



# City of Rockingham

## MINUTES

### Ordinary Meeting of Council Minutes

Held on Tuesday 25 May 2021 at 6:00pm  
City of Rockingham Council Chambers



**City of Rockingham**  
**Ordinary Meeting of Council**  
**6:00pm Tuesday 25 May 2021**



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**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 Sam Assaad	Director Engineering and Parks Services
Mr John Pearson	Director Corporate Services
Mr Peter Doherty	Director Legal Services and General Counsel
Mr Michael Holland	Director Community Development
Mr Peter Ricci	A/Director Planning and Development Services

	<p>Mr Peter Varris Mr Peter Le Ms Sarah Mylotte</p> <p><b>2.3 Members of the Gallery:</b> 16</p> <p><b>2.4 Apologies:</b> Nil</p> <p><b>2.5 Approved Leave of Absence:</b> Nil</p>	<p>Manager Governance and Councillor Support Senior Legal Officer Administration Officer, Governance and Councillor Support</p>
<b>3.</b>	<b>Responses to Previous Public Questions Taken on Notice</b>	
<b>3.1</b>	<b>Mr James Mumme, Shoalwater – Little Penguins</b>	
	<p>At the Council meeting held on 27 April 2021, Mr Mumme asked the following questions that were taken on notice and the Director Planning and Development Services provided a response in a letter dated 7 May 2021 as follows:</p> <p><u>Question</u></p> <p>1. Seagrass is well known to provide vital nurseries for many fish. In early 2014 the Commonwealth Department of Environment advertised proposals to declare seagrass beds at TEC. Did Council respond to seek protection for the seagrass beds in Cockburn Sound and Warnbro Sound? If not, does Council now see that seagrass and penguins are vitally connected and would Council lobby both State and Federal Governments to again consider this? If not, why not?</p> <p><u>Response</u></p> <p><i>The City has no record of providing a submission to the Commonwealth Government in relation to the proposal to list the Posidonia Seagrass Meadows as a Threatened Ecological Community.</i></p> <p><i>Proposals seeking to clear aquatic vegetation are required to obtain a Permit to Clear Native Vegetation under the State Environmental Protection Act 1986 (the 'EP Act'). The Department of Water and Environment Regulation is responsible for issuing Clearing Permits and is obliged, under Schedule 5 of the EP Act, to have due regard to the following clearing principle when deciding to grant or refuse a permit.</i></p> <p><i>"Native vegetation should not be cleared if:</i></p> <p><i>(i) It comprises the whole or part of or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia."</i></p> <p><i>The City is therefore of the view that the seagrass meadows are already appropriately protected under State environmental legislation and that seeking further levels of protection is not necessary.</i></p> <p><u>Question</u></p> <p>2. Pesticides in use to control mosquitos. I am sure that Council is aware of the complexity of food webs and of ecosystem function and their implications for biodiversity. While mosquitos certainly carry diseases dangerous to humans, we need to be careful to avoid assuming that chemicals only target what we want them to target.</p> <p>Will Council please undertake further inquiry into the impacts of both chemicals on other species than mosquitos and into 'knock-on effects on food webs and their ecosystem properties, including biodiversity and ecosystem functioning' and consider other ways to control mosquitos?</p>	

Response

*The City of Rockingham is a member of the Peel Mosquito Management Group, along with the City of Mandurah, the Shire of Murray, the Shire of Waroona and the Department of Health.*

*The Peel Mosquito Management Group uses insecticides for mosquito larval control, with s-methoprene and BTI the two active ingredients used. It is important to delineate these are insecticides and not pesticides. There have been hundreds of scientific studies performed over the years to assess the impact of these active ingredients on non-target organisms with very little evidence to suggest they have a detrimental effect when used at label rate (which is a legal obligation in Australia) in the field (not increased dosages in the laboratory, which is a very different environment).*

*The Peel Mosquito Management Group agrees that it shouldn't be assumed the ingredients only target the intended species, which is why the program is based on significant scientific evidence.*

*The Peel Mosquito Management Group has an integrated management approach to mosquito control, with insecticide use one aspect to the program.*

**3.2 Ms Dawn Jecks, Safety Bay – Little Penguins**

At the Council meeting held on 27 April 2021, Ms Jecks asked the following questions that were taken on notice and the Director Planning and Development Services provided a response in a letter dated 7 May 2021 as follows:

Questions

1. Was Belinda Cannell's April 2019 Annual Penguin Report which showed halving of the population in just 2 years, ever publically acknowledged and put on the public record? Perhaps via a council meeting or by some other means?
2. What advocacy or actions were taken response to the April 2019 annual Penguin Report?
3. Can the Coordinator Sustainability and Environment be asked to advise all/any dates Penguin reports they have written in the last 5 years?
4. What steps have been taken to address this? What communication or advocacy has taken place in response by COR since 2013?
- 4a. Have any letters been sent by CEO to DBCA or any other public officials or any elected representatives, at any time between 2013-2020 while the City has been receiving annual Penguin Study reports showing the ongoing decline in penguin numbers?
- 4b. If so, can I have the dates and details please?
- 4c. Or has the information contained in the annual Penguin Study reports simply remained in-house with no action being taken?
- 5a. Upon receipt of an annual Penguin Study report by Belinda Cannell, what process is followed to decide whether the latest Penguin Study report gets covered in the monthly full council meeting?
- 5b. Who decides if it gets covered at all?

Consolidated Response

*As advised previously, the City does not have the resources to research previous meeting agendas, as its Officers are fully committed to other projects. Council Agendas, Minutes and Information Bulletins are publically available on the City's website. As in all cases, the inclusion of environmental information in the Council Information Bulletin is at the judgement of the professional staff following review.*

*The population studies undertaken have been provided to the Department of Biodiversity, Conservation and Attractions (DBCA), which is responsible for the Little Penguin colony at Penguin Island.*

*The study reports, when received, have been reviewed internally by the City's staff, who have in turn liaised with the DBCA regarding its intentions with regard to the matter. These interactions are not recorded and I am therefore unable to provide specific details on when they have occurred.*

*As a result of the findings from the 2019 report, educational signage was installed at five key locations around the City, alerting boat users to challenges faced by the Little Penguins. City Officers also liaised with the DBCA to discuss actions to assist with alleviating stressors on the population.*

*Action to bring the matter before Council, to consider a formal advocacy position, was not taken previously as the DBCA, as the responsible authority, was aware of the study findings and in a position to take action.*

*The matter was subsequently raised with Council when City Officers formed a view that the issue was not being adequately resourced, and warranted formal advocacy.*

**3.3 Ms Teresa Ong, Singleton – Customer Service three dog application**

At the Council meeting held on 27 April 2021, Ms Ong asked the following questions that were taken on notice and the A/Director Planning and Development Services provided a response in a letter dated 4 May 2021 as follows:

Question

1. How many houses has the ranger photographed, in the City of Rockingham in the last 12 months?

Response

*The City Ranger Services (the Rangers) are often involved in taking photographs at people's homes pertaining to a broad range of investigations for which it is their responsibility to undertake. In respect of investigations relating to three dog applications, there has been 63 conducted by the Rangers during the last twelve months. As was the case with the investigation into your application, the gathering of this information is carried out with permission and in cooperation with the applicant/s.*

Question

2. What happens to those photo pics and who has access to them?

Response

*All photographs relating to the three dog application investigations are stored electronically with other relevant information pertaining to the investigation and are accessible by authorised City Officers, in this case, members of Ranger Services.*

Question

3. I also had photos of my dogs taken inside my house. How many dogs have the rangers photographed inside homes in the last 12 months?

Response

*Refer to the response to Question 1.*

Question

4. My 3 dogs:

Zoe May dog 1 fully registered with lifetime registration  
Billy Joe dog 2 fully registered with lifetime registration  
Silva belle my third dog application, fully registered with lifetime registration.

Now dog number 2, Billy Joe has this week crossed to be truly palliative, and discussions with the vet have occurred for his end of life process.

Should I wish to take another palliative dog, once Billy Joe passes on, do I need to just register them or does the new dog become another \$135 third dog?

Response

*Yes, in the circumstances described, you will only need to register the new dog.*

**3.4 Ms Nikki Bombak, Golden Bay – Objection – PD-014/21 Fuel Station**

At the Council meeting held on 27 April 2021, Ms Bombak asked the following questions that were taken on notice and the A/Director Planning and Development Services provided a response in a letter dated 4 May 2021 as follows:

Question

1. What is the council's future plans for electric cars (given the governments targets) and how are new service stations being built in such close proximity to each other helping the City work towards that target?

Response

*The City has no adopted position on electric vehicles other than an action within its Sustainability Strategy to develop an Emissions Reduction Plan which will assess the City's vehicle fleet. In any event, a decision by the City to move to electric vehicles within its fleet would not prevent the City considering a valid application for Development Approval as is the case with this matter.*

Question

2. In the Planning Committee agenda the City recommended that the nearby drains be connected to a SPEL unit. What is the effect that these works will have on the residents in the area and what issue will this cause to traffic and access to homes during these type of works?

Response

*There will be no impact from these works to residents in the area, as the installation of an on-site SPEL Purceptor is a device that is installed to treat stormwater from the Service Station development to separate fuels, oils and other potential contaminants from stormwater runoff. All works associated with the SPEL would occur on-site and be included in the overall design and construction of the development.*

**3.5 Ms Veronica Wood, Waikiki - Gngarara Drive/Colville Street Local Area Traffic Management Scheme**

At the Council meeting held on 27 April 2021, Ms Wood asked the following questions that were taken on notice and the Director Engineering and Parks Services provided a response in a letter dated 5 May 2021 as follows:

Question

1. How many residences were notified and asked to comment on the original proposed road changes, were they owners, owner occupiers and rentals and in which streets? And when the traffic island was removed after complaints from residents what was your community follow up to warrant the traffic island be reinstated?

Response

*The Mayor referred the question to the Director Engineering and Parks Services.*

*Mr Assaad advised that the first round of consultation went to residents directly affected by the works and 127 letters were sent out with 10 responses received and a petition of 103 signatures.*

*Subsequent communications were sent when the island was removed to a further 491 residential addresses. The City received three responses and none of these provided any new information that was not already considered from the initial engagement. The City is unable to confirm the specific number of owners or tenants.*

Question

2. When the traffic island was first erected it resulted in gridlock right around the roundabout on both sides of the road and on Oakwood during school times. Were any traffic assessments done after to see what impacts the changes had made? If so, what were the results? And if not, why not?

Response

*The Mayor noted that the median was not insitu very long and referred the question to Mr Assaad.*

*Mr Assaad advises that the implementation of new traffic treatments is subject to a modelling process that assesses the expected changes to traffic flows and speeds. The actual impact can only be properly assessed 6-12 months after completion as that time is needed for the community to adjust to the new road conditions. For this reason a traffic assessment has not been undertaken at this time but is scheduled at a future date.*

Question

3. Can the carpark of the Baptist College at the beginning of the roundabout on Gngangara Drive be utilised as a flow through for school traffic drop off and pickup, blocking the second driveway opposite Colville and the third driveway as the exit point with left turn only at all times or utilise the carpark on Oakwood blocking access to the school from Gngangara Drive completely? Was this considered? And if not, why not?

Response

*The Mayor noted that the matter would be a matter for the College and referred the question to Mr Assaad.*

*Mr Assaad advised that the land is likely private property but took the question on notice.*

Subsequent response

*The land is private property and the management of parking is entirely for the school to consider.*

Question

4. Were the residents on Lakemba Way, Labyrinth Street and Eyre Street made aware that their streets have been made the alternate route from Ennis Avenue/Willmott Drive via a map that was sent out to some residents but not all?

Response

*Mr Assaad advised that these residences were notified in the second round of communication. It is noted that these routes are part of the existing road network and already utilised as an alternative to Gnangara Road.*

Question

5. Is the intersection of Jubilee Street and Read Street being upgraded to account for extra traffic in the busy times that may be turning right onto Read Street taking into consideration people towing caravans and boats etc? Currently there is not enough room to move to the middle when towing.

Response

*Mr Assaad advised that while the SIDRA analysis would have covered this intersection, the issues with towed vehicles at this intersection would need to be considered separately.*

*The City will undertake monitoring of the traffic impacts approximately 6 months after completion of the project and will include an assessment of any issues at this location.*

Question

6. Was communication addressed to both property owner and resident?

Response

*Mr Assaad advised that he understood that communication was by both via rate record property owner and specific letter drop to residents but took the question on notice for confirmation.*

Subsequent response

*Both owner occupiers and residents (tenants) were contacted.*

**3.6 Ms Teresa Ong, Singleton – City of Rockingham Code of Conduct**

At the Special Council meeting held on 3 May 2021, Ms Ong asked the following questions that were taken on notice and the Manager Governance and Councillor Support provided a response in a letter dated 11 May 2021 as follows:

Question

1. This document states it will not be sent out for public consultation, why not?

Response (provided at the meeting)

*The CEO advised that the proposed Code of Conduct is the Model Code of Conduct and therefore the minimum standards set by law; as such public consultation will have no influence on its content.*

Question

2. Why the long delay?

*Why has this document been left to the last minute to rush this through? To state it has to be passed tonight, why? If it's not ready tell the Minister you have failed to meet the deadline and do the document correctly with consultation.*

Response (provided at the meeting)

*The Mayor noted the comment and referred to the previous answer.*

Additional Response

*Council has been aware of the Local Government (Model Code of Conduct) Regulations 2021 since they were promulgated in early February 2021, were subject to a report to Council that month, as well as a Councillor Engagement Session mid-March 2021. While the legislation provided that the regulations were to be treated as the City's Code of Conduct for the interim, Council was required to formally adopt of a Code of Conduct by 3 May 2021. Given feedback was that formal adoption of the Model was preferred, there was no need to defer this consideration.*

*Templates (developed by WALGA) for the complaints management process had been distributed to Councillors on 21 April 2021, and they were advised that the proposed policy for the City will be substantially based on that Template.*

Question

3. The March 2021 engagement session:  
How many Councillors were present at the engagement session?  
Was this 100% agreement or majority voting?

Response (provided at the meeting)

*The Mayor asked Councillors to indicate their attendance and noted that the majority were in attendance. Council is prohibited from voting in an Engagement Session which is designed to obtain feedback on matters only.*

Additional Response

*Cr Whitfield, Cr Stewart and Cr Buchanan were apologies to the 15 March 2021 Engagement Session.*

Question

4. I note that the Code of Conduct is not mandatory, this was demonstrated when 6 Council members clearly broke the rules. All the relevant clauses have the word "should" preceding them, this infers a recommendation rather than a rule of Law. If it is truly a Code, then the word "shall" must be used, then it is enforceable.

Page 7 section 4 "It is fundamental to the Complaint process that there be no bias or perception of bias. Council (as a whole) determining each Complaint presents difficulty in that the subject (or the maker) of a Complaint will, more often than not, be involved in the determination of a Complaint."

Does this mean residents can sit on the complaints panel, as this implies Councillors will be making more complaints than residents?

Page 7, section 4. Second last line in 2nd paragraph, could should be replaced with Must. Last paragraph, 7.4 Why the committee? Should it be the whole council?

Response

*The Local Government (Model Code of Conduct) Regulations 2021 prescribe the minimum requirements to be adopted by Council. Those requirements cannot be deleted or amended, and are therefore mandatory. The word "should" is prescribed in the Regulations and cannot be changed.*

*No rules were broken by Councillors as you allege. Complaints against six councillors were considered by the Local Government Standards Panel and it was found that no breach occurred.*

*In respect to the quote from the officer's report, the Code of Conduct applies to Council Members, Committee Members and Candidates. This means that Councillors will be involved in determining complaints, when they potentially could be subject to the complaint (either as complainant or respondent). This gives rise to a perception of bias. Under the legislation residents are not able to participate in the determination of a complaint.*

*The Local Government Act 1995 provides the circumstances where a Council Member must recuse themselves from a decision of Council. The new legislation does not exclude a Council Member from sitting in determination of a complaint they are subject to. This jeopardises the natural justice process, hence the recommendation for a behaviour complaints committee where Council can (by policy and delegation) require a Committee Member to recuse themselves.*

Question

5. Implications to Consider.

Who decided Public Consultation was not seen as necessary?

Response (provided at the meeting)

*The Manager Governance and Councillor Support advised that given the timeframes and nature of the Code and processes being subject to legislative compulsion it was not considered that public consultation was required, however Council may choose to adopt the Complaint Management Process in principle for any complaints, seek public comment and review afterwards.*

Question

6. "Going forward, Council may consider appointing an independent non council member".

Page 9 The two additional City officers should be one City Officer, Mr Peter Le, a lawyer, and this 2<sup>nd</sup> place should be an independent external person. The use of email, zoom and other media/data facilities it is not essential for this 2<sup>nd</sup> person to be a City officer. To make this process truly independent and impartial an external person must be appointed.

Response

*It is proposed for two additional Complaints Officers to facilitate the complaints management process. The proposed Policy provides for when an independent external person, either as Complaints Assessor or Complaints Officer, can be appointed.*

Question

7. With such a fractured Council, how can 5 members be on a committee. There is so much conflict and complaints by some that retribution is going to occur.

In using the absolute majority vote, do you intend to use the absentee votes or only votes of councillors present?

Response

*The Code of Conduct provides that Council Members will act with integrity in the complaints determination process. The comment that "there is so much conflict and complaints by some that retribution is going to occur" is refuted. An absolute majority vote is prescribed by the Local Government Act 1995, which is one more than half the offices of members of Council (i.e. six) regardless of how many members are present. For the City of Rockingham this means an Absolute Majority decision requires six votes despite how many of the eleven Councillors are present.*

	<p><u>Question</u></p> <p>8. Page 10. 5.2 Where a finding that a breach has occurred, an option is to take no further action. Why no action if a breach has occurred? 12.4 and 12.7 Do you give a decision in writing explaining why no action taken.</p> <p><u>Response (provided at the meeting)</u> <i>The CEO advised that the legislation provides for this. Sometimes the Council may decide no action is necessary given the consideration of the particular case. Decisions are to be supported by the reasons for the decisions.</i></p> <p><u>Question</u></p> <p>9. Division 3 8 Personal integrity 1b A councillor regularly publishes material that is factually incorrect. When one attempts to correct the Councillor on this, they are blocked. So the only avenue is to go to the CEO. Who is going to monitor this Councillor going into the future as it will probably be a standing order for Div 3s.</p> <p><u>Response (provided at the meeting)</u> <i>The Mayor noted Ms Ong's comment.</i></p> <p><u>Question</u></p> <p>10. Personal Benefit 4.4.1 Who is nominated to check the disclosure of gifts are registered. It is a known issue that some ex councillors and employees received gifts and have not declared them. Going forward this needs to be squeaky clean.</p> <p><u>Response</u> <i>Your allegation "that some ex councillors and employees received gifts and have not declared them" is refuted. Council Members and City officers are required to abide by their legislative and Code of Conduct requirements in respect to the declaration of gifts.</i></p>
<b>4.</b>	<b>Public Question Time</b>
<b>6:01pm</b>	<b>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.</b>
<b>4.1</b>	<b>Ms Teresa Ong, Singleton – Graffiti / AEDs / Rangers</b>  The Mayor invited Ms Ong to present her questions to the Council. Ms Ong asked the following questions: <b>Graffiti</b> At a previous Council meeting, it was discussed that signs to the value of \$150k are being contemplated for these boundaries. The poles along this road from the Mandurah boundary to the Singleton Beach Road are totally covered in Graffiti. That will really define us as a bogan area. <u>Question</u> 1. Who is responsible for cleaning this graffiti off?

Response

*The Mayor advised graffiti removal is the responsibility of the asset owner. If the issue is with street lighting poles, then this is Western Power. Street signs and traffic lights are the responsibility of Main Roads.*

*Although residents are encouraged to contact the asset owners to report graffiti, the City will report these issues this time.*

Question

2. Why can't the City of Rockingham clean this graffiti off?

Response

*The Mayor advised the City may become liable for any damage or issues that could result from taking action on assets for which it does not have care and control.*

Question

3. Who is also responsible for clearing the verges?

*If main roads contract out the mowing of the verges to the City of Rockingham, can an agreement not be made for the Graffiti and rubbish under litterbusters be done. The road verges are awash with rubbish and the lay-bys again had a fire extinguisher in there this week.*

*A nice flash sign but the rest of the area, rubbish on the verges and poles on the Mandurah Road/Ennis Ave are a mess.*

Response

*The Mayor advised Main Roads has responsibility for verge and median maintenance of these areas, however the City has an arrangement with them to allow the verges to be maintained by the City to a higher standard than would be delivered by Main Roads contractors. This maintenance includes programmed mowing and litter removal four times annually plus ad-hoc litter removal on the basis of complaints.*

**Cost centres for accounts.**

Question

4. When was the last time a full audit of cost centres was performed?

Response

*The Mayor advised annually. All accounts are audited.*

*Note: The Annual Budget is prepared and presented based on a divisional approach which gives estimated income and costs for locations such as the aquatic centre. This document is available on the City website.*

Question

5. My dog license payment shows up on my bank statement as Rockingham Aquatic Centre. This caused issues and needs to be addressed.

Response

*The Mayor advised that this issue relates to certain banks and is out of the City's control. This should be addressed directly with the administration staff where an officer can assist in resolving the matter.*

*Note: The issue is related to merchant information and the City has been advised this is a bank related matter. All merchant information data is supplied to the banks via a third party vendor. Banks then match merchant identifier codes with merchant information. The City has been advised that this data matching is not something the City can control. For example the City has been advised that there should be no problem with banks such as ANZ, Westpac and NAB as they are partnered with the third party vendor but information may not display to Bendigo Bank customers as they source their data from another location.*

*All codes used by the City are available but how this information is displayed on an individual bank account is beyond the City's control.*

**AED Heart Start/Defibrillator**

Question

6. How many AEDs are there in the Council building?
7. Is there one in Council Chambers, front reception and where are they placed?

Response

*The Mayor advised there are two AED's on site within the administration building. One of the AED's is located at the customer service desk and the other is maintained by the City's Occupational Health and Safety as a backup.*

*There are also additional AED's known to be located within the city centre for general use (Rockingham Medical Centre and Rockingham Shopping Centre).*

Question

8. Are there AEDs in each of the Hall venues that Council use, hire out and are part of the inventory of buildings eg Gary Holland Centre, Mike Barnett Centre?

Response

*The Mayor advised the list of facilities with AED's is as follows -*

- . Autumn Centre*
- . Mary Davies Library and Community Centre*
- . Rockingham Library*
- . Lark Hill (Cricket/Soccer)*
- . Lark Hill (Rugby Union)*
- . Lark Hill (Rugby League)*
- . Lark Hill (Hockey/Softball)*
- . Singleton Sporting Club*
- . Mike Barnett Basketball Centre*
- . Aqua Jetty*
- . Safety Bay Library*
- . Rockingham Aquatic Centre*
- . Warnbro Rec Centre*

**Rangers**

Questions

In an email from the said ranger, "they can enter my house, with or without identification and take the necessary pictures." This is in the course of their investigation.

9. What investigation is being undertaken on me and my home and dogs?
10. 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?
11. Who has access to them and who has seen them?
12. 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?

Response

*The Mayor took questions 9 to 12 on notice.*

**4.2 Mr James Mumme, Shoalwater - Shoalwater Activity Node / Environmental Advisory Committee / Coastal Facilities Strategy / Complaints Procedure**

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

**Shoalwater Activity Node Works**

I refer to a letter from the Senior Project Officer dated 10 May. It refers to constructions works to begin mid-May including surrounding landscape works.

Question

1. What are these landscape works and where exactly will they be?

Response

*The Mayor advised the works are located south of the existing car park at Arcadia Drive between the intersections of Churchill Avenue / Arcadia Drive and Liverpool Street / Arcadia Drive. At this location there is currently an open grassed area that is used for passive recreation and also has beach access paths.*

*The works will involve the following:*

- *Reconstruction of the footpath south of the existing car park.*
- *Resurfacing of the existing car park*
- *Construction of a new beach access ramp*
- *Construction of a new play activity node*
- *Surrounding garden bed and planting works*

Question

2. Do any of these landscape works include the pathways through the dunes mooted in the Shoalwater Foreshore Management Plan, and if so, why?

Response

*The Mayor advised, No.*

**Environmental Advisory Committee**

I commend the officers and Councillors of Planning Committee on approving this proposal. However unless one word is taken out, much of the value will be lost.

Rockingham's history is full of events where environmental decisions have been made that ignored the fact that every part of our environment is connected in some way to every other part. This is one of the things we are slowly learning from the First Nations custodians of this land. For those of my generation learning this lesson has been a challenge. I could quote many instances where someone's brilliant development or policy idea has led to serious operational consequences - for starters, the Garden Island Causeway, the dumping of dredged sand on Waikiki Beach Bent Street launching ramp. It's only when the project is in operation that the issues start to emerge not to mention all the other council operations that impact on the environment. An informed and alert Advisory Committee may be able to provide early comment on events. This committee must have the ability to comment on operational issues as well as development and strategies.

Question

3. Why is Council excluding operational issues from the EAC? Does Council consider that once a project is implemented, environment doesn't matter or isn't affected? If so, why?

Response

*The Mayor advised the Advisory Committee is proposed to assist in the consideration of strategic environmental matters within draft Community Plan Strategies, policies and the like. Day-to-day operational matters are the responsibility of the City's Administration. Residents and community groups can engage directly with the City on day-to-day operational matters, as necessary.*

**Coastal Facilities Strategy**

I refer to the Community aspiration for Preservation and Management of Bushland and Coastal Reserves - Encourage the sustainable management and use of the City's bushland and coastal reserves.

The draft Coastal Facilities Strategy 2021 - 2025 outlines the actions to sustainably deliver the desired level of service in respect of boat ramps, coastal access, coastal infrastructure, coastal process management, address key coastal facilities raised by the community, and to undertake the necessary research to facilitate evidence-based decision-making in future iterations of this strategy

Question

4. Does Council consider that the decision to construct the Bent Street Boat ramp and channel was in retrospect sustainable?

Response

*The Mayor advised that although the management of the Bent Street boat ramp has provided some challenges in the past, the current operational requirements are consistent with similar facilities across the City (Port Kennedy boat ramp and Point Peron boat ramp).*

*The City notes that under current arrangements this facility is considered sustainable for the foreseeable future. It is acknowledged however that additional research and assessment is needed to assess the future sustainability of all the City's coastal assets and facilities. This is consistent with the actions contained in the Coastal Facilities Strategy.*

Question

5. Does Council consider that dredging out the channel indefinitely as required is sustainable? If so, how much money is considered worth committing to dredging over what period is considered a sustainable and responsible use of ratepayer's money?

Response

*The Mayor advised as part of the development of the Coastal Facilities Strategy the City undertook two specific community surveys, one focused on boat owners and the other on residents. The City received 243 and 176 responses respectively across each group.*

*It is noted that the continued management of Bent Street boat ramp/The Pond/Tern Bank was identified in the top five priorities for each group being*

- Boat Owners - rated third (upgrade boat ramps) and*
- Residents – rated first (manage sand movements – Tern Bank) and fifth (ensure the pond remains open – including channels)*

*It is therefore considered that there is widespread support for the continued management of this location inclusive of sand excavation at the end of Tern Bank and dredging of the boat channel. It is acknowledged however that the management of this location needs to be undertaken in a sustainable manner.*

*The City has identified a number of actions in this strategy to understand coastal dynamics, sediment transport and climate change impacts so that future decisions on coastal facilities can be made on the best available evidence.*

### **Complaints Procedure**

#### Question

6. Are Officers considered to be beyond doing actions that might merit complaints?

#### Response

*The Mayor advised, No. The Complaint Management Process is for the Code of Conduct for Council Members, Committee Members and Candidates, as required by legislation. City Officers are subject to a separate Code of Conduct, and therefore separate processes for managing complaints related to alleged Conduct breaches, including misconduct.*

Mr Mumme tabled a petition comprising 78 signatures requesting that Council direct the CEO to write urgently to the Minister for Planning asking her to make Cape Peron a class A Reserve and make public her decision on the deliberations of the Planning Investigation Area for Cape Peron, and to send copies to the Premier and the Minister for DBCA.

*The Mayor noted receipt of the petition.*

#### **4.3 Mrs Diane Park, Waikiki - Citizenship Ceremony Mayor conduct complaint**

The Mayor invited Mrs Park to present her question to the Council.

Mrs Park provided a preamble in respect to the conduct of the Mayor at a Citizenship Ceremony on 3 May 2021 at which Mrs Park alleged that the Mayor made a disparaging comment regarding a Council Member in attendance. Mrs Park acknowledged that the Mayor had responded to an email from Mrs Park in relation to the incident in which the Mayor noted that he had addressed the matter with the Councillor in question and had apologised.

Mrs Park asked whether the Mayor will publicly apologise to this Councillor and also to the residents so it can be minuted for those present to read?

*The Mayor corrected Mrs Park in relation to several inaccuracies made in her preamble and then specifically detailed the incident and his actions noting that at the ceremony he immediately stated that the comments were made in jest.*

*The Mayor noted he (and the Deputy Mayor who was also in attendance) had not received a complaint from those in attendance in respect to his comments either at the ceremony or afterwards and noted Mrs Park was not in attendance.*

*The Mayor noted that once the issue was taken out of context on social media, he contacted the Councillor in question to say no offense was intended, the comments were made in jest and to apologise. The Councillor advised the Mayor in that call that they were not offended by the comment and it was taken as intended.*

*The Mayor reiterated that if his comments offended anyone he apologises.*

#### **4.4 Mrs Sam Giggins, Waikiki - Gnangara Drive**

The Mayor invited Mrs Giggins to present her question to the Council.

Mrs Giggins expressed her objection to the roadworks and traffic management modifications made on Gnangara Drive, Waikiki noting that it has affected her personal family circumstances and asked when is the City going to fix the road and return it to what it was?

*The Mayor advised that the City had traffic accident data that indicated that traffic management was required to improve traffic safety and that he understood that it takes 5 to 6 months for motorists to get accustomed to the new traffic environment.*

*The Director Engineering and Parks Services, Mr Assaad advised that the City obtains accident data from Main Roads WA (comprising information from WA Police and the Insurance Council) which detailed that six crashes had occurred over five years at that location, with more elsewhere on the road.*

*The City takes its role in respect to traffic safety and management very seriously and while there had been an unfortunate omission in the extent of the consultation process in respect to the Gnangara Drive works, the design was based on evidence, facts and road accident history.*

*Given that it takes some time for driver habits to be changed the City will assess the success of works six months or so.*

**4.5 Mr Murray Henderson, Singleton – Credit Cards / Rates increase**

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

1. Mr Henderson asked how many credit cards are held by the City?

*The CEO advised that given the movement of staff fluctuates from month to month, the number of purchasing cards is approximately 90. The expenditure is recorded in the monthly Council Bulletin.*

*Note: the current number of purchasing cards stands at 85.*

2. Mr Henderson expressed concern regarding the proposed rates increase, noting the 2.2% exceeds the CPI of 1.5%. The City could cut the number of cards and make savings accordingly.

*The Mayor noted that the use of purchasing cards provides easier management of transactions.*

*The CEO advised that expenditure on purchase cards is for City purposes only and would otherwise be via purchase orders. The use of the cards is audited every year and is guided by strict policy arrangements. The use of cards in lieu of purchase orders brings administrative savings to the City.*

**4.6 Mr David Alcorn, Warnbro – Point Peron Class 'A' Reserve**

The Mayor invited Mr Alcorn to present his question to the Council. Mr Alcorn asked the following question:

What is the City doing in respect to making Point Peron into an 'A' Class Reserve?

*The A/Director Planning and Development Services, Mr Ricci advised that a State Government working party was established by the Minister for Planning to consider the further use and status of Cape Peron. City officers and Cr Buchanan were Council representatives on the working group.*

*The recommendations from the working party, which may include a change in the Reserve Class, are before the Minister and a formal decision is yet to be made.*

*A formal outcome has yet to be made by the Minister.*

*The Mayor advised that the City will follow up.*

**4.7 Ms Dawn Jecks, Safety Bay – Working Group on Penguins**

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

1. Has a date been set for a meeting of the Little Penguin Working Group with the DBCA and other stakeholders?
2. Has any meeting occurred at all so far for this year?

*The Mayor advised not to his knowledge.*

	<p><i>Mr Ricci advised that the City has advocated for the establishment of a working group to the Minister for Environment and DBCA, no commitment has been made to establish one as yet.</i></p> <p><i>Cr Buchanan noted that the change of Minister in the Environment portfolio could have affected the timeliness of this.</i></p> <p><i>Ms Jecks referred to correspondence that has been received from the Premier stating that he looks forward to the State working with the City and DBCA in addressing the decline of the Little Penguin population.</i></p> <p><b>4.8 Mr Sunny Miller, Safety Bay – Waste Local Law / Recycling</b></p> <p>The Mayor invited Mr Miller to present his questions to the Council.</p> <p>1. Mr Miller noted that the Waste Local Law which referred to verge collections and stipulated an offence for material being removed for commercial purposes. Does this mean that material can be removed for reuse for private purposes?</p> <p><i>The Mayor noted that this was to prevent persons going through verge collection material for the purpose of scavenging (for resale) and making a mess.</i></p> <p>2. Mr Miller noted that the City of Cockburn have an e-waste recycling facility. What does the City of Rockingham do?</p> <p><i>The Director Corporate Services, Mr Pearson noted that the Miller Road Landfill facility will recycle what materials it can, with some being sold through the Recycle Shop. The facility is open standard landfill hours. Some electric / electronic goods cannot be reused (electrical safety and compliance issues) however there is a level of recycling undertaken.</i></p> <p>3. Mr Miller noted that when property owners relace their ‘Super Six’ fence broken and sharp bits are often left presenting a hazard to pedestrians.</p> <p>Can the City get the fence installers / contractors to remove all waste material and the site be cleaned?</p> <p><i>The Mayor advised that residents should report the matter of discarded and dangerous materials to the City so action can be undertaken.</i></p> <p><b>6:44pm There being no further questions the Mayor closed Public Question Time.</b></p>
<b>5.</b>	<b>Applications for Leave of Absence</b>
	Nil
<b>6.</b>	<b>Confirmation of Minutes of the Previous Meeting</b>
	<p><b>Moved Cr Stewart, seconded Cr Hamblin:</b></p> <p>That Council <b>CONFIRMS</b> the Minutes of –</p> <ul style="list-style-type: none"><li>· the Ordinary Council meeting held on 27 April 2021; and</li><li>· the Special Council meeting held on 3 May 2021</li></ul> <p>as a true and accurate record.</p> <p style="text-align: right;"><b>Carried – 10/0</b></p>
<b>7.</b>	<b>Matters Arising from Minutes of Previous Meeting</b>
	Nil

<b>8.</b>	<b>Announcement by the Presiding Person without Discussion</b>
	<b>6:44pm</b> 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.
<b>9.</b>	<b>Declarations of Members and Officers Interests</b>
	<b>9.1</b> <b>Item EP-012/21</b> <b>Tender T20/21-05 - Standing Offer for Maintenance and Repairs to Pole Lighting Infrastructure</b>  Councillor:                      Cr Mark Jones  Type of Interest:              Impartiality  Nature of Interest:            Cr Jones has a friendship with the owners of M Power U Electrical Contracting tendering for the works.  Extent of Interest:            Not Applicable  <b>6:44pm</b> <b>The Mayor noted the interests declared in Item 9.1 and asked if there were any further interests to declare.</b>  <b>The Mayor noted there were no further interests declared.</b>
<b>10.</b>	<b>Petitions/Deputations/Presentations/Submissions</b>
	Nil
<b>11.</b>	<b>Matters for which the Meeting may be Closed</b>
	<b>6:44pm</b> 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-012/21 Challenger Lodge and Challenger Court Disposal, then the Council will need to defer the matter for consideration at Agenda Item 23 - Matters Behind Closed Doors.  As there were questions, this report was dealt with behind closed doors at Item 23 - Matters Behind Closed Doors.


**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

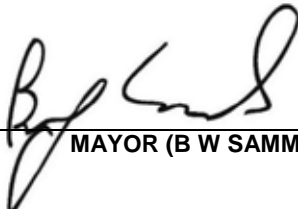
<b>Corporate Services</b>		
<b>Director and Support</b>		
<b>Reference No &amp; Subject:</b>	<b>CS-012/21</b>	<b>Challenger Lodge and Challenger Court Disposal</b>
File No:	LGS/702-03	
Proponent/s:		
Author:	Mrs Naomi Edwards, Coordinator City Properties	
Other Contributors:	Ms Helen Savage, Senior Project Officer Mr John Pearson, Director Corporate Services	
Date of Committee Meeting:	18 May 2021	
Previously before Council:	16 March 2021 (CS-006/21)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:	Lot 1484 on Diagram 180048 (30) Ray Street, Rockingham	
Lot Area:	2.7189 ha	
Attachments:	<b>Confidential Attachment as per Section 5.95 of the Local Government Act 1995</b> Challenger Court Transaction Request for Indicative Offers Recommendation on progressing with selected bidders – One Fell Swoop Pty Ltd	
Maps/Diagrams:	Aerial Photo	

**Voting Requirements**

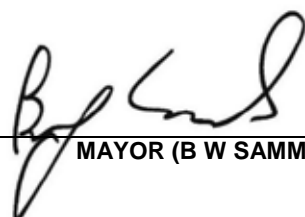
Simple Majority

**Deferred to Item 23 – Matters behind closed doors.**

Confirmed at a Council meeting held  
on Tuesday 22 June 2021

  
MAYOR (B W SAMMELS)

<b>12.</b>	<b>Receipt of Minutes of Committees</b>
	<p><b>Moved Cr Buchan, seconded Cr Buchanan:</b></p> <p>That Council <b>RECEIVES and CONSIDERS</b> the minutes of the:</p> <ol style="list-style-type: none"><li>1. Planning and Engineering Services Committee meeting held on 17 May 2021; and</li><li>2. Corporate and Community Development Committee meeting held on 18 May 2021.</li></ol> <p style="text-align: right;"><b>Carried – 10/0</b></p>
<b>13.</b>	<b>Officers Reports and Recommendations of Committees</b>
	<p><b>Method of Dealing with Agenda Business</b></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><b>Withdrawn Items</b></p> <p>The following officer report items were withdrawn for discussion:</p> <p>PD-017/21 Environmental Advisory Committee (<i>Absolute Majority</i>) PD-018/21 Proposed Building Envelope Modification EP-008/21 Draft Community Plan Strategy - Coastal Facilities Strategy 2021-2025 for Public Comment CS-013/21 City Business Plan 2021/2022 to 2030/2031 (April 2021) (<i>Absolute Majority</i>) CS-014/21 Rating Methodology – 2021/2022 Financial Year CS-015/21 May 2021 Budget Review (<i>Absolute Majority</i>)</p>



**Planning and Engineering Services Committee**

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



<b>Reference No &amp; Subject:</b>	<b>PD-017/21</b>	<b>Environmental Advisory Committee</b> <i>(Absolute Majority)</i>
File No:	EVM/88	
Applicant:		
Owner:		
Author:	Mr Brett Ashby, Manager Strategic Planning and Environment	
Other Contributors:	Mr Adam Johnston, Manager Parks Services Mr Rory Garven, Coordinator Sustainability and Environment	
Date of Committee Meeting:	17 May 2021	
Previously before Council:	27 January 2021 (PD-003/21)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:		
Maps/Diagrams:		

**Purpose of Report**

To consider the following Motion from the Annual Meeting of Electors held on 16 December 2020:

*"That Council consider the creation of an additional City Advisory Committee to cover sustainability and environment."*

**Background**

The Local Government Act 1995 requires Council to consider any decisions arising from the Annual Meeting of Electors, and in making a decision in response, to also provide the reason for the decision.

In January 2021, Council resolved to defer consideration of the Motion with a report on the matter to be presented to Council by no later than its May 2021 meeting.

Confirmed at a Council meeting held  
on Tuesday 22 June 2021

MAYOR (B W SAMMELS)

## Details

The following Motion was passed at the December 2020 Annual Meeting of Electors:

*"That Council consider the creation of an additional City Advisory Committee to cover sustainability and environment."*

The following reasons were provided by the proponent of the motion:

*"The City of Rockingham (COR) currently has 10 different advisory committees. Advisory committees perform an important role for the City and wider community, with input from residents crucial to helping shape the direction and implementation of various strategies.*

*At present none of the existing advisory committees have a specific focus on the natural environment.*

*My motion aligns with the COR's Strategic Community Plan and 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: Community engagement, Community capacity building Aspiration 3: Plan for Future Generations*

*Strategic Objective(s): Climate change adaptation, Sustainable waste solutions, Alternative energy applications, Preservation and management of bushland and coastal reserves, Liveable suburbs."*

As noted in the January 2021 Report, Council has previously appointed committees with community representation to provide advice on the management and conservation of environmental areas.

In 1994, the Council established the Conservation Reserves & Foreshore Management Advisory Committee ('CRAFMAC'), with its main purpose being to 'advise and assist Council in the management of conservation and foreshore reserves'. In 2001, it was determined that, due to the increasing scope of Council's environmental activities, it was appropriate that the role of CRAFMAC, the Council's only environmental advisory committee, be re-examined.

As part of the review, the Group was retitled the Community Environment Advisory Committee ('CEAC')", and in April 2002, the Council endorsed the Terms of Reference for CEAC and supported advertising for nominations and the establishment of the Committee.

In 2012, CEAC made a recommendation that it be placed in permanent recess as it had concluded it was unable to provide meaningful input into significant environmental proposals. The matter was considered by Council in July 2012 when it resolved to disband CEAC. In doing so, it considered that the purpose and intent of CEAC, being to allow for community input on environmental matters, could be met through other existing Committees and robust community engagement processes relating to specific matters. As such, CEAC's recommendation was supported and the Committee was disbanded.

To ensure access to the latest information and best practice approaches, the City's staff and elected members are actively engaged in a significant number of professional working groups for the purpose of environmental sustainability and planning, including:

- Peron Naturaliste Partnership
- Cockburn Sound Coastal Alliance
- Rockingham Lakes Regional Park Advisory Committee
- Urban Forest Working Group - WALGA
- Natural Resource Management - South West Group
- Environmental Forum - South West Group
- Sustainability Officers Network Group - WALGA
- Waterwise Councils
- Local Government Coastal Hazard Risk Management and Adaptation Plan Forum - WALGA

- Australian Coastal Councils
- Local Government Sector Wide Energy Price and Renewable Energy Project - WALGA
- Cockburn Sound Management Council
- Stakeholder Reference Group for State Planning Policy 2.9 - Planning for Water and the Planning for Water Guidelines
- Stakeholder Group - Draft Peel-Harvey Estuary Protection Plan for Water Quality/Water Quality Improvement Plan

Community engagement and participation in environmental matters is important, and the community responses on a range of draft environmental strategies, including the Coastal Hazard Risk Management and Adaption Plan and Lake Richmond Management Plan, have been highly valuable and welcomed.

### Implications to Consider

**a. Consultation with the Community**

Nil

**b. Consultation with Government Agencies**

Nil

**c. Strategic**

Community Plan

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

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

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

*Sustainable Waste Solutions - Incorporate new opportunities that support responsible and sustainable disposal of waste.*

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

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

**Aspiration 4:** *Deliver Quality Leadership and Business Expertise*

**Strategic Objective:** *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 Council Policy - Governance and Meeting Framework, underpins the review and appointment of memberships on Advisory Committees.

**e. Financial**

Nil

**f. Legal and Statutory**

Sections 5.8, 5.9 and 5.10 of the Local Government Act 1995 (the Act) specify requirements in respect to establishment of committees, types of committees that a local government can create and appointment of committee members.

Section 5.8 of the Local Government Act 1995 (the Act) states that absolute majority is needed to establish committees.

**5.8. Establishment of committees**

A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

*\* Absolute majority 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

Notwithstanding the City's previous public consultation and participation in various forums, there is considered to be merit in reforming a Community Advisory Committee to provide an opportunity for community representatives to provide advice to Council on environmental matters. Such a Committee would provide an opportunity for direct strategic level input and advice to the Council on the following matters:

- Development and review of Community Plan Strategies relating to the environment:
  - Sustainability Strategy;
  - Natural Area Conservation Strategy;
  - Coastal Hazard Risk Management and Adaptation Plan;
  - Environmental Planning Strategy;
  - Local Planning Strategy; and
  - Sustainable Transport Strategy.
- Selected significant City led land use and development projects;
- Development of new policies required to implement the City's Community Plan Strategies relating to the environmental matters; and
- Other matters referred to the Committee by City Officers for input.

The Committee should be comprised of:

- Two Councillor members;
- One deputy Councillor member;
- Two community representatives;
- Two representatives with demonstrated qualifications and experience in environmental management;
- One representative from the Department of Biodiversity, Conservation and Attractions with expertise in natural area management and conservation ecology;
- One representative from the Western Australian Local Government Association with specific expertise in environmental sustainability and environmental policy; and
- Representative from the Strategic Planning and Environment team, as Executive Support.

As the City's staff and elected members are actively involved in addressing items relating to the environment through involvement in the professional working groups, the Committee should meet on an as required basis to specifically address the matters referred to above.

It should be noted that, given the time required to prepare agendas, give notice of meetings, and present minutes for consideration by the Council, it would not be feasible or appropriate for the Committee to perform a role in the provision of environmental advice on planning proposals, or day

to day operational matters. In this regard, there are opportunities through public consultation, Rockport and the City's Customer Request Management system for the community to provide input or raise questions regarding these matters.

It is also noted that the Committee will not replace community consultation on relevant strategies and plans, where wider community input is essential to the Council's consideration.

With Local Government Elections scheduled for October this year, it would be appropriate for the Committee to commence following the 2021 Elections and the subsequent nomination of Councillors to Committees. The City would therefore seek nominations from community representatives in the lead up to this.

### Voting Requirements

Absolute Majority

### Officer Recommendation

That Council **APPROVES** the establishment of an Environmental Advisory Committee, consisting of eight members, to commence after the October 2021 Local Government Elections with the following Terms of Reference and Composition:

#### Terms of Reference

- To provide strategic, non-operational, input into the development and review of Community Plan Strategies, policies, City led development projects and other matters referred by the City that relate to environmental matters not addressed in the Terms of Reference of existing advisory groups.

#### Composition

##### Committee Members

- Y Two Councillors (one deputy member);
- Two community representatives;
- Two representatives with demonstrated qualifications and experience in environmental management;
- One representative from the Department of Biodiversity, Conservation and Attractions with expertise in natural area management and conservation ecology; and
- Y One representative from the Western Australian Local Government Association with specific expertise in environmental sustainability and environmental policy.

##### Executive Support

Strategic Planning and Environment Department.

### Committee Recommendation

That Council **APPROVES** the establishment of an Environmental Advisory Committee, consisting of eight members, to commence after the October 2021 Local Government Elections with the following Terms of Reference and Composition:

#### Terms of Reference

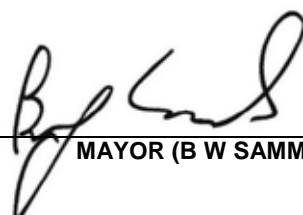
- To provide strategic, non-operational, input into the development and review of Community Plan Strategies, policies, City led development projects and other matters referred by the City that relate to environmental matters not addressed in the Terms of Reference of existing advisory groups.

#### Composition

##### Committee Members

- Y Two Councillors (one deputy member);

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MAYOR (B W SAMMELS)

- Two community representatives;
- Two representatives with demonstrated qualifications and experience in environmental management;
- One representative from the Department of Biodiversity, Conservation and Attractions with expertise in natural area management and conservation ecology; and
- ÿ One representative from the Western Australian Local Government Association with specific expertise in environmental sustainability and environmental policy.

Executive Support

Strategic Planning and Environment Department.

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 Liley:**

That Council **APPROVES** the establishment of an Environmental Advisory Committee, consisting of eight members, to commence after the October 2021 Local Government Elections with the following Terms of Reference and Composition:

**Terms of Reference**

- To provide strategic, non-operational, input into the development and review of Community Plan Strategies, policies, City led development projects and other matters referred by the City that relate to environmental matters not addressed in the Terms of Reference of existing advisory groups.

**Composition**

Committee Members

- ÿ Two Councillors (one deputy member);
- Two community representatives;
- Two representatives with demonstrated qualifications and experience in environmental management;
- One representative from the Department of Biodiversity, Conservation and Attractions with expertise in natural area management and conservation ecology; and
- ÿ One representative from the Western Australian Local Government Association with specific expertise in environmental sustainability and environmental policy.

Executive Support

Strategic Planning and Environment Department.

**Carried by Absolute Majority – 10/0**

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

Not Applicable

## Planning and Development Services Statutory Planning Services



<b>Reference No &amp; Subject:</b>	<b>PD-018/21</b> <b>Proposed Building Envelope Modification</b>
File No:	DD024.2021.00000010.001
Applicant:	Mr Robert and Mrs Sue Henry
Owner:	Mr Robert and Mrs Sue Henry
Author:	Miss Nyah Cheater, Graduate - Planning and Development Services
Other Contributors:	Mr David Waller, Coordinator Statutory Planning Mr Mike Ross, Manager Statutory Planning
Date of Committee Meeting:	17 May 2021
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Tribunal
Site:	Lot 503 Dunstan Loop, Baldivis
Lot Area:	6.7314ha
LA Zoning:	Special Rural
MRS Zoning:	Rural
Attachments:	
Maps/Diagrams:	<ol style="list-style-type: none"><li>1. Location Plan (Doghill)</li><li>2. Aerial Photograph with Approved Building Envelope</li><li>3. Bush Forever Site 369 (Dark Green)</li><li>4. Deposited Plan <i>Bush Forever 369</i> Conservation Area - Green colour</li><li>5. Applicant's Initial Proposed Building Envelope Modification (now superseded)</li><li>6. Subject Mature Jarrah Tree Locations (4)</li><li>7. Applicant's Revised Building Envelope Modification Proposal</li><li>8. Tree One: Fully mature: Good Condition; 22m in height</li><li>9. Tree Two: Mature: Average Condition; 13m in height</li><li>10. Tree Three: Mature; Good Condition; 16m in height</li><li>11. Tree Four: Fully Mature; Good Condition; 22m in height</li><li>12. Consultation Plan</li></ol>



1. Location Plan (Doghill)



2. Aerial Photograph with Approved Building Envelope

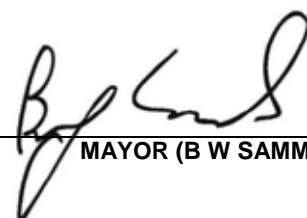
### Purpose of Report

To consider an application to vary the approved Building Envelope at Lot 503 Dunstan Loop, Baldvis.

### Background

Nil

Confirmed at a Council meeting held  
on Tuesday 22 June 2021

  
MAYOR (B W SAMMELS)

## Details

The applicant proposes to amend the approved Building Envelope for the purposes of accommodating a future Single House (approx. 540m<sup>2</sup>) whilst protecting four mature Eucalyptus Marginata (Jarrah) trees, by preventing disturbance to their root systems. The size of the proposed Building Envelope will decrease the existing Building Envelope size slightly from 1,800m<sup>2</sup> to 1,787m<sup>2</sup>. To protect these mature Jarrah trees, the proposed Building Envelope is split into two separate sections with a slender portion of the Building Envelope connecting both. The existing shed would as a consequence be physically separated from the location of a future house.

The application is supported by the applicant's Arborist's Report, which has identified three mature Jarrah trees (refer to Figures 8, 10 and 11) as being in good condition and the fourth (refer to Figure 9) being in an average condition. The four Jarrah trees are estimated to be between 189 to 360 years old and are considered a favourite perch for roosting red-tailed black cockatoos which are considered vulnerable under the *Biodiversity Conservation Act 2016*.

The applicant initially proposed to amend the approved Building Envelope to within 9.5m of the 'Bush Forever Site 369', as broadly shown in Figure 3 below. The proposal was reviewed by City Officers who recommended that the building envelope be moved a further 4.5 metres away from the Bush Forever Site boundary, in order to protect further vegetation and to comply with the requirements of the Bushfire Management Plan.



3. Bush Forever Site 369 (Dark Green)

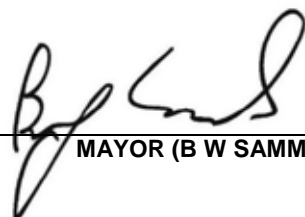
The Western Australian Planning Commission (WAPC) Planning Bulletin 69/2015 describes the purpose of *'Bush Forever'* as a whole-of-government policy for the consideration of regionally significant bushland on the Swan Coastal Plain portion of the Perth Metropolitan Region.

WAPC Bush Forever (2000) Policy seeks to:

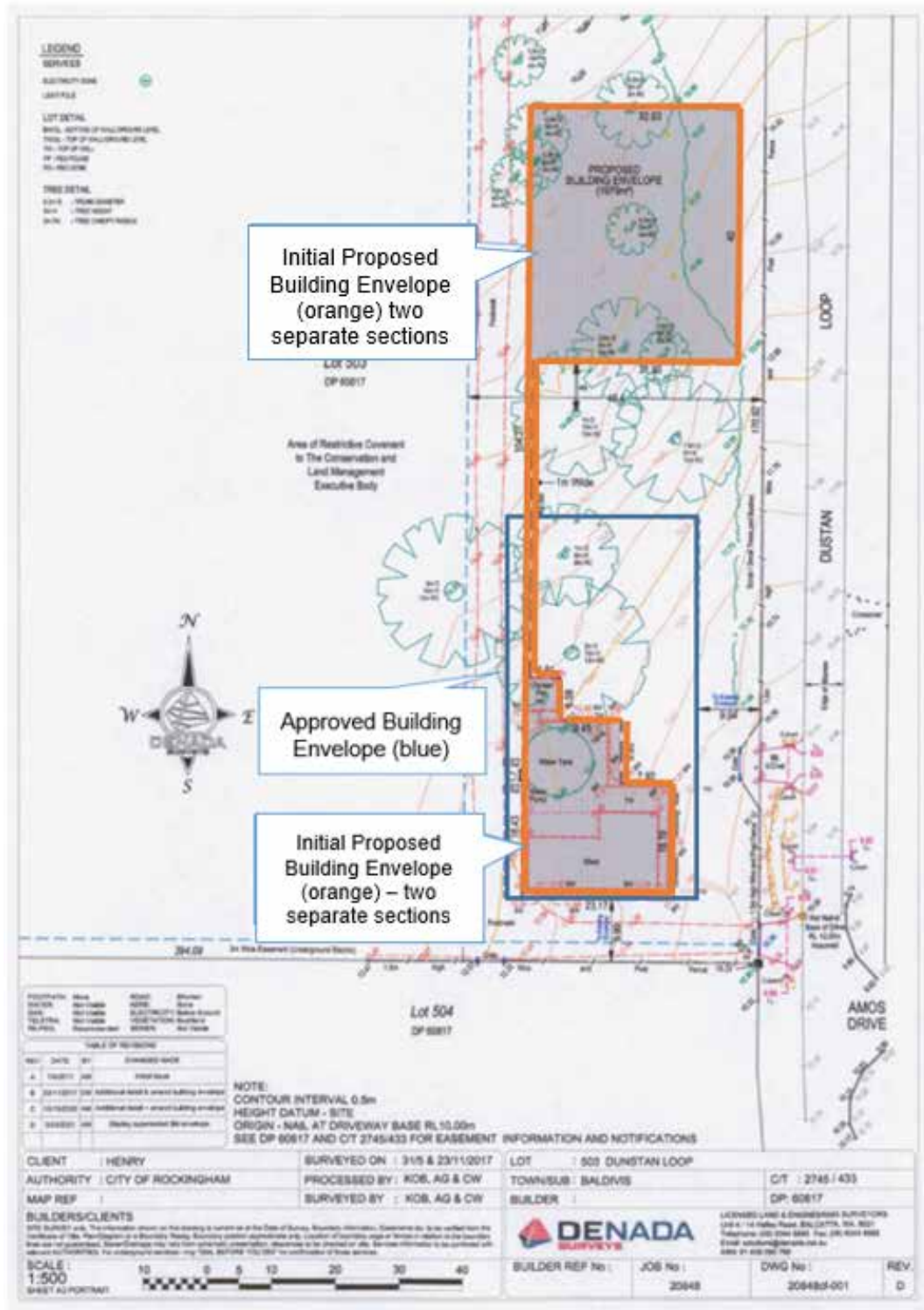
- *"Establish, as far as possible, a representative system of protected areas;*
- *Promote the conservation of ecological systems and the biodiversity they support through a range of mechanisms; and*
- *Protect sites of significance through government reservation and acquisition."*

*Bush Forever* aims to protect at least 10 per cent of the original extent of each of the original 26 vegetation complexes (defined by Hedde *et al.* 1980) of the Swan Coastal Plain portion of the Perth metropolitan region. In this regard the subject land substantially within *Bush Forever Site 369*, which is reflected as a Restrictive Covenant, with the benefit to "Conservation and Land Management Executive Body".

There is also a narrow band of land along Dunstan Loop which is outside *Bush Forever 369*, as shown in Figure 4 below, within which the Building Envelope is located.





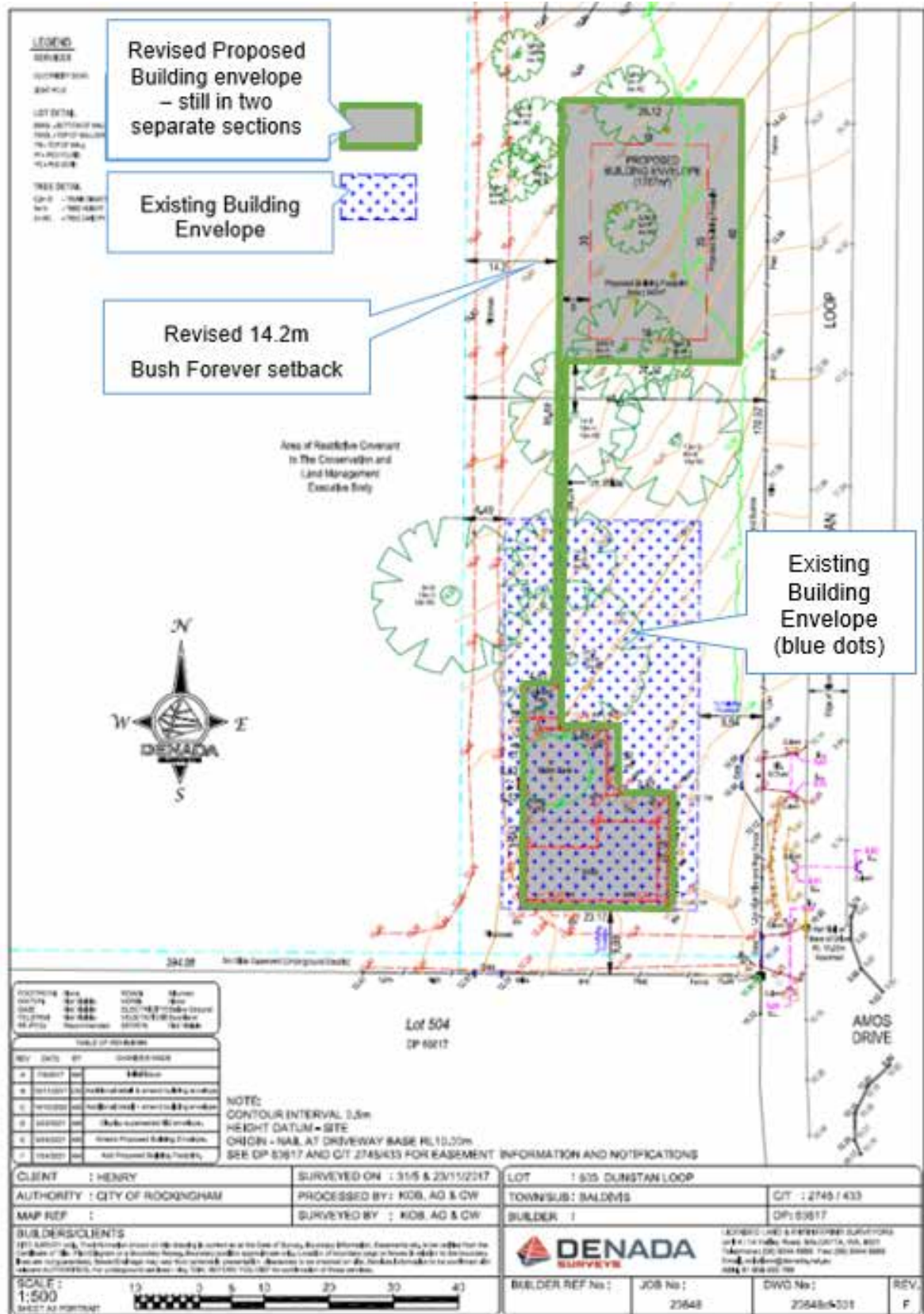


5. Applicant's Initial Proposed Building Envelope Modification (now superseded)

The revised Building Envelope is now located 14.2m from the Bush Forever Site boundary, which is consistent with the City's advice, as shown in Figure 6.

Confirmed at a Council meeting held  
 on Tuesday 22 June 2021

*[Signature]*  
 MAYOR (B W SAMMELS)



6. Applicant's Revised Building Envelope Modification Proposal

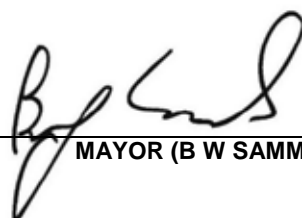
Confirmed at a Council meeting held  
 on Tuesday 22 June 2021

*[Signature]*  
 MAYOR (B W SAMMELS)



7. Subject Mature Jarrah Tree Locations (4) – refer to photos below

Confirmed at a Council meeting held  
on Tuesday 22 June 2021

  
MAYOR (B W SAMMELS)



8. Tree One: Fully Mature;  
Good Condition; 22m in height



9. Tree Two: Mature,  
Average Condition; 13m in height



10. Tree Three: Mature, Good  
Condition; 16m in height



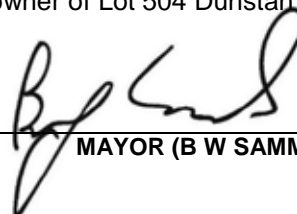
11. Tree Four: Fully Mature;  
Good Condition; 22m in height

### Implications to Consider

**a. Consultation with the Community**

In accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2) and Planning Policy 3.3.17 - Variations to Building Envelopes, the application was referred to the adjacent owners for comment for a period of 14 days, as shown on the consultation plan below. At the conclusion of the advertising period, one submission was received in support of the application from the owner of Lot 504 Dunstan Loop, Baldivis.

Confirmed at a Council meeting held  
on Tuesday 22 June 2021

  
MAYOR (B W SAMMELS)



12. Consultation Plan

**b. Consultation with Government Agencies**

Not Applicable

**c. Strategic**

Community Plan

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

**Aspiration 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**

Planning Policy 3.3.17 – Variations to Building Envelopes (PP3.3.17)

The objective of PP3.3.17 is as follows:

*“to promote the orderly and proper development of land by identifying in what circumstances a Building Envelope be varied, and the process by which such an application would be considered”.*

The following is the City's assessment of the proposal against the relevant requirements of PP3.3.17:

	Requirement	Provided	Compliant
1.	Compliance with Schedule No.4 of TPS2.	Schedule No.4 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of the Local Government.	Yes
2.	The varied Building Envelope must not result in an adverse environmental impact.	The applicant proposes the modification of the approved Building Envelope on-site in order to accommodate the construction of a single-storey house whilst protecting four Jarrah trees. This modification will trigger the removal of at least one small Banksia tree.	Yes

	Requirement	Provided	Compliant
		Whilst one Banksia tree will be removed, the City's Environmental Officers advised that it contains less environmental value than the Jarrah trees which support a range of native fauna. These Jarrah trees would be adversely impacted by any future development within the approved Building Envelope as it would likely lead to their decline and subsequent death.	
3.	The varied Building Envelope must not result in an unacceptable level of Bushfire Risk.	The proposal has been supported by the applicant's Bush Fire Management Plan (BMP). The proposed Building Envelope will not result in an unacceptable Bush Fire Risk if it complies with the Asset Protection Zone and Bushfire Attack Level rating requirements outlined in the BMP.	Yes
4.	No unacceptable impacts to neighbours.	The proposal was referred to the adjoining owners and one submission in support was received during the consultation period. The modification will not result in an adverse impact upon adjoining landowners.  Lot boundary setbacks will remain similar to existing neighbouring lot boundary setbacks and as such there will be no impact on residential amenity.	Yes
5.	The variation is a minor increase in the size of the approved Building Envelope. An increase up to a maximum of 10% of the area of the original approved Building Envelope will be considered.	There will be no increase in the size of the approved Building Envelope.	Yes
6.	Building Envelopes are to be of a regular shape and comprise one single contiguous area.	The proposed Building Envelope will be irregular in shape and does not comprise one single contiguous area. It would be notably different to other Building Envelopes in the Doghill area.	No

	Requirement	Provided	Compliant
		The proposal therefore is not compliant with this provision of the Policy, which seeks to reduce the visual impact of development by one single, regular shaped Building Envelope.	

The proposed Building Envelope is generally compliant with PP3.3.17, with the exception of the last criterion above. Despite this requirement not being compliant relating to a regular shape and being one single contiguous area, the proposal includes an environmental benefit with the Building Envelope being split over two separate locations.

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

The applicant submitted a BMP in support of the proposed Building Envelope Modification.

This BMP classified the vegetation on the subject lot and adjoining residential properties as 'Class (A) Forest' and 'Class (B) Woodland'. The main risk arises from the 'Woodland' vegetation located on the subject lot in the Bush Forever Site. The proposed modification is setback from the 'Woodland' vegetation approximately 14.2m in accordance with the 14m APZ indicated in the BMP. The determined BAL rating was BAL 40, although the BMP does state that this could be reduced if the proposed residence is located a minimum of 17m from the eastern Bush Forever Site boundary, and the owners maintain the Asset Protection Zone identified.

The BAL for the future Single House will be an acceptable rating of BAL 29 and the area marked 'Excluded 2.2.3.2' on the BMP will need to be maintained in perpetuity.

**e. Financial**

Nil

**f. Legal and Statutory**

Schedule No.4 of TPS2 provides that the size and location of an approved Building Envelope may be varied with the approval of the Local Government.

Schedule 4 also contains provisions which restrict the removal of vegetation, including Clause 15, which states:

*No native vegetation or significant habitat trees shall be removed, including from within a building envelope, except where established with written prior approval from Local Government. The Local Government may approve the removal of vegetation where the following context applies:*

- (a) *The trees are dead, diseased or dangerous;*
- (b) *The establishment of a fire break as required under regulation or local law,*
- (c) *Fire protection within an asset protection zone as defined in the Western Australian Planning Commission publication "Guidelines for Planning in Bushfire Prone Areas";*
- (d) *Access to an approved development site is required;*
- (e) *Subdivisional works require the removal of vegetation.*

**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 Building Envelope modification is generally compliant with TPS2 and PP3.3.17, with the exception of its irregular shape and not being one single contiguous area. Despite this, the proposed Building Envelope will have a better environmental outcome as it enables the protection and retention of the four mature Jarrah trees.

The proposed Building Envelope is also compatible with the amenity of neighbouring properties and has an acceptable level of bush fire risk.

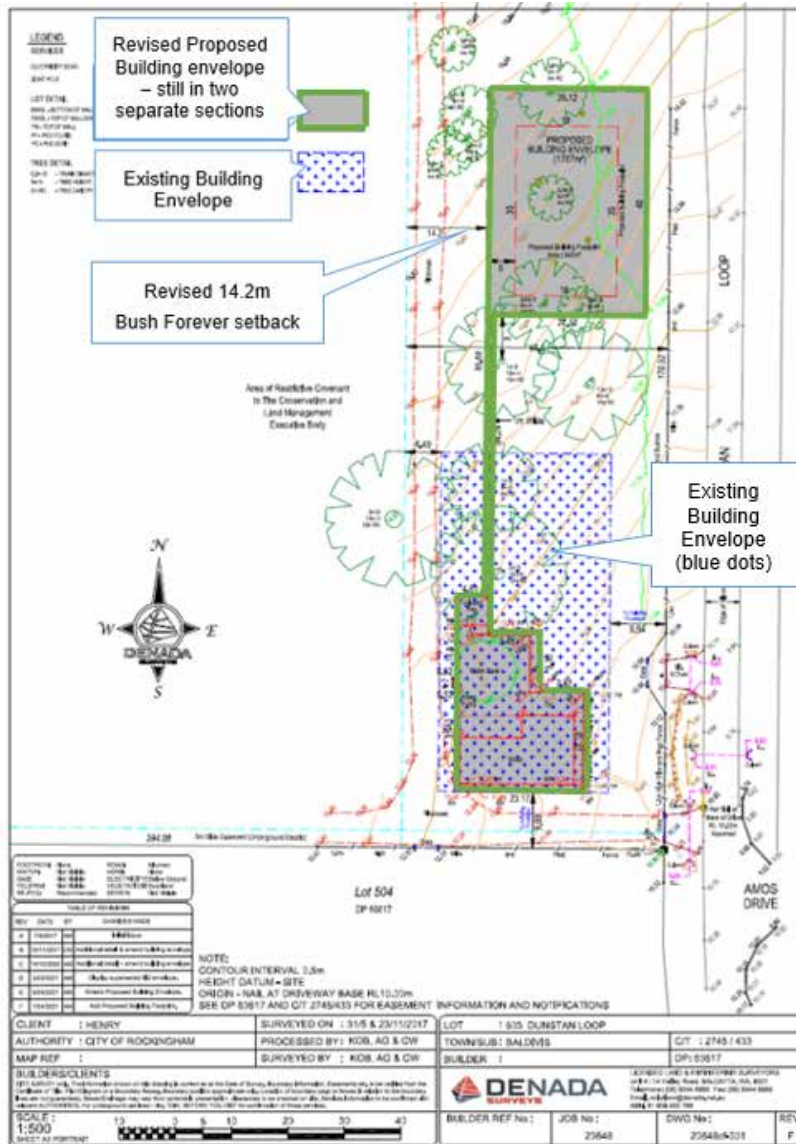
It is accordingly recommended that the proposed Building Envelope modification be approved.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVES** the application to vary the approved Building Envelope at Lot 503 Dunstan Loop, Baldvis in accordance with the plan below:



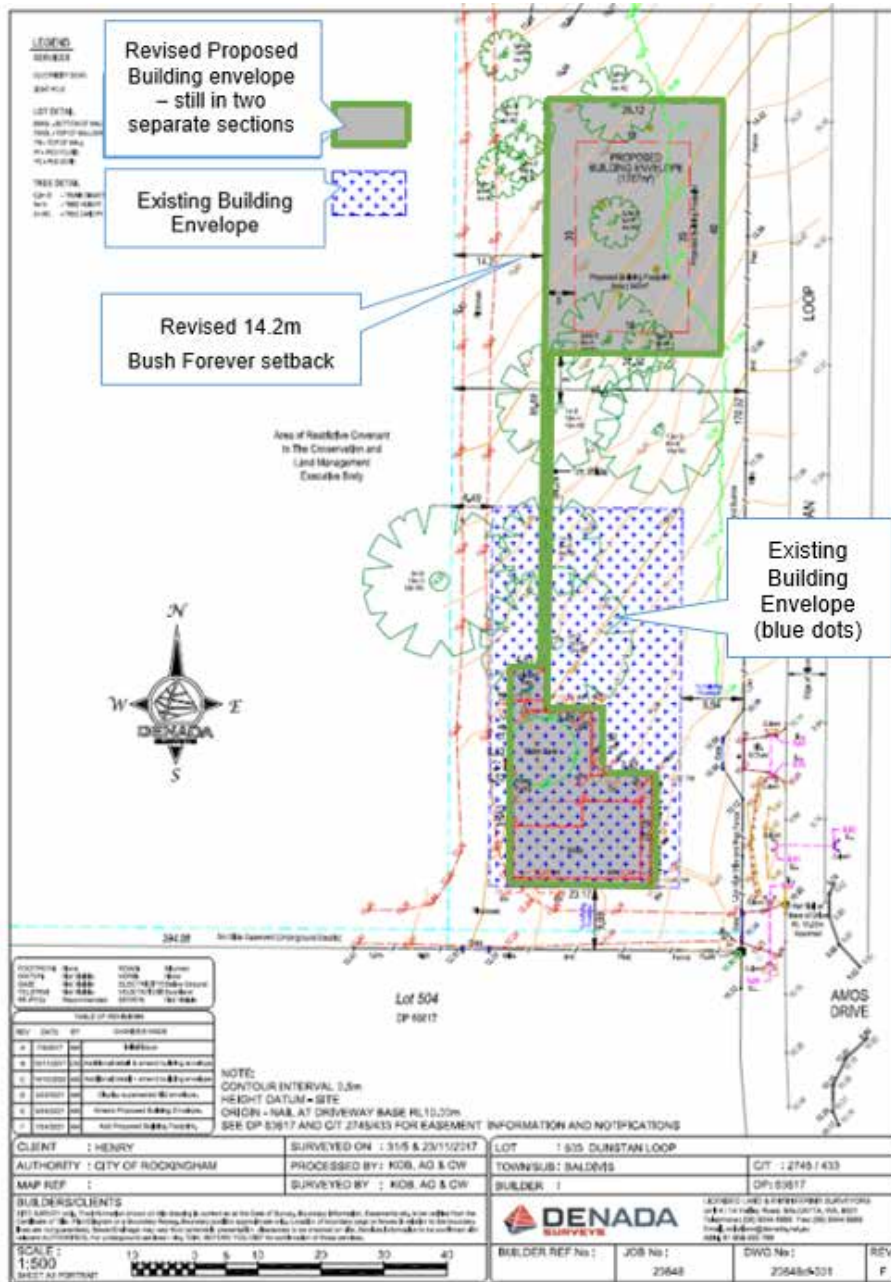
Proposed Building Envelope Modification

Confirmed at a Council meeting held on Tuesday 22 June 2021

*B W Sammels*  
 MAYOR (B W SAMMELS)

**Committee Recommendation**

That Council **APPROVES** the application to vary the approved Building Envelope at Lot 503 Dunstan Loop, Baldviss in accordance with the plan below:



Proposed Building Envelope Modification

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

Confirmed at a Council meeting held on Tuesday 22 June 2021

*[Signature]*  
 MAYOR (B W SAMMELS)



## Engineering and Parks Services Engineering Services



<b>Reference No &amp; Subject:</b>	<b>EP-008/21</b>	<b>Draft Community Plan Strategy - Coastal Facilities Strategy 2021-2025 for Public Comment</b>
File No:	EVM/162-02	
Applicant:		
Owner:		
Author:	Mr Manoj Barua, Manager Engineering Services	
Other Contributors:	Mr Michael Wilson, Senior Projects Officer	
Date of Committee Meeting:	17 May 2021	
Previously before Council:	28 January 2020 (EP-002/20)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:	Draft Coastal Facilities Strategy 2021-2025	
Maps/Diagrams:		

### Purpose of Report

To seek Council's endorsement of the draft Community Plan Strategy - Coastal Facilities Strategy 2021 - 2025 (Strategy) for the purpose of public comment.

### Background

At its meeting of 28 January 2020, Council considered a report (EP-002/20) about the City's Coastal Management Study and resolved as follows:

1. *ACCEPTS the Safety Bay Shoalwater Coastal Management Study in December 2019;*
2. *DIRECTS the CEO to share the summary outcome of the Study with the community; and*
3. *NOTES that a 'Community Plan Strategy - Coastal Facilities Strategy' will be developed in 2020/21."*

Confirmed at a Council meeting held  
on Tuesday 22 June 2021

MAYOR (B W SAMMELS)

Over 80% of Australians live within 100km of the coast, and it has been demonstrated that coastal recreation improves social interaction and social networks, leading to improved mental health. The City has been investing in coastal management planning over a range of timeframes, from medium term (20-50 year) master plans for specific sections of coast, to long term considerations (over a 100 year timeline) in the Coastal Hazards Risk Management Adaption Plan (CHRMAP). To help guide the City's provision of coastal infrastructure and outline coastal management activities in the shorter term (over the next four years) the City has developed a draft Coastal Facilities Strategy (attached).

## Details

The scope of the Strategy is a focus on marine recreation and coastal protection being the area seaward of the high tide mark; boat ramps and their associated infrastructure; and beach access paths. This captures both infrastructure such as jetties, groynes and sea walls; and coastal processes such as erosion and accretion in relation to City infrastructure.

In developing the Strategy, a number of other Strategies and studies were considered, such as the City's Strategic Community Plan, CHRMAP, Coastal Management Study, Strategic Asset Management Plan, Disability Access and Inclusion Plan, Sustainability Strategy, Shoalwater Islands Marine Park Management Plan, Rockingham and Shoalwater-Safety Bay Foreshore Master Plans etc.

## Implications to Consider

### a. Consultation with the Community

Extensive community consultation has also informed the development of the draft Strategy. Community survey results made an important contribution to understanding community needs and priorities and the feedback was used in developing the Strategy accordingly. A survey was sent to all registered boat owners within the City of Rockingham, as well as those in the surrounding suburbs. Another survey was mailed out to residents around the coastline, advertised widely and made available online. Responses were received from 243 boat owners and 176 residents. This consultation also encompassed key community organisations such as:

- Marine Rescue Rockingham
- WA Kitesurfing Association
- The Cruising Yacht Club
- Safety Bay Yacht Club, and
- The Mangles Bay Fishing Club.

The Coastal Facilities Advisory Committee (CFAC) was also consulted on the draft Strategy.

Key findings from the community survey included:

- Residents are generally satisfied with the jetties, although their cleanliness could be improved.
- 22% of respondents would like to see additional fishing platforms.
- Point Peron boat launching facilities are well regarded, however there are boating safety concerns regarding those at Port Kennedy and insufficient parking at Bent Street facilities.
- There is strong support to continue sand management for boat access to open water and to prevent the loss of Apex Beach to erosion.
- Future investment is desired for a marina, and for additional and improved beach access paths.

Some of the actions in the Strategy were derived from the Coastal Management Study, undertaken by the City in 2019/20. The study outcome was shared with the community in two community engagement sessions in 2020.

Additionally, City Officers from different teams provided input into the development of the Strategy to ensure it reflects the need for wider community.

**b. Consultation with Government Agencies**

Face to face meetings and further email correspondence were held with the two key agencies in relation to the Strategy to ensure their initial feedback can be considered in the draft Strategy:

- Department of Biodiversity, Conservation and Attractions (DBCA) in relation to Shoalwater Islands Marine Park; and
- Department of Transport (DoT) in relation to general boating facilities.

**c. Strategic**

Community Plan

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

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

**Strategic Objective:** *Coastal Destination - Promote the City as the premier metropolitan coastal tourism destination.*

**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 Generations*

**Strategic Objective:** *Infrastructure Planning - Plan and develop sustainable and safe infrastructure which meet the current and future needs of the City's growing population.*

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

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

**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**

The draft Strategy has been developed according to the Strategic Development Framework Policy. Additionally, the Strategy was presented at the Councillors Engagement Session on 11 May 2021.

**e. Financial**

The costs associated with the implementation of actions outlined in the Coastal Facilities Strategy 2021 - 2025 will be incorporated in the relevant Team Plans and Business Plans over the strategy timeframe.

**f. Legal and Statutory**

Nil

**g. Risk**

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

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

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

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

Nil

**Comments**

The draft Coastal Facilities Strategy 2021 - 2025 outlines the actions to sustainably deliver the desired level of service in respect of boat ramps, coastal access, coastal infrastructure, coastal process management, address key coastal facilities raised by the community, and to undertake the necessary research to facilitate evidence-based decision-making in future iterations of this strategy.

Public comment will be sought over a four week period via Rockport, the City's Website and Social Media, and to relevant external stakeholders. Following the public comment period, all feedback will be reviewed for possible inclusion into the final Coastal Facilities Strategy 2021 - 2025 to be presented to Council for approval.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ENDORSES** the draft Coastal Facilities Strategy 2021 - 2025 for the purpose of public comment.

**Committee Recommendation**

That Council **ENDORSES** the draft Coastal Facilities Strategy 2021 - 2025 for the purpose of 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**

**Moved Cr Hamblin, seconded Cr Liley:**

That Council **ENDORSES** the draft Coastal Facilities Strategy 2021 - 2025 for the purpose of public comment.

**Carried – 10/0**

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


Not Applicable

**Council Resolution – En bloc Resolution**

**Moved Cr Jones, seconded Cr Hamblin:**

That the committee recommendations in relation to Agenda Items EP-009/21 to EP-012/21 be carried en bloc.

**Carried – 10/0**

<b>Engineering and Parks Services</b>		
<b>Engineering Services</b>		
<b>Reference No &amp; Subject:</b>	<b>EP-009/21</b>	<b>Tender T20/21-47 - Standing Offer for Laying of Asphalt and Associated Works</b>
File No:	T20/21-47	
Applicant:		
Owner:		
Author:	Mr Manoj Barua, Manager Engineering Services	
Other Contributors:	Mr Aulad Hossain, Maintenance Engineer	
Date of Committee Meeting:	17 May 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:		
Maps/Diagrams:		

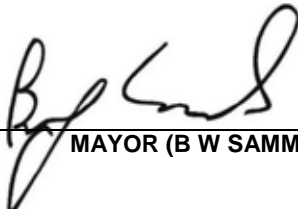
**Purpose of Report**

To provide Council with details of the Tenders received for Tender T20/21-47 - Standing Offer for Laying of Asphalt and Associated Works, document the results of the Tender assessment and make recommendations regarding award of the Tender.

**Background**

Tender T20/21-47 - Standing Offer for Laying of Asphalt and Associated Works was advertised in the West Australian on Saturday, 16 January 2021. The Tender closed at 2.00pm, Wednesday, 10 February 2021 and was publicly opened immediately after the closing time. Four submissions were received.

Confirmed at a Council meeting held  
on Tuesday 22 June 2021

  
MAYOR (B W SAMMELS)

## Details

The scope of the contract for the supply and laying of hot asphalt, minor concrete kerbing and minor drainage works for road resurfacing and rehabilitation.

The period of the contract shall be from 1 July 2021 until 30 June 2024.

A panel nominated by the Director Engineering and Parks Services, and comprising of Manager Engineering Services, Coordinator Maintenance and Operations and Maintenance Engineer undertook the Tender evaluation.

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

Assessment Criteria Max. Points	Level of Service 40 Pts	Understanding Tender Requirements 20 Pts	Tendered Price/s 40 Pts	Total Weighted Scores 100 Pts	Rank
Downer EDI Works Pty Ltd	36.0	17.3	36.9	90.2	1
Roads 2000 Pty Ltd	33.0	15.7	34.2	82.9	2
Fulton Hogan Industries Pty Ltd	31.7	16.3	34.0	82.0	3
Asphaltech Pty Ltd	28.3	12.7	20.5	61.5	4

The price of the contract will vary with the rise and fall of the Bitumen price which is a standard practice across the industry.

## Implications to Consider

a. **Consultation with the Community**

Not Applicable

b. **Consultation with Government Agencies**

Not Applicable

c. **Strategic**

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**

Expenditure in accordance with the City's Annual Budgets.

Historical expenditure for 2019/2020 was \$3,535,537 and 2020/2021 up to March was \$3,977,158. The expenditure is relatively high in 2020/2021 due to the delivery of additional road resurfacing projects funded by Local Roads and Community Infrastructure funding.

**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**

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 different levels of capability to undertake the contract requirements. Downer EDI Works Pty Ltd scored the highest score in level of service, understanding of Tender requirements and tendered price. Downer EDI Works Pty Ltd also offered 2% discount for all prices for supply and lay of hot asphalt from 1 July to 30 September in each year of the contract which is acceptable to the City, however, it is noted that the City does not undertake any large resurfacing project during this time due to the unsuitable weather conditions. Therefore, the offered 2% discount is unlikely to provide any significant savings to the City. Regardless of the discount offered, Downer EDI Works Pty Ltd scored highest in the tendered price.

It may be noted that Downer EDI Works Pty Ltd is the City's current contractor for supply and laying of hot asphalt and has provided satisfactory level of service.

Following consideration of the submissions in accordance with the Tender assessment criteria, Downer EDI Works Pty Ltd represents the best value to the City and is therefore recommended as the preferred tenderer.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ACCEPTS** the Tender submitted from Downer EDI Works Pty Ltd, 5 Marion Road, Maddington, WA 6109 for Tender T20/21-47 - Standing Offer for Laying of Asphalt and Associated Works in accordance with the Tender documentation for the contract period 1 July 2021 to 30 June 2024.

**Committee Recommendation**

That Council **ACCEPTS** the Tender submitted from Downer EDI Works Pty Ltd, 5 Marion Road, Maddington, WA 6109 for Tender T20/21-47 - Standing Offer for Laying of Asphalt and Associated Works in accordance with the Tender documentation for the contract period 1 July 2021 to 30 June 2024.

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

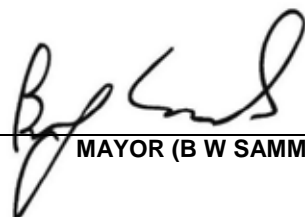
**Council Resolution**

That Council **ACCEPTS** the Tender submitted from Downer EDI Works Pty Ltd, 5 Marion Road, Maddington, WA 6109 for Tender T20/21-47 - Standing Offer for Laying of Asphalt and Associated Works in accordance with the Tender documentation for the contract period 1 July 2021 to 30 June 2024.

**Carried en bloc**

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

Not Applicable



MAYOR (B W SAMMELS)

## Engineering and Parks Services Director and Support Services



<b>Reference No &amp; Subject:</b>	EP-010/21	<b>Rescind Council Policies - The Placing and Maintenance of Memorial Seats within the City of Rockingham, The Placing and Maintenance of Memorial Plaques within the City of Rockingham and Roadside Memorial Policy</b>
File No:	CPM/3-7	
Applicant:		
Owner:		
Author:	Mr Sam Assaad, Director Engineering and Parks Services	
Other Contributors:		
Date of Committee Meeting:	17 May 2021	
Previously before Council:	27 January 2021 (EP-002/21), 27 April 2021 (EP-007/21)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:		
Maps/Diagrams:		

### Purpose of Report

To rescind Council Policies - The Placing and Maintenance of Memorial Seats within the City of Rockingham, The Placing and Maintenance of Memorial Plaques within the City of Rockingham and Roadside Memorial Policy.

### Background

At its Ordinary meeting on 27 April 2021, Council resolved to:

*'ADOPT the Memorials in Public Places Policy.'*

The Officer Recommendation within report did not detail the three existing memorial policies to be rescinded.

Confirmed at a Council meeting held  
on Tuesday 22 June 2021

MAYOR (B W SAMMELS)

## Details

The recently adopted Memorials in Public Places Policy applies to the three categories of memorials previously accepted by the City and supersedes the following:

1. The Placing and Maintenance of Memorial Seats within the City of Rockingham - adopted on 24 August 1999.
2. The Placing and Maintenance of Memorial Plaques within the City of Rockingham - adopted on 24 August 1999.
3. Roadside Memorial Policy - adopted on 28 September 2004.

These three memorial policies are superseded and require rescinding.

## Implications to Consider

### a. Consultation with the Community

The draft Council Policy - Memorials in Public Places was advertised on 28 January 2021 for a period of 28 days.

A total of 234 public submissions were received and considered by Council at its Ordinary meeting on 27 April 2021 (EP-007/21).

### b. Consultation with Government Agencies

Nil

### c. Strategic

#### Community Plan

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

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

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

**Aspiration 4:** *Deliver Quality Leadership and Business Expertise*

**Strategic Objective:** *Management of Current Assets - Maintain civic buildings, sporting facilities, public places and road and cycle way infrastructure based on best practice principles and life cycle cost analysis.*

### d. Policy

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

The Council Policies - The Placing and Maintenance of Memorial Seats within the City of Rockingham, The Placing and Maintenance of Memorial Plaques within the City of Rockingham and the Roadside Memorial Policy are now superseded by the Council Policy - Memorials in Public Places adopted on 27 April 2021.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **RESCINDS** the following Council Policies:

1. The Placing and Maintenance of Memorial Seats within the City of Rockingham Policy.
2. The Placing and Maintenance of Memorial Plaques within the City of Rockingham Policy.
3. Roadside Memorial Policy.

### Committee Recommendation

That Council **RESCINDS** the following Council Policies:

1. The Placing and Maintenance of Memorial Seats within the City of Rockingham Policy.
2. The Placing and Maintenance of Memorial Plaques within the City of Rockingham Policy.
3. Roadside Memorial Policy.

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 **RESCINDS** the following Council Policies:

1. The Placing and Maintenance of Memorial Seats within the City of Rockingham Policy.
2. The Placing and Maintenance of Memorial Plaques within the City of Rockingham Policy.
3. Roadside Memorial Policy.

Carried en bloc

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

Not Applicable

## Engineering and Parks Services Engineering Services



<b>Reference No &amp; Subject:</b>	EP-011/21	<b>Tender T20/21-43 - Standing Offer for Road Surface Profiling and Side Paving</b>
File No:	T20/21-43	
Applicant:		
Owner:		
Author:	Mr Manoj Barua, Manager Engineering Services	
Other Contributors:	Mr Aulad Hossain, Maintenance Engineer	
Date of Committee Meeting:	17 May 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:		
Maps/Diagrams:		

### Purpose of Report

To provide Council with details of the Tenders received for Tender T20/21-43 - Standing Offer for Road Surface Profiling and Side Paving, document the results of the Tender assessment and make recommendations regarding award of the Tender.

### Background

Tender T20/21-43 - Standing Offer for Road Surface Profiling and Side Paving was advertised in the West Australian on Saturday, 16 January 2021. The Tender closed at 2.00pm, Wednesday, 10 February 2021 and was publicly opened immediately after the closing time. Three submissions were received.

### Details

The scope of the contract is to undertake road surface profiling and side paving works and the period of the contract shall be from 1 July 2021 until 30 June 2024.

Confirmed at a Council meeting held  
on Tuesday 22 June 2021

MAYOR (B W SAMMELS)

A panel nominated by the Director Engineering and Parks Services, and comprising of Manager Engineering Services, Coordinator Maintenance and Operations and Maintenance Engineer undertook Tender evaluation.

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

Assessment Criteria Max. Points	Level of Service 40 Pts	Understanding Tender Requirements 20 Pts	Tendered Price/s 40 Pts	Total Weighted Scores 100 Pts	Local Content 5 Pts	Rank
WestCoast Profilers Pty Ltd	34.7	16.3	30.6	81.6	2	1
WA Profiling and Stabilisation Pty Ltd	34.7	16.3	30.0	81.0	2	2
Dowsing Group Pty Ltd	27.5	11.5	34.3	73.3	N/A	3

### Implications to Consider

a. **Consultation with the Community**

Not Applicable

b. **Consultation with Government Agencies**

Not Applicable

c. **Strategic**

Community Plan

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

Expenditure in accordance with the City's Annual Budgets.

Historical expenditure for 2019/2020 was \$724,011 and 2020/2021 up to March was \$591,892.

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**

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 price and other information submitted by WestCoast Profilers Pty Ltd and WA Profiling and Stabilisation Pty Ltd were very competitive. While both companies are considered to have the capacity and capability to perform the contract satisfactorily, WestCoast Profilers Pty Ltd scored the highest overall score.

Due to the closeness of the assessments for these two companies, the local content was considered but did not change the rankings.

Following consideration of the submissions in accordance with the Tender assessment criteria, WestCoast Profilers Pty Ltd represents best value to the City and is therefore recommended as the preferred tenderer.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ACCEPTS** the Tender submitted from WestCoast Profilers Pty Ltd, 31 Fellowship Road, Gngangara, WA 6077 for Tender T20/21-43 - Standing Offer for Road Surface Profiling and Side Paving in accordance with the Tender documentation for the contract period being from 1 July 2021 to 30 June 2024.

**Committee Recommendation**

That Council **ACCEPTS** the Tender submitted from WestCoast Profilers Pty Ltd, 31 Fellowship Road, Gngangara, WA 6077 for Tender T20/21-43 - Standing Offer for Road Surface Profiling and Side Paving in accordance with the Tender documentation for the contract period being from 1 July 2021 to 30 June 2024.

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**

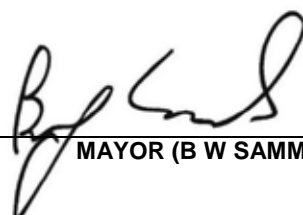
That Council **ACCEPTS** the Tender submitted from WestCoast Profilers Pty Ltd, 31 Fellowship Road, Gngangara, WA 6077 for Tender T20/21-43 - Standing Offer for Road Surface Profiling and Side Paving in accordance with the Tender documentation for the contract period being from 1 July 2021 to 30 June 2024.

**Carried en bloc**

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

Not Applicable

Confirmed at a Council meeting held  
on Tuesday 22 June 2021

  
MAYOR (B W SAMMELS)

## Engineering and Parks Services Asset Services



<b>Reference No &amp; Subject:</b>	<b>EP-012/21</b>	<b>Tender T20/21-05 - Standing Offer for Maintenance and Repairs to Pole Lighting Infrastructure</b>
File No:	T20/21-05	
Applicant:		
Proponent/s:		
Owner:		
Author:	Mr Tony Bailey, Acting Manager Asset Services	
Other Contributors:	Ms Vivian Gasser, Contracts Officer	
Date of Committee Meeting:	17 May 2021	
Previously before Council:		
Disclosure of Interest:	Cr Mark Jones declared an Impartiality Interest in Item EP-012/21 Tender T20/21-05 - Standing Offer for Maintenance and Repairs to Pole Lighting Infrastructure, as detailed in Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 and as per section 5.65 of the Local Government Act 1995, as he has a friendship with the owners of M Power U Electrical Contracting tendering for the works.	
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:		
Maps/Diagrams:		

### Purpose of Report

To provide Council with details of the Tenders received for Tender T20/21-05 - Standing Offer for Maintenance and Repairs to Pole Lighting Infrastructure, document the results of the Tender assessment and make recommendations regarding award of the Tender.

Confirmed at a Council meeting held  
on Tuesday 22 June 2021

MAYOR (B W SAMMELS)

## Background

Tender T20/21-05 - Standing Offer for Maintenance and Repairs to Pole Lighting Infrastructure was advertised in the West Australian on Saturday, 30 January 2021. The Tender closed at 2.00pm, Wednesday, 24 February 2021 and was publicly opened immediately after the closing time.

## Details

The City has responsibility for approximately 3,600 pole lights that are operated, maintained and renewed to provide quality lighting to roads, footpaths, reserves and sporting grounds. The type of works to be undertaken under the contract include removing and replacing damaged light poles, lights and other components as well as maintaining various electrical items associated with lighting infrastructure.

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

A panel nominated by the Director Engineering and Parks Services, and comprising of Acting Manager Asset Services, Acting Coordinator Asset Maintenance and Contracts Officer undertook the Tender evaluation.

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	Local Content*	Total Score	Rank
Max. Points	30 Pts	30 Pts	40 Pts	100 Pts	5 Pts		
<b>Greenlite Electrical Contractors Pty Ltd</b>	<b>26.2</b>	<b>22.2</b>	<b>40.0</b>	<b>88.4</b>	<b>1.3</b>	<b>89.7</b>	<b>1</b>
M Power U Electrical Contracting	28.8	27.3	28.3	84.4	4.3	88.7	2
Surun Services Pty Ltd	23.5	26.8	36.4	86.7	1.9	88.6	3
EOS Electrical	25.7	24.4	30.4	80.5	NA	80.5	4
Hunt Solutions	22.0	23.0	17.5	62.5	NA	62.5	5
Prestige Jointing & Electrical	14.5	13.5	29.6	57.6	NA	57.6	6
Pole Installation Australia	16.8	20.7	18.0	55.5	NA	55.5	7
Pearmans Electrical Services	16.5	13.8	17.3	47.6	NA	47.6	8
Pearmans Electrical Services – Alternative	16.5	14.2	7.2	37.9	NA	37.9	9

Assessment Criteria	Level of Service	Understanding of Tender Requirements	Tendered Price/s	Total Weighted Scores	Local Content*	Total Score	Rank
Max. Points	30 Pts	30 Pts	40 Pts	100 Pts	5 Pts		
Downer EDI Works Pty Ltd	non-conforming						
Hender Lee Electrical Contractors Pty Ltd	non-conforming						

\*In accordance with the Request for Tender and the City's Policy Framework, due to the close scores between the top three scoring tenderers, the assessment panel assessed the Local Content initiatives for these three companies. The Tender document package included a series of questions that each submission answered which was the basis of the additional five points.

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

### Implications to Consider

**a. Consultation with the Community**

Not Applicable

**b. Consultation with Government Agencies**

Not Applicable

**c. Strategic**

Community Plan

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

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

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

**Aspiration 4:** *Deliver Quality Leadership and Business Expertise*

**Strategic Objective:** *Strategic and Sustainable Financial Planning - Undertake long-term resource planning and allocation, with prioritised spending on core services, infrastructure development and asset management.*

**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**

Expenditure will be in accordance with the City's Annual Budgets. The expected expenditure under this contract is approximately \$600,000 per annum.

**f. Legal and Statutory**

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

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

**g. Risk**

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

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

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

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

Nil

### Comments

During the Tender process, Pearmans Electrical Services sought clarification on the Request for Tender schedule of rates resulting in conforming and alternate submissions being accepted and assessed.

The Tender submission from Hender Lee Electrical included a letter of offer with numerous deviations from the Request for Tender schedule of rates. Due to inconsistencies with the objective of the schedule, the assessment panel deemed the submission non-conforming.

Downer EDI Works Pty Ltd submitted a Form of Tender that did not conform to the criteria due to non-acceptance of a contract clause. The assessment panel deemed the submission non-conforming.

Following consideration of the submissions and in accordance with the Tender criteria, all companies demonstrated a capacity to complete the works.

The submission from Greenlite Electrical Contractors Pty Ltd is considered to represent best value to the City and is therefore recommended as the preferred tenderer.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **ACCEPTS** the Tender submitted from Greenlite Electrical Contractors Pty Ltd, 2/6 Profit Pass, Wangara WA 6065 for Tender T20/21-05 - Standing Offer for Maintenance and Repairs to Pole Lighting Infrastructure in accordance with the Tender documentation for the contract period being from 1 July 2021 to 30 June 2024.

### Committee Recommendation

That Council **ACCEPTS** the Tender submitted from Greenlite Electrical Contractors Pty Ltd, 2/6 Profit Pass, Wangara WA 6065 for Tender T20/21-05 - Standing Offer for Maintenance and Repairs to Pole Lighting Infrastructure in accordance with the Tender documentation for the contract period being from 1 July 2021 to 30 June 2024.

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

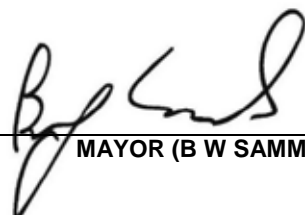
**Council Resolution**

That Council **ACCEPTS** the Tender submitted from Greenlite Electrical Contractors Pty Ltd, 2/6 Profit Pass, Wangara WA 6065 for Tender T20/21-05 - Standing Offer for Maintenance and Repairs to Pole Lighting Infrastructure in accordance with the Tender documentation for the contract period being from 1 July 2021 to 30 June 2024.

**Carried en bloc**

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

Not Applicable



## Corporate and Community Development Committee

### Corporate Services Director and Support



<b>Reference No &amp; Subject:</b>	CS-013/21	City Business Plan 2021/2022 to 2030/2031 (April 2021) (Absolute Majority)
File No:	CPM/7	
Proponent/s:		
Author:	Mr John Pearson, Director Corporate Services	
Other Contributors:		
Date of Committee Meeting:	18 May 2021	
Previously before Council:	23 February 2021 (CS-004/21)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:	Business Plan 2021/2022 to 2030/2031 (April 2021)	
Maps/Diagrams:		

### Purpose of Report

The purpose of the report is to adopt the City Business Plan 2021/2022 to 2030/2031.

### Background

The City of Rockingham's Business Plan provides a 10-year financial overview of the City's operations. Pursuant to the Council Policy – Strategic Development Framework, the City's Business Plan must be reviewed and adopted by Council in November and May each financial year. The last version of the City Business Plan was adopted at the February 2021 Council meeting, having being deferred at the December 2020 Council meeting.

### Details

The April 2021 version of the City Business Plan meets the City's statutory requirements of the Local Government Act 1995.

The City Business Plan provides allocations of financial resources to ensure that the key strategic objectives of the City are achieved. It also ensures that resources exist to safeguard standard operating functions, and ensure funding allocations are provided so capital construction programs may occur.

Confirmed at a Council meeting held  
on Tuesday 22 June 2021

  
MAYOR (B W SAMMELS)

It also provides an overview of the main community infrastructure projects. This is particularly relevant in local governments with rapidly growing populations such as the City of Rockingham. The table below provides information on the City Community Infrastructure construction program.

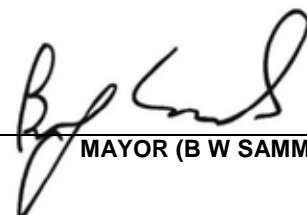
Community Infrastructure Plan (CIP) Projects	Construction Start Year	CIP Figure
Aqua Jetty Stage 2	2021/2022	\$19,169,050
Stan Twight Reserve Clubroom Extension	2022/2023	\$3,333,000
Baldivis Outdoor Recreation Space	2022/2023	\$1,503,000
Anniversary Park Master Plan	2024/2025	\$2,831,000
Rockingham Foreshore Activity Node	2025/2026	\$2,581,000
East Baldivis Recreation Reserve	2026/2027	\$5,210,000
Baldivis District Sporting Complex (outdoor courts and junior pavillion)	2027/2028	\$7,867,000
Baldivis South Outdoor Courts	2028/2029	\$1,181,000
Secret Harbour Community Library	2028/2029	\$1,218,000
Rockingham Aquatic Centre Redevelopment	2028/2029	\$13,598,000
Waikiki/Warnbro Outdoor Recreation Space	2029/2030	\$1,056,000
Lark Hill Sportsplex Norther Expansion	2030/2031	\$15,059,000
Arpenteur Park Master Plan (Ant. 2032/2033)	2032/2033	\$3,129,000

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

**Key Assumptions:**

- All revenues and expenses from the Millar Road Landfill Facility have been quarantined and clearly indicated where included.
- The figures included within the plan are based upon present conditions, as well as projections based on current knowledge.
- Rate increases for the first two years of the plan need to be at least 2.2%, year three is 2.7% and the remainder at 2.4%. This is net of natural rate growth which is expected to be approximately 1.4%.
- The City of Rockingham is a minimum Financial Assistance Grant (FAGs) local government and receives FAGs in line with population growth. This is anticipated to grow in line with population and can be reasonably anticipated.
- Grants for major capital programs will be available on some occasions. With the exception of road grants, capital grants have been included where known and approved. Capital road grants have been averaged or included as expected for the duration of the plan.
- Recurring operational grants have been calculated to increase by 1% per annum.
- Contributions and reimbursements have been calculated to increase at 1% per annum.
- City's fees and charges will be put before Council prior to budget adoption, with the annual yield of these expected to be increased by at least 1% per annum. Adjustments have been made related to the impact of Waste to Energy facilities operating, commencing in 2022.
- Increases in the sanitation charges will be in line with expense requirements and are submitted to Council via the fees and charges.

Confirmed at a Council meeting held  
 on Tuesday 22 June 2021



MAYOR (B W SAMMELS)

- Interest on investments of the City's "unrestricted funds" is expected to remain low for at least 5 years. This will be reviewed in future plans. There will be variations to the interest earnings on each of the City's cash reserve accounts due to the fluctuations in the amounts transferred into and out of the respective reserve accounts. All interest related to cash reserves is earmarked to be deposited into the related reserve.
- State planning policies allow for local governments to collect revenue from "new" land parcels created within the City boundaries. The City has implemented a Developer Contribution Scheme and is collecting revenue for newly created land within the City boundaries. The City now has ten years of history related to contributions and the accuracy of population forecasts. Given the uncertainty associated with predicting the land development activity in recent years, careful attention needs to be kept on revenues received. Receipt values have been amended down in the short term to reflect decreased land activity but by the end of the Scheme, land development remains similar to prior year predictions.
- For all other income, allowances have been made for these to increase by approximately 1% per annum with the exception of Landfill revenue which is likely to decline. This is related to the commencement of waste to energy facilities in proximity to Millar Road and the requirements being imposed on local government related to the state waste strategy.
- Employee costs are expected to increase moderately in the forthcoming years. This will need to be reviewed annually in line with staff number increases related to population growth. A 1.4% increase in the employee cost is directly related to population growth. The Business Plan also attempts to align with predictions made in the Team Plans related to approved staff changes. Years 2022 to 2024 see increases in staff numbers due to the opening of the Baldivis Indoor Recreation Centre and the expansion of Aqua Jetty.
- Materials and contractors is an area where there can be large cost fluctuations depending upon what is planned. A base figure from prior years has been used and this has been increased by 2% annually. It is traditionally very difficult to predict.
- Utilities have been calculated to increase at 2% per annum. Historically this has been difficult to estimate, particularly related to electricity costs. Unit rates for power have been known to increase in past years by much more than inflation.
- Insurances have been calculated to increase by 2% per annum. It is known that the current insurance market is difficult and given recent natural disasters, costs are likely to increase. There is potential for insurance costs to increase substantially above 2%. This situation is being monitored and may require future changes in assumptions.
- Transfers to and from reserves are to occur as per the separate Reserves Summary which is included in section 4 of this document. Cash reserves are a mixture of cash held by statutory requirement and by decision of Council. The ratio of this mixture will adjust year-in, year-out according to prevailing conditions.
- The details of loans projected to be repaid each year are shown on the Loans Summary which is included in section 4 of this document. Proposed borrowings are directly related to projects. The City has implemented a modified Gross Debt to Operating Revenue Ratio to measure suitable debt to be held on the balance sheet. This ratio for any given year should not exceed 45%. A Debt Servicing Ratio is also used which is not to exceed 8%.
- All opening balances remain at \$0 for the duration of the plan with the exception of years 2027 and 2028. This will be reviewed in future plans and on an annual basis, opening balances for the annual budget are "trued up" to known facts.
- It is understood the Western Australian economy is currently performing well with anticipated state budget surpluses being forecast.

### 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 4:** *Deliver Quality Leadership and Business Expertise*

**Strategic Objective:** *Strategic and sustainable financial planning – Undertake long term resource planning and allocation, with prioritised spending on core services, infrastructure development and asset management.*

**d. Policy**

This plan has been prepared in accordance with Council Policy - Strategic Framework and discussed at the May 2021 Councillor Engagement Session.

**e. Financial**

Nil

**f. Legal and Statutory**

This version of the City Business Plan complies with Regulation 19DA of the Local Government (Administration) Regulations 1996.

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

**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**

This plan, similar to prior years, requires significant resources to be delivered for new community infrastructure in the coming decade, and keeps rate increases to a minimum. The COVID-19 pandemic has impacted traditional revenues of the City significantly, particularly rates income and fees and charges, however grants are much higher than predicted due to economic stimulus grants from the state government. This has been well received by the City and will be used effectively to deliver key community infrastructure.

Given the population growth of the City, the construction of new facilities to service the community needs to be matched with the replacement of existing assets and buildings. A balance between these goal areas is always difficult and catering for specific needs can vary between years.

Millar Road Landfill continues to provide significant revenue to the City although this has reduced. Actions are occurring to ensure the landfill assists in providing a revenue stream to the City although this is likely to be at much lower levels than prior years. Ultimately the City needs to prepare itself for a time when extraordinary revenue from this facility does not exist. If this happens sooner rather than later, rate increases or alternate revenues would need to be found to cover the loss in income or reduce the program of construction of infrastructure delivery.

The City is currently facing some financial challenges. It is highly reliant on residential rate revenue and lacks diversity of rateable land uses when compared against similar local governments.

Noticeably, the City currently lacks a significant rateable industrial precinct. It should be noted that the locality of East Rockingham will assist somewhat in correcting this situation over the next two decades. This plan also reviews expenditure to ensure increases are kept to a minimum.

Given the above, the City has limited capacity to finance new facilities without increasing rates above those predicted or finding alternate revenue sources. This may include debt but this needs to be linked to ongoing debt repayment implications.

Projects/masterplans including Rockingham Foreshore Revitalisation Stage 2, Karnup District Structure Plan infrastructure requirements, Safety Bay/Shoalwater foreshore redevelopment and coastal hazard reduction infrastructure are not funded in this plan. How this is to occur will be further investigated and discussed with the Council at a future date.

Notwithstanding the above, a City Business Plan needs to be flexible enough to allow for changes that may arise. When such situations do arise, Council should be prepared to consider varying its forward plans as much as possible to take advantage of any changes. This said, it should be conditional upon any new projects (which may or may not involve grants) not significantly impinging upon the City's core goals and long term financial and non-financial objectives.

### Voting Requirements

Absolute Majority

### Officer Recommendation

That Council **ADOPTS** the April 2021 City of Rockingham Business Plan 2021/2022 to 2030/2031.

### Committee Recommendation

That Council **ADOPTS** the April 2021 City of Rockingham Business Plan 2021/2022 to 2030/2031.

Committee Voting (Carried) – 3/2

Councillors having voted for the motion: Cr Stewart (2)  
Cr Liley

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 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 Deb Hamblin proposed the following Alternate Motion:

That Council:

1. **ADOPTS** the April 2021 City of Rockingham Business Plan 2021/2022 to 2030/2031 subject to a rate increase for the 2021/2022 financial year being 1.5%; and
2. **DIRECTS** the Chief Executive Officer to prepare the 2021/2022 Annual Budget on this basis.

### Reason for Alternate Motion

Given the still unknown impact of the COVID pandemic going forward I believe the business plan should be considered on a 1.5% rate model in 2021/22 in the first instance. The City has also received financial grants that need to be expended in the next 12 months and I'm conscious of the increased workload that will be placed on our staff.

Some residents will also have to absorb the revaluation impact from the last 12 months that the City deferred for any increased valuations.

I am also concerned about the amount of detrimental social media that is dividing the council and our capacity to work together for the good of the City. This is the strategic document that guides our City for the next 12 months and I'm hoping that at 1.5% we will still have the flexibility to deliver services and complete projects as well as quelling the divisive media.

### 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 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**

Should Cr Hamblin's Alternate Motion be adopted, officers will prepare for a rate increase of 1.5%, not 2.2%. This is anticipated to reduce rate revenue by approximately \$644,000 and in the 2021/2022 financial year with a total rate yield expected to be \$94.267 million excluding interim rates. This decision would also reduce rate revenue by \$7.185 million over the next ten years.

In construction of the annual budget, all sources of revenue and expenditure will be reviewed identify potential savings.

**f. Legal and Statutory**

Regulation 19DA requires a local government to prepare a corporate business plan covering a period of at least four financial years each financial year. The plan must contain priorities in line with the Strategic Community Plan, internal operations planning, resource management and other integrated matters relating to long term financial planning.

**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 City Business Plan proposes a rate increase of 2.2% for the next year and forward planning has been based on this assumption. In consideration of the impact on COVID-19 on the community, Council had no increases in fees and charges or rates in the 2020/2021 (current) financial year. Further, the adopted Business Plan from February 2021 Council meeting (deferred from December 2020) reduced rates proposed from 2.7% to 2.2% by making adjustments to asset management requirements and noting state economic development related grants.

It is imperative that the City has the resources, not only over the next twelve months but over the next decade, to support its infrastructure construction requirements and operational costs. While one year's costs may be identifiable, the long term impact of this predicted rate change is over \$7 million. This cost on top of the costs associated with the current financial year's zero increases in fees and charges and rates. Over the last decade, the Council of the day has made decisions which has allowed the City to respond positively to the implications of COVID-19 and continue, where allowable under law, operations and construction programs. As a community leading organisation, it is considered vital that the City maintains adequate resources to respond promptly and prudently to major community issues. This is particularly relevant in emergency situations.

It should be noted that extraordinary circumstances has allowed the City to support no increases in predicted operating costs with substantially decreased predicted revenue. This includes requests from major City suppliers to not increase charges, unilateral holds on salary changes and minimal to no increases in statutory charges (e.g. utilities). Council needs to also consider the likelihood of increase costs of construction associated with new infrastructure. Given the current WA economy conditions, the City has been advised that quantity surveyor estimates may increase by as much as 30%.

Should Council support Cr Hamblin's motion, the next Business Plan will be modified to accommodate the changed circumstances and seek guidance on future revenue predictions.

### Officer Recommendation

Cr Hamblin's motion is not supported.

### Council Resolution

#### Moved Cr Hamblin, seconded Cr Edwards:

That Council:

1. **ADOPTS** the April 2021 City of Rockingham Business Plan 2021/2022 to 2030/2031 subject to a rate increase for the 2021/2022 financial year being 1.5%; and
2. **DIRECTS** the Chief Executive Officer to prepare the 2021/2022 Annual Budget on this basis.

6:55pm Mr Holland left the Chambers.

6:56pm Mr Holland rejoined the meeting.

7:24pm Ms Mylotte left the Chambers.

7:25pm Ms Mylotte rejoined the meeting.

Carried by Absolute Majority – 8/2

#### Councillors having voted for the motion:

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

#### Councillors having voted against the motion:

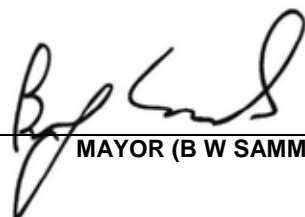
Cr Sammels                      Cr Stewart

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

Given the still unknown impact of the COVID pandemic going forward I believe the business plan should be considered on a 1.5% rate model in 2021/22 in the first instance. The City has also received financial grants that need to be expended in the next 12 months and I'm conscious of the increased workload that will be placed on our staff.

Some residents will also have to absorb the revaluation impact from the last 12 months that the City deferred for any increased valuations.

I am also concerned about the amount of detrimental social media that is dividing the council and our capacity to work together for the good of the City. This is the strategic document that guides our City for the next 12 months and I'm hoping that at 1.5% we will still have the flexibility to deliver services and complete projects as well as quelling the divisive media.



## Corporate Services Financial Services



<b>Reference No &amp; Subject:</b>	<b>CS-014/21</b>	<b>Rating Methodology – 2021/2022 Financial Year</b>
<b>File No:</b>	RTV/11	
<b>Proponent/s:</b>		
<b>Author:</b>	Mr Allan Moles, Manager Financial Services	
<b>Other Contributors:</b>	Mr John Pearson, Director Corporate Services	
<b>Date of Committee Meeting:</b>	18 May 2021	
<b>Previously before Council:</b>		
<b>Disclosure of Interest:</b>	Executive	
<b>Nature of Council's Role in this Matter:</b>		
<b>Site:</b>		
<b>Lot Area:</b>		
<b>Attachments:</b>	Rates Modelling Summary	
<b>Maps/Diagrams:</b>		

### Purpose of Report

This report is to approve proposed rates in the dollar for the 2021/2022 financial year to allow for advertising calling for submissions on the proposed differential rates.

### Background

The City's Business Plan that has been adopted indicates the level of rates needed to service current and future City requirements. This plan provided detailed financial information for the City which gave clarity to rate changes needed. The City Business Plan indicated the need to generate \$95.53 million in rates in the 2021/2022 financial year.

The new yield from all rates for the 2021/2022 year is projected to be some \$94.87 million. This does not include interim rates which are anticipated to make up any shortfall when compared against the Business Plan requirements. All money from rates is used across a wide array of services.

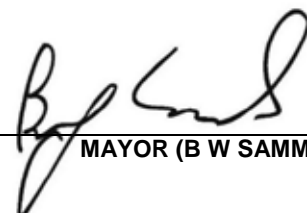
### Details

The proposed rating methodology is to apply differential rates for the 2021/2022 financial year in accordance with Section 6.36 of the Local Government Act 1995 as follows:

#### **Gross Rental Valuation (GRV) Properties**

Properties rated on a GRV basis make up approximately 99.5% of the total rates levied and have been classified into the following rate categories:

Confirmed at a Council meeting held  
on Tuesday 22 June 2021

  
MAYOR (B W SAMMELS)

### GRV - Residential

A differential general rate of 8.684 cents in the dollar applies to Residential land.

“Residential land” means any land used or designed, or adapted for use for the purpose of a dwelling and includes vacant land within the Residential, Development, Rural, Special Rural, Special Residential, Commercial, District Town Centre, Primary Centre Waterfront Village, Primary Centre Urban Village, Primary Centre City Centre, Primary Centre City Living, Primary Centre Campus and Primary Centre Urban Living zones under the City of Rockingham Town Planning Scheme No. 2.

Dwelling has the meaning given to it in the City of Rockingham Town Planning Scheme No. 2.

The rate applied to GRV-Residential is the differential general rate used as the basis on which the other GRV rate categories are calculated. The proposed GRV-Residential rate is an increase of 2.2% over the 2020/2021 rate in the dollar.

### GRV - Non Residential

A differential rate of 9.512 cents in the dollar applies to Non Residential land.

“Non-Residential land” means all land other than Residential land.

The City has implemented a 9.5% differential rate on Non Residential properties to assist in the cost of infrastructure specifically designed to support the non-residential sector.

### GRV - Minimum Rate

It is proposed that the minimum rate on all GRV properties be increased from \$1,200 to \$1,226 for the 2021/2022 year. This is an increase of 2.2% on last year’s minimum rates.

### Unimproved Valuation (UV) Properties

A general rate of 0.1058 cents in the dollar applies to all UV land. UV land generates approximately 0.5% of rate yield. The proposed UV-Improved rate is an increase of 2.2% on the 2020/2021 rate in the dollar.

It is proposed that the minimum rate for all UV properties will be increased from \$625 to \$634 for the 2021/2022 financial year. This is an increase of 1.4% on last year’s minimum rates as any additional increase would generate too many minimum rated UV properties.

## Implications to Consider

#### a. Consultation with the Community

Nil at this stage. Should Council adopt the officer recommendation, submissions will be invited as detailed in the Legal and Statutory section of this report.

#### 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 approval of the proposed rates for 2021/2022 is anticipated to yield approximately \$94.87 million. This is in line with what was required to be yielded from City Business Plan calculations.

UV properties are revalued annually; whereas, GRV properties are revalued every three years. It should be noted that the full impact of the revaluation of GRV properties that was implemented in 2020/2021 will be felt in the new financial year as due to COVID-19, Council resolved to grant a concession to all residential ratepayers to ensure no rates paid in 2020/2021 exceeded those paid in the 2019/2020 financial year. This concession does not apply for the 2021/2022 financial year thus the impact of the revaluation will be noticed by all GRV property owners. This is a statutory revaluation process, independently occurring from the City and must be implemented.

The proposed model increases rates by 2.2% as per the adopted Business Plan.

**f. Legal and Statutory**

Adoption of rates occurs as part of the budget adoption which is proposed to occur in June 2021. This report proposes to approve the rate levels at this time for the purpose of public advertising.

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.

Further, the local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification. This will occur during the budget adoption process.

In accordance with Section 6.35 of the Local Government Act 1995, a local government may impose a minimum payment greater than the general rate which would otherwise be payable. A local government is to ensure the minimum payment is not imposed on more than 50% of properties in a category.

**g. Risk**

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

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

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

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

Nil

### Comments

The City's strategic framework provides the process for ensuring as much information as possible is included in the City Business Plan and this drives the budgeting process to assist in meeting strategic outcomes. The plan indicates the need to spend significant resources on asset preservation and creation of new infrastructure to support growing populations. There are expectations by the community that the Council will act in a wide variety of fields; in the majority of cases, this is approved in community plan strategies which identify the costs involved.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **APPROVES** the following rates in the dollar and minimum rates for the 2021/2022 financial year and advertises calling for submissions on the proposed differential rates:

**Gross Rental Valuation (GRV) Properties**

**GRV - Residential**

A differential general rate of **8.684 cents** in the dollar applies to Residential land.

"Residential land" means any land used, or designed, or adapted for use, for the purpose of a dwelling and includes vacant land within the Residential, Development, Rural, Special Rural, Special Residential, Commercial, District Town Centre, Primary Centre Waterfront Village, Primary Centre Urban Village, Primary Centre City Centre, Primary Centre City Living, Primary Centre

Campus and Primary Centre Urban Living zones under the City of Rockingham Town Planning Scheme No. 2.

**GRV - Non Residential**

A differential rate of **9.512 cents** in the dollar applies to Non Residential land.

Non Residential land means all land other than Residential land.

**GRV - Minimum Rate**

The minimum rate on all GRV properties is **\$1,226**.

**Unimproved Valuation (UV) Properties**

A general rate of **0.1058 cents** in the dollar applies to UV land.

**UV - Minimum Rate**

The minimum rate for all UV properties is **\$634**.

**Committee Recommendation**

That Council **APPROVES** the following rates in the dollar and minimum rates for the 2021/2022 financial year and advertises calling for submissions on the proposed differential rates:

**Gross Rental Valuation (GRV) Properties**

**GRV - Residential**

A differential general rate of **8.684 cents** in the dollar applies to Residential land.

“Residential land” means any land used, or designed, or adapted for use, for the purpose of a dwelling and includes vacant land within the Residential, Development, Rural, Special Rural, Special Residential, Commercial, District Town Centre, Primary Centre Waterfront Village, Primary Centre Urban Village, Primary Centre City Centre, Primary Centre City Living, Primary Centre Campus and Primary Centre Urban Living zones under the City of Rockingham Town Planning Scheme No. 2.

**GRV - Non Residential**

A differential rate of **9.512 cents** in the dollar applies to Non Residential land.

Non Residential land means all land other than Residential land.

**GRV - Minimum Rate**

The minimum rate on all GRV properties is **\$1,226**.

**Unimproved Valuation (UV) Properties**

A general rate of **0.1058 cents** in the dollar applies to UV land.

**UV - Minimum Rate**

The minimum rate for all UV properties is **\$634**.

Committee Voting (Carried) – 3/2

Councillors having voted for the motion: Cr Stewart (2)  
Cr Liley

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 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 proposed the following Alternate Motion:

That Council **APPROVES** the following rates in the dollar and minimum rates for the 2021/2022 financial year and advertises calling for submissions on the proposed differential rates:

### Gross Rental Valuation (GRV) Properties

#### **GRV - Residential**

A differential general rate of 8.624 cents in the dollar applies to Residential land.

"Residential land" means any land used, or designed, or adapted for use, for the purpose of a dwelling and includes vacant land within the Residential, Development, Rural, Special Rural, Special Residential, Commercial, District Town Centre, Primary Centre Waterfront Village, Primary Centre Urban Village, Primary Centre City Centre, Primary Centre City Living, Primary Centre Campus and Primary Centre Urban Living zones under the City of Rockingham Town Planning Scheme No. 2.

#### **GRV - Non Residential**

A differential rate of 9.447 cents in the dollar applies to Non Residential land.

Non Residential land means all land other than Residential land.

#### **GRV - Minimum Rate**

The minimum rate on all GRV properties is \$1,218.

### Unimproved Valuation (UV) Properties

A general rate of 0.1051 cents in the dollar applies to UV land.

#### **UV - Minimum Rate**

The minimum rate for all UV properties is \$630.

## Reason for Alternate Motion

In the memorandum accompanying the recent Business Plan, Mr Pearson noted that "(t)he City is not yet through the impacts of COVID-19." I accept that, but would argue that it follows that the community as a whole is also still coping with the economic impacts of the pandemic, with snap-shutdowns still very much a reality, and a real burden on small and medium sized businesses in particular.

As we know, CPI has dropped to as little as 1% in some analyses, and wage growth is currently sitting at 1.4%, and estimated to remain at approximately that level for some time to come.

I acknowledge that a modest increase to rates is called for this year, given that we froze rates entirely last year, but I feel that asking households and small businesses to budget for an increase in excess of the 1.5% mark which we had previously discussed as being close to CPI is unreasonable.

I am therefore proposing a modified rate which would reduce the City's anticipated income by approximately \$650,000 - a relatively small amount when viewed alongside the whole of our annual budget - while continuing to grow the City's revenue, and offer support to those struggling in our community.

## Implications to Consider

### **a. Consultation with the Community**

Nil at this stage. Submissions will be invited as detailed in the Legal and Statutory section of this report.

**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**

Should Cr Buchanan's Alternate Motion be adopted, the City will advertise for submissions based on an alternate rate outcome as proposed in the City Business Plan. This is anticipated to reduce rate revenue by approximately \$644,000 in the 2021/2022 financial year. The total rate yield would then be expected to be \$94.267 million excluding interim rates. This decision would also reduce rate revenue by \$7.185 million over the next ten years based on rating assumptions provided in the City Business Plan.

**f. Legal and Statutory**

Adoption of rates occurs as part of the budget adoption which is proposed to occur in June 2021. This report proposes to approve the rate levels at this time for the purpose of public advertising only.

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. Further, the local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification. This will occur during the budget adoption process.

In accordance with Section 6.35 of the Local Government Act 1995, a local government may impose a minimum payment greater than the general rate which would otherwise be payable. A local government is to ensure the minimum payment is not imposed on more than 50% of properties in a category.

**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 City Business Plan proposes a rate increase of 2.2% for the next year and forward planning has been based on this assumption. In consideration of the impact of COVID-19 on the community, Council had no increases in fees and charges or rates in the 2020/2021 (current) financial year. Further, the adopted Business Plan from the February 2021 Council meeting (deferred from December 2020) reduced rates proposed from 2.7% to 2.2% by making adjustments to asset management requirements and noting state economic development related grants.

Should Council adopt Cr Buchanan's motion, the anticipated rate yield reduction over the next decade will exceed \$7 million. This will need to be considered in future Business Plans for the City.

The difference between a 2.2% rate increase versus a 1.5% rate increase for GRV properties are as follows:

Minimum rates	2.2% - \$1,226
	1.5% - \$1,218
Difference	\$8 per annum

An average residential house	2.2% - \$1,309
	1.5% - \$1,300
Difference	\$9 per annum

### Officer Recommendation

Cr Buchanan's motion is not supported.

### Council Resolution

#### Moved Cr Buchanan, seconded Cr Hamblin:

That Council **APPROVES** the following rates in the dollar and minimum rates for the 2021/2022 financial year and advertises calling for submissions on the proposed differential rates:

#### Gross Rental Valuation (GRV) Properties

##### **GRV - Residential**

A differential general rate of 8.624 cents in the dollar applies to Residential land.

"Residential land" means any land used, or designed, or adapted for use, for the purpose of a dwelling and includes vacant land within the Residential, Development, Rural, Special Rural, Special Residential, Commercial, District Town Centre, Primary Centre Waterfront Village, Primary Centre Urban Village, Primary Centre City Centre, Primary Centre City Living, Primary Centre Campus and Primary Centre Urban Living zones under the City of Rockingham Town Planning Scheme No. 2.

##### **GRV - Non Residential**

A differential rate of 9.447 cents in the dollar applies to Non Residential land.

Non Residential land means all land other than Residential land.

##### **GRV - Minimum Rate**

The minimum rate on all GRV properties is \$1,218.

#### Unimproved Valuation (UV) Properties

A general rate of 0.1051 cents in the dollar applies to UV land.

##### **UV - Minimum Rate**

The minimum rate for all UV properties is \$630.

**Carried – 8/2**

#### **Councillors having voted for the motion:**

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

#### **Councillors having voted against the motion:**

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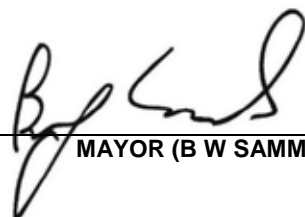
### The Council's Reason for Varying the Committee's Recommendation

In the memorandum accompanying the recent Business Plan, Mr Pearson noted that "(t)he City is not yet through the impacts of COVID-19." I accept that, but would argue that it follows that the community as a whole is also still coping with the economic impacts of the pandemic, with snap-shutdowns still very much a reality, and a real burden on small and medium sized businesses in particular.

As we know, CPI has dropped to as little as 1% in some analyses, and wage growth is currently sitting at 1.4%, and estimated to remain at approximately that level for some time to come.

I acknowledge that we need a modest increase to rates is called for this year, given that we froze rates entirely last year, but I feel that asking households and small businesses to budget for an increase in excess of the 1.5% mark which we had previously discussed as being close to CPI is unreasonable.

I am therefore proposing a modified rate which would reduce the City's anticipated income by approximately \$650,000 - a relatively small amount when viewed alongside the whole of our annual budget - while continuing to grow the City's revenue, and offer support to those struggling in our community.



## Corporate Services Financial Services



<b>Reference No &amp; Subject:</b>	<b>CS-015/21</b>	<b>May 2021 Budget Review (<i>Absolute Majority</i>)</b>
File No:	FLM/17-05	
Proponent/s:		
Author:	Mr Hitesh Hans, Project and Cost Accountant	
Other Contributors:	Mr Allan Moles, Manager Financial Services	
Date of Committee Meeting:	18 May 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:	May 2021 Budget Review	
Maps/Diagrams:		

### Purpose of Report

To adopt the May 2021 Budget Review.

### Background

The City undertakes three Budget Reviews during the year to monitor its financial performance against the annual budget and to review projections to the end of the financial year. Any variations to the annual budget arising from the review process are presented for Council's consideration and authorisation.

### Details

The May 2021 Budget Review includes details of transactions during the July 2020 to April 2021 period and adjustments required to the annual budget. The document includes the following information:

1. Summary of Budget Position
2. Summary of Major Amendments
3. Summary of Projects Carried Forward
4. Summary Statement of Operating and Non-Operating Revenue and Expenditure by Department.

Confirmed at a Council meeting held  
on Tuesday 22 June 2021

MAYOR (B W SAMMELS)

## 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 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 overall effect of the various budget amendments and carry forwards is an anticipated surplus after restricted funds of \$28.89M; of which, \$28.57M is committed to existing projects (net of associated funding), leaving an untied surplus of \$327,109. The actual surplus/deficit is dependent on the amount of incomplete works at the end of the financial year and will be finalised during the preparation and audit of the Annual Financial Statements.

**f. Legal and Statutory**

Section 6.8(1)(b) of the Local Government Act 1995 requires a local government not to incur expenditure from municipal funds until it has been approved in advance by absolute majority by Council.

**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

### **Budget Amendments**

The amendments over \$250K proposed in the Budget Review are summarised in the May 2021 Budget Review attachment under the Summary of Major Amendments (page 2). Below is an explanation of these amendments.

### **Operating Revenue**

Operating Revenue has increased by \$5.98M and includes the following major amendments;

1. An increase of \$5.4M in Non-Cash Developer Contributions (Parks) to offset non-operating expenditure (refer to Non-Operating Expenditure Item 1) to recognise parks and reserves handed over by developers.

2. An increase of \$316K in Non-Cash Developer Contributions (Roads) to offset non-operating expenditure (refer to Non-Operating Expenditure Item 2) to recognise roads and drainage infrastructure handed over by developers.
3. A decrease of \$473K in National Black Spot Project Grants as the Karnup Road/Young Road Improvement Project has been being withdrawn (refer to Non-Operating Expenditure item 4).

### **Operating Expenditure**

Operating expenditure has decreased by \$4.60M and includes the following major amendments;

1. A decrease of \$262K in Iconic Economic Develop/Tourism Events due to events that did not occur due to COVID-19.
2. A decrease of \$250K in Technopole Underwriting as the City resolved not to underwrite the Rockingham Renaissance Technopole. This is offset by non-operating revenue as this was funded by Reserve funds (refer to Non-Operating Revenue Item 1).

### **Non-Operating Expenditure**

Non-Operating expenditure has increased by \$4.68M and includes the following major amendments;

1. An increase of \$5.4M in Developer Contributed Assets (Parks) to recognise parks and reserves handed over by developers.
2. An increase of \$316K in Developer Contributed Assets (Roads) to recognise roads and drainage infrastructure handed over by developers.
3. A decrease of \$720K in acquisition of Car Park Land due to the purchase not proceeding.
4. A decrease of \$448K in Karnup Road/Young Road Improvement Project due to the project being withdrawn as it cannot be delivered without a land acquisition.

The accounts for the Baldivis District Sporting Complex have been consolidated to simplify reporting for grant acquittal and project management which is reflected in the budget amendments both as increases and decreases in the various accounts.

### **Non-Operating Revenue**

Non-Operating revenue has decreased by \$960K and includes the following major amendments;

1. A decrease of \$817K in Development Contribution Reserve transfer to reflect the reduced offsetting expenditure anticipated this year.
2. A decrease of \$250K in Life Long Learning Reserve transfer as the City did not underwrite the Rockingham Renaissance Technopole.

All other proposed amendments are detailed in the May 2021 Budget Review document.

### **Carry Forward Projects**

The amount of \$28.57M has been carried forward for projects not expected to be completed by the end of June 2021. These projects are summarised in the May 2021 Budget Review attachment under Summary of Carry Forwards. The following are the major carry forwards over \$1M:

1. \$29.7M - Baldivis District Sporting Facility. This project is under construction and the carry forward amount is offset by \$17.0M in loans, \$7.0m in grant funding and \$863K in Reserve transfers.
2. \$4.3M - Koorana Reserve Upgrade. This project is under construction and the carry forward amount is offset by \$3.5M in loans.
3. \$2.5M - Landfill Master Plan Infrastructure. This project is in the detailed design phase.
4. \$1.7M - Mersey Point Construct Seawall. This project is at tender stage and the carry forward amount is offset by \$889K in grant funding.
5. \$1.6M - Aqua Jetty Stage 2 Build. This project is in the detailed design phase.
6. \$1.3M - Point Peron Car Park Expansion. This project is under construction and the carry forward is offset by \$400K in grant funding.

The May 2021 Budget Review also includes \$4.8M in unspent grants that relate to the carry forward projects.

All other carry forward projects are detailed in the May 2021 Budget Review document.

### Voting Requirements

Absolute Majority

### Officer Recommendation

That Council **ADOPTS** the May 2021 Budget Review.

### Committee Recommendation

That Council **ADOPTS** the May 2021 Budget Review.

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

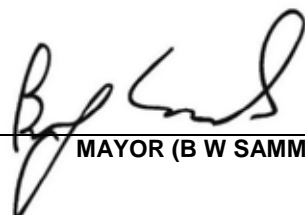
**Moved Cr Buchan, seconded Cr Jones:**

That Council **ADOPTS** the May 2021 Budget Review.

**Carried by Absolute Majority – 10/0**

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

Not Applicable



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<b>14.</b>	<b>Receipt of Information Bulletin</b>
	<p><b>Moved Cr Buchan, seconded Cr Stewart:</b></p> <p>That Council <b>RECEIVES</b> the Information Bulletin as follows:</p> <ol style="list-style-type: none"><li>1. Planning and Development Services Bulletin – May 2021;</li><li>2. Engineering and Parks Services Bulletin – May 2021;</li><li>3. Corporate and General Management Services Bulletin - May 2021; and</li><li>4. Community Development Bulletin – May 2021.</li></ol> <p style="text-align: right;"><b>Carried – 10/0</b></p>

**15. Report of Mayor**

**City of Rockingham  
Mayor's Report**



<b>Reference No &amp; Subject:</b>	<b>MR-005/21</b>	<b>Meetings and Functions Attended by the Mayor and Deputy Mayor</b>
File No:	GOV/85	
Proponent/s:	City of Rockingham	
Author:	Cr Barry Sammels, Mayor	
Other Contributors:	Cr Deb Hamblin, Deputy Mayor	
Date of Council Meeting:	25 May 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 28 April 2021 to 25 May 2021.

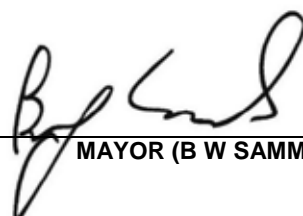
**Background**

Nil

**Details**

<b>Date</b>	<b>Meeting/Function</b>
28 April 2021	<i>Attended by Deputy Mayor Deb Hamblin – ANZAC Day Service, Golden Bay Primary School</i>
3 May 2021	Meeting with Rotary – Catalpa project Special Meeting of Council Australian Citizenship Ceremony
4 May 2021	Australian Citizenship Ceremony
5 May 2021	<i>Attended by Deputy Mayor Deb Hamblin – COVID-19 Social Wellbeing Sub-Committee meeting via Zoom</i> <i>Attended by Deputy Mayor Deb Hamblin – Safety Bay Senior High School Awards</i>
7 May 2021	Opening of Mother Teresa Catholic College Stage 3/3A
10 May 2021	Public Relations promotion
11 May 2021	Councillor Engagement Session
12 May 2021	Rockingham Art Awards

Confirmed at a Council meeting held  
on Tuesday 22 June 2021

  
MAYOR (B W SAMMELS)

Date	Meeting/Function
14 May 2021	Attended by Deputy Mayor Deb Hamblin – Warnbro Primary School – Walk Safely to School Meeting with Westport
16 May 2021	Attended by Deputy Mayor Deb Hamblin – Solemn Dedication of St Teresa of Calcutta Catholic Church
17 May 2021	Pre-meeting for COVID-19 Local Recovery Coordination Group Planning and Engineering Services Committee
18 May 2021	Key Leaders in Business Breakfast Series Special Councillor Engagement Session
19 May 2021	Attended by Deputy Mayor Deb Hamblin – Grants Commission Visiting Program Bendigo Bank Engagement COVID-19 Local Recover Coordination Group meeting via Zoom
20 May 2021	Volunteer Recognition Celebration
21 May 2021	Star of the Sea Opening of new buildings Rockingham Senior High School ESC Afternoon Tea
22 May 2021	Secret Harbour Surf Life Saving Club Awards Night
25 May 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 28 April 2021 to 25 May 2021.

### Council Resolution

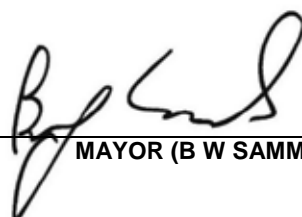
**Moved Cr Hamblin, seconded Cr Stewart:**

That Council **RECEIVES** the Mayor's Report for the period 28 April 2021 to 25 May 2021.

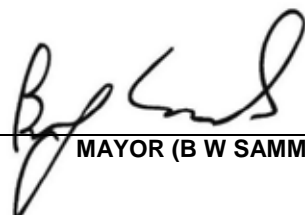
**Carried – 10/0**

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

Not Applicable



<b>16.</b>	<b>Reports of Councillors</b>
<b>16.1</b>	<b>Cr Hamblin – Reconciliation Action Plan</b>  Cr Hamblin noted the launch of the City's Reconciliation Action Plan which has received approval from Reconciliation Australia and congratulated the Aboriginal Advisory Group and City officers on this achievement.
<b>16.2</b>	<b>Cr Buchanan – Nyoongar Culture and Language Course</b>  Cr Buchanan advised that he is attending the above course held by Curtin University and commended it to other Councillors. The course is free (except where a certificate is required).



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**17. Reports of Officers**

**General Management Services**

**General Management Services  
Governance and Councillor Support**



<b>Reference No &amp; Subject:</b>	<b>GM-020/21</b>	<b>City of Rockingham code of conduct – Complaints Management Process (Absolute Majority)</b>
File No:	GOV/92	
Proponent/s:		
Author:	Mr Peter Varris, Manager Governance and Councillor Support	
Other Contributors:	Mr Michael Parker, Chief Executive Officer	
Date of Council Meeting:	25 May 2021	
Previously before Council:	SCM 3 May 2021 (GM-019/21)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:		1. Draft Council Policy – Code of Conduct Complaints Management Process 2. Delegation – Behaviour Complaints Committee 3. Revised Code of Conduct Breach Form 4. Delegation – Appointing External Complaints Officers
Maps/Diagrams:		

**Purpose of Report**

For Council to –

- Adopt a policy for the management of complaints made under the Code of Conduct (Complaints)
- Establish a committee of Council to determine Complaints (Complaints Committee)
- Delegate authority to the Complaints Committee to determine Complaints
- Approve a revised Complaints Form
- Appoint additional Complaints Officers
- Delegate authority to the CEO to appoint external Complaints Officers.

Confirmed at a Council meeting held  
on Tuesday 22 June 2021

MAYOR (B W SAMMELS)

## Background

At the Special Council meeting held 3 May 2021 Council adopted the City of Rockingham Code of Conduct for Council Members, Committee members and Candidates, however resolved to defer consideration of the balance of Item GM-019/21 City of Rockingham code of conduct for council members, committee members and candidates until after the matters are subject to a Councillor Engagement Session.

A Councillors Engagement Session was subsequently held on Tuesday 18 May 2021.

To recap Item GM-019/21, the *Local Government (Model Code of Conduct) Regulations 2021 (Regulations)* came into effect on 3 February 2021.

The *Regulations* replace the *Local Government (Rules of Conduct) Regulations 2007 (repealed)* and prescribe the Model Code of Conduct for local government council members, committee members and candidates (Model Code).

Council was obliged to adopt a code of conduct for council members, committee members and candidates which includes the Model Code within three months of the gazettal of the *Regulations* and this occurred earlier this month.

The City prepared a complaints management process policy based on officer research and the Western Australian Local Government Association (WALGA) template.

## Details

The key structure of the City's proposed Complaints Management Process policy is set out below –

1. Principles
  - Procedural fairness, consistency, confidentiality, accessibility, and perception of bias
2. Roles
  - Complaints Officer, Complaints Assessor, Behaviour Complaints Committee
3. Complaint process
  - How to make a Complaint, candidate complaints, withdrawing a Complaint, notices to complainants and respondents, Alternative Dispute Resolution, Complaints assessment and report, and meetings to determine a complaint.
4. Decision making
  - Objectives and principles, dismissal of complaint, findings, action and Plan requirements.

It is fundamental to the Complaint process that there be no bias or perception of bias. Council (as a whole) determining each Complaint presents a difficulty in that the subject of a Complaint (and potentially the maker of a complaint) will, more often than not, be involved in the determination of a Complaint. WALGA's template is predicated on a Committee determining each Complaint and addresses this issue through the delegation to the committee.

The City's draft Complaints Management Process permits the Council to establish a committee to process Complaints and to prescribe its terms of reference, membership as well as delegate to that committee the power to make determinations (Behaviour Complaints Committee). If a member of that committee were to be the maker or the subject of a Complaint he or she must recuse themselves from the deliberative process.

As identified at the Engagement Sessions on this subject, early intervention and resolution is critical to efficiently responding to Complaints. The City's proposed Complaints Management Process provides an opportunity for 'Alternate Dispute Resolution' should this be agreed by both parties to the complaint. This may lead to a withdrawal of a Complaint, obviating the need for formal consideration and determination.

The City's draft Complaints Management Process also provides the capacity for the CEO to appoint an external person to assess a Complaint and provide a report with recommendations to the Committee.

## Implications to Consider

**a. Consultation with the Community**

Nil

**b. Consultation with Government Agencies**

City officers have consulted with the Department of Local Government and the Western Australian Local Government Association (WALGA) in respect to the Model Code of Conduct.

**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**

This report provides for the adoption of a policy to guide the management of complaints related to the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates. This policy could be considered a 'Legislative' Policy as it underpinned by legislative requirements of the *Local Government (Model Code of Conduct) Regulations 2021*.

While the Policy Framework recommends a minimum public consultation period prior to formal adoption of a policy by Council, given the policy's reflection of the WALGA template and the legislative imperatives, public consultation is not seen as necessary on this occasion.

**e. Financial**

A budget provision to the value of \$7,500 has been allowed for costs associated with the establishment of a Code of Conduct in accordance with the regulations. This will include preparation of a draft code and training of council members, and development of other documentation.

A further budget will be required to cover the cost of independent external complaint officers / and complaint assessment officers.

**f. Legal and Statutory**

Section 5.103 of the *Local Government Act 1995* (the *Act*) [Model code of conduct for council members, committee members and candidates] provides that regulations must prescribe a Model Code of conduct for council members, committee members and candidates and must include –

- (a) general principles to guide behaviour; and
- (b) requirements relating to behaviour; and
- (c) provisions specified to be rules of conduct,

and may include provisions about how to deal with alleged breaches of the behaviour requirements.

Section 5.104 of the *Act* provides that a local government must prepare and adopt by absolute majority a code of conduct to be observed by council members, committee members and candidates, and which incorporates the Model Code.

The *Local Government (Model Code of Conduct) Regulations 2021* prescribe the Model Code of conduct for council members, committee members and candidates.

**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**

Now that Council has adopted the Code of Conduct it is essential that a Complaints Management Process is established. To this end the *Council Policy - Code of Conduct Complaints Management Process* has been developed. This is based upon the WALGA Template and the prior research.

A recommendation is made to establish a Behaviour Complaints Committee with the terms of reference prescribed in the draft Complaints Management Process policy and an appropriate, conditioned delegation of authority to determine Complaints.

While the draft Complaints Management Process policy provides Council with the ability to retain its deliberative powers in relation to Complaints, it is the author's view that the establishment of a Behaviour Complaints Committee will do much to remove any public perception of bias and will facilitate the efficient determination of Complaints in accordance with the principles of natural justice.

It will provide the ability for Council to condition the delegation of power to the Committee to determined complaints requiring any Committee Member having to recuse themselves should they be a respondent, complainant or otherwise subject to the complaint.

At the special Councillor Engagement Session of 18 May 2021 feedback was that a 'whole of Council' Behaviour Complaints Committee was the preferred approach in determining complaints and the proposed policy has been amended to accommodate this.

It is noted that the Complaints Form earlier approved by Council was prepared prior to the release of the WALGA Template. To ensure consistency with the City's draft Complaints Management Process it is proposed to withdraw the previously approved form and adopt a new form based on the WALGA template. The new form is consistent with the proposed policy and provides the means for the complainant to indicate a preference to pursue alternative dispute resolution as proposed in the draft policy.

The CEO seeks to pursue a more 'hands off' role in relation to undertaking the role of Complaints Officer under the proposed Model Code and asks Council to appoint two additional City officers to perform the role of Complaints Officer under the Code should the need arise. Senior Legal Officer, Mr Peter Le and Manager Governance and Councillor Support, Mr Peter Varris are recommended to Council for appointment. These officers will oversee the complaints management process and will liaise with the external complaint assessors when required.

While the CEO has the ability to appoint an external Complaint Assessors to assist a Complaints Officer in managing a Complaint, on occasion it may be preferable to have the entire process managed by an external Complaints Officer. To underpin the desire to resolve Complaints in a timely manner it is proposed to delegate authority to the CEO to appoint an external Complaints Officer, subject to conditions.

The above actions will provide a robust framework for the high standard of professional and ethical conduct of council members, committee members and candidates, and the timely and fair dealing of complaints.

Based on feedback from the Councillor Engagement Session, the implementation of the policy and its appropriateness will be subject to a review in twelve months.

## Voting Requirements

Simple Majority to appoint a complaints officer.

Absolute Majority to –

- establish a committee
- appoint persons as committee members
- delegate power to a committee or person.

## Officer Recommendation

That Council:

1. **ADOPTS** Council Policy – Code of Conduct Complaints Management Process (Attachment 1) and reviews its implementation in May 2022;
2. **ADOPTS** ‘Code of Conduct Breach Form’ (Attachment 2) for the purpose of clause 11 of the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates, and withdraw the form previously adopted;
3. **ESTABLISHES** the *Behaviour Complaints Committee* for the purpose of dealing with complaints under the Council Policy - Code of Conduct Complaints Management Process, the terms of reference and membership composition of which is provided under clause 2.3 of the policy;
4. **APPOINTS** the whole of Council as members of the Behaviour Complaints Committee, comprising –  
Cr Sammels, Cr Hamblin, Cr Buchan, Cr Buchanan, Cr Cottam, Cr Davies, Cr Edwards, Cr Jones, Cr Liley, and Cr Stewart.
5. **DELEGATES** authority to the Behaviour Complaints Committee the following in respect to a complaint related to the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates -
  - (1) Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC r.12(1) and (3)].  
In making any finding the Committee must also determine reasons for the finding [MCC.r.12(7)].
  - (2) Where a finding is made that a breach has occurred, authority to:
    - (a) take no further action [MCC.r.12(4(a)); or
    - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.r.12(4)(b), (5) and (6)].
  - (3) Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.r.13(1) and (2)].

### Conditions of Delegation

- (a) The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy – Code of Conduct Complaints Management Process.
- (b) That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s5.23(2)(b) of the Local Government Act 1995.
- (c) A Council Member is ineligible to perform the role of Committee Member and cannot be in attendance at that part of a meeting which deals with a complaint in which that Council Member is a Complainant, Respondent or otherwise subject to the complaint. The Committee is prohibited from exercising this Delegation in respect to a complaint forming part of the Committee agenda where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent or otherwise subject to the Complaint.

- (d) In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent.

Note to Conditions (c) and (d): The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent (or subject to a complaint) is required to recuse themselves by notifying the Presiding Member of their intention to be absent for the part of the meeting at which the Complaint is dealt with.

6. In addition to the Chief Executive Officer **APPOINTS** the Manager Governance and Council Support, Mr Peter Varris and the Senior Legal Officer, Mr Peter Le as Complaints Officers for the purpose of clause 11(3) of the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates;
7. **DELEGATES** to the Chief Executive Officer the authority to appoint an external Complaints Officer to receive complaints and withdrawal of complaints related to the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates.

Conditions of Delegation

- (a) Any appointment under this delegation excludes a current or former City of Rockingham Council Member, Committee Member, candidate or employee.
- (b) Any appointed external Complaints Officer must comply with the requirements contained in the –
- City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates
  - Council Policy – Code of Conduct Complaints Management Process

## Council Resolution

**Moved Cr Davies, seconded Cr Hamblin:**

That Council:

1. **ADOPTS** *Council Policy – Code of Conduct Complaints Management Process* (Attachment 1) and reviews its implementation in May 2022;
2. **ADOPTS** ‘*Code of Conduct Breach Form*’ (Attachment 2) for the purpose of clause 11 of the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates, and withdraw the form previously adopted;
3. **ESTABLISHES** the *Behaviour Complaints Committee* for the purpose of dealing with complaints under the Council Policy - Code of Conduct Complaints Management Process, the terms of reference and membership composition of which is provided under clause 2.3 of the policy;
4. **APPOINTS** the whole of Council as members of the Behaviour Complaints Committee, comprising –  
Cr Sammels, Cr Hamblin, Cr Buchan, Cr Buchanan, Cr Cottam, Cr Davies, Cr Edwards, Cr Jones, Cr Liley, and Cr Stewart.
5. **DELEGATES** authority to the Behaviour Complaints Committee the following in respect to a complaint related to the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates -
  - (1) Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [*MCC r.12(1) and (3)*].  
In making any finding the Committee must also determine reasons for the finding [*MCC.r.12(7)*].

- (2) Where a finding is made that a breach has occurred, authority to:
  - (a) take no further action [MCC.r.12(4)(a)]; or
  - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.r.12(4)(b), (5) and (6)].
- (3) Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.r.13(1) and (2)].

Conditions of Delegation

- (a) The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy – Code of Conduct Complaints Management Process.
- (b) That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s5.23(2)(b) of the Local Government Act 1995.
- (c) A Council Member is ineligible to perform the role of Committee Member and cannot be in attendance at that part of a meeting which deals with a complaint in which that Council Member is a Complainant, Respondent or otherwise subject to the complaint. The Committee is prohibited from exercising this Delegation in respect to a complaint forming part of the Committee agenda where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent or otherwise subject to the Complaint.
- (d) In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent.

Note to Conditions (c) and (d): The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent (or subject to a complaint) is required to recuse themselves by notifying the Presiding Member of their intention to be absent for the part of the meeting at which the Complaint is dealt with.

6. In addition to the Chief Executive Officer **APPOINTS** the Manager Governance and Council Support, Mr Peter Varris and the Senior Legal Officer, Mr Peter Le as Complaints Officers for the purpose of clause 11(3) of the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates;
7. **DELEGATES** to the Chief Executive Officer the authority to appoint an external Complaints Officer to receive complaints and withdrawal of complaints related to the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates.

Conditions of Delegation

- (a) Any appointment under this delegation excludes a current or former City of Rockingham Council Member, Committee Member, candidate or employee.
- (b) Any appointed external Complaints Officer must comply with the requirements contained in the –
  - City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates
  - Council Policy – Code of Conduct Complaints Management Process

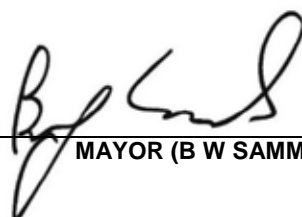
**Carried by Absolute Majority – 10/0**

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

Not Applicable

<b>18.</b>	<b>Addendum Agenda</b>
	Nil
<b>19.</b>	<b>Motions of which Previous Notice has been given</b>
	Nil
<b>20.</b>	<b>Notices of Motion for Consideration at the Following Meeting</b>
	Nil
<b>21.</b>	<b>Questions by Members of which Due Notice has been given</b>
	Nil
<b>22.</b>	<b>Urgent Business Approved by the Person Presiding or by Decision of the Council</b>
	Nil

Confirmed at a Council meeting held  
on Tuesday 22 June 2021



MAYOR (B W SAMMELS)

**23. Matters Behind Closed Doors**

**Corporate and Community Development Committee**

**7:41pm Moved Cr Buchan, seconded Cr Edwards:**

That Council **CLOSE** the meeting to the members of the gallery in accordance with Section 5.23(2)(c) of the Local Government Act 1995 to allow Council to discuss Confidential Item CS-012/21 Challenger Lodge and Challenger Court Disposal.

**Carried – 10/0**

**7:42pm The Mayor requested that members of the gallery depart the meeting.**

**The meeting resumed behind closed doors.**

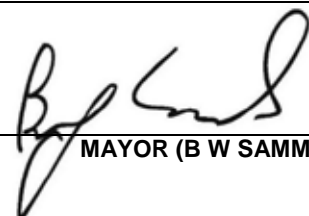
**CONFIDENTIAL ITEM**

**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

<b>Corporate Services Director and Support</b>		
<b>Reference No &amp; Subject:</b>	<b>CS-012/21</b>	<b>Challenger Lodge and Challenger Court Disposal</b>
File No:	LGS/702-03	
Proponent/s:		
Author:	Mrs Naomi Edwards, Coordinator City Properties	
Other Contributors:	Ms Helen Savage, Senior Project Officer Mr John Pearson, Director Corporate Services	
Date of Committee Meeting:	18 May 2021	
Previously before Council:	16 March 2021 (CS-006/21)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:	Lot 1484 on Diagram 180048 (30) Ray Street, Rockingham	
Lot Area:	2.7189 ha	
Attachments:	<b>Confidential Attachment as per Section 5.95 of the Local Government Act 1995</b> Challenger Court Transaction Request for Indicative Offers Recommendation on progressing with selected bidders – One Fell Swoop Pty Ltd	
Maps/Diagrams:	Aerial Photo	



### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **APPROVES** the request, from organisations as described in the Purpose of the Report, to submit formal binding offers in Stage 2 of the process to dispose of Lot 1484 to an aged care provider.

### Committee Recommendation

That Council **APPROVES** the request, from organisations as described in the Purpose of the Report, to submit formal binding offers in Stage 2 of the process to dispose of Lot 1484 to an aged care provider.

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

#### Moved Cr Hamblin, seconded Cr Buchanan:

That Council **OPENS** the meeting to the members of the gallery.

Carried – 10/0

**8:00pm** The Mayor invited members of the gallery to rejoin to the Council meeting and read aloud the Council Resolutions adopted behind closed doors.

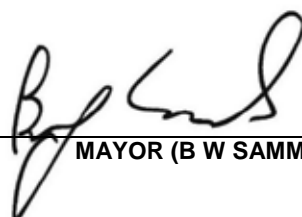
#### Moved Cr Hamblin, seconded Cr Edwards:

That Council **APPROVES** the request, from organisations as described in the Purpose of the Report, to submit formal binding offers in Stage 2 of the process to dispose of Lot 1484 to an aged care provider.

Carried – 10/0

<b>24.</b>	<b>Date and Time of Next Meeting</b>
	The next Ordinary Council meeting for the City of Rockingham will be held on <b>Tuesday 22 June 2021</b> commencing at 6:00pm in the Council Chambers, Civic Boulevard, Rockingham.
<b>25.</b>	<b>Closure</b>
	There being no further business, the Mayor thanked those persons present for attending the Council Meeting, and declared the meeting closed at <b>8:01pm</b> .

Confirmed at a Council meeting held  
on Tuesday 22 June 2021



MAYOR (B W SAMMELS)