

# Ordinary Council Meeting

22 March 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](http://www.kwinana.wa.gov.au)

## **Vision Statement**

### ***Kwinana 2030***

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

## **Mission**

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



## **We will do this by –**

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

## **Values**

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

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

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## **Present:**

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

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

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## **1 Declaration of Opening:**

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

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

## **2 Prayer:**

***Councillor Ruth Alexander read the Prayer***

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

## **3 Apologies/Leave(s) of Absence (previously approved)**

### **Apologies**

Nil

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

Nil

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

Nil

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

##### **COUNCIL DECISION**

448

**MOVED CR W COOPER**

**SECONDED CR B THOMPSON**

**That Councillor Ruth Alexander be granted a leave of absence from 28 May 2017 to 9 June 2017 inclusive.**

**CARRIED  
8/0**

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

Mayor Carol Adams declared an impartiality interest in item 16.3, Accounts for Payment up to 28 February 2017 due to her husbands employer receiving a sponsorship reimbursement.

Deputy Mayor Peter Feasey declared an impartiality interest in item 16.5, Charitable Rate Exemption for Bethanie Housing Ltd - Rates assessment 1100 – 11 Barron Way, Orelia, Rates assessment 3244 – 4 Kirkus Road, Medina and Rates assessment 4937 – 12 Varris Way, Orelia due to his employer being the Minister for Housing.

#### **7 Community Submissions:**

##### **7.1 Mr Sam Gill on behalf of Eastcourt Property Group regarding item 15.1, Final adoption of the Draft Urban Amenity Strategy and Draft Local Planning Policy No. 2: Streetscapes**

Although Eastcourt Property Group generally supports the Council's initiative to improve the quality of streetscapes within the City, we do not necessarily agree with the entire content of the policy.

It appears that the Policy is intended to micro-manage unprofessional developers and sub-standard developments. We question however, if the current version of the Draft Policy is too prescriptive and does not allow flexibility for conscientious developers to deliver innovative and unique streetscape outcomes.

The City of Wanneroo is currently developing a very similar policy, however it incorporates design principles and deem to comply provisions similar to the R Codes format. Subsequently, this allows developers greater flexibility to deliver alternative outcomes and a framework for non-conforming applications to be approved.

By way of example, section 5.1 of the draft policy requires uniform fencing to be constructed along the front boundaries of all lots with vehicle access from a rear laneway. There are numerous examples where laneway lots have been developed with great street presentation without front fencing, such as Vermont Grove within Providence.



## 7 COMMUNITY SUBMISSIONS CONTINUED

Section 5.5, Landscape Handover, implies that developers are responsible for damage to street trees for 2 years, regardless of how damage is caused. It is our experience that the two main perpetrators of street tree damage are builders and homeowners. We consider it unreasonable that developers remain responsible for this damage long after handover.

Section 6, Tree Protection Strategy, is a particularly important element of the policy and should be expanded to properly protect the investment by developers and deliver the City's vision. It is imperative that the street tree bond be incorporated into the verge permit as soon as practical and City Assist must be given the powers to prosecute homeowners (and builders) that damage or remove trees without the City's approval.

For your reference, I have enclosed the City of Wanneroo Local Planning Policy and photos of Vermont Grove within Providence.

If you wish to discuss any aspect of this submission please do not hesitate to contact me.

### **7.2 Mr Alf Lay on behalf of LWP Property Group regarding item 15.1, Final adoption of the Draft Urban Amenity Strategy and Draft Local Planning Policy No. 2: Streetscapes**

Thank you for the opportunity to make this submission.

Fundamentally the Policy has come a long way from earlier drafts and the City should be commended on its objectives and its intent.

Let me say clearly from the outset that LWP supports those objectives, and I suggest most other credible (Tier 1) developers similarly would also support those objectives.

However there are some developers who wish to reduce costs or who simply do not provide the same level of attention to their residential communities and therefore choose not to provide front yard landscaping packages, nor street trees. It is these 2nd and 3rd tier developers that LWP believes have influenced the preparation and implementation of the policy as outlined in the Agenda item before you.

In terms of implementation and detail, LWP has concerns about the ambiguity of the Policy, the uncertainty that parts of it could cause, and the level of detail or lack thereof as follows:

Item 5.1.2 – the requirement for an additional level of detail in the Landscape Masterplan at Local Structure Plan stage, specifically the number and indicative locations of bores. Whilst this can be provided, we believe it is unnecessary at the LSP Stage and can be picked up at a later stage in the development process. In addition, in my experience there have been occasions where the local authority has requested significant detail to be included in the LSP, only to have the detail removed at the request of the WA Planning Commission when the LSP is finally referred through to it for approval. This often results in delays to the LSP approval process.

Item 5.2.2 – this provides that Council may recommend a requirement for a Local Development Plan as part of a subdivision condition, requiring detail on street tree and crossover locations. There is a lack of clarity here – either you will or won't recommend this requirement? Under what circumstances might this be required? Under what circumstances will this level of detail not be required?

## 7 COMMUNITY SUBMISSIONS CONTINUED

Item 5.3.3 - the proposal is to have the developer install the trees at civil PC at the developer's cost which means a bore (or manual watering), possibly an iron filter, and mainline irrigation all at additional cost, and to water and to enter into a maintenance agreement with the City which provides for the developer to maintain the trees for 2 years.

- . Has the City considered the possible outcome of mainline irrigation being damaged as a result of builder's activities during construction of the house and the subsequent loss of water to trees further down the line?
- . Has the City considered the possible outcome of mainline irrigation being damaged as a result of individual lot owners constructing crossovers on completion of their house and the subsequent loss of water to trees further down the line?

Once installed, the street tree legally becomes part of the verge and becomes an asset of the City, and therefore ownership rests with the City – yet the City, through this Policy, wants to defer taking on that ownership and therefore responsibility for their asset until a later date; and as part of that process to hold the land developer responsible for matters over which they have no control.

This is hardly equitable.

Item 5.3.3 - the notion of a 'maintenance agreement' that the developer needs to enter into – is that intended to be a legal agreement prepared by the City's lawyer at additional cost to the developer or can an exchange of letters suffice? Experience shows that if it is to be a formal agreement then the City's lawyers won't produce it until the developer deposits \$2,500 into its account (as a minimum cost) to get the ball rolling. More cost and time delays for the developer.

Item 5.3.3 (2) – provides for the potential for street trees to be installed within 3 months after civil Practical Completion, but no detail of the circumstances under which the City might permit this to occur. Again shows a lack of transparency. It requires the developer to stump up a bond in return for deferring the works, then install the trees within 3 months and then seek return of the bond. Consideration should be given to extending this period beyond three months to say 9 or 12 months based on the timeframes taken for purchasers to obtain building permit approval and complete construction of their homes.

Item 5.3.3 (3) - this provides that the City may "under certain circumstances" permit the street trees to be installed as part of front yard landscaping packages – but there is no clarity around "under certain circumstances".

The circumstances haven't been outlined and again, this lack of clarity could lead to misunderstandings and confusion in the application of this requirement and both developer and City administration investing time in trying to resolve the matter.

There is also a lack of practicality shown by the City on this one – how can the developer be held accountable for a street tree which becomes a City asset as it is installed in the road reserve which is vested in the City at civil PC? Again it is considered inequitable to hold the developer accountable for matters over which they have no control.

In addition, experience has shown there are homeowners who sometimes remove trees, assets which belong to the City, or allow them to die because they don't want them, yet the Policy provides for the City to pass on the burden of maintaining this asset to the land developer for the first two years.



## 7 COMMUNITY SUBMISSIONS CONTINUED

Hardly fair.

Item 5.5.1 – provides that the City will only accept the trees after 2 years of developer maintenance if, among other things, the trees are sufficiently mature, dense etc etc. What are these “other things”? Why not define them to provide absolute clarity?

From a practical sense once the developer provides a front yard landscaping package we would decommission the mainline irrigation to that tree and connect it to the domestic water supply and the ongoing maintenance etc. rests with the homeowner yet developers, under this Policy, will be held accountable for the tree even tho it is no longer within our control.

The requirement to provide annual metered bore water usage for any irrigated streetscape?

- . What if the development is in an area where there is no further water groundwater allocation available?; Is it agreed that annual metered bore water usage results are not required?
- . What if there are multiple stages being watered off the same bore? – are separate submeters expected for each stage to prove up that the street trees within each separate stage are being watered?

In the absence of groundwater allocations and/or bores, has the City undertaken any costing on manual watering of trees?

Let me advise that for a typical 50 lot stage, assuming 60-70 trees and a rate of \$80/hour for driver and truck, a minimum 5 minute watering regime per tree and twice weekly watering, this amounts to approx. \$42,000 per annum per stage or \$84,000 over the two years. If a typical 500 lot residential estate is rolled out over 10 stages, that puts the additional cost burden of almost \$1m (unescalated) onto the land developer for maintaining a City asset.

Hardly equitable.

Developers are then left with little choice but to pass on these costs to home buyers which will lead to reduced housing affordability; or it will make development within the City of Kwinana unviable and developers will look to invest elsewhere.

Item 6 – the proposed Tree Protection Strategy

This is a perfect opportunity for the Council to take a leadership role. For example, element 2 of the Strategy provides that it “may include conditions to be placed on verge permits issued to builders and possibly bonds at the building permit stage”. Well, either it will or it won’t – what is it? In our opinion, conditions and bonds should be placed on homeowners at the building permit stage as it is the homeowner that should be held accountable for protection of the tree during the home building phase and thereafter, not the land developer.

In addition, and despite an undertaking to do so at the last developer workshop held on 6 February, 2017 some 6 weeks ago, the City administration has still not been able to quantify the bond amount, why not?

## 7 COMMUNITY SUBMISSIONS CONTINUED

The impracticality of this provision is also highlighted by the fact that street trees, if installed before the home building process, can suffer death and or damage as a result of the builder's activities during house construction. Anecdotal statistics on this were cited during the last developer workshop.

The outcome of the Policy, if adopted as currently drafted, includes but is not limited to:

- . it is ambiguous
- . it lacks clarity
- . it will incur additional cost for the developer
- . it will incur additional maintenance requirements for the developer
- . it could result in ultimately redundant underground services
- . inevitable project delays, and
- . not to mention additional administrative requirements for the both the City and the developer.

It is fundamentally flawed, in parts, and I urge you not to adopt it tonight and that you request the administration to undertake further work on it in conjunction with major developers.

In closing, I believe the solution is pretty simple, it achieves the objectives of the Policy, it forces all land developers to adopt a consistent approach at a minimum, and it is twofold:

1. Enforce all developers to provide a street tree per lot (and 2 on corners) as part of a front yard package. Most developers do this anyway, and what this will do is bring the second and third tier developers up to a consistent standard; and
2. Define the amount of the street tree protection bond and at the building permit stage, apply the bond on the homeowner, to be returned after two years of completion of their home building process, and reinforce that with clear messaging about why the bond is being applied and the conditions upon which the bond will be returned.

Thank you.

### **7.3 Mr Peter Tesoriero on behalf of Amex Corporation regarding item 15.1, Final adoption of the Draft Urban Amenity Strategy and Draft Local Planning Policy No. 2: Streetscapes**

In response to the above policy being presented to Council for final adoption, there are still a number of concerns with the draft policy, which are outlined below. As stated in previous submissions, Amex Corporation on behalf of Arman a Holdings supports the key objectives of the Streetscapes Policy in terms of improving residential streetscapes through the planting of trees. Armana Holdings already has subdivision approval and local development plan (LDP) approvals up to Stage 9 and more than half of the subdivision for Sunrise Estate has already been developed.

We acknowledge that the policy has been amended a number of times in response to consultation with developers and subsequent submissions, which is greatly appreciated. Armana accepts the majority of policy provisions, including the location of footpaths adjacent to property boundaries instead of road pavements, which will be an adjustment to the design of the estate. However, Armana is strongly opposed to the following provisions in the policy and request further consideration by Council before the policy is finalised:

## 7 COMMUNITY SUBMISSIONS CONTINUED

- The timing of tree planting and the 2 year maintenance period – whilst the latest version of the policy provides flexibility to provide landscaping post subdivisional works, there are still a number of concerns. Option 2 requires landscaping 3 months after subdivision clearance, which is not sufficient time and it still requires the developer to install the trees and requires a bond with a 25% contingency and an agreement. The agreement should only require an exchange of letters rather than a legal document which is both costly in terms of time and money. The period of time for this option should be at least 9 months.
- Where possible, Armana will use option 3 as this aligns with the current arrangement of front landscaping packages (paid by the developer), which includes the street verge (including tree planting) and the front setback area, both of which contribute to the streetscape particularly given not many owners build front fences. Whilst we support the inclusion of Option 3, there are still some concerns, in particular the vague reference to "under certain circumstances" – this needs further clarification in the policy. The application of this option should take into account if the subdivision is an existing estate with an established landscaping package. Again, the agreement should comprise an exchange of letters rather than a legal document.
- In addition to a bond with a 25% contingency, this option still includes a 2 year maintenance period even though the trees are planted as part of the landscaping package and would be connected to the domestic reticulation system for each lot. Any requirement to connect to the subdivision's bore with mainline irrigation or manual watering would not be practical. Also, it would not be feasible for a developer to be responsible for trees they no longer have control over.
- Also, the limited timeframe of 12 months for Option 3 is not feasible. Whilst it is understood that the objective of the policy is for the early establishment of trees, 12 months is not sufficient time for WAPC endorsement of the deposited plan, lot titles to be issued, sale contracts to be finalised and houses to be approved and constructed. The period needs to be at least 2 years.
- Garages to be setback 4.5m where a footpath adjoins the boundary – this new provision impacts on all lots in Sunrise post Stage 8 as footpaths will be located on both sides of the roads due to the proximity of the primary school and therefore requires a greater development setback than existing stages. For example, stage 8 has approved garage setbacks of 4m for R25 lots and 3m for R40 lots. This provision should be removed or not be a mandatory requirement, particularly as it was not part of the advertised policy and it restricts the location of garages.
- Single garages for lots with frontages of less than 10m – Council's report states that where lots (less than 10m wide) front POS, pedestrian access is usually provided. Therefore, if vehicle access is gained from a laneway, a double garage will be permitted under this Clause as the POS will be considered the primary street. This clarification should be included in the policy.
- Uniform front fencing for rear loaded lots to be provided by the developer - this provision is considered unnecessary and another subdivision cost as a design provision can be included in the local development plan (LDP) to ensure uniformity and continuity, thereby allowing the fence to be constructed at the building stage. This process has already occurred at Sunrise Estate.

## 7 COMMUNITY SUBMISSIONS CONTINUED

- Embayment parking on neighbourhood connectors – this provision would affect Sunrise Boulevard, which has never been subject to embayment parking and could require a wider road width, thereby reducing lot depths. In relation to embayment parking, Council's report (Attachment D) states that supplementary parking is not proposed under the policy but laneway lots fronting neighbourhood connectors will require embayed parking due to frequency and speed of traffic rather than on-street. This is not reflected in the policy and potentially raises a problem about road widths.
- Local Development Plan detail – we support the removal of some items from being shown on LDPs, however, we are still concerned about showing the location of crossovers and street trees on all lots as it is considered to be restrictive for future lot sales. At the LOP stage (prior to subdivision clearance) the location of crossovers is unknown as the lots have not been purchased or subject to building design. If Council insists on such detail being included then it is important for the policy to include provisions that allow the location of trees and crossovers to be transposed without going through a full LOP modification process. The policy already requires a certain number of trees to be provided per lot and on standard alignments as per the Utility Providers Code of Practice.

It is requested that the above issues be carefully considered by Council before adopting the final Streetscape Policy. Thank you for your attention to this matter.

### **7.4 Ms Alison Hailes UDIA regarding item 15.1, Final adoption of the Draft Urban Amenity Strategy and Draft Local Planning Policy No. 2: Streetscapes**

I refer to item 15.1 of the March 22nd, 2017 City of Kwinana Ordinary Council Meeting Agenda 'Final Adoption of the Draft Urban Amenity Strategy and Draft Local Planning Policy No.2.'

This matter was discussed at considerable length at the UDIA WA State Council meeting last week, following which it was resolved to write to you advising that the UDIA is strongly opposed to the introduction of the proposed policy in its current form due to a number of unworkable provisions and that it is recommended that further revision of the policy be undertaken prior to its adoption.

Whilst the UDIA recognises that the policy has been significantly revised since its first iteration, and the industry is supportive of the City's objectives in relation to improved streetscape outcomes, it considers a number of the provisions to be fundamentally flawed.

Namely, the policy fails to appropriately consider the point at which new lots and therefore land rights and control of street trees is assumed by the purchaser. In a similar way, the policy does not appropriately distinguish actions, rights and responsibilities within the public and private realms. Therefore, while the objectives of enhancing the local street character, aesthetics and neighbourhood amenity are appropriate, the means through which they are sought to be implemented and managed are not.

## 7 COMMUNITY SUBMISSIONS CONTINUED

In addition, UDIA and the broader industry are very concerned about the following provisions in the draft policy:

- The level of additional planning and design work required in preparing documentation required at the Local Structure Planning stage i.e. in preparation of Landscape Master Plans (5.1.2); and Requirement for a Local Development Plan as part of a subdivision condition (5.2.2).
- Proposal to have street trees provided during the construction phase, prior to subdivision clearance.
- Subsequent requirement to provide mainline irrigation and/or ongoing watering to street trees
- Requirement to enter into ongoing maintenance agreements in relation to trees for a period of 2 years (5.5)
- Requirements surrounding when the City will accept street tree handover (5.5.1) including sufficient maturity; tapering-off of vegetation from irrigation; and provision of bore water usage data.
- Conditions to be applied where street trees are to be installed post-subdivision clearance, namely the conditions surrounding bonding (5.3.2 (2)) including requirement for a 25% contingency and requirement to install the trees within 3 months of obtaining clearance.
- The lack of certainty in regard to circumstances in which the street trees may be installed as part of a front yard landscaping package.
- Requirement for the developer to maintain responsibility for street trees, beyond the point at which they have control i.e. once the land holder occupies the premise and/or the front yard landscape packing is delivered.
- The lack of clarity around the Tree Protection Strategy which may include 'conditions on verge permits or bonds at the building permit stage.'
- The weight and enforceability of a 'communications strategy' to encourage maintenance and street tree protection (6.0).
- The lack of clarity and operational guidance provided with respect to how bonding is intended to operate under the policy (5.3.2). Specifically, it is unclear who is responsible for the street tree bond (developer / builder); when a bond is to be repaid by the city; the scope of the bond (cost calculation); and whether a duplication of bonds may arise i.e. paid by both the developer and home owner (or builder).
- The cost and resources required in administering and enforcing bond agreements.

As a result of these outstanding issues, introduction of the policy in its current form is likely to result in: project delays; significant additional administrative requirements for both developers and Council; impacts to subdivision design and lot yield; and significant additional costs. Ultimately, these costs will lead to reduced housing affordability and impact on project viability going forward, instigating a localised premium on new housing and potentially stagnating future development with the City of Kwinana.

UDIA is supportive of the City's objectives with respect to urban amenity and streetscape and hopes to work with the City of Kwinana to further improve upon the proposed policy, to ensure a workable solution is achieved. As such, UDIA requests that Council defer consideration of the current draft Urban Amenity Strategy and Local Planning Policy No. 2, and requests that the Administration undertake further review and development of the policy in consultation with the industry.

## **8 Minutes to be Confirmed:**

### **8.1 Ordinary Meeting of Council held on 8 March 2017:**

#### **COUNCIL DECISION**

**449**

**MOVED CR S LEE**

**SECONDED CR R ALEXANDER**

That the Minutes of the Ordinary Meeting of Council held on 8 March 2017 be confirmed as a true and correct record of the meeting, with the inclusion of the mover (Councillor Lee) and seconder (Councillor Alexander) at item 16.1 to be inserted.

**CARRIED  
8/0**

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

### **9.1 Audit Committee Meeting of Council held on 13 March 2017:**

#### **COUNCIL DECISION**

**450**

**MOVED CR S LEE**

**SECONDED CR B THOMPSON**

That the Minutes of the Audit Committee Meeting held on 13 March 2017 be confirmed as a true and correct record of the meeting.

**CARRIED  
8/0**

## **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 Final adoption of the Draft Urban Amenity Strategy and Draft Local Planning Policy No. 2: Streetscapes

#### SUMMARY

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

In conjunction with Elected Members, City Officers have been developing an Urban Amenity Strategy to seek to achieve the best outcomes for the City for its new residential subdivisions. This process has involved a wide range of City staff, specialist consultants, Elected Members, the majority of large developers in the City, the Urban Development Industry of Australia (UDIA), and, representatives of the Department of Planning (DoP).

Five major forums have been held, two separate workshops with the UDIA and separate meetings with the DoP. The last Stakeholder Forum was held on Monday 6 February 2017.

This process has facilitated a distillation of the issues about the best ways in which the City can progress its urban amenity objectives. It has allowed those participating in the forums to best appreciate each others views and identify what elements can make the most profound impacts on urban amenity. In this respect, probably the most important influence on residential amenity emerging from the forums has been the significant benefits that street trees and landscaping can have on streets.

A draft Local Planning Policy (LPP) No 2: Streetscapes was prepared as a key component of the Urban Amenity Strategy.

At its ordinary Meeting held on the 23 November 2016, Council resolved to advertise the draft Urban Amenity Strategy and draft LPP No 2 for public comment. Advertising took place between Friday 16 December 2017 to Friday 20 January 2017 and eight submissions were received.

Full details of the submissions and City Officer Responses are listed in the attached Schedule of Submissions (See Attachment D).

This report provides a summary of the key issues raised and the responses recommended by City Officers for the submissions and the most recent Stakeholder Forum.

#### Key points made during Advertising and Stakeholder Forum

##### Urban Amenity Strategy

In respect to the draft Urban Amenity Strategy, there is strong support for the overall intent and objectives set out in the strategy to improve the quality and amenity of delivered streetscapes. No changes were requested nor are proposed for the draft Strategy which is shown as Attachment A.

### 15.1 FINAL ADOPTION OF THE DRAFT URBAN AMENITY STRATEGY AND DRAFT LOCAL PLANNING POLICY NO. 2: STREETSCAPES

#### Streetscape Policy (LPP No 2)

In respect to the draft Streetscape Policy, support was also provided towards the objectives and intent of the draft policy but a number of issues and concerns were raised:-

- The need for an additional objective and further clarity on definitions (to better accord with the State's Liveable Neighbourhood Planning Policy);
- Whether the policy will apply retrospectively and how it applies to existing approvals ;
- The timing of the planting of trees, their size and protection if planted early.
- Footpath alignments and built form;
- Fencing and built form provisions;
- The need for detail at various stages of the planning approval process
- Flexibility for subdivision clearances

These matters and the response of City Officers are discussed in more detail later in this report.

#### Amendments Proposed to the final LPP No 2 (Streetscape)

City Officers recommend a number of amendments to the advertised policy The key amendments are:-

- Inclusion of the additional objective and clarification and inclusion of a number of definitions;  
Clarity that the City will not be requiring adopted LSPs to be amended to include requirements of the policy. Neither would adopted subdivisions or approved engineering drawings need to be resubmitted to include the policy provisions. The City would however be seeking to apply the policy as part of fresh engineering drawings and landscape plans and for new LSPs and subdivisions.
- While maintaining a preference for early street tree planting, providing the capacity to bond street tree planting to obtain subdivision clearances, and, introducing flexibility for street tree planting to be undertaken later in conjunction with landscaping post building works;
- While maintaining a preference for footpaths to be at lot boundary, introducing flexibility into the policy so that alternative approaches can be taken; and,
- Amending the draft policy to relax the level of details required under certain provisions.

The advertised draft LPP with these amendments marked up is shown in Attachment B. The final version (without the amendments highlighted) is shown in Attachment C.

The Schedule of Submissions is shown in Attachment D.

City Officers recommend that Council now adopt the Urban Amenity Strategy and revised LPP No 2.

**15.1 FINAL ADOPTION OF THE DRAFT URBAN AMENITY STRATEGY AND DRAFT LOCAL PLANNING POLICY NO. 2: STREETSCAPES**

**OFFICER RECOMMENDATION**

That Council takes the following action:-

1. Adopts the Urban Amenity Strategy with its objectives as detailed in Attachment A to improve the quality and amenity of new urban streetscapes.
2. Adopts Local Planning Policy No. 2: Streetscapes (LPP No 2) as detailed in Attachment C in accordance with Clause 4(3) (B) (ii) of Schedule 2, Part 2 of the Planning and Development Regulations 2015.
3. Requires a report to Council providing full details about the methods and costs associated with the implementation of a Street Tree Protection Strategy as well as potential options and costs for landscaping and landscaping maintenance under LPP No 2.

**BACKGROUND**

Elected Members have expressed a strong desire for its new residential estates to have the highest possible level of urban amenity.

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

Since July 2016, with Elected Members, City Officers have been developing a strategy to seek to achieve the best outcomes for the City for its new residential subdivisions. This process has involved a wide range of City staff, specialist consultants, Elected Members and the majority of large developers in the City.

Five major forums have been held with all of these stakeholders, two separate workshops with UDIA and separate meetings with the DoP.

As noted, this process has facilitated a sharpening in focus about the best ways in which the City can progress its urban amenity objectives.

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

### 15.1 FINAL ADOPTION OF THE DRAFT URBAN AMENITY STRATEGY AND DRAFT LOCAL PLANNING POLICY NO. 2: STREETSCAPES

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

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

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

UDIA WA Chief Executive Officer, Allison Hailes met with the Mayor, Elected Members and City staff at an Urban Amenity Forum held in October 2016 wherein the view of the meeting was that given the complexities of built form and subdivision design, and, the pre-eminence of WAPC policy in approving design, that the Design WA process is the most appropriate forum for the City to express its concerns and seek to influence WAPC policy.

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

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

## **PROPOSAL AND AMENDMENTS RESULTING FROM ADVERTISING**

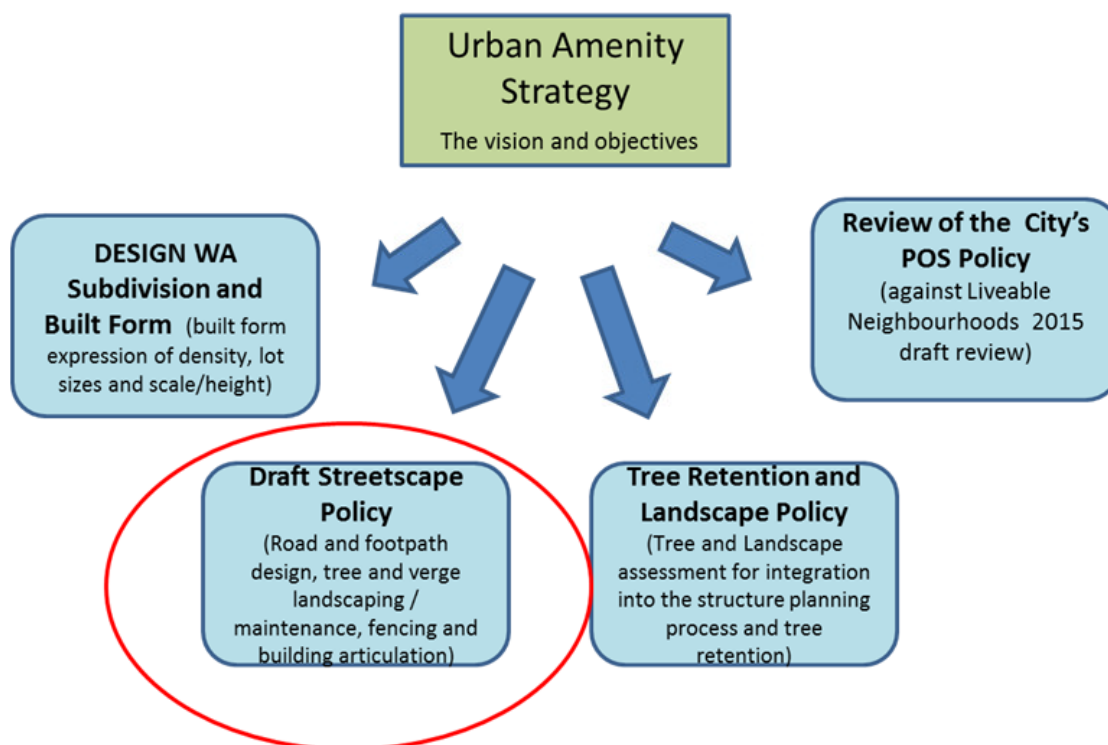
### **Draft Urban Amenity Strategy.**

#### **Summary Description**

The draft Urban Amenity Strategy was prepared to guide the City towards improving the amenity of its new residential areas.

### 15.1 FINAL ADOPTION OF THE DRAFT URBAN AMENITY STRATEGY AND DRAFT LOCAL PLANNING POLICY NO. 2: STREETSCAPES

The draft Strategy framework is provided below.



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

#### Streetscape Policy

Detailed further below, the draft Streetscape Policy is an important component of the strategy with its focus on street trees, landscaping, setbacks, retaining walls, fencing types and locations as well as front verge treatments to deliver consistency and quality in approach. Building articulation to the street is also important for the streetscape. A strong emphasis will be on the early delivery of trees through subdivision and the retention of the trees through to maturity.



### 15.1 FINAL ADOPTION OF THE DRAFT URBAN AMENITY STRATEGY AND DRAFT LOCAL PLANNING POLICY NO. 2: STREETSCAPES



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

#### Vegetation and Tree Retention

The City will seek to ensure where practical and appropriate, the retention of significant trees and vegetation within subdivision and development. Additionally, where possible, retention of natural landform will be pursued. Council has recently adopted the Landscape Protection and Tree Retention Policy which focuses on the retention of trees as part of local structure planning and subdivision.



*Retaining large trees assists in creating great streetscapes early.*

#### Public Open Space

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

#### Subdivision design / lot mix and built form

The strategy is seeking the best urban amenity outcomes possible through neighbourhood subdivision design and through built form.

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

### 15.1 FINAL ADOPTION OF THE DRAFT URBAN AMENITY STRATEGY AND DRAFT LOCAL PLANNING POLICY NO. 2: STREETSCAPES

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

#### **Outcomes from the Advertising Period for the Urban Amenity Strategy**

As noted above, there is strong support in the submissions for the overall intent and objectives set out in the strategy to improve the quality and amenity of delivered streetscapes.

No changes were requested as a part of the submission or Stakeholder Forum. City Officers are not proposing any changes to the draft Strategy and recommend adoption by Council.

#### **Draft Local Planning Policy No 2: Streetscapes**

##### **Summary Description**

The draft LPP No 2 focus is on trees and landscaping, footpaths and parking, setbacks, fencing and building articulation.

The policy promotes the early delivery of trees and landscaping as part of subdivisional development to achieve early high amenity and then protecting the trees through to maturity.



No street trees: no shade or visual amenity



Street trees provide shade and scale (note: on-carriageway parking rather than embayed parking)



Retention of mature trees provides scale and character



Street trees enable streets to improve over time

The policy details typical residential streets and the way each type of street can be designed to maximise tree installation.

### 15.1 FINAL ADOPTION OF THE DRAFT URBAN AMENITY STRATEGY AND DRAFT LOCAL PLANNING POLICY NO. 2: STREETSCAPES

The provision of on-street parking for lower order roads (in lieu of verge parking) and the preference for footpath at lot boundary are policy provisions aimed at the best streetscape outcomes.



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



Footpath at boundary provides more space for tree planting



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



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



Embayed parking significantly reduces the capacity for planting in the street



In respect to built form there are a number of provisions addressing street articulation and it is intended that these provisions will now apply to all Local Development Plans (LDPs) and in particular, the smaller cottage lots with narrow frontages.

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



### 15.1 FINAL ADOPTION OF THE DRAFT URBAN AMENITY STRATEGY AND DRAFT LOCAL PLANNING POLICY NO. 2: STREETSCAPES



#### Outcomes and Recommendations from the Advertising Period for LPP No 2.

There is support for the overall intent and objectives set out in the LPP to improve the quality and amenity of delivered streetscapes. There were however, suggestions for inclusions to the policy, aspects of the draft policy which required clarification, and provisions causing concern.

These matters can be broken down as follows:-

#### Issue 1: Objectives and Definitions

There were requests for clarity for the policy definitions and the inclusion of an additional objective. The additional objective would state that the policy 'clarifies the application of requirements for the responsibilities of streetscape and verge design, development and maintenance decisions'.

The additional definitions largely focused on greater consistency with the WAPC's Liveable Neighbourhood Policy.

#### *City Officer Response*

*City Officers support the additional objective as it addresses a function of the policy and the proposed amendments to the policy definitions.*

## 15.1 FINAL ADOPTION OF THE DRAFT URBAN AMENITY STRATEGY AND DRAFT LOCAL PLANNING POLICY NO. 2: STREETSCAPES

### Issue 2: Retrospectivity and whether the policy applies to infill development.

- 2.1 Concern was expressed about whether the policy might be applied retrospectively to adopted LSPs, subdivisions or LDPs.

#### *City Officer Response*

*The City will not be requiring adopted LSPs to be amended to include requirements of the policy. Neither would approved subdivisions or engineering drawings need to be resubmitted to include the policy provisions. The City would however be seeking to apply the policy as part of fresh engineering drawings and landscape plans and for new LSPs and subdivisions. There may be instances where previously approved subdivision design approaches are incompatible with the policy approach and in such instances, the City will take a pragmatic view and seek to work with the subdivider to achieve the best outcome possible under the policy principles. This approach is consistent with that adopted by Council for its Landscape Protection and Tree Retention Policy*

- 2.2 Clarification was sought as to whether the policy applies to residential development in greenfield areas or to all areas including infill.

#### *City Officer Response*

*City Officers recommend a provision which clarifies that the LPP No 2 applies to all new residential development within the City (infill as well as new greenfield development).*

### Issue 3: Tree Installation under the policy

A number of queries were raised about the planting of trees, from the size of trees being planted to the timing of their planting, and, how they may be protected.

- 3.1 Retained trees should be permitted to substitute street tree requirements

*City Officers are supportive of this where a retained tree is located in front of a lot within the verge.*

- 3.2 The minimum 90L tree requirement should be reduced (e.g. 45L)

*City Officers are not supportive of this position with a strong preference to retain the 90L requirement. The policy will be amended however to provide flexibility such that, where supply constraints appear, the City may consider a smaller tree.*

- 3.3 Street trees should be permitted to be planted with the front landscaping package following completion of building works.

*City Officers have a strong preference for the early provision of street trees either prior to subdivision clearance or soon after clearances upon taking a bond (the latter being the most common situation at present). This is primarily due to the benefits with continuity if trees are planted at the same time, trees can also grow, regular spatial planting alignments are set, and, establishing behavioural practices with home owners (in concert with communication strategies) promote tree retention.*

## 15.1 FINAL ADOPTION OF THE DRAFT URBAN AMENITY STRATEGY AND DRAFT LOCAL PLANNING POLICY NO. 2: STREETSCAPES

*The policy acknowledges however that there may be instances where the developer is unable to provide street trees ahead of subdivisional clearances or where landscaping packages may be beneficial outcomes, and the policy has been amended to be flexible enough to allow the option for tree planting to occur in conjunction with landscaping packages. This would occur following building works for new homes. It would be subject however to agreements and bonds being provided and all street trees for the respective stage being installed within 12 months from subdivisional clearances.*

- 3.4 The City's strategy to protect street trees should be in place following completion of subdivision works

*City Officers support this principle that early installation of street trees need a Street Tree Protection Strategy to minimise their removal. The City is committed to implementing a strategy. Full details about the methods and costs of the Tree Protection Strategy are being considered by City Officers and will be submitted to Council for its determination in a separate report.*

### Issue 4: Footpath Alignment under the policy

- 4.1 Concern was expressed that footpaths against the lot boundary will create an obstruction when vehicles are parked on the driveway. Further, how would this provision apply to existing estates with kerb aligned footpaths?

#### *Officer Response*

*City Officers have examined this matter further and are of the view that the lot boundary alignment is significantly better for tree planting and retention given current road design widths and service allocation.*

*The lot alignment of a footpath does affect built form setback as it is proposed that where a footpath is located adjacent to the lot boundary, garages must be setback 4.5m from the front boundary. This would allow space around the rear of the vehicles on crossovers. This was the subject of discussion at the Stakeholder Forum. The amended draft policy does provide an alternative option for a subdivider who does not wish to provide 4.5 metre garage setback and that is to widen the road reserve by an additional 0.7 metre which would allow sufficient room for a tree.*

*The City will seek boundary aligned footpaths where practical in future stages of approved subdivisions. As detailed previously, it is not intended that the LPP would apply retrospectively to approved subdivisions and related Engineering Drawings but City Officers will seek to liaise with subdividers to achieve the best outcome feasible.*

### Issue 5: Fencing and Built Form

- 5.1 A number of queries and concerns were raised about fencing and built form provisions. This includes the following:-
- Clause 4.5.4 should be reworded to state 'for a minimum length of 3m behind the truncation with a habitable room addressing the street'.
  - Modify garage provision to state 'Double garages are permitted on lots less than 10m wide where dwellings are two storeys and where major openings to habitable rooms are provided'.



15.1 FINAL ADOPTION OF THE DRAFT URBAN AMENITY STRATEGY AND DRAFT LOCAL PLANNING POLICY NO. 2: STREETSCAPES

- Clause 6.2.2 – Clause 3 requiring major habitable rooms to address the street should be removed as it is already required under the R-codes.

*City Officers support these proposed amendments to the draft policy.*

- 5.2 Concern was expressed by some submitters that the built form provisions under the architectural feature list are too inflexible and onerous for the landowner

*City Officers take the view that the architectural feature list provides sufficient choice of design elements for landowners and builders to consider. A number of the design provisions in themselves allow for a range of design solutions to address the policy.*

- 5.3 Concern was expressed by some submitters that the policy should not require a ground height difference between the front boundary and the street.

*City Officers note that this provision is encouraging the height difference, not requiring the difference. Alternative treatments are able to be provided where acceptable street amenity is achieved.*

Issue 6: Detail associated with the Landscape Masterplan (LMP)

- 6.1 Concern was expressed that LMP is unnecessary at the LSP approval stage and/or the information required under the draft policy for the LMP is too detailed for the LSP stage of planning assessment.

*City Officers take the view that the LMP is required at LSP stage but take the view that the level of detail required at that stage can be relaxed and agree that the draft policy be amended.*

- 6.2 Concern was also expressed that the details required under Part 5.2 for the LDPs were excessive.

*City Officers support removal of Clauses 5.2.2 c-e of the draft policy but believe that street trees and crossover locations should be required to be shown so that purchasers are aware of the location of these constraints when designing dwellings.*

Issue 7 Landscaping and Subdivisional Clearances:

- 7.1 Concern was expressed that tree planting should be able to be bonded so subdivision clearances aren't delayed.

There was significant discussion at the Stakeholder Forum about options for tree planting. It was argued by many developers that clearances should not be held up pending installation of street trees.

## 15.1 FINAL ADOPTION OF THE DRAFT URBAN AMENITY STRATEGY AND DRAFT LOCAL PLANNING POLICY NO. 2: STREETSCAPES

### *City Officer Comment*

*As noted above, there is a strong preference that street trees are planted early in the subdivision process ideally prior to clearances. It is acknowledged however, that some flexibility is necessary. The policy has been amended to facilitate the situation where clearances can be issued subject to a subdivisional bond (for the cost of tree installation) and that the street trees would be installed within 3 months from subdivisional clearances. As noted above under Issue 3, City Officers are also recommending additional flexibility in the policy to allow for street tree planting to occur in conjunction with landscape packages.*

### **Implementation of LPP No 2: Streetscapes**

The implementation of LPP No 2 has cost implications for the City, principally through street tree protection and potentially, through landscape maintenance for verges.

In respect to a Street Tree Protection Strategy, the aim is to minimise the loss of street trees once installed and the City is considering the preferred mechanisms to assist in this objective such as a communication strategy with new home owners, to the possibility of conditions on verge permits or bonds at the building permit stage.

In respect to landscape maintenance, the City is considering options for maintaining verges which could differ from current standards. This has cost implications which would grow annually as a part of new development. Defining these costs, the extent of landscaping, and how it is to be managed are critical questions the City is determining.

The City is committed to complete this work and will present a preferred approach to Council for its determination and implementation. The report would provide full details about the methods and costs associated with the implementation of the Tree Protection Strategy as well as the potential options and costs of landscaping and landscaping maintenance.

In parallel to this, the City is also considering streetscapes beyond new subdivision for existing residential areas and how the use of tools such as Geographic Information Systems (GIS) can be utilised, digital data gathering managed, the extent of any verge maintenance services beyond that at present, staff requirements, funding mechanisms, and, the cost implications of such initiatives. City Officers are taking this work into account in addition to that above for LPP No 2.

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

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

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

### 15.1 FINAL ADOPTION OF THE DRAFT URBAN AMENITY STRATEGY AND DRAFT LOCAL PLANNING POLICY NO. 2: STREETSCAPES

#### FINANCIAL / BUDGET IMPLICATIONS:

As discussed, City Officers will provide a report to Council providing full details about the methods and costs associated with the implementation of the Tree Protection Strategy as well as the potential options and costs of landscaping and landscaping maintenance.

#### ENVIRONMENTAL IMPLICATIONS:

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

#### STRATEGIC / SOCIAL IMPLICATIONS:

Corporate Business Plan	5.1 An active and engaged Local 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
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#### RISK IMPLICATIONS:

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

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

15.1 FINAL ADOPTION OF THE DRAFT URBAN AMENITY STRATEGY AND DRAFT LOCAL PLANNING POLICY NO. 2: STREETSCAPES

**COUNCIL DECISION**

**451**

**MOVED CR C ADAMS**

**SECONDED CR B THOMPSON**

**That Council defer the adoption of the current Draft Urban Amenity Strategy and Local Planning Policy No.2 – Streetscapes, for a period of one month, to allow City Officers to undertake further consultation and engagement with the UDIA and the development industry in respect to the Policy.**

**CARRIED  
4/3**

**NOTE – That the Officer Recommendation has been amended to allow further consultation.**

## 16 Reports – Civic Leadership

### 16.1 Council Policy Review – Commemorative Plaques for Official Openings and Events, Bereavement Notices, Community Consultation, Children Family and Youth Plan and Use of the City of Kwinana Corporate Logo

#### SUMMARY:

A review of Council policies – ‘Commemorative Plaques for Official Openings and Events’, ‘Bereavement Notices’, ‘Community Consultation’, ‘Children Family and Youth Plan’ and ‘Use of the City of Kwinana Corporate Logo’ was undertaken and are recommended for Council endorsement.

#### OFFICER RECOMMENDATION:

That Council:

1. Adopt the following amended policies contained within Attachment A;
  - Commemorative Plaques for Official Openings and Events;
  - Bereavement Notices
2. Adopt the renamed policy – Use of City of Kwinana Corporate Logos and Branding, contained within Attachment A; and
3. Delete the following policies contained within Attachment B;
  - Community Consultation; and
  - Children Family and Youth Plan

#### DISCUSSION:

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

#### Policies recommended for amendment

##### **Commemorative Plaques for Official Openings and Events**

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

- Minor changes to grammar in line with the City's style guide.
- Minor grammatical corrections throughout the policy.
- Inclusion of the new compulsory sections to ensure that the policy addresses a wide range of implications.
- Inclusion of a requirement to provide a risk assessment within the policy.

**16.1 COUNCIL POLICY REVIEW – COMMEMORATIVE PLAQUES FOR OFFICIAL OPENINGS AND EVENTS, BEREAVEMENT NOTICES, COMMUNITY CONSULTATION, CHILDREN FAMILY AND YOUTH PLAN AND USE OF THE CITY OF KWINANA CORPORATE LOGO**

**Bereavement Notices**

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

- Minor changes to grammar in line with the City's style guide.
- Minor grammatical corrections throughout the policy.
- Strengthening of the policy statement and breakdown of clauses to provide better explanation of the requirements of this policy.
- Inclusion of the new compulsory sections to ensure that the policy addresses a wide range of implications.
- Inclusion of a requirement to provide a risk assessment within the policy.

**Policies recommended for renaming**

**Use of City of Kwinana Corporate Logos**

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

- The title of this policy has been expanded to include 'branding' as it is a method of identification used considerably in new marketing strategies.
- Minor grammatical corrections throughout the policy.
- Inclusion of a clause that limits the use of the City's corporate logos or branding so that it is not seen that the City is providing a testimonial or endorsing any particular products or service.

**Policies recommended for deletion**

**Community Consultation**

At its 23 March 2016, Council adopted a new policy – Community engagement. This policy supersedes the Community Consultation Policy which should have been deleted at that time, however it is recommended for deletion now. A copy of the Community Consultation Policy is included in Attachment B.

**Children Family and Youth Plan**

The Children Family and Youth Plan has become obsolete, having been replaced in part by the Youth Strategy. Council's position with regard to support of children and families is being reviewed and a separate policy will be presented for adoption in due course. The Children Family and Youth Plan is recommended for deletion. A copy of the Children Family and Youth Plan is included in Attachment B.

**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.*



**16.1 COUNCIL POLICY REVIEW – COMMEMORATIVE PLAQUES FOR OFFICIAL OPENINGS AND EVENTS, BEREAVEMENT NOTICES, COMMUNITY CONSULTATION, CHILDREN FAMILY AND YOUTH PLAN AND USE OF THE CITY OF KWINANA CORPORATE LOGO**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no direct financial implications for this report. Individual policies may have financial implications and if so, budgetary considerations are included on an annual basis.

**ASSET MANAGEMENT IMPLICATIONS:**

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

**ENVIRONMENTAL IMPLICATIONS:**

Individual policies may have environmental implications and if so, are addressed within the Policy.

**STRATEGIC/SOCIAL IMPLICATIONS:**

Corporate Business Plan 2016 – 2021

Objective 5.1 An active and engaged Local Government, focused on achieving the community's vision.

Strategy 5.1.1 Ensure that the City's strategic direction, Policies, plans, services and programs are aligned with the community's vision.

**RISK IMPLICATIONS:**

**Policy – Commemorative plaques for official openings and events**

Risk Event	Not providing a commemorative plaque when considered appropriate in recognising an official opening or events.
Risk Theme	Community engagement
Risk Effect/Impact	Reputational impact
Risk Assessment Context	Operational
Consequence	Minor
Likelihood	Possible
Rating (before treatment)	Low
Risk Treatment in place	Reduce (mitigate the risk) by providing an adequate Policy for the provision of commemorative plaques.
Response to risk treatment required/in place	Have an adequate Council Policy in place and ensure that it is reviewed regularly.
Rating (after treatment)	Low

**16.1 COUNCIL POLICY REVIEW – COMMEMORATIVE PLAQUES FOR OFFICIAL OPENINGS AND EVENTS, BEREAVEMENT NOTICES, COMMUNITY CONSULTATION, CHILDREN FAMILY AND YOUTH PLAN AND USE OF THE CITY OF KWINANA CORPORATE LOGO**

**Policy – Bereavement notices**

Risk Event	Not recognising the passing of a person significant to Kwinana and its community.
Risk Theme	Community engagement
Risk Effect/Impact	Reputational impact
Risk Assessment Context	Strategic
Consequence	Minor
Likelihood	Unlikely
Rating (before treatment)	Low
Risk Treatment in place	Reduce (mitigate the risk) by having an adequate Council Policy to recognise the passing of a person significant to Kwinana and its community
Response to risk treatment required/in place	Have an adequate Council Policy in place and ensure that it is reviewed regularly.
Rating (after treatment)	Low

**Policy – Use of City of Kwinana corporate logos and branding**

Risk Event	Incorrect or unapproved use of logo or branding by external organization
Risk Theme	Errors omissions delays Providing inaccurate advice/ information
Risk Effect/Impact	Reputation
Risk Assessment Context	Operational
Consequence	Minor
Likelihood	Possible
Rating (before treatment)	Low
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Ensure all applications are followed through and final usage reviewed to ensure compliance with policy. When aware or incorrect or unapproved usage, act quickly to require an organisation remove or remedy the situation.
Rating (after treatment)	Low

**16.1 COUNCIL POLICY REVIEW – COMMEMORATIVE PLAQUES FOR OFFICIAL OPENINGS AND EVENTS, BEREAVEMENT NOTICES, COMMUNITY CONSULTATION, CHILDREN FAMILY AND YOUTH PLAN AND USE OF THE CITY OF KWINANA CORPORATE LOGO**

**COUNCIL DECISION**

**452**

**MOVED CR W COOPER**

**SECONDED CR S LEE**

**That Council:**

- 1. Adopt the following amended policies contained within Attachment A;**
  - **Commemorative Plaques for Official Openings and Events;**
  - **Bereavement Notices**
- 2. Adopt the renamed policy – Use of City of Kwinana Corporate Logos and Branding, contained within Attachment A; and**
- 3. Delete the following policies contained within Attachment B;**
  - **Community Consultation; and**
  - **Children Family and Youth Plan**

**CARRIED  
8/0**

## 16.2 Monthly Statement of Financial Activity for the Period Ending 31 January 2017

### SUMMARY:

The Monthly Statement of Financial Activity and explanation of material variances for the period ending 31 January 2017 has been prepared for Council acceptance.

### OFFICER RECOMMENDATION:

That Council accepts:

1. The Monthly Statements of Financial Activity for the period ending 31 January 2017; and
2. The explanations for material variances for the period ending 31 January 2017.

### DISCUSSION:

Variance percentages between budget estimates to the end of January and actual amounts to the end of January have been presented in the attached Statement of Financial Activity.

The material variances that are required to be reported on are:

Description	Actual	Y-T-D Budget		Variance (%)
Directorate City Development Revenue	3,059,410	3,596,466	▼	(14.93%)
Directorate Corporate and Engineering Services Expenditure	(12,011,956)	(17,017,697)	▼	29.41%
Directorate City Living Expenditure	(14,959,287)	(17,106,708)	▼	12.55%
Directorate City Development Expenditure	(1,819,735)	(2,565,517)	▼	29.07%
Depreciation of Assets	3,302,190	6,601,602	▼	(49.98%)
Contributions for the Development of Assets	2,102,246	2,415,377	▼	(12.96%)
Proceeds from Disposal of Assets	296,088	470,000	▼	(37.00%)
Purchase Computing Equipment	(136,692)	(274,952)	▼	50.29%
Purchase Plant and Machinery	(653,541)	(813,750)	▼	19.69%

## 16.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JANUARY 2017

Description	Actual	Y-T-D Budget		Variance (%)
Purchase Transportation Vehicles	(312,173)	(590,000)	▼	47.09%
Purchase Land and Buildings	(370,407)	(869,223)	▼	57.39%
Purchase Reserve Development	(89,315)	(812,437)	▼	89.01%
Purchase Playground Equipment	(2,162,532)	(3,293,555)	▼	34.34%
Purchase Infrastructure – Urban Road Grant	(506,722)	(620,955)	▼	18.40%
Purchase Infrastructure – Roads to Recovery	(266,572)	(461,398)	▼	42.23%
Transfers from Reserves	1,837,237	4,067,332	▼	54.83%

*Note: A negative (%) variance indicates additional expenditure or reduced revenue than budgeted. A positive % variance indicates additional revenue or reduced expenditure than budgeted.*

Directorate City Development Revenue – (14.93%)

This area shows reduced revenue mainly due to the following area:

- Planning and Building Services (*Statutory Planning/Approvals*) – Fewer than anticipated applications for development and zoning information have been received resulting in reduced revenue which reflects a general slow down in development activity and fewer large projects.
- Planning and Building Services (*Strategic Planning*) – Department of Transport grant funds towards the Bike Plan are yet to be received resulting in a timing variance.

Directorate Corporate and Engineering Services Expenditure – 29.41%

This area shows reduced expenditure mainly due to the following areas:

- Engineering Services (*Infrastructure Maintenance*) – purchase orders have been raised and works scheduled for maintenance and renewal works.
- Facilities Management (*Reserves & Parks*) – purchase orders have been raised and works scheduled for maintenance and renewal works.

Directorate City Living Expenditure – 12.55%

This area shows reduced expenditure mainly due to the following areas:

- Environmental Health Services (*Waste Management*) – consultancy costs associated with waste management planning are yet to be realised. In addition, delayed receipt of invoices for waste and resource recycling has resulted in timing variances.
- Environmental Health Services (*Natural Environment*) – the tender for weed control was delayed but has now been awarded resulting in a timing variance for multiple projects. Delays have also occurred due to seasonal factors however projects are expected to commence in March and be complete by the end of June 2017.
- Facilities Management (*Building Services*) – purchase orders are in the system and works are underway.

## 16.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JANUARY 2017

### Directorate City Development Expenditure – 29.07%

This area shows reduced expenditure mainly due to the following areas:

- a. Planning and Building Services (*Developer Contributions Administration*) – City contributions required under the Wellard Village Agreement are payable upon request for clearance by Developers, however no applications had been lodged at reporting date.
- b. Planning and Building Services (*Statutory Planning/Approvals*) – recruitment of the vacant Planning Compliance Technical position was deferred due to Officer secondment and is dependant upon the outcome of a business case.
- c. Planning and Building Services (*Strategic Planning*) – recruitment of vacant positions had been deferred and are dependant upon the outcome of a business case.

### Depreciation of Assets – (49.98%)

Nil effect on rates as non-cash. Depreciation less than budgeted due to depreciation only being processed to end of September 2016 resulting in a timing variance.

### Contributions for the Development of Assets – (12.96%)

Urban Road grant funds and the final payment for the Adventure Park were anticipated to have been received resulting in a timing variance.

### Proceeds from Disposal of Assets – (37.00%)

Processing of asset disposals has only been processed up to the end of September 2016 resulting in a timing variance.

### Purchase Computing Equipment – 50.29%

Purchase of the new Leisure Centre and Facilities Booking Software scheduled for December 2016 and the purchase of various ICT equipment has been placed on hold awaiting the implementation of the ICT Strategic Plan.

### Purchase Plant and Machinery – 19.69%

The purchase of the new GPS Tracking systems for trucks has been delayed due to the completion of a HR Policy. It is anticipated purchase will occur in February 2017. In addition the purchase of a Hoist for the big steps for 25m pool has been delayed as an alternative supplier needs to be sourced. It is unknown when purchase is likely to happen at time of reporting.

### Purchase Transportation Vehicles – 47.09%

Vehicle purchases anticipated to have occurred during the month were delayed either due to supplier lead time or delay in discussions with relevant officers in relation to the purchase of motor vehicles. It is expected that quotes could be sought in Feb/Mar for remaining two vehicle purchases.



**16.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JANUARY 2017****Purchase Land and Buildings – 57.39%**

Much of the budgeted expenditure at Callistemon Court and Banksia Park Retirement Village is contingent upon units becoming vacant or when repairs are required. Purchase orders are in the system for painting works; air conditioning projects are being combined for quote whilst other works are scheduled for early 2017 resulting in a timing variance. Pending the feasibility of the administration building, the administration building projects are on hold. Quotes are being sought for the resealing of the tennis courts with works forecasted to be undertaken in the April school holidays. The Darius Wells solar panel project cannot commence until the tender has been awarded, however it is anticipated that design works should commence in March with installation and completion in May 2017.

**Purchase Reserve Development – 89.01%**

Various projects including those relating to the Parks for People Strategy have been delayed due to the completion and opening of the Adventure Playground. Design is now underway with purchase orders raised and construction expected to commence in early 2017. Thomas Oval Netball Court renewal works had been delayed pending Department of Sport and Recreation funding approval, however consultants have now been engaged to undertake design. Purchase orders are in the system for beautification works within the Medina Revitalisation area and works scheduled. In addition, landscape works to the Recquatic Centre entrance and surrounding gardens have commenced.

**Purchase Playground Equipment – 34.34%**

The purchase of playground equipment and completion of landscaping at the Bright Futures Family Day Care Centre has been delayed. A forum will be conducted with educators in the following weeks and quotes will then need to be sourced. This is unlikely to be completed by the end of 30 June 2017.

**Purchase Urban Road Grant– 18.40%**

Purchase orders are in the system and works are ongoing with Invoices expected for road resealing projects that are now complete.

**Purchase Roads to Recovery – 42.23%**

Pengilly Road reseal works are complete with invoices expected during February. In addition, Barter Road works are expected to commence and be complete in February thus resulting in a timing variance. Design of the Chisham Avenue pedestrian crossing is being undertaken, works are due to commence in March and be complete by end of June.

**Transfers from Reserves – 54.83%**

Transfers from Reserves are processed monthly as costs are incurred.

**Investment activity January 2017**

- *Tier 1* – Investment rates available to the City were not favourable therefore no funds were invested in this tier.
- *Tier 2* – Funds were allocated in accordance with the guidelines of the Investment Policy.
- *Tier 3* – Funds were allocated in accordance with the guidelines of the Investment Policy.
- *Tier 4* – Funds were allocated in accordance with the guidelines of the Investment Policy.

## 16.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JANUARY 2017

**LEGAL/POLICY IMPLICATIONS:**

Local Government (Financial Management) Regulations – Clause 34.

**FINANCIAL/BUDGET IMPLICATIONS:**

As outlined in the 'Discussion' and 'Risk' sections.

**ASSET MANAGEMENT IMPLICATIONS:**

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

**ENVIRONMENTAL IMPLICATIONS:**

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

**STRATEGIC/SOCIAL IMPLICATIONS:**

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

**COMMUNITY ENGAGEMENT:**

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

**RISK IMPLICATIONS:**

Risk Event	Inadequate management of the City's provisions, revenues and expenditures.
Risk Theme	Failure to fulfil statutory regulations or compliance Providing inaccurate advice/information
Risk Effect/Impact	Financial Reputation Compliance
Risk Assessment Context	Operational
Consequence	Minor
Likelihood	Unlikely

**16.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JANUARY 2017**

Rating (before treatment)	Low
Risk Treatment in place	Reduce (mitigate the risk)
Response to risk treatment required/in place	Annual adoption of variance tolerances for reporting purposes.
Rating (after treatment)	Low

**COUNCIL DECISION****453****MOVED CR D WOOD****SECONDED CR R ALEXANDER****That Council accepts:**

- 1. The Monthly Statements of Financial Activity for the period ending 31 January 2017; and**
- 2. The explanations for material variances for the period ending 31 January 2017.**

**CARRIED  
8/0**

### 16.3 Accounts for Payment up to 28 February 2017

#### SUMMARY:

This is a List of Accounts paid by the City of Kwinana

#### OFFICER RECOMMENDATION:

That the List of Accounts paid for the period ended 28 February 2017 be noted.

#### DISCUSSION:

The following list of accounts summarises all cheques and electronic funds transfer (EFT) drawn for the period 28 February 2017. It is in agreement with the attached List of Accounts.

FUND	PAYMENT DETAILS	AMOUNT
Municipal Account	<i>Automatic Payment Deductions</i>	\$ 22,794.14
	<i>Cheque Payments</i> Cheque# 200364 to 200429	\$ 98,411.08
	<i>EFT Payments</i> EFT# 3429 to 3446	\$3,084,577.49
	<i>Payroll Payments</i> 01/02/2017, 15/02/2017	\$1,202,604.02
	<b><i>Sub Total Municipal Account</i></b>	<b><i>\$4,408,386.73</i></b>
Trust Account	NIL	\$0
	<b><i>Sub Total Trust Account</i></b>	<b><i>\$0</i></b>
	<b><i>TOTAL PAID</i></b>	<b><i>\$4,408,386.73</i></b>

#### LEGAL/POLICY IMPLICATIONS:

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

#### FINANCIAL/BUDGET IMPLICATIONS:

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

**16.3 ACCOUNTS FOR PAYMENT UP TO 28 FEBRUARY 2017****ASSET MANAGEMENT IMPLICATIONS:**

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

**ENVIRONMENTAL IMPLICATIONS:**

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

**STRATEGIC/SOCIAL IMPLICATIONS:**

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

**COMMUNITY ENGAGEMENT:**

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

**RISK IMPLICATIONS:**

There are no risk implications that have been identified as a result of the report or recommendation.

**COUNCIL DECISION****454****MOVED CR D WOOD****SECONDED CR W COOPER**

**That the List of Accounts paid for the period ended 28 February 2017 be noted.**

**CARRIED  
8/0**



## 16.4 Budget Review 2016/2017

### SUMMARY:

A review of the 2016/2017 budget has been carried out with special note being made of substantial variations from the adopted budget. These noted items have been included in the attached spreadsheet along with the reason for the variation.

### OFFICER RECOMMENDATION:

That Council:

1. Approve the variations to the Adopted Budget as outlined in the attached spreadsheet;
2. Authorise the Chief Executive Officer to amend the budget accordingly;
3. Note that a copy of the report will be forwarded to the Department of Local Government; and
4. Adopts the establishment of a new reserve fund namely *Youth Engagement Reserve Fund*. The purpose being to assist with youth engagement and diversion initiatives.
5. Adopts the establishment of a new reserve fund namely *Rates Strategy Implementation Reserve Fund*. The purpose of which is to assist in the future management of the City's rating strategy.

NOTE – AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

### DISCUSSION:

The Budget Review 2016/2017 spreadsheet has been attached which provides full details on all the variations to be approved. These are permanent differences to the current operating budget. The review shows overall savings from capital of \$437,339 and operating of \$652,353 which it is recommended be transferred to the following Reserves to assist with future initiatives:

- Youth Engagement Reserve - \$270,000
- Rates Strategy Reserve - \$819,692

## 16.4 BUDGET REVIEW 2016/2017

Listed below are significant permanent items contained within the budget review:

Department	Account Description		Details of Variances
<b>Operating</b>			
Governance	Other Reimbursements	ñ	Additional income of \$71,000 received from LGIS for insurance dividend payments – performance based dividend and <i>Good Driver</i> rebates.
Human Resources	Training Staff	ñ	An increased allowance has been included for training on a set amount per employee. The Staff Development Review process has only recently been undertaken and some of the identified training needs will fall into the 17/18 financial period (\$150,000).
Human Resources	Salaries - Contract	ò	Funds (\$100,000) to conduct independent review of the service delivery for the Community Service/Development area.
Depot Operating Overheads	Salaries – Contract	ò	Additional funds of \$30,000 required for the provision of consultancy services for the delivery of four key support / training activities as outlined within recommendations from the Depot Service Delivery Analysis Report. The support / training activities will enable the implementation of the full suite of recommendations from the Report.
Transport Maintenance	Infrastructure Maintenance – Various	ñ	Net savings of \$110,000 resulting from staff vacancies and a staff member taking Leave Without Pay.
Law Order & Public Safety	Salaries	ñ	Savings of \$171,000 due to staff vacancies.
Law Order & Public Safety	Salaries – Contract	ò	Additional expenditure (\$171,000) due to the use of temporary officers to cover operational requirements resulting from staff vacancies. Offset by savings in salary budget. Additional cover for two position vacancies. One being a City Assist Officer and another to cover the City Assist Security Officer.
Transport Grounds	Grounds Maintenance – Various	ñ	Net savings of \$129,000 due to staff vacancies.

## 16.4 BUDGET REVIEW 2016/2017

Department	Account Description		Details of Variances
<b>Operating cont.</b>			
User Support Services	Salaries	ñ	Savings (\$50,000) due to vacant position. Offset in part by temporary contract staff expenditure.
Banksia Park	Banksia Park Reserve	ò	Transfer of funds (\$110,000) to Banksia Park Reserve to ensure sufficient funds held in this reserve to fund the works required in 2017/2018 financial year as per adopted LTFP.
Facilities Management	Facilities Management	ñ	Net savings of \$57,719 due to staff vacancies.
Community Centres Admin	Salaries	ñ	Identified savings (\$50,000) in salaries year to date due to vacant positions.
Family Day Care – General	Mainstream CCB	ñ ò	Additional Child Care benefit claims at Bright Future are more than anticipated resulting in additional revenue & expenditure of \$500,000 anticipated. Nil effect on rates.
Family Day Care – In Home	Mainstream CCB	ñ ò	Additional Child Care benefit claims at Bright Future are more than anticipated resulting in additional revenue & expenditure of \$300,000 anticipated. Nil effect on rates.
Pest Control	Government Grant – State	ñ ò	Grant unsuccessful this financial year, reduction of income and related expenditure (\$130,000)
Recquatic Admin	Salaries	ñ	Savings (\$85,000) due to staff vacancies.
Recquatic Admin	Reception Wages	ò	Additional expenditure (\$85,000) for Casual Reception wages due to covering staff vacancies offset by savings in salaries.
Building Control/Approvals	Building Licence Fees	ò	A decline in new residential builds across the building industry is reflected in the decline of applications received by the City in comparison to the same period last financial year (\$100,000).
Building Control/Approvals	Verge Permit Fee	ñ	New fee introduced in September 2015 with sporadic applications and unknown quantity. Application rates are not an accurate reflection of building permits as not every permit requires a verge permit e.g. cottage lots, commercial permits etc. (\$60,000).

## 16.4 BUDGET REVIEW 2016/2017

Department	Account Description		Details of Variances
<b>Operating cont.</b>			
Developer Contributions Administration	Various DCA's	ñ ò	Due to overall downturn in development market projected lot clearances are reduced, resulting in reduced income from developer contributions of \$3,177,702. As these funds are transferred to reserves it has a nil effect on rates.
Developer Contributions Administration	Future Community Infrastructure Reserve & Various DCA Reserves	ñ ò	Reduced income received through Developer Contributions for completed projects resulting in reduced transfer to Future Community Infrastructure Reserve (\$321,233). Nil effect on rates.
Developer Contributions Administration	City Contribution – Wellard Village agreement	ñ	Development has occurred slower than expected due to the current downturn in the market; therefore the City's contribution also decreases for the year (\$68,315).
Statutory Planning/Approvals	Development Approval Fee	ò	Development industry has experienced a decline due to economic downturn with a reduction in applications and fees (\$100,000).
Statutory Planning/Approvals	TP & Dev Act Fines & Penalties	ò	Fewer prosecutions than previously anticipated (\$50,000).
Strategic Planning	Salaries	ñ	Identified savings in salaries due to vacant positions (\$170,000).
General Financing	Interest on DW Solar Panels Loan	ñ	Nil expenditure (\$8,994) expected for this financial year as new loan will be drawn in June 2017 with first loan repayment due next financial year.
<b>Other Adjustments</b>			
Loan Principal Payments	Darius Wells Solar Power Loan	ñ	Nil expenditure expected for this financial year as new loan will be drawn in June 2017 with first loan repayment due next financial year (\$35,302).
Governance	Youth Engagement Reserve	ò	Transfer funds (\$270,000) to newly established reserve fund to assist with youth engagement and diversion initiatives.
Governance	Rates Strategy Reserve	ò	Transfer funds (\$819,692) to newly established reserve fund to assist in the future management of the City's rating strategy.

## 16.4 BUDGET REVIEW 2016/2017

Capital			
Computing Infrastructure	Various ICT Equipment for Strategic Information Technology Plan	ñ ò	Savings identified (\$60,413) within Computing Equipment transferred towards the recommendations of the City of Kwinana Strategic Information Technology Plan as per OCM 23 November 2016 Res # 384.
Fire & Emergency Management	Transfer of Toyota Landcruiser vehicle from DFES to City of Kwinana	ñ ò	Purchase of Toyota Landcruiser by way of grant from DFES - expenditure offset by grant revenue from DFES (\$118,152).
Recreation & Culture	District C – Local Sporting Ground with Community Sports	ñ ò	A review of the Community Infrastructure Plan has resulted in this item being postponed until 2023/2024 in line with construction of proposed high school (\$385,350).
Governance Facility	Chemical Storage Shed – Mosquito Management	ñ ò	Project cancelled as grant application unsuccessful, reduce expenditure, grant income and transfer from CLAG reserve (\$50,000).
Recreation & Culture	Wells Beach Foreshore Upgrade	ñ ò	Project will not commence in this financial year and will be re-budgeted as part of next years adopted budget as per recent Executive Long Term Financial Plan review (\$466,526). Reduce transfers from Reserve.
Transport Development	Road Reseal and Footpaths Cockman Way	ñ ò	Reduction in the amount of <i>Roads to Recovery Grant</i> allocated by the Federal government for 16/17 financial year has resulted in the deferral of this project deferred to next financial year 17/18 (\$350,000).
Transport Development	Moombaki Extension – Moombaki Ave to Price Parkway	ñ	Contribution received from Education Department for their share of Moombaki Ave extension and carpark in 16/17 financial year. Project was completed last financial year (\$420,826).

**LEGAL/POLICY IMPLICATIONS:**

Regulation 33A of the Local Government (Financial Management) Regulations require a Local Government to carry out a review of its budget between 1 January and 31 March each year, report it to Council and then report the outcome of the review to the Department of Local Government.

**16.4 BUDGET REVIEW 2016/2017**

The Local Government Act 1995 Part 6 Division 4s 6.8(1) required the Local Government not to incur additional 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 estimated is included in the Local Government’s annual budget.

\*requires and absolute majority of Council.

**FINANCIAL/BUDGET IMPLICATIONS:**

The financial implications are listed on the attached spreadsheet.

**ASSET MANAGEMENT IMPLICATIONS:**

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

**ENVIRONMENTAL IMPLICATIONS:**

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

**STRATEGIC/SOCIAL IMPLICATIONS:**

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

The attached schedule outlines that a number of amendments to the budget are required in order to address situations that have occurred since its adoption. The explanations in the attachment describe each proposed alteration.

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

**COMMUNITY ENGAGEMENT:**

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



## 16.4 BUDGET REVIEW 2016/2017

**RISK IMPLICATIONS:**

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

The report is provided to highlight 'over' and 'under' provisions, revenues and expenditures. Monitoring the City's financials enables the City to suitably manage these financial risks by allowing for suitable responsible adjustments to be proposed if necessary.

Risk Event	Failing to undertake annual review of budget and subsequent adoption by Council in a timely manner.
Risk Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Effect/Impact	Financial 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 budget to be undertaken with adoption by Council and submission to Department of Local Government as per legislated timeframes
Rating (after treatment)	Low

16.4 BUDGET REVIEW 2016/2017

**COUNCIL DECISION**

**455**

**MOVED CR S LEE**

**SECONDED CR R ALEXANDER**

**That Council:**

- 1. Approve the variations to the Adopted Budget as outlined in the attached spreadsheet;**
- 2. Authorise the Chief Executive Officer to amend the budget accordingly;**
- 3. Note that a copy of the report will be forwarded to the Department of Local Government; and**
- 4. Adopts the establishment of a new reserve fund namely *Youth Engagement Reserve Fund*. The purpose being to assist with youth engagement and diversion initiatives.**
- 5. Adopts the establishment of a new reserve fund namely *Rates Strategy Implementation Reserve Fund*. The purpose of which is to assist in the future management of the City's rating strategy.**

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

**16.5 Charitable Rate Exemption for Bethanie Housing Ltd - Rates assessment 1100 – 11 Barron Way, Orelia, Rates assessment 3244 – 4 Kirkus Road, Medina and Rates assessment 4937 – 12 Varris Way, Orelia**

**SUMMARY:**

The above organisation has applied for a Charitable Rate Exemption for the 2016/17 rate year in accordance with Council's Charitable Rate Exemption Policy.

**OFFICER RECOMMENDATION:**

That Council, pursuant to Section 6.26(2) (g) of the Local Government Act 1995, grant a Charitable Rate Exemption to Bethanie Housing Limited;

1. Rates assessment 1100 – 11 Barron Way, Orelia
2. Rates assessment 3244 – 4 Kirkus Road, Medina
3. Rates assessment 4937 – 12 Varris Way, Orelia

**DISCUSSION:**

Under Section 6.26 (2) (g) of the Local Government Act 1995, an organisation may apply for a Charitable Rate Exemption for land used exclusively for charitable purposes. It is not sufficient that the owner is deemed to be a charitable organisation as the land use must be the deciding factor when granting approval for the exemption. In 2012/13 Council introduced a Charitable Rate Exemption Policy as guidelines to Council for the approval of such exemptions.

The Charitable Organisation's activities and purposes must –

- Provide relief of the poor, the distressed, or the underprivileged.
- Provide advancement of religion open to all members of the public and not subject to invitation.
- Aid in the fight against community deterioration and juvenile delinquency.
- The activities must not be of a commercial venture.
- The entity must be a not for profit or charitable organisation.

Bethanie Housing Ltd is a Public Benevolent Institution and is registered with the Australian Charities and Not-for-profits Commission and endorsed to access the following tax concessions.

- GST Concession
- FBT Exemption, and
- Income Tax Exemption Concession.

**16.5 CHARITABLE RATE EXEMPTION FOR BETHANIE HOUSING LTD – RATES ASSESSMENT 1100 – 11 BARRON WAY, ORELIA, RATES ASSESSMENT 3244 – 4 KIRKUS ROAD, MEDINA AND RATES ASSESSMENT 4937 – 12 VARRIS WAY, ORELIA**

Founded as Churches of Christ Homes in 1954, Bethanie operates quality residential age care facilities, retirement villages, as well as Social Centres, numerous community programs and Wellness Centres.

Bethanie provides affordable housing for the elderly through Bethanie Housing Ltd and is registered with the WA State Government as a Community Housing provider.

Under the terms of their constitution, the main aims of Bethanie Housing Ltd are:

1. To provide services for the relief of poverty, sickness, suffering, misfortune, destitution and helplessness and to provide housing, accommodation, tenancy management and other community based support for aged persons, disabled persons, and persons of such income and asset base that they require housing facilities and tenancy management and advocacy services; and
2. To provide nursing, home help, security, community support, visiting and other similarly services for the sick, for the needy and for the elderly.

The 10 units at 11 Barron Way, Orelia, 12 Units at 4 Kirkus Road, Medina and 8 Units at 12 Varris Way, Orelia were transferred from the Housing Authority to Bethanie Housing Ltd in March 2016. All activities at the complex are governed by a Community Housing Agreement between the State of WA and Bethanie Housing Ltd in addition a caveat lodged against the title prevents the disposal of this land without the Department of Housing's approval. The agreement also prevents Bethanie Housing Ltd from using the units for any purpose other than social housing.

Bethanie Housing Ltd provides community housing at the properties to senior members of the community who meet the relevant income thresholds governed by the Commonwealth Rent Assistance Program.

Therefore, Bethanie Housing Ltd could be considered as operating to provide relief of the poor, distressed, or the underprivileged and that the property is used exclusively for charitable purposes and satisfies the City's criteria and guidelines for assessing exemptions from payment of rates.

**LEGAL/POLICY IMPLICATIONS:**

Council's Charitable Rate Exemptions Policy defines the City of Kwinana's commitment in supporting charitable organisations within the City to enable them to provide services and support to all members of the community.

Local Government Act 1995 section 6.26(2)(g) states "The following land is not rateable land – land used exclusively for charitable purposes".

Advice was also sought from McLeods Barristers & Solicitors which concluded "*that the properties are used exclusively for charitable purposes being the provision of affordable accommodation for the relief of poverty and age and would therefore be non-rateable land under s 6.26(2)(g) of the LG Act*". This advice in its entirety can be found in the confidential attachment to this report.

**16.5 CHARITABLE RATE EXEMPTION FOR BETHANIE HOUSING LTD – RATES ASSESSMENT 1100 – 11 BARRON WAY, ORELIA, RATES ASSESSMENT 3244 – 4 KIRKUS ROAD, MEDINA AND RATES ASSESSMENT 4937 – 12 VARRIS WAY, ORELIA**

**FINANCIAL/BUDGET IMPLICATIONS:**

The rate exemption will affect 2016/17 interim rates and environmental levy.

Budget Item Name:	300022.1928.10 – Interim Rates (Improved Residential)
Budgeted Amount:	\$421,016
Proposed Cost:	\$23,013.21

Budget Item Name:	300099.1653.30 – Environmental Levy
Budgeted Amount:	\$1,663,200
Proposed Cost:	\$300.00

\*NOTE: All figures are exclusive of GST

This exemption application relates to rates only. The Emergency Services Levy and any applicable rubbish charges will continue to be levied on this property.

**ASSET MANAGEMENT IMPLICATIONS:**

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

**ENVIRONMENTAL IMPLICATIONS:**

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

**STRATEGIC/SOCIAL IMPLICATIONS:**

Bethanie Housing Limited can be considered as operating for purposes beneficial to the community. The organisation provides a public benefit by providing social housing for people who have been on the Housing Authority wait list.

This proposal will support the achievement of the following objectives and strategies detailed in the Strategic Community Plan and/or Corporate Business Plan (D16/3339).

Plan	Objective	Strategy
Corporate Business Plan	<b>6.1</b> Ensure the financial sustainability of the City of Kwinana into the future	<b>6.1.4</b> Monitor the City's rating system to ensure it is responsive to the cost of living and provides flexibility and fairness for all

**COMMUNITY ENGAGEMENT:**

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

**16.5 CHARITABLE RATE EXEMPTION FOR BETHANIE HOUSING LTD – RATES ASSESSMENT 1100 – 11 BARRON WAY, ORELIA, RATES ASSESSMENT 3244 – 4 KIRKUS ROAD, MEDINA AND RATES ASSESSMENT 4937 – 12 VARRIS WAY, ORELIA**

**RISK IMPLICATIONS:**

Risk Event	Applicant may apply to State Administrative Tribunal for rate exemption
Risk Theme	Failure to apply internal policy objectively resulting in financial consequence to Council
Risk Effect/Impact	Financial Reputation Compliance
Risk Assessment Context	Operational
Consequence	Minor
Likelihood	Unlikely
Rating (before treatment)	Low
Risk Treatment in place	Reduce (mitigate the risk)
Response to risk treatment required/in place	Review every application on its own merit against adopted policy requirements for exemption
Rating (after treatment)	Low

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

**COUNCIL DECISION**

**456**

**MOVED CR W COOPER**

**SECONDED CR D WOOD**

**That Council, pursuant to Section 6.26(2) (g) of the Local Government Act 1995, grant a Charitable Rate Exemption to Bethanie Housing Limited;**

- 1. Rates assessment 1100 – 11 Barron Way, Orelia**
- 2. Rates assessment 3244 – 4 Kirkus Road, Medina**
- 3. Rates assessment 4937 – 12 Varris Way, Orelia**

**CARRIED  
8/0**



## **16.6 Adoption of reviewed Audit Committee Terms of Reference, Internal Audit Charter and advertising for external Audit Committee member**

### **SUMMARY:**

At its Ordinary Council Meeting held on 14 December 2016, Council resolved the following as a result of the Internal Audit Feasibility Report being received:

That the Audit Committee meeting on 13 March 2017 include an item that will:

1. Modify and recommend to Council the adoption of the updated Audit Committee Terms of Reference.
2. Prepare an advertisement for the appointment of the external audit committee member.
3. Recommend the members of the Audit Committee that will be sitting on the appointment selection panel.

City Officers have prepared the advertisement and are recommending that the advertising commence for an external audit committee member. The Audit Committee Terms of Reference has also been modified to reflect that an external person may sit on the audit committee if approved by Council and to include a requirement to conduct an ongoing internal audit review during the year and to provide progress reports to the audit committee.

An Internal Audit Charter is recommended to be endorsed to provide the framework for how the internal audit will operate at the City of Kwinana.

### **OFFICER RECOMMENDATION:**

That the Audit Committee:

1. Modify and recommend to Council the adoption of the updated Audit Committee Terms of Reference as detailed in Attachment A.
2. Recommend to Council the adoption of the Internal Audit Charter as detailed in Attachment B.
3. Recommend to Council to advertise for the appointment of the external audit committee member as detailed in Attachment C.
4. Recommend to Council the appointment of Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_ and the Director City Strategy (no voting rights) to the appointment selection panel and once the preferred candidate is selected provide the recommendation to Council.

**16.6 ADOPTION OF REVIEWED AUDIT COMMITTEE TERMS OF REFERENCE, INTERNAL AUDIT CHARTER AND ADVERTISING FOR EXTERNAL AUDIT COMMITTEE MEMBER**

**AUDIT COMMITTEE RECOMMENDATION:**

That Council:

1. Adopt the updated Audit Committee Terms of Reference as detailed in Attachment A.
2. Adopt the Internal Audit Charter as detailed in Attachment B.
3. Advertise for the appointment of the external audit committee member as detailed in Attachment C with changes being made to the:
  - a) Position title changed to independent audit committee member
  - b) Remuneration included in advertisement to state that “the remuneration will be up to a maximum of \$1,800 per meeting based on experience and qualifications”.
  - c) Term to include that “the position will expire on 20 October 2017”.
  - d) For any print advertising of the vacancy that the selection criteria be removed and replace with “the selection criteria can be viewed on the City’s website <http://www.kwinana.wa.gov.au/our-city/careers>”
4. Appoint Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_ and the Director City Strategy (no voting rights) to the appointment selection panel and once the preferred candidate is selected provide the recommendation to Council.

**DISCUSSION:**

Due to an increased focus on the accountability of local governments a review of the effectiveness of all business processes is becoming best practice. Internal audit is one way to reduce risk and identify inefficient internal controls; however it brings more than just this reassurance to an organisation. There are many benefits to implementing this value add approach such as:

- Improves the “control environment” of the organisation.
- Makes the organisation process-dependent instead of person-dependent.
- Identifies redundancies in operational and control procedures and provides recommendations to improve the efficiency and effectiveness of procedures.
- Serves as an early warning system, enabling deficiencies to be identified and remediated on a timely basis (i.e. prior to external, regulatory or compliance audits).
- Ultimately increases accountability within the organisation.
- It can support strategic objectives; for example cost reduction initiatives.

To address the above points, the three items resolved by Council at its Ordinary Council Meeting held on 14 December 2016 are detailed below with recommendation for the Audit Committee to provide to Council.

**16.6 ADOPTION OF REVIEWED AUDIT COMMITTEE TERMS OF REFERENCE, INTERNAL AUDIT CHARTER AND ADVERTISING FOR EXTERNAL AUDIT COMMITTEE MEMBER****Modify and recommend to Council the adoption of the updated Audit Committee Terms of Reference.**

Minor amendments have been made to the Audit Committee Terms of Reference that reflect the requirements to conduct an ongoing internal audit review during the year and to provide progress reports to the Audit Committee. The inclusion in the text of the requirement for the committee to include an external member has also been included. The amended Audit Committee Terms of Reference recommended for endorsement by the Audit Committee is included at Attachment A.

**Prepare advertisement for the appointment of the external audit committee member.**

A draft advertisement has been included at Attachment C and recommended for endorsement by the Audit Committee.

**Recommend the members of the Audit Committee that will be sitting on the appointment selection panel.**

To appoint Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_ and the Director City Strategy (no voting rights) to the appointment selection panel and once the preferred candidate is selected provide the recommendation to Council.

A copy of the Confidential Internal Audit Function Feasibility Report that was presented to Council at the 14 December 2016 Ordinary Council Meeting is detailed in Attachment D.

The recommendation for the Audit Committee to recommend to adopt the Internal Audit Charter has been included as the Officer Recommendation point 2 assists the City of Kwinana understand what is required to be included in the scope of an internal audit. It strengthens the importance of independence and objectivity, outlines the responsibilities of roles and outlines the authority and access the internal audit officer can have to ensure the scope of the internal audit can be delivered. The Internal Audit Charter is detailed in Attachment B.

**LEGAL/POLICY IMPLICATIONS:**

Section 7.13 of the Local Government Act 1995 states

- (1) *Regulations may make provision -*
  - (aa) *as to the functions of the CEO and the audit committee in relation to audits carried out under this Part and reports made on those audits;*
  - (ab) *as to the functions of audit committees, including the selection and recommendation of an auditor;*
  - (ac) *as to the procedure to be followed in selecting an auditor;*
  - (ad) *as to the contents of the annual report to be prepared by an audit committee;*
  - (ae) *as to monitoring action taken in respect of any matters raised in a report by an auditor;*
  - (a) *with respect to matters to be included in agreements between local governments and auditors;*
  - (b) *for notifications and reports to be given in relation to agreements between local governments and auditors, including any variations to, or termination of such agreements;*

# 16.6 ADOPTION OF REVIEWED AUDIT COMMITTEE TERMS OF REFERENCE, INTERNAL AUDIT CHARTER AND ADVERTISING FOR EXTERNAL AUDIT COMMITTEE MEMBER

- (ba) *as to the copies of agreements between local governments and auditors being provided to the Department;*
- (c) *as to the manner in which an application may be made to the Minister for approval as an auditor;*
- (d) *in relation to approved auditors, for —*
  - (i) *reviews of, and reports on, the quality of audits conducted;*
  - (ii) *the withdrawal by the Minister of approval as an auditor;*
  - (iii) *applications to the State Administrative Tribunal for the review of decisions to withdraw approval;*
- (e) *for the exercise or performance by auditors of their powers and duties under this Part;*
- (f) *as to the matters to be addressed by auditors in their reports;*
- (g) *requiring auditors to provide the Minister with such information as to audits carried out by them under this Part as is prescribed;*
- (h) *prescribing the circumstances in which an auditor is to be considered to have a conflict of interest and requiring auditors to disclose in their reports such information as to a possible conflict of interest as is prescribed;*
- (i) *requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —*
  - (i) *of a financial nature or not; or*
  - (ii) *under this Act or another written law.*
- (2) *Regulations may also make any provision about audit committees that may be made under section 5.25 in relation to committees.*

Regulation 16 of the Local Government (Audit) Regulations 1996 states:

*An audit committee —*

- (a) *is to provide guidance and assistance to the local government —*
  - (i) *as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
  - (ii) *as to the development of a process to be used to select and appoint a person to be an auditor; and*
- (b) *may provide guidance and assistance to the local government as to —*
  - (i) *matters to be audited; and*
  - (ii) *the scope of audits; and*
  - (iii) *its functions under Part 6 of the Act; and*
  - (iv) *the carrying out of its functions relating to other audits and other matters related to financial management; and*
- (c) *is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —*
  - (i) *report to the council the results of that review; and*
  - (ii) *give a copy of the CEO's report to the council.*

# 16.6 ADOPTION OF REVIEWED AUDIT COMMITTEE TERMS OF REFERENCE, INTERNAL AUDIT CHARTER AND ADVERTISING FOR EXTERNAL AUDIT COMMITTEE MEMBER

## FINANCIAL/BUDGET IMPLICATIONS:

In the 14 December 2016 report, it is recommended that for each meeting the independent Audit Committee member will receive the following:

	Cost per Meeting	No. of Meetings per Year	Cost per Year
Independent Member	\$1,800	4	\$7,200
Cost to Advertise*	-	-	\$600
Total Independent Member	\$1,800	4	\$7,800

\*Only required when advertising – not necessarily annually.

Advertising costs will be funded from the advertising account in the governance budget.

## ASSET MANAGEMENT IMPLICATIONS:

There were no asset management implications identified as a consequence of this report.

## ENVIRONMENTAL IMPLICATIONS:

There were no environmental implications identified as a consequence of this report.

## STRATEGIC/SOCIAL IMPLICATIONS:

This proposal will support the achievement of the following objective and strategy detailed in the Corporate Business Plan:

Plan	Objective	Strategy
Corporate Business Plan 2016 - 2021	6.5 Apply best practice principles and processes to maximise efficiencies and qualities	6.5.1 Ensure internal organisational policies and procedures are aligned to the achievement of the corporate and community vision.

## COMMUNITY ENGAGEMENT:

The advertising of the appointment of an external audit committee member is required and is recommended to be advertised in a state-wide newspaper for a period of 21 days.

**16.6 ADOPTION OF REVIEWED AUDIT COMMITTEE TERMS OF REFERENCE, INTERNAL AUDIT CHARTER AND ADVERTISING FOR EXTERNAL AUDIT COMMITTEE MEMBER**

**RISK IMPLICATIONS:**

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

Risk Event	To continue with current practices and not to implement internal audit function
Risk Theme	All themes
Risk Effect/Impact	All
Risk Assessment Context	Strategic/Operational
Consequence	Moderate
Likelihood	Possible
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce – mitigate risk
Response to risk treatment required/in place	Implement an internal audit function with an additional external member appointed to the Audit Committee



16.6 ADOPTION OF REVIEWED AUDIT COMMITTEE TERMS OF REFERENCE, INTERNAL AUDIT CHARTER AND ADVERTISING FOR EXTERNAL AUDIT COMMITTEE MEMBER

**COUNCIL DECISION**

**457**

**MOVED CR S LEE**

**SECONDED CR B THOMPSON**

**That Council:**

- 1. Adopt the updated Audit Committee Terms of Reference as detailed in Attachment A.**
- 2. Adopt the Internal Audit Charter as detailed in Attachment B.**
- 3. Advertise for the appointment of the external audit committee member as detailed in Attachment C with changes being made to the:**
  - a) Position title changed to independent audit committee member**
  - b) Remuneration included in advertisement to state that “the remuneration will be up to a maximum of \$1,800 per meeting based on experience and qualifications”.**
  - c) Term to include that “the position will expire on 20 October 2017”.**
  - d) For any print advertising of the vacancy that the selection criteria be removed and replace with “the selection criteria can be viewed on the City’s website <http://www.kwinana.wa.gov.au/our-city/careers>”**
- 4. Appoint Mayor Carol Adams, Councillor Bob Thompson, Councillor Sandra Lee and the Director City Strategy (no voting rights) to the appointment selection panel and once the preferred candidate is selected provide the recommendation to Council.**

**CARRIED  
8/0**

**NOTE – That the Audit Committee Recommendation has been amended to include at point 4, the Elected Member appointments which were omitted from the agenda.**

## **16.7 Compliance Audit Return 2016**

### **SUMMARY:**

The Department of Local Government and Communities has circulated to all Western Australian Local Governments for completion, its annual Compliance Audit Return, covering the review period 1 January 2016 to 31 December 2016. The return is a requirement of the Department of Local Government and Communities and monitors a local government's compliance with the Local Government Act 1995 and its Regulations.

The function of the Audit Committee includes reviewing the effectiveness of the local government's systems in regard to risk management, internal control and legislative compliance which includes the Compliance Audit Return.

The Compliance Audit Return 2016 is included at Attachment A.

### **OFFICER RECOMMENDATION:**

That the Audit Committee has reviewed the Compliance Audit Return 2016 and cause the results of that review to be presented to Council with the recommendation that it adopt the Compliance Audit Return 2016 as detailed in Attachment A.

### **AUDIT COMMITTEE RECOMMENDATION:**

That Council adopt the Compliance Audit Return 2016 as detailed in Attachment A.

### **DISCUSSION:**

Each year Western Australian local governments are required to complete a Compliance Audit Return (CAR) for the Department of Local Government, in accordance with the Local Government Act 1995.

The Department of Local Government has circulated to all Western Australian Local Governments for completion, its annual CAR, covering the review period 1 January 2016 to 31 December 2016. The return is a means of monitoring compliance with the requirements of the Local Government Act 1995 and its Regulations and is statutorily required to be completed and submitted to the Department of Local Government and Communities no later than the 31 March each year.

Regulation 14 of the Local Government (Audit) Regulations 1996, requires that the Local Government's Audit Committee review the Compliance Audit Return and report the results of that review to the Council prior to its adoption by Council and submit to the Department of Local Government and Communities by 31 March.

Whilst a 100% Compliance Audit Return is an ideal outcome, the Compliance Audit Return must be considered as a means of internal audit, capable of identifying shortcomings and weaknesses in the system, which can then be improved or modified practices implemented, to resolve these issues.

## 16.7 COMPLIANCE AUDIT RETURN 2016

The Compliance Audit Return is provided electronically through a secure internet portal and the return is divided into a variety of sections, each one dealing with a specific area of the Local Government Act 1995. These sections are then allocated to the relevant officer who 'signs in' electronically on the portal to complete each question.

Officers are engaged prior to completing the return, at which time they are advised how to use the online system and how to internally audit their procedures to ensure that compliance is occurring. Where compliance is not occurring, officers are advised that an honest answer is required, so that procedural changes can be made to improve the City's compliance systems.

Once the audit has been completed, the City is required to:

- Present the Compliance Audit Return to the Audit Committee for review;
- Present the Compliance Audit Return to Council;
- Seek Council's adoption of the completed Compliance Audit Return; and
- Return the reviewed, adopted and certified Compliance Audit Return, along with a copy of the Council minutes, to the Department of Local Government and Communities by no later than 31 March 2017.

The particulars of any matters of concern raised by the Audit Committee's review relating to the Return must be recorded in the minutes of this meeting.

Any person who is not satisfied with the manner in which the compliance assessment process has been undertaken by the City or believes there may be a discrepancy in the Return, may bring the particular issue to the attention of the Department.

Council may also refer the completed Compliance Audit Return to its Auditor or other external inspection service for an independent assessment, if it is deemed necessary.

The actual compliance level during the 2016 period was excellent, with 76 of the 78 areas achieved and an overall a total compliance rate of 97%.

### LEGAL/POLICY IMPLICATIONS:

Section 7.13(1) of the Local Government Act 1995 contains provisions for the making of regulations requiring local governments to undertake an audit of compliance whether of a financial nature or not. The Local Government (Audit) Regulations 1996 make completion and submission of the return mandatory.

### Local Government Act 1995

#### **7.13. Regulations as to audits**

- (1) Regulations may make provision -
- (aa) as to the functions of the CEO and the audit committee in relation to audits carried out under this Part and reports made on those audits;
  - (ab) as to the functions of audit committees, including the selection and recommendation of an auditor;
  - (ac) as to the procedure to be followed in selecting an auditor;
  - (ad) as to the contents of the annual report to be prepared by an audit committee;
  - (ae) as to monitoring action taken in respect of any matters raised in a report by an auditor;

## 16.7 COMPLIANCE AUDIT RETURN 2016

- (a) with respect to matters to be included in agreements between local governments and auditors;
  - (b) for notifications and reports to be given in relation to agreements between local governments and auditors, including any variations to, or termination of such agreements;
  - (ba) as to the copies of agreements between local governments and auditors being provided to the Department;
  - (c) as to the manner in which an application may be made to the Minister for approval as an auditor;
  - (d) in relation to approved auditors, for —
    - (i) reviews of, and reports on, the quality of audits conducted;
    - (ii) the withdrawal by the Minister of approval as an auditor;
    - (iii) applications to the State Administrative Tribunal for the review of decisions to withdraw approval;
  - (e) for the exercise or performance by auditors of their powers and duties under this Part;
  - (f) as to the matters to be addressed by auditors in their reports;
  - (g) requiring auditors to provide the Minister with such information as to audits carried out by them under this Part as is prescribed;
  - (h) prescribing the circumstances in which an auditor is to be considered to have a conflict of interest and requiring auditors to disclose in their reports such information as to a possible conflict of interest as is prescribed;
  - (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
    - (i) of a financial nature or not; or
    - (ii) under this Act or another written law.
- (2) Regulations may also make any provision about audit committees that may be made under section 5.25 in relation to committees.

**Local Government (Audit) Regulations 1996****13. Prescribed statutory requirements for which compliance audit needed (Act s7.13(1)(i))**

For the purposes of section 7.13(1)(i) the statutory requirements set forth in the Table to this regulation are prescribed.

Table

<b>Local Government Act 1995</b>		
s. 3.57	s. 3.58(3) and (4)	s. 3.59(2), (4) and (5)
s. 5.16	s. 5.17	s. 5.18
s. 5.36(4)	s. 5.37(2) and (3)	s. 5.42
s. 5.43	s. 5.44(2)	s. 5.45(1)(b)
s. 5.46	s. 5.67	s. 5.68(2)
s. 5.70	s. 5.73	s. 5.75
s. 5.76	s. 5.77	s. 5.88
s. 5.103	s. 5.120	s. 5.121
s. 7.1A	s. 7.1B	s. 7.3
s. 7.6(3)	s. 7.9(1)	s. 7.12A

## 16.7 COMPLIANCE AUDIT RETURN 2016

<b>Local Government (Administration) Regulations 1996</b>		
r. 18A	r. 18C	r. 18E
r. 18F	r. 18G	r. 19
r. 22	r. 23	r. 28
r. 34B	r. 34C	
<b>Local Government (Audit) Regulations 1996</b>		
r. 7	r. 10	
<b>Local Government (Elections) Regulations 1997</b>		
r. 30G		
<b>Local Government (Functions and General) Regulations 1996</b>		
r. 7	r. 9	r. 10
r. 11A	r. 11	r. 12
r. 14(1), (3) and (5)	r. 15	r. 16
r. 17	r. 18(1) and (4)	r. 19
r. 21	r. 22	r. 23
r. 24	r. 24E	r. 24F
<b>Local Government (Rules of Conduct) Regulations 2007</b>		
r. 11		

**14. Compliance audits by local governments**

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be -
  - (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

**15. Compliance audit return, certified copy of etc. to be given to Executive Director**

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with -
  - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
  - (b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation -
 

**certified** in relation to a compliance audit return means signed by —

  - (a) the mayor or president; and
  - (b) the CEO.

## 16.7 COMPLIANCE AUDIT RETURN 2016

**FINANCIAL/BUDGET IMPLICATIONS:**

There were no financial implications identified as a consequence of this report.

**ASSET MANAGEMENT IMPLICATIONS:**

There were no asset management implications identified as a consequence of this report.

**ENVIRONMENTAL IMPLICATIONS:**

There were no environmental implications identified as a consequence 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	5.1.6 Retain Quality Accreditation and participate in relevant benchmarking opportunities.

**COMMUNITY ENGAGEMENT:**

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

**RISK IMPLICATIONS:**

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

<b>Risk Event</b>	Non compliance with the requirements of the Local Government Act 1995, Section 7.13(i) and Local Government (Audit) Regulations 1996, Regulations 13 – 15.
Risk Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Effect/Impact	Compliance
Risk Assessment Context	Operational
Consequence	Moderate



## 16.7 COMPLIANCE AUDIT RETURN 2016

Likelihood	Unlikely
Rating (before treatment)	Moderate
Risk Treatment in place	Avoid - remove cause of risk
Response to risk treatment required/in place	Ensure that the Compliance Return is completed annually.
Rating (after treatment)	Low

**COUNCIL DECISION****458****MOVED CR P FEASEY****SECONDED CR B THOMPSON****That Council adopt the Compliance Audit Return 2016 as detailed in Attachment A.****CARRIED  
8/0**

## **17 Urgent Business**

Nil

## **18 Councillor Reports**

### **18.1 Councillor Ruth Alexander**

Councillor Ruth Alexander reported that she had attended the Local Commercial Activity Centre Improvement Grant Funding Breakfast which included the launch of a grants program to assist them in improving their properties. Councillor Alexander said it had been a lovely morning.

Councillor Alexander advised that she had attended the Multicultural Action Plan Launch at the Darius Wells Library and Resource Centre and that the introduction to the story telling of local migrants was very interesting and it was a lovely evening.

### **18.2 Councillor Wendy Cooper**

Councillor Wendy Cooper reported that she had attended the Hope Valley School Reunion where they opened a time capsule. Councillor Cooper said that it had been good to meet the locals and that it was a delightful event.

Councillor Cooper advised that she had attended the Local Emergency Management Committee (LEMC) Meeting.

Councillor Cooper mentioned that she had attended the Local Commercial Activity Centre Improvement Grant Funding Breakfast where local commercial grants were discussed.

Councillor Cooper reported that she had attended the Kwinana Industries Council (KIC) Art Awards and that some of our youth are extremely talented artists.

Councillor Cooper advised that she had attended the City of Kwinana Stakeholder Function and that it had been a pleasant evening and an opportunity to thank our emergency services.

Councillor Cooper mentioned that she had attended the Multicultural Action Plan Launch at the Darius Wells Library and Resource Centre which she enjoyed.

Councillor Cooper reported that there is currently an Art Exhibition at the Darius Wells Library and Resource Centre and she encouraged everyone to go and see it.

### **18.3 Councillor Sandra Lee**

Councillor Sandra Lee reported that she had attended the City of Kwinana Stakeholder Function and that it had been great to see our emergency services enjoying some of our Kwinana hospitality.

Councillor Lee advised that she had attended the Multicultural Action Plan Launch at the Darius Wells Library and Resource Centre and that it was very interesting.

## 18 COUNCILLOR REPORTS CONTINUED

### 18.4 Councillor Bob Thompson

Councillor Bob Thompson reported that he had been connected to the National Broadband Network (NBN).

Councillor Thompson advised that he had attended the Multicultural Action Plan Launch at the Darius Wells Library and Resource Centre and that he thought the videos were wonderful.

Councillor Thompson mentioned that he had attended the William Bertram Community Centre Great Local Place Event and that it was well attended by families and a very successful day.

Councillor Thompson reported that he had attended the Rotary Wellard Twilight Markets and that it is a great community event.

Councillor Thompson advised that he had attended a concert at the Koorliny Arts Centre which was celebrating the early days of Rock n Roll. Councillor Thompson said that it is worth promoting the great shows that are at the Koorliny Arts Centre and he encouraged everyone to take advantage of the wonderful range of programs.

### 18.5 Councillor Dennis Wood

Councillor Dennis Wood reported that he attended the Multicultural Action Plan Launch at the Darius Wells Library and Resource Centre and it had been a very nice evening.

Councillor Wood advised that he had attended the Local Emergency Management Committee (LEMC) Meeting which was interesting.

## 19 Response to Previous Questions

*Questions taken on notice at the Ordinary Council Meeting held on 18 January 2017.*

### 19.1 Mr Steve Simpson, Wellard

#### Question 1

I want to put my stuff away, so I want to have permission to have a second container to put my stuff away to neaten up my yard?

#### Response

The City of Kwinana Town Planning Scheme No. 2 (TPS 2) currently does not prohibit the use of sea containers as outbuildings within the Special Residential Zone.

In this regard a second sea container may be able to be located wholly within the building envelope on the property, subject to the structure meeting the amenity and development requirements of TPS 2. However, this would require a planning application and assessment. Approval is not guaranteed.

## 19 RESPONSES TO PREVIOUS QUESTIONS

The amenity requirements of the Scheme provide that a sea container would need to have an external colour and texture that produces a neutral non-glaring finish which blends with the surrounding development. This requirement is as per Condition 8 of Schedule 1 – Special Residential Zones under TPS 2.

In addition, the total area of all outbuildings and sheds shall not exceed 70m<sup>2</sup> in total floor area. In this respect the floor area of all outbuildings on your lot and the second sea container could not be more than 70m<sup>2</sup>.

It should also be noted that the City is currently considering the inclusion of provisions in the TPS 2 which would not permit sea containers to be used as outbuildings unless they have been modified to appear as a typical shed.

Should you be aggrieved by a decision to refuse a planning application or any condition imposed on a planning application, then a right of review should be lodged with the State Administrative Tribunal within 28 days of the date of the decision.

### Question 2

I want to know if I can get a permit for 7 cats so I can breed Maine Coon cats?

### Response

The City is required to carry out its functions as a local government under the *Cat Act 2011 (Cat Act)* including the registration, management and control of cats kept within the district.

This includes maintaining an up-to-date register that contains all of the information set out in regulation 12 of the Cat Regulations 2012 (Regulations) in relation to all cats registered within the City.

The information that is included is:

- the cat owner's full name, address (residential and postal), date of birth, contact numbers and email address;
- details of an alternative contact in the event the owner cannot be contacted;
- the address where the cat is normally kept; and
- the cat's details including name, registration and microchip number, sterilisation status, breed, colour and gender.

The owner of a cat(s) is required to ensure that any cat(s) they keep are registered, microchipped and unless it is exempt from sterilisation under s18 of the Cat Act, a cat over six months of age is required to be sterilised.

A cat is exempt from sterilisation under s18(2)(b) if the cat is owned for the purpose of breeding, by an approved cat breeder.

Breeding of Cats is dealt with under Division 4, Subdivision 1 of the Cat Act

That section of the Cat Act is in the following terms:

### **35. Only approved cat breeders may breed cats**

- (1) *A person must not breed cats unless the person is an approved cat breeder. Penalty: a fine of \$5 000.*

## 19 RESPONSE TO PREVIOUS QUESTIONS

A person must only breed cats if they are an approved cat breeder. In the event that a person is convicted of an offence under this section, the court can order the person to have their cats sterilised.

### Becoming an Approved Cat Breeder

For the City to grant an approval for you to breed cats an application needs to be made to the City in accordance with the application process that is set out in Subdivision 2 of the Cat Act.

The relevant section is set out below:

### **36. Application for approval to breed cats**

- (1) *The owner of a cat that is ordinarily kept in the district of a local government may apply to the local government for the grant or renewal of an approval to breed cats.*
- (2) *An application for the grant or renewal of an approval to breed cats is to —*
  - (a) *be made in the manner and form prescribed; and*
  - (b) *be accompanied by the fee, if any, prescribed; and*
  - (c) *comply with such other requirements, if any, prescribed*

The application needs to be made by completing the relevant parts (A, B, E, F and G) of the Form 1 and is to be accompanied by the prescribed fee.

The prescribed fee for an application for grant of approval to breed cats is set out below:

Item Description of fee	Fee
4. Fee for application for grant or renewal of approval to breed cats .....	\$100.00
female)	per breeding cat (male or

On receipt of an application the City is required to consider the application for grant of approval to breed cats in accordance with section 37 of the Cat Act.

The City may refuse an application if it is satisfied that one or more of the following apply:

- a) applicant is under 18 years of age;
- b) applicant has no, or insufficient, facilities to breed cats in a safe and ethical way;
- c) applicant has no, or unsuitable, premises where cats can be bred in a safe and ethical way;
- d) applicant has been convicted within the previous three years of an offence against any of the:
  - i. Cat Act 2011;
  - ii. Dog Act 1976; or
  - iii. Animal Welfare Act 2002;
- e) applicant is not a fit and proper person to breed cats; or
- f) any other circumstances prescribed.

**19 RESPONSE TO PREVIOUS QUESTIONS**

For example, the Regulations prescribe at regulation 22(1) if a person has been issued, and paid, an infringement notice in the previous 12 months, a local government can refuse the application.

In the event the infringement notice has not been paid, the decision can be deferred until the matter is finalised (regulation 22(2)).

The City may not refuse approval to breed cats from an applicant that meets the criteria set out in regulation 23 and who is a current member of the organisations or associations listed in the regulations.

The relevant section is set out below:

**23. Person who may not be refused approval to breed cats (s. 37(5))**

*A local government is not to refuse an application for the grant or renewal of an approval to breed cats if the applicant —*

- (a) has attained the age of 18 years; and*
- (b) has not been convicted within the previous 3 years of an offence against —*
  - (i) the Cat Act 2011; or*
  - (ii) the Dog Act 1976; or*
  - (iii) the Animal Welfare Act 2002;**and*
- (c) is a current member of one of the following organisations and associations —*
  - (i) the Cat Owners Association of Western Australia (COAWA);*
  - (ii) the Feline Control Council of Western Australia (FCCWA);*
  - (iii) the Australian National Cats (ANCATS).*

For your reference a copy of the prescribed Form 1 referred to above is attached.

Section 37 is set out below:

**37. Approval to breed cats**

- (1) On receiving an application for the grant or renewal of an approval to breed cats under section 36, a local government is to —*
  - (a) grant or refuse to grant an approval for the person to breed cats; or*
  - (b) renew or refuse to renew an approval for the person to breed cats.*
- (2) A local government may refuse an application for the grant or renewal of an approval to breed cats only if the local government is satisfied that one or more of the following apply —*
  - (a) the applicant is a child under 18 years of age;*
  - (b) the applicant has no, or insufficient, facilities to breed cats in a safe and ethical way;*
  - (c) the applicant has no, or unsuitable, premises where cats can be bred in a safe and ethical way;*
  - (d) the applicant has been convicted within the previous 3 years of an offence against —*
    - (i) this Act; or*
    - (ii) the Dog Act 1976; or*
    - (iii) the Animal Welfare Act 2002;*
  - (e) the applicant is not a fit and proper person to breed cats;*
  - (f) such other circumstances, if any, as are prescribed.*

## 19 RESPONSE TO PREVIOUS QUESTIONS

- (3) *A local government to which an application is made may require the applicant to give the local government, within a specified time of not more than 21 days, any document or information that it requires to determine the application and may require the applicant to verify the information by statutory declaration.*
- (4) *The local government may refuse to consider an application if the applicant does not comply with a requirement under subsection (3) within the specified time.*
- (5) *Despite subsection (2), a local government is not to refuse to grant or renew an approval to breed cats if the applicant belongs to a class of persons prescribed for the purposes of this subsection.*
- (6) *Subject to this Act, the grant or renewal of an approval to breed cats has effect for the period, or periods, prescribed.*

### Approval

If the decision is made to approve a person to breed cats, the City will issue a Certificate. The approval will be for a period of one year in accordance with regulations 24 and 25.

Regulations 24 and 25 are set out below

#### **24. Duration of approval to breed cats (s. 37(6))**

*An approval to breed cats, or a renewal of approval, granted under section 37 of the Act has effect for one year.*

#### **25. Certificate given to approved cat breeder (s. 39(1))**

*The certificate to be given by a local government to an approved cat breeder is to be in the form of Form 4.*

### Refusal

If the decision is made to refuse to approve a person to breed cats under section 37 (the application), the City will give written notice of its decision to refuse the application within seven days of making the decision. The notice will set out the decision and the reasons for the decision and the person's rights under Part 4 Division 5 to object against, and apply for a review of, the decision.

The process for Objections and Review are set out in Division 5 of the Act.

### Objections

If the decision is made to refuse to approve (or renew the approval) of a person to breed cats an objection may be lodged in accordance with section 69 set out below:

#### **69. Objection may be lodged**

- (1) *A person who has been given notice under section 13 or 40 of a decision may object to the decision if the person has not applied for a review of the decision under this Division.*



## 19 RESPONSE TO PREVIOUS QUESTIONS

- (2) *The objection is made by preparing it in the prescribed form and lodging it with the local government in the prescribed manner within 28 days after the right of objection arose, or within such further time as the local government may allow.*

Once the notice of the decision to refuse to approve a person to breed cats under section 37 has been given, an objection in the prescribed form may be lodged within 28 days.

The objection will be dealt with by the Council or a Committee authorised by the Council and in accordance with the Act the person who made the objection will be given an opportunity to make a submission.

The City will provide written notice of the decision.

### Review

If the decision is made to refuse to approve (or renew the approval) of a person to breed cats application can be made to the State Administrative Tribunal for a review of the decision.

A copy of Division 5 in relation to Objections and Review is set out below:

### Division 5 — Objections and review

#### **68. When this Division applies**

- This Division applies when a local government makes a decision to —*
- (a) refuse to grant or renew the registration of a cat under section 9; or*
  - (b) cancel the registration of a cat under section 10; or*
  - (c) refuse to approve or renew the approval of a person to breed cats under section 37; or*
  - (d) cancel the approval of a person to breed cats under section 38.*

#### **69. Objection may be lodged**

- (1) A person who has been given notice under section 13 or 40 of a decision may object to the decision if the person has not applied for a review of the decision under this Division.
- (2) The objection is made by preparing it in the prescribed form and lodging it with the local government in the prescribed manner within 28 days after the right of objection arose, or within such further time as the local government may allow.

#### **70. Dealing with objection**

- (1) The objection is to be dealt with by the council of the local government or by a committee authorised by the council to deal with it.
- (2) A committee cannot deal with an objection against a decision that it made or a decision that the council made.
- (3) The person who made the objection is to be given a reasonable opportunity to make submissions on how to dispose of the objection.

## 19 RESPONSE TO PREVIOUS QUESTIONS

- (4) The objection may be disposed of by —
  - (a) *dismissing the objection; or*
  - (b) *varying the decision objected to; or*
  - (c) *revoking the decision objected to, with or without —*
    - cccdx(i) substituting for it another decision; or
    - (ii) referring the matter, with or without directions, for another decision by a committee or person whose function it is to make such a decision.
- (5) The local government is to ensure that the person who made the objection is given notice in writing of how it has been decided to dispose of the objection and the reasons for disposing of it in that way.

**71. Review of decisions**

- (1) A person who has been given notice under section 13 or 40 of a decision may apply to the State Administrative Tribunal for a review of the decision if the person —
  - (a) has not lodged an objection to the decision; or
  - (b) has lodged an objection but, at the expiration of 35 days after it was lodged, has not been given notice in writing of how it has been decided to dispose of the objection.
- (2) If the person lodged an objection and has been given notice in writing of how it has been decided to dispose of the objection, the person may apply to the State Administrative Tribunal for a review of the decision on the objection.
- (3) The application is to be made within 42 days after the right to make it arose.

Examples for this subsection:

- (a) within 42 days after the original decision, for an application under subsection (1)(a); or
- (b) more than 35 days, but within 77 days, after the objection was lodged, for an application under subsection (1)(b); or
- (c) within 42 days after the objection was decided, for an application under subsection (2).

**72. Suspension of effect of some decisions**

If an objection has been lodged, or an application for review made under this Division against a decision to —

- (a) refuse to renew the registration of a cat under section 9; or
- (b) cancel the registration of a cat under section 10; or
- (c) refuse to renew the approval for a person to breed cats under section 37; or
- (d) cancel the approval for a person to breed cats under section 38,

the effect of the decision is suspended, and the registration or approval, as is relevant, is to be taken to continue to have effect pending the determination of the application unless the State Administrative Tribunal orders that the effect of the decision should not be suspended.

## 19 RESPONSE TO PREVIOUS QUESTIONS

### Review of decisions

A notice given under section 13 or 40 is a notice in respect of:

#### ***Subdivision 1 — Cats must be registered and tagged***

#### **13. Notice to be given of certain decisions made under this Subdivision**

- (1) Within 7 days after making a decision referred to in subsection (2) the local government is to give to the owner of the cat the subject of the decision, notice in writing of —
  - (a) the decision; and
  - (b) the reasons for the decision; and
  - (c) the person's rights under Part 4 Division 5 to object against, and apply for a review of, the decision.
- (2) The decisions to which subsection (1) applies are a decision to —
  - (a) refuse to grant or renew the registration of a cat under section 9; or
  - (b) cancel the registration of a cat under section 10.

#### ***Subdivision 2 — Becoming an approved cat breeder***

#### **40. Notice to be given of certain decisions made under this Subdivision**

- (1) Within 7 days after making a decision referred to in subsection (2) the local government is to give to the person affected by the decision notice in writing of —
  - (a) the decision; and
  - (b) the reasons for the decision; and
  - (c) the person's rights under Part 4 Division 5 to object against, and apply for a review of, the decision.
- (2) The decisions to which subsection (1) applies are a decision to —
  - (a) refuse to approve or renew the approval of a person to breed cats under section 37; or
  - (b) cancel the approval of a person to breed cats under section 38.

## 20 Mayoral Announcements (without discussion)

Mayor Carol Adams mentioned that there has been a State Election and we have a new Government, a Premier in Rockingham, Deputy Premier in Kwinana and a new seat at Baldivis. The Mayor advised that the Cabinet has been settled and that the City is in the process of writing letters of congratulations. The Mayor added that she felt from the City of Kwinana's perspective, it has been a great outcome and the City will continue to drive and champion the Kwinana Port project.

The Mayor reported that she had attended the KIC Youth Art Awards, City of Kwinana Stakeholder Function, William Bertram Community Centre Great Local Place Event and the Multicultural Action Plan Launch at the Darius Wells Library and Resource Centre.

The Mayor advised that she had received an invitation from Challenger TAFE to discuss Australian politics with students and that it had been a really good interactive discussion.

## 21 Matters Behind Closed Doors

### COUNCIL DECISION

459

MOVED CR P FEASEY

SECONDED CR W COOPER

That in accordance with Section 5.23(2)(e) of the Local Government Act 1995, Council move behind closed doors to allow discussion of the Matters Behind Closed Doors item.

CARRIED  
8/0

*The public exited the Council Chambers at 7:47pm*

### 21.1 **Proposal to exercise power to borrow to refinance loan 103 – Kwinana Golf Club Self Supporting Loan**

### COUNCIL DECISION

460

MOVED CR P FEASEY

SECONDED CR B THOMPSON

That Council adopt option A.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL  
8/0

### COUNCIL DECISION

461

MOVED CR P FEASEY

SECONDED CR B THOMPSON

That Council return from Behind Closed Doors.

CARRIED  
8/0

*The Council Chambers reopened at 7:50pm*

## **22 Meeting Closure**

The Mayor declared the meeting closed at 7:52pm.

Chairperson:

12 April 2017