



City of Rockingham

MINUTES

Ordinary Meeting of Council Minutes

Held on Tuesday 22 June 2021 at 6:00pm
City of Rockingham Council Chambers



City of Rockingham
Ordinary Meeting of Council
6:00pm Tuesday 22 June 2021



CONTENTS

1.	Declaration of Opening/Announcement of Visitors	4
2.	Record of Attendance/Apologies/Approved Leave of Absence	4
3.	Responses to Previous Public Questions Taken on Notice	5
4.	Public Question Time	6
5.	Applications for Leave of Absence	13
6.	Confirmation of Minutes of the Previous Meeting	13
7.	Matters Arising from Minutes of Previous Meeting	13
8.	Announcement by the Presiding Person without Discussion	13
9.	Declaration of Member's and Officer's Interest	13
10.	Petitions/Deputations/Presentations/Submissions	13
11.	Matters for which the Meeting may be Closed	13
	Corporate and Community Development Committee	14
	CS-016/21 Disposal of Property (<i>Absolute Majority</i>)	14
12.	Receipt of Minutes of Standing Committees	16
13.	Officers Reports and Recommendations of Committees	16
	Planning and Engineering Services Committee	17
	PD-019/21 Reconsideration of Holiday House Refusal Decision - SAT Appeal	17
	PD-020/21 Proposed Scheme Amendment No.181 - Rezoning from Community Purpose (Child Minding Centre) to Residential R20	27
	PD-021/21 Liquid Urea Ammonium Nitrate Fertiliser and Solid Fertiliser Storage and Blending Facility	37
	EP-013/21 Tender T21/22-03 - Construction of Stage 2 of the Mersey Point Granite Seawall	70
	Corporate and Community Development Committee	74
	CS-017/21 Tender T20/21-21 – Provision of bulk verge waste collection services	74
	CS-018/21 Adoption of the 2021/2022 Budget Setting of Rates and Related Matters (<i>Absolute Majority</i>)	78
	GM-021/21 Council Policy – Honorary Freeman of the City of Rockingham	87
	GM-022/21 Council Policy – Council Member Professional Development	102
14.	Receipt of Information Bulletin	126
15.	Report of Mayor	127
	MR-006/21 Meetings and Functions Attended by the Mayor and Deputy Mayor	127

16.	Reports of Councillors	130
17.	Reports of Officers	130
18.	Addendum Agenda	130
19.	Motions of which Previous Notice has been given	130
20.	Notices of Motion for Consideration at the Following Meeting	130
21.	Questions by Members of which Due Notice has been given	130
22.	Urgent Business Approved by the Person Presiding or by Decision of Council	130
23.	Matters Behind Closed Doors	130
24.	Date and Time of Next Meeting	130
25.	Closure	130

City of Rockingham
Ordinary Meeting of Council Minutes
Tuesday 22 June 2021 – Council Chambers



1. Declaration of Opening

The Mayor declared the Council meeting open at **6:00pm**, welcomed all present, and delivered the Acknowledgement of Country.

The Mayor noted that 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 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 Officer Administration Officer, Governance and Councillor Support</p>
2.3	Members of the Gallery:	21
2.4	Apologies:	Nil
2.5	Approved Leave of Absence:	Nil
3.	Responses to Previous Public Questions Taken on Notice	
3.1	<p>Ms Teresa Ong, Singleton – Rangers</p> <p>At the Council meeting held on 25 May 2021, Ms Ong asked the following questions that were taken on notice and the Director Planning and Development Services provided a response in a letter dated 31 May 2021 as follows:</p> <p><u>Question</u></p> <p>1. What investigation is being undertaken on me and my home and dogs?</p> <p><u>Response</u></p> <p><i>There is currently no investigation being undertaken into you or your dogs. The investigation resulting from your application to the City to keep more than two dogs was completed and your application approved in April 2021.</i></p> <p><u>Question</u></p> <p>2. I understand the application is stored on the main frame and I am fine with that. Where are the pictures that were taken of my house and dogs and where are they stored?</p> <p><u>Response</u></p> <p><i>The photographs are stored electronically against the CRM allocated to the application.</i></p> <p><u>Question</u></p> <p>3. Who has access to them and who has seen them?</p> <p><u>Response</u></p> <p><i>The data is accessible by authorised City Officers, in this case members of Ranger Services. Your photographs were viewed by the investigating officer and her Team Leader prior to you being granted approval. They have not been viewed by any other person.</i></p> <p><u>Question</u></p> <p>4. There are only 8 residents who have had the photos taken, I am number 8. More than that applications have been received. Who decides who gets investigated?</p> <p><u>Response</u></p> <p><i>All three dog applications are investigated before a decision is made whether to approve an application. It is at the discretion of the investigating officer as to what photographs are taken during the course of an investigation.</i></p>	

4.	Public Question Time
	<p data-bbox="331 264 1431 353">6:02pm The Mayor opened Public Question Time and invited members for the Public Gallery to ask questions. The Mayor noted that this was the only opportunity in the meeting for the public to ask questions.</p> <p data-bbox="331 369 1431 459">The Mayor advised that to provide a fair and equitable opportunity for members of the public to ask questions he was imposing a three minute time limit for each questioner.</p> <p data-bbox="331 488 1431 515">4.1 Ms Dawn Jecks, Safety Bay – Land of the former Palm Beach Caravan Park</p> <p data-bbox="331 537 1431 600">The Mayor invited Ms Jecks to present her questions to the Council. Ms Jecks asked the following questions:</p> <p data-bbox="331 611 1431 674">Regarding the land of the former Palm Beach Caravan Park - Lot 5000 (No.37) Fisher Street and Lot 1512 Lake Street, Rockingham</p> <p data-bbox="331 689 1431 752">I understand that the current owners of the land, the Yarran Property Group have withdrawn their proposal to develop the site.</p> <ol data-bbox="331 763 1431 1037" style="list-style-type: none"><li data-bbox="331 763 1431 938">1. Can COR Planning Department advise of any communication or enquiries of any type (formal/informal/ verbal/written) with anyone at the City from other parties or developers in relation to this land (excluding concerned residents) that has occurred over the last 6 months and the nature of any communication or enquiries regarding this land?<li data-bbox="331 949 1431 1037">2. Has anyone at the COR had any communications of any type (formal /informal/ verbal/written) with Cedar Woods Property developers or anyone connected with them? <p data-bbox="331 1048 1431 1232"><i>The Mayor advised that City Officers are often attending meetings with developers and/or applicants on various planning proposals for land parcels within the City, however, due to the nature of commercial interests involved and that not all proposals result in applications being made seeking planning approval, the City's practice is not to publically discuss these until it has a 'live' application.</i></p> <p data-bbox="331 1243 1431 1332">Ms Jecks congratulated the City and specifically the Director Planning and Development Services and his team on the excellent community workshops on the planning review for the Rockingham City Centre.</p> <p data-bbox="331 1361 1431 1388">4.2 Mr James Mumme, Shoalwater – Various issues</p> <p data-bbox="331 1411 1431 1438">The Mayor invited Mr Mumme to present his questions to the Council.</p> <p data-bbox="331 1453 1431 1516">Mr Mumme expressed his objection to the implementation of a time limit on questions at Public Question Time.</p> <p data-bbox="331 1527 1431 1554"><u>Constructing a hard seawall</u></p> <p data-bbox="331 1568 1431 1686">From my reading of Prof Andrew Short there are two problems that can arise: Wave energy can be reflected from a seawall sideways along the shore, causing coastal bluffs without protection to erode faster. And walls can concentrate backwash which erodes under the wall</p> <ol data-bbox="331 1697 1431 1760" style="list-style-type: none"><li data-bbox="331 1697 1431 1760">1. What is planned to prevent wave energy from eroding the western end of Mersey Point and the shore where Pengoes and the new jetty is? <p data-bbox="331 1771 1431 1890"><i>The Mayor advised that the southern side of Mersey Point, from Tern Bank to the western point, has been experiencing ongoing erosion for some time. The northern side of Mersey Point, where the new jetty is located, has been relatively stable showing a small amount of accretion over the last 20 years.</i></p>

To address the need to protect critical infrastructure, the granite seawall is being extended to the west of the existing wall (which is being replaced with granite). The design of the seawall (both the replacement and extension) was based on detail coastal analysis and modelling following relevant Australian Standards and guidelines. The modelling did not identify any significant erosion problem further towards the jetty. Given the dynamic nature of the coastline the City will continue to regularly monitor the area as there may be changes over time.

2. What can be done to prevent backwash eroding under the wall?

The Mayor advised the backwash erosion is considered as part of the foundation design of the seawall. A buried toe has been included in the design to prevent scour from impacting the stability of the wall as is current best practice for rock seawalls.

3. If there is sideways erosion towards the west, what are the predictions for where the eroded sand is expected to go - towards the new Jetty or towards The Bent Street Channel?

The Mayor advised the erosion and sediment pathways are complex and variable. Factors determining the direction of the sediment transport include the type and location of sediment feeds, wind and wave direction, tidal currents and bathymetry. As a result sediment transport is known to vary seasonally and annually.

4. How deep is the toe of the sea wall?

The Mayor took the question on notice.

Community expects more from waste

5. I notice the amount of \$1,051,700 for three verge collections a year (in addition to the \$1.5 million for Litterbusters) and I refer to the community's Aspiration 3 for sustainable waste solutions - Incorporate new opportunities that support responsible and sustainable disposal of waste. What new opportunities for managing waste sustainably and responsibly are planned by Council for 2021-22?

The Mayor advised that all City of Rockingham waste management plans are aligned with the State Waste Avoidance and Resource Recovery Strategy. Specifically the City has an adopted Waste Plan which has been approved by the Department of Water and Environmental Regulation and also has a Sustainability Strategy. Both are available on the City Website which detail various initiatives.

Due to Mr Mumme's time limit expiring, the Mayor took the following pre-submitted questions on notice –

Payment of expenses

6. Does the term Council Members include Officers as well as Councillors?

7. What does the exception from Council Members paying "accommodation provided where there is no increase in the costs of accommodation" mean?

8. What exactly is "executive standard accommodation" and what was the most recent rate paid by Council for a Member and where was this accommodation?

9. I notice that air/train/bus travel is not mentioned. Does Council cover these for Council Members or are Members expected to cover these say on trips to Japan?

What do tied votes tell us

I note that in the last Governance committee meeting the Chair voted twice, a vote that broke a tie on the issue of payment of expenses for Council Member's spouses or partners. I know that the Act specifies that the "person presiding is to cast a second vote."

10. Does Council not think that a divided vote after information sessions and officers' reports tells us that the issue is too complicated to be decided at this point and needs to be reworked not just rammed through? Surely in the interest of "better decision-making" and "greater accountability to communities", there is a case for deferring the discussion to resolve the impasse consensually through reconsidering the issue.

Beyond criticism!

11. Regarding Councillors "should refrain from making critical remarks about the city." The officer's comment to someone who argued that criticism is part and parcel of a vibrant democracy" was "The clause reflects the high behavioural standards expected of Council Members." I suggest both statements have the effect of lowering behavioural standards because they have the potential of making people dishonest and driving dissent underground. Would a better wording be 'refrain from making remarks in public that are not valid criticisms OR that are libellous or unjustified/unverified and disparage Council without offering a valid alternative'?

4.3 Ms Teresa Ong, Singleton - Various issues

The Mayor invited Ms Ong to present her questions to the Council. Ms Ong asked the following questions:

ACROD bays

1. Can you please advise how many ACROD bays are in the City of Rockingham?
2. Where are they located?
3. Is there a map showing this?

The Mayor advised there are 70 ACROD bays in the public parking areas of the Rockingham City Centre and 29 at the Rockingham Beach Foreshore. There are parking plans available for both areas on the City website.

It is important to note that many ACROD Bays also exist on private properties for which the City has no control unless subject to a parking agreement. There are a number of ACROD parking spaces provided on-street throughout the City which are provided on a needs basis.

Sound Telegraph article

4. In the Sound Telegraph article, a Councillor commented statements had been made about people's appearance.

Could this Councillor please show these statements and where they were made please?

The Mayor advised that he cannot answer on behalf of individual Councillors however, he is aware of many instances of inappropriate social media commentary in relation to Council Members. Ms Ong may address her question to the Councillor outside of Public Question Time and this meeting.

Council Policies

5. At the Community Development meeting on Tuesday 15 June 2021, a Councillor stated –

“It is not up to them (being ratepayers and residents) to tell us what to do in policies, it’s up to us (Councillors) to educate them.”

Could this Councillor please inform us/them out there, how it is planned to educate us?

The Mayor advised he cannot answer on behalf of individual Councillors however, he understands the context of the response was in relation to Council members make decisions in the public interest, not simply what is popular or the opinions of a few. Ms Ong may address her question to the Councillor outside of Public Question Time and this meeting.

6. The Governance Officer, author of the policies stated, there is no compelling argument from the community responses to change any of the policies.

Could the author please explain what he sees as a compelling argument?

The Mayor advised that in the past some questioners have chosen to be highly critical of officer and name them. Officers provide their professional advice in reports to Council and it is for Council to make decisions on that advice and other relevant information. The Mayor advised that he will rule any line of questions of that nature out of order.

The Mayor advised the officer recommended amendment to the revised Council Member Professional Development policy in response to public submissions received. The table of submissions of each report includes officer comment in response to each submission and these are for Council’s consideration this evening.

4.4 Mr Mark Skinner, Rockingham – CBH UAN Application

The Mayor invited Mr Skinner to present his questions to the Council. Mr Skinner asked the following questions:

1. Is the Council aware of the concerns of residents with regard to the proposed fertiliser facility on Rockingham Beach Road?

The Mayor advised that the Council is aware of community concern regarding the proposal.

2. Is the Council aware that CBH when questioned about these concerns at the Planning meeting last week were dismissive and not totally accurate in their responses to the concerns?

The Mayor advised that the City is considering the officer report on the proposal this evening and noted that representatives of the proponent are present and may be able to address these matters in their questions to Council tonight.

I attended the Planning meeting.

My concerns were dismissed by CBH as uninformed.

I have since had information from CBH themselves and rechecked my facts and my concerns are real and have not been addressed or fully heard by Council.

Mr Skinner expanded upon his concerns in relation to traffic and the alleged potential explosive nature of the chemical.

4.5 Mr Peter Ranzenbacher, CBH - New Rockingham Beach Road site

The Mayor invited Mr Ranzenbacher to present his questions to the Council. Mr Ranzenbacher asked the following questions:

At no point has CBH proposed that it will store ammonium nitrate. This rumour appears to have started from a misinterpretation of CBH's proposal which is to store an entirely different product – UAN (Urea Ammonium Nitrate) – which is a liquid solution of urea, ammonium nitrate, and 32% water.

We make the following factual statements for UAN –

- UAN is a non-hazardous, and non-flammable product.
- UAN is used as a fertiliser. UAN does not have any application as an explosive and is not hazardous.
- UAN has been stored in and transported through Kwinana by CSBP since early 2000.
- UAN is not classified as a dangerous good – refer to the confirmation from the Department of Mines, Industry, Regulation and Safety.
- The CBH proposal has been supported by the Environmental Protection Authority.
- Last year planning authorities have granted approval for two other facilities on Kwinana Beach Road for the bulk storage of UAN – one on 6 April 2020 and the other on 3 August 2020.
- Identified the potential capacity for truck movements generated at the proposed site.

1. Is Council aware of these facts?
2. Is Council aware the CBH proposal consolidates a number of existing storage facilities in the Kwinana region, improving efficiency?
3. Is Council aware the project will generate around \$200 million in gross revenue for WA from fertiliser imports, uplift in grain exports, and operational and logistical requirements, and the proposal will generate up to 420 jobs during construction?

The Mayor advised that the information had been provided to the Planning and Engineering Services Committee and distributed to all Councillors as a consequence. Yes Council is aware.

4.6 Mr Brayden Greig, Baldivis – Baldivis / Kulija Road intersection

The Mayor invited Mr Greig to present his questions to the Council. Mr Greig asked the following questions:

1. What efforts are being made by the City of Rockingham currently to ensure that the Baldivis/Kulija Road(s) intersection is safe for commuters as there is a lack?
2. Can we know if there are any plans in development, or even consideration, whether by the City, the State Government or a collaboration of the two, to make the intersection easier and safer to traverse?

The Mayor advised that the ultimate design for the intersection is required to facilitate the expansion of the Fremantle to Mandurah Freight Route. This ultimate design includes grade separation and requires further planning and design and is noted as being very high cost. The City has listed the grade separation project in its Advocacy Register for advocating for funding commitment from State or Federal Government.

The City regularly reviews its road network by collecting and reviewing different data such as traffic volume, speed of traffic, composition of traffic, turning movements, crash statistics etc. In the absence of the ultimate grade separation, the City will continue to monitor the intersection for safety and performance and undertake further analysis to identify appropriate actions. It is noted that the presence of a high pressure gas line adjacent to the intersection will restrict the ability of the City to implement some potential options such as a roundabout.

4.7

Ms Nikki Bombak, Baldvis – Various issues

The Mayor invited Ms Bombak to present her questions to the Council. Ms Bombak asked the following questions:

Ms Bombak expressed appreciation at the support of the Comet Bay ward Councillors in respect to the development proposal for a service station at Golden Bay.

At the last council meeting some council members held concerns about the proposal being appealed through SAT. I have spoken with council officers who have mentioned that post mediation, community consultation may still be available.

1. Can council officers please explain how this community consultation may occur and what the steps are following mediation?
2. What are the other vacant lots on the corner of Adelong and Warnbro Sound Ave zoned for as there is conflicting information between Peet and CoR? (images attached)
3. Currently the council are reviewing the proposal for the development of Stakehill road in Karnup. What are the ongoing policies that the council are putting in place to ensure that the minimum separation distances for childcare centres/residential areas and petrol stations are adhered to?
4. Do the council officers acknowledge the linked report and will this information be used to help inform decision making and negotiations during the mediation at the SAT?
5. Will air quality and safety reports be a non negotiable factor for the council officers?
6. I am sure the council officers are well versed in how to research and have greater knowledge than I in relation to Benzene and Air quality levels. I have included in my email 13 journal articles (PDF&links) that I have received from members of the public. May the council officers please acknowledge receipt of these articles and that due consideration has been placed on the validity of the research? Furthermore, can these journal articles be forwarded for all councillors to review to assist them in increasing their knowledge on the associated risks of benzene to inform future planning decisions?
7. It has recently come to my attention that consultants can be included as a third party in relation to SAT hearings and mediations. Had I not hi-lighted this issue to the council and provided research in relation to the harmful effects of benzene, it is doubtful that the separation distances would have been a mitigating factor for council to reject this proposal. Are the council officers in a position to include myself as a 'consultant' in relation to the proposal?

The Mayor took the questions on notice.

	<p>4.8 Mr Murray Henderson, Singleton – Purchasing Cards</p> <p>The Mayor invited Mr Henderson to present his question to the Council. Mr Henderson asked the following question:</p> <p>At the Mayor 2021 Council meeting I asked how many credit cards are used by the City of Rockingham. The CEO advised that the number of purchasing cards – credit cards stands at 85. Why?</p> <p>The Mayor noted that the use of purchasing cards – credit cards provides easier management of transactions.</p> <p>Mr Mayor, I have to strongly disagree.</p> <ol style="list-style-type: none">1. Credit card interest is between 15-25% interest, how much interest is the City of Rockingham paying in interest on 85 credit cards? <p><i>The Mayor advised that given the City pays all cards in full each month, no interest is incurred.</i></p> <p>4.9 Mr Damien Blason, Waikiki – Financial Impact of COVID</p> <p>The Mayor invited Mr Blason to present his question to the Council. Mr Blason asked the following question:</p> <ol style="list-style-type: none">1. Can the Mayor advise how much the changes in COVID signage, advertising, lost revenue to the City of Rockingham over the 16 months has cost? <p><i>The Mayor took the question on notice.</i></p> <p>4.10 Mrs Diane Park, Waikiki – Objection / Freeman of the City / Elected Members Personal Development</p> <p>The Mayor invited Mrs Park to present her questions to the Council.</p> <p>Mrs Park expressed her objection to the limitations imposed by the Mayor on Public Question Time, chose not to ask the following pre-submitted questions and demanded that her written questions and responses be recorded in the minutes.</p> <p><u>Freeman of the City</u></p> <p>I would like to refer to the Freeman of the City Award and policy.</p> <ol style="list-style-type: none">1. Given the many volunteers doing good work in the community how do we select just one person to receive The Freeman of the City award?2. By selecting one person are we saying others don't deserve it and somebody else's efforts are superior?3. What benefit is this award to the City of Rockingham and Ratepayers?4. What is the cost of preparing this award by way of officer's time etc.?5. Do we really need this award? <p><u>Elected Members Personal Development Policy</u></p> <ol style="list-style-type: none">6. Why would we contemplate adding partners into the mix and adding more expense to the ratepayer?7. Why would we consider paying registration fee and program costs for a non-elected member?8. Why would a partner even consider attending a conference regarding Local Government issues?9. What benefit would this be to the City and the Ratepayer? <p>6:35pm There being no further questions the Mayor closed Public Question Time.</p>
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5.	Applications for Leave of Absence
	Nil
6.	Confirmation of Minutes of the Previous Meeting
	<p>Moved Cr Stewart, seconded Cr Jones:</p> <p>That Council CONFIRMS the Minutes of the Ordinary Council meeting held on 25 May 2021, as a true and accurate record.</p> <p style="text-align: right;">Carried – 10/0</p>
7.	Matters Arising from Minutes of Previous Meeting
	Nil
8.	Announcement by the Presiding Person without Discussion
	<p>6:36pm The Mayor announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the Council meeting.</p>
9.	Declarations of Members and Officers Interests
	<p>6:36pm The Mayor asked if there were any interests to declare.</p> <p>There were none.</p>
10.	Petitions/Deputations/Presentations/Submissions
	<p>10.1 Cr Hamblin – Presentation of Book</p> <p>Cr Hamblin presented the City with a book titled 'The Prince Who Became a Dog', written by Hisako Kimishima and illustrated by Jin Goto. Jin is an artist from Ako, Japan our Sister City. The book was sent to Cr Hamblin as Chairperson of the Global Friendship Committee.</p>
11.	Matters for which the Meeting may be Closed
	<p>6:36pm The Mayor advised in accordance with section 5.23(2)(c) of the Local Government Act 1995 – if there are any questions or debate on Confidential Item CS-016/21 Disposal of Property (<i>Absolute Majority</i>), then the Council will need to defer the matter for consideration at Agenda Item 23 - Matters Behind Closed Doors.</p> <p>There were no questions or request for debate.</p>

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)(c) of the Act

**Corporate Services
Director and Support**



Reference No & Subject:	CS-016/21	Disposal of Property (<i>Absolute Majority</i>)
File No:	LGS/434-06	
Proponent/s:		
Author:	Mr John Pearson, Director Corporate Services	
Other Contributors:	Mrs Naomi Edwards, Coordinator City Properties Ms Helen Savage, Senior Projects Officer	
Date of Committee Meeting:	15 June 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:		
Maps/Diagrams:		

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

1. **APPROVES** the disposal of the properties described in the Purpose of Report.
2. **DELEGATES** authority to the Chief Executive Officer to enter into contracts for the sale of the properties as described in the Purpose of Report for no less than 10% below a valuation provided by a licenced valuer.

Confirmed at a Council meeting held
on Tuesday 27 July 2021

MAYOR (B W SAMMELS)

Committee Recommendation

That Council:

1. **APPROVES** the disposal of the properties described in the Purpose of Report.
2. **DELEGATES** authority to the Chief Executive Officer to enter into contracts for the sale of the properties as described in the Purpose of Report for no less than 10% below a valuation provided by a licenced valuer.

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

Council Resolution

Moved Cr Buchan, seconded Cr Hamblin:

That Council:

1. **APPROVES** the disposal of the properties described in the Purpose of Report.
2. **DELEGATES** authority to the Chief Executive Officer to enter into contracts for the sale of the properties as described in the Purpose of Report for no less than 10% below a valuation provided by a licenced valuer.

Carried by Absolute Majority – 10/0

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

Not Applicable

12.	Receipt of Minutes of Committees										
	<p>Moved Cr Edwards, seconded Cr Stewart:</p> <p>That Council RECEIVES and CONSIDERS the minutes of the:</p> <ol style="list-style-type: none">1. Planning and Engineering Services Committee meeting held on 14 June 2021; and2. Corporate and Community Development Committee meeting held on 15 June 2021. <p style="text-align: right;">Carried – 10/0</p>										
13.	Officers Reports and Recommendations of Committees										
	<p>Method of Dealing with Agenda Business</p> <p>The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports committee recommendations would be adopted en bloc, ie all together.</p> <p>Withdrawn Items</p> <p>The following officer report items were withdrawn for discussion:</p> <table><tr><td>PD-021/21</td><td>Liquid Urea Ammonium Nitrate Fertiliser and Solid Fertiliser Storage and Blending Facility</td></tr><tr><td>CS-017/21</td><td>Tender T20/21-21 – Provision of bulk verge waste collection services</td></tr><tr><td>CS-018/21</td><td>Adoption of the 2021/2022 Budget Setting of Rates and Related Matters (Absolute Majority)</td></tr><tr><td>GM-021/21</td><td>Council Policy – Honorary Freeman of the City of Rockingham</td></tr><tr><td>GM-022/21</td><td>Council Policy – Council Member Professional Development</td></tr></table>	PD-021/21	Liquid Urea Ammonium Nitrate Fertiliser and Solid Fertiliser Storage and Blending Facility	CS-017/21	Tender T20/21-21 – Provision of bulk verge waste collection services	CS-018/21	Adoption of the 2021/2022 Budget Setting of Rates and Related Matters (Absolute Majority)	GM-021/21	Council Policy – Honorary Freeman of the City of Rockingham	GM-022/21	Council Policy – Council Member Professional Development
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GM-021/21	Council Policy – Honorary Freeman of the City of Rockingham										
GM-022/21	Council Policy – Council Member Professional Development										

Council Resolution – En bloc Resolution

Moved Cr Jones, seconded Cr Hamblin:

That the committee recommendations in relation to Agenda Items PD-019/21 to PD-020/21 be carried en bloc.

Carried – 10/0

Planning and Engineering Services Committee

**Planning and Development Services
Statutory Planning Services**



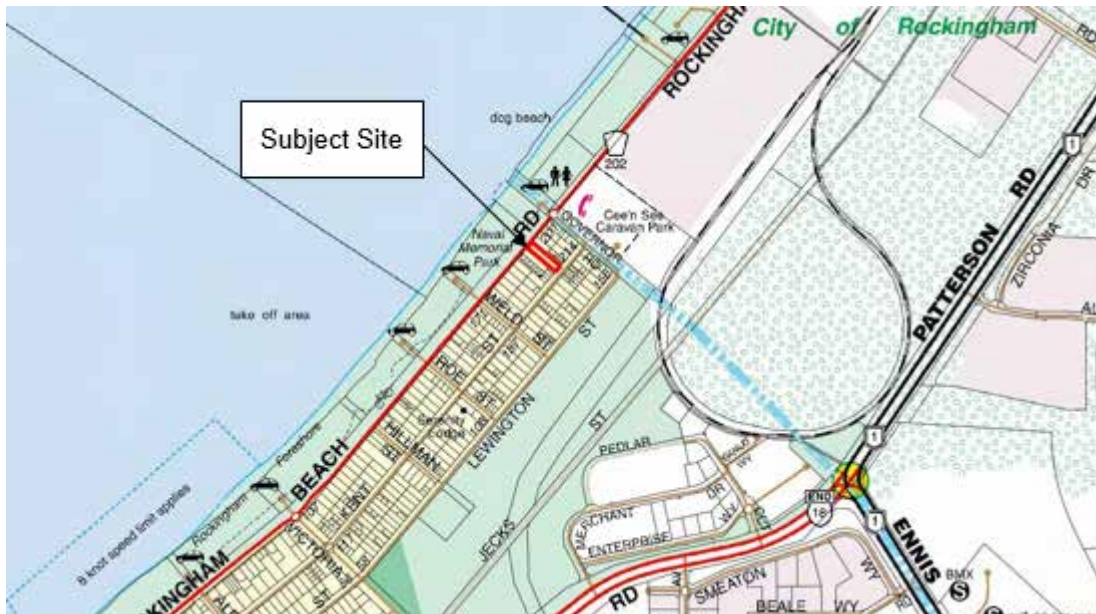
Reference No & Subject:	PD-019/21 Reconsideration of Holiday House Refusal Decision - SAT Appeal
File No:	DD20.2020.00000109.001
Applicant:	Urbanista for Ms Jane Chambers
Owner:	Mr M R and Mrs D M Lawrence
Author:	Mr Kevin Keyes, Planning Officer
Other Contributors:	Mr David Waller, Coordinator Statutory Planning Mr Mike Ross, Manager Statutory Planning
Date of Committee Meeting:	14 June 2021
Previously before Council:	July 2020 (PD-037/20)
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Tribunal
Site:	Lot 413 (No.193) Rockingham Beach Road, Rockingham
Lot Area:	2,021m ²
LA Zoning:	Residential R40
MRS Zoning:	Urban
Attachments:	1. Applicant's Town Planning Report 2. Updated House Management Plan 3. Code of Conduct 4. Complaints Register
Maps/Diagrams:	1. Locality Plan 2. Aerial Photograph 3. Summary Table of Non-Compliance with Conditions 4. 2021 Proposed Holiday Home (revised)

Maps/Diagrams: (cont.)

5. Proposed Site and Floor Plan
6. View from Rockingham Beach Road
7. View from Kent Street

Purpose of Report

To reconsider a revised development proposal for a Holiday House and for consent to advertise, following State Administrative Tribunal (SAT) mediation on a Development Application, which was previously refused by Council in July 2020.



1. Locality Plan



2. Aerial Photograph

**Confirmed at a Council meeting held
on Tuesday 27 July 2021**

MAYOR (B W SAMMELS)

Background

2018 Development Approval

In November 2018, the City granted conditional Development Approval for Short-Stay Accommodation (Air BnB) at the subject site.

The conditions of approval included:

- "2. *Temporary approval that is valid for only 12 months from the date of this approval. If the applicant wishes to continue the accommodation they must lodge a fresh application prior to the expiry date of this initial approval. The initial approval expires on the 5th November 2019;*
3. *No more than twelve (12) persons are permitted to occupy the Short Stay Accommodation, at any one time;*
5. *No guest parking is permitted on the street or grassed verge;*
6. *No clients are to check in after 7:00pm and check out prior to 7:00am;*
7. *The accommodation must comply with the Environmental Protection (Noise) Regulations 1997 at all times;*
8. *The operation of the Short Stay Accommodation is to be carried out in accordance with a revised House Management Plan that must be approved by the City, prior to the commencement of the use, which must address the following matters:*
 - (i) *Providing clients with 24 hour contact details of the owner or a nominated property manager;*
 - (ii) *Establishing a complaints resolution procedure, this shall include maintaining a complaints register/ visitor log book;*
 - (iii) *Property maintenance and waste management;*
 - (iv) *Privacy screens to be erected on all major openings, including balconies and habitable rooms, that overlook adjoining properties, as stated in State Planning policy 3.1 – Residential Design Codes (R-Codes);*
 - (v) *House rules, including the application of ‘Quiet Hours’;*
 - (vi) *Arrival and departure times consistent with condition 6; and*
 - (vii) *On-site vehicle parking.*

The revised House Management Plan must be implemented for the duration of the development.
9. *The landowner must:*
 - (i) *Provide visitors a copy of the information referred to in the House Management Plan;*
 - (ii) *Ensure that the house rules referred to in the House Management Plan are observed by the visitors; and*
 - (iii) *Provide a copy of the House Management Plan and emergency contact number to each adjoining household for use in the event of client non-compliance, in accordance with the attached consultation plan.*
10. *A Visitor Log Book must be maintained by the landowner recording who has stayed on the premises, client arrival and departure dates, and client length of stay.*
11. *By 30 June 2019, a report must be provided to the City which provides details of the operations of the development including, but not limited to:*
 - (i) *The length of stay of clients;*
 - (ii) *Arrival and departure times of clients; and*
 - (iii) *The number and type of complaints received from the public and responses to those complaints.*

12. *The procedure for managing public complaints must comply with the following:*
- (i) A telephone number or numbers and an email address or addresses must be maintained through which a complaint concerning the development may be made to the operator, at any time;*
 - (ii) The owners and occupiers of properties, in accordance with the attached consultation plan, must be advised in writing of the telephone number or numbers and the email address or addresses through which a complaint may be made, prior to the use commencing;*
 - (iii) A complaints log must be kept as part of the Visitor Log Book in which the following is to be recorded:*
 - (a) The date and time of each complaint made and received;*
 - (b) the means (telephone or email) by which the complaint was made;*
 - (c) any personal details of the complainant that were provided or, if no details were provided a note to that effect;*
 - (d) the nature of the complaint;*
 - (e) the steps or actions taken in response to each complaint (and when those steps or actions were taken), including any follow-up contact with the complainant; and*
 - (f) if no actions or steps were taken in relation to the complaint or enquiry, the reasons why no action or steps were taken.*
 - (iv) A written response to how the complaint was resolved must be recorded within the complaints log no later than within 3 working days of receipt of the complaint by the operator; and*
 - (v) The complaints log must be provided to the City of Rockingham within 3 working days from the date of receipt of the complaint to the operator".*

2019 Complaints

In April 2019, the City received two complaints relating to the operation of the Short Stay Accommodation on the subject site:

- Y One complaint related to the accommodation not having Development Approval, which was not correct at the time.
- Y The other complaint related to:
- Use of the accommodation over the weekend of 16 March 2019 by youths creating a noise disturbance and that the maximum number of 12 permitted guests was likely to have been breached.
 - Unauthorised use of the rear garden to park two caravans, two camper trailers and toilet/ shower cabins over the weekend on 29 March 2019.

These complaints were investigated. There was insufficient evidence of a breach of the Development Approval in relation to the activities that occurred on 16 March 2019. In relation to the second event, it was understood to be a family gathering and no action was taken at that time.

Scheme Amendment No.173

In December 2019, Town Planning Scheme No.2 (TPS2) was amended in accordance with Scheme Amendment No.173, which had the effect of removing the land use term 'Short Stay Accommodation' from TPS2. The Scheme Amendment introduced a new land use definition called "Holiday House".

2020 Complaints

In April 2020, the City received another complaint from the above complainant regarding the operations of the accommodation. It was stated that the property was being used as a youth 'Party House', generating excessive noise into the early hours of the morning.

The complaint stated that:

- Y Police were contacted regarding the incident;
- Y They never received the contact details of the operator of the accommodation and this was a condition of Development Approval; and
- Y Noise from the activities was having a serious impact on the enjoyment of their residential property.

Investigations conducted by the City led to the applicant to submit the 2020 application. Notwithstanding, the use continued to operate without Development Approval at the time.

Non-compliance with 2018 Development Approval

The Applicant had failed to comply with the following monitoring conditions of the Development Approval granted on 5 November 2018, as summarised in the Table below:

Condition No.	Condition Summary	Non-Compliance Summary
No.2	12 month Temporary Approval must be renewed	Applicant did not re-apply for Development Approval within the initial 12 month approval term and continued to operate unauthorised.
No.8	Providing the City with a revised House Management Plan which addresses providing contact details to neighbours, establishing a complaints procedure, making the dwelling R-Code complaint, revisiting house rules and check-in/ check-out times.	Not received by the City during the time period of this approval.
No.11	By 30 June 2019, a report by the operator to be provided to the City regarding complaints received by the public and responses to those complaints	Not received by the City during the time period of this approval.
No.12	Identifies procedure for complying with complaints and the procedure for communication between applicant and the complainant.	Not received by the City for any registered complaints during the time period of this approval.

3. Summary Table of Non-Compliance with Conditions

2020 Council Refusal

In July 2020, Council reconsidered a Development Application to renew the Holiday House. Following review of the public submissions, which included 14 submissions, of which 12 submissions objected to the proposal and 2 submissions in support, the Council resolved to refuse the application for the following reasons:

- "1. The proposed scale and intensity of use as a Holiday House has the potential to adversely impact on the amenity of the surrounding residential area, as evidenced by previous noise complaints received by the City.
2. The Holiday House in this location is not compatible with its setting nor its relationship with other adjoining land in the locality.
3. The Applicant has a history of non-compliance with conditions of Development Approval. The City is not confident the Applicant can effectively manage or will adhere to conditions of Development Approval or Noise Management Plan, due to its ineffective attempt of managing this property over the past year and six months. Any renewal of this previous approval is likely to continue to adversely impact on the residential amenity of the locality.
4. The application is not in accordance with the requirements of orderly and proper planning."

State Administrative Tribunal (SAT) Appeal

In November 2020, the applicant lodged an appeal on the City's decision to refuse the Holiday House to SAT. The applicant requested SAT review the matter and order a Section 31; Invitation for Reconsideration, following mediation between both parties.

The appeal was not lodged within 90 days of the Council's refusal of the application, however, the applicant requested SAT to grant leave to allow for this review to occur outside of the 90 day timeframe. The justification given for lodgement outside of the 90 days was that the owners were not aware of the appeal process and had then engaged a Town Planning Consultancy (Urbanista) to manage the appeal process.

Subsequently, City Officers attended two SAT mediations on 17 March 2021 and 26 May 2021. Upon conclusion of the second mediation, SAT made the following Orders dated 27 April 2021;

- *"The applicant is to provide additional information as discussed at mediation to the respondent by 21 May 2021;*
- *Pursuant to Section 31 (1) of the State Administrative Tribunal Act 2004, the respondents is invited to reconsider the decision on or before 27 July 2021; and*
- *The matter is adjourned to a directions hearing, to commence at 9.30am on 6 August 2021."*

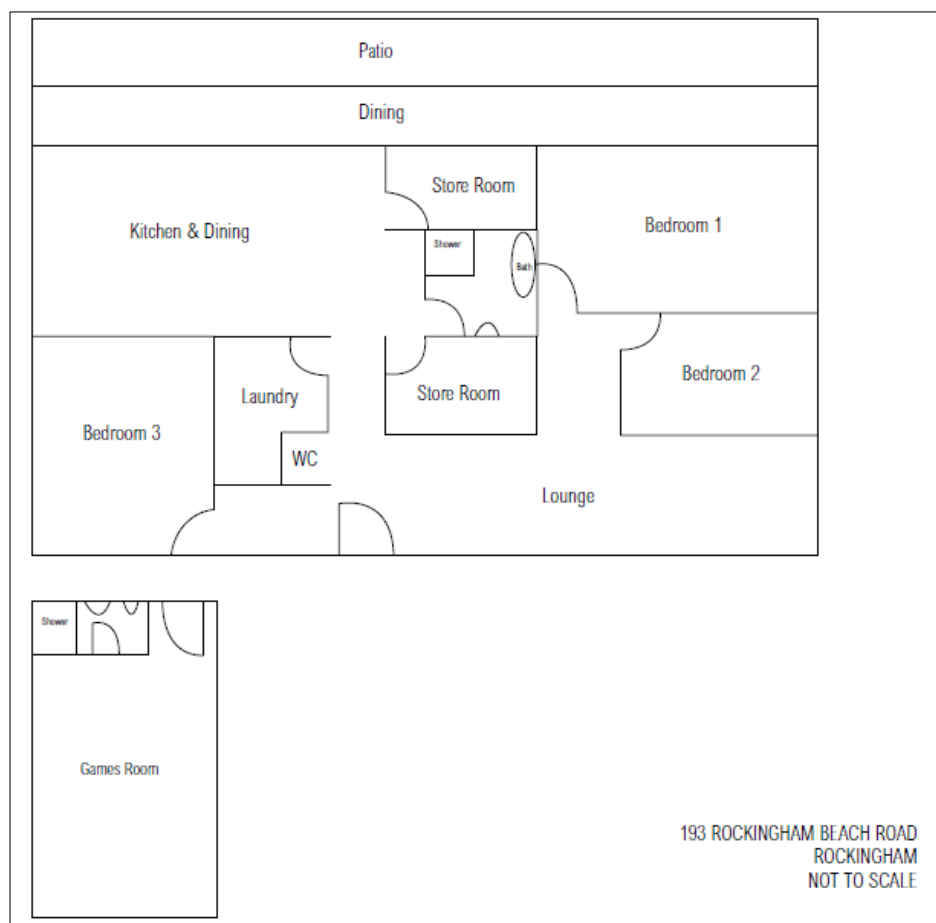
In accordance with Order 1, the applicant revised the Holiday Home proposal for Council's reconsideration of the matter ordered on or before 27 July 2021. Beyond this date, the City will seek a further SAT Directions Hearing.

Details

On 21 May 2021, the applicant submitted the following revised Holiday Home proposal following SAT mediation:

	2020 Development Refusal - Holiday Home	2021 Revised Holiday Home
Management Plan	Not provided	Provided
Code of Conduct	Not provided	Provided
Complaint Register	Not provided	Provided
Maximum Number of People	12 guests	Four (4) adults or one (1) family with maximum of five (5) people.
Bond	\$350	\$400
Minimum Night Stay	Nil	Two (2) nights
Property Manager	Owner	Airbnb Homes (an Air BnB management company)
Complaints Person	Owner	Manager of Airbnb Homes who lives in Warnbro
Updated Plans	6 bedrooms	3 bedrooms
Use of Games Room	Nil	Only permitted to be used between 10:00am to 7:00pm.

4. 2021 Proposed Holiday Home (revised)



5. Proposed Site and Floor Plan



6. View from Rockingham Beach Road



7. View from Kent Street

Implications to Consider

a. Consultation with the Community

It is considered that the applicant has substantially amended the application and it now warrants being re-advertised for public comment for a period of 14 days, in accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2).

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

State Government Policies

No current State Government Policies apply.

In 2019, the Western Australian Legislative Assembly Economics and Industry Standing Committee, following an enquiry into the regulation of Short-Stay Accommodation in Western Australia, released a report containing 10 recommendations.

In February 2020, the Western Australian Government (Government) issued its response to the enquiry which generally agreed with the report and indicated it will consider developing and/or adopting policy to give effect to the intent of the recommendations, including forming an interdepartmental working group to address some of the recommendations.

The recommendations included introducing a state-wide registration scheme for Short-Term Rentals, coupled with data provision requirements for on-line platforms. The City is awaiting the outcome of the State Government's response which could affect the WA planning framework.

Local Planning Policies

Nil

e. Financial

Nil

f. Legal and Statutory

State Administrative Tribunal (SAT)

The SAT is an independent body that makes and reviews a range of administrative decisions, including town planning matters.

SAT receives its power to hear matters from a number of different legislation such as the State Administrative Tribunal Act 2004 and for planning appeals triggered by the Planning and Development Act 2005. SAT was established to make the legal process more efficient, flexible, and informal for parties. SAT's approach is informal, flexible and transparent and encourages the resolution of disputes through mediation.

The main objectives of SAT in dealing with matters within its jurisdiction are:

- To achieve the resolution of questions, complaints or disputes, and make or review decisions, fairly and according to the substantial merits of the case;
- To act as speedily and with as little formality and technicality as is practicable, and minimise the costs to parties; and
- To make appropriate use of the knowledge and experience of SAT members.

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 main reasons for the Council's 2020 refusal of the Holiday House related to the proposed scale and intensity of use which was adversely affecting the amenity of the surrounding area, based on past noise complaints and the applicant's history of non-compliance with conditions of Development Approval.

As an outcome of two mediation sessions attended by City Officer's with the appellant and her Planning Consultant, SAT issued Orders inviting the Council to reconsider the Holiday House application in accordance with section 31(1) of the State Administrative Tribunal Act 2004.

The appellant made the following changes in response to the 2020 Holiday House reasons for refusal and previous complaints alleging the property was being used as a "party house".

The revised House Management Plan is summarised below:

- A comprehensive management plan;
- A Code of Conduct;
- Reducing the number of guests from 12 to 4 adults or a family of 5 people;
- Fewer bedrooms from 6 bedrooms to 3;
- Increasing the Bond from \$350 to \$400;
- A minimum of 2 night stay;
- A Complaints Register; and
- Monitoring by a local Property Manager of Airbnb homes who lives in Warnbro.

The City considers that the revised Holiday House proposal warrants re-advertising, having regard to the Council's previous reasons for refusal in 2020. This would allow adjacent owners and occupiers the opportunity to review the proposal and lodge submissions prior to the Council's decision and before the matter is reconsidered by SAT.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **SUPPORTS** advertising the revised Holiday House application at Lot 413 (No.193) Rockingham Beach Road, Rockingham, for public comment.

Committee Recommendation

That Council **SUPPORTS** advertising the revised Holiday House application at Lot 413 (No.193) Rockingham Beach Road, Rockingham, for public comment.

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

Council Resolution

That Council **SUPPORTS** advertising the revised Holiday House application at Lot 413 (No.193) Rockingham Beach Road, Rockingham, for public comment.

Carried en bloc

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

Not Applicable

Planning and Development Services Statutory Planning Services



Reference No & Subject:	PD-020/21	Proposed Scheme Amendment No.181 - Rezoning from Community Purpose (Child Minding Centre) to Residential R20
File No:	LUP/2186	
Risk Register No:		
Applicant:	Ms Lorraine Elliot	
Owner:	Mrs Liz Mainard	
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 June 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Legislative	
Site:	Lot 111 (No.22) Endeavour Drive, Port Kennedy	
Lot Area:	1,777m ²	
LA Zoning:	Community Purposes - CM (Child Minding Centre)	
MRS Zoning:	Urban	
Attachments:		
Maps/Diagrams:	<ol style="list-style-type: none">1. Location Plan2. Aerial Photograph3. 1993 Child Care Premises Planning Approval4. 1995 Caretaker's Dwelling Planning Approval5. Current Zoning6. Subject Lot 111 (No.22) Endeavour Drive7. Proposed Zoning8. Photograph Car Parking Area9. Photograph Caretaker's Dwelling	

Purpose of Report

To consider an amendment to Town Planning Scheme No.2 (TPS2) to rezone the Caretaker's Dwelling on Lot 111 (No.22) Endeavour Drive, Port Kennedy from Community Purposes - Child Minding Centre to Residential (R20).

Confirmed at a Council meeting held
on Tuesday 27 July 2021

MAYOR (B W SAMMELS)



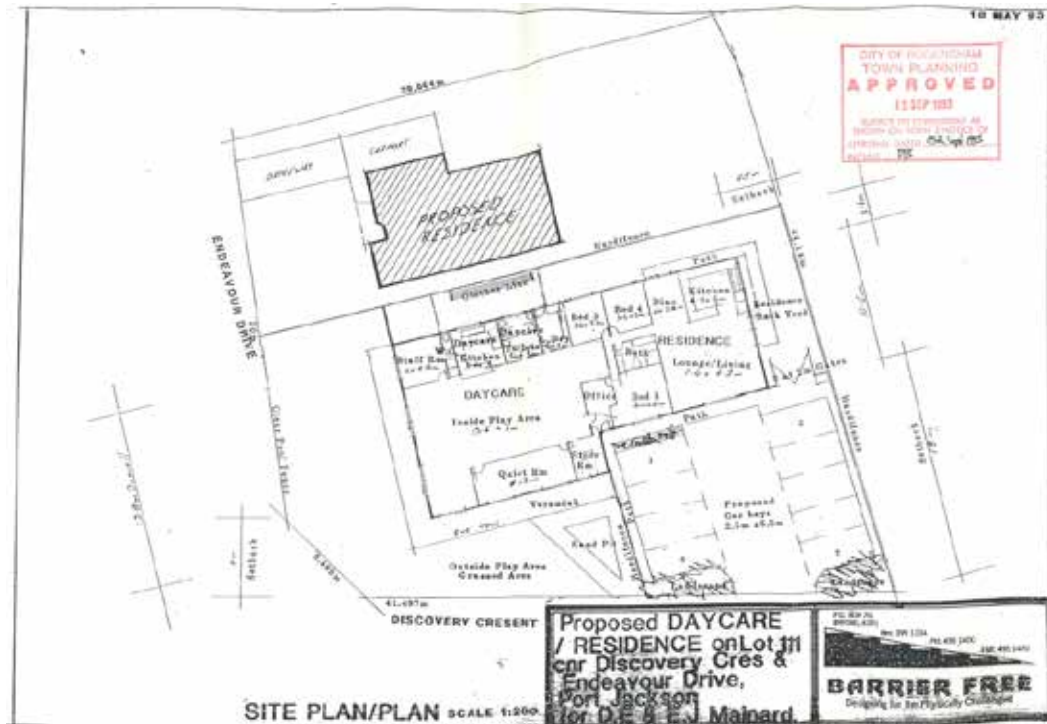
1. Location Plan



2. Aerial Photograph

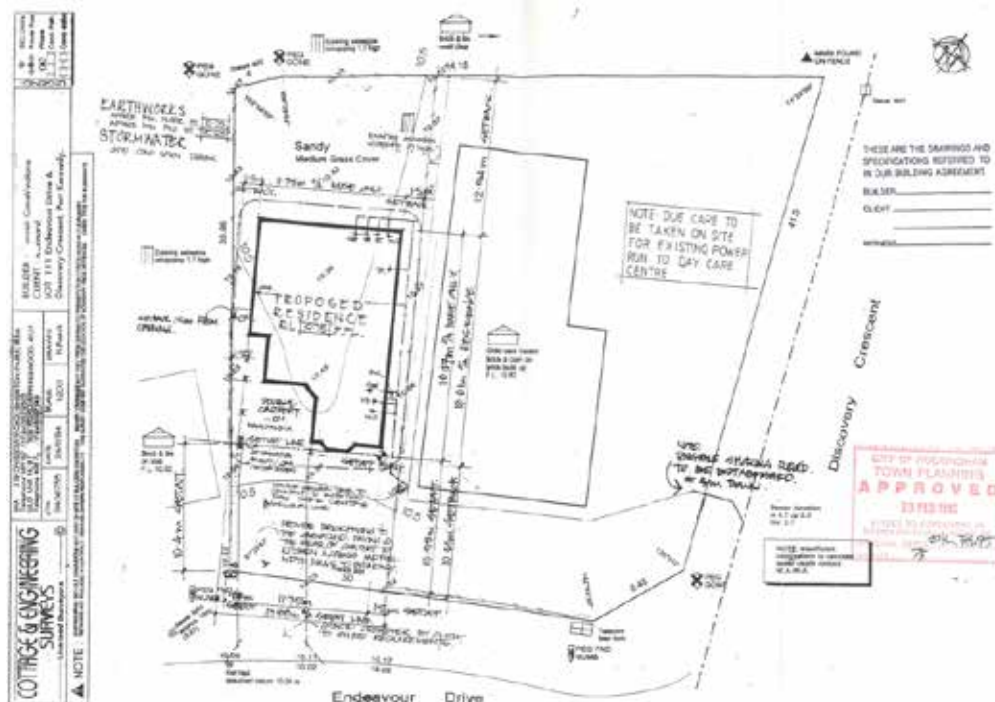
Background

In September 1993, Council granted Planning Approval for a Child Care Premises for 30 children; and Ancillary Residence.



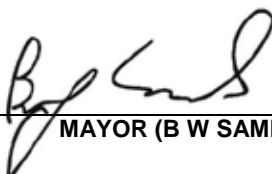
3. 1993 Child Care Premises Planning Approval

In February 1995, Council granted Planning Approval for a Caretaker's Dwelling on the southern portion of the subject site.



4. 1995 Caretaker's Dwelling Planning Approval

Confirmed at a Council meeting held
on Tuesday 27 July 2021


MAYOR (B W SAMMELS)

In March 1995, Council granted Planning Approval to increase the capacity to 45 children by expanding into the Caretaker's Dwelling vacated when the new Caretaker's Dwelling was built.

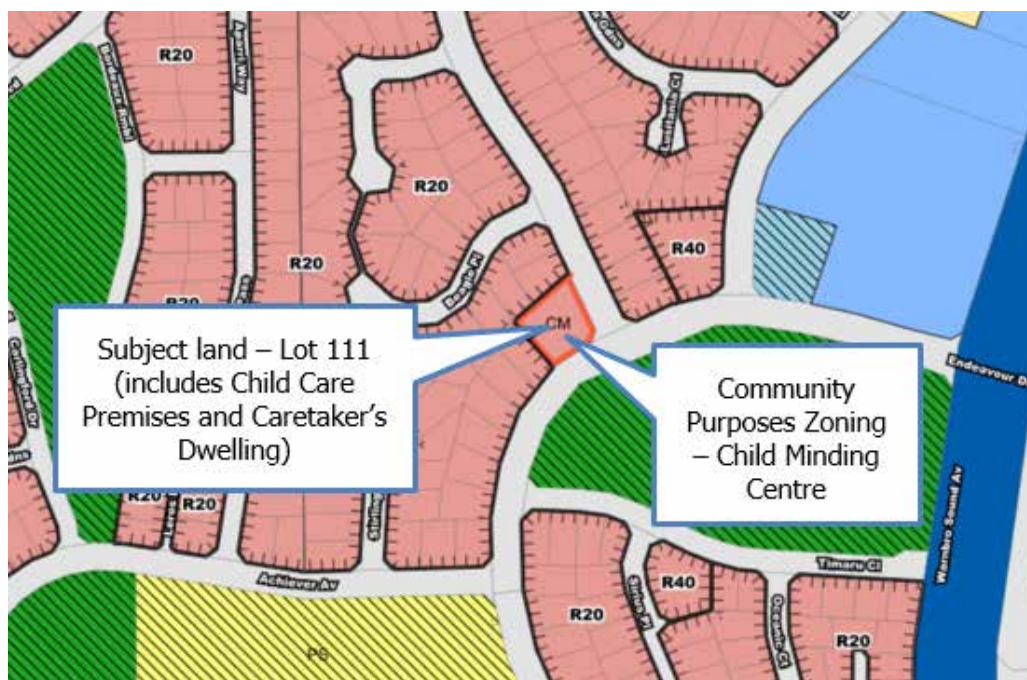
In October 2020, the City received an enquiry relating to the possible subdivision of the land to assist in the sale of the Child Care Centre and a potential Development Application to change the Caretaker's Dwelling to a Single Dwelling. As a Single Dwelling is not permitted ('X') within the Community Purposes zoning, a rezoning of land to Residential R20 is required, to separate the Caretaker's Dwelling from the Child Care Premises.

Details

The applicant seeks Council consent to initiate a TPS2 Amendment to rezone a portion of the subject site from 'Community Purpose (Child Minding Centre)' to 'Residential (R20)' refer to Figure 6.

The applicant has provided the following information in support of the proposal:

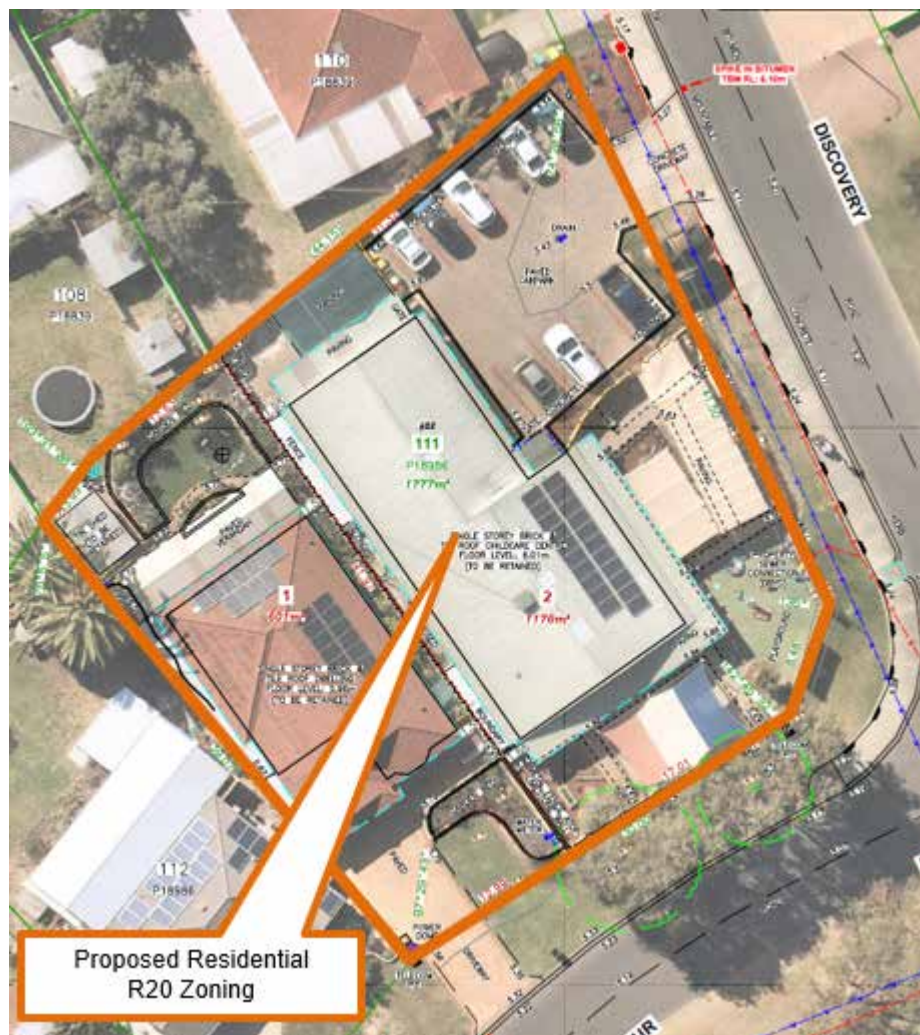
- *"The proposal is consistent with the surrounding Residential zoning and due to the existing built form, it will have no impact on surrounding owners and residents and the Scheme;*
- *The existing built form is consistent with the objectives of the Residential zone and the surrounding residential built environment;*
- *Both a single house and child care premises are permissible uses (i.e. "P" and "A" uses, respectively) in the Residential zone and therefore consistent with the Scheme.*
- *The dwelling mainly functions as a single house as there is an existing fence separating it from the child care premises. Also, a caretaker's residence is not normally required for child care premises. Also, a caretaker's residence is not normally required for child care premises so the rezoning and subsequent subdivision will have no impact on the ongoing operation of the child care premises.*
- *The proposed subdivision plan demonstrates compliance with the R-Codes, in particular the minimum lot area and frontage for both proposed lots and the setback of the single house from the proposed common boundary complies with Tables 1 and 2b, respectively.*
- *The proposed subdivision is logical and there are no changes to the existing situation as the proposed common boundary runs along the existing fence line and both buildings are individually connected to infrastructure services.*
- *The car parking layout and access will remain the same.*
- *The future subdivision complies with DC Policy 2.2 - Residential Subdivision."*



5. Current Zoning



6. Subject Lot 111 (No.22) Endeavour Drive



7. Proposed Zoning



8. Photograph Caretaker's Dwelling (Endeavour Drive)



9. Photograph Car Parking Area (Discovery Crescent)

Implications to Consider

a. Consultation with the Community

If the Scheme Amendment is initiated by Council, it is required to be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) for a minimum period of 42 days from the date of publication, as follows:

- Publish on the City's website the Scheme Amendment document;
- Make available a copy of the Scheme Amendment for public inspection at the City's Administration Offices; and
- Publish a notice of the Scheme Amendment in the newspaper circulating in the locality.

b. Consultation with Government Agencies

Consultation with relevant Government Agencies will only occur if the Scheme Amendment is initiated by the Council in accordance with the Regulations.

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 a growing population, with consideration of future generations.*

d. Policy

Residential Design Codes (R-Codes)

The portion of the lot that the Caretaker's Dwelling occupies is 601m², and is compliant with the site area requirements of the R-Codes. The Caretaker's Dwelling also complies with the front, rear and side boundary setback requirements of the R-Codes.

Planning Policy No.3.3.5 – Child Care Premises

The minimum site area for a Child Care Premises within a Residential zone is 1,000m². The removal of the land dedicated to the Caretaker's Dwelling will still leave a balance land area of 1,176m² for the Child Care Premises, which is Policy compliant.

e. Financial

Advertising costs for the Scheme Amendment are borne by the applicant.

f. Legal and Statutory

Planning and Development (Local Planning Schemes) Regulations (2015) (Regulations)

The procedures for dealing with a proposal to amend TPS2, as per the *Planning and Development Act 2005* are set out in the Regulations. Regulation 35 (1) allows the Council to adopt an amendment to TPS2 proposed by all the owners of land within the scheme area.

Under Regulation 35(2) a Council resolution must:

- “(a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and
- (b) include an explanation of the reasons for the local government forming that opinion”.

The proposal is considered to be a Standard Amendment, given it is an amendment to a zone that is consistent with the Scheme objectives, Metropolitan Region Scheme, has minimal impact on land in the Scheme Area or neighbouring properties, based on the concept design and has no significant environmental, social, economic or governance impacts.

Town Planning Scheme No.2 (TPS2)

The proposed rezoning is consistent with the adjacent Residential R20 zoning and as such, it is considered by the City to be a proposal which is consistent with orderly and proper planning.

A Single House is a prohibited land use (X) in a Community Purposes Zone and is a Permitted (P) use in the proposed Residential zone, hence the rezoning proposal the subject of this report.

A Caretaker's Dwelling is an incidental land use (IP) to the predominant use in the Community Purposes Zone and Residential Zone.

Building Code of Australia (BCA)

The City's Building Services has advised there are fire separation requirements for the existing Child Care Premises to the future proposed lot boundary, which need to be considered by a Private Building Surveyor. This matter, however, can be assessed further and addressed as part of a future Subdivision Application and may require fire treatment to eaves and other works. Fire separation to the allotment boundary must comply with the requirements of Section C-Fire resistance, NCC 2019 Building Code of Australia. The existing Caretaker's Dwelling change to a Single Dwelling will, however, comply with BCA fire separation requirements with a 1.5m boundary setback.

Environmental Protection (Noise) Regulations 1997 (EP Regulations)

The City's Health Services has advised there are noise requirements associated with the Caretaker's Dwelling changing to a Single Dwelling, which require assessment under the EP Regulations. The existing Caretaker's Dwelling will become a “noise sensitive premises” under the EP Regulations with its future use as a Single Dwelling next to a Child Care Premises which emits noise. The City considers this matter can be addressed by the applicant prior to advertising the Scheme Amendment, to ensure the proposal complies with the EP Regulations. If the proposal conversely does not comply with the EP Regulations, acoustic works or other measures may be required.

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 Scheme Amendment is supported for the following reasons:

- The proposal is compliant with Planning Policy No.3.3.5 - Child Care Premises;
- The proposed rezoning to Residential R20 is considered consistent with the prevailing residential character of the area, which is predominantly Residential R20;
- The existing Caretaker's Dwelling land use is to be changed to a Single Dwelling, however, there is no physical change when viewed from the Endeavour Drive or adjacent properties; and
- The existing Child Care Premises land use will not be changing and the rezoning has no impact on the existing car parking and play areas;

The following matter will, however, require further consideration by the applicant:

- The existing Child Care Premises will need further BCA assessment upon a future Subdivision Application being made following rezoning. This matter should be able to be addressed by a Private Building Surveyor for BCA compliance to a future lot boundary; and
- The existing Child Care Premises needs to be assessed to ensure it complies with the EP Regulations as the existing Caretaker's Dwelling will be changed to a Single Dwelling. This should occur before the Scheme Amendment is advertised seeking public comment.

It is recommended that Council adopt (initiate) the proposed Scheme Amendment, subject to the applicant submitting an acoustic consultant report demonstrating how the existing Child Care Premises complies with the EP Regulations, with respect to the portion of land subject to rezoning.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPTS** (initiate) Amendment No.181 to Town Planning Scheme No.2, in pursuance of Section 75 of the *Planning and Development Act 2005*, to rezone Lot 111 (No.22) Endeavour Drive Port Kennedy from "Community Purpose - Child Minding Centre" to "Residential (R20)".
2. **CONSIDERS** the proposed Scheme Amendment to be a Standard Amendment in accordance with Regulation 34(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
3. **REQUIRES** the applicant to submit an acoustic consultant report to the City which demonstrates how the proposed rezoning to Residential R20 complies with the *Environmental Protection (Noise) Regulations 1997*, prior to advertising the Scheme Amendment.
4. **REQUIRES** the proposed Scheme Amendment to be advertised for a minimum period of 42 days in accordance with Regulation 47(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Additional Officer Comment

A memorandum distributed to Committee members dated 14 June 2021 provided the following clarification to the Officer report.

The City's report refers to rezoning applying to the 'Caretaker's Dwelling' site, when it should refer to rezoning the whole of Lot 111 (No.22) Endeavour Drive, Port Kennedy. Consequently, Figure 7 should include the proposed Residential R20 applying to the whole land, being the Caretaker's Dwelling and the existing Child Care Premises.

The Scheme Amendment was considered by the applicant as an opportunity to remove the current restrictive zoning and provides some more land use flexibility for the future, making the site more robust. The City agrees with this zoning approach.

The clarification does not change the Officer's Recommendation.

Committee Recommendation

That Council:

1. **ADOPTS** (initiate) Amendment No.181 to Town Planning Scheme No.2, in pursuance of Section 75 of the *Planning and Development Act 2005*, to rezone Lot 111 (No.22) Endeavour Drive Port Kennedy from "Community Purpose - Child Minding Centre" to "Residential (R20)".
2. **CONSIDERS** the proposed Scheme Amendment to be a Standard Amendment in accordance with Regulation 34(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
3. **REQUIRES** the applicant to submit an acoustic consultant report to the City which demonstrates how the proposed rezoning to Residential R20 complies with the *Environmental Protection (Noise) Regulations 1997*, prior to advertising the Scheme Amendment.
4. **REQUIRES** the proposed Scheme Amendment to be advertised for a minimum period of 42 days in accordance with Regulation 47(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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

Council Resolution

That Council:

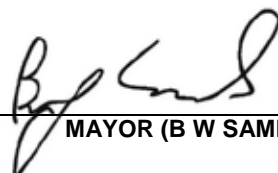
1. **ADOPTS** (initiate) Amendment No.181 to Town Planning Scheme No.2, in pursuance of Section 75 of the *Planning and Development Act 2005*, to rezone Lot 111 (No.22) Endeavour Drive Port Kennedy from "Community Purpose - Child Minding Centre" to "Residential (R20)".
2. **CONSIDERS** the proposed Scheme Amendment to be a Standard Amendment in accordance with Regulation 34(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
3. **REQUIRES** the applicant to submit an acoustic consultant report to the City which demonstrates how the proposed rezoning to Residential R20 complies with the *Environmental Protection (Noise) Regulations 1997*, prior to advertising the Scheme Amendment.
4. **REQUIRES** the proposed Scheme Amendment to be advertised for a minimum period of 42 days in accordance with Regulation 47(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Carried en bloc

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

Not Applicable

Confirmed at a Council meeting held
on Tuesday 27 July 2021



MAYOR (B W SAMMELS)

Planning and Development Services Statutory Planning Services



Reference No & Subject:	PD-021/21 Liquid Urea Ammonium Nitrate Fertiliser and Solid Fertiliser Storage and Blending Facility
File No:	DD020.2020.00000290.001
Applicant:	Planning Solutions Pty Ltd
Owner:	<ol style="list-style-type: none"> 1. Western Australian Land Authority trading as DevelopmentWA 2. Co-operative Bulk Handling Pty Ltd
Author:	Mr David Banovic, Senior Projects Officer
Other Contributors:	Mr Mike Ross, Manager Statutory Planning Mr Bob Jeans, Director Planning and Development Services
Date of Committee Meeting:	14 June 2021
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Tribunal
Site:	Lots 108, 1304, 8003 and Portion of Road Reserve, Rockingham Beach Road, East Rockingham
Lot Area:	Lot 108 - 22.4622ha (portion of) Lot 1304 - 20.9729ha Lot 8003 - 0.1095ha Portion of Road Reserve - 0.6658ha
LA Zoning:	Lots 108, 1304 and 8003 - General Industry zone Portion of Road Reserve - Local Roads Reserve
MRS Zoning:	Lot 108 and 8003 - Special Industry zone Lot 1304 and Portion of Road Reserve - Industrial zone
Attachments:	<ol style="list-style-type: none"> 1. Responsible Authority Report 2. Schedule of Submissions 3. WAPC Recommendation
Maps/Diagrams:	<ol style="list-style-type: none"> 1. Location Plan 2. Aerial Photograph 3. Kwinana Industrial Area 4. Extent of Development Seeking Approval Under TPS2 5. Extent of Development Seeking Approval Under MRS 6. Proposed Site Plan 7. Proposed Perspectives 8. Consultation Plan

Maps/Diagrams: (cont.)

9. Coastal Erosion Overlay
10. Existing Sewer Network
11. Example of a 27.5m B-Double Vehicle

Purpose of Report

To provide recommendations to the Metro Outer Joint Development Assessment Panel (MOJDAP) on an application for Liquid Urea Ammonium Nitrate Fertiliser and Solid Fertiliser Storage and Blending Facility on Lots 108, 1304, 8003 and Portion of Road Reserve, Rockingham Beach Road, East Rockingham.

Background

Lot 108 (being the main portion of the Development Area) is predominantly vacant shrubland. Further beyond on Lot 108 ongoing construction of the Puma Fuel Depot facility continues, which overlaps the municipal boundary of the City of Rockingham and the City of Kwinana. The Puma Fuel Depot development was approved by the MOJDAP (former Metro South-West JDAP) in October 2014.

Lot 1304 is developed with the CBH Kwinana Grain Terminal. The terminal has been operational for over 40 years.

Lot 8003 is developed with underground water supply infrastructure and otherwise remains vacant.

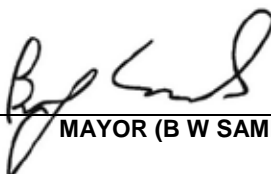
The subject land is low-lying, generally flat land.

The Development Area also comprises of Lots 1585 and 4552, which do not form part of this Joint Development Assessment Panel (JDAP) application. For clarity, the overall Development Area is identified below, in Figures 1 and 2, and is further explained below in the Details section of this report.



1. Location Plan

Confirmed at a Council meeting held
on Tuesday 27 July 2021


MAYOR (B W SAMMELS)



2. Aerial Photograph

In a broader context, the Development Area is situated within an industrial/port related precinct bounded by Rockingham Beach Road/Kwinana Beach Road to the north, Cockburn coastline to the northwest and Patterson Road further to the east.

There are residential areas to the southwest of the development area (North Rockingham).

History

The Kwinana Industrial Area (KIA) is the primary location of heavy industry in Western Australia. KIA consists of a highly diverse range of industries from smaller service industries, such as fabrication and construction facilities, through to very large heavy process industries, such as alumina, nickel and oil refineries. The subject lot is located within the Rockingham Industrial Zone (RIZ), which is a sub-precinct of the KIA.

Improvement Plan 14 (IP14), initiated under the provisions of the Metropolitan Region Scheme (MRS) in 1988, was created to facilitate the planning, development and use of land for industrial purposes within the KIA. The Kwinana Regional Strategy (1988) identified that the majority of underutilised land in the region (approximately 1,150ha) was located in the East Rockingham locality. The East Rockingham Industrial Park IP14 Structure Plan was subsequently adopted by the Western Australian Planning Commission (WAPC) to coordinate the utilisation of industrial land in East Rockingham.

The subject land falls within Precinct One - Port Related Industry of the East Rockingham Industrial Park IP14 (refer to Figure 3 below).



3. Kwinana Industrial Area

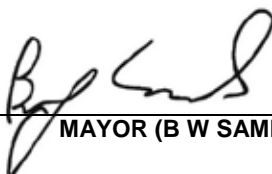
Details

On 9 October 2020, the City received two JDAP applications for the Co-corporative Bulk Handling (CBH) Fertiliser Expansion Project (Development Area), comprising of:

1. Liquid Urea Ammonium Nitrate (UAN) Fertiliser and Solid Fertiliser Storage and Blending Facility located on and under Lots 108, 1304, 8003 and portion of Road Reserve, Rockingham Beach Road in East Rockingham; and
2. CBH Grain Jetty Fertiliser Expansion Project - Construction of an UAN pipeline and UAN cargo receival equipment and associated infrastructure located under Lot 4552 on Deposited Plan 220690 and under Lot 1585 on Deposited Plan 191087 in East Rockingham.

CBH proposes to develop a liquid UAN fertiliser and solid fertiliser storage and blending facility on Lot 108. The proposed overall development also includes the construction of a pipeline between the CBH Jetty at the Kwinana Grain Terminal and the proposed liquid UAN fertiliser storage facility on Lot 108.

Confirmed at a Council meeting held
on Tuesday 27 July 2021


MAYOR (B W SAMMELS)

The liquid UAN fertiliser storage facility will have a capacity of 48,000 tonnes, and the solid fertiliser storage facility will have a capacity of 80,000 tonnes. The fertiliser is imported to the storage facility on shipping carriers and transferred to the proposed facility via:

- (a) a liquid UAN pipeline from the Kwinana Grain Terminal; and
- (b) solid fertiliser transferred by semi-trailers from the Kwinana Bulk Jetty.

Both liquid UAN fertiliser and solid fertiliser are stored at the facility pending distribution to customers via road.

The facility may operate 7 days a week, 24 hours a day, however, the operations at the facility are seasonal and these operating hours would only be required during the annual peak period, which typically runs for approximately 7 weeks. Outside of this peak period, the facility is expected to primarily operate 5 days a week with a 12 hour day (6am to 6pm).

The development is expected to generate approximately 98 vehicle trips during the peak hour period (in and out) and a daily approximate trip generation total of 788 (in and out).

The liquid UAN fertiliser is used to provide plants with nitrogen and is primarily used for bloom growth, whilst, the solid fertiliser will be blended on-site to provide for a variety of fertiliser compounds for various agricultural uses. The development provides for a range of fertilisers to balance soil nutrients and contribute to the long-term viability of farmland.

A summary of the development is tabled below.

Extent of Development Seeking Approval Under TPS2	
Solid fertiliser storage warehouse	A 240m long and 85m wide warehouse, with a wall height of 14m and a ridge height of 19.1m. There are 12m high, 24m wide openings on the northeast and southwest sides to permit truck and machinery egress.
UAN storage tanks	Three 16,000m ³ capacity above ground storage tanks (30m diameter and 20m high) for the storage of liquid UAN fertiliser. The tanks are contained within a bunded area to contain any spills.
UAN Pipeline	One 254mm diameter pipeline between the CBH Kwinana Grain Terminal Jetty and the UAN storage tanks. The pipeline will be located underground between the Jetty and the UAN storage facility.
Administration building	A 444m ² single-storey office designed to accommodate up to 10 staff.
Vehicle access	Access road and crossover to Rockingham Beach Road to allow access by RAV-4 and semi-trailer vehicles. All vehicle access will travel to and from the north in the direction of Kwinana Beach Road.
Car parking	11 on-site car parking spaces are provided west of the Administration building.
Diesel storage tank	A 20,000 litre diesel storage tank at the northeast end of the warehouse building. The tank will be a proprietary item including self-contained bund and bowser.
Maintenance shed	Located adjacent to the diesel storage tank.
Weighbridges	Installed to weigh tanks being loaded with blended fertiliser product.
Landscaping	The perimeter of the fertiliser storage facility is proposed to be landscaped.
Evaporation Pond	85m x 40m pond with a total volume of 3,000m ³ .
Swale	Designed to manage clean site runoff.
Fencing and Gates	Security fencing around the perimeter of fertiliser storage facility. A security gate and two emergency access gates will be provided on the southwest and southeast side of the facility.

Extent of Development Seeking Approval Under MRS	
UAN Pipeline	One, 254mm diameter pipeline constructed to Australian Standard 4041 - Pressure Piping (AS 4041) supported on the CBH Grain Jetty, the piping materials will change specification to heavy wall HDPE at the transition from the Jetty to the land crossing, after crossing the shoreline the pipeline then continues underground to the onsite UAN storage tanks.
UAN Cargo Unloading Hose	One, 203.2mm diameter UAN cargo unloading hose retained on a retractable reel, located mid-way on the east side of the CBH Grain Terminal Jetty berth, connected to the 254mm diameter discharge pipeline.

A more detailed operational breakdown forms part of the applicant's Planning Report (Attachment 1).

Supporting documentation

The following reports accompanied the two JDAP applications:

- Planning Report;
- Environmental Assessment Report and Environmental Management Plan;
- Acoustic Report;
- Bushfire Management Plan and Bushfire Risk Management Plan;
- Transport Impact Assessment; and
- Water Management Strategy.

Development Application Process

The proposed CBH Fertiliser Expansion Project is located on land which is zoned General Industry under the City's Town Planning Scheme No.2 (TPS2), and in part reserved for Local Roads under the TPS2. The proposed CBH Grain Jetty Fertiliser Expansion is also located on land which is reserved for Waterways under the Metropolitan Region Scheme (MRS), and for Parks and Recreation under the MRS. Accordingly two separate approvals are required as follows:

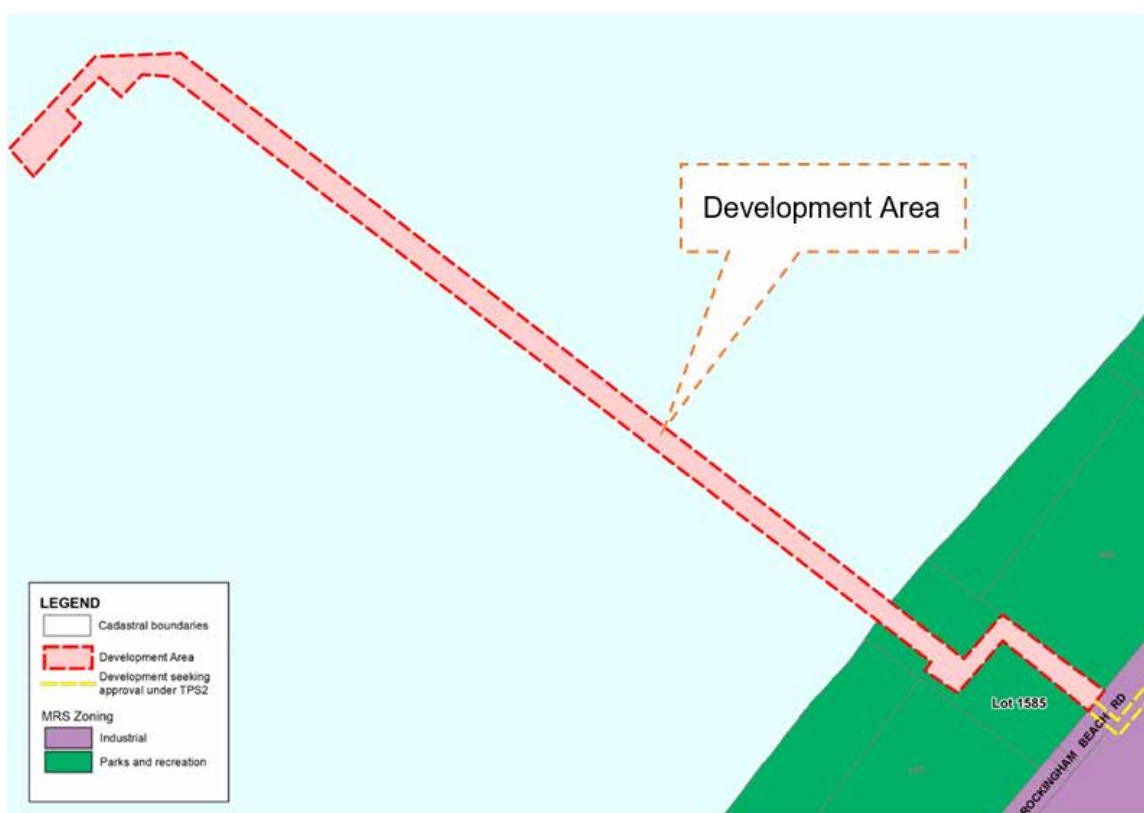
1. Development Approval under the City's TPS2 for the portion of the application which is within the General Industry zone and Local Roads via this DAP application.
2. Approval to Commence Development under the MRS for the portion of the application which is reserved for Waterways and Parks and Recreation under the Metropolitan Region Scheme via the Western Australian Planning Commission DAP application; and

While the MOJDAP is the determining authority for both Development Applications, the accompanying Responsible Authority Report (RAR) (Attachment 1) relates only to the CBH Fertiliser Expansion Project (Extent of Development Seeking Approval Under TPS2), being the development northeast of and under Rockingham Beach Road. This Report and accompanying RAR assesses the proposal with regard to the City's TPS2.

The pipeline and related infrastructure which is proposed on the southwest of Rockingham Beach Road, including Jetty infrastructure is subject to a separate Development Application under the MRS. Officers representing the WAPC (via Department of Planning, Lands and Heritage), have prepared a concurrent RAR for the CBH Grain Jetty Fertiliser Expansion Project (Extent of Development Seeking Approval Under MRS) and the City has provided its recommendations to the WAPC for consideration of the proposal (Attachment 3).



4. Extent of Development Seeking Approval under TPS2



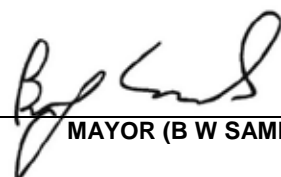
5. Extent of Development Seeking Approval under MRS

Environmental Approval


On 21 January 2021, the City was informed that pursuant to the Environmental Protection Act 1986 (EPA Act), the Environmental Protection Authority (EPA) decided to assess the proposed facility for the blending, transfer and storage of liquid UAN and solid fertiliser. In this regard the EPA had requested more information from the applicant to determine the impact to marine environmental quality and to consider it in the context of the Cockburn Sound Environmental Policy area.

On 20 May 2021, EPA concluded that the proposal is environmentally acceptable, and may be implemented subject to conditions. In this regard, the subject JDAP application represents the next step of Approval process for the development, and reflects the proposal recommended for Approval to the Minister for Environment by the EPA.

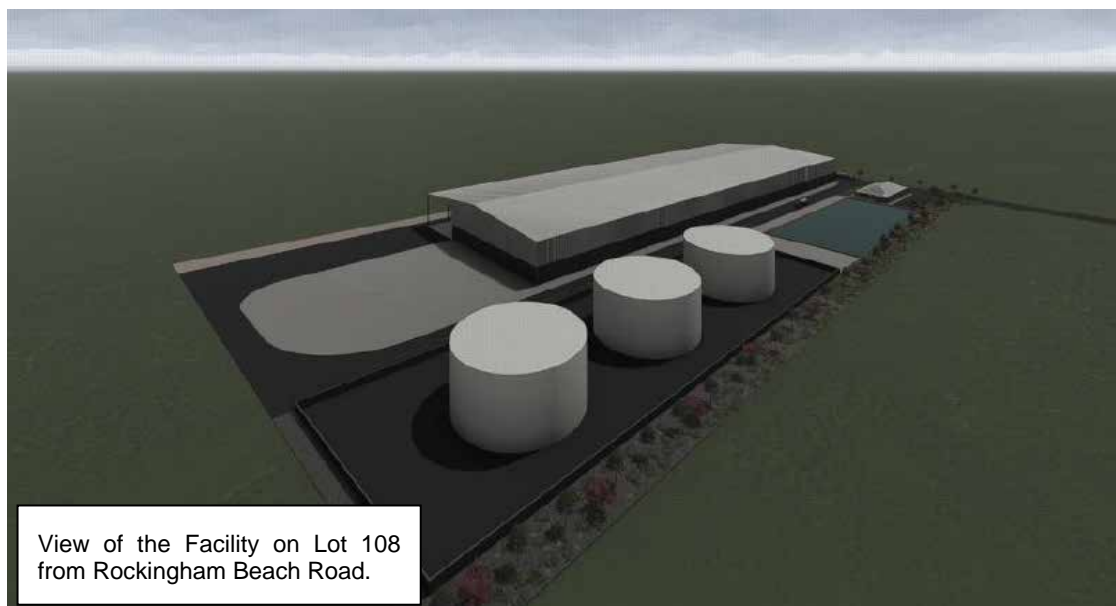
Consequently, the item is now presented to Council for its consideration as a decision had been made under the EPA Act.






MAYOR (B W SAMMELS)

**Confirmed at a Council meeting held
on Tuesday 27 July 2021**



View of the Facility on Lot 108
from Rockingham Beach Road.



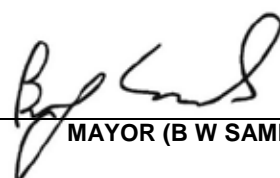
View of the storage warehouse on Lot
108 from the south-western boundary.



View of the carpark, administration
building and storage warehouse on Lot
108 from the southern boundary.

7. Proposed Perspectives

Confirmed at a Council meeting held
on Tuesday 27 July 2021


MAYOR (B W SAMMELS)

Implications to Consider

a. Consultation with the Community

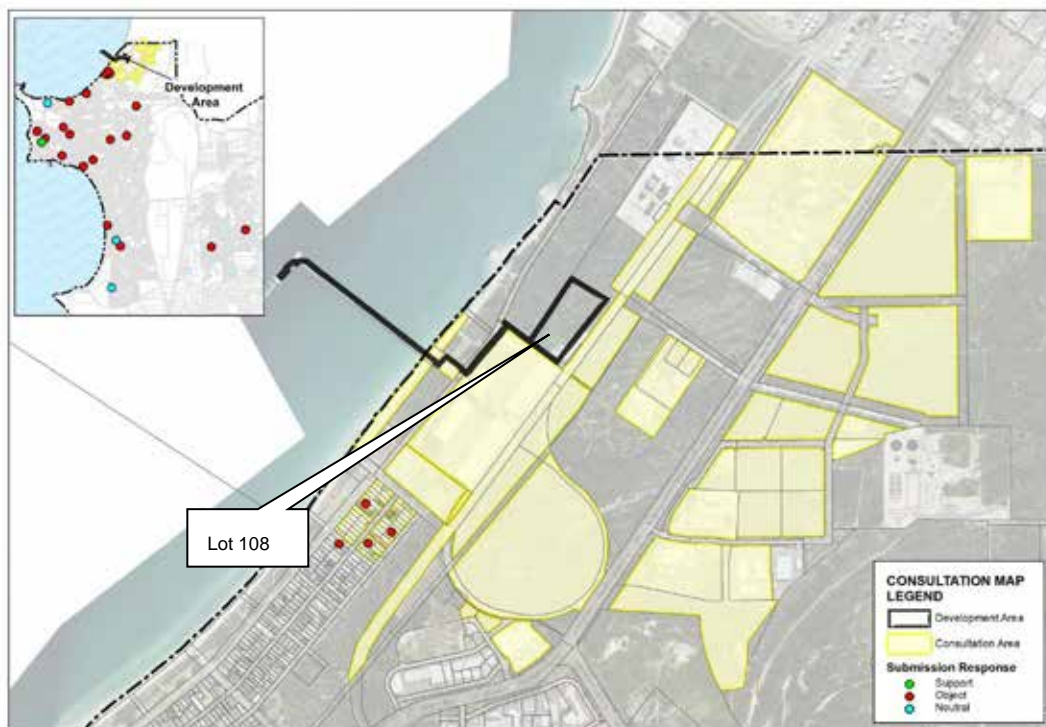
The proposed land use is not permitted unless the Local Government has exercised its discretion following advertising.

Both Development Applications were advertised for public comment over a period of 36 days, commencing on 27 October 2020 and concluding on 2 December 2020. This consultation period includes the one week extension period, as a result of a City letter being sent out on 2 November 2020, clarifying the description of the proposed development.

The applications were subsequently further advertised to the occupants of the Cee and See Caravan Park site for an additional period of 21 days, commencing on 16 December 2020 and concluding on 5 January 2021. The Caravan Park operator and occupants were omitted from the original consultation period. The nature of the development warranted comments from nearby owners and occupiers prior to Council providing its recommendation to the MOJDAP.

Advertising was carried out in the following manner:

- Owners and occupiers within 1.1km of Lot 108 were notified in writing of the proposed development;
- A sign advertising the proposed development was erected on site;
- A copy of the consultation letter was displayed on a public notice board at the Cee and See Caravan Park site;
- A notice appeared in the public notices section of the Sound Telegraph on the 28 October 2020 and 11 November 2020; and
- Copies of technical documents and plans of the proposal were made available for public inspection at the City's Administration Offices and placed on the City's website.



8. Consultation Plan

At the close of the public consultation period a total of 33 submissions were received, which included 29 objections, three neutral letters and one letter of support.

The objections received have been summarised in the table below as well as the applicant's and Officer's response to the issues.

1. Amenity and Land Use
<u>Submission:</u> Concerns development encroaches on the surrounding ambience for people living in close proximity.
<u>Applicant's Response:</u> The proposed development is of an industrial nature similar to facilities in the area, including the adjoining Grain Terminal, fuel storage facility to the north, and nickel refinery to the east.
<u>City's Comment:</u> The proposed development is an industrial type land use in the RIZ. The immediate locality is characterised by a mix of general, heavy industrial and port related land uses, with surrounding vacant land to the north-east and south-east also zoned for industrial development. The amenity aspects of this proposal have been discussed throughout this report, where it is concluded the development will have minimal impact on the amenity of the area and will not create or exacerbate any amenity issues for people living in close proximity.
<u>Submission:</u> Concerns regarding storage of explosive substance - Ammonium Nitrate.
<u>Applicant's Response:</u> The proposed development will import, store and distribute liquid UAN fertiliser, which is a liquid solution of urea and ammonium nitrate at concentrations which are not explosive. Liquid UAN fertiliser has been manufactured in Kwinana for a number of decades, and in 2020 two liquid UAN fertiliser facilities were approved at Kwinana Beach by the MSWJDAP Panel and the MOJDAP.
<u>City's Comment:</u> The Department of Mines, Industry Regulation and Safety (DMIRS) response is that the proposed development will not import or store Ammonium Nitrate or any other materials in quantities classified as Dangerous Goods under the Dangerous Goods Safety Act 2004 and Regulations. DMIRS response is provided below in the Consultation with Government Agencies section of this report.
<u>Submission:</u> Concerns that there are enough chemical plants in the area.
<u>Applicant's Response:</u> No off-site impacts have been identified for the proposed development.
<u>City's Comment:</u> The development is situated within an industrial area with port access. As detailed throughout this report, the matters arising from this development are such that the proposed development is appropriately suited to its context.

2. Risk and Safety

Submission:

Some submitters questioned who can confirm the proposal does not present a risk to lives.

Applicant's Response:

The environmental impact assessment is being reviewed by the EPA and Department of Water and Environmental Regulation (DWER) who are the appropriate agencies to assess the risk and provide a determination on the suitability of the proposal.

There are no materials classed Dangerous Goods under the Australian Dangerous Goods code, International Maritime Dangerous Goods code and all material safety data sheets were provided to the City as part of the assessment process.

City's Comment:

The determination of risk guidelines for hazardous development are matters within the domain of the EPA under the EPA Act 1986 and the DMIRS under the Dangerous Goods Safety Act 2004 and Regulations.

DMIRS considered risk in terms of explosive gas atmosphere and hazardous zones and have confirmed that all the products and quantities intended to be stored on-site are not classified as Dangerous Goods.

The applicant has also demonstrated through the EPA process that impacts (marine environmental quality, Inland Waters for impacts on Cockburn Sound) associated with the proposed development can be managed to an acceptable standard.

3. Impact on Cockburn Sound – water quality

Submission:

A concern that the spilt grain from the existing Jetty is impacting the quality of water in Cockburn Sound.

Applicant's Response:

This comment relates to existing development and is not relevant to the current application.

The general operations related to the proposal have minimal possibility of causing any environmental impact to Cockburn sound, with stringent operational controls for loading and pumping of liquid UAN fertiliser and emergency response procedures in the unlikely event of a spill.

City's Comment:

Whilst the submission is not relevant to the proposed development, it is worth noting that as part of EPA's decision to assess the proposal, more information was requested from the proponent to determine the impact to marine environmental quality and to consider it in the context of the Cockburn Sound Environmental Policy area. By virtue of the EPA recommending approval to the Minister for Environment, it can be considered that the marine environmental impacts of the development are acceptable.

4. Environmental Reporting

Submission:

A concern that the supporting environmental report is thin, apologetic to zoning and highly qualified in its limitations, and likely reflects in the interests of CBH rather than the residents in the locality.

Applicant's Response:

There is no evidence in support of the claims. The environmental report is subject to assessment and review through the DWER works approval process. The application has also been self-referred to the EPA for a determination on whether an environmental review is required.

4. Environmental Reporting (cont...)

City's Comment:

The City's Sustainability and Environment Services has reviewed the applicant's submitted Environmental Assessment Report and Environmental Management Plan and is satisfied that development is unlikely to have an adverse environmental impact on the Development Area or surrounding land, subject to the following measures being undertaken:

- The applicant addressing City's Coastal Hazard Risk Management and Adoption Plan (CHRMAP);
- A revised Fauna Management Plan being provided and approved by the City of Rockingham prior to commencement of development, outlining the methods that will be implemented for the proposed cage-trapping program; and
- All vegetation outside of the approved Development Area being retained.

With respect to the CHRMAP matter, this is discussed in detail in the Policy section of this report where it is concluded the proposed development has not adequately addressed the threat of coastal erosion.

Notwithstanding the above comment, condition/s requiring compliance with the abovementioned matters have been recommended in the event that the development is approved by MOJDAP.

Again, by virtue of the EPA recommending approval to the Minister for Environment, it can be considered that the submitted Environmental Assessment Report and Environmental Management Plan is acceptable.

5. Traffic

Submission:

A concern regarding increased truck movement along Rockingham Beach Road.

Applicant's Response:

No trucks or heavy vehicles will travel past residential areas to the southwest. Traffic analysis undertaken for the development application demonstrates the additional traffic will be accommodated satisfactorily within the road network, and no safety issues have been identified.

City's Comment:

The additional traffic from the north generated as a result of this development will operate along Rockingham Beach Road, which is in the process of being handed over from the City of Rockingham to Main Roads Western Australia and the City of Kwinana road network. These Government Agencies did not object to the increased traffic movements, and this is discussed below in Consultation with Government Agencies section of this report.

The City reviewed the traffic modelling for the proposal and considers that the existing surrounding road network has the capacity to accommodate the increase in traffic generated by the proposed development, subject to the construction of a 70m long auxiliary left-turn off Rockingham Beach Road. The auxiliary lane is necessary due to the high performance of RAV-4 network and semi-trailers which are required to access the facility.

No trucks or heavy vehicles associated with the proposal will travel along Rockingham Beach Road from the south, past residential areas to the southwest.

6. Not in the interest of the public

Submission:

The proposal is not in the long-term interests of Rockingham as a place where people want to live.

6. Not in the interest of the public (cont...)

Applicant's Response:

The submitted technical studies demonstrate the amenity of residential areas will be preserved with no adverse impact by way of noise, risk, traffic or the like.

City's Comment:

The Council must provide its recommendation to the MOJDAP on planning grounds, taking into consideration impacts on the amenity of surrounding locality. The development application complies with City's TPS2 and applicable planning policies, and is considered to be compatible with the General Industry zone and is unlikely to have any adverse impacts on the amenity of the Rockingham residents.

b. Consultation with Government Agencies

The following government departments and service agencies were consulted:

- Y Alinta Energy;
- Y City of Kwinana;
- Y Cockburn Sound Management Council;
- Y Dampier-Bunbury Pipeline;
- Y Department of Biodiversity, Conservation and Attractions;
- Y Department of Fire and Emergency Services;
- Y Department of Mines, Industry Regulation and Safety;
- Y Department of Planning, Lands and Heritage;
- Y Department of Water and Environmental Regulation;
- Y DevelopmentWA;
- Y Fremantle Ports Authority;
- Y Main Roads Western Australia;
- Y Telstra; and
- Y Water Corporation.

The comments received are as follows:

1. City of Kwinana (CoK)

The fertiliser facility is located adjacent to Kwinana Beach Road, which is under the control of Main Roads WA. It is presumed the application has been referred to Main Roads WA for comment.

The City's Health team has requested than written notification be provided via email in the event any marine spillages result from the operations of the proposed development.

City's Comment:

Main Roads Western Australia response is provided below.

CoK comment pertaining to any spillage is noted.

2. Cockburn Sound Management Council (CSMC)

Under its Terms of Reference, CSMC is an advisory council to the Minister for Environment and as such, does not have a role in providing advice to decision-making authorities on development proposals in Cockburn Sounds. CSMC provides advice and recommendations to the Minister on the environmental management of Cockburn Sound to ensure the protection and maintenance of water quality and associated environmental values for the Cockburn Sound marine area.

City's Comment:

Noted.

3. Dampier-Bunbury Pipeline (DBP)
DBP as owners and operators of the Dampier-Bunbury Natural Gas Pipeline have no objection to the proposed facility as indicated on the plans supplied.
<u>City's Comment:</u> Noted.
4. Department of Biodiversity, Conservation and Attractions (DBCA)
Any proposed clearing of native vegetation associated with the development should be undertaken in accordance with the Environmental Protection Act 1986 (EPA Act 1986) and Environmental Protection (Clearing of Native Vegetation) Regulations 2004, and discussed with the DWER.
<u>City's Comment:</u> Based on the information provided the proposal may be exempt from the requirement for a clearing permit under Schedule 6, Clause 2 of the EPA Act 1986. This exemption is dependent upon whether it is determined that the development constitutes a derived proposal from the RIZ (Ministerial Statement 863) which was previously referred and assessed under Part IV of the EPA Act 1986. If the exemption is applicable, any clearing must be in accordance with the implementation agreement or decision. In any instance, the applicant will be required to liaise with Department of Water and Environmental Regulation in this regard.
5. Department of Fire and Emergency Services (DFES)
<i>Bushfire Management Plan (BMP) Methodology</i> The BMP has not been prepared in accordance with Appendix 3 of the Guidelines. Notwithstanding that the CBH Grain Jetty is predominantly not in a bushfire prone area the BMP must assess the subject land in its entirety that includes the CBH Grain Jetty and the pipeline. <i>Management Agreement On-site (APZ)</i> DFES acknowledges that the BMP recommends that the Development Approval incorporates a condition requiring a Maintenance Agreement between the proponent and the owner of Lot 108. The condition requires an Agreement to be prepared and implemented in relation to maintenance of off-site vegetation management zone within an undeveloped portion of Lot 108 in perpetuity, or until such a time the bushfire hazard is permanently removed and the lot is developed to a non-vegetated/low threat state. DFES notes that Clause 4.6.2 of the Guidelines states: "As the BMP is a document that should apply for the life of the development, the decision-maker should require modifications to the document in the event that there are discrepancies, prior to endorsement and/or approval of the planning application being granted. Conditional approval should not be granted prior to the BMP being prepared and endorsed." Technical evidence and verification should be included in the BMP to qualify the vegetation exclusion can be achieved and that it is enforceable in perpetuity. An endorsed copy of the agreement or written undertaking by the Lot 108 landowner would address this requirement. <i>Recommendation</i> The development design has not demonstrated compliance to Element 1: Location and Element 2: Siting and Design. The BMP has not assessed the CBH Grain Jetty and Pipeline.
<u>Applicant's Response:</u> <i>BMP Methodology</i> Grain Jetty and associated pipeline is subject to a separate development application which has been considered by WAPC. In accordance with the criteria outlined in Planning Bulletin 111/2016, these offshore works are considered exempt from responding to SPP3.7.

5. Department of Fire and Emergency Services (DFES) (cont...)

Management Agreement On-site (APZ)

The project area is being leased from the current landowner of Lot 108 who have indicated via email that they addressed a similar issue with the Puma development to the north-east, by including a licence clause for the off-site management zone outside the lease area. This approach allows for the partial or total termination of the licence clause, should future development of the off-site management zone permanently remove the bushfire threat (with non-vegetated elements or low threat vegetation). Given that DevelopmentWA is the owner of both the project area and the off-site management zone nominated in the BMP, it is considered that there is little risk involved with this arrangement, with it considered more formalising that the landowner understand their obligation to enable ongoing management of this land by CBH for the life of the facility, or until vegetation is permanently removed.

Recommendation

As outlined in the BMP, following implementation of the onsite APZ and the off-site management zone (the validity of which is addressed above), the vegetation classification and BAL contours are to remain as documented within the BMP. On this basis, all proposed development can be compliantly located in an area of BAL-29 or lower, and a compliant APZ within the project area, supplemented by the off-site management zone.

Compliance with A1.1 and A2.1 has been satisfactorily demonstrated.

City's Comment:

BMP Methodology

The pipeline and related infrastructure which is proposed to the south-west of Rockingham Beach Road, including Jetty infrastructure is subject to a separate Development Application under the MRS. Advice from Department of Planning, Lands and Heritage officers is that the response provided by the applicant adequately addresses the concern raised by DFES.

Management Agreement On-site (APZ)

As advised by the applicant in the response to this matter, the City is satisfied that an enforceable mechanism would be in place between the lessee and owner to permit an off-site vegetation management zone on Lot 108 (outside of the Development Area), should MOJDAP resolve to approve the proposed development.

Recommendation

The development application and the BMP have adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved. The City does not consider that modifications to the BMP are required.

The City and Department of Planning, Lands and Heritage is satisfied that the development in its entirety complies with SPP3.7, specifically Element 1: Location and Element 2: Siting and Design which is discussed in detail in the State Government Policy section of this report.

6. Department of Mines, Industry Regulation and Safety (DMIRS)

Based on the provided information, the products which are UN3082 are stored in Intermediate Bulk Containers (IBC) and are not classified as Dangerous Goods under SP01. The remainder of the bulk products are not classified as Dangerous Goods. As a result, this site would not be considered as requiring a Dangerous Goods Storage Licence.

As a result of our assessment that the site will not require a Dangerous Goods Storage Licence, it is therefore not tested for distance/buffers under Dangerous Goods legislation or relevant Australian Standards.

City's Comment:

Noted. The application was referred to DMIRS for comment to clarify if the development requires a Dangerous Goods Licence and registration of the proposed pipelines.

7. Department of Planning, Lands and Heritage (DPLH)
The Department has no objection to the proposal.
<u>City's Comment:</u> Noted.
8. Department of Water and Environmental Regulations (DWER)
DWER has reviewed the application and wishes to advise it has no objections to the proposal. General advice is provided in relation to Industry Regulation, Native Vegetation Regulation and Contamination.
<u>City's Comment:</u> DWER makes comment that no decision on this proposal should be made until the EPA's process is complete. Upon resolution of the EPA's process for determination at the time, DWER in its submission includes various advice notes relating to Industry Regulation, Native Vegetation Regulation and Contamination. In relation to Contamination, DWER notes that part of Lot 108 is classified as potentially contaminated and continues to be managed under the Contaminated Sites Act 2003. DWER acknowledges that the extent of the proposed Development Area is outside the portions of Lot 108 where contaminated sites memorials are placed. Given the risks associated with the potential disturbance of remnant buried asbestos-containing material, DWER recommends an Asbestos Management Plan. The City agrees with the need for an Asbestos Management Plan, however, as a recommended condition of Development Approval. The applicant has been provided with a copy of the DWER submission.
9. DevelopmentWA
DevelopmentWA has no comment.
<u>City's Comment:</u> Noted.
10. Fremantle Ports Authority (FPA)
FPA has reviewed the proposal and has no comment.
<u>City's Comment:</u> Noted.
11. Main Roads Western Australia (MRWA)
MRWA has reviewed the application and wishes to advise it has no objection to the proposal subject to conditions relating to a Deed of Agreement, earthworks encroachment into the road reserve, stormwater discharge and waste collection pick up point.
<u>City's Comment:</u> Noted. The recommended conditions and footnotes form part of the Officer recommendation for conditional Development Approval. The Deed of Agreement has been recommended as an advice note to the applicant since this matter would require agreement between CBH Group and Main Roads WA, not the City.
12. Water Corporation (WC)
The WC has no objection to the proposed development. It is noted that the WC has an existing potable water pipe asset within Rockingham Beach Road and Lot 8003. Given the works proximity to the WC asset, in line with the corporations Working Near Assets Technical Guidelines, a damage risk assessment and working near assets approval shall be obtained prior to construction.

12. Water Corporation (WC) (cont...)

City's Comment:

Noted. An advice note per WC comment has been recommended in the event development is approved.

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

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

SPP3.7 seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

The entirety of the Development Area has been designated bushfire prone under the Fire and Emergency Services Act 1988 (as amended) and therefore the requirements of SPP3.7 are applicable.

The objectives of SPP3.7 are to:

- Y "Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.
- Y Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.
- Y Ensure that higher order strategic planning documents, strategic planning proposals, subdivision and development applications take into account bushfire protection requirements and include specified bushfire protection measures.
- Y Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change."

As the land is designated as a bushfire prone area and is classified as a 'high risk' land use, the applicant submitted a BMP, Risk Management Plan (RMP) and Bushfire Emergency Plan (BEP) in support of the application, as per the requirements of SPP3.7.

The proposal was referred to DFES which advised development does not comply with Elements 1 and 2 of the Guidelines for Planning in Bushfire Prone Areas because the BMP excluded the Jetty and associated infrastructure from the BMP assessment and technical evidence was not included in the BMP to qualify that vegetation exclusion can be achieved and that it is enforceable in perpetuity. The matter raised pertaining to Element 1 relates to the extent of Seaward Development Application while matter raised pertaining to Element 2 relates to the extent of the Landside Development Application.

The City liaised with DPLH officers and determined that the submitted BMP adequately addresses the concerns raised by DFES. This was discussed in the Consultation with Government Agencies section of the report.

The BMP has been assessed and is considered acceptable. The requirements of the BMP are recommended as conditions of Development Approval.

Guidelines for Planning in Bushfire Prone Areas (GfPBPA)

The DPLH's GfPBPA provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP3.7. The following is an assessment against the relevant requirements of the GfPBPA.

Element 1 Location

The development in its entirety complies with the relevant Acceptable Solution for this Element, as the applicant has demonstrated through a BAL assessment and implementation of an Asset Protection Zone (APZ) that the maximum BAL level that buildings will be required to be constructed to will be BAL-19 of *Australian Standard 3959 - Construction of Buildings in Bushfire Prone Areas* (AS3959).

Element 2 - Siting and Development

The development complies with the relevant Acceptable Solution for this Element, as the buildings on the lot will be provided with an APZ (of the required dimension with off-site vegetation management zone).

Element 3 - Vehicular Access

The development includes two access routes which complies with the requirement of Acceptable Solution A3.1. Unless, however, there is a bushfire emergency, all truck movements as a result of this development are to travel north-east along Rockingham Beach Road as per MRWA requirements. The development also complies with the requirement of Acceptable Solution A3.4 (Battle-axe Lots) and Acceptable Solution A3.5 (Private Driveways).

Element 4 - Water

The proposed development will be connected to reticulated water supply via surrounding development in accordance with WC requirements.

State Planning Policy 4.1 - State Industrial Buffer Policy (SPP4.1)

The key objective of SPP4.1 is to protect industry, infrastructure and special uses from the encroachment of incompatible land uses as well as provide for the safety and amenity of land uses surrounding industry, infrastructure and special uses. As a result, most industries and infrastructure as well as other uses need to be separated from residential areas and other sensitive uses within a buffer area.

The objectives of SPP4.1 are as follows:

- *"To provide a consistent Statewide approach for the definition and securing of buffer areas around industry, infrastructure and some special uses;*
- *To protect industry, infrastructure and special uses from the encroachment of incompatible land uses;*
- *To provide for the safety and amenity of land uses surrounding industry, infrastructure and special uses; and*
- *To recognise the interest of existing landowners with buffer areas who may be affected by residual emissions and risk, as well as the interests, needs and economic benefits of existing industry and infrastructure which may be affected by encroaching incompatible land uses. "*

The proposal is considered to be compatible with existing industrial land uses in the area, which has been strategically designated for port related industry type land uses. The development complies with SPP4.1, with any environmental impacts managed by the pending DWER Works Approval under the EPA Act.

Environmental Protection Authority (EPA) – Separation Distance between Industrial and Sensitive Land Uses No.3 (Guidance Statement)

The EPA Guidance Statement provides advice to proponents, responsible authorities, stakeholders and the public, on the minimum requirements for environmental management which the EPA would expect to be met when the Authority considers a development proposal.

For the purpose of the Guidance Statement, "industrial land use" is used in a general way to encompass a range of industrial, commercial and rural activities, associated with off-site emissions that may affect adversely the amenity of sensitive land uses. A table of land uses is provided in the Guidance Statement, however, it is recognised that the list is not definitive.

The generic separation distances are based on the consideration of typical emissions that may affect the amenity of nearby sensitive land uses. These include gaseous and particulate emissions, noise, dust and odour.

The EPA recommends a 300-500m distance buffer to all chemical blending or mixing (where chemicals or chemical products are blended, mixed or packaged) industries from sensitive land uses. It should be noted that the buffer recommended by the Guidance Statement is not an absolute separation distance, but instead are default distances providing general guidance in the absence of site-specific technical studies.

The nearest sensitive land use – Cee n See Caravan Park is setback approximately 647m from the proposed storage facility on Lot 108 where fertilisers are proposed to be blended and packaged. The development meets the generic separation requirements and is compliant with the EPA Guideline Statement.

Development Control Policy 4.2 – Planning for Hazards and Safety (DCP4.2)

DCP4.2 provides general provisions to ensure appropriate mechanisms are in place to control risk exposure, with the overarching objective of maintaining an appropriate level of public safety. The overseas catastrophe in Beirut, Lebanon has heightened public awareness of the hazards associated with land use activities such as storing of ammonium nitrate, which is reflected in the large number of submissions received objecting the development.

The determination of risk guidelines for hazardous development are matters within the domain of the EPA under the EPA Act 1986 and the DMIRS under the Dangerous Goods Safety Act 2004 and Regulations. DMIRS has confirmed that all the products and quantities intended to be stored are not classified as Dangerous Goods. It was also clarified that the proposed 20,000L diesel storage tank east of the storage warehouse does not require licencing either as it is under the 100KL threshold. As part of its assessment, EPA has determined that development is of a low risk.

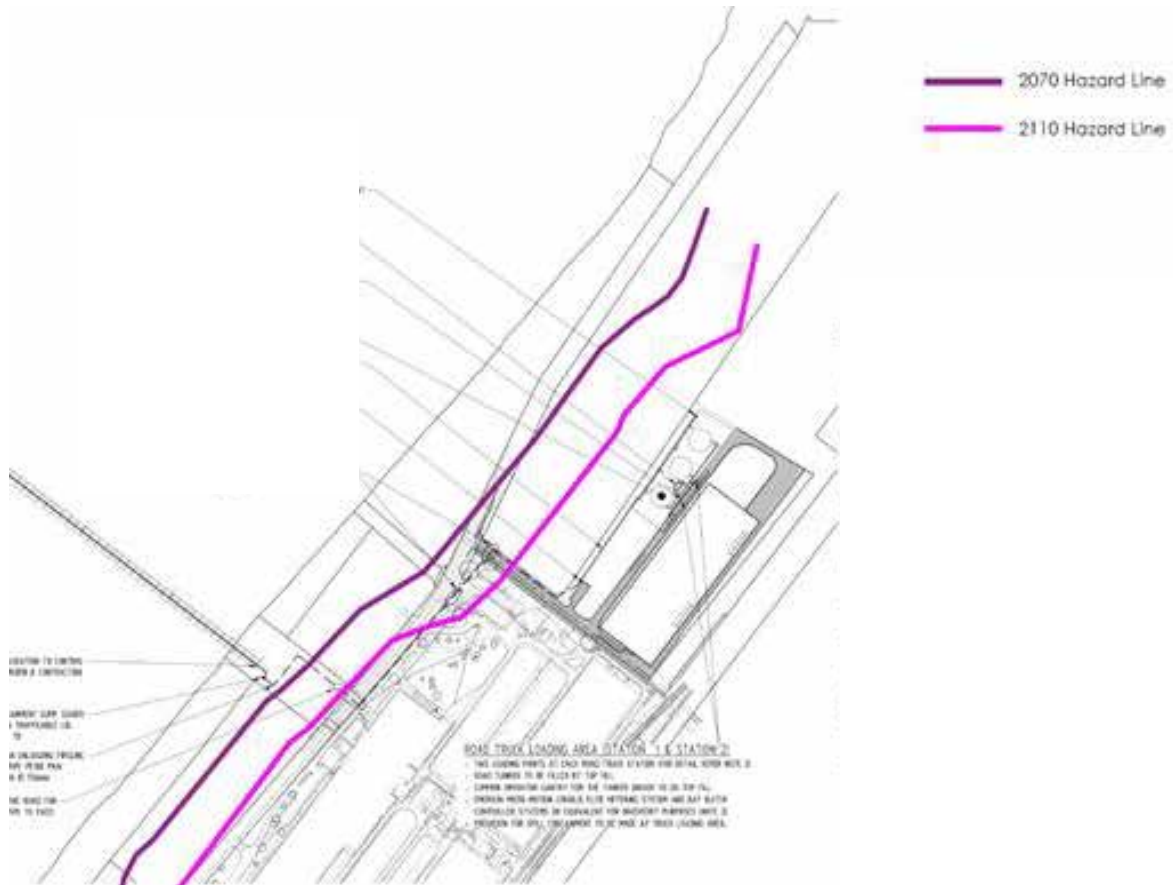
Further, DFES hazardous materials unit did not raise any concerns pertaining to the location of the proposed development.

DCP4.2 supports the location of hazardous industries within industrial areas, separated from residential areas. As the development is located within the established RIZ and is separated from sensitive land uses, the proposal is considered to be consistent with the applicable policy objectives.

City of Rockingham Coastal Hazard Risk Management and Adoption Planning (CHRMAP)

In September 2019, Council endorsed a CHRMAP, in accordance with State Planning Policy 2.6 - Coastal Planning. The CHRMAP is a strategic planning document that informs the community and decision makers about potential coastal hazards (such as erosion and inundation), the risk and necessary actions. The CHRMAP outlines key directions for coastal adoption over a 100-year planning timeframe, while also prioritising management responses over the next 10 years.

An assessment of erosion vulnerability shows that the proposed development is within the coastal erosion hazard lines as modelled in the City's CHRMAP.



9. Coastal Erosion Overlay

The proposed overall development has not appropriately addressed the threat of coastal erosion as identified by the City's CHRMAP. It is noted that pipeline is to be built on existing infrastructure, however, the works will only increase the value of the assets at risk. The new pipeline and vehicle access-way onto Rockingham Beach Road are also proposed as part of the development seeking approval under TPS2 (refer to Figures 1-2 and 4-5). The extent of the overall proposed development extends beyond the areas of existing approved infrastructure, and as such, the Development Approval process is an appropriate mechanism to ensure that the risk of future coastal hazards is suitably addressed prior to these development commencing.

To address this risk, it is recommended that a condition requires the proponent to implement measures to protect or remove pipeline and road infrastructure once the most landward part of the Horizontal Shoreline Datum (HSD) is within the S1 storm erosion allowance of 17 metres of the most seaward part of the proposed development. This has been agreed at Officer level with the DPLH staff.

The CHRMAP has acknowledged the strategic economic importance of CBH Kwinana Grain Terminal to the State and this infrastructure has been identified as a priority for long-term protection, subject to this protection being funded by the CBH Group or the State Government. As the CHRMAP was endorsed by Council, it is the City's position that any future protection of this infrastructure will not be funded by the City.

Planning Policy 3.3.8 - East Rockingham Development Guidelines (draft) (PP3.3.8)

The proposed revised PP3.3.8 was considered in conjunction with revised Scheme Amendment No.178 as part of a broader review of the statutory framework that applies to the East Rockingham Industrial Zones. The revised PP3.3.8 will replace the current version of PP3.3.8 in its entirety and comes into effect upon the gazettal of Scheme Amendment No.178 to TPS2. Hence, draft PP3.3.8 is considered to be a seriously entertained planning instrument.

The objectives of draft PP3.3.8 are:

- *"To achieve attractive and unified development which acknowledge the goal of conserving and enhancing the natural environment through the retention of natural vegetation and introduction of water efficient and quality landscaping together with well-designed buildings;*
- *To achieve consistency and compatibility in the built form and landscaping, whilst allowing for individuality and well presented corporate or market image;*
- *To avoid unsightly and poorly planned development; and*
- *To protect and enhance natural vegetation along Patterson Road and Mandurah Road, as major entry ways to the City, to ensure Industrial development is appropriately screened."*

The design of buildings along with car parking and landscape improvements complies with the standards of the draft PP3.3.8.

Planning Policy 3.3.14 - Bicycle Parking and End-of-Trip Facilities (PP3.3.14)

PP3.3.14 facilitates the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City.

Bicycle parking requirement

The requirement for short-term parking is not considered to serve any benefit, and for that reason only the requirement for long-term was applied.

Land Use	Minimum Short-Term Parking	Minimum Long-Term Parking
Office (350m ² NLA)	0.05 spaces per 100m ² NLA	0.45 spaces per 100m ² NLA
Industry (<1000m ² NLA)	N/A	0.1 spaces per 100m ² NLA
Note: All rounding of bicycle parking rates is to be calculated by rounding up to the nearest whole number.		

The proposed development requires the provision of 2.8 (3) long-term bicycle parking spaces. The proposed development provides two U-rails along the eastern side of the administration building capable of parking four bicycles.

In its submission, the applicant states that *"due to the frequency of heavy vehicles accessing the site and the limited access points, along with the intended 24 / 7 operational nature of development, site access may be required to be restricted to vehicles only."* Whilst the above comments are acknowledged, cycling may be attractive to employees of the proposed development and two U-rails are considered appropriate as on-site traffic safety measures can be adopted by the operator to ensure safe cyclist passage. A condition of Development Approval requiring the provision of minimum 3 bicycle parking spaces is recommended.

End-of-Trip Facilities

The provision of 3 long term parking spaces does not require the provision of shower facilities. The proposed administration building includes four showers and 13 lockers.

Planning Policy 3.3.21 – Heritage Conservation and Development (PP3.3.21)

The Kwinana Grain Terminal Granary Museum and Jetty, are listed as Site No.15 of the City's Local Heritage Survey (formerly called the Municipal Heritage Inventory). The places were included on the City's original Municipal Heritage Inventory in 2008 and are identified as buildings of "considerable significance".

The development requires the construction of a UAN pipeline and receival equipment which will lead along the eastern side of the Jetty and from there to the liquid UAN fertiliser storage facility along the approach Jetty to the land crossing under the portion of Rockingham Beach Road adjacent to the Kwinana Grain Terminal. The pipeline then runs underground along the western edge of the Kwinana Grain Terminal (used for landscaping and vehicular access), through to the fertiliser facility and to the liquid UAN storage tanks.

The development is complementary to the existing CBH operations and has no material impact on the aesthetic and historic value of the Kwinana Grain Terminal Granary Museum and Jetty. The application is considered to be compliant with PP3.3.21.

Planning Policy 7.3 – Cockburn Sound Catchment (PP7.3)

The objective of PP7.3 is to protect and improve the marine waters of Cockburn Sound by minimising contaminant inputs (particularly nutrients) from different land use sources. PP7.3 utilises the following categories for assessment against minimum requirements for development standards:

- Nutrient Loading;
- Nutrient Intensive Land Uses;
- Nutrient Retentive Effluent Disposal Systems;
- Stormwater Management; and
- Native Vegetation and Wetland Management.

The proposed development is not considered to be a nutrient intensive land use and will not result in nutrient loading. The liquid UAN fertiliser and solid fertiliser is to be stored in enclosed, sealed storage facilities that will prevent the leaching of nutrients to the environment and will be handled and stored in compliance with the licensing requirements specified by DWER. A liquid UAN Spill Response Procedure and Diesel Spill Response Plan have been prepared to account for any spillage of liquid UAN fertiliser.

There are no reticulated sewerage networks in the area. As reticulated sewerage service is not available on Lot 108, a secondary treatment system with nutrient retention will be required for wastewater produced from staff facilities. The storage of potentially contaminated stormwater from bunded areas will be directed into a waste stabilisation (evaporation) pond. An application will need to be made to the City of Rockingham's Health Services for installation of the secondary treatment system and the evaporation pond as required by Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974.



10. Existing Sewer Network (red line shows the location of any sewerage)

A Water Management Plan has been prepared by the applicant which the City considers sufficiently demonstrates that protection of groundwater quality can be achieved, which is further discussed in the Legal and Statutory section of this report. Also, the proposed development is located within the RIZ and already possess a clearing permit.

The application complies with PP7.3.

e. Financial

Nil

f. Legal and Statutory

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)

Clause 67 of Schedule 2 of the Regulations outlines the matters to which the Local Government is to have due regard when considering an application for Development Approval. Where relevant, these matters have been discussed throughout this report.

Town Planning Scheme No.2 (TPS2)

Land use

As different fertiliser products are blended on-site, the development is a 'Prescribed Premises' under Category 33 (Chemical blending) under Schedule 1 of the EPA Act 1986. Hence, the City considers the proposal represents an Industry General: Licensed use in the context of the TPS2, which is classified as an 'A' listed use in the General Industry zone. This means the use is not permitted unless the Local Government has exercised its discretion by granting Development Approval, post consultation – noting that the City of Rockingham is not the decision making Authority for this application.

TPS2 defines an Industry General: Licensed land use as:

"an industry which is a category of Prescribed Premises set out in Schedule 1 of the Environmental Protection Regulations 1987 or premises subject to registration set out in Schedule 2 of the Environmental Protection Regulations 1987, but does not include an abattoir, agriculture – intensive, animal husbandry – intensive, industry – extractive, industry – hazardous, industry – noxious, industry – primary production, industry – rural, landfill (Prescribed Premises Category 63, 64, 65 and 66), or stockyard."

The City's assessment of the proposal against the relevant development standards of TPS2 is discussed below.

Clause 4.10.1 - Objectives

The objectives of the Industrial zoned land are:

- "(a) to provide for a range of industrial land uses by establishing guiding principles and policies that are environmentally and socially acceptable;*
- (b) to encourage and facilitate the establishment of attractive and efficient industrial areas ensuring that acceptable levels of safety and high standard of amenity are provided through the application of appropriate landuse, design and landscaping controls; and*
- (c) to ensure that industrial areas are developed in a manner which has due regard to potential industries and their infrastructure needs, and that adjacent urban areas are not subjected to pollution and hazards."*

The site is fenced, illuminated and operated at majority of times to ensure security.

The EPA has assessed the environmental and social impacts of the development and has recommend approval to the Minister for Environment on the environmental and social impacts of the development being acceptable.

The proposed development is considered consistent with the objectives of the Industrial zones.

Clause 4.10.2 - Form of Development

The Local Government shall have regard to the following when considering an application for development approval on Industrial zoned land:

- "(a) promotion of a high standard of building development, landscaping and working environment;
- (b) protection of the amenity of adjacent residential and open space areas;
- (c) management of drainage systems and land uses to promote groundwater and conservation; and
- (d) to ensure safe movement of vehicular and pedestrian traffic in the area."

The proposed development is compliant with draft PP3.3.8 in regards to the building design, car parking, landscaping and the working environment.

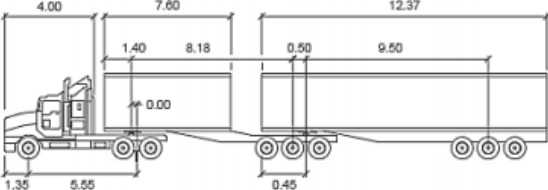
The locality has a mix of general, heavy industrial and port related industry land uses, with surrounding vacant land to the north-east and south-east also zoned for industrial purposes. The abutting Parks and Recreation Reserve, west of Lot 108 is undeveloped and access into the Reserve is restricted. The proposed development is considered to be compatible with the locality.

Drainage

Given that engineering plans and cross-sections have not been provided at the development application stage (generally provided at the detailed design stage), it is difficult to determine how the proposed drainage infrastructure will integrate with all other elements of the development. The Water Management Strategy does address the initial concerns raised pertaining to urban water and consequently the City is satisfied that management of drainage and groundwater can be resolved at the detailed design stage.

Traffic

Main Roads WA is responsible for determining and administering road access for Restricted Access Vehicles (RAV) in Western Australia. The standard RAV categories are grouped into four (4) assessment levels from Level 1 (B-Double maximum length 25m or 27.5m to Level 4 with heavy vehicle lengths equivalent to a maximum length of 53.5m).

RAV Categories	Assessment Vehicle	Maximum Length (m)
2-4	<div>B-double</div> <div></div> <div><div>B-Double HVS</div><div><div>meters</div><div><div><div>Tractor Width</div><div>: 2.50</div></div><div><div>Trailer Width</div><div>: 2.50</div></div><div><div>Tractor Track</div><div>: 2.50</div></div><div><div>Trailer Track</div><div>: 2.50</div></div><div><div>Lock to Lock Time</div><div>: 6.0</div></div><div><div>Steering Angle</div><div>: 35.0</div></div><div><div>Articulating Angle</div><div>: 70.0</div></div></div></div></div>	27.5

11. Example of a 27.5m B-Double Vehicle

The applicant, through WSP, conducted a Transport Impact Assessment (TIA) to assess the impact the proposed development will have on the local road network in the context of the existing capacity of the proposed haulage route. The TIA identified that the proposed facility requires the construction of a 70m long auxiliary left-turn off Rockingham Beach Road due to the high performance of RAV-4 network and semi-trailers that are required to access the facility to ensure they minimise disturbance on the flow of through traffic along this traffic route. TIA concludes that there were no issues identified with regard to traffic operations of the proposed development. The findings concur with the City's assessment of the TIA and have been corroborated by CoK and MRWA, as previously discussed in the Consultation with Government Agencies section of this report.

Acoustics

The City's Health Services has reviewed the Acoustic report and advised that the development is unlikely to have an adverse impact on surrounding land uses.

4.10.3 - Parking

TPS2 requires the provision for the on-site parking of vehicles for all development on industrial zoned land in accordance with the provisions of Clause 4.15 and Table No.2. The proposed development is a land use that is not specified in Table No.2 and therefore no minimum car parking requirement is specified. In accordance with Clause 4.15.1.4, where land is proposed to be developed for a purpose which is not specified in Table No.2, the Council is to determine the number of car parking bays required in regards to the following:

- "(i) The nature of the proposed development;*
- (ii) The number of employees likely to be employed on the site;*
- (iii) The anticipated demand for parking; and*
- (iv) The orderly and proper planning of the locality"*

The development proposes 11 car parking bays which includes one accessible bay.

The applicant has stated that the facility has an intended workforce of six, with a maximum capacity for 10 staff to manage and coordinate the facility operations. It is understood that all car parking and vehicular access will be at the facility on Lot 108 with no new parking or vehicle access proposed at the Jetty. Entry to the facility will also be restricted to authorised vehicles via a security gate adjacent to the administration building along the access road into the site. Given there are adequate bays to accommodate the intended workforce and visitor access being restricted, the parking requirements of TPS2 are considered to be compliant with the above criteria.

4.10.4 - General Development Provisions

Clause 4.10.4 provides for development provisions on all Industrial zoned land within the City. The provisions are outlined below and considered in relation to the proposed development.

General Development Provisions	Provided	Compliance
Facade		
The facades of all buildings visible from the primary road or open space area shall be of masonry construction or any other material approved by the Local Government in respect of the ground floor level, provided that if concrete panels are used, such panels must have an exposed aggregate or textured finished. The second floor level or its equivalent may be constructed of any other material in accordance with the Building Code of Australia and to the satisfaction of Local Government.	The proposed development on Lot 108 does not have a direct frontage to its primary road, however, it does adjoin a Parks and Recreation reserve to the west. The storage warehouse, administration building and three liquid storage tanks visible from the reserve are proposed to be constructed of materials generally expected within an industrial setting (e.g. concrete, fibre cement sheeting and colorbond). A proposed 10m wide landscaping strip along the western side boundary will further assist soften visual impact from the public realm.	Yes
Fencing		
No fence visible from a road or open space reserve shall be constructed of materials/colours which in the opinion of Local Government are unsightly or detract from the amenity of the locality, or be used for signage where the approval of the Local Government has not been granted.	The proposed fencing shall be constructed from black PVC coated galvanised mesh material at a height of 2.1m along the northern, eastern and western side boundaries of the site.	Yes

Fencing (cont...)		
Any industrial (e.g. chain wire) fencing forward of the street building setback line shall be landscaped to the satisfaction of the Local Government.	The proposed fencing material is considered acceptable as it will not be visible from Rockingham Beach Road.	
Setback Area		
No use of the area between the street alignment and the prescribed building setback line shall be permitted other than for landscaping, or for pedestrian and vehicular circulation and parking, except that not more than 20% of the setback area may be used for trade display purposes, to be approved at the discretion of the Local Government.	Area between the street alignment and prescribed building setback will only be used for pedestrian and vehicular circulation.	Yes

4.10.9 General Industry zone

Clause 4.10.9 provides for setback and landscaping requirements for developments within the General Industry zone. The provisions are outlined below and considered in relation to the proposed development.

General Development Provision	Provided	Compliance
Setback		
A minimum front setback of twenty five (25) metres shall apply for major structures and a minimum front setback of fifteen (15) metres shall apply to offices, gatehouses and amenity buildings. Where a lot has frontage to two or more streets, the prescribed front setbacks of twenty five (25) metres and fifteen (15) metres shall apply to the primary street and the setback to the secondary street shall be determined by the Local Government, but shall not be less than the prescribed minimum landscaping setback requirement.	A front setback of 156m has been provided from Rockingham Beach Road, which is to the administration building. All pipeline infrastructure including works with the front setback area shall be situated below the ground level.	Yes
Landscaping		
Landscaping shall be provided on all street frontages for a distance of not less than 10 metres from each property boundary. At the discretion of Local Government, additional landscaping may be required on the remainder of the site.	Development on Lot 108 does not have a direct street frontage. A 10m wide landscaping strip has been provided along the western side boundary and a partial 3m wide landscaping strip has been provided along the northern side boundary of the development site. A revised Landscape Plan was also subsequently submitted as requested by the City showing a landscape treatment along the northeaster side of the access road.	Yes, subject to condition of Development Approval

Landscaping (cont...)		
	<p>The City does not consider that any further landscaping is necessary to support the proposed development on Lot 108, however, notes that the plan does not provide any details on the proposed drainage swales.</p> <p>Because of this, the Landscape Plan is not consistent with the Water Management Strategy which is evident in the vegetation that is proposed along the northern side boundary (e.g. vegetation not typical for regular inundation - Banksia Trees are not typically positioned in drainage swales).</p> <p>A condition requiring landscaping in accordance with the submitted plans and matters raised above is recommended should the application be approved.</p>	

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 development is an industrial land use. The context of the surrounding locality is for a mix of general, heavy industrial and port related industry land uses, with surrounding vacant land to the north-east and south-east also zoned for industrial purposes. The proposed development is considered compatible with the existing surrounding context of the locality.

The proposed development is compliant with TPS2, Policy requirements and represents effective use of currently vacant industrial land within the RIZ.

Granting Development Approval consents to the proposed land use and location of buildings. Should an approval be granted, the applicant is still subject to further approvals (Building Permits and DWER licences) that must be obtained prior to development commencing.

It should be noted that the MOJDAP will not be able to make its decision on the proposed development until the Minister for Environment decision is made under section 45(8) of the EPA Act 1986, which involves the issue of the Ministerial Statement. The EPA assessment has drawn to a conclusion and it is expected that the Ministerial Statement will be released shortly after.

It is recommended that the application be conditionally approved.

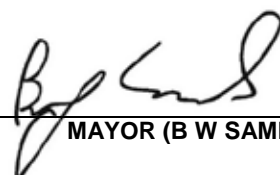
Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Liquid Urea Ammonium Nitrate Fertiliser and Solid Fertiliser Storage and Blending Facility at Lots 108, 1304, 8003 and Portion of Road Reserve, Rockingham Beach Road, East Rockingham.

Confirmed at a Council meeting held
on Tuesday 27 July 2021


MAYOR (B W SAMMELS)

Committee Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Liquid Urea Ammonium Nitrate Fertiliser and Solid Fertiliser Storage and Blending Facility at Lots 108, 1304, 8003 and Portion of Road Reserve, Rockingham Beach Road, East Rockingham.

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

Council Resolution

Moved Cr Jones, seconded Cr Buchan:

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Liquid Urea Ammonium Nitrate Fertiliser and Solid Fertiliser Storage and Blending Facility at Lots 108, 1304, 8003 and Portion of Road Reserve, Rockingham Beach Road, East Rockingham, contained as Attachment 1 as the report required to be submitted to the presiding member of the Metro Outer Joint Development Assessment Panel pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulations 2011, which recommends:

That the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/20/01878 and accompanying plans:

1. This decision constitutes development approval only and is valid for a period of four years from the date of approval (**this is inclusive of the additional two years available under 'Clause 78H Notice of Exemption from planning requirements during State of Emergency' issued by the Minister for Planning on 8 April 2020**). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Development is to be removed, modified or protected at the lessees/landowners cost when the most landward part of the Horizontal Shoreline Datum is within 17 metres of the proposed development to the satisfaction of the City of Rockingham, on advice from Western Australian Planning Commission.
3. Prior to commencement of development, detailed civil engineering construction plans for the auxiliary left turn treatment within the Rockingham Beach Road road reserve shall be submitted by a suitably qualified person to the City of Rockingham and Main Roads WA for approval. These works must be constructed, in accordance with the approved plans, prior to the occupation of the development.
4. Prior to commencement of development, an updated Stormwater Management Plan must be submitted showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 – Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
5. Stormwater discharge (if any) shall not exceed pre-development discharge to the Rockingham Beach Road reserve.
6. Prior to commencement of development, an updated Fauna Relocation Plan for the native fauna species within the site is to be prepared, approved and implemented to the satisfaction of the City of Rockingham, to ensure the protection and management of the site's environmental assets.

7. Prior to commencement of development, a Dust Management Plan for the development must be prepared and approved by the City of Rockingham and all measures identified in the plan shall be implemented to the satisfaction of the City of Rockingham for duration of the development.
8. Prior to commencement of development, an Asbestos Management Plan shall be developed and implemented to address the potential risks to site workers to the satisfaction of the City of Rockingham and Department of Water and Environmental Regulations.
9. Prior to commencement of development, a revised Landscaping Plan must be prepared and must include the following:
 - (i) The location, number and type of existing and proposed trees (including any shade trees), swales and shrubs, indicating calculations for the landscaping area;
 - (ii) Any lawns to be established;
 - (iii) Those areas to be reticulated or irrigated for plant establishment;
 - (iv) All plants to be native; and
 - (v) The swale south of the administrating building is to include a combination of mulch and plantings or alternatively is to be grassed.

The landscaping, paving and reticulation must be completed prior to the occupation of the development, and the approved Landscaping Plan must be maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.
10. Prior to occupation of development, as this land is not connected to the reticulated sewerage infrastructure, development on Lot 108 must adhere to the Government Sewage Policy 2019 including the requirement for a secondary treatment system with nutrient removal as well as setbacks required to the satisfaction of the City of Rockingham and Department of Water and Environmental Regulation.
11. Prior to occupation of the development, the Asset Protection Zone on Lot 108, as depicted in the Bushfire Management Plan prepared by Linfire Consultancy, dated 31 July 2020 must be implemented in accordance with the WAPC Guidelines for Planning in Bushfire Prone Areas. The Asset Protection Zone must be maintained for duration of the development.
12. No earthworks shall encroach to the Rockingham Beach road reserve.
13. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
14. All vegetation outside the approved development area on Lot 108 must be retained, unless otherwise required for bushfire mitigation pursuant to the Offsite Vegetation Management Zone which is identified within the Linfire Consultancy Report, dated 31 July 2020 for duration of the development.
15. Grass tree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved Landscaping Plan) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970—2009, Protection of trees on development sites. Arrangements must be made to the satisfaction of the City for all grass tree plants requiring removal to be relocated, prior to applying for a Building Permit.
16. In accordance with City of Rockingham *Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities*, 3 long-term bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3— 1993, Parking facilities, Part 3: Bicycle parking facilities and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development.

17. The Carpark must:
- (i) provide 11 car parking spaces;
 - (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval prior to commencement of development;
 - (iii) minimum one (1) car parking space dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
 - (iv) Be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
 - (v) Have lighting installed, prior to the occupation of development; and
 - (vi) Confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-1997, Control of the obtrusive effects of outdoor lighting, at all times.
18. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
19. No waste collection is permitted from the Rockingham Beach Road reserve.

Advice Notes

1. Prior to construction of the below ground liquid fertiliser pipeline, a Deed of Agreement regarding the pipeline crossing the Rockingham Beach Road reserve shall be entered into and executed between CBH Group and Main Roads Western Australia. The Deed shall be prepared by and be at the cost of the lessee/landowner.
2. The proponent is advised of the requirement under the Environmental Protection Act 1986 to obtain a clearing permit for the clearing of native vegetation from the Department of Water and Environmental Regulation.
3. The proponent is advised that this approval is not a building permit, which constitutes a separate legislative requirement. Prior to any building work commencing on site, a building permit may need to be obtained.
4. The proponent is to ensure Health (Asbestos) Regulations 1992 and National Code of Practice for the Safe Removal of Asbestos practices and procedures are in place and followed during the removal of any asbestos containing material.
5. Any spills on-site exceeding in-ground containment, are to be reported to the City of Rockingham and Department of Water and Environmental Regulations.
6. Main Roads Western Australia is the responsible authority for the Rockingham Beach Road reserve adjacent to the CBH Kwinana Grain Terminal. Main Roads has provided the applicant with authority to lodge a development application for a below ground liquid fertiliser pipeline crossing the Rockingham Beach Road reserve. This is subject to a deed between CBH Group and Main Roads in relation to the pipeline being executed prior to construction of the pipeline and this requirement for a deed being a condition of development application approval.
7. Given the works proximity to a water pipe asset within the Rockingham Beach Road and reserve Lot 8003, a damage risk assessment and working near assets approval shall be obtained prior to construction from Water Corporation.
8. All works in the road reserve, including construction of a crossover and other streetscape works and works to the road carriageway must be to the satisfaction of the City of Rockingham and Main Roads WA; the applicant should liaise with the City of Rockingham's Land Infrastructure and Development Services and Main Roads WA in this regard.

The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.

9. With respect to the Landscape Plan and Stormwater Management Plan, the applicant is to liaise with the City's Land Development and Infrastructure Services in this regard.
10. With respect to the Dust Management Plan, the applicant is to prepare a Plan in accordance with the Environmental Protection Authority Dust Management Plan Guidelines.
11. In relation to Condition 2, the applicant is advised that the Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in State Planning Policy 2.6 - State Coastal Planning Policy (2013). The applicant is advised that the 17 metre distance between the Horizontal Shoreline Datum and the proposed development is the S1 value for this location which is obtained from the Coastal Hazard Risk Management and Adaptation Plan prepared for the City of Rockingham. S1 is the allowance for absorbing the current risk of storm erosion, as defined in State Planning Policy 2.6 - Coastal Planning.
12. In relation to Condition 6, the following additional detail is required in the Fauna Relocation Plan to outline the methods that will be implemented for the proposed cage-trapping program:
 - A list of all required fauna relocation licenses that are to be obtained from the Department of Biodiversity, Conservation and Attractions. Copies of these licenses are required to be sent to the City prior to any trapping commencing onsite; and
 - A detailed trapping methodology with the Southern Brown Bandicoot being the primary target species. The methodology must be in accordance with the relevant Department of Biodiversity, Conservation and Attractions guidance.The applicant is advised to liaise with the City of Rockingham Sustainability and Environment Department in this regard.
13. In relation to Condition 8, the Asbestos Management Plan should be prepared in accordance with the Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC:2008 (2005)] (National Occupational Health and Safety Commission, April 2005).
14. In relation to Condition 10, an application will need to be made to the City of Rockingham Health Services for installation of the secondary treatment system and the evaporation pond as required by Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974.

Carried – 8/2

Councillors having voted for the motion:

Cr Jones	Cr Buchan
Cr Davies	Cr Edwards
Cr Buchanan	Cr Hamblin
Cr Sammels	Cr Stewart

Councillors having voted against the motion:

Cr Liley	Cr Cottam
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The Council's Reason for Varying the Committee's Recommendation

Not Applicable

Engineering and Parks Services Engineering Services



Reference No & Subject:	EP-013/21	Tender T21/22-03 - Construction of Stage 2 of the Mersey Point Granite Seawall
File No:	T21/22-03	
Applicant:		
Owner:		
Author:	Mr Manoj Barua, Manager Engineering Services	
Other Contributors:	Mr Stephen Forrester, Coordinator Coastal Engineering and Fleet Mr Matthew Donaldson, Coastal Engineering Officer	
Date of Committee Meeting:	14 June 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:	R22948	
Lot Area:	Lot 24 Arcadia Drive, Shoalwater	
LA Zoning:		
MRS Zoning:		
Attachments:	Mersey Point Seawall - Stage 2 Set out Plan - Drawing No.311010-00127-CS-DWG-0002 Rev C	
Maps/Diagrams:		

Purpose of Report

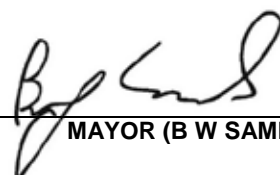
To provide Council with details of the Tenders received for Tender T21/22-03 - Construction of Stage 2 of the Mersey Point Granite Seawall, document the results of the Tender assessment and make recommendations regarding award of the Tender.

Background

The City has been conducting coastal monitoring at Mersey Point for the past decade and analysis of this extensive historical data has enabled a planned approach for considering coastal protection at the site.

Due to significant recent localised erosion at Mersey Point, Shoalwater, the City will demolish the existing limestone rock revetment/seawall and construct a 325m granite seawall to improve coastal protection to existing City infrastructure located behind the seawall, including the Arcadia Drive road reserve.

Confirmed at a Council meeting held
on Tuesday 27 July 2021


MAYOR (B W SAMMELS)

Tender T21/22-03 - Construction of Stage 2 of the Mersey Point Granite Seawall was advertised in the West Australian on Saturday, 17 April 2021. A mandatory site briefing session was held on-site at the Mersey Point Seawall with prospective tenderers on Tuesday, 4 May 2021.

The Tender closed at 2.00pm, Wednesday, 12 May 2021 and was publicly opened immediately after the closing time.

Details

The scope of works under the contract includes;

- Demolition and removal of the existing limestone seawall;
- Earthworks, excavation, backfilling and compaction related to upgrade/extension of the seawall;
- Construction of the seawall as per the Drawings and the Specification;
- Construction of beach access stairs as per the Drawings and the Specification.
- Design and construction of screw pile foundation as per the Specification and required performance criteria.

Tender submissions were received from WA Limestone Company Pty Ltd, Advanteeing Civil Engineers Pty Ltd and Neo Civil Pty Ltd.

A panel comprising Director Engineering and Parks Services, Coordinator Coastal Engineering and Fleet and Coastal Engineering 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 35 Pts	Understanding Tender Requirements 35 Pts	Tendered Price/s 30 Pts	Total Weighted Scores 100 Pts
Neo Civil Pty Ltd	30.1	29.0	30.0	89.1
Advanteeing Pty Ltd	29.9	29.2	23.0	82.1
WA Limestone Company	30.7	28.6	20.7	80.0

Implications to Consider

a. Consultation with the Community

Not Applicable

b. Consultation with Government Agencies

The project was identified and approved for funding under the Australian Government, Department of Infrastructure, Transport, Regional Development and Communications - Local Road and Community Infrastructure Program (LRCI).

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 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).

e. Financial

Lump Sum Tenders

The project has been approved for 100% funding under the Australian Government, Department of Infrastructure, Transport, Regional Development and Communications - Local Road and Community Infrastructure Program (LRCI).

The LRCI guidelines allow for transfer of cost savings to other funded projects. The City has sufficient funds available from savings in recently completed projects under the LRCI program to reallocate to the Construction of Stage 2 of the Mersey Point Granite Seawall.

An amount of \$1,811,249 has been allocated for the project in the 2021/2022 Budget and the additional funds, \$134,843 will be reallocated from recently completed projects under the LRCI program.

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

High (Environment) - the foreshore and nearshore areas in this location are subject to significant erosion risk and storm damage as identified in CHRMAP. Temporary repairs to the existing limestone seawall were necessary to address storm damage in recent years and subsequent assessment indicated the need for the replacement of the existing structure.

Comments

Tenderers were required to supply information addressing level of service, organisational structure, demonstrated relevant industry experience, available resources, qualified personnel, methodology for undertaking works and quality accreditation systems.

The standard of information in the Tender submissions demonstrated that all three companies have the relevant coastal and marine seawall construction experience, capacity and capability to undertake the works. The companies provided a very high level of service and understanding of Tender requirements demonstrated in their methodology statements. Neo Civil Pty Ltd scored in the top two submissions across Level of Service and Understanding of Tender requirements. Neo Civil Pty Ltd also scored the highest in the tendered price giving it the highest overall score.

Following consideration of the submissions in accordance with the Tender assessment criteria, the submission received from Neo Civil Pty Ltd is considered the best value to the City and therefore recommended as the preferred Tenderer.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ACCEPTS** the Tender submitted from Neo Civil Pty Ltd, 2/5 Davidson Terrace, Joondalup WA 6027 for Tender T21/22-03 - Construction of Stage 2 of the Mersey Point Granite Seawall in accordance with the Tender documentation for the lump sum value of \$1,946,092.00 (ex. GST).

Committee Recommendation

That Council **ACCEPTS** the Tender submitted from Neo Civil Pty Ltd, 2/5 Davidson Terrace, Joondalup WA 6027 for Tender T21/22-03 - Construction of Stage 2 of the Mersey Point Granite Seawall in accordance with the Tender documentation for the lump sum value of \$1,946,092.00 (ex. GST).

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

Council Resolution

Moved Cr Jones, seconded Cr Buchan:

That Council **ACCEPTS** the Tender submitted from Neo Civil Pty Ltd, 2/5 Davidson Terrace, Joondalup WA 6027 for Tender T21/22-03 - Construction of Stage 2 of the Mersey Point Granite Seawall in accordance with the Tender documentation for the lump sum value of \$1,946,092.00 (ex. GST).

Carried – 9/1

Councillors having voted for the motion:

Cr Jones	Cr Buchan
Cr Davies	Cr Edwards
Cr Buchanan	Cr Hamblin
Cr Sammels	Cr Stewart
Cr Liley	

Councillors having voted against the motion:

Cr Cottam

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

Not Applicable

Corporate and Community Development Committee

Corporate Services Waste Services



Reference No & Subject:	CS-017/21	Tender T20/21-21 – Provision of bulk verge waste collection services
File No:	T20/21-21	
Proponent/s:		
Author:	Mr Aaron Blair, Coordinator Waste Collection Services	
Other Contributors:	Mr Nuno Dionisio, Manager Waste Services	
Date of Committee Meeting:	15 June 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:		
Maps/Diagrams:		

Purpose of Report

Provide Council with details of the tenders received for Tender T20/21-21 – Provision of bulk verge waste collection services, document the results of the tender assessment and make recommendations regarding award of the tender.

Background

Tender T20/21-21 – Provision of bulk verge waste collection services was advertised in the West Australian on Saturday, 17 April 2021. The Tender closed at 2.00pm, Wednesday, 5 May 2021 and was publicly opened immediately after the closing time.

Two companies have submitted tenders, being TC Waste (WA) Pty Ltd trading as D & M Waste Management and Western Maze WA Pty Ltd.

Details

Tender Summary:

The type of works to be undertaken under the contract shall include:

- Two - general waste verge collections
- Four - green waste collections
- The period of the contract shall be from the 02/08/2021 until 28/06/2023

Confirmed at a Council meeting held
on Tuesday 27 July 2021

MAYOR (B W SAMMELS)

The following tenders were submitted:

Tenderer	TC Waste (WA) Pty Ltd trading as D & M Waste Management	Western Maze WA Pty Ltd
Type	Annual amount	Annual amount
	(\$ – GST Exclusive)	(\$ – GST Exclusive)
Verge Collection General Waste and Green Waste	\$ 1,051,700.00	\$ 1,469,748.00

A panel comprising of Manager Waste Services, Coordinator Waste Collection Services and Waste Collections Officer undertook tender evaluations.

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

Assessment Criteria	Level of Service	Understanding of Tender Requirements	Tendered Price/s	Total Weighted Scores
Max. Points	25 Pts	25 Pts	50 Pts	100 Pts
TC Waste (WA) Pty Ltd trading as D & M Waste Management	21.5	22.0	50.0	93.5
Western Maze WA Pty Ltd	19.8	22.0	35.8	77.6

The contract rates will be subject to a price variation every 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

Nil

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

Aspiration 2: *Grow and Nurture Community Connectedness and Wellbeing*

Strategic Objective: *Accessibility - Ensure that the City's infrastructure and services are accessible to seniors and to people with a disability.*

Strategic Objective: *Services and facilities - Provide cost effective services and facilities which meet community needs*

Aspiration 3 *Plan for Future Generation*

Strategic Objective: *Sustainable waste solutions - Incorporate new opportunities that support responsible and sustainable disposal of waste.*

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).

e. Financial

The expenditure is included in the Waste Services operational budgets as allocated in the team plans. The quote submitted by TC Waste (WA) Pty Ltd trading as D & M Waste Management for the three annual collections is \$1,051,700.00 and this is within the anticipated budget for this service.

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

Following consideration of the submission in accordance with the quote assessment criteria, TC Waste (WA) Pty Ltd trading as D & M Waste Management represents best value to the City and is therefore recommended as the preferred quote.

TC Waste (WA) Pty Ltd trading as D & M Waste Management is the current contractor for the City of Rockingham and there have been no significant contract management or performance issues during the previous contract. The tendered price is also less than the current contract.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ACCEPTS** the tender submitted by TC Waste (WA) Pty Ltd trading as D & M Waste Management of 12 Butcher Street Kwinana for Tender T20/21-21 – Provision of bulk verge waste collection services in accordance with the tender documentation for the contract period being from 02/08/2021 to 28/06/2023.

Committee Recommendation

That Council **ACCEPTS** the tender submitted by TC Waste (WA) Pty Ltd trading as D & M Waste Management of 12 Butcher Street Kwinana for Tender T20/21-21 – Provision of bulk verge waste collection services in accordance with the tender documentation for the contract period being from 02/08/2021 to 28/06/2023.

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

Council Resolution

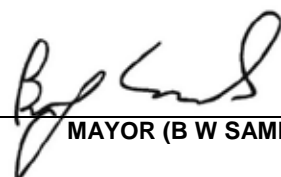
Moved Cr Stewart, seconded Cr Edwards:

That Council **ACCEPTS** the tender submitted by TC Waste (WA) Pty Ltd trading as D & M Waste Management of 12 Butcher Street Kwinana for Tender T20/21-21 – Provision of bulk verge waste collection services in accordance with the tender documentation for the contract period being from 02/08/2021 to 28/06/2023.

Carried – 10/0

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

Not Applicable



Corporate Services Financial Services



Reference No & Subject:	CS-018/21	Adoption of the 2021/2022 Budget Setting of Rates and Related Matters (<i>Absolute Majority</i>)
File No:	FLM/361	
Proponent/s:		
Author:	Mr John Pearson, Director Corporate Services	
Other Contributors:	Mr Allan Moles, Manager Financial Services	
Date of Committee Meeting:	15 June 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:	Draft Annual Budget 2021/2022	
Maps/Diagrams:		

Purpose of Report

The purpose of this report is for the adoption of the 2021/2022 financial year Annual Budget and to provide explanation on its content and detail. A detailed budget document for the 2021/2022 financial year has been prepared and supplied to each Councillor for consideration.

Background

Councillors have been briefed on items to be included within the budget, with a briefing related directly to the Annual Budget occurring in June 2021.

The City of Rockingham Rating Methodology was approved on 25 May 2021 and yields are included in the Annual Budget. The proposed fees and charges were approved on 27 April 2021.

Details

The proposed capital expenditure for the City is included in Section 3 of the budget document. This totals to \$95.01M, which includes \$89.60M for capital expenditure and the balance is for reserve transfers and loan repayments. It also includes \$57.94M in carried forward expenditure. This is unusually high and substantially related to the ongoing construction of Baldivis District Sporting Complex. Of further interest in Section 3 is the statement which provides details of the expected sources of funding for the various capital items.

Confirmed at a Council meeting held
on Tuesday 27 July 2021

MAYOR (B W SAMMELS)

Total operating revenue is expected to be \$176.71M. Total operating expenditure is expected to be \$194.42M (including non-cash). Rate revenue is anticipated to be \$94.27M exclusive of interim rates.

The proposals for rates are included in Section 5 of the budget document, as per those adopted by Council at its meeting on 25 May 2021. The rate increase is 1.5%. The rate yield will represent 53% of the City's overall operating income. There is no concession proposed as was adopted by Council last financial year. The previous concession was provided to ensure no residential ratepayer paid more in the 2020/2021 financial year in rates than they did in the year prior. This means in the coming financial year, GRV ratepayers will note the impact on the 2020/2021 GRV revaluation.

The Statutory Statements and Notes to the Statutory Statements are included in Section 5 of the budget. The most important of these is the Rate Setting Statement.

Fees and charges listed in Section 6 of the budget document are as previously approved by Council at its meeting on 27 April 2021 with the addition of the Millar Road Landfill Facility fees and charges.

Implications to Consider

a. Consultation with the Community

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

The City advertised its intention to apply differential general rates and minimum payments in The West Australian on 27 May 2021 and the Sound Telegraph 2 June 2021. The notice was also placed in 'Share Your Thoughts' on the City's website and Rock Port. Submissions close on 17 June 2021 at 4.30pm. At the time of writing this report, submissions had not closed. All submissions will be presented to Council for consideration at the 22 June 2021 Council meeting.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the 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 budget is an important annual financial document and details what is proposed to occur for the forthcoming year. It lists all matters of an operational nature as well as capital items and various sources of income. The budget is the basis for Council striking its rates for the new financial year.

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

The 2021/2022 capital budget includes the following major capital projects:

• Baldvis District Sport Complex	\$31.02M
• Millar Road Landfill Facility – Class IV Cell	\$5.59M
• Koorana Reserve Upgrade Master Plan	\$4.34M
• Secret Harbour Stage 2 Replacement Street Lighting	\$2.96M
• Millar Road Landfill Facility Master Plan	\$2.55M
• Mundijong Rd Upgrade -State Blackspot Project	\$2.02M
• Construct Limestone Seawall - Mersey Pt	\$1.72M
• Aqua Jetty Stage 2 (preliminary)	\$1.58M
• Road Resurfacing Program (Various)	\$1.31M
• Point Peron Boat Car Park Expansion	\$1.27M
• Parks Irrigation Renewals (Various)	\$1.17M

The Federal Government Financial Assistance Grants remain around \$5.13M which includes the local roads component of the amount of \$2.23M. The City of Rockingham is a minimum grant Council which means the City receives a fixed sum of money from the Federal Government based on population. Therefore, there is an upward trend in this number and it is unlikely to reduce unless there are changes in Federal legislation.

Given the early budget adoption, assumptions have been made related to opening balances. The 2021/2022 Annual Budget opening balance is \$34.30M which includes \$28.57M in monies carried forward for capital projects, \$3.60M in restricted funds for Bert England Lodge and \$1.81M in municipal bonds liability.

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

f. Legal and Statutory

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

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

The Local Government (COVID-19 Response) Ministerial Order 2020 has been extended to include the 2021/2022 financial year and the relevant provisions have been complied with. This specifically relates to interest owing to local governments, options for payment of rates or service charges and accrual of interest on overdue rates or service charges.

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 Annual Budget is the document which provides allocations to ensure the City is able to run financially over a twelve month period. It attempts to capture all the previous decisions of Council to ensure that services and projects are delivered as expected. Essentially it is defining one year expenditure on all the previous prior planning. Most importantly though, it is the statutory document which determines all the statutory charges including fees and charges and rates. Every effort is made to ensure Councillors are informed about what the budget contains; it is a complex document and takes months to prepare.

Fee and charges for financial year 2021/2022 are listed in Section 6 of budget document. The proposed Schedule of Fees and Charges for 2021/2022 document lists all fees and charges with details of the current and proposed fees.

The Fees and Charges imposed by the City of Rockingham can be categorised into three main types:

1. Fees and Charges set by Council under Section 6.16 of the Local Government Act 1995 (the Act).
2. Fees and Charges set by Council under other sections of the Act or other legislation where Council has the discretion to set the charge.
3. Fees and Charges imposed covered by local law or other legislation and Council does not have discretion to change them.

Council approved the fees and charges at the April 2021 Ordinary Council Meeting for inclusion in the budget. Below additions are required to be made to the 2021/2022 Schedule of Fee and Charges (Section 6), which were not included in April 2021:

1. Section 16.2: Landfill operation and other waste services fees and charges were not included at the April 2021 Council meeting and these are now updated in the Schedule of Fee and Charges.
2. Section 16.2.3: The new fee and charge for Transfer Station Entry – Cars and Trailers to drop off LPG Conversion Tanks/ High Pressure Gas Cylinders (Oxygen, Acetylene, Argon, etc...)/ Scuba Tanks has been included.

The City has also received notification that The Local Government (COVID-19 Response) Ministerial Order 2020 has been extended to include the 2021/2022 financial year. Specifically this has reduced penalty interest allowed to be charged down to 7% per annum. Further, it continues the requirements, as the current financial year, to not charge interest to excluded persons. In practical terms this mean those ratepayers encountering demonstrated financial hardship.

The Annual Budget 2021/2022 is recommended to Council for adoption.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council **ADOPTS** the Annual Budget for the 2021/2022 financial year and the income and expenditures as presented within the budget document, which includes:

- The following rates:
 - For all Residential properties where Gross Rental Valuations are applied, a rate of 8.624 cents in the dollar with a minimum rate of \$1,218 to apply.
 - For all Non Residential properties where Gross Rental Valuations are applied, a rate of 9.447 cents in the dollar with a minimum rate of \$1,218 to apply.
 - For all Unimproved Valued properties a rate of 0.1051 cents in the dollar with a minimum rate of \$630 to apply.

- Where payments are received after the prescribed time and penalty charges apply, then a penalty interest rate for all Gross Rental Value and Unimproved Value outstanding rates is set at 7% per annum, to be calculated on a daily basis, unless a Rates Smoothing arrangement is entered into.
- Where payments for the Emergency Services Levy (ESL) are received after the prescribed time and penalty charges apply, then a penalty interest rate for all outstanding ESL is set at the rate to be advised by the Department of Fire and Emergency Services, to be calculated on a daily basis, unless a Rates Smoothing arrangement is entered into.
- For those ratepayers who have entered into the Rates Smoothing arrangement, penalty interest of 7% per annum is applicable if there is an outstanding balance at the end of the smoothing period, and the rate to be advised by the Department of Fire and Emergency Services if there is an outstanding ESL balance at the end of the smoothing period.
- For those ratepayers not paying by instalments or Rates Smoothing, the penalty interest will commence to be calculated after 21 August 2021.
- In accordance with clause 14 of the Local Government (COVID-19 Response) Ministerial Order 2020, a local government cannot impose interest in respect of a rate or service charge payable by an excluded person; therefore the imposition of interest does not apply in respect of a rate or service charge payable by an excluded person.
- The following Rates Instalment Payment Options:
 - Option 1
To pay the total amount of rates and charges included on the rate notice in full by 20 August 2021.
 - Option 2
Payments to be made by two instalments as will be detailed on the rates notices with the following anticipated dates:

First Instalment	20 August 2021
Second Instalment	20 December 2021
 - Option 3
Payments to be made by four instalments, as will be detailed on the rates notices with the following anticipated dates:

First Instalment	20 August 2021
Second Instalment	20 October 2021
Third Instalment	20 December 2021
Fourth Instalment	21 February 2022
- Where payments are made by instalment, an administration charge of \$3.50 for each instalment after the first instalment shall apply and instalment interest, to be set at 5.5% per annum and calculated on a daily basis, will be applied.
- Where payments are made by Rates Smoothing arrangements, instalment interest, to be set at 5.5% per annum and calculated on a daily basis, will be applied.
- In accordance with clause 13 of the Local Government (COVID-19 Response) Ministerial Order 2020, a local government cannot impose an additional charge (including an amount by way of interest) under section 6.45(3) in respect of payment by instalments made by an excluded person; and therefore the imposition of an additional charge or interest does not apply in respect of payment by instalments made by an excluded person.
- The transfers/movements to and from the Reserve Accounts, as detailed within the budget document and in accordance with Council's adopted policies.
- The imposition of the 2021/2022 Fees and Charges, as listed in Section 6 of the budget document.

Committee Recommendation

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- The transfers/movements to and from the Reserve Accounts, as detailed within the budget document and in accordance with Council's adopted policies.
- The imposition of the 2021/2022 Fees and Charges, as listed in Section 6 of the budget document.

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

Additional Officer Comment

The City received two submissions in response to the Notice of Differential Rates 2021/2022.

The notice was placed in the West Australian on 27 May 2021 and local paper the Sound Telegraph on 1 June 2021. The notice was also placed in "Share Your Thoughts" on the City's website and Rockport from 27 May 2021 to 17 June 2021.

Pursuant to section 6.36 (4) of the Local Government Act 1995, the local government is required to consider any submissions received before imposing the proposed rates and may impose those rates with or without modification. As such, officers will ensure the following is included in the resolution adopted by Council:

That Council **NOTES** the submissions received and officer responses on differential rates in accordance with Section 6.36 (4) of the Local Government Act.

For clarity purposes the intent of Section 6.36 is to receive submissions on differential rates. Neither submission comments on this rather their opposition to rate increases. The submissions are included in the table below -

Submissions for Proposed Differential Rates and Minimum Payments 2021/2022

	Name	Address	Comment / Issues Raised	Officer Response
1	Mr AJ Murray	11 Majorca Green Secret Harbour WA 6173	I consider that the rate increase is still too high..I congratulate the 8 Councillors who voted for the reducing in rates from 2.2% to 1.5%..according to the Officers this had saved the ratepayer \$7.185 Million dollars...it is a time to look at running down the cash reserves of the City...not the ratepayer....The City has many fixed assets that could be sold off...and this should be rationalised,... any switched on organisation should do this as a matter of course..	<ul style="list-style-type: none">Noted – Submission not related to differential rates

	Name	Address	Comment / Issues Raised	Officer Response
2	Mr M McFetridge	3 Portland Place Safety Bay WA 6169	<ul style="list-style-type: none"> Rate rises proposed in the Business Plan Depreciation CPI not to be used in relation to rate rise deliberations alone Why wasn't debt used to fund infrastructure Reserve Funds Unfunded Projects Rates Modelling Requesting deferral of decision 	<ul style="list-style-type: none"> Noted - Submission not related to differential rates Depreciation is a non cash transaction and excluded from rates calculated in rate setting statement City has appropriate reserves managed in accordance

Council Resolution

Moved Cr Stewart, seconded Cr Liley:

That Council:

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- The following Rates Instalment Payment Options:

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Fourth Instalment 21 February 2022

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 - The transfers/movements to and from the Reserve Accounts, as detailed within the budget document and in accordance with Council's adopted policies.
 - The imposition of the 2021/2022 Fees and Charges, as listed in Section 6 of the budget document.
2. **NOTES** the submissions received and officer responses on differential rates in accordance with Section 6.36 (4) of the Local Government Act.

Carried by Absolute Majority – 10/0

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

Not Applicable

General Management Services Governance and Councillor Support



Reference No & Subject:	GM-021/21	Council Policy – Honorary Freeman of the City of Rockingham
File No:	CPM/3	
Proponent/s:		
Author:	Mr Peter Varris, Manager Governance and Councillor Support	
Other Contributors:		
Date of Committee Meeting:	15 June 2021	
Previously before Council:	17 December 2019 (GM-032/19), 27 January 2021 (GM-004/21), 27 April 2021 (GM-015/21)	
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 revised Council Policy – *Honorary Freeman of the City of Rockingham* following the public consultation process.

Background

Council Policy - *Honorary Freeman of the Municipality – Nomination Procedure* was adopted by Council in 1994, with a subsequent amendment early in 1996. The bestowal of the title of Freeman is the highest honour that can be given by the City of Rockingham and as consequence should have appropriate rigour in the nomination and deliberative process.

Only six members of the Rockingham community have received the honour, these being –

- Mr Alfred Powell (dec.) – Bestowal 25 December 1976
- Mrs Mary Davies (dec.) – Bestowal 16 March 1995
- Mr Gary Holland (dec.) – Bestowal 16 December 1995
- Mrs Eileen Frith (dec.) – Bestowal 11 December 1998
- Mr Ernest England (dec.) – Bestowal 6 December 2002
- Mr Laurie Smith – Bestowal 12 December 2012

In reviewing the policy the City researched the local governments of Stirling, Swan, Joondalup, Bayswater and Wanneroo in respect to the policy and procedure in place for the grant of Honorary Freeman.

A draft policy was prepared and approved at the April 2021 Council meeting for the purpose of public comment.

Details

The revised policy has been drafted with reference to the history of the Honour, further defining the eligibility and selection criteria, clarifying the nomination and deliberative process, defining the entitlements that accompany the title and the conduct expected of the recipients.

Attention has been given to ensure that the policy reflected the legislative requirements of the current Local Government Act 1995 in respect to the decision process around granting the title.

The draft policy was supported by the Governance Review Committee at its meeting held 30 March 2021.

Five submissions were received and are noted further in this report.

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 4 June 2021.

Public consultation was carried out as follows:

1. A notice was publicised in the Sound Telegraph on 19 May 2021; 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, five submissions were received. Below is a summary of submissions. A table of the submissions in full is attached.

No.	Name	Comments (sic)	Response
1	Jarl Andersen	Dear City of Rockingham. The title of "Honorary Freeman of the City of Rockingham" is a great way for the City to show its appreciation for a worthy member of the community by way of distinction. Although where it says; "They should refrain from making critical remarks about the city" sets a very high bar. Being critical does not equate with being disparaging; in fact, being critical may indeed be a product of incisive thinking and whether it is positive or negative, is mostly a matter of opinion. Critique is part and parcel of a vibrant democracy.	Comments noted. The clause reflects the high-behavioural standards expected of Council Members, Committee Members and Candidates.
2	Teresa Ong	I would like to provide feedback on this document. Honary Freeman is a part of Medieval history. The Middle ages or Medieval period, 5 th to the 15 th century. This award dates back to that period.	Comments noted. The award of Freemanship is widely used in local government. The City participates in the Australia Day Community Citizenship Awards which includes – - Citizen

No.	Name	Comments (sic)	Response
		<p>Is that the times Rockingham wants to relate to.</p> <p>Old fashioned medieval era.</p> <p>This award needs to be retired.</p> <p>I have no issue with awards but please make them relevant to modern Rockingham.</p> <p>If its to be relevant why not a mayors award for young people who do over and above community services.</p> <p>Or even a Barry Sammels award for community services.</p> <p>But a medieval award does not represent what Rockingham is about.</p> <p>Rockingham needs to show modern trends not fossilised statements.</p>	<ul style="list-style-type: none"> - Senior - Youth - Event/Group
3	Leonora Van Dyk	<p>In regards to the proposed changes to the rules of entitlement. The only rule that makes sense, is to cancel this whole ancient custom.</p> <p>In today's life there are so menu homeless and hungry people in society, it is uncaring to spend time and effort on things that is not for the betterment of man/woman.</p> <p>if you want to do something with extra cash, rather open a home for women and children that are on street due to domestic abuse.</p>	<p>Comments noted.</p> <p>The award recognises the extraordinary contribution of a member of society to our community.</p> <p>Homelessness is a State Government responsibility.</p>
4	Thomas Mannion	<p>Not required. History has shown many awards gifted with best intensions to later be embarrassingly removed for a number of reasons. Politicians, olympians, war heros and entertainers come to mind.</p>	<p>Comments noted.</p>
5	Anthony Murray	<p>It seems strange that in a time when Officers are extremely busy that this has come up now....not enough time has been given for comment...I believe that it should be made clear that this is for voluntary work and things such as being a life member of the chamber of commerce should not qualify as such...just an example..The nomination is strongly weighted towards Councillors...four have to be involved...The award also allows for many ongoing activities that</p>	<p>Comments noted.</p> <p>Council policy requires periodic review.</p> <p>The eligibility and selection criteria as well as entitlements are robust and similar in nature to other local governments.</p>

No.	Name	Comments (sic)	Response
		involve ratepayers funds..and the recipients wife or partner.....one ceremony..one award ..thank you for your service..move on.	

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

The revised policy – Honorary Freeman of the City of Rockingham is a 'General Council Policy' in accordance with the Policy Framework. A new or substantially amended policy is subject to a 14 day public consultation process. This consultation has been undertaken.

e. Financial

The cost of any bestowal of the honour of Freeman would be captured in the Members Expenses budget.

f. Legal and Statutory

Section 2.7(2)(b) of the Local Government Act 1995 states that the role of Council is to determine the local government's policies.

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

In reviewing the submissions received from public consultation none present a compelling reason to amend the draft policy as advertised. The Award continues to be relevant and one that is broadly supported in local government as the highest recognition for a local citizen. The revised policy is commended to Council for adoption "as is".

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** the revised Council Policy – Honorary Freeman of the City of Rockingham, as follows.

Honorary Freeman of the City of Rockingham

Council Policy Objective

To outline the nomination, selection and awarding of the prestigious title '*Honorary Freeman of the City of Rockingham*', to recognise exceptional and meritorious service of an individual to the community of the City of Rockingham.

Council Policy Scope

This policy applies to any nomination proposed for the award of the title of '*Honorary Freeman of the City of Rockingham*'.

Council Policy Statement

Background

The title of 'Honorary Freeman' has its origins in mediaeval European history where a man who was bound to serve a landowner could, by special decree, be declared a 'free man' and so freed of former obligations to the landlord.

The former 1960 Local Government Act provided that Council may, by absolute majority, pass a resolution which confers the title 'Honorary Freeman of the Municipality' on any person. Such a conferment did not bestow any right or privilege on that person other than the right to use the title. Current legislative provisions are silent on this matter.

Subject to the eligibility and selection criteria of this policy being met, Council may, by an absolute majority decision, confer the title of '*Honorary Freeman of the City of Rockingham*' on any person. The honour is reserved to be awarded on rare and exceptional occasions for persons who have rendered exceptional and meritorious service to the community.

Eligibility

A nominee for the conferral of the title 'Honorary Freeman of the City of Rockingham' should ordinarily –

- have been resident of the City of Rockingham for a significant period (significant usually meaning at least 20 years);
- have given distinguished service to the community, preferably in more than one capacity and predominately on a voluntary basis;
- have made such a contribution that provided demonstrable benefits to the community; and
- displays the highest personal integrity and outstanding leadership.

Serving elected members of the City of Rockingham Council and State and Federal Parliament are ineligible for conferral.

Selection Criteria

Eligible nominees will be judged on their record of service to the community using the following selection criteria –

- Length of Service in a field (or fields) of activity.
- Level of commitment to the field (or fields) of activity.
- Breadth of service and organisations represented and the impact of that service.
- Benefits to the City of Rockingham community (specifically) and more broadly the State and Nation resulting from the nominee's endeavours.
- Personal leadership qualities (including inspiring and mentoring others).
- Special achievements of the nominee.

Nomination Procedure

Nominations for the Award of Honorary Freeman of the City of Rockingham may be made by individuals or organisations and are to be –

- a) made in the strictest confidence without the knowledge of the nominee.
- b) sponsored by a Council Member of the City of Rockingham, with support in writing of at least three other Council members.
- c) submitted to the Chief Executive Officer in writing using the Nomination Form prepared for that purpose.

The Chief Executive Officer (in consultation with the Mayor) is to verify the content of the nomination and will prepare a confidential report to an ordinary Council meeting with a recommendation to support or not to support the nomination.

Council is to consider the confidential report and a decision to confer the title of 'Honorary Freeman of the City of Rockingham' is to be made by absolute majority vote.

Prior to conferring the title the nominee must be advised of the nomination and the obligations and entitlement of the title, and the nominee must confirm their willingness to accept the award.

Awarding the Title

Once a nomination has been accepted by Council, the nominee and any person(s) or organisation(s) involved in the nomination are to be informed of the decision and a suitable press statement is to be released.

The formal conferring of the title is to be carried out at a reception held by Council. This may be a special reception for this purpose, or the ceremony may form the focal point of any other suitable reception hosted by Council. The decision on the occasion and format of the ceremony shall rest with the Mayor, in consultation with the Chief Executive Officer.

Entitlements

The successful nominee shall receive an illuminated framed certificate and a name badge which confirms their status and they may designate themselves as a Freeman of the City of Rockingham. A Freeman and their guest shall be invited to attend the following civic functions –

- Any future function awarding the title
- Australia Day Awards
- Annual Civic Reception
- Pioneers Luncheon
- Volunteer Receptions
- Official 'Opening' ceremonies.

Conduct

Honorary Freeman of the City of Rockingham are to conduct themselves in a manner befitting of the conferred honour at all times when attending a City of Rockingham function or representing the City. They should refrain from making critical or disparaging remarks about the City, Council or past or present Council Member and employees.

Council is entitled to withdraw the award where the conduct of a conferee reflects adversely on the City's reputation. Such a withdrawal shall be through a confidential report provided by the Chief Executive Officer.

Definitions

Nil

Legislation

Nil

Other Relevant Policies/ Key Documents

Council Policy – Functions Hosted by Council

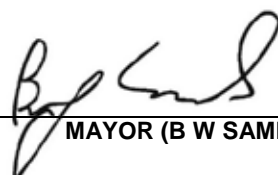
Responsible Division

General Management Services

Review Date

June 2024

Confirmed at a Council meeting held
on Tuesday 27 July 2021


MAYOR (B W SAMMELS)

Committee Recommendation

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The former 1960 Local Government Act provided that Council may, by absolute majority, pass a resolution which confers the title 'Honorary Freeman of the Municipality' on any person. Such a conferment did not bestow any right or privilege on that person other than the right to use the title. Current legislative provisions are silent on this matter.

Subject to the eligibility and selection criteria of this policy being met, Council may, by an absolute majority decision, confer the title of '*Honorary Freeman of the City of Rockingham*' on any person. The honour is reserved to be awarded on rare and exceptional occasions for persons who have rendered exceptional and meritorious service to the community.

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A nominee for the conferral of the title 'Honorary Freeman of the City of Rockingham' should ordinarily –

- have been resident of the City of Rockingham for a significant period (significant usually meaning at least 20 years);
- have given distinguished service to the community, preferably in more than one capacity and predominately on a voluntary basis;
- have made such a contribution that provided demonstrable benefits to the community; and
- displays the highest personal integrity and outstanding leadership.

Serving elected members of the City of Rockingham Council and State and Federal Parliament are ineligible for conferral.

Selection Criteria

Eligible nominees will be judged on their record of service to the community using the following selection criteria –

- Length of Service in a field (or fields) of activity.
- Level of commitment to the field (or fields) of activity.
- Breadth of service and organisations represented and the impact of that service.
- Benefits to the City of Rockingham community (specifically) and more broadly the State and Nation resulting from the nominee's endeavours.
- Personal leadership qualities (including inspiring and mentoring others).
- Special achievements of the nominee.

Nomination Procedure

Nominations for the Award of Honorary Freeman of the City of Rockingham may be made by individuals or organisations and are to be –

- a) made in the strictest confidence without the knowledge of the nominee.
- b) sponsored by a Council Member of the City of Rockingham, with support in writing of at least three other Council members.
- c) submitted to the Chief Executive Officer in writing using the Nomination Form prepared for that purpose.

The Chief Executive Officer (in consultation with the Mayor) is to verify the content of the nomination and will prepare a confidential report to an ordinary Council meeting with a recommendation to support or not to support the nomination.

Council is to consider the confidential report and a decision to confer the title of 'Honorary Freeman of the City of Rockingham' is to be made by absolute majority vote.

Prior to conferring the title the nominee must be advised of the nomination and the obligations and entitlement of the title, and the nominee must confirm their willingness to accept the award.

Awarding the Title

Once a nomination has been accepted by Council, the nominee and any person(s) or organisation(s) involved in the nomination are to be informed of the decision and a suitable press statement is to be released.

The formal conferring of the title is to be carried out at a reception held by Council. This may be a special reception for this purpose, or the ceremony may form the focal point of any other suitable reception hosted by Council. The decision on the occasion and format of the ceremony shall rest with the Mayor, in consultation with the Chief Executive Officer.

Entitlements

The successful nominee shall receive an illuminated framed certificate and a name badge which confirms their status and they may designate themselves as a Freeman of the City of Rockingham. A Freeman and their guest shall be invited to attend the following civic functions –

- Any future function awarding the title
- Australia Day Awards
- Annual Civic Reception
- Pioneers Luncheon
- Volunteer Receptions
- Official 'Opening' ceremonies.

Conduct

Honorary Freeman of the City of Rockingham are to conduct themselves in a manner befitting of the conferred honour at all times when attending a City of Rockingham function or representing the City. They should refrain from making critical or disparaging remarks about the City, Council or past or present Council Member and employees.

Council is entitled to withdraw the award where the conduct of a conferee reflects adversely on the City's reputation. Such a withdrawal shall be through a confidential report provided by the Chief Executive Officer.

Definitions

Nil

Legislation

Nil

Other Relevant Policies/ Key Documents

Council Policy – Functions Hosted by Council

Responsible Division

General Management Services

Review Date

June 2024

Committee Voting (Carried) – 3/2

Councillors having voted for the motion: Cr Liley (2)
Cr Edwards
Councillors having voted against the motion: Cr Buchanan
Cr Cottam

NOTE: Due to an equality of votes at the Corporate and Community Development Committee meeting, the A/Chairperson exercised her obligation to cast a second vote to reach a decision in this matter (Section 5.21(3) of the Local Government Act 1995).

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Alternate Motion

Cr Buchan proposes the following Alternate Motion:

That Council **DEFERS** consideration of draft Council Policy – Honorary Freeman of the City of Rockingham, subject to:

- (a) the Chief Executive Officer undertaking a review of the award, Honorary Freeman of the City of Rockingham, with an objective of this being contemporary and relevant to the community, and
- (b) a report on the review's outcomes being presented to Council in six months.

Reason for Alternate Motion

The policy for Honorary Freeman of the City of Rockingham as reviewed by the Governance Review Committee and approved by Council for public consultation. During the review we examined the criteria, expanded the eligibility and selection, and clarified the nomination process.

During the public consultation it has been highlighted to me that perhaps this award in a 'big picture' context is not inclusive and rather old fashioned. Even its name 'Freeman' excludes half the population. The award is based in medieval European history. The ability to confer the ward of Freeman of the City was enshrined in the 1960 Local Government Act. With the passing of the current 1995 Act that disappeared although many Local Governments continued the award under policy.

So, I'm asking the question.

Is the award relevant in modern multicultural Australia?

Given that the City of Rockingham is a fast growing future designated Strategic Metro Centre I believe that we should review the award in the context of the future City we wish to live in, work in and promote.

Can we think differently about recognising and honouring our residents who have volunteered and given years of service for the betterment of the City in a more contemporary and relevant way?

I would like the option to consider a more modern and inclusive approach to recognition of residents who have made an exceptional contribution to the City.

I am asking Council to 1. Defer consideration of the current draft policy and 2. Ask the CEO to review other options.

Implications to Consider

a. Consultation with the Community

The revised policy was subject to community consultation and received five submissions. Of these, one was supportive, one queried the timing of the review, and three expressed a view that the award should be discontinued.

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

The deferral of consideration of the revised policy will leave the current policy arrangements in place. The policy contains provisions that are ultra vires to the requirements of the Local Government Act 1995. These ultra vires requirements would need to be discounted should the City receive a nomination for Freeman in the interim.

e. Financial

Internal resources will need to be redirected to undertake the review proposed by the Alternate Motion.

f. Legal and Statutory

Section 2.7(2)(b) of the Local Government Act 1995 provides that a role of Council is to determine the local government's policies.

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

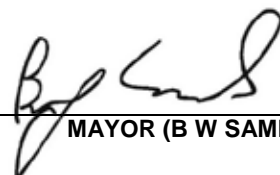
Nil

Officer Comment on Alternate Motion

The current policy that guides the nomination and selection process for Freeman of the City was due for its periodic review. The policy does not comply with the requirements of the Local Government Act 1995 and requires change.

With the passing of Freeman Eileen Frith, enquiries had been made from a member of the community in respect the current process for nominating a citizen for the award therefore an updated policy is considered warranted.

The Award of Freeman is seen as the highest honour a local government can bestow on a citizen and this is reflected in many local governments in Western Australia, as well as other States of Australia. In undertaking the review, it was considered that the honour is still relevant and appropriate.



The draft was supported by Council's Governance Review Committee, and subsequently supported by Council for public consultation. Only five submissions were received from the public consultation period.

The City provides a variety of other awards to recognise the valuable contribution of community members, including the Australia Day Citizenship Awards and the Sports Stars Awards.

The revised policy before Council is considered fit for purpose, similar in approach to many other local government s and appropriate for the City of Rockingham.

The Alternate Motion is therefore not supported.

Officer Recommendation

That Council **ADOPTS** the revised Council Policy – Honorary Freeman of the City of Rockingham as follows -

Honorary Freeman of the City of Rockingham

Council Policy Objective

To outline the nomination, selection and awarding of the prestigious title '*Honorary Freeman of the City of Rockingham*', to recognise exceptional and meritorious service of an individual to the community of the City of Rockingham.

Council Policy Scope

This policy applies to any nomination proposed for the award of the title of '*Honorary Freeman of the City of Rockingham*'.

Council Policy Statement

Background

The title of 'Honorary Freeman' has its origins in mediaeval European history where a man who was bound to serve a landowner could, by special decree, be declared a 'free man' and so freed of former obligations to the landlord.

The former 1960 Local Government Act provided that Council may, by absolute majority, pass a resolution which confers the title 'Honorary Freeman of the Municipality' on any person. Such a conferment did not bestow any right or privilege on that person other than the right to use the title. Current legislative provisions are silent on this matter.

Subject to the eligibility and selection criteria of this policy being met, Council may, by an absolute majority decision, confer the title of '*Honorary Freeman of the City of Rockingham*' on any person. The honour is reserved to be awarded on rare and exceptional occasions for persons who have rendered exceptional and meritorious service to the community.

Eligibility

A nominee for the conferral of the title 'Honorary Freeman of the City of Rockingham' should ordinarily –

- have been resident of the City of Rockingham for a significant period (significant usually meaning at least 20 years);
- have given distinguished service to the community, preferably in more than one capacity and predominately on a voluntary basis;
- have made such a contribution that provided demonstrable benefits to the community; and
- displays the highest personal integrity and outstanding leadership.

Serving elected members of the City of Rockingham Council and State and Federal Parliament are ineligible for conferral.

Selection Criteria

Eligible nominees will be judged on their record of service to the community using the following selection criteria –

- Length of Service in a field (or fields) of activity.
- Level of commitment to the field (or fields) of activity.

- Breadth of service and organisations represented and the impact of that service.
- Benefits to the City of Rockingham community (specifically) and more broadly the State and Nation resulting from the nominee's endeavours.
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Nomination Procedure

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The Chief Executive Officer (in consultation with the Mayor) is to verify the content of the nomination and will prepare a confidential report to an ordinary Council meeting with a recommendation to support or not to support the nomination.

Council is to consider the confidential report and a decision to confer the title of 'Honorary Freeman of the City of Rockingham' is to be made by absolute majority vote.

Prior to conferring the title the nominee must be advised of the nomination and the obligations and entitlement of the title, and the nominee must confirm their willingness to accept the award.

Awarding the Title

Once a nomination has been accepted by Council, the nominee and any person(s) or organisation(s) involved in the nomination are to be informed of the decision and a suitable press statement is to be released.

The formal conferring of the title is to be carried out at a reception held by Council. This may be a special reception for this purpose, or the ceremony may form the focal point of any other suitable reception hosted by Council. The decision on the occasion and format of the ceremony shall rest with the Mayor, in consultation with the Chief Executive Officer.

Entitlements

The successful nominee shall receive an illuminated framed certificate and a name badge which confirms their status and they may designate themselves as a Freeman of the City of Rockingham. A Freeman and their guest shall be invited to attend the following civic functions –

- Any future function awarding the title
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Definitions

Nil

Legislation

Nil

Other Relevant Policies/ Key Documents

Council Policy – Functions Hosted by Council

Responsible Division

General Management Services

Review Date

June 2024

Council Resolution

Moved Cr Buchan, seconded Cr Cottam:

That Council **DEFERS** consideration of draft Council Policy – Honorary Freeman of the City of Rockingham, subject to:

- the Chief Executive Officer undertaking a review of the award, Honorary Freeman of the City of Rockingham, with an objective of this being contemporary and relevant to the community, and
- a report on the review's outcomes being presented to Council in six months.

Motion Lost – 4/6

Councillors having voted for the motion:

Cr Buchan Cr Cottam
Cr Buchanan Cr Jones

Councillors having voted against the motion:

Cr Stewart Cr Hamblin
Cr Sammels Cr Liley
Cr Edwards Cr Davies

Moved Cr Hamblin, seconded Cr Edwards:

That Council **ADOPTS** the revised Council Policy – Honorary Freeman of the City of Rockingham as follows -

Honorary Freeman of the City of Rockingham

Council Policy Objective

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Council is to consider the confidential report and a decision to confer the title of 'Honorary Freeman of the City of Rockingham' is to be made by absolute majority vote.

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Conduct

Honorary Freeman of the City of Rockingham are to conduct themselves in a manner befitting of the conferred honour at all times when attending a City of Rockingham function or representing the City. They should refrain from making critical or disparaging remarks about the City, Council or past or present Council Member and employees.

Council is entitled to withdraw the award where the conduct of a conferee reflects adversely on the City's reputation. Such a withdrawal shall be through a confidential report provided by the Chief Executive Officer.

Definitions

Nil

Legislation

Nil

Other Relevant Policies/ Key Documents

Council Policy – Functions Hosted by Council

Responsible Division

General Management Services

Review Date

June 2024

Carried – 6/4

Councillors having voted for the motion:

Cr Stewart	Cr Hamblin
Cr Sammels	Cr Liley
Cr Edwards	Cr Davies

Councillors having voted against the motion:

Cr Buchan	Cr Cottam
Cr Buchanan	Cr Jones

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

Not Applicable

General Management Services Governance and Councillor Support



Reference No & Subject:	GM-022/21	Council Policy – Council Member Professional Development
File No:	CPM/3	
Proponent/s:		
Author:	Mr Peter Varris, Manager Governance and Councillor Support	
Other Contributors:		
Date of Committee Meeting:	15 June 2021	
Previously before Council:	27 April 2021 (GM-015/21)	
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 revised Council Policy – Council Member Professional Development following the public consultation process.

Background

Changes to the Local Government Act 1995 (the Act) resulted in a new requirement for Council to adopt a policy in relation to the continuing professional development of council members. While Council has a policy in place relating to attendance at conferences, that policy does not address the training opportunities that are provide to assist council members in undertaking their role.

As a consequence a draft policy has been developed which meets the requirements of the Act with the intent of superseding the current 'conference' policy

A draft policy was prepared and approved at the April 2021 Council meeting for the purpose of public comment.

Details

As stated in Division 2, regulation 4(2)(c) of the Local Government (Model Code of Conduct) Regulations 2021, "A council member or committee member should actively seek out and engage in training and development opportunities to improve the performance of their role".

Section 5.128(1) of the Act states that a "local government must prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members."

Confirmed at a Council meeting held
on Tuesday 27 July 2021

MAYOR (B W SAMMELS)

The draft policy has been developed to address the following professional development of council members –

- Mandatory Training
- Non-mandatory Training
- Conference and Attendance Guidelines

The policy has been drafted to incorporate the current conference attendance policy parameters with the mandatory training requirements and non-mandatory training opportunities. The City has researched and considered similar policies adopted by the Cities of Wanneroo, Stirling and Melville.

While mandatory training requirements are specified by regulation, non-mandatory training and conferences must be relevant to the role of local government council member, the terms of reference of a committee for which they are a member, and/or the strategic objectives or service delivery of the City.

Approval processes are in accordance with those currently in place. Some new provisions have been included to address issues such as conference attendance for council members nearing the end of their term and prohibition of 'loyalty programs' point accumulation for council members, as well as more detail and clarification around other matters relating to conferences.

The draft policy was supported by the Governance Review Committee at its meeting held 30 March 2021.

Seven submissions were received and are noted further in this report.

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 4 June 2021.

Public consultation was carried out as follows:

1. A notice was publicised in the Sound Telegraph on 19 May 2021; 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, seven submissions were received. Below is a summary of submissions. A table of the submissions in full is attached.

No.	Name	Comments (sic)	Response
1	Jarl Andersen	The Proposed Council Policy - Council Member Professional Development of the City of Rockingham, aligning the current 'conference' policy with the Changes to the Local Government Act 1995, sounds perfectly reasonable. The initiative largely mirrors what is already common place within the private corporate sector.	Comments noted.
2	Teresa Ong	I would like to comment on the Professional Development policy. Every conference I have attended, partners pay their own way, including registration and conference dinners. I do not think Council should be paying or partners to attend conferences in any shape or form. If I have taken anyone to the formal conference dinner I have always had to purchase another ticket.	Comments noted. The fundamentals of this policy is based on that which currently exists, with some additional clarity included to accommodate current practice. The budget for Council Member training and development in 2020/2021 is \$35,847.

No.	Name	Comments (sic)	Response
		<p>The Mayor may attend any conference they (the mayor) deems appropriate. This needs more guidelines.</p> <p>The Council chairs, and standing committee chairs, one annual major conference each year.</p> <p>Councillors may attend one major every 2 years.</p> <p>WHAT IS THE PROPOSED BUDGET FOR ALL OF THIS PROFESSIONAL DEVELOPMENT.</p> <p>All reasonable expenses will be paid with receipts. No limits, no guidelines just Reasonable.</p> <p>Incidentals paid by Council are interesting. Laundry???? How long are they away, 3 or 4 nights? Ive never had laundry included, or newspapers travelling with the health dep.t Meals and incidentals were capped per day.</p> <p>BEVERAGES. NEEDS TO STATE NO ALCOHOL WILL BE PAID FOR BY COUNCIL.</p> <p>I would like to see a full budget for this, having worked to strict guidelines in my working life for professional development, and paid for a lot of it myself, this appears to be an open cheque book.</p> <p>Many Thanks.</p>	<p>It is unusual for Council Members to fully expend this budget provision on conference attendance.</p> <p>The introduction of a cap on daily expenses is considered a reasonable inclusion.</p> <p>Council Members are not salaried employees and therefore it is not relevant to directly compare to paid Public Service employees and their conditions.</p> <p>The State Government members of parliament are able to access an allowance for hospitality purposes.</p> <p>The introduction of a cap on expenses will limit the amount that can be used on hospitality.</p>
3	Teresa Caetano	<p>Good morning</p> <p>I Have just read the proposed policy, in all honestly I'm appalled in what this council is trying to do In regards with the proposal that has been put forward for members partners to be paid to go to with members.</p> <p>It's utterly ridiculous paying for partners, this should be work related and to those working in the council only, if you wish to consume alcohol whilst there, then purchase it yourself and not at the expense of your rate payers.</p> <p>Our rates have gone up, I understand due to improvements of our suburbs it's a requirement, but in regards with this matter, you are abusing your rate payers with this expectation.</p> <p>Should I expect my husband's company to pay for me if he is required to go to a conference, it's utterly ridiculous .</p> <p>You the members of this council need to be and do better.</p>	<p>Comments noted.</p> <p>The clarity around accompanying partners is to formalise current practice.</p>

No.	Name	Comments (sic)	Response
4	Kate Williams	<p>Please see below my feedback.</p> <p>There seems to have been an issue with the RockPort portal as I received a 404 Error.</p> <p>Draft Council Policy – Council Member Professional Development</p> <p>Overall the policy seems fair and reasonable with the exception of the following:</p> <p><u>For spouse or partner</u></p> <p>Paying registration and / or program fees for an accompanying person; and</p> <p>Attendance at the official conference luncheon and/or dinner.</p> <p>I object to the above - Council should not, under any circumstances, use rate payer funds to cover the costs of partners or spouses attending a conference. All expenses incurred by the partner/spouse should be born by the Council Member. This type of arrangement DOES NOT EXIST IN THE STATE PUBLIC SECTOR where they are spending taxpayer money, so therefore why should it apply in Local Government where you are spending RATE PAYER money - this is not a fair nor reasonable expense. Rate payers want to see value for their contribution - paying for partners/spouses is a luxury and should not be included in this policy.</p> <p>I agree with the dot point about accommodation provided where there is no increase in the cost of the accommodation.</p> <p><u>Beverages (Alcohol)</u></p> <p>I also believe that UNDER NO CIRCUMSTANCES should Council Members attending a conference be reimbursed for alcohol. This should be noted in the policy. In fact, in state government it would be a Code of Conduct issue to be drinking while considered to be 'on duty' as training/education and professional development are considered 'work'.</p> <p><u>Laundry</u></p> <p>'Reasonable' expenses is also open to misinterpretation - what might be considered reasonable for one person could be very extravagant for another - therefore I believe a \$ range with a ceiling /cap should be indicated with payment for any meals exceeding that amount paid for by the Council Member.</p> <p>Laundry should not be included. Council Members should incur these costs at their own expense, or be like most people and take their washing home with them.</p>	<p>Comments noted.</p> <p>The clarity around accompanying partners is to formalise current practice.</p> <p>The introduction of a cap on daily expenses is considered a reasonable inclusion and will address the reimbursement for hospitality.</p> <p>Council members are not paid employees and should not be compared to State public servants in this regard.</p>

No.	Name	Comments (sic)	Response
5	Thomas Mannion	2020 Covid restrictions have highlighted that interstate travel for workshops and conferences for personal development is not required. Policy needs to identify change to reflect online workshop and conferences. Any extended stay requires policy to identify insurance coverage is for EM only and does not cover extended stay.	Comments noted. The policy explicitly states that an extended stay is at the cost of the Council Member.
6	Fiona Thatcher	All expenses incurred by a Council Member's spouse or partner are to be met by the Council Member, except in the following circumstances: · Registration and/or program fees for an accompanying person; · Attendance at the official conference luncheon and/or dinner; and · Accommodation provided where there is no increase in the costs of accommodation I do not understand this part - if your taking a partner for whatever reason it should be paid for my the councillor not the ratepayers.	Comments noted. The clarity around accompanying partners is to formalise current practice.
7	Anthony Murray	It strikes me that there should be an overall local Government policy on this..it seems ludicrous that each Council seeks to create one of their own. there are 136 Councils I believe..it is a waste of officers time and ratepayers time and money to producing our own policies...there has not been enough time to put this out for public comment...I will also be writing to the LG about this red tape.	Comments noted. Generally 'one size' does not fit all in local government given the variation in resources and capacity.

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

The draft policy – *Council Member Professional Development* is a Legislative Policy' in accordance with the Policy Framework. The Framework states – "*Legislative Policy is policy required by the City under law. These Policies do not necessarily require rigour through a public consultation period. However the City will ensure a consistent approach to policy by applying the same minimum public consultation period as Statutory Policy.*" Therefore a 14 day public consultation process applies. This consultation has been undertaken.

Council is not required to have a policy in respect to training for non-councillor committee members, however the requirement for a policy may need to be considered given the model code of conduct principle that encourages committee members to pursue professional development

e. Financial

Nil

f. Legal and Statutory

Section 5.90A *Training for council members* of the Act states –

(1) *Each council member must complete training in accordance with regulations.*

Section 5.128. *Policy for continuing professional development* of the Local Government Act 1995 states -

- (1) *A local government must prepare and adopt* a policy in relation to the continuing professional development of council members. * Absolute majority required.*
- (2) *A local government may amend* the policy. * Absolute majority required.*
- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*

There are no current regulatory requirements at present in respect to (3) above.

Regulation 4(2)(c) of the Local Government (Model Code of Conduct) Regulations 2021 provides a general principle for council members to actively seek out and engage in training and professional development.

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 comments received from public submissions appear to focus on three main issues – accompanying partners, limits to meal and incidental expenditure and alcohol.

Several local governments were researched in respect to their equivalent policy for professional development, including Joondalup, Wanneroo, Stirling, Swan, Melville, Bayswater and Belmont. At a minimum the cost of the accompanying partner to attend the main conference dinner was paid for by the local government. The provision in the draft policy is considered reasonable.

In respect to the capping of reasonable expenses for meals and incidentals, only one local government explicitly detailed limits to daily expenditure, that being the City of Belmont. These are –

- Breakfast maximum \$40 per day
- Lunch maximum \$60 per day
- Dinner maximum \$80 per day
- Incidentals maximum \$50 per day

This appears to be a reasonable cap arrangement and has been incorporated in the draft policy.

The introduction of a cap on expenses will limit the amount that a Council Member can spend on meals and hospitality, including alcohol. Fellowship and interaction between conference attendees is an important part of the learning, development and networking process.

The former policy Councillor Attendance at Conferences is to be rescinded.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **APPROVES** the following Council Policy – *Council Member Professional Development* –

Council Member Professional Development

Council Policy Objective

To facilitate the attendance of council member professional development such as conferences, seminars and training that are of relevance to the City of Rockingham (**City**) and will aid in the council member's professional development and the overall decision making of Council.

Division 2, regulation 4(2)(c) of the *Local Government (Model Code of Conduct) Regulations 2021* states that "A council member or committee member should actively seek out and engage in training and development opportunities to improve the performance of their role".

This policy addresses the legislative requirement of section 5.128 of the Local Government Act 1995.

Council Policy Scope

The registration and attendance at any professional development by Council Members of the City, including all related travel and expenses.

Council Policy Statement

Attendance at professional development by Council Members is critical in ensuring that they have up to date knowledge and training to remain abreast of contemporary practices in local government and the many special interest areas that Councils are involved with; e.g. community development, seniors interests, maritime infrastructure, emergency management, town planning, economic development and, community safety, etc. Typically all areas that are of strategic interest of, or impact upon or can influence the delivery of services provided by the City.

It is recognised that at times registration lead times to attend professional development are limited and prevent attendance where the Council's prior approval may be required. This policy seeks to ensure that Council Members can register and attend professional development that are of relevance to the strategic direction of the City and within existing budget allocations.

Mandatory Training

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Non-Mandatory Training

A Council Member is able and encouraged to undertake non-mandatory training. An example is the Diploma of Local Government. Non-mandatory training must be relevant to the role of local government Council Member and/or the terms of reference of any advisory, occasional or standing committee of which they are a member, and/or the strategic objectives or service delivery of the City.

Non-mandatory training is subject to the approval of the Chief Executive Officer.

Conference and Attendance Guidelines

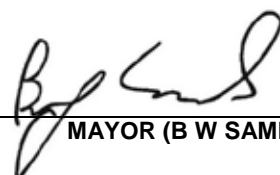
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Confirmed at a Council meeting held
on Tuesday 27 July 2021


MAYOR (B W SAMMELS)

All Council Members may attend conferences, held in the Perth Metropolitan Area and Peel Region provided that no more than four Council Members attend each conference.

Council approval is required for a Council Member's attendance at an International Conference.

The opportunity to attend a conference under this policy is not cumulative and is re-established at the commencement of each term. Council approval is required if a conference is scheduled within three months of a requesting Council Member's term expiring.

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Any conference not within the scope of the above entitlements is to be the subject to Council approval.

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- Accommodation provided where there is no increase in the costs of accommodation.

If the City does pay in the first instance due to expedience of bookings the costs must be reimbursed to the City immediately.

All expenses are to be administered as follows:

Expense Type	Extent of expense payable by City of Rockingham	Comments
Accommodation, meals, refreshments and direct expenses	All reasonable expenses on provision of receipts or suitable proof of expenditure	<ul style="list-style-type: none">• Executive standard accommodation or equivalent at venue or close proximity.• All arrangements to be made by the City. All reasonable expenses will be reimbursed upon provision of receipts or suitable proof of expenditure.• Meals shall be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch, dinner where these are not provided at the event or during travel.<ul style="list-style-type: none">- Breakfast maximum value \$40 per day- Lunch maximum value \$60 per day- Dinner maximum value \$80 per day• Incidental expenses shall be interpreted as reasonable expenses incurred by a council member including telephone calls, Wi-Fi charges, newspapers, laundry, public transport, taxi fares and sundry food items and beverages. Maximum value \$50 per day.• Hire cars may be booked to meet reasonable travel requirements during the event, subject to the approval of the Chief Executive Officer.

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Accommodation Allowance	In accordance with Schedule I, Clause 9 of the Public Service Award 1992	Where council members choose to not stay in hotel / motel accommodation.
Partners costs	As per comments	All expenses incurred by the Council Member's spouse or partner are to be met by the Council Member, except in the following circumstances: <ul style="list-style-type: none"> Registration and/or program fees for an accompanying person; Attendance at the official conference luncheon and/or dinner; and Accommodation provided where there is no increase in the costs of accommodation.

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Other Relevant Policies/ Key Documents

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Responsible Division

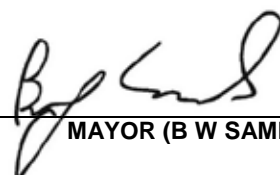
General Management Services

Review Date

June 2024

2. **RESCINDS** Council Policy – *Councillor Attendance at Conferences.*

Confirmed at a Council meeting held
on Tuesday 27 July 2021


MAYOR (B W SAMMELS)

Committee Recommendation

That Council:

1. **APPROVES** the following Council Policy – *Council Member Professional Development* –
Council Member Professional Development

Council Policy Objective

To facilitate the attendance of council member professional development such as conferences, seminars and training that are of relevance to the City of Rockingham (**City**) and will aid in the council member's professional development and the overall decision making of Council.

Division 2, regulation 4(2)(c) of the *Local Government (Model Code of Conduct) Regulations 2021* states that "A council member or committee member should actively seek out and engage in training and development opportunities to improve the performance of their role".

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Council Policy Scope

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Council Policy Statement

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Other Relevant Policies/ Key Documents

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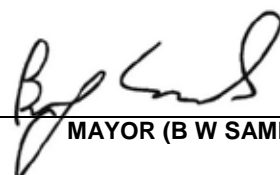
Responsible Division

General Management Services

Review Date

June 2024

Confirmed at a Council meeting held
on Tuesday 27 July 2021


MAYOR (B W SAMMELS)

2. **RESCINDS** Council Policy – *Councillor Attendance at Conferences.*

Committee Voting (Carried) – 3/2

Councillors having voted for the motion: Cr Liley (2)
Cr Edwards
Councillors having voted against the motion: Cr Buchanan
Cr Cottam

NOTE: Due to an equality of votes at the Corporate and Community Development Committee meeting, the A/Chairperson exercised her obligation to cast a second vote to reach a decision in this matter (Section 5.21(3) of the Local Government Act 1995).

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Alternate Motion

Cr Buchanan proposes the following Alternate Motion:

That Council -

1. **APPROVES** the following *Council Policy – Council Member Professional Development*, subject to the deletion of the following points in respect to Partner costs in the Expense Table –
 - Registration and/or program fees for an accompanying person;
 - Attendance at the official conference luncheon and/or dinner; andand consequently reads as follows –

Council Member Professional Development

Council Policy Objective

To facilitate the attendance of council member professional development such as conferences, seminars and training that are of relevance to the City of Rockingham (**City**) and will aid in the council member's professional development and the overall decision making of Council.

Division 2, regulation 4(2)(c) of the *Local Government (Model Code of Conduct) Regulations 2021* states that "A council member or committee member should actively seek out and engage in training and development opportunities to improve the performance of their role".

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Other Relevant Policies/ Key Documents

Nil

Responsible Division

General Management Services

Review Date

June 2024

2. **RESCINDS** Council Policy – Councillor Attendance at Conferences.

Reason for Alternate Motion

I support the overall aims of this policy, but I consider it inappropriate for the City to expend ratepayers' money on the partners of Councillors.

If Councillors wish to take their partners with them to a conference, then to my way of thinking it is for the individual Councillor, not the City, to cover any additional costs incurred. That would be the case in almost any modern work environment, and I see no reason why the City should be any different in that regard.

Removing the lines suggested in this alternate motion would make that a reality, in that the policy would then reflect the fact that partners are welcome to attend, but that all additional costs will be borne by them or by their partner.

As a matter of principle, I also think it is beholden upon us to take into consideration the public feedback we have received from any consultation exercise. I realise in this case that the number of responses was relatively small, but it is worth noting that six out of the seven responses (or a little more than 85%) were negative in tone, and that of those six, four (or just under 58% of the total) made specific negative references to the inclusion of partner expenses. That should not be binding upon Councillors, but I think it should certainly inform any decision that we take in this regard.

Implications to Consider

a. Consultation with the Community

The revised policy was subject to community consultation and received seven submissions. Of these, one was supportive, one queried the legislatively imposed requirement for a policy, one expressed a view that interstate professional development is not required, and four expressed a view that all costs of accompanying partners should be borne by the Council Member.

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

Nil

e. Financial

The extent of the historic cost to the City in the current practice of paying for an accompanying partners attendance to a conference luncheon/dinner and a partner program is minimal.

f. Legal and Statutory

There are no implications in respect to the Alternate Motion. The Local Government Act 1995 provides that a local government must prepare and adopt a policy in relation to the continuing professional development of council members.

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

Officer Comment on Alternate Motion

The draft policy was prepare with consideration given to current policy and practices. It was reviewed via Council's Governance Review Committee, and approved by Council for the purpose of public consultation.

Only seven submissions were received, of which four queried the appropriateness of the City contributing to a Council Member's accompanying partner attendance to an official conference luncheon or dinner and/or the partner's program which is occasionally included in a conference program. This recognises current practice. No other costs are borne by the City.

Notwithstanding the impact on the pandemic has had on intra and inter-state travel, Council Member attendance at interstate conferences has been accessed sparingly. In the past the Local Government Week conference in Perth has been the most attended professional development opportunity.

Council members spend significant hours away from their family as they undertake their official role, representing the City at a variety of meetings, functions and events. This is in addition to impacts on any paid employment or occupation requirements that the Council Member has depending on their personal circumstances. Council Members are not full-time paid employees or Members of Parliament.

The opportunity for a partner to attend as a guest to a conference official luncheon/dinner and/or participate in any attending partner program has been seen as a small acknowledgement of the support that the partner provides to the Council.

The Alternate Motion is therefore not supported.

Officer Recommendation

That Council:

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Council Member Professional Development

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All expenses are to be administered as follows:

Expense Type	Extent of expense payable by City of Rockingham	Comments
Accommodation, meals, refreshments and direct expenses	All reasonable expenses on provision of receipts or suitable proof of expenditure	<ul style="list-style-type: none">· Executive standard accommodation or equivalent at venue or close proximity.· All arrangements to be made by the City. All reasonable expenses will be reimbursed upon provision of receipts or suitable proof of expenditure.· Meals shall be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch, dinner where these are not provided at the event or during travel.<ul style="list-style-type: none">- Breakfast maximum value \$40 per day- Lunch maximum value \$60 per day- Dinner maximum value \$80 per day· Incidental expenses shall be interpreted as reasonable expenses incurred by a council member including telephone calls, Wi-Fi charges, newspapers, laundry, public transport, taxi fares and sundry food items and beverages. Maximum value \$50 per day.· Hire cars may be booked to meet reasonable travel requirements during the event, subject to the approval of the Chief Executive Officer.

Expense Type	Extent of expense payable by City of Rockingham	Comments
Travel Expenses	100% on provision of receipts or suitable proof of expenditure	All arrangements to be made by the City. All reasonable expenses will be reimbursed upon provision of receipts or suitable proof of expenditure. Economy return airfare (allowing flexibility for preferred travel arrangements). Premium economy return airfare only for flights longer than six hours duration leaving Australia.
Accommodation Allowance	In accordance with Schedule I, Clause 9 of the Public Service Award 1992	Where council members choose to not stay in hotel / motel accommodation.
Partners costs	As per comments	All expenses incurred by the Council Member's spouse or partner are to be met by the Council Member, except in the following circumstances: <ul style="list-style-type: none"> Registration and/or program fees for an accompanying person; Attendance at the official conference luncheon and/or dinner; and Accommodation provided where there is no increase in the costs of accommodation.

Legislation

Local Government Act 1995

Section 5.126(1) - Each council member must complete training in accordance with regulations.

Section 5.128 - A local government must prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members.

Local Government (Administration) Regulations 1996 – regulations 35 and 36.

Local Government (Model Code of Conduct) Regulations 2021

Public Service Award 1992

Definitions

The Act - The Local Government Act 1995, as amended.

Advisory, Occasional or Standing Committee - A Committee of the City of Rockingham established pursuant to Section 5.8 of the Local Government Act 1995

Award - The Public Service Award 1992, as amended.

Conference - Any conference, convention, forum, information session, meeting, study tour, training session or workshop, or similar activity as determined by the Chief Executive Officer.

Council Member - All elected members and the Mayor.

Partner - Either spouse or defacto partner.

Other Relevant Policies/ Key Documents

Nil

Responsible Division

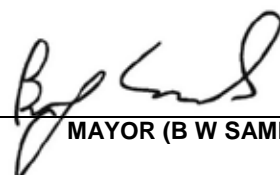
General Management Services

Review Date

June 2024

2. **RESCINDS** Council Policy – *Councillor Attendance at Conferences.*

Confirmed at a Council meeting held
on Tuesday 27 July 2021


MAYOR (B W SAMMELS)

Council Resolution

Moved Cr Buchanan, seconded Cr Edwards:

That Council -

1. **APPROVES** the following *Council Policy – Council Member Professional Development*, subject to the deletion of the following points in respect to Partner costs in the Expense Table –
 - Registration and/or program fees for an accompanying person;
 - Attendance at the official conference luncheon and/or dinner; andand consequently reads as follows –

Council Member Professional Development

Council Policy Objective

To facilitate the attendance of council member professional development such as conferences, seminars and training that are of relevance to the City of Rockingham (**City**) and will aid in the council member's professional development and the overall decision making of Council.

Division 2, regulation 4(2)(c) of the *Local Government (Model Code of Conduct) Regulations 2021* states that "A council member or committee member should actively seek out and engage in training and development opportunities to improve the performance of their role".

This policy addresses the legislative requirement of section 5.128 of the Local Government Act 1995.

Council Policy Scope

The registration and attendance at any professional development by Council Members of the City, including all related travel and expenses.

Council Policy Statement

Attendance at professional development by Council Members is critical in ensuring that they have up to date knowledge and training to remain abreast of contemporary practices in local government and the many special interest areas that Councils are involved with; e.g. community development, seniors interests, maritime infrastructure, emergency management, town planning, economic development and, community safety, etc. Typically all areas that are of strategic interest of, or impact upon or can influence the delivery of services provided by the City.

It is recognised that at times registration lead times to attend professional development are limited and prevent attendance where the Council's prior approval may be required. This policy seeks to ensure that Council Members can register and attend professional development that are of relevance to the strategic direction of the City and within existing budget allocations.

Mandatory Training

A Council Member who is required to complete mandatory training as per section 5.126 of the Act will be able to do so in the legislative time frame within existing budget allocations. Mandatory training is budgeted for as it is a legislative requirement.

Non-Mandatory Training

A Council Member is able and encouraged to undertake non-mandatory training. An example is the Diploma of Local Government. Non-mandatory training must be relevant to the role of local government Council Member and/or the terms of reference of any advisory, occasional or standing committee of which they are a member, and/or the strategic objectives or service delivery of the City.

Non-mandatory training is subject to the approval of the Chief Executive Officer.

Conference and Attendance Guidelines

Any conference under this policy must relate to the strategic objectives or service delivery of the City.

The Mayor may attend any conference within Australia that he or she determines is appropriate, in consultation with the Chief Executive Officer.

A Council Member who is a chairperson of an advisory, occasional or standing committees may attend one annual or major conference within Australia each year that is relevant to the purpose of the advisory, occasional or standing committee.

A Council Member who is not a chairperson of an advisory, occasional or standing committee may attend two conferences within Australia in each 4-year term that have relevance to the City's strategic objectives.

All Council Members may attend conferences, held in the Perth Metropolitan Area and Peel Region provided that no more than four Council Members attend each conference.

Council approval is required for a Council Member's attendance at an International Conference.

The opportunity to attend a conference under this policy is not cumulative and is re-established at the commencement of each term. Council approval is required if a conference is scheduled within three months of a requesting Council Member's term expiring.

All conference registrations, including travel requirements must be approved by the Chief Executive Officer and fall within budget constraints.

A Council Member is not to accumulate benefits associated with customer loyalty programs such as frequent flyer points while travelling on Council business. The City will not provide frequent flyer details to an airline when booking and paying for a flight.

Should a Council Member wish to upgrade their accommodation standard or extend their visit for personal reasons not associated with approved Council business, all extended stay and additional costs associated with that stay, are to be met by the Council Member (including any additional airfare costs).

Any conference not within the scope of the above entitlements is to be the subject to Council approval.

All expenses incurred by a Council Member's spouse or partner are to be met by the Council Member, except in the following circumstances:

- ~~Registration and/or program fees for an accompanying person;~~
- ~~Attendance at the official conference luncheon and/or dinner; and~~
- Accommodation provided where there is no increase in the costs of accommodation.

If the City does pay in the first instance due to expedience of bookings the costs must be reimbursed to the City immediately.

All expenses are to be administered as follows:

Expense Type	Extent of expense payable by City of Rockingham	Comments
Accommodation, meals, refreshments and direct expenses	All reasonable expenses on provision of receipts or suitable proof of expenditure	<ul style="list-style-type: none">• Executive standard accommodation or equivalent at venue or close proximity.• All arrangements to be made by the City. All reasonable expenses will be reimbursed upon provision of receipts or suitable proof of expenditure.• Meals shall be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch, dinner where these are not provided at the event or during travel.<ul style="list-style-type: none">- Breakfast maximum value \$40 per day- Lunch maximum value \$60 per day- Dinner maximum value \$80 per day

Expense Type	Extent of expense payable by City of Rockingham	Comments
		<ul style="list-style-type: none"> Incidental expenses shall be interpreted as reasonable expenses incurred by a council member including telephone calls, Wi-Fi charges, newspapers, laundry, public transport, taxi fares and sundry food items and beverages. Maximum value \$50 per day. Hire cars may be booked to meet reasonable travel requirements during the event, subject to the approval of the Chief Executive Officer.
Travel Expenses	100% on provision of receipts or suitable proof of expenditure	<p>All arrangements to be made by the City. All reasonable expenses will be reimbursed upon provision of receipts or suitable proof of expenditure.</p> <p>Economy return airfare (allowing flexibility for preferred travel arrangements).</p> <p>Premium economy return airfare only for flights longer than six hours duration leaving Australia.</p>
Accommodation Allowance	In accordance with Schedule I, Clause 9 of the Public Service Award 1992	Where council members choose to not stay in hotel / motel accommodation.
Partners costs	As per comments	<p>All expenses incurred by the Council Member's spouse or partner are to be met by the Council Member, except in the following circumstances:</p> <ul style="list-style-type: none"> Accommodation provided where there is no increase in the costs of accommodation.

Legislation

Local Government Act 1995

Section 5.126(1) - Each council member must complete training in accordance with regulations.

Section 5.128 - A local government must prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members.

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Conference - Any conference, convention, forum, information session, meeting, study tour, training session or workshop, or similar activity as determined by the Chief Executive Officer.

Council Member - All elected members and the Mayor.

Partner - Either spouse or defacto partner.

Other Relevant Policies/ Key Documents

Nil

Responsible Division

General Management Services

Review Date

June 2024

2. **RESCINDS** Council Policy – Councillor Attendance at Conferences.

Carried – 8/2

Councillors having voted for the motion:

Cr Buchanan	Cr Edwards
Cr Cottam	Cr Buchan
Cr Jones	Cr Davies
Cr Liley	Cr Stewart

Councillors having voted against the motion:

Cr Sammels	Cr Hamblin
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The Council's Reason for Varying the Committee's Recommendation

To ensure all costs of accompanying partners are borne by the Council Member.

14.	Receipt of Information Bulletin
	<p>Moved Cr Buchan, seconded Cr Jones:</p> <p>That Council RECEIVES the Information Bulletin as follows:</p> <ol style="list-style-type: none">1. Planning and Development Services Bulletin – June 2021;2. Engineering and Parks Services Bulletin – June 2021;3. Corporate and General Management Services Bulletin - June 2021; and4. Community Development Bulletin – June 2021 <p style="text-align: right;">Carried – 10/0</p>

15. Report of Mayor

**City of Rockingham
Mayor's Report**



Reference No & Subject:	MR-006/21	Meetings and Functions Attended by the Mayor and Deputy Mayor
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 June 2021	
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 27 May 2021 to 22 June 2021.

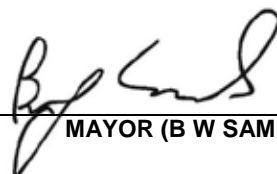
Background

Nil

Details

Date	Meeting/Function
27 May 2021	Careers Development Grant, RETAC members - attended by Deputy Mayor Deb Hamblin
28 May 2021	MC for Biggest Morning Tea in Baldivis - attended by Deputy Mayor Deb Hamblin Youth Careers Expo
29 May 2021	Rockingham Rumble, International Skateboarding Championships
31 May 2021	Australian Citizenship Ceremony
1 June 2021	Annual Investors Event – Launch of City's Investment Prospectus
2 June 2021	Pine View Primary School Opening
3 June 2021	Meeting with resident, filming in Rockingham - attended by Deputy Mayor Deb Hamblin
4 June 2021	Cockburn Sound Management Council - attended by Deputy Mayor Deb Hamblin
8 June 2021	Councillor Engagement Session
9 June 2021	Police Awards and Medal Presentations

Confirmed at a Council meeting held
on Tuesday 27 July 2021


MAYOR (B W SAMMELS)

Date	Meeting/Function
10 June 2021	<i>Tour and meeting Babbingur Mia (South Coastal Health and Community Services) - attended by Deputy Mayor Deb Hamblin</i> City Safe Advisory Committee
11 June 2021	<i>WA Grants Commission - attended by Deputy Mayor Deb Hamblin</i>
14 June 2021	Launch of 50 th Deadly Yakka Rockingham Planning and Engineering Services Committee Annual Budget 2021/2022 Councillors' meeting
15 June 2021	Meeting with Chairman and CEO of Business Foundations
17 June 2021	Grants Committee Meeting with Secret Harbour Surf Life Saving Club Promotion of Tertiary Scholarship Scheme Global Friendship Committee
22 June 2021	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 27 May 2021 to 22 June 2021.

Council Resolution

Moved Cr Stewart, seconded Cr Davies:

That Council **RECEIVES** the Mayor's Report for the period 27 May 2021 to 22 June 2021.

Carried – 10/0

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

Not Applicable

16.	Reports of Councillors
	16.1 Cr Buchanan Cr Buchanan made several statements. The Mayor advised Cr Buchanan that these were not a 'Report of Councillors'.
17.	Reports of Officers
	Nil
18.	Addendum Agenda
	Nil
19.	Motions of which Previous Notice has been given
	Nil
20.	Notices of Motion for Consideration at the Following Meeting
	Nil
21.	Questions by Members of which Due Notice has been given
	Nil
22.	Urgent Business Approved by the Person Presiding or by Decision of the Council
	Nil
23.	Matters Behind Closed Doors
	Nil
24.	Date and Time of Next Meeting
	The next Ordinary Council meeting for the City of Rockingham will be held on Tuesday 27 July 2021 commencing at 6:00pm in the Council Chambers, Civic Boulevard, Rockingham.
25.	Closure
	There being no further business, the Mayor thanked those persons present for attending the Council Meeting, and declared the meeting closed at 7:39pm .