



# City of Rockingham

## MINUTES

### Ordinary Meeting of Council Minutes

Held on Tuesday 24 May 2022 at 6:00pm  
City of Rockingham Council Chamber



**City of Rockingham**  
**Ordinary Meeting of Council**  
**6:00pm Tuesday 24 May 2022**



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**City of Rockingham**  
**Ordinary Meeting of Council Minutes**  
**Tuesday 24 May 2022 – Council Chamber**



**1. Declaration of Opening**

The Mayor declared the Council meeting open at **6:00pm** and welcomed all present.

**Acknowledgement of Country**

The Mayor 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.

**Recording and Streaming**

The Mayor noted that in accordance with clause 8.5 of the *City's Standing Orders Local Law 2001* provides that "no person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council".

If anyone breaches this Standing Order they will be asked to leave the Council Chamber.

The Mayor advised that the meeting would be recorded but due to a technical issue the meeting would not be live streamed.

Council meetings are audio recorded and live streamed in accordance with Council Policy.

*"By being present at this meeting, members of the public consent to the possibility that their image and voice may be live streamed to the public. Recordings will be made available on the City's website following the meeting."*

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

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

*Public question time and deputations will not be recorded."*

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

**2.1 Council Members**

Mayor Deb Hamblin

Cr Sally Davies

Cr Brett Wormall

Cr Lorna Buchan

Cr Robert Schmidt

Cr Craig Buchanan, JP

Cr Rae Cottam (*via zoom*)

Cr Caroline Hume

Cr Dawn Jecks

Cr Mark Jones

Cr Leigh Liley

Baldivis Ward

Baldivis Ward

Comet Bay Ward

Comet Bay Ward

Rockingham/Safety Bay Ward

Rockingham/Safety Bay Ward

Rockingham/Safety Bay Ward

Rockingham/Safety Bay Ward

Rockingham/Safety Bay Ward

Rockingham/Safety Bay Ward

|                                    |  |                   |                         |               |                         |                 |                             |                  |   |                    |                                |                                    |  |                   |   |                 |                    |                    |                        |                |                    |
|------------------------------------|--|-------------------|-------------------------|---------------|-------------------------|-----------------|-----------------------------|------------------|---|--------------------|--------------------------------|------------------------------------|--|-------------------|---|-----------------|--------------------|--------------------|------------------------|----------------|--------------------|
|                                    | <p><b>2.2 Executive</b></p> <table border="0"> <tr> <td>Mr Michael Parker</td><td>Chief Executive Officer</td></tr> <tr> <td>Mr Sam Assaad</td><td>Director Asset Services</td></tr> <tr> <td>Mr John Pearson</td><td>Director Corporate Services</td></tr> <tr> <td>Mr Peter Doherty</td><td>Director Legal Services and General Counsel</td></tr> <tr> <td>Mr Michael Holland</td><td>Director Community Development</td></tr> <tr> <td>Mr Peter Ricci (<i>via zoom</i>)</td><td>A/Director Planning and Development Services</td></tr> <tr> <td>Mr Jim Olynky, JP</td><td>Manager Governance and Councillor Support</td></tr> <tr> <td>Mr Aiden Boyham</td><td>City Media Officer</td></tr> <tr> <td>Ms Jelette Edwards</td><td>Governance Coordinator</td></tr> <tr> <td>Ms Sue Langley</td><td>Governance Officer</td></tr> </table> <p><b>2.3 Members of the Gallery:</b> 16</p> <p><b>2.4 Apologies:</b> Nil</p> <p><b>2.5 Approved Leave of Absence:</b></p> <p>Cr Hayley Edwards (<i>Deputy Mayor</i>) Baldivis Ward</p>  | Mr Michael Parker | Chief Executive Officer | Mr Sam Assaad | Director Asset Services | Mr John Pearson | Director Corporate Services | Mr Peter Doherty | Director Legal Services and General Counsel | Mr Michael Holland | Director Community Development | Mr Peter Ricci ( <i>via zoom</i> ) | A/Director Planning and Development Services | Mr Jim Olynky, JP | Manager Governance and Councillor Support | Mr Aiden Boyham | City Media Officer | Ms Jelette Edwards | Governance Coordinator | Ms Sue Langley | Governance Officer |
| Mr Michael Parker                  | Chief Executive Officer  |                   |                         |               |                         |                 |                             |                  |   |                    |                                |                                    |  |                   |   |                 |                    |                    |                        |                |                    |
| Mr Sam Assaad                      | Director Asset Services  |                   |                         |               |                         |                 |                             |                  |   |                    |                                |                                    |  |                   |   |                 |                    |                    |                        |                |                    |
| Mr John Pearson                    | Director Corporate Services  |                   |                         |               |                         |                 |                             |                  |   |                    |                                |                                    |  |                   |   |                 |                    |                    |                        |                |                    |
| Mr Peter Doherty                   | Director Legal Services and General Counsel  |                   |                         |               |                         |                 |                             |                  |   |                    |                                |                                    |  |                   |   |                 |                    |                    |                        |                |                    |
| Mr Michael Holland                 | Director Community Development   |                   |                         |               |                         |                 |                             |                  |   |                    |                                |                                    |  |                   |   |                 |                    |                    |                        |                |                    |
| Mr Peter Ricci ( <i>via zoom</i> ) | A/Director Planning and Development Services   |                   |                         |               |                         |                 |                             |                  |   |                    |                                |                                    |  |                   |   |                 |                    |                    |                        |                |                    |
| Mr Jim Olynky, JP                  | Manager Governance and Councillor Support  |                   |                         |               |                         |                 |                             |                  |   |                    |                                |                                    |  |                   |   |                 |                    |                    |                        |                |                    |
| Mr Aiden Boyham                    | City Media Officer   |                   |                         |               |                         |                 |                             |                  |   |                    |                                |                                    |  |                   |   |                 |                    |                    |                        |                |                    |
| Ms Jelette Edwards                 | Governance Coordinator   |                   |                         |               |                         |                 |                             |                  |   |                    |                                |                                    |  |                   |   |                 |                    |                    |                        |                |                    |
| Ms Sue Langley                     | Governance Officer   |                   |                         |               |                         |                 |                             |                  |   |                    |                                |                                    |  |                   |   |                 |                    |                    |                        |                |                    |
| 3.                                 | <p><b>Responses to Previous Public Questions Taken on Notice</b></p>   |                   |                         |               |                         |                 |                             |                  |   |                    |                                |                                    |  |                   |   |                 |                    |                    |                        |                |                    |
|                                    | <p><b>3.1 Ms Mary Ann Rath, Waikiki – Penguin Island Discovery Centre</b></p> <p>At the Council meeting held on 26 April 2022, Ms Rath asked the following question that was taken on notice and the A/Director Planning and Development Services provided a response in a letter dated 6 May 2022 as follows:</p> <p><u>Question</u></p> <p>1. What has the response been from the state government re building the new \$3 million penguin discovery centre not on Penguin Island but on the mainland?</p> <p><u>Response</u></p> <p><i>On the 1st April 2022, the City sent a letter to the Premier of Western Australia, Hon Mark McGowan MLA, the Minister for Environment Hon Reece Whitby MLA, the Minister for Tourism Hon Roger Cook, and the Director General of the Department of Biodiversity, Conservation &amp; Attractions.</i></p> <p><i>The City's letter seeks their support to ensure that the construction of the new Penguin Island Discovery Centre is delayed to allow a more thorough examination of the proposal and its potential impacts on the Little Penguins, which would include a review of all options, including those on the mainland. The City has not yet received official responses although preliminary discussions have occurred between some of the consulted parties and elected members.</i></p> <p><b>3.2 Mr James Mumme, Shoalwater – Proposed petrol station in Shoalwater / Light industrial development at Port Kennedy</b></p> <p>At the Council meeting held on 26 April 2022, Mr Mumme asked the following questions that were taken on notice and the A/Director Planning and Development Services provided responses in a letter dated 29 April 2022 as follows:</p> |                   |                         |               |                         |                 |                             |                  |   |                    |                                |                                    |  |                   |   |                 |                    |                    |                        |                |                    |

**PD-015/22 - Proposed Petrol Station in Shoalwater**

Question

1. Given that none of the community submissions supported it and given that the Health Department did not support location due to proximity of residents and also questioned the proponent's research claims, why did Council only decide on deferral and not object vociferously?

Response

*The Health Department advice recommends applying a generic separation distance, however, the Environmental Protection Authority (EPA) Separation Distance between Industrial and Service Land Uses No.3 (Guidelines), only recommends applying generic separation distances in the absence of site-specific study which supports applying a lesser separation distance.*

*The applicant has undertaken a site specific Environmental Impact Assessment of predicted emissions as required by the Guidelines, which upon peer review demonstrated compliance with the national emissions standards.*

*Council has recommended deferral of the proposal for the vehicle access arrangements to be resolved between the proposed Service Station and the Shoalwater Shopping Centre, given that all other elements of the proposal are supported.*

Question

2. The proponent's modelling claims that emissions of Benzene would be only 65% of the National Environment Protection Measures (NEPM) limit and all other Ground Level Concentrations for the remaining ten toxic emissions did not exceed 12% of exposure limits. That's all very well to claim that each one is within national limits but what about the combined cumulative impact of all of them over a year?

Response

*The City has considered the proposal against the National Environment Protection (Air Toxics) Measure (NEPM) based on its peer review advice. All pollutants were identified as being below the exposure limits. There is no reasonable basis therefore to conclude that further assessment of the proposal is warranted, as the NEPM does not discuss or seek to regulate cumulative impacts.*

Question

3. Why will Council not advocate more strongly on behalf of local residents in regards to risks of traffic accidents, need for more parking following greater numbers of subdivisions in the surrounding area, and the health impacts on residents in R40 areas nearby including a nursing home of 24/7 noise and constant emission of these gases?

Response

*All of the relevant planning considerations have been assessed in the Officer Report (as ratified by Council) where it was considered to be satisfactory except for the proposed southern vehicle access point to the proposed Service Station.*

**PD-013/22 - A 65ha Light Industrial Development at Port Kennedy**

*(Preamble to Questions)* The Planning Committee approved this plan subject to eight conditions, only two of these conditions relate to the environment yet this area belongs with the Port Kennedy Scientific Park which is RAMSAR listed and contains Threatened ecological communities (TEC).

Question

4. DBCA called for a road to act as a buffer to protect the TEC in the 17ha of the project to be conserved and to reduce fire risk. Why did Council not include this as a condition?



Response

*The City considers that sufficient buffer and separation is provided for by the proposed Structure Plan to meet conservation and bushfire requirements. These matters are addressed in the Officer Report.*

Question

5. One submission called for the land to be reserved as a Class A reserve and added to the Scientific Park, none of this was included in Council's decision. Why is the community not entitled to conclude that Council places little value on such fragile environmental assets?

Response

*The zoning of the site for development has been the subject of environmental assessment and was approved with requirements in place for the protection of a representative sample of the Becher Suite Wetlands, which is outlined in the City's Town Planning Scheme No.2. This considered the substantial protection of wetlands to the south of the site contained in Parks and Recreation Reserves. The proposed Structure Plan is consistent with those requirements.*

Question

6. What do Councillors think of the environmental messages contained in the following history: 1994 Minster approves rezoning without environmental assessment of this area; 1996 13 Wetlands identified; sometime after 1999 more 11 wetlands as well as TEC are found and now today we are faced with the consequences of a rezoning that's 28 years old and out of date. Does Council want to rectify this and if not why not?

Response

*I cannot comment on the view of individual Councillors, however, the City is satisfied with the environmental protections that have been put in place through the Metropolitan Region Scheme Reservations and provisions in Town Planning Scheme No.2.*

**3.3**

**Ms Kelly Middlecoat, Baldvis - Legal Policy**

At the Council meeting held on 26 April 2022, Ms Middlecoat asked the following questions that were taken on notice and the Manager Governance and Councillor Support provided responses in a letter dated 9 May 2022 as follows:

Question

1. One of the main arguments the City has put forward in regards to supporting the proposed model policy, is that it needs to, so far as practicable, provide and maintain a safe working environment. The City of Rockingham has an employee assistance program, workers compensation policy and income protection insurance. It is therefore a far stretch to say the City as an employer, is not doing enough to provide a safe working environment as this is what the vast majority of employers have in place to meet their obligations under the WHS Act.

Section 8 of the WHS Act defines the meaning of work place and the comments section of posts written in private groups on social media are NOT considered the employee or Councillors work environment. Therefore this is outside of the City's duty of care and is not something the City needs to mitigate against. This abolishes the main argument supporting the adoption of this policy.

By adopting the view that the City is not doing enough to provide a safe working environment, the City is suggesting that almost every employer who has public facing employees is opening themselves up to litigation by not having such a policy. This is a far stretch of the application of the WHS Act and certainly doesn't constitute effective and efficient use of rate payer's funds.

Section 18 of the WHS Act defines the term “reasonably practicable” and notably at paragraph (e) it states that cost is indeed a consideration in determining whether to implement a particular control to mitigate the risk.

Where the cost of implementing risk controls is grossly disproportionate to the risk – e.g. the cost of legal fees are high in contrast to the hurt feelings of Councillors or employees - then this may mean the use of those controls is not reasonable or required under the Act.

The vast majority of cases I have researched that set a precedent for the concept of the term “So Far as is Reasonably Practicable” such as *Baiada Poultry Pty Ltd v The Queen* [2012] HCA 14 involve the circumstances of death (or serious injury) caused by a deviation in the employer’s processes / procedures, lack of supervision, lack of instruction and lack of safety equipment that exposed them to extreme bodily danger.

In comparison, the City proposes to give Councillors and employees \$10,000 (or more) of ammunition to threaten group admins and members for negative comments because their feelings are hurt. This has already happened multiple times and will not reflect well on the City.

Additionally, I quote a current sitting Councillor who sent an unnecessarily intimidating message to the sole admin of a 16,000 member group that stated “*I’ve been watching this page closely with comments from regular posters*”.... And “*I am utterly disgusted and will be reporting this group and admin to relevant authorities*”. It appears that a small minority of Councillors are actively seeking out negative statements, found deep within the comments section of vague posts on social media platforms and they want compensation for it.

As a control, the City could perhaps in the first instance, revise its Social Media Policy, ask Councillors and employees to not comment on community posts and only use their own pages to engage with residents. That way, comments can easily be managed and Councillors can get on with the job they were enlisted by us to do.

How does the City justify the potential material cost against such minor injury in comparison to the precedents set by common law when an employee assistance program, workers compensation policy and potentially income protection insurance is already available to Councillors and employees?

Response (provided at the meeting)

*The Mayor noted that no one seeks out those negative comments and referred the question to the Chief Executive Officer and Director Legal Services and General Counsel.*

*Mr Parker, Chief Executive Officer advised that with respect to staff the City is required to provide a safe work environment. The nature of work that people undertake in this workplace includes providing public reports, recommendations and comments to Councillors and in doing so, unlike many other people, they may be exposed to varying forms of unfair conduct.*

*The Work Health and Safety legislation now deals with physiological and mental health issues which were never addressed before. You only have to look at other local governments in Western Australia that already have these sorts of policies in place for protection to see what might be considered reasonably practicable. This Draft Policy is about defamation, bullying, and about personal comment on an ongoing basis that impacts people’s mental capacity to do their work.*



*Mr Doherty, Director Legal Services and General Counsel agreed with the CEO's comments and noted that the legislation is relatively new and courts have yet to determine what is "reasonably practicable". He noted that history shows that this assessment is often made with the benefit of 20/20 hindsight. Mr Doherty also stated that the proposed policy is designed to cover defamation, not hurt feelings and that funds are not "given to Councillors" but are used to pay for a service provided by legal practitioners. He also noted that it cannot be assumed that serious harm to an employee's psychological and mental health will not flow from defamatory comments.*

2. Sections 5.1 and 5.2 of the proposed policy states:

- "the Council will generally determine an application for funding" and
- "the Council will determine all applications for the funding of a defamation action (i.e. the commencement of Supreme Court defamation proceedings"

We all know costs for proceedings in the Supreme Court can be hundreds of thousands of dollars and I would think it sensible to at least stipulate a ceiling amount of funding that can be requested in any one instance.

Can you please confirm if these sections give the Council the remit to approve an unlimited amount of funds, so long as a simple majority support the application and estimated costs are provided - and - what will happen in the event litigation is unsuccessful; will rate payer funds again be used to compensate the defendant?

Response

*The Draft Policy provides that the "council in approving an application in accordance with the policy shall set a limit on costs to be paid based on the estimated cost of the application". Pursuant to the Local Government Act 1995, this would be decided by a simple majority of councillors.*

*If the litigation is unsuccessful, costs would almost inevitably be awarded against the unsuccessful party. The Draft Policy makes no provision for the City to contribute towards those costs.*

3. As noted in the 2019 – 2029 Community Plan, the Council aspires to make considered and informed decisions within a transparent environment.

Can you please confirm how the residents will have transparency in respect of the total legal expenditure incurred as a result of the implementation of this proposed policy, particularly as section 4.2 (b) of the proposed policy states that any "approval is to be reported, as a confidential item, to the next ordinary meeting of the Council".

Response

*Section 5.23 of the Local Government Act provides the circumstances under which a meeting or part of a meeting may be closed to the public, these include;*

- 5.23(2) a) *a matter affecting an employee or employees; and*  
b) *the personal affairs of a person; and*  
d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

*In terms of expenditure, legal fees would be covered under the approved Budget for legal fees which would be reviewed at Budget Reviews if required.*

4. The approval of funds for use by an individual employee or Councillor to commence legal proceedings against defamatory comments made of a personal nature may constitute the conferral of a benefit that is private and domestic in nature. Is the City aware that:

- Funds approved for use by an employee may constitute a Fringe Benefit and be subject to FBT?
- Funds approved for use by a Councillor may constitute income and may be required to be reported as such on their Activity Statement?

Response

*It is very difficult to answer hypothetical circumstances on what may or may not constitute income and benefit. Generally speaking expense reimbursements of a professional nature are not reportable incomes. The City is aware and understands its taxation obligations.*

*It is noted that the Draft Policy is only applicable to cases where the Councillor or employee is undertaking their particular role.*

5. Section 4(1)(d) of the *City of Rockingham Code of Conduct (April 2021)* prescribes that a council member should identify and appropriately manage any conflict of interest.

What are the City's views on Council members approving funding for their own, and their colleague's legal representation fees as this clearly provides a private benefit to the Councillor as defamation is personal in nature? Why are Councillors being allowed to vote on something that benefits them personally?

Response

*The City confirmed with the Department of Local Government an interpretation on this issue at the time the Draft Policy was first considered by Council. The Department's view is that the presentation of the Draft Policy for Council endorsement does not require disclosure of interests by Councillors or participation approvals. It would only be a requirement to disclose an interest where there was a legal matter (that needed a Council decision at a meeting) and Councillor(s) were requesting legal representation.*

*You will appreciate that other local governments have adopted policies on this matter.*

**3.4 Ms Phoenix Huege de Serville, Rockingham – Vaccinations/Seating arrangement**

At the Council meeting held on 26 April 2022, Ms Huege de Serville asked the following question/s that were taken on notice and the Manager Governance and Councillor Support provided a response in a letter dated 13 May 2022 as follows:

Preamble

I am here tonight to advocate for those in the community who have lost family members, jobs, their health, their homes, their relationships as a result of the no jab no job mandate. I have worked all my adult life in government and private organisations to improve the lives of the vulnerable in the community.

I have witnessed the not so slow destruction of our civil liberties. Last year I was trusted to advise the Rockingham Hospital board on how to improve services for community members attending the hospital, this year I am unable to work in that system. I watched an already exhausted system lose a large percentage of their workers, many informed by email not to return to work unless they were injected with this experimental shot. One of my friends working in health took her life no longer able to cope with the pressure in that system. I have families telling me they have lost their businesses and are about to lose their homes. All the empty shop fronts in Rockingham, a once vibrant and lively community now struggling to provide the fun it once did.

After offering so much to help my community I personally feel let down by the same community, my reward for this work have been discrimination even by council run organisations, I have been abused by security officers on the streets of Perth, bullied daily by shop workers. Human history is rich in examples of ostracism being used within communities and institutions to enforce conformity, punishment or control.

The psychological consequences of being shunned can best be explained as a social death penalty. The immediate effects are isolation from family and the community. This leads to feelings of helplessness, hopelessness and worthlessness, depression, low self-esteem, suicidal ideations and self-harming behaviour.

Question

1. How is the City of Rockingham going to encourage engagement of its whole community?

Response

*The City utilises a range of consultation approaches across numerous areas of the organisation. Consultation is undertaken on the Community Strategy Plan, individual Community Plan Strategies, Council Policy and various development applications, projects and events. Feedback is also derived from the Annual Customer Satisfaction Survey, other events surveys and the like.*

*Council recently considered a draft Policy - Community Engagement, which is currently out for public comment. The draft 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. Furthermore, the City has a number of Advisory Groups and Committees which provide feedback to Council on a range of issues.*

Question

2. How is it going to address exclusion of pro-choice community members?

Response

*The City does not exclude Pro-choice community members but has a legal obligation to follow lawful directions of the State Government, and will continue to do so.*

Question

3. The current seating here in this gallery discourages engagement. The elevated presence in a dock of the Mayor, CEO and Councillors positioned above everyone reminds me of a court of law. The formal structure welcoming with its air of intimidation and does not allow for cultural sensitivity across many cultures. How inclusive is this setting and format for First Nations people? What can Rockingham City Council do to encourage more First Nations peoples into this process of discussion and indeed into this building?

Response

*Thank you for your comments, which are noted. The City has in place a Reconciliation Action Plan 2021-2023 (RAP), the development of which was informed by the City's Aboriginal Advisory Group.*

**3.5**

**Ms Diane Park, Waikiki – City Chronicle / Legal Policy**

At the Council meeting held on 26 April 2022, Ms Park asked the following questions that were taken on notice and the Manager Governance and Councillor Support provided responses in a letter dated 9 May 2022 as follows:

Question

1. In December at the Electors meeting I brought forward a motion to cease producing the Chronicle, it costs this City a huge amount of money. It's been stated approximately \$170,000. However this is presumed for printing and delivery. What about the unseen costs, graphics, layout, research, Photoshop etc. have the staff time written the hours it takes to produce it before going to print? Virtually everything in the Chronicle is available and reported online, in the Sound Telegraph, on Councillor social media pages and on the City Website.

Recently, in Warnbro, I picked up a magazine produced in Mandurah, supported by its Council. It's produced yearly and is full of so much information and the majority of costs are covered by advertisements.

It covers mainly tourist information, from history trails, wildlife/nature trails, golfing, Aboriginal heritage everything you can think of even down to where to have coffee or dinner. It even contains a calendar of monthly events and it promotes Mandurah far and wide.

Wouldn't our money be far better spent producing this yearly addition to help increase tourism, promote our City instead of four a year magazine that end up in the recycle bin?

Response

*The annual cost of \$170,000 for the City Chronicle includes all graphic design and layout, stock images as required, mailing house preparation and postage.*

*The City does not track staff inputs to the Chronicle separately because the stories included in the newsletter are not necessarily exclusive to the Chronicle but are also used across multiple communication channels, as appropriate.*

*The City of Rockingham has produced a magazine very similar to the example you provided from the City of Mandurah. Approximately 15,000 copies were printed in late 2020. Pre-production planning is currently underway for the next version. You can read an online copy of this publication at [visitrockingham.com.au](http://visitrockingham.com.au)*

Question

2. At last week's Community Development Meeting I put forward some questions on the Legal Policy.

Firstly, I would like to thank Legal Counsel for their reply, In that reply Legal Counsel responded stating that these concerns notices are to stop 'angst' in the community. I would just like to make the following point -

Angst is not only shown on Social Media sites, 'angst' can be shown in many ways, at the voting stations, verbally and in correspondence. We have Local Government Elections next year how will this policy affect how we vote?

Secondly, I would also like to point out that I found it offensive that a Councillor would state that residents didn't understand the policy when responding to the survey. Has this Councillor any idea who these people are personally, do they know their education status? I personally have read and re-read the policy and I fully understand the implications of this policy and the financial risks it could place on this Council and residents

Councillors are not employees of the City and whilst I support that the City must protect its employees and the City's reputation. One must question why this Council is against residents/ratepayers seeing their performances in a different light and stating so. Everyone is entitled to their personal views on how this council perform and if we disagree we have the right to say so without the fear of bullying and intimidations. We have already seen a Councillor send two 'concerns notices' to residents. Messages that can be read as bullying, in fact I read a message from a councillor this week that could be taken as a veiled threat. Really and they need \$10,000 to legalise what some appear to already be doing?

Has this Council looked at the implications of Fringe Benefits? Is this allowed for non-employees if it becomes an issue?

We have other councils who can function without this clause and policy, and how is it possible our Council can't? Employees have other avenues to protect them in the work place. With over 800 employees, some who don't live in our City, don't contribute to our rates system, however will have access to our rates to potentially sue residents who pay these rates.

This whole saga surrounding this policy, is in itself, bringing detriment to the name of our City.

Compared to other Customer Feedback Surveys this has received overwhelming negative responses. 110 to be precise. One must look at the Bus Terminal in Shoalwater / Safety Bay, received 19 negative responses and was immediately taken back to the table.

We have to look at who will be responsible for deciding who is entitled to receive funding, well as stated it will go to council and behind closed doors will be decided upon where is the transparency here? What happens if one Councillor wanting to pursue another Councillor? Yes we have to Standards Panel as we have seen used previously but this whole policy is an open book.

It is my personal belief if this is awarded to Councillors, who are not employees, it could be used as intimidation and threats to try and silence residents who don't see Council or Councillors through rose tinted glasses as they do. (Sic)

Response

*The comments are noted. The City cannot comment on actions that may have been taken by Councillors.*

*The Draft Policy does not prevent robust debate on matters before the Council. Pursuant to the policy, legal funding is only potentially available in "exceptional circumstances" and where defamation is involved.*

*As was noted in the report to Council, other Western Australian Local Governments have policies to address legal representation.*

*With respect to Fringe Benefit Tax, the City is aware and understands its taxation obligations. It is difficult to comment on hypothetical situations, however no FBT would ordinarily arise on the reimbursement of costs to Elected Members, as they are not considered employees.*

**3.6 Mr Jake Taylor, Secret Harbour – Legal Policy**

At the Council meeting held on 26 April 2022, Mr Taylor asked the following questions that were taken on notice and the Manager Governance and Councillor Support provided a response in a letter dated 9 May 2022 as follows:

Question

1. How can Council justify spending \$10k of ratepayer money on private claims rather than spending it on parks etc?

Response

*The Mayor advised that there is no guarantee that \$10,000 will be spent and took the question on notice.*

*The maximum amount that may be spent without a Council decision is \$10,000. If funds are recovered by an applicant, they must first be used to reimburse the Council.*

*This funding can only be considered in exceptional circumstances.*

*The City has a legal obligation to ensure, so far as is reasonably practicable, the health and safety of its workers and pursuant to new legislation greater financial penalties may be imposed if it fails to do so*

Question

2. What qualifications do Councillors have in assessing the applications and making decisions and funding of public rates into private legal matter?



|               |   |
|---------------|---|
|               | <p><u>Response</u> (provided at the meeting)</p> <p><i>The Chief Executive Officer advised that this is not about fair comment or criticism, it is about a much higher threshold and bringing the organisation into disrepute because of unfair comment and targeting individuals in an unfair manner. Councillors will take into account the requirements of the policy should it be adopted, which provides a high threshold to be met before implementation occurs.</i></p> <p><u>Question</u></p> <p>3. What is defamation?</p> <p><u>Response</u> (provided at the meeting)</p> <p><i>Mr Doherty, Director Legal Services and General Counsel noted that as stated in the report, defamation is anything that tends to lower the plaintiff in the estimation of right-thinking members of society generally, but that even if the words have this effect a defamation action will fail if one of the many defences are established.</i></p>  |
| <b>4.</b>     | <b>Public Question Time</b>   |
| <b>6:04pm</b> | <p><b>The Mayor opened Public Question Time and invited members from the Public Gallery to ask questions. The Mayor noted that this was the only opportunity in the meeting for the public to ask questions.</b></p> <p><b>The Mayor noted that photos will be taken during the meeting to update images on the City's website.</b></p>   |
| <b>4.1</b>    | <p><b>Mr Tom Mannion, Safety Bay – Shared paths</b></p> <p>The Mayor invited Mr Mannion to present his questions to the Council.</p> <p>Mr Mannion asked the following questions -</p> <p>Recent fatalities and hospital admissions involving the use of shared paths and interactions between pedestrians, bikes and e-scooters shows the risk to users has increased.</p> <p>The state government has identified speed limits for e-scooters on shared paths at 25kl/h and footpaths at 10kl/h.</p> <p>1. Does the city meet best practice guidelines for planning and designing for bike riding in Western Australia?</p> <p><i>The Mayor advised yes, the City follows guidelines for the provision of bicycle paths, shared paths, separated paths and footpaths such as found in the Austroads guidelines, Australian Standards and Department of Transport guidelines.</i></p> <p>2. How has the City determined what is a footpath and what is a shared path?</p> <p>For example, is the path along Hawker Street between Penguin road and Rae Road considered a footpath or shared path?</p> <p><i>The Mayor advised that the City follows the Austroads guidelines in determining the different types of paths.</i></p> <p><i>The path on Hawker Street was built as a footpath, it was not classified as a shared path although people under 12 years of age were at that stage permitted to ride on the path.</i></p> <p><i>Now however the legislation has changed and all cyclists are permitted to ride on a footpath.</i></p> |



3. Has a study been completed along the Rockingham and Safety Bay foreshore to measure the volumes of pedestrians and riders to determine if these are considered high volume areas at different times of the day and year?

*The Mayor advised no, a survey of pedestrian and rider volumes is not considered necessary. The City's Long Term Cycle Network Plan prepared in conjunction with the Department of Transport identifies the foreshore paths as high priority primary routes as they are already well used and the aim is to further promote them as high use areas.*

4. Do the shared paths along Rockingham and Safety Bay Foreshore meet the legislative requirements for shared paths and comply with the Disability Discrimination Act 1992?

*The Mayor advised yes, the foreshore shared and separated paths were built to the appropriate standard and accessibility requirements.*

**4.2 Mr David Rudman, Port Kennedy – Vaccines**

The Mayor invited Mr Rudman to present his question to the Council.

Mr Rudman asked the following question -

1. A policy that has forced many to be part of the experimental vaccine programme is akin to something occurring in 1930's Germany, Stalinist Russia or some backward third world country. A medical procedure otherwise loss of livelihood and essential facilities in 2022.

If Port Hedland's council can sue the McGowan government over these nefarious and draconian measures, why can't Rockingham council do likewise?

*The Mayor advised that the City's knowledge of this matter is confined to what has been reported in the press. On 16 May 2022 it was reported in "The Australian" that -*

*"The Port Hedland council ... passed a series of proposals last week put forward by the community with the aim of overturning the rules that require about 75 per cent of WA workers to be vaccinated if they want to keep their jobs."*

*The article stated and I quote -*

*"Legal advice obtained by the council ahead of last week's council meeting warned councillors that the case would be "extremely expensive", would have a limited likelihood of success, and would go beyond the council's powers and functions. The advice also warned that there would be "significant legal and reputational damage" to the council if it pursued the proposed resolutions."*

*It was also reported that "[t]he only resolution that failed was a motion that would have required the council to set aside \$500,000 to fund the legal proceedings" and that "an agenda item will be brought to an upcoming council meeting to deal with this matter".*

*The City of Rockingham notes the legal advice quoted and considers it to be well founded.*

**4.3 Mr James Mumme, Shoalwater – Garden Island Highway**

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

Mr Mumme asked the following questions -

I am appalled that Council appears to be open to the possibility of realising the Garden Island Highway through supporting a feasibility study.

1. What does council know of the impact of such a road on the only largely untouched and complete section of Cape Peron in terms of loss of connected bush, introduction of weeds and threat to the little remaining wildlife?

*The Mayor advised that the City is aware that the Garden Island Highway has been reserved in the Metropolitan Region Scheme and Town Planning Scheme since the 1970's and that any proposal to build the road would need to receive the necessary approvals which will consider a range of matters including those raised in your question.*

2. What does council know of the conditions imposed under the EPBC Act on the Mangles Bay Marina?

*The Mayor advised yes, the City has copies of the Environmental Approvals issued to the proposed Mangles Bay Marina including those under the EPBC Act.*

3. Is Council aware that its unilateral decision to construct roundabouts along Parkin St is one cause of some residents' desire to see the GIH happen: the noise of hoons has been replaced by trucks changing speed because of the roundabouts?

*The Mayor advised that the Garden Island Highway concept is related to the need to manage traffic volumes as the population in the City grows and the utilisation of Garden Island increases. These pressures were identified well in advance of and are unrelated to the implementation of roundabouts on Parkin Street.*

4. The Premier said to me on Saturday that the GIH is not going to happen. Does Council know the WA Government's position?

*The Mayor noted that notwithstanding the potential constraints, the City's adopted Advocacy position is to request the necessary feasibility studies be undertaken to determine the viability of the Garden Island Highway being constructed within the existing reservations under the MRS and TPS. In the event that the feasibility determines that it cannot be built, an alternate approach to accommodate the additional traffic anticipated to access Garden Island in the future needs to be established. This would provide greater certainty for the Community and stakeholders.*

*The State Government has been made aware of this position.*

5. Is Council aware that in the view of many scientists environmental impact assessment in this state often fails to protect the environment?

*The Mayor advised that the City has not received information to this effect.*

#### **4.4 Mr Brian Preston, Singleton – Volunteers function / Flexihose breakages**

The Mayor invited Mr Preston to present his question to the Council.

Mr Preston thanked the Council on behalf of all recipients at last week's Volunteer Awards ceremony, he had attended others and this was the first time that as a volunteer in the community I felt valued by the Council.

*The Mayor thanked Mr Preston for his comments.*

Mr Preston asked the following question -

1. Just before Christmas last year I had the misfortune to suffer a major flood in my home, refurbishment costs of \$32,000 which included moving from my home for a 2 week period, whilst the repairs were carried out, fortunately I was covered by insurance.

The cause of the flood was the flexihose that connects the taps in the sink to the copper pipe, the same flexihose that would also connect most toilets to the mains.

I am informed by various plumbers that this leak/breakage will occur at least 4 times a month in Rockingham ratepayers homes.

The lifespan of a flexi-house is approximately 10 years, it is mainly the hot water supply one that normally fails, householders can do one of 2 things get under their sink and check the hose with a torch looking for rust or employ a plumber to change all hoses on a regular bases.

Question

Could the Council through their website, newspapers, libraries etc advertise this common problem and help alleviate an expensive damaging problem which I was totally unaware off?

*The Mayor advised that the City's Building Services Team rarely hears of these types of complaints as they are generally dealt with through the owner's insurance companies and plumbers. The extent of damage sustained generally in these circumstances does not require a building permit, and as such the City is not aware of the extent of this issue, which makes it difficult to comment on as a wider community issue.*

**4.5 Ms Diane Park, Waikiki – Roses on verges**

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

Ms Park asked the following question -

1. I was extremely disheartened to view the news on television and witness a report about the City of Rockingham and the order to have a 92 year old gentleman remove his verge roses. We have a policy in place and as stated at last council meeting we have to abide by that policy. However, can council inform me when they will be removing the roses from public areas, memorial parks, roundabouts etc. in the City of Rockingham? I personally feel these can cause as much harm to passers-by as those in the verge garden of the gentleman's in Golden bay. We all must abide by the policy.

*The Mayor took the question on notice.*

**4.6 Ms Teresa Ong, Singleton – Rates / City Chronicle**

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

Ms Ong asked the following questions -

1. I note that \$1 million has been reduced on the outstanding rates amount this year. I previously asked the question - How much of the \$1 million was achieved by debt collection or litigation and how much was achieved by voluntary payment. i.e. by reminder letters. The response from the Director was, he did not understand my question and suggested a Freedom of Information application for this. Really, pay for the officers and staff to do their job.

So, how much of the \$1 million was achieved by debt collectors and how much by reminder letters?

*The Mayor took the question on notice.*

2. I previously asked the question regarding the Chronicle - Can you please itemise the amount of staff time, no of staff hours etc that is used in the production of the chronicle?

We have the printing costs and postage, nothing has been stated in regard to staff costs. So when the question was asked and answered to the Councillors and public, you only gave half an answer. The Council response (in writing) is, we do not take into account staff hours. Why?

|           |   |
|-----------|---|
|           | <p><i>The CEO advised that further information had been provided to Ms Ong in the response to her. The City does not keep allocation of specific staff or individual times because much of what is in the Chronicle is produced for a variety of purposes such as social media, press releases etc so it's very difficult to allocate such time.</i></p> <p><b>4.7 Mr Jonathan Ingram, Golden Bay – Roses on verges</b></p> <p>The Mayor invited Mr Ingram to present his questions to the Council.</p> <p>Mr Ingram asked the following questions -</p> <ol style="list-style-type: none"> <li>1. Is the Council considering a solution to permit the roses on the verge abutting 27 Karunje Road, Golden Bay to remain like changing the relevant local laws?</li> <li>2. Why has the City so stringently followed the written law in relation to these roses when it does not do so in relation to numerous other laws and policies?</li> </ol> <p><i>The Mayor took the questions on notice.</i></p> <p><b>6:27pm There being no further questions the Mayor closed Public Question Time.</b></p> |
| <b>5.</b> | <b>Applications for Leave of Absence</b>  |
|           | <p>Cr Robert Schmidt has requested leave of absence for the period 26 July 2022 to 29 July 2022 inclusive.</p> <p><b>Moved Cr Hume, seconded Cr Buchan:</b></p> <p>That Council <b>APPROVES</b> the application by Cr Robert Schmidt for leave of absence for the period 26 July 2022 to 29 July 2022 inclusive.</p> <p style="text-align: right;"><b>Carried – 11/0</b></p>  |
| <b>6.</b> | <b>Confirmation of Minutes of the Previous Meeting</b>  |
|           | <p><b>Moved Cr Liley, seconded Cr Hume:</b></p> <p>That Council <b>CONFIRMS</b> the Minutes of the Ordinary Council meeting held on 26 April 2022, as a true and accurate record.</p> <p style="text-align: right;"><b>Carried – 11/0</b></p>   |
| <b>7.</b> | <b>Matters Arising from Minutes of Previous Meeting</b>   |
|           | Nil   |
| <b>8.</b> | <b>Announcement by the Presiding Person without Discussion</b>  |
|           | <p><b>6:28pm</b> The Mayor announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the Council meeting.</p>  |
| <b>9.</b> | <b>Declarations of Members and Officers Interests</b>   |
|           | <p><b>6:28pm</b> The Mayor asked if there were any interests to declare.</p> <p>There were none.</p>  |

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|---------------|---|
| <b>10.</b>    | <b>Petitions/Deputations/Presentations/Submissions</b>  |
| <b>10.1</b>   | <p><b>Petition – Concerns in the Dog Hill area of Baldivis</b></p> <p>Cr Wormall tabled a petition on behalf of the residents of the Dog Hill area of Baldivis comprising of 28 signatures to advise the City of Rockingham of their concerns in regards to the following -</p> <ol style="list-style-type: none"><li>1. The lack of constructive maintenance to the roadside drainage in the areas of Burma Road, Herman Road, Doghill Road and Powell Road, which has contributed to an increase in flooding in the winter months and the risk of being a fire hazard in the summer months. We advocate that council allocates funding for an annual or bi-annual inspections and a rigorous maintenance program be implemented.</li><li>2. The lack of control of Pattisons Curse and Cotton Bush. We advocate that council implements an education program to support residents in the eradication of these toxic species and that council is responsible for the removal when found or reported on council land.</li><li>3. Inconsistent mowing regime of roadside verges.</li></ol> <p>Cr Wormall acknowledged and thanked Debbie and Ian Mills for organising the petition, who raised these concerns and kindly drove him around showing many examples and meeting the local concerned residents.</p> <p><i>The Mayor thanked Cr Wormall for the petition and advised that it will be forwarded to the relevant Directorate to provide a response to the lead petitioner.</i></p> |
| <b>11.</b>    | <b>Matters for which the Meeting may be Closed</b>  |
| <b>6:31pm</b> | <p>The Mayor advised in accordance with section 5.23(2)(b) and (e) – if there were any questions or debate on Confidential Item CD-014/22 Disability Access and Inclusion Committee – Appointment of new community member, then the Council will need to defer the matter for consideration at Agenda Item 23 - Matters Behind Closed Doors.</p> <p>There were no questions or request for debate.</p>  |

**Corporate and Community Development Committee**

**CONFIDENTIAL ITEM**

**NOT FOR PUBLIC ACCESS**

Section 5.95(3) Local Government Act 1995 (the Act)

This item may be discussed behind closed doors as per Section 5.23(2)(b) and (e) of the Act

| Community Development<br>Community Capacity Building                                |   |
|---|---|
|  |   |
| <b>Reference No &amp; Subject:</b>  | CD-014/22      Disability Access and Inclusion Committee – Appointment of new community member ( <i>Absolute Majority</i> ) |
| File No:  | CSV/763-10  |
| Proponent/s:  |   |
| Author:   | Ms Jenni Crowther, Community Development Officer (Disability Access and Inclusion)  |
| Other Contributors:   | Ms Bethany Dubberlin Acting Coordinator Community Capacity Building   |
| Date of Committee Meeting:  | 17 May 2022   |
| Previously before Council:  | 24 November 2020 (GM-025/20)  |
| Disclosure of Interest:   |   |
| Nature of Council's Role in this Matter:  | Executive   |
| Site:   |   |
| Lot Area:   |   |
| Attachments:  |   |
| Maps/Diagrams:  |   |

**Voting Requirements**

Absolute Majority

**Officer Recommendation**

That Council **APPROVES** the recommendation in the confidential officer's report.



### Committee Recommendation

That Council **APPROVES** the recommendation in the confidential officer's report.

Committee Voting (Carried) – 6/0

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

Not Applicable

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

Not Applicable

### Council Resolution

**Moved Cr Jones, seconded Cr Liley:**

That Council **APPROVES** the recommendation in the confidential officer's report.

**Carried – 11/0**

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

Not Applicable

|            |   |           |   |           |   |           |   |
|------------|---|-----------|---|-----------|---|-----------|---|
| <b>12.</b> | <b>Receipt of Minutes of Committees</b>   |           |   |           |   |           |   |
|            | <p><b>Moved Cr Schmidt, seconded Cr Davies:</b></p> <p>That Council <b>RECEIVES and NOTES</b> the minutes of the:</p> <ol style="list-style-type: none"><li>1. Planning and Engineering Services Committee meeting held on 16 May 2022; and</li><li>2. Corporate and Community Development Committee meeting held on 17 May 2022.</li></ol> <p style="text-align: right;"><b>Carried – 11/0</b></p>               |           |   |           |   |           |   |
| <b>13.</b> | <b>Recommendations of Committees</b>  |           |   |           |   |           |   |
|            | <p><b>Withdrawn Items</b></p> <p>The following officer report items were withdrawn for discussion:</p> <table><tr><td>CS-004/22</td><td>City Business Plan 2022/2023 to 2031/2032 (April 2022) (<i>Absolute Majority</i>)</td></tr><tr><td>CS-005/22</td><td>Rating Methodology - 2022/2023 Financial Year</td></tr><tr><td>CS-006/22</td><td>May 2022 Budget Review (<i>Absolute Majority</i>)</td></tr></table> | CS-004/22 | City Business Plan 2022/2023 to 2031/2032 (April 2022) ( <i>Absolute Majority</i> ) | CS-005/22 | Rating Methodology - 2022/2023 Financial Year | CS-006/22 | May 2022 Budget Review ( <i>Absolute Majority</i> ) |
| CS-004/22  | City Business Plan 2022/2023 to 2031/2032 (April 2022) ( <i>Absolute Majority</i> )   |           |   |           |   |           |   |
| CS-005/22  | Rating Methodology - 2022/2023 Financial Year   |           |   |           |   |           |   |
| CS-006/22  | May 2022 Budget Review ( <i>Absolute Majority</i> )   |           |   |           |   |           |   |

**Planning and Engineering Services Committee**

**Planning and Development Services  
Statutory Planning Services**

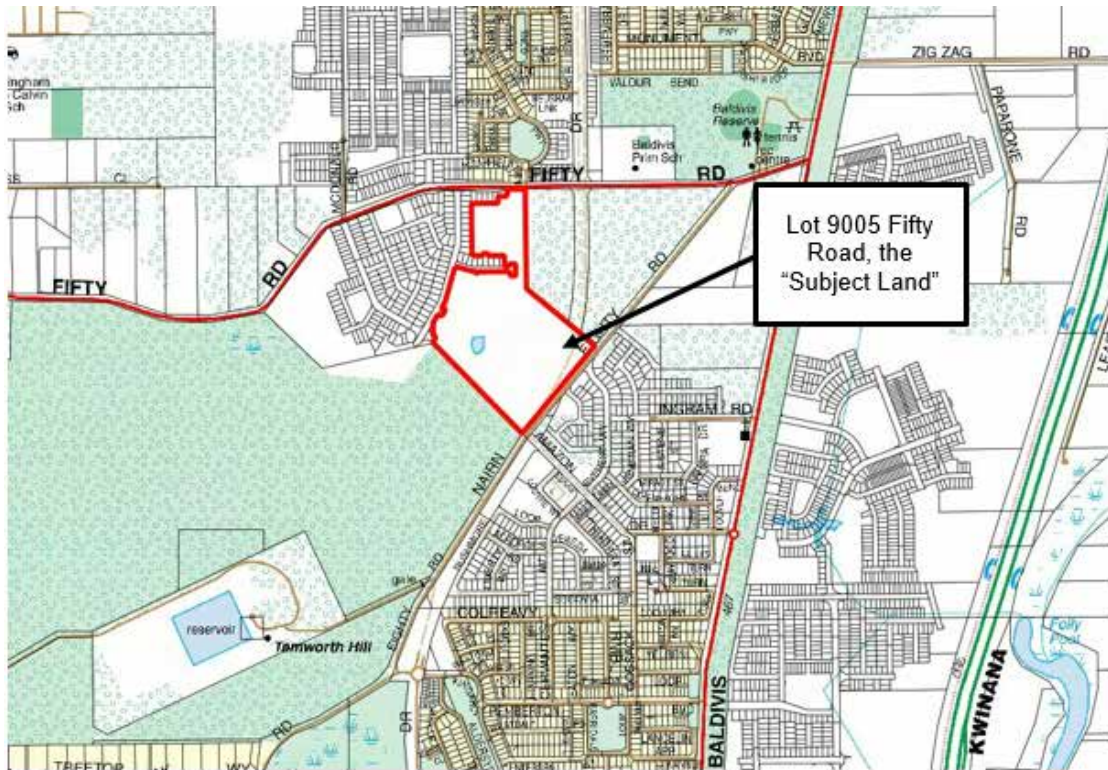


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| <b>Reference No &amp; Subject:</b>       | <b>PD-017/22      Joint Development Assessment Panel<br/>Application - Proposed Tavern</b>  |
| File No:                                 | DD020.2021.00000262.001   |
| Applicant:                               | Planning Solutions Pty Ltd  |
| Owner:                                   | Piperpoint Pty Ltd  |
| Author:                                  | Mrs Casey Gillespie, Senior Planning Officer  |
| Other Contributors:                      | Mr David Banovic, Senior Projects Officer<br>Mr Mike Ross, Manager Statutory Planning   |
| Date of Committee Meeting:               | 16 May 2022   |
| Previously before Council:               |   |
| Disclosure of Interest:                  |   |
| Nature of Council's Role in this Matter: | Tribunal  |
| Site:                                    | Lot 9005 Fifty Road, Baldivis   |
| Lot Area:                                | 14.74ha   |
| LA Zoning:                               | Development   |
| MRS Zoning:                              | Urban   |
| Attachments:                             | 1. Responsible Authority Report<br>2. Schedule of Submissions<br>3. Design Review Panel Meeting Notes<br>4. Design Review Panel - City Comments on the Revised Proposal   |
| Maps/Diagrams:                           | 1. Location Plan<br>2. The Spires (Phase 2) Structure Plan Map (2021)<br>3. Proposed Spires Estate Structure Plan Amendment Map (2022)<br>4. Propose Initial Site Plan (2021)<br>5. Revised Site Plan (2022)<br>6. Revised Site Plan (Including internal floor areas) (2022)<br>7. Revised North-west Elevation Plan (2022)<br>8. Revised South-east Elevation Plan (2022)<br>9. Revised North-east Elevation Plan (2022) |

- |  |  |
|--|--|
|  | <ul style="list-style-type: none"><li>10. Revised South-west Elevation Plan (2022)</li><li>11. Revised Perspective Views from Yellowstone Road (2022)</li><li>12. Consultation Map</li></ul> |
|--|--|

## Purpose of Report

To provide a recommendation to the Metro Outer Joint Development Assessment Panel ('MOJDAP') for a proposed Tavern development on a portion of Lot 9005 Fifty Road, Baldvis as depicted in Figure 1.



1. Location Plan

## Background

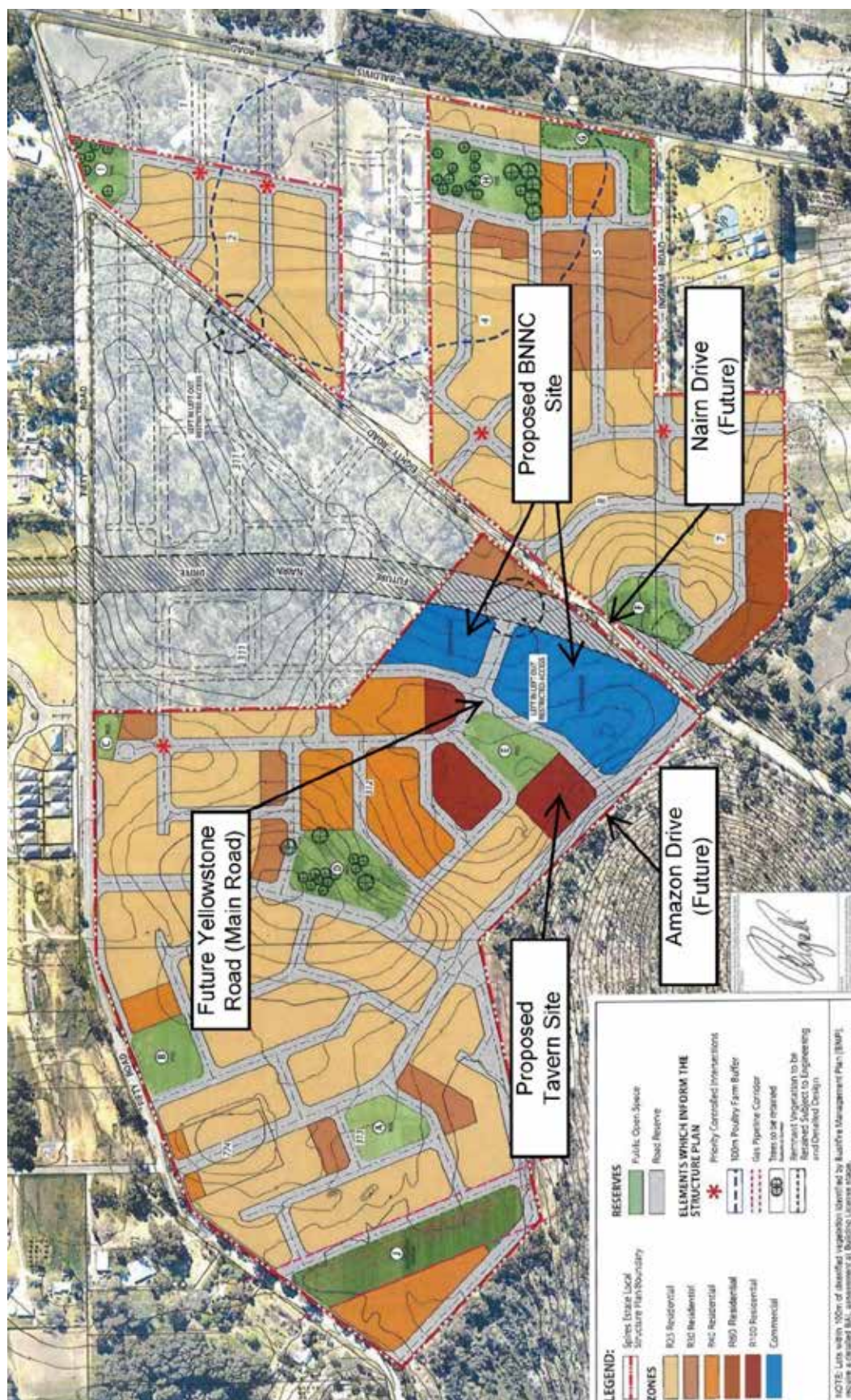
Currently described as Lot 9005, the subject land is in the process of being subdivided and developed into a residential estate, in accordance with the approved Spires (Phase 2) Structure Plan (SP2SP).

The land has been extensively cleared of vegetation and bulk earthworks are progressing.

In September 2021, the MOJDAP granted Development Approval for a Neighbourhood Shopping Centre, comprising a 'Shopping Centre' and a 'Commercial Centre' component, on two future Commercial Lots which constitute the planned Baldvis North Neighbourhood Centre (BNNC), as depicted on Figure 2. (current at the time of lodgement of the Development Application).

The BNNC is located immediately opposite the proposed Tavern site, across future Yellowstone Road (the centre 'Main Street') to the south-east. The approved Development Plans for the BNNC include an entry statement on the northern corner of future Amazon Drive and Yellowstone Road. The entry statement is situated within the boundaries of the proposed Tavern site.





2. The Spires (Phase 2) Structure Plan Map (2021)

Site and Locality

The proposed Tavern development will adjoin:

- Y The north-eastern side of the future extension of Amazon Drive;
- Y The north-western side of future Yellowstone Road;
- Y The south-western side of a future Public Open Space (POS);
- Y The south-eastern side of future Residential R25 lots, which a proposed Structure Plan amendment seeks to change to Residential R100, details of which are discussed further below in the background section of this Report.

Nairn Drive, which is reserved as an 'Other Regional Road' (ORR) under the Metropolitan Region Scheme (MRS), will be located approximately 140m south-east of the Tavern site when constructed.

Opposite the site across Amazon Drive (future) to the south-west is Lot 800, which is a Bush Forever Site reserved as 'Parks and Recreation'.

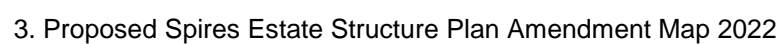
To the west and east of Lot 9005 are recently established residential estates.

Spires (Phase 2) Structure Plan Amendment (SP2SP):

At the time of lodgement of the subject Development Application, a proposed Amendment to the SP2SP that affects Lot 9005 and adjoining land to the north-west of the future intersection of Yellowstone Road and Amazon Drive was under consideration. The Amendment proposed to:

- Y Rezone land from R25 to R40 and R100 in the vicinity of the BNNC;
- Y Rezone land from R100 to 'Commercial' to facilitate the development of a 'Tavern' adjacent to the planned POS.





  
Mayor Deb Hamblin

On 24 August 2021, Council resolved to recommend to the Western Australian Planning Commission (WAPC) that the Amendment should not be approved until such time as the Applicant addresses various modifications, including:

- “1. *The proposed commercial site be zoned Special Use on the Local Structure Plan Map.*
2. *Part One - Implementation Section of the Local Structure Plan be modified to include the following land use permissibility's under section 4.1 for the 'Special Use' site:*

*The following uses are permitted, subject to advertising (A):*

- Y *Tavern*
- Y *Restaurant/café*
- Y *Reception Centre*
- Y *Brewery.*

*The following uses are permitted providing they are incidental to the primary use (IP):*

- *Liquor Store Small*
- *Betting agency.”*

In order to protect the intent of the BNNC, the City recommended the 'Tavern' site be re-classified as a 'Special use' site rather than 'Commercial' to remove the potential for it to be developed for further commercial/retail uses that could impact the delivery of the BNNC.

The WAPC determined the Amendment on 19 April 2022, which designates the 'Tavern' site as 'Special Use' as described above.

#### Current Development Application

On 1 October 2021, an application seeking Development Approval was lodged for a proposed Tavern on portion of Lot 9005 for determination by the MOJDAP. The initial site plan is shown in Figure 4.

No pre-lodgement discussions or meetings occurred with the City prior to lodgement.

The application included:

- Planning Report;
- Architectural Plans;
- Transport Impact Assessment;
- Bushfire Management Plan;
- Environmental Noise Assessment;
- Waste Management Plan; and
- Public Interest Assessment.





#### 4. Proposed Initial Site Plan (2021)

On 7 December 2021, the Applicant submitted further information, as requested, in order for the City to 'accept' the Development Application. The information comprised of a Parking Control Management Plan and updated technical reports.

On 18 January 2021, the City issued a request for further information (RFI) to the Applicant. As part of the correspondence, the City confirmed the assessment timeframes for reporting and advised timeframe limitations would require the Applicant to agree to an extension of time (EoT), to allow the assessment to consider any response to the RFI.

The Applicant was further advised that the City determined to have the proposal considered by its Design Review Panel (DRP).

On 3 February 2022, a DRP meeting was convened, which the Applicant participated in. The recommendation of the DRP Panel was that *"the design is supported subject to appropriate siting of the building adjacent to Yellowstone Road, an effective interface with the abutting POS and materiality being carried through to the build"*.

On 14 and 15 February 2022, the Applicant submitted additional information and amended plans in an attempt to address DRP's comments, including:

- Amended Architectural Plans;
- Amended Transport Impact Assessment;
- Amended Waste Management Plan;
- Amended Environmental Noise Assessment; and
- Landscape Concept Plan.

On 21 February 2022, the City raised several concerns regarding the development including the scale of the Tavern, land use classification, timing of the pending SP2SP amendment, noise impacts, car parking shortfall and the DRP outcomes which the City considered were not sufficiently addressed by the Applicant.

On 23 February 2022, the Applicant agreed to the EoT to 27 April 2022.

On 31 March 2022, the Applicant met with the City to discuss a potential redesign in a further attempt to better address the following concerns raised by the City:

- On-site car parking shortfall;
- Siting of the development; and
- Outstanding DRP matters.

The City agreed to a meeting on the basis that the Applicant acknowledged that a re-design would not allow for the submission of a Responsible Authority Report by 27 April 2022.

On 11 April 2022, revised Plans and associated information was submitted, including:

- Letter from the Applicant;
- Amended Architectural Plans;
- Acoustic Technical Note; and
- Revised Transport Impact Assessment.

The following sections of this Report are based upon the Plans and information received on 11 April 2022.

It is noted, the amended design (2022) has increased the Tavern site area from 4,736m<sup>2</sup> to 6,502m<sup>2</sup>, by inclusion of four (4) future residential lots to the west to accommodate a greater number of car parking spaces. The amended design also reduces the floor area of the bottle shop component and relocates the building to the east, to frame the future Yellowstone Road frontage.

## Details

A Development Application, the subject of this Report, comprises a single storey Tavern development, including a drive-through liquor store as follows:

- A building that is based on the aesthetic of a 'stable' design;
- Bar, kitchen, amenities and 514m<sup>2</sup> of internal service area within the Tavern;
- 153m<sup>2</sup> undercover alfresco area abutting the (future) POS;
- 280m<sup>2</sup> Liquor Store component;
- Two lane drive-through service for the Liquor Store; and
- 140 on-site car parking bays.

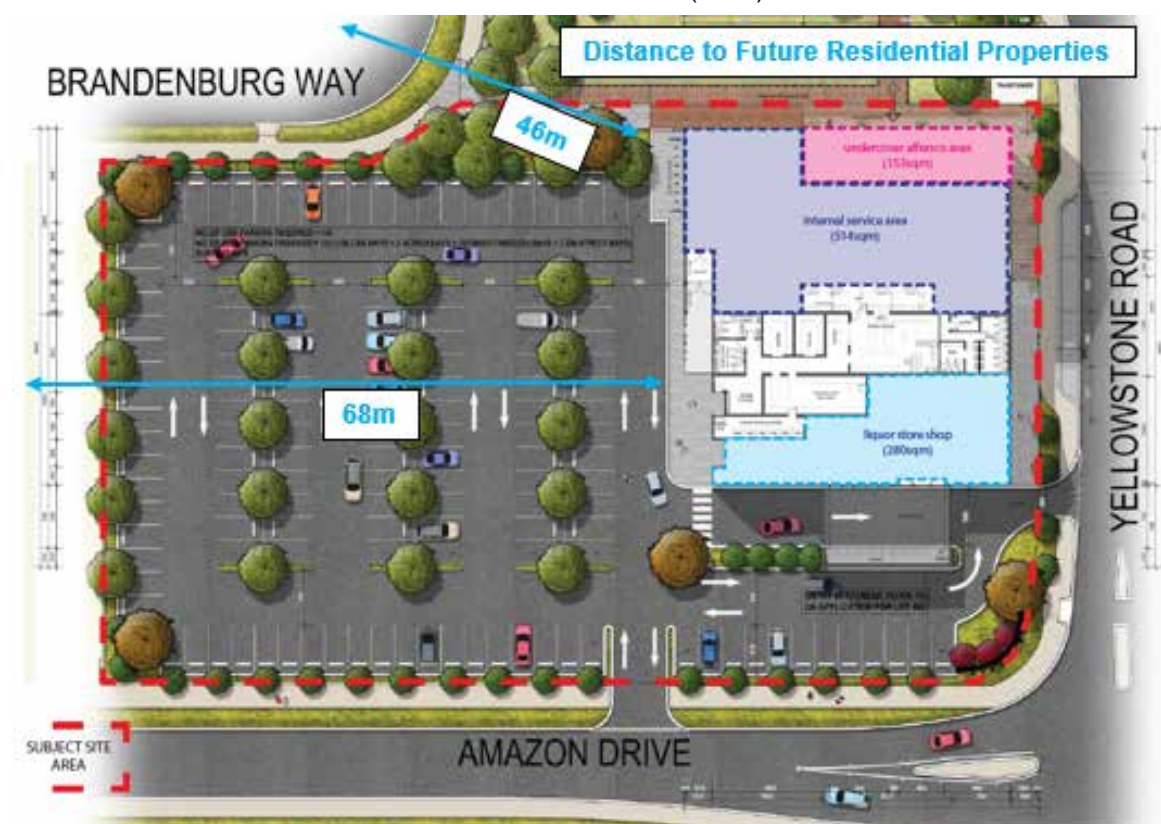
The following trading hours and patronage is understood to be proposed:

- 6am-12am Monday to Saturday;
- 10am-12am Sundays; and
- Maximum number of Tavern patrons: 834, with seating for up to 730 people.





5. Revised Site Plan (2022)



6. Revised Site Plan (including proposed internal areas) (2022)



7. North-west Elevation Plan (2022)



8. Revised South-east Elevation Plan (2022)



9. Revised North-east Elevation Plan (2022)



10. Revised South-west Elevation Plan (2022)





11. Revised Perspective Views from Yellowstone Road (2022)

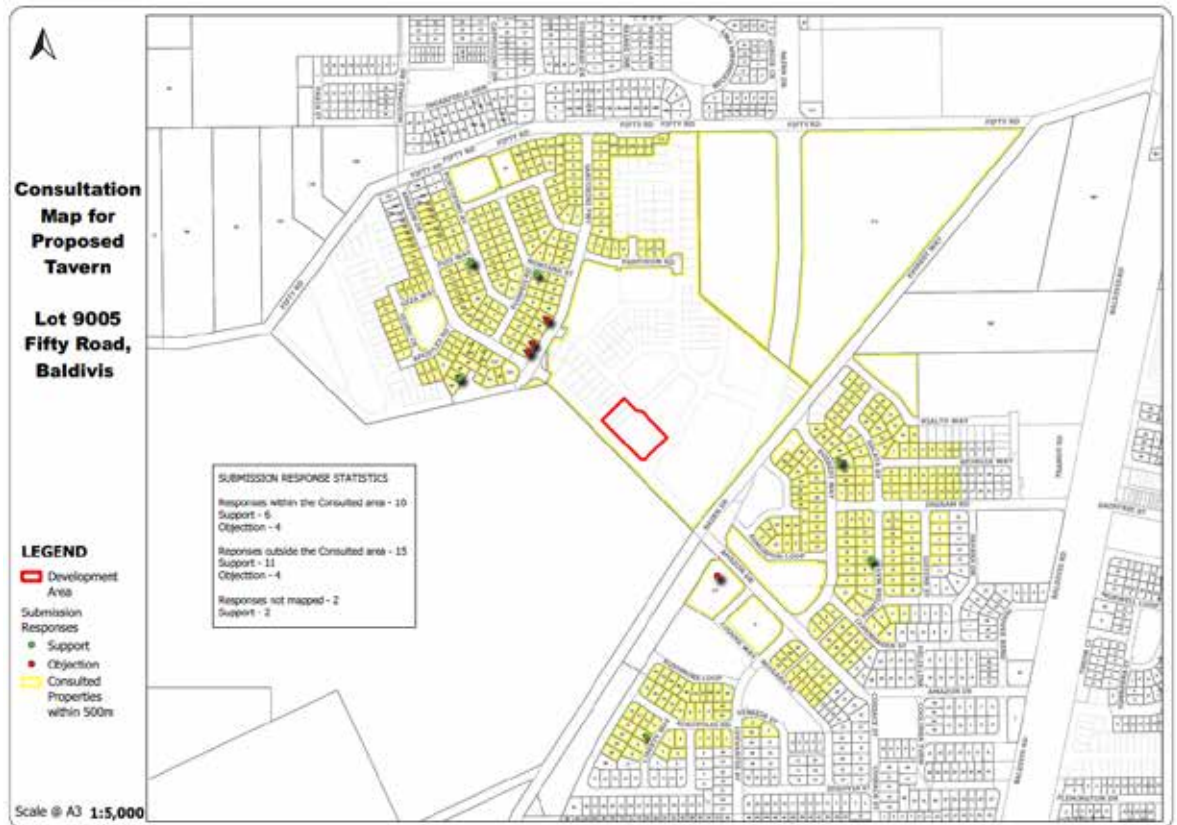
### Implications to Consider

**a. Consultation with the Community**

The 2021 application was advertised for public comment in accordance with Clause 64 of the deemed provisions of the City's TPS2, in the following manner:

- Y Landowners and occupiers identified on the Consultation Map below were notified in writing of the proposed application;
- Y The application was made available for public inspection at the City's Administration Offices and published on the City's website; and
- Y Submissions were requested over the period between 20 December 2021 and 11 January 2022.

The 2022 revised proposal was not advertised, as it was considered that the submissions received on the 2021 design scheme are of relevance with respect to the revised proposal and given the lack of adjacent residents.



## 12. Consultation Map

Twenty seven (27) submissions were received at the conclusion of the advertising period, including:

- Y Nineteen (19) submission in support; and
- Y Eight (8) submissions either objected or raised concerns.

Matters raised in the submissions objecting to the proposal are summarised within in the Table below, along with the City's responses. The applicant was invited to respond to the objections and concerns raised, however, declined.

| Scale  |
|--|
| <p><u>Submission Comments</u></p> <p>The proposed size of the Tavern, with a capacity of 800 people, is excessive for its location in the middle of a residential area. A smaller version of the proposed Tavern would be more acceptable and suitable for the area. Another bottle shop is not needed in an area which already has a number of existing bottle shops.</p>     |
| <p><u>City's Comment</u></p> <p>The submission is noted.</p> <p>The City considers the proposed patronage is generally more akin to an activity centre location, such as the Rockingham Strategic Metropolitan Centre, rather than in a Neighbourhood Shopping Centre context.</p> <p>The scale of the Tavern is further discussed in the Comments section of this Report.</p> |
| Traffic  |
| <p><u>Submission</u></p> <p>Concerns that the proposed Tavern will generate adverse traffic issues throughout the surrounding estate due to its large capacity.</p>  |

| <b>Traffic (cont...)</b>  |
|---|
| <u>City's Comment:</u><br>An updated Transport Assessment has been undertaken as part of the proposed SP2SP Amendment. This updated Transport Assessment documents the anticipated future traffic flows with the inclusion of a Tavern development, as proposed by the Amendment.<br>The report indicates that the proposed Tavern is anticipated to increase traffic flows by approximately 1400 vehicles per day, however, this would still be within the capacity of the planned surrounding road network.<br>The City is satisfied that the planned road network can accommodate the anticipated increase and operate satisfactorily under the forecast future traffic flows. |
| <b>Car Parking</b>  |
| <u>Submission</u><br>The 67 parking bays provided does not seem sufficient enough to cater for a capacity of 800 people.  |
| <u>City's comment</u><br>The revised design for the Tavern provides for a total of 140 on-site car parking spaces. Car parking is discussed in the Legal and Statutory section of this Report.  |
| <b>Noise</b>  |
| <u>Submission</u><br>The opening hours proposed are excessive and should be restricted to protect the amenity of surrounding residential areas. The open-plan design of the venue will facilitate noise and light pollution to nearby residents who will be adversely impacted. Customers leaving the venue after midnight will likely cause a disruption. Also, the noise assessment has far too many assumptions and variants to properly understand the impact that the Tavern will bring.   |
| <u>City's Comment:</u><br>City Officers are of the opinion that noise modelling in the Applicant's submitted Acoustic Report is limited and likely, underestimated. Thus, it has not been demonstrated that the proposal can comply at all times with the <i>Environmental Protection (Noise) Regulations 1997</i> .<br>Noise impacts are discussed further below in the Policy section of this Report.   |
| <b>Security</b>   |
| <u>Submission</u><br>Concern that the proposed Tavern will result in drunk and disorderly behaviour that impacts residential amenity such as fights between customers, damage to property, fire hazards, reckless driving, and litter.  |
| <u>City's Comment:</u><br>The City notes the concern raised, however, operational management of the venue and responsible service of alcohol is the operator's responsibility pursuant to any Liquor Licence requirements under the <i>Liquor Control Act 1988</i> .  |

**b. Consultation with Government Agencies**

Not Applicable

**c. Strategic**

Community Plan

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

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

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

**d. Policy**

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

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

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

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

*Design Review*

The 2021 proposal was considered by the City's DRP on 3 February 2022. The DRP conducted a 'Design Quality Evaluation' on the proposal against the 10 Design Principles outlined in SPP7.0, the outcome of which is recorded in the DRP Meeting Notes, attached to this Report.

The concept presented by the Applicant stated the design is '*inspired by the aesthetic of the 'stable'; a building in which horses are sheltered and fed, grounding the design back to the history of the Baldivis region. A balance of a hardy, industrial form and warm, tactile finishes and detailing to the interior tavern fitout.*'

The City's DRP considered that the original design has merit subject to the appropriate re-siting of the building adjacent to Yellowstone Road (rather than being located in the centrally on the proposed site), achieving an effective interface with the abutting POS and the materiality being carried through to the build.

*Design Principles*

The Planning Report prepared by the Applicant provided statements, which seek to explain how the proposal addresses the 10 Design Principles outlined in SPP7.0. City Officers agreed with the DRP that the original proposal met only four (4) of the 10 principles. Six (6) principles were considered to require further clarification or changes to the plans being:

- Landscape Quality;
- Functionality and Build Quality;
- Sustainability;
- Amenity;
- Legibility; and
- Safety

The DRP's review of the 2021 proposal and the City's review of the 2022 revised design scheme against these six (6) principles is attached to this Report. The City considers the 2022 design is considered to address the concerns of the DRP, as:

- The building has been re-sited to address future Yellowstone Road, being the neighbourhood centre 'main street';
- It promotes a pedestrian movement network consistent with the intent of the BNNC; and
- An acceptable future interface with the abutting POS has been considered, noting that the interface is contingent on the timing of the POS being delivered.

The City is satisfied that the revised layout in the 2022 design has resolved the DRP matters on the 2021 proposal. In the event the MOJDAP resolve to approve the development, conditions of Development Approval will ensure the intent is carried through to the development and operational phases.



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

The south-western portion of the site is designated bushfire prone by Department of Fire and Emergency Services.

A Bushfire Management Plan (BMP) has been submitted by the Applicant, which the City is satisfied complies with SPP3.7 and the associated Guidelines for Planning in Bushfire Prone Areas.

The City notes, however, that the BMP has not been updated to reflect the revised 2022 design. This matter can be addressed via a condition, should Development Approval be granted, requiring the provision of an updated BMP.

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

The aim of the Policy is to appropriately provide for secure, well defined and effective on-site bicycle parking and end-of-trip (EoT) facilities, to encourage the use of bicycles as a means of transport and access within the City.

*Bicycle Parking Requirement*

| Land Use                 | Required                           |        |                           |        | Provided                               |
|--------------------------|------------------------------------|--------|---------------------------|--------|--|
|                          | Minimum Short Term                 |        | Minimum Long Term         |        |  |
|                          | Rate                               | Number | Rate                      | Number |  |
| Food and Drinks Premises | 0.1 spaces per 5 seats (730 seats) | 15     | 0.1 spaces per staff (25) | 3      | 18 bicycle parking spaces are provided |
| Total Required           | 15                                 |        | 3                         |        | 18 spaces                              |

The proposed development provides a total of 18 bicycle parking spaces, adjacent to the north-western corner of the Tavern building and satisfies the requirements of PP3.3.14.

Planning Policy 3.3.19 - Licensed Premises ('PP 3.3.19')

The PP3.3.19 aims to protect the safety and amenity of existing and future residents and business proprietors against alcohol related problems such as anti-social behaviour, violence, property damage, harm and promote the responsible sale and consumption of alcohol.

The objectives of the PP3.3.19 seek to assist Council in its consideration of applications for Development Approval which involve a liquor license; identify appropriate locations for different types of licensed premises; protect the safety and amenity of existing and future residents and business proprietors against anti-social behaviour; and minimise personal harm or ill health caused to people, or any group, due to excessive consumption of liquor.

The following matters of the PP3.319 are considered to be outstanding and are further assessed and presented in the summary table below:

| Assessment Criteria   | Proposal  | Comments   |
|---|---|--|
| <u>Location</u><br>Applications will generally not be supported if the proposal is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties. A significant potential impact includes circumstances in which if the application were granted: | In the context of the recently approved Structure Plan Amendment, a Tavern land use is permissible on the site, within the proposed location. | The SP2SP has been approved by the WAPC on 19 April 2022. The amendment establishes the suitability of the land use only. The amendment does not limit or define the scale or size of the development. The City acknowledges that the scale of the proposal is likely to result in future residential amenity impacts, particularly in respect to noise. This is further discussed in the following section of this Table. |



| Assessment Criteria  | Proposal  | Comments  |
|--|---|---|
| <p>(i) undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital, child care premises or school, would be likely to occur; or</p> <p>(ii) the amenity, quiet or good order of the locality in which the premises or the proposed premises are, or are to be, situated would in some other manner be lessened. Licensed premises should generally have an active street front</p>   |   | <p>To limit any likely impacts upon future residential receptors, conditions of Development Approval should be imposed, where appropriate, to manage amenity impacts as part of ongoing operational phases of the development.</p>  |
| <p><u>Noise</u></p> <p>To address noise impacts from a proposed licensed premises, the City may require that an applicant submit an acoustic report, prepared by a suitably qualified acoustic consultant (as determined by the City), demonstrating that the noise likely to be emitted from the licensed premises will comply with the <i>Environmental Protection (Noise) Regulations 1997</i>. The report should indicate the likely noise nuisance and what sound attenuation measures will be needed to control noise emissions from the premises in accordance with the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> | <p>The Applicant provided an Environmental Noise Assessment based on the 2021 proposal design. Only an Acoustic Technical Note has been submitted based on the amended design dated 11 April 2022, of which this assessment is based.</p> | <p>The City reviewed the Environmental Noise Assessment submitted with the 2021 proposal and concluded that the modelling was limited and that compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> could not be determined. The City did not accept the Report for the following reasons:</p> <ul style="list-style-type: none"> <li>Modelling only considered single storey residential development on the future adjoining lots only;</li> <li>Exceedances would occur with the bifold doors to the alfresco area open on Sunday and Public Holidays and after 7pm on any night;</li> <li>The proposed mitigation measures were not considered to be practical or operationally reasonable;</li> </ul> |

| Assessment Criteria  | Proposal | Comments   |
|--|----------|--|
| <p>Note: Where an application for a Hotel, Nightclub, Club Premises or Tavern is proposed within 100 metres of an existing or proposed residential property, the applicant will be required to demonstrate that the proposal complies with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> |          | <ul style="list-style-type: none"> <li>Break out noise had not been considered for the operations after 10pm and was modelled with the doors closed, assuming patrons and staff would need to enter and exit through Entry 1 to use the alfresco area.</li> </ul> <p>The Report also indicated that consideration in regards to Tavern building elements (including glazing, walls, entry requirements, ceilings, roofs and mechanical plant) would be required, however, the details to what these mitigations and attenuations are, is not known to be able to satisfy the assessment.</p> <p>To support the 2022 revised design, an Acoustic Technical Note was provided, aligning the proposal with the previously submitted Environmental Noise Assessment.</p> <p>The City is unable to determine if the 2022 revised design can maintain compliance at all times with the Noise Regulations. As such, any condition of Development Approval should require submission of a detailed Acoustic Report that addresses:</p> <ul style="list-style-type: none"> <li>The final specification and construction methods, including any materials and treatments, for all building components of the development;</li> <li>Details of any acoustic wall requirements;</li> <li>Details of the mechanical plant elements and any attenuation measures required;</li> <li>Details of any mitigations or management controls for car parking areas, loading, servicing and delivery; and</li> </ul> |

| Assessment Criteria | Proposal | Comments   |
|---------------------|----------|--|
|                     |          | <ul style="list-style-type: none"> <li>Details of the parameters used for the modelling which considers the adjoining future development to achieve compliance, noting that land use and development on adjoining lots cannot be limited by virtue of the Tavern use.</li> </ul> |

**e. Financial**

Nil

**f. Legal and Statutory**

Town Planning Scheme No.2 ('TPS2')

The land is zoned 'Development' and falls within Development Area No.22 (DA22) under TPS2.

In accordance with the requirements of DA22, the SP2SP has been approved over the land to guide subdivision and development, which at the time of lodgement of the 2021 design, was in the process of being formally amended to accommodate the current Development Application on Lot 9005.

At the time of lodging the 2021 proposal, the land on which the Tavern is proposed was classified 'Residential' under the SP2SP, meaning that a 'Tavern' and 'Liquor Store -Small' were prohibited land uses ('X' uses).

On 19 April 2022, the WAPC approved the Amendment, consistent with the land area for the proposed 2022 redesigned Tavern development, of as a Special Use site which permits a Tavern land use. As such, in terms of land use permissibility, a 'Tavern' and incidental 'Liquor Store - Small' are permissible uses in accordance with the SP2SP.

Clause 4.15.1.3 - Parking

Onsite car parking is required to be provided in accordance with Table No.2 of TPS2.

The provision of car parking is summarised as follows:

| Use   | Rate   | Required on site | Provided   |
|---|--|------------------|--|
| Tavern<br>(667m <sup>2</sup> of public areas) | 1 bay per 5m <sup>2</sup> of bar and public areas, including lounges, beer gardens and restaurants | 134 bays         | 140 on site, with provision for 10 queuing bays for the drive-through Liquor Store |

Parking provision for this development is therefore compliant with TPS2.

Clause 6.1 - Design Review Panel

Pursuant to Clause 6.1.1 of TPS2, the Council has appointed a DRP for the purpose of considering, and advising Council with respect to certain applications. Given the nature and scope of the subject proposal, it was required to be referred to the City's DRP.

This matter is discussed above in the Policy section under the heading of State Planning Policy 7.0 - Design of the Built Environment

**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 Spires Estate is an emerging urban area, comprised of a residential base supported by a local neighbourhood centre establishing a 'main street' along future Yellowstone Road. The Spires Estate Structure Plan establishes the land use classification permitting the proposed Tavern development on the subject portion of Lot 9005.

The 2021 Tavern proposal raised a number of initial concerns, particularly in respect of car parking shortfall, noise impacts, design intent and inconsistency with the Spires Estate local neighbourhood centre and structure plans. Through detailed design review processes and negotiation, the revised 2022 Tavern proposal has provided for an acceptable design response to the matters raised by the City and DRP.

Whilst the 2022 design has addressed a number issues with the 2021 proposal, the proposal requires some further refinements, which can be managed as part of the detailed design process associated with the Building Permit. Also, the following technical reports and plans require amendment to reflect the revised 2022 design:

- Waste Management Plan;
- Bushfire Management Plan; and
- Landscape Plan.

With respect to noise, the Applicant's Environmental Noise Assessment is based on the 2021 design which was found to be limited in its modelling, and the City is unable to determine that compliance with the *Environmental Protection (Noise) Regulations 1997* can be maintained at all times. The City also does not accept the accompanying Acoustic Technical Note premised on the original Environmental Noise Assessment. Notwithstanding, there is confidence the revised 2022 design is more likely to alleviate previously identified noise concerns due to its increased building separation to future residential receptors, acknowledging additional car movement activity within the associated car park. Hence, the Environmental Noise Assessment should be updated and submitted to the City, based on the revised 2022 design that:

- Clearly outlines the final specification and construction methods, including any materials and treatments, for all building components of the development;
- Includes details of any proposed acoustic wall requirements, including heights from finished ground levels, locations and materiality;
- Details the mechanical plant elements and any attenuation measures required;
- Details any mitigations or management controls for car parking areas, loading, servicing and delivery; and
- Details the parameters used for the noise modelling which considers the adjoining future single and two storey typologies to achieve compliance. Any noise modelling exceedance may result in the need for a revised design proposal to be considered for approval.

Whilst the land use of Tavern for the site is established by virtue of the Spires Estate Structure Plan, there is no guidance as to the preferred scale and intensity of the use. The likely amenity related impacts of a Tavern within a residential area is recognised, however, it is noted the immediate locality is urban and once developed, it will provide for a mix of commercial, retail and residential activities. The City considers that through conditions of Development Approval, the scale and intensity of the development can be managed to limit any adverse impact on adjoining future residential receptors to the west.

Having due regard to the relevant planning considerations, including public submissions raising amenity concerns, this proposal is considered to be generally consistent with the applicable planning framework and conditional approval is therefore recommended.

## Voting Requirements

Simple Majority

### Officer Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Tavern at Lot 9005 Fifty Road, Baldivis, contained as Attachment 1 as the report required to be submitted to the presiding member of the Metro South-West Joint Development Assessment Panel pursuant to Regulation 12 of the *Planning and Development (Development Assessment Panels) Regulation 2011*, which recommends:

That the Metro South-West Joint Development Assessment Panel resolves to:

**APPROVE** DAP Application reference DAP/21/02140 and the accompanying plans received on 11 April 2022:

- Y Location Plan;
- Y Site Plan;
- Y Floor Plan;
- Y Area Calculation Plan;
- Y Roof Plan;
- Y Elevations Plans;
- Y Materials pallet Legend;
- Y Perspective - View of Yellowstone Road;

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

#### Conditions

1. This decision constitutes development approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
3. A Dust, Noise and Vibration Construction Management Plan is to be submitted and approved by the City of Rockingham prior to the commencement of works. Dust management is to be in accordance with the Department of Environment and Conservation Guideline: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.
4. The carpark must:
  - (i) provide a minimum of 140 car parking spaces;
  - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;
  - (iii) provide 4 universal car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
  - (iv) have lighting installed, prior to the occupation of the development, to the satisfaction of the City of Rockingham; and



- (v) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-1997, Control of the obtrusive effects of outdoor lighting, at all times.
- 5. A total of 18 short-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, and located within the development to the satisfaction of the City of Rockingham, prior to commencement of development.
- 6. Prior to a Building Permit application, written confirmation from a suitably qualified HVAC mechanical engineer that the proposed mechanical ventilation systems will comply with relevant indoor air quality standards (AS 1668.2) and the ventilation capacity and flow has been designed to accommodate the patron loading and activities within the building with doors and windows closed. Detailed requirements for the system are to be provided to the Acoustic Consultant to ensure suitable acoustic treatments for the system are considered and indicated on the Building Permit application or clearance of the condition, whichever occurs first.
- 7. Prior to applying for a Building Permit, a revised Acoustic Report prepared by a suitably qualified Acoustic Consultant and demonstrating compliance with the Environmental Protection (Noise) Regulations 1997, must be submitted to and approved by the City of Rockingham. The Acoustic Report shall, at a minimum but not limited to, address the following:
  - Clearly outline the final specification and construction methods, including any materials and treatments, for all building components of the development;
  - Include details of any proposed acoustic wall requirements, including heights from finished ground levels, locations and materiality;
  - Detail mechanical plant elements and any attenuation measures required;
  - Detail any mitigations or management controls for car parking areas, loading, servicing and delivery; and
  - Detail the parameters used for the modelling which considers the likely adjoining future housing typologies to achieve compliance, noting that land use and development on adjoining lots cannot be limited by virtue of the Tavern use.
- 8. The Building Permit application must be accompanied by written confirmation from a suitably qualified Acoustic Consultant that the plans have been reviewed and confirmed they incorporate the requirements of the relevant acoustic report as required by Condition 7 specified above.
- 9. Prior to the occupation of the development, written confirmation to the satisfaction of the City of Rockingham shall be provided confirming that all requirements of the approved Acoustic Report have been incorporated into the development.
- 10. An operational Noise Management Plan (NMP) shall be prepared to the satisfaction of the City of Rockingham prior to occupation, demonstrating how noise will be managed at the entire premises, including the operation of the bi-fold doors, alfresco and car park areas, and considering patron numbers, operational times and seating configurations as referred to in Sections 5 and 6 of the Acoustic Report (Reference 21096644-01B). The approved NMP shall thereafter be implemented for the duration of the development.
- 11. Prior to applying for a Building Permit, all service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, must be designed to be located away from public view and/or screened, and this design must be provided to, and approved by, the City of Rockingham.
- 12. Prior to the occupation of the development, a final illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS4282-1997, control of the obtrusive effects of outdoor lighting.

13. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:
- (i) The location, number and type of existing and proposed trees and shrubs, indicating calculations for the landscaping area and the provision of shade trees at a minimum rate of one tree per four proposed on-site car parking bays;
  - (ii) Any lawns to be established and areas to be mulched;
  - (iii) Those areas to be reticulated or irrigated;
  - (iv) The paving material used for footpaths must be carried across driveways to the car parking areas in order to maintain visual continuity of the pedestrian network and aid pedestrian legibility throughout the site;
  - (v) The location, number and type of hardstand landscape features such as lighting, fencing (including any acoustic fencing), bicycle parking, bollards, seating and the like; and
  - (vi) Verge areas.
- The landscaping (including all verge landscaping) must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.
14. Prior to applying for a Building Permit, the Bushfire Management Plan prepared by Ecological Australia, dated 1 October 2021 must be updated to the satisfaction of the City of Rockingham to be consistent with the approved architectural plans, and to include the approved landscaping plan required in Condition 13 above.
15. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
- (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency and timing of bin collections outside of peak period operations of the development.
- All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.
16. Prior to applying for a Building Permit, a schedule of the colours and textures of the building materials, must be provided to the satisfaction of the City of Rockingham. The development must be finished in accordance with the schedule provided and approved by the City of Rockingham, prior to occupation of the development and maintained for the duration of the use.
17. The ramp connecting the Tavern alfresco area with the adjacent Public Open Space reserve does not form a part of this approval.
18. Prior to applying for a Building Permit, the Applicant must demonstrate to the satisfaction of the City of Rockingham that ground floor glazing fronting Yellowstone Road has a minimum visible light transmission rate of at least 79% and a maximum visible reflectivity rate of 9% in order to ensure that a commercial, interactive frontage is available to the development.
19. Entries and window frontages facing Yellowstone Road must not be covered, closed or screened off (including by means of dark tint, shutters, curtains, blinds, roller doors or similar), to ensure that a commercial, interactive frontage is available to the development.

### Committee Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Tavern at Lot 9005 Fifty Road, Baldivis, contained as Attachment 1 as the report required to be submitted to the presiding member of the Metro South-West Joint Development Assessment Panel pursuant to Regulation 12 of the *Planning and Development (Development Assessment Panels) Regulation 2011*, which recommends:

That the Metro South-West Joint Development Assessment Panel resolves to:

**APPROVE** DAP Application reference DAP/21/02140 and the accompanying plans received on 11 April 2022:

- Y Location Plan;
- Y Site Plan;
- Y Floor Plan;
- Y Area Calculation Plan;
- Y Roof Plan;
- Y Elevations Plans;
- Y Materials pallet Legend;
- Y Perspective - View of Yellowstone Road;

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

Conditions

1. This decision constitutes development approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
3. A Dust, Noise and Vibration Construction Management Plan is to be submitted and approved by the City of Rockingham prior to the commencement of works. Dust management is to be in accordance with the Department of Environment and Conservation Guideline: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.
4. The carpark must:
  - (i) provide a minimum of 134 car parking spaces;
  - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;
  - (iii) provide 4 universal car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
  - (iv) have lighting installed, prior to the occupation of the development, to the satisfaction of the City of Rockingham; and
  - (v) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-1997, Control of the obtrusive effects of outdoor lighting, at all times.

5. A total of 18 short-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, and located within the development to the satisfaction of the City of Rockingham, prior to commencement of development.
6. Prior to a Building Permit application, written confirmation from a suitably qualified HVAC mechanical engineer that the proposed mechanical ventilation systems will comply with relevant indoor air quality standards (AS 1668.2) and the ventilation capacity and flow has been designed to accommodate the patron loading and activities within the building with doors and windows closed. Detailed requirements for the system are to be provided to the Acoustic Consultant to ensure suitable acoustic treatments for the system are considered and indicated on the Building Permit application or clearance of the condition, whichever occurs first.
7. Prior to applying for a Building Permit, a revised Acoustic Report prepared by a suitably qualified Acoustic Consultant and demonstrating compliance with the Environmental Protection (Noise) Regulations 1997, must be submitted to and approved by the City of Rockingham. The Acoustic Report shall, at a minimum but not limited to, address the following:
  - Clearly outline the final specification and construction methods, including any materials and treatments, for all building components of the development;
  - Include details of any proposed acoustic wall requirements, including heights from finished ground levels, locations and materiality;
  - Detail mechanical plant elements and any attenuation measures required;
  - Detail any mitigations or management controls for car parking areas, loading, servicing and delivery; and
  - Detail the parameters used for the modelling which considers the likely adjoining future housing typologies to achieve compliance, noting that land use and development on adjoining lots cannot be limited by virtue of the Tavern use.
8. The Building Permit application must be accompanied by written confirmation from a suitably qualified Acoustic Consultant that the plans have been reviewed and confirmed they incorporate the requirements of the relevant acoustic report as required by Condition 7 specified above.
9. Prior to the occupation of the development, written confirmation to the satisfaction of the City of Rockingham shall be provided confirming that all requirements of the approved Acoustic Report have been incorporated into the development.
10. An operational Noise Management Plan (NMP) shall be prepared to the satisfaction of the City of Rockingham prior to occupation, demonstrating how noise will be managed at the entire premises, including the operation of the bi-fold doors, alfresco and car park areas, and considering patron numbers, operational times and seating configurations as referred to in Sections 5 and 6 of the Acoustic Report (Reference 21096644-01B). The approved NMP shall thereafter be implemented for the duration of the development.
11. Prior to applying for a Building Permit, all service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, must be designed to be located away from public view and/or screened, and this design must be provided to, and approved by, the City of Rockingham.
12. Prior to the occupation of the development, a final illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS4282-1997, control of the obtrusive effects of outdoor lighting.
13. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit:
  - (i) The location, number and type of existing and proposed trees and shrubs, indicating calculations for the landscaping area and the provision of shade trees at a minimum rate of one tree per four proposed on-site car parking bays;

- (ii) Any lawns to be established and areas to be mulched;
- (iii) Those areas to be reticulated or irrigated;
- (iv) The paving material used for footpaths must be carried across driveways to the car parking areas in order to maintain visual continuity of the pedestrian network and aid pedestrian legibility throughout the site;
- (v) The location, number and type of hardstand landscape features such as lighting, fencing (including any acoustic fencing), bicycle parking, bollards, seating and the like; and
- (vi) Verge areas.

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

14. Prior to applying for a Building Permit, the Bushfire Management Plan prepared by Ecological Australia, dated 1 October 2021 must be updated to the satisfaction of the City of Rockingham to be consistent with the approved architectural plans, and to include the approved landscaping plan required in Condition 13 above.
15. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
  - (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency and timing of bin collections outside of peak period operations of the development.

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

16. Prior to applying for a Building Permit, a schedule of the colours and textures of the building materials, must be provided to the satisfaction of the City of Rockingham. The development must be finished in accordance with the schedule provided and approved by the City of Rockingham, prior to occupation of the development and maintained for the duration of the use.
17. The ramp connecting the Tavern alfresco area with the adjacent Public Open Space reserve does not form a part of this approval.
18. Prior to applying for a Building Permit, the Applicant must demonstrate to the satisfaction of the City of Rockingham that ground floor glazing fronting Yellowstone Road has a minimum visible light transmission rate of at least 79% and a maximum visible reflectivity rate of 9% in order to ensure that a commercial, interactive frontage is available to the development.
19. Entries and window frontages facing Yellowstone Road must not be covered, closed or screened off (including by means of dark tint, shutters, curtains, blinds, roller doors or similar), to ensure that a commercial, interactive frontage is available to the development.

Committee Voting (Carried) - 6/0

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

Town Planning Scheme No.2 only requires a minimum of 134 car parking bays to be provided.

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

Not Applicable



## Council Resolution

### Moved Cr Jones, seconded Cr Buchan:

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Tavern at Lot 9005 Fifty Road, Baldivis, contained as Attachment 1 as the report required to be submitted to the presiding member of the Metro South-West Joint Development Assessment Panel pursuant to Regulation 12 of the *Planning and Development (Development Assessment Panels) Regulation 2011*, which recommends:

That the Metro South-West Joint Development Assessment Panel resolves to:

**APPROVE** DAP Application reference DAP/21/02140 and the accompanying plans received on 11 April 2022:

- Y Location Plan;
- Y Site Plan;
- Y Floor Plan;
- Y Area Calculation Plan;
- Y Roof Plan;
- Y Elevations Plans;
- Y Materials pallet Legend;
- Y Perspective - View of Yellowstone Road;

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

#### Conditions

1. This decision constitutes development approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
3. A Dust, Noise and Vibration Construction Management Plan is to be submitted and approved by the City of Rockingham prior to the commencement of works. Dust management is to be in accordance with the Department of Environment and Conservation Guideline: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.
4. The carpark must:
  - (i) provide a minimum of 134 car parking spaces;
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  - (iii) provide 4 universal car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;

- (iv) have lighting installed, prior to the occupation of the development, to the satisfaction of the City of Rockingham; and
  - (v) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-1997, Control of the obtrusive effects of outdoor lighting, at all times.
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    - Include details of any proposed acoustic wall requirements, including heights from finished ground levels, locations and materiality;
    - Detail mechanical plant elements and any attenuation measures required;
    - Detail any mitigations or management controls for car parking areas, loading, servicing and delivery; and
    - Detail the parameters used for the modelling which considers the likely adjoining future housing typologies to achieve compliance, noting that land use and development on adjoining lots cannot be limited by virtue of the Tavern use.
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  - (iii) Those areas to be reticulated or irrigated;
  - (iv) The paving material used for footpaths must be carried across driveways to the car parking areas in order to maintain visual continuity of the pedestrian network and aid pedestrian legibility throughout the site;
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- The landscaping (including all verge landscaping) must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.
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  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency and timing of bin collections outside of peak period operations of the development.
- All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.
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**Carried – 11/0**

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

Not Applicable

## Asset Services Technical Services



|  |  |  |
|--|--|--|
| <b>Reference No &amp; Subject:</b>       | <b>AS-004/22</b>                           | <b>Tender T21/22-51 - Framework Agreement for the Provision of Cleaning and Maintenance Services for Installed Drainage Products</b> |
| File No:                                 | T21/22-51                                  |  |
| Applicant:                               |  |  |
| Owner:                                   |  |  |
| Author:                                  | Mr Manoj Barua, Manager Technical Services |  |
| Other Contributors:                      | Mr Aulad Hossain, Maintenance Engineer     |  |
| Date of Committee Meeting:               | 16 May 2022                                |  |
| Previously before Council:               |  |  |
| Disclosure of Interest:                  |  |  |
| Nature of Council's Role in this Matter: | Executive                                  |  |
| Site:                                    |  |  |
| Lot Area:                                |  |  |
| LA Zoning:                               |  |  |
| MRS Zoning:                              |  |  |
| Attachments:                             |  |  |
| Maps/Diagrams:                           |  |  |

### Purpose of Report

To provide Council with details of the Tenders received for Tender T21/22-51 - Framework Agreement for the Provision of Cleaning and Maintenance Services for Installed Drainage Products, document the results of the Tender assessment and make recommendations regarding award of the Tender.

### Background

Tender T21/22-51 - Framework Agreement for the Provision of Cleaning and Maintenance Services for Installed Drainage Products was advertised in the West Australian on Saturday, 5 February 2022. The Tender closed at 2.00pm, Wednesday 23 February 2022 and was publicly opened immediately after the closing time.



## Details

The scope of the contract is for the cleaning and maintenance of installed drainage systems. The period of the contract shall be from 1 July 2022 until 30 June 2025.

The type of works to be undertaken under the contract shall include educting (vacuuming), jetting (high pressure cleaning) and underground remote controlled camera inspection of the stormwater drainage system in various catchments and areas of previous flooding.

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

| Tenderer                          | Level of service | Understanding Tender Requirements | Price Considerations | Total Score | Local Content | Rank     |
|-----------------------------------|------------------|-----------------------------------|----------------------|-------------|---------------|----------|
|                                   | 40 Pts           | 20 Pts                            | 40 Pts               | 100 Pts     | N/A           |          |
| <b>Drainflow Services Pty Ltd</b> | <b>35.5</b>      | <b>15.7</b>                       | <b>35.6</b>          | <b>86.8</b> |               | <b>1</b> |
| Solo Resource Recovery            | 30.3             | 13.5                              | 25.1                 | 68.9        |               | 2        |
| Allpipe Technologies              | 23.4             | 8.8                               | 20.0                 | 52.2        |               | 3        |
| Western Educing Service           | 16.5             | 6.3                               | 29.1                 | 51.9        |               | 4        |
| Aaro Group Pty Ltd                | 20.7             | 7.0                               | 20.7                 | 48.4        |               | 5        |

This is a period Tender with schedule of rates for different activities. Fixed prices for three years of the contract is provided as part of the tender submissions and the prices are not subject to rise or fall over the period of the contract. The score for price considerations are obtained according to the sliding scale, with lowest price receiving highest score. No Tenderer has received the full 40 points as none of them offered lowest price for all activities.

## Implications to Consider

**a. Consultation with the Community**

Not Applicable

**b. Consultation with Government Agencies**

Not Applicable

**c. Strategic**

Community Plan

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

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

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

**d. Policy**

In accordance with the City's Purchasing Policy, for purchases above \$250,000, a public Tender process is to be conducted in accordance with the provision of section 3.57 of the *Local Government Act 1995*; and *Local Government (Functions and General) Regulations 1996*, Part 4, Division 2, regulation 11A(1).

**e. Financial**

Expenditure of this contract will be in accordance with the City's Annual Operational Budget as allocated each year.

The provision of this service is variable with a range of proactive/cyclical, reactive and project works. Historical expenditure are as follows:

2019/2020 - \$729,206;

2020/2021 - \$574,294; and

2021/2022 - \$627,910 (up to March 2022).

It is estimated that expenditure will be \$2.25 million over the three years term of the contract with approximately \$750,000 per annum.

**f. Legal and Statutory**

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

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

**g. Risk**

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

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

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

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

Nil

## Comments

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

Tender submissions are valid for three months after the closing date, in this case up to 23 May 2022. The City has confirmed with the Tenderers about extension of the Tender validity. Validity of the Tenders has been confirmed by all Tenderers. One company, Aaro Group Pty Ltd has advised that they agree to extend the validity but the extension will incur 5% price increase. The City considers that it does not impact the overall outcome for this contract as they are ranked lowest in the recommendation. The other four Tenderers confirmed that all aspects of their Tenders, including prices remain unchanged.

Tender submissions varied in the depth and detail of the qualitative criteria information received demonstrating different levels of capability to undertake the contract requirements. Drainflow Services Pty Ltd scored the highest in level of service, understanding of Tender requirements and tendered price. They are the current contractor for the City and the City has been satisfied with their performance during the current contract period. The price submitted by them for this contract is the same as the current contract price.

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

## Voting Requirements

Simple Majority

### Officer Recommendation

That Council **ACCEPTS** the Tender submitted from Drainflow Services Pty Ltd, 30 Westchester Road, Malaga, WA 6944 for Tender T21/22-51 - Framework Agreement for the Provision of Cleaning and Maintenance Services for Installed Drainage Products in accordance with the Tender documentation being from 1 July 2022 to 30 June 2025.

### Committee Recommendation

That Council **ACCEPTS** the Tender submitted from Drainflow Services Pty Ltd, 30 Westchester Road, Malaga, WA 6944 for Tender T21/22-51 - Framework Agreement for the Provision of Cleaning and Maintenance Services for Installed Drainage Products in accordance with the Tender documentation being from 1 July 2022 to 30 June 2025.

Committee Voting (Carried) - 6/0

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

Not Applicable

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

Not Applicable

### Council Resolution

#### Moved Cr Buchan, seconded Cr Hume:

That Council **ACCEPTS** the Tender submitted from Drainflow Services Pty Ltd, 30 Westchester Road, Malaga, WA 6944 for Tender T21/22-51 - Framework Agreement for the Provision of Cleaning and Maintenance Services for Installed Drainage Products in accordance with the Tender documentation being from 1 July 2022 to 30 June 2025.

Carried – 11/0

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

Not Applicable

## Corporate and Community Development Committee

### Corporate Services Director and Support



|  |  |  |
|--|--|--|
| <b>Reference No &amp; Subject:</b>       | CS-004/22  | City Business Plan 2022/2023 to 2031/2032 (April 2022) (Absolute Majority) |
| File No:                                 | CPM/7-02   |  |
| Proponent/s:                             |  |  |
| Author:                                  | Mr John Pearson, Director Corporate Services           |  |
| Other Contributors:                      |  |  |
| Date of Committee Meeting:               | 17 May 2022  |  |
| Previously before Council:               | 14 December 2021 (CS-022/21)                           |  |
| Disclosure of Interest:                  |  |  |
| Nature of Council's Role in this Matter: | Executive  |  |
| Site:                                    |  |  |
| Lot Area:                                |  |  |
| Attachments:                             | City Business Plan 2022/2023 to 2031/2032 (April 2022) |  |
| Maps/Diagrams:                           |  |  |

## Purpose of Report

The purpose of the report is to adopt the City of Rockingham Business Plan 2022/2023 to 2031/2032.

## Background

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

## Details

The April 2022 version of the City Business Plan meets the City's statutory requirements of the *Local Government Act 1995*.

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



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

| <b>Community Infrastructure Plan (CIP) Projects</b>                      | <b>Construction Start Year</b> | <b>Total Project Cost (\$)</b> |
|--|--------------------------------|--------------------------------|
| Aqua Jetty Stage 2   | 2022/2023                      | 27,600,310                     |
| Stan Twilight Reserve Clubroom Extension                                 | 2022/2023                      | 4,300,000                      |
| Baldivis Outdoor Recreation Space  | 2022/2023                      | 1,465,000                      |
| Baldivis District Sporting Complex (outdoor courts and junior pavillion) | 2022/2023                      | 4,255,000                      |
| Anniversary Park Master Plan   | 2024/2025                      | 2,910,000                      |
| Rockingham Foreshore Activity Node                                       | 2025/2026                      | 2,457,000                      |
| East Baldivis Recreation Reserve   | 2026/2027                      | 5,697,000                      |
| Baldivis South Outdoor Courts  | 2028/2029                      | 1,168,000                      |
| Secret Harbour Community Library   | 2028/2029                      | 1,209,000                      |
| Rockingham Aquatic Centre Redevelopment                                  | 2028/2029                      | 13,708,000                     |
| Waikiki/Warnbro Outdoor Recreation Space                                 | 2030/2031                      | 1,058,000                      |
| Lark Hill Sportsplex Northern Expansion                                  | 2031/2032                      | 15,486,000                     |
| Arpenteur Park Master Plan (Ant. 2032/2033)                              | 2032/2033                      | 3,264,000                      |

| <b>Other Civic/Civil Development</b>             | <b>Construction Start Year</b> | <b>Total Project Cost (\$)</b> |
|--|--------------------------------|--------------------------------|
| Shoalwater/Safety Bay Foreshore Carlisle to Bent | 2024/2025                      | 11,000,000                     |
| Lotteries House/Administration refit             | 2023/2024                      | 3,000,000                      |
| Autumn Centre Expansion                          | 2025/2026                      | 3,300,000                      |
| New Southern Depot                               | 2027/2028                      | 25,000,000                     |

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

#### Key Assumptions:

- All revenues and expenses from the Millar Road Landfill Facility have been quarantined and clearly indicated where included. Implications associated with alternate waste treatments beyond landfilling have been included where these are known.
- The figures included within the plan are based upon present conditions, as well as projections based on current knowledge. The Consumer Price Index and Local Government Cost Index both rose 5.7%
- Rate increases for the first year of the plan are 3.9%, year two of the plan is 3.7% of which 1% is allocated directly to coastal hazard risk management and adaptation planning (CHRMAP). These funds will be transferred directly into cash reserves each and every year. Year three onwards reduces to 2.4%. This is net of natural rate growth, which is expected to be approximately 1.4%. Depending on future economic conditions, this will possibly change.
- The City of Rockingham is a minimum Financial Assistance Grant (FAGs) local government and receives FAGs in line with population growth. This is anticipated to grow in line with population and can be reasonably anticipated.
- Grants for major capital programs will be available on some occasions. With the exception of road grants, capital grants have been included where known and approved. Capital road grants have been averaged or included as expected for the duration of the plan.
- Recurring operational grants have been calculated to increase by 1% per annum.

- Contributions and reimbursements have been calculated to increase at 1% per annum.
- City's fees and charges will be put before Council prior to budget adoption, with the annual yield of these expected to be increased by at least 1% per annum. Adjustments have been made related to the impact of waste to energy facilities operating, commencing in 2022.
- Increases in the sanitation charges will be in line with expense requirements and are submitted to Council via the fees and charges.
- Interest on investments of the City's "unrestricted funds" is expected to remain low for at least 5 years. This will be reviewed in future plans. There will be variations to the interest earnings on each of the City's cash reserve accounts due to the fluctuations in the amounts transferred into and out of the respective reserve accounts. All interest related to cash reserves is earmarked to be deposited into the related reserve.
- State planning policies allow for local governments to collect revenue from "new" land parcels created within the City boundaries. The City has implemented a Developer Contribution Scheme and is collecting revenue for newly created land within the City boundaries. The City now has ten years of history related to contributions and the accuracy of population forecasts. Given the uncertainty associated with predicting the land development activity in recent years, careful attention needs to be kept on revenues received. Receipt values have been amended down in the short term to reflect decreased land activity but by the end of the Scheme, land development remains similar to prior year predictions.
- For all other income, allowances have been made for these to increase by approximately 1% per annum with the exception of landfill revenue, which is likely to decline. This relates to the commencement of waste to energy facilities in proximity to the Millar Road Landfill and the requirements being imposed on local government related to the state waste strategy.
- Employee costs are expected to increase moderately in the forthcoming years. This will need to be reviewed annually in line with staff number increases related to population growth. A 1.4% increase in the employee cost is directly related to population growth. Years 2022 to 2024 see increases in staff numbers due to the opening of the Baldivis Indoor Recreation Centre and the expansion of the Aqua Jetty.
- Materials and contractors is an area where there can be large cost fluctuations depending upon what is planned. A base figure used from the prior average of the last five years has been used and this has been increased by 3.5% for year one and then 2% annually. It is traditionally very difficult to predict.
- Utilities have been calculated to increase at 2% per annum. Historically this has been difficult to estimate, particularly related to electricity costs. Unit rates for power have been known to increase in past years by much more than inflation.
- Insurances have been calculated to increase by 2% per annum. It is known that the current insurance market is difficult and given recent natural disasters, costs are likely to increase. There is potential for insurance costs to increase substantially above 2%. This situation is being monitored and may require future changes in assumptions.
- Transfers to and from reserves are to occur as per the separate Reserves Summary which is included in section 4 of the Business Plan. Cash reserves are a mixture of cash held by statutory requirement and by decision of Council. The ratio of this mixture will adjust year-in, year-out according to prevailing conditions.
- The details of loans projected to be repaid each year are shown on the Loans Summary, which is included in section 4 of the Business Plan. Proposed borrowings are directly related to projects. The City has implemented a modified Gross Debt to Operating Revenue Ratio to measure suitable debt to be held on the balance sheet. This ratio for any given year should not exceed 45%. A Debt Servicing Ratio is also used which is not to exceed 8%.
- All opening balances are determined to be zero with the exception of year four. This will be reviewed in future plans and on an annual basis, opening balances for the annual budget are "trued up" to known facts.

- It is understood the Western Australian economy is currently performing well with anticipated state budget surpluses being forecast. Of significant concern are the major increases being encountered for civil works. These cost increases will be closely monitored. The City will need to amend future projections for either revenue or expenditure based on these significant cost escalations. It is worth noting that inflation in the twelve months to December 2021 in Perth was 5.7%.

### Implications to Consider

**a. Consultation with the Community**

Nil

**b. Consultation with Government Agencies**

Nil

**c. Strategic**

Community Plan

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

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

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

**d. Policy**

This plan has been prepared in accordance with Council Policy - Strategic Framework and discussed in detail at a special Councillor Engagement Sessions in April 2022.

**e. Financial**

Nil

**f. Legal and Statutory**

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

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

**g. Risk**

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

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

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

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

Nil

### Comments

This plan, similar to prior years, requires significant resources to be delivered to new community infrastructure in the coming decade and keeps rate increases to a minimum. The COVID-19 pandemic has had significant impact on traditional City revenues, particularly rates income and fees and charges. Western Australia remains in a State of Emergency.

Given the population growth of the City, the construction of new facilities to service the community needs to be matched with the replacement of existing assets and buildings. A balance between these goal areas is always difficult and catering for specific needs can vary between years. The cost of any new item needs to be fully investigated and taken into account, with those costs projected across the years. Given the current heated economy, difficulties are also being encountered in attracting contractors to perform work. Notes 3.1 to 3.7 provides required asset management funding in accordance with adopted asset management models and plans. Importantly, Council is able to identify what actions are proposed to be taken over the coming five years.

Millar Road Landfill revenue is being monitored. Alternate waste treatments do not attract state landfill levy and revenue is going to decrease significantly once these facilities are operating. The City needs to prepare itself for a time when extraordinary revenue from this facility does not exist. This has been known for some time and adjustments have been made. If this happens sooner rather than later, rate increases or alternate revenues would need to be found to cover the loss in income or reduce the program of construction of infrastructure delivery.

Feedback has been received from Council members related to new (unfunded) projects. Based on this feedback, this Business Plan provide allocations for items which have not previously been funded. This includes:

- Shoalwater/Safety Bay Foreshore Carlisle Street to Bent Street (The Pond Activity Node)
- Lotteries House/Administration Refit
- Autumn Centre Expansion
- New Southern Depot
- Direct financial allocations to CHRMAP (1% of rates from 2023 onwards)

All of the above have been discussed and known about for some time and Council have indicated a desire to resource them. Council has an adopted CHRMAP, which occurred at the September 2019 Ordinary Council Meeting. Since this time, the need to fund CHRMAP and to start early has been discussed many times. As has been previously advised, plans of costings are likely to be needed over the next 100 years to protect the City. Very early estimates of costs are in the vicinity of \$700+ million unindexed. It is the officer's view that this matter can no longer be delayed. A policy will need to be adopted in respect to management of this process and this will commence should Council adopt allocations to CHRMAP.

Significant increases are being experienced in construction and maintenance costs which are concerning. These are increasing almost monthly, with cost estimates rising in some instance by over 30%. This plan has some capability to cater for increases however if they continue to rise by such unprecedented levels, officers are likely to recommend deferring some projects until they become more affordable, noting our obligations required under the implemented Developer Contribution Plan.

Staffing is also significantly challenging given the very tight labour market in Western Australia, putting pressure on recruitment. Many positions in the City remain unfilled and there are instances of nil applications received for some jobs. This puts unprecedented pressure on labour costs, as services need to be maintained. To this end, the plan provides for labour costs increases in 2022/2023 of 3.9%. This will assist somewhat in attracting and retaining staff however the current labour market is very competitive and the City is unable to compete with private practice in many instances. This will continue to be closely monitored.

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

### Voting Requirements

Absolute Majority



### Officer Recommendation

That Council **ADOPTS** the April 2022 City of Rockingham Business Plan 2022/2023 to 2031/2032.

### Committee Recommendation

That Council **ADOPTS** the April 2022 City of Rockingham Business Plan 2022/2023 to 2031/2032.

Committee Voting (Carried) – 6/0

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

Not Applicable

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

Not Applicable

### Council Resolution

**Moved Cr Liley, seconded Cr Wormall:**

That Council **ADOPTS** the April 2022 City of Rockingham Business Plan 2022/2023 to 2031/2032.

**Carried by Absolute Majority – 10/1**

#### Council Members having voted for the motion:

|           |               |
|-----------|---------------|
| Cr Liley  | Cr Wormall    |
| Cr Davies | Cr Schmidt    |
| Cr Cottam | Cr Jones      |
| Cr Hume   | Cr Buchanan   |
| Cr Buchan | Mayor Hamblin |

#### Council Members having voted against the motion:

Cr Jecks

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

Not Applicable

## Corporate Services Financial Services



|   |  |  |
|---|--|--|
| <b>Reference No &amp; Subject:</b>              | <b>CS-005/22</b>                             | <b>Rating Methodology - 2022/2023 Financial Year</b> |
| <b>File No:</b>                                 | RTV/11                                       |  |
| <b>Proponent/s:</b>                             |  |  |
| <b>Author:</b>                                  | Mr John Pearson, Director Corporate Services |  |
| <b>Other Contributors:</b>                      |  |  |
| <b>Date of Committee Meeting:</b>               | 17 May 2022                                  |  |
| <b>Previously before Council:</b>               |  |  |
| <b>Disclosure of Interest:</b>                  | Executive                                    |  |
| <b>Nature of Council's Role in this Matter:</b> |  |  |
| <b>Site:</b>                                    |  |  |
| <b>Lot Area:</b>                                |  |  |
| <b>Attachments:</b>                             | Rates Modelling Summary                      |  |
| <b>Maps/Diagrams:</b>                           |  |  |

### Purpose of Report

This report is to approve proposed rates in the dollar for the 2022/2023 financial year to allow for advertising calling for submissions on the proposed differential rates.

### Background

The City of Rockingham (City) Business Plan that has been adopted indicates the level of rates needed to service current and future City requirements. This plan provided detailed financial information for the City which gave clarity to rate changes needed. The City Business Plan indicated the need to generate \$99.88 million in rates in the 2022/2023 financial year.

The new yield from all rates for the 2022/2023 year is projected to be some \$98.91 million. This does not include interim rates which are anticipated to make up any shortfall when compared against the Business Plan requirements. All money from rates is used across a wide array of services.

### Details

The proposed rating methodology is to apply differential rates for the 2022/2023 financial year in accordance with Section 6.36 of the *Local Government Act 1995* as follows:

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

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

### **GRV - Residential**

A differential general rate of 8.964 cents in the dollar applies to Residential land.

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

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

The rate applied to GRV-Residential is the differential general rate used as the basis on which the other GRV rate categories are calculated. The proposed GRV-Residential rate is an increase of 3.9% over the 2021/2022 rate in the dollar.

### **GRV - Non Residential**

A differential rate of 9.819 cents in the dollar applies to Non Residential land.

"Non-Residential land" means all land other than Residential land.

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

### **GRV - Minimum Rate**

It is proposed that the minimum rate on all GRV properties be increased from \$1,218 to \$1,266 for the 2022/2023 year. This is an increase of 3.9% on last year's minimum rates.

### **Unimproved Valuation (UV) Properties**

A general rate of 0.1092 cents in the dollar applies to all UV land. UV land generates approximately 0.5% of rate yield. The proposed UV-Improved rate is an increase of 3.9% on the 2021/2022 rate in the dollar.

It is proposed that the minimum rate for all UV properties will be increased from \$630 to \$655 for the 2022/2023 financial year. This is an increase of 3.9% on last year's minimum rates.

## **Implications to Consider**

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

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

### **b. Consultation with Government Agencies**

Nil

### **c. Strategic**

#### **Community Plan**

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

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

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

### **d. Policy**

Nil

**e. Financial**

The approval of the proposed rates for 2022/2023 is anticipated to yield approximately \$99.88 million. This is in line with what was required to be yielded from City Business Plan calculations.

UV properties are revalued annually; whereas, GRV properties are revalued every three years. This is a statutory revaluation process, independently occurring from the City and must be implemented. UV property valuations have on average increased by 2.4% between financial years. The number of UV properties remains consistent at 286. The minimum rate will be applied to 132 of the 286 properties – approximately 46%. The yield increase for GRV and UV properties is 3.9% and 5.5% respectively. The City continues a 9.5% differential rate on Non Residential properties. This is in line with prior years

The proposed model increases rates by 3.9% as per the adopted Business Plan.

**f. Legal and Statutory**

Adoption of rates occurs as part of the budget adoption which is proposed to occur in June 2022. This report proposes to approve the rate levels at this time for the purpose of public advertising.

It is a requirement under Section 6.36 of the *Local Government Act 1995* that where a Council elects to use differential rates, then it shall advertise its intention to do so, and call for submissions for a period of at least 21 days before any further action occurs.

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

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

**g. Risk**

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

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

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

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

Nil

**Comments**

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

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **APPROVES** the following rates in the dollar and minimum rates for the 2022/2023 financial year and advertises calling for submissions on the proposed differential rates:

**Gross Rental Valuation (GRV) Properties**

**GRV - Residential**

A differential general rate of **8.964 cents** in the dollar applies to Residential land.



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

**GRV - Non Residential**

A differential rate of **9.819 cents** in the dollar applies to Non Residential land.

Non Residential land means all land other than Residential land.

**GRV - Minimum Rate**

The minimum rate on all GRV properties is **\$1,266**.

**Unimproved Valuation (UV) Properties**

A general rate of **0.1092 cents** in the dollar applies to UV land.

**UV - Minimum Rate**

The minimum rate for all UV properties is **\$655**.

**Committee Recommendation**

That Council **APPROVES** the following rates in the dollar and minimum rates for the 2022/2023 financial year and advertises calling for submissions on the proposed differential rates:

**Gross Rental Valuation (GRV) Properties**

**GRV - Residential**

A differential general rate of **8.964 cents** in the dollar applies to Residential land.

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

**GRV - Non Residential**

A differential rate of **9.819 cents** in the dollar applies to Non Residential land.

Non Residential land means all land other than Residential land.

**GRV - Minimum Rate**

The minimum rate on all GRV properties is **\$1,266**.

**Unimproved Valuation (UV) Properties**

A general rate of **0.1092 cents** in the dollar applies to UV land.

**UV - Minimum Rate**

The minimum rate for all UV properties is **\$655**.

Committee Voting (Carried) – 6/0

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

Not Applicable

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

Not Applicable

### Alternate Motion

Cr Jacks proposed the following Alternate Motion:

That Council **APPROVES** the following rates in the dollar and minimum rates for the 2022/2023 financial year and advertises calling for submissions on the proposed differential rates:

#### Gross Rental Valuation (GRV) Properties

##### GRV – Residential

A differential general rate of **8.8396 cents** in the dollar applies to Residential land.

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

##### GRV - Non Residential

A differential rate of **9.819 cents** in the dollar applies to Non Residential land.

Non Residential land means all land other than Residential land.

##### GRV - Minimum Rate

The minimum rate on all GRV properties is **\$1248**.

#### Unimproved Valuation (UV) Properties

A general rate of **0.1092 cents** in the dollar applies to UV land.

##### UV - Minimum Rate

The minimum rate for all UV properties is **\$655**.

### Reason for Alternate Motion

One of the roles of Council is prescribed by Section 2.7 of the Local Government Act 1995 is to oversee the allocation of the Local Government's finances and resources.

It is the responsibility of the Council to delete / add projects and / or services, or increase rates and charges, to either balance the budget or reduce the shortfall to an acceptable level.

Rates will feed into the budget. A draft 12 month operational financial plan/budget is yet to be presented to Council.

A detailed justification for a 3.9% increase in rates has not been presented.

Annual wage growth is 2.4% and the state budget increase to water and electricity is 2.5%.

The community will implicitly judge a Local Government's performance relative to economic matters pertaining to the broader community.

We have \$5 million that has not been spent in the current financial year.

Acknowledgment of these factors could provide our community with greater confidence in the decisions made by us as a Local Government in setting our rates/budget.

Hence my proposal for a 2.5% increase as opposed to 3.9%.

### Implications to Consider

#### a. Consultation with the Community

Nil at this stage. On adoption of a rates model, submissions will be invited as detailed in the Legal and Statutory section of this report.

#### b. Consultation with Government Agencies

Nil

**c. Strategic**

Community Plan

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

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

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

**d. Policy**

Nil

**e. Financial**

The rates model as recommended from the Corporate and Community Development Committee proposed to yield \$98.91 million in rates. Cr Jecks motion proposes to yield \$97.87 million, approximately \$1.04 million difference.

The impact of this over Business Plan projections is approximately \$8 million over the next decade. Should Council support Cr Jecks' motion, future Business Plans will be amended to reflect changes and projects of operations amended accordingly.

**f. Legal and Statutory**

Adoption of rates occurs as part of the budget adoption which is proposed to occur in June 2022. This report proposes to approve the rate levels at this time for the purpose of public advertising.

It is a requirement under Section 6.36 of the *Local Government Act 1995* that where a Council elects to use differential rates, then it shall advertise its intention to do so, and call for submissions for a period of at least 21 days before any further action occurs.

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

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

**g. Risk**

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

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

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

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

Nil

**Officer Comment on Alternate Motion**

At the December 2021 Ordinary Council Meeting the City Business Plan was adopted. This proposed a 2.7% rate increase based on circumstances known at that time. The Business Plan is prepared twice a year to allow for planned adjustments/changes, often in matters beyond the City's control. It also provides further opportunities for project details and their costs and anticipated revenues to be discussed with a strategic approach looking a decade in advance. From this process, the first year of the Business Plan populates the Annual Budget. Prior to Business Plan adoption, in accordance with policy, engagement sessions are convened.

An engagement session was held with Councillors on 12 April 2022 related to the City Business Plan and its projects, implication and projections. This included a detailed discussion about the current economic environment in Western Australia and its impact on the City. Proposed rate changes were also discussed. This included the reasons for a needed increase from the prior predicted 2.7% to 3.9%. Advice provided included matters such as inflation; for Perth, the Consumer Price Index (CPI) for December 2020 to December 2021 was 5.7%. The Local Government Cost Index (LGCI) for a similar period was 5.7%. CPI for March 2021 to March 2022 was 7.6% for Perth and Nationally 5.1%.

Councillors are also aware of the current construction market price escalations in the order of 30% and more. Examples provided for and covered in the current version of the Business Plan are Aqua Jetty Stage 2 and Stan Twight of over \$7m and \$700k respectively. As matters stand, the inflationary pressures are being treated as a single year issue with future years assumed to return to more normal levels. For noting also, price escalations of 30% are also reflected in tendered prices for period maintenance contracts, which do span multiple years - generally between 3 to 5 years. Councillors have previously been advised of the above.

At the Councillor Engagement Session on 10 May 2022, the proposed rates model was tabled and explained. Any questions asked were answered. If any questions were not able to be answered, further information was sought and responses provided. Where there was uncertainty in what is requested, officers have sought clarification from Councillors about their questions. Specific to Cr Jecks motion, an important point to note is Cr Jecks proposed model reduces GRV residential rates in the dollar and GRV residential and non-residential minimum rates only from those recommended by the Corporate and Community Development Committee. Cr Jecks model makes no changes to GRV Non-Residential rates in the dollar or UV rates. This creates a greater differential rate from approximately 9.53% as recommended to 11.07%.

Councillors were also fully briefed in March 2022 at an extraordinary Councillor Engagement Session on City Team Plans and the roles and costs associated with teams in the City and what they perform. This included special operating projects linked to Community Plan Strategy outcomes.

For clarity purposes, officers have provided Councillors with detailed advice on all budgetary matters and endeavoured to answer any questions leading up to the Business Plan adoption and Annual Budget completion. All documents have been prepared and processes followed in accordance with Council Policy – Strategic Framework and Council Policy – Governance and Meeting Framework.

The Annual Budget will be available in June 2022 for Council to consider at its June Ordinary Council Meeting. A Councillor Engagement Session on the draft Annual Budget will occur prior to Council adoption to answer any questions. Given the size of the City and the reliance on external parties to supply information, such as Landgate and Department of Fire and Emergency Services, it is impossible for it to be completed any sooner.

A rates model has been prepared based on the alternate motion submitted by Cr Jecks. The model proposes to reduce the total rate yield by \$1.04 million from that which has been recommended by the Corporate and Community Development Committee. Council will also recall there were no increases in rates in the 2020/2021 financial year (note that Council also provided a rates concession in this year to the value of \$840k) and Council resolved to increase rates by 1.5% for the current financial year. The City has obligations it needs to meet including community infrastructure projects and consistent revenue declines below adopted planning positions is not recommended.

Rates are prepared annually but calculated for a decade in advance. Any change in one year, impacts future years. In understanding this, Council should be aware that the proposed change would likely impact future planning and approximately \$8 million will need to be removed from future projects, operating costs or alternate revenue sourced. This is coupled with the zero percentage rate increase in 2020/2021 and a rate increase of 1.5% in 2021/2022.

The quoted rate of water and electricity increasing by Cr Jecks of 2.5% appears to be accurate for residential tariffs. Local government has a mixture of tariffs of which very few, if any, are residential. Time has not permitted for detailed analysis of tariffs for local government however, it has been known for increases in power tariffs for local government to be far greater than residential tariffs. Also some power tariffs are on contestable supply. Further, a single tariff charge is not considered a

reasonable measure to assure future costs, rather it is one input into a basket of goods for calculation used to calculate running cost changes.

The City of Rockingham is a rapid growth outer metropolitan local government and its services, as population growth continues (approximately double the state average), increases the quantity of services required. CPI or the LGCI is a measure of a like to like theoretical basket of goods between two periods of time. Given the City's growth, the cost of delivery is CPI plus growth. The proposed 3.9% rate increase is 3.7% lower than Perth's current CPI of 7.6%. By way of practical example, the City received \$30.6 million in gifted non-cash assets in 2020/2021 and \$35 million in non-cash gifted assets in 2019/2020. These are essentially roads, parks, reserves, drains (hard infrastructure) all of which require maintenance and servicing. These costs are above those provided for in a CPI calculation.

Councillors should be aware that the City has been advised the Emergency Service Levy (ESL) will increase by 5%. Like its residents, the City is also required to pay ESL on properties it owns. This will be 5% higher than prior year. Indicative insurance estimates show contributions likely to increase by 8-10% and the City is also not immune from fuel cost escalations. The City runs a fleet of heavy and light plant to service its facilities, major construction and maintenance of infrastructure. These all rely on fuel for service delivery.

In order to ensure the City maintains service delivery and project requirements, regular budget reviews occur; three per year. Given the City's financial position, this is considered more appropriate for Rockingham and allows for budgetary changes to be made holistically with impacts known. This surpasses the minimum statutory requirements of one per financial year.

Item CS-006/21 May 2022 Budget Review pages 58 and 59 explains the major changes to the budget position as expected at 30 June 2022. The report shows that \$5 million is being transferred to reserves. As has been explained to Council, in normal economic circumstances, any budget savings would be used to reduce predicted debt loading. However, this year it is recommended for this surplus to be used to support predicted budget escalations next year due to unprecedented inflationary pressures. It is already planned and highly likely that these funds will be drawn upon next financial year to constrain unpredictability in budget changes. Therefore Cr Jecks is correct in stating \$5 million has not been spent in the current year however, as explained it is planned to be used next year to support cost escalations. It is also worth noting that the Budget Review report shows \$2.1 million of this \$5 million is directly related to reduced salaries and wages caused by the inability to recruit staff. This cannot be relied upon to occur annually and pressures exist to ensure staff are recruited.

Asset Services have amended project timing, reflective of the current heated cost market. It is hoped that cost escalations will reduce to more normal levels in future years.

Officers have attempted to explain, advise and answer all questions about the City's strategic planning and associated budgetary matters. These occur through Councillor Engagement Sessions (including planned and extraordinary) and answering any and all questions when asked. Councillors have reviewed and been involved in the preparation of all service delivery plans (Team Plans), Community Plan Strategies, the Community Infrastructure Plan, City Business Plan and next month's Annual Budget. This has occurred to allow Councillors to be informed, ask questions and make informed decisions.

Cr Jecks alternate motion is not supported.

### Officer Recommendation

The motion is not supported.



## Council Resolution

### Moved Cr Jecks, seconded Cr Jones:

That Council **APPROVES** the following rates in the dollar and minimum rates for the 2022/2023 financial year and advertises calling for submissions on the proposed differential rates:

#### Gross Rental Valuation (GRV) Properties

##### GRV – Residential

A differential general rate of **8.8396 cents** in the dollar applies to Residential land.

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

##### GRV - Non Residential

A differential rate of **9.819 cents** in the dollar applies to Non Residential land.

Non Residential land means all land other than Residential land.

##### GRV - Minimum Rate

The minimum rate on all GRV properties is **\$1248**.

#### Unimproved Valuation (UV) Properties

A general rate of **0.1092 cents** in the dollar applies to UV land.

##### UV - Minimum Rate

The minimum rate for all UV properties is **\$655**.

Lost – 5/6

#### Council Members having voted for the motion:

Cr Jecks  
Cr Jones  
Cr Cottam

Cr Buchan  
Cr Buchanan

#### Council Members having voted against the motion:

Cr Liley  
Cr Davies  
Cr Hume

Cr Wormall

Cr Schmidt

Mayor Hamblin

### Moved Cr Liley, seconded Cr Davies:

That Council **APPROVES** the following rates in the dollar and minimum rates for the 2022/2023 financial year and advertises calling for submissions on the proposed differential rates:

#### Gross Rental Valuation (GRV) Properties

##### GRV - Residential

A differential general rate of **8.964 cents** in the dollar applies to Residential land.

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

##### GRV - Non Residential

A differential rate of **9.819 cents** in the dollar applies to Non Residential land.

Non Residential land means all land other than Residential land.

##### GRV - Minimum Rate

The minimum rate on all GRV properties is **\$1,266**.

**Unimproved Valuation (UV) Properties**

A general rate of **0.1092 cents** in the dollar applies to UV land.

**UV - Minimum Rate**

The minimum rate for all UV properties is **\$655**.

**Carried – 6/5**

**Council Members having voted for the motion:**

|           |               |
|-----------|---------------|
| Cr Liley  | Cr Wormald    |
| Cr Davies | Cr Schmidt    |
| Cr Hume   | Mayor Hamblin |

**Council Members having voted against the motion:**

|           |             |
|-----------|-------------|
| Cr Jecks  | Cr Buchan   |
| Cr Jones  | Cr Buchanan |
| Cr Cottam |             |

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

Not Applicable

## Corporate Services Financial Services



|   |  |                               |                            |
|---|--|-------------------------------|----------------------------|
| <b>Reference No &amp; Subject:</b>              | <b>CS-006/22</b>                                     | <b>May 2022 Budget Review</b> | <b>(Absolute Majority)</b> |
| <b>File No:</b>                                 | FLM/17-05  |                               |                            |
| <b>Proponent/s:</b>                             |  |                               |                            |
| <b>Author:</b>                                  | Mr Alvin Santiago, Acting Manager Financial Services |                               |                            |
| <b>Other Contributors:</b>                      |  |                               |                            |
| <b>Date of Committee Meeting:</b>               | 17 May 2022  |                               |                            |
| <b>Previously before Council:</b>               |  |                               |                            |
| <b>Disclosure of Interest:</b>                  |  |                               |                            |
| <b>Nature of Council's Role in this Matter:</b> | Executive  |                               |                            |
| <b>Site:</b>                                    |  |                               |                            |
| <b>Lot Area:</b>                                |  |                               |                            |
| <b>Attachments:</b>                             | May 2022 Budget Review                               |                               |                            |
| <b>Maps/Diagrams:</b>                           |  |                               |                            |

### Purpose of Report

To adopt the May 2022 Budget Review.

### Background

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

### Details

The May 2022 Budget Review includes details of transactions from July 2021 to April 2022 and adjustments required to the annual budget. The document includes the following information:

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

## Implications to Consider

a. **Consultation with the Community**

Nil

b. **Consultation with Government Agencies**

Nil

c. **Strategic**

Community Plan

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

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

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

d. **Policy**

Nil

e. **Financial**

The overall effect of the various budget amendments and carry forwards is an anticipated surplus of \$45.21M. This amount is inclusive of \$41.14M committed to existing projects. This leaves an estimated untied surplus of \$4.07M arising from the advanced payment of Financial Assistance Grants. The final surplus/deficit is dependent on the number of incomplete works at the end of the financial year and can only be ascertained during the preparation and audit of the Annual Financial Statements.

f. **Legal and Statutory**

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

g. **Risk**

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

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

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

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

Nil

## Comments

### **Budget Amendments**

The amendments over \$250K proposed in the Budget Review are summarised in the May 2022 Budget Review attachment under the Summary of Major Amendments (page 5). Below is an explanation of these amendments. The other proposed amendments, including expenditure offset by additional revenues, internal allocations and other budget changes that are less than \$250K individually, are detailed in the May 2022 Budget Review attachment.

#### **1. Opening Position**

The City adjusted the opening position as per the last budget review which remains unchanged.

#### **2. Operating Revenue**

Operating revenue has increased by \$5.16M and includes the following significant amendments:

2.1 \$4.2M additional revenue from Financial Assistance Grants received in advance.

- 2.2 \$1.4M operating revenue of Bert England Lodge continued to be reported as part of the City's operations for a more extended period than initially budgeted. This was offset by 3.2.
- 2.3 \$329K reduction in anticipated rates penalty interest and debt recovery reimbursements.
- 2.4 \$298K decrease in Federal Black Spot funding due to deferral of Read St/Malibu Road project. This was offset by 4.5.

### 3. Operating Expenditure

Operating expenditure has decreased by \$2.74M and includes the following significant amendments:

- 3.1 \$2.1M organisation-wide salary savings, net of \$1.5M casual labour cost.
- 3.2 \$1.4M operating revenue of Bert England Lodge continued to be reported as part of the City's operations for a more extended period than initially budgeted. This was offset by 2.2.
- 3.3 \$900K increase in waste levy incurred by the landfill operations.
- 3.4 \$254K decrease in Rockingham foreshore maintenance expenditures based on estimated requirements for the remainder of the year.
- 3.5 \$480K decrease in expenditure on coastal adaptation.
- 3.6 \$474K decrease in building maintenance expenses of the Administration office based on estimated requirements for the remainder of the year.

### 4. Non-Operating Expenditure

Non-operating expenditure has decreased by \$3.57M and includes the following significant amendments:

- 4.1 \$1.45M proposed for new leachate ponds is no longer required this financial year.
- 4.2 \$1M proceeds of the sale at Hefron Street transferred to Investment Property Reserve.
- 4.3 \$623K increased cost of Point Peron boating car park expansion.
- 4.4 \$665K decrease in expenditure due to deferral of Read St/ Malibu Road project funded through Federal Black Spot funding. This was offset by 2.4.
- 4.5 \$5M transferred to reserves for future capital costs.
- 4.6 \$600k new expenditure for cell capping repairs at the landfill.
- 4.7 \$416K additional expenditure on Mike Barnett Netball Clubrooms roof frame.
- 4.8 \$285K cost reduction in building refurbishment of Rockingham Gem Club.

### 5. Non-Operating Revenue

Non-operating revenue has increased by \$1M due to the sale of land at 4 Hefron Street. All other proposed amendments are detailed in the May 2022 Budget Review document.

## Voting Requirements

Absolute Majority

## Officer Recommendation

That Council **ADOPTS** the May 2022 Budget Review.

## Committee Recommendation

That Council **ADOPTS** the May 2022 Budget Review.

Committee Voting (Carried) – 6/0

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

Not Applicable



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

Not Applicable

### Council Resolution

**Moved Cr Buchan, seconded Cr Buchanan:**

That Council **DEFERS** item CS-006/22 - May 2022 Budget Review.

**Carried – 6/5**

**Council Members having voted for the motion:**

|           |             |
|-----------|-------------|
| Cr Buchan | Cr Buchanan |
| Cr Jones  | Cr Davies   |
| Cr Cottam | Cr Jecks    |

**Council Members having voted against the motion:**

|               |            |
|---------------|------------|
| Cr Liley      | Cr Wormald |
| Cr Schmidt    | Cr Hume    |
| Mayor Hamblin |            |

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

To provide further engagement prior to the decision making process.

## Community Development Community Safety & Support Services



|   |  |
|---|--|
| <b>Reference No &amp; Subject:</b>              | <b>CD-015/22</b> <b>Draft Community Safety and Support Services Strategy 2022-2027</b> |
| <b>File No:</b>                                 | CSV/3616-05  |
| <b>Proponent/s:</b>                             |  |
| <b>Author:</b>                                  | Ms Jesika Miller, Community Development Officer (Community Safety)                     |
| <b>Other Contributors:</b>                      | Ms Mary-Jane Rigby, Manager Community Safety and Support Services                      |
| <b>Date of Committee Meeting:</b>               | 17 May 2022  |
| <b>Previously before Council:</b>               |  |
| <b>Disclosure of Interest:</b>                  |  |
| <b>Nature of Council's Role in this Matter:</b> | Executive  |
| <b>Site:</b>                                    |  |
| <b>Lot Area:</b>                                |  |
| <b>Attachments:</b>                             | Draft Community Safety and Support Services Strategy 2022 - 2027                       |
| <b>Maps/Diagrams:</b>                           |  |

### Purpose of Report

To seek Council's endorsement of the draft Community Safety and Support Services Strategy 2022-2027 for the purpose of public comment.

### Background

The Community Safety and Support Services Strategy (Strategy) is a new Community Plan Strategy combining two existing Council adopted strategies; the Community Safety Strategy (2015-2020) and the Community Support Services Strategy (2017-2022).

The proposal to combine the two strategies was presented at a Councillor Engagement Session on 13 October 2020 where the concept was supported. The draft Strategy was discussed at a Councillor Engagement Session on 10 May 2022 and is now being presented to Council for endorsement prior to seeking public comment.

### Details

The key strategic objective of the Strategy is to outline the continuing City of Rockingham (City) commitment and priority actions to build a safe, connected and resilient community. The Strategy is underpinned by capacity building, social inclusion and social justice principles.

The Strategy proposes three key elements with a total of 52 actions to be implemented across the five year period. There are 26 new actions and 26 ongoing actions. It should be noted that the new actions include programs that are currently underway but not included within any Community Plan Strategy, therefore they are listed as new actions. The key elements and associated objectives of the Strategy are:

**Key Element 1: Safe and Vibrant Places and Spaces**

Promote safe and vibrant places and spaces that serve the needs of the community and create opportunities to assist the community services sector.

**Objectives:**

1. Promote family-friendly spaces within the City of Rockingham.
2. Increase participation in community life by activating community spaces at a local neighbourhood level.
3. Support community services sector co-location model opportunities to meet community needs.

**Key Element 2: Partnerships for Collective Action and Advocacy**

Foster a cohesive, accessible and sustainable community services sector and work collaboratively with key stakeholders.

**Objectives:**

1. Introduce a social and emotional wellbeing pillar to the City's Advocacy Plan.
2. Build and maintain partnerships with key stakeholders, groups and networks based on identified community needs and emerging issues.
3. Facilitate opportunities for sector collaboration across the City of Rockingham.
4. Support the community to reduce the harmful impacts of alcohol use.
5. Maintain partnerships with key stakeholders to develop and implement preventative programs in line with best practice.

**Key Element 3: Safe and Connected Communities**

Increase community understanding and awareness by delivering education of key issues at both the neighbourhood and whole of community level through activities, events, training and workshops.

**Objectives:**

1. Understand and decrease barriers to community connection.
2. Increase the number of community Champions actively involved in City of Rockingham programs and activities.
3. Increase knowledge within the City of Rockingham workplace about key issues that impact safety, connection and resilience in line with best practice.
4. Increase community awareness and knowledge about key issues and emerging trends that impact community safety, connection and resilience through provision of targeted campaigns, initiatives and training.
5. Increase level of community safety and resilience by supporting community members experiencing adversity.

The key new actions within the draft Strategy include:

- Development of a CCTV Plan 2022-2027
- Development of a contract to manage the re-location of mobile CCTV trailers
- Undertaking needs and feasibility studies to determine locations for accommodation and welfare community services
- Introduction of a social and emotional wellbeing pillar to the City's Advocacy Plan
- Development of an alcohol management plan
- Evaluate and implement reviewed community connection programs
- Develop City Positions related to CPTED and people experiencing adversity

The implementation of this Strategy will be led by the Community Safety and Support Services team within the Community Development directorate. Internal teams who have been allocated lead actions or a supporting role within actions have been consulted and agreed to assist with the delivery.

### Implications to Consider

#### a. Consultation with the Community

The development of this Strategy included extensive community and stakeholder consultation. This included:

- 820 community surveys completed (online and paper copies)
- Stakeholder interviews completed with 15 internal stakeholders and 60 external stakeholders
- A community workshop facilitated by an external consultant with 35 participants representing community and stakeholders
- Feedback provided from members of the City Safe Advisory Committee, Local Emergency Management Committee and the Bushfire Advisory Committee
- Feedback from 28 internal and 15 external stakeholders on the draft implementation plan

Pending Council's endorsement of the draft Strategy, public comment will be sought for a period of 28 days, in the following ways:

- Presentation to the Community Safety and Support Services Advisory Committee
- Seeking feedback from key stakeholders and participants who were involved throughout the Strategy development process
- Dissemination of the draft Strategy through key networks, Share Your Thoughts, City eNewsletters and RockPort
- Advertising in local newspapers and on the City's website
- Making the document readily available in the City's Libraries and Administration Building

#### b. Consultation with Government Agencies

Government agencies involved in the consultation process included representatives from the Western Australian Police Force, Department of Fire and Emergency Services, Department of Health, Department of Communities.

#### 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.*

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

*Community Safety and Support - Provide support to residents and visitors so they feel safe and secure at home and outdoors.*

**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.*

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

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

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

**d. Policy**

The draft Strategy has been developed in accordance with the Strategic Development Framework Policy.

**e. Financial**

The total cost of implementing the Strategy is \$12,730,000. Of this, \$1,445,000 is allocated to new actions, with the remaining allocated to existing or ongoing actions.

Actions listed for implementation in 2022/23 have been included within the team plan process with actions proposed for implementation in future years, to be included as part of the Business Plan process.

**f. Legal and Statutory**

Not Applicable

**g. Risk**

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

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

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

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

Nil

## Comments

The development of the Community Safety and Support Services Strategy 2022-2027 provides Council with a strategic direction aimed at building a safe, connected and resilient community. The draft Strategy has been developed following extensive community and stakeholder engagement, and reflects the current needs of the community.

Prior to finalising the Strategy and commencing implementation, the next step in the process is for Council to consider the draft Strategy for endorsement for the purpose of public comment.

Following Council endorsement of the draft Strategy and the completion of the public comment period, all feedback will be reviewed by Officers for possible inclusion in the Strategy. The Strategy will then be presented to Council for final adoption.

## Voting Requirements

Simple Majority

## Officer Recommendation

That Council **ENDORSES** the Community Safety and Support Services Strategy 2022-2027 for the purpose of public comment.



### Committee Recommendation

That Council **ENDORSES** the Community Safety and Support Services Strategy 2022-2027 for the purpose of public comment.

Committee Voting (Carried) – 5/1  
(Cr Cottam 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

### Council Resolution

**Moved Cr Schmidt, seconded Cr Davies:**

That Council **ENDORSES** the Community Safety and Support Services Strategy 2022-2027 for the purpose of public comment.

**Carried –11/0**

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

Not Applicable

|            |  |
|------------|--|
| <b>14.</b> | <b>Receipt of Information Bulletin</b>   |
|            | <p><b>Moved Cr Buchanan, seconded Cr Davies:</b></p> <p>That Council <b>RECEIVES</b> the Information Bulletin as follows:</p> <ol style="list-style-type: none"><li>1. Planning and Development Services Bulletin – May 2022;</li><li>2. Asset Services Bulletin – May 2022;</li><li>3. Corporate and General Management Services Bulletin - May 2022; and</li><li>4. Community Development Bulletin – May 2022.</li></ol> <p style="text-align: right;"><b>Carried – 11/0</b></p> |

**15. Report of Mayor**

**City of Rockingham  
Mayor's Report**



|  |                                 |  |
|--|---------------------------------|--|
| <b>Reference No &amp; Subject:</b>       | <b>MR-005/22</b>                | <b>Meetings and Functions Attended by the Mayor and Deputy Mayor</b> |
| File No:                                 | GOV/85                          |  |
| Proponent/s:                             | City of Rockingham              |  |
| Author:                                  | Deb Hamblin, Mayor              |  |
| Other Contributors:                      | Cr Hayley Edwards, Deputy Mayor |  |
| Date of Council Meeting:                 | 24 May 2022                     |  |
| Previously before Council:               |                                 |  |
| Disclosure of Interest:                  |                                 |  |
| Nature of Council's Role in this Matter: | Executive                       |  |

**Purpose of Report**

To advise on the meetings and functions attended by the Mayor and Deputy Mayor during the period 27 April 2022 to 24 May 2022.

*Note: Deputy Mayor Edwards has taken approved leave of absence from 1 May 2022 to 31 May 2022.*

**Background**

Nil

**Details**

| Date          | Meeting/Function  |
|---------------|---|
| 27 April 2022 | 50 <sup>th</sup> Birthday celebrations Safety Bay Library<br>Councillor Engagement Session  |
| 28 April 2022 | Meeting with Port Rockingham Marina<br>Meeting with Aboriginal Advisory Group<br>Project update meeting with Place Development<br>Meeting with Tourism Rockingham |
| 29 April 2022 | Briefing on EcoGraf project<br>Business Women Australia event   |
| 1 May 2022    | Safety Bay Tennis Club Awards   |
| 2 May 2022    | Australian Citizenship Ceremony   |
| 3 May 2022    | Key Leaders in Business Breakfast presentation by Woodside on Perth H2 Project  |
| 4 May 2022    | Sister City Australia Forum<br>Meeting with Mayor of Mandurah<br>WALGA Zone Forum<br>Judging for Rockingham Soroptimist Heat – Public Speaking Competition        |

| Date        | Meeting/Function  |
|-------------|---|
| 5 May 2022  | Rotary Club of Baldivis   |
| 6 May 2022  | Mayors and Presidents' Forum  |
| 10 May 2022 | Presentation of E-Waste Award by Total Green Recycling<br>Meeting with resident<br>Meeting with Senator Linda Reynolds<br>Meeting with K9 Rescue<br>Councillor Engagement Session |
| 11 May 2022 | Meeting with HMAS Stirling<br>Promotion Mersey Point Seawall  |
| 16 May 2022 | Planning and Engineering Services Committee meeting   |
| 19 May 2022 | 2022 City of Rockingham Volunteer Recognition event   |
| 20 May 2022 | Warnbro Primary School Walk Safely to School<br>Interview with Inspire Radio  |
| 24 May 2022 | Rockingham Senior High School Board meeting<br>Meeting with Parkerville Children and Youth Centre<br>Council meeting  |

### Implications to Consider

a. **Consultation with the Community**

Nil

b. **Consultation with Government Agencies**

Nil

c. **Strategic**

Nil

d. **Policy**

Nil

e. **Financial**

Nil

f. **Legal and Statutory**

Nil

g. **Risk**

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

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

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

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

Nil

### Comments

Nil

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **RECEIVES** the Mayor's Report for the period 27 April 2022 to 24 May 2022.

### Council Resolution

**Moved Cr Wormall, seconded Cr Hume:**

That Council **RECEIVES** the Mayor's Report for the period 27 April 2022 to 24 May 2022.

**Carried – 11/0**

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

Not Applicable



|     |                            |
|-----|----------------------------|
| 16. | Reports of Council Members |
|     | Nil                        |
| 17. | Reports of Officers        |

### Asset Services

| Asset Services<br>Parks Services         |  |   |
|--|--|---|
| Reference No & Subject:                  | AS-005/22                                | Contract Negotiation - Tender T21/22-34 - Period Landscape Maintenance of Various Reserves and Streetscapes in Baldivis, WA |
| File No:                                 | T21/22-34                                |   |
| Applicant:                               |  |   |
| Owner:                                   |  |   |
| Author:                                  | Mr Adam Johnston, Manager Parks Services |   |
| Other Contributors:                      |  |   |
| Date of Council Meeting:                 | 24 May 2022                              |   |
| Previously before Council:               | 26 April 2022 (AS-001/22)                |   |
| Disclosure of Interest:                  |  |   |
| Nature of Council's Role in this Matter: | Executive                                |   |
| Site:                                    |  |   |
| Lot Area:                                |  |   |
| LA Zoning:                               |  |   |
| MRS Zoning:                              |  |   |
| Attachments:                             |  |   |
| Maps/Diagrams:                           |  |   |

### Purpose of Report

Provide Council with details of the contract negotiations for Tender T21/22-34 - Period Landscape Maintenance of Various Reserves and Streetscapes in Baldivis, WA.

## Background

Council report AS-001/22 - Tender T21/22-34 - Period Landscape Maintenance of Various Reserves and Streetscapes in Baldivis, WA was presented to the 26 April 2022 Council meeting.

Due to the receipt of late correspondence from the preferred Tenderer, Environmental Industries Pty Ltd, proposing changes to the terms of the contract, Council resolved as follows.

*"That Council:*

1. *NOTES that Environmental Industries Pty Ltd, 27 Bannick Court, Canning Vale 6155 is the preferred Tenderer for Tender T21/22-34 - Period Landscape Maintenance of Various Reserves and Streetscapes in Baldivis, WA.*
2. *DIRECTS the CEO to undertake contract negotiations and report the outcomes to Council."*

## Details

On 21 April 2022, the City of Rockingham (City) received an email communication from Environmental Industries Pty Ltd's General Manager requesting discussion on amendments to a number of the terms of the advertised contract. The email foreshadowed that unless amendments were agreed, Environmental Industries Pty Ltd wished to withdraw its Tender before being accepted by the City.

Following a request from the City's Contract Management Supervisor on 22 April 2022, the City received details of the amendments sought.

A review of the amendments sought was undertaken by City Officers. This review determined that most of the requested amendments were unacceptable to the City, primarily because the amendments were considered to be major changes from the advertised contract which would not be acceptable from a governance perspective. Additionally, they significantly altered the allocation of risk under the contract.

On 12 May 2022, the City's Director Asset Services advised Environmental Industries Pty Ltd that the City would not accept the requested amendments and asked whether it was prepared to accept the contract without the requested amendments.

Environmental Industries Pty Ltd's General Manager responded on 16 May 2022 advising that if the requested amendments could not be further negotiated, Environmental Industries Pty Ltd would withdraw from the Tender process.

## Implications to Consider

**a. Consultation with the Community**

Not Applicable

**b. Consultation with Government Agencies**

Not Applicable

**c. Strategic**

Community Plan

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

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

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

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

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

**d. Policy**

In accordance with the City's Purchasing Policy, for purchases above \$250,000, a public Tender process is to be conducted in accordance with the provision of section 3.57 of the *Local Government Act 1995*; and *Local Government (Functions and General) Regulations 1996*, Part 4, Division 2, regulation 11A(1).

**e. Financial**

Funding for the scope of works set out within tender T21/22-34 has been allocated within the Parks Services maintenance budget. These funds will be utilised to continue service delivery while consideration is given to the appropriate future methodology for management of the contracted sites.

**f. Legal and Statutory**

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

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

In accordance with section 3.57 of the *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996*, Part 4, Division 2, regulation 19(20(1)).

*'If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer'.*

In accordance with section 3.57 of the *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996*, Part 4, Division 2, regulation 18(5).

*'The local government may decline to accept any tender'.*

**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*

A high risk has been registered in the City's Operational Risk Register.

The risk exists in that service delivery standards may be compromised for a period following the expiry of the current maintenance contracts at 30 June 2022. Contingencies are being programmed to mitigate these service impacts.

**Comments**

Two conforming submissions were received for Tender T21/22-34. Environmental Industries has advised that it wishes to withdraw its submission and Lochness Landscape Services submission is not considered as being of best value for the City. Officers therefore do not recommend either Tenderer and that all Tenders be declined.

The current two maintenance contracts (C18/19-18 and C18/19-17) for the substantial services that were to be delivered under this Tender T21/22-34 expire on 30 June 2022. City Officers are currently working through options to best continue delivery of landscape maintenance services at these sites in both the short and longer terms.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **DECLINES** all the Tenders submitted for Tender T21/22-34 - Period Landscape Maintenance of Various Reserves and Streetscapes in Baldivis, WA.

### Council Resolution

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

That Council **DECLINES** all the Tenders submitted for Tender T21/22-34 - Period Landscape Maintenance of Various Reserves and Streetscapes in Baldivis, WA.

**Carried – 11/0**

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

Not Applicable

|            |   |
|------------|---|
| <b>18.</b> | <b>Addendum Agenda</b>  |
|            | Nil   |
| <b>19.</b> | <b>Motions of which Previous Notice has been given</b>  |
|            | Nil   |
| <b>20.</b> | <b>Notices of Motion for Consideration at the Following Meeting</b>   |
|            | Nil   |
| <b>21.</b> | <b>Questions by Members of which Due Notice has been given</b>  |
|            | Nil   |
| <b>22.</b> | <b>Urgent Business Approved by the Person Presiding or by Decision of the Council</b>   |
|            | Nil   |
| <b>23.</b> | <b>Matters Behind Closed Doors</b>  |
|            | Nil   |
| <b>24.</b> | <b>Date and Time of Next Meeting</b>  |
|            | The next Ordinary Council meeting for the City of Rockingham will be held on <b>Tuesday 28 June 2022</b> commencing at 6:00pm in the Council Chambers, Civic Boulevard, Rockingham. |
| <b>25.</b> | <b>Closure</b>  |
|            | There being no further business, the Mayor thanked those persons present for attending the Council Meeting, and declared the meeting closed at <b>7:23pm</b> .                      |