



# City of Rockingham

## AGENDA

### Ordinary Meeting of Council

To be held on Tuesday 22 September 2020 at 6:00pm  
City of Rockingham Council Chambers

**Note:** This meeting will be subject to audio recording  
in accordance with Council's Recording and  
Streaming Council Meeting's policy



## Notice of Meeting



Dear Mayor and Councillors

The next Ordinary Meeting of the Council of the City of Rockingham will be held on Tuesday 22 September 2020 in the Council Chambers, Civic Boulevard, Rockingham. The meeting will commence at 6:00pm.

A handwritten signature in blue ink, appearing to read 'Michael Parker', with a long horizontal stroke extending to the right.

MICHAEL PARKER  
CHIEF EXECUTIVE OFFICER

17 September 2020

### DISCLAIMER

#### PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the City. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The City of Rockingham expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the City.

**City of Rockingham**  
**Ordinary Council Meeting**  
**6:00pm Tuesday 22 September 2020**



**1. Declaration of Opening**

**Acknowledgement of Country**

This meeting acknowledges the traditional owners and custodians of the land on which we meet today, the Nyoongar people, and pays respect to their elders both past and present.

**Recording and Streaming**

In accordance with clause 8.5 of the City of Rockingham Standing Orders Local Law 2001, Council has given permission for the administration to record proceedings of this meeting.

Council meetings are recorded in accordance with the City's Policy – Recording and Streaming Council Meetings. By being present at this meeting, members of the public consent to the possibility that their voice may be recorded. Recordings will be made available on the City's website following the meeting.

The City of Rockingham disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence, or the like is considered or determined during this meeting the City warns that neither the applicant nor any other person or body should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it or the refusal of the application has been issued by the City. The official record of the meeting will be written minutes kept in accordance with the Local Government Act 1995 and any relevant regulations.

Public question time and deputations will not be recorded.

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

**2.1 Councillors**

Cr Barry Sammels (Mayor)	Rockingham/Safety Bay Ward
Cr Deb Hamblin (Deputy Mayor)	Rockingham/Safety Bay Ward
Cr Sally Davies	Baldivis Ward
Cr Hayley Edwards	Baldivis Ward
Cr Matthew Whitfield	Baldivis Ward
Cr Lorna Buchan	Comet Bay Ward
Cr Mark Jones	Comet Bay Ward
Cr Craig Buchanan	Rockingham/Safety Bay Ward
Cr Rae Cottam	Rockingham/Safety Bay Ward
Cr Leigh Liley	Rockingham/Safety Bay Ward
Cr Joy Stewart	Rockingham/Safety Bay Ward

**2.2 Executive**

Mr Michael Parker	Chief Executive Officer
Mr Bob Jeans	Director Planning and Development Services
Mr Sam Assaad	Director Engineering and Parks Services
Mr John Pearson	Director Corporate Services

	<p>Mr Peter Doherty Mr Michael Holland Mr Peter Varris Mr Peter Le Ms Sarah Mylotte</p> <p>Director Legal Services and General Counsel Director Community Development Manager Governance and Councillor Support Senior Legal and Councillor Liaison Officer Administration Officer – Governance and Councillor Support</p>
2.3	<b>Members of the Gallery:</b>
2.4	<b>Apologies:</b>
2.5	<b>Approved Leave of Absence:</b>
<b>3.</b>	<b>Responses to Previous Public Questions Taken on Notice</b>
3.1	<p><b>Ms Teresa Ong, Singleton - Postal ballots</b></p> <p>At the Council meeting held on 25 August 2020, Ms Ong asked the following questions that were taken on notice and the Chief Executive Officer provided a response in a letter dated 1 September 2020 as follows:</p> <p><u>Question</u></p> <p>1. In October 2019 for the Council election, the voting packages were sent out in batches of 3 areas of local government. Melville, Nedlands and Rockingham were one batch. Both Melville and Nedlands used express bulk mail delivery. City of Rockingham opted for the cheapest option of regular mail delivery. It is not possible to post and deliver over 1.5 million voting papers due to capacity constraints, hence those with the cheapest delivery option get put to the back of the queue.</p> <p>I myself received my voting papers on the Thursday before the election closed on the Saturday. As did my neighbours and the rest of the street. It is stated by the WA Electoral Commission that “any eligible elector who believes they have not been posted a package, or it has gone astray or been disposed of by another householder along with the junk mail, can attend their local government office to apply for and be directly issued with a replacement package.”</p> <p>a) What is the difference in the cost of both types of mail out for the election packages, as these are vitally important?</p> <p>b) Does the City of Rockingham have the set up to produce the voting packages for those people who fit the category above, or not receiving a voting package?</p> <p><u>Response (provided at the meeting)</u></p> <p><i>The Mayor advised that the elections are conducted by the Western Australian Electoral Commission and was aware of some concerns regarding the issue of late / non-receipt of voting packages.</i></p> <p><i>The CEO, Mr Parker advised that the 2019 local government election had provision at the City of Rockingham Administration Centre to replace voting packages.</i></p> <p><u>Response</u></p> <p><i>The Western Australian Electoral Commission charged the City \$305,179.34 (including GST) for the 2019 Local Government Ordinary Election, which includes:</i></p> <ul style="list-style-type: none"> <li><i>Mail Out Postage (standard) - \$68,119.94 (excluding GST)</i></li> <li><i>Reply Paid Postage - \$17,281.60 (excluding GST)</i></li> </ul> <p><i>The above excludes internal administration costs absorbed by the City of Rockingham.</i></p>

3.2

**Mr James Mumme, Shoalwater – Asphalted Road - Richmond Avenue and Safety Bay Road**

At the Council meeting held on 25 August 2020, Mr Mumme asked the following questions that were taken on notice and the Director Engineering and Parks Services provided a response in a letter dated 8 September 2020 as follows:

Mr Mumme asked if the City could halt construction of an asphalted road behind houses at the corner of Richmond Avenue and Safety Bay Road until proper research has been done.

I refer to Mangle Bay Marina Project (EPBC 2010/5659): impacts on Lake Richmond of proposed changes to surface water regimes on 2 September 2014, to Professor Ryan Vogwill's and Mike Whitehead's report on the state of the thrombolites at Lake Richmond. Lake Richmond - microbialites, microbial mapping, hydrology report, to the interim recovery plant no 122 for the thrombolites at Lake Richmond, 2003, and to the current Management Plan for Lake Richmond.

It is clear that the thrombolites are already under threat from the impacts of excess surface water entering the lake and that measures are being considered to prevent the dilution of lake water from happening. The laying of an estimated 2,000 sqm of asphalt along the lakeside should be suspended immediately.

1. Was the Commonwealth Department of Environment notified of risk to a Matter of National Significance under the EPBC Act? If not why not?
2. Was the State Department of biodiversity, Conservation and Attractions notified of the plans? If not why not?
3. Was Professor Ryan Vogwill consulted at any point during planning for this road? If not why not?
4. Was any assessment done on the likely flow of surface water entering the lake as a result of asphalt surface on this road? If not why not?
5. What is the purpose of this road, what area of asphalt will be laid and why is it being asphalted? (Further subsidiary questions may be required here depending on the answer.)
6. What is the budgeted cost?

Response

*The Mayor noted that for the accuracy of information, the new asphalt path is 1,034 square metres.*

*This asphalt path is to formalise the existing limestone fire track. It will serve dual function as a fire track and a shared path. The area is identified as having a high bush fire risk with inadequate access to defend the properties on the corner of Safety Bay Road and Richmond Avenue. Asphalt was chosen as it provides the best service for the functions outlined.*

*The construction of a pathway suitable for all users is identified in multiple City plans including the Lake Richmond Management Plan and as a primary route in the City's Long Term Cycle Network that was adopted by Council in June 2020.*

*In regards to notifications to Commonwealth and State departments (questions 1 and 2), the response is that approval has been obtained from the Department of Planning, Lands & Heritage as the Lake Richmond is listed as an aboriginal site and the path is located within the buffer zone of the site.*

*No other approval was sought. The reasons are as follows:*

- a. *The asphalt path is built on existing compacted limestone fire access track.*

- b. 3D modelling shows that changes to runoff patterns as a result of the asphalt path is minimal.*
- c. Any runoff will be completely filtered in the groundwater system before reaching the lake.*
- d. There is only minor clearing of existing low level shrubs.*

*In response to question 3, the answer is no for the same reasons as stated above.*

*For question 4, the design had a 3D model depicting the flow of runoff which confirmed that there will be no surface water associated with the path entering the lake.*

*For question 5, the purpose has been described in the early part of this response. The budgeted cost is \$172,492*

7. Was the 3D modelling conducted by the City or a contractor?

Response

*The Director Engineering and Parks Services, Mr Assaad advised that the modelling was undertaken by in-house resources.*

8a. Why has this area been chosen against the advice of the Management Plan?

*I note that the current Management Plan now only 3 months old does not recommend any changes to the path in this area. In the implementation table there is no mention of a road upgrading anywhere around the lake. In appendix F Summary of Infrastructure Assets, it states that the condition of the compact sand road is good and the recommendation is "none required".*

*"existing tracks to be upgraded with bitumen stabilised limestone, with priority given to completing the 'main loop' lake track and as funding allows." But the map to which this statement is referred only shows upgrading on the east side of the lake.*

Response

*The Lake Richmond Management Plan provides discussions on a number of threatening processes (section5) and specifically Fire (section 5.7). The Management*

*Plan recognises the importance of implementing appropriate actions that may be developed out of the City's Bushfire Risk management Plan. In the period after the Lake Richmond Management Plan was finalised, the City has completed further works relating to bushfire risk and it was confirmed that the old track was considered unsuitable for managing the risk of bushfire to the properties on the corner of Safety Bay Road and Richmond Avenue. Hence, the track required upgrading to an appropriate standard to perform a dual role as a fire access track and pedestrian pathway.*

*The City was very conscious of the environmental values of the site and have made all effort to balance the bushfire risk management needs with those environmental values.*

8b. If funding allows for construction of this road, why was that funding not put towards Professor Vogwill's proposed research or for looking at ways to keep the thrombolites alive? Surely they are a higher priority than replacing a pathway which the Management Plan says is in 'good condition' and does not need replacing.

Response

*It is critical for the City to continue to fund works that protect life and property under the City's bushfire risk mitigation program and this work is necessary and appropriate given the extreme risk rating of this area under the City's Bushfire Risk Management Plan.*

<b>4.</b>	<b>Public Question Time</b>	
	Members of the public are invited to present questions to the Mayor about matters affecting the City of Rockingham and its residents. This is the only opportunity in the meeting for the public to ask questions.	
<b>5.</b>	<b>Applications for Leave of Absence</b>	
<b>6.</b>	<b>Confirmation of Minutes of the Previous Meeting</b>	
	<b>Recommendation:</b> That Council <b>CONFIRMS</b> the Minutes of the Ordinary Council meeting held on 25 August 2020, as a true and accurate record.	
<b>7.</b>	<b>Matters Arising from the Previous Minutes</b>	
<b>8.</b>	<b>Announcement by the Presiding Person without Discussion</b>	
	The Mayor to announce 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 Council meeting.	
<b>9.</b>	<b>Declarations of Members and Officers Interests</b>	
	<b>9.1 Item HR-002/20 Chief Executive Officer Performance and Personal Development Review for 2020</b>  Officer: Mr Michael Parker, Chief Executive Officer  Type of Interest: Financial  Nature of Interest: Mr Parker's annual performance review is the subject of the report and the review is a requirement of his contract of employment.  Extent of Interest: Not Applicable  <b>9.2 Item EP-020/20 Tender T19/20-130 - Standing Officer for the Supply, Removal and Installation of Light Poles, Luminaires and Associated Services</b>  Councillor: Cr Jones  Type of Interest: Impartiality  Nature of Interest: Cr Jones is friends with owners of M Power U Ltd, one of the companies tendering.  Extent of Interest: Not Applicable  <b>9.3 Item CD-023/20 Tertiary Scholarship Scheme Round Two 2020</b>  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	

<b>10.</b>	<b>Petitions/Deputations/Presentations/Submissions</b>
<b>11.</b>	<b>Matters for which the Meeting may be Closed</b>
	<p>In accordance with section 5.23(2)(a), (b) and (c) of the Local Government Act 1995 – if there are any questions or debate on the following Confidential Items then the Council will need to defer the matter for consideration at Agenda Item 23 - Matters Behind Closed Doors.</p> <p><b>Chief Executive Officer Performance Review Committee</b> <b>9</b></p> <p>HR-002/20 Chief Executive Officer Performance and Personal Development Review for 2020 9</p> <p><b>Corporate and Community Development Committee</b> <b>10</b></p> <p>CD-023/20 Tertiary Scholarship Scheme Round Two 2020 10</p>


**Chief Executive Officer Performance Review Committee**

**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)(a) and (c) of the Act

Chief Executive Officer Performance Review Committee		
<b>Reference No &amp; Subject:</b>	HR-002/20	<b>Chief Executive Officer Performance and Personal Development Review for 2020</b>
File No:	PSL/2287	
Proponent/s:		
Author:	Mr Vince Ritorto, Manager Human Resource Development	
Other Contributors:		
Date of Council Meeting:	22 September 2020	
Previously before Council:		
Disclosure of Interest:	Mr Michael Parker declared a Financial Interest in Item HR-002/20 Chief Executive Officer Performance and Personal Development Review for 2020, as per Sections 5.60A and 5.65 of the Local Government Act 1995, as his annual performance review is the subject of the report and the review is a requirement of his contract of employment.	
Nature of Council's Role in this Matter:	Executive	
Attachments:	<b>Confidential Attachments as per Section 5.95 of the Local Government Act (1995)</b> <ol style="list-style-type: none"><li>1. Minutes from the Chief Executive Officer Performance Review Committee Meeting held on 24 August 2020.</li><li>2. Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 4 September 2020.</li><li>3. Chief Executive Officer Annual Performance Review September 2020 from John Philips Consulting.</li></ol>	
Maps/Diagrams:		

**Purpose of Report**

For Council to consider the:

- performance of the Chief Executive Officer with the key focus areas as adopted by Council at the Ordinary Council meeting on 24 September 2019; and
- Consultant's final report on the Chief Executive Officer Performance and Personal Development Review for 2020 including the establishment and clarification of key focus areas for the forthcoming year.

**Corporate and Community Development Committee**

**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

Community Development Community Capacity Building	
<b>Reference No &amp; Subject:</b>	CD-023/20      Tertiary Scholarship Scheme Round Two 2020
File No:	CSV/1522-05
Proponent/s:	
Author:	Ms Olivia Forsdike, 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:	Cr Sally Davies declared an Impartiality Interest in Item CD-023/20 Tertiary Scholarship Scheme Round Two 2020, as detailed in Clause 3.3 of Council's Code of Conduct and Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 and as per section 5.65 of the Local Government Act 1995, as one of the recipients is a friend of her husband.
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.

### Committee Recommendation

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

<b>12.</b>	<b>Receipt of Minutes of Council Committees</b>	
	<b>Recommendation:</b> That Council <b>RECEIVES and CONSIDERS</b> the minutes of the: <ol style="list-style-type: none"> <li>1. CEO Performance Review Committee meetings held on 24 August 2020 and 4 September 2020;</li> <li>2. Planning and Engineering Services Committee meeting held on 14 September 2020; and</li> <li>3. Corporate and Community Development Committee meeting held on 15 September 2020.</li> </ol>	
<b>13.</b>	<b>Officers Reports and Recommendations of Council Committees</b>	
	<b>Planning and Engineering Services Committee</b> <b>14</b> PD-041/20 Public Open Space Strategy (September 2020) 14 PD-042/20 Proposed Road Closure - Portion of Noreena Avenue, Golden Bay (Final Approval) 30 PD-043/20 Proposed Road Closure - Portion of Alloy Avenue, East Rockingham (Final Approval) 39 PD-044/20 Amendment to Planning Policy No.3.3.7 - Display Home Centres (Final Approval) 48 PD-045/20 Pedestrian Access Way Strategy Update (Final Approval) 54 PD-046/20 Minor Amendments to City Centre Development Policy Plans (Planning Policy No. 3.2.5 - Development Policy Plan Waterfront Village and Planning Policy No. 3.2.6 - Development Policy Plan Northern Waterfront Village) 66 EP-020/20 Tender T19/20-130 - Standing Offer for the Supply, Removal and Installation of Light Poles, Luminaires and Associated Services 71 EP-021/20 Tender T19/20-98 - Standing Offer for the Pruning of Street Trees in the Vicinity of Power Lines, General Tree Pruning, Tree Removals and Stump Grinding 76 <b>Corporate and Community Development Committee</b> <b>80</b> CS-023/20 Council Policy – Customer Service 80 CD-024/20 Community Infrastructure Plan 2020 84 CD-025/20 Delegated Authority – Aqua Jetty Stage 2 Design ( <i>Absolute Majority</i> ) 88	
<b>14.</b>	<b>Receipt of Information Bulletin</b>	
	<b>Recommendation:</b> That Council <b>RECEIVES</b> the Information Bulletins as follows: <ol style="list-style-type: none"> <li>1. Planning Services Bulletin – September 2020;</li> <li>2. Engineering and Parks Services Bulletin – September 2020;</li> <li>3. Corporate and General Management Services Bulletin – September 2020; and</li> <li>4. Community Development Bulletin – September 2020.</li> </ol>	
<b>15.</b>	<b>Report of Mayor</b>	
	MR-009/20 Meetings and Functions Attended by the Mayor and Deputy Mayor	91
<b>16.</b>	<b>Reports of Councillors</b>	
<b>17.</b>	<b>Reports of Officers</b>	

<b>18.</b>	<b>Addendum Agenda</b>
<b>19.</b>	<b>Motions of which Previous Notice has been given</b>
	<p><b>Corporate and Community Development Committee</b> <b>93</b></p> <p>GM-021/20 Notice of Motion – Change of Method of Filling the Position of Mayor (<i>Absolute Majority</i>) (<i>Resubmitted</i>) 93</p>
<b>20.</b>	<b>Notices of Motion for Consideration at the Following Meeting</b>
<b>21.</b>	<b>Questions by Members of which Due Notice has been given</b>
<b>22.</b>	<b>Urgent Business Approved by the Person Presiding or by Decision of the Council</b>
<b>23.</b>	<b>Matters Behind Closed Doors</b>
<b>24.</b>	<b>Date and Time of Next Meeting</b>
	The next Ordinary Council meeting for the City of Rockingham will be held on <b>Tuesday 27 October 2020</b> in the Council Chambers, Civic Boulevard, Rockingham.
<b>25.</b>	<b>Closure</b>

**13. Officers Reports and Recommendations of Council Committees**

**Planning and Engineering Services Committee**

**Planning and Development Services  
Strategic Planning and Environment Services**



<b>Reference No &amp; Subject:</b>	<b>PD-041/20</b>	<b>Public Open Space Strategy (September 2020)</b>
File No:	CSV/2293	
Applicant:		
Owner:		
Author:	Mr Tristan Fernandes, Coordinator Strategic Planning	
Other Contributors:	Mr Brett Ashby, Manager Strategic Planning and Environment	
Date of Committee Meeting:	14 September 2020	
Previously before Council:	23 June 2020 (PD-024/20)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:	<ol style="list-style-type: none"><li>1. Schedule of Submissions</li><li>2. Draft Amended Public Open Space Strategy (September 2020)</li></ol>	
Maps/Diagrams:		

**Purpose of Report**

To consider the draft Public Open Space (POS) Strategy following the completion of public consultation.

**Background**

The POS Strategy (new) is included in the City's Strategic Community Plan (2019-2029).

Prior to work commencing on the Strategy, a Discussion Paper was presented to the Executive and a Councillor Engagement Session facilitated for input in March 2017. The feedback from the Executive and Councillors confirmed the key issues to be addressed in the Strategy, which included:

1. The capacity of POS to meet future needs of the community.

2. The shortfall in available and accessible POS for the development of organised sporting activities.
3. Challenges of managing the impact of competing land use functions.
4. The distribution of POS to address open space demands resulting from increasing residential densities within neighbourhoods.
5. Balancing community needs with the capacity of the City to deliver infrastructure.
6. Management and enhancement of existing POS and facilities.
7. The reduced availability of water for reticulation purposes and need for effective environmental management.

In June 2020, the Council resolved to advertise the draft Public Open Space Strategy for public comment.

The City of Rockingham is responsible for the management of over 460 individual parcels of POS including parks, active playing fields and nature reserves. Additional POS is regularly being added in emerging areas through the land development process. At least 27% of the total municipality area is currently reserved for conservation, foreshore and formal open space.

The draft POS Strategy was developed based on research and analysis of:

- Relevant literature, including Commonwealth, Western Australian and City of Rockingham planning documents; international and national guidelines; and best planning practice.
- The existing provision of POS across the City.
- Consideration of the feedback received at the Councillor Engagement Session which highlighted:
  - Concern regarding the access to water and expectation of dry reserves in the future;
  - An interest to provide larger POS reserves vs smaller reserves;
  - Encouraging sustainability measures, such as solar panels, into POS development to offset ongoing costs; and
  - Consider healthy spaces research as part of the development of the Strategy.
- Consultation with key stakeholders including internal City service divisions and the community.

The draft Strategy was prepared with the following Strategic Objectives:

1. To locate POS to maximise its accessibility to the community;
2. To design and develop POS to meet the conservation (environmental), recreation, social and sporting needs of the community;
3. To ensure POS is cost effective to maintain;
4. To plan to adapt to a changing climate; and
5. To consider competing demands and functions that impact on the useability of POS.

Relevant guiding State and Local strategies, policies and plans were examined against the City's current practices. To address the wide array of matters associated with the planning, design and management of POS, Key Elements were established to define the components of POS that required future actions, as shown in the table below:

Key Element	Purpose	Key Objectives	Applicable Documents*
1. Classification of POS	Defining the hierarchy and network of POS reserves to guide the intended function, distribution, infrastructure and design requirements for different types of reserves.	1.1 Adopt a classification system to be consistently applied to planning for the development and management of POS.	Directions 2031 and Beyond

Key Element	Purpose	Key Objectives	Applicable Documents*
2. Size and Distribution	Establishing guidance for the size and distribution of reserves to meet varying recreational requirements.	2.1 Future planning must ensure adequate POS is provided to accommodate organised sport.	Directions 2031 and Beyond
		2.2 Consider POS requirements in established urban areas.	Perth and Peel @ 3.5 Million
		2.3 Ensure new development provides for an appropriate range of POS types to accommodate future recreation.	Development Control Policy 2.3 - Public Open Space in Residential Areas
3. Function	Establishing the purpose of POS reserves to meet the recreational needs of the community.	3.1 Define the preferred function of POS.	South Metropolitan Peel Sub-Regional Planning Framework
		3.2 Ensure competing land uses do not adversely impact on the recreational function of POS.	Liveable Neighbourhoods
		3.3 Future planning must effectively implement Water Sensitive Urban Design (WSUD) principles and best management practices.	South Metropolitan Peel Sub-Regional Planning Framework
4. Environment	The integration natural landform and features into recreation areas and planning to adapt to potential changes to the environment.	4.1 Future planning must consider measures to adapt to a drying climate.	State Planning Strategy 2050
		4.2 Improve the City's tree canopy cover within POS.	South Metropolitan Peel Sub-Regional Planning Framework
		4.3 Utilise the City's 'natural capital' for recreation purposes.	State Planning Strategy 2050
		4.4 Integrate significant environmental attributes into POS in new Structure Plan areas.	Directions 2031 and Beyond
		4.5 Plan for Future coastal hazards that may impact the recreational value of coastal POS reserves.	Development Control Policy 2.6 - State Coastal Planning Policy
5. Design	The components of a POS reserve that must be considered to ensure POS is developed to meet its intended function.	5.1 Bushfire planning and management requirements must be considered of POS.	State Planning Policy 3.7 – Planning in Bushfire Prone Areas
		5.2 Establish Guidance for an appropriate level of improvement and infrastructure in POS Reserves.	State Planning Policy 7.0 – Design of the Built Environment
		5.3 Design POS to provide for the recreational requirements of a variety of users and experiences.	State Planning Policy 7.0 – Design of the Built Environment
		5.4 POS should provide for a safe and functional environment.	Liveable Neighbourhoods
		5.5 Ensure strategic consideration of the City's open space reserves to have the capacity to accommodate events and tourism opportunities.	State Planning Strategy 2050

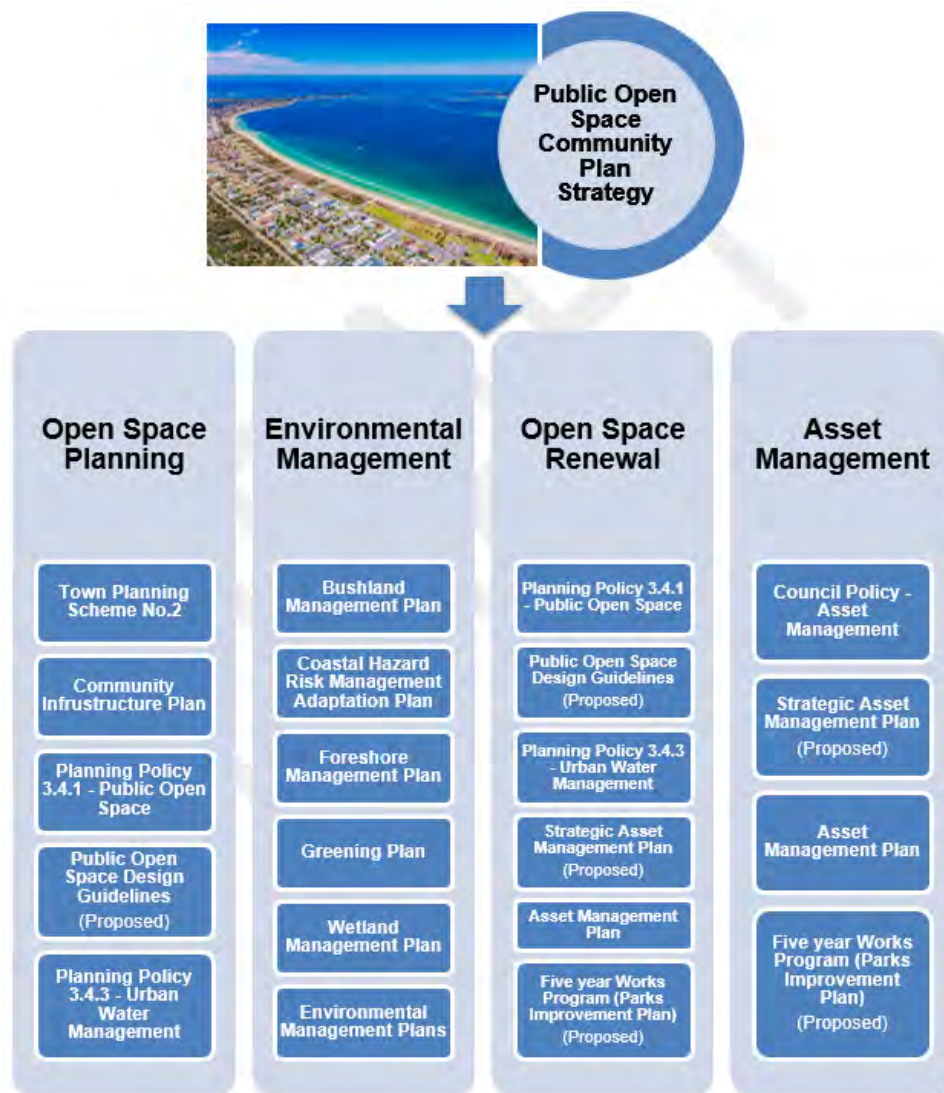
Key Element	Purpose	Key Objectives	Applicable Documents*
6. Management	Ensuring POS is designed with consideration of the City's ability to manage POS.	6.1 To efficiently and effectively manage POS for the benefit of the community.	State Planning Strategy 2050

As the guiding framework document for all planning, development and management of POS, it is intended that any City document (such as management plans, policies and guidelines) relating to POS will need to address how the Key Objectives and Principles of the Strategy will be appropriately implemented.

The range of actions identified in the Strategy to address Key Principles outlined within the six Key Elements include:

- Advocacy to the State Government on improvements to the planning system that can enhance the delivery of quality POS;
- Identifying priorities for the review of relevant Local Planning Policies; and
- Guiding the preparation of new plans for the delivery of infrastructure and management of reserves.

The documents that will be reviewed and/or prepared to deliver the Strategy will fall into four key themes; asset management; environmental management; planning mechanisms to implement best practice design; and plans for the renewal of existing reserves, and are outlined in the table below.



Implementation Framework

## Details

Nil

## Implications to Consider

### a. Consultation with the Community

The draft Strategy was advertised for a period of 28 days, commencing on 3 July 2020 and concluding on 31 July 2020. Advertising was carried out in the following manner:

- Letters were sent to all registered Residents Associations within the City and development industry stakeholders;
- The Strategy was distributed to interested residents through Rockport, the City's online portal;
- The Strategy was made available on the 'Share Your Thoughts' section on the City's website;
- A notice was placed on the City's social media platforms;
- A notice was placed in the Sound Telegraph for one week over the course of the advertising period, appearing in the newspaper on 15 July; and
- Copies of the draft Strategy were made available for inspection at the City's Administrative Offices.

### Matters Raised in Submissions

The City received ten (10) public submissions, the content of which is summarised and addressed as follows:

No.	Submission Issues	City Response
(i)	<p>With respect to Don Cuthbertson Reserve in Cooloongup:</p> <ul style="list-style-type: none"> <li>- The reserve is well maintained and staff are cheery.</li> <li>- Can a bridge over the lake be replaced as it was well used by many marriage couples for photos?</li> <li>- It would be nice to have the waterfall on the island working again.</li> <li>- The lake in the reserve is really silting up and seek to understand if there are plans to deal with this.</li> </ul>	<p>(i) The draft Strategy recommends the development of a new Plan within the Strategic Asset Management Framework to address gaps in infrastructure provision and ensure POS has:</p> <ul style="list-style-type: none"> <li>- An appropriate level of service;</li> <li>- Sets minimum infrastructure requirements; and</li> <li>- Establishes qualitative assessment criteria for redeveloping/introducing new infrastructure within a POS reserve.</li> </ul> <p>Don Cuthbertson Reserve is identified as a neighbourhood reserve and a future plan will consider the provision of infrastructure appropriate to its classification.</p>
(ii)	<p>These spaces should reflect the community needs like community gardens, wheelchair tracks for walkers and runner etc. trees should be fruit trees.</p> <p>Something that could engage the community. Local parks tend to be a place to walk the dog or kick a ball. Not a family gathering place in a community.</p>	<p>(ii) The draft Strategy acknowledges POS is required to serve the community for all stages of life, by providing areas which support recreation, physical health, mental well-being, social interactions, contact with nature, drainage and flood management and service infrastructure.</p> <p>The document also recommends public assets, including POS and natural areas, can be accessible by people of all abilities (whether it be a physical, sensory, neurological and cognitive, intellectual or psychiatric disability), to enjoy and recreate within.</p>

No.	Submission Issues	City Response
		<p>The Strategy identifies the role community gardens can provide as an environment for people to produce food and actively build the health and wellbeing of the community through shared activities.</p> <p>The City supports initiatives to establish gardens on the basis that the creation and ongoing management is conducted by an incorporated body.</p>
(iii)	<p>The dog exercise park on Dixon Road near the library is requested to be modified in the following manner:</p> <ul style="list-style-type: none"> <li>- Generally, it requires major investment to fix broken fencing, provide additional bins to dispose of dog litter.</li> <li>- Provision of toilets, plenty bins, barbeques, shade elements are requested.</li> </ul>	<p>(iii) The Dixon Road playing fields have been identified as a future urban development precinct within the Rockingham Strategic Metropolitan Centre. Planning Policy 3.2.2: <i>Development Policy Plan Smart Village Sector</i> provides planning framework that will guide the Council's future decision making for this land.</p> <p>In this regard, the playing fields have not been identified as part of the POS hierarchy and will not be considered for future improvements within a new Plan within the Strategic Asset Management Framework to address gaps in infrastructure provision.</p>
(iv)	<p>Golden Bay pump track. Can the lights please come on at 6pm and off around 8pm. So I can walk my dog.</p>	<p>(iv) This request is outside the scope of the POS Strategy and has been forwarded to the City's Assets Services for consideration.</p>
(v)	<p>Well-designed public open spaces are vital for the health of a community.</p> <p>Currently many of our parks have so much grass and not much else that they are too hot to walk around during summer and too cold in winter because of the wind.</p> <p>There should be considerably greater emphasis placed on the design to benefit other species other than humans (for example birds, insects, spiders and small mammals).</p> <p>So apart from trees (preferably trees that are native to the area), our public open spaces also need native shrubs and ground covers. These are missing in Rockingham's public open spaces.</p> <p>Whilst small POS may fill a role they often end up full of weeds rather than a refuge from the urban.</p>	<p>(v) The treatment of verges and removal of street trees is a matter that falls outside the scope of the POS Strategy.</p> <p>The POS Strategy is primarily focussed on POS, being areas ceded to the Crown through land subdivision processes for the purpose of public recreation.</p> <p>Whilst not the primary focus of the POS Strategy, the City has a range of conservation and regional reserves which also provide recreation opportunities for the community and compliment the array of POS provided in urban settings. Where relevant, the Strategy considers this complimentary relationship between POS and conservation and regional reserves.</p> <p>The Strategy also acknowledges the need for future planning to consider measures to adapt to a drying climate and improve the City's tree canopy cover within POS. This is addressed in the City's Greening Plan.</p>

No.	Submission Issues	City Response
	<p>There should be more emphasis on planting verge trees and shrubs to ensure that our larger parks are ecologically linked, especially if these parks have "native patches". As so many residents now have smaller blocks and are deterred from planting trees or vigorously remove trees from their properties, it is imperative that the Council steps in to green our suburbs.</p>	
(vi)	<p>A small environmental tax added to our council rates would be acceptable to pay for tree watering rather than relying on residents to look after the trees on their verge. It would be a lot healthier than the current practice of plasticising our verges with "fake lawn".</p>	<p>(vi) Implementation of the draft Strategy outcomes will be progressed within the established budget parameters allocated to the planning, design and management of POS.</p>
(vii)	<p>Dogs sports are not referenced within the Strategy and it is requested to that such sports be accepted as a community sport much in the same way as Football and Basketball is in the City of Rockingham.</p> <p>It is requested that a dedicated community space for Dog sports be established. Currently there are no dedicated areas in Rockingham for Dog sports. There are areas for dog recreation but not dog sports. Dog sports require a lot more space than the current fenced in areas. There are ovals that are used by Dog sports but these have to be vacated as soon as the "Accepted Sports" take over.</p> <p>The dog sports area would require a large area that offers a secure place for dogs to be off lead and participate in their chosen sport. It would need to have a maintained grass area that is big enough to handle at least two sports at a time, given that most dog sports are on the weekend. Lighting would be available for the Dogs Sports during the summer evenings as it is too hot to train dogs during the day.</p>	<p>(vii) This request is outside the scope of the POS Strategy. The purpose of the Strategy is to ensure POS is designed and managed in a flexible manner that could potentially accommodate a varied range of different recreation activities.</p> <p>The request has been forwarded to the City's Community Infrastructure Planning team for consideration.</p>

No.	Submission Issues	City Response
	<p>Some of the Dogs sports that would use the grounds and are currently being held within the City of Rockingham are Dancing with the Dogs, Trick Dogs, Scenting, Tracking, Obedience, Agility, Luring and Hoopers.</p> <p>The land that would be very suitable is at Lark Hill to the east of the "Accepted Sports" sport grounds. It is away from traffic but near current facilities.</p>	
(viii)	<p>Continue to provide better seating and sun shade protection to parks / play equipment especially the main coastal parks.</p>	<p>(viii) The submission comment is noted.</p>
(ix)	<p>Planning through the "Draft Public Open Spaces Community Plan Strategy "(Draft POS CPS) and the Council Report - POS Strategy, shows a lot of effort sits behind this. What seems a fairly simple topic, presents as a thorough and complex bureaucratic entanglement of planning policies and guidelines. The Draft POS CPS is an excellent piece of work and praise to those, whose job it is to untangle and breathe life into it.</p>	<p>(ix) The submission comment is noted.</p>
(x)	<p>Shoalwater has below 8% POS, but compensated with a fantastic foreshore and Lake Richmond nearby. It is just a shame with the intractable non-realised potential of the Cape Peron Reserve next door.</p>	<p>(x) The State Government is in the final stages of its investigation with the community and key stakeholders to determine the most sustainable future use of Cape Peron. Key considerations include of this process are considering:</p> <ul style="list-style-type: none"> <li>- Land use options;</li> <li>- Tenure/lease management issues;</li> <li>- Recreation and community access;</li> <li>- Environmental protection;</li> <li>- Coastal setbacks;</li> <li>- Regional roads; and</li> <li>- Bushfire risk.</li> </ul>
(xi)	<p>The City is spacious and blessed with parks, lakes and bush reserves. This is to be maintained, enhanced and developed. Many park reserves appear to serve little other purpose than just being expanses of grass and generally appear under-utilised.</p>	<p>(xi) Implementation of the draft Strategy outcomes will be progressed within the established budget parameters allocated to the planning, design and management of POS.</p>

No.	Submission Issues	City Response
	<p>Nevertheless, these reserves are the community's lungs, physically and mentally. The mere presence of open spaces inspire mental wellbeing.</p> <p>Parks come with maintenance costs. Probably the most cost effective form for maintenance, is wholesale lawn mowing and lawns do cool local environments, but they are thirsty.</p> <p>It is appreciated that increased vegetation complexity, may come with greater maintenance costs.</p> <p>It would require increased manpower with the upside of providing local employment opportunities - will the rate-payers wear it?</p>	<p>Implementation of the Strategy is anticipated to result in more consistent effective planning and management of POS by the City.</p>
(xii)	<p>Parklands are vital to our neighbourhoods and ought not be compromised in a balancing act with housing.</p> <p>Utilise our parks and bush reserves to assist native wildlife e.g. assist the Carnaby Black Cockatoos to breed by introducing a breeding boxes programme, simulating old tree hollows. This in turn will equally aid a suite of other hollow tree breeders.</p> <p>Establish patches of native botanical gardens within suitable park reserves, the theme being drought tolerant plants and maintenance. Perhaps contemplate adding an annual native botanical festival to the City's festival repertoire. It could be shaped as a park-crawl around Rockingham.</p>	<p>(xii) The draft Strategy establishes a framework for this action to occur by implementing the following Key Objectives:</p> <p>4.2 <i>Incorporate relevant principles established by the City's Greening Plan within Planning Policy 3.4.1 – Public Open Space to ensure urban POS areas can contribute to the greening of neighbourhoods.</i></p> <p>4.3 <i>Integrate significant environmental attributes into POS in new Structure Plan areas.</i></p> <p>4.4 <i>Integrate significant environmental attributes into POS in new Structure Plan areas.</i></p>
(xiii)	<p>Invest in a shared paths program across parks and bush reserves to enhance neighbourhood connectivity. Too many park reserves do not have adequate (serving people of all abilities) paved shared paths infrastructure, connecting neighbourhood streetscapes.</p>	<p>(xiii) The draft Strategy recommends the development of a new Plan within the Strategic Asset Management Framework to address gaps in infrastructure provision and ensure POS has:</p> <ul style="list-style-type: none"> <li>- An appropriate level of service;</li> <li>- Sets minimum infrastructure requirements; and</li> </ul>

No.	Submission Issues	City Response
	Presumably the cost of establishing shared paths infrastructure within parks and bush reserves, would be comparatively cost effective.	<ul style="list-style-type: none"> <li>- Establishes qualitative assessment criteria for redeveloping/introducing new infrastructure within a POS reserve.</li> </ul>
(xiv)	Focus determinedly on the Cape Peron (regional) reserve, for although this sits outside the City's immediate reach, the reserve is not only integral to the City's parks and bush-scapes, but is the jewel in the crown. A "sworn to secrecy" Working Group ("Grand Jury") is picking over the recent public survey and an announcement is eagerly awaited, hopefully to move this forward before we are all dead and buried.	<p>(xiv) The State Government is in the final stages of its investigation with the Community and key stakeholders to determine the most sustainable future use of Cape Peron. Key considerations of this process are considering:</p> <ul style="list-style-type: none"> <li>- Land use options;</li> <li>- Tenure/lease management issues;</li> <li>- Recreation and community access;</li> <li>- Environmental protection;</li> <li>- Coastal setbacks;</li> <li>- Regional roads; and</li> <li>- Bushfire risk.</li> </ul> <p>The outcomes of the investigation will be used to inform the preparation of a Recreation Masterplan that will be prepared by the Department of Biodiversity, Conservation and Attractions.</p>
(xv)	Other wonderful natural assets, are Lake Cooloongup and Lake Walyungup bushlands, here there is nothing in the way of shared paths and discovery trails?	<p>(xv) The draft Strategy recommends the development of a plan within the Strategic Asset Management Framework to identify and promote recreation opportunities within conservation and natural areas. Opportunities within Lake Cooloongup and Lake Walyungup will be explored as part of this process.</p>
(xvi)	<p>A shared path system around both lakes, would be awesome - is it too risky to provide public access due to the risk of bushfire, is it a trust issue?</p> <p>The magnificent shared path in the dunes along the Warnbro Sound beach from "Port Kennedy Bay Resort" to Shelton Street, needs widening to safely accommodate shared path traffic.</p>	<p>(xvi) While outside the scope for this Strategy, in June 2020, the Council Adopted the draft aspirational Long-Term Cycle Network, that was developed together with the Department of Transport. The plan identifies a shared path around Lake Cooloongup and Lake Walyungup. Further investigations as part of the development of a new plan within the Strategic Asset Management Framework will be prepared to investigate the provision of nature trails in the City's natural areas.</p> <p>Upgrades and new paths are intended to be provided between Longbeach Estate and the Bayeux Avenue Carpark as part of the proposed development of the Kennedy Bay Structure Plan area. Further investigations will be completed for the broader coastal path network within the Strategic Asset Management Framework.</p>
(xvii)	The Draft POS CPS talks about "Pump Tracks" (Key Objectives 5.2: item 5 (V), page 47)? Please, where can I find Pump Tracks?	<p>(xvii) Two examples of pump tracks are located within One71 (located on Parville Boulevard) and the Rivergums Estates (located on Stillwater Drive) within Baldivis and in Golden Bay</p>

No.	Submission Issues	City Response
(xviii)	<p><b>Key Objective 1.1: Adopt a classification system to be consistently applied to planning for the development and management of POS.</b> The Baldvis Children's Forest (BCF) notes that the draft strategy refers to "<i>Regional POS can accommodate important recreation and organised sport spaces... opportunities to integrate recreation areas, such as nature play and walking trails, should be implemented into these POS reserves</i>" and encourages the City to think collaboratively about the value existing neighbouring POS sites can deliver to new developments. A key example would be the BCF reserve and Baldvis South Sports Complex.</p>	(xviii) The submission comment is noted.
(xix)	<p><b>Key Objective 4.3: Utilise the City's natural capital for recreation purposes.</b> The BCF echoes the view that protection of environmental features has a strong positive health benefit for the community, as well as economic productivity and regional prosperity. The BCF encourages the City to work in partnership with the local not for profit sector to achieve these holistic community outcomes.</p>	(xix) The submission comment is noted.
(xx)	<p><b>Recommendation 5.3: Update Planning Policy 3.4.1 – Public Open Space to introduce criteria to: - Consider usability of POS for people who may have a disability; and - Consider accessibility for all users.</b> Given its unique position of providing a public space, an event space and an education space, the BCF would welcome the opportunity to discuss with the City ways of increasing the accessibility of the BCF reserve to increase inclusiveness.</p>	(xx) The submission comment is noted.

No.	Submission Issues	City Response
(xxi)	<p><b>Recommendation 5.4: Update Planning Policy 3.4.1 – Public Open Space to introduce additional criteria for Crime Prevention through Environmental Design (CPTED) principles to be applied for the development of POS.</b> The repeated theft and vandalism at the BCF over the last 18 months provide a painful reminder of the cost to the rate payer of such antisocial behaviour without surveillance in place.</p>	(xxi) The submission comment is noted.
(xxii)	<p><b>Key Objective 4.2: Improve the City's tree canopy cover within POS</b>                      The BCF echoes the call for increased tree canopy across the City and would further add the importance of selecting species not just that are endemic to the region but also provide food sources and future habitat for fauna.</p>	<p>(xxii) The submission comment is noted. The City has an adopted Greening Plan which emphasises the selection of planting the right tree in the right place.                      The plan outlines that non-native trees are preferred in circumstances where they are considered more likely to thrive and deliver benefits in urban centres, or where they provide known feeding habitat for Black Cockatoos.                      Further, no individual tree species should be over represented across the municipal area, to ensure a diverse urban forest.                      The Greening Plan also encourages the creation and enhancement of ecological links through urban greening.</p>
(xxiii)	<p><b>Recommendation 4.4: Identify locally significant environmental features, vegetation and fauna to be protected through the preparation of Structure Plans whilst complimenting the intended recreational function of the space.</b> The BCF encourages the identification and protection of ecologically and culturally significant areas in the region, in line with the organisation's conservation and education values. The continued and rapid development of Baldivis and the destruction of endangered habitats poses a real concern.                      The BCF would welcome the opportunity to be considered part of an 'integrated green network' as stated in the 4.1.4 South Metropolitan Peel Sub-Regional Planning Framework so that the ongoing conservation work undertaken by the BCF volunteers can become part of a more comprehensive conservation effort across the region.</p>	(xxiii) The submission comment is noted. As an ongoing action of the Strategy, the City will establish a Public Open Space working group which will work to implement the Strategy and determine opportunities for the community to be involved in improving its POS areas.

No.	Submission Issues	City Response
(xxiv)	<p><b>Key Objective 5.5: Ensure strategic consideration of the City's POS reserves to have the capacity to accommodate events, local functions and tourism opportunities.</b> The recommendation for this objective states a clear Planning focus which implies it only stands for developing/new POS. The BCF would encourage the City to equally consider the function and event opportunities that exists in established POS.</p>	<p>(xxiv) The submission comment is noted. The intent of this Key Objective is to ensure events, functions and tourism opportunities are considered holistically throughout the City's POS network.</p>
(xxv)	<p><b>Recommendation 6.1: Develop a Five Year Works Program (Park Improvement Plan) to guide redevelopment of POS based on a strategic needs based assessment.</b> The BCF encourages the City to work with stakeholders in the community on this Plan and would welcome the opportunity to be involved.</p>	<p>(xxv) The submission comment is noted.</p>
(xxvi)	<p>While the BCF applauds the undertaking this strategic work to focus future development of POS in the City, it is noted that there is little reference or acknowledgement of working in partnership with the not for profit sector or local community and the 'value add' of such arrangements. The BCF is one of many grass root organisations that is heavily invested in the future development of POS across the City and the impact POS have on community well-being. The BCF would strongly recommend that partnership working and stakeholder engagement is undertaken as the recommendations of this draft plan are implemented.</p> <p>The BCF also noted a lack of reference to the importance of recognising and incorporating indigenous culture in the design of future POS which the City may wish to reflect on.</p>	<p>(xxvi) Greater community engagement and input into the planning and management of the City's reserves should be encouraged and it is recommended that opportunities to facilitate this be considered.</p> <p><b>Recommendation: That a new ongoing action be introduced into the Strategy to establish a process to encourage community engagement and participation in actions relating to the planning, development and management of POS.</b></p>

**b. Consultation with Government Agencies**

The Department of Planning, Lands and Heritage, Department of Health and Department of Local Government, Sport and Cultural Industries) were notified of the Strategy in writing, and invited to comment. At the close of the submission period the City received no submissions from these agencies.

**c. Strategic**

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objectives contained in the 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;*

**Strategic Objective:** *Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of the growing population, with consideration of future generations;*

**Strategic Objective:** *Climate Change Adaptation - Acknowledge and understand the impacts of climate change, and identify actions to mitigate and adapt to those impacts;*

**Strategic Objective:** *Preservation and Management of Bushland and Coastal Reserves - Encourage the sustainable management and use of the City's bushland and coastal reserves; and*

**Strategic Objective:** *Liveable Suburbs - Plan for attractive sustainable suburbs that provide housing diversity, quality public open spaces, walkways, amenities and facilities for the community.*

**d. Policy**

Preparation of the draft POS Strategy has been informed by the following strategies and policies:

Regional Planning Framework

- Metropolitan Region Scheme
- State Planning Strategy 2050
- Directions 2031 and Beyond: Metropolitan Planning Beyond the Horizon ('Directions 2031')
- Perth and Peel @ 3.5 Million
- South Metropolitan and Peel Sub-Regional Planning Framework (2018)
- Liveable Neighbourhoods (2009)
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- State Planning Policy 7.0 - Design of the Built Environment
- Development Control Policy 2.3 - Public Open Space in Residential Areas
- Development Control Policy 2.6 - State Coastal Planning Policy
- Designing Out Crime Planning Guidelines

Local Planning Framework

- Coastal Hazard Risk Management and Adaptation Plan (2019)
- Community Infrastructure Plan
- Local Planning Policy 3.4.1 - Public Open Space
- Local Planning Policy 3.4.3 - Urban Water Management

**e. Financial**

The costs associated with implementing the strategic actions outlined in the Strategy will be met through operating projects identified in the Asset Services, Community Infrastructure Planning Services, Community and Leisure Facilities Services, Parks Services and Strategic Planning and Environment Team Plans.

**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

The draft POS Strategy has been prepared as a new Community Plan Strategy with an aim to address challenges faced by the City and implement strategic actions for the planning, development and maintenance of City managed POS.

The key elements of this Strategy will together ensure that these areas are effectively planned, developed and managed.

The City received ten submissions during the advertising period which were generally supportive of the purpose and intent of the Strategy. A number of submissions raised detailed suggestions for specific reserves which are not relevant to the Strategy, however, will be considered by respective teams as part of more detailed planning.

As a result of the submissions, further actions are recommended to be added to the draft, to establish a new process and ongoing action to encourage further community engagement and participation in actions relating to the planning, development and management of POS (see new action shown on Page 64).

The document has also been updated to address minor corrections identified during the advertising process. These include:

- Minor grammatical corrections;
- Updates to the Executive Summary to clarify the actions and outcomes of the Strategy;
- Corrections to the population catchments relating to the POS hierarchy;
- Clarify District and Sub-District POS can also accommodate the functions of smaller local and neighbourhood POS;
- Clarify that land identified within the Metropolitan Region Scheme for 'Parks and Recreation' is considered a regional reserve but in many circumstances can facilitate a local or neighbourhood function; and
- Clarify that in circumstances where POS is proposed to be co-located with a school site, POS should be designed to accommodate senior playing fields and provide for flexible spaces that can be utilised for a range of sport and community activities.

In light of the above, it is recommended that the Strategy be adopted, as amended, to address the matters outlined in this Report (shown in red).

## Voting Requirements

Simple Majority

## Officer Recommendation

That Council **ADOPTS** the Public Open Space Community Plan Strategy (September 2020), as amended.

### Committee Recommendation

That Council **ADOPTS** the Public Open Space Community Plan Strategy (September 2020), as amended.


Committee Voting (Carried) - 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

Planning and Development Services Land and Development Infrastructure Services	
	
<b>Reference No &amp; Subject:</b>	<b>PD-042/20      Proposed Road Closure - Portion of Noreena Avenue, Golden Bay (Final Approval)</b>
File No:	LUP/1469-10
Applicant:	
Owner:	Crown
Author:	Mr James Henson, Manager Land and Development Infrastructure
Other Contributors:	
Date of Committee Meeting:	14 September 2020
Previously before Council:	23 June 2020 (PD-025/20)
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	Portion of Road Reservation adjoining Lot 702 Warrie Street, Golden Bay
Lot Area:	Area of Road Closure 87m <sup>2</sup>
LA Zoning:	Local Road
MRS Zoning:	Residential
Attachments:	
Maps/Diagrams:	1. Location Plan 2. Aerial Photo - Lot 702 Warrie Street, Golden Bay 3. Cross-Section - Eastern Elevation 4. Preliminary Survey Plan 5. Utility Services Plan 6. Lot Amalgamation Plan

### Purpose of Report

To consider proceeding with a minor road closure for a small portion of Noreena Avenue road reservation to enable its amalgamation with Lot 702 Warrie Street, Golden Bay.



1. Location Plan



2. Aerial Photo - Lot 702 Warrie Street, Golden Bay

## Background

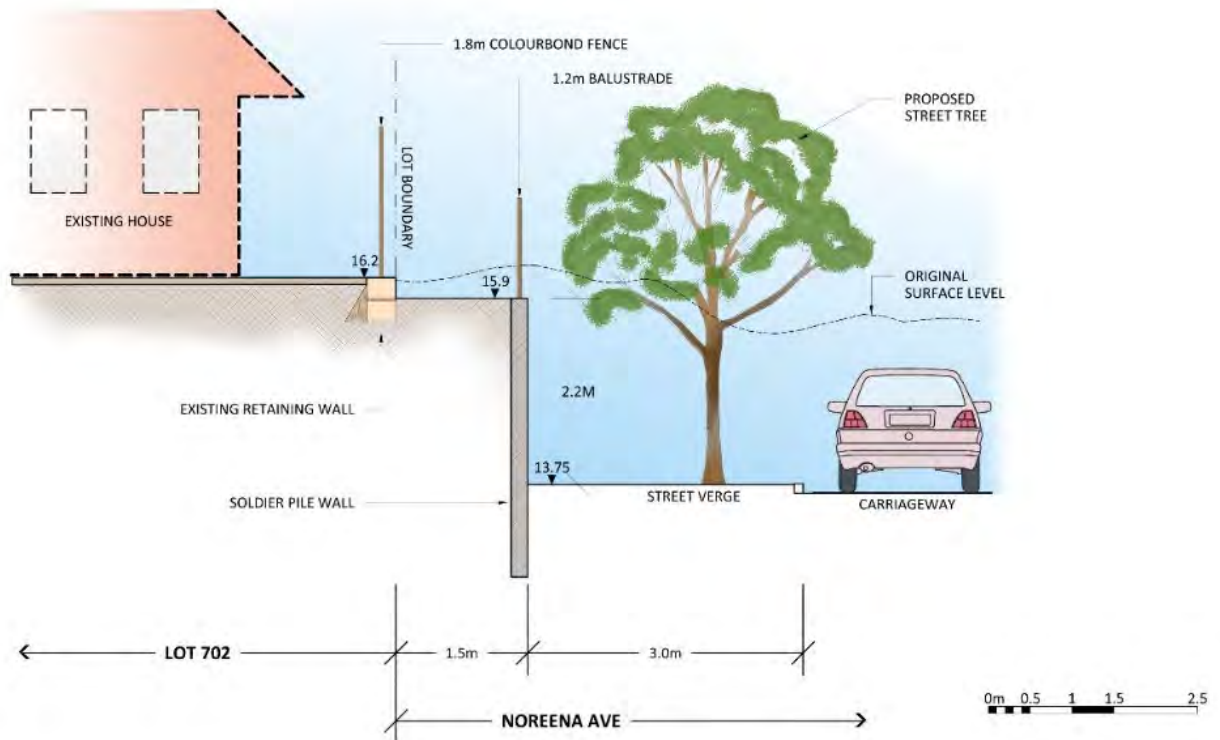
In 2011, the Golden Bay Structure Plan was adopted by the Western Australian Planning Commission (WAPC) which identified a future road connection from Noreena Avenue/Warrie Street, Golden Bay to the balance of undeveloped land in Golden Bay Estate, south of Dampier Drive.

In June 2017, Subdivision Approval was granted by the WAPC for Stage 5(a) of Golden Bay Estate showing the extension of Noreena Avenue into Golden Bay Estate.

The designation of a road connection by the subdivision approval dictated the location of the drainage reserve adjoining Lot 702, as it was the lowest part of this stage of the estate. The level difference also dictated the grade of the street for this connection to Noreena Avenue. This meant an overland flow path for major storm events was required to match-in with the existing road infrastructure of Noreena Avenue Golden Bay.

From an engineering perspective, this created a significant level difference between Lot 702 and the new road surface. It was further complicated due to the poor quality of the retaining wall supporting the property boundary, which as a result, required a supporting structure to brace the foundation.

In order to ensure that there was no damage to the existing house and property, it was necessary to have an offset soldier pile retaining wall installed within the new road reservation, which also included a return within the eastern boundary of the drainage Reserve not yet under City control.



### 3. Cross-Section - Eastern Elevation

The area of land to be amalgamated with Lot 702 Warrie Street is approximately 87m<sup>2</sup> and the adjoining land owner has consented to having the land consolidated with the existing lot, which would then allow legal rights of access to the southern boundary of the Warrie Street property.

The developer has received a valuation from the Department of Planning Lands and Heritage to facilitate purchase of the Crown land parcels and all costs associated with the amalgamation will be borne by Peet Golden Bay Pty Ltd.

This approach comprehensively resolves the encroachment and is in line with the desired outcomes of the City and developer while preserving the integrity of the surrounding tenure.

In order to enable the amalgamation with the adjoining lot it was necessary to seek Council support to close a portion of Noreena Avenue Road Reserve in Golden Bay.

Accordingly, at its Ordinary meeting on 23 June 2020, Council resolved to:

**"SUPPORT** the proposed closure of a portion of Noreena Avenue, Golden Bay adjacent to Lot 702 Warrie Street, Golden Bay, subject to seeking public comment for the portion of land shown below."



4. Preliminary Survey Plan

## Details

The public advertising period has now concluded and the outcome of the matters raised during the advertising period is contained below.

## Implications to Consider

### a. Consultation with the Community

In accordance with section 58 of the *Land Administration Act 1997* (the Act), the City of Rockingham is required to provide a Council Resolution which supports closing the subject portion of road – including details of advertisement seeking public comment for a period of 35 days and outline any objections to the proposed closure.

Accordingly, a notice was placed in the Sound Telegraph on 8th July 2020 seeking comment on the proposal. Details of the proposal were also made available on the City's website on this date.

Following completion of the advertising on the 11 August 2020 the City received no response or objection from the community.

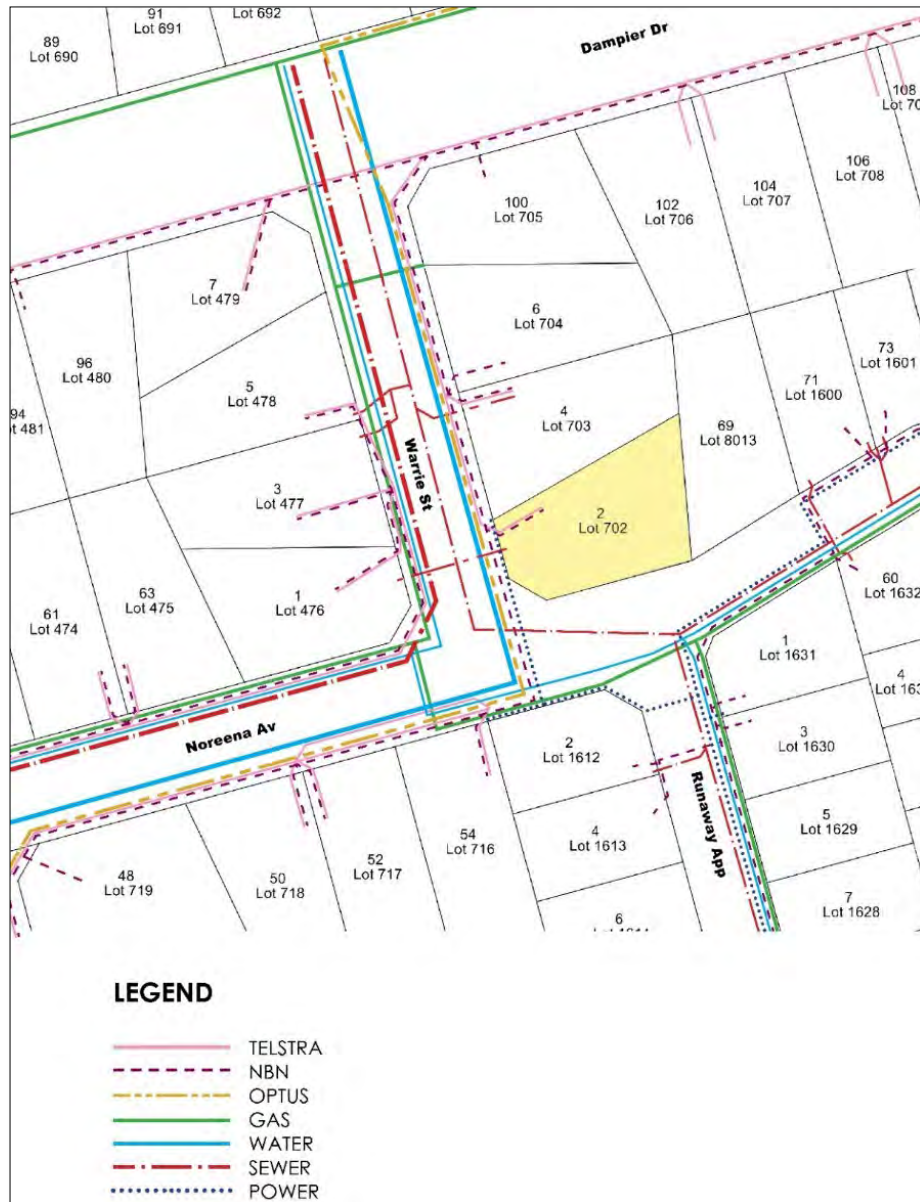
### b. Consultation with Government Agencies

The City has been liaising directly with the Department of Planning, Lands and Heritage, in relation to the road closure and comment was also sought from all the relevant Service Authorities: The details of which, are listed below:

SERVICING AUTHORITY SCHEDULE OF SUBMISSIONS	
Western Power	
Thank you for your enquiry. Please check out the Planning your project section of our website – we don't actually process submissions: the information here (along with 'Dial Before You Dig') allows you to check that any work you need to do will not be impacted by proximity to our network.	

SERVICING AUTHORITY SCHEDULE OF SUBMISSIONS
Western Power (cont...)
<p>This section provides advice for Building near the electricity network and paths to take if you find that your project will encroach on electrical assets, such as booking to Speak to an engineering expert or applying for a Feasibility study.</p> <p>Local Government Authorities can review our Strategic planning information to determine if any electrical infrastructure is located within the proposed works corridor.</p>
<p><u>City's Comment:</u> Noted.</p>
Water Corporation
<p>Thank you for providing the opportunity for the Water Corporation to provide comment on the proposed Road Closure. The Water Corporation has no objection to this proposal as it doesn't affect any existing or planned infrastructure.</p>
<p><u>City's Comment:</u> Noted.</p>
Atco Gas
<p>We wish to advise that ATCO does not operate gas mains within that nominated portion of Noreena Avenue, Golden Bay to be closed.</p> <p>ATCO has no objection to the proposal from the City of Rockingham to facilitate the proposed change in land tenure and will not be requesting relocation or protection.</p>
<p><u>City's Comment:</u> Noted.</p>
Telstra
<p>Telstra's plant records indicate that there are no Telstra assets within the area of the proposal. Subject to your compliance with the below conditions, Telstra has NO OBJECTIONS to the Road Closure.</p>
<p><u>City's Comment:</u> Noted.</p>

A dial before you dig enquiry was also undertaken and the combined service plan below identifies no underground assets within the southern verge adjacent to Lot 702 Warrie Street, Golden Bay and therefore no conflict exists with the installation of the soldier pile wall.



## 5. Utility Services Plan

### 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:** *Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of a growing population, with consideration of future generations.*

### d. Policy

Nil

### e. Financial

All cost associated with the amalgamation will be borne by the Developer; Peet Golden Bay Pty Ltd.

**f. Legal and Statutory**

The care, control and management of Noreena Avenue rests with the City of Rockingham. As the Local Government Authority over Noreena Avenue, the City is responsible for the management of the road closure.

The responsibility for determining applications for the closure of road reserves rest with the Minister for Finance; Aboriginal Affairs and Lands on advice from the Department of Planning, Lands and Heritage (State Land Services).

In accordance with section 58, subsections (1), (2), (3) and section 87, subsections (2)(b)(i),(d),(e) of the Land Administration Act 1997 the following applies:

Section 58

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice*

Section 87

- (2)(b)(i) *Whenever the Minister considers that a parcel of Crown land is suitable for conveyance in fee simple to the holder of the fee simple the Minister may, with the consent of that holder and on payment to the Minister of the price, or of the initial instalment of rent, as the case requires, agreed with that holder, by order convey that parcel in fee simple or lease that parcel to that holder and amalgamate that parcel with the adjoining land.*
- (d) *Convey to the landholder in fee simple or lease to the landholder, as the case requires, by way of satisfaction or part satisfaction of the compensation payable to the landholder, so much of that parcel as is, in the opinion of the Minister, equivalent in value to the whole or the relevant part of that compensation; and*
- (e) *Amalgamate the land so conveyed or leased with the adjoining land.*

**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 road closure will be to the mutual benefit of both the City and the property owner, it is recommended that Council support the proposal and forward its resolution to the Department of Planning, Lands and Heritage (State Land Services) seeking approval from the Minister for Finance, Aboriginal Affairs and Lands.

**Voting Requirements**

Simple Majority

### Officer Recommendation

That Council **SUPPORTS** the proposed closure of a portion of Noreena Avenue and amalgamation with Lot 702 Warrie Street, Golden Bay and seeks approval for the proposal from the Minister for Finance, Aboriginal Affairs and Lands in accordance with the Plan below:



Lot Amalgamation Plan

### Committee Recommendation

That Council **SUPPORTS** the proposed closure of a portion of Noreena Avenue and amalgamation with Lot 702 Warrie Street, Golden Bay and seeks approval for the proposal from the Minister for Finance, Aboriginal Affairs and Lands in accordance with the Plan below:



Lot Amalgamation Plan

Committee Voting (Carried) - 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

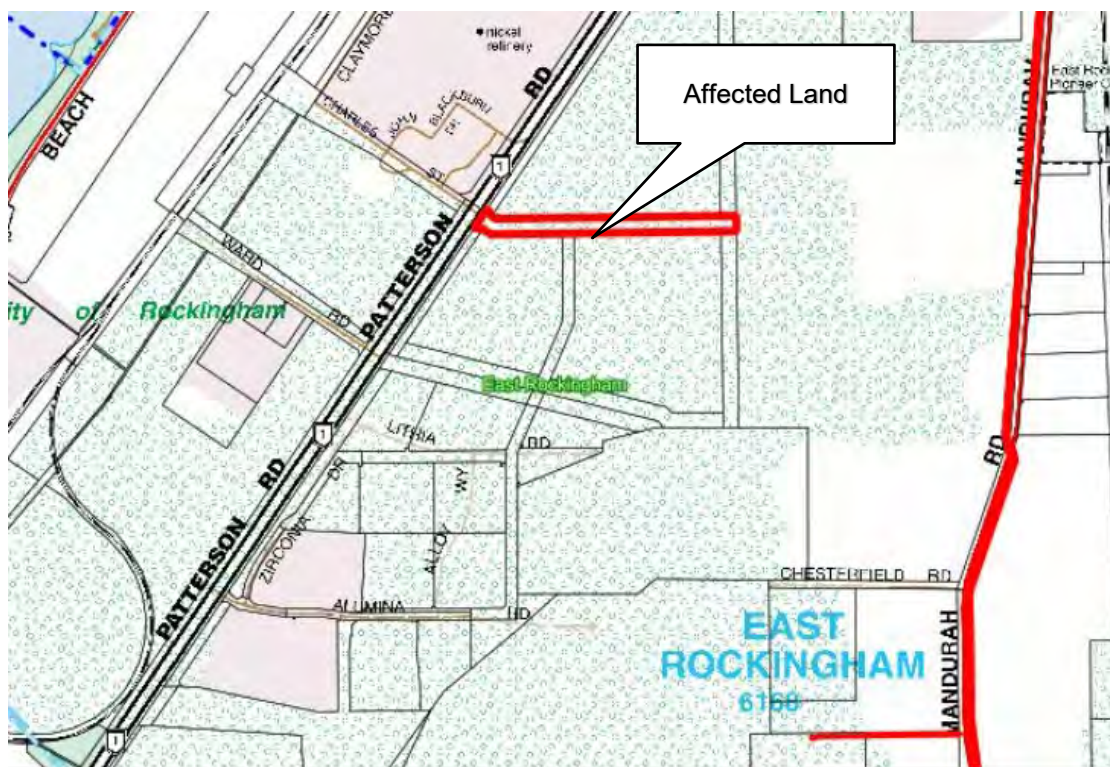
## Planning and Development Services Statutory Planning Services



<b>Reference No &amp; Subject:</b>	<b>PD-043/20</b>	<b>Proposed Road Closure - Portion of Alloy Avenue, East Rockingham (Final Approval)</b>
File No:	LUP/2155	
Applicant:	Veris Ltd	
Owner:	Crown	
Author:	Mr Eric Anderson, Planning Officer	
Other Contributors:	Mr David Banovic, Senior Planning Officer Mr David Waller, Coordinator Statutory Planning Mr Mike Ross, Manager Statutory Planning	
Date of Committee Meeting:	14 September 2020	
Previously before Council:	23 June 2020 (PD-029/20)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:	Portion of Alloy Avenue Road Reserve, East Rockingham - adjoining Lot 103 Alloy Avenue, East Rockingham	
Area:	2.2958ha - Area of Proposed Road Closure	
LA Zoning:	Special Industry	
MRS Zoning:	Industrial	
Attachments:	Schedule of Submissions	
Maps/Diagrams:	1. Location Plan 2. Aerial Photograph 3. Deposited Plan 48637 (Existing) 4. Deposited Plan 68599 (Realigned Alloy Avenue ) 5. Portion of Existing Alloy Avenue Road to be Closed (Shown Purple) 6. Deposited Plan (Amalgamation) 7. Proposed Road Closure (Portion of Alloy Avenue)	

### Purpose of Report

To consider proceeding with the closure of an unconstructed portion of Alloy Avenue, East Rockingham and amalgamation with adjoining Lots 149 (proposed Lot 150) and 105 (proposed Lot 151), following the close of advertising.



1. Location Plan



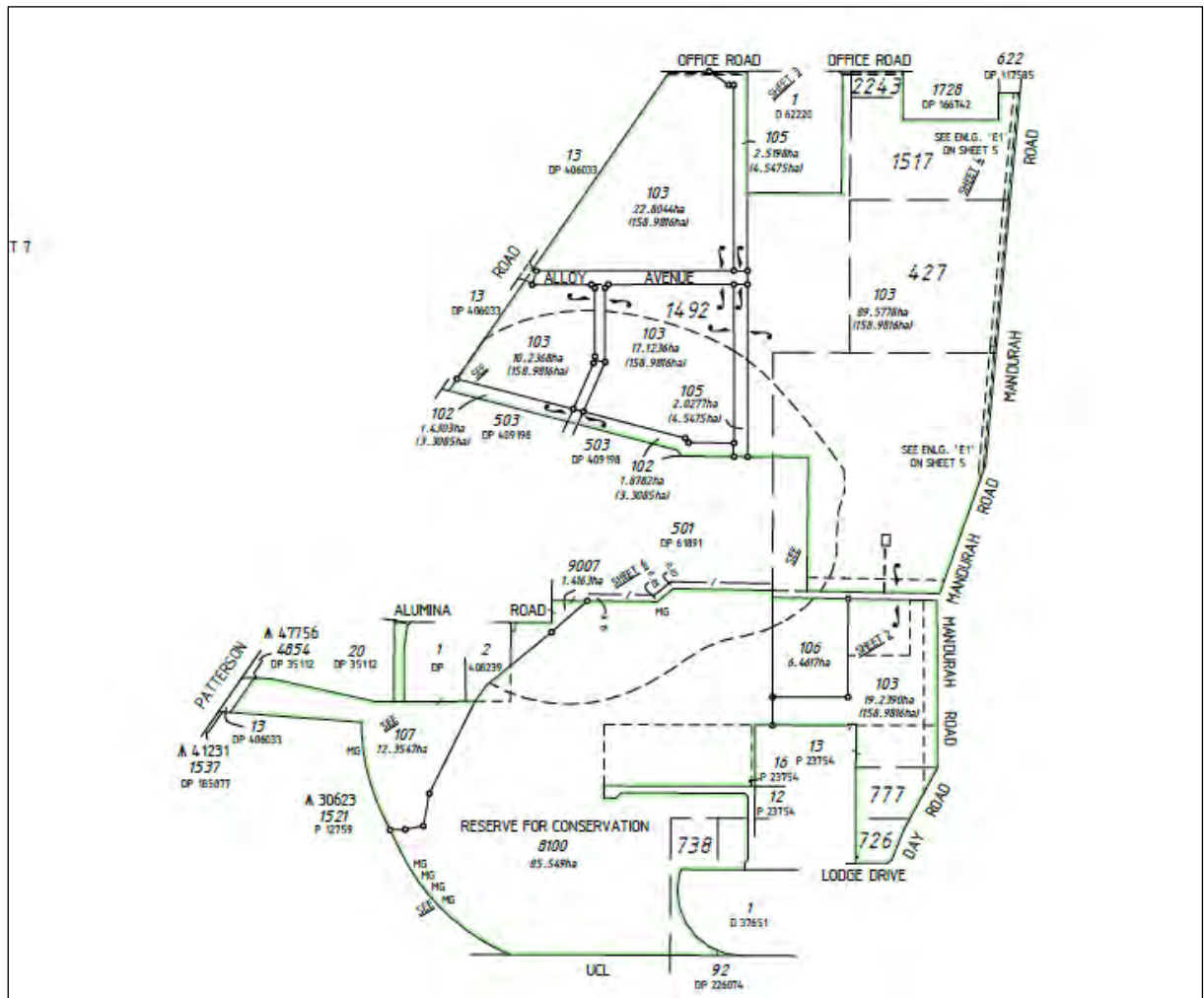
2. Aerial Photograph

## Background

In January 2020, the Western Australian Planning Commission (WAPC) granted Subdivision Approval (Ref No.158526) showing the realigned reservation of Alumina Road and Alloy Avenue.

In March 2020, Main Roads WA (MRWA) gave its approval for the signalised intersection upgrades at Patterson Road, Alloy Avenue and Charles Street.

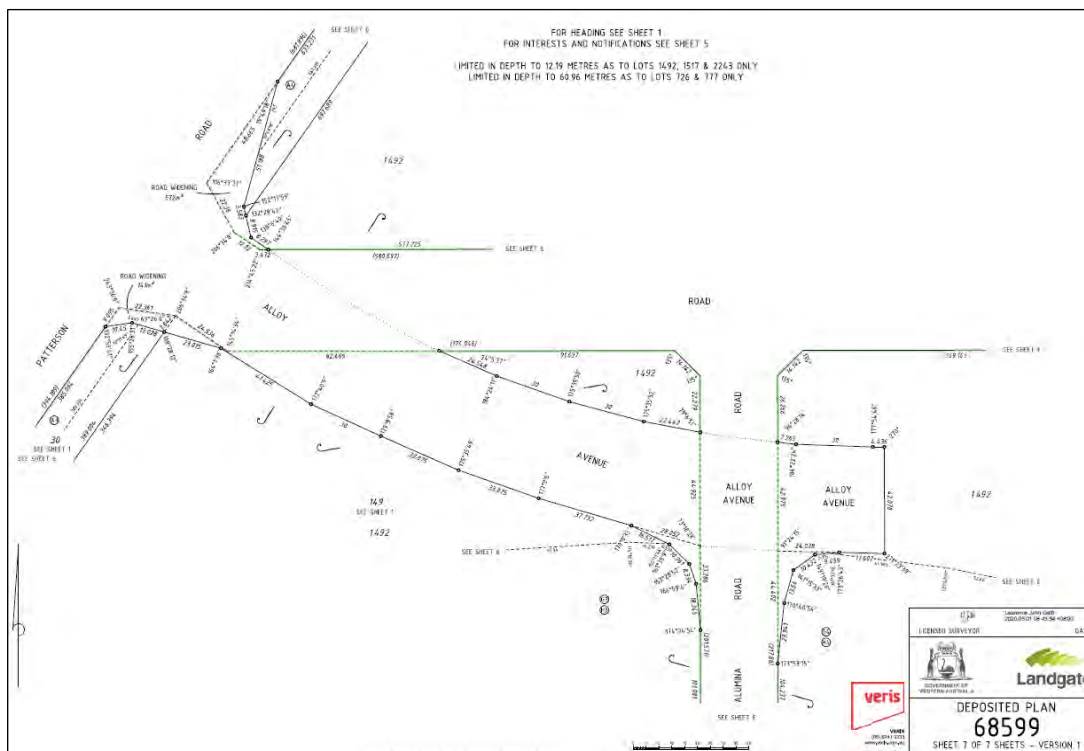
In June 2020, Council supported the proposed closure of the redundant portion of the Alloy Avenue road reserve for the purpose of advertising (as shown in Figure 5). The redundant portion was the result of MRWA requirements for it to be realigned to accommodate the signalised intersection at Patterson Road. Figure 3 (below) shows the initial alignment as shown on Deposited Plan (DP) 48637.



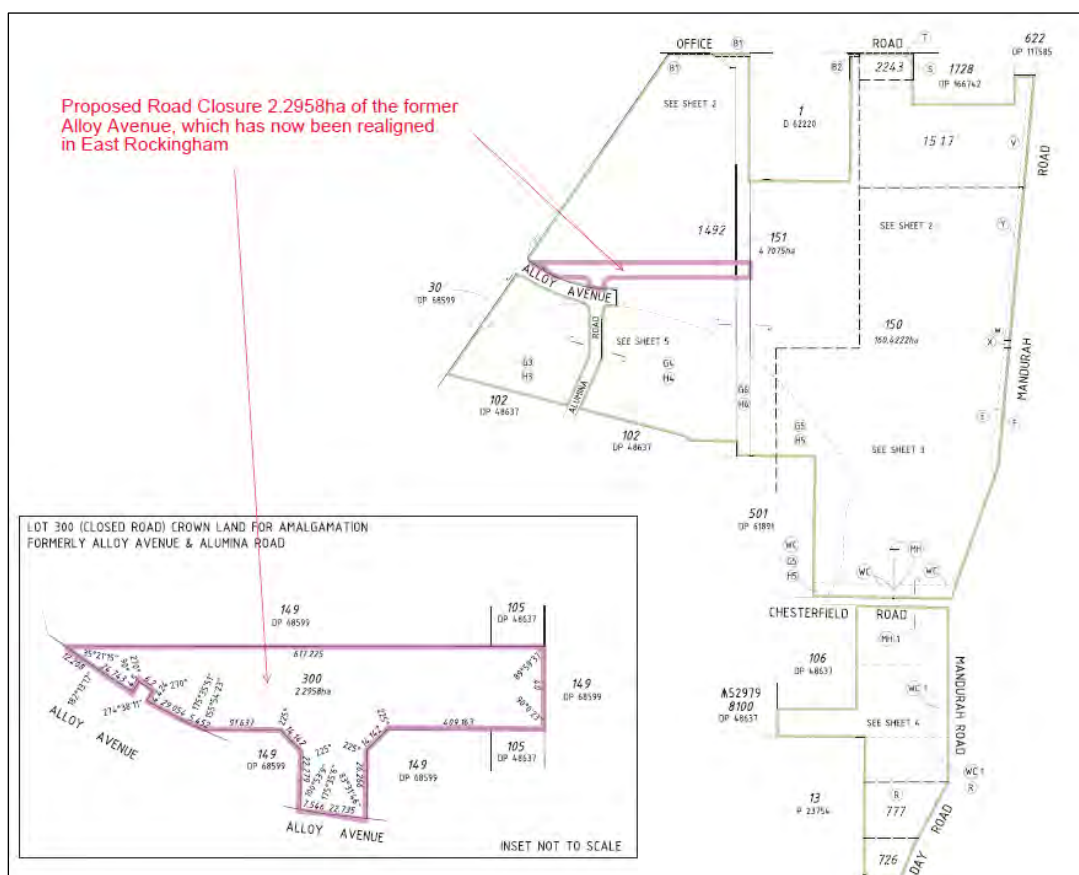
3. Deposited Plan 48637

In May 2020, DevelopmentWA obtained subdivision clearance for the realigned section of Alloy Avenue under DP68599 (Figure 4).

The signalised intersection upgrades at Patterson Road, Alloy Avenue and Charles Street, and the construction of the Alloy Avenue and Alumina Road have recently been completed.



4. Deposited Plan 68599 – Realigned Alloy Avenue



5. Portion of Existing Alloy Avenue Road to be Closed (Shown Purple)

## Details

The applicant has sought Council's support for the closure of an unconstructed portion of Alloy Avenue road, East Rockingham to facilitate its amalgamation with the adjoining Lots 149 and 105, which are proposed Lots 150 and 151 under a new Deposited Plan 69418 (Figure 6).



6. Proposed Deposited Plan 69418

## Implications to Consider

### a. Consultation with the Community

In accordance with section 58 of the Land Administration Act 1997 (the Act), the City advertised the closure by a notice circulated in the Sound Telegraph newspaper. The advertising was conducted for a period of 35 days from 8 July 2020 to 11 August 2020. At the closure of the advertising period, two (2) submissions were received, one (1) submission supporting the proposal and one (1) raised questions.

The submission received raising questions has been summarised in the table below, including the City's response to the comments made.

Purpose of Closure
<p><u>Submission</u></p> <p>It is unclear as to the reason and expense, plus another set of traffic lights on Patterson Rd when Alloy Ave appears to go nowhere.</p>
<p><u>City's Comment</u></p> <p>The traffic lights at the intersection of Alloy Avenue and Patterson Road are required to meet MRWA design requirement for Level 7 Restricted Access Vehicles (RAV7). This is to enable multi-combination vehicles (B-Triples) to be able to access the industrial area from Patterson Road. Currently the un-signalised intersection access to the south where Alumina Road meets Patterson Road is restricted, as does not cater for these size/type of vehicles.</p>

**Purpose of Closure (cont...)**

The upgrade of Alloy Avenue and Patterson Road intersection is vital to the development of the East Rockingham Industrial Area, to cater for future industrial activities. Alloy Avenue will be extended to the east, as the land is progressively developed for industrial developments.

**b. Consultation with Government Agencies**

The following government agencies were consulted following consent from Council to advertise the proposal:

- (i) Department of Planning, Lands and Heritage;
- (ii) Main Roads WA;
- (iii) Western Power;
- (iv) Water Corporation;
- (v) Department of Water and Environmental Regulation;
- (vi) Telstra;
- (vii) ATCO; and
- (viii) Department of Fire and Emergency Services.

The submissions received have been summarised in the table below, together with the City's response.

**1. Western Power**

Submission:

Western Power no longer process submissions from government agencies. Information is available on the Plan Your Project tab on the Western Power website (along with 'Dial Before You Dig').

This section provides advice for Building near the electricity network and paths to take if you find that your project will encroach on electrical assets, such as booking to speak to an engineering expert or applying for a Feasibility Study.

Local Government Authorities can review our Strategic planning information to determine if any electrical infrastructure is located within the proposed works corridor.

City's Comment:

Noted. No Western Power assets have been identified.

**2. Department of Water and Environmental Regulation**

Submission:

The Department does not object to the proposed road closure of Alloy Avenue, East Rockingham and has no comments.

City's Comment:

Noted.

**3. Water Corporation**

Submission:

The Water Corporation does not have any pipe infrastructure within the affected section of the road reserve that is to be closed.

City's Comment:

Noted.

**4. Main Roads**

Submission:

Main Roads have no objections to the above road closure.

City's Comment:

Noted.

## 5. Department of Fire and Emergency Services

### Submission:

The Department has no issues with the realignment and closure works, the current works that have been undertaken have opened up the area allowing better access in the event of an incident.

### City's Comment:

Noted.

c. **Strategic**

### Community Plan

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

**Aspiration 3:** *Plan for Future Generations*

**Strategic Objective:** *Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.*

d. **Policy**

Nil

e. **Financial**

Nil

f. **Legal and Statutory**

The care, control and management of Alloy Avenue rests with the City of Rockingham.

The responsibility for determining applications for the closure of road reserves rest with the Treasurer, Minister for Finance, Aboriginal Affairs and Lands on advice from the Department of Planning, Lands and Heritage (State Land Services).

In accordance with section 58, subsections (1), (2), (3) and section 87, subsections (2)(b)(i),(d),(e) of the Land Administration Act 1997 the following applies.

### Section 58

- "(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice."

### Section 87

- "(2)(b)(i) Whenever the Minister considers that a parcel of Crown land is suitable for conveyance in fee simple to the holder of the fee simple the Minister may, with the consent of that holder and on payment to the Minister of the price, or of the initial instalment of rent, as the case requires, agreed with that holder, by order convey that parcel in fee simple or lease that parcel to that holder and amalgamate that parcel with the adjoining land.
- (d) Convey to the landholder in fee simple or lease to the landholder, as the case requires, by way of satisfaction or part satisfaction of the compensation payable to the landholder, so much of that parcel as is, in the opinion of the Minister, equivalent in value to the whole or the relevant part of that compensation; and
- (e) Amalgamate the land so conveyed or leased with the adjoining land."

**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**

No significant issues have been identified during the advertising process that would prohibit the closure of the redundant portion of Alloy Avenue. It is intended that the closed portion of road be amalgamated into adjoining land parcels.

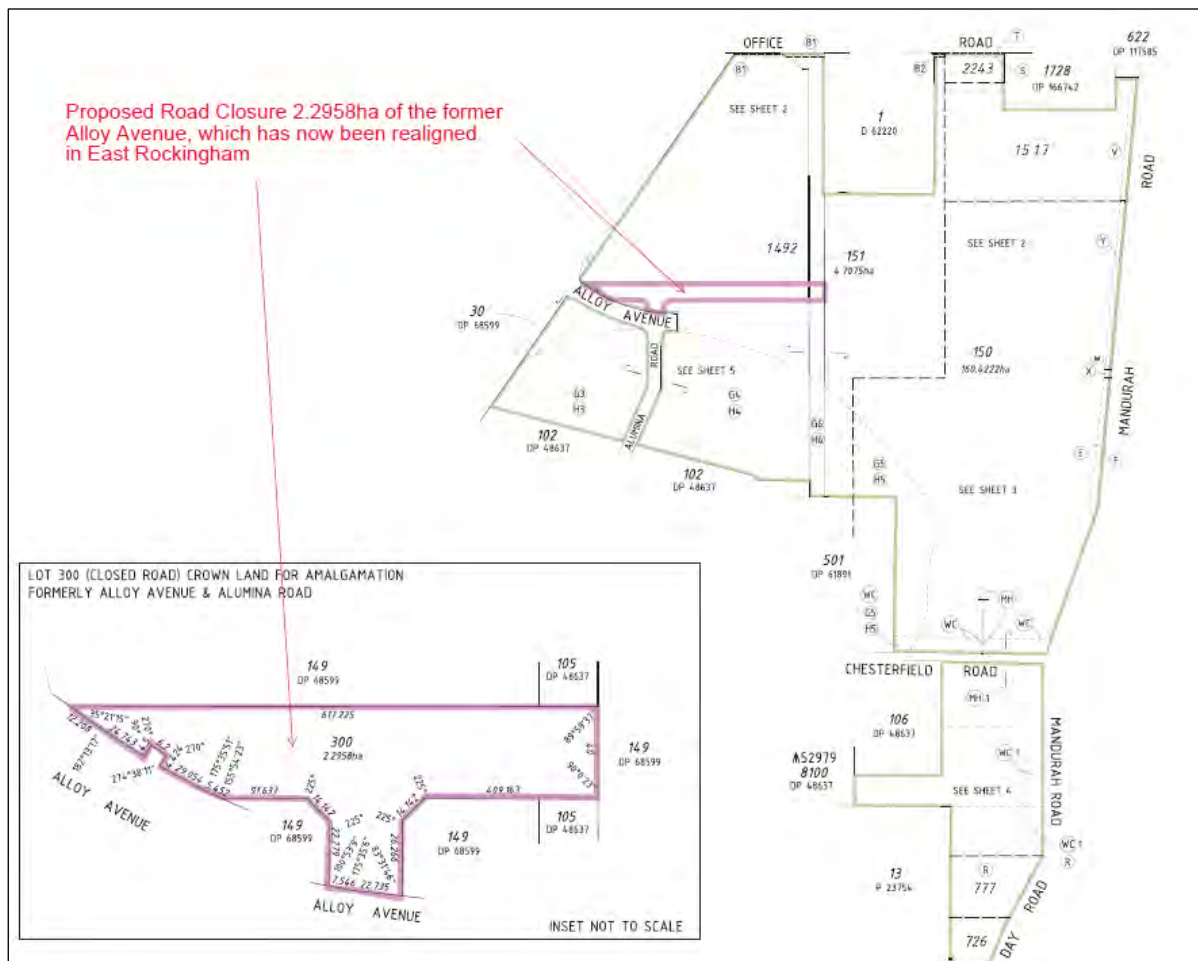
It is recommended that the Council support the proposed road closure and make its request for closure to the Department of Planning, Lands and Heritage (State Land Services) seeking approval from the Minister for Lands.

**Voting Requirements**

Simple Majority

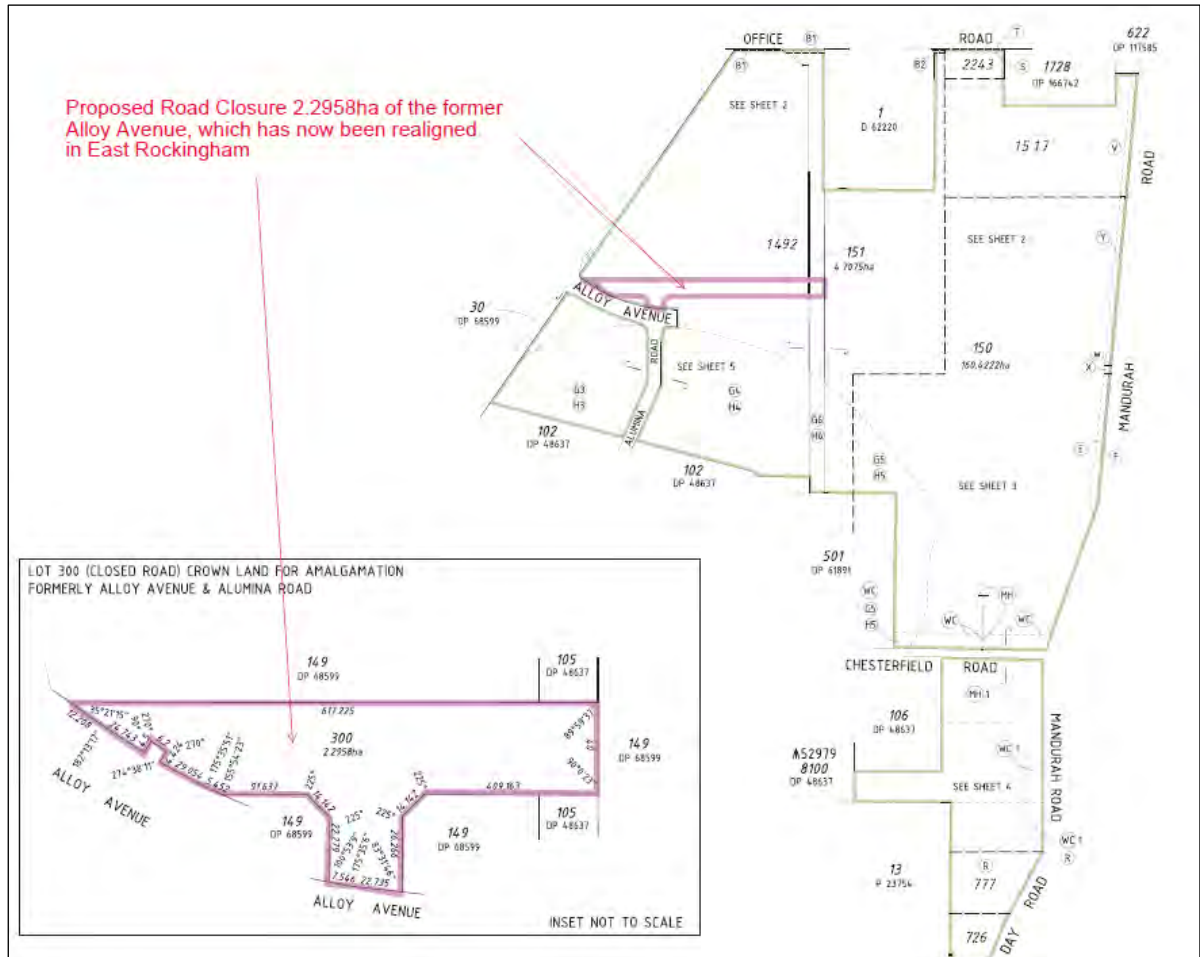
**Officer Recommendation**

That Council **SUPPORTS** the proposed closure of a portion of Alloy Avenue, East Rockingham and amalgamation with Lots 149 and 105 (proposed Lots 150 and 151) and seek the approval of the Minister for Finance, Aboriginal Affairs and Lands in accordance with the plan below.



Proposed Road Closure (Portion of Alloy Avenue)

That Council **SUPPORTS** the proposed closure of a portion of Alloy Avenue, East Rockingham and amalgamation with Lots 149 and 105 (proposed Lots 150 and 151) and seek the approval of the Minister for Finance, Aboriginal Affairs and Lands in accordance with the plan below.



Committee Voting (Carried) - 5/0

Not Applicable

Not Applicable

## Planning and Development Services Statutory Services



<b>Reference No &amp; Subject:</b>	<b>PD-044/20</b>	<b>Amendment to Planning Policy No.3.3.7 - Display Home Centres (Final Approval)</b>
File No:	LUP/1265-05	
Applicant:		
Owner:		
Author:	Mr Eric Anderson, Planning Officer	
Other Contributors:	Mr David Waller, Coordinator Statutory Planning Mr Mike Ross, Manager Statutory Planning	
Date of Committee Meeting:	14 September 2020	
Previously before Council:	15 June 2020 (PD-027/20)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:		
Maps/Diagrams:		

### Purpose of Report

To consider the adoption of amendments to *Planning Policy 3.3.7 - Display Home Centres* (PP3.3.7), following the completion of public advertising.

### Background

On 27 May 2008, PP3.3.7 was adopted by Council.

On July 2018, Council resolved to adopt changes to PP3.3.7 for the purpose of reducing the number of parking bays required in Display Home Centres to reflect the low intensity land use.

On 15 June 2020, Council resolved to adopt the amended PP3.3.7 - Display Homes Centres for the purpose of advertising.

PP3.3.7 establishes the development requirements for Display Home Centres in residential estates. The Policy covers aspects of the location, car parking, signage, vehicular access, lighting and rehabilitation of land following the cessation of a Display Home Centre.

The proposed changes to PP3.3.7 are summarised as follows:

- (i) Replace term "Part 6" in Clause 1 with "Part 7 of the Deemed Provisions";
- (ii) Replace the term "Baldivis Town Centre" with "Baldivis District Centre" in Clause 2;

- (iii) Replace the term "Council" with "City" in Clause 4.2;
- (iv) Remove the existing minimum standard of car parking areas under clause 4.3 (a) to be of constructed of hardstand materials (100mm crushed or road base);
- (v) Introduce a new standard of parking in clause 4.3(a) which is consistent with TPS No.2 in that it requires car parking to be designed, landscaped and drained;
- (vi) Replace the phrase "Manager of Engineering Services" with "City" in Clause 4.3 (a) and (b);
- (vii) Amend clause 4.5 to remove references to the term "hard stand" and replace it with the term "pavement materials";
- (viii) Amend clause 4.5 to be to the satisfaction of the City;
- (ix) Introduce a new clause (4.8) titled "Commencement", granting approval for 4 years; and
- (x) Include an amendment clause (Clause 10 and renumber subsequent clause).

#### Details

Nil

#### Implications to Consider

**a. Consultation with the Community**

In accordance with Clause 4(2) of the deemed provisions in the Town Planning Scheme No.2 (TPS2), the proposed amendments to PP3.3.7 were advertised for 21 days in the following manner:

- An advertisement was published in the Sound Telegraph newspaper on 8 July 2020;
- A copy of the draft PP3.3.14 was advertised on the City's website from 8 July 2020; and
- A notification letter was sent on 16 July 2020 to all major land developers operating within in the City of Rockingham.

At the close of the public consultation period, no submissions were received.

**b. Consultation with Government Agencies**

Nil

**c. Strategic**

Community Plan

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

**Aspiration 3:** *Plan for Future Generations*

**Strategic Objective:** *Responsive Planning and Control of Land Use - Plan and control the use of land to meet the needs of a growing population, with consideration of future generations.*

**d. Policy**

Nil

**e. Financial**

Advertising costs associated with a newspaper advertisement were \$436.17. It is anticipated that the Notice of Adoption will also cost a similar amount.

**f. Legal and Statutory**

PP3.3.7 is not part of TPS2 and does not bind the Council in respect of any application for Development Approval, but the Council is to have due regard to the provisions of the Policy and the objectives which PP3.3.7 is designed to achieve before making its determination.

Regulation 5 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, provides the ability for Council to amend local planning policies. Due to the financial implications, it was considered appropriate to advertise the Policy via a newspaper for a period of not less than 21 days in accordance with the deemed provisions. A notice of Council's adoption of the Policy is required to be published in a newspaper circulating in the scheme area.

**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 amendments to PP3.3.7 are to have car parking areas sealed with bitumen, replacing the current requirement of hardstand as a minimum for alignment with TPS2. Further minor changes are included to align the Policy with the Deemed Provisions.

It is recommended that Council adopts the revised PP3.3.7 - Display Home Centres and publishes a Notice of Final Adoption in a local newspaper in accordance with the Deemed Provisions.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ADOPTS** revised *Planning Policy No.3.3.7 - Display Homes Centres* (amendments marked in red).

**Committee Recommendation**

That Council **ADOPTS** revised *Planning Policy No.3.3.7 - Display Homes Centres* as follows (amendments marked in red below):

**PLANNING POLICY 3.3.7  
DISPLAY HOME CENTRES**

**1. Introduction**

The City of Rockingham Town Planning Scheme No.2 defines a 'Display Home Centre' as a group of two or more dwellings, which are intended to be open for public inspection as examples of dwelling design.

The 'City' recognises that Display Home Centres are an integral feature of most establishing residential estates. In anticipation of continued urban development in the City, it proposes to provide for the establishment of such centres within an orderly and safe environment.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the City shall have due regard to in the assessment and determination of applications for Development Approval for the establishment of Display Home Centres. The Planning Policy also seeks to ensure the suitable transition of the land use from Display Home Centre to 'dwelling(s)', when the Display Home Centre has ceased operation.

In this regard, no person shall commence or carry out any development of a Display Home Centre without first having applied for and obtained the Development Approval of the City, pursuant to the provisions of Part 6 7 of the Deemed Provisions of Town Planning Scheme No.2.

**2. Policy Application**

In Town Planning Scheme No.2, the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

In this regard, a Display Home Centre is a permissible use in the Residential, Development<sup>1</sup> and Baldivis ~~Town~~ District Centre zones, subject to the City exercising its discretion by granting Development Approval. A Display Home Centre is a use not permitted in all other zones.

**3. Policy Objectives**

The objectives of this Planning Policy are as follows:

- (a) To promote the orderly and proper development of land by making suitable provisions relating to the location and design of Display Home Centres;
- (b) To secure the amenity of the locality by addressing various operational matters; and

- (c) To specify rehabilitation/reinstatement techniques once the Display Home Centre have ceased operation.

*1. In the Development Zone, provisions of use class permissibility shall be determined in accordance with the provisions of the relevant Local Structure Plan.*

#### **4. Policy Statement**

##### **4.1 Location**

To minimise internal, non-residential traffic, the Council prefers the establishment of Display Home Centres at the dedicated entrance of a residential estate. All display homes pertinent to a particular residential stage should be grouped together and the Council will not generally support the ad hoc siting of display homes that readily interact with existing residences.

##### **4.2 Parking**

Car parking should be provided at a minimum ratio of one (1) parking bay per display home (with a minimum of ten (10) bays per display village). In addition, one accessible car parking bay to be provided as per Australian Standard AS 2890.6 Parking Facilities – Off-street parking for people with disabilities and the Building Code of Australia. The ~~Council~~ City will not consent to parking on the verge under any circumstances.

##### **4.3 Site Development**

Prior to the commencement of operation of a Display Home Centre, the following will generally be required as conditions of Development Approval:

- (a) ~~All car parking areas including manoeuvring and circulation areas shall be designed, sealed, marked and landscaped to the satisfaction of the Manager of Land and Development Infrastructure. are to be developed by the installation of hardstand materials (as a minimum standard) to the satisfaction of the Council's Manager, Engineering Services. In this regard, the minimum acceptable standard is 100mm of compacted crushed rock or road base. The carparking area should also be contoured in such a manner that it adequately drains.~~
- (b) All crossovers are to be designed and constructed to the satisfaction of the ~~City, Manager, Engineering Services,~~ at the applicant's cost.
- (c) Where a Display Home Centre does not directly abut a car parking area, a dedicated pedestrian access will be required, to the satisfaction of the Manager, Engineering Services, from the nearest car parking area to the site. Where a dual use path has been constructed, this may be acceptable as the dedicated pedestrian access.

##### **4.4 Operation of Display Centres**

All signs and hoardings associated with the Display Home Centre will be required to be to the satisfaction of the Manager, Building Services and approved prior to erection or painting.

All signage for Display Home Centres must be in accordance with Planning Policy No.3.3.1 Control of Advertisements.

Floodlights shall not be illuminated after 10.00 pm, and all illumination will be confined to the limits of the development.

##### **4.5 Reinstatement and Rehabilitation**

~~All hardstand material from the pavement materials form the~~ car parking areas shall be removed and ~~on the site reinstated to the satisfaction of the Manager of Land and Development Infrastructure on the~~ conclusion of operation of the Display Home Centre.

##### **4.6 Building Approval**

A Building Permit for all buildings associated with the Display Home Centre will be required from the Council (in addition to Development Approval).

##### **4.7 Consultation**

Where the Manager, Statutory Planning considers that an application for Development Approval for the establishment of a Display Home Centre is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties, the application will be the subject of a process of community consultation in accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 and Planning Procedure No.1.3 - Community Consultation.

#### **4.8 Commencement**

Development Approvals for Display Home Centres shall be valid for a period of 4 years, unless a further extension is granted by Council prior to the expiry of the original approval.

#### **5. Application Procedure**

Applications for Development Approval for the establishment of Display Home Centres shall be made on the form prescribed by the City, and shall be signed by the owner(s), and accompanied by the following information:

- (a) A written submission describing the proposal, which should include confirmation that the requirements of this Planning Policy can be achieved;
- (b) Such plans and other information that the City may reasonably require to enable the application to be determined;
- (c) Any specialist studies that the City may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;
- (d) Details of any proposed signage to be erected, together with a separate application for a sign permit to the City's Health and Building Services;
- (e) The payment of an Administration Fee as detailed in the City's Scale of Fees for Planning Services.

#### **6. Authority**

This Planning Policy has been adopted by the Council under clause 4 of the deemed provisions of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind the City in respect of any application for Development Approval, the City is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

#### **7. Interpretations**

For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.2:

Council means the Council of the City of Rockingham.

Dwelling means a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:

- (a) a single person;
- (b) a single family; or
- (c) no more than six persons who do not comprise a single family.

#### **8. Delegation**

Applications for Development Approval that comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to clause 83 of the deemed provisions of Town Planning Scheme No.2 and Planning Procedure 1.1 - Delegated Authority.

Where an application for Development Approval has been the subject of a process of community consultation and substantiated objections are received, the application for Development Approval will be referred to the Council for determination.

#### **9. Adoption**

This Planning Policy was adopted by the Council at its Ordinary meeting held on ~~24 July 2018~~ 27 May 2008.

#### **10. Amendment**

This Planning Policy was amended by Council at its Ordinary meeting held on 23 June 2020.

#### **101. Revocation**

This Planning Policy supersedes the City's Statement of Planning Policy No.2.5 - Display Homes and Sales Offices.

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

Not Applicable

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

Not Applicable

## Planning and Development Services Statutory Planning Services



<b>Reference No &amp; Subject:</b>	<b>PD-045/20</b> <b>Pedestrian Access Way Strategy Update (Final Approval)</b>
File No:	LUP/252-04
Applicant:	
Owner:	
Author:	Mr David Waller, Coordinator Statutory Planning
Other Contributors:	Mr Mike Ross, Manager Statutory Planning
Date of Committee Meeting:	
Previously before Council:	24 June 2008 (PD114/6/08); 23 September 2008 (PD181/9/08); 27 October 2009 (PD127/10/09); 23 February 2010 (PD51/2/2010) 23 June 2020 (PD-026/20)
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	Various
Lot Area:	
LA Zoning:	
MRS Zoning:	
Attachments:	<ol style="list-style-type: none"> <li>1. Schedule of Submissions</li> <li>2. Pedestrian Access Way Update - Report</li> <li>3. Pedestrian Access Way and Rights-of Way classification results</li> <li>4. Pedestrian Access Way Update - Maps</li> <li>5. Pedestrian Access Way Update – Assessment / Classification Sheet</li> <li>6. <a href="#">Pedestrian Access Way Strategy 2010</a></li> </ol>
Maps/Diagrams:	<ol style="list-style-type: none"> <li>1. PAW Strategy Map - R271</li> <li>2. Aerial Photo - PAW R271</li> <li>3. JDAP Approval Site Plan - Lot 301</li> <li>4. PAW Strategy Map - R2R</li> <li>5. PAW Strategy Map - R19R &amp; R20R</li> <li>6. PAW Strategy Map - R12R</li> <li>7. Aerial Photo - SB3030</li> </ol>

## Purpose of Report

To consider adopting the Pedestrian Access Way Strategy Update (Strategy Update), following public consultation.

## Background

In February 2010, the Pedestrian Access Way Strategy (2010 Strategy) was approved by Council and was subsequently endorsed by the Western Australian Planning Commission (WAPC) in December 2010.

In June 2012, Council adopted revised Planning Procedure 1.5 - Closure of Pedestrian Access Ways (Closure Procedure). The Closure Procedure sets out the process the City is to follow, should it be determined that a Pedestrian Access Way (PAW) can be closed in line with the outcomes of the 2010 Strategy.

In accordance with the Procedure, the following approach is applied when considering applications to close PAWs:

- "(i) PAWs classified as Essential ('E') will not be closed by the City.
- (ii) PAWs classified as Retain ('R') will only be considered for closure subject to substantial justification and evidence of anti-social behaviour. If the City is satisfied that the PAW contributes to anti-social behaviour, it will proceed to be advertised for public comment prior to being referred to the Council for determination.
- (iii) PAWs classified as Not Essential ('NE') or No Path 'NP' will be considered for closure by the City upon request."

The purpose of undertaking the 2010 Strategy was to better equip the Council in dealing with applications to close PAWs. It also provided the Council with recommendations on which PAWs were essential, should be retained, and those that are not essential and may be closed.

It was not proposed, as part of the 2010 Strategy, that action would be initiated by the Council to effect closures, although the review was intended to provide the basis for assessment of any future requests for closure. The 2010 Strategy and Procedure also sought to streamline the assessment process for PAW closure requests, and to have a common understanding with the Department of Planning Lands and Heritage (DPLH), as to the relative importance of each PAW in terms of their access value, or otherwise, to adjacent owners and PAW users.

In May 2019, the City engaged Element Advisory Pty Ltd to undertake an update of the 2010 Strategy.

### 2020 Strategy Update

The Strategy Update assessed a total of 61 sites, with 40 sites being PAWs and 21 sites being Rights-of-Ways (ROWs). As with the original 2010 Strategy, a number of faux PAWs were identified (i.e. service corridors and other reserves that perform the function of a PAW but have some other form of land tenure).

The identification coding system established by the City in the 2010 Strategy was used for each PAW and ROW, whereby each PAW was given a number, prefixed by a letter relevant to their locality. (e.g., those PAWs in Waikiki were prefixed WK - such as WK 419, those in Rockingham were prefixed R - such as R250). No connectivity classification has been identified for the ROWs, although three have been identified as performing the function of PAW, being R3R, R6R and R7R.

The classification results from the Strategy update are set out in Appendix 1 and can be cross referenced with Attachment 2 - PAW update maps and Attachment 3 - PAW update assessment sheets.

In June 2020, Council resolved to advertise the draft 2020 Strategy Update for public comment.

## Details

The purpose of Strategy Update is to identify any new PAWs that were created since Council's adoption of the 2010 Strategy and to classify PAWs in the same manner as those included in the 2010 Strategy.

The Strategy Update must now be considered by Council for adoption, having regard to submissions received during advertising.

### Implications to Consider

#### a. Consultation with the Community

The Strategy Update was advertised for a public comment for a period of 30 days, commencing on 15 July 2020 and concluding on 14 August 2020.

- A notice appeared in the public notices section of the Sound Telegraph newspaper on 15 and 22 July 2020;
- A copy of Strategy Update was advertised on the City's website and Share Your Thoughts; and
- Copies of the Strategy Update were made available for inspection at the City's Administration Offices.

Adjoining owners of PAWs were not written to, as part of the Strategy Update, as no PAWs are to be closed as part of the review. The classification and assessment for each PAW is to provide the basis for the consideration of any future requests for closure.

At the close of the public consultation period, a total of seven (7) public submissions were received. The issues raised in the submissions have been summarised in the table below, including the City's response.

General Comments on PAWs/ROWs	
<b><u>Submission:</u></b>	
<b>(i) Treat all PAWs and ROWs as high priority and worth keeping.</b>	
<b><u>City's Comment:</u></b>	
The PAW Strategy prioritises PAWs based on accessibility to facilities, including proximity to schools, shops, parks and the broader needs of the community, which is of paramount importance when considering the merits or otherwise of PAW closures. While it is clear that some PAWs and neighbouring properties are subjected to anti-social behaviour and vandalism by some PAW users, this needs to be balanced against the retention of PAWs where they are well used and important to the pedestrian/cycle network.	
The City's first responsibility regarding PAWs is to retain access where it has been demonstrated that the particular PAW has some access significance, and has been classified as either Essential ('E') or Retain ('R'). Where particular 'problem' PAWs must be left open, to maintain important community access, then the City should assist those residents and landowners most affected by adopting physical improvements and safety protection measures to ameliorate those problems on a priority basis. Those that are identified as Non-Essential ('NE') do not provide a broader benefit and usually service a very small minority, in these circumstances closure may be supported due to the cost of maintaining them outweighing the benefit to the community.	
<b><u>Submission:</u></b>	
<b>(ii) The proposal does not show what criteria or description what an update to a PAW would look like for example with or without bollards, width of path, security lighting (to discourage unsociable behaviour) and or safety for shared access by pedestrians and cyclists?</b>	
<b><u>City's Comment:</u></b>	
The City currently undertakes a 3 yearly review of footpaths, including those in PAWs, to ascertain the condition of those pathways. Any works to replace or provide a new pathway within PAWs are also subject to annual budgeting constraints.	
The upgrading of PAWs is not proposed as part of the Strategy Update, however, the 2010 Strategy recommended the following standard specifications for PAWs that are retained and upgraded:	
- repave with concrete, preferably to a width of 2.5m minimum;	

<b>General Comments on PAWs/ROWs (cont...)</b>	
<ul style="list-style-type: none"> <li>- repair and maintain fencing and promptly remove graffiti;</li> <li>- remove weeds and rubbish;</li> <li>- prune or remove vegetation hanging over side fences and obscuring PAW entrances;</li> <li>- install effective lighting; and</li> <li>- erect appropriately designed bollards to prevent PAWs being used by motor cyclists.</li> </ul> <p>The clear identification and classification of the additional PAWs and ROWs will further assist this maintenance regime.</p>	
<p><b><u>Submission:</u></b></p> <p>(iii) <b>I could not see any reference to a risk assessment and would recommend consideration being given to the prevention of access to PAWS by motorised bikes/cycles.</b></p>	
<p><u>City's Comment:</u></p> <p>The Strategy Update was not intended to provide a detailed assessment as to the necessary upgrading for each particular PAW. It was intended to provide a connectivity recommendation to inform future requests for closure.</p> <p>Physical restrictions to limit access and use, to deal with anti-social behaviour, must be counter-balanced against maintaining access to all users, including access to persons with disability. This can only be done on a case by case basis as it can change over time.</p> <p>The degree to which PAWs are upgraded relate to its condition, safety issues and security concerns, it is also dependent upon the financial considerations made by Council in prioritising works in its Annual Budget. The identification of PAWs to be upgraded is also undertaken as part of the City's Asset Services 3 yearly review of footpaths or as complaints arise. Currently, the City does not have a regime which manages public ROWs.</p>	
<p><b><u>Submission:</u></b></p> <p>(iv) <b>As the PAWS are deemed as shared paths I could see no reference to controlling speed limits to motorized/ electric or cyclists. Main roads have stated that the speed limit would be the same as adjoining roads, what is the strategy to prevent these vehicles travelling at speed putting walkers at risk.</b></p>	
<p><u>City's Comment</u></p> <p>The enforcement of vehicle speed on road reserves falls within the jurisdiction of the WA Police.</p> <p>The City's ability to influence vehicle speed on PAWs is limited to design and mobility restrictions only.</p>	
<p><b><u>Submission</u></b></p> <p>(v) <b>Could you please start putting lane lines on joint pathways as people still can't keep left on those paths.</b></p>	
<p><u>City' Comment</u></p> <p>As paths in PAWs are designed to be shared by a range of users and there are no statutory requirements which apply, it would be impractical to implement line marking, especially as footpath generally range in size from 1.0m up to 2.5m.</p>	
<p><b><u>Submission</u></b></p> <p>(vi) <b>Consulting the City's website on the draft Strategy Update, I found none of the 7 PAWS we frequent in and around Safety Bay were listed.</b></p>	
<p><u>City's Comment</u></p> <p>The PAWs referred to in the Safety Bay area are identified in the 2010 Strategy. The submissioner has been advised accordingly.</p>	

### Comments on Individual PAWs

#### Submission:

- (i) Will R271 be upgraded as part of the adjoining new development or will it be closed at that time?

#### City's Comment:

R271 is currently an unconstructed PAW linking Sepia Court to Read Street which is identified as 'Non-Essential' under the Strategy Update. Despite the classification, the PAW is not intended to be closed by the City, however, consideration of the installation of a footpath may be considered following development of the adjoining site.

The Joint Development Assessment Panel (JDAP) Development Approval for Lot 301 Council Avenue does not require the developer to upgrade the PAW, however, a future pedestrian link is provided at the eastern end of the site's carpark as shown in Map 2 below.



1. PAW Map R271



2. Aerial Photo - PAW R271

PAW R271

### 3. JDAP Approval Site Plan - Lot 301

(ii) Is the City planning on closing R2R?

R2R is a private ROW which currently provides a pedestrian footpath link between Harrison Street and Chalwell Street, Rockingham.

As it is a private ROW it cannot be closed by the City. The City is unaware of any intention of the landowner to close the ROW.

**Comments on Individual PAWs (cont...)**



4. PAW Strategy Map - R2R

**Submission:**

- (iii) **R19R and R20R, will there be a recommendation to have Telstra upkeep these ROWs or will there be a recommendation to close them as they appear to not be used**

**City's Comment:**

R19R and R20R are reserves vested in Telstra.

### Comments on Individual PAWs (cont...)



## 5. PAW Strategy Map - R19R and R20R

### **Recommendation 1**

***That the City liaise with Telstra in relation to the maintenance of R19R and R20R.***

**Submission:**

(iv) Is R12R owned by State or private as there appears to be some maintenance required?

City's Comment:

R12R is a public ROW. Currently ROWs are not included on the City's asset maintenance schedule.

It is recommended that the City investigate options to include ROWs in its maintenance/upgrading regime.

**Comments on Individual PAWs (cont...)**



6. PAW Strategy Map - R12R

**Recommendation 2**

***That the City investigate an ongoing programme for the upgrading and maintenance of both PAWs and ROWs which is determined by usage, design characteristics/short comings, condition and complaints received from adjacent owners.***

**Submission:**

- (v) As a neighbour to PAW SB 330 we have experienced significant anti-social behaviour; including vandalism, graffiti, excessive and incessant noise, drug use, litter, objects thrown at our house and we have been subjected to threats. The PAW provides a haven for these activities. The classification of Non Essential is appropriate.

**City's Comment:**

PAW SB330 was assessed and classified under the 2010 Strategy as 'Non Essential'. It is not proposed, as part of the Strategy Update, that action would be initiated by the Council to effect closures. The objective of the update is to provide the basis for assessment of any future requests for closure. To progress the closure of SB330, a formal application to the City would be required in accordance with the City's Planning Procedure 1.5 – *Closure of Pedestrian Access Ways*.

**Comments on Individual PAWs (cont...)**



7. Aerial Photo - SB330

**b. Consultation with Government Agencies**

The City has previously consulted the Department of Planning, Lands and Heritage (DPLH) regarding the structure of the Strategy Update.

Other Service Authorities and agencies were not consulted as part of the advertising of the Strategy Update, as future applications for closures would trigger agency referral of individual PAWs.

**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:** *Liveable Suburbs - Plan for attractive sustainable suburbs that provide housing diversity, quality public open spaces, walkways, amenities and facilities for the community.*

**d. Policy**

Nil

**e. Financial**

In the 2018/2019 budget, the City allocated \$35,000 to undertake the Strategy Update.

The implementation of a Maintenance and Upgrading Programme for all PAWs and ROWs will have ongoing financial implications through the City's Engineering and Parks Services Budget.

**f. Legal and Statutory**

Not Applicable

**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 Strategy Update complements the current 2010 Strategy, by bringing the database up-to-date and expanding the scope to identify ROWs and PAWs separately. Until recently, it has been difficult to distinguish between public and private ROWs, and some PAWs identified in the 2010 Strategy. The Strategy Update identifies them separately and reclassifies some PAWs as ROWs.

The main concern submissioners have raised relate to the need to upgrade PAWS and maintenance concerns to deal with anti-social behaviour and to improve the safety of pedestrians. The City currently undertakes a 3 yearly review of footpaths, including those in PAWs, to ascertain the condition of those pathways. Any works to replace or provide a new pathway within PAWs are also subject to annual budgeting constraints. The clear identification and classification of the additional PAWs and ROWs will further assist this maintenance regime.

Given the proposed classification themselves have not been raised as a concern, it is recommended as follows:

- Council adopts the Strategy Update as advertised.
- Endorsement of Strategy Update be sought from the WAPC;
- The City liaise with Telstra regarding the maintenance issues associated with R19R and R20R; and
- The City investigate including both PAWs and ROWs in the City's maintenance/upgrading regime.

## Voting Requirements

Simple Majority

## Officer Recommendation

That Council:

1. **ADOPTS** the Pedestrian Access Way Strategy Update (2020).
2. **APPROVES** referral of the Pedestrian Access Way Strategy Update (2020) to the Western Australian Planning Commission for its Endorsement.
3. **DIRECTS** the CEO to:
  - (i) liaise with Telstra in relation to the maintenance of R19R and R20R; and
  - (ii) Investigate the implementation of an ongoing programme for the upgrading and maintenance of PAWs and ROWs which is determined by usage, design characteristics/shortcomings, condition and complaints received from adjacent owners.

## Committee Recommendation

That Council:

1. **ADOPTS** the Pedestrian Access Way Strategy Update (2020).
2. **APPROVES** referral of the Pedestrian Access Way Strategy Update (2020) to the Western Australian Planning Commission for its Endorsement.
3. **DIRECTS** the CEO to:
  - (i) liaise with Telstra in relation to the maintenance of R19R and R20R; and
  - (ii) Investigate the implementation of an ongoing programme for the upgrading and maintenance of PAWs and ROWs which is determined by usage, design characteristics/shortcomings, condition and complaints received from adjacent owners.

Committee Voting (Carried) - 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

## Planning and Development Services Directorate, Planning Services



<b>Reference No &amp; Subject:</b>	<b>PD-046/20</b>	<b>Minor Amendments to City Centre Development Policy Plans (Planning Policy No. 3.2.5 - Development Policy Plan Waterfront Village and Planning Policy No. 3.2.6 - Development Policy Plan Northern Waterfront Village)</b>
<b>File No:</b>	LUP/367-04 and LUP/1617-04	
<b>Applicant:</b>		
<b>Owner:</b>		
<b>Author:</b>	Mr Greg Delahunty, Senior Projects Officer	
<b>Other Contributors:</b>		
<b>Date of Committee Meeting:</b>	14 September 2020	
<b>Previously before Council:</b>		
<b>Disclosure of Interest:</b>		
<b>Nature of Council's Role in this Matter:</b>	Executive	
<b>Site:</b>		
<b>Lot Area:</b>		
<b>LA Zoning:</b>	Primary Centre Waterfront Village and Primary Centre City Living	
<b>MRS Zoning:</b>	Central City Area	
<b>Attachments:</b>		
<b>Maps/Diagrams:</b>	1. Rockingham Strategic Metropolitan Centre 2. Extract from PP3.2.9 and PP3.2.12 3. Extract from PP3.2.6	

### Purpose of Report

To consider approving a minor amendment to *Planning Policy No. 3.2.5 – Development Policy Plan Waterfront Village* (PP3.2.5) and *Planning Policy No. 3.2.6 - Development Policy Plan Northern Waterfront Village* (PP3.2.6).

### Background

Planning for the Waterfront Village and the Northern Waterfront Village Sectors is addressed by *Town Planning Scheme No.2* (TPS2) zonings of 'Primary Centre – Waterfront Village' and 'Primary Centre – City Living' and by PP3.2.5 and PP3.2.6.

## Details

Upon review of PP3.2.5 and PP3.2.6, it has been identified that the section dealing with the minimum lot size required for residential intensification is inconsistent with how it is dealt with in other City Centre Development Policy Plans. Additionally, through the everyday application of the Policies, City Officers have noted that this section has often been misinterpreted by applicants, who have taken it to apply exclusively to subdivision applications, rather than also to Development Applications.

The proposed amendments to PP3.2.5 and PP3.2.6 will not change the content or the intent of the Policies. They will, however, provide certainty to applicants on the interpretation of the requirements and ensure consistency with the remainder of the City Centre planning framework.

### Proposed Modifications

The following modification is proposed to *Planning Policy No. 3.2.5 - Development Policy Plan Waterfront Village*:

1. Under section 3.3 "Relevant Residential and Mixed Use Building Typologies":

Rename subheading "Subdivision Design" as "Minimum Site Area"

The following modification is proposed to *Planning Policy No. 3.2.6 - Development Policy Plan Northern Waterfront Village*:

1. Under section 5.2 "Relevant Residential and Mixed Use Building Typologies":

Rename subheading "Subdivision Design" as "Minimum Site Area"

## Implications to Consider

### a. Consultation with the Community

Clause 5(2) of the deemed provisions of TPS2 states that the Council may make an amendment to a Local Planning Policy without advertising the amendment if, in the opinion of the Council, the amendment is a minor amendment.

The proposed Policy amendments are administrative in nature as they simply change a heading to assist with the interpretation of the Policy content, whilst also providing consistency with the City Centre planning framework. They are considered to be minor as they will have no material effect on the Policies or how they are applied. It is therefore considered that the Policy amendments are not required to be advertised.

### b. Consultation with Government Agencies

Not Applicable

### c. Strategic

#### Community Plan

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

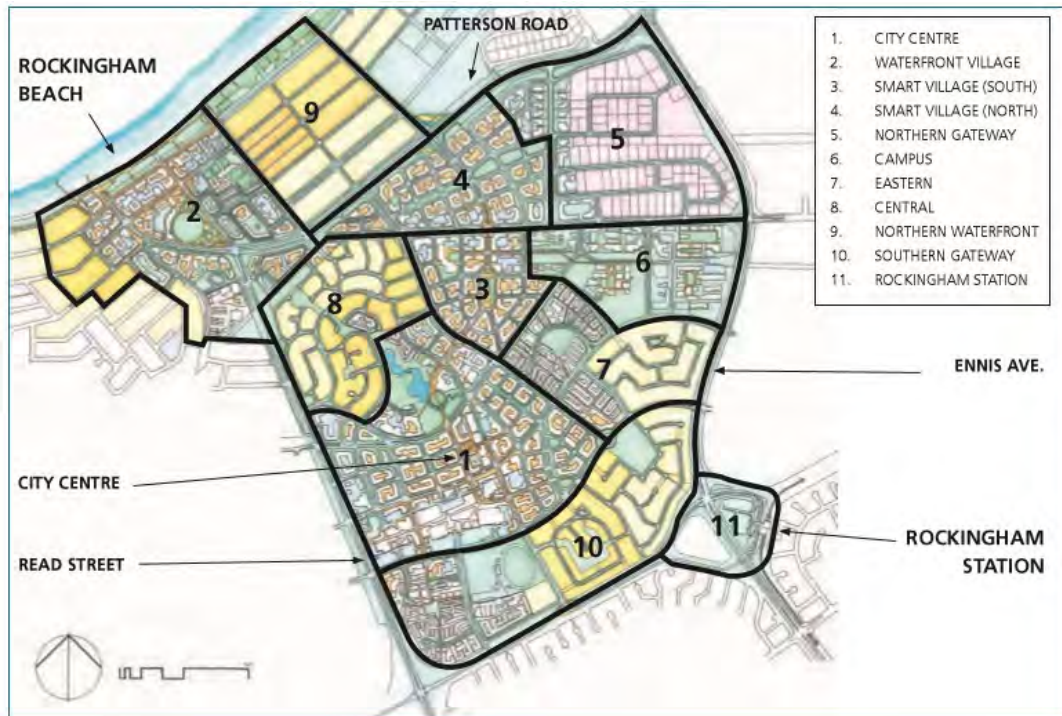
**Aspiration 1:** *Actively Pursue Tourism and Economic Development*

**Strategic Objective:** *Investment Attraction - Attract local and international investment to the City to contribute to the local economy.*

### d. Policy

#### **Rockingham Strategic Regional Centre: Centre Plan (Centre Plan).**

The Waterfront Village and the Northern Waterfront Village Sectors form part of the wider Rockingham Strategic Metropolitan Centre. The planning framework for the Strategic Metropolitan Centre has been progressively implemented, following the approval of the Centre Plan by the Council and Western Australian Planning Commission in 2009.



1. Rockingham Strategic Metropolitan Centre

e. **Financial**

Nil

f. **Legal and Statutory**

Town Planning Scheme No.2

The Council may amend a local Planning Policy under Clause 5 of the deemed provisions of TPS2.

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**

Minimum Site Area for Development or Subdivision

Larger lots are key for good urban infill that is characterised by increases in building density and heights and reduced street setbacks. Larger lots facilitate development that:

- Achieves a generally continuous and contained streetscapes;
- Reduces the number of access driveways and blank boundary walls along streetscapes;
- Minimizes any disparity in scale and overshadowing between neighbouring properties, and
- Retains existing and provides additional street trees.

Larger lots are particularly important in areas, such as the Waterfront Village and the Northern Waterfront Village, with older low density residential development identified for urban renewal. Redevelopment of smaller lots on an ad-hoc piecemeal basis will deliver inferior urban outcomes that would compromise the intent of the Policies.

Under the existing “Subdivision Design” heading, both Policies state that lots should be of a sufficient area and contain sufficient dimensions to permit a feasible, functional development. They state that the dimensions of lots, proposed for residential intensification, should typically have a minimum lot width of 30 - 40 metres and a minimum lot area of 1500m<sup>2</sup> - 2,200m<sup>2</sup>. The dimensions of the prevailing lot typologies in the Policy areas, however, are much smaller than the minimums identified in the Policies. It is therefore clear that the intent is for lot assembly prior to intensified residential redevelopment.

The “Subdivision Design” heading, however, has proved confusing for some applicants, who have on occasion misconstrued the intent of the Policies by assuming that the minimum dimensions apply only to subdivision proposals and not to residential intensification by way of a Development Application. It is therefore recommended that the “Subdivision Design” heading be modified to “Minimum Site Area” to remove the opportunity for misunderstanding.

#### Consistency with other City Centre Policies

The terminology proposed in these Policy amendments is reflective of that in other City Centre Development Policy Plans (DPP) such as the Southern Gateway and Rockingham Station Sectors (PP3.2.12) or the Eastern Sector (PP3.2.9). These Policies also apply to areas containing low density residential lots that are identified for urban renewal. The content of all four Policies is very similar, identifying minimum frontage and minimum site area requirements. These requirements, however, appear under the “Minimum Site Area” heading in PP3.2.9 and PP3.2.12 whereas they appear under the “Subdivision Design” heading in PP3.2.5 and PP3.2.6. The proposed Policy amendments will therefore bring them into conformity with other similar City Centre DPPs.

#### **Minimum Site Area**

Existing single residential lots in the Sector are typically 680m<sup>2</sup> in area. Piecemeal redevelopment on individual lots of that size often results in an undesirable townscape outcome, with numerous driveways on side boundaries and little active engagement with the public domain.

- Sites for higher density development should be of sufficient area with dimensions to permit a feasible, functional development. Typically, this will require a minimum site width of 30-40 metres and a minimum site area of 1,200m<sup>2</sup>. With existing single residential lots this will typically require the amalgamation of at least two lots.
- The suitability of smaller sites for such developments should be determined on urban design merit taking into account the Planning Principles listed in Section 2.2.

#### 2. Extract from PP3.2.9 and PP3.2.12

#### **Subdivision Design**

- Lots should be of sufficient area with dimensions to permit a feasible, functional development. The dimensions of grouped, multiple dwelling and mixed use lots should permit conventional car parking layouts. Typically, this requires a minimum lot width of 30-40 metres and a minimum lot area of 1500m<sup>2</sup>.
- The suitability of smaller lot sizes for such developments should be determined on urban design merit taking into account the Planning Principles listed in Section 2.2.

#### 3. Extract from PP3.2.6

It is highlighted that all four policies do provide a pathway for the consideration of developments on undersized lots, provided that the applicant can justify the urban design merit of a proposal against the higher-order planning principles of the Policy.

#### Conclusion

The Policy Amendments are considered to be minor in nature as they simply clarify the intent of PP3.2.5 and PP3.2.6 and bring them into conformity with other similar DPPs.

Therefore, it is recommended that Council adopt the amendments to *Planning Policy No. 3.2.5 Development Policy Plan Waterfront Village* and *Planning Policy No. 3.2.6 - Development Policy Plan Northern Waterfront Village*.

### **Voting Requirements**

Simple Majority

### **Officer Recommendation**

That Council **ADOPTS** the amendments to the following Local Planning Policies:

1. *Planning Policy No. 3.2.5 - Development Policy Plan Waterfront Village*:  
Under section 3.3 "Relevant Residential and Mixed Use Building Typologies":  
Rename subheading "Subdivision Design" as "Minimum Site Area"
2. *Planning Policy No. 3.2.6 - Development Policy Plan Northern Waterfront Village*:  
Under section 5.2 "Relevant Residential and Mixed Use Building Typologies":  
Rename subheading "Subdivision Design" as "Minimum Site Area"

### **Committee Recommendation**

That Council **ADOPTS** the amendments to the following Local Planning Policies:

1. *Planning Policy No. 3.2.5 - Development Policy Plan Waterfront Village*:  
Under section 3.3 "Relevant Residential and Mixed Use Building Typologies":  
Rename subheading "Subdivision Design" as "Minimum Site Area"
2. *Planning Policy No. 3.2.6 - Development Policy Plan Northern Waterfront Village*:  
Under section 5.2 "Relevant Residential and Mixed Use Building Typologies":  
Rename subheading "Subdivision Design" as "Minimum Site Area"

Committee Voting (Carried) - 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

## Engineering and Parks Services Infrastructure Project Delivery Services



<b>Reference No &amp; Subject:</b>	<b>EP-020/20</b>	<b>Tender T19/20-130 - Standing Offer for the Supply, Removal and Installation of Light Poles, Luminaires and Associated Services</b>
File No:	T19/20-130	
Proponent/s:		
Author:	Mr Ian Daniels, Manager Infrastructure Project Delivery	
Other Contributors:	Mr Scott Bennett, Project Officer	
Date of Committee Meeting:	14 September 2020	
Previously before Council:		
Disclosure of Interest:	Cr Mark Jones declared an Impartiality Interest in Item EP-020/20 - Tender T19/20-130 - Standing Offer for the Supply, Removal and Installation of Light Poles, Luminaires and Associated Services, as detailed in Clause 3.3 of Council's Code of Conduct and Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 and as per section 5.65 of the Local Government Act 1995, as he has a friendship with the one of the tenderers.	
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:		
Maps/Diagrams:		

### Purpose of Report

Provide Council with details of the Tender/s received for Tender T19/20-130 - Standing Offer for the Supply, Removal and Installation of Light Poles, Luminaires and Associated Services, document the results of the Tender assessment and make recommendations regarding award of the Tender.

### Background

Tender T19/20-130 - Standing Offer for the Supply, Removal and Installation of Light Poles, Luminaires and Associated Services was advertised in the West Australian on Saturday, 4 July 2020. The Tender closed at 2.00pm, Wednesday, 29 July 2020 and was publicly opened immediately after the closing time.

## Details

The City of Rockingham owns 4,018 light pole assets across reserves, streets and sporting fields.

The City manages its assets under a strategic asset renewal program to maintain assets in an appropriate condition for their purpose.

Historically, lighting projects were planned, procured and installed on an individual project basis. This contract will streamline the City's asset management responsibilities for lighting assets. This contract is a first for this asset type, and it is expected that it will serve the following advantages:

1. Streamline the procurement process for lighting infrastructure.
2. Expedite the time frame for project delivery.
3. Produce economies of scale through frequent and high production of lighting and pole infrastructure.

The schedule of rates for goods and services will assist in consistently and efficiently expediting lighting renewal and upgrade projects over the next three years.

The works to be undertaken under contract will include:

- The removal and replacement of existing light poles and infrastructure (cages, cabling etc.)
- The installation of new pole lighting and infrastructure (cages, cabling etc.)
- The removal and replacement of luminaires
- The provision of all certification and as constructed data for asset management purposes

The period of the contract will be from the date of award for a period of 36 months.

A panel comprising of Director Engineering and Parks Services, Manager Infrastructure Project Delivery, A/Coordinator Asset Maintenance and Project Officer undertook Tender evaluations.

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

Assessment Criteria Max. Points	Level of Service 45 Pts	Understanding Tender Requirements 30 Pts	Tendered Price 25 Pts	Total Weighted Score 100 Pts
<b>Hender Lee Electrical Contractors Pty Ltd</b>	<b>40.7</b>	<b>27.1</b>	<b>14.2</b>	<b>82.0</b>
Greenlite Electrical	30.3	23.3	24.3	77.9
Future Power WA Pty Ltd	36.0	23.6	17.2	76.8
Surun Services Pty Ltd	34.0	23.0	18.9	75.8
M Power U Ltd ATF Family Trust T/as M Power U Electrical Contracting	34.3	20.9	16.8	72.0
Pole Installation Australia	22.4	18.8	25.0	66.2
RL Underground Pty Ltd	28.7	13.5	22.8	65.0
Citylight Holdings Pty Ltd T/as Auriemma Electrical Services (AESWA)	28.9	21.3	9.3	59.5
Geographe Excavation and Underground Power	29.0	13.3	16.0	58.3
LTL Services Pty Ltd	23.5	16.5	13.5	53.5
Triple C Nominees Pty Ltd T/as Citywide Civil	21.0	13.4	7.1	41.5
Diamond Underground Services Pty Ltd	Non-conforming			
Downer Group	Non-conforming			
Venture Smart Pty Ltd	Non-conforming			

The contract rates will be subject to a Consumer Price Index (CPI) price variation every twelve (12) months from the date of award. Such a price variation will be calculated in accordance with the variation in the CPI for Perth, Western Australia for all groups for the 12 months preceding the last completed CPI quarter at the date the price variation is due.

### Implications to Consider

**a. Consultation with the Community**

Not Applicable

**b. Consultation with Government Agencies**

Not Applicable

**c. Strategic**

Community Plan

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

**Aspiration 3:** *Plan for Future Generations*

**Strategic Objective:** *Alternative Energy Applications - Embrace new technology and apply alternative energy solutions to City facilities and services.*

**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 Purchasing 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 11A(1).

In accordance with the Executive Policy - Purchasing Goods and Services, Local Content assessment of the submissions was not required as none of the local submissions came within the applicable point tolerance.

**e. Financial**

Period Tenders

Capital works expenditure will be in accordance with the City's Business Plan and operational expenditure will be in accordance with the Engineering and Parks operations maintenance budgets as allocated in the 2020/2021 operational budget and subsequent budgets.

For the 2020/2021 financial year the City has twenty one lighting replacement and renewal projects with a value of \$4,474,588 including the Secret Harbour Stage 1 lighting replacement project valued at \$2,244,388.

A similar quantum of expenditure is anticipated for the future years with a total anticipated contract expenditure of \$13,000,000 over the term of the contract.

**f. Legal and Statutory**

In accordance with section 3.57 of the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11(1).

*'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'.*

**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 received 14 submissions for Tender T19/20-130.

Of these submission, three were considered non-conforming due to responding "No" to Clause 4.2.6 of the Request for Tender "*Compliance with the General and Special Conditions of Contract*":

- Diamond Group Pty Ltd
- Downer Group
- Venture Smart Pty Ltd

Their submission included a request to modify the General and Special Conditions, rendering their submission non-conforming to the conditions of contract. The remaining 11 submissions accepted the General and Special Conditions of Contract as issued in the Request for Tender.

Eleven submissions were assessed in accordance with the Tender assessment criteria with varying levels of understanding requirements.

Hender Lee Electrical Contractors Pty Ltd (Hender Lee) submitted a clear, detailed and consistent understanding for Level of Service, specifically regarding company and personnel capacity, providing extensive contingencies that demonstrated excellent resource management. Hender Lee's Understanding of Quote Requirements was supported by insightful analysis of contracts risks, their impact and mitigation strategies. This was integrated into a concise methodology that demonstrated excellent use of best practice techniques, relevant examples and environmental considerations.

The submission from Hender Lee received the highest overall score as it best addressed the assessment criteria and demonstrated a high level of understanding of the project requirements. The submission received from Hender Lee is considered the best value to the City and therefore recommended as the preferred Tenderer.

The assessment considered three criteria with a number of aspects as follows:

### Level of Service

- The organisation and its personnel.
- The organisation's relevant experience and references.
- The resourcing capabilities of the organisation, plant, vehicles, staff and sub-contractors.
- The organisation's management systems including governance, risk, safety and environmental.

### Understanding

- The organisation's methodology and how it meets the requirements of the City.
- The organisation's resourcing plan including the acquisition of additional staff, resources or subcontractors.
- Any other information relevant to the tender assessment.

## Voting Requirements

Simple Majority

### Officer Recommendation

That Council **ACCEPTS** the Tender submitted from Hender Lee Electrical Pty Ltd Unit 1, 32 Bushland Ridge, Bibra Lake WA 6163 for Tender T19/20-130 - Standing Offer for the Supply, Removal and Installation of Light Poles, Luminaires and Associated Services, in accordance with the Tender documentation for the contract period being from date of award for a period of 36 months.

### Committee Recommendation

That Council **ACCEPTS** the Tender submitted from Hender Lee Electrical Pty Ltd Unit 1, 32 Bushland Ridge, Bibra Lake WA 6163 for Tender T19/20-130 - Standing Offer for the Supply, Removal and Installation of Light Poles, Luminaires and Associated Services, in accordance with the Tender documentation for the contract period being from date of award for a period of 36 months.

Committee Voting (Carried) - 4/1

(Cr Whitfield 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

## Engineering and Parks Services

### Parks Services

**Reference No & Subject:**

EP-021/20

**Tender T19/20-98 - Standing Offer for the Pruning of Street Trees in the Vicinity of Power Lines, General Tree Pruning, Tree Removals and Stump Grinding**

File No:

T19/20-98

Proponent/s:

Author:

Mr Mark Redford, Streetscapes Supervisor, Parks Services

Other Contributors:

Date of Committee Meeting:

14 September 2020

Previously before Council:

Disclosure of Interest:

Nature of Council's Role in this Matter:

Executive

Site:

Various

Lot Area:

LA Zoning:

MRS Zoning:

Attachments:

Maps/Diagrams:

### Purpose of Report

Provide Council with details of the Tenders received for Tender T19/20-98 - Standing Offer for the Pruning of Street Trees in the Vicinity of Power Lines, General Tree Pruning, Tree Removals and Stump Grinding, document the results of the Tender assessment and make recommendations regarding award of the Tender.

### Background

Tender T19/20-98 - Standing Offer for the Pruning of Street Trees in the Vicinity of Power Lines, General Tree Pruning, Tree Removals and Stump Grinding was advertised in the West Australian on Saturday, 8 August 2020. The Tender closed at 2.00pm, Wednesday, 26 August 2020 and was publicly opened immediately after the closing time.

### Details

The scope of the contract requires arboriculture services to specified standards on City managed lands including:

- Tree and shrub pruning
- Western Power - power line clearance pruning

- Tree and shrub removals
- Tree and shrub stump grinding
- Tree root barrier installation
- Green waste mulching

The period of the contract shall be from the date of award for a period of 60 months (5 years).

The Director Engineering and Parks Services appointed a Tender Assessment Panel comprising of Manager Parks Services, Coordinator Parks Services and Streetscape Supervisor.

Evaluation of the Tender, in accordance with the advertised Tender Assessment Criteria, produced the following weighted scores:

Assessment Criteria Max. Points	Level of Service 40 Pts	Understanding Tender Requirements 20 Pts	Tendered Price 40 Pts	Total Weighted Score 100 Pts
<b>Beaver Tree Services Aust Pty Ltd</b>	<b>39.7</b>	<b>19.4</b>	<b>28.1</b>	<b>87.2</b>
Cosmag Pty Ltd trading as Kennedys Tree Services	30.0	14.8	37.3	82.1
Westworks Group Pty Ltd ATF Ussheridan trading as Tree Care WA	34.1	16.3	31.3	81.7

The contract rates will be subject to a price variation every twelve (12) months from the date of award. Such a price variation will be calculated in accordance with the variation in the Consumer Price Index (CPI) for Perth Western Australia for all groups for the 12 months preceding the last completed CPI quarter as at the date the price variation is due.

### Implications to Consider

**a. Consultation with the Community**

Not Applicable

**b. Consultation with Government Agencies**

Not Applicable

**c. Strategic**

Community Plan

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

**Aspiration 3:** *Plan for Future Generations*

**Strategic Objective:** *Preservation and Management of Bushland and Coastal Reserves - Encourage the sustainable management and use of the City's bushland and coastal reserves.*

**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 Purchasing 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 11A(1).

In accordance with the Executive Policy - Purchasing Goods and Services, Local Content assessment of the submissions was not required as no local submissions were received.

**e. Financial**

Period Tenders

Capital works expenditure will be in accordance with the City's Business Plan, Engineering and Parks Services operational budgets with an estimated expenditure of \$800,000 per annum.

**f. Legal and Statutory**

In accordance with section 3.57 of the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 11(1).

*'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'.*

**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

Each Tender submission was assessed against the qualitative criteria considering the tenderers level of service and their understanding of the Tender requirements, with a number of aspects as follows:

Level of Service

- The organisation and its personnel.
- The organisation's relevant experience and references.
- The resourcing capabilities of the organisation, plant, vehicles, staff and sub-contractors.
- The organisation's management systems including governance, risk, safety and environmental.

Understanding

- The organisation's methodology and how it meets the requirements of the City.
- The organisation's resourcing plan including the acquisition of additional staff, resources or subcontractors.
- Any other information relevant to the tender assessment.

Beaver Tree Services Aust Pty Ltd, demonstrated a strong management structure and a large pool of equipped and qualified tradespersons available to meet the contract scope. It has full quality accreditation for its management systems. Beaver Tree Services also demonstrated in its submission a comprehensive contract methodology and resource allocation plan, as well as its operational systems to support the efficient execution of the contract.

Beaver Tree Services is considered to offer the best value to the City.

## Voting Requirements

Simple Majority

### Officer Recommendation

That Council **ACCEPTS** the Tender submitted from Beaver Tree Services Aust Pty Ltd, 21 Cartwright Drive, Forrestdale WA 6112 for Tender T19/20-98 - Standing Offer for the Pruning of Street Trees in the Vicinity of Power Lines, General Tree Pruning, Tree Removals and Stump Grinding in accordance with the Tender documentation for the contract period being from date of award for 60 months (5 years).

### Committee Recommendation

That Council **ACCEPTS** the Tender submitted from Beaver Tree Services Aust Pty Ltd, 21 Cartwright Drive, Forrestdale WA 6112 for Tender T19/20-98 - Standing Offer for the Pruning of Street Trees in the Vicinity of Power Lines, General Tree Pruning, Tree Removals and Stump Grinding in accordance with the Tender documentation for the contract period being from date of award for 60 months (5 years).

Committee Voting (Carried) - 5/0

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

Not Applicable

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

Not Applicable

## Corporate and Community Development Committee

### Corporate Services Customer and Corporate Support



<b>Reference No &amp; Subject:</b>	<b>CS-023/20</b> <b>Council Policy – Customer Service</b>
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
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.

## Implications to Consider

### a. Consultation with the Community

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	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>The comments have been noted.</li> </ul>
2	Mr Miller	Share Your Thoughts	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>The comments have been noted.</li> </ul>

**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 Strategic Community Plan 2019-2029:

**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

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.

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

## Community Development Community Infrastructure Planning



<b>Reference No &amp; Subject:</b>	<b>CD-024/20</b> <b>Community Infrastructure Plan 2020</b>
<b>File No:</b>	CSV/1931-07
<b>Proponent/s:</b>	
<b>Author:</b>	Mr Gary Rogers, Manager Community Infrastructure Planning
<b>Other Contributors:</b>	
<b>Date of Committee Meeting:</b>	15 September 2020
<b>Previously before Council:</b>	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)
<b>Disclosure of Interest:</b>	
<b>Nature of Council's Role in this Matter:</b>	Executive
<b>Site:</b>	
<b>Lot Area:</b>	
<b>Attachments:</b>	Community Infrastructure Plan 2020 (Draft)
<b>Maps/Diagrams:</b>	

### 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;
- 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:

- Aqua Jetty Stage 2 has been bought forward to design in 2020/2021
- Anniversary Park bought forward one year from 2025/26 to 2024/25
- Arpenteur Park deferred by two years from 2030/31 to 2032/33.
- Baldivis District Sporting Complex (Outdoor Courts) deferred by 6 years from 2021/22 to 2027/28
- Baldivis Outdoor Courts deferred by one year from 2027/28 to 2028/29
- Rockingham Foreshore Activity Node deferred by four years from 2021/22 to 2025/26.

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.

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.

**e. Financial**

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.

**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*

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 approach 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.

### Committee Recommendation

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

## Community Development Community Infrastructure Planning



<b>Reference No &amp; Subject:</b>	<b>CD-025/20</b>	<b>Delegated Authority – Aqua Jetty Stage 2 Design (<i>Absolute Majority</i>)</b>
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 <sup>2</sup>	
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.

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

**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 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.

**e. Financial**

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

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.

**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 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**

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

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

Not Applicable

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

Not Applicable

## 15. Report of Mayor

### City of Rockingham Mayor's Report



<b>Reference No &amp; Subject:</b>	<b>MR-009/20</b>	<b>Meetings and Functions Attended by the Mayor and Deputy Mayor</b>
File No:	GOV/85	
Proponent/s:	City of Rockingham	
Author:	Cr Barry Sammels, Mayor	
Other Contributors:	Cr Deb Hamblin, Deputy Mayor	
Date of Council Meeting:	22 September 2020	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	

### Purpose of Report

To advise on the meetings and functions attended by the Mayor and Deputy Mayor during the period 29 August 2020 to 22 September 2020.

### Background

Nil

### Details

Date	Meeting/Function
28 August 2020	<i>Opening Night of 'A Fortunate Life' – attended by Deputy Mayor Deb Hamblin</i>
29 August 2020	Peel Thunder President's Luncheon
1 September 2020	Photo and Promotion with the Premier DFES Disaster Resilience Workshop
2 September 2020	Rockingham Kwinana Chamber of Commerce Business After-Hours
3 September 2020	Rockingham Senior High School Education Support Transition Day
4 September 2020	CEO Performance Review Committee
7 September 2020	Inspire Radio Interview South West Group Board meeting Australian Citizenship Ceremony
8 September 2020	Councillor Engagement Session
9 September 2020	Meeting with Councillor <i>Meeting Performing Arts Centre in Rockingham – attended by Deputy Mayor Deb Hamblin</i> <i>Palm Beach Rotary Heritage Strategy – attended by Deputy Mayor Deb Hamblin</i>
10 September 2020	City Safe Advisory Committee

Date	Meeting/Function
11 September 2020	Meeting with City of Mandurah <i>Walk to School Safely Warnbro Primary School – attended by Deputy Mayor Deb Hamblin</i>
12 September 2020	Launch of Early Learning Centre Shipwreck Playground, Living Waters Lutheran College Opening Season of Rockingham Bowling Club <i>Patrons Day Safety Bay Bowling Club – attended by Deputy Mayor Deb Hamblin</i>
13 September 2020	Opening Season of Safety Bay Bowling Club <i>Team Rockingham Bowling – attended by Deputy Mayor Deb Hamblin</i>
16 September 2020	Key Leaders in Business Breakfast
17 September 2020	Community Grants Program Committee
18 September 2020	Rivergums Tour, Cedar Woods, Judging <i>Meeting with Azure residents – attended by Deputy Mayor Deb Hamblin</i> <i>Launch of Book by Local Author – attended by Deputy Mayor Deb Hamblin</i>
21 September 2020	International Peace Day – Tree Planting Ceremony
22 September 2020	Council meeting

### Implications to Consider

**a. Consultation with the Community**

Nil

**b. Consultation with Government Agencies**

Nil

**c. Strategic**

Nil

**d. Policy**

Nil

**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

Nil

### Voting Requirements


Simple Majority

### Officer Recommendation

That Council **RECEIVES** the Mayor's Report for the period 29 August 2020 to 22 September 2020.

**19. Motions of which Previous Notice has been given**

**Corporate and Community Development Committee**

<p style="text-align: center;"><b>General Management Services Governance and Councillor Support</b></p> 	
<b>Reference No &amp; Subject:</b>	<b>GM-021/20      Notice of Motion – Change of Method of Filling the Position of Mayor (<i>Absolute Majority</i>) (<i>Resubmitted</i>)</b>
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*
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.*

- 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](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.

'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 80<sup>th</sup> 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.

#### 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 Disqualification

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 disqualify 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.
- 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;
- (i) promotes partnerships between the council and key stakeholders;
- (j) leads and facilitates the presentation of the annual Council budget;
- (k) initiates the annual performance appraisal of the CEO; and
- (l) 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

**a. Consultation with the Community**

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.

**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 Strategic Community Plan 2019-2029:

**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

**e. Financial**

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 80<sup>th</sup> day before, and ending on, the ordinary election day.

**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 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 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 –

<b>ELECTION OF THE MAYOR BY COUNCILLORS (current)</b>	
Those <b>in favour</b> may argue that:	Those <b>against</b> 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 influenced 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.

<b>ELECTION OF THE MAYOR BY ELECTORS</b>	
Those <b>in favour</b> may argue that:	Those <b>against</b> 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.*

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.)

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	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, Wambro.

#### 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
<b>City Total</b>	<b>89009</b>	<b>11</b>	<b>8092</b>	

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
<b>City Total</b>	<b>93978</b>	<b>11</b>	<b>8530</b>	

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, Wambro.

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
<b>City Total</b>	<b>83878</b>	<b>9</b>	<b>9320</b>	

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
<b>City Total</b>	<b>85222</b>	<b>9</b>	<b>9469</b>	

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, Wambro.

2020

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	

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	

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.

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	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	

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	

**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).
- 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. If yes a) Remain at 11 Councillors (Current Wards) plus elected mayor; or  
b) Reduce number of Councillors.
4. If a) No further action
5. If b) Undertake a ward boundary / councillor representation review (public submissions) 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
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.

### Revised 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 Ward Boundaries and Councillor Representation Review discussion paper in accordance with clause 5 of Schedule 2.2 of the Local Government Act 1995 (based on Models A to G in this report) with a view of a reduction in the membership size of Council.
3. **DIRECTS** the CEO to undertake public consultation on the proposed Ward Boundaries and Councillor Representation Review in accordance with clause 7 of Schedule 2.2 of the Local Government Act 1995.

### Reasons for the Revised Notice of Motion

Part 1 of the Notice of Motion remains the same.

Original reasons provided supporting this change stand.

Given that City officers have addressed parts 2 and 3 of the original Notice of Motion, those parts are now removed.

We do not believe it is appropriate or necessary to increase the membership size of Council to 12 (11 Councillors plus elector Mayor), particularly in light of the opinion of the Minister for Local Government. Based on the advice of the City officers on the implications and requirements in reducing the membership of numbers of Council, we now seek that a Ward Boundaries and Councillor Representation review be undertaken with the view of reducing the number of Councillors.

We note the timeframes outlined by City officers in respect to undertaking the Ward Boundaries and Councillor Representation review, and seek to have changes in place for both 'elector' Mayor and reduced number of Councillors for the October 2021 elections.