

# Ordinary Council Meeting

24 August 2022

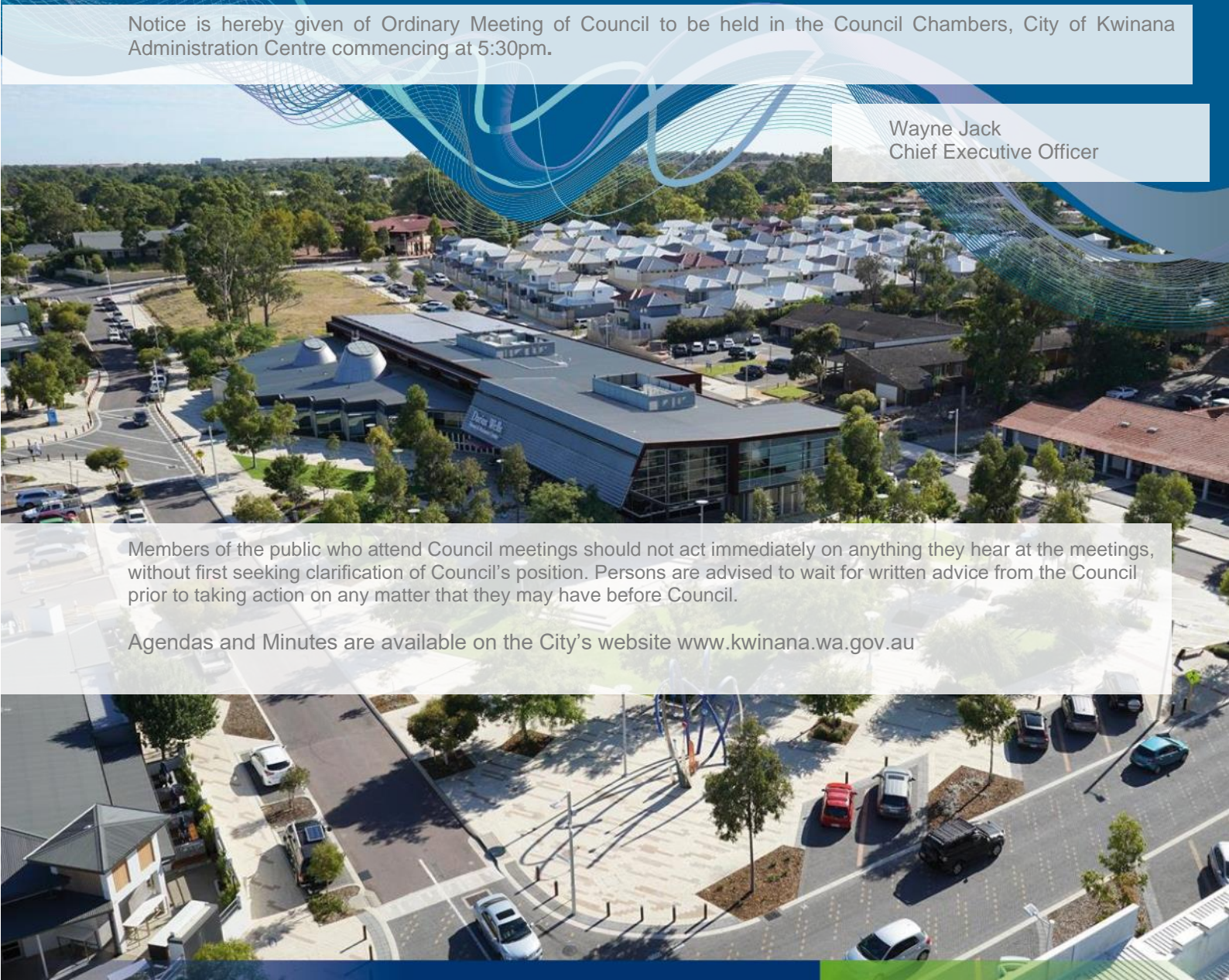
## Agenda

Notice is hereby given of 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](http://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.

Presiding Member to announce that the Ordinary Council Meeting is being live streamed and recorded in accordance with the City's Live streaming and Recording Council Meetings policy.

By being present at this meeting, members of the public consent to the City recording and livestreaming their image and/or voice.

## 2 WELCOME TO COUNTRY AND ACKNOWLEDGEMENT OF COUNTRY

### **COUNCILLOR BARRY WINMAR TO PRESENT THE WELCOME TO COUNTRY:**

*"NGULLAK NYINNINY KOORALONG KOORA NGULLAK NOITJ NIDJA NOONGAR BOODJAR. NOONGAR MOORT DJOORAPINY NYINNINY NIDJA NGULLA QUOPADOK NOONGAR BOODJAR KOORALONG.*

FROM THE BEGINNING OF TIME TO THE END, THIS IS NOONGAR COUNTRY. NOONGAR PEOPLE HAVE BEEN GRACEFUL KEEPERS OF OUR NATION FOR MANY, MANY YEARS.

*NGALLA DJOORAPINY MAAMBART BOODJAR NGALLAK BALA MAAMBART QUOP NGALLA KOORT DJOORAPINY NIDJA NGALLA MIA MIA NYINNINY NOONGAR BOODJAR.*

WE RESPECT THE EARTH OUR MOTHER AND UNDERSTAND THAT WE BELONG TO HER - SHE DOES NOT BELONG TO US. IN ALL HER BEAUTY, WE FIND COMFORT, WELLBEING, AND LIFE THAT CREATES A HOME FOR EVERYONE THAT HAS BECOME A KEEPER OF NOONGAR COUNTRY.

*DJINANGINY KATATJIN DJOORAPINY NIDJA WEERN NOONGAR BOODJAR NGALLA MIA MIA BOORDA.*

LOOK, LISTEN, UNDERSTAND AND EMBRACE ALL THE ELEMENTS OF NOONGAR COUNTRY THAT IS FOREVER OUR HOME.

*KAYA WANDJU NGAANY BARRY WINMAR WADJUK BALLARDONG MAAMAN NGAANY KOORT DJOORPINY NOONOOK NIDJA NOONGAR BOODJAR DAADJALING WAANKGANINY NOITJ NOONGAR BOODJAR.*

HELLO AND WELCOME MY NAME IS BARRY WINMAR AND I AM A WHADJUK BALLARDONG MAN MY HEART IS HAPPY AS WE ARE GATHERED ON NOONGAR COUNTRY AND SPEAKING HERE ON NOONGAR 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 B Winmar from 15 August 2022 to 28 August 2022 inclusive.

### 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 –

- be addressed to the Mayor;
- be made by electors of the district;
- state the request on each page of the petition;
- contain at least five names, addresses and signatures of electors making the request;
- contain a summary of the reasons for the request;
- state the name of the person to whom, and an address at which, notice to the petitioners can be given; and
- 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 –

- that the petition be received;
- that the petition be rejected; or
- 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:

- 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.
- setting out the agenda item to which the deputation relates;
- whether the deputation is supporting or opposing the officer's or committee's recommendation; and
- 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 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 10 AUGUST 2022**

#### **RECOMMENDATION**

**That the Minutes of the Ordinary Council Meeting held on 10 August 2022 be confirmed as a true and correct record of the meeting.**

**7.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 17 AUGUST 2022****RECOMMENDATION**

That the Minutes of the Special Council Meeting held on 17 August 2022 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 —

in a written notice given to the CEO before the meeting; or  
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 —

before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and  
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****10 ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY****11 ANY BUSINESS LEFT OVER FROM PREVIOUS MEETING**

Nil

**12 RECOMMENDATIONS OF COMMITTEES**

Nil

**13 ENBLOC REPORTS****14 REPORTS – COMMUNITY**

Nil

**15      REPORTS – ECONOMIC**

Nil

**16      REPORTS – NATURAL ENVIRONMENT**

Nil

**17      REPORTS – BUILT INFRASTRUCTURE**

Nil



**18 REPORTS – CIVIC LEADERSHIP**

**18.1 ACCOUNTS FOR PAYMENT FOR THE MONTH ENDED 31 JULY 2022**

**SUMMARY**

The purpose of this report is to present to Council a list of accounts paid under delegated authority for the month ended 31 July 2022, as required by the *Local Government (Financial Management) Regulations 1996*.

**OFFICER RECOMMENDATION**

**That Council:**

1. **Accepts the list of accounts, totalling \$6,293,231.63, paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 31 July 2022, as detailed within Attachment A.**
2. **Accepts the detailed transaction listing of credit card expenditure paid for the period ended 31 July 2022, as detailed within Attachment B.**

**DISCUSSION**

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* a list of accounts paid is to be provided to Council, where such delegation is made.

The following table summarises the payments for the period by payment type, with full details of the accounts paid contained within Attachment A.

<b>Payment Type</b>	<b>Amount (\$)</b>
Automatic Payment Deductions	\$ 79,188.71
Cheque Payments #000002	\$ 36,796.05
EFT Payments	\$ 4,827,838.37
Payroll Payments	\$ 1,349,408.50
<b>Total Attachment A</b>	<b>\$ 6,293,231.63</b>

Contained within Attachment B is a detailed transaction listing of credit card expenditure paid for the period ended 31 July 2022. This amount is included within the total payments, listed above.

**STRATEGIC IMPLICATIONS**

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

Strategic Community Plan			
Outcome	Strategic Objective	Action in CBP (if applicable)	How does this proposal achieve the outcomes and strategic objectives?
5 – Visionary leadership dedicated to acting for its community	5.1 – Model accountable and ethical governance, strengthening trust with the community	N/A – There is no specific action in the CBP, yet this report will help achieve the indicated outcomes and strategic objectives	Transparent reporting of financial information

**SOCIAL IMPLICATIONS**

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

**LEGAL/POLICY IMPLICATIONS**

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

13. *Payments from municipal fund or trust fund by CEO, CEO’s duties as to etc.*
- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
- (a) *the payee’s name; and*
  - (b) *the amount of the payment; and*
  - (c) *the date of the payment; and*
  - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing*
- (a) *for each account which requires council authorisation in that month —*
    - (i) *the payee’s name; and*
    - (ii) *the amount of the payment; and*
    - (iii) *sufficient information to identify the transaction; and*
  - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under subregulation (1) or (2) is to be —*
- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - (b) *recorded in the minutes of that meeting.*

**FINANCIAL/BUDGET IMPLICATIONS**

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

### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications that have been identified 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.

### **COMMUNITY ENGAGEMENT**

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

### **ATTACHMENTS**

- A. **Payment Listing Report July 2022** [↓](#)
- B. **Credit Card Transaction Report July 2022** [↓](#)



## Payment Listing

Payments made between 01-Jul-2022 and 31-Jul-2022

Payee	Invoice	Description	Amount
<b>Cheques</b>			
<b>Cheques 27-Jul-2022</b>			
Department of Transport	B9816-22/23	Fleet registration annual 2022/2023	36,796.05
<b>Total Cheques</b>			<b>36,796.05</b>
<b>EFT</b>			
<b>EFT 05-Jul-2022</b>			
ABCO Products	INV806479	Hand sanitiser and foam soap	388.46
Ohura Consulting	INV-0252	IR Support in June 2021	400.00
Aaron Thomas	504	Music performance Medina Markets	750.00
<b>EFT 06-Jul-2022</b>			
Bright Futures Family Day Car	280622 TO 030722	FDC Payroll 280622 to 030722	31,290.48
Bright Futures In Home Care -	280622 TO 030722	IHC Payroll 280622 to 030722	9,810.36
<b>EFT 07-Jul-2022</b>			
Telstra	K447003190-9	Internet and data	2,491.62
MRP General Pest/Termite Di	110940	Pest control City Operations	139.00
Mackie Plumbing and Gas Pty	1103368	Banksia V7 water leak repairs	893.50
Sundry EFT	A25609	Wellard Residential Pty Ltd	270.01
Sundry EFT	A18448	Phillip Stevens	190.00
Sundry EFT	A2587	LWP Wellard Pty Ltd	270.01
Sundry EFT	A19166	Blake Rookledge	114.29
Sundry EFT	A8634	Ian Whalen & Lynn Whalen	2,342.31
Sundry EFT	A2709	Terrence Carpenter	596.12
Sundry EFT	A4513	Emma Reitsema	395.59
Sundry EFT	A18532	Mark Peter Hollow	593.63
Sundry EFT	A1945	Daniel Francis	331.75
Sundry EFT	A8830	Geoffrey Alan Hovey	80.17
Sundry EFT	A4514	Emma Reitsema	409.91
Sundry EFT	100002	Sienna Properties Pty Ltd	14,456.73
<b>EFT 13-Jul-2022</b>			
Bright Futures Family Day Car	040722 TO 100722	FDC Payroll 040722 to 100722	32,413.94
Bright Futures In Home Care -	040722 TO 100722	IHC Payroll 040722 to 100722	9,737.75
<b>EFT 14-Jul-2022</b>			
Australian Taxation Office	KWINANA 01/07/2022	PAYG tax withheld	1,466.00
Australian Taxation Office	KWINANA 01/07/2022	PAYG tax withheld	128.00
Australian Taxation Office	KWINANA 07/07/2022	PAYG tax withheld	298.00
Australian Taxation Office	KWINANA 10/07/2022	PAYG tax withheld	197,588.00
Australian Taxation Office	KWINANA 10/07/2022	PAYG tax withheld	1,148.00
Australian Taxation Office	KWINANA 10/07/2022	PAYG tax withheld	6,148.00
LGRCEU	100027		418.27
Australian Services Union	KWINANA 10/07/2022	Aust Service Union F/T	225.48
Australian Services Union	KWINANA 10/07/2022	Aust Service Union P/T	71.70
Child Support Agency	KWINANA 10/07/2022	Child Support Agency	640.90
City of Kwinana - Xmas fund	KWINANA 10/07/2022	Christmas Saver	7,173.36
Health Insurance Fund of WA	KWINANA 10/07/2022	Health Insurance Fund of WA (HIF)	765.95
Maxxia Pty Ltd	100329020220630	Net ITC for June 2022	280.95
Maxxia Pty Ltd	KWINANA 10/07/2022	Novated Lease (Maxxia) - Pre Tax	1,275.23
Maxxia Pty Ltd	KWINANA 10/07/2022	Novated Lease (Maxxia)	1,082.24
Carol Elizabeth Adams	13JULY2022-CLAIM	Reimbursement of expenses	85.93
Telstra	1355246271-27JUN22	Mobile device whole organisation Jun 22	9,937.22
Water Corporation of Western	9000334597JUL22	Feilman Building fire service	351.31
Water Corporation of Western	9022182969JUL22	Calista Public toilet	240.16
Water Corporation of Western	9000294409JUL22	Leda Hall	335.04
Water Corporation of Western	9000295305JUL22	Sloans Cottage	857.30
Synergy	2009580091	Medina Centre Reserve	120.88
Synergy	2073557496	Thomas Oval Pavilion Lights	920.40
Synergy	2081559553	Sulphur Road bore	166.16
Synergy	2097534841	Thomas Oval Pavilion (NRL)	509.84
Synergy	2037568083	Bertram Road bore	116.51
Synergy	2045564215	Casuarina/Wellard fire station/hall/bore	802.34
Synergy	2081560611	Gemstone/Johnson entry statement light	107.04
Synergy	2037567936	Lambeth Park	582.81
Synergy	2081560609	Gemstone Parade bore	156.43
Synergy	2081560610	Johnson Road entry statement lighting	40.07
Synergy	2053561924	Bertram Oval	374.34
Synergy	2053561882	Nye Way retic	220.89
Synergy	2081561926	Decorative lighting	2,824.32
Synergy	2021580027	Industrial s/scapes Kwinana Beach	129.34



## Payment Listing

Payments made between 01-Jul-2022 and 31-Jul-2022

Payee	Invoice	Description	Amount
Synergy	2081560987	Malden Park BBQs	111.58
Synergy	2085558436	Gawler Way	116.90
Synergy	2009580312	Gilmore Ave pump 2 (near Thomas)	232.20
Synergy	2041566853	Medina Oval changerooms	365.97
Synergy	2017581475	Bright Futures	541.07
Synergy	2017581484	Smirks Cottage	266.48
Synergy	2077562663	Harley Way carpark lighting	413.23
Synergy	2021579904	Medina Oval	504.68
Synergy	2005579353	Millar Road fire pump for water tanker	107.64
Synergy	2017582823	Street lighting	123,004.94
Synergy	2069559091	Thomas Road pump 2	231.55
Synergy	2069559041	Gilmore Ave pump 1 (near Thomas)	209.21
Synergy	2029570419	Oakley Hollow	110.74
Synergy	2017585209	Gilmore Ave retic	227.19
Synergy	2033582228	Banksia Park Clubhouse	399.14
Synergy	2029572908	Sandringham Park	302.45
Synergy	2097537861	Apex Park BBQ	123.71
Synergy	2009582071	Little Rascals	385.09
Synergy	2021582566	Rutherford Park	122.23
Synergy	2089556221	Bertram Community Centre	1,001.43
Synergy	2057566352	Price Parkway bore	123.28
Synergy	2093554884	Price Parkway flood lights	118.73
Synergy	2009581984	Wellard Community Centre	1,192.94
Synergy	2001609942	Bertram Park	139.07
Synergy	2033584405	Harrison Way	110.94
Synergy	2069563754	Depot	1,738.46
Synergy	2069563120	Kwinana Adventure Park	1,664.30
Synergy	2037571809	Millbrook Ave bore	27.59
Synergy	2053564626	Ridley Park	21.42
Synergy	2097539193	Borthwick Park retic	114.70
Synergy	2049572987	The Zone	4,599.95
Synergy	2069562898	Incubator	1,617.51
Synergy	2017585406	New Thomas Oval Pavilion (Thomas Kelly)	2,392.69
Synergy	2033583211	Darius Wells Library/Resource Centre	14,680.48
Synergy	2081564188	Recquatic	25,457.48
Synergy	2069560787	Smirks Museum	136.39
Synergy	2009583262	Rhodes Park	289.26
Local Community Insurance S	062-212729KWINA	2022/20223 Marine Cargo Insurance	275.00
OneMusic Australia	258630	Music licencing fees 22/23	7,794.85
Kleenheat	5441029	Gas for various locations	8,060.70
Royal Life Saving Society - Au	00023335	GSPO online subscription	99.00
Sundry EFT	A11881	Trevor Henry & Delene Henry	202.34
Sundry EFT	07JULY2022	Luke Micallef	300.00
Sundry EFT	07JULY2022	Joy Proby	400.00
Sundry EFT	07JULY2022	Toni Battle	200.00
Sundry EFT	100003	BNI Kwinana Elite	300.00
Sundry EFT	71758	Woolworths Group Ltd	75.00
<b>EFT 19-Jul-2022</b>			
Lo-Go Appointments	426030	426030	2,285.17
Lo-Go Appointments	426028	426028	2,352.57
Lo-Go Appointments	426031	426031	1,893.19
Lo-Go Appointments	426029	426029	919.48
Astro Synthetic Surfaces Pty L	1197	1197	13,673.00
Kwinana Wolves Sports Club	1	1	1,500.00
Remi Lane	20220615-001-01	20220615-001-01	1,000.00
Sexual Health Quarters	SINV25011	SINV25011	660.00
TAFE NSW	9000103009	9000103009	1,650.00
RSPCA WA	30-JUN-22	30-Jun-22	550.00
Clever Design Uniforms	30012	30012	594.60
Allcom Communications	31936	31936	119.35
The Food Bazaar	12	12	200.00
Rivulet Landscapes	832-833	832-833	1,000.00
Ballout Training	INV0002	INV0002	2,250.00
Environmental Industries	C37319	C37319	45,089.72
Environmental Industries	C37320	C37320	32,765.01
Metropolitan Appliance Serv	407707	407707	502.98
Perth Zoo	30059916	30059916	66.00
The Royal WA Historical Socie	INV-1184	INV-1184	25.00
GHD Pty Ltd	112-0129275	112-0129275	5,610.00





































## 18.2 REPEAL TOWN OF KWINANA BY-LAW RELATING TO SIGNS AND BILL POSTING

### SUMMARY

As part of efforts to support local businesses, the City aims to reduce 'red tape' where possible. This includes eliminating the need for unnecessary and low risk approvals from the City.

On 27 April 2022, Council resolved to give public notice of the proposed City of Kwinana Repeal Local Law 2022. This local law is intended to revoke the redundant Town of Kwinana By-law Relating to Signs and Bill Posting gazetted on 13 May 1983.

Public comment was sought from 18 May to 22 July 2022. No comments were received in this time. Copies of the proposed law were also provided to the relevant Ministers and State Government Departments, with no suggested amendments.

The Repeal Local Law 2022 at Attachment A is therefore recommended for adoption by Council without amendment.

### OFFICER RECOMMENDATION

**That Council:**

1. **Resolve that the Presiding Member reads aloud the City of Kwinana Repeal Local Law 2022 purpose and effect:**
  - (a) **The purpose of the local law is to repeal an obsolete by-law.**
  - (b) **The effect of the proposed law is to repeal the Town of Kwinana By-law Relating to Signs and Bill Posting as published in the Government Gazette on 13 May 1983**
2. **Adopt the City of Kwinana Repeal Local Law 2022 at Attachment A.**
3. **Cause the City of Kwinana Repeal Local Law 2022 to be published in the Government Gazette and provide a local public notice stating the purpose and effect of the local law, when the local law will come into operation and that copies are available for public inspection, and**
4. **Authorise the Chief Executive Officer and Mayor to complete and then sign the Explanatory Memorandum and Statutory Procedures Checklist of the process used for the adoption of the local law.**

### VOTING REQUIREMENT

Absolute Majority.

### DISCUSSION

Pursuant to section 3.12(3) of the *Local Government Act 1995*, Council resolved on 27 April 2022 to give public notice seeking public submissions on the proposed local law.

Public notice was placed in both the West Australian and Sound Telegraph on 18 May 2022.

Public submissions closed 22 July 2022. No submissions were received.

A copy of the proposed local law was sent to the Minister for Local Government and Minister for Planning. A copy was also sent to the Department of Local Government, Sport and Cultural Industries ('DLGSC') and Department of Planning, Lands and Heritage.

The Minister for Planning considered the matter fell under the responsibility for the Minister for Local Government and had no comment. The DLGSC considered the proposed law and noted no drafting or legal issues.

The Repeal Local Law 2022, as it is proposed to published in the Government Gazette, is shown at Attachment A for Council endorsement. Any amendments to the proposed law that are not minor in nature require public submissions to be sought again.

The law will come into effect 14 days after publication in the Government Gazette. Public notice is to be given of the law. Copies are to be provided to relevant Ministers, as well as the Joint Standing Committee on Delegated legislation.

### STRATEGIC IMPLICATIONS

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

Strategic Community Plan			
Outcome	Strategic Objective	Action in CBP (if applicable)	How does this proposal achieve the outcomes and strategic objectives?
2 – 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	2.1.5 – Develop a Small Business Friendly Approval System	By reducing red tape for signage, the City is supporting small business within the district.

### SOCIAL IMPLICATIONS

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

### LEGAL/POLICY IMPLICATIONS

Section 3.12 of the Act:

**3.12. Procedure for making local laws**

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
  - (a) *give Statewide public notice stating that —*
    - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
    - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*

- (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
- (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection*
- (3) *is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*
- \* Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
- (a) *stating the title of the local law; and*
- (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
- (c) *advising that copies of the local law may be inspected or obtained from the local government’s office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section — making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

## **FINANCIAL/BUDGET IMPLICATIONS**

Approximately \$1,000.00 for publication in the Gazette. A further \$450 to give local public notice via publication in the West Australian and South Telegraph.

## **ASSET MANAGEMENT IMPLICATIONS**

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

## **ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS**

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

## **COMMUNITY ENGAGEMENT**

Community engagement was completed as part of the local law process as outlined in this report.



**ATTACHMENTS**

- A. **City of Kwinana Signs Repeal Local Law 2022** [↓](#)



**18.3 AMENDMENT TO REGISTER OF DELEGATED AUTHORITY 2021/22**

**SUMMARY**

The *Local Government Act 1995* ('the Act'), City of Kwinana local laws as well as select other State Government legislation permit Council to delegate the exercise of their powers or the discharge of their duties to the CEO and officers. The Act requires that a register is maintained of all such delegations, which is to be reviewed at least once each financial year.

Council resolved to adopt the Register of Delegated Authority 2021/2022 ('Register') at its Ordinary Council Meeting of 22 June 2022. This Register incorporated significant changes intended to improve the layout and to ensure the Register appropriately met the needs of the City.

It is recommended that Council resolve to adopt amendments to the Register provided in Attachment A, for the purpose of correcting minor administrative errors. Further, it is recommended that Council resolve to permit further minor amendments to the Register which are minor in nature without the need for further consideration by Council.

**OFFICER RECOMMENDATION**

**That Council:**

1. **Adopt the amended Register of Delegated Authority 2021/2022 as detailed in Attachment A; and**
2. **Note that if minor amendments (limited to formatting, typographical errors and the like) to the Delegation Authority Register 2021/2022 are required these will be made administratively.**

**VOTING REQUIREMENT**

Absolute Majority.

**DISCUSSION**

At its Ordinary Meeting of 22 June 2022, Council undertook its yearly review of delegations and adopted the Register of Delegated Authority 2021/2022. Changes to the Register as detailed in **Attachment A** are now recommended for the purpose of correcting the following minor errors.

<b>Delegation Number &amp; description</b>	<b>Description of Amendment</b>
All	Add page numbering
Page 4, 5 and 6	Include the Contents table
1.1.19 – Recovery and actions against land where rates or service charges	Add the following function:  <b><i>Authority to represent the City in the recovery of rates or service charges, as well as to seek costs of proceedings for their recovery, in a court of competent jurisdiction [s.6.56(1)].</i></b>

<p>1.1.26 Make alternative arrangements for payment of rates and services charges</p>	<p>Amend the condition:</p> <ol style="list-style-type: none"> <li>1. Make arrangements with ratepayers wishing to make application for alternative instalment arrangements and extensions which will be completed within the current financial year;</li> </ol> <p>As follows:</p> <ol style="list-style-type: none"> <li>1. Make arrangements with ratepayers wishing to make application for alternative instalment arrangements and extensions which will be paid before the end of a 3 year term;</li> </ol>
<p>6.6.1 – Firearms Act 1973</p>	<p>Amend incorrect numbering from 6.6.18 to 6.6.1</p>

It was also identified that the reference number for Delegation 6.6.1 was incorrect, that the page numbers had been removed and a table of contents was requested to be added, due to these changes only being minor, it is recommended that Council note the recommendation that if any changes relating to minor amendments being, not of a substantive nature, and include grammatical and formatting changes (grammatical and formatting changes, such as reference changes arising from amendments to informing legislation and where they do not produce a new interpretation of the delegation, spelling mistakes and the format of the document), that these changes can be made administratively without being adopted by Council.

Sections 5.42 of the Act prescribes that Council may delegate certain powers and duties that they would ordinarily exercise to the CEO. Section 5.44 allows the CEO to delegate such powers to officers (with or without conditions).

Delegations by Council are an effective way to increase efficiency and improve customer satisfaction through prompt decision-making processes. Using the power of delegation appropriately assists local governments to efficiently deal with a wide range of operational matters that are minor, administrative in nature and potentially time consuming.

Council Resolution is only required for delegations directly to the CEO or officers by Council. For the purpose of simplicity, the City’s sub-delegations to officers are included in the register to ensure the delegations are detailed correctly. Pursuant to section 5.44 of the Act, the CEO is responsible for delegating (where appropriate) to any employee the exercise of the CEO’s powers or the discharge the CEO’s duties under that Act (other than the power of delegation). These sub-delegations to officer will be amended by the CEO from time to time according to organisational needs and do not require further Council Resolution.

**STRATEGIC IMPLICATIONS**

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

Strategic Community Plan			
Outcome	Strategic Objective	Action in CBP (if applicable)	How does this proposal achieve the outcomes and strategic objectives?
5 – Visionary leadership dedicated to acting for its community	5.1 – Model accountable and ethical governance, strengthening trust with the community	N/A – There is no specific action in the CBP, yet this report will help achieve the	In addition to ensuring compliance with legislated responsibilities, this

		indicated outcomes and strategic objectives	report assists the City in providing good governance and meeting the needs of the community.
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**SOCIAL IMPLICATIONS**

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

**LEGAL/POLICY IMPLICATIONS**

The Act provides as follows:

**5.42. Delegation of some powers and duties to CEO**

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
  - (a) this Act other than those referred to in section 5.43; or
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

\* Absolute majority required.

**1.43. Limits on delegations to CEO**

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

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

**s5.46. Register of, and records relevant to, delegations to CEO and employees**

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

**Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 10****c82. Delegations by local government**

- (1) *The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme other than this power of delegation.*
- (2) *A resolution referred to in subclause (1) must be by absolute majority of the council of the local government.*
- (3) *The delegation must be in writing and may be general or as otherwise provided in the instrument of delegation.*

**c83. Local government CEO may delegate powers**

- (1) *The local government CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's functions under this Scheme other than this power of delegation.*
- (2) *A delegation under this clause must be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *Subject to any conditions imposed by the local government on its delegation to the local government CEO under clause 82, this clause extends to a power or duty the exercise or discharge of which has been delegated by the local government to the CEO under that clause.*

**FINANCIAL/BUDGET IMPLICATIONS**

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

**ASSET MANAGEMENT IMPLICATIONS**

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

**ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS**

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

**COMMUNITY ENGAGEMENT**

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

**ATTACHMENTS**

- A. **Attachement A - Register of Delegations - 2022 - OCM - 24 August 2022** [↓](#)























































































































































































































































































































































































## **18.4 PROPOSED DISPOSITION BY WAY OF LEASE - COUNSEL ROOM 2 AND OFFICES 4-7 WITHIN "ZONE YOUTH CENTRE" LOT 109 (7) SKERNE ST KWINANA - THERAPY FOCUS**

### **SUMMARY**

Therapy Focus is a provider of disability services, specialising in individualised therapy. They employ more than 280 therapists across the Perth area.

Therapy Focus have leased offices 4 to 7 within the City's Zone Youth Centre since 2016. Since 2021, they have also occupied Counsel Room 2. The City has been requested to enter a new lease, with the current lease scheduled to expire August 2022. Therapy Focus seek to include Counsel Room 2 within the agreement.

Council approval is sought for the City to negotiate and enter into a new short-term lease agreement with Therapy Focus for an initial term of 1 year with a further 2 options to extend for 1 year, whilst the City assesses appropriate long-term use of the space.

### **OFFICER RECOMMENDATION**

**That Council authorise the Chief Executive Officer to:**

- 1. Give local public notice of the proposed disposition of Counsel Room 2 & offices 4 to 7 within the Zone Youth Centre located at 7 Skerne Way, Kwinana.**
- 2. Advertise the proposed rent of \$18,000 per annum as detailed in the valuation provided by McGee's Property on 10 June 2022.**
- 3. Subject to no objections received, authorise the Chief Executive Officer to negotiate and execute a lease agreement between the City of Kwinana and Therapy Focus in relation to Counsel Room 2 & offices 4 to 7 within the Zone Youth Centre.**

### **VOTING REQUIREMENT**

Absolute Majority.

### **DISCUSSION**

Therapy Focus is a not-for-profit organisation that delivers services to more than 2,000 children and adults with a range of disabilities under the WA Government Disability Services Commission and are a registered provider for the National Disability Insurance Scheme.

The City has been approached by Therapy Focus requesting a new lease arrangement over their existing office space within the Zone Youth Centre. Their original lease commenced 25 August 2016 and only extends to offices 4-7. However, any new lease will also incorporate Counsel Room 2 which has been utilised by the service since January 2021.

A market rental valuation has been carried out on the premises by McGee Property and was received on 10 June 2022. The market rental value, as detailed in the confidential attachment, has been determined to be \$18,000 (excluding GST and outgoings).

The City proposes an initial lease duration of only 1 year, with 2 further options to extend by a further year. This will allow the City time to assess the most appropriate long-term use of the space going forward.

**STRATEGIC IMPLICATIONS**

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

**SOCIAL IMPLICATIONS**

This proposal will support the achievement of the following social outcome/s, objective/s and strategic priorities detailed in the Social Strategy.

Social Strategy			
Social Outcome	Objective	Strategic Priority	How does this proposal achieve the social outcomes, objectives and strategic priorities?
5 – Caring and Supported	5.0 – Challenges to wellbeing are supported by a caring community	5.1 – Engage with at-risk community members proactively and connect them to relevant supports  5.2 – Support and provide programs and services to support community members facing barriers to their development and wellbeing  5.4 – Facilitate life-skills programs to develop independence and self-sufficiency	A well renown organisation locally available to those who require support, encouragement and are facing barriers within the community.

**LEGAL/POLICY IMPLICATIONS**

*Section 3.58 of the Local Government Act 1995* sets out the process for disposing of property, stating that a local government can dispose of property if, prior to disposing of said property, it gives local public notice of the proposed disposition and allowing 2 weeks submission period.

**FINANCIAL/BUDGET IMPLICATIONS**

Lease will provide an annual income of \$18,000 per annum plus GST and outgoings and all costs associated with the valuation and lease administration will be recouped.

**ASSET MANAGEMENT IMPLICATIONS**

As stated within the lease agreement.

### **ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS**

An additional health service located within the community.

### **COMMUNITY ENGAGEMENT**

The public advertising for community comment in relation to the services and location of the provider.

### **ATTACHMENTS**

- A. Valuation report - Therapy Focus - June 2022 - Confidential**
- B. Draft lease - Therapy Focus [↓](#)**





















































































**19 NOTICES OF MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**20 NOTICE 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.

**22 REPORTS OF ELECTED MEMBERS**

**23 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE**

NIL

**24 MAYORAL ANNOUNCEMENTS**

**25 CONFIDENTIAL ITEMS**

Nil

**26 CLOSE OF MEETING**