



City of Rockingham

MINUTES

Corporate and Community Development Committee Meeting

Held on Tuesday 21 June 2022 at 4:00pm
City of Rockingham Council Chamber



City of Rockingham
Corporate and Community Development
Committee Minutes
4:00pm Tuesday 21 June 2022



CONTENTS

1.	Declaration of Opening	4
2.	Record of Attendance/Apologies/Approved Leave of Absence	4
3.	Responses to Previous Public Questions Taken on Notice	5
4.	Public Question Time	5
5.	Confirmation of Minutes of the Previous Meeting	7
6.	Matters Arising from the Previous Minutes	7
7.	Announcement by the Presiding Person without Discussion	7
8.	Declaration of Member's and Officer's Interest	7
9.	Petitions/Deputations/Presentations/Submissions	8
10.	Matters for which the Meeting may be Closed	8
11.	Bulletin Items	8
	Corporate and General Management Services Information Bulletin – June 2022	8
	Community Development Information Bulletin – June 2022	9
12.	Agenda Items – Corporate and Community Development Committee	
	Corporate Services	12
	CS-007/22 Adoption of the 2022/2023 Budget Setting of Rates and Related Matters (<i>Absolute Majority</i>)	12
	General Management Services	22
	GM-010/22 Adopt Council Policy – Community Engagement	22
	GM-011/22 Delegated Authority Register Review 2022 - 2023 (<i>Absolute Majority</i>)	31
	GM-012/22 Adopt Fencing Amendment Local Law 2022 (<i>Absolute Majority</i>)	36
	GM-013/22 Council Policy - Legal Representation for Employees	44
	Community Development	48
	CD-016/22 Draft Baldivis Outdoor Recreation Space Concept Plan	48
	CD-017/22 Rockingham Beach Cup 2022 – Request for Iconic Event Funding	57
13.	Reports of Council Members	67
14.	Addendum Agenda	67
15.	Motions of which Previous Notice has been Given	67
16.	Notices of Motion for Consideration at the Following Meeting	67

17.	Urgent Business Approved by the Person Presiding or by Decision of the Committee	67
18.	Matters Behind Closed Doors	67
19.	Date and Time of Next Meeting	67
20.	Closure	67

City of Rockingham
Corporate and Community Development
Committee Meeting Minutes
Tuesday 21 June 2022 - Council Chamber



1.	Declaration of Opening																																				
	<p>In the absence of the Chairperson the Chief Executive Officer assumed the Chair and declared the Corporate and Community Development Committee meeting open at 4:16pm.</p> <p>The CEO advised the meeting that the City had experienced some technical difficulties which were being investigated and that Cr Cottam was to attend the meeting via Zoom. If these issues cannot be resolved in a timely manner Cr Cottam will be listed as an apology.</p> <p>As Cr Liley, the Chairperson, had been delayed the CEO called for nominations for the position of Chairperson, until such time that Cr Liley arrives.</p> <p>Cr Buchanan was nominated and as there were no further nominations Cr Buchanan was appointed Chairperson for the meeting</p> <p>Acknowledgement of Country</p> <p>The Chairperson noted that the City of Rockingham acknowledges the Traditional Owners and Custodians of this land, the Binjareb and Whadjuk Nyoongar peoples and their continuing connection to the land, waters and community. We pay our respects to all members of Aboriginal communities and their cultures; and to Elders past and present</p>																																				
2.	Record of Attendance/Apologies/Approved Leave of Absence																																				
	<p>2.1 Council Members</p> <table><tr><td>Cr Leigh Liley</td><td>Chairperson (<i>arrived at 4:32pm</i>)</td></tr><tr><td>Cr Craig Buchanan, JP</td><td>Acting Chairperson (<i>from 4:16pm – 4:32pm</i>)</td></tr><tr><td>Cr Sally Davies</td><td></td></tr><tr><td>Cr Caroline Hume</td><td></td></tr><tr><td>Cr Robert Schmidt</td><td></td></tr><tr><td>Cr Dawn Jecks</td><td>Observer</td></tr></table> <p>2.2 Executive</p> <table><tr><td>Mr Michael Parker</td><td>Chief Executive Officer</td></tr><tr><td>Mr John Pearson</td><td>Director Corporate Services</td></tr><tr><td>Mr Michael Holland</td><td>Director Community Development</td></tr><tr><td>Mr Peter Doherty</td><td>Director Legal Services and General Counsel</td></tr><tr><td>Mr Jim Olynyk, JP</td><td>Manager Governance and Councillor Support</td></tr><tr><td>Ms Jessica Morgana</td><td>Coordinator Business Systems</td></tr><tr><td>Mr Allan Moles</td><td>Manager Waste Services</td></tr><tr><td>Mr Alvin Santiago</td><td>Manager Financial Services</td></tr><tr><td>Ms Nollaig Baker</td><td>Manager Strategy and Corporate Communications</td></tr><tr><td>Mr Nick Brown</td><td>Manager Community and Leisure Facilities</td></tr><tr><td>Mr Gary Rogers</td><td>Manager Community Infrastructure Planning</td></tr><tr><td>Ms Mary-Jane Rigby</td><td>Manager Community Safety and Support Services</td></tr></table>	Cr Leigh Liley	Chairperson (<i>arrived at 4:32pm</i>)	Cr Craig Buchanan, JP	Acting Chairperson (<i>from 4:16pm – 4:32pm</i>)	Cr Sally Davies		Cr Caroline Hume		Cr Robert Schmidt		Cr Dawn Jecks	Observer	Mr Michael Parker	Chief Executive Officer	Mr John Pearson	Director Corporate Services	Mr Michael Holland	Director Community Development	Mr Peter Doherty	Director Legal Services and General Counsel	Mr Jim Olynyk, JP	Manager Governance and Councillor Support	Ms Jessica Morgana	Coordinator Business Systems	Mr Allan Moles	Manager Waste Services	Mr Alvin Santiago	Manager Financial Services	Ms Nollaig Baker	Manager Strategy and Corporate Communications	Mr Nick Brown	Manager Community and Leisure Facilities	Mr Gary Rogers	Manager Community Infrastructure Planning	Ms Mary-Jane Rigby	Manager Community Safety and Support Services
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	<p>Mr Paul Hayward Manager Community Capacity Building Ms Alison Oliver Manager Library and Information Services Mr Scott Jarvis Manager Economic Development and Tourism Ms Jelette Edwards Governance Coordinator Ms Diane Zanre PA to Director Community Development Ms Demi McRedmond EA to Director Corporate Services</p> <p>2.3 Members of the Gallery: 3</p> <p>2.4 Apologies: Cr Rae Cottam</p> <p>2.5 Approved Leave of Absence: Nil</p>
3.	Responses to Previous Public Questions Taken on Notice
	Nil
4.	Public Question Time
	<p>4:20pm The Chairperson opened Public Question Time and invited members of the Public Gallery to ask questions. The Chairperson noted that this was the only opportunity in the meeting for the public to ask questions.</p> <p>4.1 Ms Diane Park, Waikiki - Rates</p> <p>The Chairperson invited Ms Park to present her questions to the Corporate and Community Development Committee. Ms Park asked the following questions:</p> <ol style="list-style-type: none"> Could Council please advise how many responses have been received by the City in regards to the proposed rates increase? How many supported the rate increase of 3.9% and how many responses disagreed with the proposed rate increase. <p><i>The Director of Corporate Services, Mr Pearson, advised that the City sought submissions to the Notice of Differential Rates. The City received 178 submissions. None responded to the differential rates. One submission supported rate increases as proposed.</i></p> <ol style="list-style-type: none"> Last year after raising rates 1.5% we had a surplus. Did this surplus come back to Council meeting to allow Councillors the opportunity to discuss the use before it was banked? By not banking the surplus could this amount not offset the rates increase? We have a very healthy 96 FHI indicator, large amounts of funds and assets. We cannot be compared to neighbouring cities who have comparatively low FHI and are falling. Last year we had 1.5% increase, as far as I see in the community our services haven't deteriorated and we survived unscathed. Surely council should be imploring department managers to tighten the belt, cut costs accordingly instead of continuously asking ratepayers to fund projects. I agree Council have the same headache homeowners have with rising utilities, fuel, bank interest and inflation. The one thing council have that others don't have is the ability to defer larger projects. Residents can't defer utility bills, food etc. So whilst most on council have jobs and receive their stipend from ratepayers, families in the community are struggling greatly and I ask you all too really think about the effect, this more than double rate increase from last year, will affect those who are very vulnerable in our community.

	<p><i>Mr Pearson advised that Council had deferred the most recent Budget Review item which included end of year estimates only. As the end of year has not yet occurred, the final financial position as to a surplus or otherwise has not yet been determined.</i></p> <p><i>The Council may choose how it manages City funds.</i></p> <p><i>The CEO also advised that the matter had been discussed at the recent Council Budget Workshop.</i></p> <p>4.2 Ms Teresa Ong, Singleton – Freedom of Information(FOI)/Council Decisions/Community Plan</p> <p>The Chairperson invited Ms Ong to present her questions to the Corporate and Community Development Committee. Ms Ong asked the following questions:</p> <ol style="list-style-type: none">1. In the minutes it stated the CEO had a virtual meeting with the FOI Commissioner. <i>Is the result all our answers from Finance being refused a written answer and being requested to submit a paid FOI.</i> <i>As this information is different given out to the meeting by the FOI assistant commissioner at a zoom conference last week.[Sic]</i><p><i>The Chief Executive Officer, Mr Parker, answered No – individual items relevant to the City of Rockingham were not discussed.</i></p>2. There are some controversial divisive issues coming before Council in the near future. <i>Can each Councillor give a brief explanation to the ratepayers as to why they are voting as they are?</i> <i>This could explain to the ratepayers how the Councillors came to their decisions and also is it the wishes of the ratepayers or a single minded Councillor vote.</i><p><i>The Chairperson advised that this question would be better directed to the full Council meeting.</i></p>3. Page 7 of the Corporate and Community Development Committee Agenda. <i>Implications to consider.</i> <i>Quote: Strategically there is constant input and consultation with the community in the lead up to the adoption of the budget.</i> <i>The C of R Community Plan engaged a significant number of ratepayers in its preparation.</i> <i>The constant input from the community – When - Where - How</i><p><i>The CEO advised that the City has a Strategic Framework which commences with the development and adoption of the Strategic Community Plan. This is prepared after significant consultation with the community. Furthermore, the numerous Community Plan strategies that are subsequently adopted are all subject to public consultation processes. There are many specific City projects that also are put out for consultation along with community feedback received on an ongoing basis. All these strategies, plans and projects feed into the development of the Budget.</i></p> <p>4.3 Ms Joanne Pritchard, Rockingham – IAP2</p> <p>The Chairperson invited Ms Pritchard to present her question to the Corporate and Community Development Committee. Ms Pritchard asked the following question:</p> <ol style="list-style-type: none">1. Why has the City of Rockingham not used IAP2 Public Participation Spectrum to: Inform, Consult, Involve, Collaborate, Empower – Quality Insurance Standard which has been used by the City of Stirling, Wanneroo, Busselton to name a few.
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	<p><i>Manager Strategy and Corporate Communications, Ms Baker, advised that the City has adapted IAP2's Public Participation Spectrum based on a fit for purpose approach to community engagement. The City is using Inform, Consult and Participate as the three approaches with Collaborate and Empower amalgamated under "Participate" The City sought permission from IAP2.org.au</i></p> <p>4:30pm There being no further questions the Chairperson closed Public Question Time.</p>	
5.	Confirmation of Minutes of the Previous Meeting	
	<p>Moved Cr Hume, seconded Cr Schmidt:</p> <p>That Committee CONFIRMS the Minutes of the Corporate and Community Development Committee Meeting held on 17 May 2022, as a true and accurate record.</p> <p style="text-align: right;">Committee Voting (Carried) – 4/0</p>	
6.	Matters Arising from the Previous Minutes	
	Nil	
7.	Announcement by the Presiding Person without Discussion	
	<p>4:31pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.</p>	
8.	Declarations of Members and Officers Interests	
	8.1	<p>Item GM-013/22 Council Policy – Legal Representation for Employees</p> <p>Officer: Mr Peter Doherty, Director Legal Services and General Counsel</p> <p>Type of Interest: Financial/Impartiality</p> <p>Nature of Interest: Mr Doherty is the author of the Officer's report and potentially subject to the policy.</p> <p>Extent of Interest: Author of the Officer's report and potentially subject to the policy.</p>
	4:32pm	The Chairperson noted the interest declared in Item 8.1 and asked if there were any further interests to declare.
	8.2	<p>Item GM-013/22 Council Policy – Legal Representation for Employees</p> <p>Officer: Mr Michael Parker, Chief Executive Officer</p> <p>Type of Interest: Financial/Impartiality</p> <p>Nature of Interest: Mr Parker is potentially subject to the policy and maybe required to provide responses.</p> <p>Extent of Interest: Potentially subject to the policy and maybe required to provide responses.</p> <p>The Chairperson noted there were no further interests declared.</p>
	4:32pm	<p>Cr Liley joined the meeting.</p> <p>Cr Buchanan vacated the Chair and Cr Liley assumed the Chair.</p>

9.	Petitions/Deputations/Presentations/Submissions
	Nil
10.	Matters for which the Meeting may be Closed
	Nil
11.	Bulletin Items
	<p>Corporate and General Management Services Information Bulletin – June 2022</p> <p>Corporate Services</p> <ol style="list-style-type: none"> 1. Corporate Services Team Overview 2. Human Resource Update 3. Project Status Reports <ol style="list-style-type: none"> 3.1 Challenger Redevelopment Transition 3.2 Authority - Online Timesheets 3.3 Implementation - Active Carrot 4. Information Items <ol style="list-style-type: none"> 4.1 List of Payments May 2022 4.2 Monthly Financial Management Report April 2022 4.3 Amendment to Rate Record - Non-Rateable Land s6.26 (2)(d) of the Local Government Act 4.4 Awarding of Tenders by CEO - Delegated Authority 4.5 Delegated Authority to Dispose of Property by way of Sale 4.6 Delegated Authority to Dispose of Property by way of Lease 4.7 Development Contribution Scheme 4.8 List of Write Offs for Debts under \$2,000 <p>General Management Services Directorate</p> <ol style="list-style-type: none"> 1. General Management Services Team Overview 2. Human Resource Update 3. Project Status Reports 4. Information items <ol style="list-style-type: none"> 4.1 Meetings and Events 4.2 Use of the Common Seal 4.3 COVID-19 <p>Governance and Councillor Support</p> <ol style="list-style-type: none"> 1. Governance and Councillor Support Team Overview 2. Human Resource Update 3. Project Status Reports 4. Information Items <ol style="list-style-type: none"> 4.1 Freedom of Information (FOI) Requests 4.2 Council Member Requests 4.3 Citizenships 4.4 Australian Coastal Councils Association Inc. Newsletter 4.5 Coming Events 4.6 Notice of Motion – Status Report <p>Human Resources</p> <ol style="list-style-type: none"> 1. Human Resources Team Overview 2. Human Resource Update 3. Project Status Reports

<ul style="list-style-type: none">4. Information Items<ul style="list-style-type: none">4.1 Recruitment4.2 Occupational Safety and Health StatisticsStrategy, Marketing and Communications<ul style="list-style-type: none">1. Strategy, Marketing and Communications Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 City Signage3.2 Strategic Community Plan (2019-2029) - Major Review3.3 Customer Satisfaction Survey 20214. Information Items<ul style="list-style-type: none">4.1 Team Plan4.2 Communications Strategy4.3 Community Engagement Policy4.4 Community Engagement -Share your thoughts4.5 Social Media4.6 Media TrackingLegal Services & General Counsel<ul style="list-style-type: none">1. Legal Services & General Counsel Team Overview2. Human Resource Update3. Project Status Reports4. Information Items<ul style="list-style-type: none">Provision of Legal Advice<ul style="list-style-type: none">4.1 Legal Advice – Local Government Operational Matters4.2 State Administrative Tribunal4.3 Magistrates Court4.4 Fair Work Commission4.5 Industrial Magistrates Courts4.6 District Court4.7 National Redress Scheme
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Committee Recommendation

Moved Cr Buchanan, seconded Cr Davies:

That Council Members acknowledge having read the Corporate and General Management Services Information Bulletin – June 2022 and the content be accepted.

Committee Voting (Carried) – 5/0

<p>Community Development Information Bulletin – June 2022</p> <p>Community Safety and Support Services</p> <ul style="list-style-type: none">1. Community Safety and Support Services Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Building Community Resilience3.2 Assertive Outreach3.3 Social Connection Review Project3.4 Community Safety and Resilience Strategy Implementation3.5 Alcohol Management Plan

<ul style="list-style-type: none">4. Information Items<ul style="list-style-type: none">4.1 Community Support Services4.2 Rockingham Connect Community Transport Project4.3 Community Safety4.4 Community EngagementLibrary Services<ul style="list-style-type: none">1. Library Services Team Overview2. Human Resource Update3. Project Status Reports4. Information items<ul style="list-style-type: none">4.1 April 2022 Library Services Statistics4.2 Mary Davies Library and Community Centre4.3 Baldivis South Community Centre4.4 Rockingham Library4.5 Safety Bay Library4.6 Warnbro Community Library4.7 April 2022 Library Facebook ActivityCommunity Infrastructure Planning<ul style="list-style-type: none">1. Community Infrastructure Planning Team Overview2. Human Resource Update3. Project Status Reports4. Information items<ul style="list-style-type: none">4.1 Aqua Jetty Stage 24.2 Baldivis District Sporting Complex4.3 Koorana Reserve Master Plan4.4 Lark Hill Sportsplex Northern Expansion4.5 Mike Barnett Sports Complex – Outdoor Netball Courts4.6 Stan Twight Reserve Clubrooms DevelopmentCommunity Capacity Building<ul style="list-style-type: none">1. Community Capacity Building Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Seniors Strategy3.2 Health and Wellbeing Strategy4. Information Items<ul style="list-style-type: none">4.1 Community Grants Program4.2 Reconciliation Action Plan (RAP)4.3 Disability Access and Inclusion4.4 Seniors4.5 Volunteering4.6 Early Years, Children and Families4.7 Sport and Recreation4.8 Health and Wellbeing4.9 Rockingham Youth Centre (RYC)4.10 Cultural Development and the ArtsCommunity and Leisure Facilities<ul style="list-style-type: none">1. Community and Leisure Facilities Team Overview2. Human Resource Update3. Project Status Reports
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<ul style="list-style-type: none">4. Information items<ul style="list-style-type: none">4.1 Aqua Jetty4.2 Warnbro Community Recreation Centre4.3 Rockingham Aquatic Centre4.4 Mike Barnett Sports Complex4.5 Gary Holland Community Centre4.6 Warnbro Community Recreation Centre Master Plan4.7 Mike Barnett Sports Complex Master Plan4.8 Rockingham Gem and Rock Hunting Club4.9 Bert England Lodge4.10 Autumn Centre <p>Economic Development and Tourism</p> <ul style="list-style-type: none">1. Economic Development and Tourism Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Local Business Development3.2 Iconic Economic Development / Tourism Events3.3 Destination Marketing3.4 Visitor Servicing Fee – Tourism Rockingham4. Information Items<ul style="list-style-type: none">4.1 Stakeholder Engagement - Economic Development4.2 Stakeholder Engagement - Tourism
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Committee Recommendation

Moved Cr Davies, seconded Cr Schmidt:

That Council Members acknowledge having read the Community Development Information Bulletin – June 2022 and the content be accepted.

Committee Voting (Carried) – 5/0

12. Agenda Items

Corporate Services

Corporate Services Financial Services		
Reference No & Subject:	CS-007/22	Adoption of the 2022/2023 Budget Setting of Rates and Related Matters (<i>Absolute Majority</i>)
File No:	FLM/361	
Proponent/s:		
Author:	Mr John Pearson, Director Corporate Services	
Other Contributors:	Mr Alvin Santiago, Acting Manager Financial Services	
Date of Committee Meeting:	21 June 2022	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:	Draft Annual Budget 2022/2023	
Maps/Diagrams:		

Purpose of Report

The purpose of this report is for the adoption of the 2022/2023 financial year Annual Budget and to provide explanation on its content and detail. A detailed budget document for the 2022/2023 financial year has been prepared and supplied to each Councillor for consideration.

Background

Councillors have been briefed on items to be included within the budget, with a workshop related directly to the Annual Budget occurring in June 2022.

The City of Rockingham Rating Methodology was approved on 24 May 2022 and yields are included in the Annual Budget. The proposed fees and charges were approved on 20 April 2022.

Details

The proposed capital expenditure for the City of Rockingham (City) is included in Section 3 of the budget document. This totals to \$97.61M, which includes \$94.85M for capital expenditure and the balance is for reserve transfers and loan repayments. It also includes \$48.18M in carried forward expenditure, which mainly related to Baldivis District Sporting Complex and Aqua Jetty Stage 2. Of further interest, in Section 3, is the statement which provides details of the expected sources of funding for the various capital items.

Total operating revenue is expected to be \$181.92M. Total operating expenditure is expected to be \$195.88M (including non-cash). Rate revenue is anticipated to be \$98.90M exclusive of interim rates.

The proposals for rates are included in Section 5 of the budget document, as per those adopted by Council at its meeting on 25 May 2022. The rate increase is 3.9%. The rate yield will represent 52% of the City's overall operating income.

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

Fees and charges listed in Section 6 of the budget document are as previously approved by Council at its meeting on 26 April 2022 with the addition of the Millar Road Landfill Facility fees and charges.

Implications to Consider

a. Consultation with the Community

Strategically there is constant input and consultation with the community in the lead up to the adoption of the budget. The City of Rockingham Community Plan engaged a significant number of ratepayers in its preparation. All these documents feed through to the Annual Budget document. Further, Community Plan Strategies have all involved community consultation.

The City advertised its intention to apply differential general rates and minimum payments in The West Australian on 26 May 2022 and the Sound Telegraph on 1 June 2022. The notice was also placed in 'Share Your Thoughts' on the City's website and Rock Port. Submissions close on 16 June 2022 at 4.30pm. At the time of writing this report, submissions had not closed. All submissions will be presented to Council for consideration at the 28 June 2022 Council meeting.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

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

d. Policy

Nil

e. Financial

The budget is an important annual financial document and details what is proposed to occur for the forthcoming year. It lists all matters of an operational nature as well as capital items and various sources of income. The budget is the basis for Council striking its rates for the new financial year.

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

The 2022/2023 capital budget includes the following major capital projects:

· Aqua Jetty Stage 2 (contracts issued and commence construction)	\$20.26M
· Baldivis District Sport Complex (carry forward)	\$14.72M
· Landfill Masterplan (contracts issued and commence construction)	\$4.56M
· Stan Twight Reserve Clubroom Extension (contracts issued and commence construction)	\$4.52M
· Various road renewal projects	\$3.68M
· Secret Harbour street lighting replacement Stage 2	\$2.94M
· Baldivis District Sport Complex (outdoor courts and pavilion)	\$2.55M

The Federal Government Financial Assistance Grants (FAGS) remain at approximately \$5.19M which includes the local roads component of the amount of \$2.15M. The City of Rockingham is a minimum grant Council which means the City receives a fixed sum of money from the Federal Government based on population. Therefore, there is an upward trend in this number and it is unlikely to reduce unless there are changes in Federal legislation.

Given the early budget adoption, assumptions have been made related to opening balances. The 2022/2023 Annual Budget opening balance is \$44.50M which includes \$40.26M in monies carried forward for capital projects and \$4.24M of FAGS received in advance.

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

f. Legal and Statutory

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

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

g. Risk

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

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

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

Nil

Comments

The Annual Budget is the document which provides allocations to ensure the City is able to run financially over a twelve month period. It attempts to capture all the previous decisions of Council to ensure that services and projects are delivered as expected. Essentially it is defining one year expenditure on all the previous prior planning. Most importantly though, it is the statutory document which determines all the statutory charges including fees and charges and rates. Efforts are made to ensure Councillors are informed about what the budget contains including briefings on projects, plans and strategies, most of which have received adoption of Council. The Annual Budget is a complex document which takes months to prepare and the preparation of plans and strategies adopted prior, linked to the City Business Plan, provides the foundation for the draft Annual Budget.

The economic climate in Western Australia is very challenging at the moment with inflation and Local Government Cost indexes significantly above prior years. This is well understood by most people who feel these cost escalations in day-to-day living. The City is not immune from these escalations and has attempted via debt management and using potential surplus funds to support the 2022/2023 Annual Budget in meeting expectations from prior adopted positions of Council. As matters stand, all items included in the City Business Plan and other prior adopted strategies have been included.

The impacts of COVID-19 are also widely understood with labour shortages and ability to access traditional products and services impacted significantly. All core service delivery areas remain functional, however timeframes for delivery of goods in some instances are taking 8 to 10 months. Employee costs are anticipated to be \$67.82 million. This is based on the assumption of positions being filled and maintained. These funds may need to be adjusted, to engage short-term labour contracts, to assist should positions not be filled.

Fees and charges for financial year 2022/2023 are listed in Section 6 of budget document. The proposed Schedule of Fees and Charges for 2022/2023 document lists all fees and charges with details of the current and proposed fees.

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

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

Council approved the fees and charges at the April 2022 Ordinary Council Meeting for inclusion in the budget. Landfill operation and other waste services fees and charges were not included at the April 2022 Council meeting. These are now updated in Section 16.2 of the 2022/2023 Schedule of Fee and Charges.

The Annual Budget 2022/2023 is recommended to Council for adoption.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council **ADOPTS** the Annual Budget for the 2022/2023 financial year and the income and expenditures as presented within the budget document, which includes:

- The following rates:
 - For all Residential properties where Gross Rental Valuations are applied, a rate of 8.964 cents in the dollar with a minimum rate of \$1,266 to apply.
 - For all Non Residential properties where Gross Rental Valuations are applied, a rate of 9.819 cents in the dollar with a minimum rate of \$1,266 to apply.

- For all Unimproved Valued properties a rate of 0.1092 cents in the dollar with a minimum rate of \$655 to apply.
- Where payments are received after the prescribed time and penalty charges apply, then a penalty interest rate for all Gross Rental Value and Unimproved Value outstanding rates is set at 7% per annum, to be calculated on a daily basis, unless a Rates Smoothing arrangement is entered into.
- Where payments for the Emergency Services Levy (ESL) are received after the prescribed time and penalty charges apply, then a penalty interest rate for all outstanding ESL is set at the rate to be advised by the Department of Fire and Emergency Services, to be calculated on a daily basis, unless a Rates Smoothing arrangement is entered into.
- For those ratepayers who have entered into the Rates Smoothing arrangement, penalty interest of 7% per annum is applicable if there is an outstanding balance at the end of the smoothing period, and the rate to be advised by the Department of Fire and Emergency Services if there is an outstanding ESL balance at the end of the smoothing period.
- For those ratepayers not paying by instalments or Rates Smoothing, the penalty interest will commence to be calculated after 19 August 2022.
- The following Rates Instalment Payment Options:
 - Option 1
To pay the total amount of rates and charges included on the rate notice in full by 19 August 2022.
 - Option 2
Payments to be made by two instalments as will be detailed on the rates notices with the following anticipated dates:

First Instalment	19 August 2022
Second Instalment	19 December 2022
 - Option 3
Payments to be made by four instalments, as will be detailed on the rates notices with the following anticipated dates:

First Instalment	19 August 2022
Second Instalment	19 October 2022
Third Instalment	19 December 2022
Fourth Instalment	20 February 2023
- Where payments are made by instalment, an administration charge of \$4 for each instalment after the first instalment shall apply and instalment interest, to be set at 5.5% per annum and calculated on a daily basis, will be applied.
- Where payments are made by Rates Smoothing arrangements, instalment interest, to be set at 5.5% per annum and calculated on a daily basis, will be applied.
- The transfers/movements to and from the Reserve Accounts, as detailed within the budget document and in accordance with Council's adopted policies.
- The imposition of the 2022/2023 Fees and Charges, as listed in Section 6 of the budget document.

Alternate Motion

Cr Buchanan proposes the following Alternate Motion:

That Council **ADOPTS** the Annual Budget for the 2022/2023 financial year and the income and expenditures as presented within the budget document, which includes:

- The following rates at a 2.4% increase:
 - For all Residential properties where Gross Rental Valuations are applied, a rate of 8.831 cents in the dollar with a minimum rate of \$1,247 to apply.
 - For all Non Residential properties where Gross Rental Valuations are applied, a rate of 9.674 cents in the dollar with a minimum rate of \$1,247 to apply.
 - For all Unimproved Valued properties a rate of 0.1076 cents in the dollar with a minimum rate of \$645 to apply.

- Where payments are received after the prescribed time and penalty charges apply, then a penalty interest rate for all Gross Rental Value and Unimproved Value outstanding rates is set at 7% per annum, to be calculated on a daily basis, unless a Rates Smoothing arrangement is entered into.
- Where payments for the Emergency Services Levy (ESL) are received after the prescribed time and penalty charges apply, then a penalty interest rate for all outstanding ESL is set at the rate to be advised by the Department of Fire and Emergency Services, to be calculated on a daily basis, unless a Rates Smoothing arrangement is entered into.
- For those ratepayers who have entered into the Rates Smoothing arrangement, penalty interest of 7% per annum is applicable if there is an outstanding balance at the end of the smoothing period, and the rate to be advised by the Department of Fire and Emergency Services if there is an outstanding ESL balance at the end of the smoothing period.
- For those ratepayers not paying by instalments or Rates Smoothing, the penalty interest will commence to be calculated after 19 August 2022.
- The following Rates Instalment Payment Options:
 - Option 1
To pay the total amount of rates and charges included on the rate notice in full by 19 August 2022.
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Payments to be made by two instalments as will be detailed on the rates notices with the following anticipated dates:

First Instalment	19 August 2022
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First Instalment	19 August 2022
Second Instalment	19 October 2022
Third Instalment	19 December 2022
Fourth Instalment	20 February 2023
- Where payments are made by instalment, an administration charge of \$4 for each instalment after the first instalment shall apply and instalment interest, to be set at 5.5% per annum and calculated on a daily basis, will be applied.
- Where payments are made by Rates Smoothing arrangements, instalment interest, to be set at 5.5% per annum and calculated on a daily basis, will be applied.
- In accordance with clause 13 of the *Local Government (COVID-19 Response) Order 2020*, a local government cannot impose an additional charge (including an amount by way of interest) under section 6.45(3) in respect of payment by instalments made by an excluded person; and therefore the imposition of an additional charge or interest does not apply in respect of payment by instalments made by an excluded person.
- The transfers/movements to and from the Reserve Accounts, as detailed within the budget document and in accordance with Council's adopted policies.
- The imposition of the 2022/2023 Fees and Charges, as listed in Section 6 of the budget document.

Reason for Alternate Motion

Acknowledging that we had a similar debate last month, it is also worth noting that we now have more economic data to hand than we had in May 2022.

Since we last discussed a rates increase, we have seen the Reserve Bank of Australia increase interest rates beyond what many analysts expected, up 50 base points as of 7 June 2022, with credible commentators predicting interest rates to rise to 2% within the next six months.

Meanwhile, national wage growth remains stagnant at 2.4% - indeed, here in WA we are fractionally lower than that, with the largest gap between wage growth (locally closer to 2.2%) and state-based inflation (7.6%, according to the Australian Bureau of Statistics, as at 8 June 2022).

It is therefore fair to say that the average household is doing it tougher than was the case last month, and for that reason alone we need to ensure that any rates increase is debated thoroughly, and justified to the community as a whole.

It was argued last month that wage increases were on the way, and I acknowledge that, though I have yet to see tangible evidence of them, and while that remains the case, it is my strong belief that we should be following economic trends, rather than leading them. To do otherwise would be to add to the financial burden of ratepayers at a time when they can ill afford another impost, and to further drive inflation into the bargain. With the average food shop increasing weekly, with staples including fruit, vegetables, bread, milk and eggs all up, and likely to remain up for some considerable time, it is not unusual to see an average weekly shopping bill coming in \$50 or \$60 higher than it would have six months ago, and in that economic climate I don't believe we should be looking to increase our own rates levy by more than wage growth.

I also believe it is important for us to balance any increase across both the residential and business sectors, which is why I have differed somewhat in my approach from that taken last month, and have asked that the officers look at all rates income, rather than simply the residential rate.

To be clear, a 'modest' rates increase of 2.4% would see us on level pegging with the likes of the City of Swan, whose officers took the unusual step last month of arguing for a rates freeze, while their Councillors went into bat for a 2% increase. It would also send a clear signal to the community that we realise they continue to do it tough, and that it is our intention as a City to follow economic trends, rather than to lead them.

Implications to Consider

a. Consultation with the Community

The City advertised its intention to apply differential general rates and minimum payments in The West Australian on 26 May 2022 and the Sound Telegraph on 1 June 2022. The notice was also placed in 'Share Your Thoughts' on the City's website and Rock Port. Submissions close on 16 June 2022 at 4.30pm. At the time of writing this report, submissions had not closed. All submissions will be presented to Council for consideration at the 28 June 2022 Council meeting.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

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

d. Policy

Nil

e. Financial

Cr Buchanan's motion reduces total rate yield from that adopted in its advertised rates model by \$1.34 million. The Draft Budget has been prepared based on 3.9% increase, not 2.4%. The compounding impact of this reduction over the next 10 years is approximately \$11.5 million. Should Council support Cr Buchanan's motion the next City Business Plan will be prepared noting this change.

f. Legal and Statutory

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

Section 6.34. of the *Local Government Act 1995* states that, unless approved by the Minister for Local Government, revenue or income from general rates, as shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

- (a) be more than 110% of the amount of the budget deficiency; or
- (b) be less than 90% of the amount of the budget deficiency

Cr Buchanan's motion meets this requirement.

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

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

Officers have prepared an Annual Budget based on previous adopted positions of Council. Should Council adopt Cr Buchanan's motion, the expected rate yield will be decreased by \$1.34 million. It is unclear how this shortfall will be corrected, likely through a mixture of cash reserves and possible debt or project adjustment.

The City Business Plan proposed a rate increase of 3.9% for the next year and forward planning has been based on this assumption. It is imperative that the City has the resources, not only over the next twelve months but over the next decade, to support its infrastructure construction requirements and operational costs. While one year's costs may be identifiable, the long term impact of this predicted rate change is approximately \$11.5 million. As a community-leading organisation, it is considered vital that the City maintains adequate resources to respond promptly and prudently to major community issues.

Impacts on the local economy also affect the City. Councillors would understand that any increases in community wide costs are also borne by the organisation. The proposed 3.9% increase in rates is well below inflation and assists in ensuring the City is not leading inflation pressures, rather responding appropriately to it.

Should Council support Cr Buchanan's motion, the budget will be adopted with a deficit position of \$1.34 million. This will be reviewed through the budget review process to ensure the City is able to meet its costs. Further, future Business Plans will be prepared acknowledging the decreases in revenues and guidance will be sought from Council. This may include increases in debt, or changes to project timing and potential service offering. It is very important that the City maintain a solid foundation in order to service its community.

Officers recommend the adoption of the budget as prepared thus Cr Buchanan's motion is not supported.

Officer Recommendation

Cr Buchanan's motion is not supported.

Note: Cr Buchanan moved an Alternate Motion but due to a lack of a seconder, Cr Buchanan's Alternate Motion lapsed.

Committee Recommendation

Moved Cr Davies, seconded Cr Hume:

That Council **ADOPTS** the Annual Budget for the 2022/2023 financial year and the income and expenditures as presented within the budget document, which includes:

- The following rates:
 - For all Residential properties where Gross Rental Valuations are applied, a rate of 8.964 cents in the dollar with a minimum rate of \$1,266 to apply.
 - For all Non Residential properties where Gross Rental Valuations are applied, a rate of 9.819 cents in the dollar with a minimum rate of \$1,266 to apply.
 - For all Unimproved Valued properties a rate of 0.1092 cents in the dollar with a minimum rate of \$655 to apply.
- Where payments are received after the prescribed time and penalty charges apply, then a penalty interest rate for all Gross Rental Value and Unimproved Value outstanding rates is set at 7% per annum, to be calculated on a daily basis, unless a Rates Smoothing arrangement is entered into.
- Where payments for the Emergency Services Levy (ESL) are received after the prescribed time and penalty charges apply, then a penalty interest rate for all outstanding ESL is set at the rate to be advised by the Department of Fire and Emergency Services, to be calculated on a daily basis, unless a Rates Smoothing arrangement is entered into.
- For those ratepayers who have entered into the Rates Smoothing arrangement, penalty interest of 7% per annum is applicable if there is an outstanding balance at the end of the smoothing period, and the rate to be advised by the Department of Fire and Emergency Services if there is an outstanding ESL balance at the end of the smoothing period.
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- Where payments are made by instalment, an administration charge of \$4 for each instalment after the first instalment shall apply and instalment interest, to be set at 5.5% per annum and calculated on a daily basis, will be applied.

- Where payments are made by Rates Smoothing arrangements, instalment interest, to be set at 5.5% per annum and calculated on a daily basis, will be applied.
- The transfers/movements to and from the Reserve Accounts, as detailed within the budget document and in accordance with Council's adopted policies.
- The imposition of the 2022/2023 Fees and Charges, as listed in Section 6 of the budget document.

Committee Voting (Carried) – 4/1
(Cr Buchanan voted against)

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

General Management Services

General Management Services Strategy, Marketing and Communications



Reference No & Subject:	GM-010/22	Adopt Council Policy – Community Engagement
File No:	CPM/150	
Proponent/s:		
Author:	Ms Nollaig Baker, Manager Strategy, Marketing and Communications.	
Other Contributors:	Mr Michael Parker, Chief Executive Officer	
Date of Committee Meeting:	21 June 2022	
Previously before Council:	26 April 2022 (GM-007/21)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:		
Maps/Diagrams:		

Purpose of Report

To adopt the Council Policy – Community Engagement.

Background

At the April 2022 Council Meeting Council resolved the following:

That Council APPROVES the draft Council Policy – Community Engagement for the purpose of public consultation.

Details

The purpose of the Council Policy – Community Engagement is for Council to adopt a formal process that supports a fit for purpose engagement framework based on best practice aligned to the International Association for Public Participation (IAP2). This policy will reinforce the City of Rockingham's (City) commitment to effective engagement practices.

The three approaches to stakeholder engagement adapted from the IAP2 Spectrum are; *inform, consult and participate*. These approaches ensure that the engagement process is fit for purpose depending on a number of factors including the scale and complexity of the issue/project

requirements, the impact on the community and the level of interest in the community on the decision being made. Under each approach the City outlines the ways in which the community and stakeholders will be able to participate in the decision making process.

Implications to Consider

a. Consultation with the Community

The draft policy was advertised as follows:

- Sound Telegraph on 4 May 2022
- featured on Share your thoughts on the City's website from to 29 April until 18 May 2022
- issued to Rock Port subscribers on 29 April and 13 May 2022
- posted on Facebook on 2 May 2022

At the close of the public advertising period, six comments were received as follows of which are applicable to this policy. One of the submissions has not been included below as it was referring to the draft Legal Representation Policy and not relevant to this draft Community Engagement Policy.

No.	Name	Comment (Note: These are received and unedited)	Officer response
1	Mr M Herbert	Having reviewed your draft Community Engagement Policy wish to provide the following comments: 1. It confuses Principals with Approach and as such will result in confusion by those who have to abide by it and frustration by those who wish it to be followed. 2. It suggests that the Council will align to the International Association for Public Participation's Spectrum of Public Participation (IAP2) however provides no guidance as to how this will be achieved thus allowing any interpretation of this standard/guideline. I would suggest the policy should include as a minimum that Council will genuinely seek the views of the community on matters of significant interest to the community and describe what defines a matter of significant interest to the community. The policy should also include the following principals for matters of significant interest to the community: * Informed - the community will be adequately briefed so that it can provide informed comment when participating in the consultation process. * Involved- the community will have ample opportunity to provide comment via a number of different mechanisms, verbal, written, electronic, when participating in the consultation process. * Optioneering - the community will be given the opportunity to provide comment on the various options under consideration and these comments will inform the recommended solution. * Advice - the community will be informed of the final recommended solution and given the opportunity to provide comment on this. * Decision Making - the community comments on	Noted. The City's proposed policy aligns with the IAP2 Spectrum through adopting the three approaches: <i>Inform, Consult and Participate</i> The approach used will depend on the complexity of the issue, the impact on the community, and the level of community interest in the item. The Council Policy – Strategic Development Framework -prescribes the forums in which each of the elements of the framework are formulated, reviewed, discussed and approved. -defines the involvement and role of the community, staff and elected members in the process. -identifies the timing of the various activities within the framework. The City has a Risk Management Policy and operational Project Management Framework which support the City's

No.	Name	Comment (Note: These are received and unedited)	Officer response
		<p>the final recommendation will be provided to the final decision maker(s) prior to making their decision. *</p> <p>Feedback - the community will be informed of the final decision and how the final community comments where considered by the decision maker(s) in order to build trust.</p>	<p>community engagement process through identification of impacts of the project/issue on the community.</p> <p>Public submissions are included in Council reports such as this and the outcomes of the decision are available on the City's website Agendas and minutes - City of Rockingham</p>
2	Mrs D Delvin	<p>I fully believe that the 14 day community engagement time frame is not long enough. Currently due to the delays with Australia Post and busy lifestyles 221 days would be more appropriate. The area of impact needs to be widened from the immediate area to all residents in the local council. Just because I don't live in the immediate area of issue, does not mean I do not work or travel to the area and that decisions will not impact me.</p>	<p>Noted</p> <p>The minimum period for advertising is 14 days. This allows for minor items to be addressed in a timely decision making process.</p> <p>All items open for public consultation are advertised in the Sound Telegraph, available on the Share your Thoughts section of the City's website Open for comment - City of Rockingham and promoted on social media.</p> <p>Through Rock Port. – the City's online community portal community members can create an account on Rock Port (cityrockport.com.au) to opt in to receiving notifications when any item is open for public comment direct to their email.</p>
3	Mr T Mannion	<p>I would like to make the following points in regard to this draft policy. How will the city ensure that the broader community is aware of any of any calls for community engagement. As it is currently there is no drop down like on the cities web page. The current draft does not include any reference to the impact on flora & fauna in the rating of community engagement. This may have the potential to impact on a broader community that a couple of houses close to the project. I believe due to postal changes that the proposed time suggested for responses is too short.</p>	<p>Noted</p> <p>The City has a dedicated section on the website for all items open for public consultation Open for comment - City of Rockingham</p> <p>It also has a dedicated community engagement portal – Rock Port (cityrockport.com.au) where members of the community can opt in to receive</p>

No.	Name	Comment (Note: These are received and unedited)	Officer response
			<p>notifications via email when items are open for public consultation.</p> <p>With a fit for purpose approach stakeholders are engaged based on the complexity of the item, impact of the item on the community and the community's level of interest. The proposed policy is for all public consultation undertaken by the City.</p> <p>The minimum period for advertising is 14 days. This allows for minor items to be addressed in a timely decision making process.</p> <p>Australia Post mail outs are generally only used when an extended consultation process is being fulfilled. In many consultation processes that require notification via letter, the City undertakes a letter drop, often by contractors to the affected area. This is a more timely approach regardless of how long Australia Post might take with the postal service.</p>
4	Mrs D Park	Far more decisions made by council need to come out for public consultation. We absolutely need input on how are rates spent and how our City is to develop. This council need to show a lot more transparency and be considerably better in respecting ratepayers/residents views and comments.	<p>Noted</p> <p>Through the Local Government Integrated Planning Framework, the City engages with the community extensively in the development of the Strategic Community Plan which is a strategic document that plans for the future of a local government area. The Integrated Planning Framework includes the development of various strategies and plans.</p> <p>It also allows for long term business planning and annual resource planning through the City's Business</p>

No.	Name	Comment (Note: These are received and unedited)	Officer response
			<p>Plan, Team Plans and annual budget process.</p> <p>The Integrated Planning Framework is underpinned by the Council Policy – Strategic Development Framework which</p> <ul style="list-style-type: none"> - prescribes the forums in which each of the elements of the framework are formulated, reviewed, discussed and approved - defines the involvement and role of the community, staff and elected members in the process - identifies the timing of the various activities within the framework.
5	Mrs J E Pritchard	<p>The City of Rockingham is a GRADE ONE Council, the fifth largest in Western Australia with a population of 135,996 and the fastest growing Council. The Current City of Rockingham Community Engagement Policy MUST include: 1. Quality Assurance Standard for Community & Stakeholder Engagement (IAP2) - International Association for Public Participation - Australasia. 2. IAP2 Tools and Resources. a) IAP2 Core Values for Public Participation. b) IAP2 Public Participation Spectrum. c) IAP2 Code of Ethics. IAP2 Australasia is the Peak Body for Community and Stakeholder Engagement Sector. When Community Engagement is done using this Quality Assured Standard (IAP2) it improves social, environmental and economic outcomes and increases trust in the democratic process.</p>	<p>Noted</p> <p>The proposed policy aligns with the International Association of Public Participation Spectrum (IAP2).</p>

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

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

Strategic Objective: *Community Engagement: Facilitate comprehensive community engagement on issues facing the City ensuring that residents can provide input into shaping our future*

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

Strategic Objective: *Key stakeholder partnerships: Foster relationships and partnerships with key stakeholders to achieve enhance community outcomes*

d. Policy

Council Policy – Policy Framework provides the process for the development of Policy including the advertising of a draft Policy which requires the draft policy to be advertised for public consultation for a minimum of 14 days on the City’s website, a public notice in the local newspaper and on City managed social media platforms.

e. Financial

Nil

f. Legal and Statutory

Section 1.3 (2) of the Local Government Act 1995

This Act is intended to result in —

(a) better decision-making by local governments; and

(b) greater community participation in the decisions and affairs of local governments; and

(c) greater accountability of local governments to their communities; and

(d) more efficient and effective local government.

Other statutory requirements also apply.

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 issue of minimum engagement period of 14 days has been raised. This is a minimum only and provides for items of lower significance for which a shorter period is appropriate. These might be ‘information only’ items. There are many consultation processes that already have a prescribed consultation period in legislation, such as planning matters like the Town Planning Scheme provisions, zoning amendments etc. The issue of Australia Post and its extended timeframes for delivery of letters has also been raised as a justification for extending the minimum timeframe in the proposed policy. The reality is that Australia Post mail outs are generally only used when an extended consultation process is being fulfilled. In many consultation processes that require notification via letter, the City undertakes a letter drop, often by contractors to the affected area. This is a more timely approach regardless of how long Australia Post might take with the postal service.

The City’s online portal Rock Port (cityrockport.com) is available for community members to opt in to receive notifications direct to their email when there is an item available for public consultation.

The [Share your Thoughts section](#) of the City’s website is a dedicated hub to access the latest information on items open for public comment.

This policy establishes a formal Council position on the way stakeholder engagement is undertaken by the City. It outlines to the community the levels of engagement that they can expect from the City through the three approaches of *inform, consult, and participate* which had have been adapted from the IAP2 to form the foundations of the City’s Community Engagement Policy. It is a fit for purpose approach and is influenced by the complexity of the issue/project requirements, how the community will be impacted and the level of interest they may have in the decision being made.

Based on the submissions received during the advertising period, it is recommended that Council Policy – Community Engagement be adopted with no amendments.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** the Council Policy – Community Engagement.

Committee Recommendation

Moved Cr Davies, seconded Cr Buchanan:

That Council **ADOPTS** the Council Policy – Community Engagement

Community Engagement Policy

Council Policy Objective

The objective of this policy is to:

- ensure that the City of Rockingham’s community and relevant stakeholders are provided opportunities to participate and contribute to the decision making process on relevant matters
- affirm the City of Rockingham’s commitment to facilitating community and stakeholder engagement to inform its decision making process.
- ensure that community and stakeholder engagement is fit-for-purpose.
- guide the City’s approach to community and stakeholder engagement.

Council Policy Scope

This Policy applies to Elected Members and all City of Rockingham employees.

Council Policy Statement

As a Local Government the City is guided by a range of statutory requirements that define minimum levels of engagement with the community and relevant stakeholders. Council recognises that community engagement is an essential element in its decision making process.


This process aims to keep the community informed and promotes opportunities for community members and relevant stakeholders to contribute to matters that may impact them. The outcomes of any engagement process will allow Council to make informed decisions. The City embraces a proactive approach to engagement with the community and stakeholders so that they can shape the City’s policy and strategy and achieve the following principles:

- **Inform** - we engage the right people as early in our process as we possibility can
- **Consult** - we create opportunities for a two way communication
- **Participate** – we provide opportunities to actively be involved in workshops
- **Share** – we share the outcomes
- **Measure** – we measure our performance.

The City is committed to facilitating a fit-for-purpose community and stakeholder engagement process, and does not prescribe a single approach. The level of engagement is determined by the context of the project and the impact on the community.

The City’s Engagement Framework is adapted from the International Association for Public Participation’s Spectrum of Public Participation (IAP2). The IAP2 is an association which aims to promote and improve the practice of public participation.

The three possible community consultation approaches

	Low stakeholder participation	Medium stakeholder participation	High stakeholder participation
Approach	Inform	Consult	Participate
Expected community interest levels	The issue will not have much impact on the community and they are likely to accept the outcomes without any resistance	The issue will affect the community, mostly to their advantage. They might have some concerns to raise	The issue is controversial in the community, and there would be an expectation that their opinion be heard
COR Examples	Road works, Statutory requirements	New infrastructure for the City	Strategic Community Plan
Suggested tools to use	<ul style="list-style-type: none"> • Social Media • Advertising • Information sessions • Fact sheets • Brochures or pamphlets • Website • City Chronicle • Letters 	<ul style="list-style-type: none"> • Rock Port • Public comment: <i>share your thoughts</i> • Surveys • Public meetings • Information sessions • Letters • Brochures or pamphlets • Website • City Chronicle • FAQ sheets • Social Media • Advertising 	<ul style="list-style-type: none"> • Rock Port • Public comment: <i>share your thoughts</i> • Surveys • Workshops • Focus groups • Advisory committees • Councillor Workshops • Public meetings • Social media • Advertising • City Chronicle
Issue Complexity			

In achieving Council’s Policy objectives, the Chief Executive Officer must ensure that the following key areas of activity are fulfilled:

1. Statutory compliance – compliance with relevant Legislation
2. Fit for purpose – adapted from the International Association for Public Participation’s Spectrum of Public Participation (IAP2)
3. Strategic integration – Integrate with the City’s Strategic Development Framework Policy and Council Policy Framework
4. Diversity – ensure that the City’s Communications and engagement methods are inclusive and accessible to all and are aligned to the City’s Disability Access and Inclusion Plan and Reconciliation Action Plan
5. Timeframes – The engagement period will be for a minimum period of 14 days. For more complex matters this may be extended. The City will take into account holiday periods when determining timing of consultations
6. Reporting – a standardised approach to reporting outcomes in Council Reports. The number of items open for public comment and the number of comments received will be reported in the Annual Report.

The CEO is responsible for implementing processes and systems to achieve the policy objectives and ensure an organisation wide commitment to robust engagement on matters that impact the community.

Definitions

Community engagement: Engagement, or public participation, is a process for making better decisions that incorporates the interests and concerns of all affected stakeholders and meets the needs of the decision-making body. (IAP2).

Stakeholder: any individual, group of individuals, organisations, or political entity with a stake in the outcome of a decision (IAP2).

Legislation

Section 1.3 (2) of the Local Government Act 1995.

Other Relevant Policies/ Key Documents

Council Policy Framework

Strategic Development Framework Policy

Risk Management Policy

City of Rockingham Strategic Community Plan

Reconciliation Action Plan

Disability Access and Inclusion Plan

International Association for Public Participation’s Spectrum of Public Participation (IAP2).

Internal documents

Communications and Engagement Plan

Community Engagement Framework

Project Management Framework

Risk Management Framework

Responsible Division

General Management Services

Review Date

March 2024

Committee Voting (Carried) – 5/0

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

Not Applicable

Implications of the Changes to the Officer’s Recommendation

Not Applicable

General Management Services Governance and Councillor Support



Reference No & Subject:	GM-011/22	Delegated Authority Register Review 2022 - 2023 (<i>Absolute Majority</i>)
File No:	CPM/130	
Proponent/s:		
Author:	Ms Jelette Edwards, Governance Coordinator	
Other Contributors:	Mr Jim Olynyk, Manager Governance and Councillor Support	
Date of Committee Meeting:	21 June 2022	
Previously before Council:	25 July 2017 (GMS-013/17), 29 August 2018 (GM-026/19), 27 August 2019 (GM-018/19), 28 July 2020 (GM-017/20), 24 August 2021 (GM-025/21)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:	City of Rockingham Delegated Authority Register 2022-2023	
Maps/Diagrams:		

Purpose of Report

For Council to endorse the Delegated Authority Register 2022 – 2023 as detailed in the Attachment City of Rockingham Delegated Authority Register 2022-2023.

Background

Council is required to review its Delegations of Authority once every financial year as per section 5.56(2) of the *Local Government Act 1995*. The Delegated Authority Register was last formally reviewed by Council at the Ordinary Council Meeting of 24 August 2021 – Item GM-025/21. The delegations are structured to be defined and specific to support a greater level of control and clearly identify decisions that occur under delegated authority. The use of delegations is supported by the Department of Local Government, Sport and Cultural Industries (the Department). The Local Government Operational Guideline No 17 – Delegations has been published by the Department to assist with the creation, use and review of delegations.

Details

A review of the Delegations was undertaken to verify head of power, update legislation and other information. All delegations created by resolution in the forthcoming year will be added to the register as they are made to ensure they are captured and exercised/actioned. Section 5.42 of the *Local Government Act 1995* (Act) states that the local government by absolute majority may delegate to the

CEO the exercise of any of its powers or the discharge of any of its duties other than those referred to in section 5.43 or the *Planning and Development Act 2005* section 214(2), (3) or (5). Section 5.46 (2) requires that delegations are to be reviewed at least once every financial year.

Implications to Consider

a. Consultation with the Community

Not Applicable

b. Consultation with Government Agencies

Not Applicable

c. Strategic

Community Plan

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

Not Applicable

e. Financial

Not Applicable

f. Legal and Statutory

The following sections of the *Local Government Act 1995* are applicable when considering Delegations:

- s5.16 Delegation of some powers and duties to certain committees
- s5.17 Limits on delegation of powers and duties to certain committees
- s5.18 Register of delegations to committees
- s5.42 Delegation of some powers and duties to CEO
- s5.43 Limits on delegations to CEO
- s5.44 CEO may delegate powers and duties to other employees
- s5.45 Other matters relevant to delegations under this division
- s5.46 Register of, and records relevant to, delegations to CEO and employees.
- s5.46(2) - At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

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

Delegations by Council are an effective way to reduce red tape and improve customer satisfaction through quicker decision-making processes. Using the power of delegation appropriately assists local governments to efficiently deal with a wide range of operational matters that are minor, administrative in nature and time consuming.

Safeguards are contained within the delegations through the conditions and limitations of when the delegation can be exercised.

It is important to note that Officers are not obliged to use, or exercise, a delegation; where a matter is determined to be of a contentious nature, the matter may be referred to Council.

The Delegated Authority Register has been reviewed and a summary of the changes are listed below. A major change has been the numbering and ordering of the Delegations to align any sub-delegation (CEO to Officer) together for administrative use. There have been typographical and formatting corrections made that will not be specified in detail.

Delegation	Changes
Appoint Authorised Person	Legislative updates
Acceptance/Rejection of tenders – For Supply of Goods or Services	Amended item 1 – Function delegated to include budget provision.
Employment of Senior employees	Title change to reflect delegation intent, 'Senior Employees'.
Sale of Lot 3 Mandurah Road, Karnup	Delegation removed as lot has not been sold and valuation is out of date. Council approval will be required before proceeding.
Sale of Lots 200 and 201 Chalgrove Avenue, Rockingham	Delegation removed as lot has not been sold and valuation is out of date. Council approval will be required before proceeding.
Expression of Interests Challenger Precinct Redevelopment Project	Remove delegation as land and business settlement on 20 May 2022.
Deed of Agreement – Rockingham Park Pty Ltd	Remove delegation as Deed of Agreement finalised on 11 May 2020.
World Masters Games 2021 Grant Applications	Remove delegation as event has ended and no applications were granted due to COVID-19 requirements.
Award the Tender for Aqua Jetty Stage 2 Design	Remove delegation as tender has been awarded.
Federal Blackspot Project – Installation of Pre-deflections at the Intersection of Safety Bay Road and Nairn Drive, Baldivis	Remove delegation as project completed in July 2021.
Appointing Internal and External Complaints Officer – Local Government (Model Code of Conduct) Regulations	Amended to allow the CEO to appoint both external and internal complaints officers.
Award or Reject Tender submissions for Reconstruction and Realignment of Mundijong Road and Duckpond Road to Telephone Lane	Remove delegation. Council at its meeting of 22 March 2022 rejected all Tenders for this project and withdraw the project from Black Spot Funding.
Rates or Service Charges Recoverable in Court	Amended to include the provision of lodgement and withdrawal of caveats to preclude land dealings on properties subject to outstanding rates.
Dealing with Lessors/Lessees	Amend title to reflect 'Recovery of Rates Debts – Require Lessee to Pay'
Recovery of Unpaid Rates – Taking Possession of the Land	Amend title to reflect 'Recovery of Unpaid Rates – Taking Possession of the Land.'

Delegation	Changes
Waste Industry Protocol	Remove delegation as no longer required due to funds being exhausted relating to carbon tax.
New Agreement for Management of Landfill gas Millar Road Landfill Facility	Remove delegation as agreement completed in October 2020.
Residents Contracts – Signing of	Remove delegation as land and business settlement on 20 May 2022.
Administration of Local Laws	Removed delegation ‘City of Rockingham Public Places and Local Government Property Local Law 2018’ and created a new one to cover all City’s local laws.
Town Planning Scheme	The City’s Small Business Friendly Approvals Program – Action Plan includes “Revise delegations of authority to allow decision-making by officers, in accordance with adopted Policies and procedures. The changes to the Delegations are to allow improved efficiencies in processing Small Business type applications, For example, determining Changes of Uses. The changes are to also expand the delegation more broadly for other applications types, such as two lot subdivision applications.
Planning and Development Act 2005 – Other Delegations	Added delegations for Pedestrian Access Way closure allow for applications for PAW closure to be advertised for public comment when they are adequately justified and the proposal is for a PAW closure that is not Essential (‘E’) in the City’s Pedestrian Access Way Strategy 2010, and there are no adverse impacts on the pedestrian and cycle network.

The following specific Delegations resulted from Council resolutions over the past year. Whilst they were not in the Delegated Authority Register they are noted below to have been acted on and completed.

Delegation	Changes
Tender for Construction of the Shoalwater Reserve Activity Node	Remove delegation as tender awarded in May 2021.
Air Pollution Control Residue Treatment	Remove delegation as project did not proceed.
Challenger Lodge and Challenger Court Disposal	Remove delegation as land and business settlement on 20 May 2022.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council **APPROVES** the Delegated Authority Register 2022 – 2023 as detailed in the Attachment.

Committee Recommendation

Moved Cr Davies, seconded Cr Buchanan:

That Council **APPROVES** the Delegated Authority Register 2022 – 2023 as detailed in the Attachment.

Committee Voting (Carried) – 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

General Management Services Governance and Councillor Support



Reference No & Subject:	GM-012/22 Adopt Fencing Amendment Local Law 2022 (Absolute Majority)
File No:	LWE/67
Proponent/s:	
Author:	Ms Jelette Edwards, Governance Coordinator
Other Contributors:	Mr Jim Olynyk, Manager Governance and Councillor Support
Date of Committee Meeting:	21 June 2022
Previously before Council:	27 October 2020 (GM-024/20), 23 February 2021 (GM-007/21), 21 July 2021 (GM-023/21)
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Legislative
Site:	
Lot Area:	
Attachments:	<ol style="list-style-type: none">1. City of Rockingham Fencing Amendment Local Law 20222. City of Rockingham Fencing Local Law 2020 with marked up changes
Maps/Diagrams:	

Purpose of Report

To adopt the City of Rockingham Fencing Amendment Local Law 2022 amending the City's *Fencing Local Law 2020*. The Joint Standing Committee on Delegated Legislation (JSCDL) through undertakings presented to Council in July 2021 requested amendments to correct typographical errors, minor formatting errors and year in the title.

The purpose and effect of the City of Rockingham Fencing Amendment Local Law 2022:

Purpose: The purpose of this amendment local law is to amend provisions in the City of Rockingham *Fencing Local Law 2020* to provide clarity on what constitutes a 'sufficient fence' for the purposes of the *Dividing Fences Act 1961* and to state the materials to be used and safety measures to be undertaken in relation to some types of fencing.

Effect: City of Rockingham *Fencing Local Law 2020* will be amended to provide a more clear definition of a 'sufficient fence' as stipulated in the local law and its other provisions. And delete references to Australian Standards and amend the year of the local law to align with the year it was published in the Government Gazette.

Background

The City of Rockingham *Fencing Local Law 2020* was adopted by Council on 23 February 2021. It was published in the Government Gazette on 26 March 2021 and came into effect 14 days after publication.

As part of the process to make local laws, the City of Rockingham (City) is required to make a submission to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL). The JSCDL oversees subsidiary legislation, such as local laws.

The JSCDL wrote to the City on 17 June 2021 requesting minor amendments to be made to the City's *Fencing Local Law 2020*.

The local law remains operational, although the City has undertaken [see proposed resolution 4] not to enforce the local law contrary to undertaking number 1:

- (a) Correct the typographical error and other errors in clauses 1.5; 2.6(3)(1) and 6.1.
- (b) Delete either clause 2.7(2) or clause 4.1(1)(b)
- (c) Ensure the title of the local law reflects the year in which it was gazetted.

Details

The following amendments will be made to the City of Rockingham *Fencing Local Law 2020*:

- The title will change to City of Rockingham Fencing Local Law ~~2020~~ 2021
- Clause 1.5 Terms used – definition AS/NZS will be deleted.
~~AS/NZS means an Australian Standard published by the Standards Association of Australia and as amended from time to time;~~
- Clause 2.6(3) Maintenance of fences will be amended -
(3) ~~Repairs to estate boundary fence—~~
(4) ~~An owners- or occupier of a lot adjacent to an estate boundary fence must, where that fence is damaged, dilapidated or in need of repair, ensure that –~~
Will now read as -
(3) An owner or occupier of a lot adjacent to an estate boundary fence must, where that fence is damaged, dilapidated or in need of repair, ensure that –
- Clause 2.7(2) to be deleted and delete subclause (1) numbering.
- Clause 3.1(2)(c) Tennis court fencing - to be amended to delete wording following specification.
(c) the fence is constructed of chain link fabric mesh and is 50mm x 2.5mm poly-vinyl chloride coated or galvanised, and is erected in accordance with the manufacturer's specification, ~~or if there is no applicable manufacturer's specification, in accordance with industry best practice for that type of fence. and any applicable Australian Standard, or if there is no applicable specification or Australian Standard, in accordance with industry best practice for that type of fence.~~
- Clause 4.1(1)(b) Requirement for a permit - to be amended to the following:
(b) have a fence constructed wholly or partly of barbed or razor wire ~~or material with spiked or jagged projections on that lot (unless it is a sufficient fence) —~~
- Delete Clause 4.1(3)(b) and amend clause 4.1(3) and renumber –
(3) A permit to have and use an electrified fence on a lot cannot be issued –
(a) if the lot is, or abuts, a residential lot; ~~or~~

~~(b) unless the fence will comply with AS/NZS 3014:2003 Electrical installations—Electric Fences as amended from time to time; and~~

(be) unless the fence is rendered inoperable during the hours of business operations, if any, on the lot.

- Delete word 'to' in 6.1(a)(b)(c) Objection and review rights to read as –
 - (a) ~~to~~ refuse an application for a permit;
 - (b) ~~to~~ impose or vary a condition of a permit; or
 - (c) ~~to~~ revoke a permit.
- Delete clause 1(b)(ii) in Schedule 1 – A Sufficient Fence on a Residential or Special Residential Lot and renumber—
 - (b) in the case of a front fence—
 - (i) is 1.2m or less in height; or;
 - ~~(ii) is between 1.2m and 1.8m in height; and is an open fence above 1.2m; and~~
 - (ii) ~~(ii)~~ if the fence is a side boundary fence that uniformly slopes down from no more than 1.8m to no more than 1.2m in height over a maximum distance of 1.5m from the start of the front set back from the building to the front of the lot;

Implications to Consider

a. Consultation with the Community

The process to make a local law is set out in section 3.12(3) of the *Local Government Act 1995*. Amongst other things this requires a local government to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

The notice was advertised over a period of six weeks on the City's website via Share Your Thoughts, Administration Centre and Library noticeboards from 8 September 2021 to 5 November 2021. It was also advertised in the Sound Telegraph and the West Australian on 8 September 2021.

The results of the community consultation and feedback from the Minister(s) are to be considered by Council before it makes the local law.

There was no submissions received from the public.

The purpose and effect of the local law is:

Purpose: The purpose of this amendment local law is to amend provisions in the City of Rockingham Fencing Local Law 2020 to provide clarity on what constitutes a 'sufficient fence' for the purposes of the *Dividing Fences Act 1961* and to state the materials to be used and safety measures to be undertaken in relation to some types of fencing.

Effect: City of Rockingham *Fencing Local Law 2020* will be amended to provide a more clear definition of a 'sufficient fence' as stipulated in the local law and its other provisions. And delete references to Australian Standards and amend the year of the local law to align with the year it was published in the Government Gazette.

b. Consultation with Government Agencies

As part of the process, local governments are required to send a copy of proposed local law to the Minister for Local Government. In addition, in relation to this local law a copy is to be sent to the Minister for Commerce as well, being the Minister responsible for the *Dividing Fences Act 1961*.

Letters were sent to the Minister for Commerce and Minister for Local Government on 17 September 2021.

The City received feedback from the Department of Local Government on 3 November 2021:

Comment	Response
Delegated Legislation Committee has concluded that while the Dividing Fences Act makes references to local laws, the power to make these local laws is entirely provided by the <i>Local Government Act 1995</i> . It is suggested that the references to the Dividing Fences Act should be removed from the title clause and the enacting provision.	Noted, no change required.
Clause 3: replace “23 March 2021” with “26 March 2021”.	Noted and has been amended.
Clause 4 is unnecessary and can be deleted.	Clause requested by Joint Standing Committee On Delegated Legislation (JSCDL).
Clause 5: The City is proposing to delete the definition of “ AS/NZS ”. However, clause 4.1(3)(b) still uses this term. It is suggested that the definition be retained or incorporated into clause 4.1(3)(b).	The definition and clause 4.1(3)(b) have been deleted.
Clause 6: The deletion of subclause (3) will result in the consequential deletion of paragraph (3)(1) and the three subparagraphs (a) to (c). Accordingly, the replacement subclause will need to include replacements for (a) to (c).	Noted, no change required.
Clause 7: Redesignate Subclauses 7.1 and 7.2 as “(1)” and “(2)”, respectively. Similar changes should occur for clauses 8 and 9.	Noted, no change required.
Clause 8: 1. Change the phrase “add in the following words after specification –” to read “After the word “specification” insert” 2. Change “or of there” to “or if there”.	Amendments inserted.
Clause 9: Change the phrase “add in the following words after wire –” to “After the word “wire” insert”	Amendment inserted.
Amend Clause 9 so that the subclauses have the same indentation as Clause 8.	Formatting amendment inserted.
Clause 11: Change “schedule” to “Schedule”.	Typographical amendment inserted.

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 City of Rockingham Fencing Amendment Local Law 2021 is to be read in conjunction with the City’s relevant Planning Policies and Town Planning Scheme No. 2.

e. Financial

Funds have been allocated in the budget for costs associated with drafting, advertising and eventual Gazettal of the proposed local law.

f. Legal and Statutory

Section 3.12 of the *Local Government Act 1995* (Act) is the procedure for making local laws.

Section 3.12(2) of the Act provides that - at a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

Section 3.12(3) of the Act provides that –

(3) The local government is to —

(a) give Statewide public notice stating that —

(i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and

(ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

(iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

and

(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* *Absolute majority required.*

g. Risk

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

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

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

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

Nil

Comments

The JSCDL does not review a local law before it becomes operational. Once operational, it may disallow local laws or (as in the present case) require it to be amended, by way of an 'Undertaking'.

The amendments required by the JSCDL consist of typographical amendments and deletion of information to provide greater clarity in reading specific clauses.

Clause 2.7(2) has been deleted, and 'spiked or jagged projections' has been included in 4.1(1)(b). The reason for this the penalty is already provided for in 4.1(1)(b).

Clause 3.1(2)(c) states that if tennis court fencing is to be erected in accordance with the manufacturers specifications, or in the absence of the specifications then in accordance with industry best practice for that type of fence. This is to ensure there is an ability for the City to determine the suitability of the fencing installation against set criteria.

During the review of these changes the following further changes were found and will be made along with the required changes.

- Deletion of all references to Standards Australia to make the local law more accessible. Tennis court fencing compliance will be captured through the requirement to erect in accordance with manufacturers specifications. Electric fences require a permit, and compliance with AS/NZS 3014:2003 can be checked by City officers through the permit process.
- Clause 1(b)(ii) of Schedule 1 to be deleted. Since the introduction of the *Fencing Local Law 2020*, this clause has caused confusion within the community due to misinterpretation. The provisions for a sufficient front fence should be as per Schedule 1(1)(b)(i) at 1.2m or less, and then at the side boundary allow to taper as per Schedule 1(1)(b)(iii). Schedule 1(1)(b)(ii) has led to applications that are not consistent with the City's front fence position due to misinterpretation, and the request to delete this clause to provide a clear and consistent front fence approval process.

After the community consultation period and due to delay bringing back to Council additional minor changes other than those discussed from the DLGSC have been made:

- Changing the name to *City of Rockingham Fencing Amendment Local Law 2022* to match the date in the year it will be published in the Government Gazette.
- Adding an 'or' in Clause 4.1 subclause 3(a) after deletion or subclause 3(b) no longer made sense without the addition of the word 'or'.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

1. In accordance with section 3.12(4) of the *Local Government Act 1995*, **ADOPTS** the *City of Rockingham Fencing Amendment Local Law 2022*.
2. In accordance with section 3.12(5) of the *Local Government Act 1995*, **DIRECTS** the Chief Executive Officer to cause the local law to be published in the Government Gazette and a copy sent to the Minister for Local Government and the Minister for Commerce.
3. In accordance with s3.12(6) of the *Local Government Act 1995*, **DIRECTS** the Chief Executive Officer to give local public notice:
 - a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. Advising that the local law is available on the City of Rockingham website and that copies of the local law may be inspected or obtained from the City of Rockingham Administration Centre.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, **DIRECTS** that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

Committee Recommendation

Moved Cr Schmidt, seconded Cr Davies:

That Council:

1. In accordance with section 3.12(4) of the *Local Government Act 1995*, **ADOPTS** the *City of Rockingham Fencing Amendment Local Law 2022*.

Local Government Act 1995

City of Rockingham Fencing Amendment Local Law 2022

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Rockingham resolved on 28 June 2022 to make the following local law:

1. Citation

This local law is cited as the *City of Rockingham Fencing Amendment Local Law 2022*.

2. Commencement

This local law comes into operation 14 days after its publication in the *Government Gazette*.

3. Principal local law amended

This local law amends the *City of Rockingham Fencing Local Law 2020* as published in the *Government Gazette* on 26 March 2021.

4. Title of principal local law amended

Delete '2020' in principal law title and replace with '2021'.

5. Clause 1.5 amended

In clause 1.5 delete definition of AS/NZS.

6. Clause 2.6 amended

In clause 2.6 delete subclause (3) and subclause (3)(1) and replace with –

(3) An owner or occupier of a lot adjacent to an estate boundary fence must, where that fence is damaged, dilapidated or in need of repair, ensure that—

7. Clause 2.7 amended

7.1 In clause 2.7 delete subclause numbering (1) and leave remaining text.

7.2 In clause 2.7 delete subclause (2).

8. Clause 3.1 amended

8.1 In clause 3.1(2)(c) delete the following words – 'and any applicable Australian Standard, or if there is no applicable specification or Australian Standard, in accordance with industry best practice for that type of fence'.

8.2 In clause 3.1(2)(c) "After the word "specification" insert" – ', or if there is no applicable manufacturer's specification, in accordance with industry best practice for that type of fence.'

9. Clause 4.1 amended

9.1 In clause 4.1(1)(b) delete the following '(unless it is a sufficient fence)'.

9.2 In clause 4.1(1)(b) "After the word "wire" insert" – 'or material with spiked or jagged projections'.

9.3 In clause 4.1 delete subclause (3)(b).

9.4 In clause 4.1, subclause (3)(a) "After ';' insert" 'or'.

10. Clause 6.1 amended

In clause 6.1 subclauses (a), (b) and (c) delete the word 'to'.

11. Item 1 - Schedule 1 amended

Delete item 1(b)(ii) in Schedule 1.

2. In accordance with section 3.12(5) of the *Local Government Act 1995*, **DIRECTS** the Chief Executive Officer to cause the local law to be published in the Government Gazette and a copy sent to the Minister for Local Government and the Minister for Commerce.
3. In accordance with s3.12(6) of the *Local Government Act 1995*, **DIRECTS** the Chief Executive Officer to give local public notice:
 - a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. Advising that the local law is available on the City of Rockingham website and that copies of the local law may be inspected or obtained from the City of Rockingham Administration Centre.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, **DIRECTS** that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

Committee Voting (Carried) – 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

General Management Services Legal



Reference No & Subject:	GM-013/22 Council Policy - Legal Representation for Employees
File No:	CPM/3
Proponent/s:	
Author:	Mr Peter Doherty, Director Legal Services and General Counsel
Other Contributors:	
Date of Committee Meeting:	21 June 2022
Previously before Council:	24 August 2021 (GM-026/21) and 26 April 2022 (GM-009/22)
Disclosure of Interest:	Mr Peter Doherty, Director Legal Services and General Counsel declared an Impartiality and Financial Interest in Item GM-013/22 Council Policy – Legal Representation for Employees, as detailed in clause 3.3 of the City's Code of Conduct, as per section 5.70 of the Local Government Act 1995 and as per sections 5.60A and 5.65 of the Local Government Act 1995, as he is the report author and potentially subject to this policy.
Nature of Council's Role in this Matter:	Executive
Site:	
Lot Area:	
Attachments:	<ol style="list-style-type: none">1. Council Policy – Legal Representation for Employees (Draft Policy)2. Amendment to Existing Policy – Council Policy Legal Representation and Costs Indemnification3. Council's Policy on Legal Representation and Costs Indemnification [2001] (Existing Policy)4. Department of Local Government, Sport and Cultural Industries' (Department) Operational Guideline - "Legal Representation for Council Members and Employees", reviewed on 16 March 2022 (Department's Draft Policy)
Maps/Diagrams:	

Purpose of Report

For Council to adopt Council Policy - Legal Representation for Employees and to amend the existing Policy so that it no longer applies to employees.

Background

The existing Policy was adopted on 27 February 2001.

During August 2021, Council resolved to advertise the draft Council Policy - Legal Representation for Council Members and Employees for public comment (**Draft 1**).

During the consultation period, 111 submissions were received, the substance of which are recorded in pages 186 to 189 (inclusive) of the Minutes of the Council meeting held 26 April 2022 (**Minutes**).

On 26 April 2022, Council considered a revised version of Draft 1 (**Draft 2**) and resolved as follows:

*That Council **DEFERS** the matter of 'Council Policy - Legal representation for council members and employees' in order for two policies to be prepared, one dealing with employees and presented in May 2022 or as soon as practicable, and the other dealing with Councillors at a later date.*

This Report provides the first of the two policies, and comprises Draft 2, modified so that it is confined to employees (**Draft Policy**). If the Draft Policy is adopted, consequential amendments to the Existing Policy will be required to confine its operation to Council members.

Details

Each of Drafts 1 and 2 have been the subject of a detailed report to Council and it is not proposed to repeat them in this document. They may however be reviewed as follows:

- Ordinary Meeting of Council Minutes – 24 August 2021 – at pages 124 - 145¹
- Ordinary Meeting of Council Minutes – 26 April 2022 – at page 182 - 206²

Implications to Consider

a. Consultation with the Community

Draft 1 was advertised for a minimum of 14 days in accordance with Council Policy – Policy Framework and closed on 17 September 2021.

Apart from being confined to employees, Draft 3 does not constitute a substantial departure from Draft 1 and therefore further advertising is not considered necessary.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

Aspiration 4 *Deliver quality leadership and business expertise*

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

d. Policy

Should Council adopt Council Policy – Legal Representation for Employees, the current Council Policy Legal Representation and Costs Indemnification should be amended as detailed in Attachment 2.

¹ Available from:

<https://rockingham.wa.gov.au/your-city/council/council-and-committee-meetings/agendas-and-minutes/2021/august/ordinary-council-minutes-august-2021>

² Available from

<https://rockingham.wa.gov.au/your-city/council/council-and-committee-meetings/agendas-and-minutes/2022/april/ordinary-council-minutes-april-2022>

e. Financial

The cost implications for policy adoption purposes is limited to advertising and in-house administrative arrangements. These are captured in the Governance and Councillor Support advertising budget. Incurred advertising costs are estimated to be approximately \$500.

f. Legal and Statutory

Section 3.1 of the *Local Government Act 1995* provides that the general function of a local government is to provide for the good government of persons in its district. Section 6.7(2) provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. Under these provisions a council can expend funds to provide legal representation for employees as long as it believes that the expenditure falls within the scope of the local government's function³.

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

Financial: Insurance coverage is unavailable for the significant penalties that may be imposed for breaches of the *WHS Act* by the City or its officers.

Comments

Since Council's resolution on 26 April 2022 to split Draft 2 into two, one for employees and one for Elected Members, a specific Councillor Engagement Session has been held on the new *Work Health and Safety Act 2020 (WA) (WHS Act)*.

Council received a presentation detailing the changes to the previous legislation along with the responsibilities and obligations contained in *WHS Act*. The session also provided an opportunity for Councillors to ask questions on implementation of the *WHS Act* and specifically, the impact or otherwise of the proposed policy on work health and safety issues.

As previously reported, the Department of Local Government, Sport and Cultural Industries has produced the Department's Draft Policy and many other Local Governments have similar policies in place, details of which were provided with the April 2022 Report to Council.

Given the *WHS Act* covers psychological injury, the Draft Policy is considered an important tool in helping to provide a safe workplace and in managing work health and safety issues.

The Draft Policy under consideration is the same as the policy presented to Council in April 2022 (Draft 2), except all references to Elected Members have been removed, leaving it as a policy relating to employees only, in line with the previous Council resolution.

In the light of the above, it is recommended that Council:

1. **ADOPTS** Council Policy - Legal Representation for Employees, as detailed in Attachment 1.
2. **AMENDS** Council Policy Legal Representation and Costs Indemnification, as detailed in Attachment 2.

³ See Local Government Operational Guidelines – Legal Representation for Council Members and Employees, p2, available from:

<https://www.dlgsc.wa.gov.au/department/publications/publication/legal-representation-for-council-members-and-employees>

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPTS** Council Policy - Legal Representation for Employees, as detailed in Attachment 1.
2. **AMENDS** Council Policy Legal Representation and Costs Indemnification, as detailed in Attachment 2.

Committee Recommendation

Moved Cr Buchanan, seconded Cr Davies:

That Council:

2. **ADOPTS** Council Policy - Legal Representation for Employees, as detailed in Attachment 1.
2. **AMENDS** Council Policy Legal Representation and Costs Indemnification, as detailed in Attachment 2.

Committee Voting (Carried) – 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Community Development

Community Development Community Infrastructure



Reference No & Subject:	CD-016/22	Draft Baldvis Outdoor Recreation Space Concept Plan
File No:	CPR/1407	
Proponent/s:		
Author:	Ms Andrea Clark, Community Infrastructure Planning Officer	
Other Contributors:	Mr Gary Rogers, Manager Community Infrastructure Planning	
Date of Committee Meeting:	21 June 2022	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:	Lot 5000, 531 Eighty Rd, Baldvis	
Lot Area:	2500m2	
Attachments:	Draft Baldvis Outdoor Recreation Space Concept Plan	
Maps/Diagrams:	<ol style="list-style-type: none">1. Location Plan2. Site – Baldvis District Sporting Complex3. Preliminary zoning plan4. Draft Baldvis Outdoor Recreation Space Concept Plan	

Purpose of Report

To seek Council endorsement of the Final Baldvis Outdoor Recreation Space Concept Plan prior to proceeding to detailed design.

Background

In 2015 the Baldvis District Sporting Complex Needs Assessment was prepared, including a Situation Analysis, Community Engagement, Issues and Opportunities, and Gap Analysis. Following this, investigation occurred in respect to the identification and subsequent purchase of a site within the Baldvis area suitable for the development of a District Sporting Complex.

In 2018, Council adopted the final Baldvis District Sporting Complex (BDSC) Master Plan which included an area designated for the Baldvis Outdoor Recreation Space.

The vision for the BDSC, is to provide an innovative, contemporary, multipurpose sport and recreation facility that can accommodate a wide range of sport and recreation activities. The BDSC will act as

an organised sport and informal recreation hub and significantly contribute towards improving the health and wellbeing of Baldivis and the wider Rockingham community.

The BDSC will provide a number of key components for the benefit of the community, with one key element being the development of a nature play and outdoor youth space. The Baldivis Outdoor Recreation Space has been included within the Community Infrastructure Plan (CIP) since 2011. During the development of the BDSC Master Plan it was determined that this space could be accommodated within the site, and it would provide a variety of informal recreation activities to service the community.

This outdoor recreation space will provide a subdistrict level youth space which will include the development of a nature playground, skate park, adventure play areas and a ninja warrior course, providing a play space for a wide range of ages and abilities. The outdoor recreation space and play areas are overlooked by the café that is proposed for inclusion at the indoor recreation centre.

The site has been designed to ensure the wider community, who are not involved in competitive sport, can access and use the facilities. The placement of the outdoor recreation space at the front of the complex, not only aligns with Crime Prevention Through Environmental Design (CPTED) principles, but also provides a connection with the indoor recreation centre and proposed café to encourage use during off peak times.

Details



1. Location Plan



2. Site – Baldvis District Sporting Complex

In December 2021, Emerge Associates were appointed for the Provision of Concept Designs and Detailed Designs for the Baldvis Outdoor Recreation Space.

Through community consultation, previously undertaken as part of the master planning for the BDSC, it was established that the Baldvis Outdoor Recreation Space would include a nature play space and outdoor recreation space, with a combined area of approximately 2000m².

Linked with the vision for the BDSC, the completion of this informal nature play and outdoor recreation space will be vital in balancing and reflecting the recreation hub to enhance the quality, accessibility, flexibility and overall connection to the entire complex.

The community consultation plan included resident mail-out, on-line surveys, engagement workshops at local Baldvis schools, community evening workshops at Baldvis and at the Rockingham Youth Centre for the skate reference workshop. The community consultation plan included two opportunities for the community to have their say in regards to both the preliminary concept via Share Your Thoughts in February 2022 and then again for the draft concept.

To help inform the community consultation, Emerge Associates prepared a zoning plan, based on a site analysis of existing and future facilities with a focus to ensure that the play area catered to all ages and abilities and provided a wide array of play opportunities. The zoning plan aimed to help residents understand the type of equipment that could be included in each zone. It also made provision for break out turf areas, shelter and seating areas. The large existing trees are a great site asset, offering instant shade and great play opportunities.



3. Preliminary zoning plan

Community consultation was undertaken during the months of February to March 2022 via mail out to residents, on-line survey and engagement workshops. This first stage of the consultation helped to inform the City of Rockingham (City) and the consultant Emerge Associates, about what the end user wanted to see in the space and in particular within each zone. The second stage of community consultation saw a draft concept plan developed that was then shared with all previous attendees of the engagement workshops and sought wider community comment via Share Your Thoughts during 23 March – 6 April 2022. The consultation helped to shape and inform the concept design of the Baldvis Outdoor Recreation Space, with some of the outcomes outlined below.

Playground Outcomes

The online survey and design workshops were extremely well responded to and provided some great findings and direction for the type of play equipment the community would like to see included. The key finding of the community consultation process was the requirement for play elements to cater for all ages and abilities and provide inclusive play equipment and facilities. Particular community members had some great ideas in regard to this and provided an insight into how equipment could be slightly amended to become more inclusive, good examples of this include in particular sand play tables, fossil digs and sand diggers being at an accessible height. Other inclusive items include a spinner, swing and water play trough.

The active play zone was a popular point of discussion and generated a lot of opinions at the consultation sessions with the high schools, the most popular item out of the eight that were presented and many more ideas that were brainstormed was the inclusion of a Ninja Warrior Circuit. This is in line with the popularity of the TV show Ninja Warrior and a nationwide trend that has developed in playground designs providing alternative play options. The Adventure Play Equipment was also popular in the responses received, with the key element being a tunnel/raised walkway as well as large tunnel slide and rope climbing nets.

Amenity Outcomes

There was specific feedback through the community consultation sessions regarding improved amenity for users of the site for consideration within the space, some of these items included:

- CCTV Surveillance – the City confirmed this would be covered as part of overall development of the BDSC site
- BBQ – If preliminary budget does not permit BBQ then conduit connection should at least be allowed for future connection point
- Fencing – Given proximity to parking and internal road network, suggestion was made the play area should be enclosed
- Bins – Expected popularity of facility will mean that the area should cater for large groups at times, appropriate litter disposal should be allowed for
- Drink Fountains – Given groups will likely stay at this facility for extended periods of time, drink fountains should be included and suggest that tap is included to fountain so bottles can be re-filled. The site currently includes a number of water fountain locations
- Picnic settings – Inclusive picnic settings for prams and wheelchairs to cater for larger group gatherings
- Bench seats and informal seating options scattered throughout the facility for parents to watch children

Skatepark Outcomes

A bowl was not presented as an option within the online survey, however between the requests of the City's Skatepark Reference Group, and comments received through the online survey and design workshop results, there was a clear demand for a bowl within the Baldivis skatepark zone.

Other skate parks within the City including the Cooloongup, Singleton and Port Kennedy skate parks provide a variety of experiences for riders of all ages and skills. The Port Kennedy facility offers a bowl element with a depth suitable for beginners and intermediate riders. The bowl at the Kwinana skate park appeals to more advanced riders with a depth of 10ft. A combination bowl at the BDSC offering approximately 6-8 foot depth would appeal to intermediate bowl riders, and would compliment the other facilities throughout the City.

Constructing a bowl will create a level change within the skatepark site, presenting opportunities for staircases and interfacing banks / quarter-pipes into an open skate zone. The open skate zone should incorporate a selection of the top most requested skate objects which includes street and transition objects based on the online survey results.

The City offers a selection of street plaza orientated skate facilities including Singleton, Port Kennedy, and parts of Cooloongup with the older PCYC skatepark the only facility predominately offering flowing transition. As a result, flowing transition is the most lacking style of terrain on offer in the City and should be considered in the selection and placement of objects in the open skate zone.

The skatepark design needs to have strong site lines into the skatepark to increase safety and parental supervision, with the addition of colour and artistic aesthetics made a high priority to give the skatepark a unique visual appeal, as requested throughout the online survey.

Emerge Associates drafted the concept plan following feedback from the first community consultation period, and after the second community consultation period, a revised draft concept plan was developed and is illustrated below. Consideration was given to and reflected the desired outcomes from all the community consultation, including the allocation of equipment within each zone of the Baldivis Outdoor Recreation Space.



4. Draft Baldvis Outdoor Recreation Space Concept Plan

Implications to Consider

a. Consultation with the Community

A preliminary concept for the zones of the space was developed as a tool to help guide the initial consultation which included a resident mail-out, a survey that was open for two weeks until 7pm, 2 March 2022 regarding the types of equipment the community envisaged for each zone. With 266 respondents to the online survey, and 86.4% from Baldvis has enabled the consultant to capture the desired functional outcomes for each zone.

Workshops

Over 100 interested participants attended the following design workshops:

School Workshops

On the 11 February 2022, Emerge Associates and Skate Sculpture facilitated design workshops with selected schools and students, both face-to face and via on-line due to COVID-19 .

Workshops included a presentation of similar projects developed by Emerge Associates and Skate Sculpture, an overview of skate and recreation spaces within the City and how the student's input would help shape the final design. Students participated in brainstorming activities regarding equipment and skate objects, followed by a group design activity for attractions within the zoning plan. At the end of the activity, the student groups gave a presentation on how they would influence the design of the Baldvis Outdoor Recreation Space.

Community Evening Design Workshop held at Mary Davies Library and Community Centre

Later that evening, the consultation process was repeated at the Mary Davies Library and Community Centre, allowing Emerge and Skate Sculpture to engage residents across varying age groups with an invested interest in the outcomes of the design. Upon giving the presentation, the design team facilitated a question-and-answer session, further empowering participants with the required information to best inform their designs and survey responses.

City of Rockingham Skate Park Reference Group

On Tuesday 1 March 2022, Skate Sculpture consulted with members of the City’s Skate Park Reference Group. Each member had played a key role in the development of previous City skate parks including Cooloongup and Port Kennedy and wanted to ensure the Baldivis skate facility would positively contribute to the diversity of skate terrain on offer within the City.

The Skate Park Reference Group created two designs to best depict their ideas, with each taking part in a survey where they nominated their five key skate objects for the Baldivis Skate Zone. A bowl was clearly the most requested skate element. Based on site conditions and in consideration to the surrounding skate parks, the consensus amongst the Advisory Group was the skate park should have a bowl that bridges the gap between the Port Kennedy Bowl, and the larger Kwinana Bowl. The bowl should be accompanied by an open area skate zone that contains a balance of both street and transition objects.

From the community consultation outcomes, Emerge Associates utilised the information from all workshops and the survey to develop a draft concept plan. This helped to show and reflect the desired outcomes and how the community would like to see the development and equipment within each zone of the Baldivis Outdoor Recreation Space.

The draft concept plan was shared with the community, including previous workshop attendees and additional feedback was sought via a second Share Your Thoughts from 23 March to 6 April 2022.

A summary of responses received are included, with City comments. All comments, letters and illustrations were provided to the design team to assist in the development of the concept plan:

Response	City comment
Overall my family and I are pleased with the draft concept and its shaping up to be an exciting park. A few points we would like to raise: Water play such as this has the tendency to attract bees, wasps and insects as the flow of water is unable to be maintained, often leaving puddles or wet soil. Possibly consider a constant flow alternative. One timber bench seat and an informal timber log seat seems a little light on. I would consider the addition of more seating around the different spaces.	Comments regarding seating - the revised concept design has included a range of seating options throughout the space. Comments regarding water play – unfortunately a water splash pad (similar to Kwinana/Elizabeth Quay) is a type of Aquatic infrastructure that requires filtration pumps and has significant maintenance/ health and budget requirements and not the intent of the design.
Looks good but I was really hoping there was going to be a water splash area similar to Kwinana Adventure park for the kids to walk through and keep cool during the heat. Kwinana and Elizabeth Quay are the only ones I'm aware of within striking distance. This will still be a great facility I've no doubt, just wished there were more splash areas for the kids locally	

Response	City comment
The skate park needs a re: work	The comments in relation to skate park needing redesign to include more park/transition (comment is in-line with and reflective of the skate reference group comments) were considered and are reflected in the revised concept design.
General extract from letter received: The kids in Baldvis are all talking about the skate park and have been wanting it for so long. It seems like the skate park part is an after-thought and not much design has gone into it. I know the space is quite small but I really think you could make some inclusions for not much. Included drawing to capture ideas.	
Understanding that this is still only concept I would love to see the Skate section include more Park/Transition then Street/Plaza features. We are missing a good size spine in Rockingham (something like Esperance). A 2-3ft mini ramp like Freo would also be great.	

A revised concept plan was developed and is shown in the report details for consideration.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

Aspiration 2: *Grow and nurture community connectedness and wellbeing*

Strategic Objective: *Youth Development and Involvement - Engage and encourage youth to become actively involved in contributing to the wellbeing of our community.*

Aspiration 3: *Plan for future generations*

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

d. Policy

The Baldvis Outdoor Recreation Space design was developed using the City's Youth Outdoor Recreation Space Strategy, in particular the guidelines for the design of a sub district level facility.

e. Financial

The preliminary cost estimate for the completion of the outdoor space inclusive of site works, landscaping, fencing and security associated with the overall BDSC development is \$2.245 million. These costs are included within the BDSC project budget. In addition funding of \$1.465 million is allocated within the City's Business Plan for 2022/2023 for the specific development of the skatepark, ninja warrior course, and nature playground facilities.

The total estimated costs are also inclusive of an amount of approximately \$600k for escalation, contingencies, and project management costs. These costs are included within the current estimate to allow for the level of uncertainty that currently exists in the construction industry in respect to material and labour costs

f. Legal and Statutory

The Baldvis Outdoor Recreation Space concept design remains consistent with the requirements of the State Planning Policy 3.6 – Development Contributions for Infrastructure, and alignment with the City of Rockingham Town Planning Scheme No 2.

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 concept plan has been developed through the community consultation process which included two separate review periods. A variety of feedback opportunities were provided which included school and community workshops, an online survey, event displays and Share Your Thoughts feedback. The feedback both verbally and written have in the majority been extremely positive and have helped shape the initial design and further refinement of the Baldivis Outdoor Recreation Space Concept Plan.

The project team will continue to work with the design team in order to ensure project outcomes are realised in recognition of the functional outcomes as outlined in the community consultation report and within budget. This will be done in accordance with the Concept design cost estimate. This will include a number of extensive reviews of schematic and detailed draft designs, as well as consideration and review of equipment and material selection.

The development of this outdoor recreation space is an important recreation and general play space element that will enhance the value of the BDSC to the wider community and compliment the other sport and recreation activities taking place on the site. The indoor recreation centre design incorporates a café and alfresco space overlooking the outdoor space as well as an external facing universal access toilet to directly service the space.

Subject to Council endorsement of the Final Baldivis Outdoor Recreation Space Concept Design, detailed design works will commence immediately.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ENDORSES** the Baldivis Outdoor Recreation Space concept plan, dated May 2022

Committee Recommendation

Moved Cr Schmidt, seconded Cr Buchanan:

That Council **ENDORSES** the Baldivis Outdoor Recreation Space concept plan, dated May 2022

Committee Voting (Carried) – 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Community Development Economic Development and Tourism



Reference No & Subject:	CD-017/22	Rockingham Beach Cup 2022 – Request for Iconic Event Funding
File No:	ECD/19-04	
Proponent/s:	Rotary Club of Palm Beach WA Inc.	
Author:	Mr Scott Jarvis, Manager Economic Development and Tourism	
Other Contributors:	Ms Melissa James, Tourism Development Officer	
Date of Committee Meeting:	21 June 2022	
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 providing Iconic Event Sponsorship funding to the Rotary Club of Palm Beach WA Inc. (RCPB) for the running of the 2022 Rockingham Beach Cup (RBC).

Background

At the Council Meeting of 21 July 2021, Council approved funding to the RCPB (through the Iconic Event Sponsorship budget) of \$175,000 for the 2021 Rockingham Beach Cup and associated events.

The event has been successfully run on three occasions prior to that, 2016 (\$36,000 funding), 2017 (\$36,000 funding), 2019 (\$156,000 funding plus an additional \$8,000 for the City to coordinate a Socio-Economic Impact Assessment). The event did not occur in 2018 due to the Rockingham Foreshore redevelopment works, or in 2020 due to State Government COVID-19 restrictions, which made the event financially unsustainable.

The 2021 Rockingham Beach Cup was held on 13 and 14 November 2021 attracting over 19,000 attendees to the Rockingham foreshore across the two days. The event program included an event launch on Saturday, an outdoor movie screening of Ride Like a Girl on Saturday evening, carnival style attractions and peripheral community activities across the event weekend (Saturday and Sunday), and the beach horse racing event on Sunday incorporating two different ticketed elements.

Details

The RBC is an event owned and run by the RCPB, a local community service group based in the City of Rockingham (City). The RBC has been planned, managed and run by the RCPB with assistance from local business owners and local not-for-profit organisations, and supported by local volunteers.

Data has been collected over the past two events through a Socio-Economic Impact Assessment conducted by Lucid Economics, with results indicating that the event increases out of region visitation, provides a positive economic impact on the City, and showcases Rockingham as a tourist destination.

Below is a summary of the outcomes from the past two events:

Outcome	2019	2021
Total attendance	16,457	19,746
Local attendance	9,400	10,844
Visitor attendance	7,057	8,902
Total expenditure	\$1.3 million	\$1.6 million
Gross Regional Product (GRP) – visitor expenditure	\$579,893 (\$286,545 direct and \$293,348 indirect)	\$834,762 (\$400,810 direct and \$433,960 indirect)
Overnight accommodation expenditure	\$88,003	\$98,640
FTE jobs created – visitor expenditure	7 (5 direct, 2 indirect)	10 (7 direct, 3 indirect)
ROI (total return)	8.13x (based on \$154,000 investment)	9.15x (based on \$175,000 investment)
ROI (visitor return)	\$3.8 (based on \$154,000 investment)	\$5.02 (based on \$175,000 investment)

In liaison with the City of Rockingham, the RCPB was successful in engaging Seven West as a naming rights partner major sponsor. This partnership saw the event renamed as the Channel 7 Rockingham Beach Cup. The sponsorship agreement saw a substantial increase in media promotion both pre and post event and successfully attracted more visitors to Rockingham than in 2019.

The naming rights sponsorship agreement with Seven West Media contributed an \$85,000 (200%) increase in advertising / marketing spend for 2021 RBC, along with a number of Channel 7 weather broadcasts from the Rockingham Foreshore and pre and post event stories in the Channel 7 nightly news.

Seven West Media have confirmed their commitment to continue as naming rights sponsor for the 2022 RBC, further enhancing the profile, branding and exposure of the event through the continued partnership with this prominent media brand.

The RCPB application for Iconic Event Sponsorship for 2022 seeks commitment for total funding of \$185,000, an additional \$10,000 compared to 2021. The funding proposal submitted includes allocations for the following:

- Professional event management
- Social media management
- Issuing of tenders / securing services – staging, fencing, ticketing, parking, security, signage
- Four week radio campaign and metro out-of-home advertising in the lead up to the event
- Event launch
- Community festival

The RCPB has proposed that the event be held on the weekend of the 12 and 13 November 2022.

The Iconic Event Sponsorship submission has also proposed that the funding be broken down as per the following schedule:

Event Activities	Amount	PBRC Requested Payment Schedule
Phase I – Event Start Up (1 July 2022 – 31 July 2022)		
Event Start Up – professional event management including review of comprehensive COVID and Risk Mitigation Plan.	\$3,000	July 2022
Marketing – social media management	\$2,000	
Total	\$5,000	
Phase II – Event Tender		
Professional event management	\$10,000	August - September 2022
Issue tenders / secure services – staging, fencing, ticketing, parking, security, signage	\$25,000	
Total	\$35,000	
Phase III – Event Delivery		
Professional Event Management	\$40,000	October – November 2022
Marketing – four week radio campaign and metro out of home advertising in lead up to the event	\$35,000	
Event Launch – hosted by CoR at a pop up bar at the look-out on Rockingham Foreshore with media, sponsors, travel industry and horse racing industry (150 guests)	\$5,000	
Community Festival (Saturday) – free family cinema on large screen, carnival style event targeted towards families with live entertainment, food trucks, and child and youth friendly activities	\$15,000	
Community Festival (Sunday) – carnival style event, inclusive, interactive and passive entertainment with programmed stage activities.	\$20,000	
Horse Racing (Sunday) – horse racing, community festival, markets, live entertainment and food trucks	\$30,000	
Total	\$145,000	
Total requested funding amount		\$185,000

The above approach has been suggested by RCPB to provide financial protections to the City in the case of potential reinstatement of COVID-19 restrictions, which could impact RCPB's ability to secure required approvals for the staging of a large social gathering in Western Australia.

The proposed milestone dates should be noted and considered by Council, where the City will lose increasing amounts of sponsorship funding if the 2022 event is cancelled due to COVID-19.

Any decisions relating to the scheduling and cancellation of the event due to COVID-19 restrictions or lockdowns will be made by RCPB after full consultation with the City. If the City advises RCPB that it considers that the event should be cancelled due to issues associated with COVID-19, the City's

liability from the date upon which that advice was given, will be determined as if the event had been cancelled on that date.

The Iconic Event Sponsorship submission for the 2022 RBC has also identified some key changes to the event layout and format moving forward, which are a result of cost and COVID safe considerations. These key changes include:

- Removal of the exclusive ticketed beach marquee (and associated costs);
- Increase capacity in the open-air secured ticketed area on the foreshore area (Waikiki Luau) to 1,500 people (total capacity within both ticketed areas in 2021 was 1,300 people)
- One ticket area and price point of \$70 to access the exclusive licensed Waikiki Luau area, covering:
 - Two drink coupons
 - Two raffle tickets
 - Access to a casual seating areas with shade and entertainment
 - Access to purchase from food trucks within the secure area
 - Opportunity to participate in the RBC Auction and Fashions on the Foreshore
- Increased public viewing areas from along the Foreshore Boardwalk area (including restaurant located along Boardwalk) during the race on Sunday. This will be achieved by removing the large beach marquee and scrim covered fencing along the top of the Boardwalk which previously restricted viewing from this area.

RBC 2021 - Economic Benefits

- Attracted an estimated total attendance of 19,756, including 8,902 visitors to Rockingham
- Injected a total of \$1.6 million into the local economy, including \$879,177 in visitor expenditure
- An estimated \$98,640 was spent on overnight accommodation, equating to 11% of the total visitor spend

The event has been very successful in attracting leisure visitors, with 45% of all attendees coming from outside the City in 2021 (an increase of 2% from 2019). Based on the total economic impact of \$1.6 million, the 2021 RBC delivered a return on investment (ROI) of 9.15 to 1.0, meaning that for every dollar of funding (\$175,000) provided by the City, there was \$9.15 of attendee expenditure.

RBC 2021 - Social Impact Assessment

The social impact assessment was carried out using the Australian Bureau of Statistics (ABS) eight aspects of community wellbeing in a likelihood and consequence framework. The assessment found that the event has a notable impact on four of the eight aspects of community wellbeing:

Family and Community: the event supported community interaction and community cohesion, bringing a large number of residents (and visitors) together creating an opportunity for the community to meet. The event also encouraged family interactions and networks as it provided an opportunity for a wide range of families and community members to relax and enjoy leisure time together.

Work: the event supported a total of 10 FTE jobs in the local economy, both direct and indirectly (including both the residential and visitor expenditure).

Economic Resources: the event provided a \$1.6 million injection into the local economy, which would have benefitted local businesses through increased revenue, and therefore increasing business viability and sustainability.

Culture and Leisure: The RBC is a significant leisure and recreational event that is unique to Rockingham. The 2021 event attracted almost 20,000 attendees, and provided a variety of avenues for attendees to relax and enjoy their time.

Other additional benefits are identified below.

RBC 2021 - Additional Benefits

Beyond the quantifiable economic benefits listed above, there were other economic benefits:

- Raising the profile of Rockingham as a tourist destination: the event received a range of media coverage before, during and after the event that boosted the profile of Rockingham in terms of its coastal amenity and offering as a tourism destination. This was even greater in 2021 through the partnership with Seven West media. Additionally, the event attracts visitors who indirectly promote the area through word of mouth and discussions with their friends and families about their time in Rockingham.
- Inducing repeat visitation: based on their experience at the RBC, some visitors may be enticed to return to Rockingham in the future, creating future visitation, expenditure and economic benefits.
- Small business sustainability: the event injected a total of \$1.6 million into the local economy, which went largely to local businesses. In addition, the event creates additional employment opportunities for casual workers.

Implications to Consider

a. Consultation with the Community

Nil

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

Aspiration 1: *Actively pursue Tourism and Economic Development*

Strategic Objective: *Marketing and Promotion – Develop and implement effective marketing approaches to promote the City as a destination of choice for the local community, visitors, investors and businesses.*

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

Tourism Destination Strategy 2019-2024

Strategic Objective: *Events Activation (entertainment destination) “Support and promote third party events – RBC horse race, kitesurfing championship etc.”*

Economic Development Strategy 2020-2025

Action Item 7.1.2.6 Allocate annual dedicated funding for Iconic Events which promote economic development and tourism development outcomes.

d. Policy

Nil

e. Financial

An allocation of \$300,000 for Iconic Events (Economic Development and Tourism) has been included as part of the City's 2022/2023 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 RBC aligns with the City's Strategic Community Plan, Tourism Destination Strategy and Economic Development Strategy.

- Strategic Community Plan - Aspiration 1 states "*Actively Pursue Tourism and Economic Development*". One of the strategic objectives under this aspiration is "Attractions and events: Seek to host iconic community events and attractions that will entice residents and visitors throughout the year".
- Tourism Destination Strategy 2019-2024 identified Events Activation (entertainment destination) as one of its six Key Strategic Objectives. One of the actions specified in the strategy was to "Support and promote third party events – RBC horse race, kitesurfing championship etc."
- Economic Development Strategy 2020-2025 identified that the Rockingham Beach Cup was seen as an important tourism event for the City and one that brings considerable visitation, creating a unique Rockingham experience that profiles the Rockingham foreshore. This event supports tourism growth and economic development, as well as contributes meaningfully to changing the perception of Rockingham. Action Item 7.1.2.6 of the strategy specifies, "Allocate annual dedicated funding for Iconic Events which promote economic development and tourism development outcomes".

In 2021, the RBC secured a \$35,000 sponsorship from Lotterywest, in addition to the \$175,000 from the City and revenue generated from ticket sales, food vans and market stall hire for the community event elements. This funding and revenue supported the full and successful delivery of the 2021 RBC including:

- Ticketed marquee on the beach, with catering and drink packages for ticketed guests
- A community festival held across Saturday and Sunday to extend the event to two days
- Implementation of COVID safe practices as directed by the State Government COVID Safe Event Guidelines at the time of the event

The 2022 RBC Iconic Event Sponsorship submission funding breakdown is very similar to the request in 2021, noting that Lotterywest funding was not included in the initial 2022 RBC budget submitted with the 2022 Iconic Event Sponsorship submission. However, the RCPB have since confirmed that they will be applying for a \$35,000 Lotterywest grant for the 2022 RBC. PBRC have advised this additional grant funding will be used to reconnect the community of Rockingham by providing free family friendly inclusive activities and increasing the local entertainment on the stage, including schools and performance groups, prior to the screening of an interactive and free, family outdoor cinema experience.

The RBC is a significant event for Rockingham, and due to the costs associated with the event, and the proposed changes to the format and layout which will be introduced in 2022 to support COVID safe measures, Officers recommend that funding remain the same as 2021 (\$175,000).

During an internal City debrief following the 2021 RBC, it was acknowledged that there were some issues with key deadlines being met throughout the Outdoor Event application permit process in 2021. Therefore it was recommended that key event application milestones be linked to funding approvals for future RBC's.

These the new measures will ease some complications that have previously been encountered during the event planning and event setup phase which have resulted in delays to important milestones that are required as part of the City's process for Outdoor Event Applications, administered through the City's Health and Building Services team.

Below is the recommended funding breakdown:

Event Activities	Milestone deadlines	Amount
<u>Milestone A</u>		
Event Start Up Confirmation of a professional event management organisation being engaged for the planning and delivery of the event	Upon entering into agreement with the City	\$3,000
Marketing - Social Media Campaign Provision of a key contact who will be facilitating the social media activity on behalf of the event organiser		\$2,000
Total		\$5,000
<u>Milestone B</u>		
Professional Event Management Upon receipt of the following documents submitted to the City no less than 90 days prior to the first day of the event: <ul style="list-style-type: none"> · Outdoor Event Application · Site plan · Risk Management Plan · Relevant Insurance Certificates of Currency · COVID Event Plan (if required) 	90 days prior to the event	\$20,000
Marketing Upon receipt of an event marketing plan and activity schedule no less than 90 days prior to the first day of the event, including the following: <ul style="list-style-type: none"> · Key messages · Social media activity · Budget · Out of home advertising campaign 		\$15,000
Total		\$35,000
<u>Milestone C</u>		
Professional Event Management Upon receipt of an event Traffic Management Plan submitted to the City no less than 45 days prior to first day of the event	45 days prior to event	\$20,000
Total		\$20,000

Event Activities	Milestone deadlines	Amount
<u>Milestone D</u>		
<p>Marketing Upon commencement of a four week out of home radio campaign in the lead up to the event, including an onsite activation during the event weekend</p>	30 days prior to event	\$20,000
<p>Event Programming Upon receipt of a draft event program, including the following:</p> <ul style="list-style-type: none"> · Community Festival activities and programming · Ticketed event activities and programming 		\$20,000
Total		\$40,000
<u>Milestone E</u>		
<p>Professional Event Management Upon receipt of all food permit applications no less than 14 days prior to the first day of the event</p>	14 days prior to event	\$15,000
<p>Upon receipt of all traders and amusement permit applications and relevant Work Safe Certificates no less than 14 days prior to the first day of the event</p>		\$10,000
<p>Event Launch Sponsored by the City held at at a Pop-Up Bar at the look-out on Rockingham Foreshore, involving media, sponsors, travel industry & horse racing industry (150 guests)</p>		\$5,000
<p>Two day Community Festival (Sat & Sun) –</p> <ul style="list-style-type: none"> · Free family cinema on large screen (Sat) · Carnival style event targeted towards families (Sat & Sun) · Live entertainment, food trucks, children’s and youth activities. 		\$15,000
<p>Beach horse racing event (Sunday)</p>		\$20,000
Total		\$65,000

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **APPROVES** the Iconic Event funding to the Rotary Club of Palm Beach WA Inc., for the amount of \$175,000, for the hosting and running of the Rockingham Beach Cup and associated events on Saturday 12 and Sunday 13 November 2022.
2. **ACCEPTS** the following schedule of dates and funding potential losses that could occur should the event be cancelled due to any unforeseen circumstances or COVID-19 impacts:
 - Event cancelled prior to 30 July 2022 = \$5,000
 - Event cancelled on or prior to 27 September 2022 = \$40,000
 - Event cancelled on or prior to 12 October 2022 = \$60,000
 - Event cancelled on or prior to 28 October 2022 = \$100,000
 - Event cancelled on or after 29 October = \$175,000
3. **REQUESTS** the Rotary Club of Palm Beach provide a post event report, which identifies all specific event activities undertake together with an attendance and tourism impact report.

Committee Recommendation

Moved Cr Buchanan, seconded Cr Davies:

That Council:

1. **APPROVES** the Iconic Event funding to the Rotary Club of Palm Beach WA Inc., for the amount of \$175,000, for the hosting and running of the Rockingham Beach Cup and associated events on Saturday 12 and Sunday 13 November 2022.
2. **ACCEPTS** the following schedule of dates and funding potential losses that could occur should the event be cancelled due to any unforeseen circumstances or COVID-19 impacts:
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 - Event cancelled on or prior to 28 October 2022 = \$100,000
 - Event cancelled on or after 29 October = \$175,000
3. **REQUESTS** the Rotary Club of Palm Beach provide a post event report, which identifies all specific event activities undertake together with an attendance and tourism impact report.

Committee Voting (Carried) – 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

13.	Reports of Council Members
	Nil
14.	Addendum Agenda
	Nil
15.	Motions of which Previous Notice has been given
	Nil
16.	Notices of motion for Consideration at the Following Meeting
	Nil
17.	Urgent Business Approved by the Person Presiding or by Decision of the Committee
	Nil
18.	Matters Behind Closed Doors
	Nil
19.	Date and Time of Next Meeting
	The next Corporate and Community Development Committee meeting will be held on Tuesday 19 July 2022 in the Council Boardroom, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.
20.	Closure
	There being no further business, the Chairperson thanked those persons present for attending the Corporate and Community Development Committee meeting, and declared the meeting closed at 5:06pm .