City of Rockingham

MINUTES

Planning and Engineering Services Committee Meeting

Held on Monday 19 October 2020 at 4:00pm
City of Rockingham Council Chambers

City of Rockingham
where the coast comes to life

City of Rockingham
Planning and Engineering Services Committee Minutes
Monday 19 October 2020

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Confirmed at a Planning and Engineering Services Committee meeting held on Monday 16 November 2020

Presiding Member

City of Rockingham
Planning and Engineering Services Committee Minutes
Monday 19 October 2020 - Council Boardroom

1. Declaration of Opening

The Chairperson declared the Planning and Engineering Services Committee meeting open at **4:00pm**, welcomed all present, and referred to the Acknowledgement of Country.

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

2.1 Councillors

Cr Mark Jones	Chairperson
Cr Hayley Edwards	
Cr Matthew Whitfield	
Cr Lorna Buchan	
Cr Deb Hamblin (Deputy Mayor)	

2.2 Executive

Mr Michael Parker	Chief Executive Officer
Mr Bob Jeans	Director Planning and Development Services
Mr Peter Doherty	Director Legal Services and General Counsel
Mr Manoj Barua	A/Director Engineering and Parks Services
Mr Brett Ashby	Manager Strategic Planning and Environment
Mr James Henson	Manager Land and Development Infrastructure
Mr Mike Ross	Manager Statutory Planning
Mrs Erica King	Manager Health and Building Services
Mr David Caporn	Manager Compliance and Emergency Liaison
Mr Peter Varris	Manager Governance and Councillor Support
Ms Cassie Strebel	Coordinator Building Services
Ms Emma Lambert	Coordinator Health Services
Ms Melinda Wellburn	EA to Director Planning and Development Services

2.3 Members of the Gallery: 1

2.4 Apologies: Nil

2.5 Approved Leave of Absence: Nil

3. Responses to Previous Public Questions Taken on Notice

Nil

4. Public Question Time

4:01pm **The Chairperson opened Public Question Time and invited members of the Public Gallery to ask questions. The Chairperson noted that this was the only opportunity in the meeting for the public to ask questions.**

4.1 Mr James Mumme, Shoalwater - Various

The Chairperson invited Mr Mumme to present his questions to the Planning and Engineering Services Committee. Mr Mumme asked the following questions:

Feral Animal Control Program. Congratulations on this effort.

1. Why is Shoalwater/Waikiki Foreshore Reserve not included in the list of reserves to be prioritised?

The Chairperson advised that his Notice of Motion specifically identified the Rockingham Lakes Regional Park as he is the Council's representative on the Rockingham Lakes Regional Park Community Advisory Committee, and it was a request made by that Committee. Through this process, provisions can be included in the Local Law to prohibit cats on nominated reserves within the City.

2. What actions to implement this program does Council think will be most effective at both keeping the community on side with the intent of the program and keeping cats out of those reserves?

The Chairperson advised that the question will be taken on notice.

3. Does Council know what DBCA is committing to cat control in their reserves?

The Chairperson advised that he is aware that the Friends of Paganoni Swamp receive grant funds for feral cat controls, however, was unsure of what other groups receive funds.

Strategic P&E Monthly Team summary re decline in thrombolite growth. I see that the first two actions are taking soil samples and assessing how thrombolites respond to exposure to artificially modified lake water.

4. How much money has been budgeted for these two actions and in what budget?

Mr Brett Ashby, Manager Strategic Planning and Environment advised that the City has $51,000 allocated in the 2020/2021 budget.

5. What will be the next actions to be identified and when will they be scheduled?

Mr Brett Ashby, Manager Strategic Planning and Environment advised that next actions will be confirmed once the results of the water testing have been received.

Palm Beach Drainage. This is puzzling -

6. What is the expected cost of using CCTV to help to identify where drainage issues occur?

Mr Manoj Barua, Acting Director Engineering and Parks Services advised that it is an insignificant cost.

7. Why is the City proposing to use CCTV for this purpose when surely it would be obvious from pools on roadways and reports from residents where the problems are at no cost?

8. Why is the City reviewing the whole drainage network in this area at this point while currently drainage installations are being done along Parkin?

Mr Manoj Barua, Acting Director Engineering and Parks Services advised that Parkin Street is only one intersection in the drainage network and only resolves the drainage issue for that intersection. CCTV inspection is an integral part of the drainage network investigation. Through the use of CCTV, the City can identify blockages, damage to pipelines, etc in the whole catchment.

The use of CCTV is a small cost compared to a drainage upgrade project.

9. So does the CCTV actually go inside the pipeline?

Mr Manoj Barua, Acting Director Engineering and Parks Services advised that it does.

10. Where currently does the stormwater go to?

Mr Manoj Barua, Acting Director Engineering and Parks Services advised that the pipeline runs along Bell Street and out into the ocean.

The report states Delivery of critical drainage upgrade projects and increased maintenance of the network is benefiting the community as no flood has been reported in recent storms. I respectfully point out that rainfall recently has decreased below average and falls have not been heavy so of course there have been no floods recently.

Boat Ramps at Port Kennedy. I am shocked at the estimate for cost options both capital costs (from $2.1 to 10.1M) and ongoing costs for what has been determined to be a 'possible' extension. I'd respectfully submit that what engineers say is possible is not necessary desirable from financial or environmental or social points of view.

11. What assessment has been conducted into the environmental feasibility of groynes for these boat ramps, (particularly disruption of natural sand transport), and, if any such assessment has been done, what are the results?

Mr Manoj Barua, Acting Director Engineering and Parks Services advised that it is a feasibility study only at this stage, to ascertain whether an extension is possible at all and what the key constraints are the City needs to be aware of if it decides to proceed with the extension. The feasibility study undertook preliminary investigation about sand movement due to the breakwaters and associated future maintenance cost, however, further detailed analysis including environmental investigation will be undertaken as part of the detailed design of any future extension.

12. What investigation has been conducted into charging users of current and proposed boat ramps?

Mr Michael Parker, Chief Executive Officer noted that the 'user pays' principle is a philosophical argument and advised that boating facilities receive State funding towards infrastructure upgrades. He advised that the City currently charges a small amount for the use of green spaces within the City but not, for example, the use of City libraries or car parking areas. Although other local governments may charge a fee for use of their boating facilities, the City has not investigated fees and charges for the use of its boat ramps at this stage.

4:14pm **There being no further questions the Chairperson closed Public Question Time.**

5. Confirmation of Minutes of the Previous Meeting

Moved Cr Whitfield, seconded Cr Hamblin:

That Committee ***CONFIRMS*** the Minutes of the Planning and Engineering Services Committee meeting held on 14 September 2020, as a true and accurate record.

Committee Voting (Carried) - 5/0

6. Matters Arising from the Previous Minutes

Nil

7. Announcement by the Presiding Person without Discussion

4:15pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.

8.	**Declarations of Members and Officers Interests**
	4:15pm The Chairperson asked if there were any interests to declare. There were none.
9.	**Petitions/Deputations/Presentations/Submissions**
	Nil
10.	**Matters for which the Meeting may be Closed**
	Nil
11.	**Bulletin Items**
	Planning and Development Services Information Bulletin - October 2020 **Health Services** 1. Health Services Team Overview 2. Human Resource Update 3. Project Status Reports 3.1 FoodSafe 3.2 Industrial and Commercial Waste Monitoring 3.3 Mosquito Control Program 3.4 Environmental Waters Sampling 3.5 Food Sampling 4. Information Items 4.1 Food Recalls 4.2 Food Premises Inspections 4.3 Public Building Inspections 4.4 Outdoor Event Approvals 4.5 Permit Approvals 4.6 Complaint - Information 4.7 Noise Complaints – Detailed Information 4.8 Health Approvals 4.9 Septic Tank Applications 4.10 Demolitions 4.11 Swimming Pool and Drinking Water Samples 4.12 Rabbit Processing 4.13 Hairdressing and Skin Penetration Premises **Building Services** 1. Building Services Team Overview 2. Human Resource Update 3. Project Status Reports 4. Information Items 4.1 Monthly Building Permit Approvals - (All Building Types) 4.2 Other Permits 4.3 Monthly Caravan Park Site Approvals **Compliance and Emergency Liaison** 1. Compliance and Emergency Liaison Team Overview 2. Human Resource Update 3. Project Status Reports 4. Information Items

4.1 Ranger Services Action Reports
4.2 Building and Development Compliance
4.3 Emergency Management - CRMs - September 2020
4.4 Fire Management Plans
4.5 Prescribed Burning
4.6 Disaster Resilience Workshop
4.7 Evacuation Centre Activation Exercise
4.8 SmartWatch Key Result Areas

Strategic Planning and Environment

1. Strategic Planning and Environment Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Local Planning Strategy
     - 3.1.1 Sustainable Transport Plan
     - 3.1.2 Environmental Planning Strategy
   - 3.2 Baldivis Tramway Environmental Assessment
   - 3.3 Lake Richmond Management Plan Implementation
   - 3.4 Coastal Hazard Risk Management and Adaptation Plan - Implementation
   - 3.5 Karnup District Structure Plan
4. Information Items
   - 4.1 Structure Plan Assessment Status

Land and Development Infrastructure

1. Land and Development Infrastructure Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Managed Aquifer Recharge (MAR) - Feasibility Study
4. Information Items
   - 4.1 Referrals
   - 4.2 Delegated Land and Development Infrastructure Assets Approvals
   - 4.3 Handover of Subdivisional Roads
   - 4.4 Delegated Subdivision Engineering and Public Open Space Practical Completions
   - 4.5 Delegated Authority to Approve the Release of Bonds for Private Subdivisional Works

Statutory Planning

1. Statutory Planning Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Pedestrian Access Way Strategy Review
   - 3.2 Conservation Plan fmr Roads Board Museum
   - 3.3 Review of Planning Policy 3.3.1 - Control of Advertisements
4. Information Items
   - 4.1 Subdivision/Development Approval and Refusals by the WAPC
   - 4.2 Notifications and Gazettals
   - 4.3 Subdivision Clearances
   - 4.4 Subdivision Survey Approvals
   - 4.5 Subdivision Lot Production
   - 4.6 Delegated Development Approvals
   - 4.7 Delegated Development Refusals
   - 4.8 Delegated Building Envelope Variations

	4.9 Subdivision/Amalgamation Approved 4.10 Strata Plans 4.11 Subdivision/Amalgamation Refused **Planning and Development Directorate** 1. Planning and Development Directorate Team Overview 2. Human Resource Update 3. Project Status Reports 3.1 Rockingham Primary Centre, Centre Plan Implementation (LUP/137-08) 3.2 Design Review Panel (LUP/2094) 4. Information Items **Advisory Committee Minutes**

Committee Recommendation

Moved Cr Buchan, seconded Cr Hamblin:

That Councillors acknowledge having read the Planning Services Information Bulletin - October 2020 and the content be accepted.

Committee Voting (Carried) - 5/0

	Engineering and Parks Services Information Bulletin - October 2020 **Engineering and Parks Services Directorate** 1. Engineering and Parks Services Directorate Team Overview 2. Human Resource Update 3. Project Status Reports 4. Information Items 4.1 Bushfire Risk **Asset Services** 1. Asset Services Team Overview 2. Human Resource Update 3. Project Status Reports 3.1 Drainage Condition Audit 3.2 Drainage Catchment Survey Audit 3.3 Road Reserve Condition Audit 3.4 Reserve Electrical Asset Mapping 4. Information Items 4.1 Asset Maintenance Team 4.2 Asset Maintenance - Buildings 4.3 Asset Maintenance – Reserves 4.4 Strategic Asset Management **Infrastructure Project Delivery** 1. Infrastructure Project Delivery Team Overview 2. Human Resource Update 3. Project Status Reports 4. Information Items 4.1 Amadeus Crescent Reserve – Footbridge minor works 4.2 Aqua Jetty, Warnbro – 25m and 50m Pool Refurbishment 4.3 Aqua Jetty, Warnbro – Replacing car park lighting 4.4 Eighty Road (Safety Bay Road to Tranby Drive), Baldivis - Upgrade & Widen 4.5 Georgetown Drive Reserve - Replace & relocate basketball court and seats 4.6 Installation of LED lighting at Mike Barnett Sports Complex

4.7 Installation of LED video wall at Mike Barnett Sports Complex
4.8 Installation of new Barbeque - Lagoon Reserve, Secret Harbour
4.9 Lake Richmond, Shoalwater - Red Asphalt and Concrete Footpath
4.10 Lark Hill Sporting Complex Hockey Field Light Pole & Luminaire Replacement, Port Kennedy
4.11 Lark Hill Sporting Complex Hockey Turf Replacement, Port Kennedy
4.12 Mandurah Road (Kerosene Lane to Fifty Road), Baldivis - Construct 1.5m Wide Asphalt Shoulders
4.13 Palm Beach, Rockingham - Drainage Upgrade (Stage 2)
4.14 Parkin Street / Bay View Street, Rockingham - Install Roundabout
4.15 Photovoltaic (PV) Arrays (Solar Panels)
4.16 Playground Replacements 2020-2021
4.17 Port Kennedy Community Centre, Port Kennedy - Switchboard & Building Upgrades
4.18 Read Street / Gnangara Drive, Waikiki - Drainage Upgrade
4.19 Read Street / Rae Road, Rockingham - Extend Right Turn Pockets
4.20 Refurbishment of public toilets - various locations
4.21 Replacement of shower & drink fountains- Catalpa Reserve and Emerald Park, Rockingham
4.22 Replacement of existing Barbeques- Tuart Park, Secret Harbour
4.23 Replacement of existing Barbeque- St Raphael Reserve, Port Kennedy
4.24 Rockingham Aquatic Centre, Rockingham - Various Works
4.25 Rockingham Council Administration Building - Square Building, Rockingham - Disability Compliance Upgrades and Refurbishments
4.26 Rockingham Council Administration Building, Rockingham - Disability Compliance Upgrades and Refurbishments to Toilets & Kitchenettes
4.27 Rockingham Council Depot, Rockingham - Minor Refurbishment Works & Shed Replacements
4.28 Rockingham Gem Club, Rockingham - Refurbishment Works
4.29 Safety Bay Bowling Club - Switchboard upgrade
4.30 Safety Bay Road, Safety Bay - Pedestrian Islands
4.31 Secret Harbour - Street lighting upgrade
4.32 Supply and Installation of Five Aluminium Shade Shelters - Lagoon Reserve, Secret Harbour
4.33 Supply and Installation of New Shade Sails in various Reserves
4.34 Warnbro Sound Avenue, Warnbro - Bus Embayments

Parks Services

1. Parks Services Team Overview
2. Human Resource Update
3. Project Status Reports
4. Information Items
   - 4.1 Corella management - Safety Bay Foreshore
   - 4.2 Delegated Public Open Space Handovers
   - 4.3 Removal of feature log - Tuart Park, Secret Harbour
   - 4.4 Weed treatment program - kerb lines, footpaths and hardstand areas

Engineering Services

1. Engineering Services Team Overview
2. Human Resource Update
3. Project Status Reports
   - 3.1 Coastal Facilities Strategy
4. Information Items
   - 4.1 Delegated Authority for Temporary Thoroughfare Closure

	4.2 Delegated Authority for approval of Directional Signage 4.3 Delegated Authority for approval of Heavy Haulage 4.4 Authorised Traffic Management Plans for Works on City Controlled Roads 4.5 Civil Works Program 2020/2021 4.6 Civil Maintenance Program 2020/2021 4.7 Road Rehabilitation & Renewal Programs 2020/2021 4.8 Drainage Renewal Program Municipal Works 2020/2021 4.9 Footpath Renewal Program Municipal Works 2020/2021 4.10 Carpark Renewal Program Municipal Works 2020/2021 4.11 Litter and Street Sweeping Program 2020/2021 4.12 Graffiti Program 2020/2021 4.13 Delegated Authority for the payment of crossover subsidies 4.14 Third Party Works within the City 4.15 Asset Inspections 4.16 Verge Treatment Applications 4.17 Verge Issues 4.18 Coastal Capital Projects 4.19 Coastal Infrastructure Management **Advisory Committee Minutes**

Committee Recommendation

Moved Cr Buchan, seconded Cr Hamblin:

That Councillors acknowledge having read the Engineering and Parks Services Information Bulletin - October 2020 and the content be accepted.

Committee Voting (Carried) - 5/0

12. Agenda Items

Planning and Development Services

Planning and Development Services Health Services	
Reference No & Subject:	**PD-047/20 Proposed Council Policy - Alfresco Dining**
File No:	LWE/78
Applicant:	
Owner:	
Author:	Mrs Erica King, Manager Health and Building Services
Other Contributors:	Mrs Emma Lambert, Coordinator Health Services
Date of Committee Meeting:	19 October 2020
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	
Lot Area:	
LA Zoning:	
MRS Zoning:	
Attachments:	1. Existing Outdoor Eating Facilities in Public Places Policy 2. Proposed Alfresco Dining Guidelines
Maps/Diagrams:	

Purpose of Report

To seek Council support to advertise the proposed Council Policy on Alfresco Dining and Alfresco Dining Guidelines.

Background

The City's existing Outdoor Eating Area Policy has been operational for over a decade. It provides a mechanism under the City of Rockingham Public Places and Local Government Property Local Law 2018 to licence public land located adjacent to registered food premises for dining.

The existing Outdoor Eating Area Policy has been reviewed. It is proposed to replace it with a new Council Policy on Alfresco Dining and Alfresco Dining Guidelines.

Details

The majority of the existing Outdoor Eating Area requirements have been carried over from the existing Policy to the proposed Guidelines, however there are some additions to reflect current thinking, which include:

- Providing flexibility for pedestrian access, depending on the street orientation and pedestrian flow. The feedback from many proprietors has been that their customers prefer dining in the shade provided by the verandahs/eaves, and that customers often try to move tables so they can sit under the shade. The proprietors have provided feedback to the City Officers that they would rather have dining immediately adjacent to their premises. The proposed Guidelines will allow this to be considered in some circumstances, where this can be safely achieved without impacting on pedestrian movement.
- The inclusion of Parklets, being temporary structures within car parking bays that offer alfresco dining (i.e. Ostro and Rustico - Rockingham Beach Road), which receive both a Development Approval under Planning Policy 3.3.24 and an Alfresco Dining Licence.
- The change of name from Outdoor Eating Areas to Alfresco Dining.
- The revision of some existing requirements such as cleaning, to bring them in line with current practices and City requirements.
- The inclusion of the Foreshore Boardwalk area as a special precinct.

Implications to Consider

a. Consultation with the Community

The proposed Policy on Alfresco Dining and supporting Alfresco Dining Guidelines will be advertised following the Council's decision. Following the advertising period, the Policy will return to Council for consideration, along with any comments received. Whilst the Alfresco Dining Guidelines do not require advertising, these will be provided during the advertising process to provide context to the community on the proposed changes.

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 1: *Actively Pursue Tourism and Economic Development*

Strategic Objective: *Business Development - Support business development initiatives throughout the City*

d. Policy

If the proposed Policy on Alfresco Dining is adopted, the existing Health Policy No.6.6 - Outdoor Eating Facilities on Public Places will be rescinded.

e. Financial

Nil

f. Legal and Statutory

Clause 3.1(1)(f)(ii) under the City of Rockingham Public Places and Local Government Property Local Law 2018 states:

"A person must not without a permit carry on trading on local government property or public place unless the trading is conducted by a person who has a permit or permit to carry on trading on local government property under any written law."

Any dining on public land therefore requires a permit prior to commencing. The Alfresco Dining Policy provides the mechanism to grant the permit, and the Alfresco Dining Guidelines provide the framework to ensure all dining is undertaken safely and consistently throughout the City.

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

Alfresco dining adds vibrancy to entertainment precincts through street activation. The City's existing Outdoor Eating Area Policy has been operational for over a decade, and has been effective in allowing food premises to extend their dining area into public land.

The existing Outdoor Eating Area Policy and Guidelines are workable and generally well received, however, the review of the existing Guidelines has provided an opportunity to include some flexibility for pedestrian access and alfresco dining locations, as well as minor changes to align the Guidelines with current practices.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ***APPROVES*** the advertising of the proposed Council Policy on Alfresco Dining (draft) for public comment, as follows:

Council Policy - Alfresco Dining

Council Policy Objective

Under the provisions of the City of Rockingham Public Places and Local Government Property Local Law, the City may permit activities such as trading on local government property. The purpose of this Policy is to set out the circumstances under which the City will issue permits for alfresco dining on local government property.

The Policy aims to:

- Ensure alfresco dining areas do not interfere with the safe and reasonable movement of pedestrians of all abilities, vehicular traffic, and other street activities;
- Encourage high quality alfresco dining areas to enhance the safety, vitality, amenity and character of the City of Rockingham; and
- Ensure that adjoining premises are not adversely affected by an alfresco dining area.

Council Policy Scope

This Policy applies to all alfresco dining on local government property under City of Rockingham control that is associated with a registered food business.

This Policy does not apply to alfresco dining:

- located on private property, where development approval may be required, or
- as part of an approved outdoor event, or
- that is not associated with a registered food business.

Council Policy Statement

To encourage high quality alfresco dining areas that do not interfere with the safe and reasonable movement of pedestrians and vehicular traffic or other street activities, the following will be considered in all applications:

- consistency with Alfresco Dining Guidelines
- location of the proposed alfresco dining area
- consistent and predictable clear path of pedestrian travel maintained on footpath
- compatibility with pedestrian, vehicle and emergency access
- compatibility with existing uses
- safety issues such as traffic speeds, traffic levels and sight lines
- location and number of sanitary facilities
- amenity impact potential from noise, light or other sources
- any previous non-compliances or issues by the applicant / food business.

Alfresco Dining Guidelines

Guidelines have been developed to implement the Policy Objectives and provide a comprehensive framework for the development, management and control of alfresco dining areas throughout the City of Rockingham. The Alfresco Dining Guidelines will be updated periodically to reflect any legislative and/or City operational changes.

Council Adoption

This Policy was adopted by Council at its Ordinary meeting held on ….

Definitions

Alfresco Dining Area	means an area provided for dining on the footpath or other public area under local government control associated with an approved food business, for temporary commercial dining activities only, within the City of Rockingham.
Trading	means selling or hiring goods or services and includes the setting up of a stall and conducting business at a stall.

Legislation

City of Rockingham Public Places and Local Government Property Local Law 2018 - clause 3.1(1)(f)(ii)

Food Act 2008 - section 109

Environmental Protection (Noise) Regulations 1997 - regulation 7

Other Relevant Policies/Key Documents

Alfresco Dining Guidelines

Responsible Division

Health Services

Review Date

Review every two years

Committee Recommendation

Moved Cr Edwards, seconded Cr Buchan:

That Council ***APPROVES*** the advertising of the proposed Council Policy on Alfresco Dining (draft) for public comment, as follows:

Council Policy - Alfresco Dining

Council Policy Objective

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<u>Alfresco Dining Guidelines</u>

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Trading	means selling or hiring goods or services and includes the setting up of a stall and conducting business at a stall.

Legislation

City of Rockingham Public Places and Local Government Property Local Law 2018 - clause 3.1(1)(f)(ii)

Food Act 2008 - section 109

Environmental Protection (Noise) Regulations 1997 - regulation 7

Other Relevant Policies/Key Documents

Alfresco Dining Guidelines

Responsible Division

Health Services

Review Date

Review every two years

Committee Voting (Carried) - 5/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

13.	**Reports of Councillors**
	Cr Hamblin advised the Committee on the outcomes of a recent State Administrative Tribunal (SAT) directions hearing for the Azure Apartments application, that both herself and Cr Buchan attended. A further SAT hearing will be held in February 2021 which they will both be attending.
14.	**Addendum Agenda**
	Nil

15. Motions of which Previous Notice has been given

Planning and Development Services

Planning and Development Services
Compliance and Emergency Liaison

Reference No & Subject:	**PD-048/20** **Notice of Motion - The Establishment of Cat Prohibited Areas in the City of Rockingham**
File No:	GOV/7-02
Proponent/s:	Cr Mark Jones
Author:	Mr David Caporn, Manager Compliance and Emergency Liaison
Other Contributors:	Mr Brett Ashby, Manager Strategic Planning Mr Jeffrey John, Environmental Planning Officer Mr Nathan Leslie, Environmental Supervisor Ms Jelette Edwards, Governance Coordinator
Date of Committee Meeting:	19 October 2020
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Legislative
Site:	
Lot Area:	
LA Zoning:	Not Applicable
MRS Zoning:	Reserve for Conservation
Attachments:	
Maps/Diagrams:	

Purpose of Report

To respond to the following Notice of Motion from Cr Jones:

> *"That Council DIRECT the CEO to establish Cat Prohibited Areas over conservation areas of the Rockingham Lakes Regional Park by introducing provisions into the City of Rockingham Cats Local Law and advertising for public comment before April 2020."*

Background

Notice of Cr Jones's proposed motion was provided on 30 September 2020 and the following reasons were given in support:

"As Council's representative on the Rockingham Lakes Regional Park Community Advisory Committee I have been requested to commence the establishment of Cat Prohibited Areas over the Rockingham Lakes Regional Park to protect native fauna.

A recent article in "The Conservation" (14 May 2020) compiled results from 66 different studies on pet cats to gauge the impact of Australia's pet population on the country's wildlife. The article concludes that on average each pet cat in Australia kills 186 animals each year and is made up of 110 native animals (40 reptiles, 38 birds and 32 mammals). https://theconversation.com/one-cat-one-year-110-native-animals-lock-up-your-pet-its-a-killing-machine-138412

The City has been educating cat owners to confine their cats to their own property. Other Local Governments, like the City of Cockburn have adopted a staged approach in prohibiting cats in certain areas. The first stage includes prohibiting cats in conservation areas of regional parks.

The Cities of Stirling, Fremantle and Mandurah have additional provisions in their Cat Local Law in regard to prohibiting cats from selected areas.

Owners of pet cats captured in specific prohibited areas are fined. Cats that are not microchipped are sent to a facility such as the Cat Haven for rehoming.

The Friends of the Paganoni Swamp Reserve have been successful in obtaining grant funding for cat control.

When Council adopted the Local Cat Law it was advised that provisions could not be added to control roaming cats similar to how dogs are controlled. The Council should continue to advocate and lobby the State Government for broader and more consistent provisions to restrict and/or control roaming cats."

Details

Feral cats (Felis catus) are listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as a key threatening process to the conservation of biodiversity in Australia. Feral cats prey on native fauna species, compete with native fauna for food, habitat and other resources.

The City's *Natural Area Conservation Strategy 2017* identifies the following key management objectives to address the threats posed by feral cats within the City of Rockingham:

- Ensure feral animal control methods are suitable for use in close proximity to urban environments
- Optimise the use of limited resources by undertaking monitoring to prioritise areas of high feral animal activity
- Prioritise control in areas of high quality natural vegetation to prevent degradation of habitat value
- Prioritise areas of known fauna habitat, particularly to support Southern Brown Bandicoot populations.

It should be noted that the Strategy does not distinguish between feral and domestic cats, as domestic cats pose the same threats to biodiversity conservation as feral cats.

In terms of monitoring, data relating to the density and distribution of feral fauna populations is collected through the City's biannual Feral Animal Control Program. The program indicates that both domestic and feral cats are present in the City's reserves and posing a threat to native fauna, however, domestic cat numbers in reserves are approximately double those of feral cats. To ensure the control programs are effective long term, the transition of cats from domestic to stray or feral must be prevented. By prohibiting access to reserves for domestic cats the effectiveness of the Feral Animal Control Program may also improve as it will more effectively target both the domestic and feral cat colonies.

The following City managed reserves have been prioritised for the Feral Animal Control Program:

- Baldivis Nature Reserve;
- Dixon Road Conservation Precinct;

- Karnup School Site;
- Lake Richmond;
- Lark Hill Environmental Reserve;
- Lewington Reserve;
- Sawley Close Reserve;
- Tamworth Hill Swamp;
- Trenant Park Wetland;
- Woodleigh Grove;
- Golden Bay Foreshore;
- Port Kennedy Foreshore;
- Secret Harbour Foreshore;
- Singleton Foreshore, and
- Warnbro Foreshore.

Implications to Consider

a. Consultation with the Community

In 2018, the City advertised a public notice State wide inviting the community to comment on the proposed Cats Local Law 2018.

Public notices were placed in the West Australian, the Sound Telegraph and the Weekend Courier newspapers. The draft local law was also advertised through Facebook and the City's website - Share Your Thoughts.

Additionally, the draft local laws were able to be read at the City of Rockingham Administration Building and libraries during office hours.

The public submission period was from 2 July to 17 August 2018, a period of more than six weeks and there were a number of comments received from members of the community about the impact of cats on native fauna.

In 2019, numerous community events were held promoting responsible pet ownership including a registration drive. People surveyed during these engagements indicated a very high level of support for more laws relating to cat movement.

There will need to be further public consultation in regards to this proposal as part of the process of changing local laws

b. Consultation with Government Agencies

In May 2019, the Department of Local Government, Sport and Cultural Industries commenced a statutory review of the Cat Act and the Dog Amendment Act 2013. The purpose of the review, in context of the Cat Act, was to gather feedback and information about how effective it had been to date and to identify if there was a need for change.

In September 2019, the department published a report on the findings of the review including that there was strong support for cat containment legislation.

On 5 March 2020 the CEO corresponded with the Hon David Templeman, MLA Minister for Local Government; Heritage; Culture and The Arts, urging Government to implement the findings of the statutory review as soon as possible.

On 26 March 2020 Minister Templeman acknowledged the City's request, however, advised that no timeline had yet been set due to the Government's need to focus on COVID-19.

c. Strategic

<u>Community Plan</u>

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

Aspiration 2: *Plan for Future Generations*

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

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

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

d. Policy

Nil

e. Financial

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

f. Legal and Statutory

The *Cat Act 2011* (the Cat Act) was created in November 2011 to encourage responsible cat ownership and provide powers for authorities to take action to support this. There are provisions in the Cat Act to specify places where cats are prohibited absolutely in local laws.

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

Given the community support to manage the negative impact of cat populations on the natural environment, the City supports the Notice of Motion. There will need to be further consultation with the Department of Biodiversity, Conservation and Attractions (DBCA) in respect of the current proposal due to its role as a joint land manger and custodian of the Rockingham Lakes Regional Parks.

Once consultation has occurred with DBCA the amendments can be drafted and then provided to Council to begin the local law process.

Voting Requirements

Simple Majority

Officer Recommendation

That Council ***DIRECTS*** the Chief Executive Officer to establish Cat Prohibited Areas over conservation areas of the Rockingham Lakes Regional Park by introducing provisions into the City of Rockingham Cats Local Law and advertise for public comment before April 2021.

Notice of Motion from Cr Mark Jones

That Council ***DIRECT*** the CEO to establish Cat Prohibited Areas over conservation areas of the Rockingham Lakes Regional Park by introducing provisions into the City of Rockingham Cats Local Law and advertising for public comment before April 2021.

Committee Recommendation

Moved Cr Jones, seconded Cr Hamblin:

That Council ***DIRECTS*** the Chief Executive Officer to establish Cat Prohibited Areas over conservation areas of the Rockingham Lakes Regional Park by introducing provisions into the City of Rockingham Cats Local Law and advertise for public comment before April 2021.

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

16.	**Notices of Motion for Consideration at the Following Meeting**
	Nil
17.	**Urgent Business Approved by the Person Presiding or by Decision of the Committee**
	Nil
18.	**Matters Behind Closed Doors**
	Nil
19.	**Date and Time of Next Meeting**
	The next Planning and Engineering Services Committee meeting will be held on **Monday 16 November 2020** in the Council Chambers, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.
20.	**Closure**
	There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at **4:45pm**.