

# Ordinary Council Meeting

14 July 2021

## 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)

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## **Present:**

DEPUTY MAYOR PETER FEASEY  
CR W COOPER  
CR S LEE  
CR M ROWSE  
CR D WOOD  
CR S WOOD

MRS M COOKE, Acting Chief Executive Officer  
MR D BOCCUZZI, Acting Director City Infrastructure / Acting Director City Business  
MRS B POWELL, Director City Engagement  
MR T MORLEY, Acting Director City Development and Sustainability  
MRS L BARKER, Functions Officer

Members of the Press 0  
Members of the Public 0

## **1 Opening and announcement of visitors**

*Presiding Member declared the meeting open at 5:30pm and welcomed all 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 Wendy 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):**

Councillor Merv Kearney from 1 July 2021 to 18 August 2021 inclusive.  
Mayor Carol Adams from 12 July 2021 to 16 July 2021 inclusive.



## **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 23 June 2021:**

#### **COUNCIL DECISION**

457

**MOVED CR S WOOD**

**SECONDED CR S LEE**

**That the Minutes of the Ordinary Meeting of Council held on 23 June 2021 be confirmed as a true and correct record of the meeting.**

**CARRIED  
6/0**

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

Councillor Matthew Rowse declared an impartiality interest in item 17.1, Joint Development Assessment Panel Approval for Amendments to a Petrol Filling Station, Local Shop and Drive-In Takeaway Food Shop – Lot 9009 (Previously Lot 9002) Anketell Road, Anketell, due to being a member of the Outer Metropolitan Joint Assessment Panel which will be considering this application at a meeting in August.

## **9 Requests for leave of absence**

### **COUNCIL DECISION**

458

**MOVED CR M ROWSE**

**SECONDED CR S LEE**

**That Councillor Dennis Wood's previously approved request for leave of absence from 24 June 2021 to 9 August 2021 inclusive be cancelled.**

**That Councillor Wendy Cooper be granted a leave of absence from 20 to 29 July 2021 inclusive.**

**That Councillor Dennis Wood be granted a leave of absence from 19 August to 1 October 2021 inclusive .**

**CARRIED  
6/0**

## **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**

### **14.1 Naming of a portion of Harry McGuigan Park “Ngalang Dandjoo Bidi”**

#### **DECLARATION OF INTEREST:**

There were no declarations of interest declared.

#### **SUMMARY:**

The Ngalla Yorga Waangham Group, a group of local Aboriginal women, recently wrote to the City requesting that consideration be given to renaming a portion of Harry McGuigan Park, Medina to “Ngalang Dandjoo Bidi”, which means “our meeting place of connecting together”. The area is of considerable cultural and historical significance to local Aboriginal families.

After consultation with the Naming of Parks, Places and Buildings Working Group and the Boola Maara Many Hands Advisory Committee it is recommended that Council undertake broad community engagement to determine community support for this initiative.

#### **OFFICER RECOMMENDATION:**

That Council undertake targeted community engagement to determine the level of community support for the initiative to rename a portion of Harry McGuigan Park, as indicated on the aerial view of the park contained in the body of the report, “Ngalang Dandjoo Bidi”.

#### **DISCUSSION:**

The Ngalla Yorga Waangham Group, a group of local Aboriginal women, recently wrote to the City requesting that consideration be given to renaming a portion of Harry McGuigan Park, Medina to “Ngalang Dandjoo Bidi”, which means “our meeting place of connecting together”.

The renaming request is for the area off Wheelock Rd which is of particular cultural and historical significance to Aboriginal families in Kwinana, being an established meeting place for families during the 1950’s and 1960’s when the township was first established. The intention is to install interpretive signage in the park, outlining the meaning of the selected name and the importance of the site to local Aboriginal families.

The following is an aerial view of Harry McGuigan Park indicating the section proposed to be named “Ngalang Dandjoo Bidi”.

#### 14.1 NAMING OF A PORTION OF HARRY MCGUIGAN PARK “NGALANG DANDJOO BIDI”



The Naming of Parks, Places and Buildings Working Group members were contacted for feedback on the proposal with 5 of the 6 members supporting the proposal outright, and the remaining member supporting the proposal but having reservations about the pronunciation, and ultimate take up of the name by the community.

The Boola Maara Many Hands Advisory Group also considered the proposal and supports the initiative. Additionally the initiative was discussed at a meeting of the Medina Aboriginal Cultural Centre Elder's Group where it was suggested that further consultation should occur with people not present at that meeting.

It is therefore recommended that Council undertake further community engagement to determine the level of support in the community to name a portion of Harry McGuigan Park, indicated on the aerial view above, “Ngalang Dandjoo Bidi”.

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

As this is intended to be an informal process for interpretive purposes and acknowledgement of the cultural importance of the site, and as this is not a proposal to dual name the entire park, the intention is not to refer the proposal to the Geographic Names Committee, hence the State Government guideline on dual naming does not apply.



**14.1 NAMING OF A PORTION OF HARRY MCGUIGAN PARK “NGALANG DANDJOO BIDI”****FINANCIAL/BUDGET IMPLICATIONS:**

Any costs associated with further community engagement can be funded from existing operational budgets.

**ASSET MANAGEMENT IMPLICATIONS:**

There are no additional asset management implications as a result of this report or its recommendation.

**ENVIRONMENTAL IMPLICATIONS:**

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

**PUBLIC HEALTH IMPLICATIONS**

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

**STRATEGIC/SOCIAL IMPLICATIONS:**

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

Plan	Outcome	Objective	Key Action
Strategic Community Plan/ Corporate Business Plan	4. A unique, vibrant and healthy City that is safe, connected and socially diverse.	4.3 Enhance opportunities for community to meet, socialise, recreate and build local connections.	Implement the Innovate Reconciliation Action Plan

**COMMUNITY ENGAGEMENT:**

The Boola Maara Many Hands Advisory Committee, the Naming of Parks, Places and Buildings Working Group, and the Elder's Group that meets at the Medina Aboriginal Cultural Centre were consulted on the proposal.

Further community engagement is proposed with Aboriginal people who have family ties to the park and an interest in the area, and with residents of Medina who live in close proximity to the park.

**14.1 NAMING OF A PORTION OF HARRY MCGUIGAN PARK “NGALANG DANDJOO BIDI”****RISK IMPLICATIONS:**

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

Risk Event	Ineffective community liaison and engagement
Risk Theme	Inadequate engagement practices
Risk Effect/Impact	Reputation
Risk Assessment Context	Operational
Consequence	Minor
Likelihood	Possible
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Engage with stakeholders on the proposal and seek feedback
Rating (after treatment)	Low

**COUNCIL DECISION**

459

**MOVED CR W COOPER****SECONDED CR M ROWSE**

**That Council undertake targeted community engagement to determine the level of community support for the initiative to rename a portion of Harry McGuigan Park, as indicated on the aerial view of the park contained in the body of the report, “Ngalang Dandjoo Bidi”.**

**CARRIED  
6/0**

## **15 Reports – Economic**

Nil

## **16 Reports – Natural Environment**

### **16.1 Tender 678KWN21 – Bulk Waste Verge Collection, Processing and Disposal**

#### **DECLARATION OF INTEREST:**

There were no declarations of interest declared.

#### **SUMMARY:**

The City of Kwinana invited Tenders from suitably qualified and experienced contractors for the provision of bulk waste verge collection, processing and disposal.

The Request for Tender was advertised in “The Weekend West” newspaper on Saturday, 8 May 2021. The Tender was also advertised on the City’s official website, the City’s public notice boards and issued through the City’s e-tendering portal Tenderlink [www.tenderlink.com/kwinana](http://www.tenderlink.com/kwinana).

The Tender deadline was 2:00 pm, Wednesday, 10 June 2021 with five (5) submissions received from the following:

- Cleanaway Pty Ltd
- T C Waste (WA) Pty Ltd T/AS D & M Waste Management
- T C Waste (WA) Pty Ltd T/AS D & M Waste Management (Alternate tender)
- Suez Recycling and Recovery Pty Ltd (Alternate tender)
- Western Maze WA Pty Ltd T/AS WA Recycling Services

#### **OFFICER RECOMMENDATION:**

That Council:

1. Award Contract for 678KWN21 – Bulk Waste Verge Collection, Processing and Disposal to T C Waste (WA) Pty Ltd T/AS D & M Waste Management. The Contract term is three (3) years from award date with the option to extend the Contract for an additional period of twelve (12) months, in accordance with the City’s special conditions of Contract, general conditions of the Contract, the specifications and their Tender submission including their schedule of rates. The annual contract expenditure is estimated to be \$741,290.00 (ex GST) and the total Contract value is estimated to be \$2,223,870.00 (ex GST).
2. Approves the above Contract for the specified Contract term, subject to price increases based on quarterly Consumer Price Index (CPI) (All Groups) (Perth) allocated to the Contractor at scheduled intervals in accordance with the Contract during the Contract Term. The price adjustment will be automatically applied by the Principal.



**16.1 TENDER 678KWN21 – BULK WASTE VERGE COLLECTION, PROCESSING AND DISPOSAL****DISCUSSION:**

The evaluation panel comprised of:

- a. A Contracts Officer who evaluated the Tenderers' submissions in accordance with
- b. The Manager Environment and Health Services, Waste Minimisation Officer and Waste Management Officer, who evaluated the Tenderers' submissions in accordance with the qualitative criteria included in the Request for Tender documentation.

The panel evaluated the tender submissions in accordance with the documented compliance and qualitative criteria (refer to Confidential Attachment A). The evaluation recommendation report is under confidential cover as it contains commercial-in-confidence information.

**LEGAL/POLICY IMPLICATIONS:**

*Local Government (Functions and General) Regulations 1996*

Purchasing Policy – 2020

**FINANCIAL/BUDGET IMPLICATIONS:**

Budget Item Name:	Verge Contract Collections
Budgeted Amount:	\$600,850 budgeted for 2021/22
Expenditure to Date:	N/A
Proposed Cost:	\$741,290
Balance:	\$140,440 deficit

\*NOTE: All figures are exclusive of GST

The costs associated with waste collections have substantially increased in recent years. The price rates in the City's previous collection contract, which directly informed the annual budget amount, have not been reflective of current market costs. Due to a conflict in timing between the budget process and the tendering of this Contract, the budget amount for 2021/22 was determined using the previous contract price rates, resulting in a deficit between the budgeted amount and estimated expenditure. It should be noted that the estimated increase to annual expenditure incorporates the agreed changes to the service outlined in Part 2 of Confidential Attachment A.

Actual expenditure will be dependent on the total waste tonnage collected, which can fluctuate from year to year. The past two years have experienced notable tonnage variances due to pandemic related waste behaviour changes occurring industry wide.

The actual financial implication of the increased price rates of this Contract, will be apparent at the 2021/22 mid-year budget review. This will then determine if the financial implications can be accommodated within the review, or if the Waste Reserve may need to be accessed to ensure continuity of waste services for the remainder of the 2021/22 financial year. The 2022/23 budget and waste fee will be determined using the 2021/22 expenditure trend under the new Contract pricing.

**16.1 TENDER 678KWN21 – BULK WASTE VERGE COLLECTION, PROCESSING AND DISPOSAL****ASSET MANAGEMENT IMPLICATIONS:**

If bulk waste collections were not conducted, it would likely result in significantly increased illegal dumping activity within City managed lands, thus impacting the management and appearance of these assets.

**ENVIRONMENTAL IMPLICATIONS:**

Collection of bulk waste enables the City to divert 100% of all green waste, metals, mattresses and e-waste from landfill. This has previously resulted in approximately 46% of all bulk waste collected by the City being successfully recovered.

**STRATEGIC/SOCIAL IMPLICATIONS:**

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

Plan	Outcome	Objective
Strategic Community Plan 2021-2031	1. A naturally beautiful environment that is enhanced and protected	1.1 Retain and improve our streetscapes and open spaces, preserving the trees and greenery that makes Kwinana unique
	3. Infrastructure and services that are affordable and contribute to health and wellbeing	3.1 Develop quality, affordable infrastructure and services designed to improve the health and wellbeing of the community

**COMMUNITY ENGAGEMENT:**

2019 Catalyse survey data indicates that the City is on-par with industry standard community performance index score for "verge side bulk rubbish collections" and that this index score has steadily increased since 2014.

**PUBLIC HEALTH IMPLICATIONS:**

Without a bulk waste collection service in place, the City would likely become very untidy, on both private and public lands, which would impact cleanliness, hygiene and environmental health risks.

## 16.1 TENDER 678KWN21 – BULK WASTE VERGE COLLECTION, PROCESSING AND DISPOSAL

**RISK IMPLICATIONS:**

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

Risk Event	No bulk waste collection service in place
Risk Theme	Reputation - External
Risk Effect/Impact	Substantiated, public embarrassment, moderate impact
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Almost certain
Rating (before treatment)	High
Risk Treatment in place	Re-tender bulk waste collection to ensure continuity

Risk Event	Awarding contract to supplier where quotes exceeded \$250,000 and the City did not go out to Tender.
Risk Theme	Failure to fulfil statutory regulations or compliance requirement.
Risk Effect/Impact	Compliance
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Unlikely
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Conduct formal tender process
Rating (after treatment)	Low

16.1 TENDER 678KWN21 – BULK WASTE VERGE COLLECTION, PROCESSING AND DISPOSAL

**COUNCIL DECISION**

460

**MOVED CR D WOOD**

**SECONDED CR S LEE**

**That Council:**

1. **Award Contract for 678KWN21 – Bulk Waste Verge Collection, Processing and Disposal to T C Waste (WA) Pty Ltd T/AS D & M Waste Management. The Contract term is three (3) years from award date with the option to extend the Contract for an additional period of twelve (12) months, in accordance with the City's special conditions of Contract, general conditions of the Contract, the specifications and their Tender submission including their schedule of rates. The annual contract expenditure is estimated to be \$741,290.00 (ex GST) and the total Contract value is estimated to be \$2,223,870.00 (ex GST).**
2. **Approves the above Contract for the specified Contract term, subject to price increases based on quarterly Consumer Price Index (CPI) (All Groups) (Perth) allocated to the Contractor at scheduled intervals in accordance with the Contract during the Contract Term. The price adjustment will be automatically applied by the Principal.**

**CARRIED  
6/0**



## 17 Reports – Built Infrastructure

### 17.1 Joint Development Assessment Panel Approval for Amendments to a Petrol Filling Station, Local Shop and Drive-In Takeaway Food Shop – Lot 9009 (Previously Lot 9002) Anketell Road, Anketell

#### DECLARATION OF INTEREST:

Councillor Matthew Rowse declared an impartiality interest due to being a member of the Outer Metropolitan Joint Assessment Panel which will be considering this application at a meeting in August.

#### SUMMARY:

The City has received an application for an amendment to a previously approved development application. The previously approved development was for a Petrol Filling Station, Local Shop and Drive-In Takeaway Food Shop – Lot 9009 (Previously Lot 9002) Anketell Road, Anketell (subject site) which was approved by the Joint Development Assessment Panel (JDAP) on 16 October 2020.

The subject site is zoned Development under the City's Local Planning Scheme No. 2 (LPS2) and Urban under the Metropolitan Region Scheme (MRS). The site is zoned 'Service Commercial' under the Anketell North Local Structure Plan and the Local Development Plan (LDP) applying to the subject site is that for Lots 219-223 Anketell Road, Anketell.

The subject application proposes the following modifications to the development design:

- Modifications to and relocation of the drive-in takeaway food shop;
- Reduction of total building area;
- Reduction and reorientation of the convenience store internal layout;
- Minor modifications to the drive through alignment and order/pickup location;
- Relocation of bin storage;
- Additional landscaping;
- Parking bay reduction;
- Reduction of fuel bowser canopy size; and,
- Changes to elevations.

City Officers have considered the proposed amendment against the relevant provisions of LPS2 and the LDP. The application achieves compliance with relevant provisions of LPS2 and has generally addressed the provisions of the LDP. For further information regarding the assessment of the application, please refer to the attached Responsible Authority Report (RAR) (Attachment A).

This application is an amendment to a previous application determined by the JDAP. The applicant has the option under the *Planning and Development (Development Assessment Panel) Regulations 2011 (DAP regulations)* to have either the City or JDAP determine the amendment. In this instance, the applicant has elected for the application to be determined by the JDAP. The application is due to be considered by the JDAP at a meeting in August. City Officers have prepared the attached RAR in accordance with the DAP regulations and it is attached for Council's consideration and adoption.

The City is required to submit the RAR to the JDAP Secretariat on 21 July 2021. Should the City not submit this report to the JDAP Secretariat within the required timeframe, the Minister for Planning may direct the City to submit any information it has and provide it to the JDAP directly.

**17.1 JOINT DEVELOPMENT ASSESSMENT PANEL APPROVAL FOR AMENDMENTS TO A PETROL FILLING STATION, LOCAL SHOP AND DRIVE-IN TAKEAWAY FOOD SHOP – LOT 9009 (PREVIOUSLY LOT 9002) ANKETELL ROAD, ANKETELL**

City Officers are recommending that the amended application be approved subject to conditions, as per the Officer Recommendation included within the RAR. It represents an amendment to the original application submitted in 2020 which was supported by Council and determined by JDAP at that time.

**OFFICER RECOMMENDATION:**

That Council resolve to support the development application for amendments to a Petrol Filling Station, Local Shop and Drive-In Takeaway Food Shop as per the recommendation outlined in the Responsible Authority Report (Attachment A) to the Metro Outer Joint Development Assessment Panel.

**DISCUSSION:**

This application aligns with a number of strategic directions set out under Council's adopted Draft Local Planning Strategy. These include, 'Stimulate economic development and encourage diversification' and, 'To create a well-connected community with a safe, high-quality, integrated, multi-modal transport network that makes it easy, safe and convenient for our community to access activity centres, schools, services, recreation and entertainment facilities'.

The original application was considered by Council at its Ordinary Council Meeting of 23 September 2020, where Elected Members voted to support the Officer Recommendation and Responsible Authority Report (RAR).

This proposal is seeking amendments to the approved development plans for the subject site. The changes are a result of the needs of the take away tenant who has now been determined. Some of the changes address conditions imposed as part of the original approval but generally the changes seek to reconfigure the site. The key elements of the proposed amendments are the modifications to the local shop and drive-in takeaway food shop and a subsequent reduction in overall building size. There is also a reduction of the total number of parking bays and an increase in the total landscaped area. There are no additional uses proposed from what was approved previously.

The proposed amendments are considered minor in nature as this proposal does not represent a substantial change in use and operation of the development. The land uses remain the same with key changes being a reduction in the tenancy size. Car parking that was previously required for the shop and fast-food tenancies is no longer required and has been replaced with landscaping. This is discussed in further detail under the heading 'Planning Assessment' of the attached RAR (Attachment A).

**Planning assessment**

The RAR in Attachment A includes the detailed assessment of the application and recommends conditional approval. In summary, these are the key issues:

- Bushfire management  
The property is located within a bushfire prone area as per Department of Fire and Emergency Services (DFES) mapping. The applicant has not updated the Bushfire Management Plan to reflect the new design.

**17.1 JOINT DEVELOPMENT ASSESSMENT PANEL APPROVAL FOR AMENDMENTS TO A PETROL FILLING STATION, LOCAL SHOP AND DRIVE-IN TAKEAWAY FOOD SHOP – LOT 9009 (PREVIOUSLY LOT 9002) ANKETELL ROAD, ANKETELL**

DFES has identified that modifications are required prior to determination due to the BMP not reflecting the layout within the approved BMP and other inaccuracies and has not demonstrated compliance with the bushfire protection criteria. However, due to time restrictions the applicant was not willing to amend the BMP prior to finalisation of this report. Therefore, a condition is recommended for the submission of an amended BMP prior to the lodgement of a building permit to the satisfaction of the City of Kwinana.

- **Built form**

The LDP for the subject site includes a number of clauses relating to built form. Most significantly, as the site is the entry to a residential estate and a prominent location along this section of Anketell Road, there are requirements for landmark features on the site. The amended development plans have endeavoured to address the landmark and built form requirements of the LDP by varying the height of the building itself and adding greater variation in materials, but the canopy is simple in form and not considered to be of landmark quality. The condition which applied as per the original approval is still relevant.

The other amendments generally relate to reconfiguring aspects of the development, reducing the bulk of the building and altering vehicle circulation around the site. The overall building and canopy has been reduced which helps ensure the development doesn't encroach over a right of way easement. The fast food tenancy 'dine in' has been reduced and the drive thru has been modified so the tenancy now primarily serves customers in vehicles. The drive through lane has also been realigned to accommodate the relocation of the fast-food tenancy and the bin store has been relocated. The amendments are consistent with the LDP and LPS2 and help improve amenity. Please see attached RAR for full details.

The application has been referred to Council as City officers do not have delegation to prepare the RAR under the DAP Regulations. Council should note that if it wishes to modify or make an alternative recommendation, this will sit separate to that of officers in the RAR when it is lodged to JDAP.

**LEGAL/POLICY IMPLICATIONS:**

For the purposes of Councillors considering a declaration of interest, the landowners are Turnstone Nominees Pty Ltd and the applicant is Urbis.

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

**Legislation**

*Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

*City of Kwinana Local Planning Scheme No.2*

**17.1 JOINT DEVELOPMENT ASSESSMENT PANEL APPROVAL FOR AMENDMENTS TO A PETROL FILLING STATION, LOCAL SHOP AND DRIVE-IN TAKEAWAY FOOD SHOP – LOT 9009 (PREVIOUSLY LOT 9002) ANKETELL ROAD, ANKETELL**

State Government Policies

SPP 3.7 – Planning in Bushfire Prone Areas  
Anketell North Local Structure Plan

Local Policies

Lot 9002 Albina Avenue, Anketell Local Development Plan  
LPP 9 – Advertising signage

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**ASSET MANAGEMENT IMPLICATIONS:**

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

**ENVIRONMENTAL IMPLICATIONS:**

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

**STRATEGIC/SOCIAL IMPLICATIONS:**

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

Plan	Outcome	Objective
Strategic Community Plan	A well-planned City	4.4 Create diverse places and spaces where people can enjoy a variety of lifestyles with high levels of amenity.

**COMMUNITY ENGAGEMENT:**

The proposal is for an amendment only and does not involve any changes to approved uses. Construction of structures on the site has not commenced and the proposed amendment is considered to have minimal impact on the surrounding area. Considering the nature of application being an amendment, the City considered it unnecessary to advertise the application.

**PUBLIC HEALTH IMPLICATIONS**

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



**17.1 JOINT DEVELOPMENT ASSESSMENT PANEL APPROVAL FOR AMENDMENTS TO A PETROL FILLING STATION, LOCAL SHOP AND DRIVE-IN TAKEAWAY FOOD SHOP – LOT 9009 (PREVIOUSLY LOT 9002) ANKETELL ROAD, ANKETELL**

**RISK IMPLICATIONS:**

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

Risk Event	Appeal of the JDAP's decision or conditions of approval imposed.
Risk Theme	Failure to fulfil statutory regulations or compliance requirements Providing inaccurate advice/ information.
Risk Effect/Impact	Reputation Compliance
Risk Assessment Context	Strategic
Consequence	Minor
Likelihood	Possible
Rating (before treatment)	Low
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Work instructions in place and checklists used when assessing the application. The recommendation on the application is justified on the basis of compliance with the Local Planning Scheme, and the discretion afforded to the JDAP to vary these documents. Liaising with the applicant throughout the application process.
Rating (after treatment)	Low

**COUNCIL DECISION**

**461**

**MOVED CR S LEE**

**SECONDED CR D WOOD**

**That Council resolve to support the development application for amendments to a Petrol Filling Station, Local Shop and Drive-In Takeaway Food Shop as per the recommendation outlined in the Responsible Authority Report (Attachment A) to the Metro Outer Joint Development Assessment Panel.**

**CARRIED  
6/0**

## 18 Reports – Civic Leadership

### 18.1 Budget Variations

#### DECLARATION OF INTEREST:

There were no declarations of interest declared.

#### SUMMARY:

To amend the 2021/2022 budget to reflect various adjustments to the General Ledger. Item 1 will have an effect on the brought forward surplus, and items 2-4 will have nil effect to the budgeted surplus position as detailed below.

#### OFFICER RECOMMENDATION:

That Council:

1. Approves the required budget variations to the Current Budget for 2021/2022 as follows.

ITEM #	DESCRIPTION	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
1	Capital Expenditure – Building Construction – Administration Building refurbishment	Nil	(165,000)	(165,000)
	Brought forward surplus	500,000	165,000	665,000
2	Capital Expenditure – Reserve Development – Calista Oval Bike track	Nil	(350,000)	(350,000)
	Contract Liability – Grants – Department of Local Government, Sport and Cultural Industries	Nil	350,000	350,000
3	Capital Expenditure – Computing Infrastructure – City Website Project	(22,909)	(23,091)	(46,000)
	Reserve Transfer – Restricted Grants & Contributions Reserve – City Website Project	22,909	23,091	46,000
4	Capital Revenue – Sales Proceeds – Sale of Plant 492 Fleet vehicle	Nil	22,050	22,050
	Reserve Transfer – Plant & Equipment Replacement Reserve	Nil	(22,050)	(22,050)
	Capital Expenditure – Plant & Equipment - Plant Replacement of deck only for P531 - Toro Ride on mower	Nil	(5,440)	(5,440)

## 18.1 BUDGET VARIATIONS

Reserve Transfer – Plant & Equipment Replacement Reserve - Plant Replacement of deck only for P531 - Toro Ride on mower	Nil	5,440	5,440
Capital Expenditure – Plant & Equipment - Plant Replacement P114 Tandem Axle Tilt Trailer	Nil	(14,750)	(14,750)
Capital Revenue – Plant & Equipment – Sales Proceeds – Sale of P114 Tandem Axle Tilt Trailer	Nil	2,000	2,000
Reserve Transfer – Plant & Equipment Replacement Reserve - Plant Replacement P114 (New Plant P609) Tandem Axle Tilt Trailer	Nil	12,750	12,750
Capital Revenue – Sales Proceeds – Sale of Plant 351 Mitsubishi Canter Truck	Nil	25,000	25,000
Reserve Transfer – Plant & Equipment Replacement Reserve	Nil	(25,000)	(25,000)
Capital Expenditure – Plant & Equipment - Plant Replacement P557 Mitsubishi Canter truck	Nil	(99,610)	(99,610)
Capital Revenue – Plant & Equipment – Sales Proceeds – Sale of P557 Mitsubishi Canter truck	Nil	25,000	25,000
Reserve Transfer – Plant & Equipment Replacement Reserve - Plant Replacement P557 Mitsubishi Canter truck	Nil	74,610	74,610
Capital Revenue – Sales Proceeds – Sale of Plant 223 Volvo Loader L70	Nil	80,000	80,000
Reserve Transfer – Plant & Equipment Replacement Reserve	Nil	(80,000)	(80,000)

NOTE: AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

**DISCUSSION:****Budget Variations:**

ITEM #	DESCRIPTION	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
1	Capital Expenditure – Building Construction – Administration Building refurbishment	Nil	(165,000)	(165,000)
	Brought forward surplus	500,000	165,000	665,000

## 18.1 BUDGET VARIATIONS

The capital project for the Administration Building refurbishment has been identified as a project that should have been carried forward from 2020/2021. It is proposed that the remaining funds for this project are budgeted for in the 2021/2022 financial years and the brought forward surplus is increased to reflect those monies not spent in the last financial year.

2	Capital Expenditure – Reserve Development – Calista Oval Bike track	Nil	(350,000)	(350,000)
	Contract Liability – Grants – Department of Local Government, Sport and Cultural Industries	Nil	350,000	350,000

The City has received a State government election commitment to provide funding of \$350,000 for the Calista Oval bike track project. A budget variation is required to establish this capital project in the 2021/2022 financial year.

3	Capital Expenditure – Computing Infrastructure – City Website Project	(22,909)	(23,091)	(46,000)
	Reserve Transfer – Restricted Grants & Contributions Reserve – City Website Project	22,909	23,091	46,000

The capital project for the City Website was identified as a project to be carried forward from 2020/2021. The purpose of this budget variation is to adjust the amount to be carried forward in the 2021/2022 Adopted Budget to reflect the remaining unspent funds of 2020/2021.

4	Capital Revenue – Sales Proceeds – Sale of Plant 492 Fleet vehicle	Nil	22,050	22,050
	Reserve Transfer – Plant & Equipment Replacement Reserve	Nil	(22,050)	(22,050)
	Capital Expenditure – Plant & Equipment - Plant Replacement of deck only for P531 - Toro Ride on mower	Nil	(5,440)	(5,440)
	Reserve Transfer – Plant & Equipment Replacement Reserve - Plant Replacement of deck only for P531 - Toro Ride on mower	Nil	5,440	5,440
	Capital Expenditure – Plant & Equipment - Plant Replacement P114 Tandem Axle Tilt Trailer	Nil	(14,750)	(14,750)
	Capital Revenue – Plant & Equipment – Sales Proceeds – Sale of P114 Tandem Axle Tilt Trailer	Nil	2,000	2,000
	Reserve Transfer – Plant & Equipment Replacement Reserve - Plant Replacement P114 (New Plant P609) Tandem Axle Tilt Trailer	Nil	12,750	12,750



## 18.1 BUDGET VARIATIONS

Capital Revenue – Sales Proceeds – Sale of Plant 351 Mitsubishi Canter Truck	Nil	25,000	25,000
Reserve Transfer – Plant & Equipment Replacement Reserve	Nil	(25,000)	(25,000)
Capital Expenditure – Plant & Equipment - Plant Replacement P557 Mitsubishi Canter truck	Nil	(99,610)	(99,610)
Capital Revenue – Plant & Equipment – Sales Proceeds – Sale of P557 Mitsubishi Canter truck	Nil	25,000	25,000
Reserve Transfer – Plant & Equipment Replacement Reserve - Plant Replacement P557 Mitsubishi Canter truck	Nil	74,610	74,610
Capital Revenue – Sales Proceeds – Sale of Plant 223 Volvo Loader L70	Nil	80,000	80,000
Reserve Transfer – Plant & Equipment Replacement Reserve	Nil	(80,000)	(80,000)

A budget variation is required to allow for the following delays in purchasing and selling various plant & equipment in the 2021/2022 financial year.

- The sale of fleet vehicle P492 Holden Trailblazer was originally budgeted in 2020/2021 but the sale has been delayed until July 2021. Sale proceeds to be transferred to the Plant & Equipment Replacement Reserve.
- The replacement of the deck for P531 - Toro Ride on mower was originally budgeted in 2020/2021 but has been delayed until February 2022. Purchase to be funded from to the Plant & Equipment Replacement Reserve.
- The replacement of P114 Tandem Axle Tilt Trailer was originally budgeted in 2020/2021 but the purchase and sale has been delayed until August 2021. Balance be funded from to the Plant & Equipment Replacement Reserve.
- The sale of truck P351 Mitsubishi Canter Tip Truck was originally budgeted in 2020/2021 but the sale has been delayed until July 2021. Sale proceeds to be transferred to the Plant & Equipment Replacement Reserve.
- The replacement of P392 Mitsubishi Canter Fuso truck was originally budgeted in 2020/2021 but the purchase of the new truck has been delayed until July 2021. It is proposed that Plant 392 Mitsubishi Canter truck is retained and P557 Mitsubishi Canter truck is sold instead. Plant Balance be funded from to the Plant & Equipment Replacement Reserve.
- The sale of loader P223 Volvo Loader L70 was originally budgeted in 2020/2021 but the sale has been delayed until July 2021. Sale proceeds to be transferred to the Plant & Equipment Replacement Reserve.

**18.1 BUDGET VARIATIONS****LEGAL/POLICY IMPLICATIONS:**

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

(b) is authorised in advance by resolution\*

“additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

\*requires an absolute majority of Council.

**FINANCIAL/BUDGET IMPLICATIONS:**

The financial implications are detailed in this report.

**ASSET MANAGEMENT IMPLICATIONS:**

The allocation of funds towards the upgrading and purchase of City assets will be included in the City’s Asset Management Strategy.

**ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS:****Public Health Implications:**

There are no implications on any determinants of health 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	Visionary leadership dedicated to acting for its community	5.1 Model accountable and ethical governance, strengthening trust with the community

**COMMUNITY ENGAGEMENT:**

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

## 18.1 BUDGET VARIATIONS

**COUNCIL DECISION**

462

**MOVED CR W COOPER****SECONDED CR S LEE****That Council:**

- Approves the required budget variations to the Current Budget for 2021/2022 as follows.**

<b>ITEM #</b>	<b>DESCRIPTION</b>	<b>CURRENT BUDGET</b>	<b>INCREASE/ DECREASE</b>	<b>REVISED BUDGET</b>
<b>1</b>	<b>Capital Expenditure – Building Construction – Administration Building refurbishment</b>	<b>Nil</b>	<b>(165,000)</b>	<b>(165,000)</b>
	<b>Brought forward surplus</b>	<b>500,000</b>	<b>165,000</b>	<b>665,000</b>
<b>2</b>	<b>Capital Expenditure – Reserve Development – Calista Oval Bike track</b>	<b>Nil</b>	<b>(350,000)</b>	<b>(350,000)</b>
	<b>Contract Liability – Grants – Department of Local Government, Sport and Cultural Industries</b>	<b>Nil</b>	<b>350,000</b>	<b>350,000</b>
<b>3</b>	<b>Capital Expenditure – Computing Infrastructure – City Website Project</b>	<b>(22,909)</b>	<b>(23,091)</b>	<b>(46,000)</b>
	<b>Reserve Transfer – Restricted Grants &amp; Contributions Reserve – City Website Project</b>	<b>22,909</b>	<b>23,091</b>	<b>46,000</b>
<b>4</b>	<b>Capital Revenue – Sales Proceeds – Sale of Plant 492 Fleet vehicle</b>	<b>Nil</b>	<b>22,050</b>	<b>22,050</b>
	<b>Reserve Transfer – Plant &amp; Equipment Replacement Reserve</b>	<b>Nil</b>	<b>(22,050)</b>	<b>(22,050)</b>
	<b>Capital Expenditure – Plant &amp; Equipment - Plant Replacement of deck only for P531 - Toro Ride on mower</b>	<b>Nil</b>	<b>(5,440)</b>	<b>(5,440)</b>
	<b>Reserve Transfer – Plant &amp; Equipment Replacement Reserve - Plant Replacement of deck only for P531 - Toro Ride on mower</b>	<b>Nil</b>	<b>5,440</b>	<b>5,440</b>
	<b>Capital Expenditure – Plant &amp; Equipment - Plant Replacement P114 Tandem Axle Tilt Trailer</b>	<b>Nil</b>	<b>(14,750)</b>	<b>(14,750)</b>
	<b>Capital Revenue – Plant &amp; Equipment – Sales Proceeds – Sale of P114 Tandem Axle Tilt Trailer</b>	<b>Nil</b>	<b>2,000</b>	<b>2,000</b>

## 18.1 BUDGET VARIATIONS

Reserve Transfer – Plant & Equipment Replacement Reserve - Plant Replacement P114 (New Plant P609) Tandem Axle Tilt Trailer	Nil	12,750	12,750
Capital Revenue – Sales Proceeds – Sale of Plant 351 Mitsubishi Canter Truck	Nil	25,000	25,000
Reserve Transfer – Plant & Equipment Replacement Reserve	Nil	(25,000)	(25,000)
Capital Expenditure – Plant & Equipment - Plant Replacement P557 Mitsubishi Canter truck	Nil	(99,610)	(99,610)
Capital Revenue – Plant & Equipment – Sales Proceeds – Sale of P557 Mitsubishi Canter truck	Nil	25,000	25,000
Reserve Transfer – Plant & Equipment Replacement Reserve - Plant Replacement P557 Mitsubishi Canter truck	Nil	74,610	74,610
Capital Revenue – Sales Proceeds – Sale of Plant 223 Volvo Loader L70	Nil	80,000	80,000
Reserve Transfer – Plant & Equipment Replacement Reserve	Nil	(80,000)	(80,000)

**CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**  
6/0

## **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**

- 20.1 That Council directs the CEO to prepare a report amending the Use of Recquatic Facilities Emergency Services Personnel Policy adopted at the Ordinary Council Meeting held on 23 June 2021 to include free Premium Recquatic Membership for Kwinana DFES Volunteer Fire and Rescue Service Volunteers and to present the report to Council.**

## **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 final SMRC meeting on behalf of the City of Kwinana.

Councillor Cooper advised that she had attended the Business After Hours gathering at the Golf Club which included many of the local small business owners.

Councillor Cooper reported that she had attended the Women of Wellard "Tea and Tools" function. Councillor Cooper stated that it was a useful workshop to learn about tools and the correct screws to use in a variety of situations.

Councillor Cooper mentioned that despite the rain the Wandi Planting went ahead and that she had joined in the fun at the planting event

Councillor Cooper reported that she attended a Breast Cancer update on the care we need to take. Councillor Cooper also wanted to add her thanks to the team who arranged this.

Councillor Cooper advised that she had attended a photo opportunity to acknowledge the winners of the INSPIRE KWINANA photographic competition.

## **22.2 Councillor Sandra Lee**

Councillor Sandra Lee reported that she had attended the Rockingham/Kwinana Chamber of Commerce, Business After Hours, hosted by the City of Kwinana and Roger Cook MLA at the Kwinana Golf Course. Councillor Lee added that it was good to see many business people in attendance.

Councillor Sandra Lee advised that she had attended the South Metropolitan Zone meeting, where the following was discussed

### **5.1 Reviews of the Cat Act 2011 and Dog Act 1976**

1. That WALGA seek a commitment from the State Government: for the conduct of comprehensive reviews of the Cat Act 2011 and Dog Act 1976; and
2. That the reviews incorporate Local Government-specific consultation processes, coordinated in discussion with WALGA and Local Government stakeholders.

### **5.2 Amendments to WALGA's Constitution of which 25 recommendations were tabled.**

## **22.3 Councillor Matthew Rowse**

Councillor Matthew Rowse advised that he had remotely attended (via Zoom) the South Metropolitan Zone meeting.

Councillor Rowse reported that he had remotely attended (via Zoom) the JDAP meeting.

## **23 Answers to questions which were taken on notice**

Nil

## **24 Mayoral Announcements**

Nil

## **25 Confidential items**

Nil

## **26 Close of meeting**

The Deputy Mayor declared the meeting closed at 5.52pm.