City of Rockingham
Corporate and Community Development Committee Meeting Minutes
4:00pm Tuesday 20 November 2018

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1. **Declaration of Opening**

The Chairperson declared the Corporate and Community Development Committee Meeting open at **4:00pm**, welcomed Mr Chris Liversage from Conway Highbury, 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 (until 4:54pm)
   - Cr Chris Elliott

   **2.2 Executive**

   - Mr Michael Parker
   - Mr John Pearson
   - Mr Michael Holland
   - Mr Peter Doherty
   - Mr Khushwant Kumar
   - Mr Michael Yakas
   - Mr Allan Moles
   - Ms Karin Strachan
   - Mr Mark Tidman
   - Mr Ben Searcy
   - Mr Peter Varris
   - Mr Nick Brown
   - Mr Gary Rogers
   - Mrs Jillian Obiri-Boateng
   - Ms Julia Dick
   - Ms Alison Oliver
   - Mrs Jelette Edwards
   - Mr Aiden Boyham
   - Ms Tamara Clarkson
   - Mr Dean Stoitis
   - Mr Peter Le

   - Chairperson
   - Observer

   - Chief Executive Officer
   - Director Corporate Services
   - Director Community Development
   - Director Legal Services and General Counsel
   - Manager Financial Services
   - Manager Customer and Corporate Support
   - Manager Waste Services
   - Manager Strategy, Tourism, Marketing and Communications
   - Manager Investment Attraction
   - Manager Human Resources Development
   - Manager Governance and Councillor Support
   - Manager Community and Leisure Facilities
   - Manager Community Infrastructure Planning
   - Collaborative Manager Community Capacity Bldg
   - Collaborative Manager Community Capacity Bldg
   - Manager Library and Information Services
   - Governance Coordinator
   - City Media Officer
   - Senior Project Officer (Office of the CEO)
   - Senior Project Officer (Community Development)
   - Senior Legal and Councillor Liaison Officer
CONFIRMED AT A CORPORATE AND COMMUNITY DEVELOPMENT MEETING HELD ON TUESDAY 11 DECEMBER 2018

PRESIDING MEMBER

Ms Sue Langley  Governance Officer
Mrs Diane Zanre  PA to Director Community Development
Mr Tom Kettle  Administration Officer – Governance and Councillor Support

2.3 Members of the Gallery:  4
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.

4.1 Mr James Mumme, Shoalwater - Various

The Chairperson invited Mr Mumme to present his questions to the Corporate and Community Development Committee. Mr Mumme asked the following questions:

Pest Plants Local Law (Attachment 2 to GM-035/18 p46)

1a. When does Council expect this Local Law to come into effect, if its effect depends on the passing of the Amendment Local Law 2018?

The Chairperson advised that the amended Pest Plant Local Law 2018 report has been tabled for the CCD Committee today. If approved at the November 2018 Council Meeting it will then need to be published in the Government Gazette which is anticipated to occur late January or February 2019. A local law generally will come into operation 14 days after publication.

1b. Since Brazilian peppers are dioecious, will Council prioritise sufficient resources to requiring local residents with female Brazilian peppers to remove them when they are likely to infest our reserves, particularly Lake Richmond and Cape Peron? If yes, what will be done?

The Chairperson advised that where Brazilian peppers are identified within private property, the property owners will be educated on the requirement to remove the plants and how best to do so. Those who don’t remove may be served notice under the Pest Plant Local Law to have them removed.

1c. Will Council consider including the following woody weed - Rhamnus Alaternus (known locally as buckthorn) in the schedule of pest plants? I ask this because, while Brazilian peppers grow much bigger than buckthorns, the weeding records of Friends of Point Peron for 2018 show that buckthorns are at least twice as numerous and produce many more fertile seeds per tree and buckthorns grow much faster and reach four metres. (See specimen and photos).

The Chairperson advised that the Pest Plant Local Law 2018 was publically advertised for comment between the 2 July 2018 and the 17 August 2018, and no additional pest plant species were requested to be included in the schedule. A further amendment to the local law could be considered in the future if necessary. The City will continue to manage Rhamnus alaternus (Italian buckthorn) within its managed land and when identified within private property City officers will educate the property owners on the plant and its environmental impacts.
Climate- Environmental Initiatives (Attachment to CS-020/18)

I congratulate Council on planning to install PV arrays and one battery system at six community facilities in 2019/20 at a total cost of $130,000.

2a. Have the compass orientations and solar access of these buildings been considered with regard to whether the power generation is most efficient?
   For instance for buildings that are oriented roughly north south will siting of panels be so as to provide best generation capacities?

   The Chairperson advised that the design of each solar energy generation system is unique to match site differences including building orientation, energy load profile and shading. These factors as well as good quality materials, wind loading factors, panel fixing systems and future roof access issues are considered during the design phase of each project.

2b. What is the feed-in tariff rate that council expects from Synergy for these six facilities?

   The Chairperson advised that the City doesn’t receive any feed in tariffs for its solar PV sites. The City is ineligible as it is considered a commercial entity. Each system is designed to use all of the power generated to reduce the payback period as much as possible.

2c. When is the expected date for recouping these costs?

   The Chairperson advised that as each site is unique, the payback period will generally range from 18 months to 5 years.

2d. Why is battery storage proposed for only one site - the Crompton Road Facility?

   The Chairperson advised that battery storage is still very expensive and the payback period is too long for most sites. The system planned for Crompton Road will be greater than 30kw and produce enough energy to provide some storage capacity for night time use. This facility will be operational outside of normal business hours, so the benefit of energy storage will be maximised.

Business Plan Major Construction Proposals (Attachment to CS-020/18)

Arcadia Traffic Treatments Design - Safety Bay Rd to Boundary Rd. $15,000

3a. What treatments are proposed?

   The Chairperson advised that no treatment has been selected yet. The budget is proposed for undertaking concept and detail design of possible treatments and to undertake community consultation.

3b. Has the person who initiated the petition been involved in the process?

   The Chairperson advised Yes, the person that initiated the petition was advised of the outcome. Please note that broader community consultation will be undertaken as part of the design process.

Business Plan: Major Construction Proposals (Attachment to CS-020/18 Table 2.2 Major Projects - Listed by years - Referred to Community Infrastructure Plan page 80?)

Under Rockingham Foreshore Activity Node a number of expenses are listed, $200,000 in 2020/21 and $2,198,000 in 2021/22.

4a. What are these two amounts for?

   The Chairperson advised that this is for the design (which is the $200,000 in 2020/2021) and construction ($2,198,000 in 2021/2022) of the Foreshore Activity Node. This is detailed in the Community Infrastructure Plan as a co-located youth outdoor recreation space with the activity node as identified in the Rockingham Beach Foreshore Master Plan. It will include skate and youth facilities, play spaces and other informal recreation areas.
4b. Are these amounts included in the total originally budget for the Foreshore Redevelopment or are they additional?

The Chairperson advised that the Foreshore Activity Node is not funded from the budget allocated to construct stage one of the foreshore redevelopment. It has, however, been included in the Community Infrastructure Plan for some years and subsequent business plans accordingly.

**Election of Mayor**

5a. If, as the Officers recommend, Council rejects Cr Downham's motion to have direct election of the Mayor by electors, what other measures will Council undertake to "increase public confidence and strengthen the role [of Mayor] in the eyes of the community" (DLG Discussion Paper)?

The Chairperson advised that the City currently meets and exceeds the industry practices for accountability and transparency in its decision making and community consultation processes. The current State Government review of the Local Government Act 1995 is considering a range of input in respect to the transparency and accountability of local government. The City will contribute to the review and encourages members of the community to put their views forward during the consultation period.

5b. I would like it noted that the Officer Recommendation that "that there has been no community complaint XXX" is not true - Officers have not been reading letters to local papers.

The Chairperson advised that the Officer's report did not state that there was no community complaint. The report referred to the level of dissatisfaction to the status quo in terms of the process for electing the mayor. Letters to the Editor do not necessarily reflect a majority community view.

**Live Streaming Of Council Meetings**

GM-042/18

6. If, as the Officers recommend, Council rejects Cr Whitfield's proposal for live streaming of meetings, what will Council do to ensure better recording of what is said during meetings?

As evidence for some form of recording, I would refer to the issues arising from the 27 February 2018 meeting where there was legal argument about what was actually said. I also refer to disputes between the Mayor and at least two electors about what was actually said at an earlier meeting. True accountability for words people say is important if the community are to have greater trust in Council.

The Chairperson advised that there is a mechanism within the City's Standing Order's Local Law for statements made at meetings to be recorded. Furthermore Council can resolve to have the meetings recorded should this be a path it wishes to pursue.

**4.2 Mr Peter Green, Cooloongup - Various**

The Chairperson invited Mr Green to present his questions to the Corporate and Community Development Committee. Due to Mr Green being present but unwell, Mr Mumme asked the following questions on his behalf:

**RKCC Long Table Lunch**

It was disappointing to read (Weekend Courier Nov 16, 2018), that the RKCC Long Table Lunch for 2019 will not take place.

The CEO of RKCC Mr Tony Solin identified ‘increased costs’ and ‘reduced support’ as reasons for the cancellation of this potentially beneficial event.

My question does not relate to CD-027/18 which has been withdrawn at the request of the RKCC but to an outcome of the Special Community Grant Program Meeting held Wednesday 7 November 2018 as attachment to CD-027/18.
It is apparent that Mr Solin accepts that his organization made an administrative error in original application and requested the Council to refer the matter back to the Grants Committee (23 October Council meeting), which Council approved, subject to RKCC providing a detailed breakdown of all expenditure and income from the event.

Just two days later 25 October 2018 the City received a new application because size of Marquee had increased to 15m x 50m from original 15m x 45m, totally out of order.

On page 9 of Special Grants Program Advisory Committee Minutes, attachment to CD-027/18 that,

'It is proposed that the CGP acquittal process for Major Event Sponsorships (MES) be placed on the next CGP agenda as an item for discussion to gauge if there is a need for a more detailed acquittal process to be put in place for MES’s.'

1. Will the Committee also review the documentation requirements for applications, i.e, Financial Statements of organization to gauge if the organisation is Financially Capable of financing application?

The Chairperson advised No, there is no intention to review the application documentation with the Community Grants Program Committee.

The Major Event Sponsorship application already has a question that relates to financial statements that reads:

Do you have a copy of the organisation’s audited financial statement (Financial statement from last annual general meeting):

Yes: please attach a copy of audited financial statement.

No: your application will be deemed ineligible *unless your organisation is in the first year of operation.

Draft Annual Report

With reference to the Tourism Lifestyle item (p14 of the draft Annual Report),

2. Why is there no mention of the Tourism Strategy, and the work undertaken by the Tourism Strategy Development Advisory Group (TSDAG)?

The Chairperson advised that the work done by the TSDAG and the development of the strategy from these inputs, falls predominantly in the current financial year. This will be reported on in the 2018/2019 financial year Annual Report.

I note on page 21 of Corporate and General Management Services bulletin under 1, dot point 4 states, ‘Developing and managing the City’s approach to Tourism and Marketing, in close collaboration with the community and industry stakeholders.’ Further on page 22 under 3.2 Tourism and Marketing report states,

‘The key concepts of the draft Tourist Destination Strategy will be presented to Council on 4 December for discussion. The Tourism Strategy Development Advisory Group (TSDAG) will thereafter be provided with the draft Tourist Destination Strategy for discussion. Following feedback from the TSDAG on the document, the draft Tourist Destination Strategy will be finalised and submitted for Council approval.’

3. When was the first meeting of TSDAG held?

The Chairperson advised 18 April 2018.

4. How many meetings of TSDAG has taken place?

The Chairperson advised that a total of four meetings have taken place thus far.
5. When was the last meeting of TSDAG held?

The Chairperson advised that the last meeting held was held on 30 August 2018. The next meeting will be held once the draft Tourist Destination Strategy has been submitted.

6. When has the City been in close collaboration with the community regarding Developing and Managing the City’s approach to Tourism and Marketing, in accordance with CGM Services Bulletin?

The Chairperson advised that during the development of the Rockingham Community Plan Strategy, the City has consulted more than 500 community members between February and April 2018 through extensive workshops across the City. Since the feedback included the theme of Tourism and Marketing, these comments were incorporated into the Tourist Destination Strategy development process. Furthermore, a targeted consultation process took place for the Tourist Destination Strategy incorporating a workshop with the business community, a survey to the Rock Port community and regular meetings with the TSDAG.

7. When is it anticipated that the final Tourist Destination Strategy will be presented to Council, and will the community have an opportunity to comment?

The Chairperson advised that following a presentation to a Councillor Engagement Session early in December 2018, the draft Tourist Destination Strategy will be provided to the TSDAG for review. The draft Tourist Destination Strategy will then be submitted for Council endorsement to proceed with advertising. Following the advertising period, the feedback will be incorporated into a final Tourist Destination Strategy for approval by Council. It is anticipated that the Final Strategy will be signed off by Council during the month(s) April/May 2019.

4:22pm There being no further questions the Chairperson closed Public Question Time.

5. Confirmation of Minutes of the Previous Meeting

Moved Cr Burns, seconded Cr Jones:

That Committee CONFIRMS the Minutes of the Corporate and Community Development Committee Meeting held on 16 October 2018, 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

4:22pm 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

4:23pm The Chairperson asked if there were any interests to declare. There were none.

9. Petitions/Deputations/Presentations/Submissions

Nil
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CONFIRMED AT A CORPORATE AND COMMUNITY DEVELOPMENT MEETING HELD ON TUESDAY 11 DECEMBER 2018

Corporate and Community Development Committee Minutes
Tuesday 20 November 2018

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, Tourism, Marketing and Communications**
1. Strategy, Tourism, Marketing and Communications Team Overview
2. Human Resource Update
3. Project Status Reports
   3.1 Implementation and Printing of Community Plan 2019-2029
   3.2 Tourism and Marketing
   3.3 Mobile Servicing Facility
   3.4 Digital Platform Development
   3.5 Project Management Framework
   3.6 Governance Portal
4. Information Items
   4.1 Organisational Performance Measurement
   4.2 Community Engagement
   4.3 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 Renaissance 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
   4.3 Seminars/Training

**Committee Recommendation**

Moved Cr Liley, seconded Cr Jones:
That Councillors acknowledge having read the Corporate and General Management Services Information Bulletin – November 2018 and the content be accepted.

Committee Voting – 5/0
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### Community and Leisure Facilities

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### Committee Recommendation

Moved Cr Jones, seconded Cr Burns:

That Councillors acknowledge having read the Community Development Information Bulletin – November 2018 and the content be accepted.

Committee Voting – 5/0
12. Agenda Items

Corporate Services

Corporate Services
Director and Support

Reference No & Subject: CS-020/18 City Business Plan 2019/2020 to 2028/2029

File No: CPM/7

Proponent/s: Mr John Pearson, Director Corporate Services

Author:

Other Contributors:

Date of Committee Meeting: 20 November 2018

Previously before Council: 22 May 2018 (CS-009/18 – City Business Plan 2018/2019 to 2027/2028)

Disclosure of Interest:

Nature of Council’s Role in this Matter: Executive

Site:

Lot Area:

Attachments:

Maps/Diagrams:

November 2018 City of Rockingham Business Plan 2019/2020 to 2028/2029

Purpose of Report

The purpose of the report is to adopt the November 2018 revision of the City Business Plan 2019/2020 to 2028/2029.

Background

The City of Rockingham’s Business Plan provides a 10-year financial overview of the City’s operations. Pursuant to the Council Policy – Strategic Development Framework, the City’s Business Plan must be reviewed and adopted by Council in November and May each financial year. The last version of the City Business Plan was adopted at the 22 May 2018 Council meeting.

Details

The November 2018 version of the City Business Plan is not intended to meet statutory requirements of the Local Government Act 1995. This occurs in the May version each year.
The City Business Plan provides allocations of financial resources to ensure that the key strategic objectives of the City are achieved. It also ensures that resources exist to safeguard standard operating functions, and ensure funding allocations are provided so capital construction programs may occur.

Of major interest to the City is its ability to finance the construction of new facilities. The project timetable for this, as demonstrated in the Business Plan is:

<table>
<thead>
<tr>
<th>Project Title</th>
<th>Cost $</th>
<th>Start Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Koorana Reserve Master Plan</td>
<td>4,189,000</td>
<td>2019</td>
</tr>
<tr>
<td>Baldivis District Sporting Complex (fields, pavilion, civil works)</td>
<td>20,123,000</td>
<td>2019</td>
</tr>
<tr>
<td>Baldivis Indoor Recreation Centre</td>
<td>18,800,000</td>
<td>2020</td>
</tr>
<tr>
<td>Baldivis District Sporting Complex (outdoor courts)</td>
<td>7,329,000</td>
<td>2021</td>
</tr>
<tr>
<td>Rockingham Foreshore Activity Node</td>
<td>2,398,000</td>
<td>2021</td>
</tr>
<tr>
<td>Stan Twight Reserve Clubroom Extension</td>
<td>3,819,000</td>
<td>2022</td>
</tr>
<tr>
<td>Baldivis Outdoor Recreation Space</td>
<td>1,500,000</td>
<td>2022</td>
</tr>
<tr>
<td>Aqua Jetty Stage 2</td>
<td>18,627,000</td>
<td>2024</td>
</tr>
<tr>
<td>Anniversary Park Master Plan</td>
<td>3,097,000</td>
<td>2025</td>
</tr>
<tr>
<td>East Baldivis Recreation Reserve</td>
<td>5,363,000</td>
<td>2026</td>
</tr>
<tr>
<td>Baldivis South Outdoor Courts</td>
<td>1,329,000</td>
<td>2027</td>
</tr>
<tr>
<td>Secret Harbour Community Library</td>
<td>1,459,000</td>
<td>2028</td>
</tr>
<tr>
<td>Rockingham Aquatic Centre Redevelopment</td>
<td>14,852,600</td>
<td>2028</td>
</tr>
<tr>
<td>Waikiki/Warnbro Outdoor Recreation Space</td>
<td>1,081,000</td>
<td>2029</td>
</tr>
<tr>
<td>*Arpenteur Park Master Plan</td>
<td>3,093,000</td>
<td>2030</td>
</tr>
<tr>
<td>*Lark Hill Sportsplex Norther Expansion</td>
<td>18,538,000</td>
<td>2031</td>
</tr>
</tbody>
</table>

*Projects outside scope of current Business Plan – estimated timeframe only

The above table represents a start date only and should be read in context with the key assumptions contained in the Business Plan document and Community Infrastructure Plan (CIP). These dates may change depending on the accuracy of these assumptions.

**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 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**

The Strategic Development Framework Policy requires a City Business Plan to be reviewed twice per year with formal briefings provided to Council prior to adoption. This requirement has been met.

e. **Financial**

There are significant financial implications related to the adoption of this document. The following key assumptions are made to ensure that the outcomes proposed in the Business Plan are achievable:

- In developing this plan, various parameters have been developed, allowances made, and several assumptions effected in an attempt to take out the “abnormal” and any “one-off” effects so as to arrive at relatively consistent recurrent data calculations relating to recurrent operating costs.
- All revenues and expenses from the Millar Road Landfill Facility have been quarantined and clearly indicated where included.
- The figures included within the plan are based upon present conditions as well as projections based on current knowledge.
- Rate increases for the first three years of the plan need to be at least 3.6%; the remainder at 3%. This is net of natural rate growth which is expected to be approximately 1.5%.
- The City of Rockingham is a minimum Financial Assistance Grant (FAGs) local government and receives FAGs in line with population growth. This is anticipated to grow in line with population and can be reasonably anticipated.
- The assumption has been made that grants for major capital programs will be available on some occasions. With the exception of road grants, capital grants have been included where known and approved. Capital road grants have been averaged for the duration of the plan.
- Recurring grants have been calculated to increase in line with inflation.
- Contributions and reimbursements have been calculated to increase in line with inflation.
- All of the City’s fees and charges will be put before Council prior to budget adoption, with the majority of these expected to be increased by at least the level of inflation or population growth.
- Increases in the sanitation charges will be in line with expense requirements.
- Interest on investments of the City’s “unrestricted funds” will remain similar to previous years. Over a longer term view this is considered acceptable. There will be variations to the interest earnings on each of the City’s cash reserve accounts due to the fluctuations in the amounts transferred into and out of the respective reserve accounts. All interest related to cash reserves is earmarked to be deposited into the related reserve.
- State planning policies allow for local governments to collect revenue from “new” land parcels created within the City boundaries. The City has implemented a Developer Contribution Scheme (DCS) and is collecting revenue for newly created land within the City boundaries. The development forecasts that underpin DCS revenue do not take into account market fluctuations. Given the property market is currently experiencing a significant downturn, and the timing for recovery in land and development release is uncertain, a more cautious approach has been taken to the next three years’ worth of estimate income.
- For all other income, allowances have been made for these to increase in line with inflation or population growth.
• Employee costs are expected to increase moderately in the forthcoming years. This will need to be reviewed annually in line with staff number increases related to population growth. A 1.5% increase in the employee cost is directly related to population growth.

• Materials and contractors is an area where there can be large cost fluctuations depending upon what is planned. A base figure from prior years (this is balanced between audited actual expenditure and annual budget allocations), has been used and this has been increased or decreased depending on planned operational works. The trend is for this to increase over future years.

• Utilities have been calculated to increase above inflation given known charge increases. Historically, this has been difficult to estimate particularly related to electricity costs. Unit rates for power have been known to increase in past years by much more than inflation.

• Insurances have been calculated to increase by inflation in future years.

• Transfers to and from reserves are to occur as per the separate Reserves Summary which is included in section 4 of this document. Cash reserves are a mixture of cash held by statutory requirement and by decision of Council. The ratio of this mixture will adjust year-in / year-out, according to prevailing conditions.

• The details of loans projected to be repaid each year are shown on the Loans Summary which is included in section 4 of this document. Proposed borrowings are directly related to projects. The City has implemented a modified Gross Debt to Operating Revenue Ratio to measure suitable debt to be held on the balance sheet. This ratio for any given year should not exceed 45%. A Debt Servicing Ratio which is not to exceed 8% is also used.

• Except for year one where known carryovers have been accommodated, all opening balances remain at $0 for the duration of the plan. This will adjust as budget reviews predict the opening balance for the annual budget.

• The discretionary money for each year is an important figure as to how the City will be able to finance its new projects into the future. A great deal of effort has been put into identifying a figure which is relatively reliable for use into future years; however, various assumptions have been made so as to arrive at this figure. Historically, it tends to be conservative by nature to restrict unsustainable spending patterns.

• The Team Plans will be considered based on this plan to ensure the operating costs and revenues of the City are sustainable.

f. Legal and Statutory

Regulation 19DA requires a local government to prepare a corporate business plan covering a period of at least four financial years each financial year. The plan must contain priorities in line with the Strategic Community Plan, internal operations planning, resource management and other integrated matters relating to long term financial planning. Regulation 19DA(6) also requires Council to make a determination on the Business Plan via absolute majority.

The May version of the City Business Plan is intended to comply with this requirement.

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**

There is the ability for Council to amend any part of this document as it sees appropriate. It should be remembered that the first year of the Business Plan is essentially the first year of the annual budget thus an adoption of this plan is instructing staff that Council is satisfied with the proposals as configured.

The Business Plan is divided into sections to assist in reading and dissecting the information. Functions generally termed to be standard are contained in notes 3.1 to 3.9.

Note 4.1 articulates planned loans in excess of $65 million between 2019 and 2028 to be raised and the ongoing repayments that these loans will generate.

Note 4.2 indicates cash backed reserve transfers that will need to occur. It is important to note that cash backed reserves are all formed pursuant to section 6.11 of the Local Government Act 1995 and they have many and varied purposes. Cash backed reserves are required to be restricted out of general municipal funds. Cash backed reserves for the City of Rockingham are not excessive and are similar to other like local governments in the metropolitan area.

Note 2.1 will be of most interest to Councillors as it clearly articulates the major community infrastructure program for the next 10 years and aligns this with sustainable debt. The Business Plan closely matches the proposed construction dates in the Community Infrastructure Plan (CIP). Council may resolve as it chooses to move the order or priority of these projects. Some of the infrastructure projects proposed may have a construction phase spanning more than one year.

It is believed that the overall objectives of this plan, targeted towards building new infrastructure in high population growth areas, are achievable. The ability always exists to make modifications to City plans should significant unplanned difficulties be encountered.

In order for this Business Plan to remain financially viable over the 10-year timeframe, it is assumed that Council will maintain minimum rate increases of 3.6% for the first three years of this plan.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council *ADOPTS* the November 2018 City of Rockingham Business Plan 2019/2020 to 2028/2029.

**Committee Recommendation**

Moved Cr Liley, seconded Cr Burns:

That Council *ADOPTS* the November 2018 City of Rockingham Business Plan 2019/2020 to 2028/2029.

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

General Management Services
Governance and Councillor Support

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>GM-034/18 Proposed City of Rockingham Parking Local Law 2018 (Absolute Majority)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LWE/67</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mrs Jelette Edwards, Governance Coordinator</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Peter Varris, Manager Governance and Councillor Support</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 November 2018</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>26 June 2018 (GM-017/18)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Legislative</td>
</tr>
</tbody>
</table>

Site: Proposed City of Rockingham Parking Local Law 2018
Lot Area:
Attachments: Proposed City of Rockingham Parking Local Law 2018
Maps/Diagrams:

Purpose of Report
To recommend adoption of the City of Rockingham Parking Local Law 2018.

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.

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 (the Act) which indicated that a number required amendment or repeal.

A draft Parking Local Law was adopted by Council on 26 June 2018 and was advertised for public comment. A copy sent to the Minister for Local Government as required under the Act.
Details

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). The existing local law required some amendments to reflect changes in other legislation, ease of application, and increasing modified penalties.

The changes were such that it is simpler and less costly to make a new local law rather than create an Amendment local law.

Implications to Consider

a. Consultation with the Community

As required by s3.12(3) of the Act, State wide and local public notice was given inviting the public to comment on the proposed local law. Public notices were in the West Australian, the Sound Telegraph and the Weekend Courier newspapers. It was also advertised through Facebook and the City' website – Share Your Thoughts. The draft local laws were also able to be read at the City of Rockingham Administration Building and libraries during office hours. The public submission period was from 2 July to 17 August 2018 for a period of more than six weeks. Six weeks is the minimum period required for public submissions.

A number of comments were received, which are listed below.

<table>
<thead>
<tr>
<th>No.</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>As an overriding principle the City must be able to regulate parking for the benefit of the community. In recognition that vehicle parking issues go hand in hand with population growth that responsible fair and reasonable regulation is critical. A number of other initiatives associate with vehicle parking such as, encouraging other means of transport and how the City embrace the challenge of promoting/establishing public transport, bicycling, particularly building safe bicycle infrastructure and allow for bicycle parking.</td>
<td>Noted. This submission does require any changes to the local law, although it does provide a framework that the City could use in future if it were of a mind to encourage use of means of transport other than cars via parking fees, permit schemes and the like. The proposed new local law regulates matters such as cars parking in bicycle lanes, use of parking facilities by bicycles and more. No amendment to the local law is considered necessary.</td>
</tr>
<tr>
<td>2</td>
<td>The City of Rockingham should control damaged, or un-roadworthy and immobile vehicles, from being parked on the road verge, for lengthy periods longer than 14 days.</td>
<td>Under the proposed Parking Local Law 2018, there will be additional restrictions to help manage this situation. This will impact the length of time that vehicles can park on the verge (even with permission of the adjacent owner/occupier). Under the proposed law, the owner of a vehicle parked on a verge can do so for a period of no more than 24 hours, the vehicle must then be removed from the location for no less than 2 hours. This will address the issue that you have raised. The definition of a verge will the same as a ‘Nature Reserve’ which means an area between a carriageway and the front boundary of adjacent land, but does not include a path.</td>
</tr>
</tbody>
</table>
Here are our thoughts in regards to the local law review 2018.

In regards to parking:
There is always the minority who don’t think about their fellow resident, so we feel that a bylaw should be introduced
(note the below would not apply to visitors or commercial vehicles – existing bylaws would apply)

a) No resident may park on the street except for the purpose of pick up/drop off (15mins max).

b) If a resident requires longer than this, they would be required to apply for a permit from the council.

c) When an application a permit is received, the council would be required to weigh up any effects on any neighbouring properties, ie would Joe Blogs still be able to back out of their driveway?

If the permit is approved and parking is to be outside someone else’s property, a letter would be sent out to that neighbour, advising the details

d) The above permit would need to state –

i) The reason they need longer than 15mins

ii) The duration they will be parked on the street

iii) The address where the vehicle will be parked on street

Thank you for your comments.

There would be significant ramifications to restricting parking in this manner and the suggestion is not currently under consideration.

It would also be impractical for local government to police a parking restriction of this nature. If a vehicle did not display a permit, how would you know which vehicles were owned by residents or parked by visitors?

Local Governments do not have the same ready access to vehicle databases that police possess. The nature of ‘parking restriction management’ does not afford the officer time to conduct local enquires to establish such facts.

I wish to submit my thoughts in relation to the law allowing residents to park their personal vehicles in a public place (road) for a period not exceeding 24 hours.

I believe there is rarely a need for a resident to park their own vehicle on a road for up to 24 hours in particular for residents living in houses with driveways and double garages as most of the properties would have.

I personally feel the 24 time limit is too generous and should be reduced to perhaps 4 hours, a more reasonable time limit. If everyone in a street were to park on street

A period of 24 hours is considered reasonable. The 24 hour time limit is deemed reasonable and is consistent with other local governments throughout the State. There would be considerable unintended consequences to local communities by reducing this limit to 4 hours and there is insufficient evidence to demonstrate that this action is warranted.

It is also not feasible to apply this law to ‘residents only’ as it would be impractical to police.

Any particular safety issues that may arise are better resolved on a case by case basis.
<table>
<thead>
<tr>
<th>No.</th>
<th>Submission</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>the street for up to 24 hours then this would not only be unfair to other road users but also a traffic hazard. I submit this as a resident in my street continually uses the street as a parking place for one of his four vehicles despite having room to park on his own property or a neighbour’s verge where it does not cause any obstruction. If residents wish to use the street as a continual parking place for their vehicles then they should apply for a permit which takes into consideration the rights of neighbours in that street. For the consideration of council.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>rather than a City wide restriction on parking in a street. Note that clause 7.9 of the proposed new local law creates an offence for any person to park on a verge without the permission of the adjoining owner or occupier. The City also 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 if a safety issue or sight distance obstruction concern arises. No amendment to the local law is considered necessary.</td>
</tr>
</tbody>
</table>

5 The Department of Local Government, Sporting and Cultural Industries has provided the following comments:

**Clause 2.1 – Determinations**

Clause 2.1 provides that the local government may determine parking areas.

The Parliament’s Delegated Legislation Committee has formed the view that determinations made under clause 3.1 should only be made by Council.

For this reason, it is suggested that the words “by resolution” be added after the words “The local government may”. If this amendment does not occur, it is likely to be raised as an issue by the Committee.

<table>
<thead>
<tr>
<th></th>
<th>Comment</th>
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<tbody>
<tr>
<td></td>
<td>This issue does not appear to have been raised by the Delegated Legislation Committee for some years; identical provisions appear in a number of local government’s parking local laws made recently including the version of this local law (which is based on one made by the City of Wanneroo in 2015). Bringing in such a change would also unnecessarily restrict the City’s ability to deal with parking matters in a responsive manner. Section 5.42 of the Local Government Act 1995 provides that Council may delegate any of its powers to its CEO. S5.42 is subject to the limitations in s5.43 but which does not refer to changes to parking stations, parking areas or other parking restrictions. Changes to parking restrictions, areas etc are often minor in nature, can be urgent in order to deal with a safety issue, or may be needed as a consequence of road works (foreseen, unforeseen, temporary or permanent). Requiring a council decision on each occasion is not only inefficient, but not required. Note that as retaining the provisions ‘as is’ does not preclude Council itself making decisions about parking and related matters that it chooses to; but addition of ‘by resolution’ in the local law will remove the option of it delegating authority to the CEO to make changes. No amendment to the local law is considered necessary.</td>
</tr>
</tbody>
</table>

CONFIRMED AT A CORPORATE AND COMMUNITY DEVELOPMENT MEETING HELD ON TUESDAY 11 DECEMBER 2018
<table>
<thead>
<tr>
<th>No.</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
</table>
| 6   | **Clause 2.1 – Signage**                        | The clauses do not refer to ‘determinations’; nor does their application modify the local law in any way; simply that the local government ‘may constitute, determine and vary and also indicate by signs’ parking areas and the conditions of use of them. That aside and practically speaking, erection of signs to give effect to the matters set out in clause 2.1 (determination of metered zones) and clause 3.1 (parking stalls and parking stations) is necessary to ensure a reasonable degree of compliance – it would simply be unwise not to do so. There however are some items listed in clauses 2.1 and 3.1 matters that are not practical to be placed on a sign – for example a rate/hour for parking which is better set out on a ticket machine (if payment per hour was one of the conditions of parking in a car park).
   |                                              | As noted above, addition of ‘by resolution’ is not recommended (and the clause does not refer to ‘the Council’ either). No amendment to the local law is considered necessary.          |
| 7   | **Clauses 2.5 and 3.4 - Special event parking**  | Clauses 2.5 and 3.4 do not refer to special event parking; eg:
   |                                              | 2.5 Suspension of requirement to pay fee
<p>|                                              | The local government may from time to time declare that the provisions of clauses 2.2 and 2.4 shall not apply during the periods and days specified. (Clauses 2.2 and 2.4 refer to requirements to pay a fee for parking when indicated by a sign applying to a parking space; clause 3.4 refers to similar provisions). Clauses 2.5 and 3.4 can be used when a special event is occurring but are designed to be used for any matter where the City may decide that the requirement to pay a fee should be suspended - eg a car park could be allowed to be used for construction vehicles for short periods, and which could be on payment of a lump sum fee or no fee at all. Use of signs to indicate suspension of the requirement to pay or barriers to show that a car park might not be available for general public use is a practical measure. |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td><strong>Clause 7.15 – Parking for people with disabilities</strong>&lt;br&gt;It is suggested that clause 7.15(2)(d) be deleted.&lt;br&gt;The Local Government (Parkin for People with Disabilities) Regulations 2014 are designed to be enforced directly, rather than via a local law.&lt;br&gt;The Regulations prescribe an unmodified penalty of $2000 and a modified penalty of $200. These penalties cannot be mirrored in the local law, due to the modified penalty being higher than 10% of the unmodified amount. This means the only option is to enforce the Regulations directly.&lt;br&gt;It is suggested that the remainder of subclause (2) be retained, since they deal with matters that fall outside the Regulations.</td>
<td>Agreed, changes have been made.</td>
</tr>
</tbody>
</table>

The Department of Local Government, Cultural and Sporting Industries also made a number of suggestions in relation to formatting of the proposed local law.

The suggested changes are considered minor and are shown ‘marked’ on the attached updated version of the proposed City of Rockingham Parking Local Law 2018.

b. **Consultation with Government Agencies**
A copy of the proposed local law was sent to the Minister for Local Government. As noted above the Departments of Local Government, Sport and Cultural made a number of suggestions on behalf of the Minister.

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**
There are costs associated with Gazettal of the local law and its finalisation. All the local laws adopted in November 2018 will be gazetted together with an estimated cost of $5500.
f. Legal and Statutory

Section 3.12(4) of the Local Government Act 1995 (the Act) – After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* Absolute majority required.

Section 3.12(5) of the Act – After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

Section 3.12(6) of the Act - After the local law has been published in the Gazette the local government is to give local public notice —

(a) stating the title of the local law; and

(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and

(c) advising that copies of the local law may be inspected or obtained from the local government’s office.

Section 3.12(7) of the Act - The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

Section 3.12(8) of the Act - In this section — making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

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 suggested changes are straightforward; Council can now resolve to make the local law. The local law will not be updated to be in line with other legislation, it will be easier for officers and the public to use and will result in an increase in penalties from $65 to $100. The current $65 penalty is considered too low to act as a deterrent to park illegally and the cost of collection by the City if unpaid. This change is in line with other local governments, and it will be sometime before the City undertakes another review. The penalties have not increased for more than 10 years.

The Department of Local Government, Sporting and Cultural Industries commented on the need for determinations to only be made by Council. In recent years the Joint Standing Committee on Delegated Legislation has not considered this an issue as this occurred on a local law for the City of Wanneroo in 2015. The ability for this section to be delegated allows for a responsive local government response on parking matters. Nothing precludes the Council from making the decisions. Therefore no amendment to clause 3.1 is necessary.

With regards to signage, the Department of Local Government, Sporting and Cultural Industries commented about the Joint Standing Committee on Delegated Legislation has formed the view that Council’s should not be allowed to use determinations to modify a local law unless the change is reflected by appropriate signage. For practical reasons the City would erect signage to give effect to matters about determinations, metered zones, parking stalls and parking stations otherwise the public would not know. This would also affect the compliance and enforcement of those areas. In circumstances where signage is not practical such as parking rates, they would be made available to the public on ticket machines for ease of use and clarity.
A delegation has also been added to allow the Chief Executive Officer to enforce the legislation in a more practical manner. Section 5.42 of the Local Government Act 1995 provides that Council may delegate any of its powers to its CEO. S5.42 is subject to the limitations in s5.43 but which does not refer to changes to parking stations, parking areas or other parking restrictions. Changes to parking restrictions, areas etc are often minor in nature, can be urgent in order to deal with a safety issue, or may be needed as a consequence of road works (foreseen, unforeseen, temporary or permanent). Requiring a council decision on each occasion is not only inefficient, but not required.

**Voting Requirements**

**Absolute Majority**

**Officer Recommendation**

That Council:

1. In accordance with section 3.12(4) of the Local Government Act 1995, **ADOPTS** the City of Rockingham Parking Local Law 2018, subject to:
   a. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted; and
   b. Various other amendments as ‘marked up’ on the attachment to the report to Council.

2. In accordance with s3.12(5) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;

3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to give local public notice:
   a. Stating the title of the local law;
   b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
   c. Advising that copies of the local law may be inspected or obtained from the City office.

4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, **DIRECTS** that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

5. **DELEGATES** to the Chief Executive Officer all the powers conferred on the local government in the City of Rockingham Parking Local Law 2018.

**Committee Recommendation**

Moved Cr Liley, seconded Cr Jones:

That Council:

1. In accordance with section 3.12(4) of the Local Government Act 1995, **ADOPTS** the City of Rockingham Parking Local Law 2018, subject to:
   a. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted; and
   b. Various other amendments as ‘marked up’ on the attachment to the report to Council.

2. In accordance with s3.12(5) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to give local public notice:
   a. Stating the title of the local law;
   b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
   c. Advising that copies of the local law may be inspected or obtained from the City office.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, **DIRECTS** that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.
5. **DELEGATES** to the Chief Executive Officer all the powers conferred on the local government in the City of Rockingham Parking Local Law 2018.

   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
Governance and Councillor Support

Reference No & Subject: GM-035/18 Proposed City of Rockingham Pest Plants Amendment Local Law 2018 (Absolute Majority)

File No: LWE/67

Proponent/s: Mrs Jelette Edwards, Governance Coordinator

Author: Mr Peter Varris, Manager Governance and Councillor Support

Other Contributors: Mr Peter Varris, Manager Governance and Councillor Support

Date of Committee Meeting: 20 November 2018

Previously before Council: 26 June 2018 (GM-017/18)

Disclosure of Interest: Legislative

Nature of Council’s Role in this Matter:

Site: Lot Area:

Attachments:

1. Proposed City of Rockingham Pest Plants Amendment Local Law 2018
2. Proposed Council Policy Application of Pest Plants Local Law

Maps/Diagrams:

Purpose of Report

To recommend adoption of the City of Rockingham Pest Plants Amendment Local Law 2018.

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

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 purpose of the Amendment Local Law is to add to the Schedule of the principal local law a number of additional plants considered pests.
A draft Amendment Local Law was adopted by Council on 26 June 2018 and was advertised for public comment. A copy sent to the Ministers for Local Government and Agriculture as required under the Act. Submissions for public comment closed on 17 August 2018.

### Details

The City of Rockingham Pest Plants Local Law 2001 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.

### Implications to Consider

#### a. Consultation with the Community

As required by s3.12(3) of the Act, State wide and local public notice was given inviting the public to comment on the proposed local law. Public notices were in the West Australian, the Sound Telegraph and the Weekend Courier newspapers. It was also advertised through Facebook and the City’ website – Share Your Thoughts. The draft local laws were also able to be read at the City of Rockingham Administration Building and libraries during office hours. The public submission period was from 2 July to 17 August 2018 for a period of more than six weeks. Six weeks is the minimum period required for public submissions.

Three submissions were received:

<table>
<thead>
<tr>
<th>No.</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Pest Plant Amendment Local Law 2018 – I am not familiar with which plants are precisely what pest schedule, or scheduled at all. All I know is that I am forever managing weeds on my property and the vast majorities of plants and trees planted throughout the suburbs are non-natives.</td>
<td>Comments noted.</td>
</tr>
<tr>
<td>2</td>
<td>The Department of Primary Industries and Regional Development responded on behalf of the Minister for Agriculture and advised that one of the plants proposed to be prescribed as a pest plant was now dealt with by State regulation (the Apple of Sodom) and should be deleted from the proposed Amendment Local Law; and</td>
<td>Amended to remove the Apple of Sodom from proposed local law</td>
</tr>
<tr>
<td>3</td>
<td>The Department of Local Government, Sport and Cultural Industries provided some comments about the format and presentation of the local law, which are considered minor and shown ‘marked’ on the attached amended version of the proposed Pest Plants Amendment Local Law.</td>
<td>Comments noted and minor changes were made.</td>
</tr>
</tbody>
</table>

The suggested changes are considered minor and are shown ‘marked’ on the attached updated version of the proposed City of Rockingham Pest Plants Amendment Local Law 2018.
b. Consultation with Government Agencies

A copy of the proposed local law was sent to the Ministers for Local Government and Agriculture as it is made under the Local Government Act 1995 and the Biosecurity and Agriculture Management Act 2007. As noted above the Departments of Local Government, Sport and Cultural Industries and of Primary Industries and Regional Development made a number of suggestions on behalf of the Ministers.

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 support by an executive informing and implementing those decisions; all within an accountable, legally compliant, transparent and ethical environment.

d. Policy

Proposed Council Policy – Application of Pest Plants Local Law created to

e. Financial

There are costs associated with Gazettal of the local law and its finalisation. All the local laws adopted in November 2018 will be gazetted together with an estimated cost of $5500.

f. Legal and Statutory

Section 3.12(4) of the Local Government Act 1995 (the Act) – After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* Absolute majority required.

Section 3.12(5) of the Act – After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

Section 3.12(6) of the Act - After the local law has been published in the Gazette the local government is to give local public notice —

(a) stating the title of the local law; and

(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and

(c) advising that copies of the local law may be inspected or obtained from the local government’s office.

Section 3.12(7) of the Act - The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

Section 3.12(8) of the Act - In this section — making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

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 City of Rockingham Pest Plants Amendment Local Law 2018 should now be adopted subject to the minor changes shown ‘marked’ on the attached copy as recommended to Council below.

In addition, as noted in the report to Council on 26 June 2018, a proposed policy to provide guidance to staff as to what type of action may be 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.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

1. In accordance with section 3.12(4) of the Local Government Act 1995, ADOPTS the City of Rockingham Pest Plants Amendment Local Law 2018, subject to various minor amendments as ‘marked up’ on the attachment to the report to Council.

2. In accordance with s3.12(5) of the Local Government Act 1995, DIRECTS the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Ministers for Local Government and Agriculture;

3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, DIRECTS the CEO to give local public notice:
   a. Stating the title of the local law;
   b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
   c. Advising that copies of the local law may be inspected or obtained from the City office.

4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, DIRECTS that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

5. ADOPTS the Council policy ‘Application of Pest Plants Local law’ to guide staff as to application of the local law.

Committee Recommendation

Moved Cr Liley, seconded Cr Burns:

That Council:

1. In accordance with section 3.12(4) of the Local Government Act 1995, ADOPTS the City of Rockingham Pest Plants Amendment Local Law 2018, subject to various minor amendments as ‘marked up’ on the attachment to the report to Council.

2. In accordance with s3.12(5) of the Local Government Act 1995, DIRECTS the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Ministers for Local Government and Agriculture;
3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, **DIRECTS** the CEO to give local public notice:
   a. Stating the title of the local law;
   b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
   c. Advising that copies of the local law may be inspected or obtained from the City office.

4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, **DIRECTS** that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

5. **ADOPTS** the Council policy ‘Application of Pest Plants Local law’ to guide staff as to application of the local law.

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-036/18 Proposed City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018 (Absolute Majority)

File No: LWE/67

Proponent/s: Mrs Jelette Edwards, Governance Coordinator

Author: Mr Peter Varris, Manager Governance and Councillor Support

Other Contributors: Mr Peter Varris, Manager Governance and Councillor Support

Date of Committee Meeting: 20 November 2018

Previously before Council: 26 June 2018 (GM-017/18)

Disclosure of Interest:

Nature of Council’s Role in this Matter:

Site: Proposed City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018

Lot Area:

Attachments: Proposed City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018

Maps/Diagrams:

Purpose of Report

To recommend adoption of the City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018.

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.

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.

A draft Amendment Local Law was adopted by Council on 26 June 2018 and was advertised for public comment. A copy sent to the Ministers for Local Government and Emergency Services. The Amendment Local Law in essence removes all of the matters not required to be regulated by a local law.
Details

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. The City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018 will update the local law in line with the head legislation.

Implications to Consider

a. Consultation with the Community

As required by s3.12(3) of the Act, State wide and local public notice was given inviting the public to comment on the proposed local law. Public notices were in the West Australian, the Sound Telegraph and the Weekend Courier newspapers. It was also advertised through Facebook and the City' website – Share Your Thoughts. The draft local laws were also able to be read at the City of Rockingham Administration Building and libraries during office hours. The public submission period was from 2 July to 17 August 2018 for a period of more than six weeks. Six weeks is the minimum period required for public submissions.

Two submissions were received:

- The Minister for Emergency Services advised that neither he nor the Department of Fire and Emergency Services had any feedback on the proposed Amendment Local Law; and
- The Department of Local Government, Sport and Cultural Industries provided some comments about the format and presentation of the local law, which are considered minor and shown ‘marked’ on the attached amended version of the proposed Amendment Local Law.

No comments were received from the public.

b. Consultation with Government Agencies

A copy of the proposed local law was sent to the Ministers for Local Government and Emergency Services as it is to be made under the Local Government Act 1995 and the Bush Fires Act 1954.

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 support by an executive informing and implementing those decisions; all within an accountable, legally compliant, transparent and ethical environment.

d. Policy

Nil

e. Financial

There are costs associated with Gazettal of the local law and its finalisation. All the local laws adopted in November 2018 will be gazetted together with an estimated cost of $5500.

f. Legal and Statutory

Section 3.12(4) of the Local Government Act 1995 (the Act) – After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* Absolute majority required.
Section 3.12(5) of the Act – After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

Section 3.12(6) of the Act - After the local law has been published in the Gazette the local government is to give local public notice —

(a) stating the title of the local law; and

(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and

(c) advising that copies of the local law may be inspected or obtained from the local government’s office.

Section 3.12(7) of the Act - The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

Section 3.12(8) of the Act - In this section — making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

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

Other than dealing with the matters for which a local government must include in a local law about bush fire brigades the amendments to the City of Rockingham Bush Fire Control and Bush Fire Brigades Local Law 2001 have the effect of improving the City’s ability to be flexible while reducing the need for amendments in future.

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, and has been retained in the principal local law.

The City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018 should now be adopted subject to the minor changes shown ‘marked’ on the attached copy as recommended to Council below. A delegation has also been added to allow the Chief Executive Officer to enforce the legislation in a more practical manner.
**Voting Requirements**

Absolute Majority

**Officer Recommendation**

That Council:

1. In accordance with section 3.12(4) of the Local Government Act 1995, **ADOPTS** the City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018, subject to various minor amendments as ‘marked up’ on the attachment to the report to Council.

2. In accordance with s3.12(5) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Ministers for Local Government and Emergency Services;

3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to give local public notice:
   a. Stating the title of the local law;
   b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
   c. Advising that copies of the local law may be inspected or obtained from the City office.

4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, **DIRECTS** that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

5. **DELEGATES** to the Chief Executive Officer all the powers conferred under the local government in the City of Rockingham Bush Fire Control and Bush Fire Brigades Local Law 2001 including all amendments.

**Committee Recommendation**

Moved Cr Jones, seconded Cr Burns:

That Council:

1. In accordance with section 3.12(4) of the Local Government Act 1995, **ADOPTS** the City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018, subject to various minor amendments as ‘marked up’ on the attachment to the report to Council.

2. In accordance with s3.12(5) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Ministers for Local Government and Emergency Services;

3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to give local public notice:
   a. Stating the title of the local law;
   b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
   c. Advising that copies of the local law may be inspected or obtained from the City office.

4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, **DIRECTS** that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.
5. **DELEGATES** to the Chief Executive Officer all the powers conferred under the local government in the City of Rockingham Bush Fire Control and Bush Fire Brigades Local Law 2001 including all amendments.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
Purpose of Report

To adopt the City of Rockingham Dogs Amendment Local Law 2018.

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.

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.
A draft Amendment Local Law was adopted by Council on 26 June 2018 and was advertised for public comment and a copy sent to the Minister for Local Government as required under the Local Government Act 1995. Public submission period closed on 17 August 2018.

**Details**

The City of Rockingham Dogs Amendment Local Law 2018 will updated the City’s existing Dogs Local Law 2000 to remove matters that have been updated through changes made under the Dog Act 1976 and regulations. The Dog Act 1976 is also anticipated to be reviewed by the state government in 2019.

**Implications to Consider**

**a. Consultation with the Community**

As required by s3.12(3) of the Act, State wide and local public notice was given inviting the public to comment on the proposed local law. Public notices were in the West Australian, the Sound Telegraph and the Weekend Courier newspapers. It was also advertised through Facebook and the City’ website – Share Your Thoughts. The draft local laws were also able to be read at the City of Rockingham Administration Building and libraries during office hours. The public submission period was from 2 July to 17 August 2018 for a period of more than six weeks. Six weeks is the minimum period required for public submissions.

Two submissions from the public were received:

<table>
<thead>
<tr>
<th>No.</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>My concern is the amount of dogs that are loose running around without a owner in sight 90% of the time !.</td>
<td>It is an offence under the Dog Act 1976 for a dog to wander at large or not under effective control.</td>
</tr>
<tr>
<td></td>
<td>I’ve never been worried around dogs having previously owned Boxers.</td>
<td>While no amendment to the local law is necessary, the matters raised are noted.</td>
</tr>
<tr>
<td></td>
<td>My children have had situations with dogs running up to them ( again no owner in sight ) and screaming as because uk kids dont really see this as people generally keep here dogs in or on the lead .</td>
<td>The control of dogs is governed by the Dog Act 1976, the Dog Regulations 2013 and the Dogs Local law 2000. Rangers work closely with the media department and community engagement within the City to inform residents of dog restrictions, safety issues and enforcement action.</td>
</tr>
<tr>
<td></td>
<td>And seeing posts on Social media of wondering dogs with an owners reply&quot; oh he’s out again &quot;.</td>
<td>Rangers monitor and regularly enforce the Dog Act 1976 (by way of example there were over 100 prosecutions by the City in the months of July and August 2018 alone).</td>
</tr>
<tr>
<td></td>
<td>Really ? Why does this keep happening with no consequence! . I’ve had one run into my home through my garage door could you imagine if he was aggressive, again no owner in sight with no consequences again !. Owners need to be fined for dogs that just “ get out “ and repeated offenders of this. It’s not fair on people that don’t own a dogs that just want a nice evening walk without being in fear of an aggressive dog is going to charge towards my 7 year old on her bike once again.</td>
<td>The penalties imposed under the Dog Act are substantial as are the infringements imposed by Rangers, and the majority of dog owners are responsible community members who do the right thing, but there are always those who breach the rules.</td>
</tr>
<tr>
<td></td>
<td>Hope you can see my point and I also hope others have aired their dog concerns</td>
<td>All dog matters as mentioned, should be reported to the City Ranger Services.</td>
</tr>
<tr>
<td>No.</td>
<td>Submission</td>
<td>Comment</td>
</tr>
<tr>
<td>-----</td>
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</tr>
<tr>
<td>2</td>
<td>Dog laws should be amended to include sterilisation being mandatory, the same as for cats.</td>
<td>Mandatory sterilisation of dogs is not something which the City can introduce through a Local Law as any restrictions applied must be in accordance with the Dog Act 1976. It is anticipated that the WA Government will review the Dog Act in 2019.</td>
</tr>
<tr>
<td>3</td>
<td>Department of Local Government, Sport and Cultural Industries has commented: It is suggested that the City retain the unmodified non-dangerous dog penalty for clause 3.1 and the unmodified penalty for clause 6.1. Alternatively, the City can remove them, but insert a default penalty clause into the local law as a replacement.</td>
<td>This comment was taken on board and a new clause 7.2 was inserted – Offences and general penalty. This new clause provides default penalties.</td>
</tr>
</tbody>
</table>

The Department of Local Government, Sport and Cultural Industries provided some comments about the format and presentation of the local law, which are considered minor and shown ‘marked’ on the attached amended version of the proposed Dogs Amendment Local Law.

b. Consultation with Government Agencies

A copy of the proposed local law was sent to the Minister for Local Government. As noted above the Departments of Local Government, Sport and Cultural Industries and of Primary Industries and Regional Development made a number of suggestions on behalf of the Ministers.

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 support by an executive informing and implementing those decisions; all within an accountable, legally compliant, transparent and ethical environment.

d. Policy

Nil

e. Financial

There are costs associated with Gazettal of the local law and its finalisation. All the local laws adopted in November 2018 will be gazetted together with an estimated cost of $5500.

f. Legal and Statutory

Section 3.12(4) of the Local Government Act 1995 (the Act) – After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* Absolute majority required.

Section 3.12(5) of the Act – After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
Section 3.12(6) of the Act - After the local law has been published in the Gazette the local government is to give local public notice —

(a) stating the title of the local law; and
(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
(c) advising that copies of the local law may be inspected or obtained from the local government's office.

Section 3.12(7) of the Act - The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

### 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 City of Rockingham Dogs Amendment Local Law should now be adopted subject to the minor changes on the attached copy as recommended to Council below.

### Voting Requirements

Absolute Majority

### Officer Recommendation

That Council:

1. In accordance with section 3.12(4) of the Local Government Act 1995, **ADOPTS** the City of Rockingham Dogs Amendment Local Law 2018, subject to various minor amendments as ‘marked up’ on the attachment to the report to Council.
2. In accordance with s3.12(5) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to give local public notice:
   a. Stating the title of the local law;
   b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
   c. Advising that copies of the local law may be inspected or obtained from the City offices.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, **DIRECTS** that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.
Committee Recommendation

Moved Cr Burns, seconded Cr Jones:

That Council:

1. In accordance with section 3.12(4) of the Local Government Act 1995, **ADOPTS** the City of Rockingham Dogs Amendment Local Law 2018, subject to various minor amendments as ‘marked up’ on the attachment to the report to Council.

2. In accordance with s3.12(5) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;

3. After Gazetted, in accordance with s3.12(6) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to give local public notice:
   a. Stating the title of the local law;
   b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
   c. Advising that copies of the local law may be inspected or obtained from the City offices.

4. Following Gazetted, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, **DIRECTS** that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

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-038/18 Proposed City of Rockingham Repeal and Amendment Local Law 2018 (Absolute Majority)

**File No:**
LWE/67

**Proponent/s:**
Mrs Jelette Edwards, Governance Coordinator

**Author:**
Mr Peter Varris, Manager Governance and Councillor Support

**Other Contributors:**

**Date of Committee Meeting:**
20 November 2018

**Previously before Council:**
26 June 2018 (GM-018/18)

**Disclosure of Interest:**
Legislative

**Site:**

**Lot Area:**

**Attachments:**
Proposed City of Rockingham Repeal and Amendment Local Law 2018

**Maps/Diagrams:**

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**Purpose of Report**

To recommend adoption of the City of Rockingham Repeal and Amendment Local Law 2018.

**City of Rockingham Repeal and Amendment Local Law 2018**

- **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.

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**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 local law amends two local laws and repeals one:

- The City of Rockingham Extractive Industries Local Law 2000 is 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 approvals;
- 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’; and
- It is also recommended that Division 7 (Bee Keeping) of Part 7 of the City of Rockingham Health Local Law 1996 is repealed. There are sufficient provisions in the Local Government Act 1995 and other legislation to deal with any issues that may arise with respect to nuisance bees and/or beehives without the need for a local law.

**Details**

The City of Rockingham Repeal and Amendment Local Law 2018 will stop duplication with the repeal of the Extractive Industries Local Law 2000. The amendment to the Cemeteries Local Law 2000 is to correct ‘authorised person’ to authorised officer. By deleting Part 7 of the Health Local Law 1996 the removes provisions about bees and beehives. There is already sufficient provisions to deal with bee related matters in other legislation.

**Implications to Consider**

a. **Consultation with the Community**

As required by s3.12(3) of the Act, State wide and local public notice was given inviting the public to comment on the proposed local law. Public notices were in the West Australian, the Sound Telegraph and the Weekend Courier newspapers. It was also advertised through Facebook and the City’ website – Share Your Thoughts. The draft local laws were also able to be read at the City of Rockingham Administration Building and libraries during office hours. The public submission period was from 2 July to 17 August 2018 for a period of more than six weeks. Six weeks is the minimum period required for public submissions.

There were no comments from the public about the proposed local law.

The Department of Local Government, Sport and Cultural Industries has provided some comments about the local law, format and presentation of the local law, which are considered minor and shown ‘marked’ on the attached amended version of the proposed Repeal and Amendment Local Law.

b. **Consultation with Government Agencies**

A copy of the proposed local law was sent to the Minister for Local Government and the Minister for Agriculture. As noted above the Department of Local Government, Sport and Cultural Industries made a number of suggestions on behalf of 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(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 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**  
There are costs associated with Gazettal of the local law and its finalisation. All the local laws adopted in November 2018 will be gazetted together with an estimated cost of $5500.

f. **Legal and Statutory**  
Section 3.12(4) of the Local Government Act 1995 (the Act) – After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.  
* Absolute majority required.  
Section 3.12(5) of the Act – After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.  
Section 3.12(6) of the Act - After the local law has been published in the Gazette the local government is to give local public notice —  
(a) stating the title of the local law; and  
(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and  
(c) advising that copies of the local law may be inspected or obtained from the local government’s office.  
Section 3.12(7) of the Act - The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

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 can now be adopted with the minor changes shown ‘marked’ on the attachment to this report are recommended.

### Voting Requirements

**Absolute Majority**

**Officer Recommendation**

That Council:  
1. In accordance with section 3.12(4) of the Local Government Act 1995, **ADOPTS** the City of Rockingham Repeal and Amendment Local Law 2018 be adopted, subject to various amendments as ‘marked up’ on the attachment to the report to Council.  
2. In accordance with s3.12(5) of the Local Government Act 1995, **DIRECTS** the CEO to cause the local law be published in the Government Gazette and a copy sent to the Ministers for Local Government and Agriculture;  
3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, **DIRECTS** the CEO to give local public notice:  
   a. Stating the title of the local law;
b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and

c. Advising that copies of the local law may be inspected or obtained from the City office.

4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, DIRECTS that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

Committee Recommendation

Moved Cr Liley, seconded Cr Burns:

That Council:

1. In accordance with section 3.12(4) of the Local Government Act 1995, ADOPTS the City of Rockingham Repeal and Amendment Local Law 2018 be adopted, subject to various amendments as ‘marked up’ on the attachment to the report to Council.

2. In accordance with s3.12(5) of the Local Government Act 1995, DIRECTS the CEO to cause the local law to be published in the Government Gazette and a copy sent to the Ministers for Local Government and Agriculture;

3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, DIRECTS the CEO to give local public notice:

   a. Stating the title of the local law;

   b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and

   c. Advising that copies of the local law may be inspected or obtained from the City office.

4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, DIRECTS that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

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-039/18 Proposed City of Rockingham Sand Drift Local Law 2018 (Absolute Majority)

File No: LWE/67

Proponent/s: Mrs Jelette Edwards, Governance Coordinator

Author: Mr Peter Varris, Manager Governance and Councillor Support

Other Contributors: 20 November 2018

Date of Committee Meeting: 26 June 2018 (GM-017/18)

Previously before Council: Legislative

Disclosure of Interest: Nature of Council’s Role in this Matter:

Site:

Lot Area:

Attachments: Proposed City of Rockingham Sand Drift Local Law 2018

Maps/Diagrams:

Purpose of Report

To recommend adoption of the City of Rockingham Sand Drift Local Law 2018.

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.

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 which was published in the Government Gazette in 2001. It complements the provisions applied under the Local Planning Scheme and Local Government Act 1995 relating to conditions of approval for large scale subdivisional works to abate problems caused by sand drift and is used primarily where problems from sand or dust on a smaller scale may arise.
Details

A number of amendments were proposed for the old local law, to the extent that it is simpler to make a new one. At its meeting held on 26 June 2018, Council adopted a proposed Sand Drift Local Law which was advertised for public comment and a copy sent to the Minister as required under the Local Government Act 1995.

Implications to Consider

a. Consultation with the Community

As required by s3.12(3) of the Act, State wide and local public notice was given inviting the public to comment on the proposed local law. Public notices were in the West Australian, the Sound Telegraph and the Weekend Courier newspapers. It was also advertised through Facebook and the City’ website – Share Your Thoughts. The draft local laws were also able to be read at the City of Rockingham Administration Building and libraries during office hours. The public submission period was from 2 July to 17 August 2018 for a period of more than six weeks. Six weeks is the minimum period required for public submissions.

Three submissions were received.

<table>
<thead>
<tr>
<th>No.</th>
<th>Submission</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>On the subject of ‘Sand Drift Local Law 2018’ How would council ‘police’ such a law? This is a ludicrous suggestion, sorry! What happens when a ‘fly tipper’ drops 120 tonne of sand on an owners vacant lot, will the owner then be responsible for the excess sand drifts? How will council ‘prove’ to the relevant authority, that an owner has committed the offence, a very difficult position to litigate by both parties and council will spend ratepayers revenue for a prosecution they can’t win.</td>
<td>Illegal dumping of sand (or any other material for that matter is dealt with under the Litter Act 1979, and would be policed in the same manner. – the person who dumped the sand could be prosecuted. If sand and dust is being blown from a property and adversely affecting surrounding property, it is considered that the City should have the tools available to mitigate the nuisance. The alternative is to do nothing. Regardless of how the hazard may have come about, the owner or occupier of a property is responsible for containing any nuisance caused by dust or sand drift. Prosecution would be a last resort but proving a case beyond reasonable doubt is not particularly onerous. In most instances it would be as simple as showing that sand or dust is being blown from a property and that the owner or occupier has not complied with a notice to abate the nuisance. No change to the local law is considered necessary.</td>
</tr>
<tr>
<td>2</td>
<td>Regulation must clearly convey the message that registered land/property owners are responsible for the control of sand/dust drift and that penalties and compensation are brought to bear where non-compliance has been established. Beach land managed by local government is included and if not, should be.</td>
<td>Comments noted</td>
</tr>
</tbody>
</table>
The Department of Local Government, Sport and Cultural Industries has also provided some comments about the local law, format and presentation of the local law, which are considered minor and shown ‘marked’ on the attached amended version of the proposed Sand Drift Local Law.

The Department also suggested removal of page numbers, the index and notes from the final version to be Gazetted, and which is reflected in the recommendation to Council below. These items are useful for providing information to the public and administrative use but do not form part of the official version of local laws.

b. Consultation with Government Agencies

A copy of the proposed local law was sent to the Minister for Local Government, and as noted above the Department of Local Government, Sport and Cultural Industries made a number of suggestions on behalf of the Minister.

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 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

There are costs associated with Gazettal of the local law and its finalisation. All the local laws adopted in November 2018 will be gazetted together with an estimated cost of $5500.
f. Legal and Statutory

Section 3.12(4) of the Local Government Act 1995 (the Act) – After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* Absolute majority required.

Section 3.12(5) of the Act – After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

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Section 3.12(7) of the Act - The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

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 City of Rockingham Sand Drift Local Law should now be adopted subject to the minor changes shown 'marked' on the attached copy, deletion of page numbers, text boxes and the index, as recommended to Council below.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

1. In accordance with section 3.12(4) of the Local Government Act 1995, **ADOPTS** the City of Rockingham Sand Drift Local Law 2018 be adopted, subject to:
   a. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted; and
   b. Various other amendments as 'marked up' on the attachment to the report to Council.

2. In accordance with s3.12(5) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;

3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to give local public notice:
   a. Stating the title of the local law;
b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and

c. Advising that copies of the local law may be inspected or obtained from the City office.

4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, DIRECTS that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

Committee Recommendation

Moved Cr Liley, seconded Cr Jones:

That Council:

1. In accordance with section 3.12(4) of the Local Government Act 1995, ADOPTS the City of Rockingham Sand Drift Local Law 2018 be adopted, subject to:
   a. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted; and
   b. Various other amendments as ‘marked up’ on the attachment to the report to Council.

2. In accordance with s3.12(5) of the Local Government Act 1995, DIRECTS the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;

3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, DIRECTS the Chief Executive Officer to give local public notice:
   a. Stating the title of the local law;
   b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
   c. Advising that copies of the local law may be inspected or obtained from the City office.

4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, DIRECTS that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

Committee Voting – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### General Management Services
#### Governance and Councillor Support

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>GM-040/18 Proposed City of Rockingham Cats Local Law 2018 (Absolute Majority)</th>
</tr>
</thead>
<tbody>
<tr>
<td>File No:</td>
<td>LWE/67</td>
</tr>
<tr>
<td>Proponent/s:</td>
<td>Mrs Jelette Edwards, Governance Coordinator</td>
</tr>
<tr>
<td>Author:</td>
<td>Mr Peter Varris, Manager Governance and Councillor Support</td>
</tr>
<tr>
<td>Other Contributors:</td>
<td></td>
</tr>
<tr>
<td>Date of Committee Meeting:</td>
<td>20 November 2018</td>
</tr>
<tr>
<td>Previously before Council:</td>
<td>26 June 2018 (GM-017/18)</td>
</tr>
<tr>
<td>Disclosure of Interest:</td>
<td>Legislative</td>
</tr>
<tr>
<td>Nature of Council’s Role in this Matter:</td>
<td>Propose new number of cats that may be kept on premises.</td>
</tr>
</tbody>
</table>

### Purpose of Report

To recommend adoption of the City of Rockingham Cats Local Law 2018.

### 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.

### 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, in particular 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 under the existing Health local law.

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 2011 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; and
- 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;
- 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.

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.

**Details**

Given the extent of the proposed changes to State legislation it was proposed to make a Cats Local Law. A draft Cats Local Law was adopted by Council on 26 June 2018 and was advertised for public comment, and a copy sent to the Minister for Local Government as required under the Local Government Act 1995 (the Act).

The new local law in essence simply retains the provisions of the Health Local Law in relation to numbers, and sets out provisions to keep more than two cats. As noted above most other provisions about cats are dealt with in the Cat Act 2011 and Regulations.

**Implications to Consider**

a. **Consultation with the Community**

As required by s3.12(3) of the Act, State wide and local public notice was given inviting the public to comment on the proposed local law. Public notices were in the West Australian, the Sound Telegraph and the Weekend Courier newspapers. It was also advertised through Facebook and the City’ website – Share Your Thoughts. The draft local laws were also able to be read at the City of Rockingham Administration Building and libraries during office hours. The public submission period was from 2 July to 17 August 2018 for a period of more than six weeks. Six weeks is the minimum period required for public submissions.
A number of comments were received, which are listed below.

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</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Cat local law. Local cat laws will only work if the council and vets enforce it. I’ve been to the vets many times and they don’t check if cat is desexed or microchipped most times. Spoken to rangers and they have said they don’t have the resource to enforce the local law.</td>
<td>Under the Cat Act 2011 all cats must be microchipped and desexed. While this does not affect the local law, the comments about enforcement are noted. The City regularly prosecutes offenders for breaches of the Cat Act 2011, however, the City has no authority to force veterinarians to report when cats are not microchipped or sterilised and such powers would not be supported in the form of a local law. The City’s Ranger Service do enforce the law if sufficient evidence exists and where they are legally authorised to prosecute. Each case is subject to discretion related to time, place and circumstances.</td>
</tr>
<tr>
<td>2</td>
<td>I agree 2 cats max per household. Would like to see cats kept indoors or on owners property. Fines for owners where cats are roaming and on other peoples property.</td>
<td>The proposed Cats Local Law carries on the previous provision of the City’s Health Local Law limiting the number of cats that can be kept without a permit to two. There are no provisions in the proposed local law in relation to curfews or wandering. There are provisions in the Cat Act 2011 for an authorised person to impound cats found in a public place or (at request) on private property. These powers are regularly exercised by the City’s Ranger Service. Whilst there are no provisions in the Cat Act 2011 to fine people where cats are found roaming, the owner of the cat in question is responsible for the payment of costs related to impounding and sustaining the impounded animal.</td>
</tr>
<tr>
<td>3</td>
<td>Had a few issues with this page so many apologies if you get this 3 times! I do not believe the cat law can be as black and white as saying 2 cats per household. I think registered NFP rescues need an exemption, however still having a set number of foster cats a household can have. Rescues have strict guidelines for their foster carers about keeping their cats inside only and are helping the councils out by taking these strays in &amp; sterilising them and stopping the breeding cycle, more than can be said for irresponsible owners that may only have the 2 cats in accordance with the laws yet let them roam free. I also believe their needs to be exemptions depending on the household, I personally live alone in a house that I own and have zero kids and have zero intention of ever having any kids. I have an enclosed</td>
<td>As noted above, the proposed Cats Local Law simply retains the previous provision of the City’s Health Local Law limiting the number of cats that can be kept without a permit to two. The proposed Cats local law reflects a more up to date legislative framework, whereby the keeping of cats is regulated under the Cat Act 2012 and its associated Regulations. The limit on the number of cats that may be kept does not apply to a cat management facility operated by the City, the RSPCA, the Cat Haven or to cats kept for treatment at a veterinary clinic. Under the Cat (Uniform Local Provisions) Regulations 2013 a person who is a member of a cat organisation and who is</td>
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| 4   | In my opinion, targeting the number of cats owned/fostered doesn’t make sense. There should be more interest in the quality of care, containment to the owner’s property, and compliance to the 2011 Cat Act (snipped and chipped). With too many homeless cats we need more cats off the streets and into responsible homes (where they are snipped and chipped), limiting responsible owners to only 2 cats will severely limit that. Now that cat enclosures are becoming very popular, cats can easily be contained to their own property and multiple cats can reside happily together. Limiting the number of cats being held by rescue groups to only 6 is not practical. Nor is the short list of approved rescue organizations. This could easily be resolved by having rescue groups register with the City of Rockingham. Please keep in my mind these rescue groups either take cats out of ordinary resident at prescribed premises may keep up to 6 cats without a permit from the City. A “member of a cat organisation” is a person who is a current member of the: *Cat Owners Association of Western Australia (COAWA)*; *Feline Control Council of Western Australia (FCCWA)*; or *Australian National Cats (ANCATS)*. Any other person may apply to the City for a permit to keep more than two cats; each application must be considered on its merits. Regulations 8 – 11 of the Regulations provide detailed provisions dealing with the application and approval processes and requirements. The criteria that the City may take into account when assessing an application to keep more than two cats is set out in clause 2.5 of the proposed Cats local law; and possible conditions that may be imposed in clause 2.6. Applicants may also appeal a decision by the City about the number of cats that may be kept or a condition imposed to the State Administrative Tribunal under Regulation 11 of the Cat (Uniform Local Provisions) Regulations 2013. Comments about enforcement and education are noted. There are no provisions in the proposed local law in relation to curfews or wandering. | The proposed Cats Local Law simply retains the previous provision of the City’s Health Local Law limiting the number of cats that can be kept without a permit to two. The proposed Cats local law reflects a more up to date legislative framework, whereby the keeping of cats is regulated under the Cat Act 2012 and its associated Regulations. The limit on the number of cats that may be kept does not apply to a cat management facility operated by the City, the RSPCA, the Cat Haven or to cats kept for treatment at a veterinary clinic. Under the Cat (Uniform Local Provisions) Regulations 2013 a person who is a member of a cat organisation and who is ordinarily resident at prescribed premises may keep up to 6 cats without a permit from
the Rockingham Pound for rehoming, at the rescue’s expense, or prevent cats ending up in the Pound. It is imperative to remember that these rescues are strictly all-volunteer, non-profits so there shouldn’t be a fee involved with registering with the Council. I am heavily involved in cat rescue and am happy to share my experience at any time. I have experience in trapping, fostering, transporting, adopting, and I work with numerous rescues and online pet sites. Instead of trying to fix a cat problem by targeting the number of owned cats to only 2, or 6 with a rescue, the City of Rockingham could instead:

1. Actively enforce the 2011 Cat Act and start fining people who do not comply. There are people in the City of Rockingham openly advertising free or for sale kittens/cats without their vet work done, on Gumtree and other public sites.
2. Consider a Cat Containment Law, with some exemptions, similar to the City of Swan. This would need a few years of warning, as they did before the Cat Act went into effect, to educate people and give them time to create cat enclosures on their properties.
3. A public service campaign to educate people about the importance of sterilizing and microchipping their cats and thus being in compliance with the 2011 Cat Act, and cat containment. There are opportunities for free Public Service Announcements (PSA’s) on radio stations. Rangers could install posters, speak in schools, post online: website, Facebook and other social media.

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<td>5</td>
<td>As a cat owner, I completely agree that no more than two adult cats should be kept on a standard suburb property. Good regulatory pet controls are essential for healthy community coexistence and the environment. Needless to say, same principles apply to dogs.</td>
<td>Noted.</td>
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<td>6</td>
<td>After reading the proposed changes to the Cat laws, I am saddened and annoyed. The limit of only two cats for normal residents per house is very unfair and will not address any problem there is with mischief cat numbers. As a responsible cat owner (we have four, and have a council exemption), these laws will only hurt responsible owners like myself.</td>
<td>As noted above, the City’s existing Health Local Law 1996 already limits the number of cats that may be kept to two. Persons who wish to keep more are encouraged (and required) to obtain a permit from the City. This provision is carried forward in the new local law.</td>
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<td>All our cats are registered, vaccinated, desexed and we have a cat enclosure. It is the irresponsible cat owners that let their cats roam, don’t get them desexed or vaccinated, or keep them in at night that are causing any issues. Do you think if they won’t even register their cats, they will stop at two? Also, what about people like myself who adopt many of the unwanted cats and kittens discarded by the community? Does this mean I can’t give one of these discarded animals a loving home for twenty years at a time, (since a domestic cat can live for 20 years)? Why not bring in a cat curfew instead? This would stop roaming cats being a nuisance, and potentially hunting at night. My family and I are animal lovers, and put the welfare of each of them first. Please don’t impose this change on us. We go above and beyond what is expected from us, so please don’t take away the joy of having our family of kitties. Unfortunately there will always be irresponsible animal owners. Don’t penalise those of us who pay our rates, abide by the law, and do the right thing.</td>
<td>The member of the public who made this submission is to be commended for their responsible and ownership of cats as an example to others; there is no reason to see why their continued ownership of more than the (existing) prescribed number of cats will not continue under the new local law. There are no provisions in the proposed local law in relation to curfews or wandering. The City must comply with the Cat Act 2011, Cat Regulations 2012 and the Cat (Uniform Local Provisions) Regulations 2013. Section 7 of the Cat (Uniform Local Provisions) Regulations 2013 deals with the limit of numbers of cats kept at certain premises and Section 8 deals with additional numbers of cats that can be kept subject to approval and/or conditions. The management of cats in our community with reasonable restrictions are a necessary part of governance within local government for the benefit of the whole community, as are exemptions.</td>
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<td>7</td>
<td>The City of Rockingham Junior Council met on Thursday 26 July 2018 and debated the following motion: “The City of Rockingham should limit residents to owning a maximum of two cats” I would like to report on their behalf that this motion was not carried and students do not support this change the Cats Local Law 2018. The Junior Council suggested if residents proved to be responsible pet owners they may wish to apply to own up to four cats. They also asked for consideration to change the law to ensure cats are kept indoors at night. The students were highly supportive of current cat registration and microchipping programs. Thank you for the opportunity to provide comment on this review.</td>
<td>Noted. The provision of the City’s Health local law that provides up to two cats may be kept without obtaining a permit has been in place since 1996. The proposed Cats local law retains this provision and also provides that persons may apply to keep additional cats. Matters that the City may take into account, and conditions that it could impose are listed in clauses 2.5 and 2.6 of the proposed local law, and applicants may also appeal a decision by the City about the number of cats that may be kept or a condition imposed to the State Administrative Tribunal under Regulation 11 of the Cat (Uniform Local Provisions) Regulations 2013. There are no provisions in the proposed local law in relation to curfews or wandering.</td>
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<td>8</td>
<td>Cat laws need to force the owners to house there cats of night. Over the cat wondering the streets of a night and make noise all night long. Plus they should be contained during the daytime, Dogs are not allowed to wander the streets. Cats should have to be sterilised.</td>
<td>There are no provisions in the proposed local law in relation to curfews or wandering.</td>
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<td>microchip and only one or two cats to be allowed in one house hold.</td>
<td>The Cat Act and Regulations require cats to be sterilised (unless exempt) and microchipped. The proposed Cats local law retains the existing limit on the number of cats that may be kept without obtaining a permit to two. The City are currently in the process of producing education collateral to support increased awareness of cat owner responsibilities.</td>
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<td>9</td>
<td>I'm writing, in Response to the review of the Cats Local Law 2018. I believe it should not be limited to Only 2 cats. I believe its too Unfair and Unnecessary. I do believe, Cats should be contained in their Yard, and Inside at Night. Plus as per Regulations now, to be Microchipped and Sterilised. But, there's a lot of people out there that will be Greatly Affected, by this Proposed change. I DEFINATELY DO NOT SUPPORT it being Restricted, at 2 cats only, at all. I'm Deeply Concerned, how it may affect many People Especially Young Children. To a lot of people their Pets are Family. Please Reconsider the Proposal. There is SO SO Many Cats, in Pounds, Vets and Rescue Groups, trying to find homes. That, I really worry, how much bringing in a 2 Cat Policy, and making it a possible Law, will greatly compound this Problem. How many Poor Cats are we going to see have to be Euthanized, or worse, left sitting for so long in Rescues, etc., that's how they live their lives out. What a sad, sad Existence for them. While Yes, I understand, its Irresponsible Owners, that don't help with this problem. Not Desexing their animals or containing them in the home. But the People that Do the right things are being Punished for others Ignorance. As long as Cats are Microchipped, Sterilised and Registered. And contained in their own Yards. Why should it matter how many cats people have. As long as, it's not hoarding, and they are being cared for Properly. A Lot of these Cats aren't just Pets. They are Family Members. And for some people they may be all they have. Would it be fair, to make someone choose, which cat they keep or get rid of.. How heartbreaking for them and others.</td>
<td>The provision of the City's Health local law that provides up to two cats may be kept without obtaining a permit has been in place since 1996. The proposed Cats local law retains this provision and also provides that persons may apply to keep additional cats. Matters that the City may take into account, and conditions that it could impose are listed in clauses 2.5 and 2.6 of the proposed local law, and applicants may also appeal a decision by the City about the number of cats that may be kept or a condition imposed to the State Administrative Tribunal under Regulation 11 of the Cat (Uniform Local Provisions) Regulations 2013. There are no provisions in the proposed local law in relation to curfews or wandering. The City must comply with the Cat Act 2011, Cat Regulations 2012 and the Cat (Uniform Local Provisions) Regulations 2013. Section 7 of the Cat (Uniform Local Provisions) Regulations 2013 deals with the limit of numbers of cats kept at certain premises and Section 8 deals with additional numbers of cats that can be kept subject to approval and/or conditions. The management of reasonable restrictions are a necessary part of governance within local government for the benefit of the whole community, as are exemptions.</td>
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<td>their Cats. It's a sad, sad day, if this was to become a reality. So I plead and Implore you to please have some Consideration of Others when this Item is discussed.</td>
<td>The ability to apply for and receive exemptions has been included in the proposed Cats Local Law.</td>
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<td>10</td>
<td>I think the review of the Cats Local Law 2018, should not limit Residents to Only 2 cats. I believe its too restrictive. I do believe, Cats should be contained in their Yard, and Inside at Night. Plus as per Regulations now, to be Microchipped and Steralised. But, thers a lot of people out there, that will be Greatly Affected, by this Proposed change. I do not support it being Restricted at 2 at all. I’m worried how it may affect People Especially Young Children. To a lot of people their Pets are Family.</td>
<td>The City's Health Local Law already restricts to two (2) the amount of cats in a household. The City must comply with the Cat Act 2011, Cat Regulations 2012 and the Cat (Uniform Local Provisions) Regulations 2013. Section 7 of the Cat (Uniform Local Provisions) Regulations 2013 deals with the limit of numbers of cats kept at certain premises and Section 8 deals with additional numbers of cats that can be kept subject to approval and/or conditions. There are provisions in the Cat Act 2011 for an authorised person to impound cats found in a public place or (at request) on private property. Whilst there are no provisions in the Cat Act 2011 to fine people where cats are found roaming, the owner of the cat in question is responsible for the costs related to impounding and sustaining the impounded animal. Under Section 8 Cat Act 2013, all cats (unless exempt) must be sterilised. The management of reasonable restrictions are a necessary part of governance within local government for the benefit of the whole community, as are exemptions. The City are currently in the process of producing education collateral to support increased awareness of cat owner responsibilities.</td>
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<td>11</td>
<td>If your cats are outdoor (which I disagree with) then no more than two, however if they are indoor I see no reason to have a limit (of course within reason, no more than 5 for example)!</td>
<td>Noted.</td>
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<td>12</td>
<td>In regards to the proposed Cat Laws is it possible to also include the requirement for all cats to be registered and tagged as well as having to be kept on premises of owners? Just like the requirements for dog owners instead of the spread of disease and unwanted cat scat in gardens and childrens</td>
<td>The requirement to register, microchip and sterilise cats is required under the Cat Act 2011 and its associated Regulations. There are no provisions in the proposed local law in relation to curfews or wandering.</td>
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<td>sand pits in peoples own back yards and just wondering the streets which makes the dogs of the neighbourhood back and cause a nuisance. There are numerous cats around my area which their owners just let them wonder the street day or night and some owners whom also leave the garage door partially open allowing the cats to come and go as it pleases. To me this is just unacceptable especially with the strict dog laws that have been in place for a long time now. Also would it be a good move for all the wildlife that call Baldivis and Rockingham home instead of being threatened by cats. The number of small birds that reside in the area is diminishing and I believe it is due to this issue.</td>
<td>There are also provisions in the Cat Act 2011 for an authorised person to impound cats found in a public place or (at request) on private property. Whilst there are no provisions in the Cat Act 2011 to fine people where cats are found roaming, the owner of the cat in question is responsible for the costs related to impounding and sustaining the impounded animal.</td>
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<td>13</td>
<td>I think people should be allowed to keep 3 cats or 3 dogs.</td>
<td>The proposed Cats local law retains the limit on the number of cats that may be kept without the need to obtain a permit to two. The ability to apply for and receive exemptions for the keeping of more than two (2) cats has been included in the proposed Cats Local Law. The City’s Health Local Law already restricts to two (2) the amount of cats in a household. The City must comply with the Cat Act 2011, Cat Regulations 2012 and the Cat (Uniform Local Provisions) Regulations 2013. Section 7 of the Cat (Uniform Local Provisions) Regulations 2013 deals with the limit of numbers of cats kept at certain premises and Section 8 deals with additional numbers of cats that can be kept subject to approval and/or conditions.</td>
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<td>14</td>
<td>Cats Local Law 2018 2.3 ‘Standard number of cats’ Restricting the standard number of cats to two is unrealistic and too limiting. Many cat owners have three cats. If the owner has a secure cat enclosure, the number of cats kept on premises could be many more with no impact on neighbours, conditions or the cats’ welfare and providing they are a member of ANY cat rescue organisation. Cat Containment The proposed Local Laws have no provision for the containment of cats to the home property. City of Swan has a cat containment Local Law which prescribes cats to be kept on their home property. They can be impounded if found in a public place or another private property without permission of that property’s owner. Cat Enclosures</td>
<td>The provision of the City’s Health local law that provides up to two cats may be kept without obtaining a permit has been in place since 1996. The proposed Cats local law retains this provision and also provides that persons may apply to keep additional cats. Matters that the City may take into account, and conditions that it could impose are listed in clauses 2.5 and 2.6 of the proposed local law. There are no provisions in the proposed local law in relation to curfews or wandering. The ability to apply for and receive exemptions for the keeping of more than</td>
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Exemptions, registration fee discounts or other incentives could be offered to cat owners who have a secure cat enclosure. There is a significant level of angst amongst the community about roaming cats. It leads to abuse of the animals, anxiety amongst neighbours and the community and poor welfare for the cats. Encouragement of cat containment and enclosures should be offered at every possible opportunity, including at the local laws. I run a cat enclosure ideas support group on Facebook with the aim of changing the culture around cat ownership and management. Professional enclosure companies are active members. There are many examples of good DIY solutions, references to sourcing materials and ideas for solving problems.

The link is here for your information: https://www.facebook.com/groups/279644759164166/

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<td>Exemptions, registration fee discounts or other incentives could be offered to cat owners who have a secure cat enclosure. There is a significant level of angst amongst the community about roaming cats. It leads to abuse of the animals, anxiety amongst neighbours and the community and poor welfare for the cats. Encouragement of cat containment and enclosures should be offered at every possible opportunity, including at the local laws. I run a cat enclosure ideas support group on Facebook with the aim of changing the culture around cat ownership and management. Professional enclosure companies are active members. There are many examples of good DIY solutions, references to sourcing materials and ideas for solving problems. The link is here for your information: <a href="https://www.facebook.com/groups/279644759164166/">https://www.facebook.com/groups/279644759164166/</a></td>
<td>two (2) cats has been included in the proposed Cats Local Law. The City must comply with the Cat Act 2011, Cat Regulations 2012 and the Cat (Uniform Local Provisions) Regulations 2013. Section 7 of the Cat (Uniform Local Provisions) Regulations 2013 deals with the limit of numbers of cats kept at certain premises and Section 8 deals with additional numbers of cats that can be kept subject to approval and/or conditions. There are also provisions in the Cat Act 2011 for an authorised person to impound cats found in a public place or (at request) on private property. Whilst there are no provisions in the Cat Act 2011 to fine people where cats are found roaming, the owner of the cat in question is responsible for the costs related to impounding and sustaining the impounded animal. Your comments regarding ‘encouragement and incentives’ are noted for future consideration but are not part of the Local Law Review.</td>
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<td>15</td>
<td>Cat laws. It should be 2 cats or less in houses and also cats should be kept inside the owners fence boundaries at all times also they should have to install the round cat deterrent on top of their fence to keep them inside as cats cause more damage to other properties and the environment than dogs. Also pets need to be chipped and it us then registered owners should not be charged twice by councils if the pet is chipped we should not have to register them at the council.</td>
<td>The proposed Cats local law retains the restriction in the Health local law on the number of cats that may be kept to two, above which a permit is required. The proposed Cat Local Law restrict 2 cats per household unless an exemption is given at which time certain conditions may be sought before an increase is considered. There are also provisions in the Cat Act 2011 for an authorised person to impound cats found in a public place or (at request) on private property. Whilst there are no provisions in the Cat Act 2011 to fine people where cats are found roaming, the owner of the cat in question is responsible for the costs related to impounding and sustaining the impounded animal. All dogs and cats must be microchipped as per the respective acts and there is a requirement for the City to maintain a register and the wearing of tags.</td>
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<td>16</td>
<td>In relation to the cat laws, I definitely think there should be a limit of 2 cats per household and there should definitely be a law unenforced in keeping them contained to the owners property. I have had ongoing issues with cats being in my yard, spraying on outdoor furniture, cars and doors, my son is allergic to cats and he gets affected by them in his own yard. They wake me through the night jumping on fences and the roof.</td>
<td>Noted. The proposed Cat Local Law restrict 2 cats per household unless an exemption is given at which time certain conditions may be sought before an increase is considered. There are also provisions in the Cat Act 2011 for an authorised person to impound cats found in a public place or (at request) on private property. Whilst there are no provisions in the Cat Act 2011 to fine people where cats are found roaming, the owner of the cat in question is responsible for the costs related to impounding and sustaining the impounded animal.</td>
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<td>17</td>
<td>Restrict cat ownership to 2 we don't need any extras roaming the streets even though a lot of people do own more but Justin isn't really register them.</td>
<td>The proposed Cat Local Law restrict 2 cats per household unless an exemption is given at which time certain conditions may be sought before an increase is considered. There are also provisions in the Cat Act 2011 for an authorised person to impound cats found in a public place or (at request) on private property. Whilst there are no provisions in the Cat Act 2011 to fine people where cats are found roaming, the owner of the cat in question is responsible for the costs related to impounding and sustaining the impounded animal.</td>
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<td>18</td>
<td>Cats I think only 2 per home, they scratch, smell, destroy our gardens to use as a toilet, disgusting.</td>
<td>Noted</td>
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<td>19</td>
<td>There is SO SO Many Cats, in Pounds, Vets and Rescue Groups, trying to find homes. That, I really worry, how much bringing in a 2 Cat Policy, and making it a possible Law, will greatly compound this Problem. How many Poor Cats are we going to see have to be Euthanized, or worse, left sitting for so long in Rescues, etc., that's how they live their lives out. What a sad, sad Existence for them. While Yes, I understand, its Irresponsible Owners, that don't help with this problem. Not Desexing their animals or containing them in the home. But the People that Do the right things are being Punished for others Ignorance. As long as Cats are Microchipped, Sterilised and Registered. And contained in their own Yards. Why should it matter how many cats people have. As long as, it's not hoarding, and they are being cared for Properly.</td>
<td>The ability to apply for and receive exemptions for the keeping of more than two (2) cats has been included in the proposed Cats Local Law. The City’s Health Local Law already restricts to two (2) the amount of cats in a household. The City must comply with the Cat Act 2011, Cat Regulations 2012 and the Cat (Uniform Local Provisions) Regulations 2013. Section 7 of the Cat (Uniform Local Provisions) Regulations 2013 deals with the limit of numbers of cats kept at certain premises and Section 8 deals with additional numbers of cats that can be kept subject to approval and/or conditions.</td>
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The Department of Local Government, Sport and Cultural Industries has provided some comments about the local law, format and presentation of the local law, which are considered minor and shown 'marked' on the attached amended version of the proposed Cats Local Law.

The Department also suggested removal of page numbers, the index and notes from the final version to be Gazetted, and which is reflected in the recommendation to Council below. These items are useful for providing information to the public and administrative use but do not form part of the official version of local laws.

b. Consultation with Government Agencies

A copy of the proposed local law was sent to the Minister for Local Government, and as noted above the Department of Local Government, Sport and Cultural Industries made a number of suggestions on behalf of the Minister.

c. Strategic

Community Plan

**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

There are costs associated with Gazettal of the local law and its finalisation. All the local laws adopted in November 2018 will be gazetted together with an estimated cost of $5500.

f. Legal and Statutory

Section 3.12(4) of the Local Government Act 1995 (the Act) – After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* Absolute majority required.

Section 3.12(5) of the Act – After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

Section 3.12(6) of the Act - After the local law has been published in the Gazette the local government is to give local public notice —

(a) stating the title of the local law; and
(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and

(c) advising that copies of the local law may be inspected or obtained from the local government’s office.

Section 3.12(7) of the Act - The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

**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**

It is clear from the comments above that many members of the public were unaware that the City has had in place a restriction on the number of cats that may be kept (two) for some time – the City’s Health local law that provides up to two cats may be kept has been in place since 1996.

The proposed Cats local law retains this provision and also makes provision for persons to apply to keep additional cats. Matters that the City may take into account, and conditions that it could impose are listed in clauses 2.5 and 2.6 of the proposed new Cats local law, and applicants may also appeal a decision by the City about the number of cats that may be kept or a condition imposed to the State Administrative Tribunal under Regulation 11 of the Cat (Uniform Local Provisions) Regulations 2013. This is considered a reasonable balance.

Similarly, a number of comments suggest confinement of cats. This was discussed when the draft local law was being considered, but at this stage considered beyond the City’s resources. Comments regarding education programs about responsible cat ownership should be considered as part of ongoing activities; at this stage the local law should be made to bring the City’s rules about the number of cats that may be kept into a more up to date legislative framework.

Minor changes made to the draft version of the proposed Cats local law that are shown ‘marked’ on the attachment to this report are recommended.

**Voting Requirements**

Absolute Majority

**Officer Recommendation**

That Council:

1. In accordance with section 3.12(4) of the Local Government Act 1995, **ADOPTS** the City of Rockingham Cats Local Law 2018 be adopted, subject to:
   a. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted; and
   b. Various other amendments as ‘marked up’ on the attachment to the report to Council.

2. In accordance with s3.12(5) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to give local public notice:
   a. Stating the title of the local law;
   b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
   c. Advising that copies of the local law may be inspected or obtained from the City office.

4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, **DIRECTS** that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

### Committee Recommendation

**Moved Cr Jones, seconded Cr Liley:**

That Council:

1. In accordance with section 3.12(4) of the Local Government Act 1995, **ADOPTS** the City of Rockingham Cats Local Law 2018 be adopted, subject to:
   a. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted; and
   b. Various other amendments as ‘marked up’ on the attachment to the report to Council.

2. In accordance with s3.12(5) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;

3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, **DIRECTS** the Chief Executive Officer to give local public notice:
   a. Stating the title of the local law;
   b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
   c. Advising that copies of the local law may be inspected or obtained from the City office.

4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, **DIRECTS** that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

Committee Voting – 5/0

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

Not Applicable

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

Not Applicable
Purpose of Report

To consider a draft Council Policy to establish protocols for the City’s official communications with its community to ensure the City is professionally and accurately represented, prior to seeking public comment on the policy proposal in accordance with Council’s Policy Framework.

Background

It is fundamentally important that the City’s communications with its community are professional, courteous and accurate. The draft Council Policy sets out what is expected in communications between the City, the Mayor, elected members and the community.

Over the last decade the use of social media has evolved and grown. Social media has become a popular communication tool with the ability to disseminate information quickly, and elected members have taken up social media as a means of communicating with the community.

Acknowledging the many challenges present in communicating with the community (including via social media) WALGA prepared a draft Communications and Social Media Policy for member local governments to consider with a view to assisting the City and its elected members to understand their

1 Typographical error corrected under 5.2 Elected Member Social Media Official Accounts in Attachment 2.
obligations when communicating with the community, with particular emphasis on the use of social media.

WALGA, McLeods and the Department of Local Government, Sport and Cultural Industries facilitated a Councillor training session in June 2018 with a focus on Elected Member Roles and Responsibilities, Ethical Behaviour and Constituent Communication. The attached WALGA Communications and Social Media Policy Template was presented at the training session and subsequently distributed to Councillors for information in the September 2018 Council Bulletin.

The City has used the WALGA template to draft a policy for Council’s consideration. The draft Council Policy will provide clear direction and consistency when engaging with the community, including via social media.

Details

Section 2.10 of the Local Government Act 1995 provides that one of the roles of elected members is to facilitate communication between the community and the Council. The City also has an ethical responsibility to the community and to elected members to ensure that information being distributed by any means (including via social media) is accurate and relevant.

The Local Government (Rules of Conduct) Regulations 2007, regulation 3(1) also provide guidance as to the behaviours expected of elected members including to “avoid damage to the reputation of the local government” and to ensure decisions are based on relevant and factually correct information. Accurate communications and access to information by elected members is also covered in the City’s Code of Conduct, clauses 5.7 and 6.3.

The draft Council Policy provides an overview of how the City deals with official communications and how it manages its social media presence. The policy also provides expectations on how the Mayor’s official social media accounts should be managed as well as how elected members should manage their social media interactions with the community.

The draft Council Policy differs from the WALGA template to include a requirement that elected members must ‘moderate’ comments and feedback from the community on their social media accounts, in a manner consistent with the ‘moderation’ undertaken by the City and the Mayor.

Implications to Consider

a. Consultation with the Community

Council’s Policy Framework states that general Council policy is to undergo a public consultation process of a minimum 14 calendar days.

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

In accordance with Council’s Policy Framework, the draft Council Policy will be subject to a public consultation period. Any submissions received will been presented to Council for consideration prior to final adoption of the policy.
e. **Financial**

The cost of advertising the draft Council Policy will be sourced from the Governance and Councillor Support advertising budget (210018.1204). Advertising is anticipated to cost less than $1,000.

f. **Legal and Statutory**

Section 2.7 of the *Local Government Act 1995* states that it is the role of Council to determine the local government's policies.

Section 5.41 of the *Local Government Act 1995* notes that one of the CEOs functions is to ensure that advice and information is available to Council so that informed decisions can be made.

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

<table>
<thead>
<tr>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>The draft Council Policy addresses a range of matters that have been identified as critical in ensuring transparency and accountability when engaging with the community.</td>
</tr>
<tr>
<td>While the WALGA template provides a solid foundation for a communications and social media policy, it will be enhanced by incorporating a responsibility for elected members to ensure that comments posted on an elected member’s social media account are moderated to remove inappropriate content in a manner similar to that expected of the City and the Mayor. Inappropriate Content is defined to mean conduct that -</td>
</tr>
<tr>
<td>a) is offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;</td>
</tr>
<tr>
<td>b) is promotional, soliciting or commercial in nature;</td>
</tr>
<tr>
<td>c) is unlawful or incites others to break the law;</td>
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<tr>
<td>f) refers to or encourages the use of illegal drugs;</td>
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<tr>
<td>g) is harassing or hateful to an organisation or person, including the City of Rockingham, our employees, stakeholders, associates and suppliers;</td>
</tr>
<tr>
<td>h) contains information which may compromise individual or community safety or security;</td>
</tr>
<tr>
<td>i) is repetitive material copied and pasted or duplicated;</td>
</tr>
<tr>
<td>j) promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot;</td>
</tr>
<tr>
<td>k) violates intellectual property rights or the legal ownership of interests or another party; and</td>
</tr>
<tr>
<td>l) contains inappropriate content or comments at the discretion of the City.</td>
</tr>
<tr>
<td>See attached comparison between the Proposed Council Policy and the WALGA template</td>
</tr>
<tr>
<td>Should the draft be supported by Council, the policy will be advertised inviting submissions from the public. Any submissions received will be addressed in a further report to Council recommending final policy adoption.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Voting Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simple Majority</td>
</tr>
</tbody>
</table>
**Officer Recommendation**

That Council **APPROVES** the draft Council Policy, "Communications and Social Media" for the purpose of public consultation.

**Committee Recommendation**

Moved Cr Liley, seconded Cr Jones:

That Council **APPROVES** the draft Council Policy, "Communications and Social Media" for the purpose of public consultation –

**Communications and Social Media Policy**

**Council Policy Objective**

This policy establishes protocols for the City of Rockingham’s official communications with our community to ensure the City of Rockingham is professionally and accurately represented and to maximise a positive public perception of the City.

**Council Policy Scope**

This policy applies to:

1. Communications initiated or responded to by the City of Rockingham with our community; and
2. Elected Members when making comment in either their City of Rockingham role or in a personal capacity.

**Council Policy Statement**

1. **Official Communications**

   The purposes of the City’s official communications include:
   
   - Sharing information required by law to be publicly available.
   - Sharing information that is of interest and benefit to the Community.
   - Promoting City of Rockingham events and services.
   - Promoting Public Notices and community consultation / engagement opportunities.
   - Answering questions and responding to requests for information relevant to the role of the City.
   - Receiving and responding to community feedback, ideas, comments, compliments and complaints.

   The City’s official communications will be consistent with relevant legislation, policies, standards and the positions adopted by the Council. Our communications will always be respectful and professional.

   The City will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:
   
   - Website;
   - Digital Engagement Platform, Rockport;
   - Advertising and promotional materials;
   - Media releases prepared for the Mayor, to promote specific City of Rockingham positions;
   - Social media; and
   - Community newsletters, letter drops and other modes of communications undertaken by the City of Rockingham’s Administration at the discretion of the CEO.

2. **Speaking on behalf of the City of Rockingham**

   The Mayor is the official spokesperson for the City and may represent the City in official communications, including; speeches, comment, print, electronic and social media. *[s.2.8(1)(d) of the Local Government Act 1995]*

   Where the Shire President / Mayor is unavailable, the Deputy Mayor may act as the spokesperson. *[s.2.9 and s.5.34 of the Local Government Act 1995]*
The CEO may speak on behalf of the City of Rockingham, where authorised to do so by the Mayor. [s.5.41(f) of the Local Government Act 1995]

The provisions of the Local Government Act 1995 essentially direct that only the Mayor, or the CEO if authorised, may speak on behalf of the Local Government. It is respectful and courteous to the office of Mayor to refrain from commenting publicly, particularly on recent decisions or contemporary issues, until such time as the Mayor has had opportunity to speak on behalf of the City of Rockingham.

Communications by Elected Members, whether undertaken in an authorised official capacity or as a personal communication, must not:

- bring the City of Rockingham into disrepute,
- compromise the person’s effectiveness in their role with the City,
- imply the City’s endorsement of personal views, or
- disclose, without authorisation, confidential information.

Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the City of Rockingham.

Elected member communications must comply with the Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007.

3. Responding to Media Enquiries

All enquiries from the Media for an official City of Rockingham comment, whether made to an individual Elected Member or Employee, must be directed to the CEO or a person authorised by the CEO. Information will be coordinated to support the Mayor or CEO (where authorised) to make an official response on behalf of the City of Rockingham.

Elected members may make comments to the media in a personal capacity – refer to clause 7.1 below.

4. Website

The City of Rockingham will maintain an official website, as our community’s on-line resource to access to the City’s official communications.

5. Social Media

The City of Rockingham uses Social Media to facilitate interactive information sharing and to provide responsive feedback to our community. Social Media will not however, be used by the City to communicate or respond to matters that are complex or relate to a person’s or entity’s private affairs.

The City of Rockingham maintains the following Social Media accounts:

- Social networks, including - Facebook and LinkedIn;
- Media Sharing networks, including –Instagram and YouTube;
- Micro-blogging networks, including – Twitter; and
- Apps (applications), including – LitterBusters. The City can also update content to third party apps such as the WALGA app Localeye and Snap Send Solve, but does not maintain content on these apps.

The City of Rockingham may also post and contribute to Social Media hosted by others, so as to ensure that the City’s strategic objectives are appropriately represented and promoted.

The City actively seeks ideas, questions and feedback from our community however, we expect participants to behave in a respectful manner. The City of Rockingham will moderate its Social Media accounts to address and where necessary delete content which is deemed to be Inappropriate Content.

Where a third party contributor to a City of Rockingham’s social media account is identified as posting content which is deleted is accordance with the above, the City may at its complete discretion block that contributor for a specific period of time or permanently.
5.1 **Mayoral Social Media Official Accounts**

The City of Rockingham provides the Mayor with official social media account/s to assist the Mayor in fulfilling their role under section 2.8 of the *Local Government Act 1995*, to speak on behalf of the Local Government. The content will be administered and moderated in accordance with this policy. These Social Media accounts will be clearly identified as the Mayor’s accounts and must not be used by the Mayor for personal communications. The City of Rockingham will retain access for account management and moderation purposes.

The City will assist the Mayor to moderate his/her own Social Media accounts to address and where necessary delete Inappropriate Content.

5.2 **Elected Member Social Media Official Accounts**

Where an elected member chooses to use social media in fulfilling their role under section 2.10 of the *Local Government Act 1995*, he/she will moderate their own Social Media accounts to address and where necessary delete Inappropriate Content, with the exception of b), i), j) and l) as identified in the definition.

5.3 **Use of Social Media in Emergency Management and Response**

The City of Rockingham will use Facebook to communicate and advise our community regarding Emergency Management.

6. **Record Keeping and Freedom of Information**

Official communications undertaken on behalf of the City of Rockingham, including on the City’s Social Media accounts and third party social media accounts must be created and retained as local government records in accordance with the City's Record Keeping Plan and the *State Records Act 2000*. These records are also subject to the *Freedom of Information Act 1992*.

7. **Personal Communications**

Personal communications and statements made privately in conversation, written, recorded email or posted in personal social media have the potential to be made public, whether it was intended to be made public or not.

Therefore, on the basis that personal or private communications may be shared or become public at some point in the future, Elected Members must ensure that their personal or private communications do not breach the requirements of this policy, the Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

7.1 **Elected Member Statements on City Matters**

An Elected Member may choose to make a personal statement publicly on a matter related to the business of the City of Rockingham.

Any public statement made by an Elected Member, whether made in a personal capacity or in their Local Government representative capacity, must:

1. Clearly state that the comment or content is a personal view only, which does not necessarily represent the views of City of Rockingham;
2. Be made with reasonable care and diligence;
3. Be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;
4. Be factually correct;
5. Avoid damage to the reputation of the local government;
6. Not reflect adversely on a decision of the Council;
7. Not reflect adversely on the character or actions of another Elected Member or Employee;
8. Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any Elected Member, Employee or community member.

An Elected Member who is approached by the media for a personal statement may request the assistance of the CEO.
Comments which become public and which breach this policy, the Code of Conduct or the Local Government (Rules of Conduct) Regulations 2007, may constitute a serious breach of the Local Government Act 1995 and may be referred for investigation.

Definitions

Social media - Social media is a tool for communication and sharing of information.

Inappropriate content -

- a) is offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
- b) is promotional, soliciting or commercial in nature;
- c) is unlawful or incites others to break the law;
- d) is overtly sexual or explicit;
- e) is threatening or describing violent events or behaviours;
- f) refers to or encourages the use of illegal drugs;
- g) is harassing or hateful to an organisation or person, including the City of Rockingham, our employees, stakeholders, associates and suppliers;
- h) contains information which may compromise individual or community safety or security;
- i) is repetitive material copied and pasted or duplicated;
- j) promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot;
- k) violates intellectual property rights or the legal ownership of interests or another party; and
- l) contains inappropriate content or comments at the discretion of the City.

Legislation

Local Government Act 1995
Local Government (Rules of Conduct) Regulations 2007
State Records Act 2000
Freedom of Information Act 1992

Other Relevant Policies/ Key Documents

Code of Conduct

Responsible Division

Governance and Councillor Support

Review Date

1 October 2019

Committee Voting – 3/2
(Cr Burns and 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
Governance and Councillor Support

**Reference No & Subject:**
GM-042/18 Live Streaming Council Meetings

**File No:**
GOV/7

**Proponent/s:**
Mr Peter Varris, Manager Governance and Councillor Support
Ms Tamara Clarkson, Senior Projects Officer (Office of the CEO)

**Author:**
Mr Peter Varris, Manager Governance and Councillor Support
Ms Tamara Clarkson, Senior Projects Officer (Office of the CEO)

**Other Contributors:**
Ms Tamara Clarkson, Senior Projects Officer (Office of the CEO)

**Date of Committee Meeting:**
20 November 2018

**Previously before Council:**
25 August 2015 (GMS-011/15)
22 May 2018 (GM-013/18)

**Disclosure of Interest:**
Executive

**Nature of Council’s Role in this Matter:**
Executive

**Purpose of Report**

To present the outcomes of an investigation into live streaming that addresses –

- Policy options to mitigate risks and guides its use; and
- Cost implications of live streaming at the City of Rockingham.

**Background**

At its 22 May 2018 meeting, Council resolved the following –

> That Council DIRECTS the Chief Executive Officer to prepare a report which –

> • investigates policy options on live-streaming which mitigates the potential risks and guides its use; and

> • examines cost effective options to live-stream City of Rockingham Council meetings;

> and that the findings be presented back to Council for further consideration within six months.

The matter of recording Council meetings has been subject to previous reports to Council which noted that Committee and Council meetings are conducted under the statutory provisions laid out in the Local Government Act 1995 and the City of Rockingham Standing Orders Local Law 2001. These provisions allow an environment of openness, transparency and accountability for all involved.
The City already provides agendas, attachments, bulletins and minutes for all standing committees and Council meetings to members of the public via hard copy at the administration centre and libraries and in electronic form through the City’s website. Residents may also subscribe for access to agenda and minutes through RockPort.

The City does not audio or video record committee or Council meetings. Currently under the City of Rockingham Standing Orders Local Law 2001 clause 8.5 “Recording of Proceedings” – no person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of Council or a committee without the written permission of the Council. The CEO, with the approval of Council, may record the proceedings of a Council meeting.

**Details**

There is some community opinion that live streaming Council Meetings may address a perceived lack of transparency and accessibility to local government decision making.

There also appears to be a growing expectation from elements of the community that local government information be easily accessible and available quickly.

**Local Law / Council Policy**

A move to live streaming City of Rockingham Council Meetings would require amendments to the City of Rockingham Governance and Meeting Framework Policy and City of Rockingham Standing Orders Local Law 2001, 6.10 relating to the prohibited recording of proceedings.

Development of a Council Policy addressing the recording and streaming of Council Meetings is recommended should the use of live streaming be pursued. This would include the use of signage and a public disclosure being read at the commencement of every meeting to advise those in attendance that meetings are recorded.

**Legal Risks**

There are a number of concerns and challenges to be faced in respect to the live-streaming of Council meetings, and many of these are identified by law firm McLeods, Barristers and Solicitors, in a Local Government Update paper published in 2015 (http://www.mcleods.com.au/news/local-government-updates/proposed-recording-and-live-streaming-local-government-council-and).

Principal among these are –

- Councillors are not protected from defamation action by absolute privilege, and may feel constrained in their approach to debate and decision-making.
- Comments by members of the public during public question time may result in the local government being liable in defamation for the republication of defamatory remarks, or insulting or malicious comments.
- Clearly identifying speakers is critical in respect to any audio or visual recording.
- Editing recordings of meetings to guard against defamatory or damaging comments would be burdensome.
- The views of individual council members are for practical purpose irrelevant. The only view that counts is the Council decision.
- Members of the public have the ability to attend meetings on issues of interest. Members of the public may be reluctant to participate at public question time or attend a council meeting should they be recorded.
- Recording of meetings could lead to council members being victimised for views held or raised in debate.

The McLeods’ paper concludes by not supporting live-streaming of meetings and that Council minutes should remain the basic public record of meetings.

Streaming of meetings could lead to council members feeling vulnerable for views held or raised in debate. Concern has been raised that video and audio recordings can be edited by third parties and be used out of context, which may lead to unintended consequences.
Any move to live streaming will require training for both Councillors and City Officers in respect to providing confidence in a ‘perceived’ highly scrutinised environment. Some people accustomed to public speaking may become ‘self-conscious’ when being recorded / livestreamed.

Comments by members of the public during public question time may result in the local government being liable in defamation for the re-publication of defamatory remarks, or insulting or malicious comments. Further to this, members of the public may be reluctant to participate in public question time or attend a Council meeting if they are live streamed.

Operational matters

The current ‘public address’ system used in Council Chambers is a Bosch closed circuit analog system. This system and the associated speakers are hard wired as this provides a higher quality outcome for the meeting attendees. The system and speakers are nearing the end of their life and will require an upgrade in the near future.

Recordings will need to be retained in accordance with the State Records Act 2000. General Disposal Authority for Local Government Records, Reference 25.1.3 states that audio/visual recordings of meetings must be disposed of one year after the minutes are confirmed. Under the Copyright Act 1961, City of Rockingham will retain ownership of the recording and it would not be prudent to provide permission to reproduce. The content would only be available as ‘view only’, preventing the access for people to download and amend.

Notwithstanding the above, meetings are open to the public and a gallery member can take their own notes based on their own understanding and then publish them on various media. This is essentially no different to the members of the local newspaper that attend meetings of Council (however press standards apply).

There is a concern about people acting on Council decisions prior to the formal notification by the Local Government. Noting that interpretation of proceedings may not be accurate or that a decision may be subject to a Revocation Motion following the meeting.

Attendance at Council Meetings

The City of Rockingham generally has a ‘regular’ public gallery, with the average attendances for the past five years noted below –

<table>
<thead>
<tr>
<th>Year</th>
<th>Public Gallery Numbers</th>
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<tbody>
<tr>
<td>2014</td>
<td>25</td>
</tr>
<tr>
<td>2015</td>
<td>33</td>
</tr>
<tr>
<td>2016</td>
<td>24</td>
</tr>
<tr>
<td>2017</td>
<td>20</td>
</tr>
<tr>
<td>2018 (to date)</td>
<td>37</td>
</tr>
</tbody>
</table>

Community members appear not to be deterred in attending Council meetings when it involves controversial issues and the August and October 2018 meetings are a case in point, with 100 and 79 members of the public respectively in attendance.

Capacity to Live-stream

If the City does proceed with live streaming Council meetings this must be undertaken in a professional manner and integrate with the current arrangements. Upgrading existing technology and installation of hardware in Council Chambers would provide the availability for high quality and professional streaming of Council meetings.

Many other live streaming platforms such as Facebook Live may provide access to live recording in a social and community context but these are not seen as appropriate for the purpose of a meeting convened within a regulated environment.

There is a considerable amount of officer time that would be required to manage a live streaming set up together with any trouble shooting. An additional resource would be needed at each meeting to manage this system.
Live Streaming

There are three main components to live streaming of Council Meetings.

- Audio Visual Capture
- Recording and Encoding
- Publishing

The City sought information and indicative costs from six Information and Communication Technology (ICT) and related services companies who are all on the Western Australian Local Government Association’s (WALGA) Preferred Supplier list.

The ability to capture audio visual requires hardware installation such as cameras and discussion systems (microphones and speakers). Software is required for recording, encoding and publishing content.

Other components to consider include accessibility upgrades, ICT storage and future presentation requirements (electronic voting, display screens). There are additional costs incurred with each of these components. If proceeding with any system upgrade, accessibility for those with disabilities will need to be provided and hearing aid infrared systems are approximately $6,000. The addition of a hearing loop in Council Chambers would require significant work and the costs could be up to $30,000.

Costs provided by the ICT firms range between:

<table>
<thead>
<tr>
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<th>Lowest cost $</th>
<th>Recommended minimum required $</th>
<th>Highest cost $</th>
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<tbody>
<tr>
<td>Media processor</td>
<td>5,500</td>
<td>8,000</td>
<td>8,000</td>
</tr>
<tr>
<td>Discussion Systems (microphones and speakers)</td>
<td>6,000</td>
<td>30,000</td>
<td>75,000</td>
</tr>
<tr>
<td>Camera</td>
<td>1,000</td>
<td>3,000</td>
<td>3,000</td>
</tr>
<tr>
<td>Accessibility Upgrades</td>
<td>6,000</td>
<td>30,000</td>
<td>30,000</td>
</tr>
<tr>
<td>Other costs (installation, training)</td>
<td>10,000</td>
<td>13,500</td>
<td>27,000</td>
</tr>
<tr>
<td><strong>Subtotal - Initial Set up Cost</strong></td>
<td><strong>28,500</strong></td>
<td><strong>84,500</strong></td>
<td><strong>143,000</strong></td>
</tr>
<tr>
<td>Publish Content – per meeting</td>
<td>2,000</td>
<td>2,000</td>
<td>3,500</td>
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</table>

Table 2. Indicative costs of Live Streaming

City of Rockingham has identified an estimated total cost of $84,500 would be required to deliver a minimum professional standard of live streaming for Council meetings. This is for initial set up costs.

Visual

The current layout of Council Chambers requires a minimum of three cameras be installed to capture all members of Council and the Executive.

If the current seating arrangement of Council Chamber is amended, a single hardwired camera could be installed utilising existing infrastructure and reducing costs. Installation of hardwired cameras is recommended due to the unreliability of wireless connection.

Audio

Council Chambers has the analogue infrastructure that can be upgraded to record audio only via the hard wired microphones.

The analogue system is not compatible with the proposed digital systems needed to publish audio and visual. Therefore an upgrade would be required for the PA system if a digital/video option is considered.
Recording andEncoding

Once installation of audio and visual infrastructure is complete, an encoding device to combine the visual and audio is required. This device would be capable of converting the recording to a suitable format and size for web viewing.

Publish

A hosting service to live stream, archive, bookmark and publish the content together providing technical support and analytics would cost $2,000 to $3,500 per meeting. This service would ensure a professional outcome for viewers and is not something that can currently or feasibly be provided in-house due to its technical nature.

The City currently publish content via YouTube. This allows for the content to be stored on an external server therefore saving the City storage space. The initial software licence and annual subscription fee are already covered in the existing budget.

The access to live stream recordings of other local governments vary markedly. City of Bunbury stream their Council meetings with a low quality image and have on average, 7 viewers per meeting. On average 3 people listen to the audio recordings of the meetings held at City of Joondalup. City of Vincent, which has a very active community, has on average 85 viewers per Council Meeting.

It is anticipated that additional staff time will be required in the setting up, monitoring, trouble shooting and publishing of content.

<table>
<thead>
<tr>
<th>Implications to Consider</th>
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<tbody>
<tr>
<td>a. Consultation with the Community</td>
</tr>
<tr>
<td>Nil</td>
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<tr>
<td>b. Consultation with Government Agencies</td>
</tr>
<tr>
<td>A range of Western Australian local governments were contacted in respect to their approach to live streaming of council meetings.</td>
</tr>
<tr>
<td>c. Strategic Community Plan</td>
</tr>
<tr>
<td>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:</td>
</tr>
<tr>
<td><strong>Aspiration C:</strong> Quality Leadership</td>
</tr>
<tr>
<td><strong>Strategic Objective:</strong> 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.</td>
</tr>
<tr>
<td><strong>Strategic Objective:</strong> 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.</td>
</tr>
<tr>
<td>d. Policy</td>
</tr>
<tr>
<td>The Governance and Meeting Framework policy provides guidance in the City’s approach to decision making. A decision to move to live streaming Council meetings will require an underpinning policy to protect the interests of the City.</td>
</tr>
<tr>
<td>e. Financial</td>
</tr>
<tr>
<td>Not currently funded in the budget.</td>
</tr>
<tr>
<td>As identified earlier in this report costs range between $28,500 and $143,000. The anticipated cost to the City of Rockingham to deliver a professional standard of live streaming is $84,500.</td>
</tr>
</tbody>
</table>
There will also need to be additional staffing resources engaged both at the Council Meeting and to manage the publication, retention and remove of recordings.

Ongoing operations costs for publishing vary between $24,000 and $42,000pa.

f. Legal and Statutory

Section 5.23 of the Local Government Act 1995 states that the following meetings are to be open to the public –

- All council meetings
- All committee meetings that may exercise a power delegated by council.

City of Rockingham opens the Planning and Engineering Services Committee and Corporate and Community Development Committee to the public and allows both Public Question Time and deputations at these meetings.

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

There are a limited number of Councils currently live streaming their Council Meetings however the operating costs of other local government’s align with the figures provided above.

There has been little call from the City of Rockingham community to live stream Council Meetings. The current arrangements have served the City well for many years. The Council Chamber is overdue for a refurbishment, which would include an upgrade of sound proofing, seating arrangements, accessibility for people with disabilities, integrating the ability to hold Committee meetings, technology upgrades to allow presentations and live minute taking. This upgrade has been identified and is currently on hold while Officers investigate alternative options as there has been some reluctance from Council to pursue this upgrade.

It would be prudent to access economies of scale to incorporate the capacity to live steam at the time of a future chamber refurbishment.

Introduction of a Council Policy would need to address the issues below:

- Confidential items will not be live streamed
- Capacity to cease live streaming should occasion arise and under what circumstances will be at the Presiding Members discretion.
- Retention of live streaming recordings following a Council meeting
- Availability and time frame for public access to live streaming recordings
- Gallery, Public Question Time and Deputations – it is not recommended to record and stream these elements due to the unpredictability of statements made by people attending
- Not granting permission to copy and distribute the content. The City will retain ownership
- Signage and Disclaimer requirements advising that meetings are live streamed

Given the costs, time and resourcing required to implement live streaming, the perceived benefits are not considered justified, particularly if implemented in exclusion to a refurbishment of the Chamber. As such, the Officer recommendation is not to proceed with live streaming at this time.

Voting Requirements

Simple Majority
Officer Recommendation

That Council NOT APPROVE live streaming of Council Meetings.

Committee Recommendation

Moved Cr Liley, seconded Cr Burns:
That Council NOT APPROVE live streaming of Council Meetings.

Committee Voting – 2/3
(Crs Jones, Downham and Burns 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

4:54pm Cr Liley departed the meeting.
Corporation and Community Development Committee Minutes
Tuesday 20 November 2018
GM-043/18

CONFIRMED AT A CORPORATE AND COMMUNITY DEVELOPMENT MEETING HELD ON TUESDAY 11 DECEMBER 2018

PRESIDING MEMBER

General Management Services
Governance and Councillor Support

Reference No & Subject: GM-043/18 Ward Boundaries and Representation Review (Absolute Majority)
File No: GOV/27
Proponent/s: Mr Peter Varris, Manager Governance and Councillor Support
Author: Mr Peter Varris, Manager Governance and Councillor Support
Other Contributors: Mr Peter Varris, Manager Governance and Councillor Support
Date of Committee Meeting: 20 November 2018
Previously before Council: 20 February 2017 (GMS-004/17); 24 July 2018 (GM-021/18)
Disclosure of Interest: Executive
Nature of Council’s Role in this Matter: Executive
Site: Lot Area: Attachments: Maps/Diagrams: Option 4 Ward Boundaries Map

Purpose of Report
To consider the public submissions received on the Ward Boundaries and Councillor Representation Review 2018 Discussion Paper and adopt an option that will be presented to the Local Government Advisory Board (LGAB).

Background
In response to a request from the LGAB, at its meeting held 28 February 2017 Council resolved the following –

That Council REVIEWS the City of Rockingham ward boundaries and Councillor representation after the 2017 ordinary local government elections with an objective of implementing any changes prior to the 2019 ordinary local government elections.

At the Council meeting held 24 July 2018 the Ward Boundaries and Councillor Representation Review 2018 Discussion Paper was endorsed for the purpose of community consultation in accordance with clause 7 of schedule 2.2 of the Local Government Act 1995.

Details
The Ward Boundaries and Councillor Representation Review 2018 Discussion Paper presented the following options for consideration –

- Option 1 – No Wards / Ten Councillors
• **Option 2 – Two Wards / Ten Councillors**
  East Ward – Baldivis Ward plus Singleton and Golden Bay – 4 Councillors
  West Ward – Rest of City – 6 Councillors

• **Option 3 – Three Wards / Ten Councillors**
  East Ward – current Baldivis Ward – 3 Councillors
  North Ward – East Rockingham, Rockingham, Hillman, Cooloongup, Peron, Garden Island and Shoalwater, Safety Bay, Waikiki – 4 Councillors
  South Ward – Comet Bay Ward including all of Port Kennedy and Warnbro – 3 Councillors

• **Option 4 – Four Wards / Ten Councillors**
  Safety Bay Ward – Safety Bay, Waikiki, Warnbro and Port Kennedy - 3 Councillors
  Rockingham Ward – East Rockingham, Rockingham, Hillman, Cooloongup, Peron, Garden Island and Shoalwater - 2 Councillors
  Comet Bay Ward – Karnup, Keralup, Singleton, Golden Bay, Secret Harbour - 2 Councillors
  Baldivis Ward – Baldivis suburbs only - 3 Councillors

• **Option 5 – Four Wards / Eleven Councillors**
  Safety Bay Ward – Shoalwater, Safety Bay, Waikiki, Warnbro – 3 Councillors
  Rockingham Ward – East Rockingham, Rockingham, Hillman, Cooloongup, Peron, Garden Island - 2 Councillors
  Comet Bay Ward – Karnup, Keralup, Singleton, Golden Bay, Secret Harbour, Port Kennedy – 3 Councillors
  Baldivis Ward – Baldivis suburbs only - 3 Councillors

• **Option 6 – Three Wards / Nine Councillors**
  East Ward – current Baldivis Ward – 3 Councillors
  North Ward – East Rockingham, Rockingham, Hillman, Cooloongup, Peron, Garden Island and Shoalwater, Safety Bay, Waikiki – 3 Councillors
  South Ward – Comet Bay Ward including all of Port Kennedy and Warnbro – 3 Councillors

The *Ward Boundaries and Councillor Representation Review 2018 Discussion Paper* was out for public consultation for seven weeks, 3 August to 21 September 2018.

There were nine submissions received and these are noted later in the report. There was no strong preference shown for any of the options from these submissions.

Council is required to consider the options from the Discussion Paper, the submissions received and make a recommendation to the LGAB so that changes can be implemented with sufficient time for the orderly preparations for the 2019 Ordinary local government elections. The LGAB will then make its decision on the Ward Boundaries and Councillor Representation Review which is then presented to the Minister for Local Government for his approval.

### Implications to Consider

a. **Consultation with the Community**

  Clause 7 of Schedule 2.2 of the Local Government Act 1995 requires that before carrying out a review a local government has to give local public notice advising the review is to be carried out and that submissions may be made within a six week period.
Public notice was given through local newspapers, the City’s Website and social media platforms. The closing date for submissions was Friday 21 September 2018. Nine submissions were received. The submissions and City’s response are noted below -

<table>
<thead>
<tr>
<th>Submission</th>
<th>Officer Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>I wish to choose option 4</td>
</tr>
<tr>
<td>2</td>
<td>“I would like to voice my support for Option 3: Create Three Wards. I believe these changes would not only make the ward electoral system fairer and more representative, but also make the system simpler to understand for electors and potential candidates. Specifically, changes proposed under Option 3 ensure that the Councillor: Elector representation ratios for each ward fall within a 10% deviation from the average for the whole City of Rockingham. This is a thoroughly fairer and more representative change. The more extreme version of this would be Option One: No Wards, however there are issues with this proposal as there are no safeguards for ensuring all Councillors don’t come from a concentrated area. This also dilutes the ability for Councillors to focus their efforts on representing a specific community of interest, unlike the current wards system. I encourage all Councillors to support Option 3: Create Three Wards, and help to improve the fairness and democratic nature of our council elections.</td>
</tr>
<tr>
<td>3</td>
<td>We would like to see no ward boundaries in the City of Rockingham. Our perceived benefits include:  - Elected members considering what’s best for the City as a whole, rather than individual wards/suburbs.  - No voting with the ward, at the moment if Safety Bay and Rockingham Councillors vote together, they have the majority.  - Cost saving in terms of elections, and not having to review this again.</td>
</tr>
<tr>
<td>4</td>
<td>Option 6 seems the most logical, of increasing the number of councillors to an odd number and amending the ward boundaries.</td>
</tr>
<tr>
<td>5</td>
<td>I support the retention of ward boundary names e.g. Comet Bay ward, Baldivis ward etc. I feel 10 councillors is excessive. We can reduce to 8 (2 for each ward).</td>
</tr>
<tr>
<td>Submission</td>
<td>Officer Comment</td>
</tr>
<tr>
<td>------------</td>
<td>----------------</td>
</tr>
<tr>
<td>6 25/08/2018 Share Your Thoughts</td>
<td>Ward/Eight Councillor scenario did not meet the +/-10% deviation thresholds.</td>
</tr>
<tr>
<td>7 31/08/2018 Share Your Thoughts</td>
<td>Noted. Option 5 (Four Wards/Eleven Councillors) provides a solution up to 2027, at which time it is projected that Baldivis will shift outside the acceptable deviation. Additional costs for Councillor support will result (Sitting fees, allowances, etc).</td>
</tr>
<tr>
<td>8 13/09/2018 Share Your Thoughts</td>
<td>Noted. Option 1 – No Wards is the ‘least complicated’ option and would remove the need for further reviews. Councillors are required to consider and make decisions based on the whole of the district. Depending on the number of candidates for a ‘No Ward’ election, costs for elections may potentially increase due to the size of the ballot paper, candidate profiles, etc.</td>
</tr>
<tr>
<td>9 17/09/2018 Email</td>
<td>Noted. Option 6 (Three Wards/Nine Councillors) will result in some cost savings for the City. The Wards move to an acceptable deviation arrangement by 2027. There will be some loss of community of interest by reducing from four to three wards. Councillors are required to represent and make decisions considering the whole of the district.</td>
</tr>
</tbody>
</table>
b. **Consultation with Government Agencies**

The Local Government Advisory Board has been consulted in respect to requirements of carrying out a review of Ward boundaries and Councillor representation.

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**

Nil

e. **Financial**

There are administrative costs to implement the preferred option from the Ward Boundary and Councillor Representation Review, including cost of gazettal of the changes. These costs will be accommodated within current budget allocations and are likely to be less than $2,500.

f. **Legal and Statutory**

Schedule 2.2 of the Local Government Act 1995 (the Act) specifies the requirements for ward boundary and Councillor representation reviews.

In particular, clause 6(3) of the Act stipulates that a local government is to carry out a review at any time when requested by the Advisory Board.

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**

Given the low number and diversity of opinion received in response to public consultation, an appropriate way forward might be to pursue a ‘minimal change’ approach. This will preserve the strong communities of interest within the existing four ward structure and adjust the councillor representation to reflect the predicted population growth.

Option 4 maintains the four ward concept with minor adjustments so as to not divide suburbs between Wards. Keralup and Karnup would shift from Baldivis Ward to Comet Bay Ward. All of Port Kennedy and Waikiki would be incorporated into Safety Bay Ward. Shoalwater would shift from Safety Bay Ward to Rockingham Ward.

Councillor representation would alter, reducing Rockingham Ward to two councillors and increasing Baldivis Ward to three.

The option provides a medium term (ten year) solution based on current predictions in staying within the required tolerances in councillor/elector representation.
Option 4 – Ten Councillors / Four Wards

<table>
<thead>
<tr>
<th>Ward</th>
<th>Description</th>
<th>Councillors</th>
<th>Electors</th>
<th>Councillor/Elector Ratio</th>
<th>Ratio Deviation %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety Bay Ward</td>
<td>Safety Bay, Waikiki, Warnbro and Port Kennedy - 3 Councillors</td>
<td>3</td>
<td>29730</td>
<td>1:9910</td>
<td>-3.14</td>
</tr>
<tr>
<td>Rockingham Ward</td>
<td>East Rockingham, Rockingham, Hillman, Cooloongup, Peron, Garden Island and Shoalwater - 2 Councillors</td>
<td>2</td>
<td>20969</td>
<td>1:10485</td>
<td>-9.11</td>
</tr>
<tr>
<td>Comet Bay Ward</td>
<td>Karnup, Keralup, Singleton, Golden Bay, Secret Harbour - 2 Councillors</td>
<td>2</td>
<td>17156</td>
<td>1:8578</td>
<td>10.73</td>
</tr>
<tr>
<td>Baldivis Ward</td>
<td>Baldivis suburbs only - 3 Councillors</td>
<td>3</td>
<td>28232</td>
<td>1:9411</td>
<td>2.06</td>
</tr>
<tr>
<td>City Total</td>
<td></td>
<td>10</td>
<td>96087</td>
<td>1:9609</td>
<td></td>
</tr>
</tbody>
</table>

Four Wards Forecast for 2025 with silent electors removed

The transition would result in minimal change for the electors. A benefit will be that this can be implemented in the 2019 Ordinary local government elections, by not filling one Rockingham Ward vacancy and including an additional vacancy in Baldivis Ward for a four year term. This would maintain the 50% ward vacancy / council vacancy per election cycle required by the Local Government Act 1995.

Option 4 is commended to Council for referral to the Local Government Advisory Board.
CONFIRMED AT A CORPORATE AND COMMUNITY DEVELOPMENT MEETING HELD ON TUESDAY 11 DECEMBER 2018

PRESIDING MEMBER

Voting Requirements

Absolute Majority

Officer Recommendation

That Council ENDORSES the following key recommendations to the Local Government Advisory Board:

(a) **AMENDS** the existing Ward Boundaries as follows –

   Baldivis Ward – comprising the suburb of Baldivis only.
   Comet Bay Ward – comprising the suburbs of Karnup, Keralup, Singleton, Golden Bay, and Secret Harbour.
   Safety Bay Ward – comprising the suburbs of Safety Bay, Waikiki, Wambro and Port Kennedy.
   Rockingham Ward – comprising the suburbs of East Rockingham, Rockingham, Hillman, Cooloongup, Peron, Garden Island and Shoalwater.

(b) **ESTABLISHES** the Elected Member Representation as follows: three elected members representing Baldivis Ward; two elected members representing Comet Bay Ward; two elected members representing Rockingham Wards; and three elected members representing Safety Bay Ward.
(c) **DECLARES** the following offices of councillor vacant at the 2019 Ordinary local government elections: two councillor offices vacant in Baldivis Ward for four year terms; one councillor office vacant in Comet Bay Ward for a four year term; one councillor office vacant in Safety Bay Ward for a four year term; and one councillor office vacant in Rockingham Ward for a four year term.

### Committee Recommendation

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

That consideration of Item GM-043/18 Ward Boundaries and Representation Review be referred direct to the November 2018 Council meeting to allow further information to be provided on alternative options.

Committee Voting – 4/0

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

The Committee changed the Officer’s recommendation to allow further information to be provided on the alternative options.

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

Not Applicable
General Management Services
Governance and Councillor Support

Reference No & Subject: GM-044/18
Ordinary Local Government Elections 2019 and Extraordinary Elections and Polls (Absolute Majority)

File No: GOV/10
Proponent/s: Western Australian Electoral Commission
Author: Mr Peter Varris, Manager Governance and Councillor Support
Other Contributors: 20 November 2018
Date of Committee Meeting: 19 October 2010 (ES-001/10), 23 October 2012 (GCS-015/12), 24 March 2015 (GMS-003/15), 28 February 2017 (GMS-003/17)
Previously before Council:

Disclosure of Interest:
Nature of Council’s Role in this Matter: Executive

Site: 
Lot Area: 
Attachments: Correspondence from Western Australian Electoral Commission - Local Government Ordinary Election: 2019 Cost Estimate
Maps/Diagrams:

Purpose of Report

Council to consider appointing the Western Australian Electoral Commissioner to:
1. Conduct the ordinary local government elections for the City of Rockingham on 19 October 2019 together with any other elections or polls that may also be required; and
2. Conduct the ordinary local government election, other elections or polls by the postal ballot method.

Background

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

<table>
<thead>
<tr>
<th>Election Year</th>
<th>% Voter Participation</th>
<th>Election Year</th>
<th>% Voter Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>38.3</td>
<td>2009</td>
<td>33.6</td>
</tr>
<tr>
<td>2001</td>
<td>36.4</td>
<td>2011</td>
<td>30.9</td>
</tr>
<tr>
<td>2003</td>
<td>32.1</td>
<td>2013</td>
<td>25.8</td>
</tr>
</tbody>
</table>
Details

The next ordinary local government election is scheduled for 19 October 2019 and in order for the WAEC to commence planning it has requested that Council consider whether it wishes to appoint the Electoral Commissioner to conduct the election by postal ballot.

If Council wishes to pursue the option with the WAEC it needs to resolve to appoint the Electoral Commissioner to conduct the election, together with any other elections or polls required, and that the elections or polls be conducted through the postal method.

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

Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   City staff will be liaising with the WAEC leading up to the 19 October 2019 ordinary local government elections.

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

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

d. Policy
   Nil

e. Financial
   The Electoral Commissioner has advised the costs of conducting the 2019 ordinary local government elections for the City of Rockingham is $340,000 including GST. The appropriate allocation will be made in the 2019/2020 budget.

   Should Council decide to transition to a ‘No Ward’ scenario, the WAEC has advised that based on 20 candidates, there will be one additional cost of $25,000 due to printing costs and postage. A Mayoral election would cost an additional $8,000.

f. Legal and Statutory
   In accordance with section 4.20(4) and section 4.61(1) and (2) of the Local Government Act 1995 – states that Council has to appoint returning officer and choose method of conducting the election by absolute majority.
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 WAEC has conducted the City of Rockingham elections since 1999. The average percentage voter turnout since 1999 is 32.15%.

The WAEC is best placed to conduct the postal elections and conducts the majority of local government elections in the metropolitan area. Significant logistical effort would be required if Council decides the City conducts its own elections, by way of ‘in person’ elections.

It would be likely that there would be a drop in voter participation if an ‘in person’ election is conducted as local government elections are not compulsory.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

1. **DECLARES**, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may be required.

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

Committee Recommendation

Moved Cr Burns, seconded Cr Jones:

That Council:

1. **DECLARES**, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may be required.

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

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable
### Purpose of Report


### Background

Section 5.54 of the Local Government Act 1995 requires Council to accept the Annual Report no later than 31 December each year.

Should the auditor’s report not be available in time for the Annual Report to be accepted by 31 December, then the local government is to accept the Annual Report no later than two months after the auditor’s report becomes available.

Preparation of the Annual Report has progressed in anticipation that the Audit Committee would consider the Annual Financial Statements and Audit Report for 2017/2018 by late October 2018 with a recommendation to Council at this ordinary meeting. As a part of the process the Annual Report is also presented for consideration at this meeting.

In accordance with section 5.27 of the Local Government Act 1995, a general meeting of electors of a district is to be held once every financial year. The meeting is to be held not more than 56 days after the local government accepts the annual report for the previous financial year.
Details

A draft of the Annual Report for 2017/2018 has been prepared by the Strategy and Corporate Communication Team and earlier distributed to Councillors to provide comment and feedback.

Industry best practice is to endeavour to hold the Annual Meeting of Electors in the same calendar year that the financial year ended. This is often dependent on the timing of the audit of the City’s financial statements and the receipt of the audit statement.

The Audit Committee considered the Audited Annual Financial Reports for 2017/2018 (a key component of the Annual Report) on 13 November 2018, with a Committee recommendation presented to this Ordinary Council Meeting.

The acceptance of the Annual Report will trigger the timeline for the Annual Meeting of Electors, necessitating it to be held by Tuesday 22 January 2018.

It is proposed to hold the Annual Meeting of Electors for 2017/2018 at 6:00pm, Wednesday 19 December 2018 in the Reception Area of the Administration Centre.

Implications to Consider

a. Consultation with the Community

The availability of the Annual Report is advertised in conjunction with the statutory advertising required for the Annual Meeting of Electors. Advertising will appear in the local press, City website, social media platform, libraries and notice boards.

Statutory advertising is required to be carried out requiring the Chief Executive Officer to convene an electors’ meeting by giving at least 14 days’ local public notice.

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

Nil

e. Financial

Funds for advertising the electors’ meeting are provided for in Account 210018.1204 – Advertising Governance and Councillor Support. The cost is anticipated to be less than $750.

f. Legal and Statutory

Part 5 Division 5 of the Local Government Act 1995 (the Act) specifies the legislative requirements for preparation and acceptance of the Annual Report.

Section 5.53(1) of the Act requires a local government to prepare an annual report for each financial year.

Section 5.53(2) specifies the content of the Annual Report, including a report from the Mayor, a report from the Chief Executive Officer, an overview of the plan for the future, the financial reports for the year under review, the auditor’s report, and specified information including that relating to employees, disability services, and complaints.
Section 5.54(1) specifies that the Annual Report is to be accepted by Absolute Majority decision.

Section 5.55 notes that the Chief Executive Officer is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Section 5.27 of the Local Government Act 1995 and Part 3 of the Local Government (Administration) Regulations 1996 specify the legislative requirements for annual meeting of electors, including when a meeting is to be held, the matters to be discussed (Annual Report and other General Business), who may vote and how, and the procedure at the meeting.

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 facilitate the process of holding the Annual Meeting of Electors in a timely manner Council consideration of the Annual Report is sought.

In accordance with Section 5.55 of the Local Government Act 1995 local public notice of the availability of the Annual Report will be given.

The Annual Meeting of Electors for 2016/2017 was held at 6:00pm on 20 December 2017 and was held in December the previous three years.

The Local Government Act 1995, Section 5.33 notes that all decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable, at the first ordinary council meeting after that meeting; or at a special meeting called for that purpose, whichever happens first.

It is anticipated that the outcomes of the 2017/2018 Annual Meeting of Electors will be presented to the ordinary Council Meeting in January 2019.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

1. **ADOPTS** the Annual Report for the financial year ending 30 June 2018.

2. **APPROVES** the Annual Meeting of Electors for 2017/2018 on Wednesday 19 December 2018 commencing at 6:00pm in the Reception Room in the City Administration Centre.

Committee Recommendation

Moved Cr Burns, seconded Cr Jones:

That Council:

1. **ADOPTS** the Annual Report for the financial year ending 30 June 2018.

2. **APPROVES** the Annual Meeting of Electors for 2017/2018 on Wednesday 19 December 2018 commencing at 6:00pm in the Reception Room in the City Administration Centre.

Committee Voting – 4/0
<table>
<thead>
<tr>
<th><strong>The Committee’s Reason for Varying the Officer's Recommendation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
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Corporate and Community Development Committee Minutes
Tuesday 20 November 2018
CD-026/18

Community Development

Community Development
Community Capacity Building

Reference No & Subject: CD-026/18 Recommendation from the Rockingham Education and Training Advisory Committee Meeting held on 8 October 2018

File No: CSV/3360-05

Author: Ms Sheila Cleaver, Coordinator Recreation and Wellbeing

Other Contributors: Ms Taryn Ahsing, Community Development Officer
Ms Julia Dick and Ms Jillian Obiri-Boateng Collaborative Managers Community Capacity Building

Date of Committee Meeting: 20 November 2018

Disclosure of Interest:

Nature of Council’s Role in this Matter: Executive

Attachments: Minutes of the Rockingham Education and Training Advisory Committee Meeting held on 8 October 2018

Maps/Diagrams:

Purpose of Report

For Council to endorse the Tertiary Scholarship Scheme Policy for the purpose of public consultation.

Recommendations to the Corporate and Community Development Committee

Advisory Committee Recommendation 1 of 1:

Amendments to the Tertiary Scholarship Scheme Policy

That Council ADOPTS the amended Tertiary Scholarship Scheme Policy to read.

Council Policy Objective

To enable more Rockingham residents to complete undertake an undergraduate university degree, TAFE diploma or enter a recognised alternate pathway to university course through the Tertiary Scholarship Scheme, and successfully attain a tertiary qualification, tertiary qualifications, primarily an Undergraduate University Degree, and/or a TAFE/VET Diploma (see Definitions).

Council Policy Scope

This policy establishes the applicant’s age requirements, scholarship categories, financial commitment, assessment criteria and role of an internal committee in order to facilitate the successful delivery of the scholarship program.
Council Policy Statement

Scholarship Purpose

To enable support eligible Rockingham residents aged 17 – 40 years to complete aspiring to enter tertiary education for the first time, to undertake an Undergraduate University Degree, a and/or TAFE/VET Diploma for the first time, or a recognised Alternate Pathway to University Program from a nationally registered recognised provider (see Definitions).

Scholarship Categories

Based on an annual budget amount of up to $90,000, including as well as committed funds from previous years, the scholarship scheme will provide:

- up to twenty (20) twenty four (24) Scholarships for Undergraduate University Degree entrance in the amount of $10,000 per scholarship, equating to $2,500 per year ($1,250 per semester), for up to four (4) years or upon completion of degree, whichever occurs first, for an Undergraduate University Degree
- up to ten (10) fifteen (15) scholarships for TAFE entrance/VET Diploma in the amount of $4,000 per scholarship, equating to $2,000 per year ($1000 per semester), for up to two (2) years, or upon completion of Diploma whichever occurs first, for a Diploma
- up to ten (10) scholarships for Alternate Pathway to University courses (from a registered provider) in the amount of $2000/scholarship for up to one (1) year

The above funds/scholarship category are notional, and if not utilised can be used in the other categories category, although the total amount is capped at $90,000 p/a.

Scholarship Eligibility and Application Assessment Criteria

Eligibility Criteria

Successful applicants must meet the following eligibility criteria:

- City of Rockingham resident for a minimum of three (3) years at the time of the application
- aged between 17 and 40 years
- an Australian Citizen or Permanent Resident
- can demonstrate financial hardship (see Definitions)
- must provide evidence of ATAR score and/or offer of a place at University, TAFE or Alternate Pathway provider
- must provide a letter of offer or evidence of current enrolment at a nationally recognised University, TAFE or Registered Training Organisation (see Definitions)
- have a minimum of one full semester (6 months) of study remaining from the TSS round closing date
- must be completing an Undergraduate University Degree and/or TAFE/VET Diploma for the first time
- Interstate enrolments only if the course of study is not available within Western Australia. The applicant must provide evidence that the nominated course of study is not available within Western Australia. (see Definitions)

An existing qualification for a TAFE/VET Diploma does not preclude the person from applying for an Undergraduate University scholarship.

Successful recipients are only eligible to receive one scholarship per scholarship category.

Assessment Criteria

Immediately following the Council elections, election of Committees and the election of the Presiding Member/Chairperson, the first item of business for the Rockingham Education and Training Advisory Committee (RETAC) is to consider and recommend assessment criteria that will prevail for the forthcoming two years for Council consideration.

All scholarship applications received are administered and assessed by City officers, in line with the Council Policy and RETAC’s assessment criteria. Officer recommendations are considered by
RETAC, and RETAC will make recommendations to Council to determine the outcome of all applications received.

**Rockingham Education and Training Advisory Committee (RETAC)**  
Recommendations will be provided to Council by RETAC. All staff recommendations to RETAC must be developed by Officers working within the Community Capacity Building team.

**Executive Policies and Procedures**

The CEO shall ensure that executive policies and procedures are implemented that provide for the effective and equitable consideration, approval, distribution, measurement and acquittal of scholarship funds.

**Definitions**

**Scholarship**: financial support provided to a Rockingham resident to enable access to an appropriate tertiary education qualification.

**Financial hardship**: scholarship applicant and/or applicant’s family, if applicant still a dependant is in receipt of a Health Care Card or support payment/benefit/pension or tax support through either Department of Human Services or Department of Veterans Affairs.

**Interstate Placement**: to undertake tertiary education in an Australian State or Territory other than Western Australia.

**Tertiary education**: In accordance to the Australian Qualification Framework (AQF, 2013), this includes qualifications from AQF Level 5 (Diploma) to AQF Level 7 (Bachelor Degree). AQF Level 8 Bachelor Honours Degree may be considered if honours is part of an undergraduate degree. A post-graduate honours will not be considered.

**Nationally recognised provider**: AQF providers nationally recognised by the Tertiary Education Quality Standard Agency (TEQSA) for higher education providers and universities, or AQF providers nationally recognised on the National Register of Vocational Education and Training (VET) in Australia.

**TAFE**: Technical and Further Education

**VET**: Vocational Education and Training

**Interstate Placement**: to undertake tertiary education in an Australian State or Territory other than Western Australia.

**Legislation**

Nil

**Other Relevant Policies/Key Documents**

Council Report CD-033/14
Council Report CD-012/17
Council Report CD-021/17
Council Report CD-001/18
Council Report CD-004/18

**Responsible Division**

Community Development

**Review Date**

Every two years
Officer Recommendation if Different to Advisory Committee Recommendation

That Council **ENDORSES** the amended Tertiary Scholarship Scheme Policy for public consultation.

Council Policy Objective

To enable more Rockingham residents to **complete undertake an undergraduate university degree, TAFE diploma or enter a recognised alternate pathway to university course through the Tertiary Scholarship Scheme**, and successfully attain a tertiary qualification, primarily an Undergraduate University Degree, and/or a TAFE/VET Diploma (see Definitions).

Council Policy Scope

This policy establishes the applicant’s age requirements, scholarship categories, financial commitment, assessment criteria and role of an internal committee in order to facilitate the successful delivery of the scholarship program.

Council Policy Statement

Scholarship Purpose

To **enable support eligible Rockingham residents aged 17 – 40 years to complete aspiring to enter tertiary education for the first time, to undertake an Undergraduate University Degree, a and/or TAFE/VET Diploma** for the first time, or a recognised Alternate Pathway to University Program from a nationally registered recognised provider (see Definitions).

Scholarship Categories

Based on an annual budget amount of up to $90,000, **including as well as committed funds from previous years**, the scholarship scheme will provide:

- **up to twenty (20) twenty four (24) Scholarships** for Undergraduate University Degree entrance in the amount of $10,000 per scholarship, equating to $2,500 per year ($1,250 per semester), for up to four (4) years or upon completion of degree, whichever occurs first, for an Undergraduate University Degree.
- **up to ten (10) fifteen (15) scholarships** for TAFE/VET Diploma in the amount of $4,000 per scholarship, equating to $2,000 per year ($1000 per semester), for up to two (2) years, or upon completion of Diploma whichever occurs first, for a Diploma.
- **up to ten (10) scholarships** for Alternate Pathway to University courses (from a registered provider) in the amount of $2000/scholarship for up to one (1) year.

The above funds/scholarship category are notional, and if not utilised can be used in the other categories, although the total amount is capped at $90,000 p/a.

Scholarship Eligibility and Application Assessment Criteria

Eligibility Criteria

Successful applicants must meet the following eligibility criteria:

- City of Rockingham resident for a minimum of three (3) years at the time of the application
- aged between 17 and 40 years
- an Australian Citizen or Permanent Resident
- can demonstrate financial hardship (see Definitions)
- must provide evidence of ATAR score and/or offer of a place at University, TAFE or Alternate Pathway provider
- must provide a letter of offer or evidence of current enrolment at a nationally recognised University, TAFE or Registered Training Organisation (see Definitions)
- have a minimum of one full semester (6 months) of study remaining from the TSS round closing date
- must be completing an Undergraduate University Degree and/or TAFE/VET Diploma for the first time
Interstate enrolments only if the course of study is not available within Western Australia. The applicant must provide evidence that the nominated course of study is not available within Western Australia. (see Definitions)

An existing qualification for a TAFE/VET Diploma does not preclude the person from applying for an Undergraduate University scholarship.

Successful recipients are only eligible to receive one scholarship per scholarship category.

Assessment Criteria

The Rockingham Education and Training Advisory Committee (RETAC) is to consider and recommend assessment criteria annually.

All scholarship applications received are administered and assessed by City officers, in line with the Council Policy and RETAC’s assessment criteria. Officer recommendations are considered by RETAC, and RETAC will make recommendations to Council to determine the outcome of all applications received.

Rockingham Education and Training Advisory Committee (RETAC)

Recommendations will be provided to Council by RETAC. All staff recommendations to RETAC must be developed by Officers working within the Community Capacity Building team.

Executive Policies and Procedures

The CEO shall ensure that executive policies and procedures are implemented that provide for the effective and equitable consideration, approval, distribution, measurement and acquittal of scholarship funds.

Definitions

Scholarship: financial support provided to a Rockingham resident to enable access to an appropriate tertiary education qualification.

Financial hardship: scholarship applicant and/or applicant’s family, if applicant still a dependant is in receipt of a Health Care Card or support payment/benefit/pension or tax support through either Department of Human Services or Department of Veterans Affairs.

Interstate Placement: to undertake tertiary education in an Australian State or Territory other than Western Australia.

Tertiary education: In accordance to the Australian Qualification Framework (AQF, 2013), this includes qualifications from AQF Level 5 (Diploma) to AQF Level 7 (Bachelor Degree). AQF Level 8 Bachelor Honours Degree may be considered if honours is part of an undergraduate degree. A post-graduate honours will not be considered.

Nationally recognised provider: AQF providers nationally recognised by the Tertiary Education Quality Standard Agency (TEQSA) for higher education providers and universities, or AQF providers nationally recognised on the National Register of Vocational Education and Training (VET) in Australia.

TAFE: Technical and Further Education

VET: Vocational Education and Training

Interstate Placement: to undertake tertiary education in an Australian State or Territory other than Western Australia.

Legislation

Nil

Other Relevant Policies/Key Documents

Council Policy Framework

Tertiary Scholarship Scheme Guidelines

Responsible Division

Community Development
Review Date

Every two years

The Officer’s Reason for Varying the Advisory Committee Recommendation

As the Tertiary Scholarship Scheme (TSS) Policy has substantially changed, to adhere to the Council Policy Framework, the TSS Policy is required to be advertised for 14 days for public comment before being referred back to Council for adoption.

For clearer administrative purposes, updates have also been made to:

- Other relevant policies/key documents – key documents have been update
- Assessment Criteria – amended to be reviewed annually by RETAC

Background

The Tertiary Scholarship Scheme (TSS) Policy was adopted by Council in July 2017.

Round One of the TSS opened 23 October 2017 and closed 10 November 2017; Round two opened 1 March 2018 and closed 13 April 2018.

At the December 2017 RETAC meeting, RETAC recommended that the Council Policy be amended in order for the eligible age for scholarship recipients to be lowered from 18 years to 17 years. This was approved at the January 2018 Council meeting.

At the February 2018 RETAC meeting, RETAC recommended that the Council Policy be updated to include interstate study. This was approved at the March 2018 Council meeting.

After the first two rounds of the TSS, Officers reviewed the TSS Policy and identified that further clarification is required regarding: Council Policy Objective; Scholarship purpose; Scholarship Categories; Eligibility Criteria; Assessment Criteria; and Definitions.

Additionally, at the RETAC meeting in May 2018, members requested that online tertiary studies be eligible for the TSS. Under the current guidelines online studies are ineligible.

The proposed changes provide greater clarity regarding an overarching definition of tertiary education. This, in turn, guides better administration of the program. While interstate and online studies are not referenced in the proposed Council policy, this level of detail will be captured in the Executive Policy. Online studies will be eligible, and interstate studies may be considered if the chosen course is not available in Western Australia or online.

It is important that the Council Policy reflects the intent of the TSS and provides greater clarity to the community, City officers and RETAC.

The Council Policy Framework states that all new or substantially amended Council Policy’s must follow the adopted process which includes being advertised for 14 calendar days and placed on the City’s website, a public notice in the local newspapers and City managed social media platforms. The TSS Council Policy will therefore be advertised if endorsed by Council and will return to Council following the public comment period for adoption.

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: A 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.
CONFIRMED AT A CORPORATE AND COMMUNITY Development Meeting Held on Tuesday 11 December 2018

Aspiration: 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.

b. Policy
The Council Policy Framework states that all new or substantially amended Council Policy’s must follow the adopted process which includes being advertised for 14 calendar days and placed on the City’s website, a public notice in the local newspapers and City managed social media platforms.

c. Financial
Nil

d. Legal and Statutory
Nil

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 Jones, seconded Cr Burns:
That Council ENDORSES the amended Tertiary Scholarship Scheme Policy for public consultation.

Council Policy Objective
To enable more Rockingham residents to complete undertake an undergraduate university degree, TAFE diploma or enter a recognised alternate pathway to university course through the Tertiary Scholarship Scheme, and successfully attain a tertiary qualification, primarily an Undergraduate University Degree, and/or a TAFE/VET Diploma (see Definitions).

Council Policy Scope
This policy establishes the applicant’s age requirements, scholarship categories, financial commitment, assessment criteria and role of an internal committee in order to facilitate the successful delivery of the scholarship program.

Council Policy Statement

Scholarship Purpose
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semester), for up to four (4) years or upon completion of degree, whichever occurs first, for an Undergraduate University Degree

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Assessment Criteria

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Rockingham Education and Training Advisory Committee (RETAC)

Recommendations will be provided to Council by RETAC. All staff recommendations to RETAC must be developed by Officers working within the Community Capacity Building team.

Executive Policies and Procedures

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Definitions

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Interstate Placement: to undertake tertiary education in an Australian State or Territory other than Western Australia.

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TAFE: Technical and Further Education

VET: Vocational Education and Training

Interstate Placement: to undertake tertiary education in an Australian State of Territory other than Western Australia.

Legislation
Nil

Other Relevant Policies/Key Documents
Council Policy Framework
Tertiary Scholarship Scheme Guidelines
Responsible Division
Community Development

Review Date
Every two years

Committee Voting – 4/0

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Community Development
Community Capacity Building

Reference No & Subject: CD-027/18 Recommendation from the Special Community Grants Program Committee Meeting held on 31 October 2018

File No: GRS/48-03
Author: Ms Jillian Obiri-Boateng, Collaborative Manager Community Capacity Building
Other Contributors: Mr Michael Holland, Director Community Development
Date of Committee Meeting: 20 November 2018
Disclosure of Interest: Executive
Nature of Council’s Role in this Matter: Executive
Attachments: Minutes of the Special Community Grants Program Committee Meeting held on 31 October 2018
Maps/Diagrams:

Purpose of Report
For Council to approve the recommendation for the Rockingham Kwinana Chamber of Commerce in relation to the Community Grants Program 2018/2019 – Round Two, Major Event Sponsorship.

Recommendations to the Corporate and Community Development Committee

Advisory Committee Recommendation 1 of 1: Rockingham Kwinana Chamber of Commerce Major Event Sponsorship application

That Council APPROVES the allocation of funds to the Rockingham Kwinana Chamber of Commerce for Major Event Sponsorship, under the Community Grants Program (CGP) subject to any listed additional conditions:

<table>
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<th>Major Event Sponsorship</th>
<th>Amount Requested ($)</th>
<th>Advisory Committee Recommendation ($)</th>
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<td>A. Rockingham Kwinana Chamber of Commerce Inc. The Rockingham Long Table Lunch on the Beach</td>
<td>20,000 for three years</td>
<td>12,150 for one year</td>
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Additional Grant Conditions:
- Subject to the City of Rockingham receiving notification of the 2019 event location.
**Officer Recommendation if Different to Advisory Committee Recommendation**

That Council **APPROVES** the allocation of funds to the Rockingham Kwinana Chamber of Commerce for Major Event Sponsorship, under the Community Grants Program (CGP) subject to any listed additional conditions:

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**Additional Grant Conditions:**
- Subject to the City of Rockingham receiving notification of the 2019 event location.

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

The Officer's recommendation was made based on the application and the fact that the event meets the eligibility and priority areas of the Major Event Sponsorship grant. The event delivers significant benefits including economic, marketing and tourism outcomes for the City. It also takes place within Rockingham, contributes to the aims of the City's economic development strategy, demonstrates significant volunteer involvement and uses local businesses. Therefore, officers believe funding for a three year period is appropriate.

**Background**

A recommendation for funds for the Rockingham Kwinana Chamber of Commerce (RKCC) Long Table Lunch (LTL), was presented to Council on Tuesday 23 October 2018, along with other recommendations for Round Two of the CGP 2018/19. During Public Question Time, Tony Solin, Chief Executive Officer for RKCC requested Council defer the RKCC Major Event Sponsorship application due to an administrative error by the RKCC in not supplying all relevant information.

At Council meeting held on 23 October 2018 Council made the following resolution:

"Moved Cr Hamblin, Seconded Cr Summers:

That Council REFERS the following application for funding for Major Event Sponsorship under the 2018/2019 Community Grants Program Round Two back to the Community Grants Committee for further consideration"

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**Additional Grant Conditions:**
- Subject to the City of Rockingham receiving notification of the 2019 event location.
- Subject to the Rockingham Kwinana Chamber of Commerce providing a detailed breakdown of all expenditure and income from the event.

**Total** $20,000 $12,150

Carried 9/1

Cr Downham having voted against the motion"
**Implications to Consider**

### a. Strategic

**Community Plan**

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

**Aspiration A:** A Tourism Lifestyle

**Strategic Objective:** Investment Attraction: A strategic and focussed approach to attracting major investment to the City’s coastal nodes, City Centre and inland settlements that promotes quality retail, commercial and residential development, improved civic infrastructure and leisure tourism experiences for residents and visitors.

**Aspiration B:** A 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 total $12,150 will be debited from the 2018/2019 CGP Budget.

### d. Legal and Statutory

Nil

### 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

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**Note:** This report is withdrawn as the Rockingham Kwinana Chamber of Commerce Inc. has withdrawn their grant application for the Rockingham Long Table Lunch.
## Purpose of Report

For Council to adopt the amendment to the Seniors Advisory Committee membership composition

## Recommendations to the Corporate and Community Development Committee

### Advisory Committee Recommendation 1 of 1:

**Amend the Seniors Advisory Committee Composition of Membership**

That Council **APPROVES** the recommendation to amend the membership composition for the Seniors Advisory Committee to two Councillors and six community members.

### Officer Recommendation if Different to Advisory Committee Recommendation

That Council **APPROVES** the following membership composition for the Seniors Advisory Committee:

- Two Councillors
- Six Community Members

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

To ensure the clarity of the composition.

## Background

In accordance with the City's Governance and Meeting Framework Policy all community memberships of the advisory committees are reviewed in the year falling between ordinary elections.
with all new membership proposals being considered by Council. Community memberships were reviewed for all City Advisory Committees between 22 June and 13 July 2018.

Community member vacancies for the Seniors Advisory Committee were advertised through the City’s website, social media posts, local newspapers and Age friendly Rockingham networks. Only six nominations were received during the specified nomination period, and Executive Support recommended all six nominees to Council for appointment. Council appointed all six nominees at its meeting held on Tuesday 28 August 2018. This now leaves two vacant community member positions.

The Seniors Advisory Committee currently has one of the highest number of community members in its membership composition. Out of nine City Advisory Committees that have community members, only two other Advisory Committees have eight or more community members. Reducing the Seniors Advisory Committee community members from eight to six will therefore be more in keeping with membership compositions of other City Advisory Committees.

More importantly, this reduced number will assist the committee to have more focused discussions on key strategic topics that are in line with its Terms of Reference. It will also assist with ensuring the committee achieves a quorum.

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: A Strong Community

Strategic Objective: Mobility and Inclusion – Community services, programs and infrastructure that effectively caters for all residents including seniors, youth and vulnerable populations.

Aspiration C: Quality Leadership

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

b. Policy

The Governance and Meeting Framework Policy underpins the review of membership composition.

c. Financial

Nil

d. Legal and Statutory

Local Government Act 1995 s5.9(1)(2)(d). A committee is to comprise of council members and other persons.

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 Burns, seconded Cr Jones:
That Council **APPROVES** the following membership composition for the Seniors Advisory Committee:

- Two Councillors
- Six Community Members

Committee Voting – 4/0

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

Implications of the Changes to the Officer’s Recommendation
Not Applicable
Community Development
Community Infrastructure Planning

Reference No & Subject: CD-029/18 Off-Road Vehicle Area Site Identification Study

File No: LUP/2101

Proponent/s: Mr Gary Rogers, Manager Community Infrastructure Planning

Author: Mrs Claire O'Neill, Community Infrastructure Project Officer

Other Contributors:

Date of Committee Meeting:
20 November 2018

Previously before Council:
24 April 2018

Disclosure of Interest:
Executive

Site:

Lot Area:

Attachments:
Off-Road Vehicle Area Site Identification Study

Maps/Diagrams:

Figure 1: Preliminary site identification (north)

Figure 2: Preliminary site identification (south)

Figure 3: Vacant industrial land (Site 8)

Figure 4: Keralup site (Sites 24, 25 and 26)

Purpose of Report

To present the outcomes of the Off-Road Vehicle Area Site Identification Study.

Background

In April 2018, Council resolved to:

1. **SUPPORTS** the concept of an official off road motorbike area within the City Boundaries.

2. **DIRECTS** the CEO to liaise with the relevant agencies, interest groups and government agencies to identify opportunities for an off road bike recreation site within the City of Rockingham Boundaries. To report back with those findings within 6 months.

The Off-Road Vehicle Area Site Identification Study presented with this report identifies the outcomes of consultation with appropriate stakeholders, and assessment that identified any possible sites within the City that present an opportunity for further investigation.
Details

The Off-Road Vehicle Area Site Identification Study (the Study) commenced with literature review, researching the legislative requirements and strategic documents which impact on either off-road vehicle amenity or the determination of land use in the context of both City of Rockingham and of Western Australia.

Following on from the literature review, the Study outlines the Western Australian and National experience relating to off-road vehicles. It is noted that the City currently receives complaints of illegal off-road vehicle use on reserves and beaches, from residents concerned with factors such as excessive noise, safety of riders and other reserve/beach users, and environmental damage. Analysis of the number of complaints since 2004 indicates that complaints are decreasing, potentially due to the urbanisation of areas which were previously being used for off-road vehicle activity.

Current provision

There are currently six off-road vehicle areas available to the public in WA, of varying sizes ranging from 4 hectares to approximately 225 hectares.

The nearest of these areas to Rockingham is a 20 hectare site in Kwinana, which has experienced issues with riders accessing neighbouring properties, illegal dumping, and is noted to be in poor condition. This reserve is not managed by the City of Kwinana, resulting in the City not having an enforcement role, and a 2008 proposal to close this site was rejected by the Minister for Local Government. Aside from Kwinana, the next nearest sites to Rockingham are 1 hour 45 minutes east to York, or 1 hour north to Gnangara.

In addition to the publicly available off-road vehicle areas, other options for off-road vehicle users in Western Australia include private property by permission, private clubs that organise events on private property, and commercial enterprises which include campsites that contribute to funding the operation of the area.

Consultation

The Study included consultation with the Recreational Trailbike Riders Association (RTRA) and State Government agencies such as Department of Local Government, Sporting and Cultural Industries, Department of Biodiversity, Conservation and Attractions, Department of Housing and WA Police.

During this consultation representatives of the RTRA suggested that there are not enough areas to legally ride off-road vehicles within the City, and that other off-road vehicle areas were closing down or poorly maintained, which resulted in an unsatisfactory or possibly unsafe rider experience. RTRA noted that it would be supportive of temporary sites being made available for use prior to being developed.

Department of Biodiversity, Conservation and Attractions (DBCA) was consulted in its capacity as managers of both the Pinjar and Gnangara Off Road Vehicle Access (ORVA), and with reference to their role as managers of areas within the City of Rockingham experiencing unauthorised off-road vehicle activity such as Port Kennedy Scientific Park. DBCA identified that it does not consider there to be any sites under their management within the City that would be suitable for development of an ORVA.

DBCA also provided significant data input into the Study in the form of identifying areas relevant to protection of flora, fauna and threatened or priority ecological communities.

Feedback from a West Australian Local Government Association (WALGA) survey indicates that Local Governments both with and without designated ORVAs experienced the same issues with illegal off-road vehicle use. WA Police suggested that designating an ORVA site for trail bikes would not assist in alleviating the illegal behaviour and that an area which is capable of catering to 4WD use would have greater impact by preserving regional parks that are currently being damaged by 4WDs attempting to gain access to beaches.

Consultation with entities that manage off-road vehicle areas highlighted that management responsibility of the area is not considered the sole determinant for the duty of care of users. While off-road areas pose definite public liability risk, it is considered to be limited by the Civil Liabilities Act 2002, which promotes the users’ acceptance of risk associated with the activity. The Civil Liabilities Act 2002
Act 2002 has been successful in defending claims of alleged negligence bought against Local Governments surrounding off-road vehicle areas. In one such claim in 2007, the Shire of Gingin was found partially negligent, but was subsequently successful in appealing to have the claim dismissed based on the obvious risk of a dangerous recreational activity.

Evidence Based Practise Requirements

The Study identified the following key elements to existing ORVAs:

- Active management and maintenance leads to areas that are successful and respected by users
- Increase distance from residential areas results in fewer conflicts
- State Forests provide a good land zoning for ORVA sites. However these areas can be included within public drinking water source areas (not compatible with off road vehicle use)
- Increased size for more diverse experiences providing the areas are managed and maintained
- Well managed and maintained sites are safer

Site Identification

A list of 28 undeveloped sites within the City was compiled, which were determined to have suitable land tenure for possible development of an ORVA. As there had been indicative support for a temporary site if necessary, site identification was not restricted to land owned or managed by the City, but also included Crown or privately owned land with a long-term development plan.

Figure 1: Preliminary site identification (north)
A desktop audit was conducted on each site, supported by feedback from City officers and State Government agencies, and any sites with a “fatal flaw” that rendered it not feasible to develop in this location were rejected.

Of the 28 sites, 24 were rejected at this stage. Sites were discounted on the basis of environmental considerations, incompatibility with strategic planning or zoning, proximity to incompatible activities and residents, and heritage value.

Three sites were considered feasible to investigate as a temporary site (shaded yellow in Figures 1 and 2), and one site was identified as feasible to investigate the possibility of more permanent development (shaded green in Figure 2).

Two of the three sites being assessed as a temporary option (Sites 25 and 26) are adjacent to Site 24, which was identified for assessment as a more permanent option. In order to maximise the potential of the sites, each was assessed and investigated individually, and the outcomes considered both separately and as a whole “Keralup” site.

The remaining temporary site was a privately owned lot zoned for industrial purposes.

Site assessment

The sites identified above as suitable to investigate further (Sites 8, 24, 25 and 26) were then assessed using the following site selection criteria:

- Social (20% weighting) - the site should be a suitable distance from residents, (minimum 2000 metres) and consider other social impacts such as illegal access. Ideally the site could facilitate the grouping of appropriate activities
- Environmental (25% weighting) - development will not have a significant adverse environmental impact
- Feasibility (30% weighting) – Financially and practically feasible to deliver, without compromising existing development activity, annual budget process or planning processes
- Value for money (15% weighting) - Development would be financially achievable
- Accessibility (10% weighting) - The site can be easily accessed without illegal behaviour such as trespass or illegal road riding
This site, located in East Rockingham, met some of the criteria in that it is a sizeable parcel of land with no development plans identified, and located a significant distance from residential areas. The site is made up of a number of privately owned lots which are zoned General Industry or Special Industry.

Topography of the site indicated that a temporary area of up to 20 hectares could be feasible. Due to private land ownership, development of an area on this land would require land owners to accept any risk posed by off-road vehicle use on the land. While it was suggested that this risk can be managed through signage, maintenance and education, it was considered that the City would not have capacity to initiate this discussion. Development of all or part of the site could be instigated at any point, creating a risk that even temporary investment would not yield benefit. Use of land zoned for “Special Industry” and “General Industry” for an ORVA is also a potential land use conflict.

It scored well against the assessment criteria of social and environmental, however did not score well on feasibility, and accessibility. As a result, it was not recommended to investigate this site any further.
Ownership of the Keralup site is under the Housing Authority, a branch of Department of Communities. Site 26 is zoned Urban Deferred and under current ownership and zoning may present opportunities for temporary development. Future residential development of Site 26 would also impact the ability of site 25 to have a significant buffer from residents to reduce the impact of noise. The western portion of site 25 contains Bush Forever, Conservation Category Wetlands, Priority Ecological Communities, and Acid Sulphate Soils, and as a result the eastern portion is considered more suitable for development of an off-road vehicle area.

Further to the north east, Site 24 is more sparsely vegetated with multiple use wetlands, the lowest conservation category wetlands, and is moderate to low risk of acid sulphate soils. A two kilometre buffer from residential areas, a site criteria developed in consultation with GHD sound engineers, is likely to be achievable at this site, and it is also considered easier on this site to avoid impact to the Serpentine River which is of ceremonial and mythological significance to Aboriginal people.

The site is within the Peel Harvey Water Catchment Area, and any development would need to consider nutrient discharge.

Consultation with Department of Communities indicated that an off-road vehicle area is a land use which could be considered for the site, and indicated that a 100 hectare area could be achieved. Based on the constraints identified for site 26, the 100 hectare area would be focused within site 24 with the possibility of utilising eastern portions of adjacent site 25.

The sites were scored individually against the assessment criteria and ranked one (Site 24), two (Site 25) and three (Site 26). All three sites scored well on the social, environmental, feasibility, and value for money criteria, with Site 24 being the highest ranking site. Accessibility of Site 24 had a lower score due to the existing road connection not being readily accessible from the freeway, but requiring access through site 25.

Off-Road Vehicle Areas are not an identified land use under the City of Rockingham’s Town Planning Scheme No 2. Advice from the City’s Statutory Planning department is that this does not, however, exclude it from being capable of approval. Subject to a public advertisement period, Council could determine an ORVA as an appropriate land use provided that it is consistent with the objectives and purpose of the site’s zoning.

### Implications to Consider

**a. Consultation with the Community**

The RTRA, as a special interest group were involved in consultation during the development of the Study.

LGIS (the City’s insurer) was consulted, and noted that they have developed guidance notes for Local Governments that include suggestions for effective risk management. These notes are relevant for any future concept planning, and investigation into the application of the Civil Liabilities Act 2002.

**b. Consultation with Government Agencies**

Consultation with State Government agencies formed part of the Study process, including representatives of the following agencies;

- Department of Local Government, Sporting and Cultural Industries
- Department of Biodiversity, Conservation and Attraction
- Department of Communities (Housing)
- Western Australian Police

**c. Strategic Community Plan**

This item addresses the Community’s Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Community Plan 2016-2026:
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

Aspiration D: Sustainable Environment

Strategic Objective: Land Use and Development Control: Planning for population growth and guiding development and land use to ensure that future generations enjoy a sustainable city and a genuinely desirable lifestyle

d. Policy

Any allocation of land for the purpose of development of an Off-Road Vehicle Area within the City of Rockingham boundaries would need to consider the implications of the City’s Town Planning Scheme No 2. In particular, as off-road vehicle areas are not referred to as a land use in the TPS No 2, any allocation of land for this purpose would be subject to a public advertising period and Council consideration.

e. Financial

Nil

f. Legal and Statutory

Information within the Site Identification Study is consistent with the Control of Vehicles Act 1978, which regulates the use of off-road vehicles within the City of Rockingham, and the Road Traffic Act 1974 (WA), which identifies the manner of vehicles classed as “off-road vehicles.”

Future investigation into off-road vehicle areas would need to examine the application of the Civil Liabilities Act 2002, to determine appropriate measures to fulfil the City’s duty of care in the development and ongoing maintenance of a facility.

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 literature review undertaken as part of this Study did not identify any standards or guidelines for the provision of off-road vehicle areas, and as such each existing area is unique in its size, design and associated amenities.

Each area also has a unique management arrangement, with some being maintained by Local Government, some by State Government, others by “Friends” community groups, and some with no clear allocation of maintenance responsibility. Measures implemented at existing areas to promote rider safety include signage detailing risks and hazards, dividing riders by skill level, and production of a visitor guide that includes rider etiquette.

Consultation during the development of the Study identified a number of key criteria which were considered to contribute to the success of off-road vehicle areas:

- Well-managed and maintained sites are safer, and respected by users
- Increased size of an area provides a more diverse user experience, but success is still dependant on active management and maintenance
• Increased distance from residential areas result in less conflict between users and fewer complaints

The parameters of the Study were clear in that all sites within the boundaries of the City of Rockingham be investigated for a future possible ORVA site. The Study considered all Crown land managed either by the State or the City as well as land privately held by State Agencies and Departments that was of a size deemed appropriate for further assessment. Following assessment of all possible sites within the City of Rockingham, using the criteria as outlined in the Study, the Keralup site was identified as the only location with the potential for future development of an ORVA. The land is owned by the Department of Communities (Housing) and future development of the land, for such a purpose, would be dependent upon the State Government agreeing to this use of the site and would require further due diligence investigation including consideration of aboriginal, water catchment, planning and accessibility issues as well as consultation with the City of Rockingham and adjoining LGAs would be required.

Stakeholder consultation and strategic review indicates a general consensus that additional off-road vehicle areas are needed to meet stakeholder demand, and that a regional approach to planning for these areas would achieve the best outcomes. This feedback was particularly prominent from the Department of Biodiversity, Conservation and Attractions, and the Department of Local Government, Sporting and Cultural Industries. Therefore upon request this Study should be made available to relevant State Government Departments and industry stakeholders.

Subsequent to consultation, the City was made aware that the Department of Local Government, Sporting and Cultural Industries has obtained funding to investigate the feasibility of upgrading the Kwinana ORVA.

Voting Requirements

Simple Majority

Officer Recommendation

That Council RECEIVES the Off-Road Vehicle Area Site Identification Study dated November 2018 and make it available to relevant State Government Departments and industry stakeholders.

Committee Recommendation

Moved Cr Burns, seconded Cr Downham:

That Council:
1. RECEIVES the Off-Road Vehicle Area Site identification study dated November 2018.
2. SUPPORTS further exploration of the Keralup site and DIRECTS the CEO to liaise with the Department of Communities and State Government (as the owners of the land) to ascertain whether they would be supportive of this site being an Off Road Vehicle Area.

Committee Voting – 3/1
(Cr Stewart voted against)

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

The Committee changed the Officer’s recommendation as this report is very comprehensive and very clearly outlines the potential site, pitfalls, suggestions, demand and process.

This motion is seeking to take this process one small step further by writing to the actual land owners to see if they would be supportive or not, this is a very important question to ask which can guide the future direction of such a facility.

Implications of the Changes to the Officer’s Recommendation

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

14. **Addendum Agenda**
   - Nil
15. Motions of which Previous Notice has been given

General Management Services

General Management Services
Governance and Councillor Support

<table>
<thead>
<tr>
<th>Reference No &amp; Subject:</th>
<th>GM-046/18 Notice of Motion – Change of Method for Filling the Office of Mayor (Absolute Majority)</th>
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<tbody>
<tr>
<td>File No:</td>
<td>GOV/27</td>
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<tr>
<td>Proponent/s:</td>
<td>Cr Lee Downham</td>
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<tr>
<td>Author:</td>
<td>Mr Peter Varris, Manager Governance and Councillor Support</td>
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<td>Other Contributors:</td>
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<td>Date of Committee Meeting:</td>
<td>20 November 2018</td>
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<tr>
<td>Previously before Council:</td>
<td>23 August 2011 (ES-026/11), 28 February 2006 (CES69/2/06)</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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<tr>
<td>Site:</td>
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<td>Attachments:</td>
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<td>Maps/Diagrams:</td>
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Purpose of Report

To provide advice in response to the following Notice of Motion from Cr Downham –

“That Council APPROVES the change of the method of filling of the office of mayor used by the City of Rockingham from the election by council method to the election by the electors method.”

Background

Cr Downham submitted the above Notice of Motion to the Chief Executive Officer on 30 October 2018. There were no supporting comments or documentation attached.

Since establishment as a City in 1988, Rockingham has elected the Mayor from amongst the Council.
Details

Council has considered two similar Notices of Motion to that of Cr Downham’s in the past twelve years –

- At its August 2011 meeting, Council resolved the following in response to a Notice of Motion from Cr Ellis:
  - “That Council NOT GIVE this matter consideration.
    Carried 8/1”

- At its February 2006 meeting, Council resolved the following in response to a Notice of Motion from Cr McFetridge:
  - “That Council continue to elect the Mayor by the Council from amongst the Councillors.
    Carried 9/1”

The Local Government Act 1995 (the Act) provides two methods for filling the office of mayor –

(a) elected by the council from amongst the councillors. or
(b) elected by electors of the district;

The Act further provides the manner in which the method of filling the office of mayor may change.

A ‘councillor mayor’ is elected every two years by the council at the first available meeting after the local government elections. The mayor is therefore part of the elected council body, elected (in the City of Rockingham’s case) via a ward, and represents the district as a whole. The position is titled Councillor <Surname>, Mayor of the City of <local government>.

An ‘elector mayor’ is elected by way of an election every four years coinciding with the local government election process for councillors. The office of ‘elector mayor’ sits over the councillors representing wards and the district as a whole. The ‘elector mayor’ is therefore in addition to the elected councillors. The position is titled ‘Mayor <Surname>’ of the City of <local government>.

A council resolution is required to change the method of filling the office of mayor from ‘councillor mayor’ to ‘elector mayor’ (*Special majority required). To change from ‘elector mayor’ to ‘councillor mayor’ requires a poll of electors, with a majority of those voting being in favour of the change.

Implications to Consider

a. Consultation with the Community
   Nil

b. Consultation with Government Agencies
   Enquiries have been made with the Western Australian Electoral Commission in respect to the implications of holding an election by the electors for the office of mayor.

c. Strategic by the electors
   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
   Nil
e. **Financial**

Estimated costs for the 2019 City of Rockingham ordinary elections are approximately $340,000 (based on four ward elections). The inclusion of a mayoral election will increase the costs by some $8,000 to $12,000. Depending on the manner in which the implementation of a ‘elector elected’ mayor, i.e. mayor plus ten councillors/mayor plus nine councillors, additional costs of elected member support (sitting fees, training, etc) can be anticipated.

f. **Legal and Statutory**

Section 2.11(2) of the Local Government Act 1995 (the Act) states “a local government may change* the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method” (*Special majority required).

Section 1.10 of the Act notes that a special majority only applies to those local governments where there are more than 11 offices of councillor. Where there are not more than 11 offices of councillor (such as the City of Rockingham) an absolute majority is required.

Section 2.13(1) of the Act states “a decision under section 2.11(2) to change to the election by electors method has effect in relation to the filling of the office of mayor or president at the next ordinary elections of the local government held after the decision is made and from then on until a change under section 2.11(4) to the election by the council method takes effect.”

Section 2.12(1) of the Act notes that a proposal to change the method of the office of mayor may be made to the local government by the electors of the district.

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**

Local Government is the only tier of Australian government that provides the electors the opportunity to directly elect the ‘leader’. Both State and Federal governments elect the leader from the elected members representing the political party in office.

Of the 30 metropolitan local governments, 17 have an ‘elector’ mayor and 13 have a ‘councillor mayor’. As can be seen in the table below, there is no demographic trend as to the manner of filling the office of mayor.

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<tr>
<th>‘Councillor Mayor’ (13)</th>
<th>‘Elector Mayor’ (17)</th>
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The Department of Local Government, Sport and Cultural Industries is overseeing the current review of the Local Government Act 1995. The Elections - Summary Discussion Paper addresses the matter of election of mayor and states “The direct election of a mayor/president can increase public confidence and strengthen the role in the eyes of the community. However, the popular election of mayors/presidents has been linked to greater politicisation, instability and friction on council itself, especially when elected on a single issue.”

An ‘elector mayor’ elected on a single issue or with a different mandate to that of councillors/council can lead to the promotion of different agendas and subsequent conflicts (with councillors and the administration). This has been borne out in the findings of Inquiry investigations into a number of
local governments. An ‘elector mayor’ has a term of office of four years, which is a lengthy period before the community can ‘voice’ dissatisfaction in a mayor’s performance via the ballot box.

This is not to say that conflict does not occur between a ‘councillor’ mayor, and council and the City administration. The key difference is that the council has the ability to address mayoral poor performance every two years in the case of a ‘councillor mayor’, as well as the ability for the electors to register dissatisfaction through the election process for the ward in which the mayoral incumbent sits. From a practical perspective the opportunity for council to elect its leader from amongst its members provides that the incumbent enjoys the support of the majority of their peers.

Should the Notice of Motion be supported, Council will also need to determine the manner in which an ‘elector mayor’ should be implemented. The City has conducted a review into its Ward Boundaries and Councillor Representation, with the outcomes of that review being presented to Council at this meeting. The recommendation supports the retention of a ten member council within a four ward structure.

An ‘elector mayor’ system could be introduced by retaining the number of councillors and the suggested ward structure, and implementing a mayor over the current council, increasing the number of elected members to eleven. In essence this will impose an increase in election costs, in addition to the additional elected member support costs (sitting fees, allowances, IT, etc).

Alternatively, Council may decide to introduce the system by reducing councillor numbers to accommodate the inclusion of a ‘popularly elected’ mayor. This will require a revision of the Ward Boundaries and Representation review accordingly. Any change will need to be finalised with some expediency to meet the Local Government Advisory Board’s requirements should any change be implemented in time for the local government elections in October 2019.

In summary, there are no compelling reasons to change what is currently an effective system of filling the office of mayor at the City of Rockingham. There have been no calls for a poll in accordance section 2:12 of the Act, nor has there been any underlying dissatisfaction expressed by the community in respect to the status quo. As a consequence the Notice of Motion by Cr Downham is not supported.

### Voting Requirements

**Absolute Majority (in lieu of Special Majority)**

**Officer Recommendation**

Cr Downham’s Notice of Motion is not supported.

**Notice of Motion from Cr Lee Downham**

That Council **APPROVES** the change of the method of filling of the office of mayor used by the City of Rockingham from the election by council method to the election by the electors method.

**Committee Recommendation**

Moved Cr Downham, seconded Cr Burns:

That Council **APPROVES** the change of the method of filling of the office of mayor used by the City of Rockingham from the election by council method to the election by the electors method.

Committee Voting – 2/3

Councillors having voted for the motion: Cr Downham
Councillors having voted against the motion: Cr Stewart (2)  
Cr Jones

**NOTE:** Due to an equality of votes at the Corporate and Community Development Committee meeting, the Chairperson exercised her obligation to cast a second vote to reach a decision in this matter (Section 5.21(3) of the Local Government Act 1995).
<table>
<thead>
<tr>
<th><strong>The Committee’s Reason for Varying the Officer’s Recommendation</strong></th>
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<tbody>
<tr>
<td>Not Applicable</td>
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