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<td>17.</td>
<td><strong>Urgent Business Approved by the Person Presiding or by Decision of the Committee</strong></td>
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<td>20.</td>
<td><strong>Closure</strong></td>
<td>69</td>
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Corporate and Community Development Committee Minutes
Tuesday 19 June 2018 - Council Boardroom

1. Declaration of Opening

The Chairperson declared the Corporate and Community Development Committee Meeting open at 4:00pm, welcomed all present, and delivered the Acknowledgement of Country.

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

2.1 Councillors

Cr Joy Stewart
Cr Lee Downham
Cr Mark Jones
Cr Andrew Burns
Cr Leigh Liley

Chairperson

2.2 Executive

Mr Bob Jeans
Mr John Pearson
Mr Michael Holland
Mr Peter Doherty
Mr Sam Assaad
Mr Khushwant Kumar
Mr Michael Yakas
Mr Allan Moles
Mr Mark Tidman
Mr Ben Searcy
Mr Peter Varris
Mr Nick Brown
Mr Gary Rogers
Ms Mary-Jane Rigby (until 4:09pm)
Mrs Jillian Obiri-Boateng
Ms Julia Dick
Ms Alison Oliver
Mr Michael Callaghan
Mr Aiden Boyham
Mrs Jelette Edwards
Ms Tamara Clarkson
Ms Karli Hicks
Ms Sue Langley
Mrs Diane Zanre
Ms Andrea Holman

A/Chief Executive Officer
Director Corporate Services
Director Community Development
Director Legal Services and General Counsel
Director Engineering and Parks Services
Manager Financial Services
Manager Customer and Corporate Support
Manager Waste Services
Manager Investment Attraction
Manager Human Resources Development
Manager Governance and Councillor Support
Manager Community and Leisure Facilities
Manager Community Infrastructure Planning
Manager Community Support and Safety Services
Collaborative Manager Community Capacity Bldg
Collaborative Manager Community Capacity Bldg
Manager Library and Information Services
Senior Media and Communications Officer
City Media Officer
Governance Coordinator
Senior Project Officer (Office of the CEO)
Senior Bushfire Risk Officer
Governance Officer
PA to Director Community Development
EA to Director Engineering and Parks Services
2.3 Members of the Gallery: 1
2.4 Apologies: Nil
2.5 Approved Leave of Absence: Nil

3. Responses to Previous Public Questions Taken on Notice
Nil

4. Public Question Time
4:01pm The Chairperson invited members of the Public Gallery to ask questions. There were none.

5. Confirmation of Minutes of the Previous Meeting
Moved Cr Jones, seconded Cr Liley:
That Committee CONFIRMS the Minutes of the Corporate and Community Development Committee Meeting held on 15 May, 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
4:01pm 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 Mr Holland, Director Community Development declared the following Declaration of Interest:

8.1 Item CS-013/18 Self-Supporting Loans Write Off and Support for the Amendment of Council Policy – Self Supporting Loans by Incorporated Associated Officer: Mr Michael Holland Type of Interest: Impartiality Nature of Interest: Mr Holland is President of the Rockingham Football Sporting and Social Club Inc. Extent of Interest: Not Applicable

The Chairperson noted there were no further interests declared.

9. Petitions/Deputations/Presentations/Submissions
Nil
10. **Matters for which the Meeting may be Closed**

<table>
<thead>
<tr>
<th>Time</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>4:02pm</td>
<td>The Chairperson advised in accordance with section 5.23(2)(b) of the Local Government Act 1995 – if there are any questions or debate on Confidential Item CD-016/18 Recommendation from the Rockingham Education and Training Advisory Committee Meeting held on 7 May 2018, then the Corporate and Community Development Committee will need to defer the matter for consideration at Agenda Item 18 - Matters Behind Closed Doors. There were no questions or request for debate.</td>
</tr>
</tbody>
</table>

**CONFIDENTIAL ITEM**

**NOT FOR PUBLIC ACCESS**

Section 5.95(3) Local Government Act 1995 (the Act)

This item may be discussed behind closed doors as per Section 5.23(2)(b) of the Act

<table>
<thead>
<tr>
<th>Community Development</th>
<th>Community Capacity Building</th>
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</thead>
<tbody>
<tr>
<td><strong>Reference No &amp; Subject:</strong></td>
<td>CD-016/18 Recommendation from the Rockingham Education and Training Advisory Committee Meeting held on 7 May 2018</td>
</tr>
<tr>
<td><strong>File No:</strong></td>
<td>CSV/3360-03</td>
</tr>
<tr>
<td><strong>Author:</strong></td>
<td>Ms Julia Dick, Collaborative Manager Community Capacity Building</td>
</tr>
<tr>
<td><strong>Other Contributors:</strong></td>
<td>Mrs Jillian Obiri-Boateng, Collaborative Manager Community Capacity Building</td>
</tr>
<tr>
<td></td>
<td>Mr Michael Holland, Director Community Development</td>
</tr>
<tr>
<td><strong>Date of Committee Meeting:</strong></td>
<td>19 June 2018</td>
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<tr>
<td><strong>Disclosure of Interest:</strong></td>
<td>Executive</td>
</tr>
<tr>
<td><strong>Nature of Council’s Role in this Matter:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Attachments:</strong></td>
<td>Minutes of the Rockingham Education and Training Advisory Committee Meeting held on 7 May 2018</td>
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<td><strong>Maps/Diagrams:</strong></td>
<td></td>
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</table>
Recommendations to the Corporate and Community Development Committee

Advisory Committee Recommendation 1 of 1:
Recommendations: Tertiary Scholarship Scheme Round Two

That Council

1. **ACCEPTS** the recommendation by the Rockingham Education and Training Advisory Committee of the successful recipients of the Rockingham Tertiary Scholarship Round Two.
2. **WITHHOLDS** the release of the names of successful recipients until the recipients have been formally advised.

Officer Recommendation if Different to Advisory Committee Recommendation

That Council:

1. **APPROVES** the recommendations by the Rockingham Education and Training Advisory committee of the successful applicants of Rockingham Tertiary Scholarships Round Two.
2. **NOTES** the unsuccessful applicants for the Tertiary Scholarship Scheme Round Two.

The Officer’s Reason for Varying the Advisory Committee Recommendation

As this is a Confidential Report there is no need to withhold the release of names as the City will inform all successful and unsuccessful applicants following the outcome of the Council meeting. Also, for good governance and transparency and to ensure Council is aware of the unsuccessful applicants, Officers felt it was prudent to include the list of unsuccessful applicants in the report.

Committee Recommendation

Moved Cr Liley, seconded Cr Jones:

That Council:

1. **APPROVES** the recommendations by the Rockingham Education and Training Advisory committee of the successful applicants of Rockingham Tertiary Scholarships Round Two.
2. **NOTES** the unsuccessful applicants for the Tertiary Scholarship Scheme Round Two.

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
11. **Bulletin Items**

**Corporate and General Management Services Information Bulletin – June 2018**

**Corporate Services**
1. Corporate Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Team Plan and Budgeting Module
   - 3.2 Mobile Computing - Infringements
   - 3.3 Email Archive Solution
   - 3.4 Implementation of a Contracts Register
   - 3.5 Customer Service Call Recordings
   - 3.6 Upgrade System Centre Configuration Manager (SCCM) and Windows 10 Standard Operating Environment (SOE)
   - 3.7 Electronic Floodlight Pre-payment Solution Trial
   - 3.8 Landfill Capping of Cells 12 to 15

**Governance and Councillor Support**
1. Governance and Councillor Support Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Review of Local Laws
   - 3.2 Optimisation of Tablet Technology for Business Papers
   - 3.3 Review of Council Policy, Code of Conduct, Guides
4. Information Items
   - 4.1 Advocacy Register Update
   - 4.2 Freedom of Information (FOI) Requests
   - 4.3 Australian Coastal Councils Association Inc. Newsletter
   - 4.4 Citizenship
   - 4.5 Coming Events
   - 4.6 Notice of Motion – Status Report

**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 RESPECT Programme
   - 3.4 Occupational Safety and Health (OSH) Programme
   - 3.5 Leadership and Management Programme
4. Information Items
   - 4.1 Recruitment
   - 4.2 Occupational Safety and Health Statistics

**Strategy and Corporate Communications**
1. Strategy and Corporate Communications Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Re-development of Community Plan 2019-2029
   - 3.2 Community Plan Strategy Focus Groups
   - 3.3 Tourism and Marketing
4. Information Items
   4.1 Organisational performance measurement
   4.2 Community Engagement
   4.3 8th Generation Team Plans
   4.4 Social Media
   4.5 Media Tracking

**Investment Attraction**
1. Investment Attraction Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Commercial Business and Property Investment Attraction - General
   3.2 Commercial Business and Property Investment Attraction - Defence
   3.3 Small Business Support
   3.4 Economic Development Strategy
   3.5 Rockingham Technopole
4. Information Items
   4.1 Various Meetings

**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 SAT (State Administrative Tribunal) Matters
   Legal Capacity Building
4.3 Training – Various

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**Committee Recommendation**

Moved Cr Burns, seconded Cr Jones:

That Councillors acknowledge having read the Corporate and General Management Services Information Bulletin – June 2018 and the content be accepted.

Committee Voting – 5/0

---

**Community Development Information Bulletin – June 2018**

**Community Support and Safety Services**
1. Community Support and Safety Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   4.1 Youth and Community Support Services
   4.2 Rockingham Connect Community Transport Project
   4.3 Community Safety
   4.4 Compliance Community Engagement
**Library Services**
1. Library Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - 4.1 Library Services Statistics April 2018
   - 4.2 Mary Davies Library and Community Centre
   - 4.3 Rockingham Central Library
   - 4.4 Safety Bay Library
   - 4.5 Warnbro Community Library
   - 4.6 Library Services Facebook Activity
   - 4.7 Library and Information Week 2018
   - 4.8 Aboriginal Resources Collection

**Community Infrastructure Planning**
1. Community Infrastructure Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Baldivis District Sporting Complex
   - 3.2 Veteran’s Memorial Skate Park (Port Kennedy) – Planning and Concept Design
   - 3.3 Baldivis Outdoor Recreation Space – Planning and Concept Design
   - 3.4 Rockingham Central (Library / Youth / Community Centre) - Planning and Concept Design
   - 3.5 Baldivis Outdoor Courts - Planning
4. Information Items
   - 4.1 Koorana Reserve Master Plan
   - 4.2 Projects in progress

**Community Capacity Building**
1. Community Capacity Building Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Kidsport
   - 3.2 Perth Symphony Orchestra
4. Information Items
   - 4.1 Community Grants Program
   - 4.2 Community Capacity Building
   - 4.3 Reconciliation Action Plan (RAP)
   - 4.4 Disability Access and Inclusion Plan and Strategy 2016-2019
   - 4.5 Seniors
   - 4.6 Youth Development
   - 4.7 Sport, Recreation and Health and Wellbeing
   - 4.8 Cultural Development and the Arts

**Community and Leisure Facilities**
1. Community and Leisure Facilities Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information items
   4.1 Mike Barnett Sports Complex
   4.2 Warnbro Community Recreation Centre
   4.3 Aqua Jetty
   4.4 Rockingham Aquatic Centre
   4.5 Gary Holland Community Centre
   4.6 Autumn Centre
   4.7 Warnbro Community Recreation Centre Transition Update

**Committee Recommendation**

Moved Cr Burns, seconded Cr Jones:
That Councillors acknowledge having read the Community Development Information Bulletin – June 2018 and the content be accepted.

Committee Voting – 5/0

4:09pm Ms Rigby, Manager Community Support and Safety Services departed the meeting.
12. Agenda Items

Corporate Services

<table>
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<th>CS-012/18 Adoption of the 2018/2019 Budget, Setting of Rates and Related Issues (Absolute Majority)</th>
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<tbody>
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<td>File No:</td>
<td>FLM/313</td>
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<tr>
<td>Proponent/s:</td>
<td>Mr John Pearson, Director Corporate Services</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Khushwant Kumar, Manager Financial Services</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
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<tr>
<td>Date of Committee Meeting:</td>
<td>19 June 2018</td>
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<tr>
<td>Previously before Council:</td>
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<td>Disclosure of Interest:</td>
<td>Executive</td>
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<td>Nature of Council’s Role in this Matter:</td>
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<tr>
<td>Site:</td>
<td>Draft Annual Budget 2018/2019</td>
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<td>Lot Area:</td>
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<td>Attachments:</td>
<td>Draft Annual Budget 2018/2019</td>
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Purpose of Report

The purpose of this report is for the adoption of the 2018/2019 financial year annual budget and to provide explanation on its content and detail. A detailed budget document for the 2018/2019 financial year has been prepared and supplied to each Councillor for consideration.

Background

The major capital items contained in the budget document were included in the City of Rockingham City Business Plan 2018/2019 - 2027/2028, which was adopted on 22 May 2018.

Councillors have been briefed on items to be included within the budget, with two briefings related directly to the City Business Plan and one specifically on the Annual Budget.

The City of Rockingham Rating Methodology was approved on 22 May 2018 and the proposed Fees and Charges were approved on 24 April 2018.
Details

The proposed capital expenditure for the City is included in Section 3 of the budget document. This totals $79.9 million, which includes $76.4 million for capital expenditure and the balance is for reserve transfers and loan repayments. It also includes $32.74 million in carried forward expenditure. Given the context and size of projects, often spanning multiple years, this is not unusual. Of further interest will be pages 55-64 which give details of the expected sources of funding for the various capital items.

Total operating revenue is expected to be $168.63 million. Total operating expenditure is expected to be $208.34 million (including non-cash). Rate revenue is anticipated to be $87.05 million.

The proposals for rates are included in section 5 (page 82) of the budget document, as per those adopted by Council at its meeting of 22 May 2018. The rate yield will represent 51% of the City’s overall operating income.

The Statutory Statements and Notes to the Statutory Statements are included in section 5 of the budget. The most important of these is the Rate Setting Statement. The Statutory Rate Setting Statement is included on page 79; however, a Flowchart version has also been included (page 102).

Fees and Charges listed in Section 6 of the budget document are as per those endorsed by Council on 24 April 2018.

Implications to Consider

a. Consultation with the Community

Consultation has occurred consistently with the community in the lead up to the adoption of the budget. The City of Rockingham Community Plan engaged a significant number of ratepayers in its preparation. All these documents feed through to the Annual Budget document. Further, the Community Plan Strategies have all involved community consultation.

The City advertised its intention to apply differential general rates and minimum payments in the Weekend Courier on 25 May 2018 and the Sound Telegraph 29 May 2018. The notice was also placed in ‘Share Your Thoughts’ on the City’s website and Rock Port. Submissions close on 15 June 2018 at 4.30pm. At the time of writing this report, submissions had not closed. All submissions will be presented to Council for consideration at the 26 June 2018 Council Meeting.

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 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

The budget is an extremely important annual financial document and details what is proposed for the forthcoming year. It lists all matters of an operational nature as well as capital items and various sources of income. The budget is the basis for Council striking its rates for the new financial year.

It is considered important that Councillors understand the financial make up of various items within the budget for the forthcoming year. The most important items are those of a “new” nature, and these are included in section 3 of the budget document. While brief explanations are included throughout the budget document, Councillors have been involved and briefed consistently over the preceding six months relating to the budget contents.

The 2018/2019 capital budget includes the following major capital projects:

- Rockingham Beach Foreshore Revitalisation Project - $10.7 million
- City Asset Renewal- Roads, Parks, Lighting, Drainage - $10.5 million
- Baldivis District Sporting Complex Stage 1 - $5.1 million
- Baldivis South Community Centre - $2.3 million
- Port Kennedy Drive (Stage 2) - $1.5 million
- City Parks Construction - $1.2 million
- Mandurah Road (Day-Wellard Section) - $1.1 million
- Marine Infrastructure Projects - $1.1 million
- Patterson/Perkin/Kent/Railway (Stage 2) - $1.0 million
- Nairn Drive (Blaxland) upgrade - $1.0 million
- Point Peron Boat Launching Facility - $1.0 million
- Landfill Projects - $1.0 million

Finances within the City of Rockingham are solid, and accurate planning has allowed revenue to be allocated for a number of years in advance thus annualised “budget bidding” does not occur. Councillors have actively supported this view and adopted rates increases to support new infrastructure creation and address historical financial imbalances. Rates for the coming financial year are planned to include differential rates for residential and non-residential properties in the Gross Rental Value (GRV) valuation method.

Recent Council resolution in April and May 2018 supported a 3.6% rate increase across the City. Total rate yield is anticipated to be approximately $87.05 million.

The Federal Government Financial Assistance Grants remains steady at $4.6 million which includes the local roads component of the amount of $1.9 million. The City of Rockingham is a minimum grant Council which means the City receives a fixed sum of money from the Federal Government based on population. Therefore, there is an upward trend in this number and it is unlikely to reduce unless there are changes in Federal legislation.

Given the early budget adoption, assumptions have been made related to opening balances. The 2018/2019 Annual Budget opening balance is $38.23 million which includes $32.74 million in monies carried forward for capital projects, $3.61 million in restricted funds for Bert England Lodge and $1.88 million in unspent grants. The City’s surplus position as at 30 June 2018 will be $76,970.

Should there be any variance to this figure, budget adjustments through the budget review process will occur accordingly. Council will need to be mindful of any further changes or requests for additional items throughout the coming financial year. While the City does have capacity to make adjustments, little capacity exists to accommodate any new large costs unless there are other positive movements to the City’s end-of-year balance position. Adoption of new items beyond that which are now included in the budget could mean that some of the adopted projects may have to be “dropped off” or be delayed until future years.
This process may even still need to occur should there be any large decreases in any of the projected income sources.

f. **Legal and Statutory**

Preparation and adoption of the budget has occurred in accordance with all legislative requirements. Part 6 of the Local Government Act 1995 legislates all matters to do with finance for local government which the City has complied with.

It is a requirement under section 6.36 of the Local Government Act 1995 that where a Council elects to use differential rates then it shall advertise its intention to do so, and call for submissions for a period of at least 21 days before any further action occurs. This has occurred. Further updates will be provided at the meeting. In accordance with prescribed legislation, Council is to consider any submission received and may impose the proposed rates with or without modification.

**g. Risk**

All Council decisions are subject to risk assessment according to the City's Risk Framework. Implications and comment will only be provided for the following assessed risks.

- Customer Service / Project management / Environment: High and Extreme Risks
- Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

**Comments**

Council approved the Fees and Charges at the April 2018 Ordinary Council Meeting for inclusion in the budget. Due to the transition of the management of the Warnbro Community Recreation Centre (WCRC) from the YMCA WA to the City commencing 1 July 2018, the following changes are required to be made to the 2018/2019 Schedule of Fees and Charges:
The above changes are a late addition due to final amendments being made to the ongoing management model for the WCRC. In particular, a membership structure that allows more flexibility relating to the efficiencies of integrating the group fitness classes at the WCRC and Aqua Jetty (AJ).

There are two proposed membership options which will allow attendance to group fitness classes at the WCRC:

1. The proposed introduction of an AJ Silver membership, which will allow members to attend fitness classes at both the WCRC and AJ.
2. There has also been a decision to retain the current WCRC membership, which offers members the range of group fitness activities at WCRC only.
Please note the fees and charges for the WCRC have been kept at 2017/2018 prices to assist retain current WCRC members and provide a seamless transition.

Officers have presented to Council a long term business plan that integrates suitable financial models for the purpose of planning. The Annual Budget 2018/2019 as presented, represents the first year of the City Business Plan.

The City implemented Rates Smoothing two years ago, where rate payers had the option of paying their rates weekly, fortnightly or monthly. The City will continue to offer ratepayers this payment option.

There is also a State Government requirement for local governments to levy an Emergency Services Levy (ESL). This charge is shown separately on the rates notices. These funds are remitted to the Department of Fire and Emergency Services (DFES). The City has been informed by DFES that ESL increases for 2018/2019 will be 10.9%.

The draft budget as presented is recommended to Council for adoption.

**Voting Requirements**

Absolute Majority

**Officer Recommendation**

That Council **ADOPTS** the proposed Annual Budget for the 2018/2019 financial year and the income and expenditures as presented within the budget document, which includes:

- The following rates:
  - For all Residential properties where Gross Rental Valuations are applied, a rate of 7.00958 cents in the dollar with a minimum rate of $1,158 to apply.
  - For all Non Residential properties where Gross Rental Valuations are applied, a rate of 8.28800 cents in the dollar with a minimum rate of $1,158 to apply.
  - For all Unimproved Valued properties a rate of 0.1033 cents in the dollar with a minimum rate of $630 to apply.

Where payments are received after the prescribed time and penalty charges apply, then a penalty interest rate for all Gross Rental Value and Unimproved Value outstanding rates is set at 10% per annum, to be calculated on a daily basis, unless a Rates Smoothing arrangement is entered into.

- Where payments for the Emergency Services Levy (ESL) are received after the prescribed time and penalty charges apply, then a penalty interest rate for all outstanding ESL is set at 10% per annum, to be calculated on a daily basis, unless a Rates Smoothing arrangement is entered into.

- For those ratepayers who have entered into the Rates Smoothing arrangement, penalty interest of 10% per annum is applicable if there is an outstanding balance at the end of the smoothing period, and 11% if there is an outstanding ESL balance at the end of the smoothing period.

- For those ratepayers not paying by instalments or Rates Smoothing, the penalty interest will commence to be calculated 38 days after the rates notice issue date.

- The following Rates Instalment Payment Options:
  
  **Option 1**
  
  To pay the total amount of rates and charges included on the rate notice in full by 17 August 2018, the 35th day after the rates notice issue date.

  **Option 2**
  
  Payments to be made by two instalments as will be detailed on the rates notices with the following anticipated dates:
First Instalment   17 August 2018
Second Instalment  17 December 2018

Option 3
Payments to be made by four instalments, as will be detailed on the rates notices with the following anticipated dates:
First Instalment   17 August 2018
Second Instalment  17 October 2018
Third Instalment   17 December 2018
Fourth Instalment  18 February 2019

- Where payments are made by instalment, an administration charge of $3.50 for each instalment after the first instalment shall apply and interest to be set at 5.5% per annum, to be calculated on a daily basis.
- Where payments are made by Rates Smoothing arrangements, interest is to be set at 5.5% per annum, to be calculated on a daily basis.
- The transfers/movements to and from the Reserve Accounts, as detailed within the budget document and in accordance with Council’s adopted policies.
- The imposition of the 2018/2019 Fees and Charges, as listed in Section 6 of the budget document.

Committee Recommendation

Note: The Chairperson advised that a copy of submissions relating to differential rates for the 2018/2019 financial year had been received prior to the Corporate and Community Development meeting.

Moved Cr Downham, seconded Cr Jones:
That the Committee REFERS this matter to the Council meeting to be held on Tuesday 26 June 2018 to allow Councillors time to consider the submissions received.

Committee Voting – 5/0

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

The Committee amended the Officer’s Recommendation to allow Councillors time to consider the submissions received.

Implications of the Changes to the Officer’s Recommendation

Not Applicable
Purpose of Report

To seek approval for the amendment of the Council Policy - Self Supporting Loans by Incorporated Associations and to write off the self-supporting loans debts owed by community groups related to City assets.

Background

The City has been providing self-supporting loans to community organisations for many years. The City currently has five community organisations repaying debts that are attributed to self-supporting loans.

In 2010 the City developed its first Community Infrastructure Plan and Business Plan with timelines and costings based on strategic need and recreation science. Prior to the development of these plans, it was expected that community groups would contribute funds towards the development of the facilities that they operated from. The total cost of any new facility was usually split three ways - community organisations, local government and State Government. The City now provides sporting and community facilities at no capital cost to user groups. The adoption of the Council Policy - Sports and Community Facility Provision clearly defines the standards and dimensions these facilities have, and community groups wanting more are required to pay for this from their own resources.
Since 2010 the City has only provided one self-supporting loan and this debt has been paid in full.

### Details

Four of the five community organisations repaying self-supporting loans operate from facilities that are City owned, located on City managed reserves.

The amounts owed by the four community organisations as at 1 June 2018 are:

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Amount Owed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rockingham Regional Environmental Centre Inc. (Naragebup)</td>
<td>$103,695.64</td>
</tr>
<tr>
<td>Rockingham Football Sporting &amp; Social Club Inc.</td>
<td>$40,869.81</td>
</tr>
<tr>
<td>Rockingham City Football Club Inc.</td>
<td>$45,000.00</td>
</tr>
<tr>
<td>Rockingham Bowling Club Inc.</td>
<td>$72,547.00</td>
</tr>
</tbody>
</table>

In total, the four community organisations owe the City of Rockingham $262,112.62.

The fifth organisation, the Rockingham Entertainers Club, used their loan to purchase a private facility which the City does not own. As such, their debt is not relevant.

### 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(s) contained in the Community Plan 2015-2025:

   **Aspiration B:** A 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.

   The Health and Wellbeing Strategy 2018-2022 endorsed by Council in March 2018, has an action item under Key Element 1 – Sport, Recreation and Physical Activity to “Review the Self Supporting Loan Policy and the debt level current for clubs who built their premises utilising City loan funds”.

d. **Policy**

   Since 2009, the Council Policy - Self Supporting Loans by Incorporated Associations has incorporated greater rigour, ensuring clubs are unlikely to fail on their financial obligations. One community group has accessed this arrangement since 2010 and this was repaid in full. It is recommended, should Council choose to write off the debt, that the policy be amended stating that the City of Rockingham does not provide self-supporting loans.

   The adoption of the Council Policy - Strategic Development Framework and the Council Policy - Sports and Community Facility Provision have in essence removed the requirement for community organisations to contribute towards the development of new facilities.
This report seeks support, in line with the Council Policy - Policy Framework, for the substantial amendment of the Council Policy - Self Supporting Loans by Incorporated Associations. If an amendment is supported, then Council will be presented with a draft policy and report for the purposes of public consultation in line with the Policy Framework.

**e. Financial**

The City still has a financial liability and must pay Department of Finance (State Treasury) for the loan provided to Rockingham Bowling Club. The outstanding payments of this loan are $72,547. The other three loans have already been paid. The debts are owed to the City due to the clubs not meeting their financial commitments prior to 2010. Should Council approve the write off the City would forego future income of $262,112.62.

**f. Legal and Statutory**

The Local Government Act (1995), section 6.12(c), states that a local government may write off any amount of money.

**g. Risk**

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks

Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

**Comments**

Over many years, the City provided self-supporting loans to community organisations to help them finance the establishment of recreation facilities. In some instances, for varying reasons, some clubs were unable to pay their debt.

The City’s Strategic Development Framework has provided a new approach to delivering community facilities and whilst this has delivered high quality facilities at minimal cost to community organisations, it appears to have had the unexpected consequence of creating community inequity. Some older community organisations are still paying a self-supporting loan debt for a 30-year-old building, whilst another organisation has leased a new facility at no cost to them. Thus, the older community organisation has a lesser ability to deliver community outcomes as their financial capacity is limited by debt repayments.

It is acknowledged that if some community groups had met their initial financial obligations when the self-supporting loan was taken out, then the debt would now have been paid out.

It is proposed that Council write off the self-supporting loan debts owed to the City by the four above mentioned community organisations. The aim of this is to remove community imbalance and provide these older groups with a financial reprieve so they can continue to provide high quality services to the community.

Further, to ensure this same situation is unlikely to arise again, the Council Policy - Self Supporting Loans by Incorporated Associations should be amended to state the City of Rockingham does not provide self-supporting loans. Community organisations that have the demonstrated capacity and governance structures to repay loans should be able to obtain finance from traditional lending organisations (e.g. banks and credit societies).

**Voting Requirements**

Simple Majority
**Officer Recommendation**

That Council:

1. **SUPPORTS** the amendment of the Council Policy - Self Supporting Loans by Incorporated Associations to provide a policy position that the City of Rockingham does not provide self-supporting loans.

2. **WRITES-OFF** the following debts:
   a) $103,695.64 – Rockingham Regional Environmental Centre Inc. (Naragebup)
   b) $40,869.81 - Rockingham Football and Social Club Inc.
   c) $45,000 - Rockingham City Football Club Inc.
   d) $72,547 - Rockingham Bowling Club Inc.

**Committee Recommendation**

Moved Cr Jones, seconded Cr Burns:

That Council **SUPPORTS** the amendment of the Council Policy - Self Supporting Loans by Incorporated Associations to provide a policy position that the City of Rockingham does not provide self-supporting loans.

Committee Voting – 5/0

Moved Cr Jones, seconded Cr Burns:

That Council **WRITES-OFF** the following debts:

   a) $103,695.64 – Rockingham Regional Environmental Centre Inc. (Naragebup)
   b) $40,869.81 - Rockingham Football and Social Club Inc.
   c) $45,000 - Rockingham City Football Club Inc.
   d) $72,547 - Rockingham Bowling Club Inc.

Committee Voting – 4/1

(Cr Downham voted against)

**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

Strategy and Corporate Communication Services

Reference No & Subject: GM-014/18  T17/18-59 – Standing offer for the supply of graphic design and printing services

File No: T17/18-59

Proponent/s: Karin Strachan. Manager Strategy and Corporate Communications

Author: Bruce Foster, Coordinator Procurement Services

Other Contributors: Bruce Foster, Coordinator Procurement Services

Date of Committee Meeting: 19 June 2018

Previously before Council: 19 June 2018

Disclosure of Interest: Executive

Nature of Council’s Role in this Matter:

Site: Lot Area: Attachments: Maps/Diagrams:

Purpose of Report

Provide Council with details of the tenders received for Tender T17/18-59 – Standing offer for the supply of graphic design and printing services, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T17/18-59 – Standing offer for the supply of graphic design and printing services was advertised in the West Australian on Saturday, 14 April 2018. The Tender closed at 2.00pm, Wednesday, 2 May 2018 and was publicly opened immediately after the closing time.

Details

The purpose of this tender is to appoint a contractor for the provision of design services and print services for the City of Rockingham.
The provision of design and print services includes but is not limited to:

- Annual Report
- Service Brochures
- Guides and Directories
- Corporate stationery
- Posters
- Newsletters
- Strategies and plans
- Calendars
- Banners
- Document Covers
- Various workbooks/pads and forms
- Name plates
- Name badges
- Pocket cards

Tender submissions were received from:

<table>
<thead>
<tr>
<th>Company</th>
<th>Max. Points</th>
<th>Level of Service</th>
<th>Understanding of tender requirements</th>
<th>Tendered Price/s</th>
<th>Total Weighted Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advance Press (2013) Pty Ltd</td>
<td>28.3</td>
<td>27.5</td>
<td>23.4</td>
<td>79.2</td>
<td></td>
</tr>
<tr>
<td>Leigh Patricia Wood trading as Scamper Design</td>
<td>21.2</td>
<td>18.2</td>
<td>19.4</td>
<td>58.8</td>
<td></td>
</tr>
<tr>
<td>Westcare Incorporated</td>
<td>9.3</td>
<td>16.8</td>
<td>25.0</td>
<td>51.1</td>
<td></td>
</tr>
<tr>
<td>Fraser &amp; Jenkinson Pty Ltd trading as Print Media Group</td>
<td>24.7</td>
<td>20.0</td>
<td>17.4</td>
<td>62.1</td>
<td></td>
</tr>
<tr>
<td>Chatterbox Graphics</td>
<td>16.7</td>
<td>16.2</td>
<td>20.4</td>
<td>53.3</td>
<td></td>
</tr>
<tr>
<td>Print and Design Online Pty Ltd trading as Media Engine</td>
<td>29.5</td>
<td>31.7</td>
<td>20.0</td>
<td>81.2</td>
<td></td>
</tr>
</tbody>
</table>

The period of the contract shall be from the date of award until 1 July 2021. A panel comprising Ms Karin Strachan, Manager Strategy and Corporate Communications, Mr Michael Callaghan, Media and Communications Coordinator and Melissa Swaney, Digital Media Officer undertook tender evaluations.

Evaluation of the tender, in accordance with the advertised tender assessment criteria, produced the following weighted scores:

The Contract rates will be subject to a price variation every twelve (12) months from the date of award. Such a price variation will be calculated in accordance with the variation in the Consumer Price Index (CPI) for Perth Western Australia for all groups for the 12 months preceding the last completed CPI quarter as at the date the price variation is due.
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 Aspirations and Strategic Objective(s) contained in the Community Plan 2015-2025:

   **Aspiration C:** Quality Leadership

   **Strategic Objective:** Financial Sustainability - A City that understands the importance of sustainable revenue streams, long term resource planning and allocation, and the need to prioritise spending on core services and strategic asset management programs.

   **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:** 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
   In accordance with the City’s Purchasing Policy, for purchases above $150,000, a public tender process is to be conducted in accordance with the provision of section 3.57 of the Local Government Act 1995; and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11A(1).

e. Financial
   Graphic design and printing across the City costs approximately $450,000 annually. This includes statutory documents (e.g. rates notices, annual report, infringement notices) and non-statutory documents (e.g. information pamphlets, strategies, notices). These costs are budgeted for through individual team budgets.

f. Legal and Statutory

   ‘Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than $150,000 unless sub regulation (2) states otherwise’.

g. Risk
   All Council decisions are subject to risk assessment according to the City’s Risk Framework.

   Implications and comment will only be provided for the following assessed risks.

   Customer Service / Project management / Environment: High and Extreme Risks

   Finance / Personal Health and Safety: Medium, High and Extreme Risks

   Nil
Comments

Following consideration of the submissions in accordance with the tender assessment criteria companies demonstrated a varying level of capacity to undertake the works. The submission received from Print and Design Online Pty Ltd trading as Media Engine is considered the best value to the City and therefore recommended as the preferred tenderer.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ACCEPTS** the tender submitted from Print and Design Online Pty Ltd trading as Media Engine (Unit 2, 8 Pickard Avenue, Rockingham) for Tender T17/18-59 – Standing offer for the Supply of Graphic Design and Printing Services in accordance with the tender documentation for the contract period being from 1 July 2018 to 30 June 2021.

Committee Recommendation

**Moved Cr Burns, seconded Cr Jones:**

That Council **ACCEPTS** the tender submitted from Print and Design Online Pty Ltd trading as Media Engine (Unit 2, 8 Pickard Avenue, Rockingham) for Tender T17/18-59 – Standing offer for the Supply of Graphic Design and Printing Services in accordance with the tender documentation for the contract period being from 1 July 2018 to 30 June 2021.

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 nomination of voting delegates and consideration of motions for submission to the Western Australian Local Government Association (WALGA) Annual General Meeting.

Background

The City of Rockingham is a member of WALGA and in the past Council delegates have attended the WALGA Local Government Convention (Convention) and have represented Council’s interests by voting at the WALGA Annual General Meeting (AGM) which is held in conjunction with the Convention. Council has on occasions submitted motions for consideration at the Annual General Meetings.

Details

The 2018 Convention will be held at the Perth Convention and Exhibition Centre from Wednesday 1 August to Friday 3 August 2018, with the AGM being held on the afternoon of the opening day (Wednesday 1 August at 1:30 – 5:00pm).

WALGA has invited representatives from Council to attend the Convention and to nominate two (2) voting delegates for the AGM.
WALGA provide the following guidelines for formulation of motions:

- Motions should focus on policy matters rather than issues which could be dealt with by the WALGA State Council with minimal delay.
- Due regard should be given to the relevance of the motion to the total membership and to Local Government in general. Some motions are of a localised or regional interest and might be better handled through other forums.
- Due regard should be given to the timeliness of the motion – will it still be relevant come the Local Government Convention or would it be better handled immediately by the Association?
- The likely political impact of the motion should be carefully considered.
- Due regard should be given to the educational value to Members – i.e. does awareness need to be raised on the particular matter?
- The potential media interest of the subject matter should be considered.
- AGM motions submitted by Member Local Governments must be accompanied by fully researched and documented supporting comment.

### 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**
   - Council Policy – *Councillor Attendance at Conferences*, states “All Councillors are entitled to attend Conferences held in the Perth metropolitan area and Peel region provided that no more than four (4) Councillors attend each Conference”.

e. **Financial**
   - Funds totalling $30,000 have been provided in the 2017-2018 budget for Councillor Development, and a similar provision is anticipated for the 2018-2019 budget. Attendance at the AGM only is free.

f. **Legal and Statutory**
   - Nil

g. **Risk**
   - All Council decisions are subject to risk assessment according to the City’s Risk Framework.
     
     Implications and comment will only be provided for the following assessed risks.
     
     - Customer Service / Project management / Environment: High and Extreme Risks
     - Finance / Personal Health and Safety: Medium, High and Extreme Risks
     
     Nil
Comments

Notice of the call for motions was included in the Council Information Bulletin for May 2018. No submissions for motions were received from Councillors.

Council has been an active participant in past at the AGM and Convention with up to three Councillors (usually the WALGA South Metropolitan Zone representatives – currently Cr Burns, Cr Whitfield and Cr Hamblin) attending. The two voting delegates at the AGM have traditionally been the two longest service Councillors.

Voting Requirements

Simple Majority

Officer Recommendation

That Council NOMINATES Cr _________ and Cr _________ (Cr _________ as reserve) as the voting delegates at the Western Australian Local Government Association Annual General Meeting to be held Wednesday 1 August 2018.

Committee Recommendation

Moved Cr Burns, seconded Cr Liley:

That Council NOMINATES Cr Whitfield and Cr Hamblin (Cr Burns as reserve) as the voting delegates at the Western Australian Local Government Association Annual General Meeting to be held Wednesday 1 August 2018.

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

Reference No & Subject: GM-016/18
Recommendation from the Pioneers’ Luncheon Working Group Meeting held on 26 April 2018

File No: COM/40
Author: Mr Peter Varris, Manager Governance and Councillor Support
Other Contributors: Miss Emma Lewis, Administration Officer - Civic Services
Date of Committee Meeting: 19 June 2018
Disclosure of Interest: Executive
Nature of Council’s Role in this Matter:
Attachments: Minutes of the Pioneers’ Luncheon Working Group Meeting held on 26 April 2018 (including Discussion Paper)
Maps/Diagrams:

Purpose of Report
To consider the recommendations from the meeting of the Pioneers’ Luncheon Working Group held 26 April 2018 in respect to –

- changes to the eligibility criteria for attendance to the annual pioneers’ recognition function;
- the future format of the function; and
- disbanding of the Pioneers’ Luncheon Working Group.

Recommendations to the Corporate and Community Development Committee

Working Group Recommendation 1 of 1:
Pioneers’ Function Review

That Council –
1. SUPPORTS the following actions in respect to the recognition of Rockingham pioneers –
   a) amend the eligibility criteria to “Residents who have resided in the City of Rockingham for 50 consecutive years or more and is over the age of 65”
   b) from 2020 to 2028 – change catering style from a buffet
   c) from 2029 – transition from a “Pioneers’ Luncheon” into a “Long Term Residents Lunch”
2. DISBANDS the Pioneers’ Luncheon Working Party.

Officer Recommendation if Different to Advisory Committee Recommendation

That Council –
1. SUPPORTS the following actions in respect to the recognition of Rockingham pioneers –
a) amend the eligibility criteria to “A resident who has resided in the City of Rockingham for 50 consecutive years or more and is 65 years of age or older”

b) from 2020 to 2028 – change catering style to a ‘long table lunch’, with a review of the pioneers’ function to be conducted after the 2028 event

c) subject to the outcomes of the 2028 pioneers’ function review, from 2029 – transition to a “Long Term Residents Lunch” based on a high tea/light lunch catering style

2. **DISBANDS** the Pioneers’ Luncheon Working Party.

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

To modify the eligibility age to 65 years of age or older and incorporate the opportunity for a further review of the pioneers’ function in ten years’ time.

**Background**

At the conclusion of the 2017 pioneers’ function the Pioneers’ Luncheon Working Group requested executive support to prepare a discussion paper to consider the options to recognise the contribution of Rockingham pioneers in the future. This request was based on an understanding that the current format would become unsustainable within the next few years and the continuance of the current eligibility criteria would dilute the importance of being a Rockingham pioneer.

A discussion paper was subsequently prepared and presented to the Working Group at its most recent meeting.

The primary purpose of the pioneers’ function is to recognise and celebrate the contributions that the ‘pioneers’ of Rockingham have made to the community over the years. A register of pioneers is maintained with the eligibility criteria being “to have resided in Rockingham for 50 consecutive years or more”.

The function is generally held on the third Friday of October each year and consists of a full buffet lunch, beverages and a small gift.

Concern has been that a resident 50 years of age who has resided all their life in Rockingham now meet the eligibility to attend as a ‘pioneer’ of Rockingham. This is not the original intent of the function and dilutes the importance of those residents that have contributed to the early establishment and growth of the municipality.

To this end, it is proposed to change the eligibility criteria to “has resided in the City of Rockingham for 50 consecutive years or more and is 65 years of age or older”.

The manner of catering and venue for the function is dependent upon the number of attendees. Numbers have gradually increased and it is anticipated that the style of catering and current venue (Gary Holland Community Centre) will be sufficient until 2020.

Projected attendee numbers from 2020 onwards will be such that the buffet style arrangement will not be able to continue due to space limitation. It is proposed to move to a ‘long table lunch’ arrangement through to 2028. A further review will be conducted at this point of time to assess numbers of attendees and future options. Numbers are likely to be such that the venue will not be sufficient for the ‘long table lunch’ catering style.

Pending the outcomes of the 2028 review it is proposed to transition to a “Long Term Residents Lunch” consisting a high tea / light lunch catering style.

The Working Group noted that the manner in which the pioneers’ function is coordinated there is now very little need for input from the Working Group. Much of the organisation is undertaken by the Governance and Councillor Support team and future input could be done through existing means with elected members and through consultation with the pioneers. The Working Group agreed that it should disband.
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 B:** **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**

   Nil

c. **Financial**

   The 2017/2018 Budget for the Pioneers’ function is $20,000. The proposed changes to pioneer eligibility and function format will ensure that expenditure for the function will be manageable into the future.

d. **Legal and Statutory**

   Section 5.8 of the Local Government Act 1995 provides that local governments may establish committees.

   While there are no specific legislation in respect to disbanding a committee, section 5.11 of the Act, provides that a person no longer holds the office of committee member when the committee is disbanded.

e. **Voting Requirements**

   Simple Majority

f. **Risk**

   All Council decisions are subject to risk assessment according to the City’s Risk Framework.

   Implications and comment will only be provided for the following assessed risks.

   - Customer Service / Project management / Environment: High and Extreme Risks
   - Finance / Personal Health and Safety: Medium, High and Extreme Risks

   Nil

Committee Recommendation

Moved Cr Liley, seconded Cr Burns:

That Council –

1. **Supports** the following actions in respect to the recognition of Rockingham pioneers –
   a) amend the eligibility criteria to “A resident who has resided in the City of Rockingham for 50 consecutive years or more and is 65 years of age or older”
   b) from 2020 to 2028 – change catering style to a ‘long table lunch’, with a review of the pioneers’ function to be conducted after the 2028 event
   c) subject to the outcomes of the 2028 pioneers’ function review, from 2029 – transition to a “Long Term Residents Lunch” based on a high tea/light lunch catering style

2. **Disbands** the Pioneers’ Luncheon Working Party.

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

<table>
<thead>
<tr>
<th>Implications of the Changes to the Officer's Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
Purpose of Report

To propose that Council adopt the following –

- **Sand Drift Local Law 2018**
  - **Purpose:** The purpose of this local law is to provide for the regulation, control and management of site erosion, sand and dust on land within the City.
  - **Effect:** Owners and occupiers of land are required to take practicable measures to prevent erosion and the movement and escape of sand and dust.

- **Cats Local Law 2018**
  - **Purpose:** To set a ‘standard number’ of cats that may be kept on premises.
  - **Effect:** Persons must not keep more than the standard number of cats unless provided for by the local law, the Cat Act, or its associated Regulations.

- **Dogs Amendment Local Law 2018**
  - **Purpose:** To remove matters from the City of Rockingham Dogs Local Law 2000 that are dealt with by other legislation.
  - **Effect:** The City of Rockingham Dogs Local Law 2000 is amended.

- **Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018**
  - **Purpose:** To remove matters from the City of Rockingham Bush Fire Control and Bush Fire Brigades Local Law 2001 that can be better dealt with by other means.
  - **Effect:** The City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2001 is amended.

- **Parking Local Law 2018**
- **Purpose:** To enable the City to regulate the parking of vehicles within the district and provide for the management and operation of parking facilities under the City's care, control and management.

- **Effect:** A person parking a vehicle within the parking region is to comply with the provisions of the local law.

- **Waste Local Law 2018**

  - **Purpose:** The objective of this local law is to regulate the storage, collection and disposal of waste and refuse from residential premises and on waste facilities in the City.

  - **Effect:** Unless otherwise authorized, the storage, collection and disposal of waste and refuse within the City must be carried out in accordance with the provisions of the local law.

- To amend the City of Rockingham Pest Plants Local law 2000 to add plants considered to be pests, and adopt a draft Policy to provide guidance to persons authorised to apply the local law.

  - **Purpose:** To add certain plants to Schedule 1 of the City of Rockingham Pest Plants Local Law 2000.

  - **Effect:** The plants added to the Schedule are prescribed as pest plants

### Recommendations to the Corporate and Community Development Committee

#### Advisory Committee Recommendation 1 of 7: Proposed Sand Drift Local Law

That Council:

1. **DIRECTS** the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
   - It is proposed to make a Sand Drift Local Law 2018, and a summary of its purpose and effect;
   - Copies of the proposed local law may be inspected at the City's offices;
   - Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;

2. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government;

3. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and

4. **NOTES** that that the results will be presented to Council for consideration of any submissions received.

### Officer Recommendation if Different to Advisory Committee Recommendation

Not Applicable

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

Not Applicable

### Background

The City is in the process of updating its local laws. In December 2016 Council received the outcomes of a review required under s3.16 of the Local Government Act 1995 which indicated that a number required amendment or repeal.
The City has an existing Sand Drift Prevention and Abatement Local Law 2000 which was published in the Government Gazette in 2001. It complements the provisions applied under the Local Planning Scheme relating to conditions of approval for large scale subdivisional works to abate problems caused by sand drift. It is used primarily where problems from smaller scale dust and sand arises. This Sand Drift Local Law 2018 will replace the current local law. The changes are such that it will be simpler to make a new local law rather than amend the existing one.

Details

As well as taking action for a possible breach of a condition of development approval, section 3.25 of the Local Government Act 1995 (the Act) allows a local government to serve a notice on an owner or occupier of property to do certain things, which are listed in Schedule 3.1 of the Act. These include:

4. (1) Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law —
   (a) …
   (b) where applicable, is enclosed with a close fence, to the satisfaction of the local government, suitable to prevent sand or other matter coming from the land onto the public place.

(2) The notice cannot be given to an occupier who is not an owner….  

6. Take specified measures for preventing or minimising the movement of sand, silt, clay or rocks on or from the land if, in the opinion of the local government, that movement would be likely to adversely affect other land.

Section 3.26 of the Act provides that if a notice recipient fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given, and may recover the cost of anything it does in doing so as a debt due from the person who failed to comply with the notice.

The existing local law requires some amendments to:

- Add definitions relating to:
  - ‘dust’ and ‘sand’ being similar;
  - Authorised persons;
  - ‘land’ including any buildings or structures on it; and
  - A reference to the Local Government (Functions and General) Regulations and a link to a prescribed modified penalty (on the spot fine) form.

- Clarifying the obligations of owners and occupiers in relation to action required when notices are served;

- Adding a reference to the prescribed right of appeal if a notice is served on an owner or occupier as required under Part 9 of the Local Government Act 1995; and

- Simplifying provisions about modified penalties – the existing local law prescribes an escalating series for additional offences from $200 to $1,000. Modified penalties are rarely issued under the local law; with notices to take specified measures being more common. However the maximum provided for in the current local law exceeds that allowed under the Act and must be changed. The new local law sets it at a uniform $500, which is similar to any modified penalty that may be applied under the Planning Regulations, and is also the maximum that can be applied under the Local Government Act (note a the maximum fine for a prosecution is $5,000).

The changes are such that it is simpler to make a new local law rather than amend the existing one.

A draft City of Rockingham Sand Drift 2018 Local Law is attached. Other than the additions noted above, it is similar to the existing local law. As noted above, it is intended to complement the provisions of the Scheme and the Local Government Act 1995. Part 2 of the proposed local law contains its salient features and includes:
• An obligation on an owner or occupier to stabilise sand, and to take practicable measures to ensure no sand or dust is released from land by wind, water or any other cause;
• A provision for the City to issue a notice to comply with the obligation to stabilise sand or prevent sand or dust escaping;
• To make good any damage that has resulted from the sand or dust escaping; and
• To take measures to prevent or stop the escape of sand or dust within the time specified in the notice.

Part 4 also makes it an offence for any person to fail to comply with a notice, and provides for a penalty of not less than $500 and up to $5,000 (the maximum allowable under the Act) for a breach of the local law as well as a daily penalty of up to $500 for a continuing offence. Modified penalties (ie on the spot fines) are provided for in clause 4.2; and listed in the Schedule to the local law.

Note that the draft local law contains an index, page numbers and text boxes in a number of locations in order to assist use and application. The items do not form part of the local law and will be deleted from the version that may be eventually Gazetted.

**Implications to Consider**

a. **Consultation with the Community**

The process to make a local law is set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the local law is:

**Purpose:** The purpose of this local law is to provide for the regulation, control and management of site erosion, sand and dust on land within the City.

**Effect:** Owners and occupiers of land are required to take practicable measures to prevent erosion and the movement and escape of sand and dust.

There will be a notice in the West Australian, Sound Telegraph, Weekend Courier and the City's website. During the community consultation period the proposed local law will be made available on the City's website, libraries and Administration centre. The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

b. **Consultation with Government Agencies**

As part of the process, local governments are required to send a copy of proposed local law to the Minister for Local Government.

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 2015-2023.8:

**Aspiration C:** Quality Leadership

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

d. **Policy**

Not Applicable
CONFIRMED AT A CORPORATE AND COMMUNITY DEVELOPMENT MEETING HELD ON TUESDAY 17 JULY 2018

PRESIDING MEMBER

e. Financial

The costs associated with drafting, advertising and eventual Gazettal of the proposed local law have been budgeted for and are reported on in the Council Bulletin.

f. Legal and Statutory

As noted above, this local law complements the provisions of other legislation to assist the City in dealing with dust and sand drift issues.

Section 3.12 of the Act provides the procedure for making local laws.

g. Risk

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

   Customer Service / Project management / Environment: High and Extreme Risks
   Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

If adopted by Council, the proposed local law will be advertised for public comment and the results reported before finalisation.

Advisory Committee Recommendation 2 of 7:
Proposed Cats Local Law

That Council:

1. DIRECTS the Chief Executive Officer in accordance with s79 of the Cat Act 2011 and sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
   - It is proposed to make a Cats Local Law 2018, and a summary of its purpose and effect;
   - Copies of the proposed local law may be inspected at the City's offices;
   - Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;

2. DIRECTS the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government;

3. DIRECTS the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and

4. NOTES that that the results will be presented to Council for consideration of any submissions received.

Officer Recommendation if Different to Advisory Committee Recommendation

Not Applicable

The Officer’s Reason for Varying the Advisory Committee Recommendation

Not Applicable

Background

The City is in the process of updating its local laws. In December 2016 Council received the outcomes of a review required under s3.16 of the Local Government Act 1995 which indicated that a number required amendment or repeal.
Clauses 80 – 82 of the City’s Health Local Laws 1996 deal with cats, and deal with the number of cats that may be kept on premises, and provisions to establish a cattery. Up to two cats may be kept on premises within the district without further approvals.

There have been a significant number of changes in this area of activity, including the introduction of the Cat Act 2011, the Cats Regulations 2012 and the Cat (Uniform Local Provisions) Regulations 2013.

Given the extent of the proposed changes it is proposed to make a Cats Local Law to reflect the changes.

Details

Local laws that deal with cats must comply with Cat Act 2011, the Cats Regulations 2012 and the Cat (Uniform Local Provisions) Regulations 2013. There is not a great deal left that can be dealt with by local laws.

Section 79 of the Cat Act sets out what can be regulated by local laws:

79. Local laws

(1) …

(2) …

(3) Without limiting subsection (1), a local law may be made as to one or more of the following —

(a) the registration of cats;
(b) removing and impounding cats;
(c) keeping, transferring and disposing of cats kept at cat management facilities;
(d) the humane destruction of cats;
(e) cats creating a nuisance;
(f) specifying places where cats are prohibited absolutely;
(g) requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;
(h) limiting the number of cats that may be kept at premises, or premises of a particular type;
(i) the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;
(j) the regulation of approved cat breeders, including record keeping and inspection;
(k) fees and charges payable in respect of any matter under this Act.

The Cat Regulations 2012 also apply. These Regulations deal with all issues relating to matters such as:

- Microchipping
- Registration and registration periods;
- Applications for approval to breed cats;
- Registration fees
- Application fees to obtain a permit to breed cats

Finally, the Cat (Uniform Local Provisions) Regulations 2013 operate as if they are local laws. Amongst other things these Regulations provide for:

- Local laws to determine what is the ‘standard number’ of cats that can be kept, excluding cats under the age of 6 months;
CONFIRMED AT A CORPORATE AND COMMUNITY DEVELOPMENT MEETING HELD ON TUESDAY 17 JULY 2018

If a member of a ‘cat organisation’ is normally resident on the premises, then the number of cats that can be kept on premises to be 3 times the standard number; and applications to keep additional numbers of cats.

When making a new local law, it is considered that the City should simply retain the provisions of clause 80 of the existing Health Local Law that relates to the number of cats that may be kept on premises (the ‘standard number’).

Provisions about catteries are dealt with by the Cat (Uniform Local Provisions) Regulations 2013. Conditions can also be added to any approvals given under the City’s Local Planning Scheme.

A draft new City of Rockingham Cats Local Law 2018 is attached. It is based on one made by the City of Wanneroo in 2016.

Note that the draft local law contains an index, page numbers and text boxes in a number of locations in order to assist use and application. The items do not form part of the local law and will be deleted from the version that may be eventually Gazetted.

As noted above, the major purpose of the proposed local law is to set the ‘standard number’ of cats that may be kept at 2 as provided in clause 80 of the current local law. Note that this limit does not apply to a veterinary clinic, a cat management facility operated by the City (there are none at present), or to a cat management facility operated by a body prescribed as a cat management facility operator under the Cat Regulations 2012.

The process for a person to keep more than the standard number of cats is set out mainly in the Cat (Uniform Local Provisions) Regulations 2013, and clauses 2.3 – 2.6 of the proposed local law set out possible conditions that could be applied, and which must be considered on a case by case basis.

The remainder of the local law deals with appeal and enforcement provisions.

**Implications to Consider**

a. **Consultation with the Community**

Section 3(2) of the Cat Act 2011 provides that words and expressions defined in the Local Government Act 1995 have the same meaning in this Act, unless the contrary intention appears.

This includes making local laws, and using the process set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the local law is:

**Purpose:** To set a ‘standard number’ of cats that may be kept on premises.

**Effect:** Persons must not keep more than the standard number of cats unless provided for by the local law, the Cat Act, or its associated Regulations.

There will be a notice in the West Australian, Sound Telegraph, Weekend Courier and the City’s website. During the community consultation period the proposed local law will be made available on the City’s website, libraries and Administration centre. The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

b. **Consultation with Government Agencies**

As part of the process, local governments are required to send a copy of proposed local law to the Minister for Local Government.

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 2015-2023:8:
Aspiration C: Quality Leadership

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

d. Policy
Not Applicable

e. Financial
The costs associated with drafting, advertising and eventual Gazettal of the proposed local law have been budgeted for and are reported on in the Council Bulletin.

f. Legal and Statutory
As noted above, local governments can make local laws relating to cats to deal with the matters allowed by s79 of the Cat Act.
Section 3.12 of the Act provides the procedure for making local laws.

g. Risk
All Council decisions are subject to risk assessment according to the City’s Risk Framework.
Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks
Nil

Comments
If adopted by Council, the proposed local law will be advertised for public comment and the results reported before finalisation.

Advisory Committee Recommendation 3 of 7:
Proposed Dogs Amendment Local Law

That Council:

1. **DIRECTS** the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
   - It is proposed to make a Dogs Amendment Local Law 2018, and a summary of its purpose and effect;
   - Copies of the proposed Amendment local law may be inspected at the City’s offices;
   - Submissions about the proposed Amendment local law may be made to the City within a period of not less than 6 weeks after the notice is given;

2. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government;

3. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and

4. **NOTES** that that the results will be presented to Council for consideration of any submissions received.

Officer Recommendation if Different to Advisory Committee Recommendation

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

Not Applicable

Background

The City is in the process of updating its local laws. In December 2016 Council received the outcomes of a review required under s3.16 of the Local Government Act 1995 which indicated that a number required amendment or repeal.

The City of Rockingham Dogs Local Law was made in 2000 and last amended in 2010. A number of activities dealt with by this local law have been affected by changes to other legislation. In particular the Dog Act 1976 and the Dogs Regulations 2013 now deal with many areas previously dealt with by local laws. This includes:

- Registration of dogs;
- ‘Dangerous dogs’ as defined by the Act;
- Operation of dog management facilities (pounds), including:
  - Issues in relation to the impounding of dogs;
  - Attendance of a pound keeper at the pound; and
  - Release of impounded dogs is dealt with by the Dog Act 1976, and in particular section 29.
- Registration fees (although fees for the seizure and impounding of a dog may be set by a local government in its annual budget under section 6.16 of the Local Government Act 1995);
- How off leash dog exercise areas are established;
- Dogs wandering at large;
- Dogs not under control;
- Dog attacks;
- Provisions about assistance animals such as guide dogs;
- Modified penalties (on the spot fines) applicable for minor offences.

The only matters that a local government may now make local laws about are listed in section 51 of the Dog Act:

51. Local law making powers

A local government may so make local laws —

(a) providing for the registration of dogs;
[(b) deleted]
(c) specifying areas within which it shall be an offence (unless the excreta are removed) for any person liable for the control of a dog to permit that dog to excrete on any street or public place or on any land without the consent of the occupier;
(d) requiring that in specified areas a portion of the premises where a dog is kept must be fenced in a manner capable of confining the dog;
(e) providing for the establishment and maintenance of dog management facilities and other services and facilities necessary or expedient for the purposes of this Act;
(f) providing for the detention, maintenance, care and release or disposal of dogs seized;
(g) as to the destruction of dogs pursuant to the powers hereinbefore conferred;
[(h) deleted]
(i) providing for the licensing, regulating, construction, use, and inspection of approved kennel establishments.
Details

A set of amendments to the City’s current Dogs Local Law 2000 is attached and shown ‘marked’. Most are self-explanatory and reflect changes from the Dog Act 1976 and Regulations, summarised as follows:

- Town planning schemes are now local planning schemes under the Planning and Development Act 2005;
- Provisions about fees or impounding and sustenance of dogs, damage to local government property, and opening/closing of pounds are dealt with by other processes such as the annual budget, the Regulations, or simply a decision by the local government;
- Provisions about dangerous dogs are dealt with in the Act and Regulations;
- Various minor formatting changes;
- Some penalty provisions and processes to deal with breaches of kennel license conditions are now dealt with in the Dog Regulations 2013; and
- Increases in the two areas where modified penalties (on the spot fines) can be issued under the local law from $100 to $200. These amounts have not been changed since the local law was first made.

Note that areas where dogs are prohibited absolutely and where dogs may be exercised off leash are designated simply by Council resolution and the giving of local public notice under s31(3A) of the Dog Act 1976.

A ‘marked’ copy of the current local law is attached which shows these proposed changes. Note that this version of the local law also contains explanatory comments and text boxes in a number of locations in order to assist use and application. The items do not form part of the local law.

An Amendment Local Law which will be the formal instrument to change the local law itself is also attached.

Implications to Consider

a. Consultation with the Community

Section 51 of the Dog Act 1976 provides that a local government may make local laws about dogs using the process set out in section 3.12 of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the local law is:

**Purpose:** To remove matters from the City of Rockingham Dogs Local Law 2000 that are dealt with by other legislation.

**Effect:** The City of Rockingham Dogs Local Law 2000 is amended.

There will be a notice in the West Australian, Sound Telegraph, Weekend Courier and the City’s website. During the community consultation period the proposed local law will be made available on the City’s website, libraries and Administration centre. The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

b. Consultation with Government Agencies

As part of the process, local governments are required to send a copy of proposed local law to the Minister for Local Government.

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 2015-2023.8:
Aspiration C: Quality Leadership

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

d. Policy
Not Applicable

e. Financial
The costs associated with drafting, advertising and eventual Gazettal of the proposed local law have been budgeted for and are reported on in the Council Bulletin.

f. Legal and Statutory
As noted above, this local law complements the provisions of other legislation to assist the City in dealing with dust and sand drift issues.

Section 3.12 of the Act provides the procedure for making local laws.

g. Risk
All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments
The proposed Amendment local law removes areas of duplication and unnecessary matters covered in the existing local law.

Advisory Committee Recommendation 4 of 7:
Proposed Bush Fire Control and Bush Fire Brigades Amendment Local Law

That Council:

1. DIRECTS the Chief Executive Officer in accordance with s62 of the Bush Fires Act 1954 and sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
   - It is proposed to make a Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018, and a summary of its purpose and effect;
   - Copies of the proposed Amendment local law may be inspected at the City’s offices;
   - Submissions about the proposed Amendment local law may be made to the City within a period of not less than 6 weeks after the notice is given;

2. DIRECTS the Chief Executive Officer In accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government and the Minister for Emergency Services;

3. DIRECTS the Chief Executive Officer In accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and

4. NOTES that that the results will be presented to Council for consideration of any submissions received.
The City is in the process of updating its local laws. In December 2016 Council received the outcomes of a review required under s3.16 of the Local Government Act 1995 which indicated that a number required amendment or repeal.

The City of Rockingham Bush Fire Control and Bush Fire Brigades Local Law was made in 2001 and last amended in 2010. It is made under the Bush Fires Act 1954.

Most of the issues that relate to bush fires, brigades and firefighting are dealt with by the Bush Fires Act 1954 and its associated Regulations. For example:

- Part 2 of the Act sets out the powers of the Fire and Emergency Services Commissioner, provides for the appointment of bush fire liaison officers, and sets out powers of police or authorised persons as well as providing for entry on to land or buildings for the purposes of the Act;
- Part 3 sets out measures to prevent bush fires, including restricted or prohibited burning times, fire bans, and provisions about burning of land or rubbish. Section 33 allows a local government to require occupiers of land to establish fire breaks by a notice in the Gazette and or public notice, or by local law;
- Part 4 deals with the control and extinguishment of bush fires. In particular:
  - Section 36 provides that a local government may expend funds to control and extinguish bush fires;
  - Under s37 a local government must insure volunteer fire fighters and bush fire brigade equipment;
  - Section 38 provides that a local government may appoint a person as a bush fire control officer (and who does not necessarily have to be a local government employee), and of whom can be a Chief Bush Fire Control Officer and deputy. Under s38A the FES commissioner may appoint a person as a Chief Bush Fire Control officer if requested by a local government for its district;
  - Section 39 sets out the powers of bush fire control officers;
  - Section 40 sets out the powers and duties of local governments, brigades, and bush fire control officers in the event of a bush fire;
  - Section 41 provides that Act, a local government shall keep a register of bush fire brigades and their members in accordance with the regulations, and may at any time cancel the registration of a bush fire brigade;
  - Under s42A, any group of persons, however constituted and whether incorporated or not, may be established as a bush fire brigade under section 41(1) or 42(1).
  - Section 43 is the only area of the Bush Fires Act that requires a local government to make a local law (discussed below); and
  - Sections 44 – 47 deal with fire-fighting by officers of bush fire brigades, ‘CALM’ and bush fire control officers.

- Part 5 deals with miscellaneous matters and among other things:
  - Allows a local government to delegate any of its powers and duties to its CEO; and
  - Provides for penalty and prosecution provisions.
The only part of the Bush Fires Act that stipulates that a local law must be made is in s43:

A local government which establishes a bush fire brigade shall by its local laws provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties.

Sections of the Act where a local government may make local laws are:

• Under s33(5a) to require land owners to make fire breaks. Section 33(1) though allows this to be done simply by publishing a notice in the Gazette or a newspaper circulating in the district; and where a local government does so the provisions of the notice override the local law. The City’s practice is to publish a notice in a local newspaper
• Under s41(1), to establish and maintain one or more bush fire brigades and equip them with appliances, equipment and apparatus; and
• Under s62, make local laws in relation to —
  o the appointment, employment, payment, dismissal and duties of bush fire control officers; and
  o the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and
  o any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by this Act.

A review of State bush fire legislation has been mooted for some time. No change has however eventuated and nothing appears imminent.

Details

Other than dealing with the matters for which a local government must include in a local law about bush fire brigades (and which is considered outdated but as noted above no changes to legislation appear imminent) the use of a local law to regulate these matters is unnecessary. All of the matters for which local governments may make local laws can be better dealt with by other means.

Local laws are usually used to regulate activities in local communities generally. They typically set out a set of requirements and include provisions for non-compliance such as notices, infringements or prosecution. Services run by volunteers are not usually regulated by local laws, such as surf lifesaving or Meals on Wheels volunteers for example. There are no penalty provisions in the City’s existing local law.

The question here is the extent to which a local law is useful when it comes to assisting and encouraging a service provided essentially by volunteers; and what could be better dealt with by other means. The City is better able to manage its funding and/or support to volunteer brigades in a more flexible manner, not by use of a local law.

Significantly, clause 6.1 of the existing City of Rockingham Bush Fire Brigades Local Law provides that:

The appointment, dismissal and management of brigade members by the bush fire brigade are governed by the Rules as set out in the City of Rockingham Policy and Procedures Manual.

This is a wide ranging provision and provides considerable scope for the City to control operations of volunteer bush fire brigades if it sees fit to do so by inclusion in those rules, and without the need to amend the local law. This can and is done in a cooperative manner in liaison with volunteers.

Local laws are cumbersome and expensive to amend. The process required under s3.12 of the Local Government Act 1995 to make or amend a local law takes around 9 months, requires at least two Council resolutions, referral to two State Ministers, public consultation processes and publication in the Government Gazette.
As such it is proposed to amend the existing Bush Fire Brigades Local Law to remove all unnecessary provisions. To this end, a ‘marked’ copy of the current local law is attached which shows the proposed changes. Note that this version of the local law also contains explanatory comments and text boxes in a number of locations in order to assist use and application. The items do not form part of the local law.

An Amendment Local Law which will be the formal instrument to change the local law itself is also attached.

### Implications to Consider

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<tr>
<th>a.</th>
<th><strong>Consultation with the Community</strong></th>
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<tr>
<td></td>
<td>Section 62 of the Bush Fires Act 1954 provides that a local government may make local laws about bush fire brigades using the process set out in section 3.12 of the Local Government Act 1995.</td>
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<td></td>
<td>Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.</td>
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<td></td>
<td>The purpose and effect of the local law is:</td>
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<tr>
<td></td>
<td><strong>Purpose</strong>: To remove matters from the City of Rockingham Bush Fire Control and Bush Fire Brigades Local Law 2001 that can be better dealt with by other means.</td>
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<td><strong>Effect</strong>: The City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2001 is amended.</td>
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<tr>
<td></td>
<td>There will be a notice in the West Australian, Sound Telegraph, Weekend Courier and the City's website. During the community consultation period the proposed local law will be made available on the City's website, libraries and Administration centre. The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b.</th>
<th><strong>Consultation with Government Agencies</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>As part of the process, local governments are required to send a copy of the proposed Amendment local law to the Minister for Local Government and the Minister for Emergency Services.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c.</th>
<th><strong>Strategic</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Community Plan</strong></td>
</tr>
<tr>
<td></td>
<td>This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Community Plan 2015-2023.8:</td>
</tr>
<tr>
<td></td>
<td><strong>Aspiration C:</strong> Quality Leadership</td>
</tr>
<tr>
<td></td>
<td><strong>Strategic Objective</strong>: Governance: Governance Systems that enable Council to make informed and considered decisions, effectively support by an executive informing and implementing those decisions; all within an accountable, legally compliant, transparent and ethical environment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>d.</th>
<th><strong>Policy</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>e.</th>
<th><strong>Financial</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The costs associated with drafting, advertising and eventual Gazettal of the proposed local law have been budgeted for and are reported on in the Council Bulletin.</td>
</tr>
</tbody>
</table>
f. Legal and Statutory

As noted above, local governments must make local laws relating to limited matters relating to the appointment and duties of volunteer bush fire brigade officials. They may make local laws about other matters but which are all dealt with by other means or legislation.

Section 3.12 of the Act provides the procedure for making local laws.

g. Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

- Customer Service / Project management / Environment: High and Extreme Risks
- Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The proposed Amendment local law removes areas of duplication and unnecessary matters covered in the existing local law. No practical changes to the operations of volunteer bush fire brigades will occur if the amendments are made.

Advisory Committee Recommendation 5 of 7: Proposed Parking Local Law

That Council:

1. DIRECTS the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
   - It is proposed to make a Parking Local Law 2018, and a summary of its purpose and effect;
   - Copies of the proposed local law may be inspected at the City’s offices;
   - Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;

2. DIRECTS the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government and the Minister for Emergency Services;

3. DIRECTS the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and

4. NOTES that that the results will be presented to Council for consideration of any submissions received.

Officer Recommendation if Different to Advisory Committee Recommendation

Not Applicable

The Officer’s Reason for Varying the Advisory Committee Recommendation

Not Applicable

Background

The City is in the process of updating its local laws. In December 2016 Council received the outcomes of a review required under s3.16 of the Local Government Act 1995 which indicated that a number required amendment or repeal.
The City has an existing Parking and Parking Facilities Local Law which was published in the Government Gazette in 2004 and last amended in 2006. The local law draws heavily on the provisions of the Road Traffic Code, particular with respect to how certain matters are defined and applied in thoroughfares (roads).

### Details

The proposed changes are summarised below and shown ‘marked’ on the attached copy of the current local law.

The changes are such that it is simpler and less expensive to make a new local law rather than create an Amendment local law:

<table>
<thead>
<tr>
<th>Summary of proposed changes</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broadening of clause 1.2 (Application of local law)</td>
<td>The effect of this is that the application of the parking local law to private property can be done by agreement rather than requiring amendment to the local law. Schedule 4 (which is a list of ‘deemed parking stations’) of the existing can therefore be deleted.</td>
</tr>
<tr>
<td>Additional definitions to clause 1.5 (Interpretation)</td>
<td>A number of new definitions have been added. Also added are extracts in text boxes from the Road Traffic Code and other legislation where referred to in the local law. These text boxes do not form part of the local law and will be deleted from the version to be Gazetted (as will headers/footers, page numbers and the index) but retained in administrative versions and those made available to the public as an aid to understanding the local law. In particular:</td>
</tr>
<tr>
<td></td>
<td>• <em>painted island</em> has been added to the definitions and also in clause 4.5(2)(b) and 7.8 which talk about offences to park on median strips. If acceptable, there is then no need to change the definition of <em>median strip</em>.</td>
</tr>
<tr>
<td></td>
<td>• The definition of the <em>parking region</em> has been added to clause 1.5. This means Schedule 1 of the existing local law is not required and has been deleted (and the remaining schedules renumbered).</td>
</tr>
<tr>
<td></td>
<td>In several places, a reference in a text box to section 3.37 (Contraventions that can lead to impounding) of the Local Government Act and Regulation 29 (Contraventions that may lead to impounding of goods) of the Local Government (Functions and General) Regulations 1996 have been added; there is no need to amend the local law to allow the City to impound a vehicle that is in contravention of a local law. This is a useful provision to apply where (for example) a vehicle is left in a dangerous position or where a residents crossover may be blocked.</td>
</tr>
<tr>
<td>Changes to disabled person parking</td>
<td>Addition of provisions about ACROD parking to reflect the more recent disability parking permit provisions in the Local Government (Parking for People with Disabilities) Regulations 2014 have been incorporated throughout the draft local law.</td>
</tr>
<tr>
<td>Clause 4.5(2)(f) – parking generally</td>
<td>This subclause has been broadened to make it an offence to park:</td>
</tr>
<tr>
<td></td>
<td>(f) <strong>on any portion</strong> of a footpath or pedestrian crossing (emphasis added)</td>
</tr>
<tr>
<td>Summary of proposed changes</td>
<td>Comment</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>7.9 Stopping on verge</td>
<td>The clause creates an offence for any person to park on a verge without the permission of the adjoining owner or occupier. The City receives a number of complaints about vehicles left on verges for long periods of time by owners or occupiers of adjoining properties, which they are allowed to do under the local law but application of clause 9.6 (leaving a vehicle so as to obstruct a public place) will resolve most issues. No amendment to the local law is sought.</td>
</tr>
<tr>
<td>Other changes</td>
<td>Removal of references to ‘by resolution’ throughout the local law has been undertaken, and ‘local government’ used. ‘By resolution’ implies the change can only be made by a decision of the Council itself when in reality Council delegates authority to make changes to restrictions in many instances to its CEO such as the beginning/end of ‘no parking’ zones, loading zones, etc. Note that this does not preclude Council itself making decisions about matters that it chooses to; removal of by resolution gives it the option.</td>
</tr>
<tr>
<td>Penalties</td>
<td>It is recommended that a <strong>minimum</strong> penalty in clause 10.1(3) apply when a person elects for a court hearing and is found guilty as opposed to paying a modified penalty.</td>
</tr>
</tbody>
</table>
| Schedule 1 – modified penalties | Modified penalties are all a uniform $65; this is considered too low:  
• To act as a deterrent to park illegally; and  
• An amount for the cost of collection by the City if unpaid.  
It is recommended that this be increased to $100. While also being similar to that applied by other local governments, it will be some time before the City undertakes another review. |

As noted above, the changes are such that it is simpler to make a new local law rather than amend the existing one.

A draft City of Rockingham Parking Local Law 2018 is attached. Also attached is a copy of the current law with changes shown 'marked'.

**Implications to Consider**

**a. Consultation with the Community**

The process to make a local law is set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the local law is:

**Purpose:** To enable the City to regulate the parking of vehicles within the district and provide for the management and operation of parking facilities under the City’s care, control and management.

**Effect:** A person parking a vehicle within the parking region is to comply with the provisions of the local law.

There will be a notice in the West Australian, Sound Telegraph, Weekend Courier and the City’s website. During the community consultation period the proposed local law will be made available on the City’s website, libraries and Administration centre. The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.
b. Consultation with Government Agencies
As part of the process, local governments are required to send a copy of proposed local law to the Minister for Local Government.

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 2015-2023.8:

**Aspiration C:** Quality Leadership

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

d. Policy
Not Applicable

e. Financial
The costs associated with drafting, advertising and eventual Gazettal of the proposed local law have been budgeted for and are reported on in the Council Bulletin.

f. Legal and Statutory
As noted above, this local law complements the provisions of other legislation and will improve ease of application as well as an increase in modified penalties,

Section 3.12 of the Act provides the procedure for making local laws.

g. Risk
All Council decisions are subject to risk assessment according to the City’s Risk Framework.

Implications and comment will only be provided for the following assessed risks.

- Customer Service / Project management / Environment: High and Extreme Risks
- Finance / Personal Health and Safety: Medium, High and Extreme Risks
- Nil

Comments
The proposed local law will improve ease of application and reflect changes in other legislation.

**Advisory Committee Recommendation 6 of 7:**
**Proposed Waste Local Law**

That Council:

1. **DIRECTS** the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
   - It is proposed to make a Waste Local Law 2018, and a summary of its purpose and effect;
   - Copies of the proposed Amendment local law may be inspected at the City’s offices;
   - Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;

2. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government, the Minister for the Environment and the CEO of the Waste Authority;
3. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and

4. **NOTES** that that the results will be presented to Council for consideration of any submissions received.

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

Not Applicable

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

Not Applicable

**Background**

The City is in the process of updating its local laws. In December 2016 Council received the outcomes of a review required under s3.16 of the Local Government Act 1995 which indicated that a number required amendment or repeal.

This report deals with waste collection and disposal.

Part 4 of the City of Rockingham Health Local Law 1996 and in particular clauses 38 – 48 deal with waste and waste collection. Part 8 of the City of Rockingham Local Government Property Local Law 2001 deals with waste facilities.

Health local laws were made under the Health Act 1911, and which is somewhat outdated. A new Public Health Act came into effect in 2016., and which repealed various provisions of the Health Act that dealt with the powers of local governments in relation to the collection and removal of rubbish, and had the effect of transferring the powers of a local government to make local laws about waste to the Waste Avoidance and Resource Recovery Act 2006.

**Details**

A proposed new City of Rockingham Waste Local Law is attached. It is based on a WALGA model local law, updated to suit the City.

The draft local law is divided into 5 Parts:

1. Definitions.
2. Disposal of refuse – this Part deals with rubbish receptacles, placement on streets for collection, the use of receptacles and what may be placed in them, and other provisions to ensure that waste is able to be removed efficiently.
4. Operation of Waste facilities; and
5. Enforcement provisions – including a Schedule of modified penalties that may be imposed. These provisions are a significant improvement on the provisions allowable under the existing Health Local Law.

In summary, there are few practical differences between how current provisions relating to waste are dealt with; the proposed new local law simply puts them into a more up to date legislative framework.

**Implications to Consider**

a. **Consultation with the Community**

   The process to make a local law is set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.
The purpose and effect of the local law is:

**Purpose:** The objective of this local law is to regulate the storage, collection and disposal of waste and refuse from residential premises and on waste facilities in the City.

**Effect:** Unless otherwise authorised, the storage, collection and disposal of waste and refuse within the City must be carried out in accordance with the provisions of the local law.

There will be a notice in the West Australian, Sound Telegraph, Weekend Courier and the City's website. During the community consultation period the proposed local law will be made available on the City's website, libraries and Administration centre. The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

b. **Consultation with Government Agencies**

As part of the process, local governments are required to send a copy of the proposed Amendment local law to the Ministers for Local Government and the Environment.

The City is also required to obtain the consent of the CEO of the Waste Authority before finally making the local law under s3.12(4) of the Local Government Act 1995.

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 2015-2023.8:

**Aspiration C:** Quality Leadership

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

d. **Policy**

Not Applicable

e. **Financial**

The costs associated with drafting, advertising and eventual Gazettal of the proposed local law have been budgeted for and are reported on in the Council Bulletin.

f. **Legal and Statutory**

Section 61 of the Waste Avoidance and Resource Recovery specifies that waste local laws are to be made in accordance with the process set out by sections 3.11 to 3.17 of the Local Government Act 1995.

Section 3.12 of the Act provides the procedure for making local laws.

g. **Risk**

All Council decisions are subject to risk assessment according to the City's Risk Framework.

Implications and comment will only be provided for the following assessed risks.

- Customer Service / Project management / Environment: High and Extreme Risks
- Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

**Comments**

The proposed local law will improve ease of application and reflect changes in other legislation.
Advisory Committee Recommendation 7 of 7:
Pest Plants Amendment Local Law

That Council:

1. **DIRECTS** the Chief Executive Officer in accordance with s193 of the Biosecurity and Biosecurity and Agriculture Management Act 2007 and sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
   - It is proposed to make a Pest Plants Amendment Local Law 2018, and a summary of its purpose and effect;
   - Copies of the proposed Amendment local law may be inspected at the City’s offices;
   - Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;

2. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government and the Minister for Agriculture;

3. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and

4. **NOTES** that that the results will be presented to Council for consideration of any submissions received.

Officer Recommendation if Different to Advisory Committee Recommendation

Not Applicable

The Officer’s Reason for Varying the Advisory Committee Recommendation

Not Applicable

Background

The City is in the process of updating its local laws. In December 2016 Council received the outcomes of a review required under s3.16 of the Local Government Act 1995 which indicated that a number required amendment or repeal.

The City of Rockingham Pest Plants Local Law 2000 was made in 2001 and last amended in 2010. The local law is made under s193 of the Biosecurity and Agriculture Management Act 2007.

In summary the local law prescribes a number of plants to be ‘pests’ and provides for the City to serve notices on owners or occupiers of land to take measures set out in the notice to control and plants that may be on their land. If action is not taken within the time provided in the notice, the City may enter on to the property, take the action required and recover the cost from the owner or occupier.

Details

The local law is relatively simple in terms of its scope and application. The plants recommended for addition to Schedule 1 of the local law (and if which adopted, will be become ‘pest plants’) and Are not endemic to the City of Rockingham and considered to pose a level of threat to environmental values within the City. The plants proposed to be added are highlighted red:

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree of Heaven</td>
<td>Ailanthus altissima</td>
</tr>
<tr>
<td>Baboon Flower</td>
<td>Babiana angustifolia</td>
</tr>
<tr>
<td>Fountain Grass</td>
<td>Cenchrus setaceus</td>
</tr>
<tr>
<td>Pampas grass</td>
<td>Cortaderia selloana</td>
</tr>
</tbody>
</table>
In addition, while the local law provides considerable scope as to what may be contained in a notice in terms of the action required and the time within which it is to be taken, a proposed policy to guide authorised persons as to what action may be appropriate depending type of pest plant involved is also attached.

In essence the action required should be assessed on a case by case basis, but the pest plants listed as ‘class A’ in the draft policy are considered serious infestations and must be removed wherever they appear anywhere in the City.

‘Class B’ are also pest plants but action could be more targeted at local control where (for example) their presence on private property may negate action the City may be undertaking on land under its care control and management.

### Implications to Consider

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Narrowleaf Cotton Bush</td>
<td>Gomphocarpus fruticosus</td>
</tr>
<tr>
<td>Morning Glory</td>
<td>Ipomoea indica</td>
</tr>
<tr>
<td>Red Lachenalia/Pendulous Cape Cowslip</td>
<td>Lachenalia bulbifera</td>
</tr>
<tr>
<td>Yellow Soldier</td>
<td>Lachenalia reflexa</td>
</tr>
<tr>
<td>Coastal Tea Tree</td>
<td>Leptospermum laevigatum</td>
</tr>
<tr>
<td>Wild Olive</td>
<td>Olea europaea subsp. cuspidata</td>
</tr>
<tr>
<td>Chincherinchee</td>
<td>Ornithogalum thyrsoides</td>
</tr>
<tr>
<td>Peruvian Pepper Tree</td>
<td>Schinus molle</td>
</tr>
<tr>
<td>Brazilian Pepper Tree</td>
<td>Schinus terebinthifolius</td>
</tr>
<tr>
<td>Apple of Sodom</td>
<td>Solanum linnaeanum</td>
</tr>
<tr>
<td>Caltrop</td>
<td>Tribulus terrestris</td>
</tr>
<tr>
<td>Watsonia</td>
<td>Watsonia meriana var. bulbillifera</td>
</tr>
</tbody>
</table>

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**Consultation with the Community**

Section 193 of the Biosecurity and Agriculture Management Act 2007 provides that a local government may make local laws:

- prescribing certain plants to be 'pest plants';
- serve notices on owners or occupiers of property within the district to take measures to remove or eradicate the plants; and
- If the notice is not complied with enter on to the property, take the action required and recover the cost of doing so from the owner or occupier.

The process to make a local law is set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the local law is:

**Purpose:** To add certain plants to Schedule 1 of the City of Rockingham Pest Plants Local Law 2000.

**Effect:** The plants added to the Schedule are prescribed as pest plants.

There will be a notice in the West Australian, Sound Telegraph, Weekend Courier and the City’s website. During the community consultation period the proposed local law will be made available on the City’s website, libraries and Administration centre. The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.
b. **Consultation with Government Agencies**
   As part of the process, local governments are required to send a copy of the proposed Amendment local law to the Ministers for Local Government and the Environment.

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 2015-2023.8:
   
   **Aspiration C:** Quality Leadership
   **Strategic Objective:** Governance: Governance Systems that enable Council to make informed and considered decisions, effectively support by an executive informing and implementing those decisions; all within an accountable, legally compliant, transparent and ethical environment.

d. **Policy**
   As noted above, it is proposed to also adopt a policy when the Amendment Local Law is made to guide authorised persons as to what type of action may be appropriate under the local law depending on the type of pest plant involved and its location.

e. **Financial**
   The costs associated with drafting, advertising and eventual Gazettal of the proposed local law have been budgeted for and are reported on in the Council Bulletin.

f. **Legal and Statutory**
   As noted above, local governments may make local laws prescribing certain plants to be pests, and may serve notices on owners and occupiers of property in the district requiring them to undertake mitigation measures.

   Section 3.12 of the Act provides the procedure for making local laws.

g. **Risk**
   **All Council decisions are subject to risk assessment according to the City’s Risk Framework.**

   Implications and comment will only be provided for the following assessed risks.

   Customer Service / Project management / Environment: High and Extreme Risks
   Finance / Personal Health and Safety: Medium, High and Extreme Risks

   Nil

**Comments**

The proposed Amendment Local Law adds a number of plants to Schedule 1 of the Pest Plants Local Law. These plants are exotic weeds and have the potential to alter the natural ecosystem in the City.

**Committee Recommendation**

**Moved Cr Liley, seconded Cr Burns:**

That Council:

1. **DIRECTS** the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
   - It is proposed to make a Sand Drift Local Law 2018, and a summary of its purpose and effect;
   - Copies of the proposed local law may be inspected at the City’s offices;
Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;

2. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government;

3. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and

4. **NOTES** that the results will be presented to Council for consideration of any submissions received.

5. **DIRECTS** the Chief Executive Officer in accordance with s79 of the Cat Act 2011 and sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
   - It is proposed to make a Cats Local Law 2018, and a summary of its purpose and effect;
   - Copies of the proposed local law may be inspected at the City's offices;
   - Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;

6. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government;

7. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and

8. **NOTES** that the results will be presented to Council for consideration of any submissions received.

9. **DIRECTS** the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
   - It is proposed to make a Dogs Amendment Local Law 2018, and a summary of its purpose and effect;
   - Copies of the proposed Amendment local law may be inspected at the City's offices;
   - Submissions about the proposed Amendment local law may be made to the City within a period of not less than 6 weeks after the notice is given;

10. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government;

11. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and

12. **NOTES** that the results will be presented to Council for consideration of any submissions received.

13. **DIRECTS** the Chief Executive Officer in accordance with s62 of the Bush Fires Act 1954 and sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
   - It is proposed to make a Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018, and a summary of its purpose and effect;
   - Copies of the proposed Amendment local law may be inspected at the City’s offices;
   - Submissions about the proposed Amendment local law may be made to the City within a period of not less than 6 weeks after the notice is given;

14. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government and the Minister for Emergency Services;

15. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and
16. **NOTES** that that the results will be presented to Council for consideration of any submissions received.

17. **DIRECTS** the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:

- It is proposed to make a Parking Local Law 2018, and a summary of its purpose and effect;
- Copies of the proposed local law may be inspected at the City’s offices;
- Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;

18. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government and the Minister for Emergency Services;

19. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and

20. **NOTES** that that the results will be presented to Council for consideration of any submissions received.

21. **DIRECTS** the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:

- It is proposed to make a Waste Local Law 2018, and a summary of its purpose and effect;
- Copies of the proposed Amendment local law may be inspected at the City’s offices;
- Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;

22. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government, the Minister for the Environment and the CEO of the Waste Authority;

23. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and

24. **NOTES** that that the results will be presented to Council for consideration of any submissions received.

25. **DIRECTS** the Chief Executive Officer in accordance with s193 of the Biosecurity and Agriculture Management Act 2007 and sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:

- It is proposed to make a Pest Plants Amendment Local Law 2018, and a summary of its purpose and effect;
- Copies of the proposed Amendment local law may be inspected at the City’s offices;
- Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;

26. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government and the Minister for Agriculture;

27. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and

28. **NOTES** that that the results will be presented to Council for consideration of any submissions received.

Committee Voting – 5/0
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**Purpose of Report**

To propose that Council adopt -

- a draft Repeal and Amendment Local Law
  - **Purpose:** To repeal the City of Rockingham Extractive Industries Local Law 2000; and to amend the City of Rockingham Cemeteries Local Law 2000 and the City of Rockingham Health Local Law 1996.
  - **Effect:** The City of Rockingham Extractive Industries Local Law 2000 is repealed; ‘authorised person’ is replaced with ‘authorised officer’ in the City of Rockingham Cemeteries Local Law 2000 and the provisions contained in the City of Rockingham Health Local Law 1996 relating to bee keeping are repealed.

- a proposed Public Places and Local Government Property Local Law
  - **Purpose:** The purpose of this local law is to regulate the care, control and management of property of and under the care, control and management of the City including thoroughfares.
  - **Effect:** Some City property is set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited. The local law also establishes offences for inappropriate behavior in or on City property.
Recommendations to the Corporate and Community Development Committee

Advisory Committee Recommendation 1 of 2:
Proposed Repeal and Amendment Local Law

That Council:

1. **DIRECTS** the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
   - It is proposed to make a Repeal and Amendment Local Law 2018, and a summary of its purpose and effect;
   - Copies of the proposed local law may be inspected at the City’s offices;
   - Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;

2. **DIRECTS** the Chief Executive Officer In accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government;

3. **DIRECTS** the Chief Executive Officer In accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and

4. **NOTES** that that the results will be presented to Council for consideration of any submissions received.

Officer Recommendation if Different to Advisory Committee Recommendation

Not Applicable

The Officer’s Reason for Varying the Advisory Committee Recommendation

Not Applicable

Background

The City is in the process of updating its local laws. In December 2016 Council received the outcomes of a review required under s3.16 of the Local Government Act 1995 which indicated that a number required amendment or repeal.

This report groups a number of local laws that require repeal or minor amendments.

Details

There are three local laws that are affected:

- The City of Rockingham Extractive Industries Local Law 2000 can be repealed in its entirety. The local law regulates minor mining activities such as quarries; major mining activity is regulated by the State. Extractive industries are better dealt with under the Local Planning Scheme and conditions associated with a development approval.

- In Schedules 2 and 3 of the City of Rockingham Cemeteries Local Law 2000 published in the Government Gazette on 21 March 2001 ‘authorised person’ is replaced with ‘authorised officer’.

  This local law is rarely used and while there is little practical difference between an authorised person and an authorised officer, ‘officer’ is preferred. An ‘officer’ must be an employee of a local government and may request more information from an alleged offender than an ‘authorised person’.

- It is also recommended that Division 7 (Bee Keeping) of Part 7 of the City of Rockingham Health Local Law 1996 be repealed.
The Biosecurity Act and Regulations are administered by the Department of Agriculture. Beekeepers are required to be registered with the Department. The City's role is secondary.

Many issues associated with bees relate to water, or a lack of it. Regulation 90 of the Biosecurity and Agriculture Management Regulations 2013 imposes an obligation for every beekeeper to provide a good and sufficient supply of water on every apiary site in a way that is readily accessible to the bees on that site.

Insofar as local governments are concerned section 3.25 and item 11 of Schedule 3.1 of the Local Government Act 1995 provides that a local government may serve a notice on an owner or occupier of property to remove bees that are likely to endanger the safety of any person or create a serious public nuisance.

This provides the City with sufficient powers to deal with any problems with bees that may arise. The provisions of the Health Local Law that deal with bees are not required.

### Implications to Consider

a. **Consultation with the Community**

The process to make a local law is set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the local law is:

**Purpose:** To repeal the City of Rockingham Extractive Industries Local Law 2000; and to amend the City of Rockingham Cemeteries Local Law 2000 and the City of Rockingham Health Local Law 1996.

**Effect:** The City of Rockingham Extractive Industries Local Law 2000 is repealed; ‘authorised person’ is replaced with ‘authorised officer’ in the City of Rockingham Cemeteries Local Law 2000 and the provisions contained in the City of Rockingham Health Local Law 1996 relating to bee keeping are repealed.

There will be a notice in the West Australian, Sound Telegraph, Weekend Courier and the City’s website. During the community consultation period the proposed local law will be made available on the City’s website, libraries and Administration centre. The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

b. **Consultation with Government Agencies**

As part of the process, local governments are required to send a copy of proposed Repeal and Amendment local law to the Minister for Local Government.

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 2015-2023.8:

**Aspiration C:** Quality Leadership

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

d. **Policy**

Not Applicable
e. Financial
The costs associated with drafting, advertising and eventual Gazettal of the proposed local law have been budgeted for and are reported on in the Council Bulletin.

f. Legal and Statutory
As noted above, this local law complements the provisions of other legislation to assist the City in dealing with dust and sand drift issues.
Section 3.12 of the Act provides the procedure for making local laws.

g. Risk
All Council decisions are subject to risk assessment according to the City’s Risk Framework.
Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments
The proposed Repeal and Amendment local law removes an unused local law, modifies the application of one slightly (Cemeteries) and repeals redundant provisions of another (Health and bee keeping).

Advisory Committee Recommendation 2 of 2:
Proposed Public Place and Local Government Property Local Law 2018

That Council:
1. DIRECTS the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
   - It is proposed to make a Public Places and Local Government Property Local Law 2018, and a summary of its purpose and effect;
   - Copies of the proposed local law may be inspected at the City’s offices;
   - Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
2. DIRECTS the Chief Executive Officer In accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government;
3. DIRECTS the Chief Executive Officer In accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and
4. DIRECTS the Chief Executive Officer in accordance with s3.6 of the Act, seeks approval from the Governor to apply the proposed local law beyond the district into that part of the Indian Ocean adjoining the district of the City of Rockingham for a distance of 200 metres seaward from the low water mark at ordinary spring tides; and
5. NOTES that that the results will be presented to Council for consideration of any submissions received.

Officer Recommendation if Different to Advisory Committee Recommendation
Not Applicable

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

The City is in the process of updating its local laws. In December 2016 Council received the outcomes of a review required under s3.16 of the Local Government Act 1995 which indicated that a number required amendment or repeal.

The City has two local laws that relate to how activities on property under its care, control and management (mainly reserves and the like) and thoroughfares (essentially streets) are managed:

- Activities in Thoroughfares and Public Places and Trading Local Law 2001; and

While there are differences between the degree of controls that the City may wish to impose on activities on its property as opposed to public streets, there are some areas where the provisions of the two local laws do not match up; instances where an activity has taken place over both a thoroughfare and local government property, and different permit/licensing provisions.

As such, it is proposed to make a single local law to combine the two. Attached is a draft City of Rockingham Public Places and Local Government Property Local Law which is based on a model developed by the WA Local Government Association modified to suit the City.

Essentially, rather than devising a set of rules for each type of property, its provisions apply across all areas with specific provisions about particular locations that might be unique such as golf courses, beaches and jetties.

Similarly, matters like definitions, modified penalties, notices and enforcement provisions apply to all areas of the local law, regardless of where a matter might physically be located or the subject dealt with.

Some changes to the way particular issues may be dealt with by the City are also proposed to be changed in the new local law. For example:

- Forms are not prescribed in the local law (application, permits, information required and the like) – these can be developed to suit the City’s needs and changed as circumstances arise;
- Wherever applicable fees are set via the annual budget, not the local law;
- Information to be supplied when applying for a permit (licence) is not set out in the local law, the City simply does this administratively; and
- While examples of licence conditions are listed in clause 8.5 of the draft local law, additional conditions can be added depending on the circumstances of each case.

Details

The salient features of the proposed new local law are summarised below. Many provisions are similar to those already in place under the existing local laws; overall though it will be simpler to apply than the two existing local laws.

The draft local law also makes extensive use of text boxes and notes. While they do not form part of the local law itself, their purpose is to make reference to another Act or Regulation and assist with gaining a full understanding of an issue without having to look up the reference separately. These notes can also be added to or modified over time without the need to amend the local law.

Part 1 – contains definitions of terms used throughout the local law. Note too that it is proposed to apply the local law outside the district for a short distance of 200m outside the district boundary into the Indian Ocean to allow controls over swimming activities by the City (or surf lifesaving clubs authorised by the City) as is the current provision, but which requires the State Governor’s approval under s3.6 of the Local Government Act before the local law is made.

This is reflected in the recommendation to Council below and approval obtained while public comments are being sought about the proposed local law.

Part 2 – continues the power for Council to make ‘Determinations’ with respect to particular types of local government property and their use. This area is intended to apply where the full process to amend a local law is inappropriate, but where some formalised means of regulating use is needed.
Note that the subjects about which Determinations can be made is limited to those listed in clauses 2.7 and 2.8, and that the procedure to make or amend determinations is in clause 2.2 and 2.6. The scope of subjects has been limited by the views taken by the WA Parliamentary Joint Standing Committee on Delegated Legislation, which reviews local laws on behalf of Parliament, and which has the power to recommend disallowance of a local law.

While provided for in the current City of Rockingham Local Government Property Local Law 2001, none were made. As such an initial set of determinations is listed in the proposed new local law.

**Part 3** relates to activities on City property that require a permit (note that ‘licence’, ‘approvals’ and ‘permits’ are the same thing). Under this Part, ‘City property’ is in essence all the property under the City’s care, control and management except streets, which are dealt with in Part 6.

Clause 3.1 contains a list of those activities where a licence is needed. Often conditions will be imposed under any approval given which can be contained in a policy giving guidance to an authorised officer, for example attached is a draft policy relating to signs on local government property and thoroughfares which reflect the provisions of the existing local law.

**Part 4** deals with behaviour on City property. In particular, clauses 4.1 and 4.2 deal with behaviour that interferes with the enjoyment of others using City property, or damage to property.

**Part 5** deals with those properties under the City’s control that need specific rules, in particular premises such as where a function may be being held, fenced areas, golf courses, beaches, jetties and the use of toilet and shower facilities by those of male and female gender.

**Part 6** deals with activities in thoroughfares (streets). Note that vehicles are dealt with under the City’s Parking Local Law. Clause 6.1 lists general prohibitions in relation to streets and verges and relates to sight distance hazards, damage to streets and obstructions.

Clause 6.2 lists those things that can be done only with a permit. Clause 6.3 deals with verge treatments, and removes the current requirement that the City has with respect to requiring anything other than a grass verge to be subject to a permit, replacing it with a requirement to obtain a permit only where the proposed treatment differs from the local law or where materials proposed to be used are not on the ‘list of acceptable materials’ maintained by the City under clause 6.4(3).

Clause 6.8 relates to the removal of redundant crossovers; 6.10 allows the City to assign property numbers and clauses 6.15 and 6.16 give the City power to require adjoining property owners to redirect water sprinklers, remove dangerous plants or remove something that may have been placed unlawfully on a street.

**Part 7** regulates particular activities in public places. Clause 7.1 deals with animals and vehicles in public places.

Clauses 7.3 to 7.6 deal with the problem of dumped shopping trolleys, which (amongst other things) must be marked with the retailers details. If left in a public place the City can ask the retailer to collect and can impound the trolley and/or fine the retailer if not collected. Clause 7.4 also makes it an offence for a person to leave a shopping trolley in a public place other than an area set aside for the storage of shopping trolleys.

**Part 8** deals with all types of licences regulated by the local law such as hire of property, alfresco dining, entertainment, markets, goods on footpaths, and so on. Clauses 8.2 to 8.4 deal with licences generally, and clauses 8.5 and 8.6 contain a list of typical conditions that might apply to a licence.

Clauses 8.8 to 8.16 deal with the duration, renewals, transfer, suspension, cancellation of licences, and 8.17 to 8.22 miscellaneous issues.

Note that licence fees are set using the City’s annual budget not under the local law.

**Part 9** deals with objections and reviews as required by Part 9 of the Local Government Act, which provides that a person may appeal a decision made in relation to the granting, renewal, transfer, amendment, suspension or cancellation of a licence.

**Part 10** gives the City a wide range of options with respect to enforcement of the local law if necessary.
Specifically, this can be issuing notices to reinstate damage to City property, rectify a licence breach, prosecution or the application of a modified penalty. Note that under clause 10.4 the City can undertake work required by a notice if its requirements are not complied with and recover the cost of doing so from the responsible person.

Finally, Schedule 1 contains a list of suggested initial Determinations made under Part 2 of the proposed local law, and Schedule 2 a list of modified penalties.

### Implications to Consider

a. **Consultation with the Community**

   The process to make a local law is set out in section 3.12(3) of the Local Government Act 1995. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

   **Purpose:** The purpose of this local law is to regulate the care, control and management of property of and under the care, control and management of the City including thoroughfares.

   **Effect:** Some City property is set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited. The local law also establishes offences for inappropriate behavior in or on City property.

   There will be a notice in the West Australian, Sound Telegraph, Weekend Courier and the City’s website. During the community consultation period the proposed local law will be made available on the City’s website, libraries and Administration centre. The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

b. **Consultation with Government Agencies**

   As part of the process, local governments are required to send a copy of proposed Repeal and Amendment local law to the Minister for Local Government.

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 2015-2023.8:

   **Aspiration C:** Quality Leadership

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

d. **Policy**

   Not Applicable

e. **Financial**

   The costs associated with drafting, advertising and eventual Gazettal of the proposed local law have been budgeted for and are reported on in the Council Bulletin.

f. **Legal and Statutory**

   As noted above, this local law complements the provisions of other legislation to assist the City in dealing with dust and sand drift issues.

   Section 3.12 of the Act provides the procedure for making local laws.
g. Risk

All Council decisions are subject to risk assessment according to the City’s Risk Framework. Implications and comment will only be provided for the following assessed risks.

Customer Service / Project management / Environment: High and Extreme Risks
Finance / Personal Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The proposed local law is part of an overall strategy to update the City’s local laws. In itself it is a significant body of work which while presenting some initial internal disruption, will result in reduced ‘red tape’, ease of application and simplification of requirements to obtain permits and the like regardless of whether or not an activity is carried out on local government property or a thoroughfare.

Committee Recommendation

Moved Cr Liley, seconded Cr Jones:

That Council:

1. **DIRECTS** the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
   - It is proposed to make a Repeal and Amendment Local Law 2018, and a summary of its purpose and effect;
   - Copies of the proposed local law may be inspected at the City’s offices;
   - Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;

2. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government;

3. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and

4. **NOTES** that that the results will be presented to Council for consideration of any submissions received.

5. **DIRECTS** the Chief Executive Officer in accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995 (the Act), to give State wide and local public notice stating that:
   - It is proposed to make a Public Places and Local Government Property Local Law 2018, and a summary of its purpose and effect;
   - Copies of the proposed local law may be inspected at the City’s offices;
   - Submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;

6. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(b), as soon as the notice is given, to supply a copy to the Minister for Local Government;

7. **DIRECTS** the Chief Executive Officer in accordance with s3.12(3)(c) of the Act, to supply a copy of the proposed local law to any person requesting it; and

8. **DIRECTS** the Chief Executive Officer in accordance with s3.6 of the Act, seeks approval from the Governor to apply the proposed local law beyond the district into that part of the Indian Ocean adjoining the district of the City of Rockingham for a distance of 200 metres seaward from the low water mark at ordinary spring tides; and

9. **NOTES** that that the results will be presented to Council for consideration of any submissions received.

Committee Voting – 5/0
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15. Motions of which Previous Notice has been given

Community Development

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<td>CSV/3319</td>
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<tr>
<td>Proponent/s:</td>
<td>Cr Lee Downham</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Gary Rogers, Manager Community Infrastructure Planning</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td>Mr Michael Holland, Director Community Development</td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>19 June 2018</td>
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<tr>
<td>Previously before Council:</td>
<td></td>
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<td>Disclosure of Interest:</td>
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<tr>
<td>Nature of Council’s Role in this Matter:</td>
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Purpose of Report

To provide officer comment and advice in response to Cr Downham’s Notice of Motion.

Background

Cr Downham submitted the following motion for consideration at the 26 June 2018 Council Meeting:

“That Council DIRECTS the CEO to carry out a feasibility study for a multi-purpose Arts, Culture, Museum and Tourism centre for the City of Rockingham.”

Details

In order to respond accordingly to the Notice of Motion, it is considered appropriate to overview the current facilities, strategies and plans, already in place or proposed, that provide opportunities and activities that align with the proposed concept.
Performing Arts

In 2010, the City undertook a feasibility study for a Rockingham Contemporary and Performing Arts Centre. This study was undertaken in response to the 1994 Regional Arts Strategy Implementation Study and as a follow up to a recommendation arising from the State Government’s 2006 Rockingham Kwinana Planning and Development Premier Task Force. The Study identified functional requirements and site assessment criteria based on market assessment and community consultation, as well as investigating ongoing management options.

The report indicated that as of 2010 the cost to construct the proposed infrastructure was between $42 million and $53 million. Allowing for building cost index escalation, it is estimated that these costs would now be in the range of $56 million to $71 million. It was acknowledged in the report that, if implemented, it would be a significantly long term project. This figure is related only to the capital construction and does not address the significant ongoing management cost of such a facility.

When the Feasibility Study was presented in October 2010, Council acknowledged that the City did not have the required financial capacity or organisational context to instigate the development of a Contemporary and Performing Arts Centre in the life of the City’s Business Plan. As a result of these outcomes, the project is not included in the CIP Implementation Plan, or budgeted for in the City’s Business Plan. Subsequent annual reviews of the CIP have continued to confirm this position and the project is not proposed to form part of the Implementation Plan in the near future. As outlined in the CIP’s Facility Provision Guidelines a population of 200,000 – 300,000 people is required to ensure the viability of such a project.

Arts and Cultural Facilities

As outlined in the Cultural Development and the Arts Strategy 2018-2022 (March 2018) which is currently being advertised for public comment, the City operates two primary facilities with the capacity to host arts and culture events.

- The Rockingham Arts Centre (RAC) was opened in August 2013 and offers a 40-person capacity multipurpose room, 83m² gallery, and a 12-person capacity studio. The Centre also features a ceramics workshop and meeting room, which are currently the subject of a leasing arrangement for Friends of the Rockingham Arts Centre.

  Programs are designed to activate the Centre through a variety of non-traditional and contemporary arts practices not available through established arts groups. Programs focus on RAC as a hub of artistic practice.

- The Gary Holland Community Centre offers a main hall with a capacity of 300 people, a 100 person capacity multipurpose room, and two meeting rooms which can be opened to form one room with a capacity of approximately 25 people. In addition, the centre also houses exhibition spaces on both the foyer and mezzanine levels, and a 65m² workshop, storage and office area utilised by Rockingham Regional Arts.

Two arts groups operate from these facilities:

- Rockingham Regional Arts Inc. is a membership organisation based at Gary Holland Community Centre, offering ongoing classes in a variety of painting disciplines.

- Friends of the Rockingham Arts Centre Inc. is a membership organisation based at Rockingham Arts Centre. It operates the Centre’s ceramics studio as well as the Rockingham Writers’ Centre, based in the Centre’s meeting room.

In addition, several arts groups are located throughout Rockingham, practicing a single art form with smaller memberships at various City facilities. These clubs also utilise the Rockingham Arts Centre and Gary Holland Community Centre on an ad-hoc basis.

Museum

The Rockingham District Historical Society was formed in 1969, as a branch of the Royal West Australian Historical Society, and a member of Museums Australia, has operated from the premises on Kent Street (listed under the name of the Second Road Board Office) since 1979. The building is listed on the City’s Municipal Heritage Inventory list as the Second Road Board Office, and is allocated category A-class rating under Planning Policy 3.3.21 – Heritage Conservation and...
Development. The A-class rating is allocated to this building due to its identified aesthetic, historic and social value, and over $110,000 has been invested in the maintenance and upkeep of the building since 2013/14 through the City’s Asset Management Plan.

Tourism Centre

Council resolved in January 2018, via GM-003/18 (Tourism Business Model) to direct the CEO to oversee the development of a tourism strategy.

As outlined in the report, visitor servicing is largely about sharing information, making it highly suitable for digital delivery. Research shows that the traditional approach to travel planning has been replaced by a new, customer-empowered digital model that allows a massive scale without a physical presence. This delivers ultimate convenience by enabling travellers to plan and book their trip entirely digitally, from wherever they are. In this new environment, the City has the opportunity to provide an online marketing platform for Rockingham where digital content associated with attractions and events is managed by the City.

The report concluded that the appropriate way forward is to transition to a visitor servicing model that is predominantly digital and supplemented by a face to face channel, though not in the current form or at the current scale. A smaller and more targeted approach such as a mobile, pop-up solution that can be located in tourism hotspots and that is staffed by volunteers may be an appropriate and sustainable way forward.

**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:** 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

d. Policy
   Nil

e. Financial
   For the City to undertake a feasibility study into the proposed multipurpose venue would require appointment of a consultant. While this financial impact would be subject to quote submissions, it is noted that the 2010 study limited to the scope of a Performing Arts Centre allowed for an overall cost of $175,000.

f. Legal and Statutory
   Nil

g. Risk
   All Council decisions are subject to risk assessment according to the City’s Risk Framework.
   Implications and comment will only be provided for the following assessed risks.

   Customer Service / Project management / Environment : High and Extreme Risks
   Finance / Personal Health and Safety : Medium, High and Extreme Risks

   Nil
Comments

To respond to the Notice of Motion it was deemed appropriate that this report address existing facilities and services, and future strategies, that relate to the subject of the Notice of Motion.

The City’s Cultural Development and the Arts Strategy 2018-2022 identifies implementation actions which continue to sustain, and aim to further develop, the arts and culture community within Rockingham by maximising and promoting the use of the City’s existing facilities. These facilities include the Rockingham Arts Centre, the Gary Holland Community Centre, and various other City facilities used by the arts and culture community. There is no reference in the strategy for the development of a new multipurpose cultural and arts facility.

The Tourism Business Model presented to Council in January 2018 proposes to move away from static purpose-built facilities for the purpose of engaging visitors, in favour of more economical and flexible information platforms such as development of the City’s online tourism presence.

The Rockingham Museum has significant standing in the community in its current form and is on the City’s Municipal Heritage Inventory. It is considered uniquely appropriate for the operations of the Rockingham District Historical Society.

The Rockingham Cultural and Performing Arts Centre Feasibility Study, completed in 2010, identified the cost of constructing such a facility as between $42 and $53 million. Council at that time acknowledged that the City did not have the financial capacity to instigate the development of such a facility.

The City’s Community Infrastructure Plan and the recently prepared Cultural Development and Arts Strategy do not identify the need for a multipurpose arts, culture, museum and tourism centre. The CIP, in reference to the Performing Arts Centre, identifies that a core population in excess of 200,000 people would be required in order for such a facility to be feasible. Also, given the significant capital and ongoing operational costs and other key infrastructure requirements, the City would not currently have the financial capacity to consider such a development.

In view of the above, it is evident that the City’s current facilities, services and strategies support existing arts and cultural activities. The City’s CIP does not currently include such a multipurpose venue, nor does the Cultural Development and Arts Strategy identify a need for one. The Tourism Business Model adopted by Council would not be consistent with a static visitor’s centre. The City’s Business Plan would not provide the financial capacity for the development of a Performing Arts Centre. Therefore, it is recommended that the Notice of Motion to undertake a feasibility study for a multipurpose arts, culture, museum, tourism centre is not supported.

Voting Requirements

Simple Majority

Officer Recommendation

That Council not support Councillor Downham’s motion.

Notice of Motion from Cr Downham

That Council DIRECTS the CEO to carry out a feasibility study for a multi-purpose arts, culture, museum and tourism centre for the City of Rockingham.

Committee Recommendation

Moved Cr Downham, seconded Cr Liley:

That Council DIRECTS the CEO to carry out a feasibility study for a multi-purpose arts, culture, museum and tourism centre for the City of Rockingham.

Committee Voting – 2/3

(Cr Liley, Cr Jones and Cr Stewart voted against)
<table>
<thead>
<tr>
<th>The Committee’s Reason for Varying the Officer’s Recommendation</th>
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</thead>
<tbody>
<tr>
<td>Not Applicable</td>
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<tr>
<td></td>
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<tr>
<td>Implications of the Changes to the Officer’s Recommendation</td>
</tr>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
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 17 July 2018** 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 **4:33pm**.