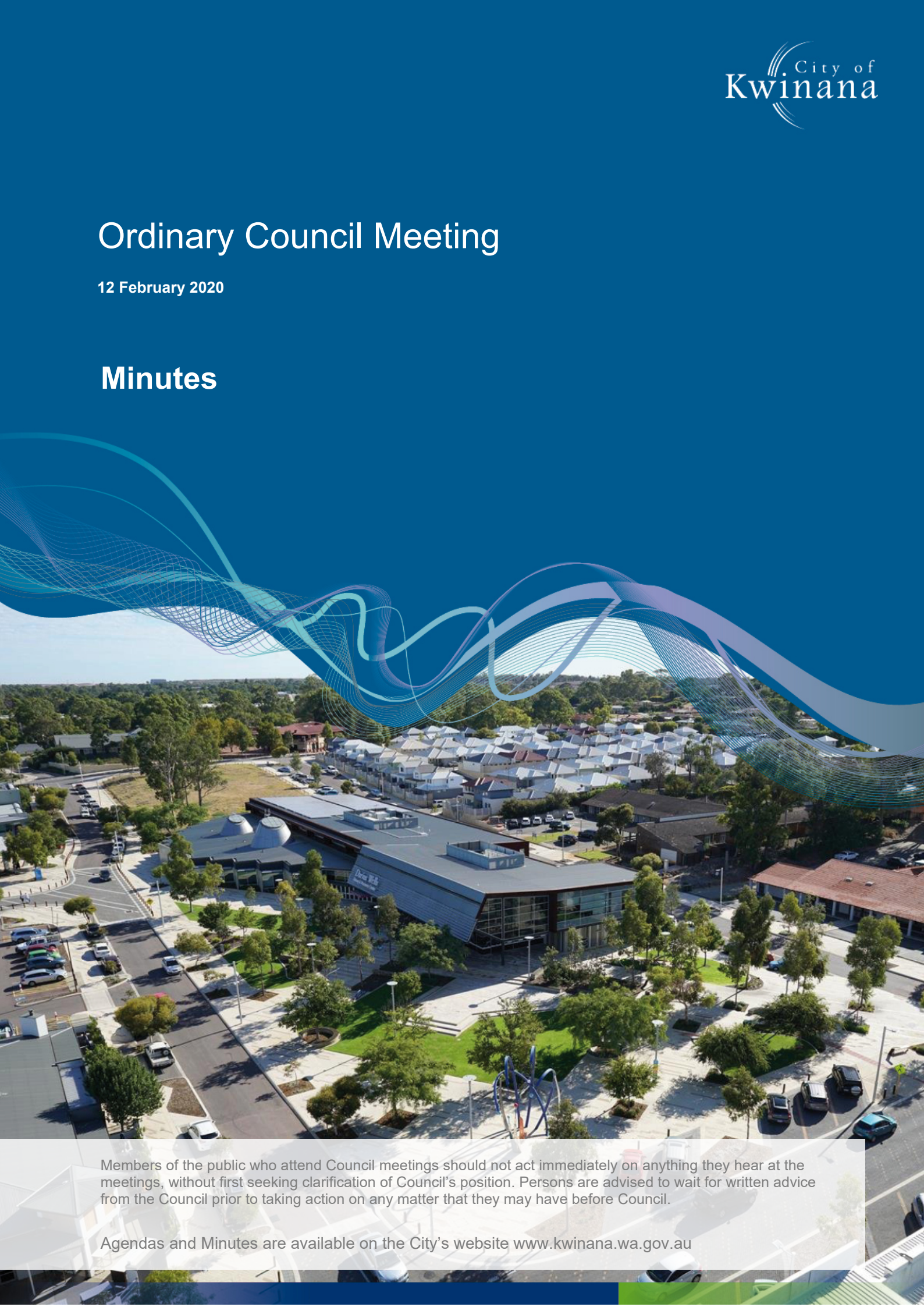


Ordinary Council Meeting

12 February 2020

Minutes

An aerial photograph of the Kwinana City Centre, showing a large modern building with a glass facade and a curved roof, surrounded by green spaces, trees, and residential areas. The image is overlaid with a decorative blue and white wavy graphic that flows across the top and middle of the page.

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

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

Vision Statement

Kwinana 2030

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



Mission

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

We will do this by –

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

Values

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

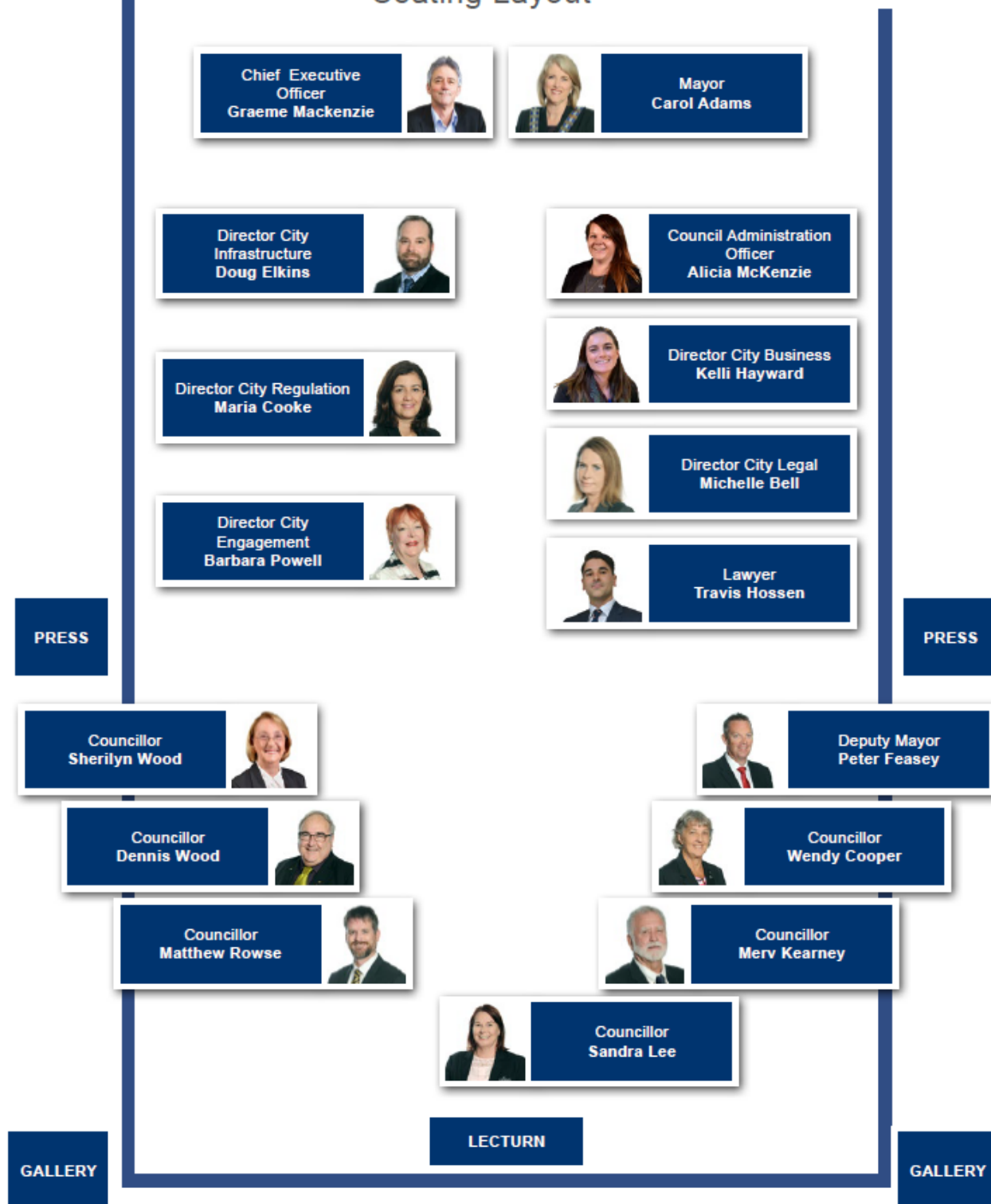
Lead from where you stand – *Leadership is within us all.* | Act with compassion – *Show that you care.* | Make it fun – *Seize the opportunity to have fun.* | Stand Strong, stand true – *Have the courage to do what is right.* | Trust and be trusted – *Value the message, value the messenger.* | Why not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





Council Chambers

Seating Layout



EMERGENCY GUIDE

Council Chambers



The City of Kwinana values the health and safety of its employees, contractors and visitors. Please ensure you are familiar with the emergency procedures in place at the City of Kwinana to ensure your safe evacuation.

Fire Alarm

On hearing the fire alarm, if you are instructed to evacuate, all individuals must:

- remain calm;
- pay attention to the responsible officer (in charge);
- when instructed to evacuate, leave via the appropriate emergency exit as directed;
- assemble at the designated Muster Point; and
- await the arrival Emergency Services. You must not re-enter the building until the all clear has been given by Emergency Services.



Administration Centre – Access, Egress (Red) and Assembly Points (Green)

Assembly Points:

- ▶ Primary - North-west of the main entrance near Gilmore Avenue.
- ▶ Secondary - South-east of the facility on grass area near Koorliny Arts Centre.

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Present:

MAYOR CAROL ADAMS, OAM
 DEPUTY MAYOR PETER FEASEY
 CR W COOPER
 CR M KEARNEY
 CR S LEE
 CR M ROWSE
 CR D WOOD
 CR S WOOD

MR G MACKENZIE	-	Chief Executive Officer
MRS K HAYWARD	-	Director City Business
MRS B POWELL	-	Director City Engagement
MR D ELKINS	-	Director City Infrastructure
MRS M COOKE	-	Director City Regulation
MRS M BELL	-	Director City Legal
MRS S WILTSHIRE	-	Manager Human Resources
MR T HOSSEN	-	Lawyer
MS A MCKENZIE	-	Council Administration Officer

MR P CASEY	-	Beilby Downing Teal
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Members of the Press	1
Members of the Public	0

1 Opening and announcement of visitors

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

2 Acknowledgement of country

Presiding Member read the Acknowledgement of country

"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 and we pay our respects to their Elders past and present."

3 Dedication

Councillor Cooper read the dedication

"May we, the Elected Members of the City of Kwinana, have the wisdom to consider all matters before us with due consideration, integrity and respect for the Council Chamber.

May the decisions made be in good faith and always in the best interest of the greater Kwinana community that we serve."

4 Attendance, apologies, Leave(s) of absence (previously approved)

Apologies

Nil

Leave(s) of Absence (previously approved):

Nil

5 Public Question Time

Nil

6 Receiving of petitions, presentations and deputations:

6.1 Petitions:

Nil

6.2 Presentations:

Nil

6.3 Deputations:

Nil

7 Confirmation of minutes

7.1 Ordinary Meeting of Council held on 29 January 2020:

COUNCIL DECISION

075

MOVED CR D WOOD

SECONDED CR M ROWSE

That the Minutes of the Ordinary Meeting of Council held on 29 January 2020 be confirmed as a true and correct record of the meeting.

**CARRIED
8/0**

7 CONFIRMATION OF MINUTES

7.2 Special Council Meeting held on 18 December 2019:

COUNCIL DECISION

076

MOVED CR S LEE

SECONDED CR D WOOD

That the Minutes of the Special Council Meeting held on 18 December 2019 be confirmed as a true and correct record of the meeting.

CARRIED

8/0

8 Declarations of Interest (financial, proximity, impartiality – both real and perceived) by Members and City Officers

Councillor Merv Kearney declared an impartiality interest in item 18.1, Charitable Rate Exemption - Communicare Incorporated due to Communicare being a Kearns Garden Hardware customer and due to them running a program (Breathing Space) at the Men's Shed, which he is a member of.

Deputy Mayor Peter Feasey declared an impartiality interest in item 18.1, Charitable Rate Exemption - Communicare Incorporated due to his supervisor being the Minister for Housing and the property is owned by the Department.

9 Requests for leave of absence

COUNCIL DECISION

077

MOVED CR M ROWSE

SECONDED CR D WOOD

That Deputy Mayor Peter Feasey be granted a leave of absence from 13 February 2020 to 19 February 2020 inclusive.

That Councillor Sandra Lee be granted a leave of absence from 3 March 2020 to 18 March 2020 inclusive.

CARRIED

8/0

10 Items brought forward for the convenience of those in the public gallery

Nil

11 Any business left over from previous meeting

Nil

12 Recommendations of committees

Nil

13 Enbloc reports:

Nil

14 Reports - Community

Nil

15 Reports – Economic

Nil

16 Reports – Natural Environment

16.1 City of Kwinana Response to Native Vegetation in Western Australia Issues Paper (Department of Water and Environmental Regulation November 2019)

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

The Department of Water and Environmental Regulation (DWER) has released a Native Vegetation in Western Australia Issues Paper (Issues Paper) and is seeking public comment by 10 February 2020 to assist in guiding the reform of regulation and management of the State's native vegetation.

City Officers have prepared a draft response to the issues paper for Council consideration. It should be noted that due to the deadline for submissions, the draft response has been submitted to DWER subject to Council's consideration and adoption with or without changes.

OFFICER RECOMMENDATION:

That Council adopt the City of Kwinana response to the Native Vegetation in Western Australia Issues Paper as detailed in Attachment A.

DISCUSSION:

The City of Kwinana adopted its *Local Planning Policy No. 1 Landscape Feature and Tree Retention* in 2016. This policy assists the City in retaining native vegetation via the planning process and ensures that each new development considers the retention of trees and vegetation. The City has also identified through its *Strategic Community Plan 2019 – 2029*, that the natural environment is important to the community. As a peri-urban Local Government the City is under increasing pressure to clear remnant native vegetation. The City has significant environmental assets in its wetlands, Banksia Woodlands and Tuart Woodlands, most of which are afforded some protection under the State Government *Environmental Protection Act, 1986 (EP Act)* and the *Federal Government Biodiversity Conservation Act, 1999 (EPBC)*.

The Issues Paper seeks to address inadequacies in process and regulation, in particular, of the clearing of native vegetation. The Issues Paper is primarily driven by the improvement of efficiencies of process and the City has suggested in its submission that conservation and protection of native vegetation should equally drive management reform.

Of note is the proposed reform to align approvals across different regulators and various applicable legislation, this is relevant to the City as the ongoing development of the Banksia Road Sand mine proposal is being assessed for approval under three sets of legislation. These being: the *EP Act*, *EPBC Act* and the *Mining Act, 1978*. Whilst regulatory reform is required the City has expressed concern that any 'streamlining' of process does not equate to a reduction in rigour of environmental assessment.

16.1 CITY OF KWINANA RESPONSE TO NATIVE VEGETATION IN WESTERN AUSTRALIA ISSUES PAPER (DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION NOVEMBER 2019)

LEGAL/POLICY IMPLICATIONS:

The following legislation will be impacted by reform in native vegetation management. The *EP Act* and the *EPBC Act* are also currently under review.

Environmental Protection Act, 1986

Clearing of Native Vegetation Regulations, 2004

Environmental Protection and Biodiversity Conservation Act, 1999

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial or budget implications.

ASSET MANAGEMENT IMPLICATIONS:

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

ENVIRONMENTAL IMPLICATIONS:

As the Issues Papers invites discussion only on the current state of native vegetation management in Western Australia there are no implications at this stage.

STRATEGIC/SOCIAL IMPLICATIONS:

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

Plan	Outcome	Objective
Strategic Community Plan	A beautiful environment	1.3 Improve conservation of biodiversity and protection of native vegetation whilst achieving high levels of environmental protection in new development.

COMMUNITY ENGAGEMENT:

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

PUBLIC HEALTH IMPLICATIONS

There are no implications on any determinants of health as a result of this report.

16.1 CITY OF KWINANA RESPONSE TO NATIVE VEGETATION IN WESTERN AUSTRALIA ISSUES PAPER (DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION NOVEMBER 2019)

RISK IMPLICATIONS:

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

Risk Event	Reduced rigor of environmental assessment by State Government, resulting in a reduction of environmental protection and conservation
Risk Theme	Inadequate environmental management
Risk Effect/Impact	Environment
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Possible
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce - mitigate the risk
Response to risk treatment required/in place	Advocate for adequate environmental protection to State Government
Rating (after treatment)	Moderate

COUNCIL DECISION

078

MOVED CR D WOOD

SECONDED CR S WOOD

That Council adopt the City of Kwinana response to the Native Vegetation in Western Australia Issues Paper as detailed in Attachment A.

**CARRIED
8/0**

29 January 2020

**DRAFT SUBMISSION -
NATIVE VEGETATION IN WESTERN AUSTRALIA ISSUES PAPER -
CITY OF KWINANA SUBMISSION**

SUBMISSIONS CLOSE 10 FEBRUARY 2020

Introduction

The City of Kwinana (the City) welcomes the opportunity to respond to the Department of Water and Environmental Regulations (DWER) Native Vegetation in Western Australia Issues Paper (Issues Paper).

In making this submission the City notes that other environmental legislation is currently under review including, *The Environmental Protection Act 1986*, and *the Federal Environmental Protection and Biodiversity Conservation Act 1999*. The review of this legislation has implications for the management of native vegetation in Western Australia and as such should be considered as part of the discussion of the Native Vegetation in Western Australia Issues Paper.

Additionally, the City also notes that the Issues Paper does not consider how this proposal relates to the Department of Premier and Cabinet's review of the draft *Green Growth Plan, 2018*. As both proposals have significant implication for native vegetation in Western Australia, clarity is sought as to how these proposals will interact.

This submission from the City covers some background information and then details support, issues and concerns in relation to the Native Vegetation Issues Paper.

For clarification on any matters in this submission, please contact the City's Senior Environmental Planner, Christine Burtenshaw, on (08) 9439 0200 or by email: customer@kwinana.wa.gov.au

Background

The City of Kwinana community's sense of place is intrinsically connected to its natural areas. The *City of Kwinana Strategic Community Plan 2019 – 2029 (Strategic Community Plan)* identifies four aspirational goals of which 'Aspiration 3' states that the City aspires to be, "surrounded by nature". These 'aspirations' have been developed following extensive community consultation and as such the retention of native vegetation is an important consideration for the City.

As a peri-urban Local Government the City faces increasing pressure in sustaining its aspiration to be 'surrounded by nature'. In particular, the combined threats of urban development and resource mining land-uses present major challenges. To address the former threat the City of Kwinana *Local Planning Policy No.1 Landscape Feature and Tree Retention (2016)* was developed to ensure that native vegetation is conserved in each new development area in alignment with its *Strategic Community Plan*.

City of Kwinana Administration

Corner Gilmore Avenue and Sulphur Road, Kwinana WA 6167

PO Box 21, Kwinana WA 6966 | Telephone 08 9439 0200 | NRS 133 677 (hearing/speech impaired)

Email customer@kwinana.wa.gov.au | Website kwinana.wa.gov.au



Sand mining application Lots 53 and 1320, Banksia Road, Wellard

In terms of resource mining land-uses the City has been subject to significant challenges when working across local, state and federal legislation. Under the *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)* the Federal Department of Environment and Energy (DoEE) are currently considering an application for the clearing of 16.25 hectares of Very Good to Excellent condition (Keighery, 2004) Banksia Woodland at Lots 53 and 1320 Banksia Road, Wellard, in the City of Kwinana.

The Banksia Road Conservation Reserve (the Reserve) is associated with a Tumulus Mound Spring Threatened Ecological Community (TEC) and is vested with the City of Kwinana. The Reserve is managed for the purpose of Parks, Recreation and Drainage under the City's Town Planning Scheme and located within a Special Rural Zone.

The site is subject to a mining tenement held by Hanson Construction Materials for the purpose of sand mining and has support and approval from the Department of Mines, Industry, Regulation and Safety (DMIRS). The City has expressed strong opposition to the proposal on multiple occasions, as have the local community.

Despite the Threatened Ecological Community listing under both State and Federal Government legislation, association with a Tumulus Mound Spring TEC, strong opposition from community and the City of Kwinana, the proposal was approved to proceed independent of the requirement for assessment under the EPBC Act (1999). This case highlights Local Government's frustration with current environmental legislation and the process for the protection of native vegetation. Far in exceedance of the 2 hectares of Good condition vegetation threshold for assessment under the EPBC Act (1999), the DMIRS approval of the proposal demonstrates inconsistencies between government agencies in the application of legislation. These inconsistencies engender confusion and a perception of weakness of environmental legislation. The City considers that greater cross agency consistency and consideration of Local Government requirements in the application of environmental legislation regarding the clearing of native vegetation is well overdue.

General Comment

As a general comment, Local Government plays an important role in the conservation of native vegetation. Federal and State Government play a broader strategic role in protecting remnant vegetation, however, it is often the case that Local Government environmental practitioners and community groups have vast knowledge and on-ground experience with remnant vegetation at a fine scale. Given this knowledge and the interest of community in native vegetation conservation, it is important that instruments such as Local Biodiversity Strategies and Town Planning Schemes have a statutory role to play in the conservation of native vegetation that is locally significant.

The City notes, and is concerned that, the primary purpose of the Issues Paper appears to address improvement of processes. Fundamental to sustainable management of the State's native vegetation is the quantification and qualification of extent. This should be followed by clear, concise, evidence based targets for conservation. A consistent, transparent and fair process should be informed by the former. The Issues Paper neglects to provide clarity of what the overall outcome or purpose of the proposed initiatives are. It is acknowledged and supported that a State native vegetation policy is one initiative that should address this issue, however, clarity is required in regards to the intended overall outcome of the initiatives.

The current list of exemptions contained in the *Native Vegetation Clearing Regulations 2004*, especially the 'Five-hectare limit', allows manipulation of the process by landowners whereby cumulative clearing of native vegetation amounts to significant impacts over time. Also, the exemption for approved subdivisions under the *Planning and Development Act (2005)* has substantial issues. These exemptions negate the ability of Local Government to protect locally significant natural areas identified by the communities that value them. As such, a review of existing exemptions under Part V of the *Environmental Protection Act (1986)* is fundamental to the discussion of issues of native vegetation in Western Australia (WA).

In its discussion of '*striking the right balance*' the Issues Paper's emphasis is on economic factors. It is disappointing to note that the discussion is not sustainably focused in that equal consideration is not given to environmental and social factors. In planning for vibrant, sustainable communities, livability and community expectations are very much evolving. This is evidenced by the recent community support for the conservation of native vegetation in the 'Roe 8 case'. The proposed policy for native vegetation in WA should give equal consideration to, and discussion of, all factors underpinning sustainable development and be a driver for legislative change that reflects contemporary views rather than an update and/or review of existing legislation.

Clarity is sought as to how the proposed State vegetation policy will interact with the existing planning processes and frameworks. It is acknowledged that the current process for tracking the extent and location of native vegetation clearing is inadequate but how does the Issues Paper propose to address this gap? For example, how will agencies, industry and the community be compelled to report clearing under exemptions, and to whom will this be reported to and recorded by?

It is noted that a four week consultation period is proposed for the draft native vegetation policy. This timeframe is considered inadequate for comprehensive review and comment by stakeholders and should be extended.

Issues with the Native Vegetation in Western Australia Issues Paper Policy

The proposed initiatives to manage native vegetation across all government processes are generally supported by the City. That being said the City highlights the following opportunities to strengthen native vegetation management beyond what is proposed.

It would be beneficial if the Issues Paper provided a comprehensive assessment of the effectiveness, or lack thereof, of the current framework and outline a timeframe for native vegetation reform. The statement that reform will be "*a long-term journey*" is ambiguous and not conducive for engendering confidence in process reform. It is recommended that similar to other reform, i.e. the Public Health Act, that a five year time frame be proposed with relevant stages outlined within the five years as key mile stones to be achieved.

Further clarification around the proposed policy objectives is required, i.e. in regards to objective (a), what criteria will be used and how will this be transposed through relevant legislation to enable consistency and cross referencing to ensure '*striking a balance between environmental, economic, social and cultural outcomes*'? A clear and concise explanation is required in regards to the definition of '*striking a balance*'.

It is noted that spatial records of all clearing of native vegetation in WA are not collected and that only 3 per cent of actual clearing to date is recorded. Comprehensive and up to date records of clearing are fundamental to management and must be systematically tracked. A

State-wide database of extent and condition of native vegetation should be pivotal in informing the development of policy. This database should be continuously updated to inform accurate management.

The City strongly supports a consistent, transparent and strategic approach to native vegetation management. Current ad-hoc practices are unpredictable and inconsistent with native vegetation principles and are compromised largely for economic development pursuits.

A more strategic and analytical approach to native vegetation conservation is also supported. The identification of percentage thresholds for complexes is essential. Strategic conservation of this vegetation is critical to facilitate genetic and species biodiversity through connectivity, particularly where target thresholds (i.e. 10% or less of a complex) are reached. Strategic identification of conservation areas will assist other land managers, including Local Government, to plan for, complement and support these important conservation areas.

Current practices are clearly inadequate in the sustainable protection of unique and at-risk vegetation. Strategic, targeted conservation of large, good condition and connected vegetation is strongly supported. This approach would ensure that the minimum percentage of at-risk vegetation is not cleared below threshold triggers. Strategic policy should support a holistic approach to conservation and give greater weight to the enforcement of conservation legislation.

The identification of strategic areas/targets/thresholds for native vegetation conservation should not however mandate that the minimum percentile is what the policy ultimately seeks to achieve. Strategic protection should consider an ecosystems unique circumstance and what is required to support that system. Also, importantly, policy should not exclude the opportunity for Local Government to conserve native vegetation (in addition to strategic objectives) in accordance with its conservation, cultural, societal and economic pursuits.

Whilst there is an urgent need for a clear, concise policy that defines objectives and thresholds for vegetation retention and conservation, it is important to define and develop an instrument for compliance that is supported by a regulatory body that is appropriately funded and is responsible for ensuring monitoring and prosecution of non-compliance.

Where thresholds for conservation status vegetation are reached, i.e. Threatened or Declared under legislation, there is no longer the opportunity for pragmatism in decision making. Policy should be explicit in the protection of vegetation under these circumstances to ensure consistency in approach and adherence to policy intent.

Cumulative impacts of clearing and the lack of mapping and monitoring are areas of concern. An instrument of regular measurement with clear thresholds will assist in ensuring the unmonitored decline of native vegetation beyond thresholds, assist Local Government in informing management objectives, and promote confidence that native vegetation decline is not further eroded by the 'death by a thousand cuts' currently evident. The case of the Banksia Road Sandmine provides the perfect example of the failure of the current approach, where two sites adjacent to each other have been subject to separate clearing approvals and whilst it is clear that the sites are being mined by Hanson they have never been assessed for their cumulative impact.

Better Information

The City notes that the Western Australian Local Government Association's (WALGA) Environmental Planning Tool (EPT) is an effective program for assessing environmental management considerations, including native vegetation, and would support the incorporation

of the EPT into proposed State systems to capture local data, i.e. local natural areas. The City also notes that the Victorian State Government is currently undertaking mapping and monitoring of native vegetation incorporating new remote sensing technology and suggests that there may be benefits in considering work undertaken in Victoria in the development of a Western Australia model.

There are a number of tools, including native vegetation data that the City uses to plan and manage native vegetation. The Issues Paper requests input in regards to how the City of Kwinana utilises current vegetation data and mapping. The following points summarise this use:

- To plan for conservation – inform policy and planning (extent and conservation status), i.e. Local Biodiversity Strategy and conservation of Local Natural Area's
- To plan for restoration – evidence of eco-corridors and regional linkages to support and plan for genetic biodiversity and mitigate the occurrence of local extinctions that can be resultant of isolated and disconnected conservation areas.
- Scope for offset opportunities – identification, quantification and qualification of conservation worthy native vegetation for offset consideration.
- To inform applications to clear or impact vegetation – to identify and manage spatially and geographically local natural areas, connectivity and recreational opportunities.
- Baseline information for monitoring – to inform and support policy for retention targets.
- Other – to inform land-use planning, management and advice using current and correct data and statistics.
- Provide a measurement instrument for illegal clearing and compliance matters.

In regards to which elements for better information provision would be most relevant to your sector, the City considers the following to be most relevant:

- “Evidence-base for decisions”, to show clear, consistent and reliable decision making. For example the Threatened Status of Banksia Woodlands is difficult to predict and of concern with regards to its application. Giving regard to the established assessments thresholds, experience shows that multiple applications to clear Banksia Woodlands are routinely provided with Clearing Permits in contradiction to guidelines. There is currently very little certainty in the predictability of assessment outcomes in accordance with policy and guidelines

Better regulation

Accurate and current monitoring and mapping of vegetation extent and condition is fundamental to informing sustainable native vegetation conservation. Development of a robust instrument for monitoring and mapping must be supported by a mechanism to ensure compliance and prosecution for non-compliance with policy.

The intent of the Issues Paper, at times, appears to be primarily concerned with the improvement of regulatory process and not the conservation of native vegetation. More specifically the Issues Paper appears to facilitate regulatory frameworks to clear native vegetation, i.e. ‘*Continuous improvement of operational systems, policy and processes for clearing permits, making best use of new resourcing from clearing fees and applying a risk-based approach*’. What use of resources from clearing fees are proposed to assist in the conservation and protection of remnant vegetation? What is the definition of “*essential development*” in the context where “*vegetation must be impacted*”? A risk based approach to regulation would be an effective methodology so that there is monitoring and accountability of what is happening and the legislation can respond effectively.

Current practices in regards to lack of prosecution for small scale illegal clearing are an example of how the lack of monitoring and management negates the intent and purpose of legislation. It is a common and frequent experience in Local Government to witness multiple episodes of small scale, illegal clearing that are not prosecuted by the DWER. The cumulative impact is significant and unregulated. Additionally, the 5 hectare per year clearing exemption requires revision for the aforementioned reasons. Unlawful clearing can have significant impacts in the Local Government context. Investigation and prosecution of unlawful clearing should be referred to Local Government for comment as a minimum, as part of the process of investigation.

Monitoring and compliance in regards to vegetation condition is critical. Commonly, Local Government's experience the significant degradation of protected vegetation through land-uses such as grazing and frequent burning, this is especially prevalent in peri-urban areas where land owners wish to degrade the value of vegetation to allow for development. Systematic degradation without consequence has created a precedent that has engendered an understanding that the *Native Vegetation Clearing Regulations (2004)* can be circumvented without prosecution.

Consequently, Local Governments are left to address clearing compliance matters if they wish to conserve local natural areas. This is an area where Local Government expertise and responsibility is not supported by statutory requirements.

Regulation Reform

The Issues Paper suggests a number of reforms for the better regulation of native vegetation management. Of these the City considers the following elements for better regulation would be most important:

- Improved protection for native vegetation
- Ensuring development is sustainable
- Transparent, evidenced-based decisions
- Improved compliance and enforcement of unauthorised clearing
- Confidence in the regulatory system for all stakeholders

A Bioregional approach

A bioregional approach is broadly supported in principal but should not preclude Local Government from identifying and protecting native vegetation within its jurisdiction. Clarity is sought in terms of the definition of 'bioregional', spatially what is a 'bioregion' and what are the implications of an area attracting this status?

Vegetation identified as Threatened or near - Threatened should have prescriptive direction in planning and environmental policy to ensure they are not reduced or degraded once thresholds have been reached. Current practice allows the unmonitored and unquantified clearing of Threatened Ecological Communities such as Banksia and Tuart Woodlands in spite of their status.

The Issues Paper seeks the City's input in regards to what it considers are the most important aspects of the proposed bioregional approach. Having considered these aspects, the City provides the following:

- Establishing a planned approach to dealing with cumulative impacts, the co-occurrence of high-value native vegetation with high-value development or environmental offset;
- Devising transparent outcomes and objectives, tailored to regional ecosystems and risk types, to drive coordination toward common goals across a range of regulatory tools; and
- Underpinning an effective monitoring and evaluation framework to understand and improve the effectiveness of regulation and conservation efforts.

Conclusion

The City of Kwinana, whilst welcoming the opportunity to comment on issues associated with native vegetation, considers that the current clearing permit process and management of Western Australia's native vegetation is fundamentally flawed. These flaws cannot be addressed by the limited scope of the Issues Paper. A comprehensive inquiry into the current process and management of native vegetation in Western Australia is required to inform any future direction or way forward. The development of a strategic policy for the conservation of native vegetation and annual reporting is supported as a first step in addressing these issues, but needs to ensure the focus remains on the protection and advancement of native vegetation in WA having regard to local and federal legislation in this area.

Maria Cooke
Director City Regulation

16.2 City of Kwinana Submission to Environmental Protection Act Exposure Draft Bill

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

In December 2019, the Department of Water and Environmental Regulation (DWER) released a Modernising the Environmental Protection Act Discussion Paper (Discussion Paper), and an associated Exposure Draft Bill. The DWER is seeking public comment on proposed changes to the *Environmental Protection Act, 1986*. The City of Kwinana (the City) has prepared a submission in response to the Paper.

The proposed amendments aim to improve regulatory efficiency and effectiveness and facilitate the implementation of bilateral agreements under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 to deliver better environmental protection and sustainable development.

City Officers have prepared a response to the Discussion Paper and associated Exposure Draft Bill for Council Consideration. It should be noted that due to the deadline for submissions, the draft response has been submitted to DWER subject to Council's consideration and adoption with or without changes.

Of note, DWER is also currently seeking comment on the Western Australian Native Vegetation Issues Paper (Issues Paper). Primarily, the Issues Paper considers the current state of vegetation management in the State and identifies how this could be improved upon. The City has prepared a draft submission addressing the Issues Paper which is listed for Council consideration as a separate item on this Council Agenda.

Additionally, the Federal Government are concurrently seeking comment on the *Environmental Protection and Biodiversity Conservation Act, 1999* (EPBC Act). The City will also be preparing a submission for the *EPBC Act*, submissions close in April this year.

OFFICER RECOMMENDATION:

That Council adopt the City of Kwinana response to the Submission to Environmental Protection Act Exposure Draft Bill as detailed in Attachment A.

DISCUSSION:

The City of Kwinana *Strategic Community Plan 2019 – 2029* has identified that the retention of natural areas is an important consideration for the community. As a peri-urban Local Government, the City has many natural areas, including Banksia Woodlands, Tuart Woodlands and wetlands. Much of the City's remaining bushland is afforded protection under the *Environmental Protection Act, 1986* (EP Act) and the *Environmental Protection and Biodiversity Conservation Act, 1999* (EPBC Act). As such, the implications of any amendments to the *EP Act* are important considerations for the City.

16.2 CITY OF KWINANA SUBMISSION TO ENVIRONMENTAL PROTECTION ACT EXPOSURE DRAFT BILL

The proposed reforms to modernise the *EP Act* set out in the Discussion Paper are generally supported. Proposed amendments include the incorporation of changes to other environmental legislation, technological advances, clarification of terminology and the removal of inconsistencies. However, the focus of the review is predominantly in regards to process and efficiency improvements.

The City suggests that the Draft Discussion Paper is also an opportunity to consider current biodiversity conservation and protection principles and incorporate these as key drivers of reform.

LEGAL/POLICY IMPLICATIONS:

Legislation

Clearing of Native Vegetation and Regulations, 2004

Environmental Protection & Biodiversity Conservation Act, 1999

Environmental Protection Act

Environmental Protection (Kwinana) (Atmospheric Wastes) Regulations, 1992.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial or budget implications directly associated with this recommendation.

The Discussion Paper considers a certification process for environmental practitioners who undertake environmental impact assessment and reporting under the *EP Act*. This could potentially have implications for the City's environment staff. The City has asked for clarification in this regard in its submission.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications resulting from this recommendation.

ENVIRONMENTAL IMPLICATIONS:

The proposed amendments to the *EP Act* have the following environmental implications:

- A reduction in time to process environmental impact assessments by DWER
- Improved management of native vegetation

16.2 CITY OF KWINANA SUBMISSION TO ENVIRONMENTAL PROTECTION ACT EXPOSURE DRAFT BILL

STRATEGIC/SOCIAL IMPLICATIONS:

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

Plan	Outcome	Objective
Strategic Community Plan	A beautiful environment	1.3 Improve conservation of biodiversity and protection of native vegetation whilst achieving high levels of environmental protection in new development.

COMMUNITY ENGAGEMENT:

There are no community engagement implications resulting from this report.

PUBLIC HEALTH IMPLICATIONS

The recommendation/proposal has the potential to cause a significant improvement to; or help improve; the following determinants of health:

Built Environment – Environmental Quality; Neighbourhood Amenity; Disease Prevention

RISK IMPLICATIONS:

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

Risk Event	Potential negative impacts on the amenity, public health and environment of the City due to ineffective environmental management if proposed amendments to the <i>Environment Protection Act</i> are adopted.
Risk Theme	Inadequate environmental management
Risk Effect/Impact	People/Health Environment
Risk Assessment Context	Strategic
Consequence	Major
Likelihood	Possible
Rating (before treatment)	High

16.2 CITY OF KWINANA SUBMISSION TO ENVIRONMENTAL PROTECTION ACT EXPOSURE DRAFT BILL

Risk Treatment in place	Reduce - mitigate risk. Take action to influence the amendment of the Environmental Protection Act to include effective protection of the environment by Council submission.
Response to risk treatment required/in place	Maintain the City's policies and processes to protect the environment and consider the influences of the amended <i>Environmental Protection Act</i> .
Rating (after treatment)	Low

COUNCIL DECISION

079

MOVED CR S WOOD

SECONDED CR P FEASEY

That Council adopt the City of Kwinana response to the Submission to Environmental Protection Act Exposure Draft Bill as detailed in Attachment A.

**CARRIED
8/0**

January 2020

**DRAFT SUBMISSION
DISCUSSION PAPER - MODERNISING THE ENVIRONMENTAL PROTECTION ACT &
EXPOSURE DRAFT BILL
CITY OF KWINANA SUBMISSION**

SUBMISSIONS CLOSE 28 JANUARY 2020

Introduction

The City of Kwinana (the City) welcomes the opportunity to respond to the Department of Water and Environmental Regulations (DWER) Discussion Paper, *Modernising the Environmental Protection Act (the Discussion Paper) and Exposure Draft Bill (Draft Bill)*. In making this submission the City notes that other environmental legislation is currently under review including, the *Native Vegetation in Western Australia Issues Paper*, and the Federal *Environmental Protection and Biodiversity Conservation Act, 1999 (EPBC Act)*. The review of this legislation has implications for the management of Western Australian natural resources and as such should be considered as part of the discussion of *Modernising the Environmental Protection Act* and the *Exposure Draft Bill*.

This submission covers some background information, and then details support, issues and concerns in relation to the Discussion Paper and the Draft Bill.

For clarification on any matters in this submission, please contact the City's Senior Environmental Planner, Christine Burtenshaw, on (08) 9439 0200 or by email: customer@kwinana.wa.gov.au

Background

The City of Kwinana community's sense of place is intrinsically connected to its many natural areas, including Banksia Woodlands, Tuart Woodlands and wetlands. Much of the City's remaining bushland is afforded protection under the *Environmental Protection Act, 1986 (EP Act)* and the *Environmental Protection and Biodiversity Conservation Act, 1999 (EPBC Act)*. Following extensive community consultation, it has been identified within the City's *Strategic Community Plan 2019 – 2029*, that the retention of the native vegetation is an important consideration for the City.

As a rapidly urbanizing Local Government, the City faces increasing pressure to ensure that development is sustainable. In particular residential development and resource mining land-uses present major challenges. To address the former, the City of Kwinana *Local Planning Policy No.1 Landscape Feature and Tree Retention (2016)* was developed to ensure that native vegetation is conserved in each new development area in alignment with its *Strategic Community Plan 2019 -2029*.

City of Kwinana Administration

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General Comment

The City of Kwinana is generally supportive of the proposed reforms to modernise the EP Act set out in the Discussion Paper. The drive for regulatory efficiency however should not come at the expense of best practice environmental management. While the City supports the proposed amendments to incorporate changes to other environmental legislation, technological advances, clarification of terminology and the removal of inconsistencies, there is also an opportunity to consider biodiversity conservation and protection principles and incorporate these as key drivers. Consideration of the following should be fundamental to reform:

- The Precautionary Principle;
- The Principle of intergenerational equity; and
- Sustainable development.

Comment on Proposed Amendments Bilateral Agreements

Whilst the City provides in principle support for amendments proposed within the Discussion Paper in regards to the function of bilateral agreements between State and Federal Governments, clarification is required where there are differences in these legislations. For example, a Tumulus Mound Spring Threatened Ecological Community is listed as Critically Endangered in the EP Act and Endangered in the EPBC Act. Which status will be considered as part of an assessment? The Federal Draft Guidelines for Three Species of Black Cockatoos has no equivalent, specific State legislation, how will this impact assessment under a bilateral agreement?

Any increase to current assessment practices would require additional resourcing within the Environmental Protection Authority to increase the agency's capacity to undertake comprehensive and thorough assessments of proposals. Any increase in assessments by the State should not equate to a reduction in standard of assessment of Matters of National Environmental Significance.

Certification of Practitioners

Clarification is sought in regards to the proposal for certified accreditation for environmental practitioners. It is acknowledged that documents submitted for assessment can be highly variable in quality, however, how will this impact on Local Government Environmental Practitioners? Who would manage such a scheme? The onus for independent scrutiny of a scheme should be the responsibility of the Environment Protection Authority (EPA) and/or the Department of Water and Environmental Regulation (DWER) and not the responsibility of an industry led group.

Environmental Protection Authority EPA Chair to be Either Full-time or Part-time

The City considers that the nature and importance of the position of Chair of the Environmental Protection Authority is such that it demands a full-time role.

Part IV- Environmental Impact Assessments Referral and Assessment of Proposals

The City does not support the proposal that, “*Provides the Environmental Protection Authority (EPA) with discretion to determine which decision-making authorities it will notify of its decision to assess a proposal (and are therefore constrained from making a decision which allows its implementation) rather than having to notify every government body connected to the proposal no matter how minor*”.

This amendment will result in a lack of transparency with decision-making authorities. The “*discretion to determine which decision-making authorities to notify*”, based on the degree of impact, i.e. “*minor*” or major, can be a somewhat subjective evaluation dependent on perspective.

Proposals and activities that have impacts within the Local Government jurisdiction, no matter what the perceived degree of that impact by another government agency, should be a part of routine notification to all decision-making authorities. The decision to assess a proposal may have implications for Local Government. There should be an opportunity for these implications to be considered by Local Government agencies, having due regard to the wider context of issues and factors within their municipality

The City does not support proposed amendments to the EP Act that would allow the EPA to decide not to assess where a proposal can be regulated under other parts of the Act or other legislation. The role of the Environmental Protection Authority and the EP Act in regards to environmental impact assessment should be to assess not only significant impacts of a proposal but the accumulative impacts in a strategic context. This cannot be demonstrated to be adequately addressed under other parts of the EP Act nor other regulation.

Strategic Assessment

The City seeks clarification from DWER for the process by which strategic assessments are applied and investigation of these processes needs to be additions to Part 3 of the *EP Act*. Strategic assessment of land uses or industries that have the potential for cumulative environmental impacts on a region is more effective, than assessments on a case-by-case basis. Proposals considered to require strategic assessment, for example, the development of an industrial precinct, a structure plan for urban development of land, or a plan for extensive infrastructure over a broad area can be specifically addressed in the new Act as a separate category of proposal.

Strategic assessments and management of cumulative environmental impacts likely to be associated with “strategic proposals” requires far more comprehensive environmental modelling and monitoring than dealing with a single proposal. The conditions of approval that result from a strategic assessment and subsequent commitments for the proponent will be far more extensive than a non-strategic proposal. Clarification of when and why the Minister for Environment will consider applying strategic assessment and management of a region or type of industry will provide a greater degree of certainty for applicants and industry.

It is suggested that more detail of the criteria the Minister for Environment will need to consider before implementing a “strategic” level of assessment for proposals is needed for inclusion to Part IV of the draft *EP Act*. Provisions in Part VI of the draft *EP Act* to define the range of proposals and types of proposals that would be assessed as a strategic proposal.

Part V Environmental Regulation Legal Proceedings

The use of modified penalties for offences categorized as Tier 1 offences is a positive change that will simplify the EPA's and DWER's prosecution procedures. The use of modified penalties versus legal prosecution in the courts will streamline compliance and allow for prompt action against offenders. The use of modified penalties can be effective as a deterrent. However, to safeguard the environment the penalties must be relevant to contemporary cost of doing business and be subject to annual review.

The City suggests Part V of the draft *EP Act* (b) include the provisions enabling the Minister for Environment review and authorize indexed increases to modified penalties (including Tiers 1,2 & 3), to ensure that the modified penalties to a CPI index. Indexing will ensure that Tier 1 modified penalty provisions of the *EP Act* continue to act as a deterrent.

Licences New Landfills and Waste Infrastructure

That City recommends that the EP Act be amended to ensure the CEO can refuse a license application if a proposed facility proposes to undermine the outcomes and targets of the Waste Avoidance and Resource Recovery Strategy. The proposed amendment would fit with section 54 of the EP Act under the clause that relates to, "matters the CEO must have regard to."

Conclusion

The City of Kwinana, whilst welcoming the opportunity to comment on *Modernising the Environmental Protection Act* and associated *Exposure Draft Bill*, considers that the current proposals do not go far enough in addressing the holistic management of Western Australia's unique biodiversity. The proposed amendments appear to be fundamentally driven by process and efficiency improvement. A more comprehensive approach to holistic biodiversity protection and conservation should equally drive amendments to the EP Act.

Maria Cooke
Director City Regulation

17 Reports – Built Infrastructure

Nil

18 Reports – Civic Leadership

18.1 Charitable Rate Exemption - Communicare Incorporated

DECLARATION OF INTEREST:

Councillor Merv Kearney declared an impartiality interest due to Communicare being a Kearns Garden Hardware customer and due to them running a program (Breathing Space) at the Men's Shed, which he is a member of.

Deputy Mayor Peter Feasey declared an impartiality interest due to his supervisor being the Minister for Housing and the property is owned by the Department.

SUMMARY:

An application for a charitable rate exemption as detailed in Confidential Attachment A, has been received by the City and assessed under the Council Policy – Charitable Rates Exemptions.

OFFICER RECOMMENDATION:

That Council, pursuant to section 6.26(2)(g) of the *Local Government Act 1995* grant an exemption to Communicare Incorporated for assessment 19591 as detailed in Confidential Attachment A.

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. Any application for exemption is considered in conjunction with Council Policy – Charitable Rate Exemptions.

The land use for which the charitable organisation is applying for an exemption under section 6.26(2)(g) of the *Local Government Act 1995* must be for the exclusive use for charitable purposes as defined in section 12 of the *Charities Act 2013* and these include:

- (a) the purpose of advancing health;
- (b) the purpose of advancing education;
- (c) the purpose of advancing social or public welfare;
- (d) the purpose of advancing religion;
- (e) the purpose of advancing culture;
- (f) the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;
- (g) the purpose of promoting or protecting human rights;
- (h) the purpose of advancing the security or safety of Australia or the Australian public;
- (i) the purpose of preventing or relieving the suffering of animals;
- (j) the purpose of advancing the natural environment; or
- (k) any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any of the purposes mentioned in paragraphs (a) to (j);

and must not be a disqualifying purpose under the meaning given by section 11 of the *Charities Act 2013*.

18.1 CHARITABLE RATE EXEMPTION - COMMUNICARE INCORPORATED

Council has received an application from Communicare Incorporated.

Communicare Incorporated lease the property under application from the Department of Housing and are responsible for paying the rates. Communicare Incorporated provide hope and opportunity for people in need and enhance social and economic inclusion for individuals, families and communities by:

- providing services such as:
 - employment
 - education
 - training
 - accommodation
 - support
 - advocacy
- assisting families and communities by providing support services to assist and enrich positive family functioning;
- providing educational opportunities to children, young people and adults;
- advocate with and on behalf of vulnerable people in the community to achieve safety, wellbeing, independence, respect, social participation and economic security; and
- representing the interests of vulnerable individuals, families and communities to influence the development of government, social and economic policy.

Communicare Incorporated has applied to Council to request an exemption under section 6.26(2)(g) of the *Local Government Act 1995* which states that land is not rateable if it is used exclusively for charitable purposes.

Communicare Incorporated is eligible under the Charitable Rates Exemption Policy to receive an exemption from payment of rates only. Confidential Attachment A contains supporting documentation for their application. The rates income for the 2019/2020 financial year for this property is \$6,182.05.

LEGAL/POLICY IMPLICATIONS:

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

Local Government Act 1995 section 6.26 states:

6.26. Rateable land

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
 - (a) *land which is the property of the Crown and —*
 - (i) *is being used or held for a public purpose; or*
 - (ii) *is unoccupied, except —*
 - (I) *where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or*

18.1 CHARITABLE RATE EXEMPTION - COMMUNICARE INCORPORATED

- (II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land; and*
- (b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and*
- (c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and*
- (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*
- (e) *land used exclusively by a religious body as a school for the religious instruction of children; and*
- (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999; and*
- (g) *land used exclusively for charitable purposes; and*
- (h) *land vested in trustees for agricultural or horticultural show purposes; and*
- (i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and*
- (j) *land which is exempt from rates under any other written law; and*
- (k) *land which is declared by the Minister to be exempt from rates.*
- (3) *If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*
- (4) *The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*
- (5) *Notice of any declaration made under subsection (4) is to be published in the Gazette.*
- (6) *Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.*

18.1 CHARITABLE RATE EXEMPTION - COMMUNICARE INCORPORATED**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of granting this exemption is \$6,182.05 for the 2019/2020 financial year and this amount is proposed to be funded from the Interim Rates Revenue budget. Provided the organisation remains eligible for the exemption, there will be an ongoing cost of rates revenue not being charged for this property.

ASSET MANAGEMENT IMPLICATIONS:

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

ENVIRONMENTAL IMPLICATIONS:

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

STRATEGIC/SOCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

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

PUBLIC HEALTH IMPLICATIONS

There are no implications on any determinants of health as a result of this report.

RISK IMPLICATIONS:

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

Risk Event	Applicant may apply to the State Administrative Tribunal for rate exemption
Risk Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Effect/Impact	Financial Reputation Compliance
Risk Assessment Context	Operational

18.1 CHARITABLE RATE EXEMPTION - COMMUNICARE INCORPORATED

Consequence	Minor
Likelihood	Unlikely
Rating (before treatment)	Low
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Review every application on its own merit against adopted policy and legislative requirements for exemption
Rating (after treatment)	Low

COUNCIL DECISION**080****MOVED CR S WOOD****SECONDED CR P FEASEY**

That Council, pursuant to section 6.26(2)(g) of the *Local Government Act 1995* grant an exemption to Communicare Incorporated for assessment 19591 as detailed in Confidential Attachment A.

**CARRIED
7/1**

19 Notices of motions of which previous notice has been given

Nil

20 Notices of motions for consideration at the following meeting if given during the meeting

Nil

21 Late and urgent Business

Nil

22 Reports of Elected Members

22.1 Councillor Wendy Cooper

Councillor Wendy Cooper reported that she had attended the City of Kwinana Multicultural Advisory Group Meeting.

Councillor Cooper advised that she had attended the WA Police Force Medals and Awards Ceremony.

Councillor Cooper mentioned that she had attended the City of Kwinana Local Events Fund Funding Group Meeting.

Councillor Cooper reported that she had attended the City of Kwinana Citizenship Ceremony.

22.2 Councillor Sandra Lee

Councillor Sandra Lee reported that she had attended the Kwinana Industrial Committee (KIC) Industrial Area Tour of Rockingham, Kwinana and Cockburn. Councillor Lee added that the KIC Director shared a wealth of knowledge of the industrial area.

22.3 Councillor Sherilyn Wood

Councillor Sherilyn Wood reported that she had attended the City of Kwinana Citizenship Ceremony and 82 new Australians were welcomed, with a variety of nationalities and it was a very happy occasion.

23 Answers to questions which were taken on notice

Nil

24 Mayoral Announcements

Mayor Carol Adams reported that she had attended, in company with the Acting Chief Executive Officer (CEO), a meeting with Mr Reece Whitby MLA.

The Mayor advised that she had attended, in company with the Acting CEO, a meeting with Mr Roger Cook MLA.

The Mayor mentioned that she had attended, in company with Acting CEO, Director City Regulation and the Economic Development Officer, a meeting with WA Planning Commissioner David Caddie and senior staff at the WA Planning Commission regarding planning integration for the Westport process.

The Mayor reported that she had attended, in company with the Acting CEO and Director City Legal, a meeting with a ratepayer regarding recent Fire Break notices.

The Mayor advised that she had attended, in company with the Acting CEO and Director City Regulation, a briefing with Cockburn Cement Limited.

The Mayor mentioned that she had attended, in company with the Director City Engagement, a briefing with Murdoch University in relation to the 2020 University engagement plan.

The Mayor reported that she had attended joint media with Mr Roger Cook MLA, Shire of Serpentine Jarrahdale President Michelle Rich and Casuarina residents regarding the reduction of the speed limit on Thomas Road.

The Mayor advised that she had attended the Rockingham Kwinana Chamber of Commerce first Business after Hours for 2020.

The Mayor mentioned that she had attended the Saiva Maha Sabai of WA (Mandogalup Temple) for their Maha Kumbabishekam celebration which is an event which occurs every 12 years.

The Mayor reported that she had participated on the inaugural recap video presentation of the Ordinary Council Meeting (OCM) held on 29 January 2020. The Mayor explained that this is a trial initiative whereby she provides a recap/overview of the council decisions, which came out of the preceding fortnight's OCM. The Mayor further explained that the recording will be uploaded to our webpage and social media page.

The Mayor advised that with the assistance of Councillors Wendy Cooper, Matthew Rowse and Sherilyn Wood, she had presided over a large City of Kwinana Citizenship Ceremony where 82 new citizens were welcomed and was held at the Medina Hall.

The Mayor mentioned that she had attended the Orelia Primary School with Perth Natural Resource Management's Coast Care Officer, Kathleen Broderick, for a video interview discussing the value of the coastal care relationship that exists between the City of Kwinana, Perth NRM and Alcoa.

The Mayor reported that she attended the first board meeting of the Citizens Advice Bureau for 2020. The Mayor further reported that it was very disappointing to hear that the Citizens Advice Bureau will not be able to secure the services of a solicitor until August 2020. The Mayor added that the Citizens Advice Bureau, nonetheless continues to be a valuable community resource centre.

24 MAYORAL ANNOUNCEMENTS

The Mayor advised that in company with the Elected Members, she had attended the final interviews with the preferred candidates for the vacant City of Kwinana Chief Executive Officer position. The Mayor further advised that she hopes to be able to make a formal announcement in the coming weeks about this matter.

The Mayor passed on the Cities condolences to the De San Miguel family on the passing of Mr Terry De San Miguel, whom was a City of Kwinana Councillor from 1978-1984. Mr De San Miguel is the father of our Emergency Service Coordinator and the brother of well-known member of the volunteer firefighting community, Mrs Fay Treeby.

25 Confidential items

COUNCIL DECISION

081

MOVED CR W COOPER

SECONDED CR P FEASEY

That in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, Council move behind closed doors to allow discussion of the Confidential item.

CARRIED
8/0

Mr Casey and the press exited and the Council Chambers doors were closed at 7:13pm.

25.1 City Engagement Service Review

COUNCIL DECISION

082

MOVED CR P FEASEY

SECONDED CR S LEE

That Council adopt Option 5, as per the recommendation contained in the Kwinana Recquatic Report on the Evaluation of the Vacation Care Service.

CARRIED
8/0

The Council Chambers doors were opened at 7:16pm, the Executive Team, Lawyer and Council Administration Officer exited, Mr Casey returned and the Council Chambers doors were closed at 7:16pm.

25.2 Progression of Appointment Process for new Chief Executive Officer

COUNCIL DECISION

083

MOVED CR M ROWSE

SECONDED CR S LEE

That Council suspend Standing Orders at 7:19pm.

CARRIED
8/0

COUNCIL DECISION

084

MOVED CR M KEARNEY

SECONDED CR S WOOD

That Council reinstate Standing Orders at 7:30pm.

CARRIED
8/0

COUNCIL DECISION

085

MOVED CR M KEARNEY

SECONDED CR S WOOD

That Council:

1. Endorses candidate numbered 31 as detailed in the Council Resolution from the Special Council meeting of 18 December 2019 to be offered the position of Chief Executive Officer subject to confirmation of professional membership and verification of tertiary qualifications.

CARRIED
8/0

NOTE – That the Officer Recommendation has been amended at point 1 to include the candidate number and include confirmation of professional membership and verification of tertiary qualifications and to remove point 2.

COUNCIL DECISION

086

MOVED CR P FEASEY

SECONDED CR W COOPER

That Council suspend Standing Orders at 7:32pm.

CARRIED
8/0

25.2 PROGRESSION OF APPOINTMENT PROCESS FOR NEW CHIEF EXECUTIVE OFFICER**COUNCIL DECISION****087****MOVED CR P FEASEY****SECONDED CR W COOPER****That Council reinstate Standing Orders at 7:58pm.****CARRIED
8/0****COUNCIL DECISION****088****MOVED CR W COOPER****SECONDED CR S WOOD
CR P FEASEY****That the resolution of Council, numbered 085, on the 12 February 2020 relating to item 25.2, 'Progression of Appointment Process for new Chief Executive Officer' be rescinded.****Reason: After further discussion and some new information being tabled, the motion previously carried required further amendment.****CARRIED
8/0****COUNCIL DECISION****089****MOVED CR S WOOD****SECONDED CR M KEARNEY****That Council:**

- 1. Endorses candidate numbered 31 as detailed in the Council Resolution from the Special Council meeting of 18 December 2019 to be offered the position of Chief Executive Officer subject to confirmation of professional membership, verification of tertiary qualifications and satisfactory clarification of status and standing with current employer.**
- 2. Authorises the Mayor to negotiate the contractual terms of the employment contract with the candidate as determined in Officer Recommendation 1.**

NOTE – That the Officer Recommendation has been amended at point 1 to include the candidate number and include confirmation of professional membership, verification of tertiary qualifications and clarification of status and standing with current employer.**CARRIED
8/0**

25 CONFIDENTIAL ITEMS

COUNCIL DECISION

090

MOVED CR P FEASEY

SECONDED CR W COOPER

That Council return from Behind Closed Doors.

**CARRIED
8/0**

The Council Chambers doors were opened at 8:08pm.

26 Close of meeting

The Mayor declared the meeting closed at 8:09pm.