MINUTES
Corporate and Community Development Committee Meeting
Held on Tuesday 17 March 2015 at 4:00pm
City of Rockingham Boardroom
# City of Rockingham

**Corporate and Community Development Committee Meeting Minutes**

4:00pm Tuesday 17 March 2015

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<td>- CS-007/15 Adoption of the Leasing Policy</td>
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<td>- General Management Services</td>
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<td>- GMS-002/15 Amendment of Delegation to Commence Prosecutions <em>(Absolute Majority)</em></td>
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<td>- GMS-003/15 Ordinary Local Government Elections 2015 and Extraordinary Elections and Polls <em>(Absolute Majority)</em></td>
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<td>- Community Development</td>
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<td>- CD-006/15 Proposal to Develop a Closed Circuit Television (CCTV) Policy</td>
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<td>- CD-007/15 Sports Facilities Provision Policy</td>
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<td>- CD-008/15 Coastal Central Sporting Infrastructure Assessment</td>
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<td>13. Reports of Councillors</td>
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City of Rockingham  
Corporate and Community Development Committee Meeting Minutes  
Tuesday 17 March 2015 - Council Boardroom

1. **Declaration of Opening**

The Chairperson declared the Corporate and Community Development Committee Meeting open at 4:03pm, welcomed all present, and delivered the Acknowledgement of Country.

2. **Record of Attendance/Apologies/Approved Leave of Absence**

<table>
<thead>
<tr>
<th>2.1</th>
<th>Councillors</th>
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<tbody>
<tr>
<td></td>
<td>Cr Leigh Liley</td>
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<td>Cr Matthew Whitfield</td>
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<td>Cr Justin Smith</td>
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<td>Cr Barry Sammels (Mayor)</td>
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<td>Cr Joy Stewart</td>
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<tr>
<th>2.2</th>
<th>Executive</th>
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<td></td>
<td>Mr Andrew Hammond</td>
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<td>Mr John Pearson</td>
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<td>Mr John Woodhouse</td>
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<td>Mr Michael Holland</td>
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<td>Mr Ben Searcy</td>
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<td>Ms Karin Strachan</td>
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<td>Ms Vanisha Govender</td>
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<td></td>
<td>Mr Ashley Pittard</td>
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<td></td>
<td>Mrs Jillian Obiri-Boateng</td>
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<td>Mr Nick Brown</td>
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<td>Ms Jane Elton</td>
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<td>Ms Alison Oliver</td>
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<td>Mr Peter Melling</td>
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<td>Mr Peter Varris</td>
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<td>Ms Sue Langley</td>
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<td>Mrs Diane Zanre</td>
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<th>2.3</th>
<th>Members of the Gallery:</th>
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<tr>
<th>2.4</th>
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<th>2.5</th>
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3. **Responses to Previous Public Questions Taken on Notice**

Nil
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<tr>
<th>Section</th>
<th>Description</th>
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<td>4.</td>
<td><strong>Public Question Time</strong>&lt;br&gt;4:04pm The Chairperson invited members of the Public Gallery to ask questions. There were none.</td>
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<tr>
<td>5.</td>
<td><strong>Confirmation of Minutes of the Previous Meeting</strong>&lt;br&gt;Moved Cr J Smith, seconded Cr Sammels:&lt;br&gt;That Committee CONFIRM the Minutes of the Corporate and Community Development Committee Meeting held on 17 February 2015, as a true and accurate record. Committee Voting – 5/0</td>
</tr>
<tr>
<td>6.</td>
<td><strong>Matters Arising from the Previous Minutes</strong>&lt;br&gt;Nil</td>
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<tr>
<td>7.</td>
<td><strong>Announcement by the Presiding Person without Discussion</strong>&lt;br&gt;4:04pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.</td>
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<td>8.</td>
<td><strong>Declarations of Members and Officers Interests</strong>&lt;br&gt;4:04pm The Chairperson asked if there were any interests to declare. There were none.</td>
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<td>9.</td>
<td><strong>Petitions/Deputations/Presentations/Submissions</strong>&lt;br&gt;Nil</td>
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<td>10.</td>
<td><strong>Matters for which the Meeting may be Closed</strong>&lt;br&gt;Nil</td>
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</table>
| 11. | **Bulletin Items**<br>**Corporate and General Management Services Information Bulletin – March 2015**<br>**Corporate Services**<br>1. Corporate Services Team Overview<br>2. Human Resource Update<br>3. Project Status Reports<br>3.1 Retention and Disposal Project<br>3.2 Integrated team plan and risk management module<br>3.3 Mobile Computing – Infringements<br>3.4 Authority Mobile – Asset Management / Inspections<br>3.5 Purchasing Card Module<br>3.6 Online Application Lodgement System – RockinghamAnytime<br>3.7 Intranet Redevelopment<br>3.8 Closed-Circuit Television (CCTV) – Stage 2<br>3.9 Closed-Circuit Television (CCTV) – Stage 3<br>3.10 Service Management Processes<br>3.11 Replacement of DC1 and DC2 Servers and VMware Upgrade<br>3.12 Upgrade to System Centre Configuration Manager (SCCM)
3.13 Finalisation of Quality of Service (QOS) and IP Addressing
3.14 Redevelopment of Standard Operating Environment (SOE)
3.15 IntraMaps 8 Upgrade
3.16 Implement Radio Frequency Identification (RFID) Safety Bay Library
3.17 Integrate Security Access Control Systems
3.18 Implement DC1/DC2 configuration as per Business Continuity Plan requirements
3.19 WiFi – Main Administration
3.20 Bushfire Mitigation System Upgrade
4. Information Items
  4.1 List of Payments February 2015
  4.2 Rockingham Aquatic Centre
  4.3 Rockingham Child Care Service
  4.4 Autumn Centre
  4.5 Warnbro Community Recreation Centre
  4.6 Mike Barnett Sports Complex
  4.7 Aqua Jetty
  4.8 Gary Holland Community Centre
  4.9 Lease Management
  4.10 Facility Contract Management
Governance and Councillor Support
1. Governance and Councillor Support Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
  4.1 Global Friendship
  4.2 Freedom of Information (FOI) Requests
  4.3 National Sea Change Taskforce Newsletter
  4.4 Citizenships
Human Resources
1. Human Resources Team Overview
2. Human Resource Update
3. Project Status Reports
  3.1 Employee Wellness Programme
  3.2 Corporate Training Programme
  3.3 Leadership and Management Programme
  3.4 Values Programme
  3.5 Occupational Safety and Health Programme
  3.6 People with Disability Employment Project
  3.7 Online Learning Management Systems
  3.8 Health Surveillance Project
4. Information Items
  4.1 Recruitment and Onboarding
  4.2 Occupational Safety and Health Statistics
Strategy and Corporate Coordination
1. Strategy Coordination Team Overview
2. Human Resource Update
3. Project Status Reports
  3.1 Update of Climate Change Response Strategy and implementation of Key Actions
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<tr>
<th></th>
<th>3.2 Risk Management Training and Printing</th>
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<td></td>
<td>3.3 Community Engagement Framework</td>
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<td></td>
<td>3.4 Re-development of Strategic Community Plan</td>
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<td></td>
<td>3.5 Implementation and printing of 2015-2025 Strategic Community Plan</td>
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**4. Information Items**

4.1 Annual Customer Satisfaction Survey
4.2 Coordinating the development of a 10 year minor infrastructure plan
4.3 5th Generation Team Plans
4.4 Coordinating the implementation of a Development Contribution Scheme
4.5 City Scoreboard
4.6 Roll-out of Risk Analysis Framework
4.7 Social Media
4.8 Media Tracking
4.9 Other initiatives that the Strategy and Corporate Communications team is involved with

**Investment Attraction**

1. Investment Attraction Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Regional Leadership Forums
   3.2 Business Improvement District Feasibility
   3.3 City Centre Marketing Plan
   3.4 Online Forecasting Tool
4. Information Item
   4.1 Australian Property Institute Presentation
   4.2 Lot 3 Mandurah Road, Karnup – Land for Sale by Tender
   4.3 Dixon Road Flyer
   4.4 White Water Rafting Park
   4.5 Tyre Company
   4.6 2015-2017 Economic and Employment Lands Committee
   4.7 Sunday Times Article
   4.8 RKCC Long Table Lunch
   4.9 Australian Darts Championship & Pacific Masters
   4.10 Business News

**Legal Services & General Counsel**

1. Legal Services & General Counsel Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   Provision of Legal Advice
   4.1 Legal Advice – Local Government Operational Matters
   4.2 Documentation
   4.3 SAT (State Administrative Tribunal) Matters
   Oversight of Systems and Documentation
   4.4 Executive Policy – Withdrawal of Parking Infringements
   Legal Capacity Building
   4.5 Local Government Lawyers
Committee Recommendation

Moved Cr Whitfield, seconded Cr J Smith:
That Councillors acknowledge having read the Corporate and General Management Services Information Bulletin – March 2015 and the content be accepted.

Committee Voting – 5/0

Corporate and Community Development Committee Minutes
Tuesday 17 March 2015

CONFIRMED AT A CORPORATE AND COMMUNITY DEVELOPMENT MEETING HELD ON TUESDAY, 21 APRIL 2015

PRESIDING MEMBER
| 3.18 Reserve and Open Space Master Plans  |
| 3.19 Dog Exercise Areas               |
| 3.20 Karnup Community Infrastructure Plan |

4. Information Items
   4.1 Infrastructure Planning and Development Grants 2014/2015
   4.2 Baldivis Outdoor Youth Space
   4.3 Inclusive Play Space

**Community Capacity Building**
1. Community Capacity Building Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 New Year’s Eve Celebration 2014
   3.2 Australia Day Celebrations 2015
   3.3 Community Grants Program (CGP)
   3.4 Youth Encouragement Award (YEA)
   3.5 Infrastructure Planning and Development Grants (IPDG)
   3.6 Disability Access and Inclusion Plan (DAIP)
   3.7 Christmas Decorations Program
   3.8 Murdoch Partnership Agreement
   3.9 Reconciliation Action Plan (RAP)

4. Information Items
   4.1 Seniors
   4.2 Learning City Strategy
   4.3 Cultural and Linguistically Diverse (CaLD)
   4.4 Place Activation/Sponsor Recognition
   4.5 Youth Development
   4.6 Sport and Recreation
   4.7 Cultural Development and Arts
   4.8 Outdoor Event Applications

**Committee Recommendation**

Moved Cr Whitfield, seconded Cr J Smith:
That Councillors acknowledge having read the Community Development Information Bulletin – March 2015 and the content be accepted.

Committee Voting – 5/0
12. Agenda Items

Corporate Services

Corporate Services

Financial Services

<table>
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<th>CS-004/15 Budget Review – February 2015 (Absolute Majority)</th>
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<td>File No:</td>
<td>FLM/17-04</td>
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<tr>
<td>Risk Register No:</td>
<td>89</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mrs Vanisha Govender, Manager Financial Services</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Wayne Smith, Coordinator Financial Services</td>
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<tr>
<td>Other Contributors:</td>
<td></td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>17 March 2015</td>
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<tr>
<td>Previously before Council:</td>
<td></td>
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<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
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| Site:          |                                               |
| Lot Area:      |                                               |
| Attachments:   | February 2015 Budget Review                  |
| Maps/Diagrams:|                                               |

Purpose of Report

To seek Council’s approval of the February 2015 Budget Review and to obtain authorisation of the budget amendments arising from the review.

Background

The City of Rockingham undertakes budget reviews to monitor its financial performance against the annual budget and to review projections to the end of the financial year. Three budget reviews are presented in the year, namely September 2014, February 2015 and May 2015. Any variations of the annual budget arising from the review process are presented for Council’s consideration and authorisation.

The February 2015 Budget Review is the compulsory review and needs to be submitted to the Department of Local Government and Communities once it has been approved by Council.
Details

The February 2015 Budget Review includes details of transactions during the July 2014 – February 2015 period and adjustments required to the annual budget. The document includes the following information:

1. Summary of Budget Position
2. Summary of Major Amendments
3. Detailed Statement of Operating and Non-Operating Revenue and Expenditure by Department

Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   Nil

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:

   **Aspiration C:** Quality Leadership

   **Strategic Objective:** Governance - Governance systems that enable Council to make informed and considered decisions, effectively supported by an executive informing and implementing those decisions; all within an accountable, legally compliant, transparent and ethical environment.

d. Policy
   Nil

e. Financial
   The overall effect of the various budget amendments is a surplus of $75,418.

f. Legal and Statutory
   Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires local governments to undertake a budget review between 1 January and 31 March in each financial year. Within 30 days of the review being completed it is to be presented to Council. Council is to consider the review submitted and is to determine (by absolute majority) whether to adopt the review, any parts of the review or any recommendations made in the review. Within 30 days after Council has made a determination, a copy of the review and documentation is to be provided to the Department of Local Government and Communities.

   **Risk Implications of Implementing Officer Recommendation**
   Nil

   **Risk Implications of Not Implementing Officer Recommendation**
   High:
   • Non compliance with relevant legislation

Comments

The main amendments proposed in the Budget Review are summarised in the February 2015 Budget Review attachment under the Summary of Major Amendments (page 3).
Some of the highlights of the review include:

Operating expenditure has increased by $6.5 million; a significant portion of this increase is due to depreciation ($5.5 million) which is due to the revaluation of land and buildings in the 2013/2014 financial year. Depreciation does not have a cash impact and as such is written back.

Operating Revenue has increased by $3.3 million, with major increases being Anstey Park Shared Cost Contribution ($1.7 million). This is required to be transferred to reserves. The other increases have been for Royalty Income for the Millar Road Quarry ($0.6 million), Grant from Lotterywest for Mary Davies Library ($0.3 million) and estimated increases to Parking Fines ($0.1 million).

Capital expenditure has increased by $0.9 million with the major increase being an increase in transfer of reserves for Anstey Park Cost Contribution ($1.7 million) and CCTV Stage 3 works ($0.4 million) and the major decreases are for road works as a result of changes to scope of work and delays to the timing of drainage works ($1.4 million).

Non-Operating Revenue has decreased by $1.2 million which is mainly due to the reduction of the Secret Harbour Surf Life Saving Loan as a result of savings derived from the February 2015 Budget Review.

### Voting Requirements

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#### Officer Recommendation

That Council:

1. **ADOPT** the February 2015 Budget Review; and
2. **AMEND** the budget accordingly.

#### Committee Recommendation

Moved Cr Sammels, seconded Cr J Smith:

That Council:

1. **ADOPT** the February 2015 Budget Review; and
2. **AMEND** the budget accordingly.

Committee Voting – 5/0

#### The Committee’s Reason for Varying the Officer’s Recommendation

Not Applicable

#### Implications of the Changes to the Officer’s Recommendation

Not Applicable
Purpose of Report

To endorse the proposed Schedule of Fees and Charges for 2015/2016.

Background

The fees and charges imposed by the City of Rockingham can be categorised into three main types:

1. Fees and charges set by Council under Section 6.16 of the Local Government Act 1995 (the Act).
2. Fees and charges set by Council under other sections of the Act or other legislation where Council has the discretion to set the charge.
3. Fees and charges imposed covered by local law or other legislation and Council does not have discretion to change them.
4. An agreed amount where Council believes a sum should be recovered through contractual requirement.

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1 Typographical error corrected on page 16 of the attachment.
Details

The proposed Schedule of Fees and Charges for 2015/2016 document lists all fees and charges with details of the current and proposed fees.

The fees and charges below are new fees for 2015/2016:

- Lease Preparation Fees
- Food Premises Reinspection Fee
- Settlement Agency Health Inspection Fee
- Aquatic Centre – Clubroom Hire
- Rockingham Arts Centre Studio Fees and Display Exhibition Space Fees
- Gary Holland Community Centre- Alcohol Surcharge
- Shoalwater Underground Power – charges number 13,14,15
- Mary Davies Library – Boobook Room - Hire of Kitchen and Birthday Box
- Libraries – Purchase of USB and Earbud Earphones

The fees and charges in the following areas are proposed to change and are highlighted yellow in the document:

- Rockingham City Child Care Centre
- Lease Preparation Fees
- Halls and Community Centres
- Autumn Centre Fees
- Hire fees for Recreation Grounds and Reserves
- Rockingham Aquatic Centre
- Mooring Fees
- Building Levies
- Footpath Kerbing Inspection Fees
- Private Swimming Pool and Spa Inspection Fees

Reserve Flood Lighting Fees will be adjusted and presented at the adoption of the 2015/2016 Annual Budget as Western Power tariffs for the 2015/2016 financial year have not been finalised.

Domestic and Waste Service Fees have not been amended as the tender is being finalised for recycling services. If the fees are to be increased due to increased contract costs, the fees and charges will be increased accordingly and included in the 2015/2016 Annual Budget.

Implications to Consider

a. Consultation with the Community
   Not Applicable

b. Consultation with Government Agencies
   Nil

c. Strategic
   Community Plan
   
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:
Aspiration C: Quality Leadership

Strategic Objective: Governance - Governance systems that enable Council to make informed and considered decisions, effectively supported by an executive informing and implementing those decisions; all within an accountable, legally compliant, transparent and ethical environment.

d. **Policy**
   
   Nil

e. **Financial**
   
   The fees and charges endorsed will be included in the 2015/2016 Annual Budget for adoption.

f. **Legal and Statutory**


   Regulation 25 of the Local Government (Financial Management) Regulations 1996 provides that the annual budget is to include an estimate of the total revenue from the fees or charges from each program.

   Section 6.16(1) of the Local Government Act 1995 allows a local government to impose (by absolute majority) and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

   Section 6.16(2) of the Local Government Act 1995 states that a fee or charge may be imposed for the following:

   - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
   - (b) supplying a service or carrying out work at the request of a person;
   - (c) providing information from local government records, subject to some limitations;
   - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
   - (e) supplying goods;

   Section 6.17 (1) of the Local Government 1995 states that in determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors:

   - (a) the cost to the local government of providing the service or goods;
   - (b) the importance of the service or goods to the community; and
   - (c) the price at which the service or goods could be provided by an alternative provider.

   Section 6.16(3) of the Local Government Act 1995 requires that fees and charges are to be imposed when adopting the annual budget.

   Council is requested to endorse the Schedule of Fees and Charges for 2015/2016. The proposed fees and charges will be adopted as part of the 2015/2016 Annual Budget in June 2015.

g. **Risk**

   **Risk Implications of Implementing Officer Recommendation**

   Nil
Risk Implications of Not Implementing Officer Recommendation
Nil

Comments
It is considered best practice to endorse fees and charges prior to budget adoption. This is to ensure all community members can be adequately informed of any changes and to assist in budget preparation. All relevant fees have been considered pursuant to Section 6.17 of the Local Government Act.

Voting Requirements
Simple Majority

Officer Recommendation
That Council ENDORSE the proposed Schedule of Fees and Charges for 2015/2016.

Committee Recommendation
Moved Cr Whitfield, seconded Cr Sammels:
That Council ENDORSE the proposed Schedule of Fees and Charges for 2015/2016.
Committee Voting – 5/0

The Committee's Reason for Varying the Officer's Recommendation
Not Applicable

Implications of the Changes to the Officer's Recommendation
Not Applicable
Corporate Services
Financial Services

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<tr>
<td>File No:</td>
<td>FLM/88-02</td>
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<tr>
<td>Risk Register No:</td>
<td>89</td>
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<tr>
<td>Proponent/s:</td>
<td>Mrs Vanisha Govender, Manager Financial Services</td>
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<td>Maps/Diagrams:</td>
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Purpose of Report


Background

Nil

Details

The monthly Financial Management Report includes the following:

1. Statement of Financial Activity by Program
2. Statement of Net Current Assets
3. Other schedules and charts for management information purposes.

Implications to Consider

a. Consultation with the Community
   Not Applicable
b. Consultation with Government Agencies
Not Applicable

c. Strategic
Community Plan
This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2025:

Aspiration C: Quality Leadership

Strategic Objective: Governance - Governance systems that enable Council to make informed and considered decisions, effectively supported by an executive informing and implementing those decisions; all within an accountable, legally compliant, transparent and ethical environment.

d. Policy
Nil

e. Financial
Major variances (above $250,000) between budget estimates and actual results for the month to which the statement relates are shown in the supporting documentation.

f. Legal and Statutory

g. Risk
Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
High:
- Non-compliance with relevant legislation

Comments
Any variances identified have been reviewed within the current budget review.

Voting Requirements
Simple Majority

Officer Recommendation

Committee Recommendation
Moved Cr Sammels, seconded Cr J Smith:

Committee Voting – 5/0
**The Committee’s Reason for Varying the Officer’s Recommendation**

Not Applicable

**Implications of the Changes to the Officer’s Recommendation**

Not Applicable
Purpose of Report

The purpose of this report is for Council to adopt the Leasing Policy.

Background

The City does not currently have a policy for the leasing of City owned and managed properties and historically there have been inconsistencies between various leases.

At the October 2013 Ordinary Council Meeting Council approved the development of a Leasing Policy.

In January 2015, Council endorsed for advertising the Leasing Policy for the purpose of public comment.

Details

The policy is relevant to all City owned and managed sporting/recreation, community, commercial and unimproved land which might be subject to a lease. It will assist the City to adhere to a number of principles that will promote leasing arrangements which are consistent, equitable and transparent.
The purposes of this policy are:

- To establish a uniform and equitable approach to community leases
- To ensure that any commercial lease returns a market rent
- To demarcate certain responsibilities of lessee and lessor.

It is proposed that leases will comprise two main categories:

**Commercial Leases**

A ‘commercial lease’ is a lease between the City and an entity that is not an incorporated not-for-profit association and includes a lease where the tenant is an individual, a company or a statutory or government body.

The term of the lease will be for a maximum of five years. Rent on commencement is to be the market rent as determined by a licenced valuer or is to be determined by a tender or auction process. The rent is to be reviewed to market at the commencement of every third year and adjusted in line with the movement of the Consumer Price Index in other years.

A commercial lease tenant will be responsible for all outgoings, rates and taxes, document preparation and insurances.

**Community Leases**

A ‘community lease’ is a lease between the City and an incorporated not-for-profit association.

An ‘incorporated not-for-profit association’ is an incorporated association that:

- Cannot operate for the profit or gain of its individual members
- Contributes to the community in a social, sporting, cultural, environmental or charitable context
- Demonstrates local volunteer involvement.

A nominal rental payment of $1 is to be payable for the term of all types of community leases.

Community leases are classified according to the three types set out below.

**Community Type One**

A Community Type One lease is a lease to an incorporated association with a single sport focus, a discretionary membership regime, and with exclusive use rights and lease coverage of all buildings and playing areas. Playing areas are generally one sport specific and not open to any other recreational activities. Significant investment is required to establish and maintain club facilities and this is typically funded by membership fees, revenue from well organised, club-related, licenced food and beverage activities, government grants and loans. They require long term leases to facilitate reasonable return on their significant capital investment.

The term of the lease will be for a maximum of 20 years, with the tenant responsible for:

- Payment of all outgoings, rates and taxes and insurances and a fee for document preparation
- Maintenance of mechanical services, roofing, fit-out and structure
- Capital renewal, upgrade and capital expansion of all assets on the leased land.

**Community Type Two**

A Community Type Two lease is a lease to an incorporated association with a single or multi-sport focus, easily accessible and affordable membership regimes with a lease coverage extending to clubhouse facilities only. Adjacent playing areas are typically used by the association however are available outside of authorised club usage times for general recreation and other sporting activities throughout the year. Where possible, associations should make premises available on a fee for service basis to community organisations requiring occasional or casual meeting space.

The land must be a City owned or managed reserve vested or zoned for public recreation and/or sporting pursuits, and form part of the City’s community infrastructure framework. Incorporated associations must demonstrate good governance and deliver contemporary popular team sports
that generate wide community interest and appeal and engender significant volunteer involvement and participation from a wide demographic range of local and near local residents.

The term of the lease will be for a maximum of five years, with the tenant responsible for:

- Payment of all outgoings, rates and taxes and insurances
- Maintenance of roofing and fit-out
- Capital upgrade and capital expansion of all assets within the leased area.

The City will be responsible for:

- Maintenance of mechanical services and main structure
- Fire services inspections
- Capital renewal of existing assets.

**Community Type Three**

A Community Type Three lease is a lease to an incorporated association facilitating artistic, cultural, social and special interest activities with a need to exclusively occupy City premises. The association must demonstrate an accessible and affordable membership regime, good governance and facilitate programs and activities that add value to the social and community fabric of the City. Where possible, associations should make premises available on a fee for service basis to community organisations requiring occasional or casual meeting space.

The term of the lease will be for a maximum of five years, with the tenant responsible for:

- Payment of all outgoings, rates and taxes and insurances
- Maintenance of fit-out
- Capital upgrade and capital expansion of all assets within the leased area.

The City will be responsible for:

- Maintenance of roofing, mechanical services and main structure
- Fire services inspections
- Capital renewal of existing assets.

**Community Lease in Commercial Property**

Incorporated associations that qualify as community lessees may be considered for commercial premises on the following basis:

- The City is unable to attract a commercial tenant after a prolonged advertising and marketing campaign
- The rent is to be 70% of market valuation with annual rent review adjusted to Consumer Price Index in other years
- The term is limited to three years with no option to renew
- At the end of the term the premises will be offered to market at commercial valuation with the incumbent lessee having first option to lease.

**Casual Hire**

All community groups and others requiring community-based meeting rooms or facilities can access bookings on a casual or occasional hire basis for the relevant fee.
Community Grant Program
Grants are available to eligible tenants for the purpose of the maintenance, rates, capital upgrade and capital expansion of leased premises through the Community Grants Program.

Responsibilities of the City
Satisfaction of lessor’s responsibilities under the lease is subject to availability of funds and will be considered in the context of all City expenditure priorities as part of normal business planning and budget considerations.

Implications to Consider

a. Consultation with the Community

The Leasing Policy was advertised for public consultation in accordance with the requirements of City of Rockingham Policy Framework, closing on the 13 February 2015. The 17-day advertising period exceeded the 14 calendar day minimum required by the Council Policy Framework and was undertaken in the following manner:

- An invitation to comment was placed on the City’s website through the 'Share Your Thoughts' webpage on 28 January 2015 for the duration of the advertising period
- A notice was published in the Public Notices section of the Sound Telegraph newspaper on 4 February 2015
- A notice was published in the Public Notices section of the Weekend Courier newspaper on 6 February 2015 and
- An advertisement explaining the draft Leasing Policy was also made available for inspection at the Safety Bay Library, Mary Davies Library and Community Centre, Warnbro Community Library and the Council Administration Office.

At the close of the advertising period, two queries were received on the proposed Leasing Policy. Both queries were raised by representatives from the Rockingham Regional Arts Incorporated (RRA).

The submissions received, along with the City’s response, are provided below:

<table>
<thead>
<tr>
<th>No.</th>
<th>Submission</th>
<th>City Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ms L M Skinner, Chairperson, Rockingham Regional Arts Inc. PO Box 41 Rockingham WA 6968 I like the transparency and clarity of the documentation. You may find there are grey areas that community groups don't quite fit into ie. Community type 3 group but habitating in a commercial property?</td>
<td>Taking into consideration each tenant’s particular circumstances, the Leasing Policy requirements will be applied through model lease terms and conditions. The application of these model lease terms and conditions will be based upon the Leasing Policy category that a proposed lessee’s situation most closely resembles. There is always going to be some degree of interpretation in applying the Leasing Policy requirements to community group types due to the variability that exists between them.</td>
</tr>
<tr>
<td>2</td>
<td>Rockingham Regional Arts Inc. PO Box 41 Rockingham WA 6968 The RRA welcome more consistency and clarity in the leasing process and a tightening up of the process. Does the Gary Holland Centre come under the Community Type three lease and will the rent be unaffordable for a non-profit making organisation?</td>
<td>The Gary Holland Community Centre leasable spaces will be assessed according to the activities of the lessees within each space rather than the Centre being assessed as a whole. The RRA, as a non-sporting incorporated association, would be eligible for a Community Type Three lease which requires a nominal rent of $1 for the entire five-year term of the lease.</td>
</tr>
</tbody>
</table>
b. Consultation with Government Agencies
Nil

c. Strategic
Community Plan
This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objectives contained in the Community Plan 2015-2025:

**Aspiration B:** Strong Community

**Strategic Objective:** Services and Facilities - Community facilities and services that accommodate contemporary community expectation and are justified, well used. Cost effective and, where appropriate, multi-functional.

d. Policy
The Leasing Policy has been prepared in accordance with the City of Rockingham Policy Framework. To this end, this policy has been publically advertised for a period exceeding the Policy Framework minimum of 14 calendar days (17 days) and has now returned to Council with submissions for final approval.

The current Community Grants Program Policy will be reviewed to be aligned with the proposed Leasing Policy.

e. Financial
Nil

f. Legal and Statutory
The following legislation impacts on leases and needs to be considered as part of any lease development:

- Local Government Act 1995, in particular Section 3.58
- Commercial Tenancies (Retail Shops Agreements) Act 1985
- Land Administration Act 1997

g. Risk

**Risk Implications of Implementing Officer Recommendation**
Nil

**Risk Implications of Not Implementing Officer Recommendation**
Nil

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<tr>
<th>Comments</th>
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The proposed policy will require the Chief Executive Officer to establish Executive Policies and Administrative Procedures and implement organisational systems that ensure all leased premises are managed efficiently, consistently with the lease and fairly. This includes:

- Regular inspection of leased premises
- Rent reviews
- Recovery of prepaid statutory authority and public utility fees and charges
- Protection of the City’s financial interests
- Timely management of end of lease issues including termination or renewal
- Uniformity of leasing documentation and application process
- Strategic allocation of resources for major maintenance and repairs
- Asset maintenance, renovation and repairs to leased premises.
It is believed that the proposed Leasing Policy will greatly improve the governance systems currently used to oversee leases within the City. It is widely recognised the enormous contribution that incorporated not-for-profit associations make to the Rockingham community. As such, this policy clearly articulates what is expected of the City and lessees to ensure uniformity and equity across all groups. Historically this has not been the case; leases have been prepared without any uniformity or consistency.

In recent years the Department of Lands has taken a greater governance role over Crown reserves through the adoption of a Government Land Policy Manual. This document provides clear instruction about expected processes to be used by the Minister for Lands to agree to lease certain types of Crown reserves. The adoption of this policy will greatly assist in meeting these requirements and ensure the appropriate City organisational structure is in place to deliver the requirements for this policy.

It should be noted that the Community Grants Policy is also being reviewed to ensure that eligible tenants will have access to funds to meet the requirements of their lease.

The Leasing Policy provides significant improvements in City processes, no objections were received during the public consultation period, and it is recommended to Council for endorsement.

### Voting Requirements

Simple Majority

**Officer Recommendation**

That Council **ADOPT** the Leasing Policy.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr Whitfield:

That Council **ADOPT** the Leasing Policy:

**LEASING POLICY**

**Council Policy Objective**

The purposes of this Policy are:

- To establish a uniform and equitable approach to community leases.
- To ensure that any commercial lease returns a market rent.
- To demarcate certain responsibilities of lessee and lessor.

**Council Policy Scope**

All land and buildings owned, managed or controlled by the City, with the lawful capacity to be leased.

**Council Policy Statement**

**COMMERCIAL LEASES**

**Definition**

A “commercial lease” is a lease between the City and an entity that is not an incorporated not for profit association and includes a lease where the tenant is an individual, a company or a statutory or government body.

**Rent**

The rent on commencement is to be the market rent as determined by a licenced valuer or is to be determined by a tender or auction process. The rent is to be reviewed to market at the commencement of every third year and adjusted in line with the movement of the consumer price index in other years.
Term
A maximum of 5 years

Responsibilities of a tenant
A tenant is responsible for all outgoings, rates and taxes and insurances and a fee for document preparation.

Responsibilities of City
Nil

COMMUNITY LEASES
Definitions
A “community lease” is a lease between the City and an incorporated not for profit association.
An “incorporated not for profit association” is an incorporated association that:
(a) cannot operate for the profit or gain of its individual members;
(b) contributes to the community in a social, sporting, cultural, environmental or charitable context; and
(c) demonstrates local volunteer involvement.

Rent
A nominal rental payment of $1 is to be payable for the term of the lease.

CLASSIFICATION OF COMMUNITY LEASES
Community leases are classified according to the 3 types set out below.

Community Type One
A Community Type One lease is a lease to an incorporated association with a single sport focus, discretionary membership regime, with exclusive use rights and lease coverage of all buildings and playing areas. Playing areas are generally one sport specific and not open to any other recreational activities. Significant investment is required to establish and maintain club facilities and this is typically funded by membership fees, revenue from well organised club related licenced food and beverage activities, government grants and loans. They require long term leases to facilitate reasonable return on their significant capital investment.

Term
A maximum of 20 years

Responsibilities of Tenant
The tenant is responsible for:
- Payment of all outgoings, rates and taxes and insurances and a fee for document preparation.
- Maintenance of mechanical services, roofing, fit-out and structure.
- Capital renewal, upgrade and capital expansion of all assets on the leased land.

Responsibilities of City
Nil

Community Type Two
A Community Type Two lease is a lease to an incorporated association with a single or multi-sport focus, easily accessible and affordable membership regimes with a lease coverage extending to clubhouse facilities only. Adjacent playing areas are typically used by the association however are available outside of authorised club usage times for general recreation and other sporting activities.
throughout the year. Where possible, associations should make premises available on a fee for service basis to community organisations requiring occasional or casual meeting space.

The land must be a City owned or managed reserve vested or zoned for public recreation and/or sporting pursuits and form part of the City’s community infrastructure framework. Incorporated associations must demonstrate good governance and deliver contemporary popular team sports that generate wide community interest and appeal and engender significant volunteer involvement and participation from a wide demographic range of local and near local residents.

**Term**
A maximum of 5 years

**Responsibilities of Tenant**
The tenant is responsible for:
- Payment of all outgoings, rates and taxes and insurances.
- Maintenance of roofing and fit-out.
- Capital upgrade and capital expansion of all assets within the leased area.

**Responsibilities of City**
- Maintenance of mechanical services and main structure.
- Fire services inspections.
- Capital renewal of existing assets.

**Community Type Three**
A Community Type Three is a lease to an incorporated association facilitating artistic, cultural, social and special interest activities with a need to exclusively occupy City premises. The association must demonstrate an accessible and affordable membership regime, good governance and facilitate programs and activities that add value to the social and community fabric of the City. Where possible, associations should make premises available on a fee for service basis to community organisations requiring occasional or casual meeting space.

**Term**
A maximum of 5 years

**Responsibilities of Tenant**
The tenant is responsible for:
- Payment of all outgoings, rates and taxes and insurances.
- Maintenance of fit-out.
- Capital upgrade and capital expansion of all assets within the leased area.

**Responsibilities of City**
- Maintenance of roofing, mechanical services and main structure.
- Fire services inspections.
- Capital renewal of existing assets.

**COMMUNITY LEASES IN COMMERCIAL PROPERTY**
Incorporated associations that qualify as community lessees may be considered for commercial premises on the following basis:
- The City is unable to attract a commercial tenant after a prolonged advertising and marketing campaign.
• The rent is to be 70% of market valuation with annual rent review adjusted to Consumer Price in other years.
• The term is limited to 3 years with no option to renew.
• At the end of the term the premises will be offered to market at commercial valuation with the incumbent lessee having first option to lease.

CASUAL HIRE
All community groups and others requiring community based meeting rooms or facilities can access bookings on a casual or occasional hire basis for the relevant fee.

COMMUNITY GRANT PROGRAM
Grants are available to eligible tenants for the purpose of the maintenance, rates, capital upgrade and capital expansion of leased premises through the Community Grants Program.

RESPONSIBILITIES OF CITY
Satisfaction of lessor’s responsibilities under the lease is subject to availability of funds and will be considered in the context of all City expenditure priorities as part of normal business planning and budget considerations.

GENERAL GOVERNANCE
The Chief Executive Officer is to establish Executive Policies and Administrative Procedures and implement organisational systems that ensure all leased premises are managed efficiently, consistently with the lease and fairly. This includes:

• Regular inspection of leased premises.
• Rent reviews.
• Recovery of prepaid statutory authority and public utility fees and charges
• Protection of the City’s financial interests.
• Timely management of end of lease issues including termination or renewal.
• Uniformity of leasing documentation and application process.
• Strategic allocation of resources for major maintenance and repairs.
• Asset maintenance, renovation and repairs to leased premises.

Definitions
“maintenance” means regular ongoing day to day work necessary to keep assets operating and to achieve its optimum life expectancy. Example - painting, glazing, air conditioning repairs, tap seal repairs.
“operational” regular activities to provide public health, safety and amenity. Example - Cleaning, energy, security.
“capital renewal” means restores, rehabilitates, replaces existing asset to its original capacity. This may include the fitment of new components necessary to meet new legislative requirements in order that the asset may achieve compliance and remain in use. Expenditure under this definition is capital in nature and is determined by the City’s financial capital thresholds.
“capital upgrade” means enhances existing asset to provide higher level of service.
“capital expansion” means creation of a new asset to additional service level requirements.
“mechanical services” means all services in buildings that involve motors, machines, of the flow of heated or cooled fluids, usually in conjunction with electrical or electromechanical controls.
“roof” means the material/s covering the upper structure of the building and includes associated roof plumbing, skylights, non-mechanical vents, etc.
“structure” means the sections of the building that are load bearing, permanently in one place and form an integral part of the shape of the building.

“fit-out” means the necessary fixed equipment and surface materials required to make the spaces of the building suitable for occupation such as floor/wall tiling, carpets, painting, etc.

Legislation
Local Government Act 1995 – Section 3.58
Land Administration Act 1997
Commercial Tenancies (Retail Shops Agreements) Act 1985

Other Relevant Policies/ Key Documents
Community Grants Program Policy – November 2014

Responsible Division
Corporate Services

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation
Not Applicable

Implications of the Changes to the Officer’s Recommendation
Not Applicable
Corporate Services
Community and Leisure Facilities

Reference No & Subject: CS-008/15 Minister for Education Lease of Lot 716 Centaurus Street, Rockingham

File No: LGS/72
Risk Register No: 125
Proponent/s: Minister for Education
Author: Ms Renee Sinclair-Deane, Leasing Officer
Other Contributors: Ms Helen Savage, Coordinator Community Facilities
Date of Committee Meeting: 17 March 2015
Previously before Council: 24 May 2005 (CES132/5/05)

Purpose of Report
To seek Council approval to enter into a lease for the term of five years with the Minister for Education for the Rockingham Pre-Primary/Kindergarten Centre, Lot 716 Centaurus Street, Rockingham for the purpose of a kindergarten centre at a rental of $15,000 per annum for the first year of the lease with rent reviews annually for each subsequent year of the term.

Background
The Minister for Education has previously held leases over the 2,759m² property to operate the Rockingham Pre-Primary/Kindergarten Centre from 2 January 1976 through to 31 December 2014. From 1976 to 2005 a room within the building was also utilised by a Child and Infant Health Clinic. The Minister for Education has provided the City with written notice on 7 October 2014 expressing their interest in re-entering a lease over the subject property.
The proposed lease to the Minister for Education will be for an area of 2,759m² which is the whole area of Lot 716 Centaurus Street, Rockingham. The freehold property is zoned ‘Civic and Cultural’ under the City’s Town Planning Scheme No.2 and the use of the property as a primary school is considered an acceptable land use within this zoning. The site is also classified a ‘Category C’ property on the Municipal Heritage Inventory Place Record noting it as a property worthy of being retained or conserved if possible. It is situated directly across the road from Bungaree Primary School and consists of a large, shaded and fully fenced garden including a playground, sand pit, storage sheds, advanced native trees and a single level, hexagonal classroom building.

The existing lease expired on 31 December 2014. It is proposed to bring the new lease in line with current commercial leasing standards.
Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   The Minister for Education has been consulted regarding terms and conditions to be
   contained within the proposed new lease. The City received correspondence, dated
   25 February 2015, from the Minister advising that they are agreeable to entering into the
   lease.
   As the land is freehold consultation and approval from the Minister for Lands is not required.

c. Strategic Community Plan
   This item addresses the Community’s Vision for the future and specifically the following
   Aspiration and Strategic Objectives contained in the Community Plan 2015-2025:
   
   Aspiration B: Strong Community
   Strategic Objective: Services and Facilities - Community Facilities and services that
   accommodate contemporary community expectation and are justified, well used, cost effective and, where appropriate, multi-
   functional.

d. Policy
   Nil

e. Financial
   In line with the City’s current leasing standards, commercial rental figures are based on
   professional market rental valuations. A professional market rental valuation was received
   on 11 February 2015 advising $15,000 per annum would be a reasonable market rental
   figure for the subject property.
   The City will receive $15,000 rent for the first year of the lease. Rent will then be reviewed
   in line with the Consumer Price Index on the commencement of the second, fourth and fifth
   years and in line with market value on the commencement of the third year of the lease.
   The Minister for Education will be required to pay all insurances, rates, levies and statutory
   charges, maintenance charges, electricity, gas and water consumption charges and all
   other outgoing charges relating to the occupation of the property.

f. Legal and Statutory
   Section 3.58 of the Local Government Act 1995 (the Act) relates to the disposal of property,
   including leasing and covers the requirement to give public notice and the consideration of
   submissions in respect of proposals.
   Local Government (Functions and General) Regulations 1996, Regulation 30(2)(b)(i),
   permits exemptions to the application of Section 3.58 of the Act. This regulation is applied to
   the proposed lease as it is to a department of the Crown in right of the State and for the
   purpose of education.

g. Risk
   Risk Implications of Implementing Officer Recommendation
   Nil
   Risk Implications of Not Implementing Officer Recommendation
   Low
   - Negative publicity and damage to the City’s reputation
Comments
The Minister for Education has utilised this property as an extension of the Bungaree Primary School grounds continuously since 1976 in order to provide early education programs to local children from the ages of three years to five years. As the Minister has recently built a new pre-primary facility on the main school grounds the subject property is now used exclusively for the provision of a kindergarten program for children aged three to four years of age. The property is serviced by a network of pedestrian footpaths and an underpass allowing safe pedestrian access to the centre which is directly across the road from Bungaree Primary School. This location provides kindergarten students with a secure learning area, away from the activities and influence of the older children, yet close enough for them to feel they are part of the main school community. The Minister ensures that the property is well maintained and a new lease would provide the school with security of tenure to continue to plan and run its kindergarten program from the property.

Voting Requirements
Simple Majority

Officer Recommendation
That Council APPROVE a lease for a term of five years with the Minister for Education for the Rockingham Pre-Primary/Kindergarten Centre, Lot 716 Centaurus Street, Rockingham for the purpose of kindergarten centre at a rental of $15,000 per annum for the first year of the lease with rent reviews annually for each subsequent year of the term.

Committee Recommendation
Moved Cr Sammels, seconded Cr Stewart:
That Council APPROVE a lease for a term of five years with the Minister for Education for the Rockingham Pre-Primary/Kindergarten Centre, Lot 716 Centaurus Street, Rockingham for the purpose of kindergarten centre at a rental of $15,000 per annum for the first year of the lease with rent reviews annually for each subsequent year of the term.

Committee Voting – 5/0

The Committee’s Reason for Varying the Officer’s Recommendation
Not Applicable

Implications of the Changes to the Officer’s Recommendation
Not Applicable
Purpose of Report

For Council to consider a delegation to the Chief Executive Officer (CEO) in respect to authorising officers to commence prosecutions for breaches and offences under the Local Government Act 1995 and the City's Local Laws.

Background

Section 9.24 of the Local Government Act 1995 (the Act) identifies those persons who may commence a prosecution for an offence against the Act and a local government's local laws, which includes the following –

- a person who is acting in the course of his or her duties as an employee of a local government; or
- a person who is authorised to do so by a local government.

Council has delegated to the CEO the power to appoint authorised persons under the Act, specifically sections 3.24 (authority to give notice), 3.39 (authority to impound) and 9.10 (general authority), however section 9.24 (Authority to commence prosecution) has been omitted.
Whilst the legislation provides that a person acting in the course of their duties as an employee may commence a prosecution, the method of specifically authorising an employee to do so would provide greater rigor in support of any prosecution undertaken by the City. To this end, Council’s delegation to the CEO requires amendment to enable the appointment of employees authorised to commence prosecutions.

Another delegation to the CEO relating to the giving of notice and commencing legal proceedings and prosecutions will also need amendment to ensure clarity and consistency with the intent of section 9.24 of the Act.

Details

A recent review by the Director Legal Services and General Counsel into the processes used to commence prosecutions on behalf of the City identified that some increased rigor was needed to support any future prosecutions for breaches or offences under the Act and the City’s local laws.

The Council has currently delegated to the Chief Executive Officer (Local Government to Chief Executive Officer Delegation 1.4 Legal Proceedings – Prosecutions) the following function –

- To serve a notice and or undertake legal proceedings and prosecutions for any breach of offence for which it is the duty of the local government to enforce.

The statutory power being delegated includes sections 3.18(1) Administer Local Laws, 3.25 Powers to be exercised in relation to land, and 3.26 recovery of costs. None of the specified legislative powers include the head of power to commence prosecutions.

The above delegation needs to be amended and should correctly be titled ‘1.4 Give Notice of Breach or Offence’ and delegate the following function –

- To give a notice for any breach or offence for which it is the duty of the local government to enforce.

The correct legislative head of power pertaining to the commencement of prosecutions resides in section 9.24 of the Act which enables the local government to authorise a person to so.

To ensure operational practicality for timely prosecution processes, the delegation to the CEO to appoint authorised persons (Local Government to Chief Executive Officer Delegation 1.5 – Appoint Authorised Persons) should be expanded to enable the CEO appoint authorised persons for the purpose of commencing prosecutions for offences or breaches of the Act and the City’s local laws.

Although section 9.24 of the Act notes that a prosecution may be commenced by a person who is acting in the course of his or her duties as an employee of a local government, it would be more sound to ensure only those persons appointed by the CEO are authorised to do so. This provides the CEO (and Council) some assurance that the authorised person is competent to undertake the task of commencing a prosecution on behalf of the City.

Implications to Consider

a. Consultation with the Community
   Not Applicable

b. Consultation with Government Agencies
   Not Applicable

c. Strategic
   Community Plan

   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

   **Aspiration C:** Quality Leadership
Strategic Objective: Governance - Governance systems that enable Council to make informed and considered decisions, effectively supported by an executive informing and implementing those decisions; all within an accountable, legally compliant, transparent and ethical environment.

d. Policy
Not Applicable

e. Financial
Not Applicable

f. Legal and Statutory
Section 5.42 of the Local Government Act 1995 – Delegation of some powers and duties to Chief Executive Officer

(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;
   * Absolute majority required

Section 9.24 of the Local Government Act 1995 – Prosecutions, commencing

(1) A prosecution for an offence against this Act may be commenced by —
   (a) the Departmental CEO or a person authorised by the Departmental CEO to do so; or
   (b) a person who is acting in the course of his or her duties as an employee of a local government or a regional local government; or
   (c) a person who is authorised to do so by a local government or a regional local government.

(2) A prosecution for an offence against a local law may be commenced by —
   (a) a person who is acting in the course of his or her duties as an employee of the local government or regional local government that made the local law; or
   (b) a person who is authorised to do so by the local government or regional local government that made the local law.

g. Risk
Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Low
- Prosecutions unable to be commenced in a timely manner.

Comments
The adoption of the amended delegations to the CEO will provide consistency and rigor to the City’s prosecution processes, and offer a level of assurance that those persons so authorised by the CEO have the competency to initiate a prosecution.

Voting Requirements
Absolute Majority
**Officer Recommendation**

That Council **AMEND** the Local Government to Chief Executive Officer Delegation 1.4 Legal Proceedings – Prosecutions, and 1.5 – Appoint Authorised Persons.

**Committee Recommendation**

Moved Cr Stewart, seconded Cr Liley:

That Council **AMEND** the Local Government to Chief Executive Officer Delegation 1.4 Legal Proceedings – Prosecutions, and 1.5 – Appoint Authorised Persons to read as follows –

<table>
<thead>
<tr>
<th>1.4</th>
<th><strong>GIVE NOTICE OF BREACH OR OFFENCE</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Function Delegated:</td>
<td>To give a notice for any breach or offence for which it is the duty of the Local Government to enforce.</td>
</tr>
</tbody>
</table>
  | s3.18(1) Administer Local Laws  
  | s3.25 Notices requiring certain things to be done by owner or occupier of land - Powers to be exercised in relation to land  
  | s3.26 Additional powers when notices given - Powers to be exercised in relation to land |
| Power is originally assigned to: | Local Government |
  | s5.42 Delegation of some powers and duties to the CEO |
| Power Delegated to: | Chief Executive Officer |
| Council’s Conditions on Delegation: | Nil |
| Statutory Power to Sub-Delegate: | Local Government Act 1995  
  | s5.44 CEO may delegate some powers and duties to other employees |
| Record Keeping | Evidence of determinations and notices to be retained in the appropriate file. |
| Compliance Links | • Local Government Act 1995 and associated legislation  
  | • Local Government (Miscellaneous Provisions) Act 1960  
  | • Council Local Laws |
### 1.5 APPOINT AUTHORISED PERSONS

<table>
<thead>
<tr>
<th>Function Delegated:</th>
<th>To appoint persons or classes of persons to be authorised for the purpose of fulfilling prescribed functions of the Local Government Act 1995.</th>
</tr>
</thead>
</table>
  s3.24 Authorising persons under this subdivision  
  s3.39 Power to remove and impound  
  s9.10 Appointment of authorised persons  
  s9.24(1)(c) Prosecutions – commencing (LG Act)  
  s9.24(2)(b) Prosecutions – commencing (local laws) |
| Power is originally assigned to: | Local Government |
  s5.42 Delegation of some powers and duties to the CEO |
| Power Delegated to: | Chief Executive Officer |
| Council’s Conditions on Delegation: | Nil |
| Statutory Power to Sub-Delegate: | Local Government Act 1995  
  s5.44 CEO may delegate some powers and duties to other employees |
| Record Keeping | Details of authorised persons to be recorded in appropriate register. |
| Compliance Links |  
  - Local Government Act 1995  
  - City of Rockingham Parking and Parking Facilities Local Law  
  - City of Rockingham Fencing Local Law  
  - City of Rockingham Health Local Law  
  - City of Rockingham Activities on Thoroughfares and Trading In Thoroughfares and Public Places Local Law  
  - City of Rockingham Property Local Law  
  - City of Rockingham Dogs Local Laws |

Committee Voting – 5/0

**The Committee’s Reason for Varying the Officer’s Recommendation**

Not Applicable

**Implications of the Changes to the Officer’s Recommendation**

Not Applicable
Council consideration of appointing the Western Australian Electoral Commissioner to:

1. Conduct the ordinary local government election for the City of Rockingham in October 2015 together with any other elections or polls that may also be required; and

2. Conduct the ordinary local government election, other elections or polls by the postal ballot method.

The Western Australian Electoral Commission (WAEC) has conducted the City’s elections by the postal ballot method since May 1999. Prior to that the elections were by the ‘in person’ method and the last election of that type was held in 1997 and attracted voter participation of 13.7%.

Since using postal elections the voter participation rate has averaged at 33.1% with the 2013 election participation rate at 25.8%.
The drop in voter participation in 2013 might be attributed to ‘voter exhaustion’ with both Federal and State elections being held earlier in the year.

**Details**

The next ordinary local government election is scheduled for October 2015 and in order for the WAEC to commence planning it has requested that Council consider whether they wish to appoint the Electoral Commissioner to conduct the election by postal ballot.

If Council wish to pursue the option it needs to resolve to appoint the Electoral Commissioner to conduct the election, together with any other elections or polls required, and that the elections or polls be conducted as a postal election or poll.

The other elections required are any extraordinary elections created by the resignation of Councillors mid-term that can be held in conjunction with the ordinary election or polls that Council may decide to hold at the same time as the ordinary election.

The 2015 ordinary election will see the continued implementation of the changes made as a consequence of the 2012 Review of Ward Boundaries and Councillor Representatives.

### Implications to Consider

a. **Consultation with the Community**

   Nil

b. **Consultation with Government Agencies**

   Liaison with WAEC will be ongoing leading up to the election in October 2015.

c. **Strategic**

   **Community Plan**

   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

   - **Aspiration C:** Quality Leadership
   - **Strategic Objective:** Governance – Governance systems that enable Council to make informed and considered decisions, effectively supported by an executive informing and implementing those decisions; all within an accountable, legally compliant, transparent and ethical environment.

   - **Strategic Objective:** Community Engagement and Advocacy – An engaged and informed community that participates in local decision making and can rely upon the Council to advocate on its behalf when important issues challenge the best interests of the City and its residents.

d. **Policy**

   Nil

e. **Financial**

   The Electoral Commissioner has advised that the cost of conducting the 2015 ordinary local government elections for the City of Rockingham is $215,000 including GST. The appropriate allocation will be made in the 2015/16 budget.
f. **Legal and Statutory**

In accordance with section 4.20(4) and section 4.61(1) and (2) of the Local Government Act 1995 – Appointment of Returning Officer and Choice of Method of Conducting Election. (Absolute Majority)


g. **Risk**

**Risk Implications of Implementing Officer Recommendation**

Nil

**Risk Implications of Not Implementing Officer Recommendation**

Nil

**Comments**

The WAEC has conducted the City of Rockingham elections since 1999 with an increase in voter turnout, averaging at 33.1% voter participation rate.

The Commission is best placed to conduct a postal ballot and conducts the majority of local government elections in the metropolitan area. Significant logistical effort would be required should Council decide for the City to conduct its own election, whether this be by postal or ‘in person’ election.

**Voting Requirements**

Absolute Majority

**Officer Recommendation**

That Council:

1. **DECLARE**, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may be required; and

2. **APPROVE**, in accordance with section 4.61(2) of the Local Government Act 1995, the method of conducting the election will be as a postal election.

**Committee Recommendation**

Moved Cr Sammels, seconded Cr J Smith:

That Council:

1. **DECLARE**, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may be required; and

2. **APPROVE**, in accordance with section 4.61(2) of the Local Government Act 1995, the method of conducting the election will be as a postal election.

Committee Voting – 5/0

**The Committee’s Reason for Varying the Officer’s Recommendation**

Not Applicable

**Implications of the Changes to the Officer’s Recommendation**

Not Applicable
### Purpose of Report

To seek Council approval to develop a Closed Circuit Television (CCTV) Policy.

### Background

Commencing in 2000, CCTV systems have been installed across the City of Rockingham. The systems have operated utilising fragmented and limited funding which has led to a significant policy void related to all matters relevant to CCTV.

In 2013/14 the City was successful in securing funding of $775,000 from the Australian Government specifically targeted on improving the CCTV hardware, systems and policies in the City. The external funding was combined with $550,000 of City funds to develop a contemporary CCTV plan. The plan proposed the roll out of new digital CCTV technology, removal of obsolete systems and hardware and the development of appropriate and well-designed governance practices. It is imperative that a clear policy relating to CCTV management in the City is developed and implemented.
Details

The CCTV Plan identified the three key elements of:

1. Contemporary CCTV Surveillance Systems
2. CCTV Governance
3. CCTV Operations and Support

Element 1 is currently being implemented with stage one and stage two completed. This has seen new equipment installed at:

- Waterfront Village
- City Centre
- Baldivis City Centre (focus around Mary Davies Library and Community Centre)

Element 2 reflects the need for a transparent decision making process be in place. This would require the development of a Council Policy which will provide the framework for CCTV operations in the City.

Implications to Consider

a. Consultation with the Community
   Nil at this stage; if approved the draft policy will be advertised for public consultation in accordance with the City of Rockingham Policy Framework.

b. Consultation with Government Agencies
   Nil

c. Strategic
   Community Plan
   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

   Aspiration C: Quality Leadership
   Strategic Objective: Governance - Governance systems that enable Council to make informed decisions, effectively supported by an executive informing and implementing those decisions; all with an accountable legally compliant, transparent and ethical environment

d. Policy
   Should Council approve the officer recommendation a new policy for CCTV will be prepared in accordance with the City of Rockingham Policy Framework.

e. Financial
   Nil

f. Legal and Statutory
   Nil

g. Risk
   Risk Implications of Implementing Officer Recommendation
   Nil
   Risk Implications of Not Implementing Officer Recommendation
   Nil
### Comments

Council has invested significant resources into the current CCTV project. Best practice would require a CCTV Policy from Council that will include, but not limited to, the purpose, scope, intent of identified areas and to secure clear instruction to the Chief Executive Officer to ensure administrative policies and procedures are developed and implemented. This will ensure the City CCTV systems are run lawfully and reflect best practice CCTV governance.

### Voting Requirements

Simple Majority

<table>
<thead>
<tr>
<th>Officer Recommendation</th>
<th>Committee Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>That Council <strong>APPROVE</strong> the development of a CCTV Policy.</td>
<td>Moved Cr Sammels, seconded Cr J Smith: That Council <strong>APPROVE</strong> the development of a CCTV Policy.</td>
</tr>
</tbody>
</table>

Committee Voting – 5/0

<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
<th>Implications of the Changes to the Officer’s Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
Purpose of Report

To seek Council endorsement of the Sports Facility Provision Policy for the purpose of public comment.

Background

In response to an increasing need to provide additional and upgraded sporting club facilities across the City on active sporting reserves and the lack of an established position in what the City would provide in the form of built infrastructure to different sporting codes and differing levels of competition, Council resolved on 26 August 2014 (CD-027/14) ‘To DIRECT the Chief Executive Officer to prepare a draft policy for Council consideration that provides for:

- A uniform approach to the provision of new infrastructure and facilities for sporting associations.
- The principles and criteria that are to be applied to establish the size, scale, function and utility of new development.
- A uniform standard of size, specification and fit out.
- Opportunities for prospective users to vary the uniform standard at their own expense’
The purpose was to apply a policy that will guide the development of new and redevelopment of existing sporting facilities throughout the City. This is to be achieved by ensuring consistent and equitable facility provision based upon identified and endorsed National and State Sporting Association preferred facility guidelines and City financial parameters.

**Details**

The policy is relevant to the planning and delivery of all current and proposed City owned and managed sporting facilities as they are developed or redeveloped. It will assist the City to adhere to a number of principles that will be applied to the design of sporting facilities which are consistent, equitable and transparent.

Research has been conducted into the recommendations made by National and State Sporting Associations/governing bodies in regards to the facilities required and dimensions for sporting clubs to be able to operate effectively at different levels of competition.

It has been found that there were similarities between sports who shared similar numbers of players on the field in terms of what spaces are usually provided, how large these spaces are and the level of fit-out. For this reason it is recommended, in the policy, that the provision for sporting pavilions be based on the following player numbers:

- 13 – 18 players (Australian Rules Football, Rugby League, Rugby Union)
- 11 – 12 players (Cricket, Hockey, Gridiron, Soccer)
- 7 – 9 players (Baseball/Softball, Basketball, Netball)

Sports which do not fall into these categories, such as Tennis, Lawn Bowls and Athletics, will have their own facility pavilion standards.

**Implications to Consider**

a. **Consultation with the Community**

City staff have been in regular contact with the various sporting clubs and associations in regards to their needs for new or improved facilities as part of the community infrastructure planning process.

If endorsed, the Sports Facility Provision Policy will be advertised for public consultation in accordance with the City of Rockingham Policy Framework.

b. **Consultation with Government Agencies**

The Department of Sport and Recreation has supplied their standards for the provision of sporting facilities for different sporting codes and this information has been used in the formulation of the draft Policy.

c. **Strategic Community Plan**

This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

**Aspiration B:** Strong Community

**Strategic Objective:** Services and Facilities - Community facilities and services that accommodate contemporary community expectation and are justified, well used, cost effective and, where appropriate, multi-functional.

**Aspiration C:** Quality Leadership
Strategic Objective: Infrastructure - Civic buildings, sporting facilities, public places and transport infrastructure planned, designed, constructed and maintained using best practice principles and life cycle cost analysis, and implemented in line with informed population growth analysis

Strategic Objective: Governance - Governance systems that enable Council to make informed and considered decisions, effectively supported by an executive informing and implementing those decisions; all within an accountable, legally compliant, transparent and ethical environment.

d. Policy
The Sports Facility Provision Policy has been prepared in accordance with the City of Rockingham Policy Framework and will be publically advertised for a period of 14 days, then return to Council for final approval.

e. Financial
Nil

f. Legal and Statutory
Nil

g. Risk
Risk Implications of Implementing Officer Recommendation
Nil

Risk Implications of Not Implementing Officer Recommendation
Nil

Comments
The proposed Sports Facility Provision Policy will greatly improve the City's position to deliver an equitable standard of facilities in line with the preferred facility guidelines of National and State Sporting Associations. It will enhance relationships with sporting clubs as they shall be aware of what sporting infrastructure is required for them to be able to effectively utilise their sporting reserves. It will also improve the City's ability to plan future sporting facilities as it will provide a guide as to what will be developed at each site.

The proposed policy will require the Chief Executive Officer to establish Executive Policies, Administrative Procedures and implement organisational systems that ensure all sporting facilities are designed and constructed consistently and as per preferred facility guidelines. This includes the prescribed principles and criteria that are to be applied to establish the dimensions, scale, function and utility for sports facilities provision and uniform size specification and fit out.

Voting Requirements
Simple Majority

Officer Recommendation
That Council ENDORSE the Sports Facility Provision Policy for the purpose of public comment.

Committee Recommendation
Moved Cr J Smith, seconded Cr Whitfield:
That Council ENDORSE the Sports Facility Provision Policy for the purpose of public comment.

Committee Voting – 5/0
<table>
<thead>
<tr>
<th><strong>The Committee's Reason for Varying the Officer's Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Implications of the Changes to the Officer’s Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
### Community Development
#### Community Infrastructure Planning

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>CD-008/15 Coastal Central Sporting Infrastructure Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>CPR/706</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Proponent/s:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Ms Carly Kroczek, Community Infrastructure Planning Officer</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Ashley Pittard, Manager Community Infrastructure Planning</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>17 March 2015</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td></td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Executive</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td></td>
</tr>
<tr>
<td>Site:</td>
<td>Coastal Central Sporting Infrastructure Assessment</td>
</tr>
<tr>
<td>Lot Area:</td>
<td></td>
</tr>
<tr>
<td>Attachments:</td>
<td></td>
</tr>
<tr>
<td>Maps/Diagrams:</td>
<td></td>
</tr>
</tbody>
</table>

### Purpose of Report

For Council to adopt the Coastal Central Sporting Infrastructure Assessment.

### Background

To guide the future planning and maintain a strategic approach to the provision of active open space and sporting infrastructure in the City of Rockingham, a sporting infrastructure assessment is being conducted for every sub-district within the municipality. The information obtained from the assessment will influence the City's capital works program through the Community Infrastructure Plan and subsequent Business Plan.

The Coastal Central Sporting Infrastructure Assessment is the second assessment completed by the City, with the first being the Coastal South Sporting Infrastructure Assessment.

### Details

The Coastal Central sub district is comprised of the suburbs of Waikiki, Warnbro and Port Kennedy. Based on population projections compiled by demographers .id – informed decisions, the population of the Coastal Central area is expected to increase from 38,667 in 2015 to 39,027 by 2030.
Using the standards of provision which are outlined in the City’s Community Infrastructure Plan, a community with a population of almost 40,000 people should have access to the following active reserves:

<table>
<thead>
<tr>
<th>Item</th>
<th>Standards of Provision (population)</th>
<th>Required</th>
<th>Meets Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Active Open Space (6-8 playing fields)</td>
<td>1:150,000 – 250,000</td>
<td>Access to</td>
<td>Yes, Lark Hill Sportsplex</td>
</tr>
<tr>
<td>District Active Open Space (4-6 playing fields)</td>
<td>1:100,000-125,000</td>
<td>No</td>
<td>Not applicable – not required</td>
</tr>
<tr>
<td>Sub District Active Open Space (2-4 playing fields)</td>
<td>1:25,000 – 50,000</td>
<td>Yes x 1</td>
<td>Yes; Currie Street Reserve (Warnbro Sporting Complex)</td>
</tr>
<tr>
<td>Neighbourhood Active Open Space (1-2 playing fields)</td>
<td>1:15,000 – 20,000</td>
<td>Yes x 2</td>
<td>Yes – exceeds; Koorana Reserve, Warnbro Oval (Living Waters Lutheran College)</td>
</tr>
<tr>
<td>Local Active Open Space (1 junior playing field)</td>
<td>1:7,500 – 10,000</td>
<td>Yes x 3-4</td>
<td>Yes; Achiever Oval, Waikiki Oval, St Raphael Reserve, Rockingham Lakes Oval</td>
</tr>
</tbody>
</table>

Based on the current provision, the Coastal Central area is adequately supplied with active open space, meeting the standards of provision for the population both now in 2015 and in 15 years' time in 2030. The community consultation phase of the project highlighted that the built infrastructure such as club rooms, change rooms and storage was inadequate at many of the reserves and it is this area which does not meet the needs or expectations of the community.

To ensure the facilities at the key sub-district and neighbourhood reserves (namely Koorana Reserve and Currie Street Reserve) adequately meet current and future sporting association guidelines, it is recommended that master plans be developed to guide the long term planning and capital works programs for these reserves.

**Implications to Consider**

a. **Consultation with the Community**

   The Community Infrastructure Planning Team has conducted a large amount of consultation with key stakeholders in the Coastal Central area as part of other key infrastructure planning projects. This information, along with that obtained from the annual club development survey was used to inform the needs assessment. Where information relating to a particular sport, reserve or club was not available, Officers contacted the respective stakeholders directly to obtain the required information.

b. **Consultation with Government Agencies**

   Not Applicable

c. **Strategic**

   **Community Plan**

   This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Community Plan 2015-2025:

   **Aspiration B:** Strong Community

   **Strategic Objective:** Services and Facilities - Community facilities and services that accommodate contemporary community expectation and are justified, well used, cost effective and, where appropriate, multi-functional

d. **Policy**

   Not Applicable
e. **Financial**
   
   Funding has been budgeted for in the Community Infrastructure Planning team plan and will be available subject to Council adopting budgets.

f. **Legal and Statutory**
   
   Not Applicable

**g. Risk**

<table>
<thead>
<tr>
<th>Risk Implications of Implementing Officer Recommendation</th>
<th>Nil</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk Implications of Not Implementing Officer Recommendation</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Comments**

The outcomes of the Coastal Central Sporting Assessment identify that there is sufficient active open space available for the community both now and into the future, however it is the built infrastructure which appears to be hindering growth. Undertaking the master planning process for both Koorana Reserve and Currie Street Reserve will provide the City with a strategic, long term plan for the Coastal Central area which will assist in future business planning and budget processes.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council *ADOPT* the 2015 Coastal Central Sporting Infrastructure Assessment.

**Committee Recommendation**

**Moved Cr Sammels, seconded Cr Stewart:**

That Council *ADOPT* the 2015 Coastal Central Sporting Infrastructure Assessment.

Committee Voting – 5/0

**The Committee's Reason for Varying the Officer's Recommendation**

Not Applicable

**Implications of the Changes to the Officer's Recommendation**

Not Applicable
13. **Reports of Councillors**
   Nil

14. **Addendum Agenda**
   Nil

15. **Motions of which Previous Notice has been given**
   Nil

16. **Notices of motion for Consideration at the Following Meeting**
   Nil

17. **Urgent Business Approved by the Person Presiding or by Decision of the Committee**
   Nil

18. **Matters Behind Closed Doors**
   Nil

19. **Date and Time of Next Meeting**
   The next Corporate and Community Development Committee Meeting will be held on **Tuesday 21 April 2015** in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.

20. **Closure**
   There being no further business, the Chairperson thanked those persons present for attending the Corporate and Community Development Committee meeting, and declared the meeting closed at **5:01pm**.