

Rockingham

MINUTES

Corporate and Community Development Committee Meeting

Held on Tuesday 15 September 2020 at 4:00pm City of Rockingham Chambers



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	City of Rockingham					
	Corporate and Community Development					
	Committee Minutes					
	4:00pm Tuesday 15 September 2020	-				
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Presiding Member

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Presiding Member

	City of Rockingham Corporate and Community Development Committee Meeting Minutes				
Tue	sday	15 September 2020	- Council Chambers		
1.	Decla	aration of Opening			
			e and Community Development Committee meeting and referred to the Acknowledgement of Country.		
2.	Reco	ord of Attendance/Apologie	s/Approved Leave of Absence		
	2.1	Councillors			
	Cr Joy Stewart Chairperson Cr Sally Davies (from 4:01pm) Cr Craig Buchanan Cr Leigh Liley				
	2.2	Executive			
	2.2 Executive Mr Michael Parker Mr John Pearson Mr Peter Doherty Mr Peter Varris Mr Michael Yakas Mr Gary Rogers Ms Mary-Jane Rigby Ms Julia Dick Ms Alison Oliver Mr Scott Jarvis Mrs Jelette Edwards Ms Sue Langley Mrs Diane Zanre		 Chief Executive Officer Director Corporate Services Director Legal Services and General Counsel Manager Governance and Councillor Support Manager Customer and Corporate Support Manager Community Infrastructure Planning Manager Community Safety and Support Services Collaborative Manager, Community Capacity Bldg Manager Library and Information Services Manager Economic Development and Tourism Governance Officer PA to Director Community Development 		
	2.3	Members of the Gallery:	Nil		
	2.4	Apologies:			
		Cr Rae Cottam			
	2.5 Approved Leave of Absence: Nil				
3.	Responses to Previous Public Questions Taken on Notice				
	Nil				

Presiding Member

4.	Public Question Time			
	4:00pm The Chairperson opened Public Question Time and invited members of the Public Gallery to ask questions. The Chairperson noted that questions should relate to the business of the Committee and this is the only opportunity in the meeting for the public to ask questions.			
	There were none.			
5.	Confirmation of Minutes of the Previous Meeting			
	Moved Cr Buchanan, seconded Cr Liley:			
	That Committee CONFIRMS the Minutes of the Corporate and Community Development Committee Meeting held on 16 August 2020, as a true and accurate record.			
	Committee Voting (Carried) – 3/0			
6.	Matters Arising from the Previous Minutes			
	Nil			

4:01pm Cr Davies joined the meeting.

7.	Annour	uncement by the Presiding Person without Discussion			
	4:01pm	The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.			
8.	Declara	ations of Members	and Officers Interests		
	4:02pm	Cr Davies declared	the following Declaration of Interest:		
	8.1	Item CD-023/20	Tertiary Scholarship Scheme Round Two 2020		
		Councillor:	Cr Sally Davies		
		Type of Interest:	Impartiality		
		Nature of Interest:	One of the recipients is a friend of Cr Davies husband.		
		Extent of Interest:	Not Applicable		
	The Chai	irperson noted there v	were no further interests declared.		
9.	Petitior	ns/Deputations/Presentations/Submissions			
	Nil				
10.	Matters	for which the Me	eting may be Closed		
	4:02pm	The Chairperson advised in accordance with section 5.23(2)(b) of the Local Government Act 1995 – if there were any questions or debate on Confidential Item CD-023/20 Tertiary Scholarship Scheme Round Two 2020, then the Committee will need to defer the matter for consideration at Agenda Item 18 - Matters Behind Closed Doors.			
		There were no quest	There were no questions or request for debate.		

Presiding Member

Community Development

Note: Cr Davies declared that she has an Impartiality interest in Item CD-023/20 Tertiary Scholarship Scheme Round Two 2020, as one of the recipients is a friend of her husband.

CONFIDENTIAL ITEM

NOT FOR PUBLIC ACCESS

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

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

Commun Community	1 + + + M		
Reference No & Subject:	CD-023/20	Tertiary Scholarship Scheme Round Two 2020	
File No:	CSV/1522-05		
Proponent/s:			
Author:	Ms Olivia Forsdik	e, Community Development Officer	
Other Contributors:	Ms Marta Makuch, Coordinator Recreation and Wellbeing Ms Julia Dick, Collaborative Manager Community Capacity Building		
Date of Committee Meeting:	15 September 2020		
Previously before Council:			
Disclosure of Interest:			
Nature of Council's Role in this Matter:	Executive		
Site:			
Lot Area:			
Attachments:			
Maps/Diagrams:			

Voting Requirements

Simple Majority

Officer Recommendation

That Council APPROVES the recommended applicants for Round Two 2020 of the Tertiary Scholarship Scheme.

Presiding Member

Committee Recommendation

Moved Cr Liley, seconded Cr Davies:

That Council APPROVES the recommended applicants for Round Two 2020 of the Tertiary Scholarship Scheme.

Committee Voting (Carried) - 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

Presiding Member

11.	Bulletin Items				
	Corporate and General Management Services Information Bulletin – September 2020				
	Corp	Corporate Services			
	1. Corporate Services Team Overview				
	2.	Human Resource Update			
	3.	Project Status Reports			
		3.1 Implementation of Online Timesheets			
		3.2 Implement Performance and Personal Development Module			
	4.	Information Items			
		4.1 List of Payments August 2020			
		4.2 Monthly Financial Management Report July 2020			
		4.3 Awarding of Tenders by CEO - Delegated Authority			
		4.4 Write Offs of Lease Rent			
		4.5 Leased Property Maintenance Grants			
		4.6 List of Write Offs for Debts under \$2,000			
		4.7 Development Contribution Scheme			
		4.8 Kerbside Waste Audit			
	Gen	ral Management Services Directorate			
	1.	General Management Services Team Overview			
	2.	Human Resource Update			
	3.	Project Status Reports			
		3.1 Rockingham Renaissance Technopole			
	4.	Information Items			
		4.1 Meetings and Events			
		4.2 Use of the Common Seal			
		4.3 COVID-19			
	Gove	rnance and Councillor Support			
	1.	Governance and Councillor Support Team Overview			
	2.	Human Resource Update			
	3.	Project Status Reports			
	4.	Information Items			
		4.1 Voting with an Impartiality Interest – Emerging Issue			
		4.2 Global Friendship			
		4.3 Freedom of Information (FOI) Requests			
		4.4 Councillor Requests			
		4.5 Citizenships			
		4.6 Australian Coastal Councils Association Inc. Newsletter			
		4.7 Coming Events			
		4.8 Notice of Motion – Status Report			
	Hum	an Resources			
	1.	Human Resources Team Overview			
	2.	Human Resource Update			
	3.	Project Status Reports			
	4.	Information Items			
		4.1 Recruitment			
		4.2 Occupational Safety and Health Statistics			
	Strat	egy, Marketing and Communications			
	1.	Strategy, Marketing and Communications Team Overview			
	2.	Human Resource Update			

Presiding Member

3.	Project Status Reports				
	3.1	3.1 Entry Statement Signage			
	3.2	Strategic Community Plan (2019-2029) - Minor Review			
4.	Infor	mation Items			
	4.1	Community Engagement			
	4.2	Rock Port			
	4.3	Social Media			
	4.4	Media Tracking			
Leg	al Serv	vices & General Counsel			
1.	Lega	al Services & General Counsel Team Overview			
2.	Hum	an Resource Update			
3.	Project Status Reports				
4.	Information Items				
	4.1 Provision of Legal Advice				
	4.1 Legal Advice – Local Government Operational Matters				
	4.2	State Administrative Tribunal			
	4.3	Magistrates Court			
	4.4	District Court			
	4.5	Supreme Court			
	4.6	Fair Work Commission			
	4.7	Industrial Magistrates Courts			

Committee Recommendation

Moved Cr Liley, seconded Cr Buchanan:

That Councillors acknowledge having read the Corporate and General Management Services Information Bulletin – September 2020 and the content be accepted.

Committee Voting (Carried) - 4/0

Cor	nmunity Development Information Bulletin – September 2020					
Cor	nmunity Safety and Support Services					
1.	Community Safety and Support Services Team Overview					
2.	Human Resource Update					
3.	Project Status Reports					
4.	Information items					
	4.1 Youth Services					
	4.2 Community Support Services					
	4.3 Rockingham Connect Community Transport Project					
	4.4 Community Safety					
	4.5 Compliance Community Engagement					
Libr	rary Services					
1.	Library Services Team Overview					
2.	Human Resource Update					
3.	Project Status Reports					
4.	Information items					
	4.1 July 2020 Library Services Statistics					
	4.2 Mary Davies Library and Community Centre					
	4.3 Baldivis South Community Centre					
	4.4 Rockingham Central Library					
	4.5 Safety Bay Library					

4.5 Safety Bay Library

Presiding Member

-	-		
	4.6	Warnbro Community Library	
	4.7	July 2020 Library Services Facebook Activity	
	4.8	Cocktails with Kathy Lette	
Com	mmunity Infrastructure Planning		
1.	Community Infrastructure Planning Team Overview		
2.	Human Resource Update		
3.	Proje	ect Status Reports	
4.	Infor	mation items	
	4.1	Baldivis District Sporting Complex	
	4.2	Koorana Reserve Master Plan – Design	
	4.3	Cooloongup Skate Park	
	4.4	Rockingham Youth Centre	
Com	munit	y Capacity Building	
1.	Com	munity Capacity Building Team Overview	
2.	Hum	an Resource Update	
3.	Proje	ect Status Reports	
	3.1	Perth Symphony Orchestra	
4.	Infor	mation Items	
	4.1	Community Grants Program	
	4.2	Volunteering	
	4.3	Reconciliation Action Plan (RAP)	
	4.4	Disability Access and Inclusion Plan and Strategy 2016-2019	
	4.5	Seniors	
	4.6	Early Years, Children and Learning Community	
	4.7	Youth Development	
	4.8	Sport, Recreation and Health and Wellbeing	
	4.9	Cultural Development and the Arts	
Com		y and Leisure Facilities	
1.		munity and Leisure Facilities Team Overview	
2.		an Resource Update	
3.	-	ect Status Reports	
4.	-	mation items	
	4.1	Mike Barnett Sports Complex	
	4.2	Rockingham Aquatic Centre	
	4.3	Aqua Jetty	
	4.4	Warnbro Community Recreation Centre	
	4.5	Autumn Centre	
		Development and Tourism	
1.		nomic Development and Tourism Team Overview	
2.		an Resource Update	
3.	-	ect Status Reports	
	3.1	Local Business Development	
	3.2	Iconic Economic Development / Tourism Events	
	3.3	Destination Marketing	
	3.4	Visitor Servicing Fee – Tourism Rockingham	
4.		mation Items	
	4.1	Stakeholder Engagement - Economic Development	

4.2 Stakeholder Engagement - Tourism

Presiding Member

Committee Recommendation

Moved Cr Liley, seconded Cr Buchanan:

That Councillors acknowledge having read the Community Development Information Bulletin -September 2020 and the content be accepted.

Committee Voting (Carried) - 4/0

Presiding Member

12. Agenda Items

Corporate Services

Corporate Services Customer and Corporate Support				
Reference No & Subject:	CS-023/20 Council Policy – Customer Service			
File No:	CUS/22			
Proponent/s:				
Author:	Mr Michael Yakas, Manager Customer and Corporate Support			
Other Contributors:				
Date of Committee Meeting:	15 September 2020			
Previously before Council:	23 March 2010 (CES3/2/10), 22 May 2012 (CS-015/12), 17 March 2020 (CS-006/20), 28 July 2020 (CS-019/20)			
Disclosure of Interest:				
Nature of Council's Role in this Matter:	Executive			
Citor				
Site:				
Lot Area:				
Attachments:				
Maps/Diagrams:				

Purpose of Report

For Council to adopt the Council Policy – Customer Service following the public consultation process.

Background

The draft Council Policy – Customer Service was approved for the purposes of public comment at the Council meeting held on 28 July 2020.

Details

The Council Policy - Customer Service has been developed to guide the development of an organisational culture focused on meeting the needs and expectations of its customers. It demonstrates the Council's commitment for the City to deliver a quality customer focused service that is consistent and equitable for all customers.

Presiding Member

Implications to Consider

Consultation with the Community a.

The draft policy was advertised for a minimum of 14 days in accordance with Council Policy - Policy Framework and closed on 26 August 2020.

Public consultation was carried out as follows:

- 1. A notice was publicised in the Sound Telegraph on 12 August 2020; and
- 2. A copy of the draft policy was advertised on the City's website with submissions invited through the Share Your Thoughts page.

At the close of the public consultation period a total of two submissions were received.

The following is a summary of the submissions received:

#	Name	Address	Issues Raised	Officer Response
1	Mr Clark	Share Your Thoughts	 The policy is too operational. Council Policy should should (sic) require that the CEO implements best practice strategies and processes to ensure that the customer experience is maintained / continually improves (sic) to meet a specified satisfaction level (say 85%). This should be one of the CEO's KPI's. 	 The proposed customer service policy has been developed to provide overarching service standards. Customer service only forms one part of the City's overall performance when assessing customer satisfaction. The City conducts an annual Customer Satisfaction Survey and this assesses the City's overall performance in relation to customer interactions, services and facilities. The results are publicly available on the City's website. The comments have been noted.
2	Mr Miller	Share Your Thoughts	 After reading the notice in Telegraph of 12 August in which you asked for submissions, I misunderstood the scope. It was only for employees. Silly me, I thought it was similar to the Victoria Park 'customer service delivery policy' which I believe was adopted there in October 2019. May I be notified if and when Rockingham adopts a similar charter. 	 The purpose of the proposed customer service policy is for Council to adopt a set overarching service standards for the Chief Executive Officer to implement. Therefore it applies to all staff. This is a similar policy to one referred to in Mr Miller's comments. The comments have been noted.

Consultation with Government Agencies b.

Nil

Strategic c.

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019-2029:

Presiding Member

Aspiration 4:	Deliver Quality Leadership and Business Expertise				
Strategic Objective:	Effective governance – Apply systems of governance which empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment.				

d. Policy

Council Policy – Policy Framework provides the requirement for Council to advertise the draft policy for a 14 day period or more before consideration for final adoption.

e. Financial

Nil

f. Legal and Statutory

Nil

g. Risk

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

Implications and comment will only be provided for the following assessed risks. *Customer Service / Project management / Environment : High and Extreme Risks Finance / Personal Health and Safety : Medium, High and Extreme Risks*

Nil

Comments

One minor change has been made to the proposed Council Policy which relates to terminology. The Chief Executive Officer is required to implement the relevant Executive Policies and Procedures to ensure the City delivers high quality customer service at all times. The City will still maintain its Customer Service Charter which outlines measurable service standards.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** the Council Policy – Customer Service.

Committee Recommendation

Moved Cr Buchanan, seconded Cr Liley:

That Council ADOPTS the Council Policy - Customer Service.

Council Policy – Customer Service

Council Policy Objective

To establish a shared set of standards that guide the development of an organisational culture focused on meeting the needs and expectations of its customers and to continuously improve its services for customers.

Council Policy Scope

This policy applies to all City of Rockingham employees.

Council Policy Statement

The City of Rockingham is committed to delivering a quality customer focussed service that is consistent and equitable for all customers. We understand that customers have an expectation that they receive the best possible service that can be practically achieved.

Presiding Member

The Council expects the City will strive to meet the following service standards:

- To treat customers with courtesy, respect and understanding
- To provide a helpful, positive and professional service
- To deal with customer requests promptly
- To provide accurate, quality and easily accessible information

The Council acknowledges that customers can assist the City in meeting its service obligations by:

- Being courteous, polite and respectful of employees
- Being open, honest and accurate when providing the City with details
- Quoting reference numbers when following up on the previous customer requests

The Chief Executive Officer must ensure that the City has in place the required Executive Policies and Procedures to ensure the City delivers high quality customer service at all times.

Definitions

Customer – relates to any person or organisation having dealings with the City.

Legislation

Nil

Other Relevant Policies/ Key Documents

Executive Policy - Customer Service Standards

Responsible Division

Corporate Services

Review Date

September 2023

Committee Voting (Carried) - 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

Confirmed at a Corporate and Community Development Committee meeting held on Tuesday 20 October 2020

Presiding Member

Community Development

Community Development				
Reference No & Subject:	CD-024/20 Community Infrastructure Plan 2020			
File No:	CSV/1931-07			
Proponent/s:				
Author:	Mr Gary Rogers, Manager Community Infrastructure Planning			
Other Contributors:				
Date of Committee Meeting:	15 September 2020			
Previously before Council:	CD-024/19 (24 September 2019); CD031/18 (18 December 2018); CD-025/18 (25 October 2018); CD-025/17 (25 October 2017); CD-032/16 (25 October 2016); CD-044/15 (24 November 2015); CD-042/15 (27 October 2015); CIP-009/11 (24 May 2011); CIP-005/11 (22 March 2011)			
Disclosure of Interest:				
Nature of Council's Role in this Matter:	Executive			
Site:				
Lot Area:				
Attachments:	Community Infrastructure Plan 2020 (Draft)			
Maps/Diagrams:				

Purpose of Report

To seek Council adoption of the Community Infrastructure Plan 2020 (CIP).

Background

The CIP was first adopted by Council in 2011. In 2019, the Strategic Development Framework Policy was revised and subsequently endorsed by Council. The policy requires the CIP to be reviewed annually, presented to the August 2020 Councillor Engagement Session, and submitted to the Ordinary Council Meeting in September 2020 every year for adoption.

Details

The CIP has been developed to;

Guide the development, timing, design and location of community infrastructure over the next • 10 to 15 years;

Presiding Member

- Clearly identify the services and facilities required for the City's emerging population, based on supply and demand analysis, and identification of service catchments;
- Specifically identify the capital costs associated with proposed community infrastructure to inform the City's Business Plan
- Meet the requirements of SPP3.6, providing a robust basis for the City's Development Contribution Plan; and
- Provide the City with a documented framework of community infrastructure planning principles and guidelines.

The purpose of the annual review of the CIP is to enable it to be updated to reflect current changes in community needs and trends as well as specific project circumstances. This is intended to ensure that the CIP reflects the ongoing rigour applied during the planning process, significantly reducing the likelihood and impact of rapid project scope and cost escalation.

In order to achieve this, the annual review identifies changes in scope, scale, form, function and timing for each project, and introduces new projects based on the community infrastructure planning principles and guidelines outlined within the document.

The review contains the following information for each project;

- Details of the original needs analysis and justification for each project, and whether it remains relevant when assessed against current information;
- Details of original and current scope, scale, form and function;
- Justification of any amendments to the scope, scale, form and function of the project; and
- Details of the original and current verified project costing.

The proposed development window for each project allows one year for planning, one year for detailed design, and identifies the year that construction will commence. Commissioning of the infrastructure is in the financial year following the construction being completed.

As a result of the annual review, the 2020 CIP proposes timing changes to the following projects:

The recent State Government funding announcements for the Baldivis Indoor Recreation Centre and Aqua Jetty Stage 2 reflect the priorities in the Advocacy Plan for sport and recreation projects adopted by Council in July 2020. As a result, the Aqua Jetty Stage 2 has been brought forward.

Further to the WA Recovery Plan funding announcement regarding the Aqua Jetty, a significant amount of planning has already been completed for this project, which enables officers to progress to developing the scope for detailed design.

The scope of the Koorana Reserve Master Plan and Aqua Jetty Stage 2 has been updated to reflect all planned asset maintenance and CIP works. These works have been endorsed by Council as part of the 2019/2020 budget and Business Plan. The change reflects the preferred contract administration approach, where all works will be delivered as part of the one project. All other projects remain unchanged.

Implications to Consider

a. Consultation with the Community

Consultation with key stakeholders will occur throughout the detailed development and design process for each specific project where relevant.

The annual review of the CIP is presented each year at the August Councillor Engagement session.

b. Consultation with Government Agencies

While the 2020 CIP has not been subject to broad consultation with government agencies, it should be noted that many individual projects are, or will be, the subject of consultation during detailed planning and design development.

Presiding Member

Consultation with other agencies such as Department of Local Government, Sport and Cultural Industries and Lotterywest will occur in relation to the planning and funding of relevant projects.

The CIP enables the City to be position ready to approach State and Federal Governments in respect to any future funding or grant availability.

C. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective contained in the Strategic Community Plan 2019-2029:

Aspiration 3: Plan for Future Generations

Strategic Objective: Infrastructure Planning - Plan and develop community, sport and recreation facilities which meet the current and future needs of the City's growing population.

d. Policy

The Strategic Development Framework Policy outlines the detail and timing of the annual Community Infrastructure Plan review.

The Sports and Community Facility Provision Policy guides the scale of sporting and community buildings.

Financial e.

The capital expenditure implications associated with the projects within the CIP Implementation Plan amount to \$120,685,107. This is a reduction from the 2019 estimates by \$2,048,893.

The cost summary for each project has been prepared by a qualified, independent accredited quantity surveyor, based on the scope and detail available at the respective development stage of each project. The cost of each project has been escalated to the year of construction.

Revenue through external grants and development contributions, which may assist in reducing municipal expenditure, is considered as part of the City's revenue strategy that underpins the business planning process, however are not reflected in the CIP.

f. Legal and Statutory

State Planning Policy 3.6 - Development Contributions for Infrastructure, allows for development contributions to be sought for items of infrastructure that are required to support the orderly development of an area. Development Contribution Plans for community infrastructure must be supported by the following:

- A community infrastructure plan for the area, identifying the services and facilities required over the next five to 10 years, supported by needs analysis and identification of service catchments
- A capital expenditure plan detailing at least five years into the future which identifies the capital costs of facilities, and revenue sources including capital grants and provision programs
- Project growth figures including the number of new dwellings to be created at suburb or district catchment level
- A methodology for determining the proportion of community infrastructure costs to be . attributed to growth, and the proportion to be attributed to existing areas

The preparation and endorsement of the CIP contributes to meeting the above requirements to enable the City to implement a Development Contribution Plan.

Risk g.

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.

Presiding Member

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

There is one high financial risk identified within the CIP.

This risk relates to the inability to deliver the CIP Implementation Plan as a result of changes to the City's financial capacity. The potential outcome of this is that projects are deferred and cost increases occur due to escalations.

This risk is addressed through the annual review of the CIP which includes annual project cost assessments by a qualified Quantity Surveyor in conjunction with Corporate Services, to ensure alignment of the CIP Implementation Plan with the City's annual budget and Business Plan preparations.

Comments

The 2020 review commenced prior to the declaration of the COVID-19 health pandemic. The pandemic has impacted many aspects of community planning, and the long term impacts are unknown. As the CIP is a strategic document, looking at the long term needs of the community, the 2020 CIP provides baseline data which can be used to assess the impact the health pandemic has had on forecasts and cost escalations. The annual review of the document, will ensure that future updates can respond to any documented changes in forecast data, and community need.

While community infrastructure planning principles and provision guidelines are the primary measure to determine project need and priority, the Implementation Plan to deliver these projects is guided both by project-specific dependencies and the financial capacity of the City to deliver the infrastructure through the City Business Plan.

There is an inherent risk with any document like the CIP, that specific project timeframes may be impacted by unforeseen circumstances which are beyond the control of the City. This presents a number of challenges in relation to project delivery and timeframes, however the City has a strong project management and governance framework in place to mitigate this risk.

Using a strategic, planned approached to the future development of community infrastructure provides a strong basis for the City to engage with funding bodies such as Lotterywest and the Department of Local Government, Sport and Cultural Industries. This approach has proven successful with external funding commitments received for projects including Baldivis District Sporting Complex, Baldivis Indoor Recreation Centre, Aqua Jetty Stage 2, Koorana Reserve Master Plan, Baldivis South Community Centre, Singleton Sports and Community Centre, Golden Bay Sports Pavilion, Youth Centre and Baldivis South Sports Pavilion. Subject to Council endorsement of the 2020 CIP, Officers will use the revised plan in future discussions with these agencies.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** the Community Infrastructure Plan 2020.

Allen

Presiding Member

Committee Recommendation

Moved Cr Buchanan, seconded Cr Liley:

That Council **ADOPTS** the Community Infrastructure Plan 2020.

Committee Voting (Carried) - 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

Presiding Member

Community Development Community Infrastructure Planning			
Reference No & Subject:	CD-025/20 Delegated Authority – Aqua Jetty Stage 2 Design (<i>Absolute Majority</i>)		
File No:	CPR/1367		
Proponent/s:			
Author:	Mr Gary Rogers, Manager Community Infrastructure Planning		
Other Contributors:	Mr Matthew Emmott, Community Infrastructure Planning Officer		
Date of Committee Meeting:	15 September 2020		
Previously before Council:			
Disclosure of Interest:			
Nature of Council's Role in this Matter:	Executive		
Site:	Aqua Jetty, 87 Warnbro Sound Avenue, Warnbro		
Lot Area:	21,687m ²		
Attachments:			
Maps/Diagrams:			

Purpose of Report

For Council to delegate authority to the Chief Executive Officer (CEO) to award the contract for the Aqua Jetty Stage 2 Design.

Background

The Aqua Jetty (AJ) Stage 2 Needs and Feasibility Study was completed by the City in 2018. This document assisted in refining the scope of the project and included the development of high level concept plans. In August 2020, the City received advice from the State Government that \$10 million in funding support would be provided to the AJ Stage 2 project. These funds have been allocated as part of the State Governments \$5.5 billion WA Recovery Plan with an agreement for these funds from the State Government pending.

Details

As a result of the State Governments commitment of \$10 million as part of the WA Recovery Plan to support the AJ Stage 2 project, the 2020 review of the Community Infrastructure Plan includes bringing the design of the AJ Stage 2 project forward to the 2020/2021 financial year.

Aqua Jetty Stage 2 was included as one of the priority sport and recreation projects in the Advocacy Plan adopted by Council at its meeting of 28th July 2020.

Presiding Member

With the planning for the Stage 2 development complete as part of the feasibility study, the next phase of the project is the development of conceptual and detailed designs. The development of these designs will be supported by a pre tender cost estimate. The completion of detailed designs will enable the City to tender for the construction of the stage 2 works.

Due to the complex, varied and specialist nature of the scope of works for the development of designs for the AJ Stage 2 development, it is anticipated that the tender value will exceed the CEO's delegated authority limit of \$500,000 to award tenders. Therefore, the tender assessment outcomes would be required to be presented to Council for approval.

Due to the required timeframes to prepare Council reports and subsequently seek Council approval, there could be a lengthy period between when tender assessments are completed and when the contract could be awarded. To ensure the project proceeds with priority and in line with any potential funding agreement timeframes, it is important that procurement timeframes for the project are managed and expedited.

Implications to Consider

Consultation with the Community a.

Nil

- b. **Consultation with Government Agencies** Nil
- Strategic c.

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objectives contained in the Community Plan 2019-2029:

Aspiration 2:	Grow and Nurture Community Connectedness and Wellbeing		
Strategic Objective:	Services and Facilities: Provide cost effective services and facilities which meet community needs.		
Aspiration 3:	Plan for Future Generations		
Strategic Objective:	Infrastructure Planning: Plan and develop community, sport and recreation facilities which meet the current and future needs of the City's growing population		
Aspiration 4:	Deliver Quality Leadership and Business Expertise		
Strategic Objective:	Management of current assets: Maintain civic buildings, sporting facilities, public places and road and cycle way infrastructure based on best practice principles and life cycle cost analysis.		

d. Policy

In accordance with the City's Procurement Framework Policy, for purchases above \$250,000, a public tender process is to be conducted in accordance with the provision of section 3.57 of the Local Government Act 1995, and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11(1).

The City's Delegated Authority Register, Delegation 1.6 Acceptance/Rejection of Tenders -For Supply and Goods of Services states the CEO can accept tenders up to the value of \$500,000 (excluding GST). Therefore approval is required for amounts over this threshold.

Financial e.

The City received notification from the Stage Government in August 2020 that it was successful in receiving \$10 million towards the delivery of the Agua Jetty Stage 2. The City is awaiting the development of an agreement with respect to this funding support.

Presiding Member

To enable the design of the project to commence as soon as possible the City will be required to allocate \$1,600,000 in 2020/2021 Annual Budget to complete the AJ Stage 2 design. This amount was identified for the 2023/2024 financial year in the current City Business Plan. The request for the annual budget amendment will be included in September 2020 budget review.

As part of the Funding Agreement between the City and the State Government, the City will be seeking part payment of the Grant funds for the design fee costs.

The delegated authority will only extend to the CEO awarding the contract if the tenders received are within this budget allocation.

f. Legal and Statutory

In accordance with section 3.57 of the Local Government Act 1995 – Tenders for providing goods or services and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11(1), Provision of goods and services:

'Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250,000 unless sub regulation (2) states otherwise'.

In accordance with section 5.42 of the Local Government Act 1995 - Delegation of some powers and duties to CEO, by absolute majority:

'A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties.'

Under section 5.43 of the Local Government Act 1995 - Limits on delegations to CEO, the Council can delegate authority to the CEO to accept a tender provided it does not exceed an amount determined by the local government.

Risk g.

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 delegation of authority to the CEO to award the contract for the Aqua Jetty Stage 2 design is necessary to ensure the project is implemented within the timeframes outlined in the Community Infrastructure Plan and to meet funding obligations.

Council will be advised of the successful contractor through the Community Development Bulletin as well as regular project updates, with the final concept design to be presented to Council.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council **DELEGATES** authority to the Chief Executive Officer to award the Tender for the Aqua Jetty Stage 2 Design subject to the amount not exceeding \$1.6 million.

Committee Recommendation

Moved Cr Liley, seconded Cr Davies:

That Council **DELEGATES** authority to the Chief Executive Officer to award the Tender for the Aqua Jetty Stage 2 Design subject to the amount not exceeding \$1.6 million.

Committee Voting (Carried) - 4/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

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13.	Reports of Councillors
	Nil
14.	Addendum Agenda
	Nil

Presiding Member

15. Motions of which Previous Notice has been given

General Management Services

General Management Services Governance and Councillor Support				
Reference No & Subject:	GM-021/20	Notice of Motion – Change of Method of Filling the Position of Mayor (Absolute Majority) (Resubmitted)		
File No:	GOV/27			
Proponent/s:				
Author:	Mr Peter Varris, Manager Governance and Councillor Support			
Other Contributors:	Mr Michael Parker, Chief Executive Officer Mrs Jelette Edwards, Governance Coordinator			
Date of Committee Meeting:	15 September 2020			
Previously before Council:	24 March 2020 (GM-011/20), 25 February 2020 (GM-006/20), 26 November 2019 (GM-029/19), 25 June 2019 (GM-016/19), 27 November 2018 (GM-046/18), 23 August 2011 (ES-026/11), 28 February 2006 (CES69/2/06)			
Disclosure of Interest:				
Nature of Council's Role in this Matter:	Executive / Advocacy			
Site:				
Lot Area:				
Attachments:				
Maps/Diagrams:				

Purpose of Report

To provide advice in response to the following Notice of Motion from Cr Edwards and Cr Davies -

That Council –

- 1. APPROVES the change in method of filling the office of the Mayor used by the City of Rockingham from the election by the council method to the election by the electors method;
- 2. DIRECTS the CEO to prepare a report informing Council by May 2020 of a timeline to implement the change to the election by electors method at the 2021 ordinary local government elections and the most cost effective strategy to support the change; and

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- 3. ADVOCATES to the Minister for Local Government to consider the following initiatives in the current review of the Local Government Act 1995
 - a. The introduction of a cap to the amount that can be spent on election campaigns by candidates for local government elections.
 - b. The introduction of a maximum number of consecutive terms that can be held by local government elected members.
 - c. Expedite the process to allow for the disqualification of elected members where they have been found to be jeopardising the good governance of the local government

At its 24 March 2020 meeting, Council resolved -

"That Council DEFERS consideration of Item GM-011/20 Notice of Motion – Change of Method of Filling the Position of Mayor for six months."

The matter is now resubmitted for consideration with additional officer advice in respect to the implications to Councillor Representation and Ward Boundaries should Council seek to reduce the number of Council positions in conjunction with the introduction of an 'Elector Mayor'.

Background

Notice of Cr Edwards' and Cr Davies' proposed motion was given at the 25 February 2020 Council meeting and the following reasons were given in support –

- "Historical Information.
- 1. In January 1871 an act to established Local Boards for the conservation, improvement, and making of roads in several districts of the Colony was gazetted. These boards were to consist of seven members elected by the residents of the district; a board member was then elected by the board to be Chairman. This act also allowed rates to be raised for the road infrastructure and residents became ratepayers. In 1897 Rockingham residents petitioned the government to establish a Roads Board and in February 1897 the Rockingham Roads District was gazetted. In July 1961 the Road District became the Shire of Rockingham, the forerunner of our City Council.

In the days of the Roads Board the population was very small, 211 in 1911 and only 2,583 in 1961 and residents would most likely know the Roads Board Chairman personally. We now have a population of 130,000 plus, allowing residents to elect their own Mayor will allow them to scrutinise the candidates and exercise a democratic right in electing their own community leader.

- 2. We anticipate the Popular Elect Mayor method is inevitable for the City of Rockingham, and other West Australian Local Governments. We wish to implement the change now. There are valid pro's and con's for both methods of electing the Mayor, this method is new for the City and a change that could enable growth and more engagement within the community. This change will enable the Council to re-focus energy on the strategic performance of the city, and not waste necessary funds, and time on a referendum.
- 3. In October 2019 at the Local Government elections the residents of the City of Stirling have been allowed by Councillors to elect their mayor. The following is an extract from the City of Stirling Council Minutes dated 7th March 2017 in which the officers list some of the pros and cons of a Mayor elected by the Councillors or Community.
 - a) Election of Mayor by Councillors; elected councillors should determine the leader of their council and not have a leader imposed on them whom they could be at a variance or unable to work cooperatively and constructively, the positions of the Prime Minister and Premier are not elected by popular vote, councillors can assess the performance of their leader on a biennial basis and be able to change that person if conflict develops or if the leader does not perform to expectation, a popularly elected Mayor and their planning and policy direction, views and actions may not have the support of the Majority of Councillors, electors would not be able to change an unsatisfactory Mayor before the next election, the financial costs of running a Mayoral campaign should be considered.

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- b) Election of Mayor by the electors method; The position of Mayor, as the leader of Council, should be determined directly by the electors with the Mayor accountable to residents and rate payers, Popular election of the Mayor would give predictability about the style and direction of the Council leadership and stability to the office for a period of 4 years, The Mayor would be able to provide leadership, adhere to agreed strategic directions and influence long term planning and policy setting, election of the Mayor by the electors would remove internal politics of Councillors during the time leading up to the election of the Mayor, popular election of the Mayor would give electors an opportunity to consider Mayoral candidates policies and vote accordingly, popular election of the Mayor would make the Mayor more accountable to residents.
- 4. In May 2017 the Stirling Councillors agreed to hold a referendum at the Local Government elections, in October 2017 at which residents voted 'overwhelmingly' in support of the community electing a Mayor. We do not need a costly referendum in the City of Rockingham when we believe the result would show similar results.
- 5. Given that Council may now have the opportunity to change the method by which the Mayor is elected, that is an absolute Majority, negates the need for an expensive referendum and any delay in voting on this issue, giving residents the opportunity to vote for their own Mayor at the next Local Government Election 2021.
- 6. Estimated costs for the 2019 City of Rockingham ordinary election are approximately \$340,000 (based on four ward elections). The inclusion of a mayoral election will increase costs by estimated \$8,000-\$12,000. Depending on the way the implementation of a 'elector elected' Mayor.

Costs Reference: Information for Candidates, Tasmanian Electoral Commission

https://tec.tas.gov.au/Local_Government_Elections/assets/LG_Candidate_Information_Booklet.pdf

The following extract allows councillors to read what seems a sensible and equitable approach to campaign funding used by the Government of Tasmania. It provides a starting point for the Minister to consider.

'Changes to the Local Government (General) Regulations 2015, The election related changes are:

- The previous limits on the size and number of posters/signs have been removed. Posters/signs will need to comply with the relevant local council planning scheme
- Previous advertising limits on radio and television to be removed, new reporting requirements that include ALL forms of advertising costs- The new Expenditure Limits are \$16,000 for all candidates contesting a Clarence City, Glenorchy City, Hobart City, Launceston City. Election seat; \$10,000 for all candidates contesting an election for any other Local Government; All electoral advertising used during the relevant period is to be included in the expenditure limit inclusive of GST.'

Details

Local Government is the only tier of Australian government that offers electors the opportunity to directly elect the 'leader'. Both State and Federal governments elect the leader (Premier / Prime Minister) from the elected members representing the political party in office.

In Western Australia there are two methods provided under the Local Government Act 1995 (the Act) for filling the office of mayor - (a) elected by the council from amongst the councillors; or (b) elected by electors of the district.

Of the 30 metropolitan local governments, 18 have an 'elector' mayor and 12 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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'Councillor Mayor' (12)	'Elector Mayor' (18)	
Armadale, Bassendean, Bayswater, Belmont, Gosnells, Kwinana, Kalamunda, Mundaring, Peppermint Grove, Rockingham, Serpentine- Jarrahdale, Swan.	Cambridge, Canning, Claremont, Cockburn, Cottesloe, East Fremantle, Fremantle, Joondalup, Melville, Mosman Park, Nedlands, Perth, South Perth, Stirling Subiaco, Victoria Park, Vincent, Wanneroo.	

The matter of changing the method of filling the office of mayor has been the subject of several reports to Council in recent years. On each occasion the outcome was to remain with the status quo, that being a mayor elected by council.

A 'council elected' mayor is elected every two years by the council (i.e. a two year term) after the biennial 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>.

The Act further provides the manner in which the method of filling the office of mayor may change and in respect to this notice of motion, section 2.11(2) of the Act provides that a local government may change (by absolute majority - i.e. supported by six Councillors) from the election by council method to the election by electors method.

Regardless of the method of electing the mayor, the legislative role remains the same. Section 2.8 of the Local Government Act 1995 specifies the role of the mayor as follows -

- (a) presides at meetings in accordance with the Act;
- (b) provides leadership and guidance to the community;
- (c) carries out civic and ceremonial duties;
- (d) speaks on behalf of the local government;
- (e) performs any functions as required by the Act or other written law; and
- (f) liaises with the CEO on the local government's affairs and the performance of its functions.

The mayor has no decision-making entitlements beyond that of Council, and section 2.8 of the Act further states that the mayor is also required to perform the role of councillor per section 2.10 of the Act which are -

- (a) represents the interests of electors, ratepayers and residents of the district; and
- (b) provides leadership and guidance to the community in the district; and
- (c) facilitates communication between the community and the council; and
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

The Act (section 2.13) provides that the new method of filling the office of mayor is to be the next ordinary local government elections (i.e. Oct 2021) provided the decision to change is made before the period beginning on the 80th day before and ending on the ordinary election day (i.e. 16 October 2021). Should Council make a decision to change the method as a consequence of this Notice of Motion, there is sufficient time to undertake a review of councillor representation and ward boundaries to implement any subsequent changes for the 2021 elections.

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Term restrictions and campaign funding

In respect to point 3 of the Notice of Motion, there are currently no restrictions to the number of terms (consecutive or non-consecutive) that a councillor or mayor may serve. Furthermore, there are no restrictions in respect to election campaign funding beyond the need to declare electoral gifts (e.g. campaign donations).

Councillor Disgualification

Recent legislative changes to the Act (November 2018 - section 8.15A - 8.15M) have provided the Minister for Local Government the means to suspend and/or order an individual council member (mayor/councillor) to undertake remedial action when the Minister is satisfied that it is inappropriate for that member to continue to act as a member of council without intervention. The triggers for intervention are -

- A council member is charged with an offense that (if convicted), will disgualify them from being a council member;
- The Local Government Department CEO has referred an allegation or allegations of serious breach or recurrent breaches of the Act to the State Administrative Tribunal;
- The council member is failing to perform their role, functions or duties as defined in the Act . and the Minister is satisfied that the seriousness or duration of the suspected failure requires intervention; and
- The council member's conduct is adversely affecting the ability of another person, including . employees or the local government itself, to perform their functions or duties and the Minister is satisfied that the seriousness or duration of the suspected conduct requires intervention.

Procedural fairness will be accorded via a 'show cause' notice and the Minister must consider the council member's response.

The Minister now has the ability to recommend dismissal of a council member if the Minister is satisfied that the council member is, or has:

- Impeded the ability of the local government to perform its functions and duties under the Act; and/or
- It is in the best interests of the local government that the member be dismissed, and the seriousness of the situation for the local government requires intervention.

The above Ministerial powers should provide the appropriate intervention mechanism where an 'elector elected' mayor impedes the council or the local government in providing good governance for the community and undertaking their respective roles and functions.

There are several options for Council to consider on this matter -

- 1. Retain the status quo of a 'council elected' mayor.
- 2. Change to an 'elector elected' mayor without change to ward boundaries and councillor representation, thereby increasing Council to twelve members (including the mayor).
- 3. Change to an 'elector elected' mayor in conjunction with a change to ward boundaries and councillor representation to reduce councillor numbers (to eleven or less, including the mayor).

Additional Details

The Final Report of the Local Government Review Panel provides recommendations for a new Local Government Act for Western Australia. Several recommendations arise from that report that have a bearing on this report, particularly in regards limitation on terms served -

- Number of elected member positions for populations above 75,000: between 9 and 15 councillors (including mayor).
- Elections / Ward Boundary review every four years. .
- Council elected mayor term set at two years (as is currently the case). .
- No restriction on the number of terms for elected members / mayor.

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- Preference for uneven number of Councillor positions (including mayor).
- Optional preferential voting.
- Change to the role of mayor to -
 - (a) provides leadership and guidance to the community in the whole district;
 - (b) carries out civic and ceremonial duties on behalf of the local government;
 - (c) acts as the principal spokesperson on behalf of the council and explains and upholds the decisions of the local government;
 - (d) encourages good working relations between councillors, and between the council and the CEO:
 - (e) provides guidance to councillors about what is expected of a councillor including in relation to:
 - (i) the role of a councillor:
 - (ii) the councillor code of conduct; and
 - (iii) standing orders
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions:
 - (g) presides at meetings in accordance with this Act;
 - (h) leads the development of strategic plans;
 - promotes partnerships between the council and key stakeholders; (i)
 - leads and facilitates the presentation of the annual Council budget; (i)
 - (k) initiates the annual performance appraisal of the CEO; and
 - (1) performs such other functions as are given to the mayor or president by this Act or any other written law.

It should be noted that there is no certainty that any of the above recommendations arising from the panel report will be implemented.

Implications to Consider

Consultation with the Community a.

In May 2019 the City received a petition seeking to consider a change to the method of filling the position of mayor. The proposal was not supported by Council.

There has been significant commentary of this matter on social media, with comments made demonstrating a level of misunderstanding within the community about the role of a local government mayor and the influence that the mayor has on decision-making within council and the local government.

The Notice of Motion is proposing that Council make a decision on changing the method of filling the office of Mayor without undertaking direct consultation with the community. The cost of conducting a referendum on this matter was provided to Council in February 2020.

A decision to change ward boundaries and councillor representation will require a public submission period of six weeks.

b. **Consultation with Government Agencies**

Previous consultation has occurred with the Western Australian Electoral Commission in respect to potential costs for a mayoral election.

Strategic C.

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019-2029:

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Aspiration 4:	Deliver Quality leadership and Business Expertise				
Strategic Objective:	Effective Governance – Apply systems of governance which empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment.				

d. Policy

Nil

Financial e.

The financial implications on this matter are varied. In retaining the status quo of filling the office of mayor by the 'Council Elected' method there are no financial implications.

Should an 'elector elected' mayor be implemented without subsequent changes to councillor numbers, the cost is estimated at \$50,000pa covering addition sitting fees and allowances, support materials, training and resources. A further \$9,000 - \$13,000 would be required for the mayoral election.

In the circumstance of an 'elector elected' mayor being implemented with a reduction in councillor numbers a review of ward boundaries and councillor representation would be required. The cost of a mayoral election would be \$9,000 - \$13,000.

The undertaking of a review of ward boundaries and councillor representation will involve significant redirection of officer resources as well as statutory cost for public consultation.

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" (*Absolute majority 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 2.13(3) of the Act states that a decision under section 2.11(2) has no effect if it is made during the period beginning on the 80th day before, and ending on, the ordinary election day.

Risk g.

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 restate some of the issues raised in previous reports to Council, the Elections Summary Discussion Paper (for the Act review) 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 'populist' platform or with a different mandate to that of councillors/council can lead to the promotion of different agendas and subsequent conflicts, and this has been experienced in various local governments. A review of the findings of Inquiry investigations into a number of local governments bears this observation out, with dysfunction between 'popularly elected' mayor, councillors and the local government administration, on occasion resulting in the dismissal of council. An 'elector mayor' has a term of office of four years (compared

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to the two years for 'councillor' mayor), which potentially is a lengthy period before the community can voice' dissatisfaction in a mayor's performance via the ballot box. The ability for the Minister for Local Government to exercise an intervention may provide an avenue to 'limit the ongoing damage' of dysfunction.

This is not to say that dysfunction 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 there are benefits for council to elect its own leader from amongst its members as it provides the incumbent confidence that they have the support of the majority of their peers, who conversely may hold the mayor to account during their two year tenure.

In considering a referendum to change the method of filling the office of mayor from 'elected by council' to 'elected by electors', the City of Stirling provided the following cases -

ELECTION OF THE MAYOR BY COUNCILLORS (current)			
Those in favour may argue that:	Those against may argue that:		
A double selection process, with the person being elected to Council prior to being eligible for election as Mayor, gives more rigour to the selection process.	It does not provide the electors with the direct vote from the election and may support the development of factions on Council.		
Councillors may have better knowledge of a candidate's experience, capacity and capability.	The electors may vote for a person who is considered independent and therefore not influences by previous Council experience.		
An election by the Councillors can enhance the leadership of the Mayor and the cohesiveness of the Council.	The Mayor could be said to be more answerable to the community if popularly elected.		
If the Mayor is elected on a two (2) year cycle it enables change at more frequent intervals if appropriate.	The more frequent change can potentially cause some disruption to Council cohesiveness.		
A two (2) year review of the Mayor's performance is a better process and can only be achieved if the Mayor is elected by Council.	The term of Office of four (4) years gives continuity in the mayor overseeing the Council's objectives, goals and strategies.		

ELECTION OF THE MAYOR BY ELECTORS			
Those in favour may argue that:	Those against may argue that:		
It enhances democracy as the electors have a direct say in the person who leads the Council.	The electors may have less knowledge of a candidate's experience, capacity and capability than fellow Councillors.		
The Mayor could be said to be more answerable to the community if popularly elected.	If the Mayor does not have the support of the rest of Council, the result could be difficulty in Council decision making.		
It provides continuity as Councillors cannot remove a directly elected Mayor for four (4) years.	Councillors may be best positioned to know when to withdraw support for a Mayor.		
The Mayor may be more mindful of electors' views.	The Mayor may put individual Councillor concerns ahead of the interests of the electors.		
The term of Office of four (4) years gives continuity in the Mayor overseeing Council's objectives goals and strategies.	A two (2) year election process could constitute a better process for a review of a Mayor's performance.		

Source City of Stirling Minutes of the Ordinary Meeting of Council 5 December 2017.

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Using the outcomes of the City of Stirling elections in 2019 (sourced from the Western Australian Electoral Commission website), 26.2% (38,018 of 146,392) of eligible electors submitted a vote. Of these the successful candidate received 14,903 votes (39.2% of votes cast), meaning that just over 10% of eligible electors determined who would be mayor.

An issue that also needs be considered is that once the change to an 'elector elected' mayor has been implemented, it is far more complex and challenging to change back (per section 2.12A of the Act), requiring a public submission period, followed by a poll of electors. To be succinct, once changed it is highly unlikely to ever be changed back.

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

Alternatively, Council may decide to introduce the change of election method 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. Any change will need to be undertaken in accordance with legislative requirements in time for the local government elections in October 2021.

In the lead up to the 2019 elections Council undertook a Ward Boundary and Councillor Representation Review, and the Discussion Paper presented the following options for consideration -

Option 1 – No Wards / Ten Councillors

Option 2 - Two Wards / Ten Councillors

Option 3 – Three Wards / Ten Councillors

Option 4 - Four Wards / Ten Councillors

Option 5 - Four Wards / Eleven Councillors

Option 6 - Three Wards / Nine Councillors

Subsequent models included variations of the Three Ward / Eleven Councillor model.

Council subsequently resolved to increase the number of Councillors from 10 to 11.

While this change was ultimately accepted by the Minister for Local Government, he stated -

"I would like to take this opportunity to convey some concerns about the council's decision to increase councillor numbers, particularly during a period of challenging general economic times. I also wonder if it may have been prudent for the City to maintain 10 councillors, particularly given that the review of the Local Government Act 1995 is currently considering the issue of councillor numbers and a decision on that matter is yet to be finalised."

An argument during the deliberation on the above review was that it was preferred to adopt a council of uneven composition to minimise the occasions where the mayor has to exercise his legislative obligation of a casting vote. This principle has been supported by the Local Government Review Panel report. Given this, should Council consider it appropriate to reduce councillor numbers in conjunction with the introduction of an elector elected mayor several options are apparent -

- 1. Reduce the number of councillors (excluding mayor) to 10 or 8 with no wards.
- 2. Reduce the number of councillors (excluding mayor) to 10 or 8 with current three wards.
- 3. Reduce the number of councillors (excluding mayor) to 10 or 8 with revised wards.

Given the recent nature of the 2018 review, it would be prudent to limit the changes to ward boundaries. Detailed analysis of the implications of these models will need to be undertaken based on the elector numbers (by ward) from the 2019 ordinary elections; applying anticipated elector growth numbers to ensure that the revised structure is sustainable into the future within the accepted tolerances under Local Government Advisory Board requirements. This work would be the substance of the report required under part two of the Notice of Motion. (NOTE: This work has been undertaken and detailed later in this report.)

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In the report to Council in June 2019 the author stated "It would be appropriate for the question to be reconsidered after the current review of the Local Government Act so any resultant implications can be taken into account by the incoming Council, including any appropriate changes to ward boundaries and councillor numbers should an 'elector' mayor be favoured".

Council has previously endorsed a submission to the review of the Local Government Act 1995 which did not encompass a position on the limitation of elected member terms or limitation to election campaign funding. The outcomes of the review of the Local Government Act 1995 are not known (NOTE: Refer to additional comment below). Issues such as a cap on the numbers of elected members, limitations on the number of terms that can be served, whether the option of a 'popularly elected' mayor becomes compulsory or is scrapped, limitation to the financing of election campaigns, etc. are matters yet to be determined.

The view held that the opportunity to directly elect the mayor is 'a fundamental democratic right', is not a right extended to the other tiers of government. It is optional under the current legislative framework. The fundamental right that is shared by all Australian governments is the right to elect a representative, whether this be a state or federal member, or councillor.

The author has previously stated that there is no compelling reason to change what is currently an effective system of filling the office of mayor at the City of Rockingham. This view has not changed. The Notice of Motion is not supported.

Additional Comment

An additional matter for consideration is the possibility of an "elector mayor' being elected who has no previous experience in local government. This could impinge the smooth conduct of Council's decision making processes as the new incumbent is intensely inducted into the roles and responsibilities of, not only being a councillor, but also as mayor.

While the author does not support the Notice of Motion, the deferment of this report has provided the opportunity to consider a number of models for Councillor Representation and Ward Boundaries should Council choose to change the method of electing the mayor and reduce the number of councillors.

Using 2019 election statistics and growth data from forecast.id, the City has assessed over 50 models based on the following variables -

- Number of elected members
- Number of wards .
- Size of wards
- Distribution of suburbs

As with the 2018 Review, the City chose not to split any individual suburb between two wards.

Representation was considered for the current year and 2021, 2023 and 2025 election years.

The following scenarios were assessed -

- Current 3 wards with 11 / 10 / 9 / 8 councillors
- Modified 3 wards with 10 councillors / 9 councillors / 8 councillors
- Two wards with 10 / 9 / 8 councillors
- Five variations of 4 ward models with 10 / 9 / 8 councillors

The following scenarios provided satisfactory (or near to satisfactory) ratios (Electors to Councillors) to meet the +/- 10% maximum variation required by the Local Government advisory Board -

A: Current Three Wards / 11 Councillors / 1 Elector Mayor – 12 member Council

Baldivis Ward	Comet Bay Ward	Vard Rockingham/Safety Bay Ward	
Baldivis North and South	Golden Bay, Karnup, Keralup, Secret harbour, Singleton	Cooloongup, East Rockingham, Garden Island, Hillman, Peron, Port Kennedy, Rockingham, Safety Bay, Shoalwater, Waikiki, Warnbro.	

Presiding Member

2020

2020 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
Baldivis	20288	3	6763	11.312
Comet Bay	13926	2	6963	8.685
Rockingham/Safety Bay	49664	6	8277	-8.551
City Total	83878	11	7625	

Forecast 2021

Forecast 2021 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
Baldivis	21003	3	7001	9.635
Comet Bay	14250	2	7125	8.034
Rockingham/Safety Bay	49969	6	8328	-7.496
City Total	85222	11	7747	

Forecast 2023

Forecast 2023 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
Baldivis	23232	3	7744	4.297
Comet Bay	14989	2	7495	7.381
Rockingham/Safety Bay	50788	6	8465	-4.609
City Total	89009	11	8092	

Forecast 2025

Forecast 2025 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
Baldivis	25953	3	8651	-1.421
Comet Bay	16107	2	8054	5.584
Rockingham/Safety Bay	51768	6	8628	-1.151
City Total	93978	11	8530	

Summary - The current ward / councillor representation model that is in place remains viable, with the addition of an Elector Mayor, making a council of twelve.

B: No Wards / Any number of Councillors

The removal of a ward structure provides for two elections - one for the Elector Mayor, the other for all councillors across the district. This will be the same regardless of the number of councillor positions.

It could be argued that allowing all electors to vote for every councillor vacancy may obviate a change to an 'elector mayor' under an optional preferential system, as any of the successful candidates elected by the entire electorate has a chance to become mayor (by majority vote of his/her peers).

An implication that needs to be considered is the impact of an extra-ordinary election. This would need to be conducted across the whole of the district as opposed to a ward.

C: Two Wards / 9 Councillors (3 S/East, 6 N/West) – 1 Elector Mayor - 10 member Council

South East Ward	North West Ward
Baldivis North and South, Golden Bay, Karnup, Keralup, Singleton.	Cooloongup, East Rockingham, Garden Island, Hillman, Peron, Port Kennedy, Rockingham, Safety Bay, Secret Harbour, Shoalwater, Waikiki, Warnbro.

Presiding Member

2020

2020 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
South East	26900	3	8967	3.789
North West	56978	6	9496	-1.894
City Total	83878	9	9320	

Forecast 2021

Forecast 2021 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
South East	27886	3	9295	1.836
North West	57336	6	9556	-0.918
City Total	85222	9	9469	

Forecast 2023

Forecast 2023 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
South East	30653	3	10218	-3.314
North West	58356	6	9726	1.657
City Total	89009	9	9890	

Forecast 2025

Forecast 2025 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
South East	34271	3	11424	-9.575
North West	59557	6	9926	4.788
City Total	93828	9	10425	

Summary - Reducing the number of councillors to 9 with two wards is a viable scenario.

D: Two Wards / 8 Councillors (3 S/East, 5 N/West) - 1 Elector Mayor - 9 member Council

South East Ward	North West Ward
Baldivis North and South, Golden Bay, Karnup, Keralup, Singleton.	Cooloongup, East Rockingham, Garden Island, Hillman, Peron, Port Kennedy, Rockingham, Safety Bay, Secret Harbour, Shoalwater, Waikiki, Warnbro.

<u>2020</u>

2020 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
South East	26900	3	8967	14.479
North West	56978	5	11396	-8.687
City Total	83878	8	10485	

Forecast 2021

Forecast 2021 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
South East	27886	3	9295	12.743
North West	57336	5	11467	-7.646
City Total	85222	8	10653	

Presiding Member

Forecast 2023

Forecast 2023 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
South East	30653	3	10218	8.165
North West	58356	5	11671	-4.899
City Total	89009	8	11126	

Forecast 2025

Forecast 2025 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
South East	34271	3	11424	2.600
North West	59557	5	11911	-1.560
City Total	93828	8	11728	

Summary - While not fully compliant in 2021, this scenario of 8 Councillors across two wards becomes viable from 2023.

E: Modified Three Wards / 8 Councillors (2 Baldivis, 2 Comet Bay, 4 Rkghm/SBy) – 1 Elector Mayor - 9 member Council

Baldivis Ward	Comet Bay Ward	Rockingham/Safety Bay Ward	
Baldivis North and South, Karnup, Keralup.	Golden Bay, Port Kennedy, Secret Harbour, Singleton	Cooloongup, East Rockingham, Garden Island, Hillman, Peron, Rockingham, Safety Bay, Shoalwater, Waikiki, Warnbro.	

2020

2020 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
Baldivis	21452	2	10726	-2.301
Comet Bay	21221	2	10611	-1.199
Rockingham/Safety Bay	41205	4	10301	1.750
City Total	83878	8	10485	

Forecast 2021

Forecast 2021 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
Baldivis	22263	2	11132	-4.493
Comet Bay	21444	2	10722	-0.649
Rockingham/Safety Bay	41515	4	10379	2.571
City Total	85222	8	10653	

Forecast 2023

Forecast 2023 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
Baldivis	24691	2	12346	-10.961
Comet Bay	22041	2	11021	0.948
Rockingham/Safety Bay	42276	4	10569	5.006
City Total	89009	8	11126	

Presiding Member

Forecast 2025

Forecast 2025 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
Baldivis	27750	2	13875	-18.303
Comet Bay	22922	2	11461	2.280
Rockingham/Safety Bay	43155	4	10789	8.012
City Total	93828	8	11728	

Summary - This scenario is compliant for 2021, then marginally slips out in 2023. Then 2025 would be non-compliant and require some further adjustment / review.

F: Modified Four Wards / 8 Councillors (3 Baldivis, 2 Comet Bay, 2 Rkghm, 2 Safety Bay) – 1 Elector Mayor - 9 member Council

Baldivis Ward	Comet Bay Ward	Rockingham Ward	Safety Bay Ward
Baldivis North and South, Karnup, Keralup.	Golden Bay, Port Kennedy, Secret Harbour, Singleton	Cooloongup, East Rockingham, Garden Island, Hillman, Peron, Rockingham, Shoalwater,	Safety Bay, Waikiki, Warnbro.

<u>2020</u>

2020 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
Baldivis	21452	2	10726	-2.301
Comet Bay	21221	2	10611	-1.199
Rockingham	20180	2	10090	3.765
Safety Bay	21025	2	10513	-0.265
City Total	83878	8	10485	

Forecast 2021

Forecast 2021 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
Baldivis	22263	2	11132	-4.494
Comet Bay	21444	2	10722	-0.650
Rockingham	20439	2	10220	4.067
Safety Bay	21076	2	10538	1.077
City Total	85222	8	10655	

Forecast 2023

Forecast 2023 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
Baldivis	24691	2	12346	-10.961
Comet Bay	22041	2	11021	0.948
Rockingham	20823	2	10412	6.422
Safety Bay	21453	2	10727	3.591
City Total	89009	8	11130	

Presiding Member

Forecast 2025

Forecast 2025 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
Baldivis	27750	2	13875	-18.303
Comet Bay	22922	2	11461	2.280
Rockingham	21383	2	10692	8.841
Safety Bay	21772	2	10886	7.182
City Total	93828	8	11737	

Summary – Similar to Model F, this scenario is compliant for 2021, marginally becomes non-compliant in 2023, and will require review for 2025.

Except for a 'no ward' model, none of the 18 scenarios for ten councillors were compliant.

One scenario of two Wards / 10 Councillors (South East 3, North West 7) is compliant for 2021, but is non-compliant for 2023 and 2025.

The scenario of Two Wards, / 10 Councillors (South East 4, North West 6) is non-compliant for 2021 and 2023, but becomes compliant for 2025).

G: Two Wards / 10 Councillors – 1 Elector Mayor - 11 member Council - Transitioning

Ga) (3 S/East, 7 N/West)

2020

2020 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
South East	26900	3	8967	-6.901
North West	56978	7	8140	2.958
City Total	83878	10	8388	

Forecast 2021

Forecast 2021 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
South East	27886	3	9295	-9.071
North West	57356	7	8191	3.888
City Total	85222	10	8522	

Forecast 2023

Forecast 2023 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
South East	30653	3	10218	-14.793
North West	58356	7	8337	6.340
City Total	89009	10	8901	

Forecast 2025

Forecast 2025 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
South East	34271	3	11424	-21.750
North West	59557	7	8508	9.322
City Total	93828	10	9383	

Presiding Member

Gb) (4 S/East, 6 N/West)

2020

2020 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
South East	26900	4	6725	19.824
North West	56978	6	9496	-13.216
City Total	83878	10	8388	

Forecast 2021

Forecast 2021 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
South East	27886	4	6971	18.196
North West	57356	6	9556	-12.131
City Total	85222	10	8522	

Forecast 2023

Forecast 2023 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
South East	30653	4	7663	13.905
North West	58356	6	9726	-9.270
City Total	89009	10	8901	

Forecast 2025

Forecast 2025 Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
South East	34271	4	8568	8.687
North West	59557	6	9926	-5.792
City Total	93828	10	9383	

Summary - A transitioning arrangement could be mounted to run with the "3/7" scenario for 2021 and 2023, transitioning to a "4/6" scenario for 2025.

A decision to change the method of electing the mayor and then reduce the number of councillors / modify ward boundaries will initiate a review process as required by Schedule 2.2 of the local Government Act 1995. This includes a decision to abolish the ward system.

It provides that a local government may carry out a review (of ward boundaries and councillor representation) should, in the council's opinion, it is required, and propose to the Local Government Advisory Board (by absolute majority) the making of an order (to change) if it is Council's opinion that it is of a minor nature and not one which public submissions should be invited.

Any change identified earlier could not be considered minor and would best be supported through the invitation of public comment. A similar process as undertaken for the 2018 review is appropriate. A discussion paper would be prepared outlining some if not all of the above models, inviting public submissions over a six week period. The discussion paper would note that the models are presented on the presumption of the addition of an 'elector mayor'.

Public submissions would be presented back to Council for a final recommendation to the Local Government Advisory Board. These need to be received by the Board before 31 January 2021.

Should Council support part 1 of the Notice of Motion (change of method of electing the mayor), part 2, is addressed with the following timeframes -

A discussion paper is to be prepared (including models from this report) and made available for public submission over a six week period. Two weeks to prepare the discussion paper (completed mid-October), six weeks submission period (mid/late October to late November / early December 2020).

Presiding Member

- Upon close of public submissions, a report to Council is prepared detailing the submissions received (on ward boundaries and representation) with a recommendation to the Local Government Advisory Board (report direct to Council).
- Council adopts a recommendation and it is presented to the Local Government Advisory Board before 31 January 2021.

As earlier identified, resources will need to be brought to bear to ensure the process is completed prior to the end of 2020.

In brief Part 2 of the Notice of Motion has been fulfilled and Part 3 has been addressed generally within this report.

The decisions required by Council can be summarised as follows -

- 1. Change the method of electing the Mayor Yes / No
- 2. If no No further action
- 3. a) Remain at 11 Councillors (Current Wards) plus elected mayor; or If yes
 - b) Reduce number of Councillors.
- 4. If a) No further action
- 5. Undertake a ward boundary / councillor representation review (public submissions) lf b) and back to Council December 2020 or January 2021 for final decision on structure and numbers.

Voting Requirements

Absolute Majority (to change the method of electing the mayor)

Officer Recommendation

The Notice of Motion is not supported.

Notice of Motion from Cr Edwards and Cr Davies

That Council:

- 1. APPROVES the change in method of filling the office of the Mayor used by the City of Rockingham from the election by the council method to the election by the electors method;
- 2. **DIRECTS** the CEO to prepare a report informing Council by May 2020 of a timeline to implement the change to the election by electors method at the 2021 ordinary local government elections and the most cost effective strategy to support the change; and
- ADVOCATES to the Minister for Local Government to consider the following initiatives in the 3. current review of the Local Government Act 1995
 - a. The introduction of a cap to the amount that can be spent on election campaigns by candidates for local government elections.
 - b. The introduction of a maximum number of consecutive terms that can be held by local government elected members.
 - c. Expedite the process to allow for the disqualification of elected members where they have been found to be jeopardising the good governance of the local government.
- Note: Due to the absence of Cr Hayley Edwards, in accordance with Standing Orders the Notice of Motion will be referred direct to Council without Committee recommendation.

Presiding Member

16.	Notices of motion for Consideration at the Following Meeting
	Nil
17.	Urgent Business Approved by the Person Presiding or by Decision of the Committee
	Nil
18.	Matters Behind Closed Doors
	Nil
19.	Date and Time of Next Meeting
	The next Corporate and Community Development Committee meeting will be held on Tuesday 20 October 2020 in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.
20.	Closure
	There being no further business, the Chairperson thanked those persons present for attending the Corporate and Community Development Committee meeting, and declared the meeting closed at 4:13pm .

Presiding Member