



# City of Rockingham

## MINUTES

### Ordinary Meeting of Council Minutes

Held on Tuesday 26 May 2020 at 6:00pm  
City of Rockingham – Electronic Meeting



**City of Rockingham**  
**Ordinary Council Meeting**  
**6:00pm Tuesday 26 May 2020**



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**City of Rockingham**  
**Ordinary Meeting of Council Minutes**  
**Tuesday 26 May 2020 – Electronic Meeting**



**1. Declaration of Opening**

The Mayor declared the Council Meeting open at **6:08pm**, welcomed all present, and delivered the Acknowledgement of Country.

Suspension of Standing Order

**Moved Cr Buchanan, seconded Cr Stewart:**

That Council **SUSPENDS** clause 8.2 'Members to occupy own seats' of City of Rockingham (Standing Orders) Local Law 2001.

**Carried – 11/0**

Request to Record Meeting

Cr Buchan has made a request to the CEO that given the inability for public to attend due to COVID-19 restrictions, this meeting be recorded and the recording subsequently be published on the City's website subject to the provisions of the draft policy – Recording and Streaming Council Meetings.

In accordance with clause 8.5(2) 'Recording of Proceedings' of City of Rockingham (Standing Orders) Local Law 2001, the CEO requests Council permission to record the proceeding of this meeting. Resolution required.

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

That Council **PERMITS** the CEO to record the proceedings of the May 2020 Council meeting.

**Carried – 11/0**

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

**2.1 Councillors**

Cr Barry Sammels (Mayor)	Rockingham/Safety Bay Ward
Cr Deb Hamblin (Deputy Mayor)	Rockingham/Safety Bay Ward
Cr Sally Davies	Baldivis Ward
Cr Hayley Edwards	Baldivis Ward
Cr Matthew Whitfield	Baldivis Ward
Cr Lorna Buchan	Comet Bay Ward
Cr Mark Jones	Comet Bay Ward (until 7:29pm)
Cr Craig Buchanan	Rockingham/Safety Bay Ward
Cr Rae Cottam	Rockingham/Safety Bay Ward
Cr Leigh Liley	Rockingham/Safety Bay Ward
Cr Joy Stewart	Rockingham/Safety Bay Ward

**2.2 Executive**

Mr Michael Parker	Chief Executive Officer
Mr Bob Jeans	Director Planning and Development Services

	<p>Mr Sam Assaad Mr John Pearson Mr Peter Doherty Mr Michael Holland Mr Peter Varris Ms Sarah Mylotte</p>	<p>Director Engineering and Parks Services Director Corporate Services Director Legal Services and General Counsel Director Community Development Manager Governance and Councillor Support Administration Officer – Governance and Councillor Support</p>
2.3	<b>Members of the Gallery:</b>	Nil
2.4	<b>Apologies:</b>	Nil
2.5	<b>Approved Leave of Absence:</b>	Nil
<b>3.</b>	<b>Responses to Previous Public Questions Taken on Notice</b>	
3.1	<p><b>Ms Karen Banks, Rockingham – Rough sleepers Rockingham Beach Foreshore</b></p> <p>At the Council meeting held on 28 April 2020, Ms Banks submitted the following questions that were taken on notice and the Director Community Development provided a response in a letter dated 7 May 2020 as follows:</p> <p><u>Question</u></p> <p>1. What is Rockingham City Councils plan to manage the growing number of rough sleepers at the new foreshore development?</p> <p><u>Response</u></p> <p><i>Local Government's role in responding to matters surrounding homelessness is to provide community sector coordination, advocacy and referrals for individuals that request support and assistance. It is to be noted, that the provision of funding for direct service and accommodation is the remit of State Government. It is clear that working in partnership with the State Government as the lead agency enables the development of sustainable long term outcomes aimed at reducing the number of people experiencing chronic homelessness and the prevention of homelessness.</i></p> <p><i>The City has a strong relationship with the local not for profit providers who work directly with people experiencing homelessness and city officers actively provide referrals to these services upon becoming aware of people who may need their support. Unfortunately not all individuals want to receive support or assistance.</i></p> <p><i>Ranger Services have issued notices to those who are illegally camping on City owned property. To those who are wanting to seek support, Rangers have provided their details to enable a referral to support services. In addition SmartWatch has increased patrols along the foreshore precinct. The city has also been in close contact with WA Police in regards to matters related to anti-social behaviour.</i></p> <p><i>Officers are currently working on a report focused on homelessness that will be presented to Council in May 2020 for consideration.</i></p> <p><u>Question</u></p> <p>2. Is there a long term plan and if not what are the short term plans to manage toilet, hygiene and social disruption impact of increasing numbers of rough sleepers until a longer term plan is developed?</p>	

Response

*Short Term Response:*

*The City has created an Emergency Relief (ER) grant to assist local providers to enhance support which is definitely assisting to support many families and individuals. The City has coordinated the provision of personal hygiene packs (provided by Share the Dignity) and distributed these to volunteers in contact with those sleeping rough. The city's public toilets and showers remain open and are available for use. The availability of public toilets and showers has not been impacted by COVID-19. Further, the City has supported Orange Sky Laundry to continue to operate during COVID-19 to continue to provide warm showers and laundry services to those sleeping rough.*

*The City is an active member of the Rockingham/Kwinana Homelessness Interagency Group and is contributing to the groups priority projects for action during 2020 (Food Relief Hampers, Accommodation & Outreach Support, Community Awareness and Education). Further to this, the city continues to provide information, education and training to the community in the areas of mental health, budgeting and financial wellness, resilience, and healthy relationships to name a few.*

*Longer Term Response:*

*The City is liaising with Department of Communities and key agencies aimed to attract further funding to the Rockingham and Mandurah areas. On 4 December 2019, the State Government announced a \$71.8 million funding increase for homelessness services across the State. This will include an additional \$34.5 million set aside over five years for a Housing First Homelessness initiative (including rental subsidies) to extend successful housing-first collective impact approaches to new locations across Western Australia including Perth, Rockingham, Mandurah, Bunbury and Geraldton.*

**3.2**

**Mr Tom Mannion, Safety Bay – Rates / Dual use paths**

At the Council meeting held on 28 April 2020, Mr Mannion submitted the following questions that were taken on notice and the Director Engineering and Parks Services provided a response in a letter dated 1 May 2020 as follows:

Question

It was reported in 2018 that 30% of Rockingham ratepayers could not afford their rates.

1. What was the percentage of ratepayers unable to afford their rates for 2019?

Response

*The City is unable to answer your question. It is not known who "reported" the information for 2018. Outstanding rates at the end of each financial year are externally audited and considered appropriate.*

Question

The current pandemic has seen a large increase in public use of open space and particularly walking as an exercise. Laws introduced several years ago made it legal for cyclists to use paths. As it stands now with regards to shared paths, all paths are now considered suitable for both pedestrians and cyclists. Apart from recently built paths all others were never designed for such a use, with blind spots, narrow width and crossovers. As the law stands now cyclists are permitted to travel at the same speed as the adjoining roadway unless speed limits have been identified by local council. So that means that legally cyclists at present can travel on paths for example Safety Bay Foreshore path at 60 km/h or Rockingham foreshore path at 50 km/h. That said the law also states that pedestrians have the right of way.

	<p>2. Will the city consider appropriate speed limits for paths to protect pedestrians?</p> <p><u>Response</u></p> <p><i>The City has no mechanism to apply legally enforceable speed limits for shared paths in WA. Cyclists should ride in a manner appropriate to the condition. WA Police can issue infringements to cyclists that are riding recklessly or without due care and attention.</i></p> <p><u>Question</u></p> <p>3. Will the city consider an education program (on line) to educate users of the shared path</p> <p><u>Response</u></p> <p><i>The Road Safety Commission developed an education program when the law changed in 2016. The information regarding this program can be found on the Road Safety Commission website. <a href="http://www.rsc.wa.gov.au">www.rsc.wa.gov.au</a>. The City also participates in the Your Move program which provides education to the schools on the use of alternative transport modes including the use of shared paths. More information on the Your Move program can be found at <a href="http://www.youmove.org.au">www.youmove.org.au</a>.</i></p>
<b>4.</b>	<b>Public Question Time</b>
	<p><b>6:10pm</b> The Mayor noted that in accordance with regulation 14D and 14E of the Local Government (Administration) Regulations 1996, this meeting will be conducted by electronic means and closed to the public.</p> <p>The public have been invited to submit any questions relating to the business of the Committee via <a href="mailto:customer@rockingham.wa.gov.au">customer@rockingham.wa.gov.au</a> before 2pm of the meeting day.</p> <p>The Mayor requested the Manager Governance and Councillor Support read the questions received from the public and provide any responses.</p> <p><b>4.1 Mr Gerry Ligtermoet, Baldvis – Fencing at Arpenteur Park</b></p> <p>Mr Ligtermoet submitted the following question:</p> <p>I refer to the fence at the oval on the corner of Clyde Avenue and Arpenteur Drive, Baldvis. I attend the oval every Wednesday morning with the Baldvis Pole Walking Group for Seniors and have noticed 2 damaged panels, 1 broken panel and 10 picket tops missing.</p> <p>1. Could you please advise what maintenance program is in place to keep this fence in good order?</p> <p><u>Response</u></p> <p><i>The timber picket fence at Arpenteur Reserve, Baldvis was replaced with a new PVC picket fence in 2019. There has been some minor damages to date through vandalism, however the fence is currently proving to be more durable than the previous timber fence.</i></p> <p><i>Being PVC there is little to no maintenance required to the fence. The missing caps have now been replaced and the remaining caps checked to ensure they have been glued down securely. The parts for the damaged panels that were removed are on back order and these will be replaced as soon as these parts arrive which expected to be mid-June 2020.</i></p>

	<p><b>4.2 Mr Tony Murray, Secret Harbour – Alcoholic drinks at Citizenship Ceremonies</b></p> <p>Mr Murray submitted the following questions:</p> <p>It is reported by the City that only \$154 is spent on ‘beverages’ for Citizenship ceremonies, this includes both soft and alcoholic drinks. In March there were two such meetings. A considerable amount of liquor was purchased in the month of March. I understand that there is a stock control system in place for alcohol and a special store to secure it in.</p> <p>1. How much alcohol was purchased in March?</p> <p><u>Response</u></p> <p><i>Purchase of alcoholic beverages for March 2020 was \$597.76. This included some non-alcoholic beverages. The purchase was to replenish/top up stocks for planned citizenship ceremonies.</i></p> <p>2. How much alcohol was provided for citizenships?</p> <p><u>Response</u></p> <p><i>The City has been addressing a significant demand for citizenship conferral. In February 2020 the citizenship ceremonies comprised some 500 attendees of which there were 285 conferees.</i></p> <p><i>There were two ceremonies in March 2020 which entailed 550 attendees of which 268 were conferees. Of these two ceremonies (3 and 4 March), the alcohol consumed was \$265.75 and \$346.75 respectively.</i></p> <p><i>These ceremonies were held at the Gary Holland Community Centre and are around twice the size of a regular ceremony held in the Civic Centre Reception Room.</i></p> <p>3. What happened to the balance of alcohol?</p> <p><u>Response</u></p> <p><i>Any unused alcohol was returned to the City’s secured store for use at later ceremonies.</i></p> <p><b>4.3 Ms Teresa Ong, Singleton – Homeless Funding / Voting Forms / Microchipping and Dog Faeces</b></p> <p>Ms Ong submitted the following questions:</p> <p><u>Funding for homeless issues</u></p> <p>From the Council agendas it is proposed that \$150k be given to an NGO to assist with the homeless issues on the Rockingham foreshore and surrounds.</p> <p>1. Why, surely this is a state and federal issue for funding?</p> <p>2. What does the City of Rockingham expect to happen or achieve with \$150k? What KPIs are in place for that amount of expenditure?</p> <p>3. Is there a mission and vision statement of what is hoped to be achieved?</p> <p>I urge the City of Rockingham to look at documented evidence from around the World on Gold standard models for homeless people. I have attached two but the Finnish model is seen as the most successful. Gold Standard.</p>
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From an experience point of view, when working in Community Health it was proven the health care needs of the rough sleepers cannot be met out in the open. You cannot manage the diet of the diabetics, when they are relying on fast foods and not eating at regular hours. They do not access community health services.

I urge Council to look at Maslows hierarchy of needs when setting parameters for this issue.

Response

*The questions were taken on notice.*

Voting Forms

I asked last year for the registration to vote forms to be include in the Rockport and or on the website. I was informed this was not possible but updates reminding people to check their registration would happen at regular intervals. Rates notices are posted out in July 2020.

1. Is it possible please for a registration to vote form to be included in the same envelope for mailing to ensure as many households get the forms to enable more people to be registered to vote?

Response

*No. The oversight of elector registration resides with the Electoral Commission. There is limited capacity to include additional inserts with rates notices.*

*The City will pursue promotions to encourage voter registration and checking of registration (for the State Electoral roll and owners and occupiers roll) early in 2021 through to the October 2021 local government elections.*

Microchipping and Dog Faeces

I have contacted the Council and my response from you was that the Rangers only follow up in a reactive way, no proactive work in the field of microchips and faeces issues.

Faeces problem. This is a Council issue. It is a well known fact as your Public Health Officer will know only too well, E Coli is very prevalent in both cat and dog excrement, so with both of these happening in public places eg: parks and footpaths, the onus is on Council to clean this up and offer a health prevention issue.

The issue of dogs roaming, being handed into vets and all the social media tracing of owners I wrote to the Council and an admin assistant responded the microchipping is a vet issue. So doing my homework I contacted the veterinary association, and no, the policing of microchipping is a City of Rockingham issue. Vets can only microchip a pet at the request of the owner or a ranger.

Between the admin assistant and the Council officers this issue is going around in circles.

I contacted the Comet Bay Councillor as I felt Council need to know that this has to be escalated to both Public Health and the Veterinary Board. There are at least 20 on the local social media complaining about the dog faeces and roaming dogs. The Council needs to be proactive, look out for all dogs, check their registration and microchipping. It is an offence and I thought the Council would be onto some revenue raising.

Council need to start being proactive in all areas of dog management, I have the highest regard for the Rockingham animal rangers who have given me good assistance and advice with foster dogs. The manager needs to start taking charge of these issues and issuing directives. There is puppy farming going on, dog faeces from one street to the next, roaming dogs and a lack of proactive policing and working with vets and the public.

A few notices on the website, social media, Rockport, stating the dog and cat Acts and that the ranges will be fining any owner whose dog or cat is not registered and microchipped. Start with a warning and follow this up. I had hoped to keep this in house but the lack of action by the officers means this has to go to other areas to ensure public health and safety are adhered to.

Kids coming home from school with faeces on their shoes, you see on the kerb where people have tried to clean their shoes off. One case of E coli and there would be a big outcry. This is a council issue, public areas are a Council responsibility.

1. Why can the Rangers not be proactive and stop and do random checks of animal registration and microchipping?

Response

*Rangers conduct reactive, proactive and targeted patrols to enforce all dog related laws; this includes enforcing microchipping and registration requirements.*

2. Why is there not a public health offensive to clean up faeces in public places which is a huge health risk?

Response

*The City's Parks Services Team routinely maintains parks, streetscapes and public open space facilities. This includes cleaning up dog excrement.*

*The Health Services Team investigates dog excrement issues on private land.*

*Residents may contact the City directly to report a street or reserve they believe requires additional maintenance. Residents are also encouraged to report dog excrement offences so that Rangers can accurately record complaints and direct proactive patrols accordingly.*

3. Who is responsible for these problems, Public Health Officer or the Rangers manager?

Response

*It is the responsibility of Rangers to enforce dog related laws.*

*The City's Health Services and Parks Services Team have other responsibilities outlined above.*

Other statements

4. Microchipping is a vet issue

*It is usual that dog owners arrange for vets to microchip their dogs.*

*Rangers ensure that dogs received into the Animal Management Facility comply with legal requirements upon their release.*

5. Social media tracing of owners

*This question was answered last month and is recorded in the minutes.*

**4.4 Mr Graeme Cooke, Secret Harbour - Day Care Centre, Secret Harbour**

Mr Cooke submitted the following question:

1. With the proposed building of a day care centre at the original proposed library for secret harbour, will the council look at another venue?

Response

*When a library facility for Secret Harbour was initially proposed in the 2015 CIP it was to be a shopfront library. This was potentially to be included as part of a future expansion of the Secret Harbour Shopping Centre. This project was always dependent upon the timing and availability of space to be approved from the developers Charter Hall. Subsequent discussions held between the City and Charter Hall in 2016/17 raised concerns with the location within the shopping centre, the space availability and the rental arrangements to be offered by the developer.*

*As a consequence of this, alternative options for a library facility in Secret Harbour were considered. This included a review of the access residents in the City's southern suburbs have to a library facility. Consideration was given the City's 2016 Library and Information Services Strategy which identified collaboration with neighbouring LGAs as an important factor in the provision of library services. Recognising that there was a new library facility at the Lakelands Shopping Centre as well as the existing Warnbro Library facility, timing for the provision of a library service at Secret Harbour was also reviewed*

*Therefore following the review of the form and function as well as the timing for a library service at Secret Harbour it was determined in the 2018 CIP that a library facility be developed as a future expansion of the Secret Harbour Community Centre and such a facility be constructed in 2028/2029.*

**4.5 Mr Tom Mannion, Safety Bay – Passenger Vehicles**

Mr Mannion submitted the following questions:

The minutes this month show that there is approximately \$250,000.00 planned to be spent on new passenger vehicles for the city and identifies a number of passenger vehicles due to be replaced.

1. What is the reason for this purchase of new passenger vehicles?

Response

*The light vehicle fleet includes both passenger vehicles and utility vehicles. The new utility vehicles will be used to address expanded operational activities such as the new Baldivis District Sporting Complex.*

2. Why are several passenger vehicles being replaced after only being purchased 12 or less months ago?

Response

*The Institute of Public Works Engineering Australasia (IPWEA) provides guidelines and recommendations for replacement of vehicles using asset management principles to identify the optimum replacement frequency based on time/usage. The key recommendation from these guidelines is to replace passenger vehicles every five years or 100,000Km whichever comes first. The City operates a number of vehicles such as SmartWatch vehicles which completes the recommended 100,000Km within 12-24 months due to the nature of their operation. The exact replacement timeframe for these high use vehicles is determined by a number of factors but generally in consecutive financial years.*

	<p>3. Can you provide a policy on the use of the cities passenger vehicles?</p> <p><u>Response</u></p> <p>Council's 'Light Vehicle Fleet' policy can be found on the City's website - <a href="https://rockingham.wa.gov.au/your-city/about-us/local-laws-council-policies-and-delegations">https://rockingham.wa.gov.au/your-city/about-us/local-laws-council-policies-and-delegations</a></p> <p>4. Are city passenger vehicles used for private use?</p> <p><u>Response</u></p> <p>The private use of city vehicles is provided for in accordance with Council policy.</p> <p><b>6:22pm There being no further questions received the Mayor closed Public Question Time.</b></p>
<b>5.</b>	<b>Applications for Leave of Absence</b>
	<p>Cr Matthew Whitfield requested a leave of absence for the 25 August 2020 Council meeting.</p> <p><b>Moved Cr Buchan, seconded Cr Stewart:</b></p> <p>That Council <b>APPROVES</b> Cr Whitfield's application for leave of absence for the 25 August 2020 Council meeting.</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 Hamblin, seconded Cr Stewart:</b></p> <p>That Council <b>CONFIRMS</b> the Minutes of the Ordinary Council Meeting held on 28 April 2020, 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>
	<p>Nil</p>
<b>8.</b>	<b>Announcement by the Presiding Person without Discussion</b>
	<p><b>6:22pm</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>6:22pm</b> The Mayor asked if there were any interests to declare.</p> <p><b>There were none.</b></p>
<b>10.</b>	<b>Petitions/Deputations/Presentations/Submissions</b>
	<p>Nil</p>
<b>11.</b>	<b>Matters for which the Meeting may be Closed</b>
	<p>Nil</p>

<b>12.</b>	<b>Receipt of Minutes of Committees</b>										
	<p><b>Moved Cr Stewart, seconded Cr Buchanan:</b></p> <p>That Council <b>RECEIVES and CONSIDERS</b> the minutes of the:</p> <ol style="list-style-type: none"><li>1. Planning and Engineering Services Committee meeting held on 18 May 2020; and</li><li>2. Corporate and Community Development Committee meeting held on 19 May 2020.</li></ol> <p style="text-align: right;"><b>Carried – 11/0</b></p>										
<b>13.</b>	<b>Officers Reports and Recommendations of Committees</b>										
	<p><b>Method of Dealing with Agenda Business</b></p> <p>The Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports committee recommendations would be adopted en bloc, ie all together.</p> <p><b>Withdrawn Items</b></p> <p>The following officer report items were withdrawn for discussion:</p> <table><tr><td>CS-009/20</td><td>City Business Plan 2020/2021 to 2029/2030 (Absolute Majority)</td></tr><tr><td>CS-010/20</td><td>May 2020 Budget Review (Absolute Majority)</td></tr><tr><td>CS-011/20</td><td>Rating Methodology – 2020/2021 Financial Year</td></tr><tr><td>CD-010/20</td><td>National Redress Scheme Position (Absolute Majority)</td></tr><tr><td>CD-011/20</td><td>Homelessness in Rockingham</td></tr></table>	CS-009/20	City Business Plan 2020/2021 to 2029/2030 (Absolute Majority)	CS-010/20	May 2020 Budget Review (Absolute Majority)	CS-011/20	Rating Methodology – 2020/2021 Financial Year	CD-010/20	National Redress Scheme Position (Absolute Majority)	CD-011/20	Homelessness in Rockingham
CS-009/20	City Business Plan 2020/2021 to 2029/2030 (Absolute Majority)										
CS-010/20	May 2020 Budget Review (Absolute Majority)										
CS-011/20	Rating Methodology – 2020/2021 Financial Year										
CD-010/20	National Redress Scheme Position (Absolute Majority)										
CD-011/20	Homelessness in Rockingham										

**Planning and Engineering Services Committee**

**Planning and Development Services  
Strategic Planning Services**



<b>Reference No &amp; Subject:</b>	<b>PD-022/20</b>	<b>Proposed Structure Plan - Lot 3020 Bay Links Boulevard and Unallocated Crown Land No.3019, Port Kennedy ('Kennedy Bay')</b>
<b>File No:</b>	LUP/428-03	
<b>Applicant:</b>	Greg Rowe Pty Ltd (Rowe Group) on behalf of Western Australian Beach & Golf Resort Pty Ltd (WABGR)	
<b>Owner:</b>	WABGR	Lot 3020 Bay Links Boulevard, Port Kennedy
	State of Western Australia	Unallocated Crown Land No. 3019, Port Kennedy
<b>Author:</b>	Mr Tristan Fernandes, Coordinator Strategic Planning	
<b>Other Contributors:</b>	Mr Brett Ashby, Manager Strategic Planning and Environment	
<b>Date of Committee Meeting:</b>	18 May 2020	
<b>Previously before Council:</b>		
<b>Disclosure of Interest:</b>		
<b>Nature of Council's Role in this Matter:</b>	Executive	
<b>Site:</b>	Lot 3020 Bay Links Boulevard and Unallocated Crown Land No.3019, Port Kennedy	
<b>Lot Area:</b>	66.8ha	
<b>LA Zoning:</b>	Development	
<b>MRS Zoning:</b>	Urban	
<b>Attachments:</b>	Schedule of Submissions	
<b>Maps/Diagrams:</b>	<ol style="list-style-type: none"><li>1. Location Plan</li><li>2. Kennedy Bay Master Plan (2004)</li><li>3. Kennedy Bay Master Plan - Town Centre (2004)</li><li>4. Port Kennedy Development Bill 2017 - Revised Development Plan</li><li>5. Aerial Photograph</li><li>6. Advertised Structure Plan Map</li><li>7. Advertised Structure Plan Map (Local Centre)</li><li>8. Advertised Concept Plan</li></ol>	

Maps/Diagrams: (cont.)

9. Proposed Residential Densities
10. Location of Advertising
11. Town Centre Plan (2004)
12. Interface Between Longbeach Estate and Proposed Town Centre
13. Recommended Cross-Section Locations

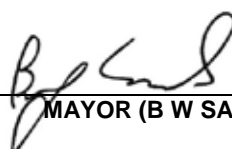


1. Location Plan

**Purpose of Report**

To consider a proposed Structure Plan over Lot 3020 Bay Links Boulevard and Unallocated Crown Land No.3019, Port Kennedy (referred to as the Kennedy Bay Structure Plan) following the completion of public advertising.

Confirmed at a Council meeting held  
on Tuesday 23 June 2020

  
MAYOR (B W SAMMELS)



## Background

In March 1986, the State Government called for expressions of interest to develop a marina harbour and tourist development on Crown land at Port Kennedy. In 1992, the State entered into an agreement with Fleuris Pty Ltd and formalised it through the *Port Kennedy Development Agreement Act 1992*. Under this agreement, the Kennedy Bay Golf Course and portions of the Long Beach Estate were constructed by the then developer, Port Kennedy Resorts Pty Ltd.

In 2002, development rights were reassigned to Western Australia Beach and Golf Resort Pty Ltd (WABGR), with Mirvac (WA) Pty Ltd appointed as the project manager. Development of the site during this time was still guided by the *Port Kennedy Development Agreement Act 1992* and various revisions to the development plan (see Figures 2 and 3).



2. Kennedy Bay Master Plan (2004)

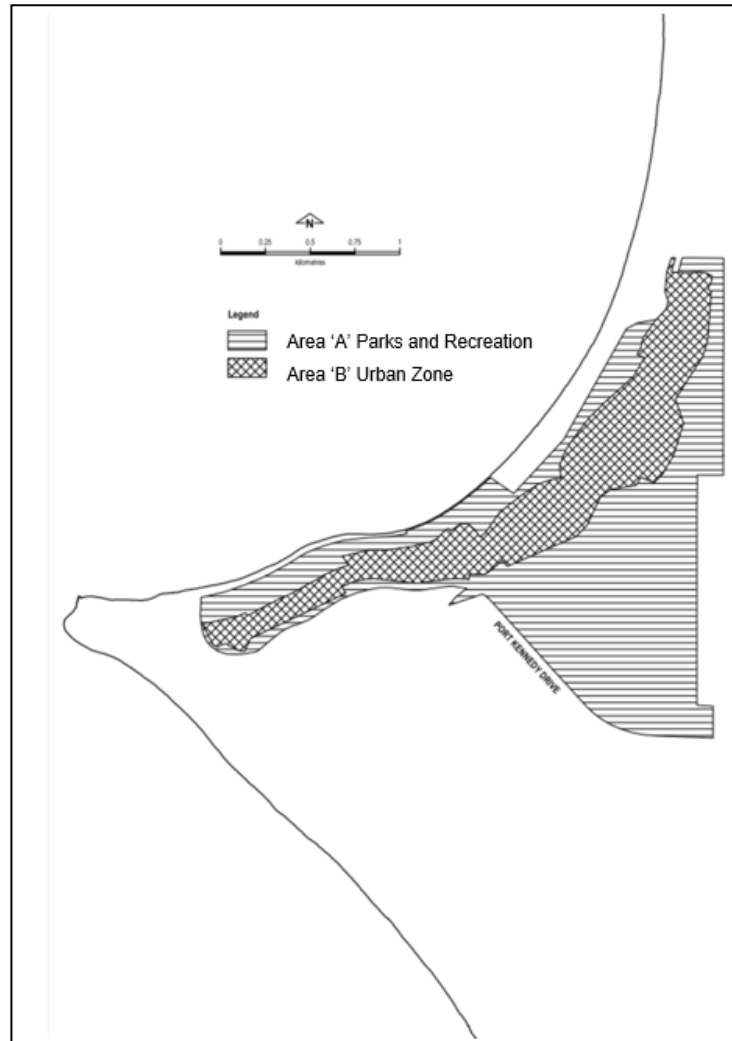




3. Kennedy Bay Master Plan - Town Centre (2004)

In 2003, the Western Australian Planning Commission (WAPC) introduced *State Planning Policy 2.6 – State Coastal Policy* (SPP2.6). SPP2.6 required all developments to consider the implications of coastal processes (inundation and erosion), including an allowance for sea level rise; ensuring developments are setback an appropriate distance to avoid risk from coastal vulnerability. Subsequently, Mirvac arranged for a coastal vulnerability assessment to be prepared in accordance with SPP2.6. The assessment identified that approximately half of the land previously identified for development would be precluded from development under SPP2.6, which would render the project unviable.

In 2016, the State Government and WABGR reframed the project, reflecting the outcome in a Sale and Development Agreement (SADA). On 28 June 2017, Parliament introduced the *Port Kennedy Development Bill 2017*, which repealed the *Port Kennedy Development Agreement Act 1992*. This allowed for the new agreement to be implemented. The Bill resulted in amendments to both the Metropolitan Region Scheme and the City's Town Planning Scheme No.2, which reflected a revised area for the Port Kennedy project, as shown in Figure 4.



#### 4. Port Kennedy Development Bill 2017 – Revised Development Plan

Outcomes of the SADA requires the developer to provide for a number of public facilities, including the reconfiguration of the golf course and clubhouse, parking, a new jetty and moorings and a local centre with retail, tourism accommodation and hospitality options.

#### **Previous Environmental Approvals**

##### Ministerial Approval

The Kennedy Bay project (originally referred to as the Port Kennedy Regional Recreation Centre, Stage 1) was referred to the Environmental Protection Authority (EPA) in 1988. The project was assessed at a level of Environmental Review and Management Programme.

The project was approved subject to conditions for implementation in 1990 and proponent commitments outlined within Ministerial Statement No.105.

The Ministerial Statement 105 conditions included the following:

*Condition 14. Prior to construction, the proponent shall review the conservation value of the proposed "Northern Conservation Zone" (i.e. the northern part of the site, but excluding the foreshore zone) in consultation with the Department of Conservation and Land Management. If in the opinion of the Minister for the Environment it would be environmentally preferable to exchange the northern area for an equivalent area to be added to the "Southern Conservation Zone", then the proponent shall adjust accordingly the proposed conservation zones and areas available for development, to the satisfaction of the Minister for the Environment.*

The project proponent submitted correspondence to the EPA in September 1993 in relation to Condition 14 which included information on the conservation values of the area and outlined the benefits of the land exchange. This was assessed by the EPA in 1994 and recommended for approval.

The Minister for the Environment issued Statement 359 in August 1994 which confirmed this approval.

#### Environmental Protection and Biodiversity Conservation Act 1999

In 2004, the Kennedy Bay development proposal was referred to the Department of Environment and Energy (DotEE) for potential impacts to the Becher Suite Wetlands and *Sedgelands in Holocene Dunes Swales* Threatened Ecological Community (TEC), determined as "Not a Controlled Action" (EPBC 2004/1913).

As a result of changes to the proposed Kennedy Bay development, the revised proposal was referred to the DotEE in late 2013, with a decision notice issued in February 2014 as 'Not a Controlled Action'.

The Environment Protection and Biodiversity Conservation Act referral was based on the flora survey from Trudgen 1988 and an annual dampland survey for Becher Suite Wetlands (Bennett 2013), being the key Matter of National Environmental Significance in question.

### Details

#### Site Context

The site is bounded by Port Kennedy Drive and Long Beach Estate to the south, Bayeux Avenue to the north, the Links Kennedy Bay Golf Course and Morfontaine Parade to the east, and Port Kennedy foreshore to the west.

The Port Kennedy Scientific Park is located to the south of the site. The Park forms part of the Rockingham Lakes Regional Park Bush Forever Site 377, which is also a Ramsar listed site (Becher Point Wetlands). Ramsar sites are wetland sites protected for their significance in conserving biological diversity.

Parts of the site have been developed for and utilised as fairways as part of the Links Kennedy Bay Golf Course. The balance area consists of the Quindalup Vegetation Complex with coastal scrubland vegetation.

The total area of native vegetation proposed to be cleared for the development is stated to be approximately 52 ha (79% of total Structure Plan area). Vegetation retention is proposed within the north-eastern POS (6.52 ha).

The elevation within the Structure Plan area ranges from approximately 3 - 5m AHD in the southern portion of the site, gradually moving up to 3 - 8m AHD in the middle and slightly higher elevations ranging from 5 - 9m AHD in the north along dune ridges.

Historically, the site was utilised as an artillery range during the WWII period, resulting in unexploded ordnance (UXO) contamination.





5. Aerial Photograph

### Description of the Proposal (as advertised)

The proposed Structure Plan contains the following elements:

1. A main street Local Centre at the southern entry point into the estate, providing 1,200m<sup>2</sup> of retail floor space, local open space, tourist accommodation and residential/home office opportunities. The retail floor space will accommodate the following mix of uses:
  - supermarket/deli;
  - two convenience-based retailers;
  - two café/takeaway retailers; and
  - restaurant/tavern.
2. A contribution of 14.91% (9.67ha) of Public Open Space (POS) contained within seven (7) POS reserves, ranging in size from 0.1ha to 4.82ha.

3. Residential densities to accommodate approximately 1,002 dwellings allocated in the following manner:
  - (i) A base density range of R25-40:
    - R25 density (350m<sup>2</sup> average lot size) provided for lots backing on to the Port Kennedy Golf Course;
    - R30 for the majority of the site (300m<sup>2</sup> average lot size);
  - (ii) R40 (220m<sup>2</sup> average lot size) and R60 (150m<sup>2</sup> average lot size) density development located within proximity to POS, Foreshore Reserve and at the end of street blocks;
  - (iii) An R80-R100 grouped housing site located adjacent the Links Golf Course, to be developed as either grouped or multiple dwellings.
  - (iv) R80 (120m<sup>2</sup> average lot size and providing for a maximum four storey height) located within the Local Centre precinct; and
  - (v) Select sites with a density of R100 within the Local Centre, with the potential to provide for a four to five storey development(s).
4. Access to the Structure Plan area is proposed from Bayeux Avenue to the north and Port Kennedy Drive to the south.
5. A neighbourhood connector road providing a north/south road linkage between Bayeux Avenue and Port Kennedy Drive.

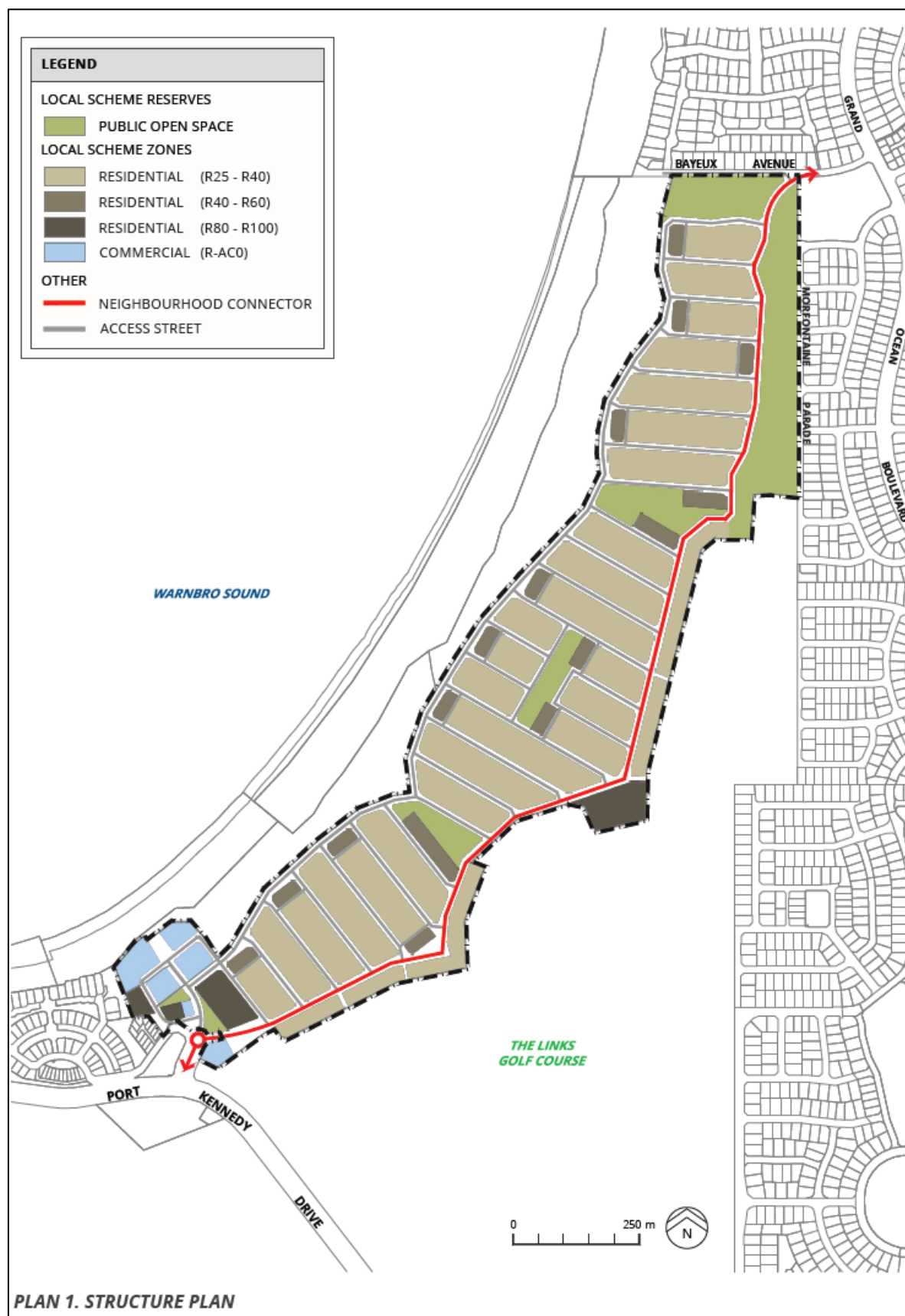
It is understood that there are other requirements indirectly associated with the Structure Plan Application which are required by the Sale and Development Agreement ('SADA') between the State Government and the Applicant, although the City is not privy to these details.

The applicant is required to redevelop the golf course, relocating any impacted elements of the course associated with the development of the Structure Plan eastward, between the subject land and existing residential development located generally adjacent to Morfontaine Parade, Pimento Circle and Bayside Boulevard. There are no details provided in relation to the proposed redesign of the course.

The applicant is also required to construct a new jetty and golf clubhouse. The Landscape Plan submitted with the Structure Plan proposes a number of foreshore improvement works within the adjacent foreshore reserve (such as play equipment, barbeque facilities, picnic shelters and turf kickabout areas).

In accordance with the Planning Regulations, the Structure Plan application submitted for assessment contained the following technical documentation:

- Y Structure Plan Map;
- Y Structure Plan Report;
- Y Bushfire Management Plan;
- Y Coastal Hazard Risk Management and Adaptation Plan;
- Y Concept Landscape Masterplan;
- Y Engineering Servicing Report;
- Y Environmental Assessment Report
- Y Foreshore Management Plan;
- Y Landscape Strategy;
- Y Local Centre Strategy;
- Y Local Water Management Strategy; and
- Y Transport Impact Assessment.



6. Advertised Structure Plan Map

Confirmed at a Council meeting held  
 on Tuesday 23 June 2020

*B. W. Sammels*  
 MAYOR (B W SAMMELS)



7. Advertised Structure Plan Map (Local Centre)





8. Advertised Concept Plan

Confirmed at a Council meeting held  
 on Tuesday 23 June 2020

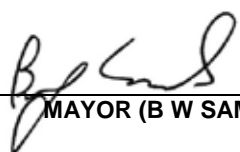
*B W Sammels*  
 MAYOR (B W SAMMELS)





9. Proposed Residential Densities

Confirmed at a Council meeting held  
on Tuesday 23 June 2020

  
MAYOR (B W SAMMELS)

## Implications to Consider

### a. Consultation with the Community

#### Advertising Methodology

The proposed Structure Plan was advertised for a period of 28 days which commenced on 14 February 2020 and concluded on 13 March 2020.

Public advertising was carried out in the following manner:

- (i) Nearby owners and occupiers of nearby properties (2,452 referrals) were notified in writing (refer to Figure 10);
- (ii) Referrals to the Port Kennedy Progress Association and the Kennedy Bay Community Association;
- (iii) The Applicant erected three signs in prominent locations adjacent to the subject land, being on:
  - (a) The south-west corner of Bayeux Avenue and Grand Ocean Boulevard;
  - (b) Port Kennedy Drive, west of Bayside Boulevard; and
  - (c) The north-west corner of Kennedy Bay Key and Port Kennedy Drive.
- (iv) The Applicant placed a notice in the Sound Telegraph newspaper on the 19th February 2020;
- (iv) Copies of the proposed Structure Plan and relevant documents were made available for inspection during the advertising period at the City's Administrative Offices and on the City's website.

Advertising was undertaken in accordance with the requirements of Schedule 2, Part 4, Clause 18 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).



10. Location of Advertising

*Note: advertising area is the land contained within red border. The proposed Structure Plan area is contained within the yellow border.*

### Public Enquiries

There was significant public interest in the proposal during the advertising period with the City's Planning Officers dealing with in excess of 100 enquiries via phone, email, public counter visits, and meetings.

During the advertising period, the Port Kennedy Progress Association hosted an information session at the Port Kennedy Tavern to outline the issues that will inform the submission for the proposal. City Officers attended the meeting to observe the discussion.

Summary of Public Submissions: At the close of the advertising period, the City had received 315 submissions from landowners and occupiers. With respect to public submissions received, 34 submissions were identified as duplicates. These were broken down as follows:

1. Pro-forma submissions (16);
2. The same submission from the different members of same household (2); and
3. The same landowner relating to different properties (16). It is noted that the landowner of the Structure Plan area, WABGR, submitted 17 identical submissions for each nearby vacant lots in its ownership located in proximity to the Structure Plan.

These submissions were considered as a single matter.

The total number of submissions accounting for the duplicates outlined above was 349.

Of the 315 submissions:

- Y 101 were in support (32%);
- Y 32 offered conditional support (10%);
- Y 26 neutral (8%);
- Y 156 raised objections (50%).

A full copy of the submissions received during the advertising period is set out in the Schedule of Submissions as an attachment to this Report.

### Matters Raised in Submissions

Matters raised in the submissions, along with responses received from the applicant, are summarised below:

1. Residential Density	
<b><u>Submissions:</u></b>	<b><u>Applicant's Response:</u></b>
(i) <b>The Structure Plan proposes high-density development abutting an established residential area, which is likely to facilitate anti-social behaviour, negatively impacting the amenity enjoyed by existing residents of the area.</b>	(i) <i>The Structure Plan proposes medium density rather than high density. Notwithstanding, the inclusion of density does not translate to antisocial behaviour or negatively impacting upon amenity. To the contrary, it provides for improved passive surveillance, more activity and provides a strong foundation to create a vibrant local centre, along with areas of open space within the site and adjacent to the foreshore which will create an attractive amenity node for existing and future residents alike.</i>
(ii) <b>The proposed dwelling densities and more affordable small housing will encourage anti-social behaviour, increased crime and anti-social impacts.</b>	(ii) <i>Dwelling sizes do not correlate to antisocial behaviour. Rather, the proposed range of lot sizes will provide for diversity and choice.</i>



1. Residential Density (cont...)	
(iii) <b>The proposed densities will have a detrimental impact to existing amenity enjoyed by the community in the existing adjoining residential areas.</b>	(iii) <i>The submitter's comments are not supported. The Structure Plan will enhance existing areas of amenity through establishing additional foreshore reserve areas for the broader public to enjoy, along with creating a small local activity node which will enhance the vibrancy of the area. The proposed densities are in keeping with standard planning principles and support the overall function and diversification of the estate, which response to current State Government objectives.</i>
(iv) <b>The density proposed by the Structure Plan does not integrate with the established character of Port Kennedy.</b>	(iv) <i>The proposed densities are in keeping with current planning principles and meet the State Government's objectives pertaining to housing diversity and choice. The densities proposed under the Structure Plan ensure the City of Rockingham will meet its requirements for infill density in accordance with the Perth and Peel @ 3.5 Million and the accompanying South Metropolitan Sub-Regional Framework document. In addition, the Structure Plan proposes a density code of R25 to the eastern interface which responds to the established density codes within Port Kennedy.</i>
(v) <b>The lots sizes proposed are too small.</b>	(v) <i>The lot layout which forms part of the supporting Structure Plan documentation is indicative only, with proposed lot sizes to be subject to future Subdivision Applications.</i>
(vi) <b>The density is also out of step with the "Directions 2031" which sets out the Perth and Peel development strategic plans.</b>	(vi) <i>The submitter's comments are not supported. The WAPC's Directions 2031 has recently been superseded by the Perth and Peel @ 3.5 million and South Metropolitan Peel Sub-Regional Planning Framework with a projected additional dwelling target of 14,680 dwellings. The mix of residential densities directly responds to this key objective of the Sub-Regional Planning Framework, with the densities being appropriately located around areas of amenity in accordance with the WAPC's Liveable Neighbourhoods.</i>
(vii) <b>The smaller lot sizes of 350sqm will be detrimental to the preservation of the character of Port Kennedy, where average lot sizes are much larger in the surrounding residential areas.</b>	(vii) <i>The Structure Plan area is uniquely located in close proximity to the foreshore and therefore, is not considered to be detrimental to the preservation of the character of Port Kennedy.</i>

1. Residential Density (cont...)	
	<i>Whilst subject to detailed subdivision design, smaller lot sizes will be located appropriately, adjacent to, or within close proximity to areas of amenity, which will contribute to the overall character of the estate and broader area.</i>
<p><b>(viii) Reduce the majority of residential densities to provide for R12.5 - R20 to:</b></p> <ul style="list-style-type: none"> <li>- Integrate with the prevailing character of Port Kennedy.</li> <li>- Provide adequate space for private recreation and urban greening to meet the City's Greening Plan target.</li> <li>- Reduce the urban heat island effect.</li> <li>- Support visitor parking.</li> <li>- Improve streetscapes.</li> <li>- Reduce the traffic impact onto the established road network in Port Kennedy.</li> </ul>	<p><i>(viii) Reduced residential densities do not have a direct correlation to achieving the various matters raised by the submitter. It is more likely that increased densities, in appropriate locations, will improve the overall provision of visitor car parking and aesthetic nature of streetscapes. The Structure Plan provides for 14% public open space (more than the 10% required under Liveable Neighbourhoods) and will include areas of landscaping as part of future detailed design.</i></p>
<p><b>(ix) Higher residential densities shown throughout the Structure Plan area should be relocated majority closer to the city centre where amenities such as shopping, cafes and transport links are more readily available.</b></p>	<p><i>(ix) The provision of medium density throughout the Structure Plan area is entirely consistent with the WAPC's Liveable Neighbourhoods which has been located accordingly adjacent to areas of amenity such as public open space and within/adjacent to the Local Centre node.</i></p>
<p><b>(x) The high density site is not appropriately located on the eastern boundary of the Structure Plan area abutting the golf course and does not satisfy the location criteria for high density development.</b></p>	<p><i>(x) The proposed R100 site is located in close proximity to areas of public open space and will have views of the future re-designed golf course, justifying the proposed density. A higher density code of R100 has been proposed to provide greater flexibility at subsequent stages of planning to accommodate a unique built form outcome for the site (which will be subject to detailed design and further assessment at the time of lodgement).</i></p>
<p><u>City Comment:</u> See Comments section for assessment of Residential Density.</p>	

<b>2. Movement Network</b>	
<b>2.(a) Traffic Impact Assessment Report</b>	
<b>Submissions:</b>	<b>Applicant's Response:</b>
(i) Established residential areas will experience increased traffic and noise generated from the Structure Plan area, impacting the amenity of the area and its original planned intent of the area.	(i) <i>The Longbeach Estate will not be impacted by increased traffic, with movements into the existing estate being limited. There will be an increase in traffic along Bayeux Avenue, however, the Structure Plan has sought to minimise the number of dwellings impacted in this regard through a proposed realignment of the road reserve. The Structure Plan area has been identified for urban residential development for over 20 years and therefore, the proposal is in keeping with the original planned intent of the area.</i>
(ii) The TIA states that traffic counts were undertaken in November, this is not the summer season indicative of the higher traffic volumes experienced on Bayeux Avenue.	(ii) <i>Noted, however, there is no mandatory requirement to undertake traffic counts in summer.</i>
(iii) The TIA states that Bayeux Avenue as a proposed Neighbourhood Connector B will become a 16 metre road reserve with a 7 metre wide carriageway. The current cadastre only provides for a 14 metre wide road reserve, part of which is physically located within the existing Bayeux Park with the existing stand of mature trees.	(iii) <i>The existing Bayeux Avenue road pavement is 7 metres wide, so no pavement widening is proposed. The current extent of the southern verge measured 2 metres in width, which is considered to be sufficient given the location of public open space along the balance of this frontage, however, the ultimate road design will be subject to further design and approval post-subdivision (noting that it is likely that no widening or clearing will be required).</i>
(iv) The TIA states that to enable the affected residents to be able to safely ingress/egress from their driveways, a CAP road ('service road' should be constructed). This service road will require at least another 5+ metres within the road reserve, thus requiring additional land to be resumed from Bayeux Reserve.	(iv) <i>Detailed design of Bayeux Avenue and any road intersection upgrade requirements will be undertaken as part of detailed design to occur at subsequent stages of planning.</i>
(v) It is highly probable that at full build out, the intersection of Bayeux Avenue & Grand Ocean Boulevard will require channelization for safety reasons in the form of left & right turning pockets. Again there will be a minimum of 4 metres resumed from Bayeux Reserve eastern boundary to enable construction of the left turning pocket and installation of pedestrian paths.	(v) <i>The TIA has modelled the intersection of Bayeux Avenue and Grand Ocean Boulevard upon full build out of the Structure Plan which has been modelled to show a 'Level of Service A' (i.e. excellent) level of service.</i>

2. Movement Network (cont...)	
(vi) The TIA bases its trip general rates on 917 Lots Yield Area rather than the advertised approximate 1002 residential sites. The worst case scenario should be modelled to determine the impacts to the existing road infrastructure.	(vi) The submitter's comments are noted, however, the TIA has been based on the Indicative Lot Layout Plan, with the estimated 1,002 residential dwellings being based on a density per site hectare calculation given the high level nature of the Structure Plan. Additional traffic reporting will be prepared to accompany future applications over the grouped and multiple dwellings sites, if required. Any additional traffic resulting from the residential area is considered negligible for the purpose of the Structure Plan.
(vii) Section 5.1 of the TIA states that the net result of the Structure Plan will generate an additional 3,500vpd onto Bayeux Avenue? (Based on a yield of 917 Lots and 50% split).	(vii) The submitter's comments are noted and addressed within the TIA.
(viii) The TIA assumes a 50% split in trip distribution rates with 50% of residents travelling southbound and 50% northbound. What are these split trip distribution rates based on and what are the attractors south of this structure plan that justifies an even split?	(viii) The split was based on current traffic movements within the area. The attractors to the south of the site are namely direct access onto Port Kennedy Drive and Ennis Avenue, as well as the large service commercial precinct on Warnbro Sound Avenue.
(ix) The TIA bases the Commercial land use at 6,224m <sup>2</sup> rather than the advertised 1,200m <sup>2</sup> retail space. The 460 internal trips within the Local Centre is incorrect and the actual discounted figure for internal trips will be much lower and the overall structure plan trip generation rates higher.	(ix) The Local Centre is 6,224m <sup>2</sup> in its entirety (i.e. the whole of the land which comprises the centre), with 1,200m <sup>2</sup> being the total amount of retail floorspace. In this regard, the 460 internal discounted trips are acceptable which has been based off trips attracted by 1,200m <sup>2</sup> of retail space.
(x) The traffic distribution rate is not supported or justified. It is likely that the trip distribution rates would be in the order of 70% heading north (based on land uses near this exit) onto Bayeux Ave and 30% heading south in the current Structure Plan layout, particularly as there is no connection for the Central Precinct.	(x) The submitter's comments are not supported, the traffic distribution rate is comprehensively outlined and addressed as part of the TIA.

2. Movement Network (cont...)	
It is also likely that the majority of the central and all of the northern precinct would utilise Bayeux Avenue to enter/exit the subdivision due to the major attractions and employment nodes being in the north. This equates to approximately 75% of the structure plan area relying on one access road on the north. If the trip distribution is incorrect, there will be a significant increase to the number of vehicles using Bayeux Avenue than that modelled. The TIA should conduct SIDRA modelling with the correct assumptions for traffic split.	
(xi) Section 3.3 of the TIA provides traffic counts for Warnbro Sound Avenue & Port Kennedy Drive (west of Ennis Avenue), however, it does not provide counts for Grand Ocean Boulevard, particularly in the vicinity of Bayeux Avenue. Why has this not been included within the TIA? It is requested newer traffic counts be used to inform the TIA.	(xi) Whilst this was not stated explicitly within the TIA, traffic counts were taken at the intersection of Grand Ocean Boulevard and Bayeux Avenue.
(xii) The TIA does not model the developments distribution of traffic into Grand Ocean Blvd north and south directions and the north & south connections to Warnbro Sound Avenue.	(xii) In modelling the intersection of Bayeux Avenue and Grand Ocean Boulevard, the split of traffic travelling north and south on Grand Ocean Boulevard was determined. The volumes of development traffic travelling north and south along Grand Ocean Boulevard are less than 10% of the lane capacity and therefore, no further investigation was undertaken south of at Warnbro Sound Avenue.
(xiii) The TIA must also model the various primary school's AM & PM Peak periods which records the highest daily traffic volumes and the worst Level of Service (LOS).	(xii) This is not a requirement of the TIA which has been prepared in accordance with current WAPC Guidelines.
(xiv) It is noted that the AM & PM Peak school periods in the vicinity of Warnbro High School & opposite Warnbro Fair shopping centre particularly the existing high PM Peak traffic counts, is already problematic.	(xiv) Noted, however, these areas are well outside of the boundaries of the Structure Plan and therefore, are not at the responsibility of the proponent to address.



2. Movement Network (cont...)	
(xv) Indicative SIDRA modelling that has been conducted based on the w traffic volumes of 1,750 vehicles entering Bayeux Ave indicates that it will be extremely problematic for vehicles at this location, attempting to turn right (south bound) from the Grand Ocean Blvd/Warnbro Avenue intersection with a LOS E. The development of the Structure Plan area should provide developer contributions towards improving this intersection due to the considerable development traffic utilising this intersection.	(xv) <i>The submitter's comments are not supported. The TIA documents the performance of this intersection during peak hours as operating at a Level of Service A.</i>
(xvi) The modelling states in the PM peak that only 31 vehicles enter Kennedy Bay Drive East approach with 19 going through and 12 turning right (north into the development area). Is this their assumption of what 50% trip generation split rate represents for the PM peak at this southern access?	(xvi) <i>Yes, this is the documented in the TIA accordingly.</i>
(xvii) The Structure Plan has not provided an assessment of the traffic congestion around local school sites, particularly during peak hour.	(xvii) <i>This is not a requirement of the TIA which has been prepared in accordance with current WAPC Guidelines.</i>
(xviii) The Structure Plan should provide a roundabout at the intersection of Bayeux Ave and Grand Ocean Blvd.	(xviii) <i>The findings of the TIA do not require a roundabout at the intersection of Bayeux Avenue and Grand Ocean Boulevard. In addition, the TIA does not identify any potential safety or operational capacity issues at this intersection as a result of the development contemplated by the Structure Plan</i>
(xix) The Structure Plan should be made to provide traffic lights or roundabout at the intersections of Grand Ocean Boulevard and Warnbro Sound.	(xix) <i>By the time traffic generated by the Structure Plan area is dispersed to the intersections of Grand Ocean Boulevard and Warnbro Sound, the traffic volumes do not exceed the warrants for assessment of these intersections and therefore, no intersection upgrades are required.</i>
(xx) The Structure Plan and TIA has not considered the traffic impacts to Chelmsford Avenue, Grand Ocean Boulevard and Port Kennedy Drive and the intersections of these roads onto Warnbro Sound Avenue.	(xx) <i>This is due to the volume of development traffic on these roads (including the existing traffic) being below the engineering traffic warrant for further investigation.</i>

2. Movement Network (cont...)	
(xxi) The traffic counters put down do not include parts of Port Kennedy that would use the junctions between Grand Ocean Boulevard, Chelmsford Ave and Warnbro Sound Avenue.	(xxi) The purpose of the TIA is to inform the impact of the development on the surrounding area defining the level of impact if exceeding current road capacity, not to investigate the current area for any and all problems that might currently exist external to the development. The TIA concludes that any additional traffic generated by the Structure Plan are within capacity.
(xxii) Request for no roads that connect to the current road network in Longbeach Estate.	(xxii) The Structure Plan has been designed to ensure no additional access points are provided to the Longbeach Estate, with the exception of maintaining any existing connection points off Kennedy Bay Key, Bay Links Boulevard and Long Beach Rise.
(xxiii) There is insufficient traffic capacity on Grand Ocean Boulevard to accommodate traffic generated by the Structure Plan area, particularly at the intersections onto Warnbro Sound Avenue.	(xxiii) The traffic volumes generated by the Structure Plan do not exceed the warrants for assessment of these intersections. The TIA concludes that the additional volumes at Grand Ocean Boulevard are below the capacity of the road.
(xxiv) Section 4.3.2 of the Structure Plan Report 2 states "Indicative dwelling yield calculations for lots identified for either grouped or multiple dwellings or land zoned "Local Centre" have not been factored into the dwelling yield calculations as the final form and type of development is not known". How can the public and the City of Rockingham assess the full impact of development and traffic volumes with insufficient information?	(xxiv) The impact on the local traffic network as a result of the grouped / multiple dwelling sites is considered to be negligible for the purpose of the Structure Plan, with future applications seeking to subdivide or develop these site's to be supported by additional traffic reporting, where required.
2.(b) Northern Road Connection - Bayeux Avenue	
<b>Submission:</b> (i) If the road connection between Port Kennedy Drive and Bayeux Ave is provided before the majority of the Structure Plan area is established, how will anti-social behaviour be addressed and limited? There are existing issues with four wheel drives and dirt bikes in the area, a new road will exacerbate an existing issue.	<b>Applicant's Response:</b> (i) Construction of the coast road is a requirement to address fire and emergency services access. Limiting anti-social behaviour and unlawful access is a consideration for the local government and local law enforcement to address.

<b>2. Movement Network (cont...)</b>	
<b>(ii) The proposed realignment of Bayeux Avenue will have an adverse noise impact and headlight glare onto established residential properties.</b>	<i>(ii) The secondary access to Bayeux Avenue is required to address fire and emergency services access and is also a requirement of the Sales and Development Agreement. The realignment of Bayeux Avenue has been selected as the best outcome to minimise the impact on existing residents. Should an alternate proposal be presented which reduces the impact on existing residents, the developer would be open to considering a revised solution.</i>
<b>(iii) The Structure Plan has not provided any design drawings of the intended Bayeux Road alignment, which illustrates the impact on Bayeux Park.</b>	<i>(iii) Detailed design drawings will be provided at subsequent stages of planning, once the alignment of the road has been agreed with all relevant stakeholders.</i>
<b>(iv) Access to the Structure Plan being provided at Bayeux Avenue is not supported. All access should be provided from Port Kennedy Drive.</b>	<i>(iv) The secondary access to Bayeux Avenue is required to address fire and emergency services access and is also a requirement of the Sales and Development Agreement. The realignment of Bayeux Avenue has been selected as the best outcome to minimise the impact on existing residents. Should an alternate proposal be presented which reduces the impact on existing residents, the developer would be open to considering a revised solution.</i>
<b>(v) Bayeux Avenue carrying significantly more traffic volumes than what is currently experienced on Grand Ocean Boulevard is not supported.</b>	<i>(v) Noted, however, the secondary access to Bayeux Avenue is required to address fire and emergency services access and is also a requirement of the Sales and Development Agreement.</i>
<b>(vi) Land resumption to widen Bayeux Reserve and remove street trees to facilitate the reclassification of Bayeux Avenue as a 'neighbourhood connector' road and entry into the Structure Plan area is not supported.</b>	<i>(vi) Noted, however, the secondary access to Bayeux Avenue is required to address fire and emergency services access and is also a requirement of the Sales and Development Agreement. Opportunities for street tree planting to be explored at subsequent stages of planning.</i>
<b>(vii) There is insufficient information, modelling and design work completed to determine if an appropriate intersection treatment can be provided to Grand Ocean Boulevard and appropriate road widening to accommodate the changes required to Bayeux Avenue.</b>	<i>(vii) Disagree, the intersection was modelled based on a full build out of the Structure Plan which shows that the intersection will operate at a 'Level of Service A' will little to no delay for all users.</i>

2. Movement Network (cont...)	
(viii) All dwellings on Bayeux Avenue should be serviced by a cap road.	(viii) The modelling undertaken as part of the TIA indicates that the majority of the properties on Bayeux Avenue can remain serviced by Bayeux Avenue, with only a few dwellings adjacent to the redirection of the road needing to be serviced by a cap road.
(ix) There is concern that the proposed changes to Bayeux Avenue will introduce road safety issues and conflict with pedestrian use of the street.	(ix) The proposed modifications to the existing road configuration seek to minimise the extent of Bayeux Avenue which is subject to an increase in traffic, thereby minimizing the potential for road safety issues.
(x) There is concern that intersection of Bayeux Avenue and Grand Ocean Boulevard will not provide an appropriate level of service.	(x) The TIA has modelled the intersection of Bayeux Avenue and Grand Ocean Boulevard upon full build out of the Structure Plan which has been modelled to show a 'Level of Service A' (i.e. excellent) level of service.
(xi) A third access point should be implemented to reduce the traffic impact to from the Structure Plan area onto Bayeux Avenue.	(xi) None of the proposed roads are above their capacity in the ultimate build out of the Structure Plan area and therefore a third access point is not deemed necessary.
2.(c) Other Matters	
<b>Submission:</b> (i) The Structure Plan does not outline pedestrian and cycle paths linking with established parts of Port Kennedy. Additional connections are suggested as follows: <ul style="list-style-type: none"> <li>- Athens Entrance, Bayside Boulevard, Morfontaine Parade and Pimento Circle.</li> <li>- A dual use path to follow along both sides of the designated conservation zone within the Park and Recreation area.</li> <li>- A dual use path provided adjacent to the southernmost section of the proposed open space area 'H'.</li> <li>- A Dual use path to connect established development with Public Open Space area 'C'.</li> </ul>	<b>Applicant's Response:</b> (i) The adjacent golf course does not form part of the Structure Plan area and therefore, consideration of any public access through the golf course is beyond the scope of the current planning process. The ultimate landscape design, inclusive of any pathways within areas of public open space will be reviewed at the detailed design stage, as part of the preparation of landscape drawings.
(ii) There is inadequate parking facilities located along the foreshore and commercial precinct to facilitate greater access to the beach and local amenities.	(ii) The provision of car parking is not a consideration of the Structure Plan, which will occur as part of the detailed design stage (i.e. post-subdivision approval).

<b>2. Movement Network (cont...)</b>	
(iii) The coastal road /foreshore interface around the beach access pathways requires sufficient parking to allow visitors to the area to park their vehicles without impacting upon future residents and their amenity.	(iii) Car parking requirements will be reviewed at the detailed design stage following subdivision approval.
(iv) The Structure Plan should provide for upgrades to the existing carpark and provide on-street parking on Bayeux Avenue. Currently, there is limited designated parking for beach goers and its gets quite crowded on weekends. Cars are parked an extended distance down Bayeux Avenue and in neighbouring residential areas.	(iv) Car parking requirements will be reviewed at the detailed design stage following subdivision approval. There is not considered to be a demonstrated need and nexus between the Structure Plan and the requirement to upgrade the existing car park on Bayeux Avenue, however it is suggested that the request for upgrades is considered by the City of Rockingham as a separate matter.
<u>City's Comment</u> See Comments section for assessment of the Movement Network.	
<b>3. Public Open Space</b>	
<b>3.(a) Public Open Space - General</b>	
<b><u>Submission:</u></b>	<b><u>Applicant's Response:</u></b>
(i) The higher density and associated population proposed in the Structure Plan will result in a shortage of adequate recreation areas for all to enjoy comfortably by the future community.	(i) The submitter's comments are not supported. The Structure Plan provides for 3 new recreation areas within the site, with 2 new recreation areas to be established in the foreshore reserve which will be utilised by the community.
(ii) Trees and shrubs should be selected to withstand the wind and the proximity to the ocean, however much of what has been shown in the plan will not suit the local area.	(ii) The Landscape Masterplan is indicative only. Detailed landscape design will occur post-subdivision in consultation with the City of Rockingham.
(iii) The proposed public open spaces POS Areas C, E and D should include interactive areas for children, young adults, and adults (or example, swings, slides, basketball courts, exercise machines built into the park). This should be in addition to the proposed barbeques.	(iii) The Landscape Masterplan is indicative only. Detailed landscape design will occur post-subdivision in consultation with the City of Rockingham.
(iv) POS area's H and I are both a 'Parks and Recreation' reservation. This area should not be calculated as part of the Structure Plan's POS contribution. Additional recreation space should be provided in these areas or within the Structure Plan for the benefit of the community.	(iv) POS areas H and I are privately owned land. The Sales and Development Agreement between the landowner and the State Government specifically references that these areas are to be provided as open space and that they can be included as part of the site's overall public open space contribution in accordance with the WAPC's Liveable Neighbourhoods.

3. Public Open Space (cont...)	
	<i>The Structure Plan provides for recreational areas of open space within and adjacent to the site, noting the developer is not statutorily obligated to develop the additional open space areas within the foreshore reserve, however, has committed to this work to improve the amenity of the area and provide a contribution to the community.</i>
(v) Will provision be made for the inclusion of installation of seating at some of the grassed areas aside the walking path in the north-eastern area of the development? Add the addition of flora/fauna information signage next to seating area.	(v) Opportunities for seating and informational signage will be reviewed as part of the preparation of detailed landscaping drawings to occur post-subdivision.
(vi) There is a lack of dog exercise areas within the Structure Plan area.	(vi) There is no statutory requirement for the Structure Plan area to provide provision for a dog exercise park. Notwithstanding, detailed landscape design will be undertaken following subdivision approval at which point such a proposal may be considered. It is also noted that a dog beach is located at the northern end of the Structure Plan area, providing a suitably sized dog exercise area in close proximity to the site.
(vii) The Structure Plan should provide for greater preservation of the natural vegetation within public open space.	(vii) Opportunities for vegetation retention will be explored at the detailed design stage, however, will be subject to considerations pertaining to earthworks and the overall landscape design response.
3.(b) Public Open Space - Foreshore Reserve	
<b>Submission:</b> (i) The proposed Local Centre (Town Centre) is not planned to provide recreation areas adjacent to the foreshore. A larger recreation area in proximity to the Local Centre and proposed jetty as a community focal point should be provided for additional family activity, playground space and passive recreation space for socialising, barbeques and picnics.	<b>Applicant's Response:</b> (i) <i>The Local Centre is located adjacent to the beach and foreshore which provides a large recreation area to service the community. A town square and beach promenade are currently proposed for the Local Centre, with additional open space nodes comprising seating opportunities and pocket parks. Larger areas of open space in the form of foreshore reserves will be developed within walking distance of the Local Centre which will coincide with beach access locations and include barbeque, picnic and shelter facilities.</i> <i>The foreshore does not form part of the Structure Plan area and therefore, is beyond the consideration of the Structure Plan.</i>

3. Public Open Space (cont...)	
<p>(ii) Provide the following amenities within the foreshore:</p> <ul style="list-style-type: none"> <li>- A water park.</li> <li>- Open-air showers and potable/ drinking water facilities be made available for visitors to the beach at beach access points</li> <li>- Increased space for playgrounds, barbeques and passive recreation.</li> <li>- Employ a design that will enhance the local environment.</li> <li>- Low impact community facilities.</li> <li>- Adequate car parking.</li> <li>- Wheelchairs access.</li> <li>- Interpretive signage.</li> <li>- Provide toilet/shower facilities near Bayeux Avenue has there is a significant distance to the town centre.</li> </ul>	<p>(ii) Notwithstanding, the list of amenities are noted and will be reviewed further as part of detailed landscape design at subsequent stages of planning.</p>
<p>(iii) Additional beach access points are required.</p>	<p>(iii) The Landscape Masterplan identifies a number of pedestrian links to the beach/ foreshore area which are subject to a separate approvals process.</p>
<p>(iv) Is there current provision for ramps and steps to the beach to enable the infirm and elderly in wheelchairs access and will these be positioned near the park areas along the beach road?</p>	<p>(iv) Disability access and the provision of ramps in suitable locations will be reviewed at subsequent stages of planning in consultation with the City of Rockingham once detailed design has commenced following subdivision.</p>
<p>(v) There is concern that infrastructure will ruin the beach and local environment.</p>	<p>(v) Potential impacts to the beach and foreshore environment are addressed in the Foreshore Management Plan.</p>
<p><u>City's Comment</u> See Comments section for assessment of Public Open Space.</p>	

4. Environment	
4.(a) Environment - General	
<p><b>Submission:</b></p> <p>(i) The proposed urban area does not provide sufficient green space and vegetation to reduce the carbon footprint of the development.</p>	<p><b>Applicant's Response:</b></p> <p>(i) The Structure Plan provides 14% public open space in accordance with the Sales and Development Agreement with the State Government. It is noted that a standard Structure Plan area would only be required to provide 10% public open space and therefore, the Structure Plan goes over and above the standard requirements for greenfield development. Note: the public open space calculations do not include any land areas associated with the foreshore reserve or the golf course.</p>

4. Environment (cont...)	
(ii) There is no assessment of the possible environmental impact to the Port Kennedy Scientific Park.	(ii) The EPA/Minister for the Environment have assessed the Kennedy Bay proposed development and provided approval (Ministerial Statement 1019). This EAR reflects the outcomes of this assessment/approval.
(iii) The Structure Plan should retain more dune vegetation and rehabilitate with more coastal trees in the golf course to provide more natural habitat for native wildlife to shelter.	(iii) Refer comments above, the EPA/Minister for the Environment have assessed the Kennedy Bay proposed development and provided approval (Ministerial Statement 1019). This EAR reflects the outcomes of this assessment/approval. Opportunities for tree retention will be explored further at the detailed design stage.
(iv) The Rockingham Lakes Regional Parks Management Plan (2010) Section E (Managing Recreation) states that <i>"The proponent of the Kennedy Bay development is required to undertake public works in the park and include completion of the vermin-proof fence, establishing and upgrading walking trails, constructing a viewing platform, installing interpretive signs, and undertaking extensive weed control and rehabilitation"</i> . There is no reference as to how this is being achieved.	(iv) This requirement was removed from the Port Kennedy Sales and Development Agreement when it was reviewed and amended.
(v) The Structure Plan should retain more dune vegetation and rehabilitate with more coastal trees in the golf course to provide more natural habitat for native wildlife to shelter.	(v) Potential impacts and management to the beach environment are addressed as part of the Foreshore Management Plan.
(vi) The proposed increase in population will negatively impact the condition of the beach and will introduce environmental impacts.	(vi) Potential impacts and management to the beach environment are addressed as part of the Foreshore Management Plan.
4.(b) Environment - Fauna Management Plan	
<u>Submission:</u> (i) The Structure Plan relies on the outcomes of a Fauna Management Plan conducted in 1988 with trapping programs occurring in 1992 (over 30 years ago). Due to the age of this study, there is no accurate data on fauna and flora habitats. An updated study must be conducted over the subject site and adjoining golf course site, to determine viability of the development, as well as the golf course relocation/redevelopment.	<u>Applicant's Response:</u> (i) The EPA/Minister for the Environment has reviewed the available information and approved the project without requesting additional/updated fauna surveys. More recent fauna survey information based on City of Rockingham forms part of the Foreshore Management Plan.



4. Environment (cont...)	
(ii) The Fauna Management Plan provides details of vehicle sounding their horns before commencing work to ensure the animals move out of the way. This is not a scientifically proven method of moving native animals.	(ii) Fauna management (inclusive of any proposed methods) is subject to further approval prior to site works being undertaken which is to occur at the subdivision implementation stage.
(iii) The Fauna Management Plan needs to be updated specifically articulate, how and where fauna will be relocated as a result of the construction of the development. The proposed measures to ensure the development of the structure plan appropriately manages the protection and relocation of the native fauna, including some threatened species is not supported and is considered inadequate.	(iii) Specific details relating to fauna relocation would be agreed with DBCA when a fauna relocation licence is sought (if fauna relocation is required by City of Rockingham).
(iv) A more comprehensive assessment needs to be undertaken to ensure their survival and integration within this proposed development, especially if this development is to encompass a quality tourist precinct for local and international travellers.	(iv) The main fauna habitat area in this location is within the scientific park. This fenced reserve allows for the protection of local fauna and flora.
(v) The fauna study does not address how light pollution from proposed development within the Structure Plan area will impact native fauna.	(v) Potential impacts to fauna were considered in the EPA/Minister for the Environment assessment/approval of the project.
(vi) The Structure Plan area provides a haven for wildlife and should be preserved for current and future generations by declaring the site as a nature reserve due to the breadth of native wildlife present on the site and the ecologically sensitive nature of the site.	(vi) Local protection for significant geomorphic features, wetlands, vegetation, flora and fauna is provided for in the Port Kennedy Scientific Park (473 ha) and the coastal A Class nature reserve (13 ha).  In addition, the site is zoned 'Urban' under the Metropolitan Region Scheme, indicating the State's intention for the site to be developed for urban residential purposes.
(vii) The site has an abundant fauna population which inhabits the area, including numerous kangaroos, wallabies, snakes, Blue Wrens, Willie Wagtails, Dugites, Rabbits, Blue Tongue Lizards, Brown Quails, Pigeons, Doves, Princess Parrots, Finches and other small wildlife. All the various species need to be recognised and appropriate measures should be put in place to protect sensitive environmental areas.	(vii) Habitat opportunities onsite are also represented in the Scientific Park which provides secure fauna habitat opportunities in perpetuity.

4. Environment (cont...)	
<u>City's Comment</u> See Comments section for assessment of environmental matters.	
5. Coastal Hazards Risk Assessment	
<b><u>Submission:</u></b>	<b><u>Applicant's Response:</u></b>
(i) The Structure Plan disregards the City's Coastal Hazard Risk Management and Adaptation Plan on the risks of sea level rise.	(i) A detailed Coastal Hazard Risk Management and Adaptation Plan ('CHRMAP') has been prepared for the development based on the requirements of the WAPC's State Planning Policy 2.6 – State Coastal Planning Policy. This assessment considered the City's CHRMAP but provided a more detailed assessment for this section of the coastline using the latest guidelines regarding storm erosion events.
(ii) The seawall design and construction should be coordinated between the developer and the City of Rockingham so that both sections of the sea wall are planned and constructed at the same time.	(ii) Specific details around the timing and staging of the seawall construction will be confirmed in future stages of the project. This will include coordination between the City and the developer.
(iii) Concern was raised that there are insufficient measures in place to address the forecasted sea level rise.	(iii) The measures to address the projected sea level rise are outlined in the CHRMAP prepared for the project. This has been prepared in accordance with the requirements of the WAPC's State Planning Policy 2.6 – State Coastal Planning Policy.
(iv) Development of the site will result in the erosion of the sand dunes and contribute to beach pollution.	(iv) The footprint for the development has been designed to maintain a functional foreshore reserve between the ocean and the development. The existing primary dunes will remain untouched and suitable buffers are provided for the possible future erosion as per the requirements of the WAPC's State Planning Policy 2.6 – State Coastal Planning Policy.
<u>City's Comment</u> See Comments section for assessment relating to coastal risks.	
6. Structure Plan Design	
6.(a) Structure Plan Design - General	
<b><u>Submission:</u></b>	<b><u>Applicant's Response:</u></b>
(i) There is insufficient information to understand what the interface will be to the modified golf course and what impact this will have to established residential areas and new development.	(i) The interface to the golf course is subject to further detailed planning which will occur as part of the preparation of Local Development Plans in accordance with Clause 5 of Part 1 of the Structure Plan.

6. Structure Plan Design (cont...)	
	<i>Notwithstanding, the proposed residential area is significantly set back from the established residential areas to the north, east and south. In this regard, it is considered that there will be minimal impact in terms of the proposed interface to the modified golf course, noting that a road interface is generally provided between the established residential area and the golf course site.</i>
(ii) <b>The Structure Plan lacks integration with the urban zone to the north, east and south, providing a fragmented urban structure, creating an exclusive rather than inclusive neighbourhood, as the site is restricted in permeability for both pedestrian and vehicle modes of traffic.</b>	(ii) <i>The Structure Plan is only able to deal with the portion of land zoned 'Urban' under the Metropolitan Region Scheme and 'Development' under the City of Rockingham Local Planning Scheme No. 2. In this regard, it is noted that there are no existing pedestrian or vehicular movements through the Structure Plan area to the existing residential areas to the north, south and east of the site. The Structure Plan proposes a north-south Neighbourhood Connector which provides access from Port Kennedy Drive in the south to Bayeux Avenue in the north.</i>
(iii) <b>Residential development will compromise the quality and longevity of the renowned Links Golf Course.</b>	(iii) <i>The golf course is being redesigned separate to the Structure Plan process which will include the construction of a new purpose-built golf clubhouse. The interface to the golf course has been carefully considered and will be subject to further planning as part of the preparation of Local Development Plans to ensure an appropriate interface is provided.</i>
(iv) <b>Restrict the Structure Plan to cater for residential development to the southern end, near Port Kennedy Drive. This will reduce the loss of the golf course and minimise or avoid impacts on the local fauna and flora, social behaviours and traffic implications on the local distribution network.</b>	(iv) <i>The Structure Plan boundary is consistent with the 'Urban' zone boundary of the Metropolitan Region Scheme and is consistent with the requirements of the Sales and Development Agreement between the landowner and the State Government.</i>
(v) <b>The earthworks proposed to develop residential lots does not respect the existing landform and character of the site.</b>	(v) <i>Earthworks does not form part of the Structure Plan proposal which will be subject to detailed design and approvals, post-subdivision.</i>

<b>6.(b) Structure Plan Design - Interface to Longbeach Estate</b>	
<b><u>Submission:</u></b>	<b><u>Applicant's Response:</u></b>
(i) The Structure Plan proposes development outcomes that will impact visual privacy, overlooking, introduce overshadowing and obscure views of significance to established residential dwellings. obstruct views over planned.	(i) <i>The Residential Design Codes of WA requires all future dwellings to comply with the standard provisions relating to visual privacy, overlooking and overshadowing.</i>
(ii) The Structure Plan design does not appropriately integrate with established development and residential lots within Longbeach Estate which where design to provide an outlook on onto public open space and the ocean.	(ii) <i>The Structure Plan provides a responsive design which seeks to integrate with the existing community. There are limited views to the Longbeach Estate from the Structure Plan area, with the future development providing facilities, amenities and community benefits which will enhance the local area.</i>
(iii) R80 – R100 densities abutting established development should be relocated to the eastern side of the Local Centre, and the interface to established development should reflect the original planning for the Local Centre with the provision of public open space.	(iii) <i>The interface to Longbeach Estate has been considered and provides for separation to the existing residential area as requested by the local residents.</i>
(iv) The Structure Plan suggests the finished floor level of the development will be higher than the surrounding fencing to Long beach Estate. This is likely to impact established development.	(iv) <i>The proposed residential densities have been strategically located to ensure a vibrant, well-considered Local Centre is provided. The provision of R80 – R100 densities on land which forms part of, or directly abuts the Local Centre will ensure the delivery of a well-designed activity node for the community, which complies with current State Planning Policies and the WAPC's Liveable Neighbourhoods.</i> <i>The relationship/interface with the golf course is subject to further detailed planning by way of the preparation of Local Development Plans as required by Clause 5 of Part 1 of the Structure Plan.</i>
(v) The Structure Plan does not demonstrate the relationship/ interface with the golf course.	(v) <i>Finished floor levels are subject to detailed engineering design to occur at subsequent stages of planning at which point in time any impacts to the existing Longbeach Estate would be reviewed and considered in consultation with the City of Rockingham.</i>
<b><u>City's Comment</u></b> See Comments section for assessment relating to structure plan design.	

7. Activity Centre/Coastal Node	
Submission:	Applicant's Response:
(i) Vacancy rates in existing centres do not justify additional retail areas.	(i) A detailed assessment of the commercial viability has been undertaken by Taktics4 as outlined in the supporting Local Centre Strategy report. Development of the centre will not occur until such time as an appropriate demand can be demonstrated to support the viability of the commercial tenancies.
(ii) There has been no noise assessment completed to understand the noise impact of uses proposed within the Local Centre.	(ii) Detailed planning of the Local Centre has not yet been undertaken and therefore, an assessment as to the likely noise impact is premature. Impacts pertaining to noise within the Local Centre will be reviewed at subsequent stages of planning (if required).
(iii) The Local Centre should be subject to more detailed planning as insufficient details have been provided to understand the impact to existing residents.	(iii) More detailed planning will be undertaken for the Local Centre as part of the preparation of a Local Development Plan, which is required under Clause 5 of Part 1 of the Structure Plan.  The Local Development will be advertised in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015.
(iv) There is concern there is insufficient parking being considered for the local centre.	(iv) Car parking will be provided in accordance with the relevant statutory requirements contained within the City of Rockingham Local Planning Scheme No. 2 (for non-residential development) and the Residential Design Codes Vol. 2 (for residential development). This will be assessed as part of the preparation of future development applications within the centre, with on-street parking for any laneway lots to be provided as part of future subdivision works.
(v) When approval is given to the structure plan, will the community be provided a development schedule showing the retail and hospitality offerings selected and the timeframe in which they will be delivered?	(v) The retail and hospitality offerings will ultimately be determined by market demand at the time the local centre is developed.
(vi) A timeline should be imposed on the completion of the town centre so it is prioritised in the staging of the development build.	(vi) Refer previous comments. There needs to be an appropriate population established in order to support the viability of the commercial tenancies within the local centre.

7. Activity Centre/Coastal Node (cont...)	
	<i>Without demonstrated demand and an appropriate established service catchment, commercial development is not viable and could not be sustained. The centre will be developed progressively, as demand for the commercial tenancies increases over-time.</i>
<u>City's Comment</u> See Comments section for assessment relating to the Activity Centre / Coastal Node.	
8. Urban Water Management	
<b><u>Submission:</u></b> <b>(i) The Structure Plan does not make a commitment to develop the site in compliance with the water wise development program.</b>  <b>(ii) Stormwater should be captured throughout the Structure Plan area and redirected to storage facility for use by the golf course or POS not into sumps.</b>  <b>(iii) What impacts will the Structure Plan have on groundwater in the area.</b>	<b><u>Applicant's Response:</u></b> <b>(i)</b> <i>The Waterwise development program is an optional certification program by Water Corporation to encourage sustainable water use in developments. It is not a mandatory certification or a program that requires 'compliance'. However the development does incorporate the water sustainable urban design measures and best management practices. The Structure Plan is consistent with the State Government's "Better Urban Water Management" guidelines and the WAPC's State Planning Policy 2.9 – Water Resources.</i> <b>(ii)</b> <i>Rain falls predominantly during 3 months of the year and is required for irrigation across the other 9 months of the year, this means that the storage required for stormwater harvesting and reuse ends up being very large and impractical. This site is also on sand which makes overland storage difficult because set in the natural geology it infiltrates to groundwater very quickly. It is better fit for purpose use to infiltrate stormwater to groundwater, replenishing our natural superficial aquifers (natural storage within the environment), and then using groundwater for irrigation during the summer.</i> <b>(iii)</b> <i>The development will infiltrate stormwater to groundwater in infiltration basins and swales around the development. The stormwater strategy is designed to mimic predevelopment conditions as a similar pattern of infiltration and recharging groundwater would occur predevelopment.</i>



8. Urban Water Management (cont...)	
	<i>The infiltration structures are dispersed around the development to infiltrate as close to source as possible.</i>
<b>(iv) The Structure Plan should accommodate all stormwater within its boundary, rather than proposing stormwater detention within a reserve forming part of the Longbeach Estate.</b>	<p>(iv) <i>The foreshore adjacent to Kennedy Bay is divided into three main components. The 'A Class' reserve for conservation of flora and fauna (Crown land vested to the National Parks and Conservation Authority and managed by the DBCA), 'C Class' reserve for public recreation (vested to and managed by the CoR) and the unallocated crown land ('UCL'). The drainage infrastructure is all proposed in the UCL (not in either of the reserves).</i></p> <p><i>Drainage in the foreshore (UCL, to the inland side of the coastal setback line) was discussed in the Environmental Protection Act Section 45c and Section 46 application to seek approval for changes to the project to reflect the current layout which was assessed by the EPA.</i></p> <p><i>The Ministerial Statement (No 1019) was subsequently updated in 2015 which provided the Minister for the Environment approval for the new design to be implemented.</i></p>
<p><u>City's Comment</u> See Comments section for assessment relating to Urban Water Management.</p>	

9. Infrastructure and Services	
<b><u>Submission:</u></b>	<b><u>Applicant's Response:</u></b>
<b>(i) The Kennedy Bay development should aim to serve and improve the local community. The plan does not adequately consider the provision of infrastructure and amenities to service the existing community.</b>	(i) <i>The submitter's comments are not supported. Additional community infrastructure will be constructed as part of the development of the Structure Plan area which will be of benefit to the broader community including a local activity centre node, areas of public open space and additional foreshore reserves (comprising playgrounds, barbeque facilities and the like).</i>
<b>(ii) The Structure Plan will introduce additional residential development which will have an undue impact to existing infrastructure and facilities (telecommunications, public transport, police, schools, community facilities, employment opportunities).</b>	(ii) <i>The submitter's comments are not substantiated. The Structure Plan and accompanying Engineering Servicing Report demonstrates that the Structure Plan area can be serviced without resulting in any undue impact to existing infrastructure and facilities.</i>

9. Infrastructure and Services (cont...)	
(iii) It is requested the current boat ramp facilities at Bridport Point be modified to include another jetty and two more ramp entry points.	(iii) There is not considered to be a demonstrated need and nexus between the Structure Plan and the suggested works. If additional ramps are required, this should be referred to the State and Local Government for consideration.
(iv) There is also a lack of information in relation to other infrastructure to support such a development e.g. local schools, health facilities, waste water, power supply, telephone exchange and NBN.	(iv) The Engineering Servicing Report accompanying the Structure Plan outlines the proposed strategy to provide infrastructure (sewerage, power, telephones and gas) to the site. There are sufficient schools and health facilities within proximity of the site to support the proposed population increase.
(v) A new primary School is required to service the new population proposed by the Structure Plan area. The existing schools are at capacity.	<p>(v) In accordance with the provisions of Liveable Neighbourhoods, the anticipated lot yield for the Structure Plan area does not trigger the need or provision of any additional primary or high school facilities within the site. The site currently falls within the intake area of the Port Kennedy Primary School (2.2 kilometres from the site), however, it is also within close proximity to the other following public schools.</p> <ul style="list-style-type: none"> <li>- Warnbro Community High School (2.5 kilometres);</li> <li>- Rockingham Lakes Primary School (3.2 kilometres);</li> <li>- Warnbro Primary School (3.6 kilometres);</li> <li>- Charthouse Primary School (5.3 kilometres); and</li> <li>- Waikiki Primary School (6.1 kilometres);</li> <li>- Comet Bay Primary School (9.9 kilometres).</li> </ul> <p>There are a number of private education facilities accessible from the subject site, being:</p> <ul style="list-style-type: none"> <li>- Endeavour Schools (3.5 kilometres);</li> <li>- St Bernadette's Catholic Primary School (4.6 kilometres); and</li> <li>- South Coast Baptist College (12.3 kilometres).</li> </ul>
(vi) Additional public transport services is required to serve the new development area.	(vi) An additional bus service is proposed which will traverse the Structure Plan area in a north-south direction and run along the eastern Neighbourhood Connector road, noting that the final bus service route will be determined by PTA in consultation with the community.

9. Infrastructure and Services (cont...)	
(vii) <b>The Structure Plan will increase the pressure on emergency services, which is currently lacking the presence of police.</b>	(vii) <i>Pressure on emergency services is not a consideration of the Structure Plan and is a matter for the State Government to address separate to the Structure Plan process - as and when required.</i>
<u>City's Comment</u> See Comments section for assessment relating to infrastructure and services.	

10. Construction and Staging of Development	
<b><u>Submission:</u></b> (i) <b>What measures will be in place to prevent the likely impact of windblown sand/dust on properties directly adjacent the structure plan boundary to the north and east? There is concern forward earthworks will create an ongoing impact to established residential areas.</b>	<b><u>Applicant's Response:</u></b> (i) <i>The Department of Environment and Conservation's "A Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and other related activities" sets out the standard requirements to measure and manage dust. Additionally, it will be a requirement prior to construction works for the Contractor to prepare a Dust, Vibration, Noise and Environmental Management Plan that outlines mitigation and contingency strategies. This document will require approval from the City of Rockingham prior to the commencement of ground disturbing works.</i>
(ii) <b>Will earthworks be staged to occur in autumn and winter?</b>	(ii) <i>Generally earthworks will be staged to minimise dust disturbance, including trying to complete earthworks during the wettest months. If works are undertaken outside wet months, the Dust Vibration, Noise and Environmental Management Plan will outline the strategy to mitigate dust disturbance.</i>
(iii) <b>When earthworks commence can the developer provide a free snake removal/relocation?</b>	(iii) <i>The development area is generally separated from the existing dwellings to the east by retained bushland. Vegetation will also be retained in the coastal zone and in part of the golf course. As such snake movement would be more likely into these bushland areas than into existing residential areas.</i>
(iv) <b>The Structure Plan area is known to be used for historic artillery training. Why is there no requirement to check for Unexploded Ordinances prior to any works being conducted on the Structure Plan area and the future golf course location?</b>	(iv) <i>Refer Clause 6.3 of Part 1 of the Structure Plan. "The following advice note is to be included on all future approvals issued within the Structure Plan area:</i>

10. Construction and Staging of Development (cont...)	
	<p>The Department of Fire and Emergency Services ('DFES') advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed subdivision. It is possible that as a result of these activities, the subject area may contain unexploded ordnance (UXO). Whilst it is considered that the possible risk from UXO on the land subject to this approval is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during subdivisional works, or at any other time, a form or suspected form of UXO be located, DFES has advised that the following process should be initiated:</p> <ol style="list-style-type: none"> <li>1. do not disturb the site of the known or suspected UXO;</li> <li>2. without disturbing the immediate vicinity, clearly mark the site of the UXO;</li> <li>3. notify Police of the circumstances/situation as quickly as possible; and</li> <li>4. maintain a presence near the site until advised to the contrary by a member of the WA Police Service or Defence Forces</li> </ol> <p>Further advice on this issue may be obtained by contacting the Unexploded Ordnance Unit, Department of Fire and Emergency Services." In addition, it is noted that some parts of the Structure Plan have already had a UXO investigation completed as part of the original golf course construction.</p>
(v) When will the road from Port Kennedy Drive to Bayeux Ave be constructed, this is not stated within the Structure Plan documentation.	(v) It is proposed that the road linking Port Kennedy Drive to Bayeux Avenue will be constructed to a trafficable standard as part of the first stage of development. Completion is anticipated by mid-2022 at this stage.
(vi) If the coastal road be constructed as part of the first stage, would it not be prudent to have the foreshore access pathways and enhancements (including visitor parking) to be constructed to accommodate visitors?	(vi) Construction of the coast road is a requirement to address fire and emergency services access. It is proposed to construct amenity within the foreshore in a staged fashion as the adjacent stages of development occurs.
(vii) How will the traffic flow be addressed during the 10 year development period for visitors to the beach? No information has been provided in this regard.	(vii) Development of the Structure Plan area will not limit or impact upon existing access locations to the beach, which are located to the north (at the westernmost end of Bayeux Avenue) and south (adjacent to the Longbeach Estate) of the site respectively.

10. Construction and Staging of Development (cont...)	
(viii) A timeframe should be imposed for the completion of the Town Centre so the public amenities are prioritised in the staging of the development.	(viii) The submitter's comments are not supported. There needs to be an appropriate population established in order to support the viability of the commercial tenancies within the local centre. Without demonstrated demand and an appropriate established service catchment, commercial development is not viable and could not be sustained. The centre will be developed progressively, as demand for the commercial tenancies increases over-time.
(ix) What timeframe is anticipated for the completion of the town centre?	(ix) The retail and hospitality offerings will ultimately be determined by market demand at the time the local centre is developed.
<u>City's Comment</u> See Comments section for assessment relating to construction and staging.	

11. Sustainable Development Outcomes	
<u>Submission:</u>	<u>Applicant's Response:</u>
(i) Why has the development not considered mandatory sustainable clean energy alternatives such as solar and battery use in homes and street lighting, smart wiring throughout homes, wind turbine and battery use, grey water system provisions and stormwater harvesting?	(i) Sustainable development outcomes are not mandatory requirements, however, the developer promotes and encourages the inclusion of sustainable clean energy alternatives as part of the construction of future dwellings.
(ii) There is a lack of vision for the area and the missed opportunity for this development to be at the forefront in sustainable urban design.	(ii) Sustainable development outcomes are not mandatory requirements, however, the developer would promote and encourage the inclusion of sustainable clean energy alternatives as part of the construction of future dwellings.
(iii) The Structure Plan should implement a wind turbine and battery for use in street lighting, solar orientation for dwellings.	(iii) Sustainable development outcomes are not mandatory requirements.
(iv) Can a covenant on the title deed or contract of sale covering all blocks ensure the provision of grey water system, solar and battery for homes, quiet house design principles?	(iv) Sustainable development outcomes are not mandatory requirements, however, the developer would promote and encourage the inclusion of sustainable clean energy alternatives as part of the construction of future dwellings.
<u>City's Comment</u> There are currently no requirements for the implementation of sustainable development initiatives, such as those mentioned in the submissions. The City will liaise with the applicant to encourage incorporation of sustainability initiatives.	

12. Built Form	
<p><b><u>Submission:</u></b></p> <p>(i) The provision of development greater than two storeys will negatively impact views enjoyed by existing residents.</p>	<p><b><u>Applicant's Response:</u></b></p> <p>(i) Views from existing residences are currently limited to the golf course. This will remain in the foreground, with areas of development greater than two storeys to be confined to key locations throughout the estate, noting that the majority of building height in excess of two storeys will be concentrated in the local centre which will not impact on existing views enjoyed by residents.</p>
<p>(ii) There is concern that the densities proposed do not adequately consider visual privacy to future residential properties.</p>	<p>(ii) The residential lot design has been undertaken in accordance with WAPC planning guidelines with all future dwellings to be subject to assessment against the R-Codes, including of provisions relating to visual privacy.</p>
<p>(iii) Concern was raised that there will be no design requirements and standards to ensure a high standard and quality of development within the Structure Plan area.</p>	<p>(iii) The Structure Plan provides for the mechanism for future Local Development Plans to be required in specific locations. The developer may also consider implementing Estate Design Guidelines as a condition of sale to ensure dwellings are constructed to an appropriate standard and are in keeping with the identified theming for the estate.</p>
<p><b><u>City's Comment</u></b></p> <p>The majority of site will generally be limited to 2 storeys under the Residential Design Codes, and therefore consistent with the surrounding area. Additional height is appropriate in the Town Centre to encourage development of the coastal node, and this should be carefully managed through subsequent planning processes. Given the importance of the Town Centre to delivering a vibrant development, and to ensure built form outcomes are appropriately managed, it is recommended that a Precinct Plan be required in order to guide development within the Town Centre. This is discussed further in the Comments section under the Activity Centre heading and addressed by Recommendation 22.</p>	
13. Development Intent	
<p><b><u>Submission:</u></b></p> <p>The Structure Plan needs to outline and prioritise making this an area of attraction.</p>	<p><b><u>Applicant's Response:</u></b></p> <p>This has been addressed as part of the Structure Plan. The combination of the creation of a local activity centre node, in conjunction with areas of public open space within the site and the creation of foreshore reserves along the western boundary of the site all contribute towards establishing the area as an "attraction".</p>
<p><b><u>City's Comment</u></b></p> <p>The desire to see the area developed to a high standard and form a destination on the City's coastline is supported, however, this is difficult to regulate through the Structure Plan process. As discussed under 'Built Form' above, it is considered that a Precinct Plan be developed for the Town Centre, which would provide for a higher degree of planning for detailed design and built form, and encourage a high standard of development. This is discussed further in the Comments section under the Activity Centre heading and addressed by Recommendation 22.</p>	



14. Developer Contributions	
<b><u>Submission:</u></b> <b>The Developer is seeking to have the development contributions structure changed to be a quantum figure rather than a contribution per household. A change to the calculation is not appropriate.</b>	<b><u>Applicant's Response:</u></b> <i>The submitter's comments are not substantiated and therefore, should be dismissed. The Applicant is proposing to maintain the total quantum figure calculated in the Development Contribution Plan. The justification for seeking a reduction in the development contribution rate is on the basis that the rate was calculated on a different number of lots than that proposed under the Structure Plan.</i>
<b><u>City's Comment</u></b> The City's Development Contribution Plan No.2 (DCP2) is governed by the provisions of Town Planning Scheme No.2, not individual Structure Plans. Calculations are based on the actual number of 'Dwelling Units' created, and there is no discretion to make other arrangements. Anticipated dwelling yields do factor into calculations under the Cost Apportionment Schedule, and these are reviewed when appropriate, based on the latest information. The outcomes of the final approved Structure Plan will form part of the next review.	

15. Process	
<b><u>Submission:</u></b> <b>(i) There has been a lack of consultation and transparency by ALL current stakeholders in regard to the proposed development.</b>	<b><u>Applicant's Response:</u></b> <b>(i)</b> <i>The project has been subject to extensive consultation over the course of the past 20 years. The Structure Plan is following due process with respect to the public advertising processes prescribed under the applicable town planning legislation.</i> <i>In addition, the developers (and its consultants) have held consistent and regular meetings with all key community stakeholder groups to seek feedback and address any concerns - including the Kennedy Bay Community Association, Friends of Port Kennedy and the Port Kennedy Progress Association. Consistent communication has been issued with the constituents of these groups and the wider community. Several consumer-based communication channels have welcomed open community feedback. In all communications the community and other key stakeholders have been encouraged to register their details at <a href="http://kennedybayinfo.com.au">kennedybayinfo.com.au</a> to receive regular project updates.</i>

15. Process (cont...)	
<p>(ii) The applicant has stated:  <i>“Specific elements of the Kennedy Bay estate had been formulated through an extensive public consultation process, Mr Roberts said. Prior to our appointment [in April] there was a long history of community consultation on this project,” he said. “When we first came on board we undertook an audit of all of the previous community consultation and wrapped up the key findings of that into a list, which we made sure we went over through our design process.</i>  <i>“We certainly captured a lot of the thoughts behind what the community wants.”</i>  Source: WA Business News - 4 February 2020.  It has been a lost opportunity that the proponent hasn’t brought the community along for the journey, understanding and incorporating views that can then be turned into vision and execution for local betterment. This has clearly had a negative impact on the community’s view of the project.</p>	<p>(ii) <i>The submitter’s comments are not relevant to the Structure Plan.</i></p>
<p>(iii) The Structure Plan defines community consultation as reading past consultation documents (without any detail) and that the local community have contributed to arrive at the current proposal, this is not the case. The proponent has not validated past community feedback against the current community expectations and new parameters of the development proposal. So for the current developers to say there has been extensive consultation is incorrect.</p>	<p>(iii) <i>Refer comments above.</i></p>
<p>(iv) A public forum was held on 5 December 2019 with the aim was to gather community interest and to pass this onto the developer for inclusion and shaping of the structure plan before council. This was sent however not ever formally acknowledged by the developer.</p>	<p>(iv) <i>The submitter’s comments are not relevant to the Structure Plan. The developer reviewed the proposed content of the Port Kennedy Progress Association prior to the forum being held and provided feedback. The information passed on post-forum was acknowledged, and the developer advised they would address in accordance with due process of the Structure Plan and in respect to the public advertising processes prescribed under the applicable town planning legislation.</i></p>

15. Process (cont...)	
<p>(v) How are residents and stakeholders supposed to make an informed submission on the overall development when no details have been provided on the future staging, timing and design of the golf course relocation?</p> <p>(vi) Why is the State and Local Government facilitating the development of greenfield sites for residential and commercial land when there are vacancies in retail space and residential blocks remaining unsold and undeveloped in more recent estates within the Port Kennedy and surrounding suburbs, as this will likely cause greater hardship for existing tenancies?</p> <p>(vii) The current proposal is not consistent with previous planning for Port Kennedy and is not consistent with current community expectations.</p>	<p>(v) The golf course does not form part of the Structure Plan area and consideration of its redevelopment will be undertaken through a separate and independent process. Details regarding staging of the Structure Plan area have been provided as part of the Structure Plan document.</p> <p>(vi) The Structure Plan ensures the coordinated continued supply and diversification of urban residential and commercial land supply and plays a key role in achieving the City of Rockingham's density targets outlined in the State Government's Perth and Peel @ 3.5 Million suite of documents.</p> <p>(vii) The proposal has been updated to reflect market demand and planning regulations and is in keeping with the current Sales and Development Agreement between the landowner and the State Government.</p>
<p><u>City's Comment</u></p> <p>The feedback received in relation to community engagement prior to lodgement of the Structure Plan is noted and has been provided to the applicant for its attention.</p> <p>The process for assessment and public advertising of the Structure Plan undertaken by the City is governed by Regulations. Whilst the City strongly encourages applicants to liaise with the community prior to lodgement, the extent to which they do is at the discretion of each applicant.</p>	
16. Master Planning	
<p><u>Submission:</u></p> <p>(i) There is no master plan that has been shared with the public which outlines how the eco-tourism site, Structure Plan, Golf Course and Foreshore will all be developed. This is a missed opportunity and failure to adequately link the site and promote it's potential.</p> <p>(ii) How will the entire site work together? What will the new golf facility bring to the development and how do these spaces interact? All questions that unfortunately cannot be answered as we are asked to consider one element of the overall site.</p>	<p><u>Applicant's Response:</u></p> <p>There is no requirement to provide an overarching master plan over adjacent areas of the site which are outside of the Structure Plan area. In this regard, the submitter's comments are not a relevant consideration of the Structure Plan.</p>
<p><u>City's Comment</u></p> <p>The City notes the submission comment. While the issue falls outside the scope of the City's assessment of the Structure Plan, the City notes its disappointment with the process adopted between the State Government and applicant to compartmentalise the various elements of planning for the Port Kennedy peninsular.</p>	

17. Eco-Tourism	
<p><b><u>Submission:</u></b></p> <p>(i) Is the Government still considering the development of an eco-tourism accommodation facility to the west of the boat ramp location, as was detailed in the 2006 proposal or is this agreement no longer valid?</p> <p>(ii) Has the government considered increasing the size of the Eco Tourism Facility to encompass the whole area west of the boat ramp and use it for a caravan park and glamping site? If not, why not?</p> <p>(iii) Many caravan sites throughout Australia contain sporting and entertainment facilities for caravan travellers and campers. For example, put-put, tennis, bowls. At Kennedy Bay, the beach nearby the recreational opportunities is both a rare and lavishly perfect location.</p>	<p><b><u>Applicant's Response:</u></b></p> <p><i>The eco-tourism facility is located on land outside of the Structure Plan area and therefore, is not a relevant consideration of the Structure Plan.</i></p>
<p><b><u>City's Comment</u></b></p> <p>The City notes the submission comment. While the issue falls outside the scope of the City's assessment of the Structure Plan, the City notes its disappointment with the process adopted between the State Government and applicant to compartmentalise the various elements of planning for the Port Kennedy peninsular.</p>	
18. Golf Course	
<p><b><u>Submission:</u></b></p> <p>(i) There is concern regarding the proposed loss of 9 golf holes. Why is there no stated time frame for these holes to be replaced?</p>	<p><b><u>Applicant's Response:</u></b></p> <p>(i) <i>The submitter's comments are not relevant to the consideration of the Structure Plan. Notwithstanding, the adjacent golf course will be subject to redesign as a result of the development of the Structure Plan area which will incorporate a full 18-hole golf course. The developer has made information on the Links Kennedy Bay publicly and widely available - there are currently Display Panels in the existing Golf Clubhouse, on the <a href="http://kennedybayinfo.com">kennedybayinfo.com</a> website and included within a Direct Maildrop distributed to over 4,000 Kennedy Bay households.</i></p> <p><i>This information confirms the following;</i></p> <ul style="list-style-type: none"><li>- <i>No disruption to the golf course will occur before July 2020.</i></li><li>- <i>The course will be fully restored to a Links 18-hole golf course.</i></li></ul>

18. Golf Course (cont...)	
	<ul style="list-style-type: none"> <li>- A staged regeneration of the Golf Course will be scheduled with a phased approach to maximise course use and minimise disruption to golfers, with the intent to have a minimum of 9 holes in use at any given time.</li> <li>- The development team will keep all members and the community updated throughout this process.</li> </ul>
<p>(ii) There is no proposed or indicative golf course layout plan included in the Structure Plan that enables all interested parties to assess the viability of a redeveloped golf course and its interaction with the proposed local centre and residential development.</p> <p>(iii) There are no details regarding access the facilities developed by the golf club and how.</p> <p>(iv) If nine holes of the existing 18 hole golf course are going to be removed, then publish plans for the redevelopment of the removed nine holes, with a priority for implementation and construction, inclusive of, and with the construction of the new Kennedy Bay Club House, to maintain the integrity of 18 holes overall. Only then it will become an international and local golf course supporting local and international tournaments for tourists and locals, enhancing amenities and accommodation that is proposed within the conceptual development plan.</p>	<p>(ii)-(iv) The adjacent golf course does not form part of the Structure Plan area and therefore, is not a relevant planning consideration to the Structure Plan.</p>
<p>(v) No one will travel to play the current front 9 holes. They are in shocking condition and due to lack of money and poor decision to allow an over East company to have the rights to the maintenance.</p> <p>(vi) The site currently houses the #28 Nationally ranked golf course in The Links at Kennedy Bay and it's degradation of recent years can be wholly contributed to the lack of resourcing it's management has had to operate a world standard golf course.</p>	<p>(v)-(vi) The submitter's comments are not relevant to the consideration of the Structure Plan.</p>

18. Golf Course (cont...)	
<p>(vii) If the developer demolishes the prime nine hole current coastal golf course with site works, and then for some economic reason does not have the capital to continue with the project, the surrounding community will be left with a huge sand patch and a greatly diminished golf course.</p>	<p>(vii) The adjacent golf course does not form part of the Structure Plan area and therefore, is not a relevant planning consideration to the Structure Plan.</p> <p>The Sales and Development Agreement between the landowner and the State provides milestones which are to be achieved which will ensure development occurs in a timely manner.</p>
<p>(viii) It is not clear whether the Golf Club parking lot will be expanded to cover the loss of spaces from the Clubhouse construction but we believe it would make sense to have this car park, particularly near the Clubhouse/tavern designated as public parking while maintaining a suitable section of the car park for golf club members and visiting golfers.</p> <p>(ix) Include public bar/restaurant as part of golf club house.</p> <p>(x) The current coastal nine hole golf course should be preserved in its current format, and enhanced to become a major draw card to the area.</p> <p>(xi) The available land within Lot 3007 to incorporate a par 72 championship 'links' golf course, in keeping with the current design, should be confirmed. There is concerned that the Wetland Conservation Area in the middle of Lot 3007 may impact on the available space to allow for a full 18-hole championship links layout. In addition, residential Lots which back onto the adjoining golf course located to the east of the site will also impact on available space.</p> <p>(xii) There is no reference in the Structure Plan to staging of the golf course redevelopment other than being subject to separate future design. The staging over an estimated 10 years of the residential sections is noted, however, the viability of The Links Kennedy Bay golf course to remain financially operational and retain club membership requires a clearer timeline.</p>	<p>(viii)-(xiii) The submitter's comments are not relevant to the consideration of the Structure Plan.</p>



18. Golf Course (cont...)	
<p>There is concern that if the golf course redevelopment is left to an undetermined later date, using the existing front 9 hole course (south area) that is not impacted by the residential or local centre plans, played twice for an 18 hole competition, would only meet a short interim 1 or 2 year playing option before club membership and public visitors would be lost to other courses.</p> <p>(xiii) As residents or as members of the Members Club why are we not privy to this lease?</p>	
<p><u>City's Comment</u> The City notes the submission comment. Matters relating to the Golf Course fall outside the scope of the City's assessment of the Structure Plan. Notwithstanding this point, the Structure Plan should outline the Sale and Development Agreement requirements associated with the adjoining redevelopment of the Golf Course as it is an integral element of the development of the Structure Plan area. The manner and timeframe in which the Golf Course is redeveloped is also relevant to the Bushfire Hazard Assessment of proposed adjoining properties and it is therefore critical that the commitments to delivery of the Course be outlined in the Structure Plan. This is discussed in further detail below under the Sale and Development Agreement heading.</p>	

19. Jetty	
<p><u>Submission:</u></p> <p>(i) Can the City ensure the Jetty design will not interrupt access along the beach?</p> <p>(ii) Who will be responsible for maintaining the integrity of the jetty infrastructure and associated weed and silt washing up on the beach as a result of the jetty?</p> <p>(iii) The proposed Jetty should be designed considering local fishers.</p> <p>(iv) Is the Developer required to provide any further improvements/enhancements south of Long Point, particularly for the provisions of four-wheel drive access to allow beach fishing?</p>	<p><u>Applicant's Response:</u></p> <p>(i) The details for the jetty will be developed as a future stage of the project. This will include liaison with key stakeholders to ensure the needs of the community are met. Access along the beach will be considered and addressed in the jetty design development.</p> <p>(ii) Whilst not a consideration of the Structure Plan, the City of Rockingham as the local authority will ultimately be responsible for the ongoing maintenance of the jetty. The design will likely incorporate an elevated deck and steel piles at a spacing that are unlikely to affect longshore transport of sediment or wrack along the beach.</p> <p>(iii) The proposed jetty design is not a consideration of the Structure Plan.</p> <p>(iv) No, the developer is not required to provide any future improvements / enhancements south of Long Point.</p>

19. Jetty (cont...)	
(v) A jetty with 20 odd swing moorings is insufficient to cater for likely demand.	(v) The proposed jetty design is not a consideration of the Structure Plan and is subject to a separate approvals process.
(vi) Will the new jetty impede easy beach access or result in erosion impacts, coastal habitat loss and water pollution.	(vi) Some direct loss of habitat will occur where piles penetrate the seabed, however, other new habitat will be created such as marine growth on the piles. Notwithstanding, the design will consider and address any environmental impacts including erosion impacts and water pollution. The jetty and swing moorings will be subject to a separate planning and environmental approvals process which will address potential impacts to coastal and aquatic environments.
<p><u>City's Comment</u> The submission comments are noted and will be considered as part of the development application for the Jetty structure.</p>	

20. Sale and Development Agreement	
<b><u>Submission:</u></b>	<b><u>Applicant's Response:</u></b>
(i) How are the community and Council required to make informed decisions without knowing the intended outcomes required under the Sales and Development Agreement, as there are inter-related issues that should not be dealt with in isolation.	(i) The Sales and Development Agreement is a confidential document between the landowner and the State Government. It is understood the relevant sections of the Agreement pertaining to the Structure Plan have been provided to the City of Rockingham from the State Government. Notwithstanding the Sales and Development Agreement, the Structure Plan is following due planning process with the City of Rockingham and WAPC in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.
(ii) What is the financial viability of the project in light of the current global economic uncertainty?	(ii) The financial viability of the project is not a relevant planning consideration to the Structure Plan.
(iii) The agreement between the Owner and the State Government appears to be referenced and spoken to at the bequest of the developer. This document is cabinet sealed and is not available for the public, or even the Council to evaluate the Structure Plan and broader scope for the site (including the golf course and golf course amenities). This is not open or accountable for review.	(iii) The Sales and Development Agreement is a confidential document between the landowner and the State Government. It is understood the relevant sections of the Agreement pertaining to the Structure Plan have been provided to the City of Rockingham from the State Government.

20. Sale and Development Agreement (cont...)	
	<i>Notwithstanding the Sales and Development Agreement, the Structure Plan is following due planning process with the City of Rockingham and WAPC in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.</i>
<b>(iv) The Community have not received a response relating to the area west of the boat ramp. In the detailed stage proposal prepared for the area in February 2006 two areas west of the boat ramp were identified being the 'Western Residential Cell' (11.6Ha) and 'Eco Tourism Facility' (5.9Ha). The 2017 bill reserved the Eco Tourism facility as a fully serviced site. It is understood that the Western Residential Cell will no longer be developed. Has the proponent and Government considered increasing the size of the Eco Tourism Facility to encompass the whole area west of the boat ramp and use it for a caravan park and glamping site? Many caravan sites, all over Australia, contain sporting and entertainment facilities for the caravan users. For example, Put-put, tennis, bowls etc. in Kennedy Bay as the beach nearby provides additional recreational opportunities in a rare location. Can Taktics4 be asked to provide an opinion on how this inclusion would increase the profitability of the businesses in this area?</b>	<b>(iv)</b> <i>The eco-tourism area is located outside of the Structure Plan area and therefore, is not a relevant planning consideration to the Structure Plan.</i>
<u>City's Comment</u> The submission comments are noted. It is recommended that all outcomes within the Sales and Development Agreement relating to Structure Plan area and Golf Course be outlined in the Structure Plan documentation.	
<b><u>Recommendation 1:</u></b> <b>That all outcomes within the Sales and Development Agreement relating to Structure Plan area and Golf Course be outlined in the Structure Plan documentation.</b>	
21. Other matters not relevant to structure plan assessment	
<b><u>Submission:</u></b> <b>(i) Property Values will be negatively impacted as a result of the development from the Structure Plan area.</b>	

21. Other matters not relevant to structure plan assessment (cont...)
(ii) The Structure Plan will facilitate an oversupply of vacant residential lots is driving down the value of established properties.
(iii) Will residents be provided with a development schedule showing the retail and hospitality offerings selected and the timeframe for delivery, following the approval of the Structure Plan?
(iv) Will the nudist beach be relocated in view of the proposed structure plan, as the location of the nudist beach and proposed residential development and foreshore enhancements will likely result in conflicts between the two uses?
(v) It is requested that street lighting could be designed to be 'dark sky friendly', as the area is used for astronomy.
<u>City's Comment</u> These matters cannot be considered in the assessment of a proposed Structure Plan and are not considered further in this Report. Notwithstanding, the applicant has been advised of the comments raised for its consideration where possible.

**b. Consultation with Government Agencies**

As part of the advertising process, relevant government agencies and servicing authorities were notified of the proposal in writing and invited to comment pursuant to Schedule 2, Part 4, clause 18(1)(b) of the Regulations. In this regard, the City invited comments from the following agencies:

- ATCO Gas
- Department of Biodiversity Conservation and Attractions
- Department of Education
- Department of Fire and Emergency Services
- Department of Health
- Department of Planning, Lands and Heritage
- Department of Transport
- Department of Water and Environmental Regulation
- Public Transport Authority
- Telstra
- Water Corporation
- Western Power

Following the close of the advertising period, the City received nine (9) submissions from State Agencies and Service Authorities. A full copy of all submissions received during the advertising period is set out in the Schedule of Submissions contained within **Attachment No.1** to this Report.

The submissions that raised matters for consideration are outlined as follows:

1. ATCO Gas
<u>Submission:</u> Appendix 10 Section 10 - <i>Internal Gas Reticulation of the Kennedy Bay Structure Plan</i> of the Engineering Servicing Report references gas mains that are not entirely consistent with the existing ATCO gas mains. The sizing of the mains should be Medium Pressure DN155PVC MP 70kPa within Port Kennedy Drive, DN100PVC MP 70kPa within Bay Links Boulevard and DN50PVC MP 70kPa within Bayeux Avenue.
<u>Applicant's Response:</u> <i>Noted, future engineering design will be undertaken in consultation with ATCO Gas as part of future stages of planning and implementation.</i>
<u>City's Comment:</u> The submission is noted.

**2. Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Service)**

**Submission:**

**(i) Threatened Ecological Community Mapping**

- Insufficient information has been provided in the Structure Plan and supporting documentation to determine if the Sedgeland in Holocene dune swale of the southern Swan Coastal Plain threatened ecological community (TEC) (listed as critically endangered) is located within the proposed local Structure Plan area.
- The Environmental Assessment Report (Coterra Environment 2019) (EAR) does not refer to recent detailed flora and vegetation surveys been undertaken over the Structure Plan area other than previous mapping undertaken by Malcolm Trudgen in 1988. The TEC was listed in Western Australia in 2001, after the last known detailed vegetation survey of the proposal area. Based on the topography, this TEC may occur in parts of BR2 and BR4 shown in Landform Mapping figure in Appendix 5 of the EAR.
- The Biodiversity Conservation Act 2016 (BC Act), which commenced operation on 1 January 2019 for TECs, provides for the listing of TECs as critically endangered, endangered or vulnerable ecological communities. The formal listing of TECs under the BC Act is expected to occur in the near future.
- In the event that surveys confirm the presence of TECs in the Structure Plan area, then the Structure Plan may require modifications to ensure that impacts are avoided or an application for authorisation to modify a TEC would be required under the BC Act.

**(ii) Fauna Management**

- Prior to approval of the LSP, a contemporary survey of the current native fauna populations is required to inform the structure planning process and enable a determination of the fauna management program which will be required during the construction phase of the project.
- Subject to the results of the fauna survey, DBCA may recommend that a fauna management plan be prepared for the site which includes kangaroos.
- The plan should include an accurate count of the number of kangaroos in the proposed development area, consider options to reduce kangaroo numbers prior to construction commencing and an overview of how the plan will be implemented. DBCA is able to provide advice on the range of options for kangaroo displacement.

**(iii) Fire Management**

- Adequate separation between the proposed Structure Plan area and the adjoining areas of regional open space is required for bushfire protection.
- All necessary bushfire protection measures are to be provided within the development and do not place reliance or impositions on the management of the adjacent bushland, consistent with the Western Australian Planning Commission's Planning for Bushfire Prone Areas Policy and Guidelines.
- It is important that access via a trafficable road or path and cross-over to the portion of the foreshore reserve (Crown Reserve 44004) currently managed by DBCA is provided in the Structure Plan.

**(iv) Local Water Management Strategy**

- The known occurrences of the TEC and the other conservation category wetlands in close proximity to the Structure Plan area are groundwater dependent. The LWMS does not consider the potential impacts posed by the development on these values. The clearing, and subsequent development of the subject land for a golf course, residential areas, car parks and roads is likely to have impacts to local groundwater.

**2. Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Service) (cont...)**

- The LWMS must specifically considers the management of groundwater and other potential impacts from the development, post construction on these values.
- The LWMS must clearly outline how the groundwater system will be managed in the Structure Plan area to ensure the ongoing maintenance of the wetland values located nearby and the original intent of Ministerial Statement (105) including the comprehensive monitoring program undertaken to date.
- Drainage infrastructure is proposed to be developed in areas outside of the Stage 1 development envelope approved by the EPA (2015) (i.e. Structure Plan area), in land zoned Parks and Recreation under the Metropolitan Region Scheme. The Structure Plan document provides no evidence that any agreement to dispose of stormwater within the Parks and Recreation reserved land has been previously agreed to as part of previous planning or environmental approvals.
- DBCA considers that this drainage infrastructure should be provided for entirely within the boundaries of the Structure Plan area as is normal practice for urban developments.

**(v) Foreshore Management**

- Urban expansion in the Structure Plan area is likely to increase pressure on the surrounding foreshore areas and adjacent regional open space (both Port Kennedy Scientific Park and local public open space), in the form of increased unauthorised access, weed invasion, vegetation damage via trampling and predation on native fauna from increased domestic animals.  
Accordingly, it is important that formalised access and rationalisation of existing tracks within the foreshore reserve is undertaken to ensure that these increases in human pressures can be appropriately managed.
- DBCA considers that insufficient consultation has been undertaken in the preparation of the Foreshore Management Plan (Coterra Environment 2019), particularly given that the DBCA currently manages a portion of the foreshore area (Crown Reserve 44004).
- Prior to approval of the Structure Plan, it is recommended that the Applicant engage with DBCA and City of Rockingham to further refine the details of future management actions to be undertaken in the foreshore reserve area, with particular focus on land vesting and management responsibilities, rehabilitation requirements, infrastructure locations (including fences, drainage and active public open space) and fire management access considerations.
- It is noted that there are a number of separate land parcels which make up the foreshore area and are vested to multiple land management agencies including the City of Rockingham, the Department of Planning, Lands and Heritage (for areas of Unallocated Crown Land) and DBCA.  
The preparation and finalisation of the Foreshore Management Plan, involving liaison with all management agencies and the proponent provides an opportunity to resolve the potential for rationalisation and consolidation of management responsibilities for the foreshore area to a single management authority

Applicant's Response:

- (i) *Threatened Ecological Community Mapping*  
*Consultation has historically been undertaken with Val English from the DBCA Species and Communities branch in relation to TEC areas. Val undertook a site inspection accompanied by a project team botanist prior to the EPA considering the s.45c and s.46 applications.*



**2. Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Service) (cont...)**

*The TEC areas within the locality are within the golf course associated with a number of linear wetlands as mapped by DBCA and shown on plans within the EAR (linear wetlands shown on Figure 7 and linear wetlands shown in Appendix 6). This correlates to the area where sedges were found to occur within the 1988 vegetation survey. These wetland areas do not occur within the LSP site.*

*The EPA has considered the project and approved the location of the LSP development area through the s.45c and s.46 processes in consideration of potential environmental impacts, including TEC vegetation.*

**(ii) Fauna Management**

*The City of Rockingham has undertaken fauna survey work along the coastal zone in this area as reported in the CoR Foreshore Management Plan (CoR, 2016). Kangaroo census assessments are also undertaken periodically at the Kennedy Bay golf club.*

*Kangaroos are known to be present at the site, particularly within the golf course. A Kangaroo Management Plan has been previously prepared for the golf course and relocation of Kangaroos from this area has been undertaken on a number of occasions. In addition, control of rabbits has also been undertaken onsite.*

*Fauna management requirements can be addressed at subdivision stage, prior to site works commencing.*

**(iii) Fire Management**

*Fire management is addressed in the Bushfire Management Plan (Bushfire Safety Consulting, 2020). The design accommodates the required separation distances to meet the requirements of DFES.*

*Additional bushland management within CoR or DBCA managed areas to address bushfire protection is not proposed.*

*The Foreshore Landscape Plan (contained in the Foreshore Management Plan) prepared for the project provides for maintenance of the existing north-south dual use path along the boundary of Reserve 44004, as well as a beach access path traversing the reserve. The specific beach access path alignment and materials will be discussed with DBCA as part of the review of the Foreshore Management Plan.*

**(iv) Local Water Management Strategy**

1) *The development will infiltrate stormwater to groundwater in infiltration basins and swales around the development. The stormwater strategy is designed to mimic pre-development conditions as a similar pattern of infiltration and recharging of groundwater that would occur pre-development. The infiltration structures are dispersed around the development to infiltrate as close to source as possible. This is best management practice for water sustainable urban design and in line with BUWM guidelines. The wetland and TEC areas are not located hydrologically down-gradient of the LSP.*

2) *As per comment 1 response above.*

3) *Extensive post development groundwater monitoring will be undertaken as detailed in Section 7 of the LWMS. This includes annual reporting against trigger values and with contingency actions. This is undertaken in April each year as per the requirements of the existing Kennedy Bay Groundwater Operating Strategy and the groundwater licence condition. At the next stage of development, the Groundwater Operating Strategy will be updated to encompass changes in management required with regards to the monitoring etc as a result of the proposed development.*

**2. Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Service) (cont...)**

- 4) *The foreshore adjacent to Kennedy Bay is divided into three main components. The 'A Class' reserve for conservation of flora and fauna (crown land vested to the National Parks and Conservation Authority and managed by the DBCA) and 'C Class' reserve for public recreation (vested to and managed by the CoR) and the unallocated crown land (UCL).*

*The drainage infrastructure is all proposed in the UCL (not in either of the reserves).*

*Drainage in the foreshore (UCL, to the inland side of the coastal setback line) was discussed in the EP Act s.45c and s46 application to seek approval for changes to the project to reflect the current extent of the urban area which was assessed by the EPA. The Ministerial Statement (No 1019) was subsequently updated in 2015 which provided the Minister for the Environment approval for the new design to be implemented.*

*CoR were consulted regarding drainage in the foreshore (and the golf course – discussed below) and were amenable to the idea and agreed to maintain post-handover. It is anticipated that the foreshore UCL will be ceded to the CoR in the future however this has not been confirmed as yet.*

*DPLH were consulted regarding the drainage in the UCL and they were open to the idea subject to reviewing the LSP submission.*

*WABGR hold the head lease (66 year lease) for Lot 3007 UCL (to the east of the LSP area) and they sub-lease to the golf course.*

*CoR was consulted pre LSP submission regarding basins in the golf course. CoR identified that they would require an easement over the basin areas to ensure they can legally access the areas to perform maintenance. DPLH were supportive of providing these easements.*

*The POS strategy aimed to provide equitable distribution of POS to the residents by putting POS areas in the centre of the site.*

*A substantial amount of the POS is located along a ridge in the centre of the site to provide views for public use. Being located at the high point makes it not feasible for POS to be used for drainage purposes which is why drainage is focused on the east and west sides of the site.*

*Using UCL land was aimed at freeing up POS areas within the LSP area so that it could be used for more active purposes, and allow drainage basins to be integrated in the golf course as a more fit for purpose use.*

- 5) *As per comment 4 above.*

(v) *Foreshore Management*

*Formalisation of access paths within the foreshore, and revegetation of existing unnecessary paths is a component of the FMP.*

*Consultation with DBCA, CoR and DPLH in relation to foreshore management and the FMP is proposed as part of the assessment phase of the FMP. The FMP which has been prepared provides the detail to inform these consultations.*

City's Comment:

The advice of the DBCA is noted.

See the Comments section of this report for assessment of environmental matters.

**3. Department of Education**

**Submission:**

The Department objects to the proposed Structure Plan unless a public primary school site of 4ha is included into the Structure Plan in accordance with the provisions of the DC Policy 2.4 and Liveable Neighbourhoods.

### 3. Department of Education (cont...)

This is for the following reasons:

- The need for a public school is based on several factors which include, but not limited to, the potential/existing residential development in the area as well as the surrounding locality and the public student enrolment growth and capacity of nearby existing/future primary schools.
- The Structure Plan falls within the student enrolment intake areas of Port Kennedy Primary School and Endeavour Primary School. Port Kennedy Primary School has a student catchment area of more than 2000 dwellings, exceeding the dwelling yield threshold of 1500 dwellings as per the Western Australian Planning Commission's Development Control Policy 2.4- School Sites (DC Policy 2.4).
- With the proposed dwelling yield of 1002 lots, it is considered that the existing public primary schools would not be adequate to support the future student enrolment demand from the Structure Plan area.
- A preliminary analysis indicates that Port Kennedy has a student to dwelling ratio above the Perth Metropolitan average and therefore, the anticipated student number will exceed the current operating capacity of both primary schools.
- The Department has recently received subdivision applications seeking higher residential lot numbers and density than what was originally anticipated in Structure Plans. If this occurs with this Structure Plan, this will also result in an increase to the student yield.

#### Applicant's Response:

*In email communication received by the proponent on 30 October 2019, representatives from the Department of Education advised that if a new school is identified, pro-rata contributions may be applied. The Structure Plan was therefore prepared on this basis.*

*In accordance with the provisions of Liveable Neighbourhoods and the Western Australian Planning Commission's Development Control Policy 2.4, the anticipated lot yield for the Structure Plan area does not trigger the need for the provision of any additional primary or high school facilities within the site.*

*The site currently falls within the intake area of the Port Kennedy Primary School (2.2 kilometres from the site), however, it is also within close proximity to the other following public schools.*

- *Warnbro Community High School (2.5 kilometres);*
- *Rockingham Lakes Primary School (3.2 kilometres);*
- *Warnbro Primary School (3.6 kilometres);*
- *Charthouse Primary School (5.3 kilometres); and*
- *Waikiki Primary School (6.1 kilometres);*
- *Comet Bay Primary School (9.9 kilometres).*

*There are a number of private education facilities accessible from the subject site, being:*

- *Endeavour School (3.5 kilometres);*
- *St Bernadette's Catholic Primary School (4.6 kilometres); and*
- *South Coast Baptist College (12.3 kilometres).*

#### City's Comment:

The advice of the Department of Education is noted. Given the large catchment to Port Kennedy Primary School, and the anticipated dwelling yield planned for the development, it is considered that an additional Primary School is warranted under Liveable Neighbourhoods.

If the WAPC does require the provision of a Primary School site within the Structure Plan area, consideration should be given to co-locating the Primary School with POS to maximise community benefit.

**3. Department of Education (cont...)**

**Recommendation 2:**

**That a Primary School site be provided within the Structure Plan area in accordance with Liveable Neighbourhoods, and that consideration be given to co-locating the Primary School with POS.**

**4. Department of Fire and Emergency Services**

**Submission:**

**(i) Policy Measure 6.3 (a) (ii) BAL Contour Map Assessment**

**(a) BAL Contour Map**

The known occurrences of the TEC and the other conservation category wetlands in close proximity to the Structure Plan area are groundwater dependent. The LWMS does not consider the potential impacts posed by the development on these values. The clearing, and subsequent development of the subject land for a golf course, residential areas, car parks and roads is likely to have impacts to local groundwater.

**Action: Modification to the BMP required.**

**(b) Vegetation Exclusions**

Sections of Plot 5 identified in photos 18 & 20 do not appear to be low threat as per AS3959 section [2.2.3.2(f) golf course vegetation] as they are unlikely to form part of a fairway or playing area.

There is no mechanism stipulated to enable the management of vegetation to low threat within 100m of the subject land identified in the BMP *as the large zone east of the site...proposed for future golf course fairway relocation*.

An approved Landscape Management Plan would be required to provide evidence of how this area is to be managed to low threat in perpetuity. Alternatively, the vegetation classification should be revised to apply the worst-case scenario as per AS 3959.

**Action: Modification to the BMP required.**

**(c) BAL Calculation**

Table 3 Summary of Assessment Outputs quotes a minimum separation distance of 9m from Class C Shrubland – this separation will result in a portion of the subject land being BAL 40 not BAL 29 (based on the quoted 0-5 degrees downslope).

**Action: Modification to the BMP required.**

**(ii) Policy Measure 6.3 c) Compliance with the Bushfire Protection Criteria**

**(a) Location & Siting and Design**

A1.1 & A2.1 – not demonstrated

The BAL ratings cannot be validated, as the vegetation classification inputs associated with the golf course vegetation require clarification as per the above table.

**Action: Modification to the BMP required.**

**(b) Vehicular Access**

The public road system in a bushfire prone area should provide alternative access or egress for firefighters and residents during a bushfire emergency. The intent is to ensure that vehicular access to a development is available and safe during a bushfire event.

**4. Department of Fire and Emergency Services (cont...)**

North-south road connectivity (Bayeux Avenue and Port Kennedy Drive), so as to provide two egress points from the estate, will need to be available upon the release of the first stage of development. Staging, and how it will comply with public road access, should be addressed at the subdivision planning layer. **Action: To be demonstrated at subsequent planning stages.**

**Recommendation – not supported modification required**

The BMP does not adequately address the policy requirements of SPP 3.7 and the Guidelines.

Applicant's Response:

**(i) Policy Measure 6.3 (a) (ii) BAL Contour Map Assessment**

**(a) BAL Contour Map**

*All residential lots are separated from areas of bushfire hazard by either a public road reserve or a wide area of managed open space. Land to the east and south east (future golf course development) is under management control of the proponent formalised with a 66 year lease (Appendix 5) that formed part of Sale and Development Agreement.*

*The Kennedy Bay Ministerial Statement (Appendix 6) is the formal environmental approval for the project which permits the clearing of vegetation within the 80.3ha golf course. The Agreement also permits vegetation clearing within the golf course site without the need for a clearing permit. A golf course Landscape Masterplan will be developed at subdivision stage as per the normal planning process which will outline the specific treatments in the golf course to ensure it will contain low threat vegetation in the area identified in the Vegetation Classification Plan.*

**(b) Vegetation Exclusions**

*Photos 18 and 20 reflect existing conditions. Post development conditions are different as reflected in the vegetation classification plan. Vegetation in photos 18 and 20 will be permanently removed and landscaped into a highly managed golf course fairways.*

*The mechanisms to ensure this will be achieved include:*

- 1 - New Golf Course Lease (66 yr. lease) that formed part of the Sale and Development Agreement (Appendix 5)*
- 2 - Kennedy Bay Ministerial Statement (Appendix 6). This statement identifies that proponent has permission to implement the Kennedy Bay proposal which includes an 80.3ha golf course area (location shown on Figure 1) which involves vegetation clearing within this golf course site.*

*Schedule 6 of the Environmental Protection Act 1986 identifies 'Clearing for which a clearing permit is not required'.*

*Clause 2 of Schedule 6 identifies that 'Clearing that is done – (a) in the in the implementation of a proposal in accordance with an implementation agreement or decision' (i.e. a Ministerial Statement) is an action for which a clearing permit is not required. On this basis the proponent has authorisation to clear vegetation from within the golf course site without needing a clearing permit.*

*A golf course Landscape Masterplan will be developed at Subdivision stage as per the normal planning process which will outline the specific treatments in the golf course area to ensure it will contain low threat vegetation in the area identified in the Vegetation Classification Plan.*

**(c) BAL Calculation**

*Table 3 updated, 10m separation is required for BAL-29 adjacent to Plot 4 Shrubland downslope 0-5, the nearest residential lots is sited 12 metres from this vegetation class so BAL-29 maximum is still achieved at the lot boundary. The BAL contour plan is accurate.*

4. Department of Fire and Emergency Services (cont...)	
(ii)	<p><b><u>Policy Measure 6.3 c) Compliance with the Bushfire Protection Criteria</u></b></p> <p>(a) <u>Location &amp; Siting and Design</u> BAL ratings are accurate and can be validated.</p> <p>(b) <u>Vehicular Access</u> Agree and will be achieved.</p>
<p><u>City's Comment:</u> The advice of DFES is noted. See the Comments section of this report for assessment of bushfire risk.</p>	
5. Department of Health	
<p><b><u>Submission:</u></b></p> <p>(i) <b><u>Water Supply and Wastewater Disposal</u></b> The development is required to connect to scheme water and reticulated sewerage and be in accordance with the Government Sewerage Policy (2019).</p> <p>(ii) <b><u>Public Health Impacts</u></b></p> <ul style="list-style-type: none"><li>- The City of Rockingham (the City) should also use this opportunity to minimise potential negative impacts of the increased density development such as noise, odour, light and other lifestyle activities.</li><li>- To minimise adverse impacts on the residential component, the City could consider incorporation of additional sound proofing and insulation, double glazing on windows, or design aspects related to location of air conditioning units and other appropriate building and construction measures.</li><li>- A range of quality public open spaces should be provided to contribute towards the recreation, physical activity, health and social needs of the community;</li><li>- Parks and open spaces should be located within walking distance of most residents along well-lit connected routes and be co-located with other community facilities to encourage access by walking or cycling; and</li><li>- The design of parks and open space and the infrastructure provided within them should cater for a variety of users to undertake a mix of activities that increase physical activity, provide access to healthy nutritious foods through community gardens and prevent injury.</li><li>- The structure plan should be consistent with climate change adaption methods to deal with potential health hazards such as extreme heat.</li></ul>	
<p><b><u>Applicant's Response:</u></b></p> <p>(i) <i>The development will be connected to scheme water and reticulated sewer.</i></p> <p>(ii) <i>The Structure Plan provides for a total of 14% of the site area as public open space, comprising a range of uses and functions. All dwellings within the Structure Plan area are located within 400m of open space.</i> <i>In addition, the developer proposes to develop a number of open space reserves within the adjacent foreshore which will contain barbeque / picnic facilities, as well as seating areas and turfed kickabout space.</i></p>	
<p><b><u>City's Comment:</u></b> The advice of the Department of Health is noted. See the Comments section of this report for assessment of Structure Plan and Open Space.</p>	

**6. Department of Transport (Urban Mobility)**

**Submission:**

The eastern Neighbourhood Connector route should be designed as a 'Neighbourhood Connector Type A' with on-road unidirectional bike-lanes.

This will encourage commuter and faster cyclists to use this route rather than the high amenity beach side path.

The Department also wishes to reinforce the value of providing pedestrian cycle links between the coastal Primary Route running through the dunes and the subject site itself.

**Applicant's Response:**

*The anticipated traffic volumes do not warrant the designation of the eastern Neighbourhood Connector as a 'Type A' road reserve. In addition, the forecast traffic volume supports a safe cycling environment and therefore, on-road cycling can be accommodated through the Structure Plan area.*

*The existing dual use path is considered sufficient to accommodate cyclists' movements in and around the site.*

*An existing dual use path is located on land to the west of the Structure Plan area, with strong connections provided to the proposed residential areas. Access to the existing bicycle network is therefore provided.*

**City's Comment:**

The Department of Transport comments are noted. It is considered that a Neighbourhood Connector B, with two dual use paths in lieu of on-road cycles lanes, is the preferred treatment based on projected traffic volumes.

See the Comments section for further assessment of the movement network.

**7. Department of Water and Environmental Regulation**

**Submission:**

It is recommended the Local Water Management Strategy is revised in accordance the following advice and advice from the City of Rockingham, and resubmitted to both agencies for endorsement prior to the adoption of the Structure Plan.

**(i) Figures 11 and 13**

A number of drainage areas appear to be located in foreshore area. Any stormwater flowing to foreshore are should be only in major events and passively inundate the area, rather than be contained in hard infrastructure.

**(ii) Figures 11 and 13**

Drainage areas located outside structure plan to the east areas appear to be conventional basins and are not supported. The development should manage stormwater within the local structure plan area and integrate into public open space. Given the local geology this should be easily achievable.

**(iii) Section 3.3.1 – Groundwater Licence**

It is noted there is currently a groundwater licence held for the golf course, with another 270,250KL (rather than the cited 108,750 KL/yr.) held in reserve.

The LWMS states that 63,212kL/year will be required for public open space irrigation, with the excess to of reserved water to be used for dust suppression.

The LWMS should identify the amount of water to be used for dust suppression and commit to providing a groundwater licence application to the Department reflecting these revised needs, with the remaining balance to be returned to the consumptive pool.



7. Department of Water and Environmental Regulation (cont...)	
(iv)	<p><b>4.2 - Lot Drainage Management</b></p> <p>More clarity should be provided with regard to lot drainage management of stormwater.</p> <p>This section should detail the different event management approaches for the different densities. Assumption of discharge to street system in greater than 1 exceedance per year event appears excessive in this geological setting.</p>
(v)	<p><b>General</b></p> <p>Cross-sectional diagrams of proposed drainage infrastructure should be provided inclusive of, but not limited to:</p> <ul style="list-style-type: none"><li>- Conceptual critical inverts;</li><li>- Method of entry/exit of stormwater;</li><li>- Depth to groundwater; and</li><li>- Bio-retention areas.</li></ul>
<p><u>Applicant's Response:</u></p> <p><i>A meeting was held between Coterra and DWER in April 2020 to resolve the issues raised by DWER. The additional information supplied to DWER after this meeting is provided below. The meeting resulted in action items required to resolve the issues. These are provided below. Accordingly a Revision 1 report will be prepared.</i></p> <p>(i) <i>Figures 11 &amp; 13</i></p> <ul style="list-style-type: none"><li>- <i>The foreshore adjacent to Kennedy Bay is divided into three main components. The 'A Class' reserve for conservation of flora and fauna (crown land vested to the National Parks and Conservation Authority and managed by the DBCA) and 'C Class' reserve for public recreation (vested to and managed by the CoR) and the unallocated crown land (UCL).</i></li><li>- <i>The drainage infrastructure is all proposed in the UCL (not in either of the reserves).</i></li><li>- <i>Drainage in the foreshore (UCL, to the inland side of the coastal setback line) was discussed in the EP Act s.45c and s46 application which sought approval for changes to the project to reflect the current extent of the urban area which was assessed by the EPA. The Ministerial Statement (No 1019) was subsequently updated in 2015 which provided the Minister for the Environment approval for the new design to be implemented.</i></li><li>- <i>CoR were consulted regarding drainage in the foreshore (and the golf course – discussed below) and were amenable to the idea and agreed to maintain post-handover. It is anticipated that the foreshore UCL will be ceded to CoR in the future however this has not been confirmed as yet.</i></li><li>- <i>DPLH were consulted regarding the drainage in the UCL and they were open to the idea subject to reviewing the LSP submission.</i></li><li>- <i>Action: This further information has been added to Section 4.0 of the LWMS to identify the land tenure situation.</i></li></ul> <p>(ii) <i>Figures 11 &amp; 13</i></p> <ul style="list-style-type: none"><li>- <i>The infiltration basins will not be 'sump' like structures. The basins indicated in Figure 10 are derived from the modelling outputs and are just shown for indicative location purposes. Figures 11 and 12 show the basins in a more natural setting. The basins will have a 1EY bio-retention area to treat the first flush and a 1% AEP area to allow infiltration to groundwater as per water sustainable urban design best management principals. They will have 1:6 side slopes and not be fenced.</i></li><li>- <i>WABGR hold the head lease (66 year lease) for Lot 3007 UCL (to the east of the LSP area) and they sub-lease to the golf course.</i></li><li>- <i>CoR was consulted pre-LSP submission regarding basins in the golf course. CoR identified that they would require an easement over the basin areas to ensure they can legally access the areas to perform maintenance. DPLH were supportive of providing these easements.</i></li></ul>	

**7. Department of Water and Environmental Regulation (cont...)**

- *The POS strategy aimed to provide equitable distribution to the residents by putting POS areas in the centre of the site. A substantial amount of the POS is located along a ridge in the centre of the site to provide views for public use. Being at the high point of the site results in the POS not being feasible to accommodate drainage purposes which is why drainage is focused on the east and west sides of the LSP area.*  
*Using UCL land was aimed at freeing up POS areas within the LSP area so they could be used for more active recreation, and then have drainage basins integrated in the golf course as a more fit for purpose use.*
- *Action: This further information has been added to Section 4.0 of the LWMS to identify the land tenure situation.*
- (iii) **Section 3.3.1 – Groundwater Licence**
  - *The 270,250kL held in reserve previously included 170,000 kL for an additional 9-hole golf course which isn't being constructed. Instead realignment of the 18-hole golf course is proposed.*
  - *Liaison with DWER (DoW at the time) in August 2015 was undertaken regarding the groundwater volume requirements for the future.*
  - *Through advice provided by Alana Patterson (DWER) on 17/04/20 it is understood that the licence needs to be updated once the LSP is approved. Further liaison will be undertaken with Ms Patterson, to confirm the future requirements, the amounts held in reserve, and the allocations which will be available to give back to DWER when no longer required.*
  - *Action: Section 3.3.1 of the LWMS will be updated to include information about the future usage requirements and reserve allocation management.*
- (iv) **4.2 - Lot Drainage Management**
  - *Drainage modelling assumed that there would be no lot runoff in a 1 EY event. Modelling of the 10% AEP event included lot runoff therefore lot runoff could be contained within lots for events up to the 10% AEP storm without it impacting the drainage design calculations.*
  - *Design specifications can be applied to ensure that larger lot owners (above 300sqm) retain up to a 20% AEP event in soakwells on site. This advice will be provided to land purchasers through the sales documentation.*
  - *Action: Section 4.2 of the LWMS has been updated to include this information.*
- (v) **General**
  - *This information has been provided in the following locations in the LWMS text:*
    - › *Critical Inverts – Tables 4-2 and 4-3*
    - › *Method of entry/exit – Section 4.3*
    - › *Depth to groundwater – Tables 5-1 and 5-2*
    - › *Bio-retention areas – Section 4.4.1 (indicative cross-section also shown in Plate 4-1)*
  - *All basins comply with separation requirements of basin/swale inverts to groundwater as described in Section 5.2, and TWLs to nearby lot levels (Table 6-1).*
  - *An indicative cross section representing basin design is provided in Figure 12. The basin and swale configuration is not expected to differ greatly from one basin to another, however another cross section showing one of the basins in the turfed areas (previously cleared for the golf course) would be useful. This will be prepared and added to the Rev 1 report.*

7. Department of Water and Environmental Regulation (cont...)	
-	<i>Basin specific cross sections will also be provided in the UWMPs at subdivision stage.</i>
-	Action: Additional Figure 12b to be added to the LWMS show a basin cross section within a turfed area.
<u>City's Comment:</u> The advice of DWER is noted. See the Comments section of this report for assessment of urban water management.	

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**

Assessment of the Structure Plan has been informed by the following strategies and policies:

Regional Planning Framework

- Directions 2031 and Beyond: Metropolitan Planning Beyond the Horizon ('Directions 2031')
- South Metropolitan and Peel Sub-Regional Planning Framework (2018)
- Liveable Neighbourhoods (2009)
- SPP 2.6 - State Coastal Planning
- SPP 3.0 - Urban Growth and Settlement
- SPP 3.7 - Planning in Bushfire Prone Areas
- SPP 4.2 - Activity Centres for Perth and Peel
- SPP 7.0 - Design of the Built Environment
- Draft SPP 7.2 - Precinct Design
- DC Policy 2.3 - Public Open Space in Residential Areas
- DC Policy 2.4 - School Sites

Local Planning Framework

- Coastal Hazard Risk Management and Adaptation Plan (2019)
- Planning Policy 3.1.2 - Local Commercial Strategy
- Planning Policy 3.3.22 - Medium-Density Single House Development Standards – Development Zones
- Planning Policy 3.4.1 - Public Open Space
- Planning Policy 3.4.3 - Urban Water Management

These Policies are identified where relevant to discussion of the key issues identified in Comment section.

Further detailed technical comments will be included in the Local Government report when submitted to the WAPC.

**e. Financial**

Nil

**f. Legal and Statutory**

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

In accordance with Clause 19(1) of the Regulations, the local government:

- (a) must consider all submissions made to the local government within the period specified in a notice advertising the structure plan; and
- (b) may consider submissions made to the local government after that time; and
- (c) may request further information from a person who prepared the structure plan; and
- (d) may advertise any modifications proposed to the structure plan to address issues raised in submissions.

Determination of a structure plan ultimately rests with the WAPC. In accordance with Clause 20 of the Regulations, the local government must perform the following actions:

- (1) The local government must prepare a report on the proposed structure plan and provide it to the WAPC no later than 60 days after the day that is the latest of:
  - (a) the last day for making submissions specified in a notice given or published under clause 18(2); or
  - (b) the last day for making submissions after a proposed modification of the structure plan is advertised under clause 19(2); or
  - (c) a day agreed by the Commission.
- (2) The report on the proposed structure plan must include the following:
  - (a) a list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan advertised under clause 19(2);
  - (b) any comments by the local government in respect of those submissions;
  - (c) a schedule of any proposed modifications to address issues raised in the submissions;
  - (d) the local government's assessment of the proposal based on appropriate planning principles;
  - (e) a recommendation by the local government on whether the proposed structure plan should be approved by the WAPC, including a recommendation on any proposed modifications.

**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**

**Residential Density**

The Structure Plan proposes the following density ranges:

- A split density code of R25-R40 across the majority of the development area, and the applicant has indicated that R30 is intended to be the predominant density code;
- A density range of R40-60 for laneway lots and abutting POS;
- A R80-100 site is proposed adjacent to the reconfigured golf course, and
- R100 and R-AC0 is located within the Town Centre.

## Residential Density (cont...)

### General Comments

There is no evidence to suggest that higher densities of development will result in anti-social behaviour or impact upon the amenity of the area. With the exception of Longbeach Estate, the Structure Plan is separated from existing areas and there is reasonable scope for it to develop its own identity.

The State Government's key strategic planning documents, *Directions 2031* and *Perth and Peel @ 3.5million* both articulate a general requirement for developments to achieve a dwelling yield of 15 dwellings per gross hectare. This typically equates to an average lot size of 350m<sup>2</sup>, or an R25 density. The applicant contends that the Structure Plan provides for a dwelling yield of 14 dwellings per gross hectare, however, this calculation includes land identified as Parks and Recreation, which would not normally be available for development.

In accordance with Liveable Neighbourhoods Element 4, Parks and Recreation reserved land should be deducted from the calculation of gross subdividable area. This results in the dwellings yield providing for 16.6 dwellings per gross hectare.

Given the site is not proposed to be serviced by high frequency public transport, or accommodating a higher order District centre, the delivery of a yield above 15 dwellings per gross hectare is not justified, and the Structure Plan should be amended to reduce the dwelling yield to a maximum of 15 dwellings per gross hectare.

*Liveable Neighbourhoods* requires a minimum density of 12-20 dwellings per site hectare outside of the walkable catchment of high frequency public transport routes and activity centres. This generally equates to an R20 R-Code, however, a higher base R-Coding is typically required (usually around R25) in order to meet the State's minimum dwelling yield targets.

The R30 base density is not appropriate to the site's context, as it is located outside of the walkable catchment to a Neighbourhood Centre and planned high frequency public transport. In this regard, a base code of R25 should apply with medium density development in select locations, such as adjacent to POS, in order to encourage housing diversity and maximise natural surveillance.

### Eastern R80-100 Site

The eastern R80-100 site is shown abutting the future extension to the Kennedy Links Golf Course and eastern neighbourhood connector road and is located on the highest portion of the site. The Structure Plan provides no planning rationale for its location.

Considering its context, the R80-100 high density site is not located within the walkable catchment of the Town Centre or a frequent public transport route. While the site is likely to be afforded some amenity from the abutting Parks and Recreation Reserve, this is not a sufficient basis to consider high density within a detached suburban context, outside the walkable catchment of an activity centre and removed from public transport options.

High density development in the context of this Structure Plan should only be considered within a 200m walkable catchment of the Town Centre, given the unique amenities afforded to this location.

The site has the potential to support medium density development within the R40 density bracket, given the amenity likely to be provided to the adjoining golf course. An R40 density generally restricts dwelling height to a two storey height limit. It is recommended the Structure Plan be modified to provide an R40 density in this location, with supporting justification within Part Two of the Structure Plan Report.

### Town Centre

*Liveable Neighbourhoods* provides no recommendations for density within unique coastal nodes, such as the proposed Town Centre. In the circumstances, the City supports encouraging smaller residential lots and higher density housing in areas within 400m to the Town Centre. The proposed R100 and R-AC0 densities, are generally considered appropriate within the Town Centre itself in order to encourage the development of a vibrant coastal node, subject to building height, density and bulk providing for an appropriate interface and transition to the Longbeach Estate. This is discussed in more detail in the Structure Plan Design section.

Within the 400m walkable catchment of the Town Centre, a range of R40-60 is considered appropriate in order to provide a transition from the Town Centre to the lower density suburban areas.

### Residential Density (cont...)

It is noted, that the City's technical assessment has raised concern with respect to potential traffic volumes and associated impact on surrounding road networks. Additional work is required in order to examine these issues, and could require further reduction in dwelling yields in order to achieve an acceptable outcome. This issue discussed in more detail under the Movement Network heading.

**Recommendation 3:** The Parks and Recreation Reserve located within the Structure Plan area be removed from the gross subdivisible area.

**Recommendation 4:** That the Dwelling Yield be reduced to a maximum of 15 dwellings per gross hectare.

**Recommendation 5:** That the R80-100 site abutting the future extension to the golf course be removed and replaced with R40.

**Recommendation 6:** That the proposed density ranges be modified as follows:

- (i) A base density code of R25;
- (ii) R40-60 adjacent to POS areas and within 400m of the Town Centre; and
- (iii) R100 to R-AC0 within the Town Centre.

### Movement Network

#### Traffic Impact Assessment

#### Amenity Impact

Residents will experience increased traffic and noise attributed from the development of the Structure Plan area. This is likely to be generally consistent with that expected within the urban zoned context.

#### Key Technical Issues

The City has a range of technical issues that need to be addressed within an amended Structure Plan. Matter impacting the Structure Plan layout include:

- (i) The classification and geometry of the movement network, to provide for increased road widths consistent with the road profiles contained within *Liveable Neighbourhoods* and its required function.
- (ii) Updates to modelling assumptions relating to trip generation rates and the likely distribution of traffic from the Structure Plan area moving into the established road network.
- (iii) The provision of justification and evidence to qualify statements made within Traffic Report and to determine the traffic impact onto the established movement network outside of Structure Plan area (such as impact to Chelmsford Avenue, Grand Ocean Boulevard and Port Kennedy Drive).

Detailed technical comments will be provided to the WAPC within the City's Technical Local Government Report.

#### Intersection of Grand Ocean Boulevard and Bayeux Avenue

The City completed an independent analysis for the intersection of Bayeux Avenue and Grand Ocean Boulevard considering a range of scenarios. It was determined that this intersection is likely to provide a high level of service without the need for a roundabout treatment. That said, in light of the traffic volumes predicted, localised widening will be required to Grand Ocean Boulevard to accommodate the intersection improvements required to ensure a high level of service.

The design treatment for this intersection is proposed to be addressed in Recommendation 8.

#### Connection into Longbeach Estate

The Structure Plan maintains the road access arrangement into Longbeach Estate, and does not encourage non local traffic into the Estate.

### **Movement Network (cont...)**

#### Northern Road Connection – Bayeux Avenue

The provision of an additional road connection to the development area is an essential requirement to provide satisfactory two different points of access and egress access and egress for escape in the event of an emergency. This is a specific requirement of the WAPC's Planning in Bushfire Prone Area Guidelines.

As an element of its assessment, the City considered alternative locations for the second access point, and also a third access point. It was determined that a third access point would result a greater traffic impact onto Chelmsford Avenue and Grand Ocean Boulevard and directly impact more established residential properties. In light of additional impacts, it is not recommended a third access be provided.

The City also investigated alternative options for a second access point and determined this was not viable, as other connection points through to Grand Ocean Boulevard have further impediments to reconfigure the road network to accommodate the anticipated levels of traffic.

The submission concerns regarding a lack of design detail for the modifications to Bayeux avenue and the intersection with Grand Ocean Boulevard are justified. Considering the importance and context of the access arrangement, there is insufficient information to determine if appropriate modifications to Bayeux Avenue and Grand Ocean can be implemented within the land available, as well as understanding what the associated impacts road improvements would have on the Bayeux Reserve.

Given the delivery of a second access point is critical to the development being able to proceed, it is recommended that more detailed concept design be provided and incorporated into the Structure Plan documentation to demonstrate that it can be delivered in an acceptable manner, prior to the Structure Plan being approved.

In light of traffic volumes generated from the Structure Plan area onto Bayeux Avenue, it is recommended a CAP be provided to service all dwellings on Bayeux Avenue. This would reduce traffic safety risks to existing properties and maintain residential amenity.

The City notes that in order to implement an appropriate traffic solution the removal of street trees on the boundary of POS is unavoidable. The loss of POS as a result of implementing road access is recommended to be offset by the provision of additional unrestricted POS within the Structure Plan area.

The proposed realignment of Bayeux Avenue means that most of the existing residential dwellings can gain access from the existing Bayeux Avenue with some requiring CAP roads, however, the City requires a concept plan to be provided to assess its feasibility. The City is of the opinion that it may be difficult to achieve unless a significant portion of the public open space reserve is taken.

The proposed increase in the traffic volumes modelled on Bayeux Avenue within the Transport Impact Assessment Report falls below the threshold to require noise mitigation measures under State Planning Policy 5.4 – Road and Rail Noise. Pursuant to State Policy, the proposed increase in traffic within the Structure Plan area will not generate 'excessive' noise within the context of the 'Urban' zone.

There are no Policy requirements to guide the impact of headlight glare to existing residential properties and this is an issue beyond the scope of consideration at Structure Plan stage.

The City has completed an independent intersection analysis which suggests satisfactory level of service at the intersection of Bayeux Avenue and Grand Ocean Boulevard.

#### Other Matters

The provision of pedestrian connections between the established development within Port Kennedy and the Structure Plan area is a relevant planning consideration and matter that should be addressed within the Structure Plan. The Structure Plan should be modified to provide pedestrian connections through POS 'H' to encourage access to the coast.

As the applicant is in control of golf course, it is considered to be in a position to commit to pedestrian connections through or around the Golf course to the Town Centre and foreshore. This needs to be documented within the Structure Plan.



### **Movement Network (cont...)**

The Structure Plan also needs to provide a commitment to parking provision which should be referenced on cross-section profiles. Given improvements and amenities are proposed within the Foreshore Reserve, it is entirely appropriate for parking areas to be outlined through the Structure Plan. Commitments for on-street parking should also be outlined abutting POS and medium and high density development.

**Recommendation 7:** That the Traffic Impact Assessment and Structure Plan Report be amended to provide pedestrian connections between the Structure Plan area and the eastern established residential areas.

**Recommendation 8:** The Structure Plan Report and Transport Impact Assessment Report be modified to:

- (i) Provide a concept design and cross-section to demonstrate the manner Bayeux Avenue will be modified at subdivision stage.
- (ii) Provide a CAP road to all established dwellings impacted by the realignment of Bayeux Avenue into the Structure Plan area.
- (iii) Outline the impact to Bayeux Reserve resulting from required road improvements.

**Recommendation 9:** Amend POS areas H and I to provide for additional unrestricted recreation POS to offset the loss of POS within Bayeux Reserve.

### **Public Open Space**

#### Provision

The Structure Plan proposes a total of 9.67ha of POS (14.91% of the gross subdividable area), 6.48ha of which is made of land zoned 'Parks and Recreation' under the MRS (POS Reserve H & I of the Landscape Strategy). This reserve is classified as a 'District Reserve' under Liveable Neighbourhoods.

On assessment, however, it is evident that the POS Schedule has not been prepared in accordance with Liveable Neighbourhoods requirements, most notably with land reserved for 'Parks and Recreation' under the Metropolitan Region Scheme being classified as 'unrestricted' POS. Those areas are being set aside primarily for the retention of natural vegetation, or to be revegetated as a natural buffer to surrounding development, and should be identified as 'restricted' POS.

As a result of this, the provision of 'unrestricted' POS does not meet the minimum 8% requirement under Liveable Neighbourhoods, and additional POS is required to address this. The City is concerned there may be insufficient POS available for recreation and informal play within the Structure Plan area.

As noted in the discussion concerning the northern road connection to Bayeux Avenue, that connection, if feasible, will likely encroach on Bayeux Reserve and require further additional 'unrestricted' POS in order to offset that impact.

It is noted that submissions argued for the provision of additional recreation space given the higher residential densities proposed, however, there is no consideration given under Liveable Neighbourhoods for density in terms of the provision of public open space.

Other comments provided in the submissions relate to detailed POS design and landscaping treatments which will be considered at the design stage. The City's technical advice relating to the POS Concept Plans is contained within the Local Government Report.

#### Lot interface to POS

The Structure Plan proposes a direct lot interface to the three central parcels of POS. The lot design proposed for areas POS 'C' and 'E' do not provide for an appropriate lot layout and design in accordance with *Liveable Neighbourhoods* by:

- 1. Providing a proliferation of lots abutting POS that exceeds 25% of POS perimeter; and
- 2. Proposing Lots with a dual interface to both the street and POS.

The Structure Plan also does not suitably justify the provision of lot in accordance with the City's Planning Policy 3.4.1 – Public Open Space. The direct lot interface compromises the design of POS to provide for recreation uses for the local community and adequate parking. These reserves need to be redesigned to prevent a perception of exclusivity and privatisation of POS from future dwellings.

**Public Open Space (cont...)**

Foreshore Reserve

Whilst indicative at this stage and subject to further detailed design, the intent for development and management within the Foreshore Reserve is generally supported. It is considered that the plan provides for good access through the foreshore to the beaches.

Submissions have suggested that additional grassed foreshore recreation space be provided at the coastal node and it is agreed that this would be of benefit in this location. This will be identified in the Local Government Report and raised with the applicant during detailed design.

Other matters raised in submissions will be considered at detailed design stage.

**Recommendation 10:** The Parks and Recreation land be identified as 'Restricted' in POS calculations.

**Recommendation 11:** Additional 'Unrestricted' POS be provided in accordance with the requirements of Liveable Neighbourhoods.

**Recommendation 12:** Provision be made for a grassed foreshore recreation space at the coastal node.

**Recommendation 13:** The Lot direct interface to POS areas 'C' and 'E' be removed.

**Environment**

General

The City notes the advice provided by the DBCA and will provide detailed technical advice to the WAPC on modifications required to the relevant environmental documents.

It is recommended the Foreshore Management Plan be updated to include a commitment to prepare and implement a more comprehensive Foreshore Management Plan to the satisfaction of the City as a condition of subdivision approval. The FMP must include:

- Revised assessments of weeds suites, vegetation condition and vegetation type;
- Revegetation;
- Rehabilitation of batters following earthworks; and
- Relocation of fauna from within development footprint as part of FRMP Feral animal control.

Part Two of the Structure Plan Report does not document any changes to the obligations of the applicant stipulated within the Rockingham Lakes Regional Parks Management Plan (2010).

To ensure appropriate transparency for decision making and to ensure all stakeholders are aware of any changes to documented obligations, it is recommended that Part Two of the Structure Plan Report and the Environmental Assessment Report be amended to document the applicable and modified obligations of the Rockingham Lakes Regional Parks Management Plan (2010).

Fauna Management Plan

The City acknowledges the issues raised in the submission. It is imperative that areas of native vegetation are retained and integrated as part of the development to ensure the provision of suitable fauna habitat.

The applicant has not undertaken any recent field surveys to determine the fauna assemblage on-site as part of its Environmental Assessment Report and therefore it is not possible at this stage to provide the results as requested in its submission.

Recent field survey information is critical to inform the vulnerability of species on-site and identify measures to mitigate potential impacts as part of the development.

As such, the City recommends that the Structure Plan not be approved until an appropriate fauna assessment is undertaken in accordance with the *EPA Technical Guidance No. 56 Terrestrial Fauna Surveys for Environmental Impact Assessment*. A Level 2 assessment is considered appropriate for this site given the potential presence of priority species *Lerista lineata* (Perth Slider) and *Isoodon fusciventer* (Quenda).

**Recommendation 14:** Amend Part Two of the Structure Plan Report and the Environmental Assessment Report to document the applicable and modified obligations of the Rockingham Lakes Regional Parks Management Plan (2010).

**Environment (cont...)**

**Recommendation 15:** Amend the Foreshore Management Plan to state a commitment to prepare and implement a more comprehensive Foreshore Management Plan to the satisfaction of the City as a condition of subdivision approval. The FMP must include:

- Revised assessments of weeds suites, vegetation condition and vegetation type
- Revegetation
- Rehabilitation of batters following earthworks
- Relocation of fauna from within development footprint as part of the Fauna Relocation Management Plan Feral animal control.

**Recommendation 16:** A Level 2 fauna assessment be undertaken in accordance with the EPA Technical Guidance No.56 Terrestrial Fauna Surveys for Environmental Impact Assessment and incorporated into the Structure Plan.

**Coastal Hazard Risk Management**

The Structure Plan is supported by both a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) and Foreshore Management Plan.

Based on the risk analysis and evaluation undertaken as part of the CHRMAP, residential development has been identified as being at risk of inundation and erosion. The development located in the southern area will be protected by raising the level of lots above the inundation height (3.49m AHD for the year 2120). The Local Centre, however, will require the construction of a seawall due to the risk posed from coastal erosion over the next 100 years.

At the end of the planning timeframe, the hazard mapping shows that there will be a significant foreshore reserve remaining between the development and the shoreline, demonstrating a suitable level of protection is retained.

Section 5.5(ii) of SPP 2.6 requires a notification on titles to ensure future lot owners are made aware of the identified coastal hazard risk.

The guidelines to SPP 2.6 requires a CHRMAP to provide a monitor and review program which identifies:

- What is being monitored and why;
- Who is undertaking the monitoring work; and
- What resources are required to undertake the monitoring and who is providing those resources.

The proposed CHRMAP does not address the monitoring and review requirements of SPP 2.6. It is recommended the CHRMAP be updated to address who will be responsible for the ongoing monitoring and review of the identified coastal hazards, as required under section 4.5 of SPP 2.6 Guidelines.

The City's CHRMAP prepared outlines long term protection measures for Long Beach Estate, whilst the balance of the coastline adjacent to the Structure Plan area, not including the Local Centre, will adopt a managed retreat coastal adaptation strategy.

The submitted Foreshore Management Plan states the applicant will be responsible for maintenance for a two year period.

This is inconsistent with the requirements of SPP 2.6 which stipulates the applicant should be responsible for the implementation of the Foreshore Management Plan as well as funding, maintenance, monitoring and management of foreshore works for a period of not less than five years commencing from completion of all foreshore works.

The City notes minor technical updates a recommended to the Structure Plan Report, CHRMAP and Foreshore Management Plan to ensure compliance and effective implementation of the Report outcomes through the subdivision process.

**Recommendation 17:** Update section 6.4 of Part 1 of the Structure Plan Report, requiring a notification to be placed on titles, stating: **VULNERABLE COASTAL AREA:** This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.

**Coastal Hazard Risk Management (cont...)**

**Recommendation 18:** Update the Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) to address the requirements to monitor and review the risk management and adaptation plan in accordance with section 4.5 of State Planning Policy 2.6 – State Coastal Planning Policy Guidelines.

**Recommendation 19:** Update the Foreshore Management Plan to reference monitoring and reporting period to be undertaken by the developer for 5 years post establishment in accordance with section 5.10(iv) of State Planning Policy 2.6 –Coastal Planning Policy.

**Bushfire Hazard Assessment**

The Planning in Bushfire Prone Area Guidelines recommend that the following issues be addressed for Structure Plans:

- *Location of bushfire prone areas within and adjacent to the structure plan area and the need for further assessment of the risk in such areas;*
- *Avoidance of land use and development intensification in any areas likely to maintain or generate a hazard level of extreme;*
- *Existing firefighting infrastructure such as response or suppression capacity, water tanks, brigades etc.;*
- *Existing and proposed road network, its' likely effectiveness in a bushfire emergency, and any gaps in the local access network from a bushfire safety perspective;*
- *Biodiversity issues and their interrelationships with bushfire prone areas;*
- *Means of protection for areas with high conservation values to accommodate biodiversity objectives such as, adequate separation from existing or proposed buffers for wetlands and foreshores;*
- *Accommodation of biodiversity objectives such as, adequate separation from existing or proposed buffers for wetlands and foreshores; and*
- *Location of any vulnerable or high-risk land uses within identified bushfire prone areas and whether such uses may require management strategies to be prepared.*

The City supports the recommendations outlined by DFES. Considering the requirements of the Guidelines, the Bushfire Management Plan does not provide evidence or demonstrate how the adjoining eastern Parks and Recreation Reserve, located outside the Structure Plan area, will be landscaped. It is also noted that the typology of the golf course (stated by applicant to be maintained as a links course) is not conducive to providing low threat vegetation outside of the fairways and greens.

In the absence of information demonstrating the landscape treatment and interface within an adopted landscape plan for the Golf Course, the City does not support a direct residential interface to the Parks and Recreation Reserve. It is recommended that an approved Landscape Plan be provided demonstrating an appropriate landscape interface to the proposed residential development or the Structure Plan be redesigned to provide a road interface to the eastern Parks and Recreation Reserve.

The City also identified a number of minor technical matters to be addressed within the Bushfire Management Plan. These will be communicated to the WAPC within the Technical Local Government Report.

**Recommendation 20:** The Bushfire Management Plan be amended to outline an approved Landscape Plan for the land east of the Structure Plan area to demonstrate an appropriate landscape interface to the proposed residential development.

### Structure Plan Design

Assessment with respect to visual privacy, overlooking and overshadowing is undertaken at the Development Application stage against relevant planning requirements, when detailed design is confirmed.

With respect to the deletion of planned POS adjoining existing development, it is noted that development along the eastern area of Long Beach Rise and Ocean Point Close was undertaken on the basis that it would adjoin POS planned to be delivered in accordance with the Town Centre Plan 2004 (see below).

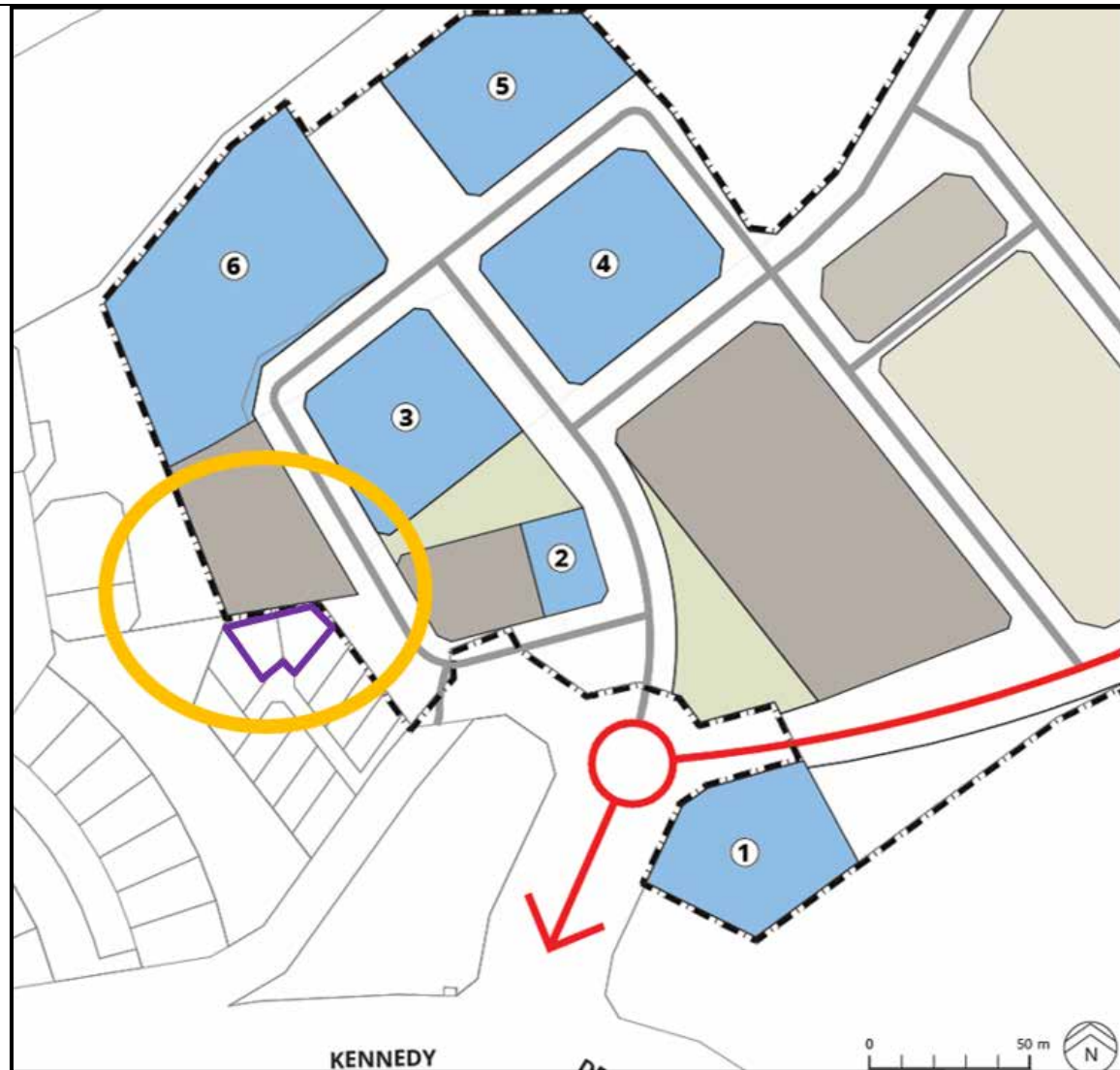


11. Town Centre Plan (2004)

Subdivision and housing developed in this location has been developed with open style fencing in order to interface appropriately with these planned public spaces.

The current design of the Local Centre does not respect the established context and interface between the land uses proposed in the Local Centre precinct and the existing development in the Longbeach Estate. Of particular relevance is the most eastern R80 site adjacent existing residential lots to the south (refer lots highlighted in purple in Figure 12)



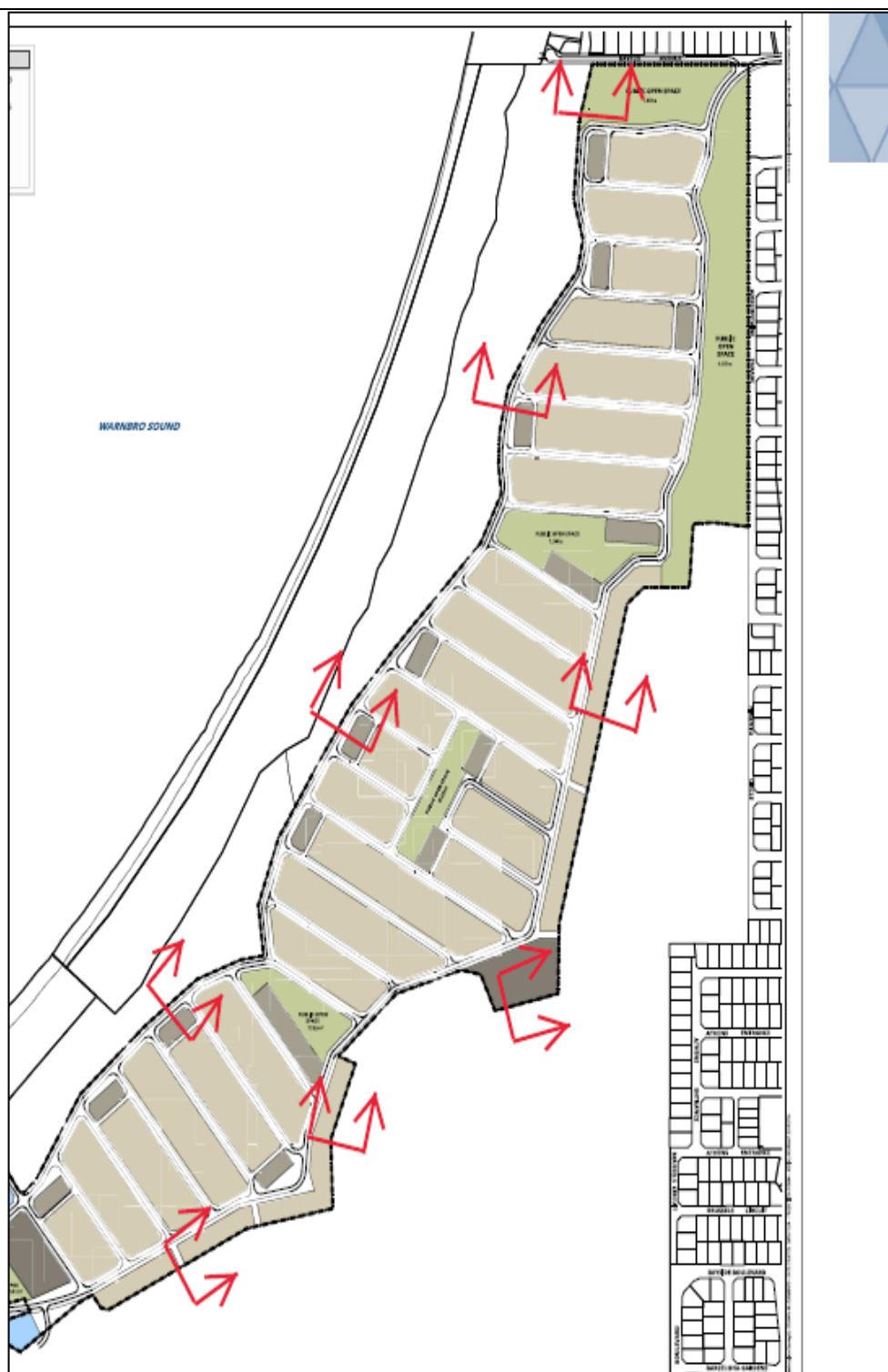


#### 12. Interface Between Longbeach Estate and Proposed Town Centre

In the circumstances, deletion of previously planned POS in this location is inconsistent with orderly and proper planning and is not supported.

##### Earthworks

In order for the City to address the potential impacts of the proposed changes in topography, it is recommended that cross section diagrams be provided to outline the interface between the Parks and Recreation Reserves with the adjoining road reserve and proposed residential development to guide consideration of future subdivision applications. The cross-sections should address the following locations in Figure 13 showing indicative levels and slopes based on preliminary earthworks design.

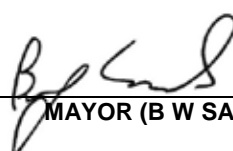


13. Recommended Cross-Section Locations.

**Recommendation 21:** POS identified on the Town Centre Plan 2004, adjoining and integral to development on Long Beach Rise, be identified on the Structure Plan.

**Recommendation 22:** Provide cross-sections to demonstrate the interface between the Parks and Recreation Reserves with the adjoining road reserve and proposed residential development.

Confirmed at a Council meeting held  
on Tuesday 23 June 2020

  
MAYOR (B W SAMMELS)



### Activity Centre / Coastal Node

The Structure Plan proposes to develop 1,200sqm of retail floor space, comprising a tavern/restaurant, two café/takeaway retailers, two convenience-based retailers and a supermarket/deli. All uses are proposed to provide a range of small-scale uses which facilitate local conveniences.

In addition to the retail component, the local centre is proposed to accommodate a possible short stay hotel development (assumed 50 room capacity), a medical centre, 'home-office' based businesses and a mixture of high and medium residential densities, all contributing towards the vitality of the hospitality venues in the centre.

The precinct has used a main street approach in the design of the local centre to encourage a low speed, pedestrian focused environment, whilst celebrating elements of the coastal location through the public realm.

The street blocks have been designed to accommodate future high-density apartment/terrace developments, generally located by the coast and along the main street. Medium density terraces are proposed to offer a sensitive interface for residential areas on both sides of the centre.

Liveable Neighbourhoods encourages the development of mixed-use main street based commercial centres and is support in principle by the City.

The City notes the interface between the local centre and Long Beach Estate. A "Residential (R80-R100)" land use is proposed to be directly abutting lots located in the adjoining estate. Long Beach Estate planned these lots to over-look public open space, with fencing designed in a way to provide for passive surveillance.

It is recommended that POS be provided to surround the existing Long Beach Estate development, as was the intention when the development was first designed. This will allow for greater pedestrian connectivity from Long Beach Estate, as well as provide a more appropriate interface with the existing development.

**Recommendation 23:** That the Structure Plan be modified to require the preparation of a Precinct Plan for the Town Centre to guide detailed design.

### Urban Water Management

#### Consideration of Impacts to Conservation Category Wetlands and Groundwater Table.

The City recommends a Water Balance Model be prepared as a component of the Local Water Management Strategy to demonstrate the applicant's intended action to mimic pre-development conditions as a similar pattern of infiltration and recharging of groundwater that would occur pre-development.

The LWMS should include a section on Groundwater Management detailing the affects (if any) the development will have on surrounding water dependant ecosystems and the expected post-development groundwater levels. The groundwater management section must include reference to the requirement for treatment of frequent storm events (63% AEP/ 1yr) prior to infiltration. The Groundwater Management section must discuss how any risks to the surrounding wetlands and water dependant ecosystems will be managed (i.e. groundwater monitoring and reporting).

#### Discharge of Groundwater into the Foreshore Reserve

The applicant must investigate opportunities to retain stormwater within the Structure Plan area before utilising external reserves. Discharge to the foreshore reserve is permitted for larger storm events (>20% AEP/ 5yr). Minor events (<20% AEP/ 5yr) must be retained within the development area taking into account treatment requirements for the 63% (1yr) storm event.

#### Provision of Underground Storage Tanks to Irrigate POS

It is impractical and cost prohibitive to provide infrastructure to accommodate water storage for irrigation within large underground storage tanks. The City agrees with the comments provided in the applicant's comments that the site's soil profile on sand makes rainwater storage difficult due the fast rate water infiltrates to groundwater table. It is more effective to allow stormwater to infiltrate into the groundwater table to replenish the natural superficial aquifers (natural storage within the environment), and then using groundwater for irrigation during the summer months.

#### Urban Water Management (cont...)

##### Waterwise Development

The submission comment is noted. While City encourages best practice be implemented into the design of all Structure Plans, it cannot mandate the applicant achieve certification from the Water Corporation as a water wise development.

Further detailed technical comments will be provided to the WAPC within the City's Technical Local Government Report.

**Recommendation 24:** The Local Water Management Strategy be modified to address the following matters:

- (i) Prepare a Water Balance Model to demonstrate the applicant's intended action to mimic pre-development conditions as a similar pattern of infiltration and recharging of groundwater that would occur pre-development.
- (ii) Document Investigation of opportunities to retain stormwater within the Structure Plan area before utilising external reserves.

#### Infrastructure and Services

The Structure Plan generally addresses requirements in relation to essential services.

As identified in response to the Department of Education submission, the Department's advice that a new Primary School is required to service the development and surround areas is supported.

The delivery of other key services raised in submissions, such as police, telecommunications and public transport, are the responsibility of the individual servicing agencies and are not controlled by the Structure Plan.

The provision of community facilities in the area has been addressed through the City's Community Infrastructure Plan (CIP), which leverages development contributions to deliver new infrastructure across the City in response to population growth through development. The CIP anticipated development at Kennedy Bay and does not require review in light of the Structure Plan.

Other suggestions raised in the submissions noted and will be considered at later stages of the development process.

#### Construction and Staging

A Construction Management Plan will be required through the subdivision process. This Plan will require the applicant to demonstrate how civil works will be carried out, identifying any mitigation measures imposed to prevent the damage to the Landscape Protection Areas.

The City notes that while this is standard practice, Part One of the Structure Plan Report should outline a requirement for a Construction Management Plan within Section 7 Additional Information.

The Structure Plan appropriately addresses requirements relating to potential unexploded ordnance.

The Structure Plan provides insufficient guidance regarding the development requirements and staging implications that need to be considered and implemented in relation to the coastal road and obligations associated with the Sale and Development Agreement.

It is recommended that the Structure Plan Report Parts One and Two be modified in accordance with Recommendation 23 below to address the above.

It is recommended that the Structure Plan be amended to outline development obligations and timeframe delivery of public amenities pursuant to the Sale and Development Agreement between the State Government and Developer within and/or adjoining the Local Centre.

It is also recommended that further information be provided within the Structure Plan regarding the timing and delivery of Public Open Space and recreation areas within the Foreshore reserve associated with staged development of the Structure Plan area.

**Recommendation 25:** Amend Part One of the Structure Plan Report to outline a requirement for a Construction Management Plan to be prepared and implemented at subdivision stage.

## Conclusion

Following the consideration of the submissions received and the City's assessment of the Structure Plan proposal, it is recommended that the Council approve the lodgement of a Local Government Report to the WAPC which addresses the matters raised above.

Further detailed technical advice to be provided to the WAPC in the Local Government Report to assist with its assessment.

## Voting Requirements

Simple Majority

## Officer Recommendation

That Council **APPROVES** the lodgement of a Local Government Report to the Western Australian Planning Commission, with respect to the proposed Structure Plan prepared over Lot 3020 Bay Links Boulevard and Unallocated Crown Land No.3019, Port Kennedy ('Kennedy Bay'), that the Structure Plan should not be approved until such time as the applicant has addressed the following recommendations to the satisfaction of the WAPC on advice of the City:

1. That all outcomes within the Sales and Development Agreement relating to Structure Plan area and Golf Course be outlined in the Structure Plan documentation.
2. That a Primary School site be provided within the Structure Plan area in accordance with Liveable Neighbourhoods, and that consideration be given to co-locating the Primary School with POS.
3. The Parks and Recreation Reserve located within the Structure Plan area be removed from the gross subdivisible area
4. That the Dwelling Yield be reduced to a maximum of 15 dwellings per gross hectare.
5. That the R80-100 site abutting the future extension to the golf course be removed and replaced with R40.
6. That the proposed density ranges be modified as follows:
  - (i) A base density code of R25;
  - (ii) R40-60 adjacent to POS areas and within 400m of the Town Centre; and
  - (iii) R100 to R-AC0 within the Town Centre.
7. That the Traffic Impact Assessment and Structure Plan Report be amended to provide pedestrian connections between the Structure Plan area and the eastern established residential areas.
8. The Structure Plan Report and Transport Impact Assessment Report be modified to:
  - (i) Provide a concept design and cross-section to demonstrate the manner Bayeux Avenue will be modified at subdivision stage.
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12. The Lot direct interface to POS areas 'C' and 'E' be removed.
13. Provision be made for a grassed foreshore recreation space at the coastal node.

14. Amend Part Two of the Structure Plan Report and the Environmental Assessment Report to document the applicable and modified obligations of the Rockingham Lakes Regional Parks Management Plan (2010).
15. Amend the Foreshore Management Plan to state a commitment to prepare and implement a more comprehensive Foreshore Management Plan to the satisfaction of the City as a condition of subdivision approval. The FMP must include:
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  - (ii) Revegetation
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  - (iv) Relocation of fauna from within development footprint as part of the Fauna Relocation Management Plan Feral animal control.
16. A Level 2 fauna assessment be undertaken in accordance with the EPA Technical Guidance No. 56 Terrestrial Fauna Surveys for Environmental Impact Assessment and incorporated into the Structure Plan.
17. Update section 6.4 of Part 1 of the Structure Plan Report, requiring a notification to be placed on titles, stating: VULNERABLE COASTAL AREA: This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.
18. Update the Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) to address the requirements to monitor and review the risk management and adaptation plan in accordance with section 4.5 of State Planning Policy 2.6 - State Coastal Planning Policy Guidelines.
19. Update the Foreshore Management Plan to reference monitoring and reporting period to be undertaken by the developer for 5 years post establishment in accordance with section 5.10(iv) of State Planning Policy 2.6 - Coastal Planning Policy.
20. The Bushfire Management Plan be amended to outline an approved Landscape Plan for the land east of the Structure Plan area to demonstrate an appropriate landscape interface to the proposed residential development.
21. POS identified on the Town Centre Plan 2004, adjoining and integral to development on Long Beach Rise, be identified on the Structure Plan.
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23. That the Structure Plan be modified to require the preparation of a Precinct Plan for the Town Centre to guide detailed design.
24. The Local Water Management Strategy be modified to address the following matters:
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  - (ii) Document Investigation of opportunities to retain stormwater within the Structure Plan area before utilising external reserves.
25. Amend Part One of the Structure Plan Report to outline a requirement for a Construction Management Plan to be prepared and implemented at subdivision stage.
26. Amend the Structure Plan Report and Technical Appendices to address technical matters documented within the Local Government Report and Schedule of Modifications.

### Committee Recommendation

That Council **APPROVES** the lodgement of a Local Government Report to the Western Australian Planning Commission, with respect to the proposed Structure Plan prepared over Lot 3020 Bay Links Boulevard and Unallocated Crown Land No.3019, Port Kennedy ('Kennedy Bay'), that the Structure Plan should not be approved until such time as the applicant has addressed the following recommendations to the satisfaction of the WAPC on advice of the City:

1. That all outcomes within the Sales and Development Agreement relating to Structure Plan area and Golf Course be outlined in the Structure Plan documentation.
2. That a Primary School site be provided within the Structure Plan area in accordance with Liveable Neighbourhoods, and that consideration be given to co-locating the Primary School with POS.
3. The Parks and Recreation Reserve located within the Structure Plan area be removed from the gross subdivisible area
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Committee Voting (Carried) - 5/0

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

Not Applicable

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

Not Applicable

#### Council Resolution

##### Moved Cr Hamblin, seconded Cr Jones:

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**Carried – 11/0**

<b>The Council's Reason for Varying the Committee's Recommendation</b>
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Not Applicable

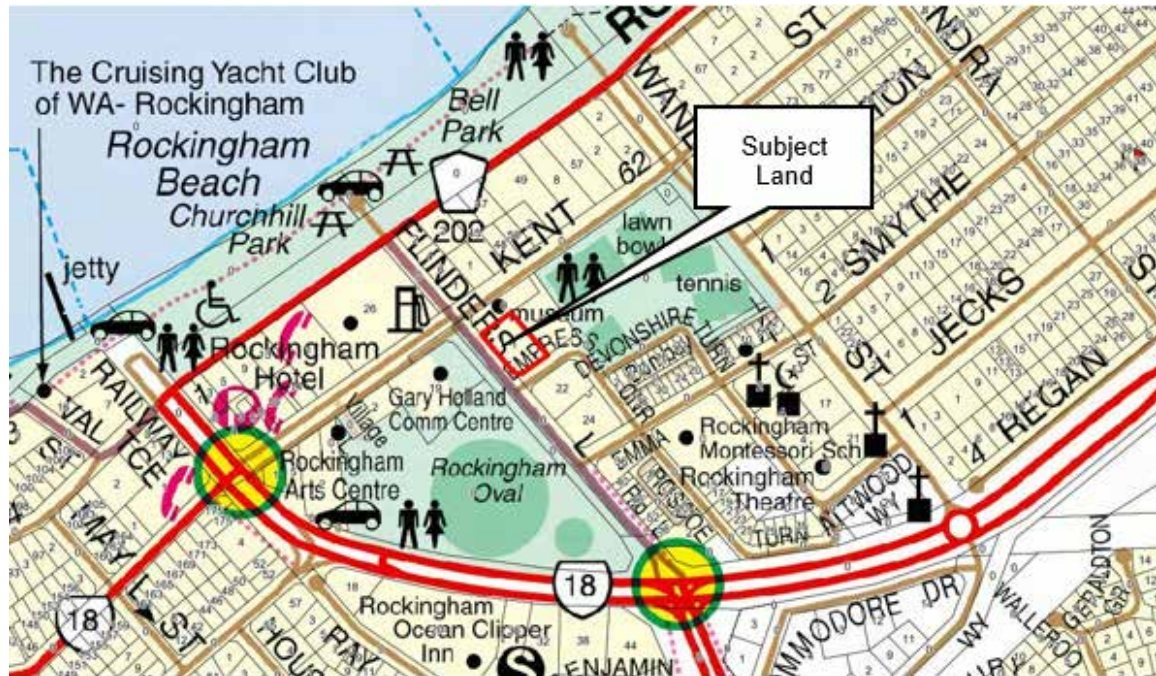
## Planning and Development Services Statutory Planning Services



<b>Reference No &amp; Subject:</b>	<b>PD-023/20</b> <b>Proposed Serviced Apartments (Deferred April 2020)</b>
File No:	DD20.2020.00000052.001; DD20.2020.00000053.001
Applicant:	Mr L McCormick
Owner:	Mr L K McCormick
Author:	Mr Chris Parlane, Senior Planning Officer
Other Contributors:	Mr David Waller, Coordinator Statutory Planning Mr Mike Ross, Manager Statutory Planning
Date of Committee Meeting:	18 May 2020
Previously before Council:	28 April 2020 (PD-019/20)
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	Lot 10 (Unit 201) and Lot 31 (Unit 404) Strata Plan 72828, No.12 Flinders Lane, Rockingham
Lot Area:	2,697m <sup>2</sup>
LA Zoning:	Primary Centre Waterfront Village
MRS Zoning:	Central City Area
Attachments:	Schedule of Submissions
Maps/Diagrams:	<ol style="list-style-type: none"><li>1. Locality Plan</li><li>2. Aerial Photograph</li><li>3. South-west Elevation Plan</li><li>4. South-east Elevation Plan</li><li>5. North-east Elevation Plan</li><li>6. North-west Elevation Plan</li><li>7. Unit 201 (Lot 10) Floor Plan</li><li>8. Unit 404 (Lot 31) Floor Plan</li><li>9. Ground Floor Strata Plan</li><li>10. Second Floor Strata Plan</li><li>11. Fourth Floor Strata Plan</li><li>12. Rockingham Strategic Metropolitan Centre Concept Plan</li></ol>

## Purpose of Report

To consider two applications from the same applicant seeking Development Approval to change the use of Unit 201 and Unit 404 in the Azure Apartments development at 12 Flinders Lane, Rockingham to 'Serviced Apartment', which was deferred at the Ordinary meeting of Council on 28 April 2020.



1. Locality Plan



2. Aerial Photograph



In July 2015, the Metro South-West Joint Development Assessment Panel (JDAP) granted Development Approval for a mixed-use development comprising 90 multiple dwellings and 4 commercial (Office) tenancies on the subject land.

In November 2017, the City granted Development Approval to amend the JDAP approval to change the use of commercial tenancies to 'Restaurant', and to permit the construction of a Parklet in the verge of Empress Corner.

On 20 February 2020, the City received two applications seeking Development Approval to change the use of two residential apartments in the Azure development to '*Short Stay Accommodation*', (i.e. Serviced Apartment) being Unit 201 (Lot 10) and Unit 404 (Lot 31). While two separate development applications were lodged, both applications were submitted by the same applicant. For reasons of conciseness, both applications are considered within the following report, however, as the applications are separate, the report provides separate recommendations for each application accordingly.

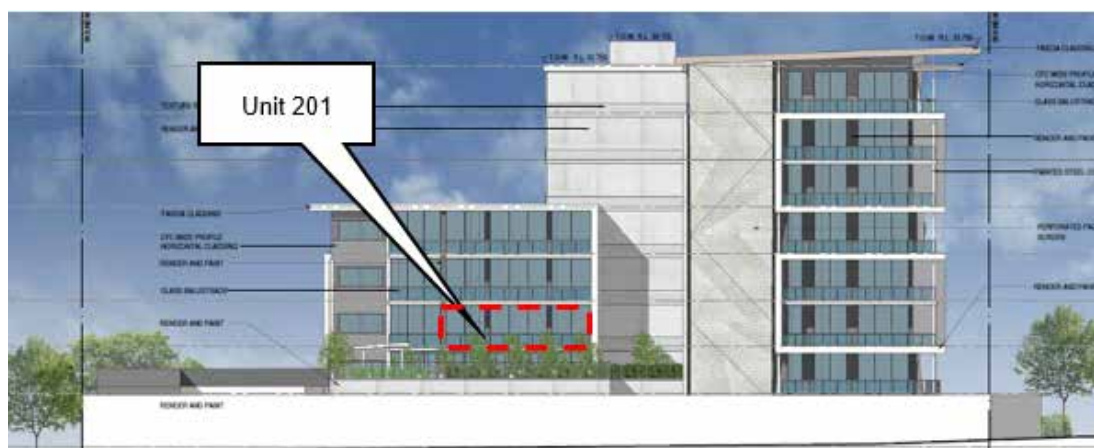
Elevation plans of the approved development are included below:



### 3. South-west Elevation Plan



4. South-east Elevation Plan



5. North-east Elevation Plan



6. North-west Elevation Plan

## Details

On 20 February 2020, the City received two applications seeking Development Approval to change the use of two residential apartments in the Azure development to '*Short Stay Accommodation*', being Unit 201 (Lot 10) and Unit 404 (Lot 31). For the purpose of this report, the term Serviced Apartment is used in lieu of the term '*Short Stay Accommodation*'.

On 21 February 2020, the City amended Town Planning Scheme No.2 (TPS) in accordance with Scheme Amendment No.173 (Gazetted on 20 December 2019), which had the effect of replacing the land use term '*Short Stay Accommodation*' with the term '*Serviced Apartment*'. The proposals have therefore been assessed as applications seeking to change the use of the units to Serviced Apartments.

The applications propose:

- A maximum number of four (4) guests in Unit 201;
- A maximum number of two (2) guests in Unit 404;
- Bookings are arranged via Airbnb and the Rockingham Tourist Centre;
- The owner will not reside in the premises;
- The owner will vet bookings and conduct the hosting of all guests before, during and after their stay;
- There are currently no employees, but the applicant intends to employ a professional cleaner to assist with cleaning duties;
- Guests are required to check in between the hours of 3pm - 11pm and check out prior to 12pm on the day of departure;
- A 4 night minimum stay policy applies;
- The Units will be available for use as Serviced Apartments for the whole year, except for Christmas and New Year public holidays, when they will be unavailable to guests;
- Car parking is proposed in the form of a single allocated car bay for each Unit;
- The owner will enforce proposed House Rules, which outline the expected conduct of guests;
- The application states that guests will have access to the communal swimming pool, which is fully insured for their use; and
- A letter of consent from the Strata Body has been provided.

Unit 201 is a self-contained apartment and comprises of 2 bedrooms, 2 bathrooms, laundry and living area on the third level of the Azure building. The unit has views to the north overlooking the communal swimming pool.

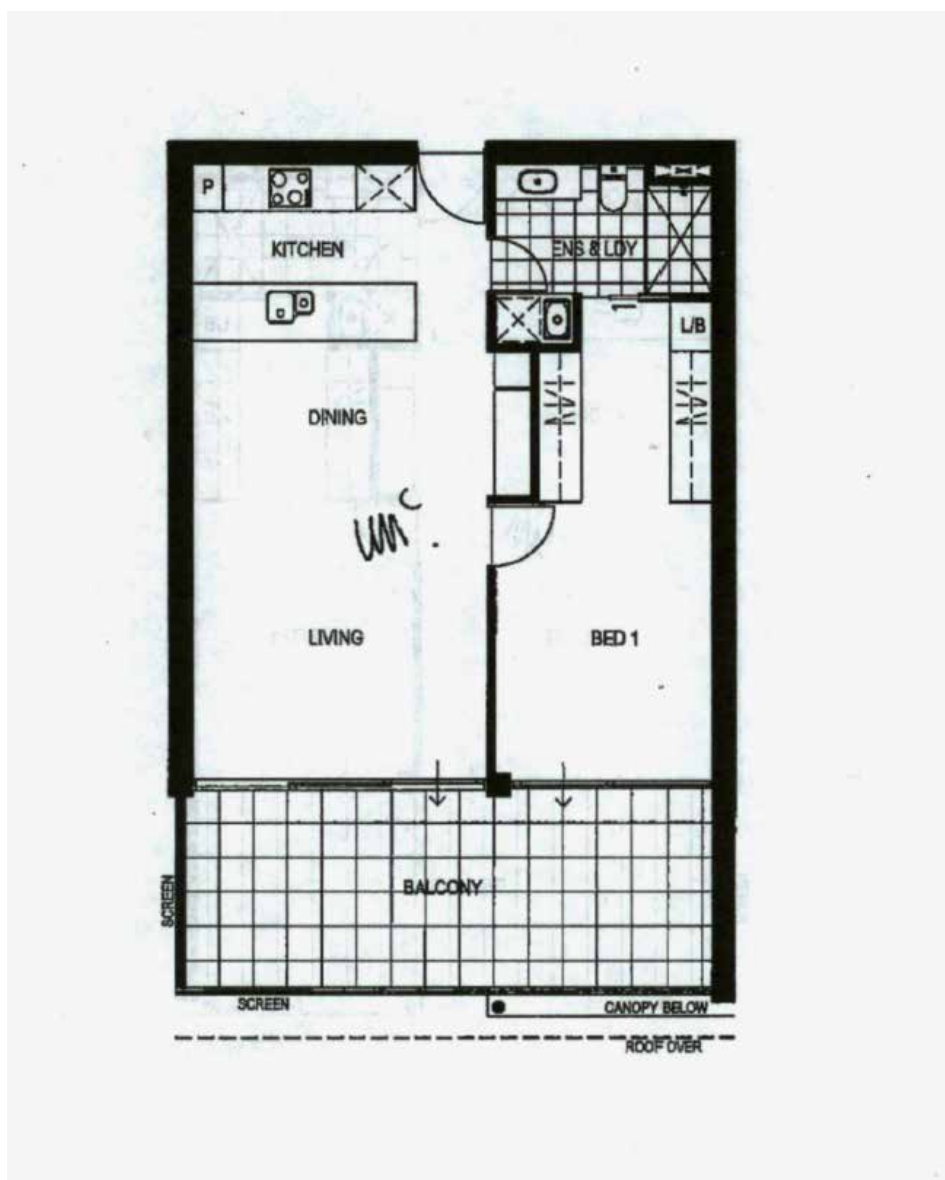
Unit 404 is a self-contained apartment and comprises of 1 bedroom, 1 bathroom and living area on the fifth level of the Azure building. The unit has views to the south-west overlooking the Village Green public open space.

The apartments have been used in the past for short stay accommodation without development approval from the Council.

The following plans show the floor plan layout and the location of the units and associated car parking within the building:

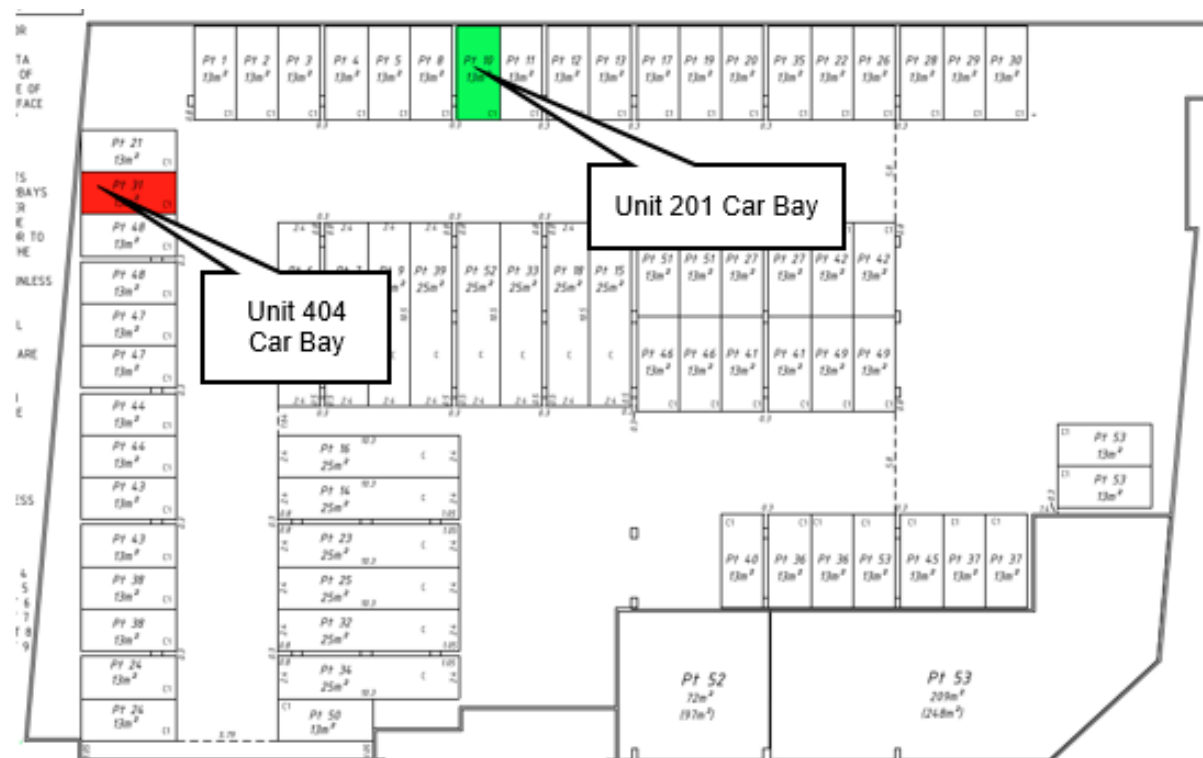


7. Unit 201 (Lot 10) Floor Plan

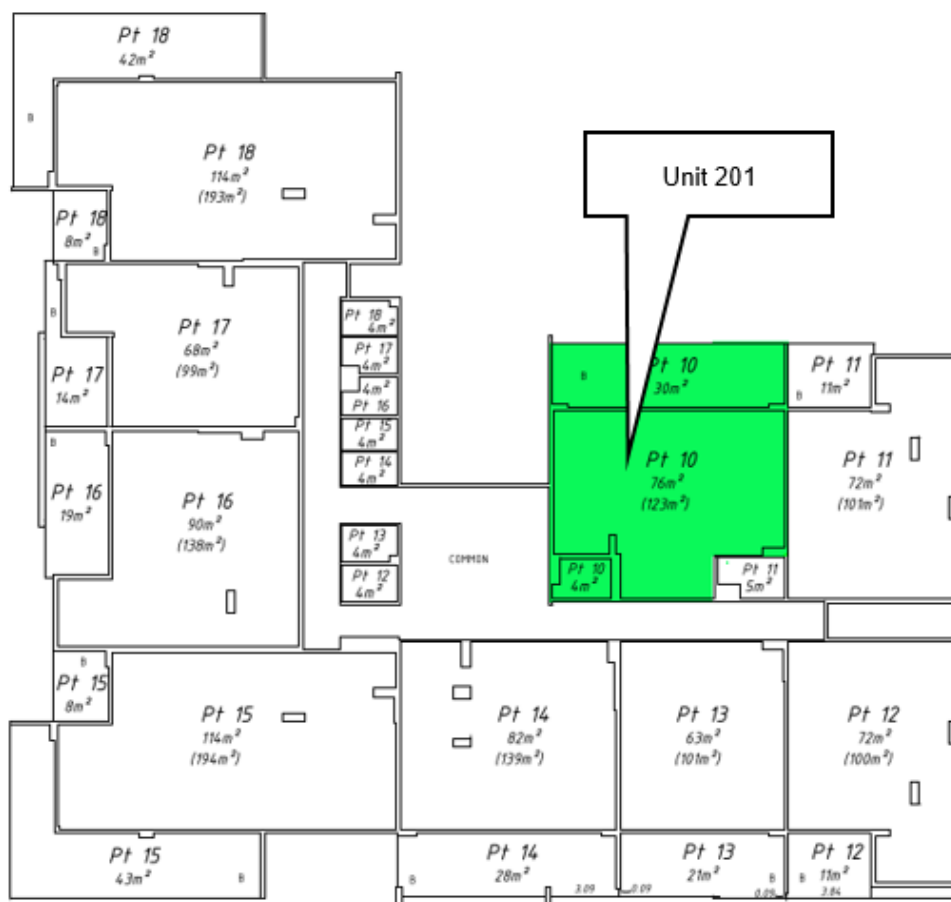


8. Unit 404 (Lot 31) Floor Plan





9. Ground Floor Strata Plan



10. Second Floor Strata Plan

Confirmed at a Council meeting held  
on Tuesday 23 June 2020

*B W Sammels*  
MAYOR (B W SAMMELS)



11. Fourth Floor Strata Plan

## Implications to Consider

### a. Consultation with the Community

The two applications for Development Approval were advertised for public comment concurrently, in accordance with clause 64 of the deemed provisions of Town Planning Scheme No.2 (TPS2), in the following manner:

- 74 letters were sent to all known owners and occupiers of the Azure Apartment building;
- On 2 March 2020, the applications were placed on the City's website for public viewing, indicating that submissions will be received until 24 March 2020.

At the close of the submission period 36 submissions had been received, as follows:

- 5 submissions received in support of the applications;
- 31 submissions were received objecting to the applications.

One objection contained a copy of legal advice and a petition (contained in the Submission Schedule) signed by 28 apartment owners stating that the signing parties:

- "Do not consent to the owners applying to the City of Rockingham to change the use of their apartment to short stay accommodation;
- Object to the Council of Owners voting on this issue without consultation".

The submissions supporting the applications spoke of the application's merit.

The issues raised in the submissions received objecting to the applications are summarised as follows:

## Strata Consent

### Submission:

Concerns were raised about the validity of the strata consent letter provided from the strata company in support of the development application. Submissions consider that a resolution of the strata body is required to be obtained 'without dissent' at a duly convened meeting, and that there was no consultation between the strata manager and the strata owners prior to lodgement of the development application. It has been submitted that the proposal is inconsistent with the strata by-laws and the applicant, being the Chair of the Council of Owners, has a vested interest in the outcome. Objectors consider this is not a valid planning application.

### Applicant's Comment:

The City Planning requirements states that consent from the Strata Body Council of Owners is the requirement, and not for resolution without dissent by majority consensus.

The current approved Strata bylaws for the Azure project, which all the buyers have in their sales contract, do not prohibit Short Term Accommodation.

On the contrary, the introduction of a new bylaw to expressly prohibit Short Term Accommodation would require a 'vote without dissent' at a specially convened meeting of owners.

The application was submitted to the Council of Owners in which four months elapsed while two council members actively attempted to thwart the progression of the application. This was considered more than adequate time for consultation. Furthermore, the council members in question used this period to form an unsanctioned meeting of owners to protest the application and commence a slanderous campaign against me.

On the issue of voting rights, it should be noted that the elected council of owners all have a vested interest in their respective properties, and the development at large. The Chair has no exclusive voting rights than the other members and is perfectly entitled to support the investors in the scheme whom he was elected to represent.

Therefore as an elected representative for investors and all owners, the application is valid and consistent with strata bylaws.

The formation of the unsanctioned meetings has led to an extraordinary Council of owner meeting to discuss council member behaviour.

### City Response:

The City Planning requirement is that consent from the Strata Body Council of Owners be given, not for there to be a resolution 'without dissent' from unit owners. The City received the required consent in relation to each application (**Consents**).

On the basis of the information provided to the City, it is considered that the Strata By-Laws do not prohibit Short Term Accommodation and that a resolution 'without dissent' is not required.

While there is a dispute between owners as to whether the Consents ought to have been given, it is considered that the City's requirements have been satisfied and an assessment of the development applications must proceed.

## Security

### Submission:

There are concerns about security risk with non-residents gaining access to the common areas. Objectors consider this compromises their personal security. There have been previous security breaches, which some submitters attribute to the use of some apartments for short stay accommodation eg leaving keys for cleaners or guests in an unlocked letterbox.

### Applicant's Comment:

These concerns are valid but not applicable to my application as it applies to another owner.

**Security (cont...)**

All owners, residents and tenants alike, are subject to strata bylaws. I understand that this owner in question identified and reported to the Strata Manager. In my application, I have stated that I meet the tenant and conduct a full tour of the facility with stringent house rules. There are no exceptions as I insist that the tenant is fully conversant with the house rules and strata bylaws during their stay.

I cannot vouch for other owners and how they manage their properties, but I anticipate they would state their provisions for building and personal security in their planning application.

City Response:

Guests, like residents will have swipe card access to the common areas of the building. A security feature within the building includes CCTV, monitored by the Council of Owners.

While the City is unable to verify if previous security breaches are attributable to short stay operations, it is noted that the applicant proposes various management measures, including vetting, inducting and actively managing guests, which if managed effectively is likely to address submitter concerns about building security that may be attributable to these applications.

**Purchasing Expectations**

Submission:

**Objections state that apartments were not purchased or marketed with short stay accommodation in mind. Owners bought into the development with lifestyle objectives including living in a secure, residential apartment building with by-law controls to manage resident behaviour.**

Applicant's Comment:

The by-laws that are in place and enforced, manage the behaviours of all residents at Azure in whatever capacity they reside there to ensure a safe and secure building. All residents are answerable to the by-laws and the strata manager with no one able to act with impunity. The owner of the short stay accommodation is the property manager and the contact details for the property is with the Strata Manager.

On the issue of marketing and sales of the units, it is the contrary. The apartments were marketed and sold and in my case purchased with short stay accommodation in mind. Please see email attachment from Blackburn's Development Manager which gives deeper context.

Please refer to the below emails sent from David Fitzgerald, Development Manager, Blackburn, respectively on 19th December 2019, 28th January 2020 to the Council of Owners.

**City Comment: The emails referred to above have not, for reasons of conciseness, been reproduced here, however, can be tabled upon request if necessary.**

City Response:

The reasonable expectations of purchasers can only be informed by the planning framework relevant to the land. With the consent of the strata body, there is nothing preventing an owner from applying for a change of use where the proposed use is not prohibited in the zone. It is noted that 'Serviced Apartments' are a discretionary use, not a prohibited use in the Primary Centre Waterfront Village zone, and are potentially permissible.

**Amenity**

Submission:

**Concerns are expressed about disruptive and antisocial guest behaviour, including late night gatherings on balconies, or guests being locked out and requiring the assistance of neighbours to gain access to their apartments.**

Applicant's Comment:

As an active member of the council of owners, I have been privy to all anti-social behaviour, criminal activity and strata breaches in general. I have been the delegated member to operate the scheme CCTV system and have successfully captured the evidence with identification on all occasions.

**Amenity (cont...)**

I am unable to comment on how other owners have managed their guests, whether short term or not as this has not applied to me. I have stated in my application, that I live in the local area and available at all hours if my guest requires assistance.

To date, there have been categorically no incidents that have involved anti-social behaviour from short term accommodation (Table 1 below refers), and the episodes thus far have been confirmed to originate from tenants on long lease or residents.

That said, the owner of the property is always responsible for the tenant and is also liable should a breach occur. Residents are encouraged to report all anti-social behaviours to the Strata Manager or the Police.

Incident	Type of resident	Action taken	Comment
Vandalism on 4 <sup>th</sup> floor by lift (photo evidence and CCTV)	Long term lease tenant	Strata breach issued	Wall repaired at cost to strata
Drug paraphernalia on balcony- Photo evidence	Long term lease resident	Property management (Blackburne) informed - No action taken	
Bulk storage of garbage on balcony-photo evidence	Long term lease resident	Property management (Blackburne) informed - No action taken	
Thieves tailgating through garage door leading to theft of bikes CCTV taken due to negligence by resident	Resident	CCTV taken to police, case still ongoing	charges dropped due to no theft reports.
Damage to front fire access doors due to resident not challenging the thieves CCTV evidence	Resident	CCTV taken to police- Scenes of Crime Mandurah attended for photos and fingerprints.	No one apprehended
Dumping of rubbish outside bin room CCTV taken (2 Counts)	Long term lease tenant	Strata breaches issued	No feedback
Noise from partying all night Feb 14 2020 (at least 4 complaints)	Long term lease tenant	Strata breach issued	No feedback
Bike thefts CCTV due to poor key management by Council member and negligent contractor	Resident & Contractor	Police Report raised for Key Theft Police report raised 2 hours later for bike theft	CCTV evidence submitted/ victims raised crime reports.
BBQ/ CCTV	Long term lease tenant	Reminder to clean BBQ with cleaning agent	

Table 1 – Azure Incidents 2019-2020 (source: *Council of Owners*)

**Amenity (cont...)**

City Response:

The City is unable verify, based on the available evidence, whether the concerns raised in submissions are specifically attributable to the past operation of short term accommodation from Units 201 or 404. Regardless of the source of these concerns, both the owners and occupiers of all apartments in the building have a responsibility to comply with the strata by-laws. For example, under the by-laws in respect to noise, a proprietor, tenant or invitees must not use the lot in a manner which would unreasonably cause damage, nuisance or disturbance to other occupants of adjoining lots. In accordance with the Azure Strata Management Statement, the strata company may impose a financial penalty for a breach of the strata by-laws.

Amenity is discussed further in the Comments section later in this report.

**Submission:**

**Concerns about increased noise levels from guests, disrupting the quality of living for long term residents.**

Applicant's Comment:

With regards to noise levels, there have been noise levels leading to numerous complaints from known and persistent offenders and a breach of strata was issued (Table 1) within Azure bylaws. There have been no noise complaints lodged against me, and these claims are unfounded. As stated in my application, there is no music system, and my apartment is only capable of accommodating two guests per bedroom. Further, Airbnb does not sanction parties in Strata complexes even if the owner was to tolerate parties, noise and anti-social behaviour.

City Response:

The applicant's response is noted. Noise is also a matter administered by the City for compliance with the Environmental Protection (Noise) Regulations 1997.

**Submission:**

**Concerns that short stay accommodation generates greater flows of people moving in and out of the building.**

Applicant's Comment:

Higher flows of traffic are not at all possible, and there are periods between when the apartment is empty with no flow of persons whatsoever. The apartment is for two persons per bedroom. It can only equal the same stream of persons moving if occupied to the same extent as permanently occupied apartment.

City Response:

The frequency with which guests enter and leave a Serviced Apartment will depend to a large extent upon the reason for their stay. While there may be situations where holidaying guests enter and leave an apartment (on a daily basis) more frequently than guests staying for other reasons, there will be times when they don't, or when the apartment is not occupied at all. To the extent that the submitter concerns relate to adverse impacts on the quality of life for residents, refer to the Comments section of this report below for further discussion.

**Submission:**

**Concerns that guests won't comply with the house rules.**

Applicant's Comment:

A security deposit is payable on booking, and all guests are met and briefed personally with the strata and house rules and warned of the implications of non-compliance. As well as the website, a hard copy of strata and house rules is permanently accessible within the apartment.

There have been no instances on non-compliance to date; however, any breaches are still the responsibility of the owner and accordingly is answerable to the strata manager.

City Response:

All owners, residents and guests are required to comply with by-laws created or amended under the Strata Titles Act 1985, whether or not Development Approval is granted to this application. As mentioned above, there is potential for a financial penalty in the event of a breach of the strata by-laws.

It is the applicant's stated intention to inform guests of the house rules and to 'rigorously enforce' them.

**Amenity (cont...)**

Should these applications be approved, the onus will be on the proponent to ensure guests comply with house rules. A failure to comply will constitute a breach of conditions, resulting in the City undertaking development compliance action.

**Other Matters**

**Submission:**

**Concerns the building is not suitable for use as serviced apartments as it lacks features such as a reception/concierge, daily cleaning service etc. There is no on site management or support for short term guests.**

**Applicant's Comment:**

Short term accommodation is not entirely the same as serviced apartments, in that there is no room cleaning service provided daily, house-keeping, fitness centre, laundry as serviced apartments offer. All cleaning requirements are pre-arranged between myself and guests.

To that end, this should not be a concern of Azure owners, bearing in mind that I meet the guest with induction and their cleaning requirements are fully managed and resourced by me within my property.

From all of our reviews from guests, we have received a five star rating for cleanliness and is immaculate. Comparatively, it is a lot cleaner than neighbouring apartments.

For on-site management requirements, I live in Port Kennedy and on-site most evenings in my capacity as a member of the council. All guests can contact me via mobile/email at all hours in addition to the booking website.

**City Response:**

The definition of the term 'Serviced Apartment' as outlined in TPS2 provides for, but does not mandate the requirement for reception or recreational facilities. This is discussed further in the Legal and Statutory Section later in this report.

Reception facilities or specific design considerations for short term accommodation were not included in the Azure building, however, this is not considered fatal to the application as the purpose of such facilities can be satisfactorily addressed in other ways (eg the proponent hosting guests and servicing the apartment). The apartments are otherwise fully self-contained and suitable for use as Service Apartments. The applicant proposes to clean the apartments between guest stays and is contactable during guest stays should a need arise.

**Submission:**

**Concerns this and other apartments are already hosting short stay accommodation guests unlawfully, without approval of the Council.**

**Applicant's Comment:**

The use of my apartment has been known to the Strata Manager since I took ownership, with confirmation that there is no Strata bylaw to prevent short stay accommodation. The change of use application that I have made has been submitted as soon as practicably possible since purchase. I have been frustrated by delays in process at all stages, delays that were beyond my control.

I initially had guests stay over three months that do not qualify as short stay guests, and encountered delays beyond my control. I bought the apartments as investment properties, and any delay would have placed me in financial hardship. The delays encountered were:

1. The formation of the Council of Owners (a pre-requisite for permission) could not take place until >60% of the apartments are bought from the developer (Blackburne Strata bylaws ruling).
2. My application was submitted and intentionally delayed by obstructive council members for over four months.
3. The CoR Planning has not been able to enforce the planning requirements while the short stay accommodation regulations have been under review by the WA government.

I am unable to comment on the other owner's activities because I do not know the practices of other owners and any short stay operations. I am only able to make my application on its merit without consideration to other alleged accommodation providers whom I do not know personally".

**Other Matters (cont...)**

City Response:

It is illegal for Short Stay Accommodation to operate without Development Approval. In light of the level of public awareness about this issue, in 2019, the City informed the community through newspaper advertisements that any unlawful Short Stay accommodation uses should cease immediately, and for the operators of which to submit a Development Application to obtain approval.

The City recently received and is currently investigating a complaint in respect to the use of three apartments in this building, of which two are the subject of the current applications.

**Submission:**

**Problems previously experienced such as disruptive guests, litter, careless handover of keys which submitters attribute to the unlawful use of apartments for short stay accommodation.**

Applicant's Comment:

As per the previous response, anti-social behaviour has been identified from a robust CCTV system installed onsite and has been verified to not originate from short Term Accommodation. See table 1.

These reports are without foundation and are speculation. Azure is currently experiencing difficulties with residents on long term leases. This information is verifiable via the Strata Manager, Blackburne.

Key Handover is always face to face with an introduction to the guest as per my application, and I am an active property manager for my apartments. I insist on being present as part of my apartment management framework.

City Response:

The City is unable to validate these claims of past experience, and as mentioned above is investigating a complaint received.

**Submission:**

**Increased costs of building compliance for apartment owners, in particular building maintenance, due to wear and tear of common areas, insurance claims for damage or repair of property caused by short stay guests.**

Applicant's Comment:

This claim is speculative and unfounded. Between bookings, there are significant periods of vacancy with short term accommodation units that are only rated for the number of occupants that they hold (for example my apartment was vacant for two months last year).

For that reason alone, wear and tear is lower than that generated by a full-time resider.

Furthermore, I am still required to meet the strata fee levies the same as the other owners and yet not able to claim a discount for non-use of the apartment when vacant.

City Response:

These concerns are not a relevant planning consideration.

**Submission:**

**Concern the proposal will adversely affect apartment values.**

Applicant's Comment:

"The Apartments have been marketed and sold to all the owners with an understanding that they are available, subject to planning approval, for short term accommodation. It was public information at the time of sale, and it is reflected in the sales contract that each owner has signed.

Also to the contrary, the apartments have all been sold with a price that reflects the ability to conduct short term accommodation, to remove that capability will lead to a potential loss of sale or price reduction with a future buyer.

Azure Beachside apartments are located in the Primary Centre Tourist Zone, which allows for short term accommodation.



**Other Matters (cont...)**

The City of Rockingham has set its Tourism Strategy around this immediate area with zoning to reflect.



**Fig.3 CoR Tourist Destination Strategy [1]**

Azure is located within the Waterfront Village sector and is a preferred use for mixed use development".

The emerging Waterfront Village will continue with its transformation into a regionally significant beachfront hub with further redevelopment of under-utilised public and private properties. An attractive mix of medium to high density residential and short-stay apartments, hospitality-focused retail, offices and urban waterfront recreation uses will combine to make this a priority destination on the Rockingham coastline.

**City Response:**

Potential impact on property value is not a relevant planning consideration.

**Submission:**

**Approval of this application will set a precedent, leading to a proliferation of short stay accommodation in residential apartment buildings.**

**Applicant's Comment:**

Firstly, it is important to note that Azure is zoned as a mixed-use development [5], and accordingly, it was marketed and sold on that premise. It is not zoned as the 'residential' apartment building that is now claimed to be by many owners. Currently, none of the owners, have indicated their desire to change the use to short stay with an even balance between residents and investors. The apartments at Azure are expensive and the decision for an owner to 'change use' is not to be taken lightly, the owner must be proactive with their property management and hosting skills to manage their property respectfully and responsibly. My wife and I have a passion for this, and it suits our requirements perfectly, but it is not for everyone; fortunately there are house, Airbnb, strata and planning criteria to meet for suitability.

From Table 1. It is also arguable that any 'proliferation' could arguably bring about a reduction in anti-social behaviours and breaches of Strata that the development is currently experiencing.

**Other Matters (cont...)**

There is a notion that Airbnb customers are 'party goers' and people of low social standing, but this has not been my experience, and I attribute this to media hype. I have hosted GP's and neurologists, Company Executives, Naval Officers and Non-Commissioned Officers as well as tourists from Germany, UK, Russia.

All of these guests have arrived with just a suitcase and with no intention or capability for 'partying'. All of them have come with the intent of getting on with their business requirements, enjoying Rockingham, supporting the local businesses which I have encouraged. They have been here for business (example: HMAS Stirling, Medical Centres, Fenner Dunlop) or here to holiday and see Western Australia (Pinnacles and Rottnest Island) and the City of Rockingham has figured prominently as a top tourist and business destination.

City Response:

Any application for development approval will be considered on the basis of its planning merit, in the context of Town Planning Scheme No.2 and the particular circumstances of the case.

Submission:

**There is ample short stay accommodation options available nearby eg Quest.**

Applicant's Comment:

The Guests that have stayed with us have all cited that we are a better choice than the likes of other known providers. Some of them have remained at Quest, and not had a good experience with very few alternative providers.

I am a paid subscriber and member of Tourism Rockingham and attended the AGM and appreciated the importance of tourism to Rockingham. I am proud of the role I have in supporting it.

As well as alternative accommodation arrangements, this also highlights the vital role that the Rockingham Tourist Centre provides, introducing guests to recommended and approved accommodation providers.

These guests sometimes do not wish to use Airbnb and want the same quality recommendation that the staff at RTC can provide.

City Response:

The applications promote variety in the form of short stay accommodation offerings available in the Waterfront Village, which as discussed below, is considered consistent with the City's planning vision for the zone. The objective in this area is to facilitate rather than restrict a range of accommodation options, consistent with its role as a Strategic Regional Centre.

**b. Consultation with Government Agencies/Others**

Nil

**c. Strategic**

Community Plan

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

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

**Strategic Objective:** *Responsive planning and control of land use: Plan and control the use of land to meet the needs of the growing population, with consideration of future generations.*

**d. Policy**

**State Government Policies**

No current State Government policies apply.

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

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

The recommendations included:

- Y Developing model by-laws that assist strata companies to better manage short term rentals in their strata scheme. It is intended that any development approval that is issued does not prevent the ability of the creation of strata by-laws that prohibit short term rentals.
- Y Introducing a state-wide registration scheme for Short-Term Rentals, coupled with data provision requirements for on-line platforms.

### **Local Planning Policies**

#### PP 3.2.5 Development Policy Plan Waterfront Village Sector

The Waterfront Village Sector is one of 11 Sectors within the Activity Centre Plan for the Rockingham Strategic Regional Centre (Centre Plan), which was endorsed by the Western Australian Planning Commission in 2009. PP3.2.5 has been established to guide development within the Sector.

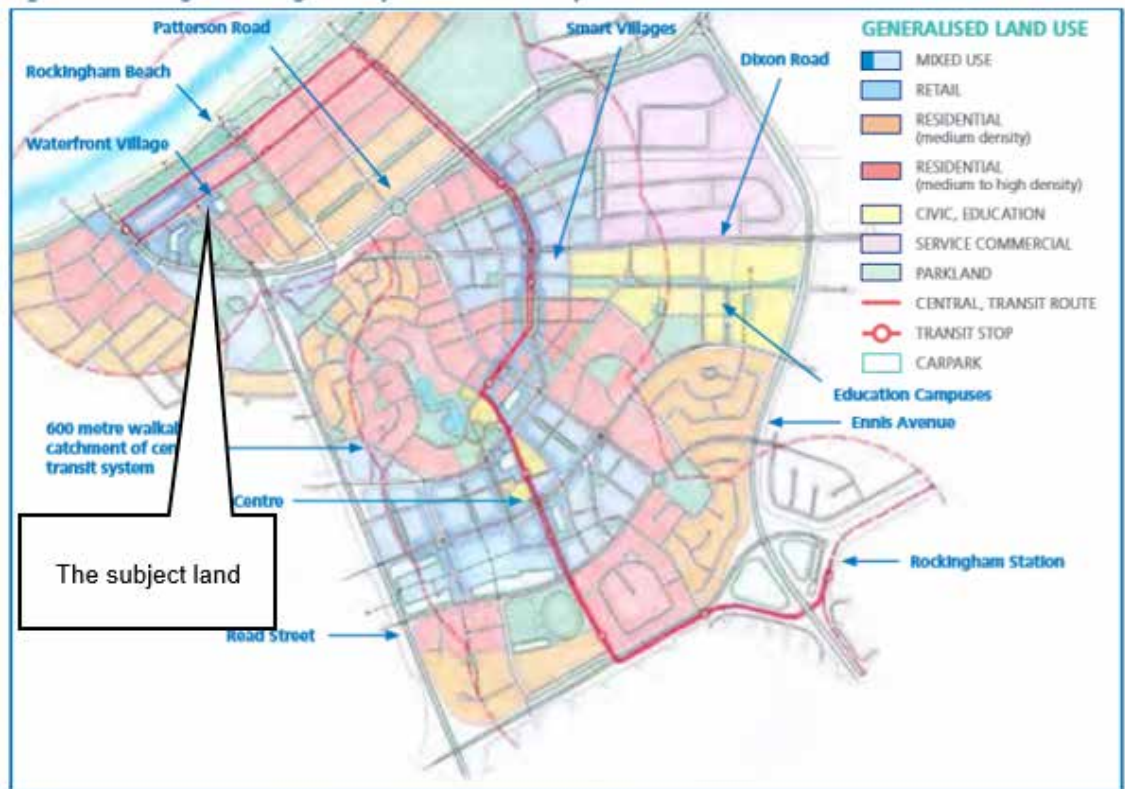
PP3.2.5 articulates the following planning principles which apply across the Strategic Metropolitan Centre which are relevant to informing the decision making for these applications:

*"Ensure that new uses support and enhance the role of the Strategic Metropolitan Centre as the primary 'Main Street' activity centre in the South-west Perth Region.*

*Encourage land uses and developments that employ and attract high numbers of people, and have the potential to activate the Waterfront Village by day and night along the route of the principle, street based public transport system. Such uses should include medium to high density residential, short stay accommodation, retail, civic and community facilities, educational and cultural facilities, cafes, restaurants, hotels, offices and other intensive employment uses.*

*Ensure that residential uses are integrated with the retail, commercial and hospitality potential of the Waterfront Village."*

The subject land is located in close proximity to the commercial core of the Waterfront Village sector, and is close to the Central Transit Route operating between Rockingham Station and Rockingham Beach. Short stay accommodation options such as Serviced Apartments are considered an important element for fulfilling the vision for a Strategic Metropolitan Centre. The current applications for development approval are considered consistent with above planning principles.



## 12. Rockingham Strategic Metropolitan Centre Concept Plan

Within the Waterfront Village Sector there are seven precincts. For each of the precincts, PP3.2.5 identifies desired future character, preferred land uses and required elements for development proposals.

The subject land falls within the Village Green Precinct, within which 'multiple dwellings' and 'short-stay accommodation' are identified as a Preferred Uses.

Given the locational context of the subject site within the Waterfront Village, the current applications, being a form of short stay accommodation, are considered consistent with PP3.2.5.

### e. Financial

Nil

### f. Legal and Statutory

#### Town Planning Scheme No.2 (TPS2)

##### *Clause 3.2 – Zoning Table*

The subject land is zoned Primary Centre Waterfront Village (PCWV) in TPS2.

The proposed use is interpreted as a 'Serviced Apartment', which is a discretionary ('D') use in the PCWV zone and permissible.

Serviced Apartment is defined to mean:

*"a group of units or apartments providing:-*

- (a) self-contained holiday accommodation for guests; and*
- (b) any associated reception or recreational facilities".*

Relevantly, the term Holiday Accommodation is defined to mean:

*"2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot."*

It can be seen from the definition of the term Serviced Apartment that "any associated reception or recreational facilities" are included within the meaning, but are not mandatory requirements of a Serviced Apartment proposal.

Relevant Objectives for the PCWV zone include:

- "(a) To promote cotemporary, waterfront residential and accommodation, commercial, tourism and recreational activities, which service the residents and visitors alike, in accordance [with] the Development Policy Plan for the Waterfront Village Sector";
- "(c) To achieve appropriate land use and built form outcomes, including a range of medium to high density housing, within a walkable catchment of the central public transport system";
- "(f) To promote active day and night time retail and social environments"; and
- "(g) To encourage vibrant and diverse uses which promote the Waterfront as a destination".

The above objectives promote a wide range of potential land use outcomes which contribute to activating the Waterfront Village and establishing a vibrant Metropolitan Regional Centre.

The proposals promote tourism, land use diversity and enhance short stay accommodation options within the zone. The applications are therefore considered consistent with the above objectives.

#### *Clause 4.15.1.2 - Carparking*

In accordance with *Table 4 - Car Parking Standards within the Primary Centre Waterfront Village Zone*, car parking for Holiday Accommodation shall be provided in accordance with the residential parking allocation (ie 1 bay per dwelling).

The parking of guest's vehicles for the Serviced Apartments is proposed to occur using the single car bay allocated to Unit 201 and Unit 404 in the undercroft car park. A single car bay is considered acceptable for each Unit, given the maximum number of guests proposed.

#### Planning and Development (Local Planning Scheme) Regulations 2015 (Planning Regulations)

Clause 67 of the Planning and Development (Local Planning Scheme) Regulations ('the Regulations') outlines matters to be considered by the Council in determining this application.

The relevant provisions of Clause 67 are described below:

- "(a) The aims and provisions of this scheme;
- (g) Any local planning policy;
- (m) The compatibility of the development within its setting, including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) The amenity of the locality including the following:
  - (i) Environmental impacts of the development;
  - (ii) The character of the locality;
  - (iii) Social impacts of the development;
- (v) The potential for loss of community service or benefit resulting from the development other than the potential loss that may result from economic competition between new and existing businesses;
- (w) The history of the site where the development is to be located;
- (x) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) Any submissions received on the application;
- (zb) Any other planning considerations the local government considers appropriate".

**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**

Short stay accommodation is generally encouraged within the City in locations that present an advantage to visitors to the City, such as proximity to the beach, parks, retail and restaurant facilities. The subject land is located in close proximity to the Rockingham Beach waterfront, within easy walking distance to all of these attributes.

In determining these applications, the Council must give due regard to the matters outlined in Clause 67 of the Planning Regulations, as indicated above.

In respect to the planning framework, the applications are considered consistent with the principles and objectives outlined in PP3.2.5 and TPS2, for the reasons indicated. Serviced Apartments within the Azure building are considered to be a compatible land use given the context of the surrounding locality.

Amenity:

As to whether the proposal is acceptable from an amenity perspective, the following is concluded:

Amenity is defined to mean "*all those factors which combine to form the character of an area and include the present and likely future amenity*".

In considering this matter the Council is required to consider the proposal having regard to the preservation of both the present and likely future amenity of the locality.

The surrounding locality contains a mix of commercial uses (taverns, short stay accommodation, offices, retail, food and beverage), public open space, community uses as well as medium - high density residential multiple and group dwellings. The amenity of this locality is characteristic of an inner city location. As development within Waterfront Village evolves over time (consistent with PP3.2.5), so too will the amenity of this area, which the residents of the Azure building will experience.

As to whether and to what extent the Serviced Apartment will prejudicially affect the amenity of the locality, including the amenity that of other residents in the building, the following points are noted.

Concerns raised in submissions include:

- Disruptive and antisocial guest behaviour;
- Increased people and noise disrupting the quality of life for residents;
- Security concerns from guests having access to the building;
- Inadequate on-site supervision and guests not complying with the house rules.

It is considered here that the above issues, if substantiated and unmanaged, have the potential to adversely impact the amenity of other residents.

In regards to the current applications before the Council, it is noted that:

- The apartments are physically suitable for use as Serviced Apartments and there is adequate car parking available on site;
- The applicant proposes screening potential guests and 'rigorously enforcing' the house rules;
- The applicant proposes active hosting, through greeting and inducting guests when they check in, as well as checking in on guests from time to time;

- Strategies are proposed within the house rules to mitigate potential antisocial or disruptive behaviour and to engage with neighbours.

It is considered that amenity impact is likely to be a function of how effectively the applicant can manage the use. It is considered that amenity impact can be adequately mitigated through the following recommended conditions, in the event approval is granted:

- Requirement for a House Management Plan to be approved by the City, which outlines the house rules; an engagement strategy with residents and the strata manager, and includes a complaints resolution procedure;
- The applicant being required to maintain a visitor log book and provide an annual report to the City providing details of the operation, including any complaints received and how they were resolved; and
- Restrict the check in time for guests to an earlier evening hour (9pm as opposed to 11pm), so as not to compromise the amenity of other residents.

#### Strata Consent

The main concern outlined in submissions received related to the letter of consent provided by the strata body in support of the development application. Submitters questioned the validity of the development application currently before Council.

Strata Companies are regulated by the *Strata Titles Act 1985*, the regulations made under that Act and the Strata Company's By-Laws. On the information available to the City, the power to give the Consents required by the City rested with the Strata Company's Council and that Council gave the Consents.

The Consents having been given, the City considers that it must determine the development applications.

The City has neither the function nor the power to resolve a dispute between owners as to whether the Consents ought to have been given in the first place.

The City understands that an extraordinary meeting of the strata entity, at which the strata body's letter of consent in support of the application may be reviewed on 13 May 2020. Should the meeting result in the strata body rescinding its consent to the current applications prior to the Ordinary meeting of Council on 26 May 2020, then the City is likely to be advised. At the time of preparing this report, this has not occurred.

#### Conclusion

To conclude, it is considered that:

- The development applications are compliant with the local planning framework, in particular with the PCWV zone objectives and with PP3.2.5 in that short stay accommodation is regarded as a preferred use in the Village Green Precinct of the Waterfront Village Sector;
- The Development Applications have merit, as the apartments are suitable for use as a Serviced Apartments;
- The proposed Serviced Apartments, acknowledging the concerns of residents, can be managed by applying conditions of development approval, which would limit the occupancy numbers and guest check in times.

For the above reasons, it is recommended that the Council grants conditional Development Approval for the use of Unit 201 and Unit 404 as Serviced Apartments, at 12 Flinders Lane, Rockingham.

#### **Voting Requirements**

Simple Majority



### Officer Recommendation 1

That Council **APPROVES** the application for a Serviced Apartment at Unit 201 (Lot 10) No.12 Flinders Lane, Rockingham subject to the following conditions:

1. No more than four (4) persons are permitted to occupy the Serviced Apartment at any one time.
2. The Serviced Apartment must only be occupied by persons for a period of not more than a total of three months in any one twelve month period.
3. The operation of the Serviced Apartment is to be carried out in accordance with a revised House Management Plan which shall be approved by the City and addresses the following matters:
  - (i) Providing clients with 24 hour contact details of the owner or a nominated property manager;
  - (ii) Establishing a complaints resolution procedure, this shall include maintaining a complaints register;
  - (iii) Property maintenance and waste management;
  - (iv) House rules; and
  - (v) On-site vehicle parking.

The House Management Plan must be approved prior to the use (Serviced Apartment) establishing and shall be implemented for the duration of the development.

4. The applicant must:
  - (i) Provide the guests a copy of the information referred to in the House Management Plan;
  - (ii) Ensure that the house rules referred to in the House Management Plan are observed by the guests at all times; and
  - (iii) Provide a copy of the House Management Plan and emergency contact number to each adjoining household for use in the event of client non-compliance.
5. The applicant must:
  - (i) Maintain a telephone number (or numbers) and an email address (or email addresses) through which a complaint concerning the development may be made to the operator, at any time.
  - (ii) Advise the strata manager and all property owners within the building in writing of the telephone number (or numbers) and the email address (or addresses) through which a complaint may be made, prior to the use commencing.
  - (iii) Maintain a complaints log in which the following is to be recorded:
    - (a) the date and time of each complaint made and received;
    - (b) the means (telephone or email) by which the complaint was made;
    - (c) any personal details of the complainant that were provided or, if no details were provided a note to that effect;
    - (d) the nature of the complaint;
    - (e) the steps or actions taken in response to each complaint (and when those steps or actions were taken), including any follow-up contact with the complainant; and
    - (f) if no actions or steps were taken in relation to the complaint or enquiry, the reasons why no action or steps were taken.
  - (iv) Respond to every complaint received as soon as possible, but in any event, within three (3) working days after receipt of the complaint.
  - (v) Provide the complaints log to the City of Rockingham within one (1) working day after receipt of a request from the City that it be provided.



6. No clients are to check in after 9:00pm and no clients are to check out prior to 7:00am.
7. A Visitor Log Book must be maintained by the landowner recording who has stayed on the premises, client arrival and departure dates, and client length of stay.
8. By 30 June each year, a report must be provided to the City which provides details of the operations of the development including, but not limited to:
  - (i) The length of stay of clients;
  - (ii) Arrival and departure times of clients; and
  - (iii) The number and type of complaints received from the public and responses to those complaints.
9. Guest parking must only be in the designated parking bay shown on the approved plans.

### Officer Recommendation 2

That Council **APPROVES** the application for a Serviced Apartment at Unit 404 (Lot 31) No.12 Flinders Lane, Rockingham subject to the following conditions:

1. No more than two (2) persons are permitted to occupy the Serviced Apartment at any one time.
2. The Serviced Apartment must only be occupied by persons for a period of not more than a total of three months in any one twelve month period.
3. The operation of the Serviced Apartment is to be carried out in accordance with a revised House Management Plan which shall be approved by the City and addresses the following matters:
  - (i) Providing clients with 24 hour contact details of the owner or a nominated property manager;
  - (ii) Establishing a complaints resolution procedure, this shall include maintaining a complaints register;
  - (iii) Property maintenance and waste management;
  - (iv) House rules; and
  - (v) On-site vehicle parking.

The House Management Plan must be approved prior to the use (Serviced Apartment) establishing and shall be implemented for the duration of the development.

4. The applicant must:
  - (i) Provide the guests a copy of the information referred to in the House Management Plan;
  - (ii) Ensure that the house rules referred to in the House Management Plan are observed by the guests at all times; and
  - (iii) Provide a copy of the House Management Plan and emergency contact number to each adjoining household for use in the event of client non-compliance.
5. The applicant must:
  - (i) Maintain a telephone number (or numbers) and an email address (or email addresses) through which a complaint concerning the development may be made to the operator, at any time.
  - (ii) Advise the strata manager and all property owners within the building in writing of the telephone number (or numbers) and the email address (or addresses) through which a complaint may be made, prior to the use commencing.
  - (iii) Maintain a complaints log in which the following is to be recorded:
    - (a) the date and time of each complaint made and received;
    - (b) the means (telephone or email) by which the complaint was made;

- (c) any personal details of the complainant that were provided or, if no details were provided a note to that effect;
  - (d) the nature of the complaint;
  - (e) the steps or actions taken in response to each complaint (and when those steps or actions were taken), including any follow-up contact with the complainant; and
  - (f) if no actions or steps were taken in relation to the complaint or enquiry, the reasons why no action or steps were taken.
- (iv) Respond to every complaint received as soon as possible, but in any event, within three (3) working days after receipt of the complaint.
  - (v) Provide the complaints log to the City of Rockingham within one (1) working day after receipt of a request from the City that it be provided.
6. No clients are to check in after 9:00pm and no clients are to check out prior to 7:00am.
7. A Visitor Log Book must be maintained by the landowner recording who has stayed on the premises, client arrival and departure dates, and client length of stay.
8. By 30 June each year, a report must be provided to the City which provides details of the operations of the development including, but not limited to:
- (i) The length of stay of clients;
  - (ii) Arrival and departure times of clients; and
  - (iii) The number and type of complaints received from the public and responses to those complaints.
9. Guest parking must only be in the designated parking bay shown on the approved plans.

#### Revised Officer Recommendation

That Council **ACKNOWLEDGES** the revocation of consent by the Council of Owners for the applications in respect to Item PD-023/20 - Proposed Serviced Apartments (Deferred April 2020).

#### Committee Recommendation

That Council **ACKNOWLEDGES** the revocation of consent by the Council of Owners for the applications in respect to Item PD-023/20 - Proposed Serviced Apartments (Deferred April 2020).

Committee Voting (Carried) - 5/0

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

Not Applicable

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

Not Applicable

#### Council Resolution

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

That Council **ACKNOWLEDGES** the revocation of consent by the Council of Owners for the applications in respect to Item PD-023/20 - Proposed Serviced Apartments (Deferred April 2020).

**Carried – 11/0**

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

Not Applicable

## Corporate and Community Development Committee

### Corporate Services Financial Services



<b>Reference No &amp; Subject:</b>	<b>CS-009/20</b> <b>City Business Plan 2020/2021 to 2029/2030 (Absolute Majority)</b>
<b>File No:</b>	CPM/7
<b>Proponent/s:</b>	
<b>Author:</b>	Mr John Pearson, Director Corporate Services
<b>Other Contributors:</b>	
<b>Date of Committee Meeting:</b>	19 May 2020
<b>Previously before Council:</b>	10 December 2019 (CS-015/19 – City Business Plan 2020/2021 to 2029/2030)
<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>	Business Plan 2020/2021 to 2029/2030 (December 2019)
<b>Maps/Diagrams:</b>	

### Purpose of Report

The purpose of the report is to adopt the December 2019 edition of the City Business Plan 2020/2021 to 2029/2030 by absolute majority for the purposes of meeting statutory requirements.

### Background

The City of Rockingham's Business Plan provides a 10-year financial overview of the City's operations. Pursuant to the Council Policy – Strategic Development Framework, the City's Business Plan must be reviewed and adopted by Council in November and May each financial year. The last version of the City Business Plan was adopted at the December 2019 Council meeting. This occurred by simple majority.

At the March 2020 Ordinary Council meeting, Council resolved (**CS-008/20 – 2020/2021 Annual Budget**):

*That Council **DIRECTS** the CEO to prepare the 2020/2021 Annual Budget for adoption by Council which includes the following requirements:*

- 1. No increases in rates;*
- 2. No increases in fees and charges; and*

*3. Financial allocations to deliver projects and services as best able to be achieved in consideration of the priorities as adopted in the December 2019 City Business Plan.*

In the report resulting in this resolution it was explained a budget would be prepared outside of traditional business planning principles and frameworks used by the City and that it was highly unusual to not follow strategy for forward planning.

Given the current critical incident management occurring in the City related to COVID-19, a May 2020 edition of the City Business Plan has not been prepared and officers have used the December 2019 City Business Plan to guide priorities for the annual budget preparation.

### Details

The May 2020 version of the City Business Plan is designed to meet the City's statutory requirements of the Local Government Act 1995.

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

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 December 2019 edition of the City Business Plan achieves this also subject to Team Plan completion which traditionally occurs later in the financial year.

### 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 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**

Council Policy - Strategic Framework provides the framework for the adoption of the Business Plan and specifically requires it to be prepared twice a year. This has not occurred. On this basis, in order to achieve statutory compliance the December 2019 City Business Plan must be adopted by absolute majority. Minutes demonstrate it was adopted by simple majority only.

**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 of the Local Government (Administration) Regulations 1996 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

The City is currently in critical incident management mode and operating outside of adopted strategic planning frameworks. In the current environment, the ability to do meaningful strategic planning is limited as the local environment is rapidly changing, often daily. It was for this reason approval was granted by Council to prepare an annual budget based on the priorities as adopted in the December 2019 Business Plan, as best able to be achieved.

A consequence of this is that the City will not be compliant to Local Government (Administration) Regulation 19DA(6) which requires a local government to adopt a Business Plan by absolute majority. This traditionally would have occurred, however given the current situation will not be achieved.

For clarity purposes, a Business Plan is only required to be prepared and adopted by a local government once per year. The City's Strategic Framework requires twice per year, which exceeds minimum statutory requirements. To this end, adoption of the December 2019 City Business Plan by absolute majority achieves statutory compliance.

If the plan is not adopted by absolute majority, it will not be compliant with the Local Government Act 1995, possibly resulting in either a qualified external audit opinion for the City and/or significant findings against the City. This would trigger reporting to the Minister for Local Government actions to be taken by the City to address the significant finding.

It is understood that the December 2019 Business Plan provides guidance on projects primarily. The resolution on annual budget requirement at the March 2020 Ordinary Council meeting, item **CS-008/20 – 2020/2021 Annual Budget**, remains the priorities of City officer's and will be implemented accordingly.

### Voting Requirements

Absolute Majority

### Officer Recommendation

That Council, for the purposes of statutory compliance, **ADOPTS** the December 2019 City of Rockingham Business Plan 2020/2021 to 2029/2030.

### Committee Recommendation

That Council, for the purposes of statutory compliance, **ADOPTS** the December 2019 City of Rockingham Business Plan 2020/2021 to 2029/2030.

Committee Voting (Carried) – 5/0

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

Not Applicable

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

Not Applicable

### Council Resolution

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

That Council, for the purposes of statutory compliance, **ADOPTS** the December 2019 City of Rockingham Business Plan 2020/2021 to 2029/2030.

**Carried by Absolute Majority – 11/0**

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

Not Applicable

Corporate Services Financial Services					
					
<b>Reference No &amp; Subject:</b>	CS-010/20	May 2020	Budget	Review	(Absolute Majority)
File No:	FLM/17-05				
Proponent/s:					
Author:	Mr Khushwant Kumar, Financial Controller				
Other Contributors:	Mr Allan Moles, Manager Financial Services				
Date of Committee Meeting:	19 May 2020				
Previously before Council:					
Disclosure of Interest:					
Nature of Council's Role in this Matter:	Executive				
Site:					
Lot Area:					
Attachments:	May 2020 Budget Review				
Maps/Diagrams:					

### Purpose of Report

To adopt the May 2020 Budget Review.

### Background

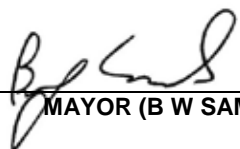
The City undertakes budget reviews to monitor its financial performance against the annual budget and to review projections to the end of the financial year. Three budget reviews are presented in the 2019/2020 financial year: September 2019, February 2020 and May 2020. Any variations to the annual budget arising from the review process are presented for Council's consideration and authorisation.

### Details

The May 2020 Budget Review includes details of transactions during the July 2019 – April 2020 period and adjustments required to the annual budget. The document includes the following information:

- Summary of Budget Position
- Summary of Major Amendments
- Summary of Projects Carried Forward
- Summary Statement of Operating and Non-Operating Revenue and Expenditure by Department

Confirmed at a Council meeting held  
on Tuesday 23 June 2020

  
MAYOR (B W SAMMELS)

## Implications to Consider

**a. Consultation with the Community**

Nil

**b. Consultation with Government Agencies**

Nil

**c. Strategic**

Community Plan

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

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

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

**d. Policy**

Nil

**e. Financial**

The overall effect of the various budget amendments and carry forwards is an anticipated surplus after restricted funds of \$23.3 million; of which, \$23.5 million is committed to existing projects, leaving a technical deficit of \$262K. The actual surplus/deficit is dependent on the amount of incomplete works at the end of the financial year and will be finalised during the preparation and audit of the Annual Financial Statements.

**f. Legal and Statutory**

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

**g. Risk**

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

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

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

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

Nil

## Comments

The amount of \$23.5 million has been carried forward for projects not expected to be completed by the end of June 2020. These projects are summarised in the May 2020 Budget Review attachment under Summary of Carry Forwards. The following are the major carry forwards:

\$7.7 Million Baldvis District Sport Complex Stage 1

\$3.7 Million Koorana Reserve Upgrade

\$2.2 Million Mackinnon Street Youth Facility

\$1.7 Million Landfill Master Plan Infrastructure

\$1.1 Million Nairn Drive Duplication Project

\$1.0 Million Baldvis Indoor Recreation Centre

In addition the proposed loan for \$13 million for the Baldvis District Sporting Facility will be carried over until the new financial year.



Due to COVID-19 and other factors there are a number of amendments proposed to reflect the anticipated position at the end of June 2020. The main budget amendments are summarised in the May 2020 Budget Review attachment under the Summary of Major Amendments. The following are the major budget amendments:

Operating Revenue

\$4.44 Million Non-Cash Developer Contributions (Roads) – Increase in revenue to offset non-operating expenditure (refer below) to recognise roads and drainage infrastructure handed over by developers.

\$3.29 Million Non-Cash Developer Contributions (Parks) – Increase in revenue to offset non-operating expenditure (refer below) to recognise parks and reserves handed over by developers

\$2.36 Million General Purpose Operating & Local Road Grant – Increase as the City is anticipating receiving a 50% advance payment of the 2020/2021 grant

\$2.01 Million Developer Contribution Scheme – Decrease in contributions from new developments

\$1.55 Million Landfill Entry Fees – Decrease due to less than anticipated waste tonnages

\$1.26 Million Interest on Investments – Decrease in interest as a result of falling interest rates and reduction in general revenue

\$1.05 Million Aqua Jetty – Decrease in revenue as a result of COVID-19 closure

Operating Expenditure

\$820K Aqua Jetty - Decrease in operating cost including salaries due to COVID-19 closure

\$750K State Government Landfill Levy – Decrease due to less than anticipated waste tonnages

Non-Operating Expenditure

\$4.44 Million Developer Contributed Assets (Roads) – Increase in non-cash expenditure to recognise roads and drainage infrastructure handed over by developers

\$3.29 Million Developer Contributed Assets (Parks) – Increase in non-cash expenditure to recognise parks and reserves handed over by developers

\$2.01 Million Transfer to Reserves – Decrease due to reduction in revenue from the Developer Contribution Scheme

\$1.01 Million Transfer to Reserves – Decrease due to reduction in interest on reserve funds invested

Although the anticipated position, after allowing for the carried forward projects, is a deficit of about \$262K the City will continue to monitor the actual revenue and expenditure between now and the end of June to minimise the potential deficit.

**Voting Requirements**

Absolute Majority

**Officer Recommendation**

That Council **ADOPTS** the May 2020 Budget Review.

**Committee Recommendation**

That Council **ADOPTS** the May 2020 Budget Review.

Committee Voting (Carried) – 5/0

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

Not Applicable

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

Not Applicable

### Council Resolution

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

That Council **ADOPTS** the May 2020 Budget Review.

**Carried by Absolute Majority – 11/0**

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

Not Applicable

## Corporate Services Financial Services



Reference No & Subject:	CS-011/20	Rating	Methodology	–	2020/2021 Financial Year
File No:	RTV/11				
Proponent/s:					
Author:	Mr Allan Moles, Manager Financial Services				
Other Contributors:					
Date of Committee Meeting:	19 May 2020				
Previously before Council:					
Disclosure of Interest:					
Nature of Council's Role in this Matter:	Executive				
Site:					
Lot Area:					
Attachments:	Rates Modelling Summary				
Maps/Diagrams:					

### Purpose of Report

This report is written to approve proposed rates in the dollar for the 2020/2021 financial year to allow for public advertising to commence.

### Background

As a response to the current critical incident management occurring in the City related to COVID-19, at the March 2020 Ordinary Council meeting, Council resolved (**CS-008/20 – 2020/2021 Annual Budget**):

*That Council **DIRECTS** the CEO to prepare the 2020/2021 Annual Budget for adoption by Council which includes the following requirements:*

- 1. No increases in rates;*
- 2. No increases in fees and charges; and*
- 3. Financial allocations to deliver projects and services as best able to be achieved in consideration of the priorities as adopted in the December 2019 City Business Plan.*

Rates are calculated based on the valuations provided by Landgate with Unimproved Valuations (UV) revalued each year and Gross Rental Valuations (GRV) revalued every three years. Under this revaluation cycle both UV and GRV valuations have been revalued for the 2020/2021 financial year.

The proposed rating methodology is intended to yield the same rates as would have applied in 2019/2020 which is \$91.59 million.

This does not include interim rates which are levied on new or improved properties during the 2020/2021 financial year. It is anticipated that the revenue from interim rates will be less than in previous years due to the decrease in development and building activity.

## Details

The proposed rating methodology is to apply differential rates for the 2020/2021 financial year in accordance with Section 6.36 of the Local Government Act 1995 as follows:

### 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 8.497 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 GRV-Residential rate is an increase of 17.0% over the 2019/2020 rate in the dollar however is offset by the overall reduction in the GRV as a result of the revaluation.

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

A differential general rate of 9.307 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 remain at \$1,200 for the 2020/2021 year.

### UV Properties

A general rate of 0.1035 cents in the dollar applies to all UV land. UV land generates approximately 0.5% of rate yield. The UV rate is an increase of 1% over the 2019/2020 rate in the dollar however is offset by the overall reduction in the UV as a result of the revaluation.

It is proposed that the minimum rate for all UV properties remain at \$625 for the 2020/2021 financial year.

## 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 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 2020/20201 is anticipated to yield approximately \$91.59 million.

**f. Legal and Statutory**

Adoption of rates occurs as part of the budget adoption which is proposed to occur in June 2020. 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 GRV revaluation has resulted in an average 14.9% decrease in the valuations for GRV – Residential properties and an average 7.6% decrease in the valuations for GRV – Non Residential properties. Although these are the average decreases some valuations have decreased by over 40% while others have increased by more than 50%.

The challenge in applying the new valuations while trying to maintain the previous rates for individual properties is practically impossible with the significant variations in the changes to the valuations.

Under the proposed rating methodology approximately 71% of all properties will receive the same or lower rates in 2020/2021.

## Voting Requirements

Simple Majority

## Officer Recommendation

That Council **APPROVES** for the purpose of public comment the following rates in the dollar and minimum rates for the 2020/2021 financial year:

**Gross Rental Valuation (GRV) Properties**

**GRV - Residential**

A differential general rate of **8.497 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 general rate of **9.307 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 **\$1200**.

**Unimproved Valuation (UV) Properties**

A general rate of **0.1035 cents** in the dollar applies to UV land.

**UV - Minimum Rate**

The minimum rate for all UV properties is **\$625**.

**Committee Recommendation**

That Council **APPROVES** for the purpose of public comment the following rates in the dollar and minimum rates for the 2020/2021 financial year:

**Gross Rental Valuation (GRV) Properties**

**GRV - Residential**

A differential general rate of **8.497 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 general rate of **9.307 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 **\$1200**.

**Unimproved Valuation (UV) Properties**

A general rate of **0.1035 cents** in the dollar applies to UV land.

**UV - Minimum Rate**

The minimum rate for all UV properties is **\$625**.

Committee Voting (Carried) – 5/0

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

Not Applicable

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

Not Applicable

### Alternate Motion

Cr Whitfield proposed the following Alternate Motion:

That Council

1. **APPROVES** for the purpose of public comment the following rates in the dollar and minimum rates for the 2020/2021 financial year:

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

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

A differential general rate of **8.497** 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 general rate of **9.307** 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 **\$1200**.

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

A general rate of **0.1035** cents in the dollar applies to UV land.

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

The minimum rate for all UV properties is **\$625**.

2. **DIRECTS** the Chief Executive Officer to ensure that all rates remain at the level, or lower, that they were in the current financial year by applying concessions as a one off measure.

### Reason for Alternate Motion

We are in uncharted territory and we know that over 60,000 West Australians are unemployed (this is not an accurate figure as this could double once the jobkeeper/jobseeker schemes are rolled back). Here in Rockingham we have had businesses close, homeowners lose their income and people have lost their jobs.

In March 2020 the council directed the CEO to prepare a budget that included no increase in rates.

In March the State government stressed that, where possible, Local Governments should freeze rates.

The original officer's recommendation 'freezes' rates in favour of still collecting the \$91m rate yield and this means that around 15,000 properties will still see an actual increase in their rate bill, some will increase over \$1000!

The difference between this alternate motion, and the officer's recommendation, is that no property rates would increase, with concessions being applied to the 16,000 properties whose bills would ordinarily have increased.

We have expert staff at the city and a strong experienced leadership team, all of whom will be able to navigate the problematic issues that may arise. This is intended to be a one off measure, with the concessions only being applied to the 2020/21 financial year.



The Council needs to display strong leadership to help residents, residents and business owners are having to adapt financially and we are in a position where we can assist with an equitable outcome.

### 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**

Nil

**e. Financial**

The rates model as proposed by officers for the 2020/2021 financial year is anticipated to yield approximately \$91.59 million. Should Cr Whitfield's alternate motion be supported, concessions will be granted to 15,563 properties to a value of \$1,372,279. This is broken into the following rating categories:

- GRV Residential \$829,120
- GRV Non-Residential \$541,156
- UV \$2,003

This reduction in revenue would be applied to the 2020/2021 annual budget. The annual budget to date has been prepared on the basis of no reduction in rate revenue between the current and future financial years. Should Cr Whitfield's alternate motion be supported, officers will reduce expenditure by \$1.37 million or alternatively look for revenue from other sources (e.g. debt).

**f. Legal and Statutory**

Adoption of rates occurs as part of the budget adoption which is still intended to occur at the June 2020 Ordinary Council Meeting. Given the City is proposing to adopt differential rates, section 6.36 of the Local Government Act requires the City to call for submissions for a period of at least 21 days. These submissions are called to allow for comment on the proposed differential rate. The Local Government is required to consider any submissions received before imposing any rates or minimum payments, with or without modification. This will occur during the budget adoption process.

Section 6.47 states that subject to the Rates and Charges (Rebates and Deferments) Act 1992, the Local Government may at the time of imposing a rate or service charge or at a later date, resolve to waive (by absolute majority) a rate or service charge or resolve to grant other concessions in relation to a rate or service charge. This section provides the ability for the Local Government to resolve to grant a concession to any ratepayer in the City of Rockingham. The spirit and intent of this section is to enable a Local Government to make minor ad-hoc changes based on unique circumstances. It is not intended to be used to provide large scale adjustments to rates for the purposes of amending valuations provided by the State Government.

**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**

In the metropolitan area, GRV revaluations occur every three years and UV revaluations occur annually. The 2020/2021 financial year is a revaluation year. The City of Rockingham, along with many other Local Governments and the West Australian Local Government Association (WALGA) sought support from the State Government to defer the revaluation for a 12 month period to ensure rating parity between the 2019/2020 and 2020/2021 financial years. The City also wrote to its local members of Parliament and the Minister for Local Government. The State's position has been that revaluations are to be implemented in accordance with statutory provisions.

The purpose of revaluations is to provide equity across all ratepayers on a capacity to pay basis. It is acknowledged that no taxing system is perfect and there is always going to be winners and losers. The City has attempted, within the available frameworks, to provide the best possible outcome ensuring rate parity between financial years and rating categories.

The impact of the proposed rates model on ratepayers is as follows:

Summary of changes for individual properties								
Rate Type	Change	No.	%	Change to \$50	Change \$50 to \$100	Change \$100 to \$500	Change \$500 to \$1000	Change over \$1000
GRV Residential	No Change	19,238	35%					
GRV Residential	Decrease	19,443	36%	13,618	5,023	773	14	15
GRV Residential	Increase	15,563	29%	11,560	2,029	1,889	54	31
		54,244	100%					
GRV Non Residential	No Change	261	16%					
GRV Non Residential	Decrease	592	37%	86	131	255	42	78
GRV Non Residential	Increase	734	46%	131	162	291	47	103
		1,587	100%					
UV	No Change	134	46%					
UV	Decrease	62	21%	49	11	2	-	-
UV	Increase	95	33%	82	10	3	-	-
		291	100%					

In considering support or otherwise by Councillors of Cr Whitfield's alternate motion, it is considered appropriate to give due regard to the following matters.

1. The purpose of a revaluation is to provide a system of equity whereby each ratepayer in a Local Government area pays a portion of rates representing their capacity to pay. A concession for one portion of the community only, specifically those that are deemed by the process to have a greater capacity to pay, may have unforeseen consequences. In particular, Council should consider the appropriateness of granting a large concession to one ratepayer without the equal concession being provided to another. Please note specifically under Cr Whitfield's proposal a major retailer in Rockingham will receive a concession in excess of \$49,000 while their competitor, will not. Notwithstanding the revaluation process, designed to provide fairness, independence and transparency to rating systems, it is the City's role to apply a rate in the dollar equitably and not adjust individual ratepayer rates due to statutory revaluations not meeting community expectations.

Further, under the officer proposed model, 71% of ratepayers receive no increase or will receive a decrease. The revaluation process provides that these people are the least able to afford to pay rates. Should Council think it appropriate to grant a \$1.372 million concession, consideration should be given to it being applied equally applied across all ratepayers, not just those that have been considered by the revaluation to have the capacity to pay. Again it is noted that there is no perfect taxation system, however the Local Government is required to use the statutory methods provided for in the Local Government Act 1995.

2. Should Council approve the concession, it needs to be understood this has no impact on the valuation. Any ratepayer has the right to lodge an objection to the Valuer General's Office on the valuation of their property. Should a valuation objection be successful, rates will be recalculated on that property thereby resulting in a further reduction beyond what the concession is provided for. It is not unusual for valuation objections to be successful.
3. The Department of Fire and Emergency Services (DFES) has been unable to provide a decision related to the Emergency Services Levy (ESL). As Councillors would be aware, ESL is collected by Local Governments on their rates notices. The ESL also uses valuations provided by the State Government. It is likely, regardless of any concession provided by the City, as a result on ESL collection on the rates notice, rates notices will not match year to year. This is beyond the City of Rockingham's control, despite granting a concession.

It is not considered appropriate by officers to unilaterally manipulate rates for ratepayers for the purposes of circumventing the statutory valuation process. It is understood that this financial year is unique given the COVID-19 situation however the State Government could have decided to halt the revaluations on the basis of keeping rates parity between financial years. They decided not to do this, assumed on the basis of ensuring that all ratepayers are rated on a capacity to pay basis. Cr Whitfield's alternate motion is therefore not supported.

### Officer Recommendation

That Council **APPROVES** for the purpose of public comment the following rates in the dollar and minimum rates for the 2020/2021 financial year:

#### Gross Rental Valuation (GRV) Properties

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

A differential general rate of **8.497 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 general rate of **9.307 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 **\$1200**.

#### Unimproved Valuation (UV) Properties

A general rate of **0.1035 cents** in the dollar applies to UV land.

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

The minimum rate for all UV properties is **\$625**.

### Amended Alternate Motion

Cr Whitfield proposed the following amended Alternate Motion:

That Council

1. **APPROVES** for the purpose of public comment the following rates in the dollar and minimum rates for the 2020/2021 financial year:

#### Gross Rental Valuation (GRV) Properties

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

A differential general rate of **8.497 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 general rate of **9.307** 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 **\$1200**.

**Unimproved Valuation (UV) Properties**

A general rate of **0.1035** cents in the dollar applies to UV land.

**UV - Minimum Rate**

The minimum rate for all UV properties is **\$625**.

2. **DIRECTS** the Chief Executive Officer to ensure that all **residential** rates remain at the level, or lower, that they were in the current financial year by applying concessions as a one off measure.

**Reason for Amended Alternate Motion**

We are in uncharted territory and we know that over 60,000 West Australians are unemployed (this is not an accurate figure as this could double once the jobkeeper/jobseeker schemes are rolled back). Here in Rockingham we have had businesses close, homeowners lose their income and people have lost their jobs.

In March 2020 the council directed the CEO to prepare a budget that included no increase in rates.

In March the State government stressed that, where possible, Local Governments should freeze rates.

The original officer's recommendation 'freezes' rates in favour of still collecting the \$91m rate yield and this means that around 15,000 properties will still see an actual increase in their rate bill, some will increase over \$1000!

The difference between this alternate motion, and the officer's recommendation, is that no property rates would increase, with concessions being applied to the 16,000 properties whose bills would ordinarily have increased.

We have expert staff at the city and a strong experienced leadership team, all of whom will be able to navigate the problematic issues that may arise. This is intended to be a one off measure, with the concessions only being applied to the 2020/21 financial year.

The Council needs to display strong leadership to help residents, residents and business owners are having to adapt financially and we are in a position where we can assist with an equitable outcome.

**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**

Nil

**e. Financial**

The rates model as proposed by officers for the 2020/2021 financial year is anticipated to yield approximately \$91.59 million. Cr Whitfield has amended his alternate motion to apply concessions to residential ratepayers only. This concession will impact 15,563 properties, providing a concession to the value of \$829,120. This reduction in revenue would be applied to the 2020/2021 annual budget. The annual budget to date has been prepared on the basis of no reduction of rate revenue between current and future years. Should Cr Whitfield's amended alternate motion be supported, this will reduce expenditure by \$829,120 or alternatively require revenue from other sources (e.g. debt).

**f. Legal and Statutory**

Adoption of rates occurs as part of the budget adoption which is still intended to occur at the June 2020 Ordinary Council Meeting. Given the City is proposing to adopt differential rates, section 6.36 of the Local Government Act requires the City to call for submissions for a period of at least 21 days. These submissions are called to allow for comment on the proposed differential rate. The Local Government is required to consider any submissions received before imposing any rates or minimum payments, with or without modification. This will occur during the budget adoption process.

Section 6.47 states that subject to the Rates and Charges (Rebates and Deferrals) Act 1992, the Local Government may at the time of imposing a rate or service charge or at a later date, resolve to waive (by absolute majority) a rate or service charge or resolve to grant other concessions in relation to a rate or service charge. This section provides the ability for the Local Government to resolve to grant a concession to any ratepayer in the City of Rockingham. The spirit and intent of this section is to enable a Local Government to make minor ad-hoc changes based on unique circumstances. It is not intended to be used to provide large scale adjustments to rates for the purposes of amending valuations provided by the State Government.

**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 Amended Alternate Motion**

Cr Whitfield requested an amendment to his alternate motion on 21 May 2020. Officers sought advice from Cr Whitfield as to reasons for the amended alternate motion and he advised he is happy with the reasons previously provided as they cover the thrust of his alternate motion and to add more would only complicate the issue from his perspective. Officers are unsure as to the reasons for Cr Whitfield amending the alternate motion.

Officers have recommended that a differential rate of 8.497 cents in the dollar be applied 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 city centre living, primary centre campus and primary centre urban living zones under the City of Rockingham Town Planning Scheme No.2. It should be noted that the differential rate applies to residential land, not ownership. Therefore, if the purpose of Cr Whitfield amending his alternate motion is to respond to perceived inequity of granting concessions on non-residential ratepayers, there are equally many commercial ratepayers categorised in the GRV residential differential rate. By way of example, should Cr Whitfield's amended alternate motion be supported, residential ratepayers whose properties will receive a concession greater than \$5,000 are as follows:

<b>Proposed Concession</b>	<b>Owner</b>	<b>Property Location</b>
\$5,024	Private Land Developer (PTY LTD)	Baldivis Road, Baldivis
\$5,446	State Government & Private Land Developer (PTY LTD)	Dampier Drive, Golden Bay
\$9,040	Private Land Developer (PTY LTD)	Belleville Parade, Baldivis
\$21,080	Private Land Developer (PTY LTD)	Mandurah Road, Baldivis
\$26,430	Private Land Developer (PTY LTD)	Sixty Eight Road, Baldivis

Conversely, another major private land developer with property located in Norwood Ave, Baldivis who due to the revaluation receives a decrease in rates of \$22,165 receives no concession.

As explained in the previous officer response on Cr Whitfield's alternate motion, the purpose of a revaluation is to provide a system of equity whereby each ratepayer in a Local Government pays a portion of rates representing their capacity to pay. A concession for one portion of the community only, specifically those that are deemed by the process to have a greater capacity to pay, may have unforeseen consequences.

In particular, Council should consider the appropriateness of granting a large concession to one ratepayer without an equal concession being provided to another. As officers have tried to demonstrate above, Cr Whitfield's amended notice of motion does not correct this issue. Specifically the top five largest concessions for residential ratepayers in Rockingham will be received by the state government or private companies totalling approximately \$67,020 while their competitor will not. This may lead to complaints of market inequity from those ratepayers who do not receive a concession. The revaluation process is designed to provide fairness, independence and transparency to the rating systems. It is the City's role to apply a rate in the dollar equitably and not adjust individual ratepayers due to statutory valuations not meeting community expectations.

Should Council think it appropriate to grant a concession in the current circumstances, consideration should be given to it being applied equally across all ratepayers, not just those that have been considered by the revaluation to have a greater capacity to pay, albeit now limited to residential ratepayers only.

For the purposes of clarity, a differential general rate applies to residential land use, not ownership and it is unlawful to implement a differential rate on an owner of the land, rather than the land use. It is not considered appropriate by officers to unilaterally manipulate rates for ratepayers for the purposes of circumventing the statutory valuation process. It is understood that this financial year is unique given the COVID-19 situation however, as previously advised, the State Government could have decided to halt the revaluations on the basis of keeping rates parity between financial years. They decided not to do this, assumed on the basis of ensuring that all ratepayers are rated on their capacity to pay. Cr Whitfield's amended alternate motion may have unforeseen consequences beyond which has been provided to Council already in both officers reports and is not supported.



### Officer Recommendation

That Council **APPROVES** for the purpose of public comment the following rates in the dollar and minimum rates for the 2020/2021 financial year:

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

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

A differential general rate of **8.497 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 general rate of **9.307 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 **\$1200**.

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

A general rate of **0.1035 cents** in the dollar applies to UV land.

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

The minimum rate for all UV properties is **\$625**.

### Council Resolution

**Moved Cr Whitfield, seconded Cr Buchanan:**

That Council

1. **APPROVES** for the purpose of public comment the following rates in the dollar and minimum rates for the 2020/2021 financial year:

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

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

A differential general rate of **8.497 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.

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

The minimum rate on all GRV properties is **\$1200**.

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

A general rate of **0.1035 cents** in the dollar applies to UV land.

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

The minimum rate for all UV properties is **\$625**.



2. **DIRECTS** the Chief Executive Officer to ensure that all residential rates remain at the level, or lower, that they were in the current financial year by applying concessions as a one off measure.

**Motion Lost – 4/7**

**Councillors having voted for the motion:**

Cr Whitfield                      Cr Buchanan  
Cr Buchan                        Cr Cottam

**Councillors having voted against the motion:**

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

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

That Council **APPROVES** for the purpose of public comment the following rates in the dollar and minimum rates for the 2020/2021 financial year:

**Gross Rental Valuation (GRV) Properties**

**GRV - Residential**

A differential general rate of **8.497 cents** in the dollar applies to Residential land.

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**GRV - Minimum Rate**

The minimum rate on all GRV properties is **\$1200**.

**Unimproved Valuation (UV) Properties**

A general rate of **0.1035 cents** in the dollar applies to UV land.

**UV - Minimum Rate**

The minimum rate for all UV properties is **\$625**.

**Carried – 8/3**

**Councillors having voted for the motion:**

~~Cr Whitfield~~                      ~~Cr Buchanan~~<sup>1</sup>  
Cr Stewart                      Cr Liley  
Cr Hamblin                      Cr Edwards  
Cr Jones                        Cr Buchan  
Cr Sammels                      Cr Davies

**Councillors having voted against the motion:**

Cr Whitfield                      Cr Buchanan  
Cr Cottam

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

Not Applicable

<sup>1</sup> Typographical error corrected.

## Community Development Community Development Directorate



Reference No & Subject:	CD-010/20	National Redress Scheme	Position
File No:	GRV/10-20	(Absolute Majority)	
Proponent/s:			
Author:	Mr Michael Holland, Director Community Development		
Other Contributors:	Mr Dean Stoitis, Senior Project Officer Ms Mary Jane Rigby, Manager Community Safety and Support Services		
Date of Committee Meeting:	19 May 2020		
Previously before Council:			
Disclosure of Interest:			
Nature of Council's Role in this Matter:	Executive		
Site:			
Lot Area:			
Attachments:			
Maps/Diagrams:			

### Purpose of Report

For Council to endorse a position on the City's participation in the National Redress Scheme for Institutional Child Abuse.

### Background

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

### National Redress Scheme

The Royal Commission's Redress and Civil Litigation (September 2015) Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme, commenced on 1 July 2018, will run for 10 years. All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth), local governments may be considered a State Government institution.

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

During 2019, the Department of Local Government, Sport and Cultural Industries (DLGSC) consulted with local government to understand their concerns with participation in the National Redress Scheme.

The DLGSC on behalf of the State Government is requesting the local governments' participation in the National Redress Scheme prior to 31 May 2020.

The City is not aware of any potential claims, but as many events have been run through City owned facilities by the City and third parties, it would be prudent for the City to participate in the scheme.

### **Details**

From early 2019, DLGSC consulted with local government and it became apparent that the most common concerns with participation in the Scheme were:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.
2. WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.

Following consultation, the State Government resolved via the Community Safety and Family Support Cabinet Sub Committee (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the State Records Act 2000); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government).

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

Participation in the scheme will mitigate a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

The WALGA State Council meeting of 4 March 2020 resolved:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute/Vote Outside of Committee Meeting the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

On 17 April 2020, the State and WALGA signed a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration. This consisted of the role of the State Redress Coordination Unit, division of costs for local government and local government legislative compliance. The State's Redress Coordination Unit will assist local government in the coordination

of Commonwealth Requests for Information and facilitate Direct Personal Responses, when requested by the person. The service agreement template provides participating local government service standards and obligation, if a direct personal response is requested by the survivor.

It is essential that the City formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

Should Council formally decide not to participate with the State or in the Scheme altogether, considerations for the City include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the City having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the City of Rockingham.

### Implications to Consider

**a. Consultation with the Community**

Not Applicable

**b. Consultation with Government Agencies**

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- webinars to local governments, predominately in regional and remote areas;
- presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- responses to email and telephone enquiries from individual local governments.

The City has been engaged on this matter via:

- Manager of Community and Support Services input via representation on the WA Community Development Network from late in 2018 onwards.
- Two presentations at the South West Zone WALGA meeting (that included three City Councillors and the CEO) over the last 12 months
- Community Development Division Manager/s attendance at the 23 January and 28 May 2019 webinar updates
- Administrative and operational level feedback to WALGA on the implications of the inquiry reports that was submitted in September 2019

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

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

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

**d. Policy**

Nil

**e. Financial**

The financial impact on the City, is the costs associated with a Direct Personal Response, if this is requested by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation costs depending on the survivor's circumstances.

**f. Legal and Statutory**

s5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (Absolute Majority).

In agreeing to join the Scheme the City is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

The DLGSC and WALGA are developing the service agreement template which is anticipated to be completed in mid 2020. after which time the City will review this document to ensure no significant legal risks for the City.

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

**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*

Risk	Category	Score	Implications / Comment
The City does not participate in the National Redress Scheme	Financial	Medium	The City would be open to potential civil litigation cases with high legal and applicant financial implications
If a request is submitted, committing the City to a service agreement that has not been legally reviewed	Project Management	High	Potential high staff resourcing and increased legal exposure for the City.

**Comments**

The Royal Commission into Institutional Responses to Child Sexual Abuse was established to investigate failures of public and private institutions to protect children from sexual abuse. A key recommendation from this Royal Commission was the establishment of a National Redress Scheme as an avenue for survivors of institutional child sexual abuse to receive:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

The Commonwealth Government and all Australian states and territories are parties to the National Redress Scheme. The WA Government has conducted extensive consultation with WA Local Governments, WALGA and Local Government Professionals WA. The State Government is strongly encouraging and is providing strong support for WA Local Governments to participate in this scheme, as a state government institution. WA Local Governments have until 31 May 2020 to decide on their participation in the scheme.

The City of Rockingham has and continues to deliver services that address the needs of children and young people for example childcare services, 'at risk' youth intervention, swim school, etc.

It is recommended that Council support the City's participation in the National Redress Scheme based on:

1. Participation being aligned with the Community Safety and Support and Key Stakeholder Partnership Strategic Objectives within the City's Strategic Community Plan 2019-2029.
2. Positive organisational reputational impact from the community and stakeholders by participating
3. Lower potential financial impact, if an application is received – The state government will provide coverage of survivor payments, counselling, legal and administrative costs and support to Council in the administration of a request if an application is received. This is in comparison to legal and potential pay out cost implications on Council, if an application was received and a civil litigation process was initiated

### Voting Requirements

Absolute Majority

### Officer Recommendation

That Council:

1. **NOTES** the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments.
2. **APPROVES** the participation of the City of Rockingham in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration.
3. **DELEGATES** authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received.

### Committee Recommendation

That Council:

1. **NOTES** the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments.
2. **APPROVES** the participation of the City of Rockingham in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration.
3. **DELEGATES** authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received.

Committee Voting (Carried) – 5/0

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

Not Applicable

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

Not Applicable



### Council Resolution

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

That Council:

1. **NOTES** the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments.
2. **APPROVES** the participation of the City of Rockingham in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration.
3. **DELEGATES** authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received.

**Carried by Absolute Majority – 11/0**

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

Not Applicable

## Community Development Community Safety and Support Services



<b>Reference No &amp; Subject:</b>	<b>CD-011/20 Homelessness in Rockingham</b>
File No:	CSV/1029-15
Proponent/s:	
Author:	Mr Michael Holland, Director Community Development
Other Contributors:	Ms Mary-Jane Rigby, Manager Community Safety and Support Services
Date of Committee Meeting:	19 May 2020
Previously before Council:	CD-017/19 - July 2019
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	
Lot Area:	
Attachments:	
Maps/Diagrams:	

### Purpose of Report

To seek Council support of a strategic approach in addressing and providing assistance to those experiencing homelessness in Rockingham. To advocate and seek direct financial support from the State Government to deliver an assertive outreach service, infrastructure and support service for the region.

### Background

On 16 July 2019 Council resolved to:

That Council:

1. Continues to **SUPPORT** the City of Rockingham's role as a stakeholder in the State's Strategy on Homelessness.
2. **DIRECTS** the CEO to prepare a Discussion Paper on homelessness focussing on:

(a) Actions taken by the City over recent years including:

Membership of the Rockingham/Kwinana Homelessness Interagency Group, the management of the database of Homelessness Sector contacts, the production of the Homeless Reference Card, the successful advocacy for the Street Doctor at the Salvation Army, partnership with the Salvation Army during August each year to hold the Annual Homelessness Week event – a day that local service providers come to one location to link in with the homeless and numerous other actions to support homeless people.

- (b) New activities to support the homeless including:
- (i) Community education and awareness campaigns focused on increasing community resilience and building Not For Profit capacity;
  - (ii) Continued support and training to the Not For Profit and volunteer sector which is highly valued;
  - (iii) Continued support through the Community Grants Program for eligible and worthwhile initiatives aimed at decreasing homelessness across the City; and
  - (iv) Other strategies that arise in the preparation of the Discussion Paper.
3. The CEO **PRESENT** the discussion paper for consideration via a Councillor Engagement Session by November 2019 pursuant to the City's Governance and Meeting Framework Policy.
4. The CEO and Mayor **ADVOCATE** and **LOBBY** the State Government for:
- (i) The provision of infrastructure and services for homeless people in Rockingham;
  - (ii) The provision of funding for a dedicated Police Mental Health Unit to be based in Rockingham to support the Police; and
  - (iii) The location and provision of key services for homeless people within the Rockingham CBD.

In line with the Council resolution Officers undertook detailed analysis and presented a discussion paper to councillors at the November 2019 Councillor Engagement Session (CES). The outcome of the CES was that the following initiatives and costings were to be investigated by officers and results presented to a future CES in 2020:

- Assertive outreach services
- Sleepbus initiative

Following the compilation of the above information a second CES was held on 11 February 2020, which resulted in a request that Officers obtain further information on:

1. Data Collection and Analysis Methodology – the City to commence a headcount process.
2. Assertive Outreach Service – research possible funding through State Government.
3. Sleepbus – more specific information to be obtained.
4. Proposed to conduct a grant workshop aimed at Not for Profit agencies to advise them of the City's Community Grants Program.

Now all the information has been compiled and provided to councillors over two CES council needs to consider how to progress the issue of homelessness on a local level and from an advocacy standpoint to the State Government.

## Details

Homelessness is worldwide social issue with many definitions, however most commonly utilised in Australia is the Australian Bureau of Statistics statistical definition published 12 November 2012:

*"When a person does not have suitable accommodation alternatives they are considered homeless if the current living arrangement:*

- *Is in a dwelling that is inadequate;*
- *Has no tenure, or if their initial tenure is short and not extendable; or*
- *Does not allow them to have control of, and access to space for social relations"*

It is difficult to capture a number of how many people are experiencing homelessness on any given night as it is experienced in varying levels of complexity. Chamberlain and Mackenzie (2008) provide a cultural definition as it relates to the diversity of homelessness as follows:

- **Marginally housed:** people in housing situations close to the minimum standard;

- **Tertiary homelessness:** people living in single rooms in private boarding houses without their own bathroom, kitchen or security of tenure;
- **Secondary homelessness:** people moving between various forms of temporary shelter including friends, emergency accommodation, youth refuges, hostels and boarding houses;
- **Primary homelessness:** people living without conventional accommodation (living in the streets, in deserted buildings, improvised dwellings, under bridges, in parks, etc.); and
- **Culturally recognised exceptions:** where it is inappropriate to apply the minimum standard, e.g. seminaries, gaols, student halls of residence.

The WA Strategy to End Homelessness (released 13 April 2018) states '**chronic homelessness**' as 'continuous homelessness for at least one year, or at least four episodes of homelessness in the last three years with a combined length of time of at least 12 months.' It is evident from consultation with the support services sector that there are people across each of the above definitions of homelessness within the City, however the exact numbers are hard to determine.

The provision of funding for direct service and accommodation is the remit of State and Federal Government. It is believed that working in partnership with the State Government as the lead agency, enables the development of sustainable longer term outcomes aimed at the prevention of homelessness and at reducing the number of people experiencing chronic homelessness.

On 4 December 2019, the State Government announced a \$71.8 million funding increase for homelessness services across the State. This includes an additional \$34.5 million set aside over five years for a Housing First Homelessness initiative (including rental subsidies) to extend successful housing-first collective impact approaches to new locations across Western Australia including Perth, Rockingham, Mandurah, Bunbury and Geraldton. This funding is in addition to the \$90m that the State Government spends on specialist homeless services.

The Housing First approach is based on the principle of providing a person experiencing chronic homelessness with access to permanent housing without any housing readiness requirements. The person is housed with relevant support services to be able to overcome complex histories (such as health, mental health, and alcohol and other drugs) by providing a homeless person with wraparound services to enable them to sustain permanent accommodation and connection back into the community. This model requires extensive wrap around support services to be successful.

Homelessness was identified in the Community Support Services Strategy 2017-2022 as a focus area for the support services sector. The strategy articulates a significant gap in Assertive Outreach Services and crisis and transitional accommodation within the City and surrounding local governments. In 2018, the City engaged a consultant to undertake a Community Support Services Mapping exercise to assist the City to understand service gaps in line with current and projected population data. This report indicated that homelessness was identified as a key issue and noted, the need for assertive outreach, wrap around services and emergency/crisis and transitional accommodation.

The City's role in responding to matters surrounding homelessness is to provide community sector coordination, advocacy, training, community prevention programs and referrals for individuals who request support and assistance.

The City developed a strategic leadership group in September 2019 involving key stakeholders at a decision making level to assist in advocating for, and influencing change to enhance services to respond to homelessness. This group is chaired by Department of Communities (DoC), Regional Executive Director, and has set three priorities being:

1. Data Collection
2. Assertive Outreach and wrap around support services
3. Accommodation

The City has taken a proactive approach on a local level in the homelessness space and currently provides the following support to the homeless sector:

- Community Support Sector coordination and leadership
- Administration support to Rockingham/Kwinana Homelessness Interagency Group

- Opportunities to connect communities/ individuals/ service providers / referrals
- Community education / awareness / events eg: Homelessness Week & Anti-Poverty Week
- Community grant funds and support for grant applications to other funding bodies
- Collaborative internal processes to manage illegal camping of homeless people
- Training for not-for-profit sector and volunteers
- Provision of resources e.g. homeless reference cards
- Advocacy
- Registry/headcount activities that enables data collection and analysis

The Rockingham/ Kwinana Homelessness Interagency network has identified a service gap in the provision of assertive outreach services in Rockingham, alongside crisis accommodation as the two priority areas. Currently the Salvation Army have employed 1.4 full time Assertive Outreach Workers over the past two years, made possible by funding received through the Western Australian Primary Health Alliance with a focus on Mental Health. Whilst this has enabled them to work with some street present people, it has not been the primary purpose of the funding which is due to conclude at the end of the 2019/2020 financial year. There is no dedicated homelessness specific outreach service in Rockingham although several volunteers have been providing this service in an unofficial capacity.

The City has recently coordinated a point in time headcount that was conducted on the night of Monday 16 March 2020. A point in time head count is not designed to gather any demographic data or personal circumstance information of individuals, rather to count the number of people seen to be sleeping rough in a selected area. This point in time count reported 45 people, some of whom were not sighted during the evening, but were known by the volunteers conducting the count to be in locations deemed unsafe to visit after dark. This data provides a baseline figure for Rockingham, however it must be noted that it only includes those experiencing primary and chronic homelessness.

#### **Assertive Outreach Program**

Best practice shows that an assertive outreach program should provide a minimum of two suitably trained outreach workers to engage directly with rough sleepers in the community. The outreach workers provide a flexible point of contact to help with housing support and specialised homelessness support services. A successful model of assertive outreach is purposeful, proactive and a persistent approach with the main goal being assisting those to end the cycle of homelessness and gain permanent accommodation and employment.

A successful model for Rockingham would require flexibility for the assertive outreach workers to work outside of regular business hours including weekends and nights due to the current limitation of afterhours support services. An effective outreach model must also have capacity to support people after they have been housed to ensure they have the skills and tools to maintain housing.

Through investigation with providers of assertive outreach it is estimated that the provision of the service would cost approximately \$300,000 per annum for two trained and qualified Assertive Outreach Workers (AOW) and that a three year service would be most effective. The provision of a fee for service model would be the preferred delivery mechanism for the City.

Whilst the City is aiming to take a proactive approach in this area it is still considered vital that the state government support the provision of this service by allocating funding to the fee for service model. Therefore, it is prudent to seek a 50% financial contribution from the state government to deliver this service as the area of homelessness is a state government responsibility.

If the City was unable to attract matching funds from the State Government then consideration should be given to delivering the fee for service model under a reduced scope.

#### **Sleepbus**

The Sleepbus concept was founded by Mr Simon Rowe in 2016 and is based in Melbourne, Victoria. Sleepbus re-purposes old buses and fits them out with 22 sleep pods to provide homeless people a safe and secure place to sleep. Sleepbus is owned and managed solely by Sleepbus. It is

funded by donations, and the formation of community partnerships, however the ownership of the bus remains with the founder of Sleepbus.

The cost of a Sleepbus is \$100K which breaks down to \$20k to purchase the vehicle, \$60K to fit it out as a Sleepbus and \$20K to cover the costs of volunteer training, insurances, road worthy certification and vehicle registration. The model is operated by two volunteers per shift with some support from a third party security company, for two hours for the on boarding of people to sleep at the beginning of the shift.

Sleepbus has operated on a trial basis in Melbourne for the period of 2017-2019, the operational hours are 8pm – 8am. During this trial, Sleepbus did not solely operate in one local government area and operated its services within City of Melbourne, City of Greater Geelong, City of Maribyrnong, City of Wyndham, City of Port Phillip and City of Mornington-Peninsula. Upon the City contacting each of the listed local government authorities (LGA's), all reported that no formalised permission was granted for Sleepbus to operate, however Sleepbus founder advised that the City of Melbourne acknowledged the risks to them, however granted a noncommittal 'verbal' ok' to test the service.

Sleepbus has not formalised any specific outcome measures for the service, however reports that it was able to provide 3122 safe sleeps over a two year period. During the trial the bus operated 3-4 nights per week due to funding constraints prohibiting a seven day per week service. Sleepbus does not intend to provide long term outcomes for people experiencing homelessness and stated that the service is frontline and provides safe sleeps only. The City has requested further information from Sleepbus regarding the trial, outcome measurements, sustainability of funding models, content of volunteers training and recruitment, risk management, and processes and procedures in relation to client selection and on board behaviour management. At the time of writing this report, Sleepbus have not as yet provided the City with the further information requested.

From the information provided, Officers believe it is sensible to give the concept of the Sleepbus further time to provide information, complete the trial reinforce statistical data collection, methodology and analysis outcomes. This will provide an opportunity to investigate the issues surrounding operations in public place with regard to required changes to local laws and longer term outcomes.

A good example of working with the State Government through the DoC was between the periods of August 2019 to January 2020. The City actively partnered with the DoC Project Officer - Homelessness, the Salvation Army, Rockingham Police and volunteer agencies to accommodate 22 people who were residing in Bushland adjacent to Ward Road.

While this partnership approach was successful, unfortunately many of these individuals are finding themselves back on the street, highlighting the urgent need for assertive outreach and case management for wrap around support services for homeless people in Rockingham. People who have experienced long term homelessness have complex needs and require ongoing support once appropriate accommodation is sourced. This project highlights the complexity of homelessness and the sometimes 'revolving door' of the issue. It is a long term and ongoing complex problem worldwide.

### Implications to Consider

#### a. Consultation with the Community

The City has and continues to undertake extensive consultation with key stakeholders in relation to homelessness. The Rockingham/Kwinana Homelessness Interagency Group has a membership comprising of 17 local agencies that are allocated some role in preventing or responding to people experiencing homelessness. These agencies include; Salvation Army, Coastal Districts Care, Anglicare WA, Housing Authority, WA Police, WA Homeless Advocate, Street Chaplains, The CREW, Western Australia Centre of Social Services (WACOSS), St Patricks Community Centre, Reclink, St Vinnies, MerceyCare, Orange Sky laundry, Street Doctors, SWAHP, Department of Communities, Office for Mark McGowan, Office of Madeline King.

The City also liaises with the community on an ongoing basis in relation to queries raised regarding homelessness.

**b. Consultation with Government Agencies**

Several meetings and ongoing communication has been held with DoC to gain a stronger understanding of the State Government's direction for the delivery timelines surrounding the funding announcement in December 2019.

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

**Strategic Objective:** *Community safety and support – Provide support to residents and visitors so they feel safe and secure at home and outdoors.*

**Community Support Services Strategy 2017-2020**

**Key Element One:** *Building an Effective, Accessible and Sustainable Sector*

*Provide governance support and leadership to the sector for collaborative or joined up approaches*

*Advocate for more affordable and social housing within the City.*

**d. Policy**

Nil

**e. Financial**

The total cost of the Homelessness Assertive Outreach program over a three year period is estimated at \$900,000. It is intended to advocate that the State Government provide 50% of this funding.

A minimum of \$150,000 per year would be required to offer a fee for service to an external provider to deliver a Homelessness Assertive Outreach Service.

**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**

Homelessness continues to be the subject of debate within the Rockingham community and although the amount of people considered as homeless could be seen as quite low the high visual profile of those 'sleeping rough', particularly around the Rockingham foreshore, leads it to being an ongoing contentious community issue.

Whilst the remit of homelessness is clearly a state and federal government responsibility the research undertaken by officers has shown the localised support of data collection and analysis coupled with the delivery of an assertive outreach program has beneficial outcomes for those experiencing homelessness.

The provision of accommodation and support services should remain a state government responsibility with federal government funding. The City could support relevant state government departments by providing information, data and feedback through the assertive outreach program to support infrastructure and support services delivery to help people get off the streets and into accommodation. It must be acknowledged that this is a long process and requires support from a



multitude of service providers including mental health, alcohol and other drug services, family and financial counselling and community re-engagement.

The City will be undertaking a registry activity during the 2020/21 financial year as a second step to the point in time headcount. This will provide a more in depth register of people experiencing homelessness in Rockingham and lead to the development of a 'By-name register' between agencies. It is intended that the assertive outreach model will be more effective supported by the By-name register to ensure that people do not slip between service system gaps during their transition in and out of accommodation and support services. This will provide longer term sustainable outcomes for individuals and provide more accurate data on the need for crisis accommodation, as well as the types of crisis accommodation needed e.g. singles, seniors, youth etc.

The implementation of a three year, fee for service contract, for the delivery of a local Assertive Outreach Service that includes the capability to case manage and support people in their transition to and within accommodation is a worthwhile initiative. It is anticipated that the three year timeframe will provide the opportunity for the state government to deliver a coordinated approach in relation to the delivery of the State Homelessness Strategy particularly around accommodation and support services located in the Rockingham, Kwinana or Mandurah area (southern districts).

From the information gathered and provided officers believe that the Sleepbus model does provide some people experiencing homelessness with a safe place to sleep, although it is a very temporary solution for its users. Relevant data has not been provided to indicate with any certainty if the Sleepbus has enabled people to transition from homelessness to permanent accommodation. The short term nature of the accommodation does not appear to be a solution that will greatly assist the issues Rockingham is facing for the long term. The concept of the Sleepbus should be deferred and reviewed as part of the new Community Support Services Strategy that is currently being developed for Council adoption in 2021.

It is interesting that even with the success of the Ward Road project that many of the 22 people are already back on the street. This can be attributed to the magnitude of issues including; none or limited wrap around support services to assist with transition from street to home, anti-social behaviours causing disturbances to other tenants in the complex and other homeless people staying with those housed causing disturbances. This is another example of the complexity surrounding the homelessness issue.

As the City continues to expand through ongoing population growth the issues of homelessness will continue to be experienced as it does with nearly all cities around the world. Whilst it is understood that taking a proactive local approach should support those experiencing homelessness it is apparent that the role of the state government is key to supporting the longer term solution through the provision of accommodation and the delivery of wrap around support services.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council:

1. **SUPPORTS** a three year assertive outreach fee for service contract to an amount of \$150,000 per annum, to be delivered by a suitability qualified and experienced not for profit agency and provides funding in the 2020/2021 – 2022/2023 budgets accordingly.
2. **DIRECTS** the Chief Executive Officer to write to the state government seeking financial support for the assertive outreach program
3. **ADVOCATES** to the state government to allocate one of the Common Ground models to be located within Rockingham, Kwinana or Mandurah local governments (with the south metropolitan region).

### Committee Recommendation

That Council:

1. **SUPPORTS** a three year assertive outreach fee for service contract to an amount of \$150,000 per annum, to be delivered by a suitability qualified and experienced not for profit agency and provides funding in the 2020/2021 – 2022/2023 budgets accordingly.
2. **DIRECTS** the Chief Executive Officer to write to the state government seeking financial support for the assertive outreach program
3. **ADVOCATES** to the state government to allocate one of the Common Ground models to be located within Rockingham, Kwinana or Mandurah local governments (with the south metropolitan region).

Committee Voting (Carried) –3/2  
(Crs Davies and 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

### Alternate Motion

Cr Cottam proposed the following Alternate Motion:

That Council –

1. **SUPPORTS** a three year assertive outreach fee for service contract to an amount of \$150,000 per annum, to be delivered by a suitability qualified and experienced not for profit agency and provides funding in the 2020/2021 – 2022/2023 budgets accordingly;
2. **DIRECTS** the Chief Executive Officer to write to the state government seeking financial support for the assertive outreach program;
3. **ADVOCATES** to the state government to allocate one of the Common Ground models to be located within Rockingham, Kwinana or Mandurah local governments (with the south metropolitan region);
4. **DIRECTS** the CEO to investigate land to be used as campgrounds with showers and toilets and report to Council in August 2020; and
5. **ENCOURAGES** the City of Rockingham's participation in the St Vinnies CEO Sleepout 2020.

### Reason for Alternate Motion

I believe we have more power to solve this issue at a local level before it exasperates and further marginalises our vulnerable. As I'm talking to mob on the streets, it sickens me hearing that the majority of homeless here, were once ratepayers.

We have no short to mid term accommodation and no long term accommodation. We are in a national crisis and the gap is getting bigger.

While the proposed alternate provides the City the means to pursue the assertive outreach programme, it also opens the opportunity for the City to investigate the capacity for Rockingham to host a campground with facilities that provides a short-term relief for the homeless.

### Implications to Consider

**a. Consultation with the Community**

Extensive community consultation would be required if undertaking the proposed investigation of campgrounds

**b. Consultation with Government Agencies**

State government and the not for profit sector would need to be consulted if undertaking the proposed investigation of campgrounds

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

**d. Policy**

Nil

**e. Financial**

There would be a cost associated with Officer time to undertake the investigation including costs to undertake community consultation.

**f. Legal and Statutory**

Nil

**g. Risk**

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

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

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

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

Nil

### Officer Comment on Alternate Motion

There has been a substantial body of work undertaken over a significant period of time on homelessness by way of discussion papers and councillor engagement sessions and to commence another investigation into land to be used as camp grounds is not supported. Camping grounds are in affect a form of accommodation and as has been stated repeatedly accommodation for those experiencing homelessness is the remit of the state government.

The development of a camp ground goes against all recommendations from both the State Government's 10 Year Strategy 10 on Homelessness and City's Community Support Services Strategy.

The latest information from the State Government is that \$34.5 million has been set aside over five years for a Housing First Homelessness initiative (including rental subsidies) to extend successful housing-first collective impact approaches to new locations across Western Australia including Perth, Rockingham, Mandurah, Bunbury and Geraldton. The housing first model is based on long term private accommodation without any housing readiness requirements, but supported by Assertive Outreach Workers to provide wrap around services to enable them to sustain permanent accommodation.

All of the research completed by City Officers and consultation provided from the sector clearly shows that camp grounds do not work and as such would not be a good use of officer time to warrant further investigation.

The City through the Community Grants Program (CGP) has distributed \$85,200 in the last two months to emergency relief providers with two applications receiving funding for short term accommodation vouchers to the value of \$5,200. The funding can be used to purchase short to mid-term accommodation vouchers for individuals to get off the street and transition to longer term accommodation. There is also the provision of crisis and temporary accommodation available in Perth and Fremantle that people can access.

The St Vincent's CEO Sleepout 2020, will be held on Thursday 18 June and is a national event aimed at CEO's, business owners, government leaders and the community to sleep outdoors to support those experiencing homelessness or at risk of homelessness. This event is a fundraising and awareness raising campaign to provide essential services for those sleeping rough. Due to COVID-19 restrictions, this year's sleep out will be adapted to a live broadcast from 5.30pm, with participants sleeping on their own couch, in their own back yard or in their own car for the night.

Any person (residing in the City or not) who fits the criteria as set by 'St Vinnies Sleepout' can attend the event as this is not a localised event that directly supports local agencies.

St Vincent's Rockingham is one of many charitable organisations that provides support to vulnerable communities including those experiencing homeless in Rockingham. They have been successful in securing funding from the City through the CGP and there are many organisations in Rockingham and surrounds undertaking fundraising initiatives designed to support the delivery of their operations over the year.

Therefore, this Alternate Motion is not supported.

#### Officer Recommendation

1. **SUPPORTS** a three year assertive outreach fee for service contract to an amount of \$150,000 per annum, to be delivered by a suitability qualified and experienced not for profit agency and provides funding in the 2020/2021 – 2022/2023 budgets accordingly.
2. **DIRECTS** the Chief Executive Officer to write to the state government seeking financial support for the assertive outreach program.
3. **ADVOCATES** to the state government to allocate one of the Common Ground models to be located within Rockingham, Kwinana or Mandurah local governments (with the south metropolitan region).

#### Council Resolution

**Moved Cr Cottam, seconded Cr Whitfield:**

That Council –

1. **SUPPORTS** a three year assertive outreach fee for service contract to an amount of \$150,000 per annum, to be delivered by a suitability qualified and experienced not for profit agency and provides funding in the 2020/2021 – 2022/2023 budgets accordingly;
2. **DIRECTS** the Chief Executive Officer to write to the state government seeking financial support for the assertive outreach program;
3. **ADVOCATES** to the state government to allocate one of the Common Ground models to be located within Rockingham, Kwinana or Mandurah local governments (with the south metropolitan region);
4. **DIRECTS** the CEO to investigate land to be used as campgrounds with showers and toilets and report to Council in August 2020; and
5. **ENCOURAGES** the City of Rockingham's participation in the St Vinnies CEO Sleepout 2020.

**Carried – 7/4**

**Councillors having voted for the motion:**

Cr Cottam                      Cr Whitfield  
Cr Buchan                    Cr Edwards  
Cr Jones                      Cr Davies  
Cr Buchanan

**Councillors having voted against the motion:**

Cr Sammels                  Cr Stewart  
Cr Liley                      Cr Hamblin

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

Not Applicable

**7:29pm Cr Jones left the meeting.**

<b>14.</b>	<b>Receipt of Information Bulletin</b>
	<p><b>Moved Cr Buchan, seconded Cr Stewart:</b></p> <p>That Council <b>RECEIVES</b> the Information Bulletin as follows:</p> <ol style="list-style-type: none"><li>1. Planning and Development Services Bulletin – May 2020;</li><li>2. Engineering and Parks Services Bulletin – May 2020;</li><li>3. Corporate and General Management Services Bulletin - May 2020; and</li><li>4. Community Development Bulletin – May 2020.</li></ol> <p style="text-align: right;"><b>Carried – 10/0</b></p>

**15. Report of Mayor**

**City of Rockingham  
Mayor's Report**



<b>Reference No &amp; Subject:</b>	<b>MR-005/20</b>	<b>Meetings and Functions Attended by the Mayor and Deputy Mayor</b>
File No:	GOV/85	
Proponent/s:	City of Rockingham	
Author:	Cr Barry Sammels, Mayor	
Other Contributors:	Cr Deb Hamblin, Deputy Mayor	
Date of Council Meeting:	26 May 2020	
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 29 April 2020 to 26 May 2020.

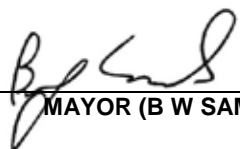
**Background**

Nil

**Details**

Date	Meeting/Function
29 April 2020	Brand Community Cabinet Weekly Teleconference
5 May 2020	Brand Community Cabinet Weekly Teleconference
6 May 2020	Radio interview
12 May 2020	Brand Community Cabinet Weekly Teleconference Councillor Engagement Session
19 May 2020	Coast FM Radio Interview and Update Brand Community Cabinet Weekly Teleconference
20 May 2020	Local Recovery Group briefing
21 May 2020	Local Recovery Coordination Group meeting
26 May 2020	Brand Community Cabinet Weekly Teleconference Council meeting

Confirmed at a Council meeting held  
on Tuesday 23 June 2020

  
MAYOR (B W SAMMELS)



### 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 29 April 2020 to 26 May 2020.

### Council Resolution

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

That Council **RECEIVES** the Mayor's Report for the period 29 April 2020 to 26 May 2020.

**Carried – 10/0**

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

Not Applicable

16.	Reports of Councillors
	Nil
17.	Reports of Officers

General Management Services Governance and Councillor Support		
Reference No & Subject:	GM-013/20	Proposed Council Policy – Recording and Streaming Council Meetings (Re-submitted)
File No:	GOV/7	
Proponent/s:		
Author:	Ms Tamara Clarkson, Project Officer	
Other Contributors:	Mr Peter Varris, Manager Governance and Councillor Support Mr Michael Parker, Chief Executive Officer	
Date of Council Meeting:	26 May 2020	
Previously before Council:	25 August 2015 (GMS-011/15), 22 May 2018 (GM-013/18), 20 November 2018 (GM-042/18), 10 December 2019 (GM-033/19), 24 March 2020 (GM-010/20 item deferred)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:		
Maps/Diagrams:		

### Purpose of Report

To consider a draft Council Policy to establish protocols for the streaming and recording of Council meetings, prior to seeking public comment on the policy proposal in accordance with Council's Policy Framework.

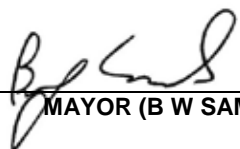
### Background

At its meeting in December 2019, Council resolved the following -

*That Council:*

1. **SUPPORTS** audio and video recording of Council meetings, including live-streaming; and
2. **DIRECTS** the CEO to prepare a draft policy within three months that supports and allows audio and video recordings of Council meetings, including live-streaming.

Confirmed at a Council meeting held  
on Tuesday 23 June 2020

  
MAYOR (B W SAMMELS)

At its meeting in March 2020 due to unprecedented challenges of COVID-19, Council resolved the following –

*That Council **DEFERS** consideration of Agenda Item GM-010/20 Proposed Council Policy – Recording and Streaming Council Meetings.*

This report provides the policy arrangements proposed to address the Council resolution and to appropriately introduce streaming and recording of Council meetings.

## Details

The matter of livestreaming and recording Council meetings has been the subject of three previous reports to Council. The challenges of streaming or recording the meetings have been addressed comprehensively in those reports. These include –

- Legal risks of defamation;
- Need to clearly identify speakers;
- Potential victimisation of elected members, officers and members of the public for their stated and recorded views;
- Management of recordings and copyright;
- Requirement for training;
- Quality of recording;
- Cost and resources required for recording;
- The requirement for appropriate policy implementation.

The policy of several local governments have been researched with a view of developing a 'best fit' to accommodate the City of Rockingham's circumstances.

The draft policy addresses the following provisions–

- Recording and streaming of ordinary and special Council meetings only.
- Confidential matters (as per section 5.23(2) the Local Government Act 1995) excluded.
- Streamed via the City's website.
- Signage at the meeting advising that recording/streaming in operation.
- Advisory notes in agenda noting recording/streaming environment.
- Announcement made at meeting of recording/streaming environment.
- Presiding member can direct that recording/streaming to cease. (Standing Order provisions apply.)
- Cameras not positioned to record members of the public.
- Public Question Time, deputations and periods of adjournment not recorded.
- Recordings retained for a period of 12 months.
- Training made available for Councillors and City officers.
- Copyright applies and all rights remain with the City. Copying or distribution by other parties prohibited without written consent of the City.
- Inclusion of disclaimer advising not to act on recording or statements of individuals and that statements made may be subject to the rules of defamation and legislation.
- Executive policy and procedure to be established to ensure that recording and streaming is carried out in accordance with Council's policy parameters and appropriate resources of the City are allocated accordingly.

## Implications to Consider

### a. Consultation with the Community

Council's Policy Framework states that general Council policy is to undergo a public consultation process of a minimum 14 calendar days.

### b. Consultation with Government Agencies

A number of Western Australian local governments were contacted in respect to their approach to live streaming and recording of council meetings.

**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**

In accordance with Council's Policy Framework, the draft Council Policy will be subject to a public consultation period. Any submissions received will be presented to Council for consideration prior to final adoption of the policy.

**e. Financial**

The cost of advertising the draft Council Policy will be sourced from the Governance and Councillor Support Team advertising budget. Advertising is anticipated to cost less than \$1,000.

**f. Legal and Statutory**

Section 5.23 of the *Local Government Act 1995* states that (with some exceptions) all Council Meetings are to be open to the public.

Clause 8.5 of the City of Rockingham Standing Orders Local Law 2001 provides that no person is to use a visual or vocal recording device or instrument to record the proceedings of Council without written permission of Council. The adoption of this policy would constitute the Council's written permission for the CEO to record the meeting.

**g. Risk**

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

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

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

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

Nil

**Comments**

The draft Council Policy addresses the overarching framework for audio and video recording and live streaming of Council meetings and outlines how the recordings will be used and made available.

As has been previously identified, the Council Chamber is due for a refurbishment. The City is awaiting the outcomes of the Accommodation Feasibility Study as identified in a report to Council in December 2019. Any refurbishment of the Chambers would focus on increasing the usability of the venue, making it more multifunctional. Elements would include an upgrade of sound proofing, seating arrangements, more appropriate security, accessibility for people with disabilities, integrating the ability to hold Committee meetings and other similar meetings, and technology upgrades to allow presentations.

It would be prudent to implement recording/streaming once the outcomes of the Accommodation Feasibility Study are known (due for completion 2020), potentially harnessing economies of scale with any refurbishment (or relocation of meeting venue). Once adopted, the policy will guide the City in the implementation of the recording/streaming environment.

Should the draft be supported by Council, the policy will be advertised inviting submissions from the public. Any submissions received will be addressed in a further report to Council recommending final policy adoption.

## Voting Requirements

Simple Majority

## Officer Recommendation

That Council **APPROVES** the draft Council Policy, "*Recording and Streaming Council Meetings*" for the purpose of public consultation –

### Recording and Streaming Council Meetings

#### Council Policy Objective

To provide the requirements for the audio and video recording and live streaming of Council Meetings and establish how the recordings may be used and made available.

This policy seeks to promote greater access for the community to the Council decision making process.

#### Council Policy Scope

This policy applies to all Ordinary and Special Council Meetings held in the Council Chambers.

#### Council Policy Statement

##### Recording and Streaming

Ordinary and Special Council Meetings must be streamed online via the City's website, with the exception of confidential items in accordance with Section 5.23 of the *Local Government Act 1995* and periods of adjournment or as determined by the Presiding Member.

Signage must be displayed notifying attendees that the meeting is audio and video recorded and live streamed.

The Presiding Member must ensure an announcement is made at the start of every meeting stating -

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

Council Meetings are streamed live on the internet in accordance with the City's Policy – Recording and Streaming Council Meetings. By being present at this meeting, members of the public consent to the possibility that their image and voice may be live streamed to 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."

The Presiding Member may authorise, at their discretion, streaming to cease at any time subject to the Standing Orders.

Cameras are positioned so that images of the public gallery will not be captured. Public question time and deputations must not be streamed or recorded. The audio and video recording of the meeting must be made available on the City's website as soon as practicable after meeting conclusion.

All recordings must be retained as a City's records in accordance with the *State Records Act 2000* for a period of one year.

### **Other matters**

Under the *Copyright Act 1968*, the City reserves all rights in relation to its copyright of the web stream and recording. Copying or distribution of any part of the web stream or recording is not permitted. City of Rockingham prohibits any reproduction, distribution, republication and/or retransmission of Council meeting audio and video recordings without prior written consent of the City.

The official record of the meeting is the adopted minutes of that meeting kept in accordance with the Act. People should avoid acting on a recording and await the official notification from the City on a decision made at a Council meeting.

Opinions expressed or statements made by persons during the course of Council Meetings, and contained within video and audio recording, are the opinions or statements of those individual persons, and are not necessarily opinions or statements of the City.

Attendance at Council meetings do not provide Councillors, staff or members of the public with Absolute Privilege and comments may be subject to the rule of defamation and legislation.

Appropriate training is to be made available to Councillors and City Officers on public speaking and presenting in a recorded environment.

### **Executive Policy and Procedures**

The Chief Executive Officer is to maintain relevant Executive Policies and / or Procedures to ensure streaming and audio and video recording is operated effectively in accordance with Statutory and Council Policy Requirements.

### **Definitions**

Absolute Privilege – An absolute defense to an otherwise defamatory statement because of the venue or context in which the statement was made.

Presiding Member - The person who is the presiding member of a council.

### **Legislation**

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

*State Records Act 2000*

*Copyright Act 1968*

### **Other Relevant Policies/ Key Documents**

City of Rockingham Standing Orders Local Law 2001

Code of Conduct

### **Responsible Division**

General Management Services

### **Review Date**

Xxx 2023

### **Alternate Motion**

Cr Buchan proposed the following Alternate Motion:

That Council -

1. **APPROVES** the draft Council Policy – “Recording and Streaming of Council meetings” for the purpose of public consultation; and
2. **APPROVES** the implementation of the policy ‘as is’ as an interim measure for any recording made during the current public health emergency –

## **Recording and Streaming Council Meetings**

### **Council Policy Objective**

To provide the requirements for the audio and video recording and live streaming of Council Meetings and establish how the recordings may be used and made available.

This policy seeks to promote greater access for the community to the Council decision making process.

### **Council Policy Scope**

This policy applies to all Ordinary and Special Council Meetings held in the Council Chambers.

### **Council Policy Statement**

#### **Recording and Streaming**

Ordinary and Special Council Meetings must be streamed online via the City's website, with the exception of confidential items in accordance with Section 5.23 of the *Local Government Act 1995* and periods of adjournment or as determined by the Presiding Member.

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Public question time and deputations will not be recorded."

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All recordings must be retained as a City's records in accordance with the *State Records Act 2000* for a period of one year.

#### **Other matters**

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Attendance at Council meetings do not provide Councillors, staff or members of the public with Absolute Privilege and comments may be subject to the rule of defamation and legislation.

Appropriate training is to be made available to Councillors and City Officers on public speaking and presenting in a recorded environment.

#### **Executive Policy and Procedures**

The Chief Executive Officer is to maintain relevant Executive Policies and / or Procedures to ensure streaming and audio and video recording is operated effectively in accordance with Statutory and Council Policy Requirements.

#### **Definitions**

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#### **Responsible Division**

General Management Services

#### **Review Date**

Xxx 2023

#### **Reason for Alternate Motion**

The attendance of the public is an important transparency element for Council decision making, however members of the public have not been able to attend Council meetings either in-person or electronically during the current coronavirus public health emergency.

The electronic meeting process used by the City provides the capacity for the Council meeting to be recorded and I am seeking Council permission to record the meeting and the draft policy to be used to guide the City in publishing the recording for access by the public.

#### **Implications to Consider**

**a. Consultation with the Community**

The draft policy will be made available for public submissions in accordance with the Policy Framework.

**b. Consultation with Government Agencies**

Not applicable.

**c. Strategic**

Community Plan

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

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

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

**d. Policy**

In accordance with Council's Policy Framework, the draft Council Policy will be subject to a public consultation period. Any submissions received will be presented to Council for consideration prior to final adoption of the policy

**e. Financial**

The cost of publishing of any recording will be accommodated from within existing budget provisions.

**f. Legal and Statutory**

Section 5.23 of the Local Government Act 1995 states that (with some exceptions) all Council Meetings are to be open to the public.

Clause 8.5 of the City of Rockingham Standing Orders Local Law 2001 provides that no person is to use a visual or vocal recording device or instrument to record the proceedings of Council without written permission of Council.

**g. Risk**

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

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

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

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

Nil

**Officer Comment on Alternate Motion**

The application of the draft policy for any recordings of Council meetings made during the current public health emergency is supported.

**Officer Recommendation**

That Council -

1. **APPROVES** the draft Council Policy – "Recording and Streaming of Council meetings" for the purpose of public consultation; and
2. **APPROVES** the implementation of the policy 'as is' as an interim measure for any recording made during the current public health emergency –

**Recording and Streaming Council Meetings**

**Council Policy Objective**

To provide the requirements for the audio and video recording and live streaming of Council Meetings and establish how the recordings may be used and made available.

This policy seeks to promote greater access for the community to the Council decision making process.

## **Council Policy Scope**

This policy applies to all Ordinary and Special Council Meetings held in the Council Chambers.

## **Council Policy Statement**

### **Recording and Streaming**

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Code of Conduct

### **Responsible Division**

General Management Services

### **Review Date**

Xxx 2023

## **Council Resolution**

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

That Council -

1. **APPROVES** the draft Council Policy – “Recording and Streaming of Council meetings” for the purpose of public consultation; and
2. **APPROVES** the implementation of the policy ‘as is’ as an interim measure for any recording made during the current public health emergency –

## **Recording and Streaming Council Meetings**

### **Council Policy Objective**

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City of Rockingham Standing Orders Local Law 2001

Code of Conduct

### **Responsible Division**

General Management Services

### **Review Date**

Xxx 2023

**Carried – 10/0**

### **The Council's Reason for Varying the Officer'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>
	<p><b>7:33pm The Mayor identified one Notice of Motion for consideration at the June 2020 Council meeting.</b></p> <p>In accordance with Clause 3.9 of the City of Rockingham Standing Orders, Cr Edwards has submitted the following Notice of Motion for consideration at the June 2020 meeting:</p> <p><i>"That Council:</i></p> <ol style="list-style-type: none"><li><b>1. APPROVES</b> the concept of installing lockers for homeless persons to store belongings at an identified location with Rockingham.</li><li><b>2. DIRECTS</b> the Chief Executive Officer to find a suitable location to install lockers (preferably with CCTV), with a management plan for their operation as a priority project.</li><li><b>3. APPROVES</b> upgrading one public shower in Rockingham (preferably in close proximity to the lockers), to include hot water.</li><li><b>4. DIRECTS</b> the Chief Executive Officer to locate a suitable existing public shower in Rockingham, upgrade the facility to include hot water and implement a management plan for the operation of the facility as a priority project."</li></ol>
<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 23 June 2020</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>7:34pm</b> .