Australians. No state should continue to subsidise other states for so long or to such an extent as is the case with Western Australia.

You might be aware of the most recent CommSec 'State of the States' Report that notes WA continues to 'lag other economies' and 'current growth remains below national averages *on all indicators*' (my emphasis). Under such economic circumstances, why does WA continue to financially support other states?

Western Australia's share of GST, as you know, is currently sitting at 34 cents in the dollar. The mining boom is over and it would appear reasonable that WA should now be in a position to keep a larger proportion of GST revenue. In fact, we are of the opinion that it should never drop below 70 cents.

Very recently the McGowan government endeavoured to remove vehicle licensing concessions for all WA Local Governments. A disallowance motion in the Upper House prevented this measure from proceeding. It if had gone through the impact on Local Government could have been as high as \$9m per annum. The McGowan government indicated it needed to make such tough decisions due to lack of revenues, including the GST share.

Administration

Cnr Gilmore Ave & Sulphur Rd, Kwinana WA 6167 | PO Box 21, Kwinana WA 6966 | **Hours** Mon-Fri 8am-5pm (Cashier hours 8am-4pm)
Telephone 08 9439 0200 | **Facsimile** 08 9439 0222 | **TTY** 08 9419 7513 | admin@kwinana.wa.gov.au | www.kwinana.wa.gov.au

On 26 July 2017 the Minister for Transport Ms Rita Saffioti MLA announced that direct untied road maintenance grants would be cut by \$10m. This will mean that the City of Kwinana grant is cut by \$73,453. This is equivalent to 0.1% of our total rate revenue. Ms Saffioti has said that this cut is a direct result of the removal of local government licensing concessions being overturned.

It seems ludicrous that WA is hurting financially. This in turn makes the government hurt local government financially. While only receiving 34 cents in the dollar of GST revenue, our residents will continue to feel financial pain, while helping others.

I would very much appreciate your considered response.

Yours sincerely

Carol Adams
Mayor, City of Kwinana



PO Box 48
MOUNT BARKER WA 6324
Phone: (08) 9892 1111
Fax: (08) 9892 1100
Email: info@sop.wa.gov.au
Website: www.plantagenet.wa.gov.au

Our Ref: O48881
Your Ref:

31 July 2017

Mayor Carol Adams
Mayor
City of Kwinana
PO Box 21
KWINANA WA 6167

Dear Mayor Adams

I am seeking your assistance to send a message to the Prime Minister regarding Western Australia's appalling share of GST revenue.

Attached is a letter I recently sent to Mr Turnbull regarding this matter. At its meeting held on 18 July 2017 the Council requested that such a letter be prepared as well seek the support of all Local Governments in WA.

My request to you is simple. Would you also send a letter to Mr Turnbull within a week of receiving this letter so your the letter may reach Canberra at around the same time as mine. The enclosed USB has some sample letters that may give you inspiration or feel free to use any letter you like. It goes without saying, of course, if you want to prepare you own unique letter, please do so.

May I also ask that you let me know when you send your letter so that I can gauge responses.

You can get in touch with me at shire_pres@plantagenet.wa.gov.au

Thank you. I appreciate your help.

A handwritten signature in black ink, appearing to read "Ken Clements", is written over a printed name and title.

Ken Clements
SHIRE PRESIDENT

Our Ref: O48853
Your Ref:

28 July 2017

The Hon Malcolm Turnbull MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

The dire state of the GST distribution is impacting Western Australia and the Local Government sector.

We believe the inequitable distribution is negatively affecting the standard of living of all West Australians. No state should continue to subsidise other states for so long or to such an extent as is the case with Western Australia.

You might be aware of the most recent CommSec 'State of the States' Report that notes WA continues to 'lag behind other economies' and 'current growth remains below national averages *on all indicators*' (emphasis mine). Under such economic circumstances, why does WA continue to financially support other states?

Western Australia's share of the GST, as you know, is currently sitting at 34 cents in the dollar. The mining boom is over and it would appear reasonable that WA should now be in a position to keep a larger proportion of GST revenue. In fact, we are of the opinion that it should never drop below 70 cents.

The WA Government is now faced with the prospect of raising charges and decreasing expenditure. Of course all governments must make prudent financial choices, but the GST situation simply rubs salt into the wound.

It seems ludicrous that WA is hurting financially. This in turn makes the State Government hurt Local Government financially. While only receiving 34 cents in the dollar of GST revenue, our residents will continue to feel financial pain, while other communities in other states are assisted even though their revenues remain strong.



Ken Clements
SHIRE PRESIDENT

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**10.1 WESTERN AUSTRALIA'S RATE OF RETURN FROM THE FEDERAL GOVERNMENT**

Cr Brett Bell gave previous notice of his intention to move the following motion pursuant to Clause 3.7 of Standing Orders:

Moved Cr B Bell, seconded Cr S Etherington:

That:

- 1. Council write to the Prime Minister of Australia, Mr Malcolm Turnbull, and the Leader of the Opposition Mr Bill Shorten, to demand a better return of our GST back to Western Australia;**
- 2. The rate of return be set at no less than 70 cents in the dollar back to Western Australia;**
- 3. Council contact in writing all other Cities and Shires in Western Australia and ask for their support in this most important matter. That this be done in a coordinated way so as the 138 letters arrive at a similar time;**
- 4. The amended GST distribution back to Western Australia be dealt with as a matter of urgency, and**
- 5. All Western Australian Federal Ministers also receive the same correspondence.'**

CARRIED (6/2)

NO. 160/17

Councillor Comment

The diminished return of our GST is having a direct impact on all Western Australians. This impact will flow through to the next generation if not corrected now.

The State Government is cost shifting and reducing services due to an ever increasing deficit. This is without a doubt, having and going to have, a long lasting impact on all Local Governments.

We are the elected representatives of our rate payers and we owe it to them to try to remedy this unfair distribution of GST.

18 Councillor Reports

18.1 Councillor Ruth Alexander

Councillor Ruth Alexander reported that she attended the City of Kwinana Citizenship Ceremony and that it had been a successful evening which was well appreciated and enjoyed by all.

Councillor Alexander advised that she attended the Western Australian Local Government Association (WALGA) Annual General Meeting (AGM) and voted on behalf of the City of Kwinana.

Councillor Alexander mentioned that she attended the Gilmore College National Aborigines and Islanders Day Observance Committee (NAIDOC) Assembly which was very interesting and fun.

18.2 Councillor Wendy Cooper

Councillor Wendy Cooper reported that she attended the opening of the The Edge Skate Park which was most welcomed and has been well used already.

Councillor Cooper advised that she attended the Multicultural Action Group Meeting.

Councillor Cooper mentioned that she attended the Community Grants Discussion which was very well attended.

Councillor Cooper reported that she attended the Homestead Ridge Progress Association Planting Day at Soak One which is going to rehabilitate drains and reported that over 100 plants were planted.

Councillor Cooper advised that she attended the Access and Inclusion Meeting and was pleased to announce after putting in an application on the 3 March 2014, there is now a crosswalk opposite Chisham Avenue.

Councillor Cooper mentioned that she attended the Southern Metropolitan Regional Council (SMRC) Meeting.

18.3 Councillor Sandra Lee

Councillor Sandra Lee reported that she had attended the WALGA Convention, where the key note speaker was Dr Ernesto Sirolli, whom said 'the future of every community lies in capturing the passion, intelligence, imagination and resources of its people'.

Councillor Lee further reported that Dr Ernesto Sirolli described his experience in Africa when he worked with local people and helped them to plant tomato plants by the river side, but when the tomatoes grew and ripened the hippos came and ate them all. He asked the locals 'did you know that would happen?' they said 'yes'. He asked 'why didn't you tell me?', they said 'you never asked and paid us money each day'. Dr Ernesto Sirolli said his lesson was to speak to people first instead of imposing on them.

18 COUNCILLOR REPORTS

Councillor Lee advised that she attended the Homestead Ridge Progress Association Planting Day at Soak One, which is a wonderful collaborative project with the City of Kwinana and in years to come will be a wonderful habitat for local wildlife and a beautiful area for the people of Kwinana.

Councillor Lee mentioned that she attended the Selection Panel for the Senior and Junior Sportsperson awards and that it is heartening to see and listen to the wonderful high achievers in our community.

18.4 Councillor Dennis Wood

Councillor Dennis Wood reported that he was thankful for the installation of the ramp from Chisham Avenue to the Marketplace Shopping Centre car park.

19 Response to Previous Questions

Nil

20 Mayoral Announcements (without discussion)

Mayor Carol Adams reported that she attended the WALGA Governance and Organisational Service Policy Team RED TAPE Reduction Workshop.

The Mayor advised that she attended the City of Rockingham and Rockingham Kwinana Chamber of Commerce (RKCC) Key Business Leaders Breakfast on defence projects. The Mayor further advised that the special guest was Senator Linda Reynolds who spoke at lengths about the opportunities for defence related employment in Henderson and AMC and that there was also an overview of the French Renaissance Technopol Project being promoted by the City of Rockingham.

The Mayor mentioned that she attended the “soft” launch of The Edge Skateboard Park and that it has been an overwhelming success with the visitors and users so far and has received many positive social media and LinkedIn comments.

The Mayor reported that she attended the following Indian Ocean Gateway (IOG) Meetings:

- Mayor and Chief Executive Officer of the Town of East Fremantle
- ARC Infrastructure Management and Corporate Affairs Team (Brookfield)

The Mayor advised that it was Local Government Week and that she had participated in the Perth Stadium Tour and the Mayors and Presidents Policy Forum and received presentations from:

- New Director General of Department of Local Government and Communities, Duncan Ord
- Auditor General, Colin Murphy
- ALGA President, David O’Laughlin

The Mayor added that the Memorandum of Understanding between WALGA and the Western Australian Government was signed.

20 MAYORAL ANNOUNCEMENTS (WITHOUT DISCUSSION)

The Mayor mentioned that she attended the WALGA AGM and that only two notice of motions were put for discussion, namely:

- 1) Elected member exception for the Related party disclosures and business operating procedure-related disclosure.
- 2) Lobby the Minister for Transport to seek a reversal of the stated intent to reduce State Road Funds by \$10.3M in 2017/18 and reinstatement of the fixed percentage of licensed fees for local government road funding.

The Mayor further mentioned that the Chief Executive Officer and herself participated in the Rotational Dialogue and met with Gail McGowan, the Director General of Planning and the Deputy Director General of “JTSI” Jobs, Tourism, Science and Innovation, (formerly Department of State Development). The Mayor stated that they spoke about the Indian Ocean Gateway and the need for the Industry Protection Zone.

The Mayor reported that she had participated as a selection panel member in the Sports Awards.

21 Matters Behind Closed Doors

Nil

22 Meeting Closure

The Mayor declared the meeting closed at 7:47pm.