

Ordinary Council Meeting

13 October 2021

Agenda

Notice is hereby given of the Ordinary Meeting of Council to be held in the Council Chambers, City of Kwinana Administration Centre commencing at 5:30pm.

Wayne Jack
Chief Executive Officer

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

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1 Opening and announcement of visitors

Presiding Member to declare the meeting open and welcome all in attendance.

2 Acknowledgement of country

Presiding Member to 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 Matthew Rowse to 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

Leave(s) of Absence (previously approved):

Councillor Dennis Wood from 2 October 2021 to 30 October 2021.

5 Public Question Time

In accordance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*, any person may during Public Question Time ask any question.

In accordance with Regulation 6 of the *Local Government (Administration) Regulations 1996*, the minimum time allowed for Public Question Time is 15 minutes.

A member of the public who raises a question during Question Time is to state his or her name and address.

Members of the public must provide their questions in writing prior to the commencement of the meeting. A public question time form must contain all questions to be asked and include contact details and the form must be completed in a legible form.

Please note that in accordance with Section 3.4(5) of the *City of Kwinana Standing Orders Local Law 2019* a maximum of two questions are permitted initially. An additional question will be allowed by the Presiding Member if time permits following the conclusion of all questions by members of the public.

6 Receiving of petitions, presentations and deputations:

6.1 Petitions:

A petition must -

- (a) be addressed to the Mayor;
- (b) be made by electors of the district;
- (c) state the request on each page of the petition;
- (d) contain at least five names, addresses and signatures of electors making the request;
- (e) contain a summary of the reasons for the request;
- (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given; and
- (g) be respectful and temperate in its language and not contain language disrespectful to Council.

The only motion which shall be considered by the Council on the presentation of any petition are -

- a) that the petition be received;
- b) that the petition be rejected; or
- c) that the petition be received and a report prepared for Council.

6.2 Presentations:

In accordance with Clause 3.6 of the *Standing Orders Local Law 2019* a presentation is the acceptance of a gift, grant or an award by the Council on behalf of the local government or the community.

Prior approval must be sought by the Presiding Member prior to a presentation being made at a Council meeting.

Any person or group wishing to make a presentation to the Council shall advise the CEO in writing before 12 noon on the day of the meeting. Where the CEO receives a request in terms of the preceding clause the CEO shall refer it to the presiding member of the Council committee who shall determine whether the presentation should be received.

A presentation to Council is not to exceed a period of fifteen minutes, without the agreement of Council.

6.3 Deputations:

In accordance with Clause 3.7 of the *Standing Orders Local Law 2019*, any person or group of the public may, during the Deputations segment of the Agenda with the consent of the person presiding, speak on any matter before the Council or Committee provided that:

- (a) the person has requested the right to do so in writing addressed to the Chief Executive Officer by noon on the day of the meeting.
- (b) setting out the agenda item to which the deputation relates;
- (c) whether the deputation is supporting or opposing the officer's or committee's recommendation; and

6.3 DEPUTATIONS

- (d) include sufficient detail to enable a general understanding of the purpose of the deputation.

A deputation to Council is not to exceed a period of fifteen minutes, without the agreement of Council.

7 Confirmation of minutes

7.1 Ordinary Meeting of Council held on 22 September 2021:

COUNCIL DECISION

###

MOVED CR

SECONDED CR

That the Minutes of the Ordinary Meeting of Council held on 22 September 2021 be confirmed as a true and correct record of the meeting.

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

Section 5.65(1) of the *Local Government Act 1995* states:

A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Section 5.66 of the *Local Government Act 1995* states:

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

9 Requests for leave of absence

COUNCIL DECISION

###

MOVED CR

SECONDED CR

That Councillor be granted a leave of absence from to inclusive.

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

11 Any business left over from previous meeting

12 Recommendations of committees

12.1 Occupational Safety and Health (OSH) Statistical Data Report and the Gap Analysis Desktop Audit to ISO 45001:2018 (Health and Safety Management Systems) Report

SUMMARY:

This statistical data is provided to the Audit and Risk Committee for noting.

Council has endorsed a Health and Safety Policy to meet its moral and legal obligation to provide a safe and healthy work environment for all employees, contractors, customers and visitors. This commitment extends to ensuring the City's operations do not place the community at risk of injury, illness or property damage. At every Audit and Risk Committee Meeting the Committee receives a report detailing statistical data. This report entitled the City of Kwinana OSH Statistical Data Report is enclosed as Attachment A.

Over the past twelve months, the City has progressed the Safety and Health Management System framework. This includes the Tier Documentation and the OSH Management Plan. With the recent introduction of the Work Health and Safety legislation, the City engaged an external consultant to undertake a desktop audit of the City's Safety framework. A gap analysis of the framework was performed in June 2021 with the objective of the gap analysis to determine the City's adherence of the documentation to ISO 45001:2018 Occupational Health and Safety Management Systems (45001).

The audit confirmed that the City's OHSMS provides a high level of compliance. There were some areas of improvement identified with primary recommendations to conduct an annual risk assessment workshop and an annual management review forum.

The report entitled OHSMS Gap Analysis ISO 45001:2018 Health and Safety Management Systems for City of Kwinana is enclosed as Attachment B.

OFFICER RECOMMENDATION:

That the Audit and Risk Committee note:

1. City of Kwinana OSH Statistical Data Report detailed in Attachment A.
2. OHSMS Gap Analysis ISO 45001:2018 Health and Safety and Health Management Systems for the City of Kwinana Report detailed in Attachment B.

AUDIT AND RISK COMMITTEE RECOMMENDATION:

That Council note:

1. City of Kwinana OSH Statistical Data Report detailed in Attachment A.
2. OHSMS Gap Analysis ISO 45001:2018 Health and Safety and Health Management Systems for the City of Kwinana Report detailed in Attachment B.

Audit and Risk Committee comments:

- Nil

12.1 OCCUPATIONAL SAFETY AND HEALTH (OSH) STATISTICAL DATA REPORT AND THE GAP ANALYSIS DESKTOP AUDIT TO ISO 45001:2018 (HEALTH AND SAFETY MANAGEMENT SYSTEMS) REPORT

DISCUSSION:

The OSH Statistical Data Report is provided to the Audit and Risk Committee at each Audit and Risk Committee Meeting. The City assesses the incident reporting data to provide information on the nature and extent of injury and/or disease, including a comprehensive set of data for the workplace, to assist in the efficient allocation of resources, to identify appropriate preventative strategies and monitor the effectiveness of these strategies and to provide a set of data for benchmarking against other Local Governments. As a result, the City can adequately identify, evaluate and manage the safety and health aspects of its workforce operations.

Summary of Statistical Data:

The statistical data report details information over a three-month period, 1 June 2021 to 31 August 2021. From the represented data, it is noted an increase in incident frequency trend with three incidents reported in June, five incidents in July and six incidents in August with the total for the period at fourteen.

Five from the City Life directorate, four from the City Development and Sustainability directorate, four from the City Infrastructure directorate and one from the Office of the CEO. The departments that are domiciled to each directorate includes teams that are considered “high risk” teams due to their operational nature. The incidents reported over the three-month reporting period have occurred in these “high risk” teams. Three of the incidents were listed as Injury – no lost time, three medical treatments, two first aid, two near misses, and four reports only. (Noting, the statistical representation of the incident data has been amended to reflect the City’s recently updated organisational structure.)

OHSMS Gap Analysis ISO 45001:2018 Health and Safety Systems Report:

Further to the introduction of the new Health and Safety legislation and the development of the City’s Safety and Health Management System framework, the City engaged an external consultant to undertake a desktop audit of the City’s documentation to determine whether the framework will provide a structured approach to the City’s safety and health activity, meet legislative requirements for safety and health, minimise overall risk from the City’s perspective and promote continuous improvement in safety and health performance. A gap analysis was performed with the objective being to determine adherence of the City’s documentation to ISO 45001:2018 Occupational Health and Safety Management Systems (45001).

Overall, the audit confirmed that the City’s Safety and Health Management System framework provided a high level of compliance to the majority of the clauses contained in ISO 45001:2018. However, there were two areas assessed that would not comply with the standard and both of the areas have been rated as a high priority. This first area for improvement recommended that an annual risk assessment workshop is undertaken to ensure that all the City’s OSH risks are identified and appropriately controlled. This process to be included in the City’s Safety and Health Management System framework.

The second opportunity for improvement was the inclusion of an annual management review forum to ensure that the City’s Safety and Health Management System framework is reviewed and continually improved upon. This process should also be included in the framework. In addition, contained within the report are further opportunities for improvements, noting that the City’s Safety and Health Management System framework does essentially meet the requirements of the standard.

12.1 OCCUPATIONAL SAFETY AND HEALTH (OSH) STATISTICAL DATA REPORT AND THE GAP ANALYSIS DESKTOP AUDIT TO ISO 45001:2018 (HEALTH AND SAFETY MANAGEMENT SYSTEMS) REPORT

In order to address the first clause, whereby the framework does not satisfy the requirements, the City has scheduled a workshop for 23 September 2021, facilitated by the author of the desktop audit report. (Noting, there will be several workshops to ensure that the all areas of the organisation are providing input to identifying risks and hazards and that these are appropriately controlled.) The workshops will have representation from Executive, Senior Management, Supervisors, Safety Representatives and Officer level with the initial workshop attendees from the identified “high risk” teams.

At the workshops, it is also intended to establish a process (as per the requirements of ISO 45001:2018) for the formal management review of the safety framework which will address the identified second opportunity for improvement. The outcomes from the workshops will be reported to the Audit and Risk Committee.

OSH System Assessment:

Since July 2020, the City has been actively reviewing and implementing the Safety and Health Management framework across the organisation. As part of the development of the framework, there has been a requirement to continually assess and advance processes, improve on the information obtained and collate data that provides meaningful evaluation thereby assisting in the appropriate management of hazards and risks at the City. Whilst there has been substantial progression, this has been achieved, reported and monitored through various manual and often laborious recording systems. It is now an appropriate time for the City to investigate an electronic system that will assist with efficiencies, streamlining the current processes and providing the opportunities for further enhancements to the City's framework and performance.

The City has commenced research into an appropriate electronic system having viewed a couple of potential products. Until the scheduled hazard and risk workshops are undertaken and outcomes determined, the exact requirements for an electronic system can not be finalised. It is envisaged that workshops will provide the information pertaining to the functionality, suitability and alignment of an electronic system to the City's current framework and future needs. (Noting, that it is for this reason that further information and trending of data, including the incident frequency rates, have not been included in the statistical data contained within Attachment A. The intention is this will be included as part of an electronic system).

As part of the research and review into an appropriate electronic system, there will be need to be consideration to funding the implementation of a new system, noting that the City's current Occupational Health and Safety budget has not factored any expenditure in this area. If the City progresses with the new system, there will be a requirement to identify potential funding sources.

Further Developments relating to Safety and Health at the City:

The City is currently exploring the opportunity to participate in an integrated program or shared services with other Local Government that participate in the “Gap Group of Councils”.

The focus of the sharing of services is within the Safety and Health area and it is envisaged that LGIS (Local Government Insurance Services) will facilitate the program.

12.1 OCCUPATIONAL SAFETY AND HEALTH (OSH) STATISTICAL DATA REPORT AND THE GAP ANALYSIS DESKTOP AUDIT TO ISO 45001:2018 (HEALTH AND SAFETY MANAGEMENT SYSTEMS) REPORT

LEGAL/POLICY IMPLICATIONS:

Regulation 17 of the Local Government (Audit) Regulations 1996 provides:

17. CEO to review certain systems and procedures

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
 - (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications as a result of this report include the purchase/implementation of an electronic safety system.

ASSET MANAGEMENT IMPLICATIONS:

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

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS:

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

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.

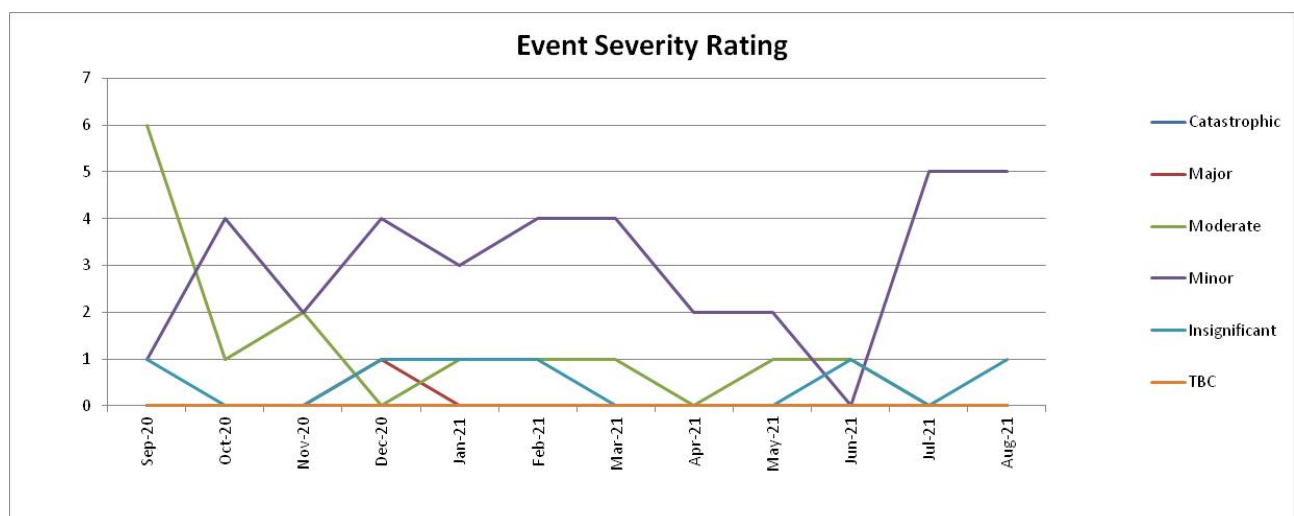
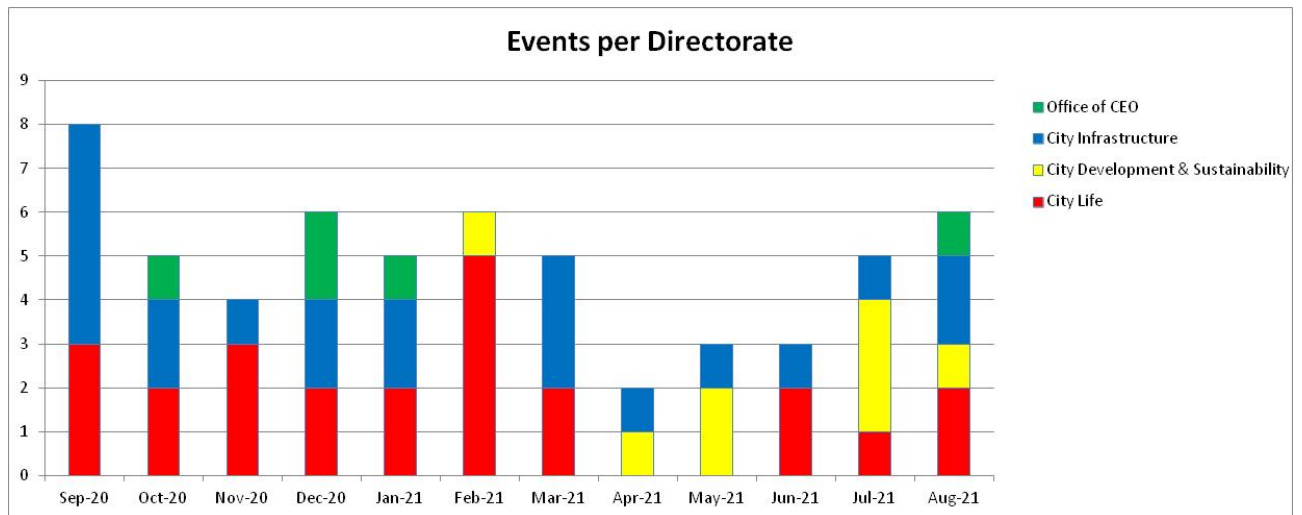
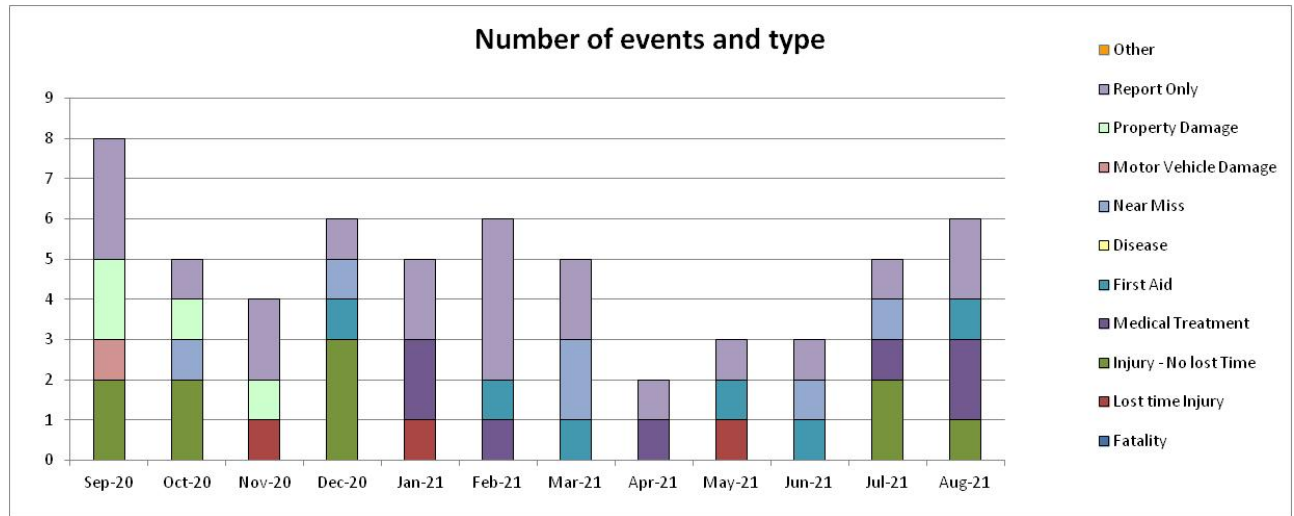
Plan	Outcome	Objective
Corporate Business Plan	Business Performance	7.1 Attract and retain a high quality, motivated and empowered workforce so as to position the organisation as an "Employer of Choice"

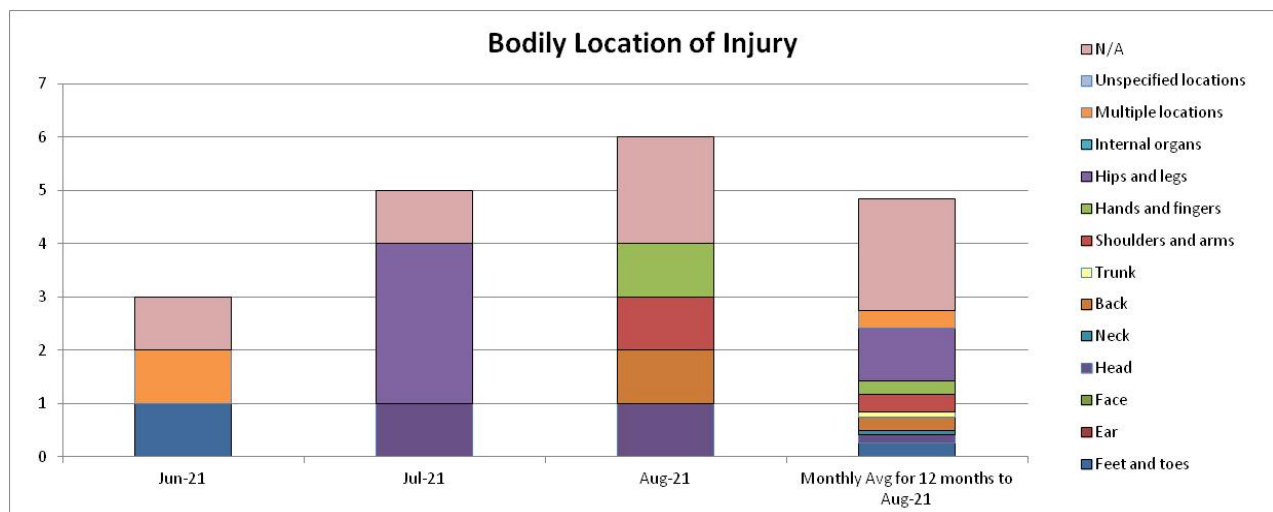
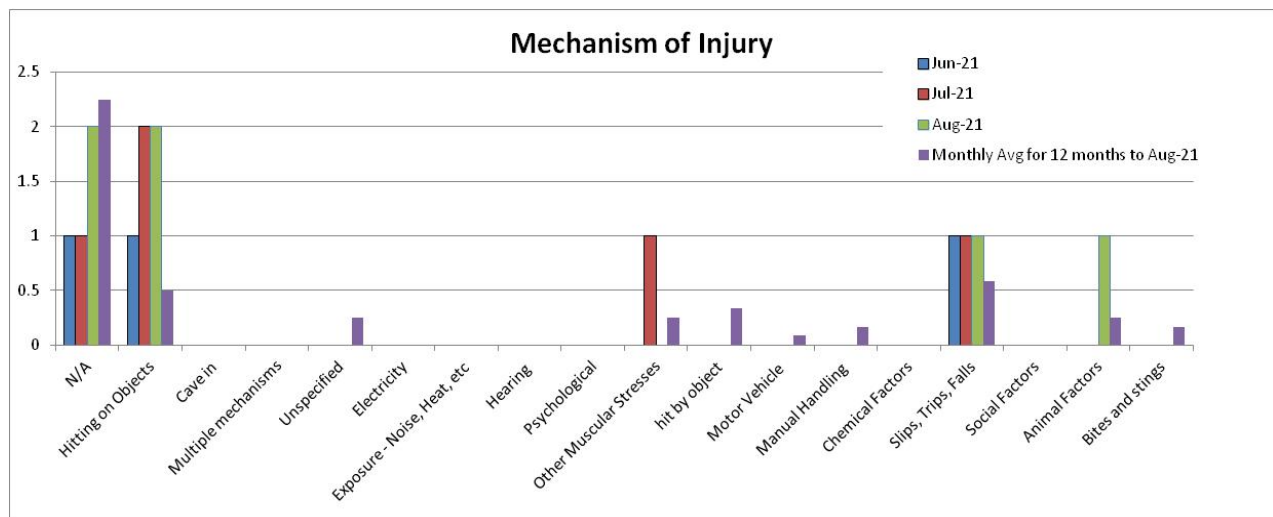
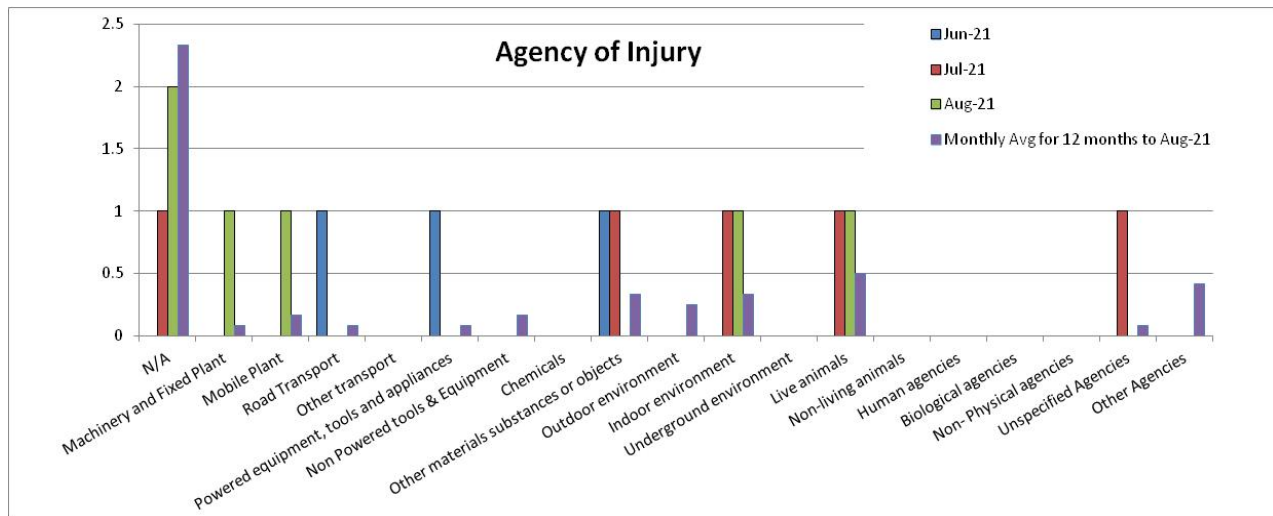
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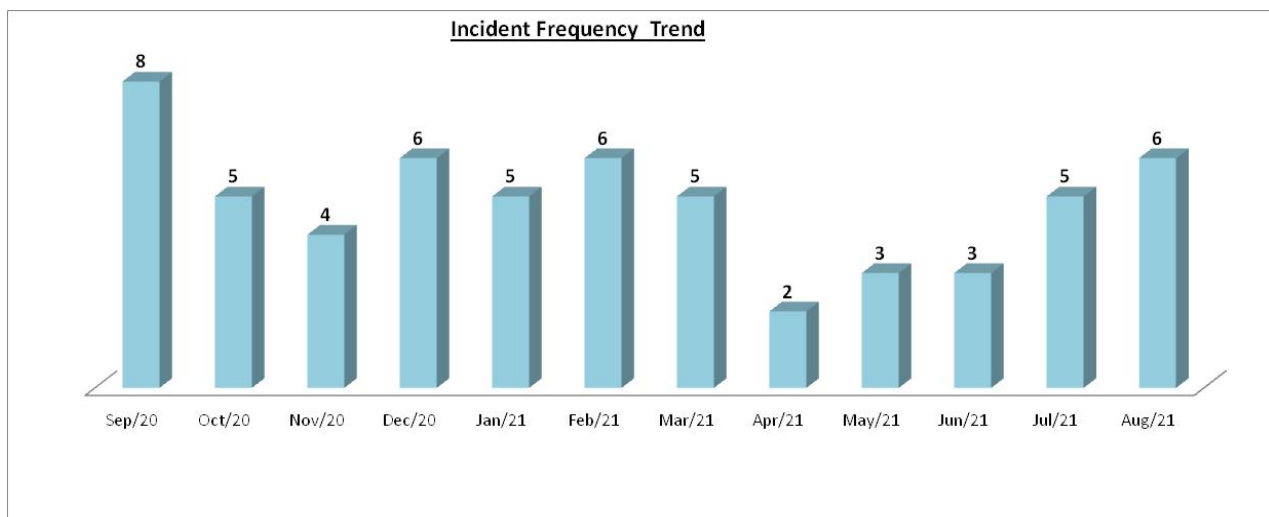
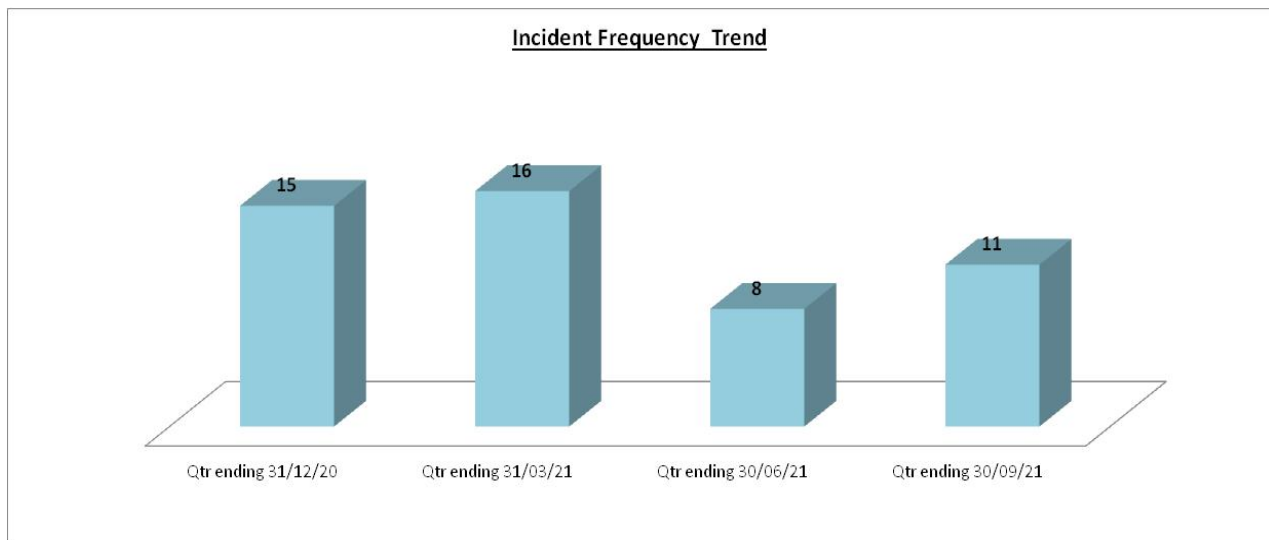
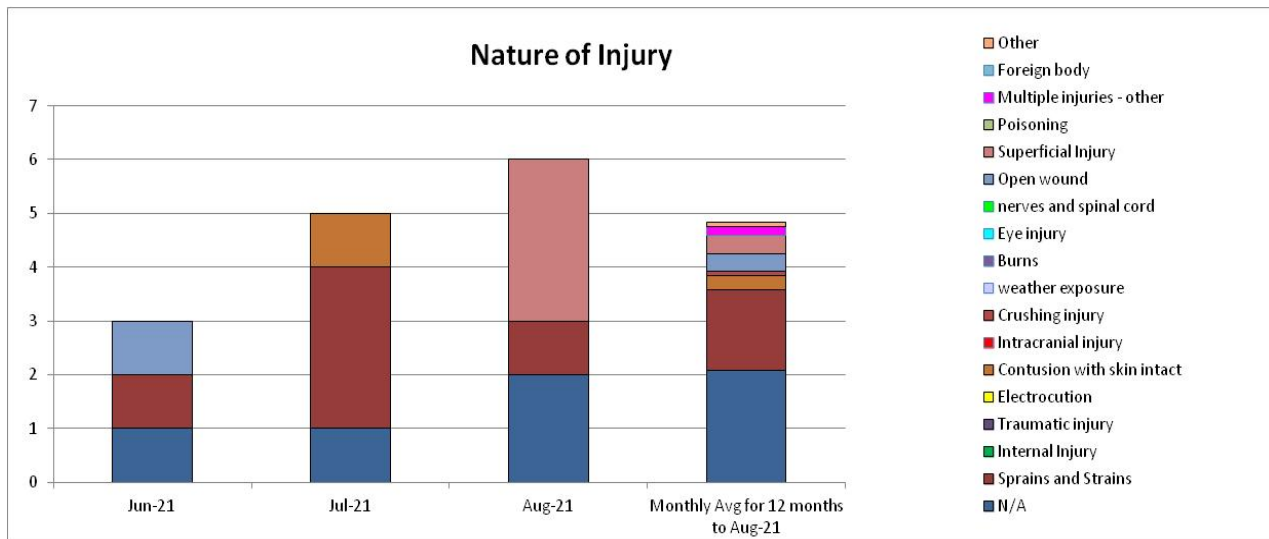
COMMUNITY ENGAGEMENT:

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

City of Kwinana - OSH Statistical Data Report - 31 August 2021







GFG CONSULTING
ABN 94 156 452 050



**OHSMS Gap Analysis
ISO 45001:2018 Health and Safety
Management Systems**


FOR

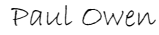
CITY OF KWINANA

DATE: 27th July 2021



REFERENCE: Q14062021-001

DOCUMENT CONTROL RECORD

Prepared By:	Hennah Brnjak
Position:	OHS Consultant
Signed:	
Date:	27/07/2021

Approved By:	Paul Owen
Position:	Business Operations Manager
Signed:	
Date:	27/07/2021

REVISION STATUS

Revision No.	Description of Revision	Date	Approved
V1	Draft to issue to client	14/07/2021	
V2	Amendments to client queries	27/07/2021	

Recipients are responsible for eliminating all superseded documents in their possession.

DISCLAIMER

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Any person or organisation that relies on or uses the document for reasons or purposes other than those agreed by GFG Consulting and the Client without first obtaining the prior written approval of GFG Consulting, does so entirely at their own risk. To the extent permitted by law, GFG Consulting excludes any liability, including any liability for negligence, for any loss, including indirect or consequential damages arising from or in relation to any reliance on this document for any purpose other than that agreed with the Client.

ACKNOWLEDGEMENT

GFG Consulting would like to thank Sue Wiltshire for the opportunity to assist with the auditing of the City of Kwinana Occupational Health and Safety Management System.



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1. Preliminary Audit Overview and Examiner's Statement

A gap analysis was performed on City of Kwinana's (CoK) Occupational Health and Safety Management System (OHSMS) in June 2021. The objective of the gap analysis is to determine adherence of the CoK OHSMS documentation to ISO 45001:2018 Occupational health and safety management systems (45001).

Overall, the audit confirmed that the City's OHSMS provides a high level of compliance to the majority of the 45001 clauses. However, some areas for improvement were identified. It is recommended that an annual risk assessment workshop is undertaken to ensure that all the City's OHS risks are identified and appropriately controlled. The process for this workshop should be documented within the OHSMS. Additionally, an annual management review forum would be beneficial to ensure that the OHSMS is reviewed and continually improved upon. This process should also be documented within the OHSMS. There are also further opportunities for improvement which are noted within the report.

In addition to the recommendations to meet specific clauses of 45001, the OHSMS could be improved by ensuring that each document within the system provides information on the parent-child relationship. For example, a risk assessment procedure would make reference to both the risk management policy (parent) and safe work method statement (child). This ensures that personnel within each business unit understand their responsibilities with regards to implementation of the OHSMS.

A table which provides an overview of all recommendations can be found in section 4.0.

2. Scope

This gap analysis reviews the City's OHSMS for compliance to all clauses of 45001. This is a desktop audit only and does not assess compliance to the OHSMS.

The following documentation was reviewed:

- Safety and Health Management Framework - Tier 1
- Safety and Health Management Framework - Tier 2
- Attachment B - Safety and Health Management Framework Tier 3 - Final - 12 May 2021
- OSH Management Action Plan - 2021 – 2023
- Risk register (City Operations)
- Index of Essential Services/Rangers documentation
- Recquatic Document Approval Process (spreadsheet)
- Volunteers Documentation
- OSH Contractor documentation

3. ISO 45001 – Gap Analysis

3.1. Determining the scope of the OH&S management system (4.3 - ISO 45001:2018)

3.1.1. Document Review Analysis

The Safety and Health Policy as well as relevant sections of the Tier Documentation (Tier 1 & 2 - Section 1 to 1.3, Tier 3 - Page 3-6) clearly identifies its responsibility for the safety and health of 'all persons employed or engaged by the City' and its commitment to achieving zero harm within the City's working environment.

The policy states its responsibilities under the WA Occupational Safety and Health Act (1984) and associated legislations.

The safety control pillars provide a good summary of the scope of the OHSMS and how risks within the City are identified and controlled by implementing risk analysis procedures in a consultative manner.

3.1.2. ISO 45001:2018 Compliance Assessment

Yes. The City's OHSMS meets the requirements of 45001.

3.1.3. Recommendations

None. As this references the broad scope of the OHSMS, there are no recommendations for this clause. Recommendations will be provided throughout this document, below.

3.2. OH&S Policy (5.2 - ISO 45001:2018)

3.2.1. Document Review Analysis

The Safety and Health Policy is current and included within all Tiers of the system. As mentioned above, the City's policy clearly defines its obligation under relevant Acts and regulations.

The Policy clearly commits to consultation with management and workers through engagement in several ways including the City's OSH Committee and safety and health representatives.

The CoK's OHS policy is detailed and includes its commitment to meet its duties of providing a safe and healthy work environment for all its stakeholders.

The policy details the City's commitment to legal requirements by identifying and reducing associated risks, internal and external consultation as well as internal review to continually improve upon the OHSMS.

3.2.2. ISO 45001:2018 Compliance Assessment

Yes. The City's OHSMS meets the requirements of 45001.

3.2.3. Recommendations

None.

3.3. Organisational Roles, Responsibilities and Authorities (5.3 - ISO 45001:2018)

3.3.1. Document Review Analysis

The responsibilities and authorities within the OHSMS are clearly defined within the Tier 1 Document in section 2.2 Leadership and accountability.

Responsibility of each position within CoK's organisational structure with regards to all key aspects of OHS – risk management, incident & accident as well as emergency management are well defined in all three Tier Documents.

The emergency procedure defines external stakeholders of the City's organisational responsibilities by referencing the roles of external stakeholders as state agencies and local authorities in Tier 1 Documentation (1.3 Definitions).

3.3.2. ISO 45001:2018 Compliance Assessment

Yes. The City's OHSMS meets the requirements of 45001.

3.3.3. Recommendations

The City's OHSMS defines overarching responsibilities for health and safety, however it does not include details of exactly how incidents, hazards, audit findings etc. are reported and to who they are reported. For example, how does the organisation ensure that information from the various safety feedback pathways (i.e. near misses, incidents, minutes of safety toolbox talks etc.) are tracked, reviewed, and fed back down to other business units? The addition of some flow charts/procedures which define the processes for unwanted event reporting and investigation and corrective actions would be helpful.

Additionally, defining which positions will be classed as 'Officers' under the new WHS legislation could be discussed at the annual management review forum (i.e. CEO, Directors & Senior Managers? This will depend on how the roles influence the organisation, i.e. what type of decisions the role can make & how much authority they have in terms of deciding where resources/finances are allocated).

3.4. Hazard identification (6.1.2 - ISO 45001:2018)

3.4.1. Document Review Analysis

The City's OHSMS includes processes to identify hazards. Tier 1, Section 3.1 Hazard and Risk Management Identifies the overall process for risk assessment and reporting. Key Performance Requirements are included and the document states that all hazards and risks are to be systematically identified.

Tier 2 (section 1.2) introduces the City's risk matrix and references the City's risk management policy D15/57852. Section 3.1 Hazard and Risk Management provides comprehensive details on risk and hazard identification and control measures. The way in which the process is verified to ensure corrective actions are identified and closed out is also described.

Tier 3 document (City Risk Assessment Process, page 11) identifies the way in which control measures are assessed and implemented as well as how opportunities for improvement are identified (Section 3.4 Change Management Standard of Tier 2 Document).

Tier 1 references the City's legal commitment and responsibilities with regards to general statutory obligations, OHS Policy (Section 1); plant, and equipment as well as contractor management responsibilities (Section 3.2 Safely Controlling Operations).

3.4.2. ISO 45001:2018 Compliance Assessment

Yes. A good framework for hazard identification, control and review are provided. There is a clear framework for how to address identified risks within the organisation. The manner in which legal requirements are met is also described (Tier 1 Document section 3.1).

3.4.3. Recommendations

Clause 6.1.2.1 states that the following hazards are to be identified and addressed. It seems that the majority of these factors are already being considered by the City, however it would be helpful to include this list somewhere within the OHSMS to ensure that all of these hazards/risks are considered.

- How work is organised, social factors (including workload, work hours, victimisation, harassment and bullying), leadership and the culture of the organisation;

- Routine and non-routine activities and situations, including hazards arising from:
 - Infrastructure, equipment, materials, substances and the physical conditions of the workplace;
 - Produce and service design, research, development, testing, production, assembly, construction, service delivery, maintenance and disposal;
 - Human factors;
 - How the work is performed
- Past relevant incidents, internal or external to the organisation, including emergencies, and their causes;
- Potential emergency situations;
- People, including consideration of:
 - Those with access to the workplace and their activities, including workers, contractors, visitors and other persons;
 - Those in the vicinity of the workplace who can be affected by the activities of the organisation;
 - Workers at a location not under the direct control of the organisation;
- Other issues, including consideration of:
 - The design of work areas, processes, installations, machinery/equipment, operating procedures and work organisation, including their adaptation to the needs and capabilities of the workers involved;
 - Situations occurring in the vicinity of the workplace caused by work-related activities under the control of the organisation;
 - Situations not controlled by the organisation and occurring in the vicinity of the workplace that can cause injury and ill health to persons in the workplace;
- Actual or proposed changes in organisation, operations, processes, activities and the OH&S management system
- Changes in knowledge of, and information about, hazards.

3.5. Assessment of OH&S risks and other risks to the OH&S management system (6.1.2.2 - ISO 45001:2018)

3.5.1. Document Review Analysis

The City's commitment to risk and hazard identification and control are clearly established in the OHS Policy in all three Tier documents.

The risk matrix Introduced in the Tier 2 document is introduced again in the Tier 3 document. The section on hazard and risk management includes flowcharts and diagrams that explain different types of hazards and provides 5 clearly defined steps for hazard and risk control (Section 3.1 Hazard and Risk Management).

The document references the City's CRM (Customer Response Management) System as a pathway to report hazards as well as the Safety Interaction Form D20/41036* (Tier 3 document, page 24).

The Tier 3 Document includes a flowchart for the hazard and incident reporting process as well as references the document control for the Incident Report form D10/711 v* (Page 30) and Hazard Reporting form D14/75246 v* (Page 16).

3.5.1. ISO 45001:2018 Compliance Assessment

No. Although the Tier Documents talk in broad terms about risk management processes, details of how organisational-wide risks identified and managed are not included. An annual risk assessment



forum should be undertaken to ensure all risks are identified and controlled appropriately. The process for this should be documented in the OHSMS.

3.5.2. Recommendations

From review of the Risk Register, it is unclear when the last risk review was undertaken? And was this undertaken as a group workshop with workers, supervisors, managers and executives involved? It is recommended that an annual risk workshop is undertaken. It is important that there are representatives from each business unit/work area, health and safety representatives, members of the OSH committee, supervisors, managers & senior managers/executives. In preparation for this workshop, the following documentation should be gathered (& reviewed during the workshop):

- Health and Safety lead & lag indicators from previous years
- Details of previous incidents & injuries
- Details of hazards that have been reported
- Safety alerts from DMIRS etc. that may be relevant to your business.
- Legislation and relevant guidance notes, codes of practice, standards etc.
- Manuals & instructions from machinery/equipment etc etc.

(This list is not exhaustive but just to provide an idea of what information may assist in identifying hazards/risks.)

During this workshop all attendees should be involved in brainstorming to identify hazards and risks. These hazards and risks are recorded on the risk register. The risk assessment team will then be involved in reviewing current control measures and determining whether further control measures are required & what the residual risk is and whether or not the residual risk is acceptable. This document essentially becomes the organisation's 'risk profile'. The information from the risk profile feeds down to policies, procedures, plans, SWMS etc.

3.6. Assessment of OH&S opportunities and other opportunities for the OH&S management system (6.1.2.3 - ISO 45001:2018)

3.6.1. Document Review Analysis

Key to managing organisational risks is ensuring that there are processes in place to identify all risks. If risks are not identified, they cannot be eliminated or reduced. Furthermore, the OHSMS must include an element of review, to ensure that OHS performance is continually monitored and improved upon. The OHSMS must include processes for change management. For example, a risk assessment should be undertaken before any change occurs (i.e. purchasing of new equipment, a new worker joins the team, a new project undertaken etc.).

The City's risk management processes are clearly documented in all Tier Documents. Additionally, it is evident that the City identifies risks and implements control measures for risk reduction throughout their operations (reference: Risk Register for Risk Identification – City Operations and OHS Plan).

The City's OHSMS includes various other methods to improve upon OH&S performance:

- Reporting and close out of hazards
- Management review
- SWMS
- OSH Committee

3.6.1. ISO 45001:2018 Compliance Assessment

Yes.

3.6.2. Recommendations

None.

3.7. Determination of legal requirements and other requirements (6.1.3 - ISO 45001:2018)

3.7.1. Document Review Analysis

The City's Health and Safety Policy also strongly highlights both its legislative responsibility and commitment to compliance to ensure all requirements are met.

As referenced in section 2.4 of this document, all Tier Documents have strong references to the City's responsibility under various Acts and associated legislation.

Legislation and standards are listed in various documents throughout the OHSMS. For example, OSH – Guideline- Contractor Management includes reference to legal requirements (5.3 Responsibility and Accountability).

3.7.2. ISO 45001:2018 Compliance Assessment

Yes. There are clear guidelines for the requirement of each business unit to ensure they are aware and meet their legal requirements and ensure they are kept up to date. Operations are required to ensure compliance to legal requirement when developing and reviewing the operational systems.

3.7.3. Recommendations

None.

3.8. Planning to achieve OH&S objectives (6.2.2 - ISO 45001:2018)

3.8.1. Document Review Analysis

The Tier 1 Document identifies who is responsible for assigning performance objectives (Section 2.2 Leadership and Accountability). Key performance requirements are referenced in each section of the Safety Management Plan. The Tier 2 Document has a small section 'Safety and Health Action plan' (Action Plan guidelines and considerations) which states annual health and safety KPI's are identified and set during the staff development review process.

3.8.2. ISO 45001:2018 Compliance Assessment

Yes. Actions are defined to address the OHSM objectives which are consistent with the City's Health and Safety Policy. They mention KPI's for achieving safety targets that are set during yearly review processes of the City Senior Personnel responsible for safety. There are multiple references with regards to monitoring and communicating Health and Safety Outcomes.

3.8.3. Recommendations

Does the City have a process to set KPI's for health and safety lead and lag indicators? Are these KPI's set by the executive management? How are these KPI's monitored? What happens if a business unit does not meet their KPI's? It would be beneficial to provide details of how KPI's are set and monitored in the Tier Documents.

These considerations would be satisfied with an annual management review forum.

3.9. Competence (7.2 - ISO 45001:2018)

3.9.1. Document Review Analysis

Tier 1 section 3.3 Implementation and Delivery, details the City's approach to its responsibilities with regards to education of all stakeholders. It identifies key performance requirements and details the training needs of staff, contractors, and other City stakeholders as well as the required competencies of each identified position.

Resources for training such as induction, on the job training, safe work practices and effective supervision are detailed.

Additionally, the requirement and responsibility of the City to provide resources to ensure efficient training as well as accountability for all levels of City Employees are detailed in section 3.3.

Responsibilities for each level of management are identified, from Chief Executive Officer, Directors and Managers through to Employees and Contractors. This re-enforces the City's understanding and commitment that everyone is responsible for safety at all levels within the organisation.

3.9.2. ISO 45001:2018 Compliance Assessment

Yes.

3.9.3. Recommendations

None.

3.10 Communication (7.4 - ISO 45001:2018)

3.10.1 Document Review Analysis

All key aspects of OHS communications are well defined in all Tier Documents.

Tier 1 Section 2.5 references internal and external communication requirements broadly on all Safety and Health Matters.

KPI's are set and the City demonstrates its commitment with regards to consultation of its workforce, providing platforms to identify hazards and risks and encouraging participation in review processes.

It clearly identifies the City's requirement for all employees to participate and to be actively involved in the management of hazards and risks.

Tier 2 document section 3.2 Working Alone Guidelines provides details of communication requirements for when employees are working alone.

Tier 2 document section 3.4 Change Management Standard references various processes used to communicate change to stakeholders. Emergency changes have a dedicated section to ensure immediate action needs are recognised using standard hazard / risk management practices of identifying, analysing, and controlling guidelines. This section also provides the various authority

levels and their area of responsibility with regards to approval for changes of Policy, Management Systems, Procedural and Equipment.

Tier 3 document references the importance of Safety and Health Representatives (Page 24) with regards to effective communication within the workplace.

3.10.2 ISO 45001:2018 Compliance Assessment

Yes. Procedures to ensure relevant information is communicated throughout the organisation are sufficient. The framework documentation identifies all internal and external stakeholders and how information is communicated.

3.10.3 Recommendations

None.

3.11 Emergency preparedness and response (8.2 - ISO 45001:2018)

3.11.1 Document Review Analysis

Unplanned or unexpected events require an immediate response to minimise adverse effects on the health and safety of workers and relevant interested parties such as residents, visitors, employees, contractors, and emergency services personnel.

Tier 1 Section 2.3 Emergency Management and Business Continuity provides broad guidelines to the City's commitment to ensure an Emergency Management Plan is in place and that all business units have relevant Emergency Response Plans for their area of operations. Emergency plans are required to be understood by key duty holders and are tested on a regular basis to ensure effectiveness.

Tier 2 Section 2.3 Incident Management Response provides further details on the City's emergency and business continuity plans and senior management and personnel's responsibilities are clearly defined.

Tier 2 Section 3.1 Hazard and Risk Management provides a table of responsibilities for emergency management with the Emergency Planning Committee (EPC) and Emergency Control Organisation (ECO)'s roles and responsibilities listed.

Emergency Works are referenced with guidelines on the requirements associated with performing these works including safety management plans, risk assessments, safe work method statements and job safety analysis mentioned as some of the controls to ensure safety and health requirements are met.

Emergency Changes in Tier 2 Section 3.4 provides a clear chain of responsibility for the approval of activities that may bring about change which require health and safety consideration.

Section 3.5 Training and Supervision states all employees, contractors and volunteers will be inducted in emergency procedures.

Tier 3 Emergency and Planning Section page 9 provides further details on roles and responsibilities, the scope of emergency plans. It references Australian Standard AS 3745-2010 planning for emergencies in facilities and goes into greater detail on how emergency plans are designed, implemented, communicated, tested and reviewed.

The approach is detailed and ensures all stakeholders, including facility occupants who may have a disability are catered for in the event of an emergency.

3.11.2 ISO 45001:2018 Compliance Assessment

Yes. Emergency response processes and responsibilities are clearly defined. Guidelines for testing the emergency Plans are identified and review requirements established for all business units and departments of the City.

3.11.3 Recommendations

None.

3.12 Monitoring, Measurement, Analysis and Performance Evaluation (9.1 - ISO 45001:2018)

3.12.1 Document Review Analysis

Legal Requirements:

The City's Occupational Safety and Health Policy recognises its responsibility under the WA Occupational Safety and Health Act (1984) and associated legislation.

Through all Tier documents, specific mention of various Acts and relevant legislations are made.

Tier 2 Section 6 Related Documents and Tier 3 Related Documents (Page 35) provide a comprehensive listing of Acts and relevant legislation to the development of the Safety and Health Management plan of the City.

Hazard Identification, Risk and Opportunities:

The fourth safety control pillar included in all three Tier documents specifically references Monitoring, Measurement and Evaluation.

Tier 1 defines the City's Overview of the Safety and Health program. Tier 2 defines the 'what and how' of the programme and Tier 3 further defines the 'how' of the program.

Section 4 Monitoring, Measurement and Review identifies the requirement for a culture of self-assessment, measurement, and assessment to ensure continuous improvement of the system.

Tier 2 section Hazard and Risk Management Process identifies various methods for the management of Hazards and Risks:

- Ongoing monitoring of day-to-day tasks and work areas.
- Observation and inspection.
- Use of one-off hazard/risk identification processes.
- Investigation of incidents.
- Contractors submitting work activity specific safety and health plans.
- Reviews and audits, or technical assessments of high-risk activities, areas, or processes.

As most of the City's services are provided by contractors, particular attention with regards to Contractor Management is given in section 3.3 Contractor Management which includes a number of controls required by relevant business/department heads of the City with regards to their responsibilities to measure and assess compliance.

Section 3.4 Change Management Standard identifies that analysis and audit reports are a key factor in improving the identification, control and improvement of hazards and risks.

Objectives and targets, effectiveness, and audit review frequency:

The monitoring, measurement and evaluation of the Health and Safety Plan are referenced throughout Tier 1 and 2 documents. Section 2 of Tier 1 Document provides strong emphasis on roles and responsibilities of standard and procedure implementation which pays particular attention to monitoring, audit, and management review.

Section Monitoring, Measurement and Evaluation of Tier 3 document (page 29) references Safety Audits (LGIS 3 Steps to Safety program) to drive safety performance and claims minimisation. Annual health and safety KPI's being based around the recommendation from annual safety and health review processes.

Stakeholders' pathways are identified in section Employee Participation (page 22) where several pathways for health and safety issues can be resolved by employees, representatives and various group meetings.

3.12.2 ISO 45001:2018 Compliance Assessment

Yes. Requirements for the monitoring and measurement of legal requirements, hazard identification and control as well as monitoring and review are well defined for each of the City's responsibilities.

3.12.3 Recommendations

None.

3.13 Maintenance, calibration, or verification of monitoring equipment (9.1.1 (cont.) - ISO 45001:2018)

3.13.1 Document Review Analysis

Section 2.2 Leadership and Accountability of Tier 1 Document establishes responsibility of staff and contractors to participate in training and working safely by the proper use of safety equipment.

Section 3.1 Hazard and Risk Management sets the requirement for systems to be established with regards to procedures for maintenance, inspection, testing, calibration, and where applicable certification as required by legal and manufacturers' requirements.

Section 3.2 sets a requirement for procedures to be established, implemented, and maintained for maintenance activities to minimise safety and health risks.

The City identifies risk assessment and/or Safe Work Method Statements (SWMS) as processes to assess and control hazards/risks within the workplace. New equipment requires an approved SWMS as well as training schedule prior to purchase and implementation within the workplace.

Section 2.1 of Tier 2 Document provides guidelines for Personal Protective Equipment (PPE) maintenance.

3.13.2 ISO 45001:2018 Compliance Assessment

Yes. The roles and responsibilities of all personnel involved in ensuring legal, manufacturers and business unit's procedures are well established.

3.13.3 Recommendations

None.

3.14 Evaluation of compliance (9.1.2 – ISO 45001:2018)

3.14.1 Document Review Analysis

The way in which compliance requirements are assessed, particularly around legislative requirements, are referenced in the City's Safety and Health policy. Section 4. Monitoring, Measurement and Review provides the frequencies for the audit of the system as well as changes to compliance requirements.

A process is established for the non-compliance by Contractors in Section 3.3 Contractor Management.

3.14.2 ISO 45001:2018 Compliance Assessment

Yes.

3.14.3 Recommendations

The establishment of an annual management review forum – see below.

3.15 Internal audit program (9.2.2 – ISO 45001:2018)

3.15.1 Document Review Analysis

Tier 1 Section 4 Monitoring, Measurement and Review states that safety and health performance is monitored, audited, and reviewed periodically. A three yearly audit time frame is listed for the review of the framework and system. There are no other timeframes / frequencies mentioned in Tier 1 Document.

Audit implementation and reviews are mentioned as an important part of change management in Tier 2 Document, but no timeframes are listed as reference.

In Tier 3 Document, Section 'Monitoring, Measurement and Evaluation' (page 29), Safety Audits notes the OHS section will schedule (via Outlook calendar) notification of the requirement for a workplace inspection.

Internal Audits are mentioned in the fourth pillar of the Safety Control Pillars for the City, but there is no information with regards to frequency within business units/departments.

3.15.2 ISO 45001:2018 Compliance Assessment

Yes.

3.15.3 Recommendations

The frequency of OHSMS internal audits should be defined and documented (Tier 1 Monitoring, Audit and Management Review). It would be helpful for audit documentation to be listed in the Tier 1 document. i.e. audit criteria, audit report from etc.

3.16 Management review (9.3 – ISO 45001:2018)

3.16.1 Document Review Analysis

Section 4 Monitoring, Measurement and Review of Tier 1 Document provides a timeframe for the review of the Safety and Health Management Framework.

It is stated that Safety and Health performance is regularly measured, monitored, recorded, and analysed and reported via a mix of lead and lag performance indicators.

It is also stated that an audit of the OHSMS is conducted regularly.

3.16.2 ISO 45001:2018 Compliance Assessment

No. Although certain elements of management review are mentioned in the City's Tier Documentation, it appears that there is no formal management review of the system.

3.16.3 Recommendations

An annual management review forum would add value in ensuring that OHS objectives and targets remain relevant. It would also ensure that the OHSMS is continually improved upon.

The forum should include a combination of the following: Executive level managers, senior managers and managers. At the forum the following should be discussed to assess if there are any opportunities for improvement or if any changes are necessary:

- Results of internal audits
- Results of monitoring and measurement (i.e. KPI's)
- Evaluations of compliance with legal requirements
- Feedback/consultation (i.e. from speaking with 'shop floor' staff, was anything identified that could improve the OHSMS?)
- Communication/feedback from interested parties and stakeholders (i.e. a hazards that members of the public have reported)
- Analysing of data to identify trends that may give insight to something that needs to be changed
- Review of policy and objectives and targets (are they still relevant? Are we meeting the goals? How can they be improved upon?)
- Follow-up on previous management review actions
- Trends in incident investigations, non-conformances, corrective actions and continual improvement (i.e. are there trends or patterns? Does the same or similar risk keep occurring? How can this be improved upon?)
- Changing circumstances related to OHS (i.e. changes to WHS legislation & what this means, changes to the community, changes to any interested parties etc.)

It is recommended that the process for an annual management review forum is documented within the OHSMS. It would be helpful to develop a 'Annual Management Review Agenda' template with the above points. The forum would need to be documented (minutes of meeting) and actions assigned and closed out.

3.17 Incident, nonconformity and corrective action (10.2 – ISO 45001:2018)

3.17.1 Document Review Analysis

Tier 1 Document lists the various chains of responsibilities with regards to incident reporting and investigation. Section 3.4 Incident Management states that incidents are to be reported, investigated, and analysed to ensure appropriate corrective actions are identified and implemented. This will ensure the effectiveness and required changes are identified and procedures and other business unit tools are updated to meet the changes required.

Tier 2 Section 3.3 Incident Reporting deals with contractor safety management and reporting processes and corrective actions taken as required as well as their effectiveness.

Section 4 of Tier 2 Document, Reporting and Review satisfies requirements with regards to the summarisation of what constitutes an incident and the subsequent required actions with regards to reporting, investigating, and implementing corrective actions as required.

Tier 3 Document goes into detail with regards to injury and incident review processes. A review schedule is stated on page 31, stating reviews will occur as required with the OHS committee as well as half and yearly to identify injury trends.

3.17.1 ISO 45001:2018 Compliance Assessment

Yes. Processes for reporting incidents, investigating, identifying, and implementing corrective actions are well defined.

3.17.2 Recommendations

None.

3.18 Continual improvement (10.3 – ISO 45001:2018)

3.18.1 Document Review Analysis

Part of the introduction of the Framework of the City (Section 1.1 City of Kwinana – Safety and Health Pillars – Tier 1), within the Safety and Health Pillars sections specifically references meeting Health and Safety Targets to drive continual improvement in performance.

Section 2 Planning and Resources recognises Safety and Health Management is an integral part of business planning with specific measurement criteria to drive continual improvement in performance.

Section 2.5 Communication and Consultation states employee participation is key to achieving health and safety targets, point 4 of the employee participation section refers to employee participation in providing suggestions and solutions for the improvement of the OHSMS.

Section 4.1 of Tier 1 Document, Monitoring, Audit and Management Review assigns responsibility with management to drive continuous improvement.

Hazard and Risk Management Section of Tier 3 Document (page 26) identifies Low Risk events to be managed via continuous improvement process.

3.18.2 ISO 45001:2018 Compliance Assessment

Yes. Various processes as well as the identification of resources are present and consultation processes identified to ensure continuous improvement of the OHSM.

3.18.3 Recommendations

None.

4. Recommendations

The table below summarises the recommendations which should be made to improve the City's OHSMS. You will see that there are two clauses that the City's OHSMS does not satisfy. There are an additional six clauses that the City's OHSMS does essentially meet, however opportunities for improvement are identified. In total, there are eight specific areas in which the City's OHSMS may be improved upon. Finally, a general recommendation to improve the documents within the OHSMS is provided.

Item assessed	Complies with ISO 45001:2018	Recommendations	Priority
3.1 Determining the scope of the OH&S management system (4.3 – ISO 45001:2018)	Yes	No	N/A
3.2 OH&S Policy (5.2 – ISO 45001:2018)	Yes	No	N/A
3.3 Organisational roles, responsibilities and authorities (5.3 – ISO 45001:2018)	Yes	Yes	Low
3.4 Hazard identification (6.1.2 – ISO 45001:2018)	Yes	Yes	Medium
3.5 Assessment of OH&S risks and other risks to the OH&S management system (6.1.2.2 ISO 45001:2018)	No	Yes	High
3.6 Assessment of OH&S opportunities and other opportunities for the OH&S management system (6.1.2.3 – ISO 45001:2018)	Yes	No	N/A
3.7 Determination of legal requirements and other requirements (6.1.3 – ISO 45001:2018)	Yes	No	N/A
3.8 Planning to achieve OH&S objectives (6.2.2 – ISO 45001:2018)	Yes	Yes	Medium
3.9 Competence (7.2 – ISO 45001:2018)	Yes	No	N/A
3.10 Communication (7.4 – ISO 45001:2018)	Yes	No	N/A
3.11 Emergency preparedness and response (8.2 – ISO 45001:2018)	Yes	No	N/A
3.12 Monitoring, measurement, analysis and performance evaluation (9.1 - ISO 45001:2018)	Yes	No	N/A
3.13 Maintenance, calibration, or verification of monitoring equipment (9.1.1 (cont.) - ISO 45001:2018)	Yes	No	N/A
3.14 Evaluation of compliance (9.1.2 – ISO 45001:2018)	Yes	Yes	High
3.15 Internal audit program (9.2.2 – ISO 45001:2018)	Yes	Yes	Medium
3.16 Management review (9.3 – ISO 45001:2018)	No	Yes	High
3.17 Incident, nonconformity and corrective action (10.2 – ISO 45001:2018)	Yes	No	N/A
3.18 Continual improvement (10.3 – ISO 45001:2018)	Yes	No	N/A
The City's OHSMS would be improved by ensuring that each document provides information on the parent-child relationship.	N/A	Yes	Low



Key:

Priority	Description
High	These items are critical and should be closed out as soon as practicable (it is recommended these forums/workshops are scheduled to take place within two months).
Medium	These items are essential to an effective OHSMS and should be actioned within 3 months, if possible.
Low	These items would enhance the OHSMS and should be actioned within 6 months, if possible.

5. Audit Summary

Tier 1, 2 and 3 Documents of the City of Kwinana Safety and Health Management Framework meet most of the requirements of 45001. Opportunities for improvement have been identified, as listed in the above recommendations.

ISO 45001:2018 is based on the Annex L, the standard how ISO Management Systems should be written. ISO 45001:2018 is a quality, safety system which not only focuses on managing OHS but also provides focus on internal and external interactions within the organisational and functional procedural aspects of the organisation.

Documents within a system should link with subordinate documents and ensure readers are able to navigate within the business management systems. The inclusion of Appendices to provide further assistance in defining the framework of the OHSMS is recommended to allow greater points of references for the document users.

All Tier Documents could also benefit from additional detail of how particular outcomes will be achieved. For example, there is a requirement to identify and stay updated with legislative requirements. How is this achieved? Is there a formal group forum that business units attend to review legislative changes? Is there a person within the organisation that is responsible for identifying and communicating legislative changes? The auditor understands that the OHS Management Action Plan is currently being reviewed and updated and the City may already be in the process of adding further detail within this document.

12.2 Risk Management Reporting

SUMMARY:

Council has endorsed a Risk Management Council Policy to manage all risks that have been identified and that could impact the City if they were not managed and evaluated appropriately. At each Audit and Risk Committee Meeting, a report is presented detailing identified risks outside of the City's tolerances and the status of actions to manage those risks. Contained at Attachment A is a copy of the Camms.Risk Organisational Risk Register for noting and comment by the Committee. Contained within Confidential Attachment A and B are copies of the Camms.Risk Organisational Risk Registers for both strategic and operational risks, for noting and comment by the Committee.

The City is continuing its transitioning from spreadsheet-based risk registers to Camms.Risk software for the recording and managing of its risks. Key staff have undergone further training in relation to risk assessment and the use of Camms.Risk, in order to further strengthen the City's risk management capability.

OFFICER RECOMMENDATION:

That the Audit and Risk Committee note and provide comment where appropriate on:

- City of Kwinana Organisational Risk Register – Strategic Risks detailed in Confidential Attachment A.
- City of Kwinana Organisational Risk Register – Operational Risks detailed in Confidential Attachment B.

AUDIT AND RISK COMMITTEE RECOMMENDATION:

That Council note:

- **City of Kwinana Organisational Risk Register – Strategic Risks detailed in Confidential Attachment A.**
- **City of Kwinana Organisational Risk Register – Operational Risks detailed in Confidential Attachment B.**

Audit and Risk Committee comments:

- Calibration of risk appetite might be required - alternatively, opportunity to look at risk appetites and document in the system where the risk being out of appetite is accepted and reflect that in the associated actions and effort.
- Excellent system, the large amount of work implementing it is acknowledged, well done to all staff involved.
- COVID-19 Pandemic to be added related to a community aspect as well as its inclusion on Confidential Attachment A, strategic risk No. 7.
- A risk workshop should be undertaken with the Council as part of the Strategic Community Plan process.

12.2 RISK MANAGEMENT REPORTING

DISCUSSION:

The City's Risk Management Strategy sets the following role and responsibilities for the Committee:

- a) Ensuring the City has appropriate risk management and internal controls in place;
- b) Approving and reviewing risk management programmes and risk treatment options for extreme risks;
- c) Setting and reviewing risk management tolerances/appetite and making recommendations to Council;
- d) Providing guidance and governance to support significant and/or high profile elements of the risk management spectrum;
- e) Monitoring strategic risk management and the adequacy of internal controls established to manage the identified risks;
- f) Monitoring the City's internal control environment and reviewing the adequacy of policies, practices and procedures;
- g) Assessing the adequacy of risk reporting;
- h) Monitoring the internal risk audit function, including development of audit programs as well as monitoring of audit outcomes and the implementation of recommendations;
- i) Setting the annual internal audit plan in conjunction with the internal auditor taking into account the City Strategic and Operational Risk Registers;
- j) Conduct an annual review of the organisation's Risk Management Policy and Strategy; and
- k) Reporting through the Chief Executive Officer to the Council on its findings.

The Organisational Risk Register is provided to the Audit and Risk Committee on a quarterly basis for their review and as an opportunity to provide advice regarding risk management, as the City is focussed on creating a culture that is committed to openness and transparency and fulfilling its responsibilities in relation to risk management.

The City of Kwinana Risk Management Strategy establishes the risk appetite/attitude for residual risk as follows:

Impact Category	Level of residual risk the City is willing to retain			
	Low	Moderate	High	Extreme
Environmental		●		
Financial	●			
Health and Safety	●			
ICT, Infrastructure and Assets		●		
Legislative Compliance	●			
Reputation/Image	●			
Service Delivery		●		

The Organisational Risk Register shows all strategic risks as well as all operational risks showing a residual risk assessment of 'high' or above.

12.2 RISK MANAGEMENT REPORTING

It should be noted that the register is still in relatively early stages of implementing Camms.Risk. The City recently retained Stantons to undertake training to key staff with respect to risk assessment as well as in relation to the use of Camms.Risk in a manner consistent with the City's Risk Management Strategy and Policy. Further internal training is intended to be rolled out shortly. Whilst teams across the City have yet to fully transition all previous risks into the Camm.Risk system, this remains an ongoing task and a priority for the Governance and Legal Team.

LEGAL/POLICY IMPLICATIONS:

Regulation 17 of the Local Government (Audit) Regulations 1996 provides:

17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
 - (a) risk management; and*
 - (b) internal control; and*
 - (c) legislative compliance.**
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
- (3) The CEO is to report to the audit committee the results of that review.*

FINANCIAL/BUDGET IMPLICATIONS:

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

ASSET MANAGEMENT IMPLICATIONS:

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

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS:

There are no direct environmental or public health implications identified as a result of this report.

STRATEGIC/SOCIAL IMPLICATIONS:

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

COMMUNITY ENGAGEMENT:

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

12.3 Strategic Internal Audit Plan 2021/2022 to 2023/2024

SUMMARY:

The role of internal auditing is to assist the Council and senior management meet the Council's objectives by providing an independent appraisal of the adequacy and effectiveness of processes and controls. It is considered to be an essential part of achieving best practice in the management of strategic and operational risk.

Following a formal request for quotation process undertaken by the City, Paxon Group ('Paxon') were selected to prepare an internal audit plan which identifies areas to be audited across all City departments, as well as appropriate auditing hours. The plan was developed on the basis of areas identified within the City's risk registers as being higher risk areas which could benefit the most from strengthening of practices.

The proposed Strategic Internal Audit Plan 2021/2022 to 2023/2024 is presented at Confidential Attachment A for consideration and comment by the Audit and Risk Committee.

OFFICER RECOMMENDATION:

That the Audit and Risk Committee review, to provide comment where necessary and refer the Strategic Internal Audit Plan 2021/2022 to 2023/2024 (as at Confidential Attachment A) to Council for adoption.

AUDIT AND RISK COMMITTEE RECOMMENDATION:

That Council adopt the Strategic Internal Audit Plan 2021/2022 to 2023/2024 (as at Confidential Attachment A).

Audit and Risk Committee comments:

- That the Strategic Internal Audit Plan is in addition to the Regulation 5 and Regulation 17 Audits.
- A draft scope to be reviewed by the Audit and Risk Committee for each internal audit.
- Beneficial to the organisation that Payroll to be included in a future Internal Audit Plan.

DISCUSSION:

Due to an increased focus on the accountability of local governments, a review of the effectiveness of all business processes is becoming best practice. Internal audit is one way to reduce risk and identify improvements in internal controls. There are many benefits to conducting internal audits, such as:

- improving the performance of the organisation;
- making the organisation process-dependent instead of person-dependent;
- identification of redundancies in operational and control procedures and the provision of recommendations to improve the efficiency and effectiveness of procedures;

12.3 STRATEGIC INTERNAL AUDIT PLAN 2021/2022 TO 2023/2024

- it serves as an early warning system, enabling deficiencies to be identified and remediated on a timely basis (i.e. prior to external, regulatory or compliance audits); and
- increases accountability within the organisation and supporting strategic objectives (for example cost reduction initiatives).

Paxon have developed a proposed Strategic Internal Audit Plan 2021/2022 to 2023/2024 detailed in Confidential Attachment A.

Area of Review	2021/22 (hours)	2022/23 (hours)	2023/24 (hours)
Planning & Building	80		
Asset Management	80		
Community Services – Events (Community Engagement, Resource Centre, Family Day Care, Events)	80		
Recquatic		80	
Environmental & Health Services/Waste		80	
Finance - Financial Management Regulation 5*		80	
Project/Program Management (Building, Operations & Engineering)		80	
Occupational Safety & Health / Human Resources			80
City Legal & Governance - Audit Regulation 17 (Legislative compliance, risk and internal control)*			80
Business Continuity/Disaster Recovery/Pandemic/Emergency Planning			80
Essential Services (Security, Rangers & Parking)			80
City Strategy			
Customer service			
Information Technology			
Contracts & Procurement	80		

Further areas identified for consideration in the current or future audit plans are as follows:

- Marketing and Communications (media and social media)
- Records/Freedom of information
- Fleet
- Grants
- Investments
- Payroll
- Asbestos and Pesticides
- Environmental/Sustainability/Green policies

12.3 STRATEGIC INTERNAL AUDIT PLAN 2021/2022 TO 2023/2024

LEGAL/POLICY IMPLICATIONS:

Section 7.13 of the *Local Government Act 1995* provides:

7.13. Regulations as to audits

- (1) Regulations may make provision as follows —
 - (aa) as to the functions of a CEO in relation to —
 - (i) a local government audit; and
 - (ii) a report (an **action report**) prepared by a local government under section 7.12A(4)(a); and
 - (iii) an audit report; and
 - (iv) a report on an audit conducted by a local government under this Act or any other written law;
 - (ab) as to the functions of an audit committee, including in relation to —
 - (i) the selection and recommendation of an auditor under Division 2; and
 - (ii) a local government audit; and
 - (iii) an action report; and
 - (iv) an audit report; and
 - (v) a report on an audit conducted by a local government under this Act or any other written law;
 - (ac) as to the procedure to be followed in selecting an auditor under Division 2;
 - [(ad) deleted]
 - (ae) as to monitoring action taken in respect of any matters raised in an audit report;
 - (a) with respect to matters to be included in an agreement in writing (**agreement**) made under section 7.8(1);
 - (b) for notifications and reports to be given in relation to an agreement, including any variations to, or termination of an agreement;
 - (ba) as to a copy of an agreement being provided to the Department;
 - (c) as to the manner in which an application may be made to the Minister for approval as an auditor under section 7.5;
 - (d) in relation to approved auditors, for the following —
 - (i) reviews of, and reports on, the quality of audits conducted;
 - (ii) the withdrawal by the Minister of approval as an auditor;
 - (iii) applications to the State Administrative Tribunal for the review of decisions to withdraw approval;
 - (e) for the exercise or performance by auditors of their powers and duties under this Part;
 - (f) as to the matters to be addressed in an audit report;
 - (g) requiring an auditor (other than the Auditor General) to provide the Minister with prescribed information as to an audit conducted by the auditor;
 - (h) prescribing the circumstances in which an auditor (other than the Auditor General) is to be considered to have a conflict of interest and requiring an auditor (other than the Auditor General) to disclose in an audit report such information as to a possible conflict of interest as is prescribed;
 - (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
 - (i) of a financial nature or not; or
 - (ii) under this Act or another written law.
- (2) Regulations may also make any provision about audit committees that may be made under section 5.25 in relation to committees.

12.3 STRATEGIC INTERNAL AUDIT PLAN 2021/2022 TO 2023/2024

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

16. Functions of audit committee

An audit committee has the following functions —

- (a) *to guide and assist the local government in carrying out —*
 - (i) *its functions under Part 6 of the Act; and*
 - (ii) *its functions relating to other audits and other matters related to financial management;*
- (b) *to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*
- (c) *to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —*
 - (i) *report to the council the results of that review; and*
 - (ii) *give a copy of the CEO's report to the council;*
- (d) *to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —*
 - (i) *regulation 17(1); and*
 - (ii) *the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (e) *to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*
- (f) *to oversee the implementation of any action that the local government —*
 - (i) *is required to take by section 7.12A(3); and*
 - (ii) *has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and*
 - (iii) *has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and*
 - (iv) *(iv) has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (g) *to perform any other function conferred on the audit committee by these regulations or another written law.*

FINANCIAL/BUDGET IMPLICATIONS:

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

ASSET MANAGEMENT IMPLICATIONS:

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

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS:

There are no direct environmental or public health implications identified as a result of this report.

STRATEGIC/SOCIAL IMPLICATIONS:

There are no direct strategic/social implications as a result of this proposal.

12.3 STRATEGIC INTERNAL AUDIT PLAN 2021/2022 TO 2023/2024

COMMUNITY ENGAGEMENT:

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

12.4 Developer Contribution Payment audit and Regulation 17 audit - action updates

SUMMARY:

At its meeting of 14 June 2021, the findings of the recent Regulation 17 audit conducted by Paxon Group as well as the Developer Contribution Payment ('DCP') audit conducted by Crowe Australia were presented to the Audit and Risk Committee. Both audits contained recommendations as to areas of potential improvement to current practices. Those actions, as well as details from the relevant officers regarding their implementation are provided for noting and comment by the Committee.

OFFICER RECOMMENDATION:

That the Audit and Risk Committee note and provide comment where appropriate on the Regulation 17 audit action report detailed in Confidential Attachment A and the Developer Contribution Payment audit action report detailed in Confidential Attachment B.

AUDIT AND RISK COMMITTEE RECOMMENDATION:

That Council note the Regulation 17 audit action report detailed in Confidential Attachment A and the Developer Contribution Payment audit action report detailed in Confidential Attachment B.

Audit and Risk Committee comments:

- Acknowledge the work done by the staff with the move to the new reporting system for updates, it provides a greater level of transparency.
- Note that this reporting will be a continuation going forward.
- Include 'Ready to Close' items within the Officer recommendation in future to allow the Audit and Risk Committee to have oversight of action items proposed to be closed.

DISCUSSION:

Whilst the City has made progress towards implementing the recommended actions contained in both the Regulation 17 and DCP audit reports, the majority remain ongoing. Updates will be provided to each meeting of the Audit and Risk Committee until such time as actions are finalised.

In relation to its recording and monitoring of actions, the City is presently transitioning its reporting across the organisation:

- Strategic Community Plan and Corporate Business Plan Reporting – Previously the City stored and tracked this information in Performance Manager (Civica). Progress against actions is now being reported quarterly through spreadsheets as we progress towards tracking this information in TechOne. The first quarter for this financial year is intended to be provided to Council in October.
- Team Business Plan Reporting – Remains on hold until the transition to recording this information in TechOne.

12.4 DEVELOPER CONTRIBUTION PAYMENT AUDIT AND REGULATION 17 AUDIT - ACTION UPDATES

- Opportunities for Improvement and Internal Non-Conformance Reporting – The City is transitioning from Performance Manager to Promapp, with the intention of being able to identify, investigate and action an improvement/incident, rather than just report on them.

In addition, with the DCP Report being prepared within Promapp it has been noted to log as an improvement to the summary, both a column regarding the change of date where an extension has been required and the reasoning for it.

The City's IT Department are currently progressing implementing a Cyber Security Manual which will address a number of the outstanding actions relating to their area. The Cyber Security Manual is approximately 90% complete. The manual is comprehensive and takes a pragmatic approach to Cyber Security. A cyber awareness system is being implemented to provide cyber awareness testing, training and reporting on an ongoing basis.

The schedule being implemented will sending phishing test emails monthly, training quarterly and a cyber security skill assessment annually. A baseline phishing test is scheduled for first week of October 2021.

LEGAL/POLICY IMPLICATIONS:

Regulation 17 of the Local Government (Audit) Regulations 1996 provides:

17. CEO to review certain systems and procedures

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
 - (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

FINANCIAL/BUDGET IMPLICATIONS:

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

ASSET MANAGEMENT IMPLICATIONS:

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

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS:

There are no direct environmental or public health implications identified as a result of this report.

12.4 DEVELOPER CONTRIBUTION PAYMENT AUDIT AND REGULATION 17 AUDIT - ACTION UPDATES

STRATEGIC/SOCIAL IMPLICATIONS:

There are no direct strategic/social implications as a result of this proposal.

COMMUNITY ENGAGEMENT:

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

12.5 2020/2021 Interim Financial Audit

SUMMARY:

The purpose of this report is to provide the Audit Committee with an overview of the 2020/2021 Interim Audit as performed by the Office of the Auditor General's contractor, RSM. The Office of the Auditor General is responsible for issuing the Interim Audit Management Letter to the City.

OFFICER RECOMMENDATION:

That the Audit Committee notes the findings of the Office of Auditor General, and Management responses to the findings, as part of the interim 2020/2021 financial and information systems audit, as detailed in Attachment A and B.

AUDIT AND RISK COMMITTEE RECOMMENDATION:

That Council notes the findings of the Office of Auditor General, and Management responses to the findings, as part of the interim 2020/2021 financial and information systems audit, as detailed in Attachment A and B.

Audit and Risk Committee comments:

- Feedback be provided to the Auditors regarding the close timeframes between the annual audit and the commencement of the interim audit for actions to be completed.

DISCUSSION:

As part of the 2020/2021 financial audit, the Office of the Auditor General (OAG) contracted RSM to perform an interim audit during May 2021. There is no requirement for Auditors to form an opinion or to produce a report as a result of an interim audit, however, the following matters have been included within the Interim Audit Management Letter. Officers have provided comments for each item for reporting to the Audit Committee with further information provided within the Interim Audit Management Letter as contained in Attachment A and B.

12.5 2020/2021 INTERIM FINANCIAL AUDIT

Auditor Note	Officer Comments
<p>Finding: During the interim audit RSM noted infrastructure assets under construction were capitalised in the fixed asset register at year end irrespective of the constructed assets 'practical completion' date or 'in use' date.</p> <p>Rating: Minor</p> <p>Recommendation: The City should develop a policy to ensure capital works projects are regularly reviewed and capitalised as and when they're completed.</p>	<p>The City has recently updated the 'Recognition and Depreciation of Assets' policy as adopted by Council (OCM 14/7/2021). The Policy now includes a paragraph to clarify the treatment of Assets under Construction.</p> <p>Both the Assistant Accountant and Coordinator Finance frequently attend Project Management Meetings with the Engineering and Asset Management Teams to ensure they keep up to date with capital project progression. The Project Tracking meeting minutes are to be used to identify projects that can potentially be capitalised throughout the year.</p> <p>Due to the timing of receiving invoices some projects are unable to be closed out at the time of completion.</p> <p>Where possible, project commissioning will be back dated in our system to ensure the appropriate amount of depreciation is expensed during the year.</p>

The final audit of the Annual Financial Statements for the year ended 30 June 2021 will be conducted by the OAG's contractor, RSM, during the week beginning October 4 2021. The final audit report will be issued by the OAG upon completion of the audit.

In addition to the interim financial audit, the Office of the Auditor General also completed an interim information systems audit. There were seven findings from this audit, although only one of these findings is new. The remainder are outstanding or updated findings from the 2019/2020 information systems audit. As noted in the summary table below, the previous audit findings will be addressed as part of an overall approach to the management of information technology within the City: a new information technology and communications strategic plan and Cyber Security Policy Manual. It is relevant that there is a significant amount of work in developing the strategy and manual, and the interim audit commenced less than three months after the finalisation of the 2019-2020 audit, so it is expected that these items will still be outstanding.

12.5 2020/2021 INTERIM FINANCIAL AUDIT

New Finding	
Auditor Note	Officer Comments
<p><u>Network Security Management</u></p> <p>Finding: Noted that the City have not performed full network security/penetration testing since 2018 to understand the City's network security posture and identify any potential security weaknesses or vulnerabilities to the network.</p> <p>Rating: Moderate</p> <p>Recommendation: The City should establish a process to perform cyclical security/penetration testing on a regular basis on critical infrastructure and systems to improve network security and provide protection against any potential vulnerabilities or cyber breaches.</p>	<p>The finding is accepted. Penetration testing will be performed in the second quarter 2022 once remediation of the outstanding OAG findings has taken place.</p> <p>Completion Date: June 2022</p>
Outstanding Finding	
Auditor Note	Officer Comments
<p><u>IT Governance – Policies and Procedures</u></p> <p>Finding: the 'Acceptable Use of IT Systems' policy has not been reviewed since November 2007 and there were no formal policies and procedures for the following key IT functional areas:</p> <ul style="list-style-type: none"> • Information security, objectives, principles, responsibilities and compliance requirements; • Incident management (Handling of security breaches and or inappropriate use); • System and user password requirements and configuration; • Protection from malware and malicious code; • User access / remote access / wireless networks management (Granting / revoking access to systems); • Review and monitoring of user access / System audit logging and monitoring; • Restrictions on software user and installations; • Mobile device management / Data loss prevention management; • Information system back-up and recovery; 	<p>The finding is accepted. A new ICT Strategic Plan will be developed. Formally documented ICT governance policies and standards will be addressed by a Cyber Security Policy and Manual that is currently being developed. Where appropriate, processes and controls will be implemented to address these findings. The network diagram is being updated to reflect the current architecture.</p> <p>Completion Date: December 2021: Cyber Security Policy and Manual June 2022: ICT Strategic Plan</p>

12.5 2020/2021 INTERIM FINANCIAL AUDIT

<ul style="list-style-type: none"> • IT asset management and disposal; • the City's network diagram is not periodically reviewed to ensure the diagram accurately reflect the City's current network architecture; and • the City's IT Strategy (2016 to 2020) has not been reviewed and updated to be aligned to the City's business strategy for the current and future financial years. <p>Rating: Significant</p> <p>Recommendation: IT policies and procedures should be regularly reviewed, updated and communicated to users of the IT systems. They should also reflect the current network architecture and IT Strategy.</p>	
<p><u>User Access Management</u></p> <p>Finding: Noted the following deficiencies with the City's network access management process:</p> <ul style="list-style-type: none"> • periodic user access reviews for active network administrator and user accounts are not performed; • 56 out of 407 active users have not logged into the systems in the last 6 months; • 1 system user of Civica Authority has system administrative privileges assigned to them which is not in line with their role and level of responsibility; and • 3 network accounts were inappropriately assigned domain privileged / administrative access. 	<p>The City reviews all user accounts regularly, although without a formalised process. User account access is reviewed for all users in the following situations:</p> <ol style="list-style-type: none"> 1. when they are created; 2. if the user's role or PD is adjusted; 3. if the user relocates office or workstation; 4. if a user's direct report changes; and 5. when their employment is terminated. <p>All network user accounts are created on request of the City's HR department, or via the new staff member's line manager. These requests are lodged formally via the IT helpdesk, and formal approval is accepted as given where the requester is someone with the authority to give the approval makes the request (i.e. line manager or Human Resources as part of the 'on-boarding' process).</p>
<p>Additional Findings: evidence of periodic user access reviews for domain administrator and privileged access in Civica Authority is not retained;</p> <ul style="list-style-type: none"> • 22 out of 106 active user accounts have not logged into the network in the last 6 months; and • 20 out of 106 active user accounts have never logged into the network. <p>Rating: Significant</p>	<p>The City will review its current position in regards to formal review of user accounts when developing the user access policy/guideline as part of its new Strategic IT Plan.</p> <p>The City acknowledges that network service accounts are not formally requested or approved. However, the City has reviewed all network accounts with domain administration privileges and is satisfied that these accounts have the appropriate permissions for their purpose, and the appropriate controls are in place to ensure the integrity of the system.</p>

12.5 2020/2021 INTERIM FINANCIAL AUDIT

<p>Recommendation: The City should regularly review and monitor user access to the network and Civica Authority database to ensure it is in line with employee roles and levels of responsibility. Evidence of these reviews should be retained and inactive accounts should be removed or disabled.</p>	<p>Further Comments: Formally documented IT governance policies and standards for network user account management standards will be addressed by a Cyber Security Policy and Manual that is currently being developed. Where appropriate, processes and controls will be implemented to address these findings.</p> <p>Completion Date: December 2021</p>
<p><u>Business Continuity</u></p> <p>Finding: During the audit we noted there was no evidence to support the City's Disaster Recovery Plan (DRP) had been reviewed since January 2018. We also noted the City did not IT disaster recovery tests</p> <p>Rating: Moderate</p> <p>Recommendation: The City should review and update IT DRP documents. In addition to this the IT DRP should be regularly tested and the results of these tests should be recorded. The IT DRP tests should be used to confirm key IT systems and services can be recovered and data backups can be restored in accordance with the agreed recovery requirements.</p>	<p>The City's current IT Backup and DR Plan is reviewed annually, and was last reviewed in May 2019. It is acknowledged that the version control within the document is not up to date, and the City accepts that this is a required improvement. This plan also is reviewed on any major changes to the backup and DR systems, of which there has been none for approximately 3 years. The City considers the failure to update the version log to represent a minor finding, which will be addressed upon the next review of this plan.</p> <p>Updated Comment: The IT Backup and DR plan and processes will be updated as part of deploying an IT Cloud hosted DR/BCP solution and as part of the Cyber Security Policy, Manual and ICT Strategy. Documented DR/BCP testing will take place for a minimum of one business system.</p> <p>Completion Date: December 2021</p>

12.5 2020/2021 INTERIM FINANCIAL AUDIT

<p>IT Change Management Procedures</p> <p>Finding: The City does not have a formal system for change management procedures to ensure IT infrastructure changes are formally documented, appropriately requested, reviewed, approved and analysed.</p> <p>Rating: Moderate</p> <p>Recommendation: The City should implement formal change management controls, policies and processes to ensure changes do not compromise security, integrity of data and availability of systems. User access testing, stress tests and post implementation reviews should be implemented and documented as and when required.</p>	<p>Formally documented IT governance policies and standards for change management will be addressed by a Cyber Security Policy and Manual that is currently being developed. Where appropriate, processes and controls will be implemented to address these findings.</p> <p>Completion Date: December 2021</p>
<p><u>Physical and Environmental Security</u></p> <p>Finding: Several deficiencies in the physical and environmental security management of the datacentre located at the City were noted. We noted there was no documented and approved policy or procedure to outline physical and environmental requirements for data locations, access management, and monitoring of environmental controls.</p> <p>Rating: Moderate</p> <p>Recommendation: The City should develop a policy and implement a process to ensure physical and environment security of the datacentre. Any inappropriate or unauthorised access and critical hardware failures should be investigated and action should be taken immediately to address weaknesses.</p>	<p>The lack of formally documented IT governance policies and standards for physical and environmental security will be addressed by a Cyber Security Policy and Manual that is currently being developed. Physical/environmental security controls will be implemented where appropriate.</p> <p>Completion Date: June 2022</p>

12.5 2020/2021 INTERIM FINANCIAL AUDIT

<p><u>Network Password Management</u></p> <p>Findings: We noted the City does not have a formal policy in place to enforce strong password settings within the organisation. Password parameters configured in City's network (active directory) are not aligned with better practice guidelines.</p> <p>Rating: Moderate</p> <p>Recommendation: The City should develop, document and implement a formal password management policy and ensure it aligns to better practice guidelines.</p>	<p>The password parameters in the better practice guidelines have been implemented. Formally documented IT governance policies and standards for password management will be addressed by a Cyber Security Policy and Manual that is currently being developed. Where appropriate, processes and controls will be implemented to address these findings.</p> <p>Completion Date: Recommendation has been implemented. Additional Password Controls: December 2021</p>
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LEGAL/POLICY IMPLICATIONS:

Local Government Act 1995 section 7.12AB. states:

Conducting a financial audit

The auditor must audit the accounts and annual financial report of a local government at least once in respect of each financial year.

FINANCIAL/BUDGET IMPLICATIONS:

There are no specific financial/budget implications as a result of this report.

ASSET MANAGEMENT IMPLICATIONS:

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

ENVIRONMENTAL/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 Strategic Community Plan and 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.

12.5 2020/2021 INTERIM FINANCIAL AUDIT

COMMUNITY ENGAGEMENT:

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

CITY OF KWINANA

PERIOD OF AUDIT: 1 JULY 2020 TO 30 JUNE 2021

FINDINGS IDENTIFIED DURING THE INTERIM AUDIT

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
1. Capitalisation of work in progress			✓

KEY TO RATINGS

The Ratings in this management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

- Significant** - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly. A significant rating may be reported as a matter of non-compliance in the audit report in the current year, or in a subsequent reporting period if not addressed. However, even if the issue is not likely to impact the audit report, it should be addressed promptly.
- Moderate** - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.
- Minor** - Those findings that are not of primary concern but still warrant action being taken.

CITY OF KWINANA

PERIOD OF AUDIT: 1 JULY 2020 TO 30 JUNE 2021

FINDINGS IDENTIFIED DURING THE INTERIM AUDIT

1. Capitalisation of work in progress

Finding

During the interim audit we noted infrastructure assets under construction were capitalised in the fixed asset register at year-end irrespective of the constructed asset's 'practical completion date' or 'in use' date.

Rating: Minor

Implication

The City has an increased risk of incorrect asset capitalisation resulting in an overstatement of capital works in progress and understatement of fixed assets and depreciation.

Recommendation

The City should develop a policy to ensure capital works projects are regularly reviewed and capitalised as and when they're completed.

Management Comment

The City has recently updated our 'Recognition and Depreciation of Assets' policy to be adopted by Council (Council meeting to be held 14th July). This Policy now includes a paragraph to clarify the treatment of Assets under Construction.

Both the Assistant Accountant and Coordinator Finance frequently attend Project Management meetings with the Engineering and Asset Management teams to ensure they keep up to date with capital project progression. The Project Tracking meeting minutes are to be used to identify projects that can potentially be capitalised throughout the year.

Due to the timing of receiving invoices (for example, many line-marking invoices are not received until year end), some projects are unable to be closed out at the time of practical completion or 'in use' as the expenditure has not been entered into the system. However, all project commissioning, regardless of timing of creating the addition in our system, will be back dated to the notified project completion date to ensure the appropriate amount of depreciation is expensed during the year.

Responsible Person: *Vina Chang, Vikki Lauritsen*

Completion Date: *June 2021*

CITY OF KWINANA

PERIOD OF AUDIT: 1 JULY 2020 TO 30 JUNE 2021

FINDINGS IDENTIFIED DURING THE INFORMATION SYSTEMS AUDIT

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
1. Network Security Management		✓	
Matters outstanding from prior year audit			
2. IT Governance – policies and procedures	✓		
3. User access management	✓		
4. Business continuity		✓	
5. IT change management procedures		✓	
6. Physical and environmental security		✓	
7. Network password management		✓	

KEY TO RATINGS

The Ratings in this management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

- Significant** - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly. A significant rating may be reported as a matter of non-compliance in the audit report in the current year, or in a subsequent reporting period if not addressed. However, even if the issue is not likely to impact the audit report, it should be addressed promptly.
- Moderate** - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.
- Minor** - Those findings that are not of primary concern but still warrant action being taken.

CITY OF KWINANA

PERIOD OF AUDIT: 1 JULY 2020 TO 30 JUNE 2021

FINDINGS IDENTIFIED DURING THE INFORMATION SYSTEMS AUDIT

1. Network security management

Finding

We noted that the City have not performed full network security/penetration testing since 2018 to understand the City's network security posture and identify any potential security weaknesses or vulnerabilities to the network.

Rating: Moderate

Implication

Without regular security/penetration testing, the network and systems may become susceptible to potential security breaches and future attacks.

Recommendation

The City should establish a process to perform cyclical security/penetration testing on a regular basis on critical infrastructure and systems to improve network security and provide protection against any potential vulnerabilities or cyber breaches.

Management Comment

The finding is accepted. Penetration testing will be performed in the second quarter 2022 once remediation of the outstanding OAG findings has taken place.

Responsible Person: *Manager Information Technology (new incumbent)*

Completion Date: *30 June 2022*

CITY OF KWINANA

PERIOD OF AUDIT: 1 JULY 2020 TO 30 JUNE 2021

FINDINGS IDENTIFIED DURING THE INFORMATION SYSTEMS AUDIT

2. IT governance – policies and procedures**2020 Finding**

When reviewing the City's IT policies and procedures we identified the 'Acceptable Use of IT Systems' policy has not been reviewed since November 2007 and there were no formal policies and procedures for the following key IT functional areas:

- Information security, objectives, principles, responsibilities and compliance requirements;
- Incident management (Handling of security breaches and or inappropriate use);
- System and user password requirements and configuration;
- Protection from malware and malicious code;
- User access / remote access / wireless networks management (Granting / revoking access to systems);
- Review and monitoring of user access / System audit logging and monitoring;
- Restrictions on software user and installations;
- Mobile device management / Data loss prevention management;
- Information system back-up and recovery; and
- IT asset management and disposal.

2021 Status

The 2020 finding remains unresolved. In addition to this we noted the following:

- the City's network diagram is not periodically reviewed to ensure the diagram accurately reflect the City's current network architecture; and
- the City's IT Strategy (2016 to 2020) has not been reviewed and updated to be aligned to the City's business strategy for the current and future financial years.

Rating: Significant (2020: Significant)**Implication**

A lack of current IT policies and procedures consistent with the City's current network architecture and IT Strategy may result in inconsistent or inappropriate approaches being adopted by staff or contractors. This may result in security or other exposures.

Recommendation

IT policies and procedures should be regularly reviewed, updated and communicated to users of the IT systems. They should also reflect the current network architecture and IT Strategy.

2020 Management Comment

The City acknowledges and is aware that formal documentation of many of its IT policies and procedures is required, and has already begun authoring many of these for inclusion into a new Strategic IT Plan based on ISO 27001:2015 standards. This new plan will be formally adopted by the Executive Team and will be reviewed on an annual and as-needed basis.

The City's existing IT Backup and DR plan does contain some procedures and guidelines on information system back-up and recovery, and will be further developed with much more specific information.

The City's 'Acceptable use of IT Systems' policy was formally reviewed on 27th June 2018 as reflected by our Document Management System, however, the version control on the document itself does require an update.

CITY OF KWINANA

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FINDINGS IDENTIFIED DURING THE INFORMATION SYSTEMS AUDIT

2020 Responsible Person: *Manager Information Technology*

2020 Completion Date: *26 October 2020*

2021 Management Comment

A new ICT Strategic Plan will be developed. Formally documented ICT governance policies and standards will be addressed by a Cyber Security Policy and Manual that is currently being developed. Where appropriate, processes and controls will be implemented to address these findings. The network diagram is being updated to reflect the current architecture.

2021 Responsible Person: *Manager Information Technology (new incumbent)*

2021 Completion Date: *31 December 2021: Cyber Security Policy and Manual
30 June 2022: ICT Strategic Plan*

CITY OF KWINANA

PERIOD OF AUDIT: 1 JULY 2020 TO 30 JUNE 2021

FINDINGS IDENTIFIED DURING THE INFORMATION SYSTEMS AUDIT

3. User access management**2020 Finding**

We noted the following deficiencies with the City's network access management process:

- periodic user access reviews for active network administrator and user accounts are not performed;
- 56 out of 407 active users have not logged into the systems in the last 6 months;
- 1 system user of Civica Authority has system administrative privileges assigned to them which is not in line with their role and level of responsibility; and
- 3 network accounts were inappropriately assigned domain privileged / administrative access.

2021 Status

We noted the following deficiencies with the City's network access management process:

- evidence of periodic user access reviews for domain administrator and privileged access in Civica Authority is not retained;
- 22 out of 106 active user accounts have not logged into the network in the last 6 months; and
- 20 out of 106 active user accounts have never logged into the network.

Rating: Significant (2020: Significant)**Implication**

Without appropriate user access management controls in place there is an increased risk of inappropriate or unauthorised access to the City's IT systems and/or information. This could impact the confidentiality, integrity and availability of City information.

Recommendation

The City should regularly review and monitor user access to the network and Civica Authority database to ensure it is in line with employee roles and levels of responsibility. Evidence of these reviews should be retained and inactive accounts should be removed or disabled.

2020 Management Comment

The City reviews all user accounts regularly, although without a formalised process. User account access is reviewed for all users in the following situations:

- 1. when they are created;*
- 2. if the user's role or PD is adjusted;*
- 3. if the user relocates office or workstation;*
- 4. if a user's direct report changes; and*
- 5. when their employment is terminated.*

All network user accounts are created on request of the City's HR department, or via the new staff member's line manager. These requests are lodged formally via the IT helpdesk, and formal approval is accepted as given where the requester is someone with the authority to give the approval makes the request (i.e. line manager or Human Resources as part of the 'on-boarding' process). The City will review its current position in regards to formal review of user accounts when developing the user access policy/guideline as part of its new Strategic IT Plan.

The City acknowledges that network service accounts are not formally requested or approved. However, the City has reviewed all network accounts with domain administration privileges and

CITY OF KWINANA

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FINDINGS IDENTIFIED DURING THE INFORMATION SYSTEMS AUDIT

is satisfied that these accounts have the appropriate permissions for their purpose, and the appropriate controls are in place to ensure the integrity of the system.

2020 Responsible Person: *Manager Information Technology*

2020 Completion Date: *26 October 2020*

2021 Management Comment

Formally documented IT governance policies and standards for network user account management standards will be addressed by a Cyber Security Policy and Manual that is currently being developed. Where appropriate, processes and controls will be implemented to address these findings.

2021 Responsible Person: *Manager Information Technology (new incumbent)*

2021 Completion Date: *31 December 2021*

CITY OF KWINANA

PERIOD OF AUDIT: 1 JULY 2020 TO 30 JUNE 2021

FINDINGS IDENTIFIED DURING THE INFORMATION SYSTEMS AUDIT

4. Business continuity

2020 Finding

During the audit we noted there was no evidence to support the City's Disaster Recovery Plan (DRP) had been reviewed since January 2018. We also noted the City did not IT disaster recovery tests

2021 Status

The 2020 finding remains unresolved.

Rating: Moderate (2020: Moderate)

Implication

Without an up to date IT DRP there is an increased risk that critical business functions and processes may not be appropriately recovered or restored following a major incident.

Recommendation

The City should review and update IT DRP documents. In addition to this the IT DRP should be regularly tested and the results of these tests should be recorded. The IT DRP tests should be used to confirm key IT systems and services can be recovered and data backups can be restored in accordance with the agreed recovery requirements.

2020 Management Comment

The City's current IT Backup and DR Plan is reviewed annually, and was last reviewed in May 2019. It is acknowledged that the version control within the document is not up to date, and the City accepts that this is a required improvement. This plan also is reviewed on any major changes to the backup and DR systems, of which there has been none for approximately 3 years. The City considers the failure to update the version log to represent a minor finding, which will be addressed upon the next review of this plan.

2020 Responsible Person: *Manager Information Technology*

2020 Completion Date: *26 October 2020*

2021 Management Comment

The IT Backup and DR plan and processes will be updated as part of deploying an IT Cloud hosted DR/BCP solution and as part of the Cyber Security Policy, Manual and ICT Strategy. Documented DR/BCP testing will take place for a minimum of one business system.

2021 Responsible Person: *Manager Information Technology (new incumbent)*

2021 Completion Date: *31 December 2021*

CITY OF KWINANA

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FINDINGS IDENTIFIED DURING THE INFORMATION SYSTEMS AUDIT

5. IT change management procedures

2020 Finding

The City does not have a formal system for change management procedures to ensure IT infrastructure changes are formally documented, appropriately requested, reviewed, approved and analysed.

2021 Status

The 2020 finding remains unresolved.

Rating: Moderate (2020: Moderate)**Implication**

There is an increased risk that changes to the network and applications, including those that may be harmful to systems and information could be implemented without proper assessment and approval. If changes are not controlled, security and availability of systems may be compromised.

Recommendation

The City should implement formal change management controls, policies and processes to ensure changes do not compromise security, integrity of data and availability of systems. User access testing, stress tests and post implementation reviews should be implemented and documented as and when required.

2020 Management Comment

The City accepts this finding. With the exception of IT projects – no formal system for change management is in place for 'business as usual' changes to IT systems. The City will determine the need/urgency of a varying degree of formal systems and include any new change management practice in the new Strategic IT Plan.

2020 Responsible Person: *Manager Information Technology*

2020 Completion Date: *26 October 2020*

2021 Management Comment

Formally documented IT governance policies and standards for change management will be addressed by a Cyber Security Policy and Manual that is currently being developed. Where appropriate, processes and controls will be implemented to address these findings.

2021 Responsible Person: *Manager Information Technology (new incumbent)*

2021 Completion Date: *31 December 2021*

CITY OF KWINANA

PERIOD OF AUDIT: 1 JULY 2020 TO 30 JUNE 2021

FINDINGS IDENTIFIED DURING THE INFORMATION SYSTEMS AUDIT

6. Physical and environmental security**2020 Finding**

Several deficiencies in the physical and environmental security management of the datacentre located at the City were noted. We noted there was no documented and approved policy or procedure to outline physical and environmental requirements for data locations, access management, and monitoring of environmental controls.

2021 Status

The 2020 finding remains unresolved.

Rating: Moderate (2020: Moderate)**Implication**

Without appropriate controls in place to manage the physical and environmental controls, there is an increased risk of inappropriate, unauthorised access and potential failure of critical hardware to support key infrastructure or systems. This could impact the confidentiality, integrity and availability of the City's systems and information.

Recommendation

The City should develop a policy and implement a process to ensure physical and environment security of the datacentre. Any inappropriate or unauthorised access and critical hardware failures should be investigated and action should be taken immediately to address weaknesses.

2020 Management Comment

The City acknowledges that there are opportunities for improvement in regards to security and environmental documentation. However, the City notes that controls and monitoring are in place. As an example, the City uses dual air conditioners to ensure redundancy in the environment control system, and has temperature sensors located with the City's servers, to ensure the IT team is notified in the case of total failure of the air-conditioning system.

The City does conduct regular fire and earthquake drills and disputes this finding. The City acknowledges the need to improve documentation of the procedures for and occurrence of fire and earthquake drills.

2020 Responsible Person: *Manager Information Technology*

2020 Completion Date: *26 October 2020*

2021 Management Comment

The lack of formally documented IT governance policies and standards for physical and environmental security will be addressed by a Cyber Security Policy and Manual that is currently being developed. Physical/environmental security controls will be implemented where appropriate.

2021 Responsible Person: *Manager Information Technology (new incumbent)*

2021 Completion Date: *30 June 2022*

CITY OF KWINANA

PERIOD OF AUDIT: 1 JULY 2020 TO 30 JUNE 2021

FINDINGS IDENTIFIED DURING THE INFORMATION SYSTEMS AUDIT

7. Network password management

2020 Finding

We noted the City does not have a formal policy in place to enforce strong password settings within the organisation. Password parameters configured in City's network (active directory) are not aligned with better practice guidelines (see below):

Password Details	City Network Settings	Better Practice Guidelines
History	4	10 or more
Lockout Duration	Not defined	at least 30 mins
Lockout Threshold	Not defined	at least 5 attempts

2021 Status

The 2020 finding remains unresolved. In addition to this we note the account lockout functionality is disabled.

Rating: Moderate (2020: Moderate)

Implication

Without adequate password management protocols and procedures, there is an increased risk of unauthorised access or compromises to network and system security. The network and systems may become susceptible to potential security breaches, such as brute force or social engineering attacks.

Recommendation

The City should develop, document and implement a formal password management policy and ensure it aligns to better practice guidelines.

2020 Management Comment

The City will develop a formal policy to enforce formal passwords, as part of the review of the Strategic IT Plan.

2020 Responsible Person: *Manager Information Technology*

2020 Completion Date: *26 October 2020*

2021 Management Comment

The password parameters listed above have been implemented. Formally documented IT governance policies and standards for password management will be addressed by a Cyber Security Policy and Manual that is currently being developed. Where appropriate, processes and controls will be implemented to address these findings.

2021 Responsible Person: *Manager Information Technology (new incumbent)*

2021 Completion Date: *31 December 2021*

12.6 Review of Audit and Risk Committee Terms of Reference

SUMMARY:

The Audit and Risk Committee (Committee) Terms of Reference provides clear guidance on the purpose of the Committee and the duties and responsibilities of the Committee members.

With the upcoming Local Government Election, a review of the Terms of Reference has been undertaken, with several amendments being identified.

Following the review and approval of the Audit and Risk Committee the Terms of reference will be presented to Council for their review and adoption.

OFFICER RECOMMENDATION:

That the Audit and Risk Committee:

1. note the amended Audit and Risk Committee Terms of Reference, as at Attachment A and provide comment where necessary; and
2. recommend that Council adopt the amended Audit and Risk Committee Terms of Reference, as at Attachment A.

AUDIT AND RISK COMMITTEE RECOMMENDATION:

That Council note and adopt the Audit and Risk Committee Terms of Reference, as at Attachment A.

Audit and Risk Committee comments:

- The Deputy Mayor should be included as a permanent committee member. Section 1.4 to be updated to reflect this requirement.
- Although not current practice, reinstate the below item from Section 1.20 'Consider and review the Community Strategic Plan Term and Annual Plans before adoption by the Council' as they will be presented and considered by the Audit and Risk Committee going forward.

DISCUSSION:

A review of the Terms of Reference has been undertaken and is now recommended for Committee noting and Council adoption.

Clarification has been included with regards to the Committee not having executive powers or authority to implement actions in areas over which the Chief Executive Officer (CEO) has legislative responsibility and does not have any delegated power from Council. In addition, the Committee does not have any management functions and cannot involve itself in management processes or procedures.

12.6 REVIEW OF AUDIT AND RISK COMMITTEE TERMS OF REFERENCE

Previously, the Terms of Reference referenced independent members being appointed for three year terms and Elected Members four year terms, this has been amended to be two year terms for both independent members and Elected Members to coincide with the City's ordinary election cycle and in compliance with s 5.11 of the *Local Government Act 1995*.

An amendment was also made in regards to the Committee appointment of a Chairperson, the amendment is in accordance with s 5.12 of the *Local Government Act 1995*, which prescribes that committee presiding members and deputy presiding members, must be elected in accordance with the procedures established in Schedule 2.3 of the *Local Government Act 1995*. Therefore, an election process is necessary and not a vote / resolution by the committee.

Additional minor amendments have also been made, the proposed amendments are highlighted in tracked changes within the Terms of Reference (Attachment A).

LEGAL/POLICY IMPLICATIONS:

Local Government Act 1995:

7.1A. Audit committee

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

** Absolute majority required.*

- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.*

Section 5.11

5.11. Committee membership, tenure of

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
 - (b) *the person resigns from membership of the committee; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day, whichever happens first.*

12.6 REVIEW OF AUDIT AND RISK COMMITTEE TERMS OF REFERENCE

- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the term of the person's appointment as a committee member expires; or*
 - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day, whichever happens first.*
- 5.12. Presiding members and deputies, election of
- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
- (a) to "office" were references to "office of presiding member"; and
 - (b) to "council" were references to "committee"; and
 - (c) to "councillors" were references to "committee members".
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
- (a) to "office" were references to "office of deputy presiding member"; and
 - (b) to "council" were references to "committee"; and
 - (c) to "councillors" were references to "committee members"; and
 - (d) to "mayor or president" were references to "presiding member".

Local Government (Audit) Regulations 1996:

16. Audit committee, functions of An audit committee —

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

12.6 REVIEW OF AUDIT AND RISK COMMITTEE TERMS OF REFERENCE

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial/budget implications that have been identified as a result of this report or recommendation.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications that have been identified as a result of this report or recommendation.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS:

There are no environmental/public health implications that have been identified as a result of this report or recommendation.

STRATEGIC/SOCIAL IMPLICATIONS:

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

COMMUNITY ENGAGEMENT:

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

Audit and Risk Committee - Terms of Reference

Purpose

- 1.1 To assist the Council to discharge its responsibility ~~to~~with regard to the exercise of due care, diligence and skill in relation to the oversight of:
- the robustness of the internal control framework;
 - the integrity and appropriateness of external reporting, and accountability arrangements within the organisation for these functions;
 - the robustness of internal risk management systems, including the City's processes, practices and procedures;
 - internal and external audit;
 - accounting policy and practice;
 - significant projects and programs of work focusing on the appropriate management of risk;
 - compliance with applicable laws, regulations, standards and best practice guidelines for public entities;
 - the establishment and maintenance of controls to safeguard the Council's financial and non-financial assets; and
 - Councils risk appetite and the acceptability of level of risk.

The Audit and Risk Committee (Committee) is a formally appointed Committee of Council and is responsible to that body. The Committee does not have executive powers or authority to implement actions in areas over which the Chief Executive Officer (CEO) has legislative responsibility and does not have any delegated power from Council. The Committee does not have any management functions and cannot involve itself in management processes or procedures.

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- 1.2 As reflected in this Terms of Reference, the foundations on which this Committee operates includes: independence; clarity of purpose; competence; open, effective and respectful relationships and a transparent "no surprises" ethos.

Membership and participation

- 1.3 Members of the Audit and Risk Committee shall be impartial and independent at all times.
- 1.4 The Committee will comprise of six members, namely two independent external members and four City of Kwinana Elected Members, ~~one of whom~~which should ~~be include~~ the ~~presiding~~ Mayor and Deputy Mayor.

1.5 Appointment of independent members

- Identify skills required for independent members of the ~~Audit and Risk~~ Committee. Appointment panels will include the Mayor ~~and~~/or Deputy Mayor and two other Elected Members. Council approval is required for all independent member appointments;
- ~~The independent members are appointed for three-two year terms to coincide with the City's ordinary election cycle and in compliance with section 5.11 of the Local Government Act 1995.~~
- ~~An independent member is not to be a staff member or Elected Member.;~~
- Independent members are eligible for re-appointment to a maximum of two terms. By exception, the Council may approve ~~a third-further terms~~ to ensure continuity of knowledge;
- The Committee will comprise of six members, namely two independent external members and four City of Kwinana Elected Members.

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1.6 All Committee members have full voting rights.

1.7 The term of ~~an Elected Member-Councillor's~~ appointed to the ~~e~~Committee will ~~be~~ for a two year term, to coincide with the City's ordinary election cycle and in compliance with section 5.11 of the ~~Local Government Act 1995.~~ ~~nd when Elected Members are able to nominate/re-nominate at a meeting of Council following the ordinary election, if necessary a ballot will be conducted their four-year term of office ceases. If the Councillor nominates for re-election to Council at the Local Government, they may be eligible to apply for re-appointment to the committee for a further term should they be successfully elected to Council following the Local Government elections.~~

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~~1.8 Other than the presiding Mayor, Councillors are to serve no more than two terms on the committee.~~

~~4.91.8~~ The Chief Executive Officer and Executive Leadership Team (herein referred to as "Management") will not be members of the Committee. The Chief Executive Officer should attend every Committee meeting and shall play a key role on the committee by providing expert advice to the Committee.

~~4.401.9~~ The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Council. At least one ~~external~~ independent member should have accounting or related financial management experience, with an understanding of accounting and auditing standards in a public sector/local government environment.

~~The City recommends that o~~One of the independent members of the ~~Audit and Risk~~ Committee ~~shall~~ be appointed Chairperson ~~of the Committee.~~ ~~Section 5.12 of the Local Government Act 1995 prescribes that committee presiding members and deputy presiding members, must be elected in accordance with the procedures established in Schedule 2.3 of the Local Government Act 1995. This is an election process and not a vote / resolution by the committee.~~

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Quorum

~~4.11.1.10~~ 4.11.1.10 A quorum shall consist of at least 50% of the number of members of the Committee, one of whom is to be an independent member, unless a reduction is approved by the local government under s5.15 of the *Local Government Act 1995*.

Meetings

~~4.12.1.11~~ 4.12.1.11 The Committee should meet at times during the year that most effectively coincides with the requirements of the legislation for that year, and operational activities, with a view to providing the necessary reports well before the due dates.

Procedure

1.14 In order to give effect to its advice, the Committee should make recommendations to the Council and to Management.

~~1.15 Each meeting agenda is to include an opportunity for an in camera meeting between the Committee and the internal and the external auditors (without Management present). An in camera meeting can be held at any time during the meeting if requested by any of the Committee members present.~~

~~4.16.1.15~~ 4.16.1.15 The external auditors, the internal audit manager and the co-sourced internal audit firm (if appointed) should meet with the Committee Chair outside of formal meetings as considered appropriate.

~~4.17.1.16~~ 4.17.1.16 ~~Where necessary,~~ The Committee Chair will meet with the CEO or delegate before each Committee meeting and at other times as required as agreed by the Chair.

Duties and responsibilities

~~4.18.1.17~~ 4.18.1.17 Internal control framework

- Consider the adequacy and effectiveness of internal controls and the internal control framework including overseeing privacy and cyber security;
- Critically examine the steps Management has taken to embed a culture that is committed to probity and ethical behaviour;
- Review the organisation's processes or systems in place to capture and effectively detect and/or investigate fraud or material litigation should it be required; and
- Seek confirmation annually and as necessary from internal and external auditors, attending ~~Councillors~~ Elected Members, and Management, regarding the completeness, quality and appropriateness of financial and operational information that is provided to the Council.

~~4.19.1.18~~ 4.19.1.18 Risk management

- Review and consider Management's risk management framework in line with Council's risk appetite, which includes policies and procedures to effectively identify, treat and monitor significant risks, and regular reporting to the Council;
- Assist the Council to determine its appetite for risk;
- Review the principal risks that are determined by Council and Management, and consider whether appropriate action is being taken by Management to treat Council's significant risks;
- Assess the effectiveness of, and monitor compliance with, the risk management framework; and
- Consider any emerging risks trends and report these to Council where appropriate.
- To examine and consider the transfer of risk through an annual review of Council's insurances.

4.201.19 Internal audit

- Review and approve the annual internal audit plan, which is to be based on the Council's risk framework;
- Monitor performance against the annual audit plan at each regular quarterly meeting;
- Monitor all internal audit reports and the adequacy of Management's response to internal audit recommendations;
- Review six monthly fraud reporting and ensure fraud issues are disclosed to the external auditor;
- Provide a functional reporting line for the internal audit and ensure objectivity and transparency of the internal audit;
- Oversee and monitor the performance and independence of both the internal auditors and co-sourced auditors who may be appointed from time to time;
- Review the range of services provided by the co-sourced partner and make recommendations to Council regarding the conduct of the internal audit function; and
- Monitor compliance with Council's delegation policies.

4.241.20 External reporting and accountability

- Consider the appropriateness of the Council's existing accounting policies and practices and approve any changes as deemed appropriate;
- Contribute to improve the quality, credibility and objectivity of the accounting processes, including financial reporting;
- Consider and review the draft annual financial statements and any other financial reports that are to be publicly released and make recommendations to Management on any matters that arise from those statements or reports;
- Consider the underlying quality of the external financial reporting, including:
 - changes in accounting policy and practice;
 - any significant accounting estimates and judgements, accounting implications of new and significant transactions, management practices;
 - and any significant disagreements between Management and the external auditors; and
 - the propriety of any related party transactions and compliance with

applicable Australian and international accounting standards and legislative requirements.

- Consider the disclosure of contingent liabilities and contingent assets as well as the clarity of disclosures generally;
- Consider whether the external reporting is consistent with Committee members' information and knowledge, and whether it is adequate for stakeholder needs;
- Recommend to Council:
 - the adoption of the Financial Statements and Reports; and
 - the Statement of Service Performance; and
 - the signing of the Letter of Representation to the Auditors by the Mayor and the Chief Executive Officer.
- Enquire of external auditors any information that affects the quality and clarity of the Council's financial statements, and assess whether appropriate action has been taken by Management;
- Request visibility of appropriate management signoff on the financial reporting and on the adequacy of the systems of internal control; including:
- certification from the Chief Executive Officer, and other staff that risk management and internal control systems are operating effectively.
- Consider and review the Community Strategic Plan Term and Annual Plans before adoption by the Council;
- Apply similar levels of enquiry, consideration, review and management sign off as are required above for external financial reporting; and
- Review and consider the Summary Financial Statements for consistency with the Annual Report.

4.221.21 External audit

- Review and monitor whether Management's approach to maintaining an effective internal control framework is sound and effective, and in particular:
 - Review whether Management has taken steps to embed a culture that is committed to probity and ethical behaviour;
 - Review whether Management has in place relevant policies and procedures and how such policies and procedures are reviewed and monitored; and
 - Review whether there are appropriate systems processes and controls in place to prevent, detect and effectively investigate fraud.
- Annually review the independence of the audit engagement with the external auditor appointed by the Office of the Auditor General;
- Annually review the term of the audit engagement with the external auditor appointed by the Office of the Auditor General, including the adequacy of the nature and scope of the audit, and the timetable and fees;
- Review all external audit reporting, discuss with the auditors and review action to be taken by Management on significant issues and recommendations and report such actions to Council as appropriate;
- The external audit reporting should describe:
 - Council's internal control procedures relating to external financial reporting, findings from the most recent external audit and any steps taken to deal with such findings;
 - All relationships between the Council and the external auditor;

- Critical accounting policies used by Council; and
- Alternative treatments of financial information within Generally Accepted Accounting Practice that have been discussed with Management, the ramifications of these treatments and the treatment preferred by the external auditor.
- Ensure that the lead audit engagement and concurring audit directors are rotated in accordance with best practice and Australian Auditing Standards.

4.231.22 Compliance with legislation, standards and best practice guidelines

- Review the effectiveness of the system for monitoring the Council's compliance with laws (including governance legislation, regulations and associated government policies), with Council's own standards, ~~and Best Practice Guidelines.~~

12.7 Office of the Auditor General (OAG) – Cyber Security Performance Audit

This report is confidential in accordance with Section 5.23(2)(e) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (e) a matter that if disclosed, would reveal –**
 - (iii) information about the business, professional, commercial or financial affairs of a person**

12.8 Update on OneCouncil Implementation Project

This report and its attachments are confidential in accordance with Section 5.23(2)(c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and**

13 Enbloc reports

Nil

14 Reports - Community

14.1 Objection unless Specified Conditions are met – Fireworks Event Notices – Perth Motorplex, Kwinana Beach, Kwinana Fireworks Displays, Saturday 23 October 2021, Sunday 2 January 2022 and Saturday 12 February 2022

SUMMARY:

Applications to hold three fireworks displays at Perth Motorplex, Kwinana Beach were received from Cardile International Fireworks Pty Ltd. The applications are for the fireworks displays to be held on Saturday 23 October 2021, Sunday 2 January, 2022 and Saturday 12 February 2022.

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

The application is referred to Council given that is a power that cannot be delegated. Council has supported fireworks displays in the past (subject to conditions) and they have been well managed. It is recommended that the same approach apply for this application and that the event be 'objected to unless specified conditions' are met as outlined in Attachments D to F, as per the requirements of S148(6)(b) of the Act.

OFFICER RECOMMENDATION:

That Council:

1. **Authorise the Chief Executive Officer to sign the Fireworks Event Notice as detailed in confidential Attachment A from Cardile International Fireworks Pty Ltd for the Kwinana Fireworks Display, Saturday, 23 October 2021 on behalf of the City of Kwinana (the Local Government) with objection unless specified conditions are met.**
2. **Authorise the Chief Executive Officer to sign the Fireworks Event Notice as detailed in confidential Attachment B from Cardile International Fireworks Pty Ltd for the Kwinana Fireworks Display, Sunday, 2 January 2022 on behalf of the City of Kwinana (the Local Government) with objection unless specified conditions are met.**
3. **Authorise the Chief Executive Officer to sign the Fireworks Event Notice as detailed in confidential Attachment C from Cardile International Fireworks Pty Ltd for the Kwinana Fireworks Display, Saturday, 12 February 2022 on behalf of the City of Kwinana (the Local Government) with objection unless specified conditions are met.**
4. **Authorise the Chief Executive Officer to sign the letter of objection unless specified conditions are met as detailed in Attachment D to Cardile International Fireworks Pty Ltd for the Kwinana Fireworks Display, Saturday, 23 October 2021 on behalf of the City of Kwinana (the Local Government).**

14.1 OBJECTION UNLESS SPECIFIED CONDITIONS ARE MET – FIREWORKS EVENT NOTICES – PERTH MOTORPLEX, KWINANA BEACH, KWINANA FIREWORKS DISPLAYS, SATURDAY 23 OCTOBER 2021, SUNDAY 2 JANUARY 2022 AND SATURDAY 12 FEBRUARY 2022

- 5. Authorise the Chief Executive Officer to sign the letter of objection unless specified conditions are met as detailed in Attachment E to Cardile International Fireworks Pty Ltd for the Kwinana Fireworks Display, Sunday, 2 January 2022 on behalf of the City of Kwinana (the Local Government).**
- 6. Authorise the Chief Executive Officer to sign the letter of objection unless specified conditions are met as detailed in Attachment F to Cardile International Fireworks Pty Ltd for the Kwinana Fireworks Display, Saturday, 12 February 2022 on behalf of the City of Kwinana (the Local Government).**
- 7. Authorise the Chief Executive Officer to sign the Fireworks Event Notice as detailed in confidential Attachment A, from Cardile International Fireworks Pty Ltd for the Kwinana Fireworks Display, Saturday, 23 October 2021 on behalf of the City of Kwinana (the Local Government) and the letter of objection unless specified conditions are met as per Attachment D on behalf of the City of Kwinana (the Local Government) where the event is rescheduled to another date and time due to inclement weather.**
- 8. Authorise the Chief Executive Officer to sign the Fireworks Event Notice as detailed in confidential Attachment B, from Cardile International Fireworks Pty Ltd for the Kwinana Fireworks Display, Sunday, 2 January 2022 on behalf of the City of Kwinana (the Local Government) and the letter of objection unless specified conditions are met as per Attachment E on behalf of the City of Kwinana (the Local Government) where the event is rescheduled to another date and time due to inclement weather.**
- 9. Authorise the Chief Executive Officer to sign the Fireworks Event Notice as detailed in confidential Attachment C, from Cardile International Fireworks Pty Ltd for the Kwinana Fireworks Display, Saturday, 12 February 2022 on behalf of the City of Kwinana (the Local Government) and the letter of objection unless specified conditions are met as per Attachment F on behalf of the City of Kwinana (the Local Government) where the event is rescheduled to another date and time due to inclement weather.**

DISCUSSION:

The Perth Motorplex venue generally holds up to five approved fireworks events each motor racing season between October and April. There have been no reported incidences of impact on spectators or surrounding properties from previously approved fireworks events. The previous fireworks events have been contracted to various licensed fireworks contractors including the current applicant. As such, fireworks displays are considered to be well managed.

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

14.1 OBJECTION UNLESS SPECIFIED CONDITIONS ARE MET – FIREWORKS EVENT NOTICES – PERTH MOTORPLEX, KWINANA BEACH, KWINANA FIREWORKS DISPLAYS, SATURDAY 23 OCTOBER 2021, SUNDAY 2 JANUARY 2022 AND SATURDAY 12 FEBRUARY 2022

Based on legal advice provided there is no provision within the Dangerous Goods Safety Act 2004, subsidiary Regulations or the Local Government Act 1995 for local government to provide this acknowledgement or objection to the event under delegation. Therefore, a report is prepared to Council for consideration.

The City of Kwinana is objecting to the application in accordance with the explicit terminology of S148(6)(b) of the Act to ensure the City's specified conditions are met as part of the City's formal response (Attachments D to F).

LEGAL/POLICY IMPLICATIONS:

For the purposes of Councillors considering a financial or impartiality interest only, the proponent is Robert Cardile of Cardile International Fireworks Pty Ltd and the current owner is WA Sports Centre Trust.

Relevant legislation applicable to this item.

The *Dangerous Goods Safety (Explosives) Regulations 2007 S148(2)(c)* states that:

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

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

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

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

(a) agrees to the proposed event; or

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

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

(i) is not in the public interest; or

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications associated with this report.

14.1 OBJECTION UNLESS SPECIFIED CONDITIONS ARE MET – FIREWORKS EVENT NOTICES – PERTH MOTORPLEX, KWINANA BEACH, KWINANA FIREWORKS DISPLAYS, SATURDAY 23 OCTOBER 2021, SUNDAY 2 JANUARY 2022 AND SATURDAY 12 FEBRUARY 2022

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS:

The decision to object to the fireworks event notice unless specified conditions are met has the potential to:

- Contribute to a negative impact on the following determinants of health and factors—
 - Built Environment – Environmental Quality and Neighbourhood Amenity; and
- Help improve the following determinants of health and factors –
 - Health Behaviours – Participation;
 - Socio-economics – Employment and Community Safety.

STRATEGIC/SOCIAL IMPLICATIONS:

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

COMMUNITY ENGAGEMENT:

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

13 October 2021

Ref No: 80.2021.545.1

Doc No: D21/48884

Officer: DB

Cardile International Fireworks Pty Ltd
Attn: Robert Cardile
15 Bushey Rd
WEMBLEY DOWNS WA 6019

Dear Robert

**CITY OF KWINANA OBJECTION UNLESS SPECIFIED CONDITIONS ARE MET:
FIREWORKS EVENT NOTICE FOR THE KWINANA FIREWORKS DISPLAY LOCATED
AT PERTH MOTORPLEX, KWINANA BEACH.**

Thank you for your application to display fireworks at the Perth Motorplex event 'Kwinana Fireworks Display' Saturday, 23 October 2021 between the hours of 7:00pm to 11:00pm. Your application has gone before the Ordinary Council Meeting on 13 October 2021 with Council's decision as follows:

As per requirements of the *Dangerous Goods Safety (Explosives) Regulations 2007* Section 148(6)(b), Council objects to the application for Fireworks Event Notice from Cardile International Fireworks Pty Ltd for the fireworks display events named 'Kwinana Fireworks Display' to be held at Perth Motorplex, Kwinana Beach on, Saturday, 23 October 2021 unless the following specified conditions are met:

- a. That the fireworks display complies with the Safe Use of Outdoor Fireworks in Western Australia Code of Practice;
- b. That the submitted Risk Assessment for Outdoor Fireworks Displays Plan is strictly adhered to;

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



FS 605119

- c. That the prescribed separation distances between buildings and patrons are strictly in accordance with the Australian Standard 2187-4:1998 Explosives-Storage, Transport and Use Part 4 Pyrotechnics-Outdoor Displays and shall be adhered to at all times;
- d. That the separation between spectators including the general public be marked off as a 'No Entry' area and be properly supervised by personnel to ensure no person is exposed to undue risk and potential harm from projectiles;
- e. That the 'Fall Out' zone is a non contact area and there is no risk of harm from pyrotechnic residue to spectators, general public or temporary and permanent structures and buildings area;
- f. That noise sensitive premises within 500 metres of the event are notified, giving details of date, time and duration seven (7) days prior to the event;
- g. That during the period of fireworks display (10:00pm to 10:30pm) a minimum of 500 litres of water for fire fighting purposes shall be available on site on a mobile fire fighting vehicle;
- h. That a thorough inspection must be conducted at first light the following day to check that no unfired fireworks, hazardous debris or rubbish remain; and
- i. That any verbal or written directions of a Department of Fire and Emergency Services Officer, a Police Officer or an Environmental Health Officer are forthwith adhered to in the interests of public health and safety.

Should you require further information on this matter please contact Environmental Health Officer, David Bond, on 9439 0489.

Yours sincerely

Wayne Jack

CHIEF EXECUTIVE OFFICER

13 October 2021

Ref No: 80.2021.473.1

Doc No: D21/44954

Officer: DB

Cardile International Fireworks Pty Ltd
Attn: Robert Cardile
15 Bushey Rd
WEMBLEY DOWNS WA 6019

Dear Robert

**CITY OF KWINANA OBJECTION UNLESS SPECIFIED CONDITIONS ARE MET:
FIREWORKS EVENT NOTICE FOR THE KWINANA FIREWORKS DISPLAY LOCATED
AT PERTH MOTORPLEX, KWINANA BEACH.**

Thank you for your application to display fireworks at the Perth Motorplex event 'Kwinana Fireworks Display' Sunday, 2 January 2022 between the hours of 7:00pm to 11:00pm. Your application has gone before the Ordinary Council Meeting on 13 October 2021 with Council's decision as follows:

As per requirements of the *Dangerous Goods Safety (Explosives) Regulations 2007* Section 148(6)(b), Council objects to the application for Fireworks Event Notice from Cardile International Fireworks Pty Ltd for the fireworks display events named 'Kwinana Fireworks Display' to be held at Perth Motorplex, Kwinana Beach on, Sunday, 2 January 2022 unless the following specified conditions are met:

- a. That the fireworks display complies with the Safe Use of Outdoor Fireworks in Western Australia Code of Practice;
- b. That the submitted Risk Assessment for Outdoor Fireworks Displays Plan is strictly adhered to;

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)

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FS 605119

- c. That the prescribed separation distances between buildings and patrons are strictly in accordance with the Australian Standard 2187-4:1998 Explosives-Storage, Transport and Use Part 4 Pyrotechnics-Outdoor Displays and shall be adhered to at all times;
- d. That the separation between spectators including the general public be marked off as a 'No Entry' area and be properly supervised by personnel to ensure no person is exposed to undue risk and potential harm from projectiles;
- e. That the 'Fall Out' zone is a non contact area and there is no risk of harm from pyrotechnic residue to spectators, general public or temporary and permanent structures and buildings area;
- f. That noise sensitive premises within 500 metres of the event are notified, giving details of date, time and duration seven (7) days prior to the event;
- g. That during the period of fireworks display (10:00pm to 10:30pm) a minimum of 500 litres of water for fire fighting purposes shall be available on site on a mobile fire fighting vehicle;
- h. That a thorough inspection must be conducted at first light the following day to check that no unfired fireworks, hazardous debris or rubbish remain; and
- i. That any verbal or written directions of a Department of Fire and Emergency Services Officer, a Police Officer or an Environmental Health Officer are forthwith adhered to in the interests of public health and safety.

Should you require further information on this matter please contact Environmental Health Officer, David Bond, on 9439 0489.

Yours sincerely

Wayne Jack

CHIEF EXECUTIVE OFFICER

13 October 2021

Ref No: 80.2021.472.1

Doc No: D21/45036

Officer: DB

Cardile International Fireworks Pty Ltd
Attn: Robert Cardile
15 Bushey Rd
WEMBLEY DOWNS WA 6019

Dear Robert

**CITY OF KWINANA OBJECTION UNLESS SPECIFIED CONDITIONS ARE MET:
FIREWORKS EVENT NOTICE FOR THE KWINANA FIREWORKS DISPLAY LOCATED
AT PERTH MOTORPLEX, KWINANA BEACH.**

Thank you for your application to display fireworks at the Perth Motorplex event 'Kwinana Fireworks Display' Saturday, 12 February 2022 between the hours of 7:00pm to 11:00pm. Your application has gone before the Ordinary Council Meeting on 13 October 2021 with Council's decision as follows:

As per requirements of the *Dangerous Goods Safety (Explosives) Regulations 2007* Section 148(6)(b), Council objects to the application for Fireworks Event Notice from Cardile International Fireworks Pty Ltd for the fireworks display events named 'Kwinana Fireworks Display' to be held at Perth Motorplex, Kwinana Beach on, Saturday, 12 February 2022 unless the following specified conditions are met:

- a. That the fireworks display complies with the Safe Use of Outdoor Fireworks in Western Australia Code of Practice;
- b. That the submitted Risk Assessment for Outdoor Fireworks Displays Plan is strictly adhered to;

City of Kwinana Administration

Corner Gilmore Avenue and Sulphur Road, Kwinana WA 6167

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FS 605119

- c. That the prescribed separation distances between buildings and patrons are strictly in accordance with the Australian Standard 2187-4:1998 Explosives-Storage, Transport and Use Part 4 Pyrotechnics-Outdoor Displays and shall be adhered to at all times;
- d. That the separation between spectators including the general public be marked off as a 'No Entry' area and be properly supervised by personnel to ensure no person is exposed to undue risk and potential harm from projectiles;
- e. That the 'Fall Out' zone is a non contact area and there is no risk of harm from pyrotechnic residue to spectators, general public or temporary and permanent structures and buildings area;
- f. That noise sensitive premises within 500 metres of the event are notified, giving details of date, time and duration seven (7) days prior to the event;
- g. That during the period of fireworks display (10:00pm to 10:30pm) a minimum of 500 litres of water for fire fighting purposes shall be available on site on a mobile fire fighting vehicle;
- h. That a thorough inspection must be conducted at first light the following day to check that no unfired fireworks, hazardous debris or rubbish remain; and
- i. That any verbal or written directions of a Department of Fire and Emergency Services Officer, a Police Officer or an Environmental Health Officer are forthwith adhered to in the interests of public health and safety.

Should you require further information on this matter please contact Environmental Health Officer, David Bond, on 9439 0489.

Yours sincerely

Wayne Jack

CHIEF EXECUTIVE OFFICER

15 Reports – Economic

Nil

16 Reports – Natural Environment

Nil

17 Reports – Built Infrastructure

Nil

17.1 Proposed Road Names for Lots 9000,9002 and 9006 Hoffman Road, Lot 9033 Rowley Road, and Crown Lots 8018 and 1404, Mandogalup

SUMMARY:

MNG, the surveyor for the developer of Lots 9000,9002 and 9006 Hoffman Road, Lot 9033 Rowley Road, and Crown Lots 8018 and 1404, Mandogalup, has submitted details of proposed road names for new roads being constructed as part of their development, as indicated in Attachment A. MNG is now seeking Council support for the proposed road names, in order to present the names to the Geographic Names Committee for approval. MNG also provided alternative road names as shown in Attachment B in the event any of their proposed road names are not supported.

Geographic Names has granted 'in principle approval' for the use of these road names, via passing preliminary validation on their 'request road name' web page. The listed alternative road names will be used as a substitute if the proposed road name is not approved by Geographic Names Committee. The naming theme for the roads in this subdivision is "Florence", which is derived from the Latin word "Flores", meaning prosperous or flourishing. This ties into the history of the area that was used previously for farming and market gardens.

The information regarding the origin of the proposed road names is contained in Attachment B.

OFFICER RECOMMENDATION:

That Council approve the following road names for use within Lots 9000,9002 and 9006 Hoffman Road, Lot 9033 Rowley Road, and Crown Lots 8018 and 1404, Mandogalup as shown in Attachment A.

Proposed Names:	Alternative Names:
Admiration Drive	Dazzling
Brilliant Boulevard	Elevate
Energy Lane	Enchantment
Friendship Street	Grow
Strength Crescent	Remarkable
Thrive Way	Revitalise
Vivid Lane	
Glisten Way	
Quiet Lane	
Lucent Place	
Glitter Place	
Enrich Lane	
Inspire Lane	
Excel Lane	
Glamour Way	
Magnificent Drive	
Restful Street	

17.1 PROPOSED ROAD NAMES FOR LOTS 9000,9002 AND 9006 HOFFMAN ROAD, LOT 9033 ROWLEY ROAD, AND CROWN LOTS 8018 AND 1404, MANDOGALUP

DISCUSSION:

Before the developer of a subdivision can lodge survey diagrams for clearance, all proposed road names within the subdivision must be approved by the Geographic Names Committee. The road naming process must adhere to the Geographic Names Committee guidelines that requires no duplication of road names within the surrounding areas.

The proposed road names have been granted 'in principle approval' for the use by the Geographic Names Committee based on passing preliminary validation on Landgate's 'request road name' web page.

The naming theme for the road in this subdivision is 'Florence' which ties into the history of the area used previously for farming and market gardens. The information regarding the origins of these road names can be found in Attachment B.

Six road names were proposed as alternative names for use in the event any of the proposed names are not approved by the Geographic Names Committee.

The proposed road names for of Lots 9000, 9002 and 9006 Hoffman Road, Lot 9033 Rowley Road, and Crown Lots 8018 and 1404, Mandogalup are:

Proposed Names:	Alternative Names:
Admiration Drive	Dazzling
Brilliant Boulevard	Elevate
Energy Lane	Enchantment
Friendship Street	Grow
Strength Crescent	Remarkable
Thrive Way	Revitalise
Vivid Lane	
Glisten Way	
Quiet Lane	
Lucent Place	
Glitter Place	
Enrich Lane	
Inspire Lane	
Excel Lane	
Glamour Way	
Magnificent Drive	
Restful Street	

LEGAL/POLICY IMPLICATIONS:

The approval process is in compliance with the Geographic Names Committee Guidelines, and Council Policy – Street Naming.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

17.1 PROPOSED ROAD NAMES FOR LOTS 9000,9002 AND 9006 HOFFMAN ROAD, LOT 9033 ROWLEY ROAD, AND CROWN LOTS 8018 AND 1404, MANDOGALUP

ASSET MANAGEMENT IMPLICATIONS:

Nil.

ENVIRONMENTAL IMPLICATIONS:

Nil.

STRATEGIC/SOCIAL IMPLICATIONS:

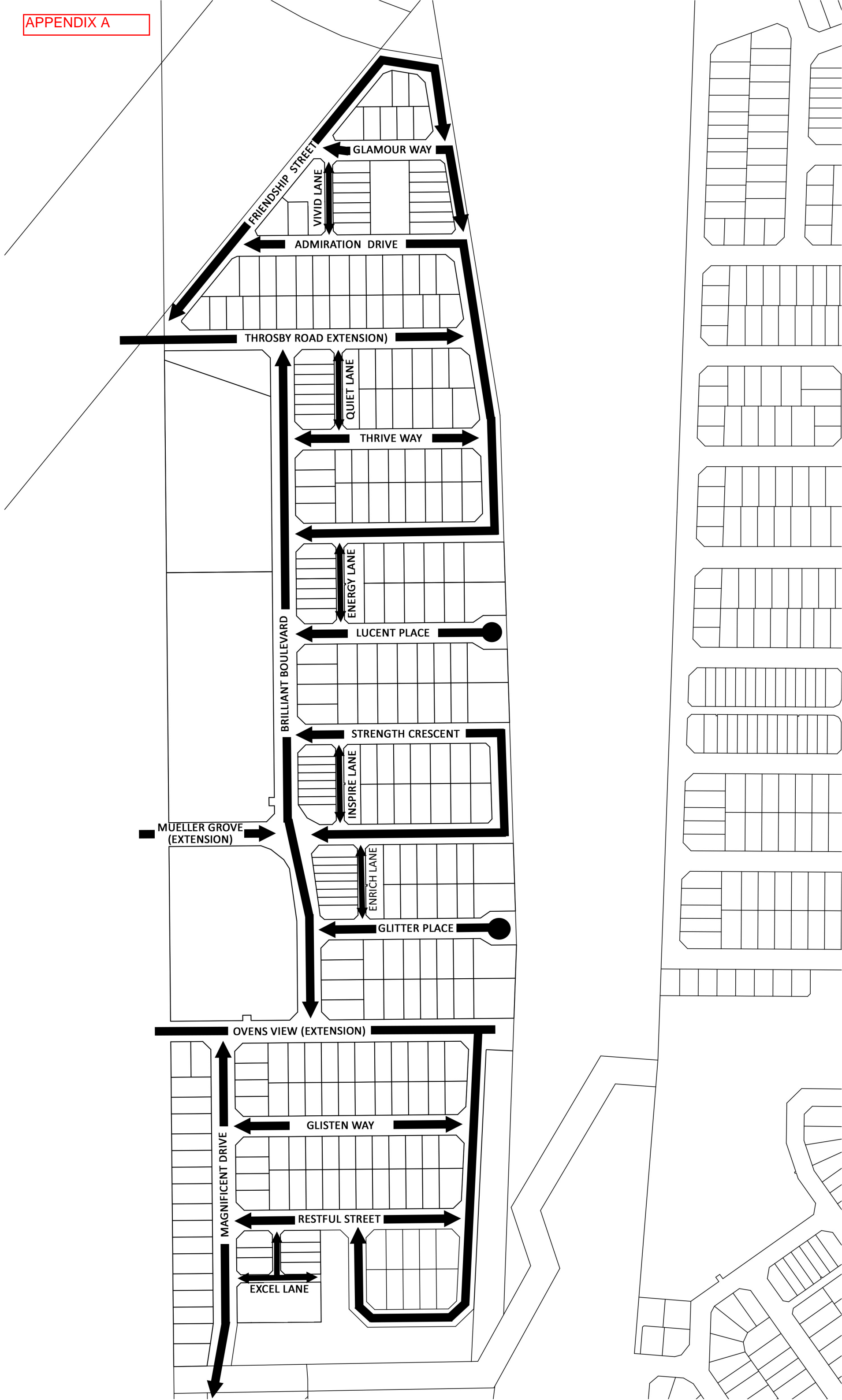
Nil.

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.



APPENDIX B

Proposed Name	Proposed Suffix	Source of info	Background/origin/meaning/justification
Admiration	Drive	https://www.dictionary.com/browse/admiration	a feeling of wonder, pleasure, or approval.
Brilliant	Boulevard	https://www.dictionary.com/browse/brilliant	shining brightly; sparkling; glittering; lustrous
Energy	Lane	https://www.dictionary.com/browse/energy	the capacity for vigorous activity; available power
Friendship	Street	https://www.dictionary.com/browse/friendship	the state of being a friend; association as friends
Strength	Crescent	https://www.dictionary.com/browse/strength	the quality or state of being strong; bodily or muscular power
Thrive	Way	https://www.dictionary.com/browse/thrive	to prosper; be fortunate or successful
Vivid	Lane	https://www.dictionary.com/browse/vivid	strikingly bright or intense, as color, light etc
Glisten	Way	https://www.dictionary.com/browse/admiration	a feeling of wonder, pleasure, or approval.
Quiet	Lane	https://www.dictionary.com/browse/making	making no noise or sound, especially no disturbing sound
Lucent	Place	https://www.dictionary.com/browse/lucent	Shining
Glitter	Place	https://www.dictionary.com/browse/glitter	to reflect light with a brilliant, sparkling luster; sparkle with reflected light.
Enrich	Lane	https://www.dictionary.com/browse/enrich	to supply with riches, wealth, abundant or valuable possessions, etc.
Inspire	Lane	https://www.dictionary.com/browse/inspire	to give inspiration.
Excel	Lane	https://www.dictionary.com/browse/excel	to surpass others or be superior in some respect or area; do extremely well
Glamour	Way	https://www.dictionary.com/browse/glamour	the quality of fascinating, alluring, or attracting, especially by a combination of charm and good looks.
Magnificent	Drive	https://www.dictionary.com/browse/magnificent	making a splendid appearance or show; of exceptional beauty, size, etc.
Restful	Street	https://www.dictionary.com/browse/restful	giving or conducive to rest.

Proposed Backup Name	Source of info	Background/origin/meaning/justification
Dazzling	https://www.dictionary.com/browse/dazzling	so bright as to blind someone temporarily
Elevate	https://www.dictionary.com/browse/elevate	to move or raise to a higher place or position; lift up
Enchantment	https://www.dictionary.com/browse/enchantment	the art, act, or an instance of enchanting.
Grow	https://www.dictionary.com/browse/grow	to increase in influence or effect:
Remarkable	https://www.dictionary.com/browse/remarkable	notably or conspicuously unusual; extraordinary
Revitalise	https://www.dictionary.com/browse/revitalise	to give new life to

17.2 Development Application: Equestrian Uses – Lot 301 (71) Bodeman Road, Wandí

SUMMARY:

The City of Kwinana (the City) has received a development application for the proposed stabling of two horses, a light horse and a pony, at Lot 301 (71) Bodeman Road, Wandí (the subject lot). The location of the subject lot and the proposed plans are provided as at Attachments A to C. The subject lot is zoned Rural Water Resource under the City of Kwinana Local Planning Scheme No. 2 (LPS 2). The subject lot currently contains an existing single house with an outbuilding (shed), all located to the south-eastern corner of the lot.

The application proposes to have four (4) paddocks from 1,800m² to 2,475m² in size (8,300m² in total) located centrally in the subject lot. Additionally, the construction of two (2) new stables at 20m² each will be located within the middle paddock. The stables will be utilised for the stabling of the two horses for a minimum of 12 hours a day – as per the proposed Equine Management Plan. The application is referred to Council for determination as delegation has not been provided for Equestrian Uses within the Rural Water Resource zone.

External comments were sought from the Department of Water and Environmental Regulation (DWER) and the Department of Primary Industry and Regional Development (DPIRD) due to the proposed use of the land being situated within a Priority 2 area of the Jandakot Underground Water Pollution Control Area. Both agencies have recommended approval of the proposal, subject to their recommended conditions and advice notes being imposed.

The proposal is considered to meet all relevant requirements and is recommended for approval subject to conditions.

OFFICER RECOMMENDATION:

That Council approve Equestrian Uses at Lot 301 (71) Bodeman Road, Wandí (as at Attachment B and Attachment C), in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following conditions and advice:

Conditions:

- 1. Prior to the commencement of development, trees located within the paddocks are to be retained, fenced and protected from degradation from the horses to the satisfaction of the City of Kwinana.**
- 2. The keeping of horses is to be managed in accordance with the approved Equine Management Plan to the satisfaction of the City of Kwinana. If, in the opinion of the City of Kwinana, any lot is over grazed or severely degraded it may order the removal of any or all stock, either temporarily or permanently, until remedial works are carried out by landowner/s to render the land stable.**

17.2 DEVELOPMENT APPLICATION: EQUESTRIAN USES – LOT 301 (71) BODEMAN ROAD, WANDI

3. Manure shall be collected and stored daily in a sealed and covered area for removal to an approved facility or composted for future use to the satisfaction of the City of Kwinana.
4. Stock shall be limited to grazing within the hereby approved paddocks only, to the satisfaction of the City of Kwinana.
5. Prior to the commencement of the use, irrigation shall be designed and installed professionally to ensure adequate and even coverage of the irrigated area, on the advice of the Department of Primary Industries and Regional Development, to the satisfaction of the City of Kwinana.
6. Prior to the commencement of the use, sufficient access to groundwater shall be provided for, to the satisfaction of the City of Kwinana.
7. A minimum of 50% groundcover shall be maintained on all areas of the property throughout the year to reduce the risks of wind and water erosion on the advice of the Department of Primary Industries and Regional Development, to the satisfaction of the City of Kwinana.
8. No more than one (1) light horse and one (1) pony shall be kept or agisted on the property at any one time to the satisfaction of the City of Kwinana.
9. The horses are to be kept within the paddocks as shown on the attached approved plan and stabled for a minimum of 12 hours per day to the satisfaction of the City of Kwinana.
10. Fencing of paddocks shall not interfere with firebreaks. Firebreaks are to be maintained along the boundary of the lot or as required by the City of Kwinana.

Advice Notes:

1. In relation to the condition regarding the tree protection in paddocks, the applicant is advised to contact the City of Kwinana's Environment Department for details regarding the vegetation to be protected.
2. The subject area is located in the Jandakot groundwater area (Wandi sub area) as proclaimed under the *Rights in Water and Irrigation Act 1914*. Any groundwater abstraction in this proclaimed area for purposes other than domestic and/or stock watering taken from the superficial aquifer, is subject to licensing by the Department of Water and Environmental Regulation.
3. The applicant holds a current groundwater licence for this property for the purposes of domestic use, lawns and gardens, and stock watering. This licence will require an amendment to include the irrigation of 0.83ha of pasture. Further information for licence amendments or renewals is available from <https://www.water.wa.gov.au/licensing/water-licensing/licence-amendments-and-renewals>.
4. Under section 51C of the *Environmental Protection Act 1986* (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Information on how to apply for a clearing permit is available from [https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Fact sheets/Fact Sheet - how to apply.pdf](https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Fact%20sheets/Fact%20Sheet%20-%20how%20to%20apply.pdf).
5. The applicant is advised that the proposal is located within the Peel-Harvey catchment and the provisions of the *Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992* and the State Planning Policy SPP 2.1 – The Peel-Harvey Coastal Plain Catchment (SPP2.1) shall apply. Animal Stocking rates apply to this area and should be in accordance with the Department of Primary Industry and Development Western Australia guidelines.

17.2 DEVELOPMENT APPLICATION: EQUESTRIAN USES – LOT 301 (71) BODEMAN ROAD, WANDI

6. The applicant is advised that a separate approval from the City of Kwinana for an Equine Premises is required prior to the use of the development. The equine premises shall comply with the *Health (Miscellaneous Provisions) Act 1911* (as amended) and City of Kwinana Health (Keeping of Horses and Equine Premises) Local Laws 1997.
7. Best management practices should be used for the management of the equestrian use as outlined in The Department of Water and Environmental Regulations' Water Quality Protection Guideline 13 - *Environmental management guidelines for horse facilities and activities*.
8. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
9. The Minister for Planning has issued a formal notice extending the deadline for substantial commencement by an additional two (2) years for all applications approved during the current State of Emergency. In effect, this means that the timeframe for substantial commencement is now four (4) years from the date of this determination.
10. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
11. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
12. The applicant is advised that this conditional development approval is not a building permit giving authority to commence construction. Prior to any building work commencing on site a Building Permit must be issued and penalties apply for failing to adhere to this requirement.
13. The applicant should ensure the proposed development complies with all other relevant legislation, including but not limited to, the *Environmental Protection Act 1986* and Regulations, *Health (Miscellaneous Provisions) Act 1911* and Regulations, and the National Construction Code.
14. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.

DISCUSSION:**Land status**

Local Planning Scheme No. 2: Rural Water Resource
Metropolitan Region Scheme: Rural – Water Protection

Proposal

An application for development approval has been received by the City for a proposed Equestrian Use at the subject lot. The applicant has advised that the use will contain two (2) horses – one light horse, and one pony. These horses are for private purposes and not for commercial gain.

The proposal is to have four (4) paddocks from 1,800m² to 2,475m² in size (8,300m² in total) located centrally in the subject lot. In addition to the paddocks, the construction of two (2) new stables at 20m² each will be located within the middle paddock. The stables will be utilised for the stabling of the horses for a minimum of 12 hours a day, to lessen the potential impacts the horses have to the land. The existing single house is to be retained and used for living purposes.

17.2 DEVELOPMENT APPLICATION: EQUESTRIAN USES – LOT 301 (71) BODEMAN ROAD, WANDI

To address any environmental concerns, the applicant has also submitted an Equine Management Plan. This management plan contains strategies and measures to mitigate the potential environmental impacts of the development.

Background

The proposed development is consistent with the intent of the draft Local Planning Strategy 2021-2036 (the Strategy). The relevant integrated planning principles of the Strategy have been assessed below.

Planning principle	Objective	Assessment
Character	Promote and celebrate natural and cultural assets and landscape elements that are synonymous with the character and identity of Kwinana.	The keeping of two horses on a special rural lot is considered to be keeping with the character of the local area.
Sustainable Development	Incorporate sustainable development principles into everyday practices and so that there is a balance between development and conservation to ensure the needs of future generations can be met.	A balance between conservation and development has been considered with the proposal. The development is designed around the preservation of indigenous vegetation. Additionally, the recommended conditions will allow for further conservation.

The subject lot is situated within Wandı and has an area of 2.24ha. The subject lot is zoned Rural Water Resource under LPS 2 and is located within the Jandakot Drinking Water Mound. The subject lot currently contains an existing single house and a shed, all located to the south-eastern corner of the lot. Additionally, remnant vegetation is scattered across the site. The vegetation is a mixture of indigenous vegetation, and non-indigenous vegetation which has been intentionally planted as part of a previous nursery.

Planning assessment**Jandakot Water Mound:**

The subject lot is located within the Rural – Water Protection zone of the Metropolitan Region Scheme (MRS). Any development proposed within this zone is to be developed in accordance with the *State Planning Policy 2.3: Jandakot Groundwater Protection 2017* (SPP 2.3).

SPP 2.3 identifies the subject property as a Priority 2 area under the policy. SPP 2.3 outlines the permissibility of land uses under Clause 6.2 of the policy by referring to the *Water quality protection note no. 25* (Note 25). Note 25 identifies equestrian uses to be a compatible land use (subject to conditions) within the Priority 2 area.

Additionally, as the development is located within a water protection area, DWER and DPIRD were requested to provide comment on the proposal. Both agencies have recommended approval of the development, subject to specific conditions and advice notes being imposed within the approval.

17.2 DEVELOPMENT APPLICATION: EQUESTRIAN USES – LOT 301 (71) BODEMAN ROAD, WANDI

It is therefore considered that the proposed land use is acceptable on the subject lot, should the recommended conditions and advice notes be imposed.

Matters to be considered:

When assessing development applications, relevant matters stipulated within Clause 67 Matters to be Considered of the Deemed Provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* are required to be assessed.

- Any approved state planning policy:
 - The proposed development is considered acceptable in accordance with SPP 2.3. Refer to the above assessment against the Jandakot Water Mound.
- Compatibility of the development with its setting:
 - The stabling of horses is a relatively common occurrence throughout the general rural area of Wandi and considered common on Rural type lands. The proposal is to have one light horse and one pony. The stabling of these two horses are considered to be compatible with the locality and will not adversely impact the amenity of the area.
- Likely effect of the development on the natural environment or water resources:
 - The proposed development is not considered to create any significant adverse impacts to the natural environment or to the Jandakot Water Mound as determined within this assessment and via the comments received from DWER and DPIRD. Potential environmental impacts have been mitigated by the submitted Equine Management Plan and via the conditions of approval.

The Equine Management Plan allows for the management of the equestrian use, by limiting the potential impacts the use may have on the land. The management plan addresses these impacts by the stabling of the horses for a minimum of 12 hours a day; the collection and disposal of manure; the storing of horse feed; and the management of the paddocks.

Native vegetation has been protected by paddock design, where a majority of the native vegetation on the subject lot is located within the northern segment of the lot. Additionally, should the relevant conditions and advice notes be imposed regarding the protection of native vegetation, no adverse impacts are expected to arise.

17.2 DEVELOPMENT APPLICATION: EQUESTRIAN USES – LOT 301 (71) BODEMAN ROAD, WANDI

External authority comments:

External authority	Summary external comments	Planning assessment
DWER	<p>NO OBJECTION</p> <ul style="list-style-type: none"> Under section 51C of the <i>Environmental Protection Act 1986</i> (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Information on how to apply for a clearing permit is available from DWER's website. Jandakot Underground Water Pollution Catchment Area (UWPCA), declared as a Priority 2 (P2) source protection area, is managed in accordance with the Western Australian Planning Commission's (WAPC) Statement of Planning Policy No 2.3 <i>Jandakot groundwater protection policy</i> and the Water Quality Protection Note 25 - <i>Land use compatibility table for public drinking water source areas</i> (Department of Water (DoW) April 2016). Stables and the keeping of horses are conditional land uses in P2 areas and stocking rates apply. The Department's Water Quality Protection Guideline 13 - <i>Environmental management guidelines for horse facilities and activities</i> (WQPG 13) (DWER, 2002) also consider horse facilities to be a conditional land use. The proposed keeping of one horse and one pony on 8,300m² of irrigated pasture is acceptable with the following conditions: <ul style="list-style-type: none"> The horse and pony are stabled for a minimum 12 hours per day; Daily collection of manure and stored in a sealed and covered area for removal to an approved facility or composted for future use; The implementation of the Stable Management Plan and updated Site Plan; Stock to be prevented from grazing areas of the property that contain native vegetation; and, Best management practices as outlined in Water Quality Protection Guidelines 13. <p>Owner holds a current groundwater licence for this property, however for the purposes of domestic use, lawns and gardens, and stock watering. This licence will require an amendment to include the irrigation of 0.83ha of pasture.</p>	<ul style="list-style-type: none"> Clearing advice is recommended to be imposed as an advice note for the applicant. Advice regarding UWPCA has been noted and considered within assessment. Conditions recommended by DWER have been included into recommended conditions and advice notes. Advice note advising applicant that subject lot is located within Jandakot groundwater area. Condition and advice note for adequate access to groundwater by form of an amended groundwater license.

17.2 DEVELOPMENT APPLICATION: EQUESTRIAN USES – LOT 301 (71) BODEMAN ROAD, WANDI

DPIRD	<p>NO OBJECTION</p> <ul style="list-style-type: none"> The soil landscape unit is mapped as Bassendean B1 Phase (212Bs_B1) equivalent to Stocking Rate Unit 3: Rapidly drained pale sands. This unit has a maximum dry stocking rate of 2 DSE/ha and an irrigated maximum stocking rate of 10 DSE/ha. Based on this soil type, the maximum sustainable stocking rate for the land is 1.54 DSE where non-irrigated, or 7.68 DSE if irrigated. Irrigation will need to be designed and installed professionally to ensure adequate and even coverage of the irrigated area. The application states that the horses will be stabled for 12 hours per day. This has the effect of reducing the proposed stocking rate whilst in the paddocks to 7.5 DSE. A minimum of 50% groundcover maintained on all areas of the property throughout the year to reduce the risks of wind and water erosion. DPIRD does not support the clearing of native vegetation. 	<ul style="list-style-type: none"> An amended site plan was received to protect native vegetation. The amendment increased paddock size. Based on soil type, area of paddocks (that exclude development and trees, the proposed maximum stocking rate is 8.2 DSE (when irrigated). Amended site plan was provided to DWER and DPIRD. DPIRD have no changes to their original comments. Condition recommended for professionally installed irrigation. 7.5 DSE is under the maximum requirement of 8.2 DSE, subject to the paddocks being professionally irrigated and the implementation of the proposed equine management plan. Condition recommended for a minimum of 50% groundcover. Little to no native vegetation proposed to be removed. Native vegetation to be protected with fencing and paddock design.
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Conclusion

The application has been assessed in accordance with the provisions of LPS 2 and relevant policies. As discussed within this Report, the assessment shows that with appropriate management of the use, potential impacts on the ground water mound and Wandi area can be limited. The development is therefore recommended for conditional development approval.

17.2 DEVELOPMENT APPLICATION: EQUESTRIAN USES – LOT 301 (71) BODEMAN ROAD, WANDI

LEGAL/POLICY IMPLICATIONS:

For the purpose of Councilors considering a financial or impartiality interest only, the applicant is Lisa Brennan and the land owner is Kim Eastman (the executor for Alan Eastman).

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

Legislation:

Planning and Development Act 2005;

Planning and Development (Local Planning Schemes) Regulations 2015

Schemes:

Metropolitan Region Scheme;

City of Kwinana Local Planning Scheme No. 2

Policies:

State Planning Policy 2.3: Jandakot Groundwater Protection 2017

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications as a result of this report. The relevant application fee has been paid upon lodgement.

ASSET MANAGEMENT IMPLICATIONS:

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

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS:

Environmental Implications:

The subject property is located on the Jandakot Water Mound and is categorised as Priority 2 under the Jandakot Underground Water Pollution Control Area. The keeping of horses within this category area is compatible, subject to conditions, in accordance with Note 25, as previously discussed. Additionally, DWER and DPIRD have both recommended approval, subject to conditions.

The City's Environmental Planner has visited the site following the initial application and advises that the existing vegetation is a mixture of non-indigenous (which has been intentionally planted) and indigenous vegetation. Clearing of non-indigenous vegetation is considered acceptable and is unlikely to create significant adverse impacts to the natural environment. Following inspection of the site, a revised plan was received from the applicant retaining important native vegetation. Subsequently, a condition and advice note regarding the protection of native vegetation is recommended.

17.2 DEVELOPMENT APPLICATION: EQUESTRIAN USES – LOT 301 (71) BODEMAN ROAD, WANDI**Public Health Implications:**

The proposal has the potential to contribute to a negative impact on the following determinants of health –

- Built Environment – Environmental Quality.

However, as discussed throughout this report, if the proper forms of management set out by the recommended conditions, no adverse environmental quality impacts are expected to arise.

STRATEGIC/SOCIAL IMPLICATIONS:

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

Plan	Outcome	Objective
Strategic Community Plan	A naturally beautiful environment that is enhanced and protected.	1.2 Maintain and enhance our beautiful, natural environment through sustainable protection and conservation.

COMMUNITY ENGAGEMENT:

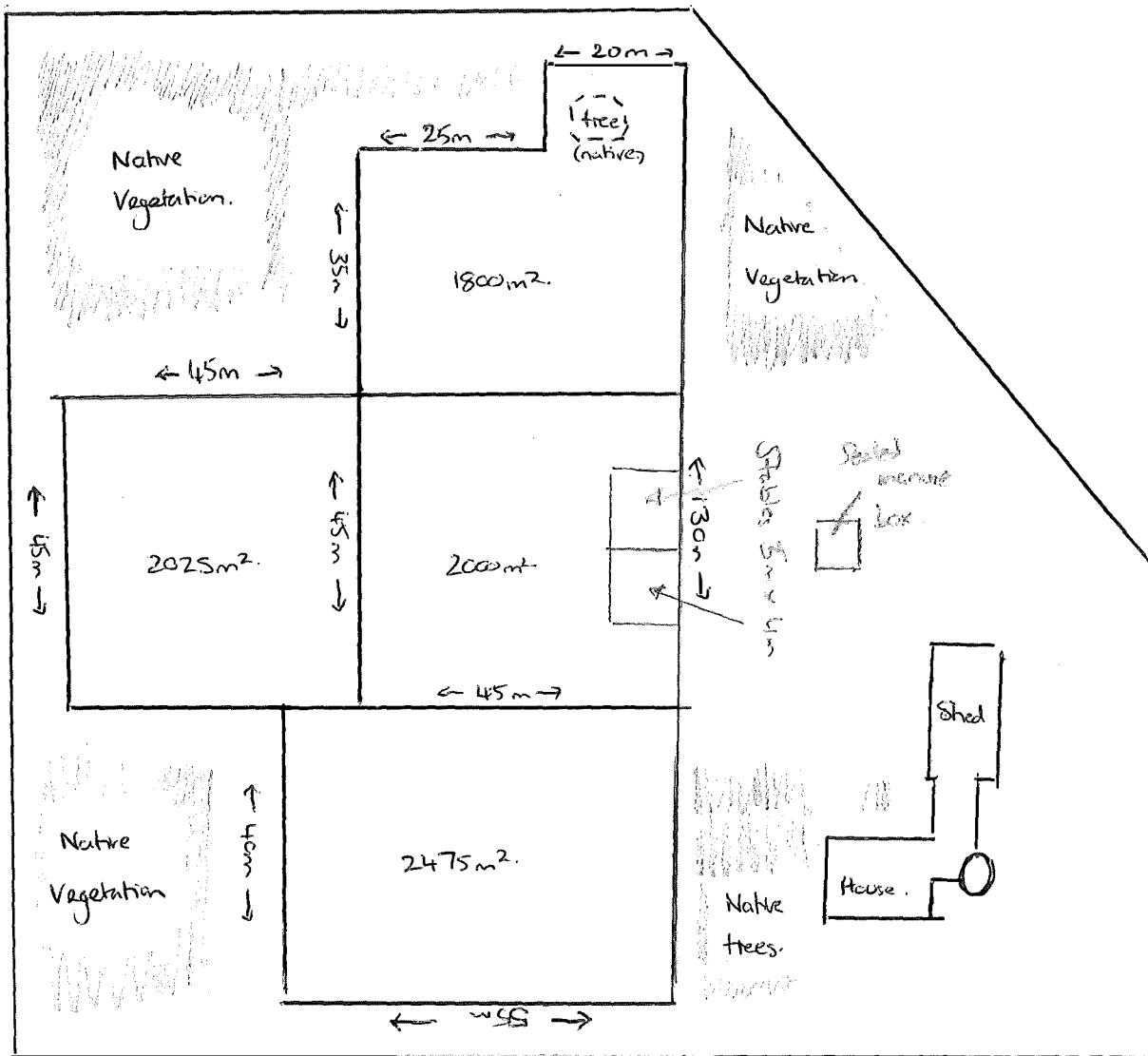
There are no community engagement implications as a result of this report.

ATTACHMENT A

Locality Plan



ATTACHMENT B Site Plan



71 Bademan Rd.

ATTACHMENT C

Equine Management Plan

Equine Management Plan for 71 Bodeman Road, Wandí WA 6164

Application to keep 1 horse and 1 pony on the property

1. The Property (71 Bodeman Road, Wandí)

The Property is a 2.2 hectare property that was mostly cleared by the previous owners for the purpose of the wife to run a nursery from the property. Directly across the road is a horse property and there are many horse properties in the surrounding properties.

Located on the property is an existing house and two large sheds. One of the large sheds will be removed. The smaller shed which is to be retained will be converted into stables so that the horse and pony can be stabled for 12 hours per day. For the remaining 12 hours per day the horse and pony will be kept in the paddocks proposed on the site plan (see attached).

2. The Stables

The proposed conversion of the shed to stables will comply with the City's requirements being:

- Every stable will have a floor area of not less than 11 square metres. The upper surface of the floor will be raised at least 75mm above the surface of the surrounding ground and will be constructed of approved impervious material. The floor will have a fall of 1:100 to an approved drainage system and will be impervious;
- Every stable will have walls to a number and thickness as approved and such walls will be constructed of wood and galvanised iron and will not be less than 2.75 metres when measured both horizontally and vertically;
- Every stable will have doors or openings not less than 1.2 metres wide and 2.4 metres high;
- Every stable will have a roof constructed of an approved impervious material;
- Every stable will be provided with adequate ventilation sufficient to prevent the accumulation of ammonia, stale air and moisture;
- Every stable will be located at a distance (i) not less than 24 metres from the property alignment of a street (ii) not less than 18 metres from any Food Premises, or building used as a dwelling house, whether on the same site, or on any adjoining allotment, (iii) not less than 10 metres from any accommodation for trainers or employees; (iv) not less than 30 metres from any bore, well, stream or underground source of water where the water is intended for human consumption and provided that the bore or well is 300mm above ground level and is capped and sealed with a concrete apron of 1.2m in diameter;
- Every stable floor area of each stall will not be less than 11 square metres. Walls will not be less than 2.75 metres vertically or 3 metres horizontally and will be covered with new or approved materials.

3. Waste and Manure Management

A manure bin is to be constructed 20m away from the house and all manure and waste including soiled bedding will be removed daily from stables, shelters, stable yards and enclosed areas and stored in the manure bin. The contents of the manure bin will be removed from the premises within 7 days or as often as directed by an Environmental Health Officer. The manure bin will be made from concrete and fitted with a tight fitting impervious cover making the receptacle inaccessible to vectors of disease.

4. Storing of horse feed

The premises will have approved impervious receptacles for the storing of horse feed so that it is inaccessible to rodents and any other vectors of disease. The storage feed areas will not be closer than 10 metres to any dwelling house and any building will be constructed of brick, concrete, stone, or good quality iron, with a concrete floor so as to prevent the harborage of vectors of disease.

5. Paddocks

The property shall have 4 paddocks of a minimum of 1700sqm and a total area of irrigated paddocks being 8300sqm, and constructed so that the horse and pony can be rotated from one paddock to another to maintain the land. In each paddock there will be natural shelter, and the paddocks have been positioned so as to preserve the native vegetation on site. The paddock fences shall be constructed of treated pine poles and high tensile wire with a hot wire to prevent any nuisance from the horses escaping. The location of the paddocks will be greater than 20m away from the house. Where the paddocks are cleared grass will be planted and reticulated for the purpose of feeding the horse and pony and to maintain optimal health and prevent health issue such as colic.

The manure from the paddocks will be removed daily so as to prevent any undesirable odours, flies, vectors of disease etc. and to prevent any drinking water supply from being polluted.

Medical and Veterinary biological wastes, syringes and needles and like matter shall be stored in a leak proof container with a securely fitting lid and disposed of at an approved sanitary waste disposal site, or as directed by the Manager Health Services. In the unlikely event of the horse or pony dying, the carcass shall be disposed of at an approved sanitary waste disposal site, or as directed by the Manager Health Services.

6. Water license

An application for a water license to provide adequate water to the horse, pony and to reticulate the paddocks has been submitted to the Department of Water and Conversation and approved.

7. Site Plan

The attached site plan shows the proposed locations of the stables, feed shed, manure, and paddocks in relation to the house and boundary fences.



18 Reports – Civic Leadership

18.1 Budget Variations

SUMMARY:

To amend the 2021/2022 budget to reflect various adjustments to the General Ledger with nil effect to the budgeted surplus position as detailed below.

OFFICER RECOMMENDATION:

That Council 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 – Infrastructure Footpaths - Gilmore Avenue Shared Path Stage 2 Design - Chisham Avenue to Henley Boulevard	Nil	(54,000)	(54,000)
	Capital Grants & Contributions - Gilmore Avenue Shared Path - Department of Transport grant	Nil	27,000	27,000
	Operating Revenue - Infrastructure Management – Corporate Overheads	552,786	27,000	579,786
2	Capital Expenditure - Plant Replacement Truck Mitsubishi Canter	(99,610)	260	(99,350)
	Capital Revenue - Capital Expenditure - Plant Replacement Truck Mitsubishi Canter sales proceeds	25,000	7,603	32,603
	Reserve Transfer – Plant and Equipment Replacement Reserve	74,610	(7,863)	66,747

NOTE: AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

Budget Variations:

ITEM #	DESCRIPTION	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
1	Capital Expenditure – Infrastructure Footpaths - Gilmore Avenue Shared Path Stage 2 Design - Chisham Avenue to Henley Boulevard	Nil	(54,000)	(54,000)
	Capital Grants & Contributions - Gilmore Avenue Shared Path - Department of Transport grant	Nil	27,000	27,000
	Operating Revenue - Infrastructure Management – Corporate Overheads Recovered	552,786	27,000	579,786

18.1 BUDGET VARIATIONS

A budget variation is required for grant funding to be received for Gilmore Avenue Shared Path Construction (Stage 2 Chisham Avenue to Henley Boulevard) Design only. This offer is part of the Department of Transport Government's West Australian Bicycle Network (WABN) grant program providing financial support for a range of bicycle planning and infrastructure projects across Western Australia. The variation also includes related project management fees and recovered overheads.

2	Capital Expenditure - Plant Replacement Truck Mitsubishi Canter	(99,610)	260	(99,350)
	Capital Revenue - Capital Expenditure - Plant Replacement Truck Mitsubishi Canter sales proceeds	25,000	7,603	32,603
	Reserve Transfer – Plant and Equipment Replacement Reserve	74,610	(7,863)	66,747

The original budget variation (adopted OCM 14 July 2021) was to replace Plant 557 Mitsubishi Canter Truck. The decision was made to replace Plant 351 Mitsubishi Canter Truck and retain Plant 557 Mitsubishi Canter Truck as it was in better condition. A budget variation is required for the change in truck, and also to reflect actual replacement cost and higher sales proceeds received that has resulted in less funds required to be transferred from the Plant and Equipment Replacement Reserve.

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:

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

18.1 BUDGET VARIATIONS

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.

18.2 Naming of the Port of Kwinana (Outer Harbour Project)

SUMMARY:

The City of Kwinana's Boola Maara (Many Hands) Advisory Group seek support from the Premier of Western Australia, the Hon Premier McGowan MLA and relevant Government Ministers to support the group's aspiration for a suitable historical and culturally appropriate name for the future container port in Cockburn Sound

The construction of the port provides an opportunity to recognise and acknowledge Aboriginal cultural history of the region, and the important connection Nyoongar people in the City of Kwinana have to the land and sea.

Following engagement by Boola Maara (Many Hands) Advisory Group with local Aboriginal community and Elders, the group recommends the Port be dual named as "The Port of Kwinana – Kwilena Mambakoortak".

OFFICER RECOMMENDATION:

That Council:

1. **note the City of Kwinana's Boola Maara (Many Hands) Advisory Group's aspiration for dual naming of the new Port in Cockburn Sound to be known as *'The Port of Kwinana – Kwilena Mambakoortak'*.**
2. **authorise the Mayor (as co-chair of the Boola Maara Advisory Group) to write a letter to the Premier of Western Australian, the Hon Mark McGowan MLA, the Hon Roger Cook MLA (as member for Kwinana) and Hon Rita Saffioti MLA, Minister for Transport and Planning, seeking their support for the affirming of the dual name *'The Port of Kwinana – Kwilena Mambakoortak'*.**

DISCUSSION:

The Boola Maara (Many Hands) Advisory Group has been established to support, guide and monitor the implementation of the City of Kwinana Innovate Reconciliation Action Plan (RAP). The Group also work to provide advice to the City on matters relating to communities and peoples of an Aboriginal and Torres Strait Islander background. The purpose of the group is to develop a collaborative and coordinated approach to the development and implementation of the City's RAP and to ensure matters that are relevant to local Aboriginal and Torres Strait Islander communities are addressed in the most appropriate way.

The Group was formed in 2018 and comprises of respected local Aboriginal Elders, as well as representatives from Aboriginal Controlled Organisations servicing the Kwinana area, together with the City of Kwinana Mayor (Co-Chair) and City officers.

The group seeks Council's support to advise Premier Mark McGowan, Ministers Roger Cook MLA and Rita Saffioti MLA of the group's aspirations to achieve dual naming of the future container port in Cockburn Sound. The construction of the port provides an opportunity to recognise and acknowledge the Aboriginal cultural history of the region, and the important connection Nyoongar peoples in the City of Kwinana have to the land and sea as well as this specific region where the port is to be constructed.

18.2 NAMING OF THE PORT OF KWINANA (OUTER HARBOUR PROJECT)

The Boola Maara (Many Hands) Advisory Group facilitated preliminary consultation at the Medina Aboriginal Cultural Centre that was open for all community and was attended by local Elders, community organisations, and community leaders.

The initial engagement determined that the name 'Kwilena Mambakoortak' (which translates to '*location of dolphins swimming in the ocean*') would be an appropriate name for dual naming with 'Port of Kwinana'. It was discussed at the consultation session that it has long been recognised that the dolphins have traversed the coastline known as the *Derbal Nara*, seeking sanctuary in Cockburn Sound and migrating from Shoalwater Bay up into the Swan and Canning Rivers for the purpose of birthing.

Of additional significance in meaning, the location of the new Port sits amongst traditional sites of women's business and the dolphin is regularly considered a totem for traditional women.

Further, the *Derbal Nara* coastline has also been a traditional area for fishing, where the fish were caught using a net method and fish traps. However, there are no longer any clearly identified areas where these traps were located due the method of construction being all-natural materials found within the local area.

The Boola Maara (Many Hands) Advisory Group hopes that Premier McGowan and ultimately the WA Government can give consideration to this request for dual naming of this significant infrastructure project.

Geographic names, including the name of the new Port in Kwinana, can have significant cultural importance and reflect the cultural diversity of people both past and present. They record Western Australia's history and the different people who have lived here.

In the case of the Port of Kwinana part of the dual naming, it would also allow for reflection on the origins of the name 'Kwinana', being a name translated to 'pretty maiden', with its origin in the Kimberley.

Using dual names can give meaning, whether metaphorical, descriptive, economic, or commemorative. Capturing these qualities in a single name can be a challenge, however following from the consultation, the Boola Maara (Many Hands) Advisory Group have endorsed the recommended name of '*The Port of Kwinana – Kwilena Mambakoortak*' and believe it would be a fitting tribute and mark of respect to the Nyoongar nation.

LEGAL/POLICY IMPLICATIONS:

There are no legal or policy implications as a result of this report.

FINANCIAL/BUDGET IMPLICATIONS:

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

ASSET MANAGEMENT IMPLICATIONS:

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

18.2 NAMING OF THE PORT OF KWINANA (OUTER HARBOUR PROJECT)

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS:

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

STRATEGIC/SOCIAL IMPLICATIONS:

There are no strategic or social implications as a result of this proposal.

COMMUNITY ENGAGEMENT:

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

DRAFT LETTER

Boola Maara (Many Hands) Conciliation Advisory Group
C/o City of Kwinana
Cnr Gilmore Avenue and Sulphur Roads
Kwinana WA 6167

Date: to be inserted

Mr Patrick Seares
Managing Director
Westport
141 Williams Street
PERTH WA 6000

Dear Mr Seares

Naming of The Port of Kwinana (Outer Harbour Project)

On behalf of the City of Kwinana's Boola Maara (Many Hands) Advisory Group we write to you in the hope of achieving recognition for dual names for the new future port for Kwinana. We believe the port provides a wonderful opportunity to accurately reflect the Aboriginal cultural history of the region, and the important connection between the Nyoongar people in the City of Kwinana and surrounding areas.

Geographic names and also the naming of the new Port in Kwinana can have significant cultural importance and reflect the cultural diversity of people past and present. They record Western Australia's history and the different people who have lived here.

The name of the new Port and including a culturally appropriate dual name can give context to space, help us to navigate from one place to another, enable communication, link the stories associated with places, express identity and assert rights. Deeper still, they can revive or add to our knowledge of the heritage and events that occurred at a place. They are our foundation, our place in the world, our home and would also allow for reflection on the origins of the name 'Kwinana' being a name translated to 'pretty maiden' with its origin from the Kimberley.

Using dual names can give meaning, whether metaphorical, descriptive, economic, or commemorative. Capturing these qualities in a single name can be a challenge, however, we have managed to come up with a name that we believe would be a fitting tribute to the Nyoongar nation, and as a mark of respect we would propose that the new port bears the dual name of '*The Port of Kwinana – Kwilena Mambakoortak*'; importantly relating to the geographical location of the port; the Derbal Nara.

Upon preliminary community consultation and engagement with our Nyoongar elders, it was determined that the name '*Kwilena Mambakoortak*' (which translates to 'location of dolphins swimming in the ocean') would be appropriate due to its close proximity to the new port. It has been long regarded that the dolphins have traversed the coastline

known as the Derbal Nara seeking sanctuary in Cockburn Sound and migrating from Shoalwater Bay up into the Swan and Canning Rivers for the purpose of birthing.

The location of the new port sits amongst traditional sites of women's business and the dolphin is regularly considered a totem for traditional women.

The Derbal Nara coastline has also been a traditional area for fishing, where the fish were caught traditionally using a net method and fish traps. However, there are no longer any clearly identified areas where these traps were located due the method of construction being all-natural materials within proximity of the area.

We hope you can give honour to this request for the dual naming of this significantly important infrastructure and we look forward to celebrating the milestones on the road towards creating The Port of Kwinana - *Kwilena Mambakoortak*

Yours sincerely

Mayor Carol Adams OAM

Co-Chair

Boola Maara

Barry Winmar

Co-Chair

Boola Maara

Cc: Premier of Western Australia, Mr Mark McGowan
Honourable Roger Cook MLA, Deputy Premier and Member for Kwinana
Honourable Rita Saffioti MLA, Minister for Transport; Planning; Ports

18.3 Small Business Friendly Approvals Program Action Plan

SUMMARY:

The City of Kwinana was successful in its application to take part in round two of the State Government-funded Small Business Friendly Approvals Program, led by the Small Business Development Corporation (SBDC).

The Small Business Friendly Approvals Program aims to streamline the process of obtaining approvals and trading permits from local government authorities and is part of a package of State Government initiatives to accelerate regulatory reform to support economic recovery from the impact of COVID-19.

Working with the SBDC, the City of Kwinana has identified 50 reform opportunities for implementation over a two year period. These reforms are detailed in the Small Business Friendly Approvals Program Action Plan as at Attachment A.

OFFICER RECOMMENDATION:

That Council:

1. **Note the Small Business Friendly Approvals Program Action Plan as at Attachment A.**
2. **Commend the Small Business Collective Working Group for their commitment to the project and their leadership role in the implementation of the Reforms identified in the Action Plan**
3. **Note that progress in respect to the Action Plan will be reported to Council as part of Corporate Business Plan quarterly reporting, as well as part of a 6 monthly report to the Department of Premier and Cabinet.**

DISCUSSION:

In June 2020, there were a total of 2040 businesses in the City of Kwinana, of which approximately 96% are categorised as small business, employing 0-19 people. The majority of these businesses work in Transport, postal and warehousing services, Construction, and Professional, scientific and technical services and rental, hiring and real estate services.

The Council in its efforts to support the local post COVID Recovery has played an active role

in supporting local business through campaigns such Stay Loyal Shop Local and increased grants to support small business projects. In addition, the City also actively engaged with the business community in the development of the City's new Strategic Community Plan.

Furthermore, to reinforce the City's focus on small business needs, Council adopted the following CEO KPI in July 2020 to *Investigate opportunities to support small business through integrated approvals processes by March 2021.*

18.3 SMALL BUSINESS FRIENDLY APPROVALS PROGRAM ACTION PLAN

The Small Business Friendly Approval Program (SBFAP) developed and implemented by the Small Business Development Corporation (SBDC) presented a perfect opportunity to explore those opportunities for our small businesses as part of a focussed program to produce an action plan for improvement. In late 2020, the City of Kwinana was successful in its application to participate in the fully funded program.

In association with the SBDC, the City of Kwinana has now finalised the Action Plan (see Attachment A) developed as part of the SBFAP resulting in:

- Establishing the Small Business Collective (SBC) – an internal working group with appropriate seniority, subject matter expertise and influence to identify and implement reforms to the local government's approval processes.
- Championing the program's goals and vision within the organisation and externally by adopting a customer centric approach to what we do and how we do it.
- Identifying 50 actions across 5 reform themes; Better Information; Business Support Service; Automated/Fast Track approvals for selected Applications; Streamline processes to improve the customer experience; and Rethinking the Rules.

The Action Plan, now paves the way for implementation within individual teams and across the organisation with small business the focus.

LEGAL/POLICY IMPLICATIONS:

Legal and Policy implications will be considered as part of the implementation of key actions as they arise.

FINANCIAL/BUDGET IMPLICATIONS:

Financial/Budget implications of all actions have been identified in the preparation of an Implementation Plan prepared by the SBC.

A business case will be prepared for each item that triggers a budget requirement. At mid year budget review it is anticipated that approximately \$20,000 will be sought for project implementation.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications arising from the Action Plan.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS:

The recommendations of this report have the potential to help improve the following determinants of health:

- Built Environment - Neighbourhood Amenity;
- Health Behaviours - Participation
- Socio-economic Factors – Education; Employment; Income; and Community Safety

18.3 SMALL BUSINESS FRIENDLY APPROVALS PROGRAM ACTION PLAN**STRATEGIC/SOCIAL IMPLICATIONS:**

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

Plan	Outcome	Objective
Strategic Community Plan	A resilient and Thriving economy and exciting opportunities	2.1 Enable a thriving and sustainable local economy that supports and sustains quality jobs and economic opportunities.

COMMUNITY ENGAGEMENT:

The customer perspective was a key part of the SBFAP approach and as such the first hand customer experience was incorporated into the process to inspire ideas and formulate actions accordingly. This is detailed on page 17 of the Action Plan attached.

A Community Engagement Plan will be prepared in line with the City's Community Engagement Framework to inform and engage with small business over the life of the Program implementation.

Small Business Friendly Approvals Program

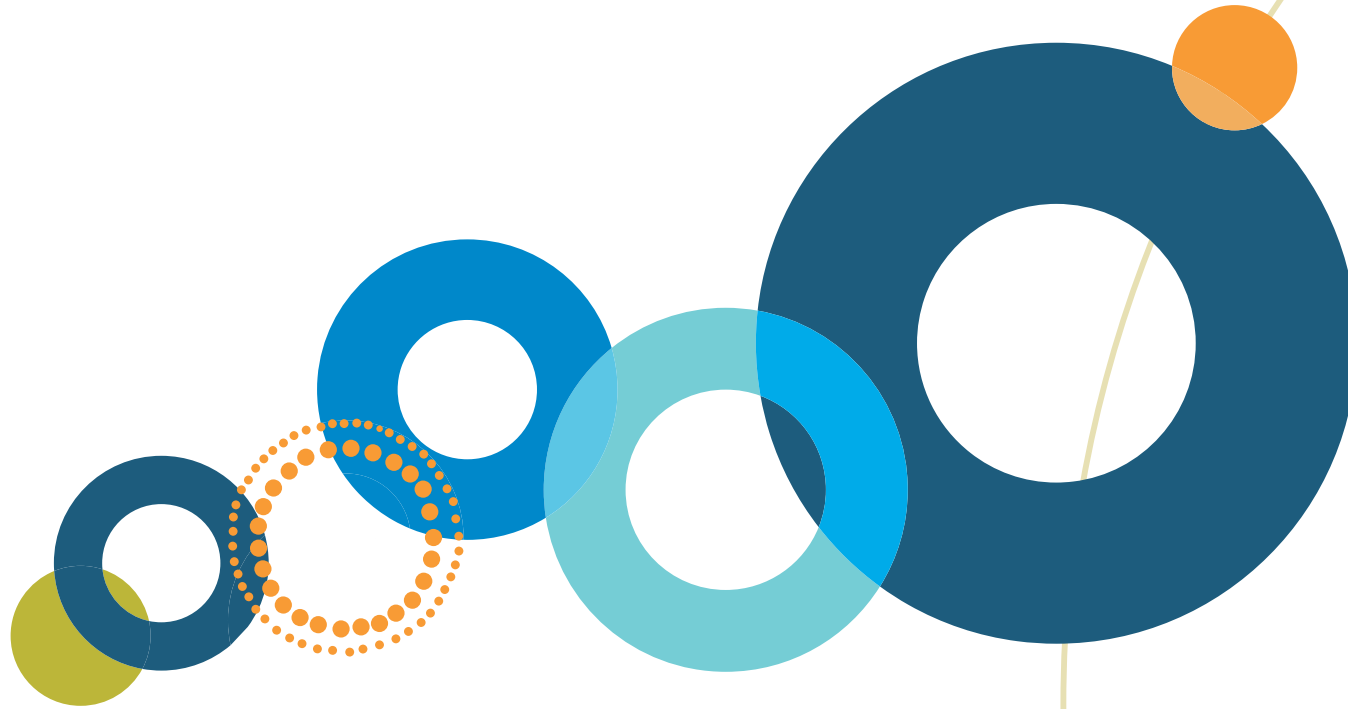
City of Kwinana Action Plan

September 2021



Small Business
Development Corporation

City of
Kwinana



Acknowledgement

We acknowledge the traditional custodians of the land on which we work and live, the Nyoongar people, and we pay respect to their Elders past, present and emerging.





Small Business Friendly Approvals Program

City of Kwinana Action Plan

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Thank you

**Thank you to the following working group members for their contribution to the
Small Business Friendly Approvals Program – City of Kwinana Action Plan**

Member	Program Participant	Program Proxy
Project Lead	Maria Cooke, Director City Development and Sustainability	Troy Morley, Manager Environment and Health Services
Project Support	Sue Logan, City Development and Sustainability Executive Officer	Julie McKee, Administration Officer Environment and Health
Project Communications	Natasha Dransfield, Manager Customer and Communications	Rebecca Morley, Marketing and Communications Officer
Statutory Planning	Chloe Johnston, Coordinator Statutory Planning	Adam Prestage, Planning Officer
Environmental Health	Vicky Chui, Coordinator Environmental Health	Jarod Griffiths, Environmental Health Officer
Building Services	Adam Salathiel, Building Surveyor	Nicki Tollarzo, Building Surveyor
Development Engineering	Berlin Ciputra, Engineering Development Officer	Nino Scidone, Coordinator Engineering Developments
Events	Alexi Peacock, Events and Special Projects Officer	Adam Strelein, Manager Community Engagement
Compliance	Louis De Klerk, Coordinator City Assist	Chris Durant, Senior Compliance Officer
Customer Service	Lisa McCoy, Customer Experience Coordinator	Meredith Troeger, Customer Service Administration Advisor
Place	Jenny Marslen, Place Leader Alyce Brewis, Place Leader	N/A
Economic Development and Advocacy	Warwick Carter, Economic Development and Advocacy Manager	Ivy Penny, Economic Development Officer
Small Business Development Corporation	Annette Brown, Senior Projects and Engagement Officer	N/A

**The Small Business Development Corporation would like to thank
the local businesses who shared their own experiences to help
identify improvements to the current approvals processes required
to establish and grow a small business in the City of Kwinana.**





Welcome from the Small Business Commissioner

Proclaimed a City in 2012, Kwinana is a local government undergoing exciting transformations.

Traditionally known for its industrial strength, the City's location within easy access to the train line and freight links to ports, freeway and airport has expanded its business base; consequently attracting significant focus and investment in establishing a high-tech manufacturing hub, lithium refinery, green energy operations and Westport.

These sector shifts, along with significant population growth, will see an increased demand for a range of services and goods. Running parallel to these changes is the rise in the number of home-based businesses – viewed by the City as a chance to identify local supply chains that can service local residents, future industries and their workforce.

Small business is big business within Western Australia's economic framework, representing 97 per cent of all businesses in the state. The City has recognised the chance to not only support those wishing to remain small, but also help home-based businesses whose vision is to expand.

With a high unemployment rate, in particular among youth, the chance to streamline approval processes and support small businesses to grow beyond the home and into commercial premises is viewed by the City as an opportunity to increase local jobs.

I commend this forward-thinking approach to assisting small business growth and the genuine enthusiasm demonstrated by the Approvals Program working group members to drive transformational change.

Those involved in the rigorous and intensive Small Business Friendly Approvals Program demonstrated great tenacity in identifying pain points in the current application process, developing workable solutions and mapping a journey of continuous improvement for their organisation.

Their hard work and support from colleagues across the organisation to embrace and deliver on the reforms, will enhance the small business customer experience, streamline application processes, reduce approval timeframes and create internal efficiencies.

I look forward to continuing the SBDC's partnership approach with the City to helping small business establish and grow in the City of Kwinana.

David Eaton
Small Business Commissioner
Chief Executive Officer
Small Business Development Corporation

Message from the Mayor

The Small Business Development Corporation facilitated thought-provoking workshops with City of Kwinana staff in May which included first-hand accounts from local business owners of the approvals experience.

This eye-opening session was the foundation and catalyst for the City to consider how to make it easier to start, operate and grow a business in Kwinana.

The workshop series aimed to simplify the way small business planning and building approvals, trading permits, and other local government approvals are assessed and determined. We had nine teams attend two weeks of workshops, representing a cross-section of the organisation. Additional staff dropped in to provide input and experience the process.

Five emerging trends from the workshops were then shared with all staff to engage holistic change across the organisation. These key themes included the need for the City to:

- provide better information for small businesses
- offer greater business support services
- introduce automated/fast tracked approvals for selected applications
- be prepared to rethink the rules, and of course
- streamline the process to improve customer experience.

Within our local government area, nearly 97 per cent of the 2,040 businesses are considered to be small businesses employing fewer than 20 people. It is therefore vital to the local economy that we support their success.

The top industry sector for the area is the Transport, Postal and Warehousing sector with 432 small businesses, closely followed by the Construction sector which consists of 388 small businesses. The Professional, Scientific and Technical Services sector consists of 155 small businesses; there are 134 in the Rental, Hiring and Real Estate Services sector and 116 small businesses in the Administrative and Support Services sector – many of which may at some point require approvals and permits from our local government.

While these are the small businesses of today, the nature of employment is changing and the businesses of tomorrow are yet to be known. It is critical that we enable those businesses to be created, established and allowed to grow in Kwinana to support our changing community.

At the City of Kwinana, we aim to improve the experience small business owners have with their local government. We will work to make relevant information readily available to help inform their business direction, and streamline our processes to ensure approvals are achieved in a timely fashion.

We very much appreciate the time and structure the Small Business Development Corporation put into this program and look forward to improving our services as a result.

Mayor Carol Adams
City of Kwinana



Project background

Depending on the location and business type, licences and permits may be required at the local, state and federal government level. This multi-layered compliance process can present a host of challenges: firstly in understanding the processes, followed by identifying which approvals are required, then providing the relevant information to enable an assessment and determination to be made.

Many small business operators face the challenge of starting their business while also working full-time – or worse, have left their job with the intention of starting a business – and have limited understanding of how long government approvals will take. These entrepreneurs may be faced with having to understand lease agreements, obtain finance, establish a supply chain and employ workers as well as apply for licences to trade. More broadly, businesses are also faced with challenges including unpredictable customer spending, increased competition from on-demand services, e-commerce, globalisation, and the disruption caused by COVID-19. There has never been a greater need or opportunity to support the establishment and growth of small business in Western Australia.

The Small Business Friendly Approvals Program (Approvals Program) is an SBDC initiative. It aims to assist regulating authorities to reform their approvals regimes and foster a supportive business environment. The process includes identifying issues facing small business, designing reforms to achieve more streamlined approval processes and supporting government authorities to implement those reforms.

A member of the Small Business Friendly Local Governments initiative, the City of Kwinana was

successful in its selection through a competitive application process, as one of 20 Western Australian local governments to partner with the SBDC to develop a customised Approvals Program Action Plan. The reform initiatives presented in this plan are the result of a detailed examination of the approvals process for a range of small business applicants in the City of Kwinana. It addresses local government touchpoints and interaction with small business, from business idea to operation.

Enacting the reform initiatives detailed in the action plan will:

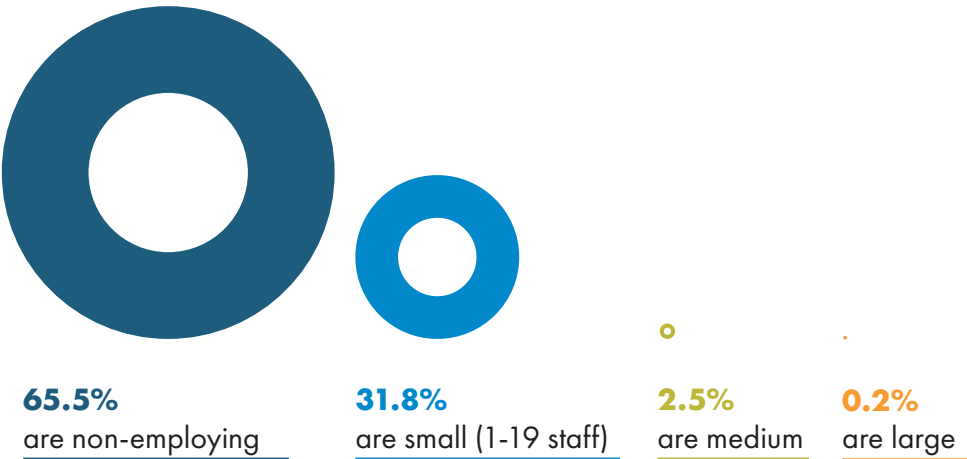
- reduce approval timeframes, saving both the City and business applicants considerable time and money
- foster a 'can-do' business-friendly culture and deliver an improved experience for the City's small business customers
- ensure more efficient and effective use of City resources
- align with the WA Government's Streamline WA reform agenda



Small business is big business in Western Australia, with 227,754 small businesses in the state¹

Ninety-seven per cent of all businesses are considered small (fewer than 20 employees).¹

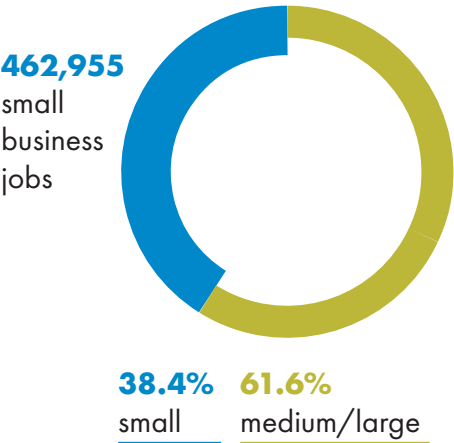
97% of all businesses are **classified as small**



The small business sector contributes more than \$54 billion to WA’s economy and employs almost forty per cent of the private sector workforce.^{2,3}

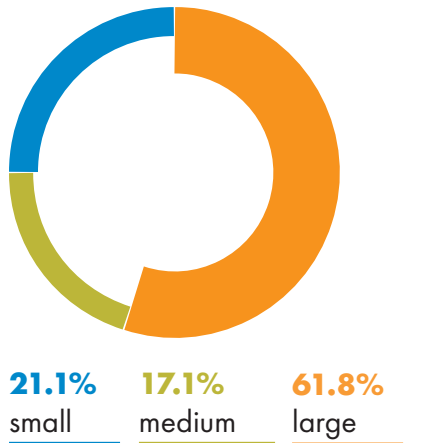
Share of private sector employment (by business size)

1.2m total private sector jobs



Share of private sector gross value added (by business size)

\$257.4b total private sector GVA



1. Australian Bureau of Statistics (June 2020) 8165.0 Counts of Australian Businesses, including Entries and Exits, June 2016 to June 2020, [time series spreadsheet], accessed 25 February 2021.
2. Value of small business to WA economy is an estimate using a revised SBDC model based on previous work undertaken by ACIL Allen using ABS data. All figures are nominal (ie. in 2019-20 dollars).
3. Share of private sector employment is an estimate by ACIL Allen using ABS data. The figure is at June 2020.

The City of Kwinana's business landscape

Located south of Perth and within 40 kilometres of the central business district, Kwinana holds true to its vision of being 'A unique and liveable City, celebrated for and connected by its diverse community, natural beauty and economic opportunities.'

With an anticipated population growth forecast of 56.83 per cent¹ over the next 15 years, the City is looking forward to a bright future and new small business possibilities, which have the potential to further stimulate the local economy and create jobs for local people.

There are 2,040 businesses registered in Kwinana and of those, 1,972 (96.66%) are small².

Known for its industrial business history, the City's top four sector employers are: Manufacturing; Construction; Education and Training; and Transport, Postal and Warehousing². In comparison, the top four small business categories are Transport, Postal and Warehousing; Construction; Professional, Scientific and Technical Services; and Rental, Hiring and Real Estate².

Of the 12,612 workers in the City of Kwinana, 3,092 or 24.5% live in the area³. As an evolution linked to the global COVID-19 pandemic, the City of Kwinana identified a spike in home-based businesses from 2020 and has viewed this shift as a

great opportunity to foster and support those living locally and working from their place of residence. The creation of self-employment was recognised by the working group during the approvals program as a chance to nurture those with a vision to expand their small business through a more streamlined application approvals process.

Evident during the approvals program customer journey mapping process and approval timeframe analysis, was the restrictive nature of the current Town Planning Scheme, gazetted in 1992. With many of today's small business models not in existence 29 years ago, a significant number of small business enquiries and applications are defined as 'use not specified'.

Working within these constraints presents many challenges as the City works to meet the regulatory requirements of the Scheme, while trying to support the establishment and growth of small business. As demonstrated through the program, this results in a stalling of application assessment and determination

as officers work diligently with customers to define their proposed use, and adhere to the relevant regulatory guidelines. Whilst the final assessment process meets statutory frameworks, working within the current Scheme can extend the application and approval times and associated costs for customers.

1. <https://forecast.id.com.au/kwinana>

2. <https://www.abs.gov.au/statistics/economy/business-indicators/counts-australian-businesses-including-entries-and-exits/latest-release#states-and-territories>

3. <https://economy.id.com.au/kwinana>



The City of Kwinana's business landscape

Of **2,040** businesses in the City of Kwinana, more than **96%** are categorised as a small business, employing **0 -19** people



Top four small businesses by industry



21.0%

Transport, postal and warehousing services



19%

Construction



7%

Professional, scientific and technical services



6%

Rental, hiring and real estate services

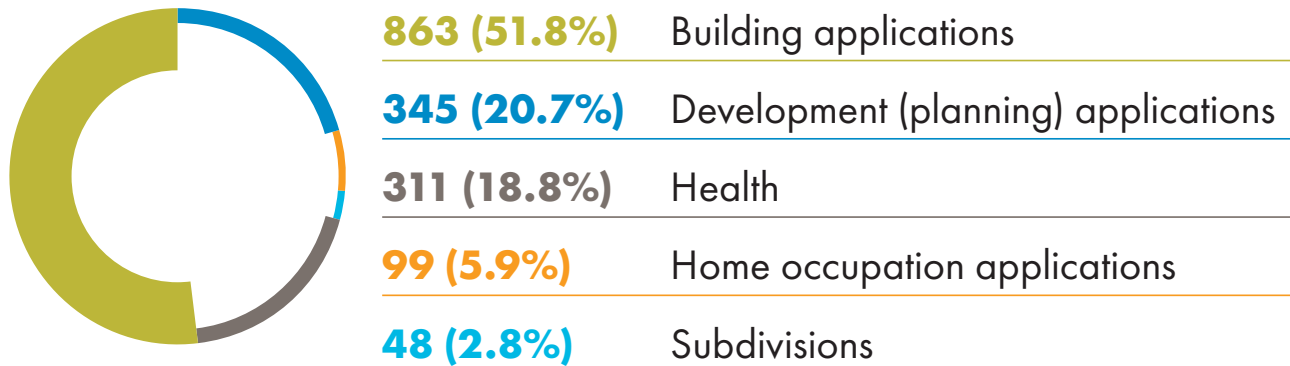
(Source: City of Kwinana business counts
ABS June 2020)

2019/20 applications

Data collection across local government agencies differs significantly and often aligns with statutory requirements, as opposed to capturing information to assist in enhancing the small business customer experience.

Information historically captured by the City of Kwinana records the types of application received and compliance with legislated timeframes. Following is a breakdown of the 1,666 applications received across departments in the 2019/20 financial year.

1,666 Applications received across departments in 2019/20 financial year

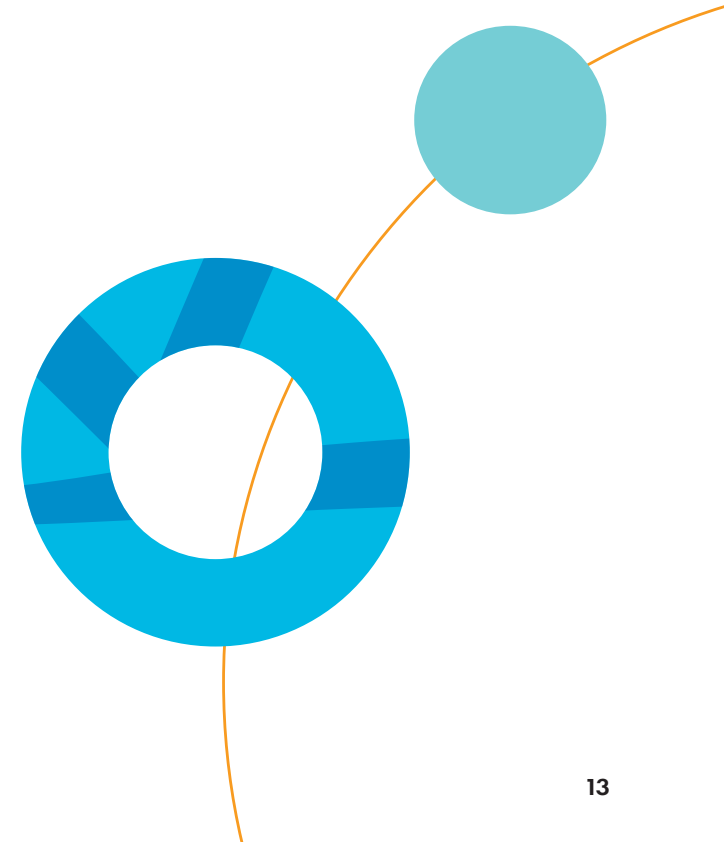




2019/20 applications

The Approvals Program highlighted that, while application types were identified through the record keeping process, the system did not distinguish between private and commercial applications when recording lodgements and determinations. This improvement was captured as a task and embedded in *Reform 1.6 of the Action Plan* (see page 23).

Once initiated, the reform will update the City's data collection and analysis processes, not only creating a solid baseline, but introducing a process to capture and monitor key small business metrics. This will allow the City to measure the improvements achieved by implementing the initiatives set out in this action plan.



2019/20 development (planning) applications



345 Number of applications received



33% Percentage of complete applications received
(no further information required)



67% Percentage of incomplete applications (further
information or clarification required from the customer)

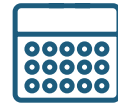


20 days Average time to determine complete
applications



50 days Average time to determine applications
that have been submitted incomplete

2019/20 home occupation applications



99 Number of applications received



86% Percentage of complete applications received
(no further information required)



14% Percentage of incomplete applications (further
information or clarification required from the customer)



16 days Average time to determine complete
applications



55 days Average time to determine applications
that have been submitted incomplete



2019/20 building applications (certified, uncertified, occupancy, demolition permits and building approval certificates)



863 Number of applications received



43 days Average time to determine complete applications

Note: all average approval times include requests for further information and 'stop the clock days'¹. For occupancy permits, the approvals days include rectification days as well as works required to be completed to Australian Standards.

2019/20 health applications (food businesses, health, beauty therapy and skin penetration)



311 Number of applications received

Note: 70% of health related applications were processed within 10 days. These applications include those that may require further information. The average number of days for a decision to be made is not a tracked indicator.

¹ 'Stop the clock days' refers to delays caused by a business customer or consultant having to compile additional information or evidence to support their application. For the purpose of measuring the length of time for determining approvals at the City of Kwinana, stop the clock days have been included in the total period taken.



Program approach

The City of Kwinana demonstrated tremendous commitment to the Small Business Friendly Approvals Program, choosing an intense two-week workshop program over the traditional two day a week, six-week timeframe.

Working group participants were selected for their skill set, openness to drive transformational change through human-centred design thinking, and a 'can do' attitude. Immersed in the program, the cross-function working group members were taken out of the business for a 10 day period that consisted of six full workshop days and four 'homework' days.

This concentrated approach delivered outstanding results with the team identifying 50 reforms across five pillars to address their "How might we?" statement.

How might we:

Optimise and create efficiencies?

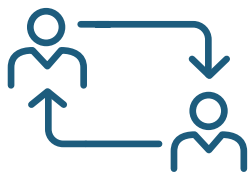
Support small business to start up, grow and scale?

Collaborate internally and externally to create a better experience?

Working off site, the cross-departmental team members came together as the City's 'brains trust' – dissecting, challenging, probing and sharing the journey with colleagues as they forensically examined current processes and customer experiences. Together with their colleagues, they problem solved and developed a series of improvements.

This carefully crafted and professionally facilitated journey stepped the organisation through the five steps of design thinking.

The five steps of design thinking



Empathise



Define



Ideate



Prototype



Test

Starting with the customer perspective – empathise

Human-centred design thinking is based on considering the customer perspective.

It is vitally important to hear a customer's experience first-hand in order to connect to the needs, desires and motivations of real people, and use this to inspire and provide fresh ideas.

The working group was provided with the survey results from 25 local small business people, phone interview feedback from five local business owners operating in the City, and a face-to-face session with two local small business owners.

What was heard



Pain points

Conflicting information between officers.

No clear guidelines on 'what to do next' once a business is set up.

Process could be streamlined and simpler.

Issues if use is not defined in the Scheme – causes delays and cost.

Need to know who to speak to, in order to get action.



Inconsistent information

Requirements are different between local governments.

Requirements inconsistent at different levels of government.



Customer service

Some officers lack good interpersonal skills.

Lack of empathy among some officers for small business.

Inconsistency in customer service; some officers go above and beyond, others are more punitive.

Business owners had to be proactive and give officers information and problem solve.



Communication

Process is not transparent, including progress.

No information or support once established.

Missed opportunity to showcase local businesses.

Process is difficult to understand for people who did not speak English as a first language.

Delight point Businesses throughout the survey and interview process praised City of Kwinana staff, who they found offered patience and empathy, noting some officers were responsive and accommodating when questions were raised.

“It was easy to understand what needed to be done when I talked to someone.”

Creating a better customer experience through human-centred design thinking – define, ideate and prototype

The generosity and willingness by all parties involved in the customer perspective session to share, listen and absorb the viewpoint of others was a catalyst for the improvements identified through the reform process.

Drawing on the open and honest customer feedback, creating customer personas and basing scenarios on real business models, the group undertook rigorous journey mapping to define pain points, form fresh ideas, and prototype solutions.

Rather than work through the process in isolation from the rest of the organisation, the brains trust shared their findings, invited and embraced input from officers across all staff levels and departments within the City. This created a richness and depth in the problem solving process and strong themes were identified within five reform pillars.



Better information



Business support service



Automated/fast tracked approvals for selected applications



Streamline processes to improve the customer experience



Rethinking the rules



Creating a better customer experience through human-centred design thinking – define, ideate and prototype

How might we provide better information for our small business customers?

- Simplify our communication with small business customers and consider how they access our information.
- Review and redesign the City's website pages accessed by small business customers.
- Create internal and external checklists so both parties are aware of what is requested and what is received.
- Keep small business customers informed during the assessment process, including timeframes.
- Link referral information (for external agencies) into the application journey so business customers better understand the entire process.
- Review and update all application forms – transition to online lodgement as new technologies are introduced.
- Improve how we collect and store data.
- Share relevant small business customer information across the organisation, including a knowledge base.
- Redesign and refurbish the front counter, with the needs of small business taken into account during the design process.
- Promote the small business approvals program and other support services available to small businesses through other agencies including the SBDC.
- Promote the small business support service and share the journey of other small businesses.
- Create and promote 'cheat sheets/workflows' for pre-determined select business types to assist small businesses navigate traditional business model applications with ease.

How might we offer a business support service for our small business customers?

- Establish a dedicated business engagement team to assist in navigating the applications process.
- Create a coordinated officer hub, to act as a liaison point for small business customers.
- Commit officer resourcing to allow for onsite visits by support teams.
- Develop outreach programs at identified small business hubs.
- Create a process to capture and access preferred communications methods with small business customers.
- Identify and support potential partnerships with not-for-profit groups, small business and government bodies that have contact with and support small business customers.
- Develop an education package for staff to understand small businesses are our customers.
- Standardise how we engage with small business customers and support officers with specific training, so we can ensure that customer service considerations are embedded into our recruitment and induction process.
- Redesign our online presence (eg. website, social media) to target small business.
- Expand our small business support campaign.
- Introduce ongoing support once the business has opened.
- Encourage feedback from our small business customers and use it to grow and improve.

Creating a better customer experience through human-centred design thinking – define, ideate and prototype

How might we introduce automated/fast tracked approvals for selected applications?

- Introduce online lodgement for all applications (City wide);
 - Short term solutions (Smarty Grants, SpacetoCo)
 - Long term – investigate business systems capabilities and integration abilities (property + person).
- Identify and develop 'low-risk, fast track approvals' for selected applications (eg. development and events).
- Commit to ongoing resourcing and training that allows officers to update software (Tech One) in-house to ensure swift and regular revisions.
- Engage with local governments within the region to develop and implement a single trading permit process across multiple local governments.
- Review and meaningfully consider the option for local businesses registered with the City to automatically be assigned a trading permit.

How might we streamline processes to improve the customer experience?

- Introduce a pre-application meeting/questionnaire with small business customers.
- Explore the introduction of trial/short term approvals to activate and trigger new small business opportunities.
- Establish relationships with external agencies.
- Introduce and train officers in a Customer Relationship Management (CRM) system to capture information and touchpoints with small business customers.
- Develop a knowledge base (for internal and external customers) to make information easier to access.
- Embed reminders (internal and external) of approaching application requirements and recurring permit expiry dates.
- Introduce a virtual assistant/chatbot.

Creating a better customer experience through human-centred design thinking – define, ideate and prototype

How might we rethink the rules?

- Make changes so less approvals are required; for example: exempt development policy.
- Advocate and lobby for external agencies to change their rules.
- Have teams trained in updating software in-house, thereby reducing time and money spent on consultant procurement, with an added bonus of upskilling within teams.
- Undertake a cost analysis of fees and charges for small businesses that are providing services and events that benefit the community, therefore reducing City resourcing and budgets.
- Review delegations to assist in reducing timeframes for small business application approvals.
- Review planning scheme obstacles.
- Remove sign licence permits.
- Review potential to change requirements for temporary building structures approvals for certain events.
- Encourage and support alternative work practices ie. work hubs, secondments and cadetships.
- Change our compliance approach, making it solution rather than enforcement based.
- Trial Council led co-working / shared space; eg. parklets and pop-ups.
- Organisational realignment of officer resources to maximise support for small business customers (for example, merging and drawing on the skill sets of Place and Economic Development Officers to take the lead on the City's new business support service).

Testing the reforms

The 'testing phase' drew on a customer centric model to demonstrate how the application of design thinking principles can translate into meaningful change.

This involved inviting the small businesses that shared their experiences on day one of the workshop sessions back for a presentation that took them through the design thinking journey and the reform ideas framework built by the core working group and colleagues across the organisation.

The presentation encouraged open dialogue with the small business operators, as they were asked by officers:

Would this have helped or improved your own experience?

Which of these reforms should be our priority?

What else could we add?

Their reaction and responses were clear:

Denise Davis - High Tea with Harriet

Post Workshop 1:

'Thank you for having me there. I felt very supported and listened to, and felt very safe to be honest. I think it is a very positive thing that the City of Kwinana is doing, and I believe they will be leading the way for other government organisations.'

Post Workshop 6:

"Please pass on my congratulations to the group. I was blown away by not only the amount of work that had been done, but by the empathy and understanding of small business issues that shone through. Thank you again for giving me the opportunity to be a part of this awesome project."

Peter B. Butler - Managing Director, Smarter Websites

Post Workshop 6:

"Courageous is when the City of Kwinana Council ask you for honest feedback about their small business approvals process, then have the openness and transparency to invite you back to present on their outcomes and plans for the future and ask for feedback. Impressed duly, and glad to be able to contribute to this great community."

Implementation

After testing the reform concepts with small business representatives, detailed and high-level implementation opportunities aimed at improving the customer experience and reducing approval times were developed. This process included identifying:

How the reform **linked** to community and corporate aspirations?

What would it need to **achieve** these reforms?

Who would need to be **involved**?

How **long** would it take?

What would be the **effort, benefit** and **cost**?





Reforms

Reform themes to improve the customer experience, reduce approval times and support small businesses to establish, grow and thrive in the City of Kwinana.



Better information: Introduce a series of tailored communication strategies to clarify the regulatory processes and applicable fees to start or grow a small business in Kwinana.



Business support service: Establish a personalised support system to guide customers through required application processes from start to finish, with a focus on building continued customer relations to help small business thrive and grow in Kwinana.



Automated/fast tracked approvals for selected applications: Review approval requirements, eliminate those that are obsolete and refine procedures to enable automated and fast tracked approvals for identified low-risk applications.



Streamline processes to enhance the customer experience: Explore and implement solutions to make it easier for small business to navigate the required application processes from simple to complex approvals.



Rethinking the rules: Review existing policies, guidelines and legislation and their alignment against approval rates and success.

Better information

Introduce a series of tailored communication strategies to clarify the regulatory processes and applicable fees to start or grow a small business in Kwinana.

Action	Resources				Timeframe				Return on investment		Responsibility
	People	Process	Technology	Budget	<3m	<6m	<12m	>12m	Benefit	Effort	Contributors
1.1 Simplify messaging to all small business customers to make it easier to navigate the approvals process	●	●				●			High	Low	Lead: Marketing and Communications, Customer Service, Economic Development and Advocacy Support: Statutory Planning, Building Services, Environmental Health, Place, City Assist, Development Engineering
1.2 Review and design the website to allow clear and easy navigation to determine and access what approvals and fees are required for specific business types	●	●	●				●		High	High	Lead: Marketing and Communications, Customer Service, Information Technology, Economic Development and Advocacy Support: Statutory Planning, Building Services, Environmental Health
1.3 Create a series of checklists to ensure small business customers understand what is required to submit high quality and complete applications	●	●	●			●			High	Medium	Lead: Statutory Planning, Environmental Health, Building Services, Development Engineering, Compliance Support: Marketing and Communications, Customer Service, Economic Development and Advocacy
1.4 Keep applicants informed of assessment processes and timeframes	●	●					●		Medium	Low	Lead: Cross functional team (XFT)- Small Business Collective (SBC) Support: Statutory Planning, Building Services, Environmental Health, Development Engineering

Better information

Action	Resources				Timeframe				Return on investment		Responsibility
	People	Process	Technology	Budget	<3m	<6m	<12m	>12m	Benefit	Effort	Contributors
1.5 Review and amend all application forms to simplify language and remove redundant and unnecessary requests	●	●					●		High	Medium	Lead: XFT-SBC Support: Marketing and Communications, Governance
1.6 Capture and monitor key small business metrics over time	●	●	●			●			Medium	Low	Lead: XFT-SBC Support: Customer Service
1.7 Design and implement a procure-local plan (City of Kwinana) focused on local small business	●	●	●				●		Low (High to CoK)	Medium	Lead: Contracts Support: Corporate Services, Finance, Economic Development and Advocacy, Governance and Legal, Marketing and Communications
1.8 Improve information sharing across the organisation to assist in problem solving small business application challenges	●	●				●			High	High	Lead: Economic Development and Advocacy Support: Development Assessment Unit (DAU)
1.9 Redesign the City's Administration Centre reception area to provide for an improved face to face customer experience including enabling technology	●		●	● (already allocated in current capital works budget)				●	High	High	Lead: Customer Service, Information Technology, Assets Support: Finance, Statutory Planning, Building Services, Environmental Health, City Assist

Better information

Action	Resources				Timeframe				Return on investment		Responsibility
	People	Process	Technology	Budget	<3m	<6m	<12m	>12m	Benefit	Effort	Contributors
1.10 Provide small business with relevant and specific information about external agency referrals that form part of the approvals process	●	●	●					●	Medium	Medium	Lead: Statutory Planning, Environmental Health, Building Services, Development Engineering Support: Department Officers, Administration support, Marketing and Communications, City Strategy, Information Technology (IT)
1.11 Promote the City's focus on supporting small business by promoting the Small Business Friendly Approvals Program	●		●	●				●	Medium	Medium	Lead: XFT-SBC Support: Marketing and Communications, Economic Development and Advocacy
1.12 Support new small businesses in Kwinana by providing them with skills and resources to help promote their businesses locally	●			●		●			High	Medium	Lead: Economic Development and Advocacy Support: Place, Marketing and Communications

Business support service

Establish a personalised support system to guide customers through required application processes from start to finish, with a focus on building continued customer relations to help small business thrive and grow in Kwinana.

Action	Resources				Timeframe				Return on investment		Responsibility
	People	Process	Technology	Budget	<3m	<6m	<12m	>12m	Benefit	Effort	Contributors
2.1 Establish a Business Support Service, responsible and accountable for guiding and supporting small business applications	●	●				●			High	Medium	Lead: SBC Support: As required from specific departments
2.2 Establish an initial contact and liaison team for small business enquiries	●	●	●			●			High	Medium	Lead: Economic Development and Advocacy Support: Place
2.3 Commit to business start-up site visits or in-office session following the first point of contact	●	●				●			High	Low	Lead: Economic Development and Advocacy Support: Place
2.4 Investigate the implementation of a Customer Relationship Management (CRM) system	●	●	●					●	High	High	Lead: Customer Service Support: IT
2.5 Develop outreach programs at identified small business hub locations to encourage open dialogue with the community members considering starting a small business	●	●	●			●			High	Medium	Lead: XFT-SBC Support: IT, All Teams/Departments
2.6 Develop personalised communications with small business customers	●	●						●	High	Low	Lead: XFT-SBC Support: IT, All Teams/Departments

Business support service

Action	Resources				Timeframe				Return on investment		Responsibility
	People	Process	Technology	Budget	<3m	<6m	<12m	>12m	Benefit	Effort	Contributors
2.7 Identify and develop relationships with business 'partners' to support and encourage small business to establish and grow	●						●		Medium	Medium	Lead: Economic Development and Advocacy Support: Place, Marketing and Communications
2.8 Develop a cohesive suite of resources to enable City Officers to effectively support small business	●	●		● (training budget)		●			High	High	Lead: Economic Development and Advocacy Support: Place, Marketing and Communications, XFT-SBC
2.9 Transform the City of Kwinana from Customer Service focussed to Customer Centric starting with small business	●	●				●			High	Low	Lead: XFT-SBC Support: Executive Leadership Team (ELT), Customer Service
2.10 Provide clear and realistic timelines for approvals based on specific business models and regulatory needs	●	●					●		Medium	Medium	Lead: XFT-SBC Support: Customer Service, Statutory Planning, Building Services, Environmental Health, Marketing and Communications
2.11 Promote the people behind Kwinana's small businesses	●	●				●			Medium	Low	Lead: Economic Development and Advocacy Support: Place, Marketing and Communications
2.12 Redesign website content and social media channels to directly target small business	●		●	●		●			Medium	Medium	Lead: Small Business Collective Support: Marketing

Reform 3 – Automated/fast tracked approvals for selected applications

Review approval requirements, eliminate those that are obsolete and refine procedures to enable automated and fast-tracked approvals for identified low-risk applications.

Action	Resources				Timeframe				Return on investment		Responsibility
	People	Process	Technology	Budget	<3m	<6m	<12m	>12m	Benefit	Effort	Contributors
3.1 Investigate online lodgement for all applications (city-wide)	●	●	●	●				●	High	High	Lead: XFT -SBC Support: Information Technology, Marketing and Communications, Events/Bookings, Administration for each team, Customer Service, Statutory Planning, Building Services, Environmental Health
3.2 Identify and Implement low risk fast track approval opportunities (e.g. development and events)	●	●	●					●	High	High	Lead: Statutory Planning Coordinator, Environmental Health Coordinator, Building Surveyor Support: Subordinates, Customer Service, Compliance, Marketing
3.3 Determine ongoing internal resource to be able to update and configure inhouse systems	●	●	●			●			High	Medium	Lead: XFT-SBC, One Council Project Team Support: ELT, Information Technology, Strategic Management Team (SMT)
3.4 Investigate single trading permit opportunities across multiple local governments in the same region	●	●				●			Medium	Medium	Lead: Environmental Health Support: ELT, Council
3.5 Review the process for local food businesses to automatically be assigned a trading permit when they have an existing food registration with the City of Kwinana	●	●			●				Medium	Low	Lead: Environmental Health Support: Marketing and Communications, Finance, Council

Reform 4 – Streamline processes to improve the customer experience

Explore and implement solutions to make it easier for small businesses to navigate the required application processes from simple to complex approvals.

Action	Resources				Timeframe				Return on investment		Responsibility
	People	Process	Technology	Budget	<3m	<6m	<12m	>12m	Benefit	Effort	Contributors
4.1 Develop an online questionnaire for small business	●	●	●	●				●	High	High	Lead: XFT-SBC Support: IT, Statutory Planning, Building Services, Environmental Health, Events Bookings, Marketing and Communications, Economic Development and Advocacy
4.2 Explore temporary exemptions from planning approvals for small business	●	●						●	Medium	Medium	Lead: Statutory Planning Support: Building Services, Environmental Health, Economic Development and Advocacy, Place
4.3 Increase efficiencies of referrals with external agencies	●	●						●	Medium	High	Lead: Statutory Planning Support: Environmental Health
4.4 Review knowledge base for all City Officers to make information easier to access	●		●					●	High	High	Lead: Customer Service Support: Team administration
4.5 Create reminders for external customers to submit information to keep their application on track	●	●	●			●		●	Medium	Medium	Lead: All applications teams Support: IT, One Council Project Team
4.6 Investigate viability of virtual assistant/chatbot	●	●	●				●		Low	Medium	Lead: Customer Services Support: Marketing and Communications Information Technology, XFT-SBC, Administration
4.7 Streamline event approval process	●	●	●				●		High	Medium	Lead: Events implementation team – Bookings, Events, Building Services and Environmental Health Support: Place

Reform 5 – Rethinking the rules

Review existing policies, guidelines and legislation and their alignment against approval rates and success.

Action	Resources				Timeframe				Return on investment		Responsibility
	People	Process	Technology	Budget	<3m	<6m	<12m	>12m	Benefit	Effort	Contributors
5.1 Prepare a local planning policy to exempt more small business developments from needing planning approval	●	●						●	High	Medium	Lead: Statutory Planning Support: Governance, Building Services, Environmental Health, Strategic planning
5.2 Advocate and lobby for external agencies to change their rules	●	●						●	High	High	Lead: XFT-SBC Support: ELT, Environmental Health, Statutory Planning, Building Services, Economic Development and Advocacy, Governance
5.3 Review fees and charges to consider community benefit provided by local small businesses	●	●	●					●	Medium	High	Lead: Economic Development and Advocacy Support: Finance, Events/Bookings, Statutory Planning, Building Services, Environmental Health, Place, Marketing and Communications
5.4 Review delegations	●	●					●		High	Medium	Lead: Approvals Teams Support: Governance
5.5 Review planning scheme obstacles for new and emerging small businesses	●	●					●		Medium	Medium	Lead: Statutory Planning Support: Governance, Strategic Planning
5.6 Remove sign licence permits	●	●				●			Medium	Medium	Lead: Building Services Support: Governance, Marketing and Communications, Records and Administration
5.7 Review potential to change requirements for temporary building structures approvals for certain events	●	●			●				High	Medium	Lead: Building Services Support: Governance

Rethinking the rules

Action	Resources				Timeframe				Return on investment		Responsibility
	People	Process	Technology	Budget	<3m	<6m	<12m	>12m	Benefit	Effort	Contributors
5.8 Build our customer service/administration capacity	●	●						●	High	High	Lead: Executive Leadership Team (ELT) Support: Human Resources, Customer Service, Building Services, Statutory Planning, Environmental Health, Development Engineering, Compliance
5.9 Develop robust workforce models to support approvals processes	●	●				●			Medium	High	Lead: Director City Development and Sustainability (DCDS) Support: Human Resources, Building Services, Statutory Planning, Environmental Health, Development Engineering, Compliance, Community Engagement, Youth
5.10 Adopt a solution based compliance approach rather than enforcement	●	●				●			High	Medium	Lead: Compliance Support: Customer Service, Approvals Teams
5.11 Trial Council led co-working/shared space	●			●		●			High	Low	Lead: Economic Development and Advocacy, Place Support: XFT-SBC
5.12 Trial Council led parklets and popups	●	●		●			●		Medium	Low	Lead: Place Support: Economic Development and Advocacy, Environmental Health, Engineering
5.13 Integration of Place with Planning, Economic Development and Advocacy	●	●				●			High	Medium	Lead: ELT Support: Place
5.14 Landscape standards for Development Applications (DA)	●	●			●				Low	Medium	Lead: Landscape Architects Support: Administration



18.4 Proposed Cat Local Law 2021

SUMMARY:

At the Ordinary Council Meeting held on 27 January 2021, Council resolved to approve state-wide and local public notices of its proposal to make the City of Kwinana Cat Local Law ('Cat Local Law'). The Cat Local Law was also provided to the Department of Local Government, Sport and Cultural Industries (DLGSC) for their comment.

Between 10 February 2021 and 2 April 2021, the City received 40 submissions from the community as well as DLGSC in relation to the Cat Local Law. 28 of those 40 submissions were in support, though 13 suggested various amendments. A further 6 opposed the law while 6 failed to state a clear position.

As a result of submissions received, amendments were made to the proposed Cat Local Law. Due to the amendments constituting a significant change to the law, Council resolved at the Ordinary Council Meeting held on 8 September 2021 that the proposed Cat Law Cat, as detailed at Attachment A, again be advertised for public submissions prior to consideration by Council for adoption. Unfortunately the resolution of Council omitted to state the purpose and effect of the proposed local law.

To ensure legislative compliance, this report has been presented to address this.

OFFICER RECOMMENDATION:

That Council:

- **Note that the purpose and effect of the City of Kwinana Cat Local Law 2021 are as follows:**

Purpose

the purpose of the local law is to provide for greater regulation and control of cats within the City of Kwinana.

Effect

The effect of the local law is to:

- 1. prevent a person from owning more than two cats, operate a cattery or cat management facility without a permit;**
 - 2. prevent cats from being in a public place unless under effective control;**
 - 3. require a person liable for the control of a cat to prevent it from causing a nuisance; and**
 - 4. enable the City and its authorised officers to issue directions to persons to comply with the provisions of the Cat Local Law;**
 - 5. determine whether a person who fails to act as directed by the City's authorised officers has committed an offence under the Cat Local Law; and**
 - 6. permit the City to issue notices and/or infringements for failure to comply with the Cat Local Law.**
- **That Council approve state-wide and local public notice of its proposal to make the amended City of Kwinana Cat Local Law 2021, as detailed at Attachment A.**

18.4 PROPOSED CAT LOCAL LAW 2021

DISCUSSION:

As reported with the report to Council at the Ordinary Council Meeting held on 8 September 2021, due to the changes to the law following the initial state-wide and local public notice not being minor in nature, the proposed Cat Local Law is required to be advertised for public comment again prior to implementation by Council.

It is expected that the next state-wide and local public notice will be commenced in October 2021.

Including the purpose and effect of the local law was initially omitted, it has now been included to provide clarification and meet legislative requirements.

LEGAL/POLICY IMPLICATIONS:

Section 3.12 of the *Local Government Act 1995* sets out the procedure to be followed to make a local law as follows:

- The purpose and effect of the proposed local law needs to be included in the agenda and minutes of this meeting;
- Statewide and local public notice that the City intends to make a local law and its purpose and effect. Also, that copies are available for public comment over a six week period and the closing date for public submissions;
- Provide a copy to the Minister for Local Government;
- Consider any submissions made before making the local law;
- Publish the local law in the *Government Gazette*;
- Give local public notice of when the local law comes into operation and that copies are available; and
- Provide an explanatory memorandum of the process used to the Minister for Local Government.

FINANCIAL/BUDGET IMPLICATIONS:

Cost of advertising of the proposed local law in state-wide and local papers is estimated to be \$900.

The cost of publication of the local law in the *Government Gazette* at a cost of \$272.55 per page, is estimated at \$9,500 once adopted by Council.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications associated with this report.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS:

The enacting of a Cat Local Law is intended to present significant environmental benefit to the district, specifically focussing on reducing the impact on native wildlife.

18.4 PROPOSED CAT LOCAL LAW 2021**STRATEGIC/SOCIAL IMPLICATIONS:**

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

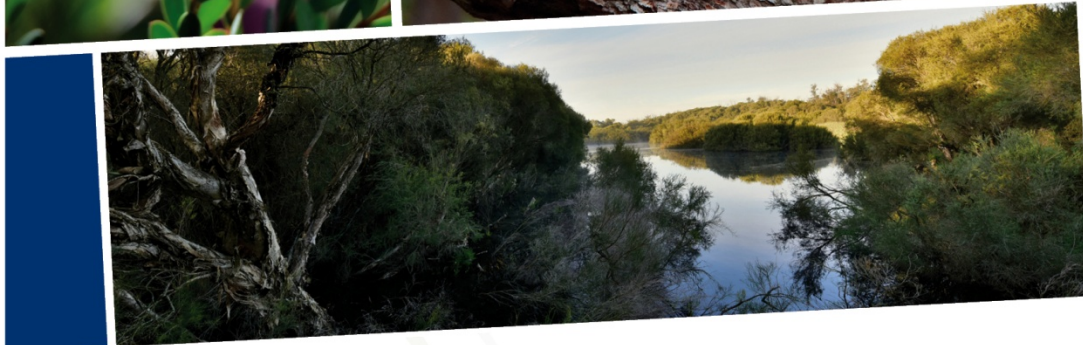
Plan	Outcome	Objective
Corporate Business Plan	Visionary leadership dedicated to acting for its community	5.1 Model accountable and ethical governance, strengthening trust with the community

COMMUNITY ENGAGEMENT:

Community engagement is proposed to take place in the form required by section 3.12(3) of the *Local Government Act 1995* – Procedure for making local laws and includes the requirement to give statewide public notice that the local government proposes to make a local law the purpose and effect of which is summarised in the notice.

City of Kwinana

Proposed Cat Local Law 2021



PROPOSED CAT LOCAL LAW 2021

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**Cat Act 2011
Local Government Act 1995**

City of Kwinana

PROPOSED CAT LOCAL LAW 2021

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Kwinana resolved on [date] to adopt the following local law.

PART 1 — PRELIMINARY

1.1 Citation

This Local Law may be cited as the *City of Kwinana Cat Local Law 2021*.

1.2 Definitions

(1) In this local law unless the context requires otherwise —

Act means the *Cat Act 2011*;

applicant means the occupier of the premises who makes an application for a permit under this local law;

authorised person has the same meaning as in the Act;

cat has the same meaning as in the Act;

cat management facility has the same meaning as in the Act;

Cat Haven means the Cat Welfare Society Inc., trading as “Cat Haven”;

cattery means a facility where two (2) or more cats are kept, bred, boarded, housed or trained temporarily, whether for profit or otherwise, and where the occupier of the premises is not the ordinary person liable for the control of such cats;

CEO means the Chief Executive Officer of the local government;

Council means the Council of the local government;

district means the district of the local government;

effective control in relation to a cat means any of the following methods—

- (a) held by a person who is capable of controlling the cat;
- (b) securely tethered;
- (c) secured in a cage;
- (d) any other means of preventing escape;

local government means the City of Kwinana;

owner in relation to a cat has the same meaning as in the Act;

permit means a permit issued by the local government under this local law;

permit holder means a person who holds a valid permit issued by the local government under this local law;

person liable for the control of means each of the following in relation to a cat —

- (a) the registered owner of the cat; or
- (b) the owner of the cat; or
- (c) the occupier of any premises where the cat is ordinarily kept or ordinarily permitted to live; or
- (d) a person who has the cat in their possession or under their control, but does not include a registered veterinary surgeon, or a person acting on their behalf, in the course of their professional practice;

premises has the same meaning as in the Act;

prescribed means prescribed under regulations made under the Act;

RSPCA means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

Schedule means a schedule to this local law;

veterinary clinic has the meaning given to it in the *Veterinary Surgeons Act 1960*; and

veterinary hospital has the meaning given to it in the *Veterinary Surgeons Act 1960*.

1.3 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.4 Application

This local law applies throughout the district.

PART 2 — KEEPING OF CATS

2.1 Limit on number of cats

- (1) Subject to subclause (2), a person shall not:
 - (a) keep more than two (2) cats at a premises at one time; or
 - (b) operate a cattery or cat management facility without a valid permit issued by the local government.
- (2) Subclause (1) does not apply to the following:
 - (a) a cattery or cat management facility operated by either:
 - (i) the local government; or
 - (ii) a person or body prescribed by the *Cat Regulations 2012*;
 - (b) a refuge of the RSPCA or Cat Haven; or
 - (c) a veterinary clinic or veterinary hospital.

- (3) For the purpose of calculating the number of cats at a premises pursuant to subclause (1), cats under 6 months of age are not to be included.

2.2 Application for permit

- (1) Applications to the local government for a permit to be issued pursuant to clause 2.1(1) are to be —
 - (a) made in writing in a form approved by the local government;
 - (b) made by the occupier of the premises for which the permit is sought;
 - (c) where the applicant is not the owner of the premises, an application must include the written consent of all property owners; and
 - (c) be accompanied by such fee as may be determined by the local government.
- (2) In determining an application for a permit pursuant to subclause (1) the local government may consider such matters as it deems appropriate and may request the applicant —
 - (a) consult with nearby landowners and/or occupiers;
 - (b) advise nearby landowners and/or occupiers that they may make submissions to the local government on the application for a permit within 14 days of receiving that advice, before determining the application for the permit; or
 - (c) provide such further or other information as deemed necessary in order for it to make a determination.

2.3 Decision on application

- (1) Upon receiving an application for a permit pursuant to clause 2.2(1), the local government may —
 - (a) approve the application for a permit subject to the conditions specified at clause 2.4(1); or
 - (c) refuse the application for a permit.
- (2) If the local government approves an application under subclause (1), it shall issue a permit to the applicant in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1), it shall advise the applicant accordingly in writing as to the reasons why it was not granted.

2.4 Conditions

- (1) Every permit issued by the local government pursuant to clause 2.2(1) are subject to the following conditions —
 - (a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act;
 - (b) each cat shall be contained on the premises unless under the effective control of a person;
 - (c) the permit holder will provide adequate space for the exercise of the cats;
 - (d) the premises shall be maintained in good order and in a clean and sanitary condition;

- (e) persons undertaking the breeding of cats are to keep records of purchases/transfer of kittens for two years (including details of the buyer's name, address and the microchip number);
 - (f) premises may be inspected by the local government; and
 - (g) such further conditions as the local government considers appropriate, including but not limited to the maximum number of cats permitted to be kept at the premises.
- (2) The holder of a permit issued by the local government pursuant to clause 2.2(1) shall comply with all conditions specified by the local government in relation to such permit.
 - (3) The local government may revoke a permit in the event the permit holder fails to comply with a condition stipulated in a permit issued.

2.5 Duration of a permit

Unless otherwise specified in a condition on a permit, a permit commences on the date of issue and expires —

- (a) upon revoking by the local government; or
- (b) upon the permit holder ceasing to reside at the premises to which the permit relates.

2.6 Permit not transferable

A permit is not transferrable either in relation to the permit holder or the premises.

2.7 Permit to be kept at premises and available for view

- (1) A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand.

PART 3 — CONTROL OF CATS

3.1 Cats wandering

- (1) A cat shall not be in a public place unless the cat is under effective control.
- (2) A cat shall not be in a place that is not a public place without the consent of the owner or occupier.
- (3) If a cat is at any time in contravention of clause 3.1(1) or 3.1(2) —
 - (a) the person liable for the control of such cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

3.2 Cat creating a nuisance

- (1) The person liable for the control of a cat shall prevent the cat from creating a nuisance.
- (2) For the purpose of subclause (1), the term nuisance includes —

- (a) an activity or condition which causes an unreasonable interference with the use and enjoyment of a person in their ownership or occupation of land; or
 - (b) interference which causes material damage to land or other property on the land affected by the interference.
- (3) Where, in the opinion of an authorised person, a cat is creating a nuisance, the local government may give written notice to a person liable for the control of such cat requiring that person to abate the nuisance within the timeframe specified in such notice.
- (4) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice or until the local government withdraws the notice.
- (5) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

PART 4 — FEES, CHARGES AND COSTS

4.1 Fees, charges and costs

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995* —

- (a) the charges to be levied under section 31(1)(a) of the Act relating to the removing and impounding of a cat;
- (b) the charges to be levied under section 31(1)(b) of the Act relating to keeping and caring for a cat;
- (c) the costs incurred by the operator of a cat management facility under section 31(1)(c) of the Act for the microchipping of a cat prior to release if so required under section 33 of the Act;
- (d) the cost incurred by the operator of a cat management facility under section 31(1)(d) of the Act for the sterilisation of a cat if so required under section 33 of the Act; and
- (e) the costs of the destruction and the disposal of a cat under section 34 of the Act.

PART 5 — ENFORCEMENT

5.1 Penalties

- (1) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable to a maximum penalty of not less than \$200 and not exceeding \$1,000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

5.2 Prescribed offences

- (1) An offence against any provision of this local law is a prescribed offence for the purposes of section 62(1) of the Act.

- (2) The amount appearing in the final column of Schedule 1, directly opposite a prescribed offence in that Schedule, is the modified penalty for that prescribed offence.
- (3) For the purposes of guidance only, before issuing an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that:
 - (a) the commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

5.3 Form of notices

- (1) The form of an infringement notice is Form 6 in the *Cat Regulations 2012*, Schedule 1.
- (2) The form of withdrawal of the infringement notice is Form 7 in the *Cat Regulations 2012*, Schedule 1.

5.4 Serving of infringement notices

An infringement notice served under section 62 of the Act or this local law may be given to a person by way of the following:

- (a) personally;
- (b) by registered mail addressed to the person; or
- (c) by leaving it for the person at her or his last known postal address.

Schedule 1
Prescribed Offences

[clause 8.2(2)]

Item No	Offence	Nature of offence	Modified penalty \$
1	2.1(1)	Exceeding maximum number of cats at a premises	200
2	2.4(2)	Failure to comply with a permit condition	200
3	3.1	Cat wandering	200
4	3.2(1)	Cat causing a nuisance	200
5	3.2(5)	Failure to comply with a notice	200

Dated this _____ day of _____ 2021

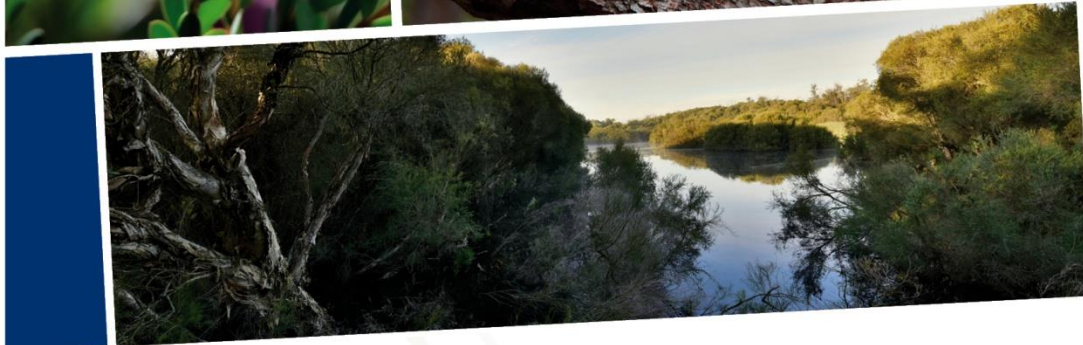
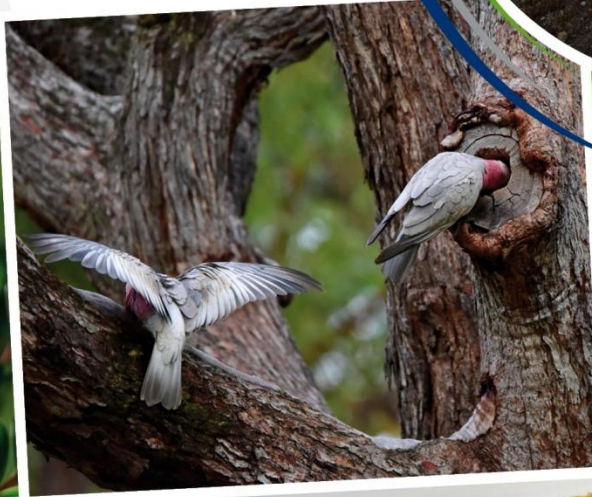
The Common Seal of the)
City of Kwinana was hereunto)
affixed in the presence of :)

Carol Adams
Mayor

Wayne Jack
Chief Executive Officer

City of Kwinana

Proposed Cat Local Law 2021



PROPOSED CAT LOCAL LAW 2021

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**Cat Act 2011
Local Government Act 1995**

City of Kwinana

PROPOSED CAT LOCAL LAW 2021

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Kwinana resolved on [date] to adopt the following local law.

PART 1 — PRELIMINARY

1.1 Citation

This Local Law may be cited as the *City of Kwinana Cat Local Law 2021*.

1.2 Definitions

(1) In this local law unless the context requires otherwise —

~~**abandon** means to cease to look after;~~

Act means the *Cat Act 2011*;

applicant means the occupier of the premises who makes an application for a permit under this local law;

authorised person has the same meaning as in the Act;

cat has the same meaning as in the Act;

cat management facility has the same meaning as in the Act;

Cat Haven means the Cat Welfare Society Inc., trading as “Cat Haven”;

cattery means a facility where two (2) or more cats are kept, bred, boarded, housed or trained temporarily, whether for profit or otherwise, and where the occupier of the premises is not the ordinary person liable for the control of ~~the~~such cats;

CEO means the Chief Executive Officer of the local government;

Council means the Council of the local government;

district means the district of the local government;

effective control in relation to a cat means any of the following methods—

(a) held by a person who is capable of controlling the cat;

(b) securely tethered;

(c) secured in a cage;

(d) any other means of preventing escape;

local government means the City of Kwinana;

owner in relation to a cat has the same meaning as in the Act;

permit means a permit issued by the local government under this local law;

permit holder means a person who holds a valid permit issued by the local government under this local law;

person liable for the control of means each of the following in relation to a cat —

- (a) the registered owner of the cat; or
- (b) the owner of the cat; or
- (c) the occupier of any premises where the cat is ordinarily kept or ordinarily permitted to live; or
- (d) a person who has the cat in their possession or under their control, but does not include a registered veterinary surgeon, or a person acting on their behalf, in the course of their professional practice;

premises has the same meaning as in the Act;

prescribed means prescribed under regulations made under the Act;

RSPCA means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

Schedule means a schedule to this local law;

veterinary clinic has the meaning given to it in the *Veterinary Surgeons Act 1960*; and

veterinary hospital has the meaning given to it in the *Veterinary Surgeons Act 1960*.

1.3 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.4 Application

This local law applies throughout the district.

PART 2 — KEEPING OF CATS

2.1 Limit on number of cats

- (1) Subject to subclause (2), a person shall not:
 - (a) keep more than two (2) cats at a premises at one time; or
 - (b) operate a cattery or cat management facility without a valid permit issued by the local government.
- (2) Subclause (1) does not apply to the following:
 - (a) a cattery or cat management facility operated by either:
 - (i) the local government; or
 - (ii) a person or body prescribed by the *Cat Regulations 2012*;
 - (b) a refuge of the RSPCA or Cat Haven; or

- (c) a veterinary clinic or veterinary hospital.
- (3) For the purpose of calculating the number of cats at a premises pursuant to subclause (1), cats under 6 months of age are not to be included.

2.2 Application for permit

- (1) Applications to the local government for a permit to be issued pursuant to clause 2.1(1) are to be —
 - (a) made in writing in a form approved by the local government;
 - (b) made by the occupier of the premises for which the permit is sought;
 - (c) where the applicant is not the owner of the premises, an application must include the written consent of all property owners; and
 - (c) be accompanied by such fee as may be determined by the local government.
- (2) In determining an application for a permit pursuant to subclause (1) the local government may consider such matters as it deems appropriate and may request the applicant —
 - (a) consult with nearby landowners and/or occupiers;
 - (b) advise nearby landowners and/or occupiers that they may make submissions to the local government on the application for a permit within 14 days of receiving that advice, before determining the application for the permit; or
 - (c) provide such further or other information as deemed necessary in order for it to make a determination.

2.3 Decision on application

- (1) Upon receiving an application for a permit pursuant to clause 2.2(1), the local government may —
 - (a) approve the application for a permit subject to the conditions specified at clause 2.4(1); or
 - (c) refuse the application for a permit.
- (2) If the local government approves an application under subclause (1), it shall issue a permit to the applicant in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1), it shall advise the applicant accordingly in writing as to the reasons why it was not granted.

2.4 Conditions

- (1) Every permit issued by the local government pursuant to clause 2.2(1) are subject to the following conditions —
 - (a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act;
 - (b) each cat shall be contained on the premises unless under the effective control of a person;
 - (c) the permit holder will provide adequate space for the exercise of the cats;

- (d) the premises shall be maintained in good order and in a clean and sanitary condition;
 - (e) persons undertaking the breeding of cats are to keep records of purchases/transfer of kittens for two years (including details of the buyer's name, address and the microchip number);
 - (f) premises may be inspected by the local government; and
 - (g) such further conditions as the local government considers appropriate, including but not limited to the maximum number of cats permitted to be kept at the premises.
- (2) The holder of a permit issued by the local government pursuant to clause 2.2(1) shall comply with all conditions specified by the local government in relation to such permit.
 - (3) The local government may revoke a permit in the event the permit holder fails to comply with a condition stipulated in a permit issued.

2.5 Duration of a permit

Unless otherwise specified in a condition on a permit, a permit commences on the date of issue and expires —

- (a) upon revoking by the local government; or
- (b) upon the permit holder ceasing to reside at the premises to which the permit relates.

2.6 Permit not transferable

A permit is not transferrable either in relation to the permit holder or the premises.

2.7 Permit to be kept at premises and available for view

- (1) A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand.

PART 3 — ~~ABANDONMENT~~CONTROL OF CATS

3.1 ~~Abandonment of cats~~Cats wandering

- (1) ~~An~~A cat shall not be in a public place unless the cat is under effective control.
- (2) A cat shall not be in a place that is not a public place without the consent of the owner ~~of a cat, or occupier.~~
- (3) If a cat is at any ~~other~~time in contravention of clause 3.1(1) or 3.1(2) —
- (a) the person liable for the control of ~~a cat, shall not abandon~~ such cat.
- (2) ~~For the purposes of subsection (1), delivering a cat into the custody of~~ commits an offence; and
- (b) an authorised person ~~shall not~~may seize and impound the cat and deal with the cat pursuant to ~~be regarded as having abandoned a cat~~the Act.

PART 4 — NUISANCE CATS

4.13.2 Cat creating a nuisance

- (1) The person liable for the control of a cat shall prevent the cat from creating a nuisance ~~to another person or exposing another person to health and/or safety risks.~~
- (2) For the purpose of subclause (1), the term nuisance includes —
 - (a) an activity or condition which causes an unreasonable interference with the use and enjoyment of a person in their ownership or occupation of land; or
 - (b) interference which causes material damage to land or other property on the land affected by the interference.
- (3) Where, in the opinion of an authorised person, a cat is creating a nuisance, the local government may give written notice to a person liable for the control of such cat requiring that person to abate the nuisance within the timeframe specified in such notice.
- (4) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice or until the local government withdraws the notice.
- (5) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.
- ~~(6) An authorised officer may seize any cat pursuant to section 27 of the Act for non-compliance by a person liable for the control of a cat with the requirements of a notice issued pursuant to subclause (3).~~

PART 5 — CONTROL OF CATS ON PRIVATE PROPERTIES

5.1 — Cats to be confined

- ~~(1) An occupier of a premises on which a cat is kept must —~~
 - ~~(a) cause the premises on which the cat is kept to be fenced in a manner capable of confining the cat;~~
 - ~~(b) ensure the fence or enclosure used to confine the cat and every gate or door in the fence or enclosure is of a type, height and construction which having regard to the breed, age, size and physical condition of the cat is capable of preventing the cat at all times from passing over, under or through it;~~
 - ~~(c) ensure that every gate or door in the fence or enclosure is kept closed at all times when the cat is on the premises (unless the gate is temporarily opened in a manner that ensures that the cat remains confined) and is fitted with:~~
 - ~~(i) an efficient self-closing mechanism;~~
 - ~~(ii) an efficient self-latching mechanism attached to the inside of the gate or door; and~~

- (iii) ~~a mechanism which enables the gate or door to be permanently locked;~~
- (d) ~~maintain the fence or enclosure and all gates and doors in the fence or enclosure in good order and condition; and~~
- (e) ~~where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises for effectively confining the cat within the premises.~~
- (2) ~~An occupier who fails to comply with subclause (1), commits an offence.~~
- (3) ~~Where a cat is not contained on a property, the local government may give written notice to person liable for the control of a cat, requiring that person to contain the cat on the property and within the timeframe specified in the notice.~~
- (4) ~~When a notice is issued to contain a cat on a property, the notice remain in force for the period specified on the notice or until the withdrawn by the local government.~~
- (5) ~~A person issued a notice to contain a cat on a property must comply with such notice within the time period specified on the notice.~~

~~PART 6 — DESTRUCTION OF CATS~~

~~6.1 — Destruction of cats~~

- (1) ~~An owner of a cat may request the local government to destroy the cat pursuant to section 49(1)(b) of the Act.~~
- (2) ~~Where an owner requests a cat be destroyed, the owner must —~~
 - (a) ~~complete and sign a form of authorisation showing:~~
 - ~~(i) the name and residential address of the owner making the request;~~
 - ~~(ii) a description of the cat including its breed, colour, sex and age;~~
 - ~~(iii) the reason for destruction; and~~
 - (b) ~~provide evidence to the satisfaction of the local government that the person making the request is the owner of the cat.~~
- (3) ~~The local government may charge an owner a fee in respect of the destruction of a cat under subclause (2) and the local government from time to time shall determine the fee.~~

~~PART 7 — FEES, CHARGES AND COSTS~~

~~7.1 Fees, charges and costs~~

The following are to be imposed and determined by the local government under sections 6.16 ~~to~~ 6.19 of the *Local Government Act 1995* —

- (a) the charges to be levied under section 31(1)(a) of the Act relating to the removing and impounding of a cat;

- (b) the charges to be levied under section 31(1)(b) of the Act relating to keeping and caring for a cat;
- (c) the costs incurred by the operator of a cat management facility under section 31(1)(c) of the Act for the microchipping of a cat prior to release if so required under section 33 of the Act;
- (d) the cost incurred by the operator of a cat management facility under section 31(1)(d) of the Act for the sterilisation of a cat if so required under section 33 of the Act; and
- (e) the costs of the destruction and the disposal of a cat under section 34 of the Act.

PART 85 — ENFORCEMENT

85.1 Penalties

- (1) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable to a maximum penalty of not less than \$200 and not exceeding \$1,000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

85.2 Prescribed offences

- (1) An offence against any provision of this local law is a prescribed offence for the purposes of section 62(1) of the Act.
- (2) The amount appearing in the final column of Schedule 1, directly opposite a prescribed offence in that Schedule, is the modified penalty for that prescribed offence.
- (3) For the purposes of guidance only, before issuing an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that:
 - (a) the commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

85.3 Form of notices

- (1) The form of an infringement notice is Form 6 in the *Cat Regulations 2012*, Schedule 1.
- (2) The form of withdrawal of the infringement notice is Form 7 in the *Cat Regulations 2012*, Schedule 1.

85.4 Serving of infringement notices

An infringement notice served under section 62 of the Act or this local law may be given to a person by way of the following:

- (a) personally;
- (b) by registered mail addressed to the person; or

- (c) by leaving it for the person at her or his last known postal address.

Schedule 1
Prescribed Offences

[clause 8.2(2)]

Item No	Offence	Nature of offence	Modified penalty \$
1	2.1(1)	Exceeding maximum number of cats at a premises	200
2	2.4(2)	Failure to comply with a permit condition	200
3	3.1(1)	Abandonment of a cat <u>Cat wandering</u>	200
4	4.1 <u>3.2</u> (1)	Cat causing a nuisance	200
5	4.1 <u>3.2</u> (5)	Failure to comply with a notice	200
6	5.1(2)	Failure to confine	200

Dated this _____ day of _____ 2021

The Common Seal of the)
City of Kwinana was hereunto)
affixed in the presence of :)

Carol Adams
Mayor

Wayne Jack
Chief Executive Officer

19 Notices of motions of which previous notice has been given

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

21 Late and urgent Business

Note: In accordance with Clauses 3.13 and 3.14 of Council's Standing Orders, only items resolved by Council to be Urgent Business will be considered.

COUNCIL DECISION

###

MOVED CR

SECONDED CR

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

22 Reports of Elected Members

23 Answers to questions which were taken on notice

23.1 Mr Len Walker, Bertram

Question taken on notice at the Ordinary Council Meeting held on 22 September 2021

Question 1

Why are parents being allowed to park dangerously on Kail Place and Trusty Way? They are totally ignoring the signs which the City of Kwinana erected several months ago. This is creating danger for children, and making access into and out of Kail Place by residents difficult - sometimes impossible - due to the indiscriminate parking.

Response

The Mayor took the question on notice.

Question 2

Who would be held responsible if an Emergency Service vehicle could not gain access eg Ambulance or Fire Engine etc?

Vehicles are being left with engines running and no one in the driver seat. Other vehicles are being parked on the verge at the left corner of Trusty Way and Price Parkway obliterating the view to the danger of Price Parkway traffic coming from the left. It is time for some action by rangers or other responsible officers to end this ongoing dangerous situation.

23 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE

Maybe a few fines for not obeying no standing signs would have an effect.

Response

The Mayor took the question on notice.

Further response from the City of Kwinana regarding the questions received from Mr Walker

The Director Development and Sustainability advised that the City's records indicate that 9 complaints have been received regarding school parking since 2011, from owners residing in Kail Place. That being said, over the last 18 months or so we have received 12 customer requests in regards to parking around the Bertram Primary School. Parking around the school, same with other schools, is an issue as people park everywhere, on footpaths, on corners and in areas not allowed.

Given the escalation of complaints in regards to school parking at school commencement, the City is now reviewing its school patrol program to consider all schools, and in doing so be more visible during drop off and pick up times. The patrol will have regard to our resources and the number of schools within the area. We will seek to set this up in time for the new semester.

In the meantime, City Assist Officers will head out this week to ensure that the cul de sac is clear and infringements issued as appropriate .

24 Mayoral Announcements

25 Confidential items

COUNCIL DECISION

###

MOVED CR

SECONDED CR

That, in accordance with Section 11.7 of the City of Kwinana *Standing Orders Local Law 2019*, Council move behind closed doors to allow discussion of the Confidential Items.

12.7 Office of the Auditor General (OAG) – Cyber Security Performance Audit

This report is confidential in accordance with Section 5.23(2)(e) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (e) a matter that if disclosed, would reveal –
 - (iii) information about the business, professional, commercial or financial affairs of a person

12.8 Update on OneCouncil Implementation Project

This report and its attachments are confidential in accordance with Section 5.23(2)(c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and**

26 Close of meeting