MINUTES

Corporate and Community Development Committee Meeting

Held on Tuesday 20 January 2015 at 4:00pm
City of Rockingham Boardroom
City of Rockingham
Corporate and Community Development Committee Meeting Minutes
4:00pm Tuesday 20 January 2015

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<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>Urgent Business Approved by the Person Presiding or by Decision of the Committee</td>
</tr>
<tr>
<td>18</td>
<td>Matters Behind Closed Doors</td>
</tr>
<tr>
<td>19</td>
<td>Date and Time of Next Meeting</td>
</tr>
<tr>
<td>20</td>
<td>Closure</td>
</tr>
</tbody>
</table>
Corporate and Community Development Committee Minutes
Tuesday 20 January 2015

CONFIRMED AT A CORPORATE AND COMMUNITY DEVELOPMENT MEETING HELD ON TUESDAY, 17 FEBRUARY 2015

PRESIDING MEMBER

City of Rockingham
Corporate and Community Development Committee Meeting Minutes
Tuesday 20 January 2015 - Council Boardroom

<table>
<thead>
<tr>
<th>1.</th>
<th>Declaration of Opening</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Chairperson declared the Corporate and Community Development Committee Meeting open at <strong>4:01pm</strong>, welcomed all present, and delivered the Acknowledgement of Country.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2.</th>
<th>Record of Attendance/Apologies/Approved Leave of Absence</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.1 Councillors</strong></td>
<td>Chairperson</td>
</tr>
<tr>
<td>Cr Leigh Liley</td>
<td>Mr John Pearson</td>
</tr>
<tr>
<td>Cr Matthew Whitfield</td>
<td>Mr John Woodhouse</td>
</tr>
<tr>
<td>Cr Justin Smith</td>
<td>Mr Jillian Obiri-Boateng</td>
</tr>
<tr>
<td>Cr Barry Sammels (Mayor)</td>
<td>Mr Ben Searcy (until 4:12pm)</td>
</tr>
<tr>
<td>Cr Joy Stewart</td>
<td>Ms Karin Strachan (until 4:12pm)</td>
</tr>
<tr>
<td><strong>2.2 Executive</strong></td>
<td>A/Chief Executive Officer</td>
</tr>
<tr>
<td>Mr Michael Yakas</td>
<td>Manager Customer and Corporate Support</td>
</tr>
<tr>
<td>Mr Ashley Pittard</td>
<td>Manager Community Infrastructure Planning</td>
</tr>
<tr>
<td>Ms Mary-Jane Rigby</td>
<td>Manager Community Support and Safety Services</td>
</tr>
<tr>
<td>Mr Nick Brown</td>
<td>Manager Community and Leisure Facilities</td>
</tr>
<tr>
<td>Ms Jane Elton</td>
<td>Manager Community Capacity Building</td>
</tr>
<tr>
<td>Ms Alison Oliver</td>
<td>Manager Library and Information Services</td>
</tr>
<tr>
<td>Mr Peter Melling</td>
<td>Manager Investment Attraction</td>
</tr>
<tr>
<td>Mr Peter Varris</td>
<td>Manager Governance and Councillor Support</td>
</tr>
<tr>
<td>Mr Rafal Kolodynski</td>
<td>Internal Auditor</td>
</tr>
<tr>
<td>Mr Lee Battersby</td>
<td>Coordinator Cultural and Arts Development</td>
</tr>
<tr>
<td>Ms Rebecca Stewart</td>
<td>Community Development Officer</td>
</tr>
<tr>
<td>Ms Sue Langley</td>
<td>Governance Coordinator</td>
</tr>
<tr>
<td>Mrs Diane Zanre</td>
<td>PA to Director Community Development</td>
</tr>
<tr>
<td>Ms Nikita Lawson</td>
<td>Business Trainee – Governance</td>
</tr>
<tr>
<td><strong>2.3 Members of the Gallery</strong>:</td>
<td>Nil</td>
</tr>
<tr>
<td><strong>2.4 Apologies</strong>:</td>
<td>Nil</td>
</tr>
<tr>
<td><strong>2.5 Approved Leave of Absence</strong>:</td>
<td>Nil</td>
</tr>
</tbody>
</table>
3. Responses to Previous Public Questions Taken on Notice

Nil

4. Public Question Time

4:02pm The Chairperson invited members of the Public Gallery to ask questions. There were none.

5. Confirmation of Minutes of the Previous Meeting

Moved Cr Sammels, seconded Cr Stewart:

That Committee CONFIRM the Minutes of the Corporate and Community Development Committee Meeting held on 9 December 2015, as a true and accurate record.

Committee Voting – 5/0

6. Matters Arising from the Previous Minutes

Nil

7. Announcement by the Presiding Person without Discussion

4:02pm 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.

8. Declarations of Members and Officers Interests

4:02pm The Chairperson noted the interests declared in Item 8.1, 8.2 and 8.3 and asked if there were any further interests to declare.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Date of Recommendation</th>
<th>Type of Interest</th>
<th>Nature of Interest</th>
<th>Extent of Interest (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.1</td>
<td>CD-002/15</td>
<td>Impartiality</td>
<td>Cr J Smith is a life member of the Rockingham Kwinana Chamber of Commerce</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>8.2</td>
<td>CD-002/15</td>
<td>Impartiality</td>
<td>Cr Elliott has a connection with the Singleton Primary School</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
CONFIRMED AT A CORPORATE AND COMMUNITY
DEVELOPMENT MEETING HELD ON TUESDAY, 17
FEBRUARY 2015

PRESIDING MEMBER

<table>
<thead>
<tr>
<th>8.3 Item CD-002/15</th>
<th>Recommendation from the Community Grants Program Advisory Committee Meeting held on 19 December 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer:</td>
<td>Mr Michael Holland</td>
</tr>
<tr>
<td>Type of Interest:</td>
<td>Indirect Financial</td>
</tr>
<tr>
<td>Nature of Interest:</td>
<td>Mr Holland’s daughter may be undertaking some casual work for Street Hassle Events</td>
</tr>
<tr>
<td>Extent of Interest</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

Cr Sammels declared the following interest.

<table>
<thead>
<tr>
<th>8.4 Item CD-002/15</th>
<th>Recommendation from the Community Grants Program Advisory Committee Meeting held on 19 December 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor:</td>
<td>Cr Barry Sammels</td>
</tr>
<tr>
<td>Type of Interest:</td>
<td>Impartiality</td>
</tr>
<tr>
<td>Nature of Interest:</td>
<td>Cr Sammels is a life member of the Rockingham Kwinana Chamber of Commerce</td>
</tr>
<tr>
<td>Extent of Interest</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

The Chairperson noted there were no further interests declared.

9. Petitions/Deputations/Presentations/Submissions
Nil

10. Matters for which the Meeting may be Closed
Nil

11. Bulletin Items

Corporate and General Management Services Information Bulletin – January 2015

Corporate Services
1. Corporate Services Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Retention and Disposal Project
   3.2 Integrated team plan and risk management module
   3.3 Mobile Computing – Infringements
   3.4 Mobile Computing – Asset Management / Inspections
   3.5 Purchasing Card Module
   3.6 Online Application Lodgement System – Rockingham Anytime
   3.7 Intranet Redevelopment
   3.8 Closed-Circuit Television (CCTV) – Stage 2
   3.9 Closed-Circuit Television (CCTV) – Stage 3 and 4
   3.10 Service Management Processes
   3.11 Replacement of DC1 and DC2 Servers and VMware Upgrade
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 9
3.17 Integrate Security Access Control Systems
3.18 Implement DC1/DC2 configuration as per Business Continuity Plan requirements

4. Information Items
4.1 Amendment to Rate Record – Non rateable Land s6.26(2)(g)of Local Government Act
4.2 Change of Basis of Rates December 2014
4.3 List of Payments November and December 2014
4.4 Rockingham Aquatic Centre
4.5 Rockingham Child Care Service
4.6 Autumn Centre
4.7 Challenger Court
4.8 Warnbro Community Recreation Centre
4.9 Mike Barnett Sports Complex
4.10 Aqua Jetty
4.11 Gary Holland Community Centre
4.12 Lease Management
4.13 Facility Contract Management
4.14 Land 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 Australia Day Awards and Citizenship Ceremony
   4.2 Freedom of Information 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
   3.9 Workforce Development Plan
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
   3.2 Risk Management Training and Printing
   3.3 Community Engagement Framework
   3.4 Re-development of Strategic Community Plan
   3.5 Implementation and printing of 2015-2025 Strategic Community Plan
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 Items
   4.1 Defence Housing Australia
   4.2 Tourism WA
   4.3 Acton Realty Presentation
   4.4 St Ives Group
   4.5 LandCorp
   4.6 Beach Front Property
   4.7 Destination WA

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 Administrative Procedure – Withdrawal of Parking Infringements
   4.5 Policy – Local Law – Various activities
Legal Capacity Building
4.6 Training – Introduction to dealings with Crown Land
4.7 Professional Development – Recent Developments in Contract Law: Reasonable Endeavours and Penalties

Committee Recommendation

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

Committee Voting – 5/0

4:12pm Mr Searcy, Manager Human Resource Development and Ms Karin Strachan, Manager Strategy Coordination departed the meeting.

<table>
<thead>
<tr>
<th>Community Development Information Bulletin – January 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Community Support and Safety Services</strong></td>
</tr>
<tr>
<td>1. Community Support and Safety Services Team Overview</td>
</tr>
<tr>
<td>2. Human Resource Update</td>
</tr>
<tr>
<td>3. Project Status Reports</td>
</tr>
<tr>
<td>3.1 Regional Community Services Leadership Programmes</td>
</tr>
<tr>
<td>3.2 Social Connector Project</td>
</tr>
<tr>
<td>3.3 Rockingham Connect</td>
</tr>
<tr>
<td>4. Information Items</td>
</tr>
<tr>
<td>4.1 Youth Services</td>
</tr>
<tr>
<td>4.2 Community Safety</td>
</tr>
<tr>
<td><strong>Library Services</strong></td>
</tr>
<tr>
<td>1. Library Services Team Overview</td>
</tr>
<tr>
<td>2. Human Resource Update</td>
</tr>
<tr>
<td>3. Project Status Reports</td>
</tr>
<tr>
<td>4. Information Items</td>
</tr>
<tr>
<td>4.1 November 2015 Library Statistics</td>
</tr>
<tr>
<td>4.2 Mary Davies Library and Community Centre Update</td>
</tr>
<tr>
<td>4.3 Safety Bay Library Update</td>
</tr>
<tr>
<td>4.4 Warnbro Community Library Update</td>
</tr>
<tr>
<td><strong>Community Infrastructure Planning</strong></td>
</tr>
<tr>
<td>1. Community Infrastructure Planning Team Overview</td>
</tr>
<tr>
<td>2. Human Resource Update</td>
</tr>
<tr>
<td>3. Project Status Reports</td>
</tr>
<tr>
<td>3.1 Coastal South Sporting Infrastructure Assessment</td>
</tr>
<tr>
<td>3.2 Baldivis Library and Community Centre</td>
</tr>
<tr>
<td>3.3 Regional Cycling Facilities Feasibility Study</td>
</tr>
<tr>
<td>3.4 Golden Bay Primary School – Shared Use Open Space Development and Agreement</td>
</tr>
<tr>
<td>3.5 Secret Harbour Surf Life Saving Club Redevelopment (SHSLSC)</td>
</tr>
<tr>
<td>3.6 Baldivis Primary School Shared Use Reserve</td>
</tr>
<tr>
<td>3.7 Lot 1507 Active Public Open Space Development</td>
</tr>
<tr>
<td>3.8 Baldivis District Sporting Complex Feasibility Study and Concept Plans</td>
</tr>
<tr>
<td>3.9 Active Ageing Precinct Master Plan</td>
</tr>
</tbody>
</table>
3.10 Rockingham Youth Venue – Feasibility Planning  
3.11 Public Open Space and Community Purpose Site Strategy  
3.12 Laurie Stanford Reserve – Management and Business Planning  
3.13 Secret Harbour Community Library – Feasibility Study and Concept Plan  
3.14 Sport Reserve Floodlighting Program  
3.15 Aquatic Facilities Strategy  
3.16 Community Infrastructure Plan  
3.17 Rhonda Scarrott Reserve Master Plan Implementation  
3.18 Laurie Stanford Reserve Master Plan Implementation  
3.19 Play Space Strategy  
3.20 Reserve and Open Space Master Plans  
3.21 Dog Exercise Areas  
3.22 Karnup Community Infrastructure Plan  

4. Information Items  
4.1 Infrastructure Planning and Development Grants 2014/2015  
4.2 Baldivis Outdoor Youth 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)  
3.10 Challenger Precinct Masterplan  

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

Committee Recommendation  

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

Committee Voting – 5/0
12. Agenda Items

Corporate Services

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>FLM/88-02</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>89</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Miss Antonietta Landro, Financial Accountant</td>
</tr>
<tr>
<td>Author:</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 January 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>
</tbody>
</table>

Site:
Lot Area:
Attachments:
Maps/Diagrams:

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

<table>
<thead>
<tr>
<th>Implication</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Consultation with the Community</td>
</tr>
<tr>
<td>Not Applicable</td>
</tr>
<tr>
<td>b. Consultation with Government Agencies</td>
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<tr>
<td>Not Applicable</td>
</tr>
<tr>
<td>c. Strategic</td>
</tr>
<tr>
<td>Community Plan</td>
</tr>
<tr>
<td>This item addresses the Community's Vision for</td>
</tr>
<tr>
<td>the future and specifically the following</td>
</tr>
<tr>
<td>Aspiration and Strategic Objective contained in</td>
</tr>
<tr>
<td>the Community Plan 2015-2025:</td>
</tr>
<tr>
<td>Aspiration 4: Quality Leadership</td>
</tr>
<tr>
<td>Strategic Objective: Governance - Governance</td>
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<tr>
<td>systems that enable Council to make informed</td>
</tr>
<tr>
<td>and considered decisions, effectively supported</td>
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<tr>
<td>by an executive informing and implementing</td>
</tr>
<tr>
<td>those decisions; all within an accountable,</td>
</tr>
<tr>
<td>legally compliant, transparent and ethical</td>
</tr>
<tr>
<td>environment.</td>
</tr>
<tr>
<td>d. Policy</td>
</tr>
<tr>
<td>Nil</td>
</tr>
<tr>
<td>e. Financial</td>
</tr>
<tr>
<td>Major variances (above $250,000) between budget</td>
</tr>
<tr>
<td>estimates and actual results for the month to</td>
</tr>
<tr>
<td>which the statement relates are shown in the</td>
</tr>
<tr>
<td>supporting documentation.</td>
</tr>
<tr>
<td>f. Legal and Statutory</td>
</tr>
<tr>
<td>Section 6.4 of the Local Government Act 1995</td>
</tr>
<tr>
<td>and Regulation 34 of the Local Government</td>
</tr>
<tr>
<td>(Financial Management) Regulations 1996 require</td>
</tr>
<tr>
<td>that monthly financial reports be presented to</td>
</tr>
<tr>
<td>Council.</td>
</tr>
<tr>
<td>g. Risk</td>
</tr>
<tr>
<td>Risk Implications of Implementing Officer</td>
</tr>
<tr>
<td>Recommendation: Nil</td>
</tr>
<tr>
<td>Risk Implications of Not Implementing Officer</td>
</tr>
<tr>
<td>Recommendation: High:</td>
</tr>
<tr>
<td>• Non-compliance with relevant legislation</td>
</tr>
</tbody>
</table>

### Comments

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

### Voting Requirements

Simple Majority

### Officer Recommendation

Committee Recommendation

Moved Cr J Smith, seconded Cr Whtifield:

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**

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>CS-002/15 Leasing Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LGS/8</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td></td>
</tr>
<tr>
<td>Proponent/s:</td>
<td></td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Nick Brown, Manager Community and Leisure Facilities</td>
</tr>
</tbody>
</table>
| Other Contributors:     | Mr Kelton Hincks, Manager Asset Services  
                         | Ms Jane Elton, Manager Community Capacity Building |
| Date of Committee Meeting: | 20 January 2015 |
| Previously before Council: | CS-023/13 23 October 2013 |
| Disclosure of Interest: | Executive |
| Nature of Council’s Role in this Matter: | |

**Site:**  
**Lot Area:**  
**Attachments:**  
**Maps/Diagrams:** Leasing Policy

**Purpose of Report**

To seek Council endorsement of a Leasing Policy for the purposes of public advertising.

**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.

The matter was complex, involving cross functional input and significant research and investigation. The main focus was to ensure that the philosophy is appropriate to enhance social outcomes.

**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**
   
   If endorsed, the Leasing 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 Objectives contained in the Community Plan 2015-2025:
   
   **Aspiration 2:** 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 will be publically advertised for a period of 14 days and then return to Council 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

### Comments

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 and is recommended to Council for endorsement.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ENDORSE** the Leasing Policy for the purpose of public comment.

**Committee Recommendation**

Moved Cr J Smith, seconded Cr Whitfield:

That Council **ENDORSE** the Leasing Policy for the purpose of public comment.

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
General Management Services

Governance and Councillor Support

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>GMS-001/15 Annual Meeting of Electors 17 December 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>GVR/60</td>
</tr>
<tr>
<td>Risk:</td>
<td></td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mr Peter Varris, Manager Governance and Councillor Support</td>
</tr>
<tr>
<td>Author:</td>
<td></td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 January 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>
</tbody>
</table>

| Site:                  |                                                       |
| Lot Area:              |                                                       |
| Attachments:           | Minutes of the Annual Meeting of Electors held 17 December 2014 |
| Maps/Diagrams:        |                                                       |

**Purpose of Report**

To receive the minutes and consider any decisions of the Annual Meeting of Electors held 17 December 2014.

**Background**

Council resolved at its 28 October 2014 meeting to hold the Annual Meeting of Electors on Wednesday 17 December 2014 commencing at 6:00pm. The meeting was held and the minutes are included as an attachment.

**Details**

The Annual Meeting of Electors was held on 17 December 2014 and in accordance with Section 5.33 of the Local Government Act 1995 all decision made at an electors’ meeting are to be considered at the next ordinary council meeting.
Implications to Consider

a. Consultation with the Community
   Advertising was carried out in the West Australian, Sound Telegraph and Weekend Courier, City Website, Library and Administration notice boards advising the community of the date and time of the Annual Meeting of Electors. The City's social media platforms were also utilised for the notification of the meeting. Members of the Public were invited to attend and submit questions on the Annual Report and for General Business.

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:** Quality leadership

   **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.

   **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
   Nil

f. Legal and Statutory
   Section 5.33 of the Local Government Act 1995 specifies the following in respect to decisions made at Electors Meetings:

   (1) **All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable —**
       (a) at the first ordinary council meeting after that meeting; or
       (b) at a special meeting called for that purpose, whichever happens first.

   (2) **If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.**

g. Risk
   Nil

Comments

With the exception of the decision to receive the 2013-2014 Annual Report, there were no other decisions or resolutions made at the Annual Meeting of Electors held 17 December 2014.

Issues raised as questions during the meeting will be responded to by the Administration in the ordinary course of business.
**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council *RECEIVE* the minutes of the Annual Meeting of Electors held on Wednesday 17 December 2014.

**Committee Recommendation**

Moved Cr J Smith, seconded Cr Whitfield:

That Council *RECEIVE* the minutes of the Annual Meeting of Electors held on Wednesday 17 December 2014.

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

That Council approve the recommendation to amend the composition of the Rockingham Education and Training Advisory Committee Membership.

Recommendations to the Corporate and Community Development Committee

Advisory Committee Recommendation 1: Composition of Committee

That Council:

1. **APPROVE** the Rockingham Education and Training Advisory Committee Membership:

   - Two Councillors
   - One Community Member
   - Two University representatives
   - One Department of Education (South Metro Education Regional Office) representative
   - One Challenger Institute of Technology representative
   - One Independent Schools representative
Background

The Rockingham Education and Training Advisory Committee have two vacant Tertiary Student positions. It is suggested to remove these positions and invite professional organisations/guests to speak at the committee meetings as and when required. This allows the committee to understand trends, gaps and initiatives with the community and to invite organisations/guests to speak on current trends, issues and ideas that relate to the Learning City Strategy. Also, given the changes at the Murdoch Rockingham Campus – the committee recommend changing from ‘Two Murdoch Representatives’ to ‘Two University Representatives’.

Current Committee Membership:
Two Councillors
One Community Member
One Tertiary Student Community Member
One Tertiary Student Community Member (Deputy)
Two Murdoch University Representatives
One Department of Education (South Metro Education Regional Office) representative
One Challenger Institute of Technology representative
One Independent Schools Representative

Revised Committee Membership:
Two Councillors
One Community Member
Two University representatives
One Department of Education (South Metro Education Regional Office) representative
One Challenger Institute of Technology representative
One Independent Schools Representative

Changes:
Remove: One Tertiary Student Community Member
One Tertiary Student Community Member (Deputy)
Two Murdoch University Representatives
Addition: Two University representatives

Implications to Consider

a. 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 2: Strong Community

Strategic Objective: Community Capacity Building and Wellbeing - A healthy community that volunteers, embraces lifelong learning and cultural awareness, and is involved with a diverse range of vibrant and sustainable community, sporting, cultural and artistic organisations and pursuits

b. Policy
Governance and Meeting Framework Policy which stipulates that Advisory committees provide recommendations to Council in line with their terms of reference.
c. Financial
   Nil

d. Legal and Statutory
   Nil

e. Voting Requirements
   Simple Majority

f. Risk
   Risk Implications of Implementing Officer Recommendation
   Nil
   Risk Implications of Not Implementing Officer Recommendation
   Nil

**Officer Recommendation if Different to Advisory Committee Recommendation**

That Council:

1. **APPROVE** the Rockingham Education and Training Advisory Committee membership composition as follows:
   - Two Councillors
   - One Community Member
   - Two University representatives
   - One Department of Education (South Metro Education Regional Office) representative
   - One Challenger Institute of Technology representative
   - One Independent Schools representative

2. **AMEND** the Governance and Meeting Framework policy to reflect the revised membership composition of the Rockingham Education and Training Advisory Committee.

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

The Governance and Meeting Framework policy needs to be amended to reflect the changes to the composition of the Rockingham Education and Training Advisory Committee, to specify:

- Two Councillors
- One Community Member
- Two University representatives
- One Department of Education (South Metro Education Regional Office) representative
- One Challenger Institute of Technology representative
- One Independent Schools representative

**Advisory Committee Recommendation 2: Amend Terms of Reference**

That Council **APPROVE** the revised Terms of Reference to read ‘To provide advice and guidance to Officers and Council on education, training and lifelong learning within the City of Rockingham’.
Background

The Rockingham Education and Training Advisory Committee do not feel that the terms of reference in their current phrase ‘The primary role of the Committee is to facilitate collaboration between key stakeholders to best identify and meet the lifelong educational needs of the Rockingham Community’ fully encompasses the role of the Committee. The Committee believe the new proposed terms of reference better reflect their role in being an Advisory Committee of Council.

Implications to Consider

a. 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 2: Strong Community

Strategic Objective: Capacity Building and Wellbeing - A healthy community that volunteers, embraces lifelong learning and cultural awareness, and is involved with a diverse range of vibrant and sustainable community, sporting, cultural and artistic organisations and pursuits

b. Policy

Governance and Meeting Framework Policy which stipulates that Advisory committees provide recommendations to Council in line with their terms of reference.

c. Financial

Nil

d. Legal and Statutory

Local Government Act 1995 5.9 (2)(d), a committee is to comprise of council members, and other persons.

e. Voting Requirements

Simple Majority

f. Risk

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

Nil

Officer Recommendation if Different to Advisory Committee Recommendation

That Council

1. APPROVE the revised Rockingham Education and Training Advisory Committee Terms of Reference to read ‘To provide advice and guidance to Council on education, training and lifelong learning within the City of Rockingham’.

2. AMEND the Governance and Meeting Framework policy to reflect the revised terms of reference of the Rockingham Education and Training Advisory Committee.

The Officer’s Reason for Varying the Advisory Committee Recommendation

1. The role of the Advisory Committee is to provide advice and guidance to Council, not to Officers.
2. The Council Policy for Governance and Meeting Framework needs to be amended to reflect the changes to the terms of reference of the Rockingham Education and Training Advisory Committee, to read ‘To provide advice and guidance to Officers and Council on education, training and lifelong learning within the City of Rockingham’.

### Committee Recommendation

**Moved Cr Sammels, seconded Cr J Smith:**

That Council:

1. **APPROVE** the Rockingham Education and Training Advisory Committee membership composition as follows:
   - Two Councillors
   - One Community Member
   - Two University representatives
   - One Department of Education (South Metro Education Regional Office) representative
   - One Challenger Institute of Technology representative
   - One Independent Schools representative

2. **AMEND** the Governance and Meeting Framework policy to reflect the revised membership composition of the Rockingham Education and Training Advisory Committee.

3. **APPROVE** the revised Rockingham Education and Training Advisory Committee Terms of Reference to read ‘To provide advice and guidance to Council on education, training and lifelong learning within the City of Rockingham’.

4. **AMEND** the Governance and Meeting Framework policy to reflect the revised terms of reference of the Rockingham Education and Training Advisory Committee.

   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
## Community Development

### Community Capacity Building

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>CD-002/15 Recommendation from the Community Grants Program Advisory Committee Meeting held on 19 December 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>GRS/48</td>
</tr>
<tr>
<td>Risk Register No:</td>
<td>Ms Jane Elton, Manager Community Capacity Building</td>
</tr>
<tr>
<td>Author:</td>
<td>20 January 2015</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Cr Justin Smith declares an Impartiality Interest in Item CD-002/15 Recommendations from the Community Grants Program Advisory Committee Meeting held on 19 December 2014 (Item 8.1 Community Grants Program Applications Round Three) as detailed in Clause 3.3 of Council’s Code of Conduct and Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, as he is a life member of the Rockingham Kwinana Chamber of Commerce.</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>Executive</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Minutes of the Community Grants Advisory Committee Meeting held on 19 December 2014</td>
</tr>
</tbody>
</table>

### Nature of Council's Role in this Matter:

#### Purpose of Report

That Council **APPROVE** the Community Grants Program Advisory Committee Recommendations as tabled.
**Recommendations to the Corporate and Community Development Committee**

**Advisory Committee Recommendation 1:**
**Community Grants Program**

That Council **APPROVE** the allocation of funds for Round Three of the 2014/2015 Community Grants Program as follows:

<table>
<thead>
<tr>
<th>CGP Applicants Project/Event</th>
<th>Amount Requested ($)</th>
<th>Subject to conditions from Community Grants Program Committee</th>
<th>Approved ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Churches Commission on Education (Youthcare) - Chaplaincy</td>
<td>20,000</td>
<td>Pending appointment of chaplains in 2015 to documented schools</td>
<td>20,000</td>
</tr>
<tr>
<td>Anglican Op Shop Singleton - Tip Fees</td>
<td>3,850</td>
<td></td>
<td>3,850</td>
</tr>
<tr>
<td>Secret Harbour Surf Life Saving Club - Equipment and Event</td>
<td>16,251.60</td>
<td></td>
<td>10,013.10</td>
</tr>
<tr>
<td>Secret Harbour Residents Association - Rockingham Easter Fair</td>
<td>15,000</td>
<td></td>
<td>10,030</td>
</tr>
<tr>
<td>City of Rockingham RSL Sub Branch - ANZAC Day</td>
<td>20,000</td>
<td></td>
<td>20,000</td>
</tr>
<tr>
<td>Lions Club of Cornet Bay - Secret Harbour Autumn Market Fair</td>
<td>16,470.50</td>
<td></td>
<td>5,280</td>
</tr>
<tr>
<td>Singleton Primary School P &amp; C Association - Fete</td>
<td>5,000 – 10,000</td>
<td>Acknowledgment of gold level membership</td>
<td>5,548.85</td>
</tr>
<tr>
<td>Rockingham Kwinana Chamber of Commerce - (Sponsorship – Room Hire)</td>
<td>3,300</td>
<td></td>
<td>3,300</td>
</tr>
<tr>
<td>Rockingham Kwinana Chamber of Commerce - (Young Professionals Workshops x 4)</td>
<td>2,000</td>
<td></td>
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<td></td>
<td>12,000</td>
</tr>
<tr>
<td>Rockingham Kwinana Chamber of Commerce - (Key Leaders Breakfasts x 4)</td>
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<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Rockingham Kwinana Chamber of Commerce - International Women’s Day Luncheon</td>
<td>4,000</td>
<td></td>
<td>2,000</td>
</tr>
<tr>
<td>Nishi Fundraising Inc</td>
<td>16,500</td>
<td>Pending copy of approved Incorporation Certificate</td>
<td>3,240</td>
</tr>
<tr>
<td><strong>TOTALS (13)</strong></td>
<td><strong>155,372.10</strong></td>
<td></td>
<td><strong>97,261.95</strong></td>
</tr>
</tbody>
</table>
CONFIRMED AT A CORPORATE AND COMMUNITY DEVELOPMENT MEETING HELD ON TUESDAY, 17 FEBRUARY 2015

Background

Round Three of the Community Grants Program (CGP) closed on Friday 5 December 2014. A total of 13 applications were received for minor project and event grants.

A total of 13 minor project and event grant applications were approved in varying amounts and conditions, totalling an amount of $97,261.95.

Implications to Consider

a. 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 2: Strong Community

Strategic Objective: Capacity Building and Wellbeing - A healthy community that volunteers, embraces lifelong learning and cultural awareness, and is involved with a diverse range of vibrant and sustainable community, sporting, cultural and artistic organisations and pursuits.

b. Policy

The CGP operates in line with the CGP Policy and Guidelines. The CGP operates in line with the Council’s Governance and Meeting Framework Policy.

c. Financial

If Council approves the CGP minor project and event grants, round three applications, an amount of $97,261.95 will be utilised from the CGP budget which currently has a balance of $245,036.54 leaving a further balance of $147,774.59.

d. Legal and Statutory

Nil

e. Voting Requirements

Simple Majority

f. Risk

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

Nil

Officer Recommendation if Different to Advisory Committee Recommendation

Nil

The Officer’s Reason for Varying the Advisory Committee Recommendation

Nil

Committee Recommendation

Moved Cr Whitfield, seconded Cr J Smith:

That Council APPROVE the allocation of funds for Round Three of the 2014/2015 Community Grants Program as follows:
## CGP Applicants

<table>
<thead>
<tr>
<th>Project/Event</th>
<th>Amount Requested ($$)</th>
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</tbody>
</table>

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
Community Development
Community Capacity Building

Reference No & Subject: CD-003/15 Recommendation from the Cultural Advisory Committee Meeting held on 17 December 2014
File No: CSV/27-03
Risk Register No:
Author: Mr Lee Battersby, Coordinator Cultural Development and the Arts
Other Contributors: Mr Michael Holland, Director Community Development
Date of Committee Meeting: 20 January 2015
Disclosure of Interest: Executive
Nature of Council’s Role in this Matter:
Attachments: Minutes of the Cultural Advisory Committee Meeting held on 17 December 2014
Maps/Diagrams:

<table>
<thead>
<tr>
<th>Purpose of Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>To seek Council’s endorsement of a budget increase to the Rockingham Art Awards.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recommendations to the Corporate and Community Development Committee</th>
</tr>
</thead>
</table>

Advisory Committee Recommendation 1:
Rockingham Art Awards Budget

That Council **DIRECTS** a budget of $50,000 be set aside for the Rockingham Art Awards 2015.

<table>
<thead>
<tr>
<th>Background</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning is underway for the inaugural staging of the Rockingham Art Awards in late 2015. Finance for the Awards came via Council approval to restructure the Nyoongar Art Awards to create the Rockingham Art Awards, and the reallocation of funds from the Nyoongar Art Awards for this purpose.</td>
</tr>
<tr>
<td>Council approved this restructuring at the October 2014 meeting. (Report number CD-031/14).</td>
</tr>
<tr>
<td>The Cultural Advisory Committee discussed the Rockingham Art Awards at their December 2014 meeting, and recommended an increase in the proposed budget for the inaugural event from $30,000 to $50,000 to assist with the establishment of the Awards and expand upon the number of categories to accommodate prizes for sculptural, textile and digital works.</td>
</tr>
</tbody>
</table>
Implications to Consider

a. 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 2:** Strong Community
   **Strategic Objective:** Capacity Building and Wellbeing - A healthy community that volunteers, embraces lifelong learning and cultural awareness, and is involved with a diverse range of vibrant and sustainable community, sporting, cultural and artistic organisations and pursuits.

b. Policy
   Governance and Meeting Framework Policy which stipulates that Advisory committees provide recommendations to Council in line with their terms of reference.

c. Financial
   Should Council support the Committee recommendation an additional $29,020 will need to be allocated to the 2015 Rockingham Art Awards within the 2014/15 budget.

d. Legal and Statutory
   Local Government Act 1995, s6.8(1) A Local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by resolution.

e. Voting Requirements
   Absolute Majority

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

Officer Recommendation if Different to Advisory Committee Recommendation

That Council **REFUSE** an additional amount of $29,020 to be used for the Rockingham Art Awards in the 2014/15 financial year.

The Officer’s Reason for Varying the Advisory Committee Recommendation

Planning for the inaugural Rockingham Art Awards is in the early stages, with an approved budget of $20,980 already allocated in the 2014/15 budget. The 2015/16 Community Capacity Building team plan contains a projected budget of $30,000 for the Awards, and officers believe this amount will be adequate to deliver the Awards as it has been based upon the previous cost of implementing the Nyoongar Art Awards.

It must be noted that this in an inaugural event to be held during October 2015 and as such, the planning of the event can be monitored as it progresses. If it becomes apparent that funds will not meet the requirements of the event a further budget amendment can be proposed as per the quarterly budget review process for the 2015/16 budget.

As this is an inaugural event it will be fully reviewed following completion with more accurate amounts submitted, if relevant, as part of the annual team plan process.
Committee Recommendation

Moved Cr Sammels, seconded Cr Stewart:
That Council REFUSE an additional amount of $29,020 to be used for the Rockingham Art Awards in the 2014/15 financial year.

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

That Council **APPROVE** the cessation of the local law process to amend the City of Rockingham Activities In Thoroughfares and Public Places and Trading Local Law 2001 initiated at the ordinary Council meeting of 26 August 2014, in accordance with Section 3.13 of the Local Government Act 1995.

## Background

A review and proposed amendment to the City of Rockingham Activities in Thoroughfares and Public Places and Trading Local Law 2001 was undertaken in August 2014. The outcome was that the following was endorsed at the ordinary Council meeting of 26 August 2014:

**That Council:**

1. **ENDORSE the proposed City of Rockingham Activities In Thoroughfares and Public Places and Trading Amendment Local Law 2014 and initiate the local laws process as per section 3.12 of the Local Government Act 1995.**
LOCAL GOVERNMENT ACT 1995  
City of Rockingham  
ACTIVITIES IN THROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2001

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Rockingham resolved on ............2014 to make the following local law.

1. Citation
This local law may be cited as the City of Rockingham Activities in Thoroughfares and Public and Trading Amendment Local Law 2014.

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

3. Principal local law
In this local law, the City of Rockingham Activities in Thoroughfares and Public and Trading Local Law 2014 published in the Government Gazette on 7 November 2001, is referred to as the principal local law. The principal local law is amended.

4. Clause 4.6 amended
In clause 4.6(2) delete “24 hours” and insert “6 hours”.

5. Schedule 1 – Prescribed Offence amended
In Schedule 1 – Prescribed Offences
In clause 4.6(2), under column “Modified Penalty $” delete “100” insert “150”.

2. Give NOTICE as per section 3.12(2) of the Local Government Act 1995 and regulation 3 of the Local Government (Functions and General) regulations 1996, or the purpose and effect of the proposed City of Rockingham Activities In Thoroughfares and Public Places and Trading Amendment Local Law 2014.

PURPOSE
To amend the local law by reducing the response time for retailers to collect abandoned shopping trolleys. Increase the modified penalty to encourage the collection of trolleys within the prescribed time frame.

EFFECT
Increase responsibility of the trolley owners with intention to reduce the amount of abandoned shopping trolleys in Rockingham. To reduce the number of shopping trolleys abandoned outside centre boundaries by amending the local law.

Reduction in notification times aims to ensure retailers instigate more effective systems for abandoned shopping trolley management.’

The local law process requires the proposed draft amendment be made available for public comment. This was undertaken with three public submissions received. Comment was focused on the new collection period of six hours. It was viewed as not achievable by the retailers; that the proposed amendment was not fair or logical. As a result of the comments received, a decision was made to recommend not proceeding with the proposed amendment.

Details

The purpose of the local law amendment was to reduce the negative perception and impact on community safety of Abandoned Shopping Trolleys (ASTs). Community safety concerns include that shopping trolleys left on footpaths particularly at night increase the possibility of pedestrians and people on bicycles colliding with them. Additionally they can roll onto the roadway presenting a hazard for vehicular traffic. ASTs can also be used in anti-social behaviour including intimidation or riding them inappropriately on footpaths or roadways, again a hazard for passing community
members. They also contribute to visual pollution, which builds a negative image and perception of the City.

The prime objective was, and is, to reduce the number of ASTs in public places in the early evenings and overnight when they constitute the higher safety and anti-social behaviour risk. Additionally there is the need to encourage retailers to take responsibility for locating and removing abandoned shopping trolleys, within appropriate timeframes ensuring a minimal amount of trolleys are left out overnight.

The proposed amendment to the Local Law was for the purpose of reducing the time in which a retailer could be requested by the City to remove a shopping trolley from a public place – and to reduce that time from 24 hours to 6 hours.

Submissions made on behalf of certain retailers were to the effect that the retailers could not practically remove the trolleys within that reduced time period.

Having considered the submissions, it is considered that the proposed amendment would not have the practical effect of reducing the current problem.

Consequently, it is proposed to no longer pursue the proposed amendment and following further consideration of the Activities in Thoroughfares and Public Places and Trading Local Law 2001 and the Local Government Act 1995 it was identified that there is an alternate way forward in dealing with ASTs that does not require amendments to the current Local Law.

The Activities in Thoroughfares and Public Places and Trading Local Law 2001 states:

4.5 Person not to leave trolley in public place

A person shall not leave a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys.

This basically means that when a person leaves a shopping trolley in a public place (other than in an area set aside for the storage of shopping trolleys), the person does so in contravention of the City’s Local Law.

That contravention of the Local Law entitles the City to remove and impound the shopping trolley as per the Local Government Act 1995, Part 3, Functions of local government, Division 3, Executive functions of local governments, Subdivision 4, Impounding abandoned vehicle wrecks and goods involved in certain contraventions, section 3.39, Power to remove and impound:

(1) An employee authorised by a local government for the purpose may remove and impound any goods that are involved in a contravention leading to impounding.

Also section 3.37, Contraventions that can lead to impounding:

(1) Regulations may prescribe any contravention of a regulation or local law made under this Act to be a contravention that can lead to impounding.

Within the Local Government (Functions and General) Regulations 1996 – Reg 29 states:

Contraventions that may lead to the impounding of goods (Act s. 3.37)

(1) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if-

(2) (a) it occurs in a public place; and

(ii) where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or law.

The Local Government Act 1995 and Functions and General Regulations 1996 therefore allow the City to collect and impound shopping trolleys located in public places without tagging the trolleys.

Whilst the City is, therefore, entitled to remove shopping trolleys found in a public place, it has, until now, preferred to seek to have the retailers (who provide the shopping trolleys) do the removal.

Unfortunately, this strategy has not led to a significant improvement in the number of shopping trolleys left by the public in public places or their timely removal by the retailers.
The City wants to maintain a positive working relationship with centre management of shopping centres and local retailers, and would therefore meet with shopping centre management representatives and advise retailers accordingly about any new procedure or process that was implemented by the City.

Further discussion is required in relation to implementing a procedure to remove from public places and impound AST’s through in-house resources. These discussions include the concept of the Litterbuster team undertaking this task on an occasional basis as the existing infrastructure requirements of the truck, trailer, access to the Depot after hours etc. provides an appropriate synergy to implement the operational roll out of this initiative.

**Implications to Consider**

a. **Consultation with the Community**

As required by section 3.12 (3) (a), (3) (c), (3a) of the Local Government Act 1995, State wide notice of the proposed local law amendment be advertised. The notice regarding the previous draft amendment appeared in the Weekend Courier (local) on 29 August 2014, Sound Telegraph (local) on 3 September 2014 and the Weekend West Australian (State wide) on 30-31 August 2014.

The public notice was advertised on the City of Rockingham website, social media (Facebook) and placed on all local library noticeboards (Rockingham, Baldivis, Warnbro, Safety Bay).

The public notice and submission period was open for 46 days.

Three public submissions were received. The result was this recommendation not to continue with the proposed amendment.

b. **Consultation with Government Agencies**

As required by section 3.12(3) (b) of the Local Government Act 1995, notice of the proposed local law amendment was sent to the Minister, Hon Mr Tony Simpson MLA on 22 September 2014.

One submission was received from the Department of Local Government and Communities during the public submission period with minor changes. Notification will be sent to the Minister to advise of the decision to cease the local law amendment process if approved.

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 1:** Tourism Lifestyle

**Strategic Objective:** Safety, Appearance and Cleanliness - Attractive, appealing and welcoming foreshores, beaches and public spaces that are clean, safe and litter free.

**Aspiration 2:** Strong Community

**Strategic Objective:** Safety and Support - A community that feels safe and secure in home, work and leisure environments, and has access to a range of effective support services and partnerships when encountering challenging or difficult times.

d. **Policy**

Nil

e. **Financial**

A staffing cost per day/week is currently being reviewed in relation to the collection and impounding of AST’s found in public places.
f. **Legal and Statutory**

The Activities in Thoroughfares and Public Places and Trading Local Law 2001 states:

4.5 Person not to leave trolley in public place

_A person shall not leave a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys._

This part of the Local Law relates to The Local Government Act 1995, Part 3, Functions of local government, Division 3, Executive functions of local governments, Subdivision 4, Impounding abandoned vehicle wrecks and goods involved in certain contraventions, section 3.39, Power to remove and impound:

(2) An employee authorised by a local government for the purpose may remove and impound any goods that are involved in a contravention leading to impounding.

Also section 3.37, Contraventions that can lead to impounding:

(2) Regulations may prescribe any contravention of a regulation or local law made under this Act to be a contravention that can lead to impounding

Within the Local Government (Functions and General) Regulations 1996 – Reg 29 states:

Contraventions that may lead to the impounding of goods (Act s. 3.37)

(3) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if-

(4) (a) it occurs in a public place; and

(ii) where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or law.

g. **Risk**

Risk Implications of Implementing Officer Recommendation

Nil

Risk Implications of Not Implementing Officer Recommendation

Nil

**Comments**

The amendment to the Local Law is now not required as it is proposed that the City will commence, as it is entitled to do under the Act, to immediately remove and impound any shopping trolley found in a public place after a specified time. The retailers will be advised of the action to be taken by the City but the City will not continue to report abandoned trolleys for removal by retailers. The retailers can collect the impounded trolleys upon payment of the City’s costs as per the fees and charges in the 2014/15 adopted budget.

It is hoped that this will encourage retailers to introduce new systems such as Coles has done, for example in June 2014 they introduced a carttronic system on shopping trolleys which make it very difficult to remove them from the shopping centre by reason of a wheel locking mechanism. It must be noted that whilst this has reduced the number of shopping trolleys owned by Coles being removed from the shopping centre, it is not a measure which has been implemented by the other retailers. This has been observed by Community Safety staff who undertook a daily walk through of Civic Boulevard to assess the number of ASTs. On most days there were up to twenty ASTs on the street with only one belonging to Coles. The rest were trolleys belonging to other major retailers.

It is anticipated that this strategy will result in the timely removal of abandoned shopping trolleys from public areas and that the cost to be met by the retailers (when collecting the impounded trolleys), will encourage the retailers to take practical steps (such as those implemented by Coles) to reduce the problem.
### Voting Requirements

**Absolute Majority**

### Officer Recommendation

That Council **APPROVE** the cessation of the local law process to amend the City of Rockingham Activities In Thoroughfares and Public Places and Trading Local Law 2001 initiated at the ordinary Council meeting of 26 August 2014, in accordance with section 3.13 of the Local Government Act 1995.

### Committee Recommendation

**Moved Cr Sammels, seconded Cr J Smith:**

That Council **APPROVE** the cessation of the local law process to amend the City of Rockingham Activities In Thoroughfares and Public Places and Trading Local Law 2001 initiated at the ordinary Council meeting of 26 August 2014, in accordance with section 3.13 of the Local Government Act 1995.

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
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<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>13. Reports of Councillors</strong></td>
<td>Nil</td>
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<tr>
<td><strong>14. Addendum Agenda</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>15. Motions of which Previous Notice has been given</strong></td>
<td>Nil</td>
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<td><strong>16. Notices of motion for Consideration at the Following Meeting</strong></td>
<td>Nil</td>
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<td><strong>17. Urgent Business Approved by the Person Presiding or by Decision of the Committee</strong></td>
<td>Nil</td>
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<td><strong>18. Matters Behind Closed Doors</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>19. Date and Time of Next Meeting</strong></td>
<td>The next Corporate and Community Development Committee Meeting will be held on <strong>Tuesday 17 February 2015</strong> in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.</td>
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<tr>
<td><strong>20. Closure</strong></td>
<td>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 <strong>4:37pm</strong>.</td>
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