



# City of Rockingham

## MINUTES

### Ordinary Meeting of Council Minutes

Held on Tuesday 12 October 2021 at 6:00pm  
City of Rockingham Council Chambers



**City of Rockingham**  
**Ordinary Meeting of Council**  
**6:00pm Tuesday 12 October 2021**



**CONTENTS**

<b>1.</b>	<b>Declaration of Opening/Announcement of Visitors</b>	<b>4</b>
<b>2.</b>	<b>Record of Attendance/Apologies/Approved Leave of Absence</b>	<b>4</b>
<b>3.</b>	<b>Responses to Previous Public Questions Taken on Notice</b>	<b>5</b>
<b>4.</b>	<b>Public Question Time</b>	<b>8</b>
<b>5.</b>	<b>Applications for Leave of Absence</b>	<b>10</b>
<b>6.</b>	<b>Confirmation of Minutes of the Previous Meeting</b>	<b>10</b>
<b>7.</b>	<b>Matters Arising from Minutes of Previous Meeting</b>	<b>10</b>
<b>8.</b>	<b>Announcement by the Presiding Person without Discussion</b>	<b>10</b>
<b>9.</b>	<b>Declaration of Member's and Officer's Interest</b>	<b>10</b>
<b>10.</b>	<b>Petitions/Deputations/Presentations/Submissions</b>	<b>11</b>
<b>11.</b>	<b>Matters for which the Meeting may be Closed</b>	<b>11</b>
<b>12.</b>	<b>Receipt of Minutes of Standing Committees</b>	<b>11</b>
<b>13.</b>	<b>Officers Reports and Recommendations of Committees</b>	<b>12</b>
	<b>Planning and Engineering Services Committee</b>	<b>13</b>
	PD-033/21 Joint Development Assessment Panel Application - Proposed Fast Food Outlet	13
	EP-019/21 Draft Council Policy - Requests for Feature Lighting	43
	<b>Corporate and Community Development Committee</b>	<b>51</b>
	GM-029/21 Council meetings dates for 2022	51
	GM-030/21 Council Policy – Attendance at Events ( <i>Absolute Majority</i> )	55
	CD-018/21 Community Grants Program applications Round Two 2021/2022	70
	CD-019/21 Draft Disability Access and Inclusion Plan 2022 – 2026	79
	CD-020/21 Support the location of the Golden Bay Community Garden	85
<b>14.</b>	<b>Receipt of Information Bulletin</b>	<b>93</b>
<b>15.</b>	<b>Report of Mayor</b>	<b>94</b>
	MR-010/21 Meetings and Functions Attended by the Mayor and Deputy Mayor	94
<b>16.</b>	<b>Reports of Councillors</b>	<b>97</b>
<b>17.</b>	<b>Reports of Officers</b>	<b>97</b>
<b>18.</b>	<b>Addendum Agenda</b>	<b>97</b>
<b>19.</b>	<b>Motions of which Previous Notice has been given</b>	<b>97</b>

<b>20.</b>	<b>Notices of Motion for Consideration at the Following Meeting</b>	<b>97</b>
<b>21.</b>	<b>Questions by Members of which Due Notice has been given</b>	<b>98</b>
<b>22.</b>	<b>Urgent Business Approved by the Person Presiding or by Decision of Council</b>	<b>98</b>
<b>23.</b>	<b>Matters Behind Closed Doors</b>	<b>98</b>
<b>24.</b>	<b>Date and Time of Next Meeting</b>	<b>98</b>
<b>25.</b>	<b>Closure</b>	<b>99</b>

**City of Rockingham**  
**Ordinary Meeting of Council Minutes**  
**Tuesday 12 October 2021 – Council Chambers**



**1. Declaration of Opening**

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

The Mayor noted that in accordance with clause 8.5 of the *City's Standing Orders Local Law 2001* provides that "[n]o person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council".

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

This permission does not extend to members of the public (including those in the gallery) meaning that they must not use any electronic, visual or vocal recording device or instrument (including a mobile telephone) to record any part of this meeting. If anyone breaches this Standing Order they will be asked to leave the Council chamber.

Council meetings are recorded in accordance with Council 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

	<p><b>2.2 Executive</b></p> <table border="0"> <tr><td>Mr Michael Parker</td><td>Chief Executive Officer</td></tr> <tr><td>Mr Bob Jeans</td><td>Director Planning and Development Services</td></tr> <tr><td>Mr Sam Assaad</td><td>Director Engineering and Parks Services</td></tr> <tr><td>Mr John Pearson</td><td>Director Corporate Services</td></tr> <tr><td>Mr Peter Doherty</td><td>Director Legal Services and General Counsel</td></tr> <tr><td>Mr Michael Holland</td><td>Director Community Development</td></tr> <tr><td>Ms Jelette Edwards</td><td>A/Manager Governance and Councillor Support</td></tr> <tr><td>Mr Peter Le</td><td>Senior Legal Officer</td></tr> <tr><td>Mr Aiden Boyham</td><td>City Media Officer</td></tr> <tr><td>Ms Sarah Mylotte</td><td>Administration Officer, Governance and Councillor Support</td></tr> </table> <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>	Mr Michael Parker	Chief Executive Officer	Mr Bob Jeans	Director Planning and Development Services	Mr Sam Assaad	Director Engineering and Parks Services	Mr John Pearson	Director Corporate Services	Mr Peter Doherty	Director Legal Services and General Counsel	Mr Michael Holland	Director Community Development	Ms Jelette Edwards	A/Manager Governance and Councillor Support	Mr Peter Le	Senior Legal Officer	Mr Aiden Boyham	City Media Officer	Ms Sarah Mylotte	Administration Officer, Governance and Councillor Support
Mr Michael Parker	Chief Executive Officer																				
Mr Bob Jeans	Director Planning and Development Services																				
Mr Sam Assaad	Director Engineering and Parks Services																				
Mr John Pearson	Director Corporate Services																				
Mr Peter Doherty	Director Legal Services and General Counsel																				
Mr Michael Holland	Director Community Development																				
Ms Jelette Edwards	A/Manager Governance and Councillor Support																				
Mr Peter Le	Senior Legal Officer																				
Mr Aiden Boyham	City Media Officer																				
Ms Sarah Mylotte	Administration Officer, Governance and Councillor Support																				
<b>3.</b>	<b>Responses to Previous Public Questions Taken on Notice</b>																				
	<p><b>3.1 Ms Teresa Ong, Singleton - Code on Conduct Complaint</b></p> <p>At the Council meeting held on 21 September 2021, Ms Ong asked the following questions that were taken on notice and the Chief Executive Officer provided a response in a letter dated 28 September 2021 as follows:</p> <p>Code of Conduct complaint div 3 01/21</p> <p>(preamble) This is non response (referring to letter attached to question) and the complaints officer when questioned said he could not tell me anymore, than the non answer.</p> <p>When a previous Div 3 was finalised, a Councillor and others ran at top speed to the press, to the radio stations and local newspaper to ensure maximum coverage.</p> <p><u>Question</u></p> <p>1. Why has this Div 3 been pushed under the rug? Is it due to friendships with Councillors and the respondent?</p> <p><u>Response</u></p> <p><i>The Division 3 complaint has been dealt with in accordance with the City of Rockingham Code of Conduct for Council Members, Committee Members, Council Policy – Code of Conduct Complaints Management Process and through the Behavioural Complaints Committee which has delegated authority to deal with a Division 3 complaint.</i></p> <p><i>The matter regarding media coverage you may be referring to, was a Local Government Standards Panel matter not a Division 3 Code of Conduct matter. This matter was placed on a register available to be publicly viewed on the City's website as per the Local Government Act 1995 relevant legislation as the complaint was found to be a minor breach by the Local Government Standards Panel and required to be reported in this manner.</i></p> <p><i>As you may be aware the City has only received one Division 3 complaint since the inception of such complaints under the Local Government (Model Code of Conduct) Regulations 2021 dealing with code of conduct.</i></p>																				

Question

2. Surely the process and outcome of this complaint should be on the website, like in previous complaints which are on the web?

Response

*The Agenda and Minutes of the Behavioural Complaints Committee is publicly available on the City's website under the Agendas and Minutes section. Just choose meeting type Behaviour Complaints Committee.*

<https://rockingham.wa.gov.au/your-city/council/council-and-committee-meetings/agendasand-minutes>

**3.2**

**James Mumme, Shoalwater - Petrol Station and Community Aspirations**

At the Council meeting held on 21 September 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 23 September 2021 as follows:

Question

1. What would have prevented Council from also refusing the petrol station on the ground that it failed to meet the predicted needs of future generations (or at the very least could Council have raised concerns)?

Response

*"Failed to meet the predicted needs of future generations" is not a valid planning ground for recommending refusal of this Development Application, to the Development Assessment Panel.*

*As advised at the Council meeting, the Council is performing a quasi-judicial role in dealing with this Development Application.*

Question

2. Does the Director's reply mean that the City treats community aspiration as a lower priority than meeting planning regulations and does not see it as a legal responsibility?

Response

*No, it does not.*

Question

3. Does Council consider that planning regulations are more important than the intent of the Act (and if not why not)?

Response

*No, it does not. Both are important.*

Question

4. Does Council consider that to quote the community aspiration about needs of future generations regarding a petrol station contradicts the intent of the act to meet needs of future generations (and if not, how does Council manage the situation when Council has no clear understanding about the needs of future generations)?

Response

*The link you have made between the "community aspirations about the needs of future generations regarding a petrol station" and a contradiction of the Local Government Act is incorrect.*

*The City did not link the two matters, but rather advised that dealing with a Development Application in accordance with the planning legislation does not mean it has ignored its community aspirations.*



Response (provided at the meeting)

*The Chief Executive Officer made comment that the Council sits on planning matters in a quasi-judicial role and therefore must determine planning matters on planning grounds according to the planning law. Planning legislation (the Act and Regulations) not the Local Government Act 1995.*

**3.3**

**Mr Tom Mannion, Safety Bay - Flooding in the Anchorage**

At the Council meeting held on 21 September 2021, Mr Mannion asked the following questions that were taken on notice and the Director Engineering and Parks Services provided a response in a letter dated 30 September 2021 as follows:

Question

1. Was the fraudulent transaction reported to the police? if not why not?
2. Have the elected members reviewed the Executive Policy to address the gaps allowing these fraudulent transactions? if not why not?
3. If so why is there another fraudulent transaction on another card in this month's minutes?

Response (provided at the meeting)

*The Director Corporate Services advised that the transaction was not performed by a staff member and there was no cost to the City. Relevant parties were advised. The City does not advise in public our detailed operational transactions to reduce the risk of fraud to the City.*

(preamble) Last month I also raised questions on the flooding in The Anchorage.

The City has responded that the drains are intentionally flooded and that they have investigated and found no blockages restricting the flow.

Councillors, you all have emails sent today with photos showing you the outlet pipe 50% blocked and drain clearly blocked with weeds.

In a previous response the City stated they use exclusion fences and safety signs for the public safety, none of these have been used in this instance or in previous years. Based on the statement from the City that they flood these drains intentionally and that they have failed to implement any of their controls. Residents in the Anchorage have witnessed people in these drains and dogs being rescued from the weed covered sections.

I would suggest that elected members have less a focus on Defamation and get independent legal advice on their negligence and the consequences of a serious incident involved flooding drains.

The City also stated they follow best practice in managing storm drains.

4. Are the Elected Members aware of the Department of Environment Stormwater Management Manual for Western Australia? This manual is used by WA Water Corporation.

Response

*Yes, elected members are now aware of this document.*

The Manual on several occasions under the heading of Public Health identify the need to control flooding to reduce the risk of injury and loss of life along with health risks and reducing the risk of water pooling causing mosquito breeding sites and other health hazards.

5. Will the Elected Members direct the city to adopt a safer strategy to reduce and maintain water levels to the drainage systems through the Anchorage?

Response

*The stormwater system in The Anchorage is designed to store water for a period of time in a controlled manner. This is not flooding, which is caused by uncontrolled stormwater. As you have been advised on previous occasions, the system is operating as intended and water levels will naturally reduce over spring and early summer through the infiltration and evaporation.*

4.	Public Question Time
	<p data-bbox="331 264 1436 353"><b>6:02pm The Mayor opened Public Question Time and invited members for the Public Gallery to ask questions. The Mayor noted that this was the only opportunity in the meeting for the public to ask questions.</b></p> <p data-bbox="331 383 1209 412"><b>4.1 Ms Teresa Ong, Singleton – Rates / rent relief for business</b></p> <p data-bbox="464 441 1436 501">The Mayor invited Ms Ong to present her questions to the Council. Ms Ong asked the following questions:</p> <ol data-bbox="464 517 1436 607" style="list-style-type: none"><li>1. Earlier this year following a question in public question time, a list of businesses who are receiving rent relief in the form of discount or no rent at all due to Covid-19 was given out.</li></ol> <p data-bbox="523 622 1436 683">Can you please list off now any businesses receiving free rent and businesses receiving reduced rent from the City of Rockingham.</p> <p data-bbox="464 698 1422 728"><i>The Mayor advised Nil – all rents are charged in accordance with Council Policy.</i></p> <ol data-bbox="464 743 1436 833" style="list-style-type: none"><li>2. I chatted to a lady who is having real problems paying her rates. She says she has notified the City of Rockingham, yet no reminder just a legal letter, which now means she pays interest and legal/debt collector fees.</li></ol> <p data-bbox="523 848 1436 909">If a ratepayer cannot pay the rates how are they to pay the extra interest and debt collectors fees.</p> <p data-bbox="523 925 1436 1014">Has that ever crossed the minds of the finance team? Have they any suggestions where these residents can mint some money to pay this whilst they are still suffering in the lag of less working hours and pay from Covid.</p> <p data-bbox="523 1030 1436 1090">What is being done to work out payment plans without the debt collectors fees?</p> <p data-bbox="464 1106 1436 1314"><i>The Mayor advised that the City offers many payment options including Rates Smoothing which is weekly, fortnightly, monthly payment options, single payment in full, by two instalments and by four instalments. Should none of these suit, the City is willing to agree to an alternate payment arrangement. The City also has a Financial Hardship Policy which any ratepayer may submit an application to. When approved, no interest is charged and extended payment options exist including no payments required for up to three months.</i></p> <p data-bbox="464 1330 1436 1538"><i>The use of debt collection is the least preferred option in collecting outstanding rate payments and ratepayers are always advised to contact the City officers should they have problems paying their rates. This information is contained on the rate notice and City website as well as other relevant communications. The City does send reminders including text messages and final notices prior to debt collection services being used. There are no extra charges to ratepayers for initial debt collection letters.</i></p> <ol data-bbox="464 1554 1436 1644" style="list-style-type: none"><li>3. Does the City of Rockingham know how many Councils have deferred their rates payment away from the week before Christmas until January to give families a break over Christmas?</li></ol> <p data-bbox="523 1659 1436 1742">City of Rockingham expect a rates payment a few days before Christmas. Has there been any thought to defer this to give some relief to families?</p> <p data-bbox="523 1758 1436 1818">My concern is the 2 issues above putting stress on residents and families at what should be a happy time-</p> <p data-bbox="464 1834 1436 2020"><i>The Mayor advised that the City does not track other local government activities although it is likely payment systems and terms are similar. As answered in question one there are many payment options available. All ratepayers are required to pay their rates and the City will work with any ratepayer in finding payment solutions which meet both party's needs. The City does not adjust instalment options because of holiday periods.</i></p>



**4.2 Mr Brayden Greig, Baldvis - Weed spraying/verge collection/election signage**

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

Weeds

1. A resident has brought up with me that a reserve near his house (coloured in translucent red in the attached image below) was being sprayed for weeding purposes. However, he claims the company that had been hired by the city to perform this activity had actively sprayed both weeds and natural flora.

Is the city aware of this, if so, what actions have been taken to prevent contractors from doing this again?

*The Mayor advised that the turf in Camley Fairway was treated for broadleaf weeds in early August. The garden beds were treated similarly in late September. These contractors are regularly audited for the quality of their work. The reserve has been checked again today and there is no indication of overspray onto adjacent plants.*

Verge collection

2. Verge collection in Baldvis was originally scheduled for the 13th September for residents south of Safety Bay Road, and the 20th for those north. As you know, this was delayed to the 28th September and the 11th October respectively. I live in the area that was due for collection on the 28th, but was not collected until the 11th October. A resident who lives on the street behind me creatively made a meme of this (attached below), as they too did not have their waste collected until I presume the 11th as well.

This prolonged wait has left a dead patch of grass where the waste was left for just over a month. Fortunately I had people drive by my house and notice some things they wanted and collected, so that dead patch isn't nearly as big. I doubt many others are as fortunate as I was.

What caused this delay and is the city planning on changing how they prepare for collection days in the future?

*The Mayor advised the City is aware of the delays and provided updated information to the community on anticipated collection timeframes. The delays are caused predominantly on far greater than expected waste levels placed on the verge. In some sections there is an increase of 50% on prior year levels. This has a knock on effect as it takes longer to pick up greater volumes there by pushing timeframes for later collection areas. The very large increases in volumes being collected were unexpected and it is very difficult to plan for such changes. The City will review the collection data once completed with a view to reducing the risks of delays happening again.*

Election signs

3. The ongoing local government election has seen a lot of corflutes go up around the city, and a number of them have gone missing too and a few in places where they shouldn't be put. I personally have had 12 of my 32 signs gone missing and another two damaged beyond repair. I can't exactly afford to have them replaced, though a few generous people have offered to donate to new signs.

If possible, could the city disclose the number of electoral signage that has been taken down, by the City or any related body? And out of personal curiosity, were any of mine included in this tally?

Good luck to the Mayor for after retirement.

*The Mayor advised the City has not removed any election signage. If we were to take them down the candidate would be advised. The City cannot comment on signage removed by others such as Western Power.*

**6:10pm There being no further questions the Mayor closed Public Question Time.**

<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 Hamblin, seconded Cr Stewart:</b></p> <p>That Council <b>CONFIRMS</b> the Minutes of the Ordinary Council meeting held on 21 September 2021, 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>		
	<p><b>6:11pm</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.</p>		
<b>9.</b>	<b>Declarations of Members and Officers Interests</b>		
	<p><b>9.1 Item CD-018/21 Community Grants Program applications Round Two 2021/2022</b></p> <p>Councillor: Mayor Barry Sammels</p> <p>Type of Interest: Impartiality</p> <p>Nature of Interest: Cr Sammels is Vice Patron of the Cruising Yacht Club.</p> <p>Extent of Interest: Not Applicable</p> <p><b>9.2 Item CD-018/21 Community Grants Program applications Round Two 2021/2022</b></p> <p>Councillor: Cr Lorna Buchan</p> <p>Type of Interest: Impartiality</p> <p>Nature of Interest: Cr Buchan's sons will be taking part in the Formula 18 National Championships being hosted by The Cruising Yacht Club.</p> <p>Extent of Interest: Not Applicable</p> <p><b>6:11pm The Mayor noted the interests declared in Items 9.1 and 9.2, and asked if there were any further interests to declare.</b></p> <p><b>9.3 Item CD-020/21 Support the location of the Golden Bay Community Garden</b></p> <p>Councillor: Cr Lorna Buchan</p> <p>Type of Interest: Impartiality</p> <p>Nature of Interest: Cr Buchan is a member of the Golden Bay Progress Association.</p> <p>Extent of Interest: Not Applicable</p> <p><b>The Mayor noted there were no further interests declared.</b></p>		

<b>10.</b>	<b>Petitions/Deputations/Presentations/Submissions</b>
	Nil
<b>11.</b>	<b>Matters for which the Meeting may be Closed</b>
	Nil
<b>12.</b>	<b>Receipt of Minutes of Committees</b>
	<p><b>Moved Cr Liley, seconded Cr Edwards:</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 4 October 2021; and</li><li>2. Corporate and Community Development Committee meeting held on 5 October 2021.</li></ol> <p style="text-align: right;"><b>Carried – 10/0</b></p>

13.	Officers Reports and Recommendations of Committees
	<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-033/21 Joint Development Assessment Panel Application - Proposed Fast Food Outlet GM-030/21 Council Policy – Attendance at Events (<i>Absolute Majority</i>) CD-019/21 Draft Disability Access and Inclusion Plan 2022 – 2026</p>

**Planning and Engineering Services Committee**

**Planning and Development Services  
Statutory Planning Services**



<b>Reference No &amp; Subject:</b>	<b>PD-033/21</b> <b>Joint Development Assessment Panel Application - Proposed Fast Food Outlet</b>
File No:	DD020.2021.00000230.001
Applicant:	Planning Solutions Pty Ltd
Owner:	MGP Baldivis Pty Ltd
Author:	Mr David Banovic, Senior Projects Officer
Other Contributors:	Mr Eric Anderson, Planning Officer Mr Mike Ross, Manager Statutory Planning
Date of Committee Meeting:	4 October 2021
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Tribunal
Site:	Lot 1 (No.364) Baldivis Road, Baldivis
Lot Area:	4.0432ha
LA Zoning:	Development
MRS Zoning:	Urban
Attachments:	Responsible Authority Report
Maps/Diagrams:	<ol style="list-style-type: none"><li>1. Location Plan</li><li>2. Aerial Photograph of the Subject Site</li><li>3. Structure Plan Map (Extract)</li><li>4. Structure Plan - Advertised Commercial Concept Plan</li><li>5. Approved Subdivision Plan</li><li>6. Approved Local Development Plan (Plan Extract)</li><li>7. Proposed Site Plan</li><li>8. Perspective of Development When Viewed from the Corner of Baldivis Road and Fifty Road</li><li>9. Perspective of Development When Viewed Internally Facing Baldivis Road</li><li>10. Perspective of Development When Viewed Internally Facing Fifty Road</li></ol>

**Maps/Diagrams: (cont.)**

11. Building When Viewed from Baldvis Road (Eastern Elevation)
12. Building When Viewed Internally (Western Elevation)
13. Building When Viewed from Fifty Road (Northern Elevation)
14. Building When Viewed Internally (Southern Elevation)
15. Additional Trees Recommended for Planting and Retention
16. Signage Plan Variations

**Purpose of Report**

To provide a recommendation to the Metro Outer Joint Development Assessment Panel (MOJDAP) on an Application for a Fast Food Outlet on a portion of Lot 1 (No.364) Baldvis Road, Baldvis.

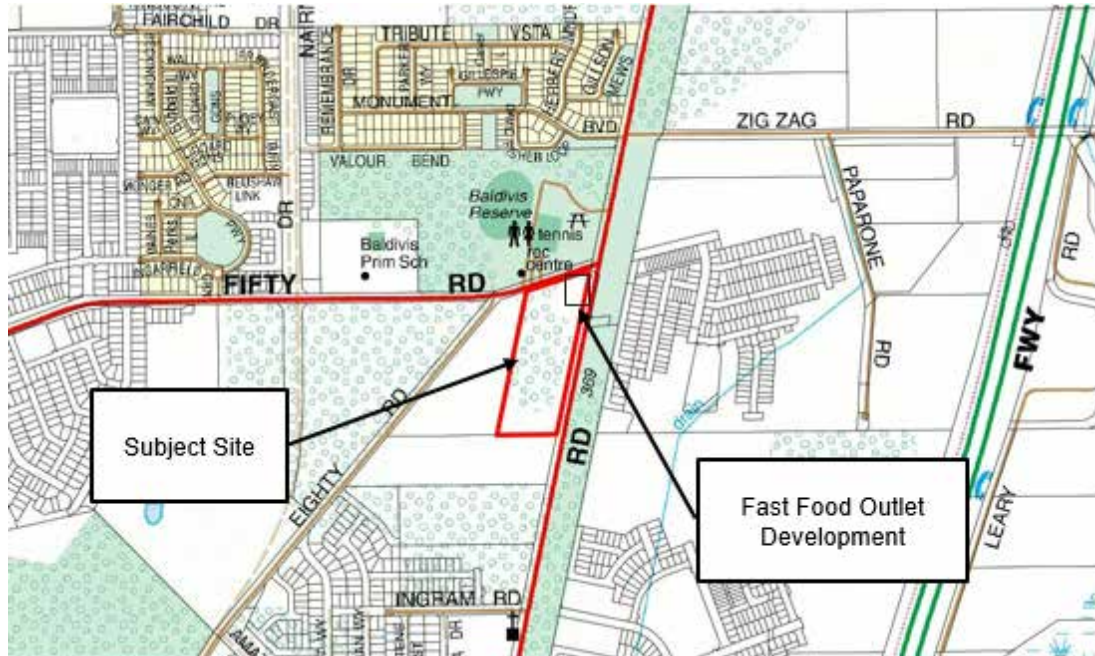
**Background**

Site Context

The subject site is approximately 4.04 hectares and currently contains a Single Dwelling.

The subject site is bounded by Fifty Road to the north, rural properties to the west, a poultry farm to the south and Baldvis Road to the east. The property to the west and further on the opposite side of Eighty Road are zoned for future urban development.

Directly to the north, on the opposite side of Fifty Road, is Baldvis Reserve which includes a small oval, tennis courts, recreation centre and bushland. Approximately 250m to the north-west of the opposite side of Fifty Road is the Baldvis Primary School.



1. Location Plan





2. Aerial Photograph of the Subject Site

### Planning Proposals

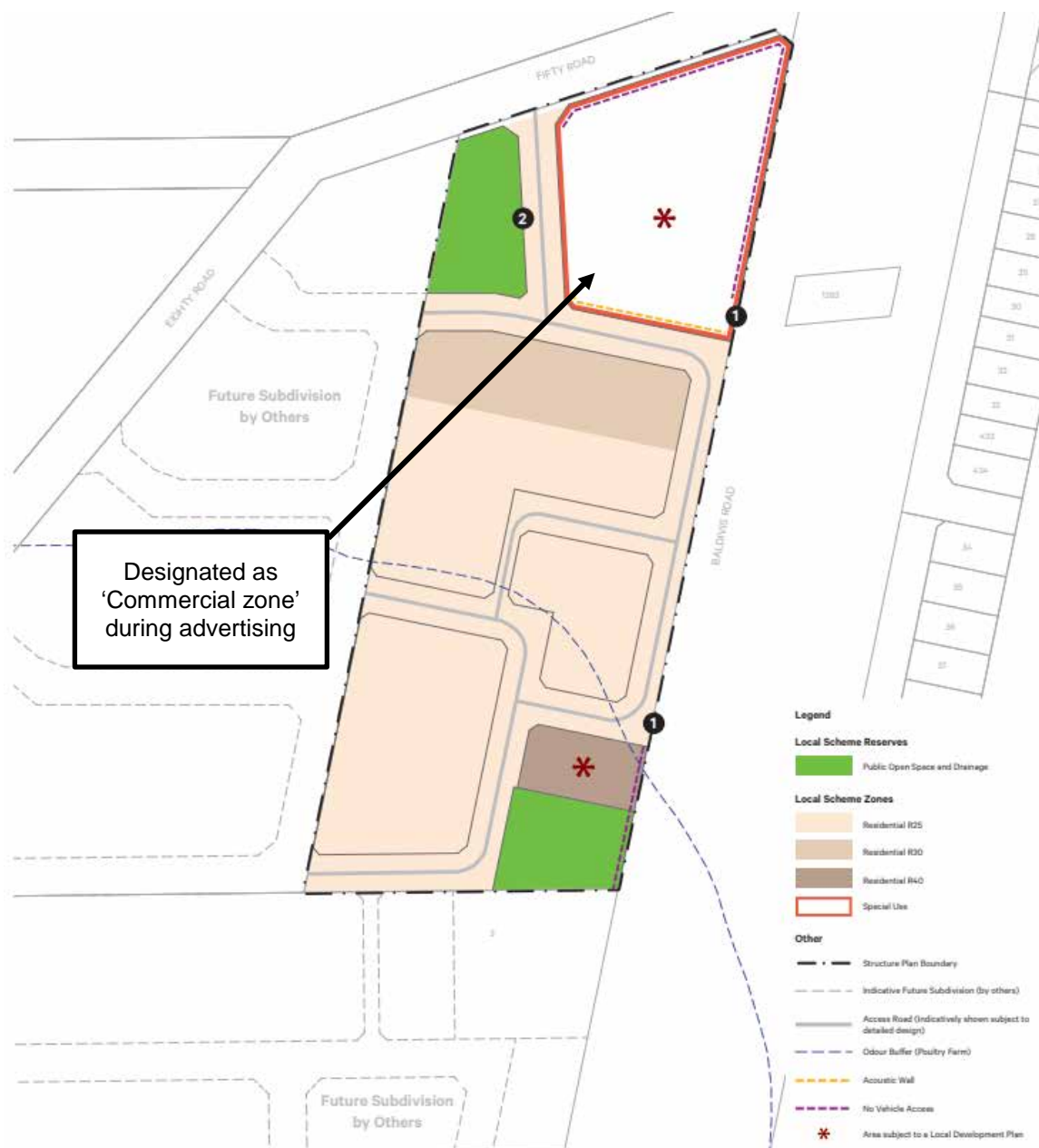
The following outlines the recent planning proposals on this site.

#### *Structure Plan*

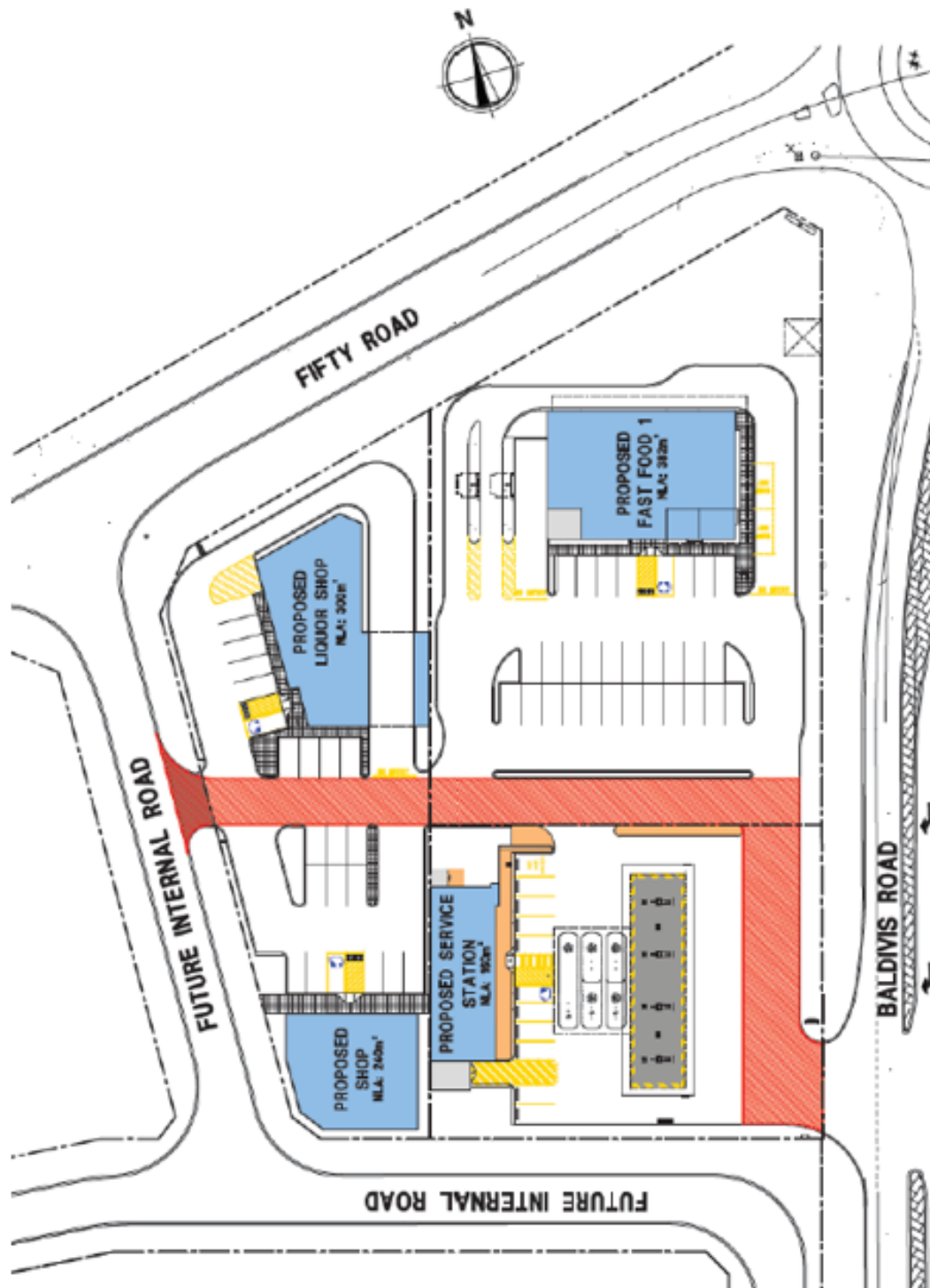
The City received a Structure Plan (SP) proposal over the site in October 2018, which planned for residential development at a density of Residential 'R25' (average lot size of 350m<sup>2</sup>), a Public Open Space contribution and access arrangements.

A Commercial zone was also proposed in the most north-eastern corner of the site at the Baldvis Road and Fifty Road intersection, with the following indicative land uses contemplated (subject to separate Development Approval/s):

- Y Shop;
- Y Service Station;
- Y Liquor Store - Small; and
- Y Fast Food Outlet.



3. Structure Plan Map (Extract)



#### 4. Structure Plan - Advertised Commercial Concept Plan

In July 2020, following consideration of the submissions received and the City's assessment of the proposal, Council resolved to recommend that the SP be approved (PD-035/20), subject to various modifications including *"The proposed commercial site be zoned Special Use on the Local Structure Plan Map"*.

In order to ensure potential impacts on other planned Commercial Centres is limited, the City recommended that the proposed 'Commercial zone' be modified to a 'Special Use zone' with conditions that limit retail floor area and prohibit non-compatible land uses, details of which are discussed below within the Legal and Statutory section of this Report.

In December 2020, the Western Australian Planning Commission (WAPC) formally reviewed the SP and decided to request various modifications, in accordance with recommendations made by the City.

Subsequently, in April 2021, WAPC resolved to approve the modified SP (refer to Figure 3 above).

#### *Subdivision Application*

In April 2021, the WAPC also granted Subdivision Approval over the Special Use zone for four freehold (green title) lots. Condition 21 of the Subdivision Approval required a Local Development Plan (LDP) to be prepared and approved in accordance with the Subdivision Plan.



5. Approved Subdivision Plan

#### *Development Application and Local Development Plan*

In January 2021, a LDP for the Special Use zone was submitted to the City for consideration along with a concurrent Development Application for a Liquor Store - Small on future Lot 2 and Service Station on Lot 3.

Following consideration of submissions (public and Government agencies inclusive of Department of Health and Department of Water and Environmental Regulation) received on both proposals and the City's assessment, the City approved the LDP in May 2021 and subsequently the Development Application in August 2021.

No Development Applications have been submitted to the City for consideration on future Lot 4.





## 6. Approved Local Development Plan (Plan Extract)

### Subject Development Application

In September 2021, a Development Assessment Panel (DAP) Application was lodged by the Applicant for a Fast Food Outlet, on the north-eastern portion of the Special Use zone.

The area of land subject to this application is future Lot 1 (refer to Figures 5 and 6 above) with a total area of 3563m<sup>2</sup>, and a portion of future Lots 2 and 3 which includes a vehicle access easement connecting Baldvis Road to an internal subdivision road linked to Fifty Road.

For clarity, future Lot 1 is referred to throughout this Report as the 'development site', whilst the Special Use zone is referred to as the 'Local Commercial Centre'.

## Details

This application seeks Development Approval for the use and development of a drive-through Fast Food Outlet, associated signage, parking, landscaping and access on a portion of the Local Commercial Centre site.

Specifically, the development provides for:

- A single storey building comprising a Net Lettable Area (NLA) of 270m<sup>2</sup>;
- An enclosed plant and servicing area within the western portion of the building and adjacent shared loading bay for service vehicles;
- A dual-lane drive-through and pick-up window with canopy and drive-through screen on the northern elevation of the building;
- Various signage including a prominent 12.0m high Pylon Sign adjacent to the Baldivis Road and Fifty Road intersection;
- 26 car parking bays, including one accessible parking bay adjacent to the building entrance;
- Two drive-through waiting bays plus car stacking capacity for 14 cars within the drive-through facility;
- Bicycle parking racks;
- Landscaping along the frontages and within the subject site, including a mix of soft landscaping beds and shade trees; and
- An internal footpath network which is proposed to link the building entrance with the existing pedestrian footpath from Baldivis Road and remaining planned Centre to the south.

The development is proposed to operate 24 hours per day, seven days a week and will accommodate 10 to 15 staff at any one time.

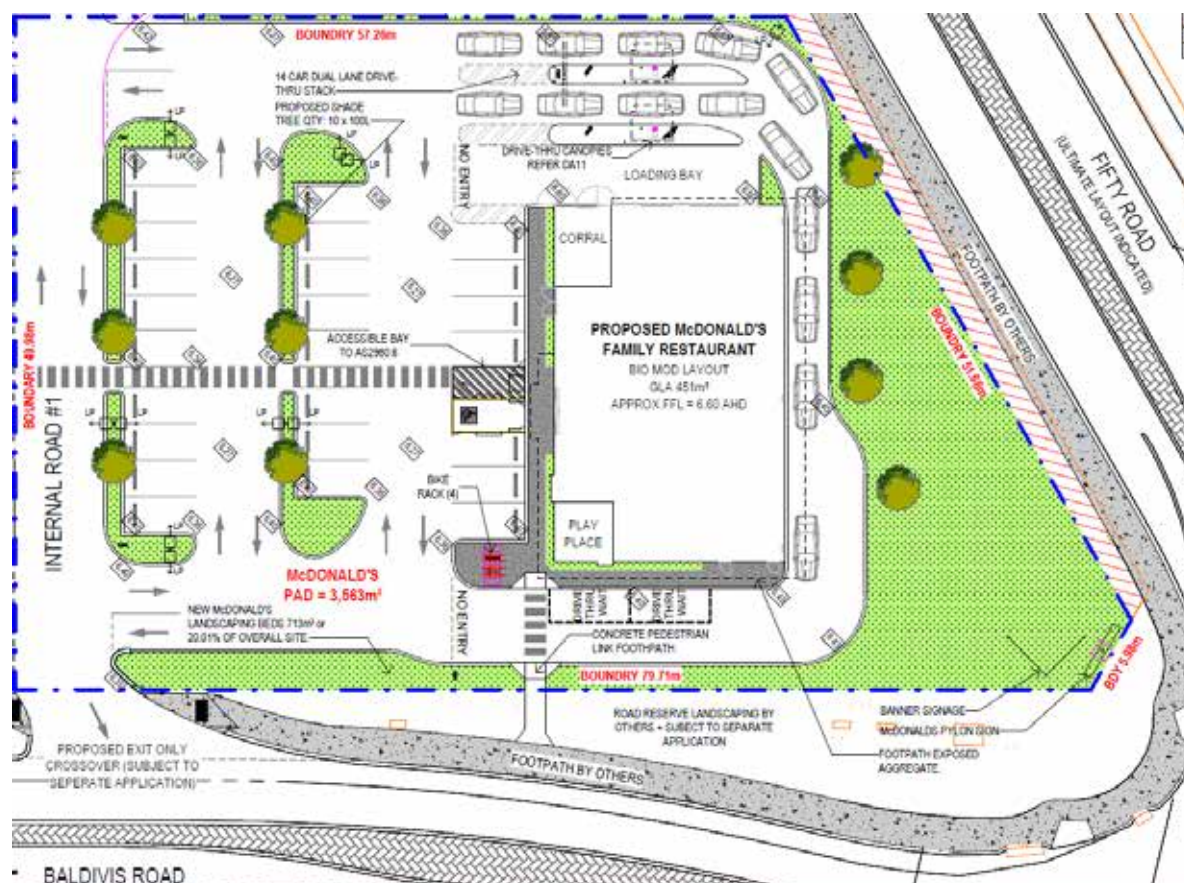
The development will be accessible by a planned vehicle access point for the Local Commercial Centre, being a (southern) left-in/right-in crossover with a left-turn/right-turn slip lane in both directions on Baldivis Road, a separate (northern) left-out only crossover on Baldivis Road, and a full movement crossover to the planned internal subdivision road to the western boundary of the Centre connecting to Fifty Road.

Deliveries and waste collection will be undertaken within the loading bay located to the west of the building. The service vehicles and waste collection trucks will enter the site from Baldivis Road, circulate the internal Local Commercial Centre site's car park to the development and access the loading bay in a reverse movement. Subsequently, vehicles will leave the loading bay and return onto Baldivis Road in a forward gear.

The following Reports and Plans accompanied the DAP Application:

- Planning Report;
- Traffic Impact Assessment;
- Bushfire Management Plan;
- Environmental Noise Assessment; and
- Development Plans and Perspectives.





7. Proposed Site Plan



8. Perspective of Development When Viewed from the Corner of Baldovis Road and Fifty Road



9. Perspective of Development When Viewed Internally Facing Baldivis Road

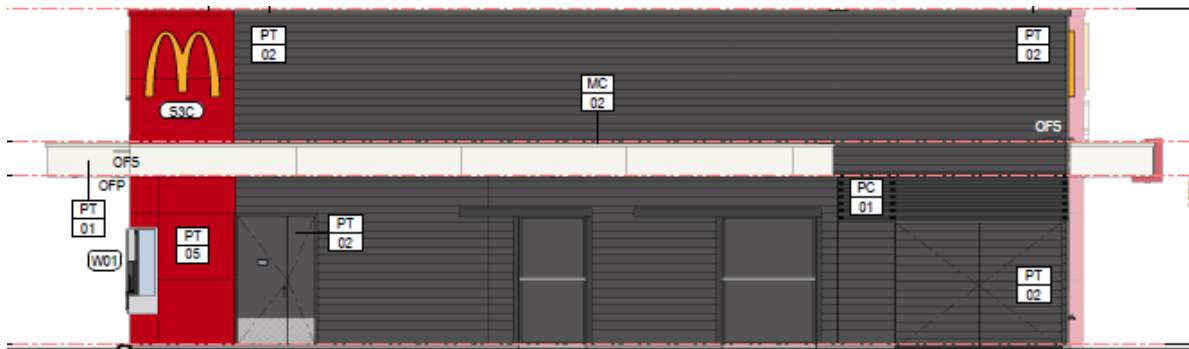


10. Perspective of Development When Viewed Internally Facing Fifty Road

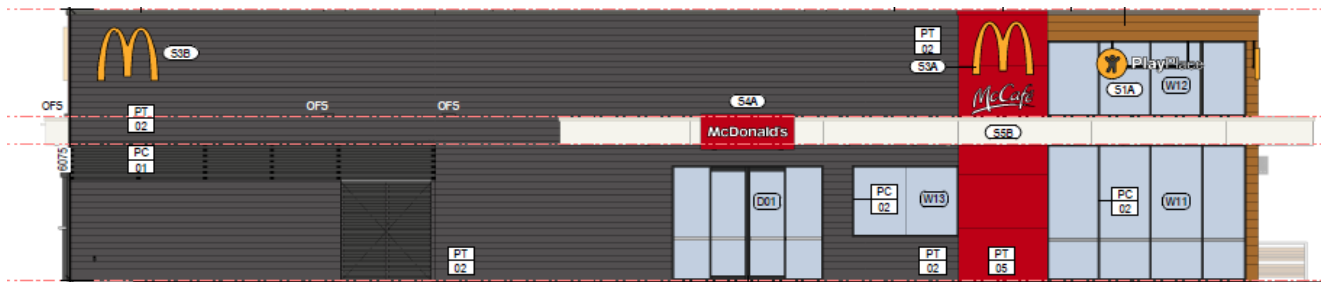




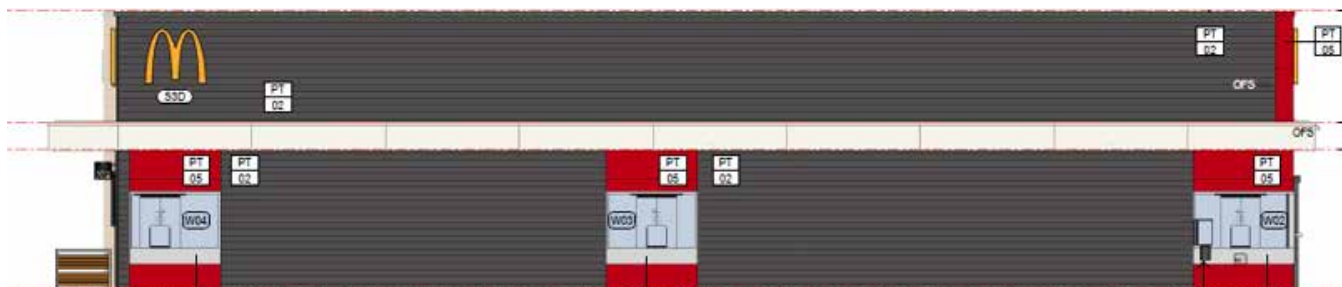
11. Building when viewed from Baldvis Road (Eastern Elevation)



12. Building When Viewed Internally (Western Elevation)



13. Building When Viewed from Fifty Road (Northern Elevation)



14. Building When Viewed Internally (Southern Elevation)

## Implications to Consider

### a. Consultation with the Community

Pursuant to Clause 64(1)(c) of the Deemed Provisions of Town Planning Scheme No.2 (TPS2), the local government has the discretion to advertise, or not to advertise an application seeking Development Approval.

As the proposed development is consistent with the adopted SP and is generally consistent with the approved LDP which established the development control provisions over the site, advertising is not considered to be necessary for this commercial proposal.

**b. Consultation with Government Agencies**

Nil

**c. Strategic**

Community Plan

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

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

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

**d. Policy**

Assessment of the proposal has been limited to areas where discretion is sought to vary a Policy requirement.

**State Government Policies**

State Planning Policy 7.0 – Design of the Built Environment (SPP7.0)

SPP7.0 provides the broad framework for the design of the built environment across Western Australia, and applies to all levels of the planning hierarchy, including the assessment of Development Applications.

The objectives of this Policy seek to provide, inter alia, a coordinated strategy of design quality mechanisms to achieve design outcomes that meet government and community expectations, including:

- Design principles - performance based approach to policy;
- Design review - skilled evaluation expertise; and
- Design skills - skilled design expertise.

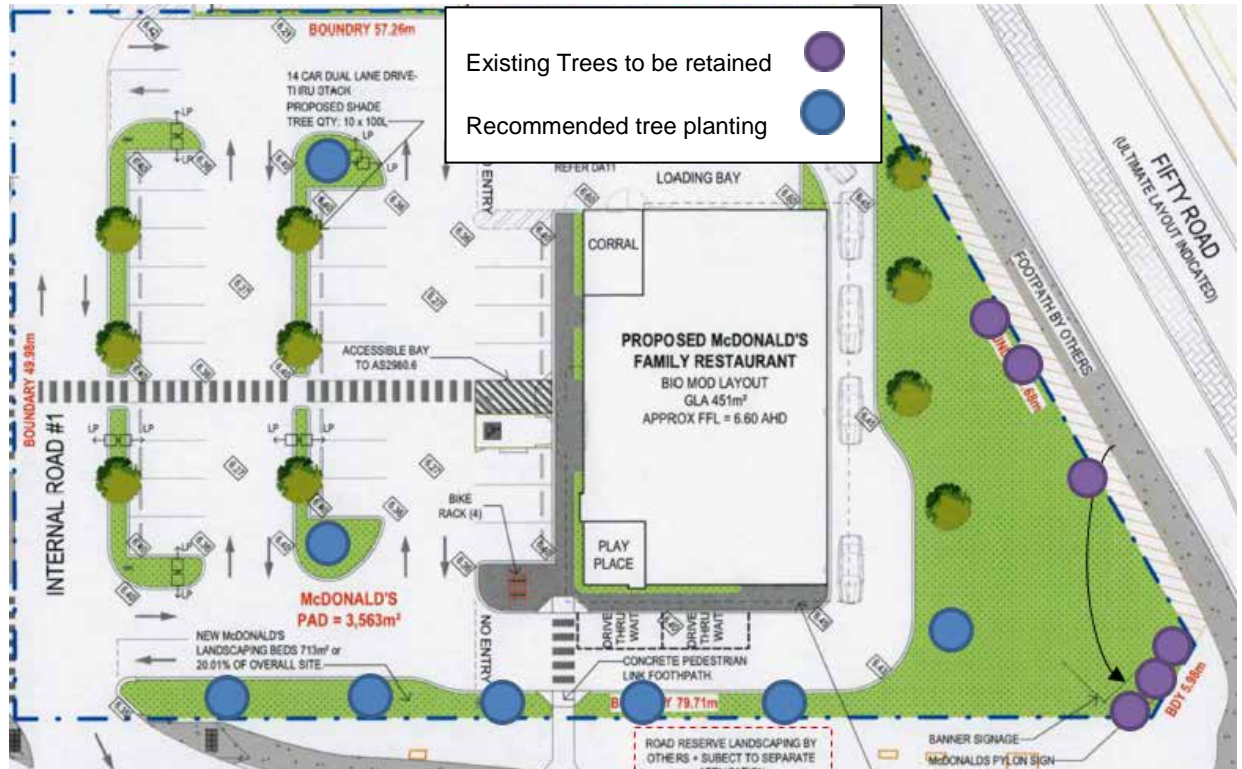
The City is satisfied that the proposal meets all but two of the 10 principles being:

- Landscape Quality; and
- Built Form and Scale.

The City's comments against these two principles are provided in the table below:

Design Principle	City Comment
Principle 2 - Landscape Quality  Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.	<u>Development Site</u>  Development provides for a large landscaping area, however, minimal trees are proposed to be planted throughout the development site, and therefore, it is recommended additional tree planting be included. The approximate location of additional trees recommended for planting are identified on Figure 15 below, to provide additional shade, visual softening and blending.  The City's recommended tree size (200ltr) ensures the trees are significantly smaller in relation to the signage and are spaced out at approximately 10m apart. The recommended tree size and spacing ensures there is no unreasonable impact upon marketing or sightlines.  The trees on the boundary of Fifty Road (not identified on the plans) and trees on the truncation of Baldivis Road and Fifty Road intersection (also not identified on the plans) should be retained.

Design Principle	City Comment
	<p><u>Road Reserve</u></p> <p>Verge landscape improvements are not included as part of this application.</p> <p>The Applicant's Plans for the section of verge fronting the development site note "<i>landscaping by others + subject to separate application</i>". This appears to be contingent of Condition 23 of the Subdivision Approval which requires a Landscape Management Plan to be prepared and submitted to the City of Rockingham for the Local Commercial Centre. Given the condition does not specify management obligations, the City recommends a Landscaping Condition which clarifies the on-going maintenance responsibilities for duration of development.</p> <p><u>Overall</u></p> <p>The City is of the view that the development should as far as practical tie the development into its surrounds, being a treed environment near the Tramway Reserve and Baldivis Reserve. Any replacement trees as part of the subdivision and development works are also expected to be provided within the public realm or on-site as per the recommended plan below.</p>
<p>Principle 3 - Built Form and Scale</p> <p>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</p>	<p>The sign equates to a height of a four storey building which is out of context for this Local Commercial Centre.</p> <p>Signage is discussed in detail below, within the Local Government Policies section of this Report.</p> <p><i>*Note: the Applicant had verbally agreed to reduce the height of the Pylon Sign to 9.0m and also remove the Banner Sign which is detailed further below, however, as Revised Plans had not been submitted to address these matters, the City finalised its assessment and Report on information which was originally submitted.*</i></p>



#### 15. Additional Trees Recommended for Planting and Retention

It is considered that the application of appropriate Conditions of Development Approval requiring some minor modifications to landscaping and Signage Strategy, will ensure that the aforementioned Design Principles are adequately addressed.

#### Local Government Policies

##### Planning Policy 3.3.1 - Control of Advertisements (PP3.3.1)

The application includes the location of proposed signage on submitted plans 'DA1' and 'DA3'. The application includes eleven (11) wall signs, five (5) directional signs, four (4) illuminated signs, one (1) banner sign with two panels and one (1) pylon sign.

A Signage Strategy was submitted in support of the application.

The relevant objectives of PP3.3.1 are to:

- (a) Ensure that advertisements are appropriate for their location;
- (b) Minimise the proliferation of advertisements;
- (c) Ensure that advertisements do not adversely impact on traffic circulation and management, or pedestrian safety;
- (d) Protect the amenity of residential areas, townscape areas and areas of environmental significance; and
- (h) Ensure advertisements are generally erected on land where the advertised business, sale of goods or service is being carried out;

The following "advertisements shall not be permitted provision" is of relevance:

- (c) Advertisements located on land not owned or leased by the advertiser unless where otherwise specified in this Planning Policy;

The majority of the signs, excluding the pylon sign and the banner pole signs, are considered to be generally consistent with the objectives of PP3.3.1. The standalone directional signage (in two locations) outside of the development site boundaries are also of concern and are not permitted by the Policy.



The following table provides an assessment of the pylon sign under which PP3.3.1 discretion is sought:

A Pylon Sign must not:	Officer Comment
Be located within 1.8m of a boundary.	The proposed setback from the bulk of the Pylon Sign is 0.47m. The pole is setback 0.62m in lieu of 1.8m from the boundary.
Be situated within 6.0m of any other sign of the same lot.	The sign is within 6.0m of proposed banner signage.
Have a height exceeding 6.0m, unless it can be demonstrated to the Council that a greater height is warranted and it complies with the objectives of this Planning Policy. In any event, a Pylon Sign shall not exceed 9.0m in height.	A total height of 12m above natural ground level is proposed.
Have a face area exceeding more than 3.5m width or height.	The face width is 4.34m and the height is 4.75m.
Have a face area of more than 4m <sup>2</sup> on each side (single tenancy) or 13m <sup>2</sup> on each side (multiple tenancy).	The face area based on the length and width is 20.62m <sup>2</sup> . The shape of the sign occupies 13.76m <sup>2</sup> . If the inside of the 'M' is not included the area of the sign is 9.66m <sup>2</sup> .

#### *Pylon Sign*

There are no comparable pylon signs in the locality, however, it is noted that the approved pylon signage for the Service Station development on the planned southern lot includes 9.0m high pylon signage. The proposed pylon sign is situated at a prominent corner intersection, clearly visible on approach at a height double the Fast Food Outlet building. The proposed 12.0m height of the pylon sign is not supported. There are no traffic related concerns with respect to the setback of the pylon sign from the intersection, thus the reduced setback is supported by the City.

#### *Banner Sign*

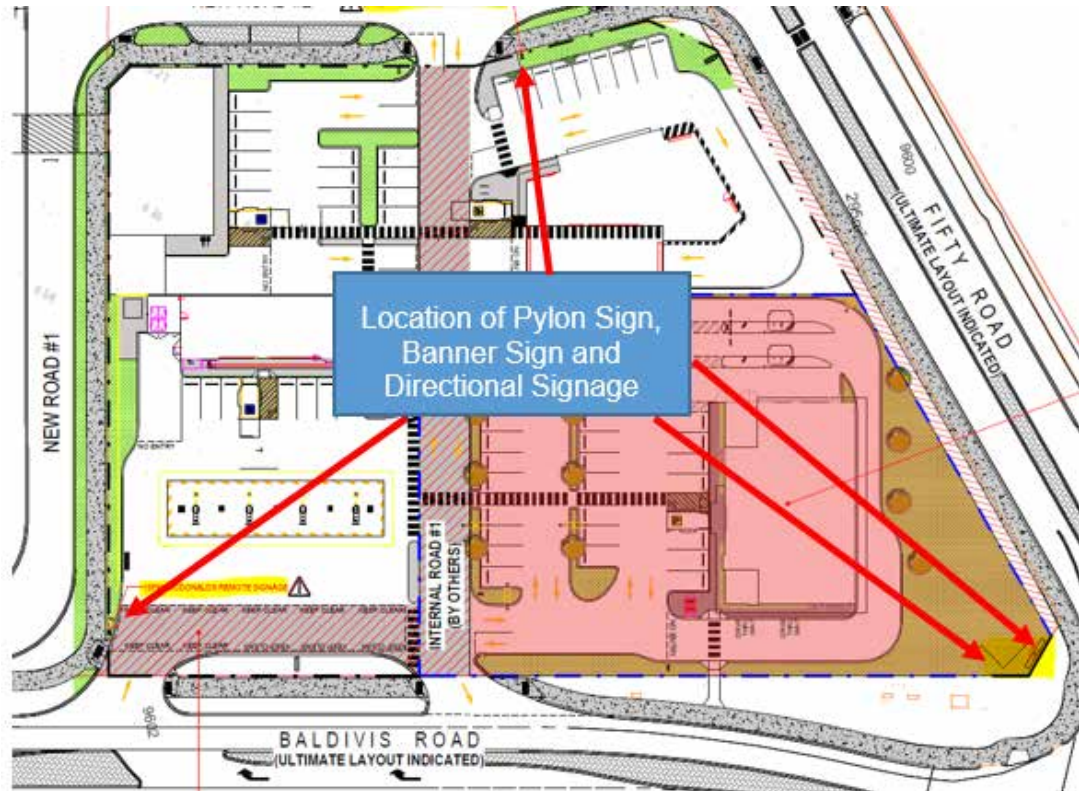
PP3.3.1 defines banner pole signs as:

*"promotional banner erected on an approved banner pole displaying information about sporting, cultural, community, recreation and tourist events/activities which may acknowledge sponsor involvement in the promotion of such events/activities".*

Information pertaining to what is included on the banner signage has not been included in the application. The only reference is made on the plans which states *"McDonalds Banner fixed with eyebolts."* The Applicant subsequently verbally confirmed that the banner signage was purely intended for promotion of fast food outlet products. The City does not consider a Fast Food Outlet to be a sporting, cultural, community or recreational and tourist activity/event and as such this form of advertising is not supported by the City.

#### *Directional Signage*

There are five (5) directional signs which are considered too many. Two (2) of these signs are located outside the development site (i.e. one on future Service Station site adjacent to the southern boundary and one on the future Liquor Store - Small site adjacent to the western boundary of the Local Commercial Centre). The City considers that these advertising signs should be removed to limit over-proliferation of signage.



16. Signage Plan Variations

Planning Policy 3.3.9 - Fast Food Outlets (PP3.3.9)

PP3.3.9 provides development standards relating to the development of Fast Food Outlets within the City.

The objectives of PP3.3.9 are:

- “(a) To promote the orderly and proper development of land by making suitable provisions relating to the location and design of Fast Food Outlets.
- (b) To secure the amenity and convenience of the locality through appropriate development requirements.”

The proposed Policy variations are discussed in the table below:

Policy Requirement	Provided	Compliance
<b>Location</b>		
The preferred locations for Fast Food Outlets are within approved Neighbourhood and District Town Centre zones and within the City Centre Zones specified under Clause 2(a) of this Policy.	The proposed development is situated within a Local Commercial Centre, which limits retail floor area. Based on the total NLA being capped at 1,300m <sup>2</sup> , the Local Commercial Centre is considered akin to a Local Centre type environment.	The Centre has been identified as a preferred location for the development/use of a Fast Food Outlet via preceding planning processes i.e. SP and LDP.

Policy Requirement	Provided	Compliance
<b>Development Standards</b>		
In its consideration of proposals to establish Fast Food Outlets, the City will seek to reduce the impact of the use on the amenity of the locality (particularly adjacent to residential areas), through the following measures:	Various signage including a prominent 12.0m high pylon sign is proposed. The pylon sign exceeds the maximum permissible height by 3.0m.	Refer to the signage assessment above.
<b>Development Standards</b>		
(a) The location of signage, parking, drive-through facility, bin storage areas and service vehicle access.	Apart from the height of the pylon sign, the City is also concerned with the proliferation of signage which also extends beyond the boundaries of development site, as well as banner signage located within close proximity to the pylon sign.	
<b>Advertising Signs</b>		
Any proposed advertising must accord with the deemed provisions and Planning Policy 3.3.1 - Control of Advertisements.	The height of the pylon sign does not accord with the PP3.3.1 Policy requirements.  Information pertaining to what is included on the banner sign has not been adequately addressed.  Furthermore, the Applicant has not demonstrated that the proposal seeks to minimise the proliferation of signage.	Refer to the signage assessment above.

The proposal is generally compliant. Signage can be addressed via conditions of Development Approval.

Planning Policy 3.4.3 – Urban Water (PP3.4.3)

A Stormwater Management Plan (SMP) was not submitted as part of the Development Application, nor is there any mention regarding management principles in the application.

As per PP3.4.3, a SMP is required to support a Development Application. Whilst the Urban Water Management Plan is yet to be approved to support the subdivision of the Local Commercial Centre, the on-site stormwater management requirements for a commercial area are expected to be consistent with the overarching Local Water Management Strategy. A SMP will be required at the detailed design stage to reflect the engineering plans for the subdivision and landscape plan for this development.

**e. Financial**

Nil

**f. Legal and Statutory**

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

Clause 27 of Schedule 2 of the Deemed Provisions states that a decision-maker for an application for Development Approval in an area that is covered by a SP is to have due regard to, but is not bound by, the SP when deciding the application.

As detailed in the Background section of this Report, the Local Commercial Centre is covered by the SP which was approved by the WAPC in April 2021.

The following SP requirements/conditions apply to this proposal:

- All uses as listed in accordance with the Commercial zone of Table No.1 - Zoning Table of the Council's Town Planning Scheme, with the exception of the following, which shall not be permitted: Liquor Store - Large, Tavern and Warehouse/Storage;
- A total shop/retail NLA area of 1,300m<sup>2</sup> of land use activities included in the Planning Land Use Category 5 'shop/retail' as defined by WAPC Perth and Peel land use and Employment Survey (as amended) applies;
- One full movement access point from Baldivis Road and one full movement access point from an internal subdivision road to the western boundary of the Local Commercial Centre connecting to Fifty Road.
- Development is to occur in accordance with an approved LDP.

In regard to the above provisions:

- A Fast Food Outlet land use is Permitted;
- The approved shop/retail NLA for the Local Commercial Centre inclusive of the proposal equates to approximately 742m<sup>2</sup>. Future development on Lot 4 will not be compromised;
- Vehicle access arrangements along Baldivis Road for the Local Commercial Centre were carried across into the LDP. A LDP has been approved over the land, details of which are discussed below.

Accordingly, the proposal satisfies the requirements of the SP.

Local Development Plan

The LDP is oriented around providing customer 'drive through' services, however, contains provisions relating to built-form, landscaping, pedestrian access, vehicular access, fencing, noise management, existing trees and car parking.

Assessment of the proposal against the LDP provisions is limited to areas where the development requires discretion, as detailed in the table below:

Provisions	Provided	Compliance
<b>Landscaping</b>		
A minimum 2.0m landscaping strip is to be provided abutting public streets generally in the location shown in the LDP.	Landscaping strip width along the Baldivis Road frontage varies in width from 1.7m to 2.7m. Landscaping strip width along the Fifty Road frontage varies from Nil to 16.8m.	Partially, however, the dedicated landscaping area at the intersection of Baldivis Road and Fifty Road substantially compensates for the reduction in minimum width.  The overall provision of landscaping is double what is require under the LDP.

Provisions	Provided	Compliance
<b>Vehicle Access</b>		
Vehicular access is to be provided as shown in this LDP i.e. one full movement access point from Baldvis Road and one full movement access point form an internal subdivision road to the western boundary of the Local Commercial Centre connecting to Fifty Road.	The development is proposed to be accessible by a planned vehicle access point for the Local Commercial Centre, being a (southern) left-in/right-in crossover with a left-turn/right-turn slip lane in both directions on Baldvis Road, a separate (northern) Left-out only crossover on Baldvis Road, and a full movement crossover to the planned internal subdivision road to the western boundary of the Local Commercial Centre connecting to Fifty Road.	Partially, however, intended access arrangements along Baldvis Road are consistent with prior Development Approval for the adjoining Liquor Store - Small and Service Station development which was/is supported by the City.  The new access arrangements along Baldvis Road provide for greater level of legibility, convenience and safety though the Local Commercial Centre.

The LDP variations to Landscaping and Vehicular Access provisions are considered acceptable.

City of Rockingham Town Planning Scheme No.2 (TPS2)

TPS2 defines the proposed land use as *"premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar."*

Within the Special Use zone under the adopted SP, a Fast Food Outlet is a Permitted land use.

*Clause 4.6.3 - Parking*

TPS2 requires the provision of on-site parking for vehicles for development on Commercial zoned land in accordance with the provisions of Clause 4.15 and Table No.2. The table below provides an assessment of the proposal against the relevant car parking requirements of TPS2.

Use	Rate	Required	Provided
Fast Food Outlet	1 bay per 11m <sup>2</sup> NLA (including outdoor eating areas)	28 (308m <sup>2</sup> NLA)	26
* Note: As per the requirements of Local Planning Policy 3.3.9 Fast Food Outlets, the number of on-site bays can be reduced where a drive through facility is proposed.			

The proposed development provides a total of 26 on-site car parking spaces, which does not satisfy the car parking requirements of Clause 4.15 of TPS2.

Notwithstanding this two (2) bay shortfall, pursuant to Clause 4.3 of PP3.3.9, up to a maximum of 50% of the drive-through queue lane can be utilised for the car parking allocation. The drive-through facility associated with the Fast Food Outlet accommodates for queuing of up to 14 cars. Therefore, the number of parking bays required on-site can be reduced to 21, thus resulting in an on-site surplus of five (5) bays.



*Clause 5.3 - Control of Advertisements*

Clause 5.3.1 requires Development Approval to be obtained for the erection of advertisements. In considering an application for an advertisement, Council is required to consider the objectives of TPS2. The proposed Signage Strategy as submitted is considered to be inconsistent with TPS2 objectives. Signage was discussed previously in the Policy section of this Report.

Environmental Protection (Noise) Regulations 1997 (Noise Regulations)

The potential noise impacts resulting from the proposed development has been assessed against the Noise Regulations. Compliance with the assigned noise levels has been demonstrated for all time periods for the surrounding land uses, however, this is predicated on the basis that the Service Station development is constructed.

Further noise mitigation measures may be necessary in the event this development is constructed and is ready for operation in advance of the Service Station development. In order to manage the potential noise implications in such event, a precautionary condition is recommended that requires a final acoustic assessment to be prepared and is provided to the City of Rockingham which demonstrates to the City's satisfaction, that the completed development complies with the Noise Regulations.

The recommended condition may be satisfied alternatively without the need for the Applicant to submit a final acoustic assessment, if the Service Station has substantially commenced development.

**g. Risk**

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

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

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

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

Nil

**Comments**

The proposed development is an approved land use within the Local Commercial Centre under TPS2. Subject to appropriate conditions in order to address the City's concerns pertaining to landscaping and signage, the proposed development is considered to be compliant with TPS2, SP, LDP and Policy requirements.

Where matters have not been covered already in this Report, they are discussed below.

Site Plan Layout

There are some concerns regarding the Site Plan layout which are unresolved, including inconsistency with engineering plans for the subdivision works and concerns regarding internal vehicular circulation, however, these matters can be managed through clarification and appropriate conditions of Development Approval and are discussed below.

*Engineering*

The submitted plans for the Development Application include an Overall Site Plan which does not match the latest engineering base plans for Baldivis Road and New Road No.2 (e.g. left turn slip lane). In this regard, it is recommended that the Overall Site Plan be excluded from the approved drawings for this application. This plan is further not required, as the City does not support the proposed directional signage outside the development site.

*Light Pole*

Given the level of detail the proposed light pole located adjacent to the internal road No.1 appears to restrict the movement of commercial vehicles, specifically fuel tankers for the Service Station development. The City is uncertain of the height of the light pole, but notes the light head does intrude into the internal road.



#### *Kerb Ramp*

The City does not support the proposed kerb ramp being located within the shared area of the universal bay. The kerb ramp is required to be redesigned to ensure it is located outside of the shared area.

#### Consultation

The Fast Food Outlet location was identified via the preceding Structure Plan and Local Development Plan processes and referred to relevant government agencies for comment. The Department of Education was consulted and advised, amongst other things, that it had no objection to the Fast Food Outlet component with respect to its location proximate to the Baldivis Primary School.

#### Conclusion

The proposed development is considered to be suitable for its site and locality. It is therefore recommended that the application for a Fast Food Outlet be conditionally approved.

### **Voting Requirements**

Simple Majority

### **Officer Recommendation**

That Council **ADOPTS** the Responsible Authority Report for the Fast Food Outlet Application at Lot 1 (No.364) Baldivis Road, Baldivis, contained as Attachment 1 as the report required to be submitted to the Presiding Member of the Metro Outer Joint Development Assessment Panel pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

That the Metro Outer Joint Development Assessment Panel resolves to:

**APPROVE** DAP Application reference DAP/21/02069 and accompanying plans:

- Site Plan, Drawing No.DA02;
- Site Signage Plans; Drawing No.DA03;
- Landscaping Plan; Drawing No.DA04;
- Floor Plan; Drawing No.DA05;
- Roof Plan; Drawing No.DA06;
- Elevations; Drawing No.DA07 and DA08;
- Signage Details Drawing No.DA10 and DA11; and
- Feature Survey Plans; Drawing No.001 and 012.

In accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions as follows:

#### Conditions

1. This decision constitutes Development Approval only and is valid for a period of four years from the date of approval (this is inclusive of the additional two years available under 'Clause 78H Notice of Exemption from planning requirements during State of Emergency' issued by the Minister for Planning on 8 April 2020). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. A Dust, Noise and Vibration Management Plan is to be submitted and approved by the City of Rockingham prior to the commencement of works.
3. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved

plans must be implemented and all works must be maintained for the duration of the development.

4. All service areas and service related hardware, including air-conditioning units, being suitably located from public views and/or screened, the details of which are to be provided to the City of Rockingham's satisfaction prior to applying for a Building Permit.
5. A revised Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:
  - (i) The Location, number and type of existing and proposed trees and shrubs (including street trees, shade trees within the car parking areas, indicating calculations for the landscaping area;
  - (ii) Any lawns to be established and areas to be mulched;
  - (iii) Any natural areas/trees to be retained;
  - (iv) Those areas to be reticulated or irrigated as part of a strategy for internal/external areas;
  - (v) Irrigation plans for all planted areas including the adjoining verge areas;
  - (vi) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas, including ongoing maintenance;
  - (vii) Install five (5) additional trees along the Baldivis Road boundary, two (2) trees within the carpark planted nibs and one (1) additional tree along Fifty Road boundary. All trees are to be a minimum of 200Ltr.

The landscaping (including all verge landscaping) must be completed prior to the occupation of the development by the operator or landowner, and must be maintained at all times to the satisfaction of the City of Rockingham.

6. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
  - (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.

7. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Acoustic Assessment must include the following information:

- (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
  - (ii) tonality, modulation and impulsiveness of noise sources; and
  - (iii) confirmation of the implementation of noise attenuation measures. Any further works must be carried out in accordance with the Acoustic Report and implemented as such for the duration of the development.
8. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
9. The proposed Pylon Sign must be modified to a maximum height of 9.0m.
10. The proposed Banner Signage is excluded from this Development Approval.

11. The proposed Directional Signage outside the development boundaries of the Fast Food Outlet site is excluded from this Development Approval.
12. Access to service/waste vehicles or operation of forklifts must be restricted to the hours of 7:00am and 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.
13. All odours and emissions must be controlled as not to create a nuisance, to the satisfaction of the City of Rockingham.
14. All service vehicle movements shall occur outside the morning (7.00am-9.00am) and afternoon peak (16.00pm-18.00pm) hour periods to minimise traffic safety risk.
15. Prior to the occupation of the development, a final illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting. All illuminated signage shall have boxing or casing constructed of incombustible materials. The signage shall not comprise of flashing, pulsating, chasing or running lights and shall not have such intensity as to cause annoyance to the public or illuminate beyond the extend of the lot boundaries.
16. Existing retained street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 protection of trees on Development Sites, unless further approval has been obtained.
17. Four (4) bicycle parking spaces must be designed in accordance with AS2890.3-1993, *Parking facilities, Part 3: Bicycle parking facilities*, and located within the development to the satisfaction of the City of Rockingham, prior to commencement of development.  
The bicycle parking spaces must be constructed prior to occupation of the development.
18. The car parking areas must:
  - (i) provide a minimum of 26 car parking spaces;
  - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit (kerb ramping to be located outside the shared area for the universal bay);
  - (iii) provide car parking spaces dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities* and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
  - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
  - (v) comply with the above requirements for the duration of the development.

Advice Notes

1. A separate approval from the City of Rockingham's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to lodgement of an application for a Building Permit. The Applicant should liaise with the City of Rockingham's Health Services in this regard.
2. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the Applicant should liaise with the City's Building Services in this regard.
3. All works in the road reserve, including construction of a crossover or footpath and any other works to the road carriageway must be to the specifications of the City of Rockingham. The Applicant should liaise with the City of Rockingham's Land and Development Infrastructure Services in this regard.

4. The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City of Rockingham's Health Services in this regard.
5. In relation to Condition 2, dust management is to be in accordance with the Department of Environment and Conservation Guideline: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.
6. In relation to Condition 3, a Stormwater Management Plan (SMP) is to reflect the overarching Local Water Management Strategy, that being:
  - (i) Treatment of the first 15mm of rainfall runoff from trafficable areas. Note that the proposed carpark elevations provided on the Site Plan indicate that treatment of the first 15mm utilizing Water Sensitive Urban Design elements is not proposed. This will need to be rectified in the SMP.
  - (ii) Retention and infiltration of all events up to the critical 10% AEP (1:10) storm event within the development boundary.
  - (iii) Provision of an overflow route towards the future adjacent Public Open Space, for events greater than the 10% AEP.
7. In relation to Condition 14, the swept path analysis suggests that the movement for service vehicles within the site would be encroaching into the opposing traffic lane as well as incorporating reversing movements which increases traffic safety risk and would impact upon traffic flow within the car parking areas.

#### Committee Recommendation

That Council **ADOPTS** the Responsible Authority Report for the Fast Food Outlet Application at Lot 1 (No.364) Baldivis Road, Baldivis, contained as Attachment 1 as the report required to be submitted to the Presiding Member of the Metro Outer Joint Development Assessment Panel pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

That the Metro Outer Joint Development Assessment Panel resolves to:

**APPROVE** DAP Application reference DAP/21/02069 and accompanying plans:

- Site Plan, Drawing No.DA02;
- Site Signage Plans; Drawing No.DA03;
- Landscaping Plan; Drawing No.DA04;
- Floor Plan; Drawing No.DA05;
- Roof Plan; Drawing No.DA06;
- Elevations; Drawing No.DA07 and DA08;
- Signage Details Drawing No.DA10 and DA11; and
- Feature Survey Plans; Drawing No.001 and 012.

In accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions as follows:

#### Conditions

1. This decision constitutes Development Approval only and is valid for a period of four years from the date of approval (this is inclusive of the additional two years available under 'Clause 78H Notice of Exemption from planning requirements during State of Emergency' issued by the Minister for Planning on 8 April 2020). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. A Dust, Noise and Vibration Management Plan is to be submitted and approved by the City of Rockingham prior to the commencement of works.

3. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
4. All service areas and service related hardware, including air-conditioning units, being suitably located from public views and/or screened, the details of which are to be provided to the City of Rockingham's satisfaction prior to applying for a Building Permit.
5. A revised Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:
  - (i) The Location, number and type of existing and proposed trees and shrubs (including street trees, shade trees within the car parking areas, indicating calculations for the landscaping area;
  - (ii) Any lawns to be established and areas to be mulched;
  - (iii) Any natural areas/trees to be retained;
  - (iv) Those areas to be reticulated or irrigated as part of a strategy for internal/external areas;
  - (v) Irrigation plans for all planted areas including the adjoining verge areas;
  - (vi) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas, including ongoing maintenance;
  - (vii) Install five (5) additional trees along the Baldivis Road boundary, two (2) trees within the carpark planted nibs and one (1) additional tree along Fifty Road boundary. All trees are to be a minimum of 200Ltr.

The landscaping (including all verge landscaping) must be completed prior to the occupation of the development by the operator or landowner, and must be maintained at all times to the satisfaction of the City of Rockingham.

6. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
  - (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.

7. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Acoustic Assessment must include the following information:

- (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
- (ii) tonality, modulation and impulsiveness of noise sources; and
- (iii) confirmation of the implementation of noise attenuation measures. Any further works must be carried out in accordance with the Acoustic Report and implemented as such for the duration of the development.



8. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
9. The proposed Pylon Sign must be modified to a maximum height of 9.0m.
10. The proposed Banner Signage is excluded from this Development Approval.
11. The proposed Directional Signage outside the development boundaries of the Fast Food Outlet site is excluded from this Development Approval.
12. Access to service/waste vehicles or operation of forklifts must be restricted to the hours of 7:00am and 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.
13. All odours and emissions must be controlled as not to create a nuisance, to the satisfaction of the City of Rockingham.
14. All service vehicle movements shall occur outside the morning (7.00am-9.00am) and afternoon peak (16.00pm-18.00pm) hour periods to minimise traffic safety risk.
15. Prior to the occupation of the development, a final illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting. All illuminated signage shall have boxing or casing constructed of incombustible materials. The signage shall not comprise of flashing, pulsating, chasing or running lights and shall not have such intensity as to cause annoyance to the public or illuminate beyond the extend of the lot boundaries.
16. Existing retained street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 protection of trees on Development Sites, unless further approval has been obtained.
17. Four (4) bicycle parking spaces must be designed in accordance with AS2890.3-1993, *Parking facilities, Part 3: Bicycle parking facilities*, and located within the development to the satisfaction of the City of Rockingham, prior to commencement of development.  
The bicycle parking spaces must be constructed prior to occupation of the development.
18. The car parking areas must:
  - (i) provide a minimum of 26 car parking spaces;
  - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit (kerb ramping to be located outside the shared area for the universal bay);
  - (iii) provide car parking spaces dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities* and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
  - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
  - (v) comply with the above requirements for the duration of the development.
19. **The proposed development must be kept neat and tidy, and free of rubbish at all times for the duration of the development.**

#### Advice Notes

1. A separate approval from the City of Rockingham's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to lodgement of an application for a Building Permit. The Applicant should liaise with the City of Rockingham's Health Services in this regard.
2. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the Applicant should liaise with the City's Building Services in this regard.
3. All works in the road reserve, including construction of a crossover or footpath and any other works to the road carriageway must be to the specifications of the City of Rockingham. The Applicant should liaise with the City of Rockingham's Land and Development Infrastructure Services in this regard.
4. The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City of Rockingham's Health Services in this regard.
5. In relation to Condition 2, dust management is to be in accordance with the Department of Environment and Conservation Guideline: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.
6. In relation to Condition 3, a Stormwater Management Plan (SMP) is to reflect the overarching Local Water Management Strategy, that being:
  - (i) Treatment of the first 15mm of rainfall runoff from trafficable areas. Note that the proposed carpark elevations provided on the Site Plan indicate that treatment of the first 15mm utilizing Water Sensitive Urban Design elements is not proposed. This will need to be rectified in the SMP.
  - (ii) Retention and infiltration of all events up to the critical 10% AEP (1:10) storm event within the development boundary.
  - (iii) Provision of an overflow route towards the future adjacent Public Open Space, for events greater than the 10% AEP.
7. In relation to Condition 14, the swept path analysis suggests that the movement for service vehicles within the site would be encroaching into the opposing traffic lane as well as incorporating reversing movements which increases traffic safety risk and would impact upon traffic flow within the car parking areas.

Committee Voting (Carried) - 4/0

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

To ensure the area is free of rubbish and not blown off-site.

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

Not Applicable

#### **Council Resolution**

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

That Council **ADOPTS** the Responsible Authority Report for the Fast Food Outlet Application at Lot 1 (No.364) Baldivis Road, Baldivis, contained as Attachment 1 as the report required to be submitted to the Presiding Member of the Metro Outer Joint Development Assessment Panel pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

That the Metro Outer Joint Development Assessment Panel resolves to:

**APPROVE** DAP Application reference DAP/21/02069 and accompanying plans:

- Site Plan, Drawing No.DA02;
- Site Signage Plans; Drawing No.DA03;

- Landscaping Plan; Drawing No.DA04;
- Floor Plan; Drawing No.DA05;
- Roof Plan; Drawing No.DA06;
- Elevations; Drawing No.DA07 and DA08;
- Signage Details Drawing No.DA10 and DA11; and
- Feature Survey Plans; Drawing No.001 and 012.

In accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions as follows:

Conditions

1. This decision constitutes Development Approval only and is valid for a period of four years from the date of approval (this is inclusive of the additional two years available under 'Clause 78H Notice of Exemption from planning requirements during State of Emergency' issued by the Minister for Planning on 8 April 2020). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. A Dust, Noise and Vibration Management Plan is to be submitted and approved by the City of Rockingham prior to the commencement of works.
3. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
4. All service areas and service related hardware, including air-conditioning units, being suitably located from public views and/or screened, the details of which are to be provided to the City of Rockingham's satisfaction prior to applying for a Building Permit.
5. A revised Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:
  - (i) The Location, number and type of existing and proposed trees and shrubs (including street trees, shade trees within the car parking areas, indicating calculations for the landscaping area;
  - (ii) Any lawns to be established and areas to be mulched;
  - (iii) Any natural areas/trees to be retained;
  - (iv) Those areas to be reticulated or irrigated as part of a strategy for internal/external areas;
  - (v) Irrigation plans for all planted areas including the adjoining verge areas;
  - (vi) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas, including ongoing maintenance;
  - (vii) Install five (5) additional trees along the Baldivis Road boundary, two (2) trees within the carpark planted nibs and one (1) additional tree along Fifty Road boundary. All trees are to be a minimum of 200Ltr.

The landscaping (including all verge landscaping) must be completed prior to the occupation of the development by the operator or landowner, and must be maintained at all times to the satisfaction of the City of Rockingham.
6. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
  - (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;

- (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
- (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.

7. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Acoustic Assessment must include the following information:

- (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
  - (ii) tonality, modulation and impulsiveness of noise sources; and
  - (iii) confirmation of the implementation of noise attenuation measures. Any further works must be carried out in accordance with the Acoustic Report and implemented as such for the duration of the development.
8. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
9. The proposed Pylon Sign must be modified to a maximum height of 9.0m.
10. The proposed Banner Signage is excluded from this Development Approval.
11. The proposed Directional Signage outside the development boundaries of the Fast Food Outlet site is excluded from this Development Approval.
12. Access to service/waste vehicles or operation of forklifts must be restricted to the hours of 7:00am and 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.
13. All odours and emissions must be controlled as not to create a nuisance, to the satisfaction of the City of Rockingham.
14. All service vehicle movements shall occur outside the morning (7.00am-9.00am) and afternoon peak (16.00pm-18.00pm) hour periods to minimise traffic safety risk.
15. Prior to the occupation of the development, a final illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting. All illuminated signage shall have boxing or casing constructed of incombustible materials. The signage shall not comprise of flashing, pulsating, chasing or running lights and shall not have such intensity as to cause annoyance to the public or illuminate beyond the extend of the lot boundaries.
16. Existing retained street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 protection of trees on Development Sites, unless further approval has been obtained.
17. Four (4) bicycle parking spaces must be designed in accordance with AS2890.3-1993, *Parking facilities, Part 3: Bicycle parking facilities*, and located within the development to the satisfaction of the City of Rockingham, prior to commencement of development.
- The bicycle parking spaces must be constructed prior to occupation of the development.
18. The car parking areas must:
- (i) provide a minimum of 26 car parking spaces;
  - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval,

- prior to applying for a Building Permit (kerb ramping to be located outside the shared area for the universal bay);
- (iii) provide car parking spaces dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
  - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
  - (v) comply with the above requirements for the duration of the development.
19. The proposed development must be kept neat and tidy, and free of rubbish at all times for the duration of the development.

Advice Notes

1. A separate approval from the City of Rockingham's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to lodgement of an application for a Building Permit. The Applicant should liaise with the City of Rockingham's Health Services in this regard.
2. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the Applicant should liaise with the City's Building Services in this regard.
3. All works in the road reserve, including construction of a crossover or footpath and any other works to the road carriageway must be to the specifications of the City of Rockingham. The Applicant should liaise with the City of Rockingham's Land and Development Infrastructure Services in this regard.
4. The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City of Rockingham's Health Services in this regard.
5. In relation to Condition 2, dust management is to be in accordance with the Department of Environment and Conservation Guideline: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.
6. In relation to Condition 3, a Stormwater Management Plan (SMP) is to reflect the overarching Local Water Management Strategy, that being:
  - (i) Treatment of the first 15mm of rainfall runoff from trafficable areas. Note that the proposed carpark elevations provided on the Site Plan indicate that treatment of the first 15mm utilizing Water Sensitive Urban Design elements is not proposed. This will need to be rectified in the SMP.
  - (ii) Retention and infiltration of all events up to the critical 10% AEP (1:10) storm event within the development boundary.
  - (iii) Provision of an overflow route towards the future adjacent Public Open Space, for events greater than the 10% AEP.
7. In relation to Condition 14, the swept path analysis suggests that the movement for service vehicles within the site would be encroaching into the opposing traffic lane as well as incorporating reversing movements which increases traffic safety risk and would impact upon traffic flow within the car parking areas.

**Carried – 10/0**

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

Not Applicable



## Engineering and Parks Services Director and Support Services



<b>Reference No &amp; Subject:</b>	<b>EP-019/21</b> <b>Draft Council Policy - Requests for Feature Lighting</b>
<b>File No:</b>	CPR/853-04
<b>Applicant:</b>	
<b>Owner:</b>	
<b>Author:</b>	Mr Michael Wilson, Senior Project Officer
<b>Other Contributors:</b>	Ms Michelle Ebert, Business Analyst Mr Sam Assaad, Director Engineering and Parks Services
<b>Date of Committee Meeting:</b>	4 October 2021
<b>Previously before Council:</b>	25 August 2020 (EP-017/20)
<b>Disclosure of Interest:</b>	
<b>Nature of Council's Role in this Matter:</b>	Executive
<b>Site:</b>	
<b>Lot Area:</b>	
<b>LA Zoning:</b>	
<b>MRS Zoning:</b>	
<b>Attachments:</b>	
<b>Maps/Diagrams:</b>	

### Purpose of Report

To seek Council endorsement of the draft Council Policy - Requests for Feature Lighting for the purpose of public comment.

### Background

The City of Rockingham currently has the capability for feature lighting displays at the Rockingham beach foreshore. It is intended in the medium term to add this capability to the City of Rockingham administration clock tower, and may form part of future major developments within the City of Rockingham.

Community requests for feature lighting of the clock tower and the Rockingham beach foreshore have escalated since the administration clock tower went 'Green for Parks' during the COVID-19 pandemic in 2019.

To enable effective management of these requests, Council on 25 August 2020 supported *the preparation of a Policy on requests for feature lighting for the purposes of state, national or internationally recognised health and wellbeing campaigns and the City of Rockingham for its own purposes.*

The draft Policy is now presented to Council for endorsement to proceed to public consultation.

## Details

The draft Policy provides guidance for consideration of feature lighting requests.

### Approach

This Policy is to support health and wellbeing campaigns that are not for the material benefit of any individual or organisation.

The Policy utilises definitions common to other City policies as well as internationally recognised definitions.

### Whom can make a request for feature lighting?

Requests can only be made by office bearers of relevant not-for-profit organisations, specifically defined as being:

- Companies limited by guarantee
- Educational institutions, or
- Incorporated not-for-profit organisations/associations.

The City of Rockingham can also utilise feature lighting for its own purposes.

### For what purposes will requests be considered?

Requests will only be considered for the promotion of health and wellbeing issues, defined as being recognised internationally or nationally; of particular significance to WA or Perth; or aligned with a City of Rockingham strategy, project or event.

### Can requests be made for specific times?

Requests can be made for any time that aligns with the purpose, and does not conflict with the City of Rockingham's own use (for instance, Australia Day and the Christmas period will be exclusively for City utilisation).

### Costs

The cost to change the feature lighting at the Rockingham Beach Foreshore is minimal as it is an electronically controlled system. The City of Rockingham Administration Clock Tower is a manual system requiring electricians using elevated work platforms to change the lenses at a cost of \$1000 per change.

The City of Rockingham Administration Re-rendering project includes the upgrade of the lighting system in 2022-2023.

## Implications to Consider

### a. Consultation with the Community

Pending Council endorsement, the draft Policy will be advertised for public comment for a period of 14 days.

### b. Consultation with Government Agencies

Not Applicable

### c. Strategic

#### Community Plan

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

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

**Strategic Objective:** *Community Capacity Building - Empower the community across all ages and abilities to be culturally aware and involved with a diverse range of community initiatives that incorporate volunteering, sport, culture and the arts.*

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

**Strategic Objective:** *Key Stakeholder Partnerships - Foster relationships and partnerships with key stakeholders to achieve enhanced community outcomes.*

**d. Policy**

Nil

**e. Financial**

The costs for conducting community consultation of the draft Policy if endorsed by Council is estimated at \$500. This will be funded through the Engineering and Parks Services Directorate budget.

**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 Council Policy - Requests for Feature Lighting provides direction to the City on how to manage requests received for current and future feature lighting infrastructure, while supporting the community in highlighting campaigns to improve health and wellbeing.

Following a review of public comments received, the Policy will be returned to Council for final adoption.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **SUPPORTS** the draft Council Policy - Requests for Feature Lighting, for the purpose of public comment, as follows:

#### **Council Policy - Requests for Feature Lighting**

##### **Council Policy Objective**

To direct the City of Rockingham administration in the management of feature lighting.

##### **Council Policy Scope**

Rockingham Beach Foreshore feature lighting.

City of Rockingham Administration building clock tower.

The Chief Executive Officer (CEO) has discretion to add additional sites where the City has direct control over the lighting and has capability to provide feature lighting (by colour and/or templates).

##### **Council Policy Statement**

1. Requests for the City of Rockingham to provide feature lighting displays may be made:
  - 1.1 By office bearers of incorporated not-for-profit organisations/associations (NFP); companies limited by guarantee (CLG); or educational institutions (EI) for the purpose of promoting a health and wellbeing issue that is;
    - (a) recognised internationally or nationally; and/or

- (b) may be of particular significance to Perth or Western Australia, and/or
  - (c) is aligned with a City of Rockingham strategy, project or event; or
- 1.2 By the City of Rockingham for its own purposes.
- 2. Feature Lighting bookings:
  - 2.1 Are to be made, and to be assessed, as per the City of Rockingham Procedure on Requests for Feature Lighting
  - 2.2 Cannot be made by NFPs, CLGs and EIs for:
    - (a) Australia Day
    - (b) Christmas period (coinciding with the City of Rockingham Christmas lights display)
    - (c) Any other time the City is using the feature lighting for its own purpose.
- 3. The CEO will develop procedures for assessment of feature lighting requests
- 4. The CEO has discretion to accept or reject an application for feature lighting.

### Definitions

In this Policy, unless the contrary intention appears:

**Company Limited by Guarantee** - Specialised form of public company designed for non-profit organisations. In Australia companies limited by guarantee are subject to the Corporations Act 2001 (Commonwealth) and administered by the Australian Securities and Investments Commission (ASIC).

**Educational Institutions** - An institution physically within the boundaries of the City of Rockingham that is available or open to the public or a section of the public and whose sole purpose is providing education. Any other purpose of the organisation must be incidental or ancillary to providing public education. Education in this context does not extend to merely providing information or lobbying.

Public educational institutions include:

- Universities or colleges managed by public bodies;
- All primary and secondary schools;
- Not for Profit business colleges.

Organisations that are not public educational institutions include:

- colleges run for the profit of the private owners
- associations operated for their members' professional benefit
- promotional and lobbying bodies.

**Feature lighting** - coloured lighting, or special form (e.g. template shapes) lighting, within the City of Rockingham, and directly under the control of the City of Rockingham.

**Health and wellbeing campaign** - any publicly visible non-commercial activity, promotion or awareness raising exercise that is seeking to achieve individual and/or group physical, mental and/or social improvements within the community.

**Incorporated Associations** - An "incorporated association":

- (a) Cannot operate for the profit or gain of its individual members;
- (b) Must contribute to the community in a social, sporting, cultural, environmental or charitable context; and
- (c) Demonstrates local volunteer involvement.

### Legislation

Nil

### Other Relevant Policies/Key Documents

Nil

### Responsible Division

Engineering and Parks Services

### Review Date

To be reviewed every three (3) years

### Committee Recommendation

That Council **SUPPORTS** the draft Council Policy - Requests for Feature Lighting, for the purpose of public comment, as follows:

#### Council Policy - Requests for Feature Lighting

#### Council Policy Objective

To direct the City of Rockingham administration in the management of feature lighting.

#### Council Policy Scope

Rockingham Beach Foreshore feature lighting.

City of Rockingham Administration building clock tower.

The Chief Executive Officer (CEO) has discretion to add additional sites where the City has direct control over the lighting and has capability to provide feature lighting (by colour and/or templates).

#### Council Policy Statement

1. Requests for the City of Rockingham to provide feature lighting displays may be made:
  - 1.1 By office bearers of incorporated not-for-profit organisations/associations (NFP); companies limited by guarantee (CLG); or educational institutions (EI) for the purpose of promoting a health and wellbeing issue that is;
    - (a) recognised internationally or nationally; and/or
    - (b) may be of particular significance to Perth or Western Australia, and/or
    - (c) is aligned with a City of Rockingham strategy, project or event; or
  - 1.2 By the City of Rockingham for its own purposes.
2. Feature Lighting bookings:
  - 2.1 Are to be made, and to be assessed, as per the City of Rockingham Procedure on Requests for Feature Lighting
  - 2.2 Cannot be made by NFPs, CLGs and EIs for:
    - (a) Australia Day
    - (b) Christmas period (coinciding with the City of Rockingham Christmas lights display)
    - (c) Any other time the City is using the feature lighting for its own purpose.
3. The CEO will develop procedures for assessment of feature lighting requests
4. The CEO has discretion to accept or reject an application for feature lighting.

#### Definitions

In this Policy, unless the contrary intention appears:

**Company Limited by Guarantee** - Specialised form of public company designed for non-profit organisations. In Australia companies limited by guarantee are subject to the Corporations Act 2001 (Commonwealth) and administered by the Australian Securities and Investments Commission (ASIC).

**Educational Institutions** - An institution physically within the boundaries of the City of Rockingham that is available or open to the public or a section of the public and whose sole purpose is providing education. Any other purpose of the organisation must be incidental or ancillary to providing public education. Education in this context does not extend to merely providing information or lobbying.



Public educational institutions include:

- Universities or colleges managed by public bodies;
- All primary and secondary schools;
- Not for Profit business colleges.

Organisations that are not public educational institutions include:

- colleges run for the profit of the private owners
- associations operated for their members' professional benefit
- promotional and lobbying bodies.

**Feature lighting** - coloured lighting, or special form (e.g. template shapes) lighting, within the City of Rockingham, and directly under the control of the City of Rockingham.

**Health and wellbeing campaign** - any publicly visible non-commercial activity, promotion or awareness raising exercise that is seeking to achieve individual and/or group physical, mental and/or social improvements within the community.

**Incorporated Associations** - An "incorporated association":

- (a) Cannot operate for the profit or gain of its individual members;
- (b) Must contribute to the community in a social, sporting, cultural, environmental or charitable context; and
- (c) Demonstrates local volunteer involvement.

**Legislation**

Nil

**Other Relevant Policies/Key Documents**

Nil

**Responsible Division**

Engineering and Parks Services

**Review Date**

To be reviewed every three (3) years

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 Jones, seconded Cr Buchan:**

That Council **SUPPORTS** the draft Council Policy - Requests for Feature Lighting, for the purpose of public comment, as follows:

**Council Policy - Requests for Feature Lighting**

**Council Policy Objective**

To direct the City of Rockingham administration in the management of feature lighting.

**Council Policy Scope**

Rockingham Beach Foreshore feature lighting.

City of Rockingham Administration building clock tower.

The Chief Executive Officer (CEO) has discretion to add additional sites where the City has direct control over the lighting and has capability to provide feature lighting (by colour and/or templates).

### Council Policy Statement

1. Requests for the City of Rockingham to provide feature lighting displays may be made:
  - 1.1 By office bearers of incorporated not-for-profit organisations/associations (NFP); companies limited by guarantee (CLG); or educational institutions (EI) for the purpose of promoting a health and wellbeing issue that is;
    - (a) recognised internationally or nationally; and/or
    - (b) may be of particular significance to Perth or Western Australia, and/or
    - (c) is aligned with a City of Rockingham strategy, project or event; or
  - 1.2 By the City of Rockingham for its own purposes.
2. Feature Lighting bookings:
  - 2.1 Are to be made, and to be assessed, as per the City of Rockingham Procedure on Requests for Feature Lighting
  - 2.2 Cannot be made by NFPs, CLGs and EIs for:
    - (a) Australia Day
    - (b) Christmas period (coinciding with the City of Rockingham Christmas lights display)
    - (c) Any other time the City is using the feature lighting for its own purpose.
3. The CEO will develop procedures for assessment of feature lighting requests
4. The CEO has discretion to accept or reject an application for feature lighting.

### Definitions

In this Policy, unless the contrary intention appears:

**Company Limited by Guarantee** - Specialised form of public company designed for non-profit organisations. In Australia companies limited by guarantee are subject to the Corporations Act 2001 (Commonwealth) and administered by the Australian Securities and Investments Commission (ASIC).

**Educational Institutions** - An institution physically within the boundaries of the City of Rockingham that is available or open to the public or a section of the public and whose sole purpose is providing education. Any other purpose of the organisation must be incidental or ancillary to providing public education. Education in this context does not extend to merely providing information or lobbying.

Public educational institutions include:

- Universities or colleges managed by public bodies;
- All primary and secondary schools;
- Not for Profit business colleges.

Organisations that are not public educational institutions include:

- colleges run for the profit of the private owners
- associations operated for their members' professional benefit
- promotional and lobbying bodies.

**Feature lighting** - coloured lighting, or special form (e.g. template shapes) lighting, within the City of Rockingham, and directly under the control of the City of Rockingham.

**Health and wellbeing campaign** - any publicly visible non-commercial activity, promotion or awareness raising exercise that is seeking to achieve individual and/or group physical, mental and/or social improvements within the community.

**Incorporated Associations** - An “incorporated association”:

- (a) Cannot operate for the profit or gain of its individual members;
- (b) Must contribute to the community in a social, sporting, cultural, environmental or charitable context; and
- (c) Demonstrates local volunteer involvement.

**Legislation**

Nil

**Other Relevant Policies/Key Documents**

Nil

**Responsible Division**

Engineering and Parks Services

**Review Date**

To be reviewed every three (3) years

**Carried – 10/0**

<b>The Council’s Reason for Varying the Committee’s Recommendation</b>
--

Not Applicable

## Corporate and Community Development Committee

### General Management Services Governance and Councillor Support



<b>Reference No &amp; Subject:</b>	<b>GM-029/21</b> <b>Council meetings dates for 2022</b>
File No:	GOV/74
Proponent/s:	
Author:	Ms Jelette Edwards, A/Manager Governance and Councillor Support
Other Contributors:	
Date of Committee Meeting:	5 October 2021
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	
Lot Area:	
Attachments:	
Maps/Diagrams:	

## Purpose of Report

For Council to consider the dates proposed for Council meetings for the 2022 year.

## Background

In accordance with the Local Government Act 1995, a local government is to at least once a year give local public notice of the date, time and place for Council meetings for the next 12 months.

The Governance and Meeting Framework notes that Council meetings are generally held on the fourth Tuesday of each month commencing at 6:00pm in the Council Chamber. The Planning and Engineering Services Committee and Corporate and Community Development Committee generally meet in the Council Chambers commencing at 4:00pm on the following dates:

- Planning and Engineering Services Committee – Third Monday of each month.
- Corporate and Community Development Committee – Third Tuesday of each month.

## Details

The exception to the above is the compression of the meeting schedule in December where the Council meeting is brought forward by one week to accommodate the Christmas season, resulting in the Committee meetings also being held one week earlier.

As Easter Monday falls on Monday 18 April 2022 it is proposed to hold the Planning and Engineering Services Committee meeting on Tuesday 19 April 2022 and the Corporate and Community Development Committee meeting on Wednesday 20 April 2022.

Therefore the following dates are scheduled for meetings in 2022:

1) Council Meetings (commencing at 6:00pm in the Council Chambers)

January 25	April 26	July 26	October 25
February 22	May 24	August 23	November 22
March 22	June 28	September 27	December 20

2) Planning and Engineering Services Committee (commencing at 4:00pm)

January 17	April 19 (Tues)	July 18	October 17
February 14	May 16	August 15	November 14
March 14	June 20	September 19	December 12

3) Corporate and Community Development Committee (commencing at 4:00pm)

January 18	April 20 (Wed)	July 19	October 18
February 15	May 17	August 16	November 15
March 15	June 21	September 20	December 13

### Implications to Consider

a. **Consultation with the Community**

Advertising will be undertaken in the local newspaper, Council website, social media platforms, City libraries and notice boards advising the scheduled dates for Committee and Council meetings.

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 compliant environment.*

d. **Policy**

The Governance and Meeting Framework Policy specifies that Council meetings are to be conducted on the fourth Tuesday of the month and Standing Committees to be held the Monday and Tuesday the week prior.

The scheduling of 'Standing' Committee meetings and Councillor Engagement Sessions is driven by the Governance Meeting and Framework policy once a Council meeting schedule has been adopted.

e. **Financial**

Cost of advertising is expected to cost approximately \$1,000.

f. **Legal and Statutory**

Section 5.25(1)(g) of the Local Government Act, 1995 (the Act) stipulates the giving of public notice of the date and agenda for Council and Committee meetings.

Regulation 12(1) of the Local Government (Administration) Regulations 1996 further refine the Act to specify time, place and types of committees that must be advertised.



Only Committees with decision making powers delegated from Council need to be open to the public and require its meeting schedule advertised. In line with good governance practice 'Standing' Committees are open to the public and allow public question time.

**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 endeavours to provide effective, timely and responsive decision making to meet the needs of the community and proponents of matters before Council.

Notwithstanding the use of delegated authority and policy to assist in timely and consistent decision making, the process to gain a Council decision is often a lengthy one. The current committee systems and meeting arrangements have been in place since 2013 and have been serving Council and the community very well.

The schedule of Committee meetings and Councillor Engagement Sessions are determined in accordance with the Governance and Meeting Framework Policy. There is no legislative requirement to advertise the meeting dates of the Committees as they do not make decisions through Council delegated authority.

The schedule of Council and Committee meetings are well promoted on the City's website and social media platforms including, Rockport.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **APPROVES** the following Council meeting dates for 2022 -

Council Meetings (commencing at 6:00pm in the Council Chambers)

- |               |                |
|---------------|----------------|
| • January 25  | • July 26      |
| • February 22 | • August 23    |
| • March 22    | • September 27 |
| • April 26    | • October 25   |
| • May 24      | • November 22  |
| • June 28     | • December 20  |

### Committee Recommendation

That Council **APPROVES** the following Council meeting dates for 2022 -

Council Meetings (commencing at 6:00pm in the Council Chambers)

- |               |                |
|---------------|----------------|
| • January 25  | • July 26      |
| • February 22 | • August 23    |
| • March 22    | • September 27 |
| • April 26    | • October 25   |
| • May 24      | • November 22  |
| • June 28     | • December 20  |

Committee Voting (Carried) – 4/0

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

Not Applicable

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

Not Applicable

### Council Resolution

#### Moved Cr Stewart, seconded Cr Buchanan:

That Council **APPROVES** the following Council meeting dates for 2022 -

Council Meetings (commencing at 6:00pm in the Council Chambers)

- |               |                |
|---------------|----------------|
| • January 25  | • July 26      |
| • February 22 | • August 23    |
| • March 22    | • September 27 |
| • April 26    | • October 25   |
| • May 24      | • November 22  |
| • June 28     | • December 20  |

Carried – 10/0

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

Not Applicable

## General Management Services Governance and Councillor Support



<b>Reference No &amp; Subject:</b>	<b>GM-030/21</b>	<b>Council Policy – Attendance at Events (Absolute Majority)</b>
<b>File No:</b>	CPM/3	
<b>Proponent/s:</b>		
<b>Author:</b>	Ms Jelette Edwards, A/Manager Governance and Councillor Support	
<b>Other Contributors:</b>		
<b>Date of Committee Meeting:</b>	5 October 2021	
<b>Previously before Council:</b>	17 August 2021 (GM-024/21)	
<b>Disclosure of Interest:</b>		
<b>Nature of Council's Role in this Matter:</b>	Executive	
<b>Site:</b>		
<b>Lot Area:</b>		
<b>Attachments:</b>		
<b>Maps/Diagrams:</b>		

### Purpose of Report

For Council to adopt the proposed Council Policy – Attendance at Events following the public consultation process.

### Background

Changes to the Local Government Act 1995 (the Act) resulted in a new requirement for Council to adopt a policy in relation to the attendance of council members and the CEO at events. While Council has a policy provision in the *Community Grants Program* policy it does not meet the current legislative requirements.

As a consequence a draft policy has been developed which meets the requirements of the Act.

The Governance Review Committee considered the draft policy at its meeting 30 March 2021 and recommended that subject to suitable redrafting and clarification in respect to –

- Council Policy Scope – gift declaration requirements (redraft)
- Attendance of Councillor Partners as guests to pre-approved events
- Addition of 'Award ceremonies' in pre-approved events
- Clarification of clause 2.2 to delegate to CEO (in consultation with the Mayor)
- Clarification of invitations to events 'addressed to the City of Rockingham'

that Council approves the draft policy.

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

## Details

Section 5.90A of the Act states –

*“(2) A local government must prepare and adopt (by absolute majority) a policy that deals with matters relating to the attendance of council members and the CEO at events, including —*

- (a) the provision of tickets to events; and*
- (b) payments in respect of attendance; and*
- (c) approval of attendance by the local government and criteria for approval; and*
- (d) any prescribed matter.”*

For the purpose of section 5.90A **event** includes the following –

- (a) a concert;
- (b) a conference;
- (c) a function;
- (d) a sporting event;
- (e) an occasion of a kind prescribed for the purposes of this definition.

In researching and developing this draft policy the City considered guidance from the Department of Local Government Sport and Cultural Industries, and similar policies in other local governments, including Stirling, Wanneroo, and Fremantle.

The draft policy endeavours to address all those events that council members and the CEO would reasonably be expected to be invited to and attend. Such events would be too numerous to individually identify, therefore the policy seeks to identify and categorise these events.

The draft policy identifies events that:

- can be attended without referral to Council and
- those that will require referral to Council and matters in respect to the payment of any fees, charges or other cost associated with such events.

## Implications to Consider

### a. Consultation with the Community

The draft policy was advertised for more than the minimum of 14 days in accordance with Council Policy – Policy Framework. Public consultation opened on 30 August closed on 17 September 2021.

Public consultation was carried out as follows:

1. A notice was publicised in the Sound Telegraph on 1 September 2021; and
2. A copy of the draft policy was advertised on the City's website with submissions invited through the Share Your Thoughts page on 30 August 2021.

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

### b. Consultation with Government Agencies

Guidance from the Department of Local Government Sport and Cultural Industries has been considered in the development of the draft policy.

### c. Strategic

#### Community Plan

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

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

**Strategic Objective:** *Effective Governance – Apply systems of governance which empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment.*

**d. Policy**

The draft policy – *Attendance at Events* is a Legislative Policy' in accordance with the Policy Framework. The Framework states – "*Legislative Policy is policy required by the City under law. These Policies do not necessarily require rigour through a public consultation period. However the City will ensure a consistent approach to policy by applying the same minimum public consultation period as Statutory Policy.*" A consultation period was conducted as detailed above.

If Council adopts this policy an amendment will be required to the Community Grants Program policy with a clause eg – "*The acceptance or otherwise of complimentary tickets for City of Rockingham funded events shall be in accordance with the Council's Attendance at Events policy.*"

**e. Financial**

Nil

**f. Legal and Statutory**

Section 5.90A *Policy for attendance at events* of the Act states –

*(2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —*

*(a) the provision of tickets to events; and*

*(b) payments in respect of attendance; and*

*(c) approval of attendance by the local government and criteria for approval; and*

*(d) any prescribed matter. \* Absolute majority required.*

*(3) A local government may amend\* the policy. \* Absolute majority required.*

*(4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

*(5) The CEO must publish an up-to-date version of the policy on the local government's official website.*

There are no current regulatory requirements at present in relation to (4) above.

**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**

As there were no submissions received from the public during the public consultation period the policy is recommended to Council for adoption unchanged from the version advertised.

**Voting Requirements**

Absolute Majority



## Officer Recommendation

That Council:

1. **APPROVES** the following Council Policy – Attendance at Events:

### Attendance at Events

#### Council Policy Objective

To provide guidance and transparency to the attendance at any event, whether free of charge, part of a sponsorship agreement, or paid by the local government and meet the requirements of section 5.90A of the Local Government Act 1995.

#### Council Policy Scope

This policy applies to Council Members and the CEO in attending any event in their official capacity.

#### Council Policy Statement

Section 5.90A of the Local Government Act 1995 provides that a local government must prepare and adopt (by absolute majority) an Attendance at Events policy. This policy is made in accordance with those provisions.

Certain gifts received by a Council member and the CEO are specifically excluded from the conflict of interest provisions, including a gift that is received in accordance with an 'Attendance at Events Policy' (section 5.62(1B)).

#### Provision of tickets to events

##### 1. Invitations

- 1.1 All invitations or offers of tickets for a Council Member or the CEO to attend an event should be in writing and addressed to the City of Rockingham.
- 1.2 Where an invitation or offer of tickets is received by a Council Member or the CEO to attend an event, and such invitation or offer has not been addressed to the City, the Council Member or the CEO will inform the City of the receipt of the invitation or offer.
- 1.3 A list of events and attendees approved by the local government in advance of the event is listed below:
  - (a) Advocacy lobbying or Ministerial briefings
  - (b) Meetings of clubs or organisations within the City of Rockingham, including where the council member or CEO is patron
  - (c) Any free event within the City of Rockingham
  - (d) Australian or West Australian local government events
  - (e) Events hosted by clubs or not for profit organisations within the City of Rockingham to which the Mayor, Council Member or Chief Executive Officer has been officially invited
  - (f) City hosted ceremonies and functions
  - (g) City hosted events with employees
  - (h) City run tournaments or events
  - (i) City sponsored functions or events
  - (j) Community art exhibitions
  - (k) Cultural events/festivals
  - (l) Events run by a Local, State or Federal Government
  - (m) Events run by schools and universities within the City
  - (n) Events run by major professional bodies associated with local government at a local, state and federal level
  - (o) Opening or launch of an event or facility within the City of Rockingham

- (p) Recognition of Service events / Award ceremonies
  - (q) Where Mayoral or CEO representation has been formally requested
  - (r) Conferences, training and professional development in accordance with Council Policy – Council Member Professional Development or the CEO's employment contract.
- 1.4 All Council members and the CEO are able to attend the pre-approved events in clause 1.3. If there is a fee associated with a pre-approved event, this will be paid for out of the City's budget subject availability of funds.

## **2. Events not pre-approved**

- 2.1 In making a decision on attendance at an event that is not pre-approved in clause 1.3, the Council will consider:
- (a) who is providing the invitation or ticket to the event,
  - (b) the location of the event in relation to the local government (within the district or out of the district),
  - (c) the role of the Council member or the CEO when attending the event (participant, observer, presenter) and the value of their contribution,
  - (d) the benefit of local government representation at the event,
  - (e) the number of invitations / tickets received, and
  - (f) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- 2.2 Decisions to attend events in accordance with clause 2.1 will be made by simple majority, or should Council delegate the decision making power to the CEO, in consultation with the Mayor and in accordance with any other conditions of delegation.

## **3. Payments in respect of attendance**

- 3.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if it is Council determined in accordance with clause 2.2.
- 3.2 For any events where a member of the public is required to pay, unless pre-approved in accordance with this policy, the Council will determine whether it is in the best interests of the local government for a Council member or the CEO to attend on behalf of the Council.
- 3.3 If it is determined in accordance with this policy that a Council member or CEO may attend a paid event, the City will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- 3.4 With the exception where an accompanying partner of a Council Member or the CEO is -
- (a) invited to attend an event specified in Council Policy – Functions Hosted by Council, or
  - (b) invited to attend an event (as a guest), where the event is not a (priced) event and where there is no cost to the City;

the cost of attendance by the accompanying partner is to be borne by the Council Member or CEO accordingly.

Where an accompanying partner of a Council Member or the CEO attends an event, any (priced) tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the Council.

## **4. Requirement to declare an interest**

In accordance with legislation, attendance at an event in accordance with this policy will exclude a Council Member or the CEO from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before Council.

Receipt of the gift will still be required to be declared under the gift register provisions.

## Definitions

**CEO** – Chief Executive Officer

**Event** – has the same meaning as that provided in section 5.90A of the Local Government Act 1995

## Legislation

Local Government Act 1995 – 5.62(1B)

A gift is an excluded gift –

(a) If –

- (i) The gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and
- (ii) The local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event.

Local Government Act 1995 – 5.87A Council members to disclose gifts;

- (1) A council member must disclose, in accordance with subsection (2) and section 5.87C, a gift received by the council member.

Local Government Act 1995 – 5.87B CEOs to disclose gifts;

- (1) A CEO must disclose, in accordance with subsection (2) and section 5.87C, a gift received by the CEO.

Local Government Act 1995 – 5.87C Provisions about disclosures;

- (2) The disclosure must be made within 10 days after receipt of the gift.
- (3) The disclosure must include the following —
  - (a) a description of the gift;
  - (b) the name and address of the person who made the gift;
  - (c) the date on which the gift was received;
  - (d) the estimated value of the gift at the time it was made;
  - (e) the nature of the relationship between the person who made the gift and the person who received the gift;

Local Government Act 1995 – 5.89 Register of gifts

- (1) A CEO is to keep a register of gifts.
- (2) The register is to contain a record of the disclosures made under sections 5.87A and 5.87B.
- (2A) The CEO must record a disclosure made under section 5.87A or 5.87B in the register within 10 days after the disclosure is made.
- (2B) If a gift disclosed under section 5.87A or 5.87B is an excluded gift under section 5.62(1B)(a), the CEO must record in the register —
  - (a) the date of the approval referred to in section 5.62(1B)(a)(ii); and
  - (b) the reasons for that approval; and
  - (c) any prescribed information.

Local Government Act 1995 – section 5.90A Policy for attendance at events:

- (1) In this section —

*event* includes the following —

- (a) a concert;
- (b) a conference;
- (c) a function;
- (d) a sporting event;
- (e) an occasion of a kind prescribed for the purposes of this definition.

- (2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of Council members and the CEO at events, including —
  - (a) the provision of tickets to events; and
  - (b) payments in respect of attendance; and
  - (c) approval of attendance by the local government and criteria for approval; and
  - (d) any prescribed matter.

\* *Absolute majority required.*
- (3) A local government may amend\* the policy.

\* *Absolute majority required.*
- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (5) The CEO must publish an up-to-date version of the policy on the local government's official website.

#### Other Relevant Policies/ Key Documents

Council Policy – Council Member Professional Development

Council Policy – Functions Hosted by Council

#### Responsible Division

General Management Services

#### Review Date

Xxx

2. **AMENDS** the Council Policy – Community Grant Program Policy as follows:

#### ~~Prohibit~~ Complimentary Tickets for City of Rockingham Funded Events

The acceptance or otherwise of complimentary tickets for City of Rockingham funded events shall be in accordance with the Council's Attendance at Events policy.

~~Councillors and~~ Staff other than the CEO shall not accept complimentary tickets, where such tickets have monetary value, to attend events that have been funded or sponsored by the Community Grants Program.

~~Councillors and~~ Staff other than the CEO can only attend such events in order to perform an official or civic function or by their own personal financial means.

~~Councillors and~~ Staff other than the CEO can accept tickets to events funded or sponsored by the Community Grants Program provided that those tickets have no monetary value and are available free of charge to the general public.

The acceptance or otherwise of complimentary tickets for City of Rockingham funded events shall be in accordance with the Council's Attendance at Events policy.

#### Committee Recommendation

That Council:

1. **APPROVES** the following Council Policy – Attendance at Events:

#### Attendance at Events

##### Council Policy Objective

To provide guidance and transparency to the attendance at any event, whether free of charge, part of a sponsorship agreement, or paid by the local government and meet the requirements of section 5.90A of the Local Government Act 1995.

##### Council Policy Scope

This policy applies to Council Members and the CEO in attending any event in their official capacity.

### **Council Policy Statement**

Section 5.90A of the Local Government Act 1995 provides that a local government must prepare and adopt (by absolute majority) an Attendance at Events policy. This policy is made in accordance with those provisions.

Certain gifts received by a Council member and the CEO are specifically excluded from the conflict of interest provisions, including a gift that is received in accordance with an 'Attendance at Events Policy' (section 5.62(1B)).

### **Provision of tickets to events**

#### **1. Invitations**

- 1.1 All invitations or offers of tickets for a Council Member or the CEO to attend an event should be in writing and addressed to the City of Rockingham.
- 1.2 Where an invitation or offer of tickets is received by a Council Member or the CEO to attend an event, and such invitation or offer has not been addressed to the City, the Council Member or the CEO will inform the City of the receipt of the invitation or offer.
- 1.3 A list of events and attendees approved by the local government in advance of the event is listed below:
  - (a) Advocacy lobbying or Ministerial briefings
  - (b) Meetings of clubs or organisations within the City of Rockingham, including where the council member or CEO is patron
  - (c) Any free event within the City of Rockingham
  - (d) Australian or West Australian local government events
  - (e) Events hosted by clubs or not for profit organisations within the City of Rockingham to which the Mayor, Council Member or Chief Executive Officer has been officially invited
  - (f) City hosted ceremonies and functions
  - (g) City hosted events with employees
  - (h) City run tournaments or events
  - (i) City sponsored functions or events
  - (j) Community art exhibitions
  - (k) Cultural events/festivals
  - (l) Events run by a Local, State or Federal Government
  - (m) Events run by schools and universities within the City
  - (n) Events run by major professional bodies associated with local government at a local, state and federal level
  - (o) Opening or launch of an event or facility within the City of Rockingham
  - (p) Recognition of Service events / Award ceremonies
  - (q) Where Mayoral or CEO representation has been formally requested
  - (r) Conferences, training and professional development in accordance with Council Policy – Council Member Professional Development or the CEO's employment contract.
- 1.4 All Council members and the CEO are able to attend the pre-approved events in clause 1.3. If there is a fee associated with a pre-approved event, this will be paid for out of the City's budget subject availability of funds.

#### **2. Events not pre-approved**

- 2.1 In making a decision on attendance at an event that is not pre-approved in clause 1.3, the Council will consider:
  - (a) who is providing the invitation or ticket to the event,



- (b) the location of the event in relation to the local government (within the district or out of the district),
  - (c) the role of the Council member or the CEO when attending the event (participant, observer, presenter) and the value of their contribution,
  - (d) the benefit of local government representation at the event,
  - (e) the number of invitations / tickets received, and
  - (f) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- 2.2 Decisions to attend events in accordance with clause 2.1 will be made by simple majority, or should Council delegate the decision making power to the CEO, in consultation with the Mayor and in accordance with any other conditions of delegation.

### **3. Payments in respect of attendance**

- 3.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if it is Council determined in accordance with clause 2.2.
- 3.2 For any events where a member of the public is required to pay, unless pre-approved in accordance with this policy, the Council will determine whether it is in the best interests of the local government for a Council member or the CEO to attend on behalf of the Council.
- 3.3 If it is determined in accordance with this policy that a Council member or CEO may attend a paid event, the City will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- 3.4 With the exception where an accompanying partner of a Council Member or the CEO is -
- (a) invited to attend an event specified in Council Policy – Functions Hosted by Council, or
  - (b) invited to attend an event (as a guest), where the event is not a (priced) event and where there is no cost to the City;

the cost of attendance by the accompanying partner is to be borne by the Council Member or CEO accordingly.

Where an accompanying partner of a Council Member or the CEO attends an event, any (priced) tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the Council.

### **4. Requirement to declare an interest**

In accordance with legislation, attendance at an event in accordance with this policy will exclude a Council Member or the CEO from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before Council.

Receipt of the gift will still be required to be declared under the gift register provisions.

#### **Definitions**

**CEO** – Chief Executive Officer

**Event** – has the same meaning as that provided in section 5.90A of the Local Government Act 1995

#### **Legislation**

Local Government Act 1995 – 5.62(1B)

A gift is an excluded gift –

- (a) If –
  - (i) The gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and
  - (ii) The local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event.

Local Government Act 1995 – 5.87A Council members to disclose gifts;

- (1) A council member must disclose, in accordance with subsection (2) and section 5.87C, a gift received by the council member.

Local Government Act 1995 – 5.87B CEOs to disclose gifts;

- (1) A CEO must disclose, in accordance with subsection (2) and section 5.87C, a gift received by the CEO.

Local Government Act 1995 – 5.87C Provisions about disclosures;

- (2) The disclosure must be made within 10 days after receipt of the gift.
- (3) The disclosure must include the following —
  - (a) a description of the gift;
  - (b) the name and address of the person who made the gift;
  - (c) the date on which the gift was received;
  - (d) the estimated value of the gift at the time it was made;
  - (e) the nature of the relationship between the person who made the gift and the person who received the gift;

Local Government Act 1995 – 5.89 Register of gifts

- (1) A CEO is to keep a register of gifts.
- (2) The register is to contain a record of the disclosures made under sections 5.87A and 5.87B.
- (2A) The CEO must record a disclosure made under section 5.87A or 5.87B in the register within 10 days after the disclosure is made.
- (2B) If a gift disclosed under section 5.87A or 5.87B is an excluded gift under section 5.62(1B)(a), the CEO must record in the register —
  - (a) the date of the approval referred to in section 5.62(1B)(a)(ii); and
  - (b) the reasons for that approval; and
  - (c) any prescribed information.

Local Government Act 1995 – section 5.90A Policy for attendance at events:

- (1) In this section —  
*event* includes the following —
  - (a) a concert;
  - (b) a conference;
  - (c) a function;
  - (d) a sporting event;
  - (e) an occasion of a kind prescribed for the purposes of this definition.
- (2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of Council members and the CEO at events, including —
  - (a) the provision of tickets to events; and
  - (b) payments in respect of attendance; and
  - (c) approval of attendance by the local government and criteria for approval; and
  - (d) any prescribed matter.

\* *Absolute majority required.*
- (3) A local government may amend\* the policy.  

\* *Absolute majority required.*
- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

- (5) The CEO must publish an up-to-date version of the policy on the local government's official website.

**Other Relevant Policies/ Key Documents**

Council Policy – Council Member Professional Development

Council Policy – Functions Hosted by Council

**Responsible Division**

General Management Services

**Review Date**

Xxx

2. **AMENDS** the Council Policy – Community Grant Program Policy as follows:

~~Prohibit~~ Complimentary Tickets for City of Rockingham Funded Events

The acceptance or otherwise of complimentary tickets for City of Rockingham funded events shall be in accordance with the Council's Attendance at Events policy.

~~Councillors and~~ Staff other than the CEO shall not accept complimentary tickets, where such tickets have monetary value, to attend events that have been funded or sponsored by the Community Grants Program.

~~Councillors and~~ Staff other than the CEO can only attend such events in order to perform an official or civic function or by their own personal financial means.

~~Councillors and~~ Staff other than the CEO can accept tickets to events funded or sponsored by the Community Grants Program provided that those tickets have no monetary value and are available free of charge to the general public.

The acceptance or otherwise of complimentary tickets for City of Rockingham funded events shall be in accordance with the Council's Attendance at Events policy.

Committee Voting (Carried) – 4/0

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

Not Applicable

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

Not Applicable

**Council Resolution**

**Moved Cr Stewart, seconded Cr Davies:**

That Council:

1. **APPROVES** the following Council Policy – Attendance at Events:

**Attendance at Events**

**Council Policy Objective**

To provide guidance and transparency to the attendance at any event, whether free of charge, part of a sponsorship agreement, or paid by the local government and meet the requirements of section 5.90A of the Local Government Act 1995.

**Council Policy Scope**

This policy applies to Council Members and the CEO in attending any event in their official capacity.

### **Council Policy Statement**

Section 5.90A of the Local Government Act 1995 provides that a local government must prepare and adopt (by absolute majority) an Attendance at Events policy. This policy is made in accordance with those provisions.

Certain gifts received by a Council member and the CEO are specifically excluded from the conflict of interest provisions, including a gift that is received in accordance with an 'Attendance at Events Policy' (section 5.62(1B)).

### **Provision of tickets to events**

#### **1. Invitations**

- 1.1 All invitations or offers of tickets for a Council Member or the CEO to attend an event should be in writing and addressed to the City of Rockingham.
- 1.2 Where an invitation or offer of tickets is received by a Council Member or the CEO to attend an event, and such invitation or offer has not been addressed to the City, the Council Member or the CEO will inform the City of the receipt of the invitation or offer.
- 1.3 A list of events and attendees approved by the local government in advance of the event is listed below:
  - (a) Advocacy lobbying or Ministerial briefings
  - (b) Meetings of clubs or organisations within the City of Rockingham, including where the council member or CEO is patron
  - (c) Any free event within the City of Rockingham
  - (d) Australian or West Australian local government events
  - (e) Events hosted by clubs or not for profit organisations within the City of Rockingham to which the Mayor, Council Member or Chief Executive Officer has been officially invited
  - (f) City hosted ceremonies and functions
  - (g) City hosted events with employees
  - (h) City run tournaments or events
  - (i) City sponsored functions or events
  - (j) Community art exhibitions
  - (k) Cultural events/festivals
  - (l) Events run by a Local, State or Federal Government
  - (m) Events run by schools and universities within the City
  - (n) Events run by major professional bodies associated with local government at a local, state and federal level
  - (o) Opening or launch of an event or facility within the City of Rockingham
  - (p) Recognition of Service events / Award ceremonies
  - (q) Where Mayoral or CEO representation has been formally requested
  - (r) Conferences, training and professional development in accordance with Council Policy – Council Member Professional Development or the CEO's employment contract.
- 1.4 All Council members and the CEO are able to attend the pre-approved events in clause 1.3. If there is a fee associated with a pre-approved event, this will be paid for out of the City's budget subject availability of funds.

#### **2. Events not pre-approved**

- 2.1 In making a decision on attendance at an event that is not pre-approved in clause 1.3, the Council will consider:
  - (a) who is providing the invitation or ticket to the event,

- (b) the location of the event in relation to the local government (within the district or out of the district),
  - (c) the role of the Council member or the CEO when attending the event (participant, observer, presenter) and the value of their contribution,
  - (d) the benefit of local government representation at the event,
  - (e) the number of invitations / tickets received, and
  - (f) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- 2.2 Decisions to attend events in accordance with clause 2.1 will be made by simple majority, or should Council delegate the decision making power to the CEO, in consultation with the Mayor and in accordance with any other conditions of delegation.

### **3. Payments in respect of attendance**

- 3.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if it is Council determined in accordance with clause 2.2.
- 3.2 For any events where a member of the public is required to pay, unless pre-approved in accordance with this policy, the Council will determine whether it is in the best interests of the local government for a Council member or the CEO to attend on behalf of the Council.
- 3.3 If it is determined in accordance with this policy that a Council member or CEO may attend a paid event, the City will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- 3.4 With the exception where an accompanying partner of a Council Member or the CEO is -
- (a) invited to attend an event specified in Council Policy – Functions Hosted by Council, or
  - (b) invited to attend an event (as a guest), where the event is not a (priced) event and where there is no cost to the City;

the cost of attendance by the accompanying partner is to be borne by the Council Member or CEO accordingly.

Where an accompanying partner of a Council Member or the CEO attends an event, any (priced) tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the Council.

### **4. Requirement to declare an interest**

In accordance with legislation, attendance at an event in accordance with this policy will exclude a Council Member or the CEO from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before Council.

Receipt of the gift will still be required to be declared under the gift register provisions.

#### **Definitions**

**CEO** – Chief Executive Officer

**Event** – has the same meaning as that provided in section 5.90A of the Local Government Act 1995

#### **Legislation**

Local Government Act 1995 – 5.62(1B)

A gift is an excluded gift –

- (a) If –
  - (i) The gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and
  - (ii) The local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event.



Local Government Act 1995 – 5.87A Council members to disclose gifts;

- (1) A council member must disclose, in accordance with subsection (2) and section 5.87C, a gift received by the council member.

Local Government Act 1995 – 5.87B CEOs to disclose gifts;

- (1) A CEO must disclose, in accordance with subsection (2) and section 5.87C, a gift received by the CEO.

Local Government Act 1995 – 5.87C Provisions about disclosures;

- (2) The disclosure must be made within 10 days after receipt of the gift.
- (3) The disclosure must include the following —
  - (a) a description of the gift;
  - (b) the name and address of the person who made the gift;
  - (c) the date on which the gift was received;
  - (d) the estimated value of the gift at the time it was made;
  - (e) the nature of the relationship between the person who made the gift and the person who received the gift;

Local Government Act 1995 – 5.89 Register of gifts

- (1) A CEO is to keep a register of gifts.
- (2) The register is to contain a record of the disclosures made under sections 5.87A and 5.87B.
- (2A) The CEO must record a disclosure made under section 5.87A or 5.87B in the register within 10 days after the disclosure is made.
- (2B) If a gift disclosed under section 5.87A or 5.87B is an excluded gift under section 5.62(1B)(a), the CEO must record in the register —
  - (a) the date of the approval referred to in section 5.62(1B)(a)(ii); and
  - (b) the reasons for that approval; and
  - (c) any prescribed information.

Local Government Act 1995 – section 5.90A Policy for attendance at events:

- (1) In this section —

*event* includes the following —

  - (a) a concert;
  - (b) a conference;
  - (c) a function;
  - (d) a sporting event;
  - (e) an occasion of a kind prescribed for the purposes of this definition.
- (2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of Council members and the CEO at events, including —
  - (a) the provision of tickets to events; and
  - (b) payments in respect of attendance; and
  - (c) approval of attendance by the local government and criteria for approval; and
  - (d) any prescribed matter.

\* *Absolute majority required.*
- (3) A local government may amend\* the policy.

\* *Absolute majority required.*
- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

- (5) The CEO must publish an up-to-date version of the policy on the local government's official website.

**Other Relevant Policies/ Key Documents**

Council Policy – Council Member Professional Development

Council Policy – Functions Hosted by Council

**Responsible Division**

General Management Services

**Review Date**

Xxx

2. **AMENDS** the Council Policy – Community Grant Program Policy as follows:

~~Prohibit~~ Complimentary Tickets for City of Rockingham Funded Events

The acceptance or otherwise of complimentary tickets for City of Rockingham funded events shall be in accordance with the Council's Attendance at Events policy.

~~Councillors and~~ Staff other than the CEO shall not accept complimentary tickets, where such tickets have monetary value, to attend events that have been funded or sponsored by the Community Grants Program.

~~Councillors and~~ Staff other than the CEO can only attend such events in order to perform an official or civic function or by their own personal financial means.

~~Councillors and~~ Staff other than the CEO can accept tickets to events funded or sponsored by the Community Grants Program provided that those tickets have no monetary value and are available free of charge to the general public.

The acceptance or otherwise of complimentary tickets for City of Rockingham funded events shall be in accordance with the Council's Attendance at Events policy.

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

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

Not Applicable

Community Development Community Capacity Building Community Grants Program Committee		
<b>Reference No &amp; Subject:</b>	CD-018/21	<b>Community Grants Program applications Round Two 2021/2022</b>
File No:	GRS/48-05	
Proponent/s:		
Author:	Ms Emma Youd, Community Development Officer	
Other Contributors:	Ms Jillian Obiri-Boateng, Collaborative Manager Community Capacity Building Ms Julia Dick, Collaborative Manager Community Capacity Building Mr Gary Rogers, Manager Community Infrastructure and Planning Ms Mary-Jane Rigby, Manager Community Safety and Support Services Ms Kasey Sheridan, Community Infrastructure Project Officer	
Date of Committee Meeting:	5 October 2021	
Previously before Council:		
Disclosure of Interest:	Cr Sammels declared an Impartiality Interest in item CD-018/21 Recommendations from the Community Grants Committee meeting, as detailed in Regulation 22 of the Local Government (Model of Conduct) Regulations 2021 and as per section 5.65 of the Local Government Act 1995, as he is Vice Patron of The Cruising Yacht Club.  Cr Buchan declared an Impartiality Interest in item CD-018/21 Recommendations from the Community Grants Committee meeting, as detailed in Regulation 22 of the Local Government (Model of Conduct) Regulations 2021 and as per section 5.65 of the Local Government Act 1995, as her sons will be taking part in the Formula 18 National Championships being hosted by The Cruising Yacht Club.	
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:	Minutes of the Community Grants Program Committee meeting held on Thursday 2 September 2021.	
Maps/Diagrams:		

### Purpose of Report

For Council to approve the recommendations in relation to the Community Grants Program 2021/22 round two application.

## Background

The Community Grants Program (CGP) objective is:

“To provide financial assistance to community groups and individuals that will build capacity within the community, stimulate volunteering and youth development, and deliver sustainable, accessible and demonstrated social, environmental and economic benefits.”

The CGP has five key areas comprising Minor Grants (Travel Subsidy Grants, Youth Encouragement Grants, General Grants), Major Grants, Major Events Sponsorship, City Property Grants (Leased/Licensed Property Grants, Maintenance and Rates Subsidy), and Community Infrastructure Grants (Infrastructure Planning Grants and Infrastructure Capital Grants).

The City is committed to supporting incorporated not-for-profit organisations/associations, or those limited by guarantee (e.g. community groups and clubs) to assist with the delivery of programs, projects and events that benefit the Rockingham community. Major Grants, Major Event Sponsorship and Community Infrastructure Grants are advertised three times per year and presented to Council for approval.

Applications for Round Two were invited from the community and closed 4.30pm Friday, 23 July 2021.

## Details

A total of 10 applications were received in Round Two of the CGP 2021/2022, all grants were eligible within the grant criteria and one application withdrew. The withdrawn application was not assessed.

The eligible grants that were assessed were classified into the following categories:

- Major Event Sponsorship – two applications
- Major Grants – seven applications
- Community Infrastructure Grants – nil applications

## Implications to Consider

### a. Consultation with the Community

Nil

### b. Consultation with Government Agencies

Nil

### c. Strategic

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

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

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

*Attractions and events: Seek to host iconic community events and attractions that will entice residents and visitors throughout the year.*

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

**Strategic Objective:** *Community Capacity Building: Empower the community across all ages and abilities to be culturally aware and involved with a diverse range of community initiatives that incorporate volunteering, sport, culture and the arts.*

**d. Policy**

The CGP operates in line with the CGP Policy and the Governance and Meeting Framework Policy

**e. Financial**

Should Council approve the Officers recommendation for the Major Grants and the Major Events Sponsorship, there will be \$349,654.35 remaining of an allocated 2021/2022 budget of \$600,000. It should be noted that this balance changes on a daily basis due to the General, Travel and Youth Encouragement grant requests.

**f. Legal and Statutory**

Not Applicable

**g. Risk**

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

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

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

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

Nil

### Comments

Grant applications are assessed by City Officers in line with their portfolio area of expertise. Officers base their assessment and decision for funding on the following Community Grants Program assessment criteria:

- Good description of short term and/ or long term community benefits
- Alignment with City strategies
- Amount of community involvement in the program/ event:
- (Demonstrates types of community members involved)
- (Community impact – time/ number of people/ what get out of it)
- Amount of volunteer involvement in program/ event
- Recognition for the City
- Financial capacity of applicant to deliver the event
- Partnerships with other groups and/ or consultation
- Other funding sources
- Capacity of program/event to grow and become sustainable in future
- Major events – short term and/ or long term economic benefits
- Major events – attraction of overnight stays
- Governance and management of applicant organisation
- Project justification
- Financial commitment (applicants dollar contribution/ reason why not included)
- Project planning

This report is recommending the approval of eight grants with a total value of \$72,292.05 as part of Round Two 2021/2022 of the Community Grants Program.

### Voting Requirements

Simple Majority



### Advisory Committee Recommendation

That Council:

1. **APPROVES** the allocation of funds for Major Event Sponsorship and Major Grants under the 2021/2022 Community Grants Program (CGP) Round Two, subject to any listed additional conditions:

	Major Event Sponsorship	Amount Requested (\$)	Advisory Committee Recommendation (\$)
A.	<b>Australian Skateboarding Federation</b> Rockingham Rumble  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> <li>Your organisation is to provide an opportunity for City of Rockingham Mayor to speak at the event.</li> </ul>	\$20,000.00 (for three years, 2022, 2023 and 2024)	\$20,000.00 (for one year)
B.	<b>The Cruising Yacht Club of WA Inc</b> F18 Catamaran Australian Championships  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> <li>Your organisation is to provide an opportunity for City of Rockingham Mayor to speak at the event.</li> </ul>	\$19,563.29	\$19,563.29

	Major Grants	Amount Requested (\$)	Advisory Committee Recommendation (\$)
C.	<b>Peel Water Polo Association Incorporated</b> Scoreboard and Shot Clocks	\$8,990.00	\$4,495.00
D.	<b>Perth Blokart Club Inc</b> 2022 Australian Blokart Championships  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> </ul>	\$5,084.83	\$5,084.83

	Major Grants	Amount Requested (\$)	Advisory Committee Recommendation (\$)
F.	<b>Spinal Life Australia</b> Accessible Rockingham  <b>Additional Grant Conditions:</b> · Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.	\$7,386.00	\$5,226.00
G.	<b>Triathlon Western Australia</b> Foreshore Triathlon 2022  <b>Additional Grant Conditions:</b> · Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.	\$8,393.00	\$6,700.00
H.	<b>Uni Camp for Kids</b> Uni Camp for Kids Summer Camps  <b>Additional Grant Conditions:</b> · Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program. · Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19. · As part of the Acquittal and Evaluation Report for this grant, please provide demographic data for participating City of Rockingham children including the number of children, their age, gender and cultural background.	\$10,000.00	\$6,000.00
I.	<b>YouthCARE</b> Drumbeat	\$4,371.67	\$4,113.23

2. That Council **NOT APPROVES** the allocation of funds for the Major Grants under the 2021/2022 CGP Round Two:

	Major Grants	Amount Requested (\$)	Advisory Committee Recommendation (\$)
E.	<b>South Metropolitan Youth Link Inc (SMYL)</b> Parent's Shed	\$10,000.00	\$0.00

**Officer Recommendation if Different to Advisory Committee Recommendation**

Nil

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

Nil

## Committee Recommendation

That Council:

1. **APPROVES** the allocation of funds for Major Event Sponsorship and Major Grants under the 2021/2022 Community Grants Program (CGP) Round Two, subject to any listed additional conditions:

	Major Event Sponsorship	Amount Requested (\$)	Advisory Committee Recommendation (\$)
A.	<b>Australian Skateboarding Federation</b> Rockingham Rumble  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> <li>Your organisation is to provide an opportunity for City of Rockingham Mayor to speak at the event.</li> </ul>	\$20,000.00 (for three years, 2022, 2023 and 2024)	\$20,000.00 (for one year)
B.	<b>The Cruising Yacht Club of WA Inc</b> F18 Catamaran Australian Championships  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> <li>Your organisation is to provide an opportunity for City of Rockingham Mayor to speak at the event.</li> </ul>	\$19,563.29	\$19,563.29

	Major Grants	Amount Requested (\$)	Advisory Committee Recommendation (\$)
C.	<b>Peel Water Polo Association Incorporated</b> Scoreboard and Shot Clocks	\$8,990.00	\$4,495.00
D.	<b>Perth Blokart Club Inc</b> 2022 Australian Blokart Championships  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> </ul>	\$5,084.83	\$5,084.83

	Major Grants	Amount Requested (\$)	Advisory Committee Recommendation (\$)
F.	<b>Spinal Life Australia</b> Accessible Rockingham  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> </ul>	\$7,386.00	\$5,226.00
G.	<b>Triathlon Western Australia</b> Foreshore Triathlon 2022  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> </ul>	\$8,393.00	\$6,700.00
H.	<b>Uni Camp for Kids</b> Uni Camp for Kids Summer Camps  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> <li>As part of the Acquittal and Evaluation Report for this grant, please provide demographic data for participating City of Rockingham children including the number of children, their age, gender and cultural background.</li> </ul>	\$10,000.00	\$6,000.00
I.	<b>YouthCARE</b> Drumbeat	\$4,371.67	\$4,113.23

2. That Council **NOT APPROVES** the allocation of funds for the Major Grants under the 2021/2022 CGP Round Two:

	Major Grants	Amount Requested (\$)	Advisory Committee Recommendation (\$)
E.	<b>South Metropolitan Youth Link Inc (SMYL)</b> Parent's Shed	\$10,000.00	\$0.00

Committee Voting (Carried) – 4/0

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

Not Applicable

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

Not Applicable

## Council Resolution

### Moved Cr Stewart, seconded Cr Hamblin:

That Council:

- APPROVES** the allocation of funds for Major Event Sponsorship and Major Grants under the 2021/2022 Community Grants Program (CGP) Round Two, subject to any listed additional conditions:

	Major Event Sponsorship	Amount Requested (\$)	Advisory Committee Recommendation (\$)
A.	<b>Australian Skateboarding Federation</b> Rockingham Rumble	\$20,000.00 (for three years, 2022, 2023 and 2024)	\$20,000.00 (for one year)
	<b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> <li>Your organisation is to provide an opportunity for City of Rockingham Mayor to speak at the event.</li> </ul>		
B.	<b>The Cruising Yacht Club of WA Inc</b> F18 Catamaran Australian Championships	\$19,563.29	\$19,563.29
	<b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> <li>Your organisation is to provide an opportunity for City of Rockingham Mayor to speak at the event.</li> </ul>		

	Major Grants	Amount Requested (\$)	Advisory Committee Recommendation (\$)
C.	<b>Peel Water Polo Association Incorporated</b> Scoreboard and Shot Clocks	\$8,990.00	\$4,495.00
D.	<b>Perth Blokart Club Inc</b> 2022 Australian Blokart Championships	\$5,084.83	\$5,084.83
	<b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the event.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> </ul>		

	Major Grants	Amount Requested (\$)	Advisory Committee Recommendation (\$)
F.	<b>Spinal Life Australia</b> Accessible Rockingham  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> </ul>	\$7,386.00	\$5,226.00
G.	<b>Triathlon Western Australia</b> Foreshore Triathlon 2022  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> </ul>	\$8,393.00	\$6,700.00
H.	<b>Uni Camp for Kids</b> Uni Camp for Kids Summer Camps  <b>Additional Grant Conditions:</b> <ul style="list-style-type: none"> <li>Subject to providing the City of Rockingham with a copy of your organisation's Public Liability Insurance that will be current at the time of the program.</li> <li>Your organisation is to follow the health advice provided by the WA Health Department in regards to COVID-19.</li> <li>As part of the Acquittal and Evaluation Report for this grant, please provide demographic data for participating City of Rockingham children including the number of children, their age, gender and cultural background.</li> </ul>	\$10,000.00	\$6,000.00
I.	<b>YouthCARE</b> Drumbeat	\$4,371.67	\$4,113.23

2. That Council **NOT APPROVES** the allocation of funds for the Major Grants under the 2021/2022 CGP Round Two:

	Major Grants	Amount Requested (\$)	Advisory Committee Recommendation (\$)
E.	<b>South Metropolitan Youth Link Inc (SMYL)</b> Parent's Shed	\$10,000.00	\$0.00

Carried –10/0

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

Not Applicable



## Community Development Community Capacity Building



<b>Reference No &amp; Subject:</b>	<b>CD-019/21</b> <b>Draft Disability Access and Inclusion Plan 2022 – 2026</b>
<b>File No:</b>	CSV/3549-02
<b>Proponent/s:</b>	
<b>Author:</b>	Ms Julia Dick, Collaborative Managers Community Capacity Building Ms Jillian Obiri-Boateng, Collaborative Managers Community Capacity Building
<b>Other Contributors:</b>	Mr Michael Holland, Director Community Development
<b>Date of Committee Meeting:</b>	5 October 2021
<b>Previously before Council:</b>	
<b>Disclosure of Interest:</b>	
<b>Nature of Council's Role in this Matter:</b>	Executive
<b>Site:</b>	
<b>Lot Area:</b>	
<b>Attachments:</b>	Draft Disability Access and Inclusion Plan 2022 – 2026
<b>Maps/Diagrams:</b>	

### Purpose of Report

To seek Council's endorsement of the draft Disability Access and Inclusion Plan 2022 - 2026 for the purpose of advertising for public comment.

### Background

The Western Australian Disability Services Act 1993 (the Act) requires public authorities, including Local Government Authorities, to develop and implement a Disability Access and Inclusion Plan (DAIP) that will further the principals and objectives of the Act.

In June 2016, Council endorsed the City's DAIP for the period 2016-2019, along with the Disability Access and Inclusion Strategy (DAIS) 2016-2019. The previous DAIP addressed the City's legislative requirements whilst the DAIS provided the overarching strategy for the City and identified the broader strategic aspirations regarding disability access and inclusion.

The City undertook a process to review the progress achieved through the DAIP and DAIS 2016-2019 and to develop a revised and updated DAIP. The review process determined that a DAIS was not required as a separate strategy, given that its intent can be addressed through the DAIP.

## Details

The draft DAIP 2022 – 2026 addresses eight outcome areas, including the seven that are required under the Act. An additional eighth outcome area was added to enable the City to address priorities that were identified through consultation with the community and with staff. The eight outcome areas addressed by the DAIP are as follows:

**Outcome 1:** People with disability have the same opportunities as other people to access the services of, and any events organised by, the City of Rockingham.

**Outcome 2:** People with disability have the same opportunities as other people to access the buildings and facilities of the City of Rockingham.

**Outcome 3:** People with disability receive information from the City of Rockingham in a format that will enable them to access the information as readily as other people are able to access it.

**Outcome 4:** People with disability receive the same level and quality of service from the staff of the City of Rockingham as other people receive from the staff of the City of Rockingham.

**Outcome 5:** People with disability have the same opportunities as other people to make complaints to the City of Rockingham.

**Outcome 6:** People with disability have the same opportunities as other people to participate in any public consultation by the City of Rockingham.

**Outcome 7:** People with disability have the same opportunities as other people to obtain and maintain employment with the City of Rockingham.

**Outcome 8:** The City of Rockingham provides opportunities for awareness raising, collaboration and advocacy; and delivers governance improvements to enhance accessibility and inclusion for people with disability.

The draft DAIP was submitted to a Councillor Engagement Session on Tuesday 7 September 2021.

## Implications to Consider

### a. Consultation with the Community

A series of consultation opportunities were provided to engage key stakeholders and community members to better understand the progress the City has made to date, and to determine what actions might be taken to continue to improve the accessibility and inclusiveness of the City. The consultation occurred in late 2020 and included sessions with:

- Members of the Disability Access and Inclusion Advisory Committee (DAIAC)
- Members of the Seniors Advisory Committee
- Families and staff from Rockingham Beach Education Support Centre
- Support workers working in Rockingham
- Representatives from local sporting clubs and community organisations
- Members of the Mandurah, Kwinana and Rockingham Access and Inclusion Network (MKRAIN)
- Two community workshops open to all community members (one in-person and one via Zoom).
- City staff

### b. Consultation with Government Agencies

Consultation with the Department of Communities has informed the development of the draft DAIP 2022 – 2026. A copy will also be provided to them during the public comment period.

### c. Strategic

#### Community Plan

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

- Aspiration 2:** Grow and Nurture Community Connectedness and Wellbeing
- Strategic Objective:** *Accessibility – Ensure that the City’s infrastructure and services are accessible to seniors and to people with a disability.*
- Community Engagement – Facilitate comprehensive community engagement on issues facing the City, ensuring that residents can provide input into shaping our future.*
- Community Capacity Building – Empower the community across all ages and abilities to be culturally aware and involved with a diverse range of community initiatives that incorporate volunteering, sport, culture and the arts.*
- Services and Facilities – Provide cost effective services and facilities which meet community needs.*
- Aspiration 3:** Plan for Future Generations
- Strategic Objective:** *Infrastructure Planning – Plan and develop community, sport and recreation facilities which meet the current and future needs of the City’s growing population.*
- Liveable Suburbs – Plan for attractive sustainable suburbs that provide housing diversity, quality public open spaces, walkways, amenities and facilities for the community.*

**d. Policy**

The Strategic Development Framework Policy (for Community Plan Strategies) which stipulates Councillors, staff, stakeholders and members of the community should be involved or participate in the strategic development process.

**e. Financial**

The costs associated with the implementation of actions outlined in the draft DAIP 2022-2026 will be incorporated in the relevant team plans over the life of the Plan and where required incorporated into the City’s Business Plan.

**f. Legal and Statutory**

The DAIP is a legislative requirement under the Disability Services Act 1993 and the Disability Services Regulations 2004.

**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 development of the City’s next DAIP is an important strategic opportunity to improve access and inclusion for people with disability.

The next step in the process is for Council consideration of the draft DAIP 2022 – 2026, and endorsement for it to progress for public comment.

The public comment period will include advertising in the local newspaper and on the City’s website and social media accounts for a period of 14 days. Comments will be assessed, and amendments to the draft made where suitable. The final DAIP will then be presented to Council for adoption.

## Voting Requirements

Simple Majority

### Officer Recommendation

That Council **ENDORSES** the draft Disability Access and Inclusion Plan 2022 – 2026 for the purpose of advertising for public comment.

### Committee Recommendation

That Council **ENDORSES** the draft Disability Access and Inclusion Plan 2022 – 2026 for the purpose of advertising for public comment.

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

### Alternate Motion

Cr Jones proposed the following Alternate Motion:

That Council **ENDORSES** the draft Disability Access and Inclusion Plan 2022 - 2026 for the purpose of advertising for public comment, subject to amending Action 2.3 to:

No.	Task	Cost	Team	Commence	Complete
2.3	Plan and implement the construction of a Changing Places facility at the Rockingham Foreshore - feasibility study 2022/2023 (\$20,000); project delivery 2023/2024 (\$200,000). 2022 (\$20,000); project delivery 2023 (\$200,000).	\$220,000	IPD, OFS, SAM, PS, CCB	<del>2022/2023</del> 2022	<del>2023/2024</del> 2023

### Reason for Alternate Motion

The development and actions contained within the draft Disability Access and Inclusion Plan 2022 – 2026 (DAIP) are supported with the exception of the timing to plan and implement the construction of a Changing Places facility at the Rockingham Foreshore. The draft plan currently identifies the project as a high priority, however lists the feasibility study to be undertaken in 2022/23 and the project delivered in 2023/24.

As Chairperson of the City's Disability Access and Inclusion Advisory Committee the community representatives and Cr Stewart have expressed an urgent need for a Changing Places facility to be located at the Rockingham Foreshore. Such facilities are purpose built and secure for people with a disability who need space and assistance to use the bathroom and/or get changed when out in the community. Access is by a special key (compatible with other Changing Places facilities) issued by application only. Not only does such a facility provide dignity and access, it allows carers and people with a disability to make the Rockingham Foreshore a destination to enjoy for extended periods and support local businesses.

The Mandurah Foreshore already has a Changing Places facility and the City of Mandurah was recently awarded Western Australia's Most Accessible Community at the WA Local Government Convention.

It is acknowledged that City staff currently have a lot of projects in progress and their capacity to deliver additional projects in the short term will be limited, however the project is greatly needed and bringing the project forward by 6 months to enable completion in 2023 stills allow plenty of lead time to be achievable.

Making this change prior to going out for public comment will demonstrate and reinforce the importance of this facility to both the community and members of the Disability Access and Inclusion Advisory Committee.

### Implications to Consider

**a. Consultation with the Community**

The draft DAIP, if endorsed by Council, will be available for public comment and return to Council for final adoption in the coming months.

**b. Consultation with Government Agencies**

Not Applicable

**c. Strategic**

Community Plan

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

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

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

*Community Engagement – Facilitate comprehensive community engagement on issues facing the City, ensuring that residents can provide input into shaping our future.*

*Community Capacity Building – Empower the community across all ages and abilities to be culturally aware and involved with a diverse range of community initiatives that incorporate volunteering, sport, culture and the arts.*

*Services and Facilities – Provide cost effective services and facilities which meet community needs.*

**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

### Officer Comment on Alternate Motion

The timeline for the provision of a Changing Places facility at the Rockingham Foreshore as provided within the draft DAIP at Action 2.3 sets out a timeline of a feasibility study 2022/2023, project delivery 2023/2024 that is achievable by the relevant teams within the City.

Issues impacting a shortened timeline include:

- Availability of contractors and consultants
- Unfavourable market conditions in terms of procurement, and
- Staff resourcing

This is not the only infrastructure project impacted by the above as the City is considering delaying some of the current projects due to these issues. The ability to deliver this project in the shortened timeframe will affect projects that are scheduled for completion over the next couple of years.

The alternate motion is not supported by officers as the timeframes proposed within the draft DAIP should remain consistent for the purpose of public comment. Therefore, the Corporate and Community Development Committee Recommendation should be endorsed.

### Officer Recommendation

That Council **ENDORSES** the draft Disability Access and Inclusion Plan 2021-2026 for the purpose of advertising for public comment.

### Council Resolution

#### Moved Cr Jones, seconded Cr Edwards:

That Council **ENDORSES** the draft Disability Access and Inclusion Plan 2022 - 2026 for the purpose of advertising for public comment, subject to amending Action 2.3 to:

No.	Task	Cost	Team	Commence	Complete
2.3	Plan and implement the construction of a Changing Places facility at the Rockingham Foreshore - feasibility study <del>2022/2023 (\$20,000); project delivery 2023/2024 (\$200,000).</del> 2022 (\$20,000); project delivery 2023 (\$200,000).	\$220,000	IPD, OFS, SAM, PS, CCB	<del>2022/2023</del> 2022	<del>2023/2024</del> 2023

Carried –10/0

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

Not Applicable



## Community Development Community Capacity Building



<b>Reference No &amp; Subject:</b>	<b>CD-020/21</b>	<b>Support the location of the Golden Bay Community Garden</b>
File No:	COM/100-02	
Proponent/s:		
Author:	Ms Penny McCall, Community Development Officer (Health and Wellbeing)	
Other Contributors:	Ms Marta Makuch, Coordinator Recreation and Wellbeing	
Date of Committee Meeting:	5 October 2021	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:	Lot 551, Rhonda Scarrott Community Centre/Rhonda Scarrott Reserve	
Lot Area:	500m2 out of 11,773m2	
Attachments:		
Maps/Diagrams:	Proposed location of the Golden Bay Community Garden	

### Purpose of Report

For Council to support the location of a community garden in Golden Bay on Lot 551, Rhonda Scarrott Reserve and encourage the Golden Bay Progress Association (GBPA) to seek funding to establish the garden.

### Background

In November 2017, the City received a request from the GBPA to consider establishing a community garden in Golden Bay. During 2018/19, the City undertook internal discussions and site visits to determine suitable locations. In 2019, the GBPA worked on gauging the level of community interest and support for the project. Additionally, they worked to ascertain the community's vision, and subsequent objectives and strategies for the garden.

The GBPA formed a sub-committee to communicate with the community and the City to support the establishment of the garden. The committee undertook community consultation in February 2020 and held a community session with 17 people in attendance. Facilitated by Creating Communities, the vision, key objectives and strategies were discussed and developed. The subcommittee then received endorsement from the GBPA.

After much investigation, a site to the west of the Golden Bay Coastal Community Centre has been determined to be most suitable for a community garden.



**Reserve: 32492**

**Lot: 551**

***Proposed location of the Golden Bay Community Garden***

The GBPA sub-committee believe that a community garden located on the proposed site would:

- Be the best site to bring together 'new' and 'old' Golden Bay
- Optimise the amenity of the area, to be co-located with a public recreation reserve: Rhonda Scarrott Reserve
- Be close to facilities at the Coastal Community Centre and the Golden Bay Sports Pavilion
- Be close to the shopping centre, the unofficial hub of Golden Bay
- Eliminate the dumping of illegal rubbish on this site, improve the amenity of the area and potentially enhance the conservation efforts in the remaining space.

City officers have also determined that the site has the following attributes:

- Amount of land suitable for a community garden
- Easy access to parking
- Accessibility - the site is flat and has good footpaths on the perimeter
- Access to public toilets (one public universally accessible toilet on the oval side of the Coastal Community Centre, on a time lock)
- Some external lighting
- Passive surveillance
- Ability for the land to be leased as it is within the excised portion of the reserve available for 'recreation and community use'
- The identified area would not impact on the vegetation worthy of retention. Fencing would be installed that would avoid the large tuart trees and which would allow approximately 500m<sup>2</sup> available for a community garden and walkways.

## Details

Following the site identification, the City's staff held consultations with internal departments to fully understand the operational, financial and logistical implications of establishing the community garden on the specified site. Their feedback is summarised below and has been provided to the GBPA.

### Parks Services:

- Water tank to be located in close proximity to irrigation and pump infrastructure
- Clearing of vegetation to be done under the City's advisement; trees and plants that are to be retained will be marked as such.
- Storage shed to be placed within the Community Garden site.

### Statutory Planning:

- It was determined that a Development Application is not required as the establishment of the Community Garden fits with the purpose and use of the reserve

### Engineering Services:

- A parking study for the Golden Bay area is expected to be completed this financial year (2021/2022) and the outcomes will be included in future business plans.

### City Properties:

- The lease for the Golden Bay Community Garden will be developed following Council's endorsement for the establishment of the community garden.

There is likely to be funding required to set up the community garden with the required infrastructure. The City's Operations and Fleet Services team have estimated the cost of infrastructure required to be around \$30,000. As the Golden Bay Community Garden is not a City planned project, the funding to support the establishment of the garden will need to be sourced by the group. Information regarding a range of sources that the GBPA could explore has been provided as follows;

#### 1. City of Rockingham Community Grants Program

- General grant: up to \$3,000 open year round
- Major Grant: up to \$10,000, open all year round, assessed over three funding rounds.
- Community Infrastructure Capital Grants: up to \$50,000, open all year round, assessed over three funding rounds. Next round closes 19 November 2021.

#### 2. LotteryWest

- Grants available year round for projects that align with their Community Investment Framework.
- The Golden Bay Community Garden would align with the priority areas: Active healthy people; Inclusive thriving community; and Protected sustainable ecosystems.
- Minimum grant is \$3,000 and maximum is \$15,000 for organisations not registered for GST or that are unincorporated otherwise there is no upper limit on grants.

#### 3. Healthway

- Health promotion grants may be applicable in the future to activate the garden with programs that address the Healthway Strategic Priorities including: increasing healthy eating; improving mental health and increasing physical activity.
- Healthway has two grants available in categories \$5,000 and under and \$5,000 and over.

**4. Department of Communities**

- Community Gardens Grant Program 2021/2022 with up to \$10,000 available, however the guidelines state that organisations are encouraged to seek assistance for garden infrastructure and minor capital equipment from other funding sources prior to applying to this program.
- Grant applications close on 13 October 2021 which would be unrealistic for this project timeline. However, the GBPA could consider applying for this grant later on.

**5. Royal Automobile Club (RAC)**

- RAC have a Connecting Communities fund to support individual Town Teams to help deliver their projects.

**6. Private**

For example PEET commenced this process through 'Creating Communities' and it would make sense to approach them for initial start up funding.

**Implications to Consider**

**a. Consultation with the Community**

On 18 June 2021, a consultation survey was sent to residents and owners located within 150m of the proposed site of the community garden to seek their views on the project. There were a total of 112 surveys sent out, the surveys remained anonymous.

The City received 28 survey responses, mostly anonymous with some residents electing to provide their name. Six responses were unrelated to the survey and void.

The survey consisted of three questions:

1. Do you support the development of a community garden on the Rhonda Scarrott Reserve?
2. Would activities such as garden open days or community workshops at the community garden disrupt you in any way?
3. Do you have any further comments?

Overall:

- 86% of responders support the development of a community garden on the Rhonda Scarrott Reserve
- 68% of responders do not believe that activities such as garden open days or community workshops at the community garden would disrupt them in any way, 9% were unsure and 23% believed that there would be some disruption experienced as a result of the community garden.

Comments in full are as follows:

Community Feedback	City Comments
I'm happy to see part of that area to be used for a community garden, a nice idea for the area, but I hope that remaining area stays as planned natural vegetation as it acts as a home for small native life and also a form of buffer for the noise from the community centre.	Comments noted.
We think it is a great idea to help bring more of the community together to be social and learn from one another. Glad you're doing something constructive with that area as it's a perfect spot to access the community facilities there too.	Comments noted.

Community Feedback	City Comments
Community garden is a good idea but I don't think the chosen site is an ideal position, what about the area between the hall and oval?	The discussed location was explored however was not supported as it is a muster point and has a number of above ground and below ground services.
I have answered unsure to question two because it depends on where people park their cars. If they park on Coolawanyah St it turns into a ridiculous 1 ½ lane road which is dangerous. But otherwise a good idea to see that bit of bush being made into something useful.	A minimal impact on parking availability is expected, however the City is planning to conduct a parking study this financial year.
I believe this will be a positive step in the community and I very much support it.	Comments noted.
A fabulous idea for an unused space, can't wait to see the results and maybe pick up a tip or 2 for my own vege patch.	Comments noted.
We support this proposal however we use the reserve to exercise our dogs so would not support the proposal if it affects how dog owners use the reserve. If dog use of the reserve is not affected then we support this proposal.	The proposal for the establishment of the Community Garden will not affect resident's ability to exercise their dogs on the reserve.
Very positive community idea, all for it and certain to get more involved. Well done CoR.	Comments noted.
Not at this point in time.	Comments noted.
The proposed site is unacceptable. The garden should be installed in the grassed area between the two car parks at Rhonda Scarrott reserve. The proposed location will cause even further disruption to local traffic, not just when sports training and games occur. Even though there are two car parks, people using Rhonda Scarrott reserve don't park in the allotted spaces, they park in the street. The users of this garden won't be any different. In addition the proposed area consists of one of the very few native scrub parcels left in Golden Bay. The native plant species support numerous and varied birds and animals. We have observed several bird species nesting in the area including the blue fairy wren. The further destruction of this habitat is completely unnecessary for a garden that can be installed anywhere else that the council has already cleared. The grass area between the two car parks is currently wasted space that requires expensive upkeep by the council. The Karnup fire unit has two sports ovals to use for equipment testing etc and don't used this small grassed area anymore. Please, don't destroy what tiny parcels of native habitat we have left in Golden Bay, especially not for a community garden that will be underused and guaranteed to be vandalised weekly.	The discussed location was explored however was not supported as it is a muster point and has number of above ground and below ground services.



Community Feedback	City Comments
At the moment everyone parks along the street which makes the street difficult and dangerous to navigate. Could some of the bush be removed to widen the road for safer parking? I understand there's a carpark but that doesn't stop them parking on the street. The community garden would only make this worse.	A minimal impact on parking availability is expected, however the City is planning to conduct a parking study this financial year.
Parking could be difficult if the open day clashes with sports events held at the field. Most Saturday mornings when Junior sport is happening. We think it would be an asset to the area.	A minimal impact on parking availability is expected, however the City is planning to conduct a parking study this financial year.
As per previous complaints, Coolowanyah St is used as a parking lot for events held at the oval-more sufficient parking or policing of blockages is highly suggested.	A minimal impact on parking availability is expected, however the City is planning to conduct a parking study this financial year.
There is adequate parking for all amenities at the community centre, but unfortunately drivers are still parking on road verges or along the road because they can't be bothered walking a few yards. Is there a possibility of council watch giving warning notices? Would like users of the garden to use appropriate parking. Thank you for your consideration.	A minimal impact on parking availability is expected, however the City is planning to conduct a parking study this financial year.

**b. Consultation with Government Agencies**

Not Applicable

**c. Strategic**

Community Plan

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

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

**Strategic Objective:** *Community Capacity Building: Empower the community across all ages and abilities to be culturally aware and involved with a diverse range of community initiatives that incorporate volunteering, sport, culture and the arts.*

**d. Policy**

Nil

**e. Financial**

The GBPA will need to source funding for the costs associated with connecting assets and ongoing running of the garden. The City could support the committee through applicable grants.

**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**

Community gardens are a popular way to connect communities. They can be a beneficial addition to communities by increasing the availability of nutritious foods, strengthening community ties, reducing environmental hazards, reducing food miles and creating a more sustainable system. They can greatly impact on health and wellbeing outcomes as they offer individuals a safe space to learn new skills and connect with likeminded individuals as well as opportunities to volunteer and feel a sense of ownership and empowerment within their community. Community gardens are inclusive, accessible and welcoming spaces for the community to participate and engage with. Community gardens are unique as they offer the opportunity for community members from all ages and backgrounds a safe space to learn, connect and share.

The community consultation highlighted that community members shared their support and interest in the garden with 86% of responders supporting the development of a community garden on the Rhonda Scarrott Reserve. Some comments (6 out of 112 surveys) raised the issue of parking on the reserve and along Coolawanyah Street making it difficult and dangerous to drive along when the Reserve is in use. A minimal impact on parking availability is expected, however the City is planning to conduct a parking study this financial year (2021/2022) with the outcomes included in future business plans. If supported, the potential future use of this site as a community garden will be included in the study.

The City joined as a Grow It Local Council Partner in January 2020 and has had great success with the program locally. Grow It Local's mission is to help educate and inspire more people to grow, share and eat locally grown food. The City is now at the top of the WA Council leader board with 431 local residents signed up to the Grow It Local online platform. The program has connected a number of local community gardens and gardening groups with the City and resulted in strong network of local partnerships. The City has held a number of successful workshops at local community gardens. The establishment of the Golden Bay Community Garden will support the City to expand the Grow It Local program and offer a new space to connect with Golden Bay community members.

The Golden Bay Community Garden sub-committee are a very keen and committed group of people who are supported by the long standing GBPA which will support the governance and sustainability of the garden as they are incorporated. The sub-committee have dedicated a great deal of time and energy to the project and already have support from a number of local stakeholders including Hon Paul Papalia CSC MLA, Connecting Communities, the Golden Bay Primary School and Golden Bay Developers Peet. The group have a commitment to creating an inclusive community garden and have already brainstormed activities to activate the garden and provide a range of opportunities for the community to participate in.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council:

1. **SUPPORTS** the location of the proposed Golden Bay Community Garden at Lot 551, Rhonda Scarrott Reserve.
2. **ENCOURAGES** the Golden Bay Progress Association to seek funding for the establishment of the Golden Bay Community Garden.

### Committee Recommendation

That Council:

1. **SUPPORTS** the location of the proposed Golden Bay Community Garden at Lot 551, Rhonda Scarrott Reserve.
2. **ENCOURAGES** the Golden Bay Progress Association to seek funding for the establishment of the Golden Bay Community Garden.

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 Liley:**

That Council:

1. **SUPPORTS** the location of the proposed Golden Bay Community Garden at Lot 551, Rhonda Scarrott Reserve.
2. **ENCOURAGES** the Golden Bay Progress Association to seek funding for the establishment of the Golden Bay Community Garden.

Carried – 10/0

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

Not Applicable

14.	<b>Receipt of Information Bulletin</b>
	<p><b>Moved Cr Stewart, seconded Cr Buchan:</b></p> <p><b>Recommendation:</b></p> <p>That Council <b>RECEIVES</b> the Information Bulletins as follows:</p> <ol style="list-style-type: none"><li>1. Planning Services Bulletin – October 2021</li><li>2. Engineering and Parks Services Bulletin – October 2021</li><li>3. Corporate and General Management Services Bulletin – October 2021</li><li>4. Community Development Bulletin – October 2021</li></ol> <p>subject to the following amendments -</p> <ul style="list-style-type: none"><li>· Corporate and General Management Services bulletin – <i>Corporate Services - 4.1 List of Payments</i> <i>The April 2021 Credit Card Statement was duplicated in error. The omitted statement for 29 April 2021 to 28 May 2021 has been included in the October 2021 bulletin.</i></li><li>· Planning and Development Services bulletin – <i>Statutory Planning – 4.9.1 – Referral Response – Application No.160482</i> <i>Item 4.9.1 - Referral Response – Application No.160482 was incorrectly placed under 4.9 Subdivision/Amalgamation Approval.</i> <i>Application No. 160482 – Lot 41 (No.4) Ukich Place, Baldivis (21.2021.12.1) should be listed under <u>4.11 – Subdivision/Amalgamation Refused.</u></i></li></ul> <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-010/21</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:	12 October 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 22 September 2021 to 15 October 2021.

**Background**

Nil

**Details**

Date	Meeting/Function
22 September 2021	Year 12 Graduation Warnbro Community High School Education Support Centre <i>Sister Cities Australia AGM via Zoom – attended by Deputy Mayor Deb Hamblin</i>
23 September 2021	<i>RKCC Key Leaders in Business Breakfast – attended by Deputy Mayor Deb Hamblin</i> <i>National Police Remembrance Day Ceremony – attended by Deputy Mayor Deb Hamblin</i> Advocacy meeting with Federal Member for Brand
24 September 2021	<i>Meeting with Peel Cricket Association – attended by Deputy Mayor Deb Hamblin</i> <i>Memorial for former Councillor Kevin Powell – attended by Deputy Mayor Deb Hamblin</i>
26 September 2021	The Cruising Yacht Club Sailing Season Opening Day

Date	Meeting/Function
28 September 2021	<i>Neighbours Unit Secret Harbour – attended by Deputy Mayor Deb Hamblin</i> <i>Meeting with Safety Bay Yacht Club – attended by Deputy Mayor Deb Hamblin</i> Councillor Engagement Session
29 September 2021	<i>IPL Radio Mayoral Debate – attended by Deputy Mayor Deb Hamblin</i> City of Rockingham/Bendigo Bank Business After Hours
30 September 2021	<i>Joint Development Assessment Panel meeting –attended by Deputy Mayor Deb Hamblin</i>
1 October 2021	Interview with Curtin FM Seniors and Carers Expo
4 October 2021	Planning and Engineering Services Committee meeting
6 October 2021	PhotoVoice Awards
7 October 2021	Meeting with Member for Warnbro
8 October 2021	Pioneers' Luncheon Lions State Conference Reception
9 October 2021	Opening of Lions State Conference
11 October 2021	Supplementary SWG Board meeting via Zoom Australian Citizenship Ceremony
12 October 2021	Council meeting
14 October 2021	Advocacy meeting with Senior Tourism Adviser, Office of the Hon Dan Tehan MP City Safe Advisory Committee
15 October 2021	Meeting with SCALES

### 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 22 September 2021 to 15 October 2021.

### Council Resolution

**Moved Cr Liley, seconded Cr Stewart:**

That Council **RECEIVES** the Mayor's Report for the period 22 September 2021 to 15 October 2021.

**Carried – 10/0**

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

Not Applicable



<b>16.</b>	<b>Reports of Councillors</b>
	<p><b>16.1 Cr Joy Stewart - Resignation</b></p> <p>Cr Stewart advised that it was with sadness she had tendered her resignation as a Councillor representing the Rockingham/Safety Bay Ward effective 16 October 2021 after being a Councillor for 14 years. Cr Stewart noted that this provided the City with the capacity to fill the resultant vacancy through the 2021 Local Government Elections without the burden or cost of an additional election to be held, as she was elected until October 2023. Cr Stewart advised that it can be a challenge being a Councillor and that she has felt a great sense of achievement listening to the desires and needs of the community and making decisions in the public interest for the benefit of the whole community as part of a cohesive Council. It has been a privilege for her to represent the people of Rockingham for past 14 years and she believes she has contributed to the good governance and future sustainability of the City.</p> <p>Cr Stewart stated that there are many achievements she can take great pride in including being one of the first to graduate with a Diploma in Local Government, driving a great focus on seniors and disability, a stronger focus on managing our environment and the protection of Cape Peron from residential development among many others.</p> <p>She advised that she is appreciative of the support and collaboration of many of her past and present fellow councillors, for the professionalism, dedication and support of the City staff and the friendships she has developed in this fantastic community</p> <p>Cr Stewart advised that she looks forward to the City continuing to prosper for future generations and wished good luck to those who have nominated for the elections.</p>
<b>17.</b>	<b>Reports of Officers</b>
	Nil
<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>
	<p><b>6:32pm The Mayor identified one Notice of Motion for consideration at the November 2021 Council meeting.</b></p> <p><b>20.1 Notice of Motion from Cr Hayley Edwards – Stakehill Road, Baldivis</b></p> <p>In accordance with Clause 3.9 of the City of Rockingham Standing Orders, Cr Edwards has submitted the following Notice of Motion for consideration at the November 2021 meeting:</p> <p><i>“That Council –</i></p> <p><i>1. <b>DIRECTS</b> the CEO to write to the Minister of Planning to expedite the expansion and realignment of the Stakehill Road Reserve, via the Metropolitan Region Scheme Amendment, highlighting the importance of the safety issues faced by residents at Stakehill Road.</i></p>

	<p>2. <b>DIRECTS</b> the CEO to undertake a Road Safety Audit for the intersection of Stakehill Road and Ukich Place, Baldivis once the 2021 Accident Data is received. The Road Safety Audit is to include an assessment of the installation of crash barriers adjacent to Lot 41(No.4) Ukich Place, Baldivis for the protection and safety of road users. A report is to be provided to Council in December 2022 advising the outcome of the Road Safety Audit.</p> <p>3. <b>DIRECTS</b> the CEO to prepare a report, upon gazettal of the MRS Amendment for Stakehill Road, investigating the merits undertaking an upgrade of the road to inform the City's Business Plan. Such report is to consider the costs and benefits of such an upgrade, mechanisms for delivery of the upgrade, and potential funding sources."</p>
<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>
	<p><b>22.1 Cr Deb Hamblin – Vote of Thanks for Cr Stewart</b></p> <p>Cr Hamblin advised as this is the last Council meeting for the current Council, she wished to propose a vote of thanks to those Councillors not restanding in the 2021 Local Government Elections.</p> <p>Cr Hamblin stated that Cr Stewart is retiring after 14 years of service as a Councillor, her dedication to areas of senior's interests and disability services will be greatly missed and that a vote of thanks be recorded.</p> <p><b>Moved Cr Hamblin, seconded Cr Buchanan:</b></p> <p>That Council <b>RECORDS</b> a vote of thanks for Cr Stewart.</p> <p style="text-align: right;"><b>Carried by acclamation – 10/0</b></p> <p><b>22.2 Cr Deb Hamblin – Vote of Thanks for Mayor Sammels</b></p> <p>Cr Hamblin advised that the Mayor, Cr Barry Sammels whose contribution to the City for the last 24 years as an elected member including the last 18 and half years as Mayor has been outstanding.</p> <p>He has served during a period of unprecedented growth, demonstrating great commitment and leadership in promoting and advocating for our City. For this incredible service she proposed a vote of thanks be recorded.</p> <p><b>Moved Cr Hamblin, seconded Cr Buchanan:</b></p> <p>That Council <b>RECORDS</b> a vote of thanks for Mayor Sammels.</p> <p style="text-align: right;"><b>Carried by standing acclamation – 10/0</b></p>
<b>23.</b>	<b>Matters Behind Closed Doors</b>
	Nil
<b>24.</b>	<b>Date and Time of Next Meeting</b>
	<p><b>Mayor's Acknowledgements</b></p> <p>Mayor Sammels thanked past and present Chief Executive Officer's Gary Holland, Andrew Hammond, Michael Parker for all the guidance they have shown him and Directors past and present. He thanked John Pearson for periods as Acting CEO and to Bob Jeans during a difficult time between Chief Executive Officers.</p> <p>Mayor Sammels thanked all past and present Councillors. He congratulated and thanked Cr Joy Stewart for her 14 years as Councillor. Mayor Sammels wished all those current councillors running on Saturday the best of luck.</p>

	<p>For those in the gallery who are candidates, he wished them all the best and congratulated them on nominating, having the courage to nominate and commended them for that.</p> <p>Mayor Sammels wished the Council all the best of luck in the future, he is confident it is in safe hands and that the City has very good staff. He thanked all the residents of Rockingham for their support and for making it a great City. He advised that he has enjoyed his time in local government and he has been very fortunate.</p> <p>Mayor Sammels thanked Michael Parker the Chief Executive Officer for his support and commitment. He also thanked the Deputy Mayor, Cr Deb Hamblin, for her support being his Deputy for six years.</p> <p>Finally Mayor Sammels thanked his wife Karen and two boys for their support.</p> <p>The next Ordinary Council meeting for the City of Rockingham will be held on <b>Tuesday 23 November 2021</b> commencing at 6:00pm in the Council Chambers, Civic Boulevard, Rockingham.</p>
<b>25.</b>	<b>Closure</b>
	<p>There being no further business, the Mayor thanked those persons present for attending the Council Meeting, and declared the meeting closed at <b>6:37pm</b>.</p>