



City of Rockingham

AGENDA

Ordinary Meeting of Council

To be held on Tuesday 27 September 2022 at 6:00pm
City of Rockingham Council Chamber

**Note: This meeting will be subject to Council's
Recording and Streaming Meeting's policy**



Notice of Meeting



Dear Mayor and Council Members

The next Ordinary meeting of the Council of the City of Rockingham will be held on Tuesday 27 September 2022 in the Council Chamber, Civic Boulevard, Rockingham. The meeting will commence at 6:00pm.

A handwritten signature in blue ink, appearing to read 'Michael Parker'.

MICHAEL PARKER
CHIEF EXECUTIVE OFFICER

21 September 2022

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the City. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The City of Rockingham expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the City.

City of Rockingham
Ordinary Council Meeting
6:00pm Tuesday 27 September 2022



1. Declaration of Opening

Acknowledgement of Country

With permission from Elders, Nalaa Kadich Nyoongar moort Kayan Kaadak nidja Boodja, I acknowledge Nyoongar people as the traditional owners of the land.

The City of Rockingham acknowledges the Traditional Owners and Custodians of this land, the Binjareb and Whadjuk Nyoongar peoples and their continuing connection to the land, waters and community. We pay our respects to all members of Aboriginal communities and their cultures; and to Elders past and present.

Recording and Streaming

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

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

Council meetings are live streamed in accordance with Council Policy.

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

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

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

Public question time and deputations will not be recorded."

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

2.1 Council Members

Mayor Deb Hamblin

Cr Hayley Edwards (*Deputy Mayor*) Baldivis Ward

Cr Sally Davies Baldivis Ward

Cr Brett Wormall Baldivis Ward

Cr Lorna Buchan Comet Bay Ward

Cr Robert Schmidt Comet Bay Ward

Cr Craig Buchanan, JP Rockingham/Safety Bay Ward

Cr Rae Cottam Rockingham/Safety Bay Ward

Cr Caroline Hume Rockingham/Safety Bay Ward

Cr Dawn Jecks Rockingham/Safety Bay Ward

Cr Mark Jones Rockingham/Safety Bay Ward

Cr Leigh Liley Rockingham/Safety Bay Ward

	<p>2.2 Executive</p> <table border="0"> <tr> <td>Mr Michael Parker</td><td>Chief Executive Officer</td></tr> <tr> <td>Mr Sam Assaad</td><td>Director Asset Services</td></tr> <tr> <td>Mr John Pearson</td><td>Director Corporate Services</td></tr> <tr> <td>Mr Peter Doherty</td><td>Director Legal Services and General Counsel</td></tr> <tr> <td>Mr Michael Holland</td><td>Director Community Development</td></tr> <tr> <td>Mr David Caporn</td><td>A/Director Planning and Development Services</td></tr> <tr> <td>Mr Jim Olynyk, JP</td><td>Manager Governance and Councillor Support</td></tr> <tr> <td>Mr Aiden Boyham</td><td>City Media Officer</td></tr> <tr> <td>Ms Sue Langley</td><td>Governance Officer</td></tr> <tr> <td>Ms Sarah Mylotte</td><td>Administration Officer – Governance and Councillor Support</td></tr> </table> <p>2.3 Members of the Gallery:</p> <p>2.4 Apologies:</p> <p>2.5 Approved Leave of Absence:</p>	Mr Michael Parker	Chief Executive Officer	Mr Sam Assaad	Director Asset Services	Mr John Pearson	Director Corporate Services	Mr Peter Doherty	Director Legal Services and General Counsel	Mr Michael Holland	Director Community Development	Mr David Caporn	A/Director Planning and Development Services	Mr Jim Olynyk, JP	Manager Governance and Councillor Support	Mr Aiden Boyham	City Media Officer	Ms Sue Langley	Governance Officer	Ms Sarah Mylotte	Administration Officer – Governance and Councillor Support
Mr Michael Parker	Chief Executive Officer																				
Mr Sam Assaad	Director Asset Services																				
Mr John Pearson	Director Corporate Services																				
Mr Peter Doherty	Director Legal Services and General Counsel																				
Mr Michael Holland	Director Community Development																				
Mr David Caporn	A/Director Planning and Development Services																				
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Mr Aiden Boyham	City Media Officer																				
Ms Sue Langley	Governance Officer																				
Ms Sarah Mylotte	Administration Officer – Governance and Councillor Support																				
3.	Responses to Previous Public Questions Taken on Notice																				
	<p>3.1 Ms Lorri Skinner, Rockingham – Provision of Visitor Servicing</p> <p>At the Council meeting held on 23 August 2022, Ms Skinner asked the following questions that were taken on notice and the Director Community Development provided a response in a letter dated 5 September 2022 as follows:</p> <p><u>Preamble</u></p> <p>Over the 10 years of first hand observations I have made, while being assisted by, and had the privilege of observing, how the organisation of the Rockingham Tourist Information Centre supports not only the residential community of Rockingham, promoting our beautiful city, but engages the visiting public. They network at the grass level. They are an information link to the face City of Rockingham and the public on a variety of topics from What is there to do? Where's the best playground to have a birthday party? What's on at the RAC? Can I park my van somewhere? Do you know any dog sitters is the area?</p> <p><u>Question</u></p> <p>1. Will the community be losing a point of connection to what's happening in our own City at the sake of expanding commercial enterprise?</p> <p><u>Response</u></p> <p><i>The City is not in a position to comment on hypothetical questions.</i></p> <p><u>Question</u></p> <p>2. If the Rockingham Tourist Information Centre falls short of meeting the criteria the City of Rockingham expectations in promoting the City of Rockingham as a destination place. Wouldn't it be more cost effective to assist them to meet these unmet goals with support ie. Better place signage and venue signage etc?</p> <p><u>Response</u></p> <p><i>At the Council meeting held on 22 March 2022, Council Directed the CEO to undertake a procurement process, with a clear scope of works for a fee for service agreement of visitor servicing in Rockingham of up to \$100,000 per annum, for up to a two-year period ending 30th June 2024.</i></p> <p><i>The Request for Quotation process undertaken provided the opportunity for all quoters to demonstrate how they would provide Visitor Servicing for the Rockingham Region by addressing the following criteria:</i></p>																				

*Level of Service - 40 points
Marketing and Promotion - 30 points
Stakeholder engagement - 20 points
Price - 10 points*

Question

3. Are we creating a monopoly for only one commercial provider, and may lose out on a fare go for any new attraction enterprises to be promoted. Do we risk losing neutrality in our promoting of activities and events in the City of Rockingham? [Sic]

Response

As part of the evaluation criteria for the Request for Quotation (RFQ), the City included stakeholder engagement as a core component weighted as 20% of the total score. Within this criteria, the City requested information on how the quoter would engage with local tourism businesses and provide opportunities to promote those businesses. All quotes received were assessed and evaluated based on the information supplied.

3.2 Mr Andrew Burns, Warnbro - Provision of Visitor Servicing

At the Council meeting held on 23 August 2022, Mr Burns asked the following questions that were taken on notice and the Director Community Development provided a response in a letter dated 5 September 2022 as follows:

Question

1. The recommendation to give money to a private enterprise over an independent not-for-profit with more than 60 years of experience in Visitor Servicing. I don't think that's the main issue. The City awards contracts to private enterprises all the time, for construction, cleaning, maintenance of public facilities, etc. My concern and my first set of questions is this.
- a. The City would never pay one construction company to promote others in the same industry, so why should the tourism and hospitality industry be any different?
 - b. Why does the City think it's appropriate to pay a private enterprise to promote their direct competitors?
 - c. Does the City have a plan in place to deal with the inevitable backlash from other tourism operators when they learn they're no longer being promoted by an independent body, but that the City of Rockingham are providing resources to their competition?

Response

At the Council meeting held on 22 March 2022, Council Directed the CEO to undertake a procurement process, with a clear scope of works for a fee for service agreement of visitor servicing in Rockingham of up to \$100,000 per annum, for up to a two-year period ending 30th June 2024.

As part of the evaluation criteria for the Request for Quotation (RFQ), the City included stakeholder engagement as a core component weighted as 20% of the total score. Within this criteria, the City requested information on how the quoter would engage with local tourism businesses and provide opportunities to promote those businesses. All quotes received were assessed and evaluated based on the information supplied.

The City of Rockingham will deal with any complaints received in accordance with normal operating procedures.

Question

2. My second point focuses on the procurement process. Specifically, Quote 021/22-65 Provision of Visitor Servicing within the City of Rockingham.

- a. Does Council think it's appropriate that the Request for Quotation stipulates it's for the provision of Visitor Servicing within the City of Rockingham, yet tenders were assessed, at least partially, on their capacity for Destination Marketing, an entirely different subject? I doubt the City would issue an RFQ for the purposes of building a road and assess the submissions based on their capacity to build a library.
- b. How can the City justify providing the same level of funding for a Visitor Centre, that is unaccredited and is positioned in a location that benefits only one operator, over the existing Visitor Centre, which not only has the highest level of accreditation possible but is independent and more centrally located on the Rockingham Foreshore?

Response

- (a) *The Request for Quotation process undertaken provided the opportunity for all quoters to demonstrate how they would provide Visitor Servicing for the Rockingham Region by addressing the following criteria:*

Level of Service - 40 points

Marketing and Promotion - 30 points

Stakeholder engagement - 20 points

Price - 10 points

- (b) *Following the formal RFQ procurement process as requested by Council on 22 March 2022, evaluation of the quotations was conducted independently by a 4 officer assessment panel, in accordance with the advertised quotation assessment criteria.*

The combined average weighted scores based on the quotations received ranked Perth Wildlife Encounters Pty Ltd. (Penguin Island Visitor Centre) first and Tourism Rockingham Inc. (Rockingham Visitors Centre) second. It should be noted that the independent, individual scoring of all four members of the RFQ assessment panel ranked the two respondents in the same order.

3.3 Ms Stacey Graham on behalf of Tourism Rockingham - Provision of Visitor Servicing

At the Council meeting held on 23 August 2022, Ms Graham on behalf of Tourism Rockingham asked the following questions that were taken on notice and the Director Community Development provided a response in a letter dated 5 September 2022 as follows:

Preamble

Tourism Rockingham was approached to meet with the CoR and then Rockingham Wildlife Encounters (now Perth Wildlife Encounters) to discuss Tourism Rockingham having a 'branch' of the Rockingham Visitor Centre at the Mersey Point complex with a Memorandum of Understanding being drawn up between PWE and TR/RVC although not acted on due to the COVID-19 pandemic taking hold.

The TILMA Report was then commissioned by the city and statements in that Report have since been shown to be misleading and false however Council endorsed the overall Report as recommended which was then followed by the recommendation to go to Tender and subsequently the outcome for funding the PWE and the Penguin Island 'Visitor Centre'.

Council too, is preparing tonight to endorse a private business that has no visitor information/service accreditation! It is classed as a Quality Tourism Business as is the Rockingham Visitor Centre but the RVC holds the highest level in quality standards in the service and operational systems they provide ... tonight's recommendation is going against best practice standards!

It should also be noted that currently Trademarks Laws are (and have been for some time) breached by having signage alluded to being an accredited 'i' information centre even after written and verbal requests to remove such signage.

The information in regard Officer's recommendations remaining 'unchanged' has not, we believe, provided to Councillors the full picture with the following questions still to be resolved:

Question

1. Is Council aware that long before the TILMA Report was commissioned by the city, Tourism Rockingham was invited to attend a meeting with the GM (Rockingham Wildlife Encounters now Perth Wildlife Encounters) and the Manager Economic Development and Tourism where the Manager ED&T discussed the possibility of tourism Rockingham opening a 'branch office' of the Rockingham Visitor Centre at the Mersey Point facility?

Following which, and after ongoing discussions between the parties, a Memorandum of Understanding was drafted between Tourism Rockingham and Rockingham Wildlife Encounters. This arrangement was being acted on until the outbreak of COVID 19 halted the action.

Response

Council were advised through the April 2020 Councillor Bulletin that the Manager Economic Development and Tourism had met with the Tourism Rockingham President and Rockingham Wild Encounters.

Question

2. The City of Rockingham commissioned the TILMA Report however just prior to this action being made public - new signage appeared at the Mersey Point facility ie: 'Penguin Island Visitor Centre i'.

When questioned, Tourism Rockingham was advised that the sign had been registered and 'approved by city and Officer's had informed the General Manager that as the 'i' Was white and not yellow in colour it was permissible and not a breach of copyright.

This information was and is incorrect with the 'i' patented and copyrighted and the Tourism Council of Western Australia has written and contacted the general manager advising of such and asking for the 'i' to be removed.

Response

The Tourism Council of WA is responsible for administering the "i" logos based on their Visitor Centre Accreditation standards, and any queries or concerns should addressed directly with them.

Question

3. Is council aware that only one organisation can be allocated the yellow 'i' and accreditation and that Tourism Rockingham has held that distinction for many decades?

How will a decision to fund a second visitor centre impact Tourism Rockingham's arduous work and dedication over many years to ascertain and maintain its Level 1 Accreditation be considered fair and just? [Sic]

Response

The Tourism Council of WA manages the WA Visitor Accreditation Program, and are responsible for Visitor Centre Accreditation and approvals. The City is not in a position to comment on the Tourism Council of WA's accreditation process or signage criteria, and any queries or concerns should addressed directly with them.

3.4 Ms Stacey Graham, Karnup - Provision of Visitor Servicing

At the Council meeting held on 23 August 2022, Ms Graham asked the following questions that were taken on notice and the Director Community Development provided a response in a letter dated 5 September 2022 as follows:

Preamble

A tender process must be genuine and fair in the sense that all respondents are treated equally. An evaluation will be legally flawed if it is conducted on the basis of pre-conceptions about the outcome, or with the intent of excluding a particular respondent (eg, an incumbent with whom the procuring agency may have become dissatisfied). This is the mission statement followed for many business/companies that look at the Tender procurement process and it should be followed by all including this Council.

In discussions at the Corporate and Community Services committee meeting held on Tuesday 16 August 2022 a Cr stated that 'Tourism Rockingham has other sources of income'

Question

1. What are the 'other sources' referred to as income to this not-for-profit organisation offers a free and impartial service to ALL visitors to the city and promotes ALL tourism industry related businesses and has created over many years an excellent networking and friendly environment between those stakeholders!

Funds come purely from some accommodation and merchandise commissions; small grants; membership and various sales - however, it is NOT a commercial outlet that has major cash flow availability - the reference, I believe, indicates a certain belief that Crs feel that Tourism Rockingham would not be affected if not successful with this Tender?

Response

The City is unable to provide answers regarding individual statements made by Councillors as Committee or Council meetings.

Question

2. It is incumbent of Councillors to ensure that all proper processes have been undertaken I therefore question the fact that delays in trying to reach an outcome because of concerns; facts being ignored or 'white-washed' to get a preferred outcome and the apparent inability to distinguish between 'visitor servicing' and destination marketing' and leads me to believe that this whole process has been flawed since the commissioning of the TILMA report. I urge and request Council to go back to the drawing board and re-address all processes that have taken place - ignoring the 'spin' that has been flowing!

Response

The City has been through an open and transparent Request for Quotation process. A Councillor Engagement Session was held on 2 August 2022, where Councillors were given the opportunity to discuss and ask questions regarding the RFQ process, and also ask questions in relation to the two submissions received in more detail. Councillors were provided with a copy of the Request for Quote Q21/22-65 documentation prior to the engagement session.

Question

3. Can Councillors, in all good conscience, really believe that awarding a Tender to a commercial business that competes against many of the other local tourism industry stakeholders will not create derision and angst among those vying for the same tourist dollar and perhaps destroy what has been a most professional and supportive relationship between those businesses?

The recommendation tonight is flawed, and the process has not been 'genuine and fair' with all respondents treated equally - please reconsider this matter before 'rubber-stamping' the recommendation. [Sic]

Response

The City is unable to answer the above statement, although no queries or concerns were received by the City during the Request for Quotation submission period on the scope or the requirements of the quotation assessment criteria.

3.5 Mr Rob McGavin, Safety Bay - Provision of Visitor Servicing

At the Council meeting held on 23 August 2022, Mr McGavin asked the following questions that were taken on notice and the Director Community Development provided a response in a letter dated 5 September 2022 as follows:

Question

1. Why is council considering the Officers recommendation to award Perth Wildlife Encounters (A privately Owned Entity) the Tender for Visitor Servicing when the Rockingham Visitor Centre (Not for Profit) has 50+ years experience and represents a wide cross section of members impartially?

Response

At the Council meeting held on 22 March 2022, Council Directed the CEO to undertake a procurement process, with a clear scope of works for a fee for service agreement of visitor servicing in Rockingham of up to \$100,000 per annum, for up to a two-year period ending 30th June 2024.

2. I question a private entity will not be able to remain impartial or be suitable to represent the entire Tourism and Hospitality Local industry which forms a major part of Visitor Servicing and would ask that the Officers recommendation be deferred to allow further consultation with Tourism Industry stakeholders?

Response

As part of the evaluation criteria for the Request for Quotation (RFQ), the City included stakeholder engagement as a core component weighted as 20% of the total score. Within this criteria, the City requested information on how each quoter would engage with local tourism businesses and provide opportunities to promote those businesses. All quotes received were assessed and evaluated based on the information supplied in the quoters submission.

Council considered and voted on this matter at the Council meeting held on 23 August 2022.

3.6 Ms Tanya Stojanovic, Rockingham - Provision of Visitor Servicing

At the Council meeting held on 23 August 2022, Ms Stojanovic asked the following questions that were taken on notice and the Director Community Development provided a response in a letter dated 5 September 2022 as follows:

Preamble

I am here today as a concerned resident, however I declare that I am also a part-time employee at the Rockingham Visitor Centre, where I have been employed for the last 12 months.

I moved to Rockingham ten years ago this month. I initially came for 6 months and fell in love with the beaches and the lifestyle, and was a very happy resident. I developed a passion for Rockingham, and it was a dream to start working at the Rockingham Visitor Centre last year. It gives me great joy to welcome visitors to the area, to share my insight as a passionate local, and to help to enrich their experience here. Having introduced new initiatives like increasing the number of Aboriginal cultural tours on offer in Rockingham, I have seen and experienced the inherent value in having a Visitor Centre in the community that is run by a neutral not for profit entity whose sole purpose is to promote all of Rockingham's tourism and hospitality offerings, and who has done so for at least 50 years.

Question

1. Do you truly believe it is wise to allocate a single commercial enterprise with its own tourism products and services, a significant amount of ratepayers money, trusting that it will promote all tourism businesses and offerings in the community fairly, including some of whom are direct competitors?

Response

This is a hypothetical question which the City is unable to answer.

Question

2. If a tender process produces a result that challenges common sense and results in a major conflict of interest, is that not cause enough for the tender process to be seriously reviewed or even scrapped?

Response

No queries or concerns were received by the City during the Request for Quotation submission period on the scope or the requirements of the quotation assessment criteria.

Council directed the CEO to undertake a procurement process for the provision of visitor servicing in the Rockingham region. The City has been through an open and transparent Request for Quotation process. A Councillor Engagement Session was held on 2 August 2022, where Councillors were given the opportunity to discuss and ask questions regarding the RFQ process, and also ask questions in relation to the two submissions received in more detail. Councillors were provided with a copy of the Request for Quote Q21/22-65 documentation prior to the engagement session.

3.7 Mr Tom Mannion, Safety Bay – Foreshore paths / water quality testing

At the Council meeting held on 23 August 2022, Mr Mannion asked the following questions that were taken on notice and the A/Director Planning and Development Services provided a response in a letter dated 8 September 2022 as follows:

Preamble

The responses back from the city to my concerns with both foreshore paths shows you have identified that both are shared paths and that will mean they have a speed limit of 25km for e-scooters. Again not considering the guidelines developed by the DoT and Ausroads. Your response back to me on the water quality testing states that after the 3rd sample results returned to an acceptable level. This contradicts the June minutes and the report sent to me by Mr Assaad. The June minutes show 3 samples in the unacceptable range and the response states that there was no further sampling after the 3rd unacceptable sample.

The WA Health Department recommend for Red level those above 500.

- Avoid swimming at this location.
- Permanent warning signs should be erected at this site stating that swimming is not recommended.

It would be fair to say we have all heard the term "Your Safety Is Our Priority" from all levels of Government and Industry. This does not seem to be the case for this council given the risk and consequence with these items I continually raise.

Question

1. I have now raised 3 separate areas of risk to the public with you that could ultimately lead to a fatality, serious injury or serious health issues and the government guidelines developed reduce those risks and protect the public and on these 3 occasions you have failed to act and make Health & Safety your priority to protect the public.

Will you immediately step down as Mayor for failing to represent your community? [Sic]

Response

With respect to your comments on water sampling, the June 2022 Planning and Development Services Bulletin provided the following Table in regards to water sampling at, and in proximity to, The Pond:

Date / Location	Enterococci	E Coli	Salmonella	Staphylococci
12/05/2022 Safety Bay Beach	20 CFU/100mL	Est 20	Not Detected	Est<1
12/05/2022 Tern Island	640 CFU/100mL*	350	Detected*	Est<1
12/05/2022 Forrester Road	340 CFU/100mL	Est 20	Not Detected	Est<1
12/05/2022 Bent Street Jetty	460 CFU/100mL	Est 50	Not Detected	Est<1
18/05/2022 Safety Bay Beach	75 CFU/100mL	Est 30	Not Detected	Est<10
18/05/2022 Tern Island	1400 CFU/100mL**	160	Not Detected	Est<10
18/05/2022 Forrester Road	3300 CFU/100mL**	Est >1000**	Not Detected	Est<10
18/05/2022 Bent Street Jetty	9800 CFU/100mL**	Est >1000**	Not Detected	Est<10
25/05/2022 Safety Bay Beach	20 CFU/100mL	Est 130	Not Detected	Est<1
25/05/2022 Tern Island	52 CFU/100mL	Est 60	Not Detected	Est<1
25/05/2022 Forrester Road	<10 CFU/100mL	Est 10	Not Detected	Est<1
25/05/2022 Bent Street Jetty	220 CFU/100mL	Est 60	Not Detected	Est<1

*There was a detection of Salmonella in the water at the Tern Island location on 12 May 2022, as well as elevated Enterococci levels.

**The results from a number of the samples taken on the 18 May 2022 were very high, and resampling at these locations was required.

As can be seen in this Table, and confirmed to you in the response to your Public Question Time question in July 2022, Tern Island was elevated on two occasions being 12 May 2022 and 18 May 2022. Bent Street and Forrester Road sites were elevated on one occasion being 18 May 2022. All sites were retested on 25 May 2022 and all sites returned to acceptable levels.

The trigger levels under the National Health and Medical Research Council Guidelines for Managing Risks in Recreational Water are a reference point for action when elevated sampling results are detected. The location and circumstances are considered and a decision is then made on the appropriate response. Consecutive high detections do not always require a beach closure response and it is standard practice that the City liaises with the State Department of Health in reaching conclusions. When it is considered necessary, the City initiates it quickly and with appropriate public notification.

The results from water sampling in The Pond have been acceptable for a number of years. The elevated results from 18 May 2022 were likely a one-off and directly correlate to a high rainfall event. With this in mind, the City has liaised with the Department of Health to discuss ongoing monitoring of The Pond. It has been decided to undertake targeted water sampling in The Pond following the next high rainfall events to determine if a pattern of elevated results exists, and whether permanent warning signage for swimming after heavy rains is required in this location.

The Mayor has advised that she will not be stepping down from her position.

3.8

Mr Mal McFetridge, Safety Bay - Provision of Visitor Servicing / Financial matters

At the Council meeting held on 23 August 2022, Mr McFetridge asked the following questions that were taken on notice and the Director Community Development provided a response in a letter dated 5 September 2022 as follows:

1. Whose decision was it to go out to tender for the provision of visitor services and why?

Response

At the Council meeting held on 22 March 2022, Council directed the CEO to undertake a procurement process, with a clear scope of works for a fee for service agreement of visitor servicing in Rockingham of up to \$100,000 per annum, for up to a two-year period ending 30th June 2024.

2. The Rockingham Tourist Destination Strategy 2019-2024 (TDS) recognises that the number of nights booked by visitors through the Rockingham Visitor Centre (RVC) has declined as has the walk-ins as a percentage of day trippers to Rockingham from 2016 to 2018 and attributes this to the ease of digital access and general information. Councillors should consider that the past three years, that is the first three years of the TDS, 2019 to 2021, have been the Covid years, closing international, interstate and intrastate borders and boundaries, adding to this the year of floods and fires in the east and now, the economic strains on the world's populations, the tourism activity that we knew before these events and throughout the years 2019 - 2020 are virtually none existent. If all things were equal the initiatives in the TDS over the last three years should have resulted in an increase in visitor numbers to Rockingham from the previous three years, the TDS targeting an increase of 10% over the initial five years of the strategy, but in the circumstances, there is no way that any improvement in visitor numbers or bookings could be accurately measured and if they could, they would surely tell a sorry tale. Council, Tourism Rockingham, the Rockingham Visitor Centre (RVC) and the RKCC are doing their best to promote tourism in our city but it will only be in the in the last two years of the TDS as we come out of Covid that any improvement in visitor numbers could be seen.

Given this, is it the time to change the status quo with respect to Visitor Servicing as there are no guarantees that any change in provider will improve the situation in the near future?

Response

Council adopted the Tourism Destination Strategy (TDS) 2019-2024 at the Council Meeting held on 28 May 2019. Although the TDS was endorsed by Council as a five-year document, effective June 2019 to July 2024, one action in Key Element 2 - Visitor Servicing, only covered a three-year period (July 2019 – June 2022) and was budgeted for accordingly.

Action: Enter into a fee-for-service agreement with Tourism Rockingham Inc. (TR) t/a Rockingham Visitor Centre (RVC) for provision of visitor servicing at the Gary Holland Centre.

Cost: \$100K per year, no charge for facility, officer time.

Commence: July 2019

Complete: End June 2022

The recently completed minor review of the TDS, endorsed by Council in March 2022, was timed to enable a decision on Visitor Servicing beyond June 2022. The review identified a range of options for Council, including continuing with the Visitor Servicing status quo with Tourism Rockingham until the end of the current strategy, thus enabling further consideration of this and other matters as part of the next Strategy. Council's decision in March 2022 was to direct the CEO to undertake a procurement process, with a clear scope of works for a fee for service agreement of visitor servicing in Rockingham of up to \$100,000 per annum, for up to a two-year period ending 30th June 2024.

3. An anomaly in the RFQ is the minimum requirement for a level 2 quality accreditation. It could be perceived by Councillors that the Rockingham Visitor Centre has not the same level accreditation as a competitor but level 2 is the Sustainable Tourism Accreditation for businesses having met the minimum environmental standards for activities in protected areas, an accreditation that is not applicable to TR or the RVC.

'Why was a minimum of a level 2 accreditation introduced into the RFQ for visitor servicing. In my opinion if an entity had both a level 1 and level 2 accreditation, and the councillors didn't know the difference between them, (the RVC only having a level 1 accreditation) it could be perceived having two accreditations was better than one and a judgement to award a tender to an entity could be made on this basis. Can someone explain this please?

Response

Level 2 Visitor Centre Accreditation is the minimum accreditation level issued by the Tourism Council of WA. Level 2 was determined the minimum accreditation required as part of the RFQ process to enable the City to consider all viable options.

4. The numbers given in the Corporate and Community Development Committee Agenda Tuesday 19 July 2022 CD-020/22 for visitors to Mersey Point should be reviewed, the 120,000 stated in the RFQ is based on sales figures which equates to 328 visitors a day for 365 days a years and, given Pengo's cafe is a very popular spot for locals, what percentage of these sales are from them buying a coffee or a meal during repeat visits and can locals be considered visitors to our city.

Will Councillors seek a clarification of these numbers before resolving this motion?

Response

No. Council considered and voted on this matter at the Council meeting held on 23 August 2022.

5. If the RVC is unsuccessful in winning the tender does this mean it shuts down this service and directs visitors to an alternate visitor centre rather than helping them, if it's helping them rather than sending them away which I have no doubt they will do, what will be offered to compensate for this pseudo visitor servicing?

Response

Tourism Rockingham Incorporated t/a Rockingham Visitor Centre is an incorporated, not-for-profit organisation, and any questions regarding their business model or plans moving forward should be directed to the Tourism Rockingham Board.

6. The TDS is a good document recognising that, as a whole, we need a tourist destination strategy that will guide Council, business and tourism businesses to strive to attract more visitors to our City and region. Page 6 of the TDS lists the activities of the RVC as:

"The Rockingham Visitor Centre currently manages bookings and provides a face-to-face information service for visitors to Rockingham. The Rockingham Visitor Centre a/so assists the City with the implementation of opportunities identified, and facilitates industry participation and feedback as required. The RVC directly interacts with its members and ensures that Rockingham is well represented when interacting with its stakeholders and visitors. The Rockingham Visitor Centre also maintains the social media channels and the website. The City sends additional content to the Rockingham Visitor Centre for Facebook, Instagram and the website as and when there is new information to publish. The City and Rockingham Visitor Centre jointly work on campaigns.'

Councillors must understand the difference between destination marketing and visitor servicing before making any decision on the awarding of the tender for visitor servicing and that is, Destination marketing is targeted at the source, that is intrastate, interstate and international markets, trying to attract visitors to our city from those locations. Visitor servicing on the other hand is carried out at the destination, (in this case Rockingham) answering telephone and email enquiries, providing information to visitors,

suggesting activities or sites they might like to visit, providing maps and brochures, booking accommodation and providing a friendly face to face interaction that visitors appreciate.

The RVC is providing all the services required with respect to visitor servicing, and working closely with Council and stakeholders to promote tourism in Rockingham so what more is the visitor centre expected to do as it's core function is visitor servicing which it does very well.

Given the TDS is a Tourist Destination Strategy trying to attract visitors to our city, surely the RFQ should have been for the destination marketing of our city and not for visitor servicing?

Response

Councils decision in March 2022 was to direct the CEO to undertake a procurement process, with a clear scope of works for a fee for service agreement for visitor servicing for the Rockingham region.

7. If the RVC was relocated and situated on our Tourist Route 202 overlooking Lake Walyungup, which is a place of significant cultural interest and history, this position providing a highly visible visitor information and servicing centre, would provide a focal point for tourism operators, would be adjacent to public transport, have the potential to add a cafe, would provide sufficient parking for all types of RVs, could provide EV charging stations, incorporate a history museum and first nation's peoples cultural centre and within easy access to walk trails would it be reasonably to expect an increase in visitor numbers to the centre given that the existing location of the RVC in the Gary Holland Centre, on Kent Street restricts or can't offer any of the above?

Response

There is no budget allocation in the City's business plan and no project identified in the City's Community Infrastructure Plan for a new visitor centre facility to be built anywhere in the Rockingham region.

8. With respect to local government funding what is meant by 'discretionary money available.' For example in FY 2022/23 Council's business plan states that "Landfill discretionary money available" is \$2,746,847.

Response

Discretionary money available defines net funds available from the landfill after anticipated operating expenses.

9. The 'net landfill contribution to City' for FY2022/23' is stated as \$2,179,847 a difference of \$567,000 from the 'Landfill discretionary money available'. What is \$567,000 to be used for and did the councillors vote in favour of this amount being used and the purpose for which it was used?

Response

\$567,000 was allocated to plant replacement. Yes, the business plan was adopted by Council.

10. From the Annual Reports for FY2019/20 new loans of \$17,700,000 were budgeted but actual borrowing was \$0. In FY2020/21 new loans of \$20,500,000 we're budgeted for but actual borrowing was only \$3,500,000. In two financial years \$38,200,000 in new borrowings were budgeted but only \$3,500,000 borrowed. This continues a pattern of budgeting for new borrowings over the past ten years but not borrowing and, as Council had a building program that in past minutes was termed 'ambitious', why was it not necessary to borrow the budgeted amounts for FYs2019/2020 and 2020/21?

	<p><u>Response</u></p> <p><i>The City plans to raise debt to ensure its requirements are met as per its Development Contribution Scheme and Community Infrastructure Plan. Where alternate funds become available, for example capital grants, changes are made to the funding mix required to build the approved infrastructure. This reduces the burden on the City to fund all of new facilities and by reducing debt, or predicted debt, it reduces the future rates needed to pay off debt – both the principal and interest. The City will also use cashflow to ameliorate debt wherever possible.</i></p> <p>11. How much in new borrowings was budgeted in FY2021 /22 and what were the actual borrowings?</p> <p><u>Response</u></p> <p><i>\$20.5 million was budgeted. No debt funds were raised. This does not mean the planned debt has been removed. Often debt is carried over financial years to ensure project delivery and alternate sources of revenue will continue to be sourced to reduce debt burden.</i></p> <p>12. Has Council capped rates in the past? [Sic]</p> <p><u>Response</u></p> <p><i>It is unclear what is meant by “Council capped rates”. The Council will determine its rates required to assist in funding its operations and capital program. All rates are adopted by Council. The Council may determine any rates it believes appropriate. The Local Government Act (1995) enshrines the process of rates calculations and there is no provision for rates capping by State Government in Western Australia. Rates capping is a function of State Government bound by legislation as demonstrated in Victoria.</i></p>
4.	Public Question Time
	Members of the public are invited to present questions to the Mayor about matters affecting the City of Rockingham and its residents. This is the only opportunity in the meeting for the public to ask questions.
5.	Applications for Leave of Absence
6.	Confirmation of Minutes of the Previous Meeting
	<p>Recommendation:</p> <p>That Council CONFIRMS the Minutes of the Ordinary Council meeting held on 23 August 2022, as a true and accurate record.</p>
7.	Matters Arising from the Previous Minutes
8.	Announcement by the Presiding Person without Discussion
	The Mayor to announce 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.

9.	Declarations of Members and Officers Interests		
	9.1	Item HR-002/22	Chief Executive Officer Performance and Personal Development Review for 2022
		Officer:	Mr Michael Parker, Chief Executive Officer
		Type of Interest:	Financial
		Nature of Interest:	The CEO's annual performance review to be dealt with in accordance with Mr Parker's contract of employment.
		Extent of Interest (if applicable):	Not Applicable
	9.2	Item HR-003/22	Chief Executive Officer Contract of Employment
		Officer:	Mr Michael Parker, Chief Executive Officer
		Type of Interest:	Financial
		Nature of Interest:	The CEO's annual performance review to be dealt with in accordance with Mr Parker's contract of employment.
		Extent of Interest (if applicable):	Not Applicable
	9.3	Item CS-011/22	Disposal by Lease of a portion of the Warnbro Recreation Reserve to Vodafone Network Pty Ltd
		Council Member:	Cr Robert Schmidt
		Type of Interest:	Impartiality
		Nature of Interest:	Cr Schmidt is a Board Member of Warnbro Swans Football and Sporting Association who use the Warnbro Recreation Reserve.
		Extent of Interest:	Not Applicable
10.	Petitions/Deputations/Presentations/Submissions		
11.	Matters for which the Meeting may be Closed		
	In accordance with section 5.23(2)(a), (b) and (c) of the <i>Local Government Act 1995</i> – if there are any questions or debate on the following Confidential Items, then the Council will need to defer the matter for consideration at Agenda Item 23 - Matters Behind Closed Doors.		
	Chief Executive Officer Performance Review Committee		17
	HR-002/22	Chief Executive Officer Performance and Personal Development Review for 2022	17
	HR-003/22	Chief Executive Officer Contract of Employment	19
	Corporate and Community Development Committee		21
	CD-024/22	Recommendations Tertiary Scholarship Scheme Applications Round Two 2022	21

Chief Executive Officer Performance Review Committee

CONFIDENTIAL ITEM

NOT FOR PUBLIC ACCESS

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

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

**Chief Executive Officer Performance
Review Committee**



Reference No & Subject:	HR-002/22	Chief Executive Officer Performance and Personal Development Review for 2022
File No:	PSL/2287	
Author:	Mr Vince Ritorto, Manager Human Resource Development	
Other Contributors:		
Date of Committee Meeting:	20 September 2022	
Disclosure of Interest:	Mr Michael Parker, Chief Executive Officer declared a Financial Interest in Item HR-002/22 Chief Executive Officer Performance and Personal Development Review for 2022, as per Sections 5.60A and 5.65 of the <i>Local Government Act 1995</i> , as the CEO's annual performance review to be dealt with in accordance with Mr Parker's contract of employment.	
Attachments:	Confidential attachment as per Section 5.95 of the <i>Local Government Act 1995</i> 1. Chief Executive Officer Annual Performance Appraisal Report 2022	

Purpose of Report

For the Chief Executive Officer Performance Review Committee to undertake the Chief Executive Officer Performance Appraisal for 2022.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **NOTES** that the CEO's Performance and Personal Development Review has been undertaken for 2022.
2. **ENDORSES** the CEO's overall rating recommended in the Performance Appraisal Reviewer Report.
3. **ENDORSES** an increase in salary for the Chief Executive Officer in recognition of performance in the 2021-22 period; as detailed in the Performance Appraisal Reviewer Report.

4. **ADOPTS** the performance criteria (KFA's) for the 2022-2023 as outlined in the attached confidential report.
5. **SCHEDULES** the next review of the CEO's performance to be commenced by 1 July 2023 and completed by the September 2023 Ordinary Meeting of Council.

Committee Recommendation

That Council:

1. **NOTES** that the CEO's Performance and Personal Development Review has been undertaken for 2022.
2. **ENDORSES** the CEO's overall rating recommended in the Performance Appraisal Reviewer Report.
3. **ENDORSES** an increase in salary for the Chief Executive Officer in recognition of performance in the 2021-22 period; as detailed in the Performance Appraisal Reviewer Report.
4. **ADOPTS** the performance criteria (KFA's) for the 2022-2023 as outlined in the attached confidential report.
5. **SCHEDULES** the next review of the CEO's performance to be commenced by 1 July 2023 and completed by the September 2023 Ordinary Meeting of Council.

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation


Not Applicable

CONFIDENTIAL ITEM

NOT FOR PUBLIC ACCESS

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

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

Chief Executive Officer Performance Review Committee		
Reference No & Subject:	HR-003/22	Chief Executive Officer Contract of Employment
File No:	PERS/PAR-M/2215	
Proponent/s:		
Author:	Mr Vince Ritorto, Manager Human Resources Development	
Other Contributors:		
Date of Committee Meeting:	20 September 2022	
Previously before Council:		
Disclosure of Interest:	Mr Michael Parker, Chief Executive Officer declared a Financial Interest in Item HR-003/22 Chief Executive Officer Contract of Employment, as per Sections 5.60A and 5.65 of the <i>Local Government Act 1995</i> , as the CEO's annual performance review to be dealt with in accordance with Mr Parker's contract of employment.	
Attachments:	Confidential attachment as per Section 5.95 of the <i>Local Government Act 1995</i> 1. Independent Consultant's Confidential Report	

Purpose of Report

For the Committee to consider feedback received by the independent consultant from Elected Members in relation to a potential new contract for the City's Chief Executive Officer and make a recommendation to Council.

Voting Requirements

Simple Majority

Officer Recommendation

That the Committee **CONSIDERS** the information provided by the independent consultant and make a recommendation to Council on the request for a new contract of employment for the CEO and process to follow.

Committee Recommendation

That Council **ENDORSES** the recommendation in the independent consultant's confidential report on the request for a new contract of employment for the CEO.

Committee Voting – 4/0

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

The Committee considered the information provided by the independent consultant prior to making a recommendation to Council.

Implications of the Changes to the Officer's Recommendation

Not Applicable

Corporate and Community Development Committee

CONFIDENTIAL ITEM

NOT FOR PUBLIC ACCESS

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

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

Community Development Community Capacity Building		
Reference No & Subject:	CD-024/22	Recommendations Tertiary Scholarship Scheme Applications Round Two 2022
File No:	CSV1522	
Proponent/s:		
Author:	Ms Emma Youd, Community Development Officer (Grants)	
Other Contributors:	Ms Rebekka Jarvis, Coordinator Community Capacity Building Mr Paul Hayward, Manager Community Capacity Building	
Date of Committee Meeting:	20 September 2022	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:		
Maps/Diagrams:		

Purpose of Report

For Council to approve the eligible applicant for the Tertiary Scholarship Scheme, Round Two, 2022.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **APPROVES** the eligible scholarship application submitted as part of Round Two 2022 of the Tertiary Scholarship Scheme, as per the Comments section in the Confidential Report.

Committee Recommendation

That Council **APPROVES** the eligible scholarship application submitted as part of Round Two 2022 of the Tertiary Scholarship Scheme, as per the Comments section in the Confidential Report.

Committee Voting (Carried) – 6/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

12.	Receipt of Minutes of Council Committees	
	Recommendation: That Council RECEIVES and NOTES the minutes of the: <ol style="list-style-type: none"> 1. Audit Committee meeting held on 14 September 2022; 2. CEO Performance Review Committee meeting held on 16 September 2022 and 20 September 2022; 3. Planning and Engineering Services Committee meeting held on 19 September 2022; and 4. Corporate and Community Development Committee meeting held on 20 September 2022. 	
13.	Recommendations of Council Committees	
	Audit Committee 25 AC-017/22 Internal Audit Report: Internal Controls Testing 2020-2021 25 AC-018/22 Audit Committee – Review of Terms of Reference 29 AC-019/22 Review of Council Policy – Financial Hardship 35 Planning and Engineering Services Committee 41 PD-032/22 Proposed Traders Policy 41 PD-033/22 Proposed Local Planning Policy No. 3.1.2 - Local Commercial and Activity Centres Strategy 49 PD-034/22 Proposed Demolition of ‘Chesterfield Dairy’ 56 PD-035/22 Proposed Scheme Amendment No.183 - Rezoning from ‘Rural’ to ‘Special Rural’ 71 PD-036/22 Heritage Assistance Grants 85 AS-010/22 Permanent Closure of La Seyne Crescent Carpark, Warnbro 90 AS-011/22 Delegated Authority - Sand Extraction from the Bent Street Boat Ramp Navigation Channel/Tern Bank Sandbar (<i>Absolute Majority</i>) 94 Corporate and Community Development Committee 99 CS-011/22 Disposal by Lease of a portion of the Warnbro Recreation Reserve to Vodafone Network Pty Limited 99 CD-025/22 Community Infrastructure Plan 2022 105 CD-026/22 Community Sporting and Recreation Facilities Fund 2023/2024 Annual Forward Planning Grant Application, Assessment and Ranking 110	
14.	Receipt of Information Bulletin	
	Recommendation: That Council RECEIVES the Information Bulletins as follows: <ol style="list-style-type: none"> 1. Planning Services Bulletin – September 2022; 2. Asset Services Bulletin – September 2022; 3. Corporate and General Management Services Bulletin – September 2022; and 4. Community Development Bulletin – September 2022. 	
15.	Report of Mayor	
	MR-009/22 Meetings and Functions Attended by the Mayor and Deputy Mayor	115
16.	Reports of Council Members	

17.	Reports of Officers
18.	Addendum Agenda
19.	Motions of which Previous Notice has been given
20.	Notices of Motion for Consideration at the Following Meeting
21.	Questions by Members of which Due Notice has been given
22.	Urgent Business Approved by the Person Presiding or by Decision of the Council
23.	Matters Behind Closed Doors
24.	Date and Time of Next Meeting
	The next Ordinary Council meeting for the City of Rockingham will be held on Tuesday 25 October 2022 in the Council Chambers, Civic Boulevard, Rockingham.
25.	Closure

13. Recommendations of Council Committees

Audit Committee

Audit Committee		
Reference No & Subject:	AC-017/22	Internal Audit Report: Internal Controls Testing 2020-2021
File No:	CPM/109	
Proponent/s:		
Author:	Mr Martin Schaafsma, Manager Internal Audit	
Other Contributors:		
Date of Committee Meeting:	14 September 2022	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:	Confidential Attachment as per Section 5.95 of the <i>Local Government Act 1995</i> 1. Internal Controls Testing 2020-2021	
Maps/Diagrams:		

Purpose of Report

As part of the Internal Audit Plan, Internal Audit performs an annual review to ensure that key controls, as described in the Western Australian Local Government Accounting Manual, Section 7 – Internal Control Framework, as well as any additional controls that were identified using the City of Rockingham's risk rating methodology are met. This is to ensure that key controls exist and the appropriateness and effectiveness thereof in accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996* and Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*.

Background

Regulation 17 of the *Local Government (Audit) Regulations 1996* states that a review is to be conducted at least every three financial years. The review is to test the appropriateness and effectiveness of a local government's systems and procedures in relation to:

- (a) Risk management;
- (b) Internal control; and
- (c) Legislative compliance.

In addition to the above regulation, Regulation 5 (2) (c) of the *Local Government (Financial Management) Regulations 1996* states that the CEO's duties in respect to financial management is to review the appropriateness and effectiveness of the financial management systems and procedures not less than once in 3 financial years.

Because the City of Rockingham (City) has taken on the commitment of providing a better practice internal audit function, testing on key internal controls occurs every year.

According to Regulation 5 (2) (c) of the *Local Government (Financial Management) Regulations 1996*, the purpose of this report is to provide information on the following key areas:

1. To outline the methodology and scope of the testing carried out by the Internal Audit team to complete controls testing for the 2020-2021 financial year.
2. Provide an overview of the findings identified and actions that were proposed during that review.

This report has been conducted in accordance with Regulation 6 of the *Local Government (Financial Management) Regulations 1996*.

A local government is to ensure that an employee with a delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for —

(a) conducting an internal audit; or

(b) reviewing the discharge of duties by that employee,

or for managing, directing or supervising a person who carries out a function referred to in paragraph (a) or (b).

Details

A total of 205 key controls have been identified and tested across various areas using the Western Australian Local Government Accounting Manual (Section 7 – Internal Control Framework) and the *Local Government Act 1995* and its regulations. These key controls were grouped in the following processes:

Process Level Controls	Controls in Scope 2020/ 2021
Community Development	5
Corporate Services	8
Engineering & Parks	2
Finance	19
Fixed Assets	7
Human Resources	25
Inventory	8
Legal	13
Planning & Development	48
Purchases & Payables	44
Revenues & Receivables	26
Total Internal Controls Tested	205

During the review it was noted that on the 205 key controls identified and tested across the following areas, appropriate evidence exists that the majority of these controls are implemented and functioning as intended across the following process levels:

- § Community Development;
- § Corporate Services;
- § Engineering & Parks;
- § Finance;
- § Fixed Assets;

- § Human Resources;
- § Inventory;
- § Legal;
- § Planning & Development;
- § Purchases & Payables; and
- § Revenues & Receivables.

Based on the work performed an improvement opportunity was identified. Management has since implemented the majority of the actions in relation to this improvement opportunity, Refer to Confidential Attachment 1 of AC-017/22 - Internal Controls Testing 2020-2021.

Implications to Consider

a. Consultation with the Community

Not Applicable

b. Consultation with Government Agencies

Not Applicable

c. Strategic

Community Plan

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

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

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

d. Policy

Not Applicable

e. Financial

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

The City has performed an Internal Audit on the key controls implemented throughout the City. Based on the audit performed key controls are generally in place and functioning as intended. Internal Audit has identified an improvement opportunity that could further improve the City's current processes. Management has already implemented the majority of these actions. Action items will be included in the Audit Log and the progress of actioning these actions will be reported on accordingly. The improvement opportunities can reviewed in Confidential Attachment 1 of AC-017/22 - Internal Controls Testing 2020-2021.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ACKNOWLEDGES** the outcome of the review in accordance with regulation 17 of the Local Government (Audit) Regulations 1996, regulation 5 (2) (c) of the Local Government (Financial Management Regulations) 1996 as contained in Confidential Attachment 1 of AC-017/22 - Internal Controls Testing 2020-2021.

Committee Recommendation

That Council **ACKNOWLEDGES** the outcome of the review in accordance with regulation 17 of the Local Government (Audit) Regulations 1996, regulation 5 (2) (c) of the Local Government (Financial Management Regulations) 1996 as contained in Confidential Attachment 1 of AC-017/22 - Internal Controls Testing 2020-2021.

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Audit Committee		
Reference No & Subject:	AC-018/22	Audit Committee – Review of Terms of Reference
File No:	CPM/109	
Proponent/s:		
Author:	Mr Martin Schaafsma, Manager Internal Audit	
Other Contributors:		
Date of Committee Meeting:	14 September 2022	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:		
Maps/Diagrams:		

Purpose of Report

The Audit Committee Terms of Reference has been revised to provide a more detailed Terms of Reference of the Audit Committee's roles and responsibilities in relation to risk management, internal control, legislative and internal and external audit processes of the City of Rockingham (City).

Background

Council has established the Audit Committee in accordance with the *Local Government Act 1995* (Act) and accompanied regulations.

The Audit Committee is an advisory committee established pursuant to section 7.1A.(1) of the Act. The Audit Committee is responsible to and assists the Council, in fulfilling its oversight responsibilities in relation to systems of risk management, internal control and compliance with laws and regulations and provides advice or recommendations on such matters. This is to facilitate informed decision making by Council in relation to its legislative functions and duties of the City.

The Audit Committee will engage with management in a constructive and professional manner to perform its oversight responsibilities.

The Audit Committee's functions include the receipt of the auditors' statements and management reports.

Note: The Act (s7.14A) requires that this Committee consists of three or more persons, which can include other persons as well as elected members. CEO and employees are not to be members but can be observers.

Note: To properly fulfil its functions under regulation 16(c) of the *Local Government (Audit) Regulations 1996*, the Audit Committee is to report direct to Council.

Details

According to the City's current Governance and Meeting Framework Policy the Terms of Reference of the Audit Committee is to oversee the risk management, internal control, legislative compliance and external audit processes of the City. The City currently do not have a detailed Terms of Reference clearly explaining the Committees responsibilities in relation to risk management, internal control, legislative compliance and external audit processes of the City. The Terms of Reference furthermore does not state the Audit Committee's role in relation to Internal Audit.

Regulation 16 of the *Local Government (Audit) Regulations 1996* indicates that the City's Audit Committee has the following functions:

- (a) *to guide and assist the local government in carrying out:*
 - (i) *its functions under Part 6 of the Act; and*
 - (ii) *its functions relating to other audits and other matters related to financial management;*
- (b) *to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*
- (c) *to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to:*
 - (i) *report to the council the results of that review; and*
 - (ii) *give a copy of the CEO's report to the Council;*
- (d) *to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under:*
 - (i) *regulation 17(1); and*
 - (ii) *the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (e) *to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*
- (f) *to oversee the implementation of any action that the local government:*
 - (i) *is required to take by section 7.12A(3);*
 - (ii) *has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a);*
 - (iii) *has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and*
 - (iv) *has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c); and*
- (g) *to perform any other function conferred on the audit committee by these regulations or another written law.*

The Local Government Operational Guidelines Number 09 – Revised September 2013 further provides some guidance on the appointment, function and responsibilities of Audit Committees including suggestions to be included in the Terms of Reference for Audit Committees.

The Office of the Auditor General furthermore issued a Better Practice Guide on Western Australia Public Sector Audit Committees (Report 26: 2019-20_25 June 2020) which provides suggestions to be included in Audit Committees in Western Australia Public Sector in General.

Both guides however suggest that the Terms of Reference of the Audit Committee be amended to the entity's legislative requirements and specific needs.

State Government has also announced the final package of reforms to the *Local Government Act 1995*, following a review of public submissions. Major changes to the Act and Regulations will provide for a stronger, more consistent framework for local government across Western Australia. The reform proposals have been designed to deliver significant benefits for residents and ratepayers, small business, industry, elected members and professionals working in the sector.

The proposed reforms are based on six themes:

- § Earlier intervention, effective regulation and stronger penalties
- § Reducing red tape, increasing consistency and simplicity

- § Greater transparency and accountability
- § Stronger local democracy and community engagement
- § Clear roles and responsibilities
- § Improved financial management and reporting.

These reforms once legislated may have an impact on the composition and functioning of Local Government Audit Committees in general.

Based on the mentioned, the City has drafted and updated the Audit Committee's Terms of Reference to provide a clearer understanding of the City's Audit Committee's roles and responsibilities in the interim while awaiting Local Government Reform outcomes and any amendments to the Act. The Terms of Reference will be further reviewed once recommended changes as per the Local Government Reform has been legislated or in accordance with the City's Governance and Meeting Framework Policy.

Implications to Consider

a. Consultation with the Community

Not Applicable

b. Consultation with Government Agencies

Not Applicable

c. Strategic

Community Plan

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

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

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

d. Policy

Council Policy: Governance and Meeting Framework Policy

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

In line with the Council Policy: Governance and Meeting Framework Policy a review of the Audit Committee's Terms of Reference has to be undertaken for the Audit Committee's consideration prior to presentation to Council for endorsement.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** the Audit Committee - Terms of Reference.

Committee Recommendation

That Council **ADOPTS** the Audit Committee - Terms of Reference as follows:

City of Rockingham
Audit Committee
Terms of Reference

Role

Council has established the Audit Committee in accordance with the *Local Government Act 1995* (Act) and accompanied regulations.

The Audit Committee is an advisory committee established pursuant to section 7.1A.(1) of the Act. It is responsible to and assists the Council, in fulfilling its oversight responsibilities in relation to systems of risk management, internal control and compliance with laws and regulations and provides advice or recommendations on such matters. This is in order to facilitate informed decision making by Council in relation to its legislative functions and duties of the City of Rockingham (City).

The Audit Committee will engage with management in a constructive and professional manner to perform its oversight responsibilities.

Membership

The Audit Committee is to comprise 4 members of Council.

Secretarial Support

The Chief Executive Officer (CEO) is to provide secretarial support to the Audit Committee.

Other Attendees

The CEO is responsible for providing all necessary advice and officer attendance to enable informed decisions to be made.

Responsibilities

The Audit Committee has no executive powers or authority to implement actions in areas where the CEO has legislative responsibility and has no delegated authority from Council.

Council authorises the Audit Committee, in accordance with the Terms of Reference, to:

- § Review the internal and external auditor's annual audit plans and the outcomes/results of all audits undertaken;
- § Monitor and consider the CEO's reviews conducted under regulation 17(1) of the *Local Government (Audit) Regulations 1996* and regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*;
- § Support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- § Oversee the implementation of any action that the local government is required to take under section 7.12A(3) of the Act;
- § Formally meet with the City's auditors as necessary;
- § Seek resolution on any disagreements between management and the external auditors on financial reporting; and
- § Advise Council on the above as required.

The City's Audit Committee has the following functions as stipulated in regulation 16 of the *Local Government (Audit) Regulations 1996* as follows:

- (a) to guide and assist the local government in carrying out:
 - (i) its functions under Part 6 of the Act; and
 - (ii) its functions relating to other audits and other matters related to financial management;

- (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;
- (c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to:
 - (i) report to the council the results of that review; and
 - (ii) give a copy of the CEO's report to the Council;
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under:
 - (i) regulation 17(1); and
 - (ii) the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- (f) to oversee the implementation of any action that the local government:
 - (i) is required to take by section 7.12A(3);
 - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a);
 - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
 - (iv) has accepted should be taken following receipt of a report of a review conducted under the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c); and
- (g) to perform any other function conferred on the audit committee by these regulations or another written law.

The Audit Committee will therefore have the following duties:

Risk management role, fraud and internal control

- § Reviewing and recommending Council Policy on Risk Management for the effective identification and management of the City's strategic risks;
- § Providing oversight on strategic risk exposures and, Council Policy on Risk Management;
- § Reviewing the effectiveness of processes for identifying, managing, treating and mitigating the City's strategic risks and ensuring that treating residual risks are aligned with the City's Risk Management Policy.

Internal audit

- § Assessing the internal audit plan to ensure that it addresses identified strategic risks that may threaten the achievement of strategic objectives;
- § Receive and review internal audit reports and provide recommendations to the Council on significant issues identified in audit reports and action to be taken on issues raised;
- § Review Financial Performance Reports;
- § Review with management the results of the audit; and
- § Oversight of management action in response to issues raised by the Office of the Auditor General Western Australia (OAG).

Compliance and ethics

- § Monitor suggested enhancements of systems and processes to monitor compliance with legislative requirements;
- § Keep informed of the findings of any industry based inquiries and reports, by regulatory agencies;
- § Obtain regular updates from management about any significant compliance matters; and
- § Review suggested improvements to the annual Compliance Audit Return and report.

External audit

- § Meet with the OAG to discuss the results of the financial audit (audit exit meeting);

- § Liaise with the CEO to ensure that the City does everything in its power to assist the OAG to conduct the audit and carry out its duties under the Act;
- § Review reports from the OAG including auditor's reports, closing reports and management letters;
- § Reviewing performance audit outcomes conducted on the City;
- § Review results of industry based performance audit reports and better practice guidance issued by the OAG, including any self-assessments performed by management on industry based performance audit; and
- § Meet with External Auditors on matters as requested by the Audit Committee.

Other responsibilities

- § Perform any other activities related to the duties of the Audit Committee as requested by Council.

Meetings

Meeting dates and time

Although the Audit Committee is to meet at least once annually, other meetings will be held as required.

Audit Committee Meetings Closed to Public

Audit Committee Meetings are closed to public in accordance with section 5.23(2) of the Act as the Audit Committee deals with risks, possible internal control deficiencies and audits which if these matters are publically disclosed, could impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law, endanger the security of the City's property, prejudice the maintenance or enforcement of a lawful measure for protecting public safety.

Review of Terms of Reference

In accordance with Council Policy – Governance and Meeting Framework Policy.

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Audit Committee		
Reference No & Subject:	AC-019/22	Review of Council Policy – Financial Hardship
File No:	CPM/3-7	
Proponent/s:		
Author:	Mr John Pearson, Director Corporate Services	
Other Contributors:		
Date of Committee Meeting:	14 September 2022	
Previously before Council:	9 November 2021 (AC-005/21)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
Attachments:		
Maps/Diagrams:		

Purpose of Report

To adopt the reviewed Council Policy – Financial Hardship.

Background

The Council adopted Council Policy – Financial Hardship in July 2020. This policy and City of Rockingham (City) processes were subject to a focus audit from the Office of the Auditor General (OAG). This audit was tabled in State Parliament in October 2021.

Given the nature of the audit, it was considered by the Audit Committee in November 2021.

At the November 2021 Ordinary Council Meeting, the following motion was adopted on recommendation from the Audit Committee:

“That Council **ENDORSES** the following report addressing the significant matters raised in the Western Australian Auditor General's Report - Local Government COVID-19 Financial Support.

Report on the significant matters raised in the Western Australian Auditor General's Report - Local Government COVID-19 Financial Support

Western Australian Auditor General's (OAG's) Report - Local Government COVID-19 Financial Support made the following recommendations;

“Recommendations

All LG entities, including those not sampled in this audit, should review their policies and implement processes to support their approach to providing financial hardship support to ratepayers. LG entities should balance application and assessment costs with the value of any support provided, and ensure they:

1. *have a current Council-approved financial hardship policy that, if they want to charge the higher threshold of instalment interest, covers 2021-22 rates*
2. *actively promote the policy to their ratepayers and make the policy and application form publicly available (Northampton)*
3. *put in place clear eligibility and assessment criteria and timeframes to process applications (Northampton and Rockingham)*
4. *maintain records of applications and outcomes*
5. *identify and manage actual, potential and perceived conflicts of interest for staff who assess applications (Belmont, Northampton and Rockingham)*
6. *review their application and assessment processes in response to complaint feedback.*

Under section 7.12A of the Local Government Act 1995, the 3 sampled LG entities are required to prepare an action plan addressing significant matters relevant to them for submission to the Minister for Local Government within 3 months of this report being tabled in Parliament, and within 14 days of submission publish it on their website. The action plans should address the recommendations relevant to each entity as indicated in the brackets above."

The following is the City's response to the two recommendations relevant to the City;

"1. Recommendation 3 - LG entities should balance application and assessment costs with the value of any support provided, and ensure they put in place clear eligibility and assessment criteria and timeframes to process applications.

The City has clear eligibility criteria and an assessment process. It is management's view that the systems are appropriate based on support available and Council Policy requirement of an evidence-based approach. Council Policy – Financial Hardship is responding to matters related to public funds and the process applied by the City maximises the benefit to applicants on an evidence-based approach. The City has received no complaints regarding its process and to those applicants which received support, it is considered a material benefit to them.

2. Recommendation 5 - LG entities should balance application and assessment costs with the value of any support provided, and ensure they identify and manage actual, potential and perceived conflicts of interest for staff who assess applications.

The City has multi-layered conflict of interest systems enshrined in organisational processes and practices. On a risk based approach further controls are also applied to further reduce actual, potential or perceived conflicts of interest. These controls apply to all staff involved in assessing applications. These have all been applied and the audit found no evidence of any actual, potential or perceived conflicts of interest for staff who assess the applications.

The City will review Council Policy – Financial Hardship and associated procedures by July 2022."

Details

Council Policy – Financial Hardship has been reviewed with minor amendments made.

Implications to Consider

a. Consultation with the Community

Nil. The changes proposed are minor and public comment is not considered necessary.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

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

d. Policy

Changes to the policy are minor and if adopted by Council will be implemented where not already occurring. The COVID-19 \$200 write off support has been removed as it only applied in the 2020/2021 financial year. The requirements of the Local Government (COVID-19 Response) Ministerial Order 2020 remain current and relevant. Once this legislation is repealed, the policy will be amended accordingly.

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

The proposed changes to the policy are minor in nature and will provide greater clarity of process requirements and benefit to the applicant.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** Council Policy – Financial Hardship.

Committee Recommendation

That Council **ADOPTS** Council Policy – Financial Hardship as follows:

Council Policy - Financial Hardship

Council Policy Objective

To:

- Provide the criteria on assisting ratepayers that qualify as experiencing financial hardship and are unable to pay their rates and service charges; and
- Ensure that all ratepayers are treated fairly and consistently with respect and compassion when the City is considering their circumstances in recognising financial hardship.

Council Policy Scope

This Policy applies to all City of Rockingham Residential and Small Business ratepayers who are experiencing financial hardship.

Council Policy Statement

1. Eligibility

The Policy is intended to assist those ratepayers where there is a willingness but an inability to pay their rates and includes:

- Immediate financial disadvantage that results in a person being unable to pay an outstanding amount by reason of a change in personal circumstances (short term); and
- More than immediate financial disadvantage which results in a person being unable to pay an outstanding amount without affecting the ability to meet the basic living needs of the person or a dependant (longer term).

This may be caused by (but is not limited to) one or more of the factors below:

- Loss of the ratepayer's or family member's primary income;
- Spousal separation or divorce;
- Physical and mental health issues;
- Loss of a spouse or a loved one;
- Chronic illness in immediate family;
- Domestic violence;
- Budget management issues associated with a low income; and
- Other unforeseen factors resulting in a ratepayer's capacity to pay, such as a reduction in income or an increase in non-discretionary expenditure.

This Policy is not to provide relief to those ratepayers who are not able to evidence financial hardship or are unwilling to pay rates and service charges.

2. Assessment

To enable the City to assess a ratepayer's financial hardship, evidence of their financial hardship is required including details of the ratepayer's circumstances, current financial situation and capacity to enter into a payment arrangement.

Ratepayers who are not able to pay **all** their rates and charges **by the end of the next financial year**, and claim financial hardship, will be requested to seek financial counselling. This provides an opportunity for the ratepayer to obtain independent financial advice and the information provided by the financial counsellor must be used by the City to confirm the ratepayer's capacity to pay.

3. Assistance Available

Payment Arrangements

The City provides a range of payment options to ratepayers including by instalment (one, two or four payments) and rates smoothing (weekly, fortnightly, or monthly payments) which will result in the rates and services charges being paid during the current financial year.

Ratepayers that are experiencing financial hardship are required to enter into an approved alternate payment arrangement by direct debit based on their capacity to pay.

The approved alternate payment arrangement will provide an extension to pay all rates and service charges by the end of the next financial year or will be based on the ratepayer's capacity to pay information provided by a financial counsellor.

It is the ratepayer's obligation to contact the City immediately if a payment under the approved alternate payment arrangement cannot be made or to request a new payment arrangement.

The approved alternate payment arrangement will be cancelled if the ratepayer defaults on a payment three times.

Interest Charges

Penalty interest on outstanding rates and service charges, ~~for the current financial year~~, will be waived for ratepayers **on approved financial hardship arrangements. experiencing financial hardship.**

Deferment of Payments

Ratepayers that experience financial hardship may make an application to have payments under a payment arrangement deferred for up to three months.

- **Debt Recovery**

Debt recovery will be suspended while a ratepayer experiencing financial hardship is on an approved alternate payment arrangement.

Where the approved alternate payment arrangement has been cancelled due to the ratepayer defaulting on a payment three times and a new approved alternate payment arrangement is not entered into, legal action may commence

If a ratepayer is unable to reduce the outstanding balance and any rates or service charges which are due have been unpaid for at least three years legal action is to commence to recoup all outstanding amounts.

- **COVID-19**

~~Where in the 2020/2021 financial year a ratepayer experiences financial hardship due to COVID-19, a one-off rates write-off to the value of \$200 may be applied to the ratepayer's property assessment.~~

In accordance with section 6.51(1) of the Local Government Act 1995 and clause 14 of the Local Government (COVID-19 Response) Ministerial Order 2020, penalty interest on outstanding rates cannot be applied to an excluded person, as defined in the Local Government (COVID-19 Response) Ministerial Order 2020, that has been determined by the City as suffering financial hardship as a consequence of the COVID-19 pandemic.

4. Communication and Reviews

Ratepayers who are experiencing financial hardship should contact the City immediately and apply for assistance under this Policy.

Ratepayers will be advised of their entitlements and obligations and will be provided with written confirmation of any decisions made in relation to the Policy.

All financial hardship applications must be reviewed at least every six months to ensure that the circumstances have not changed and feedback provided to the ratepayer on the amount outstanding and the anticipated date of the final payment.

5. Executive Policy and Procedures

The Chief Executive Officer is to maintain relevant Executive Policies and Procedures to ensure financial hardship is managed effectively, with respect and compassion and in accordance with statutory requirements.

6. Delegation of Authority

For information purposes, delegated authority has been provided to the Chief Executive Officer, in accordance with:

- Section 6.12 of *Local Government Act 1995*, to write off individual debts that do not exceed \$2,000
- Section 6.47 and 6.49 of *Local Government Act 1995*, to accept payment of a rate or service charges due and payable by a person in accordance with an agreement made with the person.

Definitions

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

Financial hardship is when a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants.

Immediate family member is:

- A person who is the ratepayers spouse, or
- A spouse or defacto spouse who cohabited with the ratepayer for at least two years, or
- A parent or step-parent of the ratepayer, or
- A child or step-child of the ratepayer or other child of whom the ratepayer is the guardian, or
- A brother, sister, step-brother or step-sister, half-brother or half-sister of the ratepayer.

Ratepayer means those that are liable for the payment of rates in accordance with section 6.44 of the Local Government Act 1995.

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.

Residential means the ratepayers' primary place of residence.

Small Business means a business undertaking which is wholly owned and operated by an individual person or by individual persons in partnership or by a proprietary company within the meaning of the Corporations Act 2001 of the Commonwealth and which:

- i. Has a relatively small share of the market in which it competes; and
- ii. Is managed personally by the owner or owners or directors, as the case requires; and
- iii. Is not a subsidiary of, or does not form part of, a larger business or enterprise.

Legislation

Local Government Act 1995 - s6.12. Power to defer, grant discounts, waive or write off debts

Local Government Act 1995 - s6.47. Concessions

Local Government Act 1995 - s6.49. Agreement as to payment of rates and service charges

Local Government Act 1995 - s6.51. Accrual of interest on overdue rates or service charges

Local Government (Financial Management) Regulations 1996

Other Relevant Policies/ Key Documents

Delegation Authority Register – 2.3 Waive/grant concession or write off monies owing

Delegation Authority Register – 2.5 Agreement as to payment of rates and service charges

Delegation Authority Register – 2.6 Rates or service charges recoverable in court

Responsible Division

Corporate Services

Review Date

Committee Voting – 4/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Planning and Engineering Services Committee

Planning and Development Services Health Services



Reference No & Subject:	PD-032/22 Proposed Traders Policy
File No:	CSV/28-46
Applicant:	
Owner:	
Author:	Mrs Erica King, Manager Health and Building Services
Other Contributors:	Ms Hannah Donoghue, Permits Officer
Date of Committee Meeting:	19 September 2022
Previously before Council:	26 July 2022 (PD-024/22)
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	
Lot Area:	
LA Zoning:	
MRS Zoning:	
Attachments:	<ol style="list-style-type: none">1. Schedule of Submissions2. Existing Leisure and Tourism Traders Policy3. Proposed Traders Guidelines (Non-Food)4. Proposed Traders Guidelines (Food)

Purpose of Report

To consider the adoption of the draft Traders Policy, following community consultation.

Background

In July 2022, Council resolved to approve the draft Traders Policy, along with the supporting Traders Guidelines (Non-Food) and Traders Guidelines (Food), for the purposes of community consultation.

Details

The City of Rockingham (City) can issue Permits to undertake commercial activities on public land, under the City's *Public Places and Local Government Property Local Law 2018*. Known as Traders Permits, they provide an opportunity for businesses to trade in public places, and are important for activating public space.

The framework in place for assessing and approving Traders Permits has been in effect since 2010, and during this time, has been refined to simplify the application process. It has been generally well received by traders seeking to operate within the City.

A review of the existing Leisure and Tourism Traders Policy and approval process was undertaken, and whilst the majority of the Traders Permit process was considered satisfactory, a number of locations were identified that could support regular mobile food trading ('food trucks') without impacting on established business.

As a result, it has been proposed to offer an additional type of mobile food trading Permit called 'Fixed Location Food Traders Permits'.

This new category is proposed to offer Permits in pre-determined locations to mobile food vendors. In the advertised draft Policy and Guidelines, it was proposed to issue these Permits on an annual basis, however, feedback from traders received during the advertising period requested reconsideration of this Permit structure to allow greater flexibility. This has subsequently been revised and 'Fixed Location Food Traders Permits' will now be issued for daily instead of annual trading Permits.

Council approval is only required to adopt the Traders Policy, however, the Traders Guidelines (Non-Food) and the Traders Guidelines (Food) were also included during the advertising period to provide additional clarification.

The advertising period for the draft Traders Policy and supporting Guidelines has concluded, the details of which form the basis of this Report.

Implications to Consider

a. Consultation with the Community

The draft Traders Policy and supporting Traders Guidelines (Non-Food) and Traders Guidelines (Food) were advertised for public comment in the following manner:

- Y a media release was issued on 28 July 2022;
- Y a copy of the proposed Traders Policy and supporting Traders Guidelines (Non-Food) and Traders Guidelines (Food) was advertised on the City's website and Share Your Thoughts page from 28 July 2022 to 31 August 2022;
- Y direct consultation with existing permit holders on 28 July 2022; and
- Y an advertisement was posted on the City's Facebook page on 28 July 2022.

At the conclusion of the public advertising period, a total of 48 submissions were received. All submissions were in respect to the 'Fixed Location Food Traders Permits'. Of the 48 submissions, 45 were in support of the proposed Policy, two raised questions on how it applied to their existing situation, and one submission did not support the proposed Policy. A full copy of each submission is included in the Schedule of Submissions attached to this Report (Attachment 1).

A summary of the concerns raised by the submitters, and the City's comment in respect to each submission, is included in the Table below.

Any specific queries on how the draft Policy and Guidelines relate to permit holders or businesses were individually responded to and addressed.

1. Trading Locations
<u>Submission:</u> Requests for additional locations to be considered.
<u>City's Comment:</u> The locations that have been identified to support 'Fixed Location Food Traders Permits' have been selected with consideration to proximity OF established food businesses, parking, lighting and pedestrian access. These locations are areas that are not well serviced by food retailers and are a priority for activation.

1. Trading Locations (cont...)
The success of these Permits, and the suitability of the locations, will be reviewed internally in July 2023, and relevant minor adjustments (such as including or removing locations) will be undertaken during the review.
2. Permit Approvals
<u>Submission:</u> Will the City consider a roster system for 'Fixed Location Food Traders Permits' so food vehicles can attend on rotation?
<u>City's Comment:</u> <p>The proposed annual 'Fixed Location Food Traders Permits' has been reconsidered based on this feedback. The Permit structure for the 'Fixed Location Food Traders Permits' is proposed to be changed so that applicants will be able to nominate locations on a daily basis.</p> <p>Only one Permit will be issued per trading location per day. This will allow operators the flexibility to apply for these Permits in conjunction with their other trading commitments, as well as offering the community a variety of different food trucks at each location.</p> <p>Instead of creating one annual permit fee, the fee structure for 'Fixed Location Food Traders Permits' will revert to the one-off food stall fees, of \$66 application fee and \$11.50 trading fee per location per day.</p> <p>Applicants will be able to nominate requested trading days upfront for the year, and locations and days will be assessed and allocated accordingly. Any additional trading days requested throughout the year will be added to the Traders Permit if the location is available.</p> <p>The Traders Guidelines (Food) has been amended to reflect this.</p>
3. Conflicting Uses
<u>Submission:</u> How will the 'Fixed Location Food Traders Permit' operators integrate with existing food truck monthly events in conflicting locations?
<u>City's Comment:</u> <p>By changing the 'Fixed Location Food Traders Permits' structure from annual Permits to daily Permits, the locations in close proximity to the monthly food truck events, or other approved Outdoor Events, will be unavailable for trading on those dates.</p>
4. Established Business
<u>Submission:</u> The 'Fixed Location Food Traders Permits' will take away business from established food businesses?
<u>City's Comment:</u> <p>The locations that have been selected to support these Permits have been done specifically with distance and impact on established business at the forefront of planning.</p>
5. Noise
<u>Submission:</u> The noise from generators and behaviour around the food vehicles will remove the natural beach noises.

5. Noise (cont...)
<p><u>City's Comment:</u></p> <p>The locations selected to support 'Fixed Location Food Traders Permits' are all in existing carparks. It is highly unlikely that noise will be audible within residential properties, however, the City will investigate if noise complaints are received from nearby residents.</p>
6. Food Safety
<p><u>Submission:</u></p> <p>Will the appropriate food handling laws be followed and vehicles inspected?</p>
<p><u>City's Comment:</u></p> <p>The City's Environmental Health Officers routinely inspect all food premises and mobile food vehicles for compliance with the <i>Food Act 2008</i>. There are penalties associated with non-compliance, and can include prohibiting trading.</p>
7. Alcohol
<p><u>Submission:</u></p> <p>Will the City consider a mobile pub?</p>
<p><u>City's Comment:</u></p> <p>No. A mobile pub would not comply with the City's Planning Policy 3.3.19 - Licenced Premises, which states:</p> <p><i>"The City will generally not support having alcohol available for sale at public or private events or supplied or consumed on or around Council owned or managed property, such as:-</i></p> <ul style="list-style-type: none"> - <i>Road reserves;</i> - <i>Parks;</i> - <i>Beach areas; or</i> - <i>Designated open spaces;</i> <p><i>except for occasions or events where approval has been granted by the Council and a license to serve alcohol has been obtained from the Department of Racing, Gaming and Liquor"</i></p>

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective 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 Traders Policy is adopted, the existing Leisure and Tourism Traders Policy 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 commercial activity on public land therefore requires a permit prior to commencing. The Traders Policy provides the mechanism to grant a permit, and the Traders Guidelines (Non-Food) and Traders Guidelines (Food) provide the framework to ensure all commercial activities on public land are 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

The draft Traders Policy simplifies the direction for undertaking commercial trade on a public place. It confirms the Council’s position on trading upon City land, along with the necessary considerations for all applications.

The current process for considering and approving Traders Permit applications works very well, and it is not proposed to change the process for existing permit categories. It is proposed to align the current processes to a new Policy, as well as introduce a limited number of additional fixed trading locations for mobile food vendors through an additional permit system.

The draft Traders Policy is supported by two Guidelines - Traders Guidelines (Non-Food) and Traders Guidelines (Food). The Guidelines have been split into two because of the different nature of these types of Permits, and to simplify the approval process. Both Guidelines provide applicants with a comprehensive list of considerations needed to successfully gain their Traders Permit, and to operate their business on a public place and without incident.

Forty eight (48) submissions were received during the advertising period. Overall, there was strong support for the proposed direction for the City’s Traders Permits, however, a number of food vehicle operators did request consideration be given to a more flexible Permit system for the proposed ‘Fixed Location Food Traders Permits’ rather than the proposed annual Permit per trading location.

As a result of the community consultation, the Traders Guidelines (Food) have been amended for the ‘Fixed Location Food Traders Permits’. Instead of one annual Permit per trading location, applicants will now be able to nominate trading locations on a daily basis for the ensuing 12 month period.

Only one trader will be permitted to trade at an approved location per day, however, by offering this flexibility there will be more opportunities for more traders to successfully gain a location, and there will be more variety offered to the community by having different traders attend on different days. It also allows the City to restrict certain locations for trade on days where there are approved Outdoor Events occurring nearby, or City maintenance required.

Permitted locations for the ‘Fixed Location Food Traders Permits’ remain unchanged following the community consultation period, and are as originally proposed in the Traders Guidelines (Food). These locations will be signposted prior to Permits being issued, in order to clearly identify the permitted trading areas.

It is recommended the Council adopts the draft Traders Policy accordingly.

If the draft Traders Policy is adopted, the City’s Health Services will directly notify all known permit holders of the changes. A ‘Fixed Location Food Traders Permit’ application form will also be provided, with the intent to have applications close on 18 October 2022 and then Permit Holders trading prior to summer 2022.

The 'Fixed Location Food Traders Permits' application process and location suitability will be reviewed during 2023. Relevant adjustments will be made to the Traders Guidelines (Food) under the CEO's authorisation as required.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **DELETES** Council Policy - Leisure and Tourism Traders on Council Reserves.
2. **ADOPTS** the Traders Policy, as follows:

COUNCIL POLICY - TRADERS POLICY

Council Policy Objective

Under the provisions of the City of Rockingham *Public Places and Local Government Property Local Law 2018*, the City may permit trading on a public place. The purpose of this Policy is to set out the circumstances under which the City will issue Permits for trading on a public place.

The Policy aims to:

- Encourage commercial traders to assist in increasing the vitality, amenity and character of the City of Rockingham;
- Ensure that commercial activities are complementary to existing commercial uses and locations; and
- Ensure that not for profit activities and charity fundraising/advertising are complementary to surrounding uses.

Council Policy Scope

This Policy applies to all trading on public places within the City of Rockingham.

This Policy does not apply to trading:

- located on private property, where development approval may be required, or
- as part of an approved lease or licence already issued by the City of Rockingham.

Council Policy Statement

To encourage a variety of commercial operators to trade on public places, the following will be considered in all applications:

- consistency with Traders Guidelines;
- location of the proposed trading area;
- compatibility with existing commercial uses (on private property);
- potential impact on City assets, reserves and the environment;
- potential safety issues and adequate risk management planning;
- amenity impact potential from noise, light or other sources; and
- any previous non-compliances or issues by the Permit Holder.

Traders Guidelines

Guidelines have been developed to implement the Policy Objectives and provide a comprehensive framework for the development, management and control of trading on public land throughout the City of Rockingham.

The Traders Guidelines have been split into Traders Guidelines (Food) and Traders Guidelines (Non-Food). The Chief Executive Officer is to maintain the Traders Guidelines, which 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 27 September 2022.

Definitions

Public place means:

- (a) a street;
- (b) any local government property; or
- (c) a place to which the public have access.

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

Legislation

Local Government Act 1995

City of Rockingham Public Places and Local Government Property Local Law 2018

Other Relevant Policies/Key Documents

Traders Guidelines (Food)

Traders Guidelines (Non-Food)

Responsible Division

Health Services

Review Date

Review every two years

Committee Recommendation

That Council:

1. **DELETES** Council Policy - Leisure and Tourism Traders on Council Reserves.
2. **ADOPTS** the Traders Policy, as follows:

COUNCIL POLICY - TRADERS POLICY

Council Policy Objective

Under the provisions of the City of Rockingham *Public Places and Local Government Property Local Law 2018*, the City may permit trading on a public place. The purpose of this Policy is to set out the circumstances under which the City will issue Permits for trading on a public place.

The Policy aims to:

- Encourage commercial traders to assist in increasing the vitality, amenity and character of the City of Rockingham;
- Ensure that commercial activities are complementary to existing commercial uses and locations; and
- Ensure that not for profit activities and charity fundraising/advertising are complementary to surrounding uses.

Council Policy Scope

This Policy applies to all trading on public places within the City of Rockingham.

This Policy does not apply to trading:

- located on private property, where development approval may be required, or
- as part of an approved lease or licence already issued by the City of Rockingham.

Council Policy Statement

To encourage a variety of commercial operators to trade on public places, the following will be considered in all applications:

- consistency with Traders Guidelines;
- location of the proposed trading area;
- compatibility with existing commercial uses (on private property);
- potential impact on City assets, reserves and the environment;
- potential safety issues and adequate risk management planning;

- amenity impact potential from noise, light or other sources; and
- any previous non-compliances or issues by the Permit Holder.

Traders Guidelines

Guidelines have been developed to implement the Policy Objectives and provide a comprehensive framework for the development, management and control of trading on public land throughout the City of Rockingham.

The Traders Guidelines have been split into Traders Guidelines (Food) and Traders Guidelines (Non-Food). The Chief Executive Officer is to maintain the Traders Guidelines, which will be updated periodically to reflect any legislative and/or City operational changes.

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Traders Guidelines (Non-Food)

Responsible Division

Health Services

Review Date

Review every two years

Committee Voting (Carried) - 6/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Planning and Development Services Strategic Planning and Environment



Reference No & Subject:	PD-033/22	Proposed Local Planning Policy No. 3.1.2 - Local Commercial and Activity Centres Strategy
File No:	LUP/1596	
Applicant:		
Owner:		
Author:	Mr Paul Compe, Senior Planning Officer – Strategic Projects	
Other Contributors:	Mr Brett Ashby, Manager Strategic Planning and Environment	
Date of Committee Meeting:	19 September 2022	
Previously before Council:	24 July 2018 (PD-033/18)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:	<ol style="list-style-type: none">1. Draft Local Commercial and Activity Centre Strategy2. Floorspace Recommendations	
Maps/Diagrams:		

Purpose of Report

To consider advertising draft Local Planning Policy No.3.1.2 - Local Commercial and Activity Centres Strategy (LCACS) for public comment.

Background

A Local Commercial Strategy (LCS) provides guidance on planning for activity centres, by considering the retail and other commercial needs of the community and providing recommendations on the distribution of centres and commercial floorspace within the locality. Activity Centres are community focal points which include commercial, retail, higher density housing, entertainment, tourism, civic/community, higher education and medical services.

Crucially, a LCS seeks to ensure an appropriate mix of centres, within a designated hierarchy, balancing smaller centres (Local, Neighbourhood and District) to provide convenient access to daily and weekly retail needs, with larger centres (Secondary and Strategic) providing for higher order retail needs and other employment opportunities.

The Table below summarises the hierarchy of centres set out in the draft *State Planning Policy 4.2 - Activity Centres*:

Centre Classification	Role and Typical Attributes	Examples
Capital City	Perth Capital City is the largest of the activity centres, providing the most intensely concentrated development in the Perth, Peel and Bunbury regions.	Perth
Strategic	Strategic centres are the main regional activity centres. They are multipurpose centres that provide a diversity of uses. These centres provide the full range of economic and community services necessary for the communities in their catchments. These centres are expected to service substantial populations, providing health, community and social services, be integrated with public transport and provide opportunities for business agglomeration. Access is a priority for these centres.	Rockingham
Secondary	Secondary centres share similar characteristics with strategic centres but serve smaller catchments and offer a more limited range of services, facilities and employment opportunities. They perform an important role in the regional economy, and provide essential services to their catchments.	Kwinana
District	District centres have a greater focus on servicing the daily and weekly needs of residents. Their relatively smaller scale catchment enables them to have a greater local community focus and provide services, facilities and job opportunities that reflect the needs of their catchments.	Baldivis, Secret Harbour, Warnbro
Specialised	Specialised centres focus on regionally significant economic and institutional activities, such as logistics based businesses for airports or knowledge-based for health and tertiary education precincts.	Murdoch, Jandakot Airport, Perth Airport, Bentley/Curtin
Neighbourhood	Neighbourhood centres are important local focal points that provide for daily to weekly household shopping needs, community facilities and a small range of other convenience services. They are also a focus for medium density housing. These centres play an important role in providing walkable access to services and facilities for local communities.	Charthouse, Shoalwater, Waikiki Village, Settlers Hills, Palm Meadows, St Clair
Local	Local centres provide for the day to day needs of local communities. These centres provide an important role in providing walkable access to services and facilities for local communities.	Malibu, Bent Street, The Ridge, Hokin Street

Table 1 - Activity Centre Hierarchy

The City of Rockingham's (City) current LCS was adopted by Council in February 2004 and endorsed by the WAPC in December 2006.

In August 2012, the City reviewed the LCS as it applies to retail floorspace in Baldivis, as per the direction of the then *State Planning Policy 4.2 - Activity Centres for Perth and Peel* (SPP4.2), which superseded the *Metropolitan Centres Policy* (2000).

This review responded to future needs by confirming an activity centre network and hierarchy and provides a strategic direction for centre development and future activity centre growth.

The LCS makes recommendations which are consistent with draft SPP4.2 by providing for retailing and associated activation within a defined and appropriate activity centre hierarchy. It also reinforced the need for these facilities to be accessible and encourages the concentration of future retail expansion.

Further minor reviews have been undertaken since that time, with the most recent version adopted by Council in July 2018.

Details

The LCACS is intended to replace the City's existing LCS and inform preparation of the new Local Planning Strategy (LPS) and Local Planning Scheme.

The City employed planning consultants Hames Sharley and Franklin Planning to undertake preparation of the LCACS. Preparation of the LCACS was informed by a Needs Assessment undertaken by urban economics consultant, Pracsys.

The Needs Assessment provides the analysis and evidence to support planning recommendations for the City's activity centres. It utilises modelling to consider the demand for housing, economic and employment lands through to 2041, taking into account anticipated population growth and consumer spending patterns to inform the preferred distribution and floorspace capacity of Activity Centres throughout the City.

Key findings of the Needs Assessment are:

- Y the existing distribution and hierarchy of existing centres is relatively sound;
- Y there is capacity for expansion of retail floorspace across many of the centres given population growth and changes in retail spending;
- Y planning for new commercial centres in Karnup, in conjunction with the scheduled District Structure Plan, is required and may have some influence on the capacity for centres to expand in Baldivis;
- Y there may be capacity for reclassification of a number of centres in the Baldivis area to a higher category, however, further consideration of this should await planning for the Karnup area;
- Y a significant amount of bulky goods retail floorspace will be needed to accommodate the growing requirements for Baldivis; and
- Y a staged approach should be taken by allowing the floorspace to come 'on stream' once a population reaches a certain level (i.e. the catchment), as opposed to allowing floorspace to be developed prematurely.

A copy of the Needs Assessment can be made available to Council Members upon request.

The draft LCACS is intended to replace the existing LCS and provide a contemporary strategy for the City's commercial and employment planning, consistent with current State planning requirements. Recommendations are provided over the short, medium and longer term for implementation through the LPS and other planning mechanisms.

The purpose of the LCACS is to:

- Y understand the context relating to the City's existing Local Commercial Strategy, Employment Strategy and Rockingham Strategic Centre Framework;
- Y outline best planning principles to guide the future development of the City's activity centre hierarchy that are responsive to the aspirations of the community;
- Y provide a planning and land use response to address improving the City's employment sufficiency, within the City's Activity Centres;
- Y address the outcomes specified within the draft *State Planning Policy 4.2 - Activity Centres*;

- Y identify and define boundaries of Activity Centres suitable for consideration in the preparation of future Precinct Structure Plans;
- Y outline changes required to the City's local planning scheme as part of the scheme review process; and
- Y outline contemporary best practice planning principles and guide development of the existing and future Activity Centres.

Key findings and recommendations of the draft LCS include:

- Y the City's current employment self-sufficiency (ESS) ratio of 0.57 (the ratio of local workers to local jobs) is low compared to the City's and South Metropolitan Peel target of 0.74;
- Y employment self-sufficiency is expected to further deteriorate with anticipated residential development and population growth without greater provision of strategic, non-retail employment;
- Y the low employment self-sufficiency within the City could be improved or further impacted depending on the nature of potential development within North-East Baldivis and Karnup;
- Y priority areas for additional strategic employment include the Rockingham Strategic Centre, along with East Rockingham, Port Kennedy, HMAS Stirling (Garden Island), North-East Baldivis, Baldivis (Kerosene Lane) and Karnup;
- Y higher densities of residential development should be facilitated within and surrounding Activity Centres to support their development;
- Y the Rockingham Strategic Centre has an important role to play in improving employment self-sufficiency by targeting employment activities within the education sector, State Government administration, arts, entertainment, business services for nearby industrial areas, and the tourist sector;
- Y floorspace of existing centres are proposed to increase throughout the City given the anticipated population growth to 2036;
- Y population growth in Baldivis and Karnup will require significant new commercial floorspace;
- Y Karnup is expected to accommodate a District Centre and a range of Neighbourhood and Local Centres which will be planned through the District Structure Plan;
- Y Baldivis Town Centre may warrant reclassification to a 'Secondary Centre' to accommodate additional retail floorspace and other employment, along with reclassification of the 'Parkland Heights' Centre to a 'District Centre', however, planning for Karnup should be completed before this is further considered, so that interaction between centres in Baldivis and Karnup can be properly considered;
- Y Kerosene Lane is the preferred location for additional bulky goods development in Baldivis. With additional Bulky Goods development to be accommodated within the Port Kennedy Business Park, and potential within the Karnup District Structure Plan area; and
- Y the Needs Assessment identifies opportunities to increase floorspace across the following categories (See Attachment 2):
 - Shop floorspace (SHP) including convenience/comparison retail;
 - Other Retail (RET) including bulky goods and showrooms; and
 - Non-Retail floorspace, including entertainment, health, office and storage.

Further to the above, implementation of the LCACS will occur by:

- Y Advocacy: to the Western Australian Planning Commission on key strategic commercial and employment planning matters including, role of the Rockingham Strategic Centre; and prioritisation of employment in the North-East Baldivis Planning Investigation area, the Kerosene Lane Urban Investigation area in Baldivis, and the Karnup District Structure Plan area;
- Y Local Planning Strategy: incorporating appropriate recommendations of the LCACS into the Local Planning Strategy, including activity centre location, hierarchy and boundaries; floorspace recommendations and residential density targets;
- Y Local Planning Scheme: inclusion of appropriate provisions in the new Local Planning Scheme including zones, objectives and land use control;

- Y Precinct Structure Plans: development and/or review of Precinct Structure Plans for key centres including the Rockingham Strategic Centre (in progress), District centres and other select Neighbourhood and Local centres; and
- Y Application Assessment: application of the LCACS recommendations to the consideration of development applications and structure plans for new centres and the expansion of existing centres. A staged approach will be taken to floorspace recommendations, with expansion to occur on an incremental basis as population growth occurs.

Review of Strategic Centre Framework

The LCACS provides strategic guidance, which considers the outcomes of the Needs Assessment to inform planning outcomes for the Strategic Centre which will be considered within the review.

This project has been developed in association with preparation of the Strategic Centre planning framework review and the LPS currently in progress.

Implications to Consider

a. Consultation with the Community

Under clause 4(1) of the deemed provisions of TPS2, if the Local Government resolves to amend a Planning Policy, it is to advertise the proposed amendments as follows:

- “(a) *publish a notice of the proposed Policy in a newspaper circulating in the Scheme area giving details of:*
- (i) the subject and nature of the proposed amendment Policy; and*
 - (ii) the objectives of the proposed amended Policy; and*
 - (iii) where the proposed amended Policy may be inspected; and*
 - (iv) to whom, in what form and during what period submissions (being not less than 21 days from the day the notice is published) may be made;*
- (b) if, in the option of the local government, the Policy is inconsistent with any State Planning Policy, give notice of the proposed Policy to the Commission;*
- (c) give notice of the proposed Policy in any other way and carry out any other consultation the local government considers appropriate.”*

Advertising will be undertaken for a period of 42 days given the complex nature of the technical assessment that will need to be considered by stakeholders.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

Aspiration 3: *Plan for Future Generations*

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

d. Policy

Draft State Planning Policy 4.2 'Activity Centres for Perth and Peel' (SPP 4.2)

SPP4.2 is endorsed under Part 3 of the *Planning and Development Act 2005* in 2010 and is currently under review. SPP4.2 governs decision-making for the planning and development of activity centres and will apply to the City's LPS and Local Planning Scheme review.

The draft SPP4.2 emphasises the need to ensure planning and development adequately considers the distribution, function and broad land use options for Activity Centres to meet local community needs and provide social, economic and environmental benefits.

The SPP4.2 Guidelines specify the process in which local governments must consider Activity Centres to support future planning and Activity Centres, by identifying a sufficient supply of land for a range of Activity Centre functions including residential, retail, commercial and mixed-use development. A Needs Assessment assesses the demand for all residential and Activity Centre uses and the LCS sets out the City's strategic planning priorities for Activity Centres and commercial activities for the next 15-20 years. The outcomes should then be reflected in the City's LPS as it sets out future growth of the City.

e. Financial

Nil

f. Legal and Statutory

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

Under Division 2, Clause 3 of the Regulations, the Council may prepare a Local Planning Policy (LPP) in respect of any matter related to the planning and development of the Scheme area.

A LPP:

- (i) may apply generally in respect of a particular class or classes of matters specified in the Policy; and
- (ii) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the Policy.

A LPP must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the Policy applies.

The local government may amend or repeal a Local Planning Policy.

In making a determination under the City's Town Planning Scheme No.2 (TPS2), the Council must have regard to each relevant Local Planning Policy to the extent that the Policy is consistent with TPS2.

Should Council resolve that LPP3.1.2 is in a suitable form to advertise, it must state the subject and nature of the Policy, objectives, how the public can view the document, the manner and form of the submissions and the period for making submissions.

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 LCACS meets the requirements of State Policy and provides appropriate guidance to support commercial and retail development within the City. It aims to support improvements in the vitality and vibrancy of the City's Activity Centres, increased local employment opportunities, and ensure a coordinated approach to centre planning within the City. Recommendations are provided over the short, medium and longer term for implementation through the LPS and other planning mechanisms.

It is intended that the LCACS be adopted as a Local Planning Policy as an interim measure ahead of adoption and implementation of the LPS.

The LCACS is considered suitable for the purpose of public advertising, which will provide an opportunity for stakeholder input on the key findings and recommendations.

A briefing on the proposed LCACS was provided to the Councillor Engagement Session on 13 September 2022.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **APPROVES** advertising of the proposed Local Planning Policy No.3.1.2 - Local Commercial and Activity Centres Strategy, as detailed in Attachment 1, for public comment.

Committee Recommendation

That Council **APPROVES** advertising of the proposed Local Planning Policy No.3.1.2 - Local Commercial and Activity Centres Strategy, as detailed in Attachment 1, for public comment.

Committee Voting (Carried) - 6/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

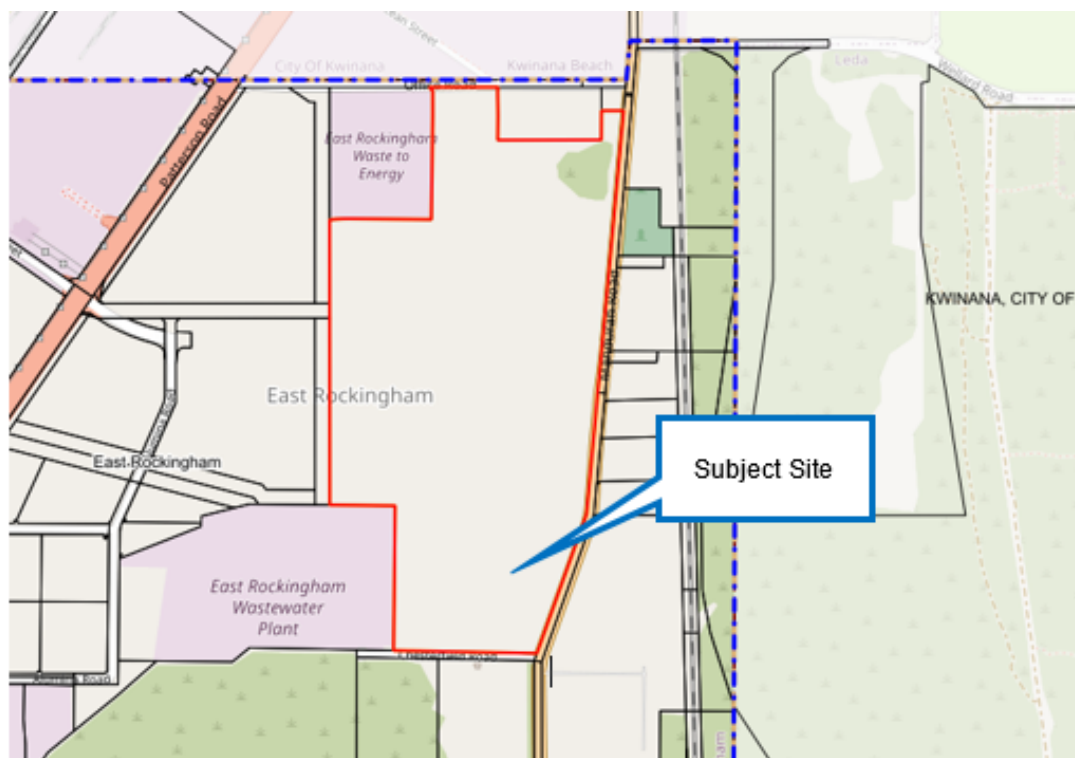
Planning and Development Services Statutory Planning Services



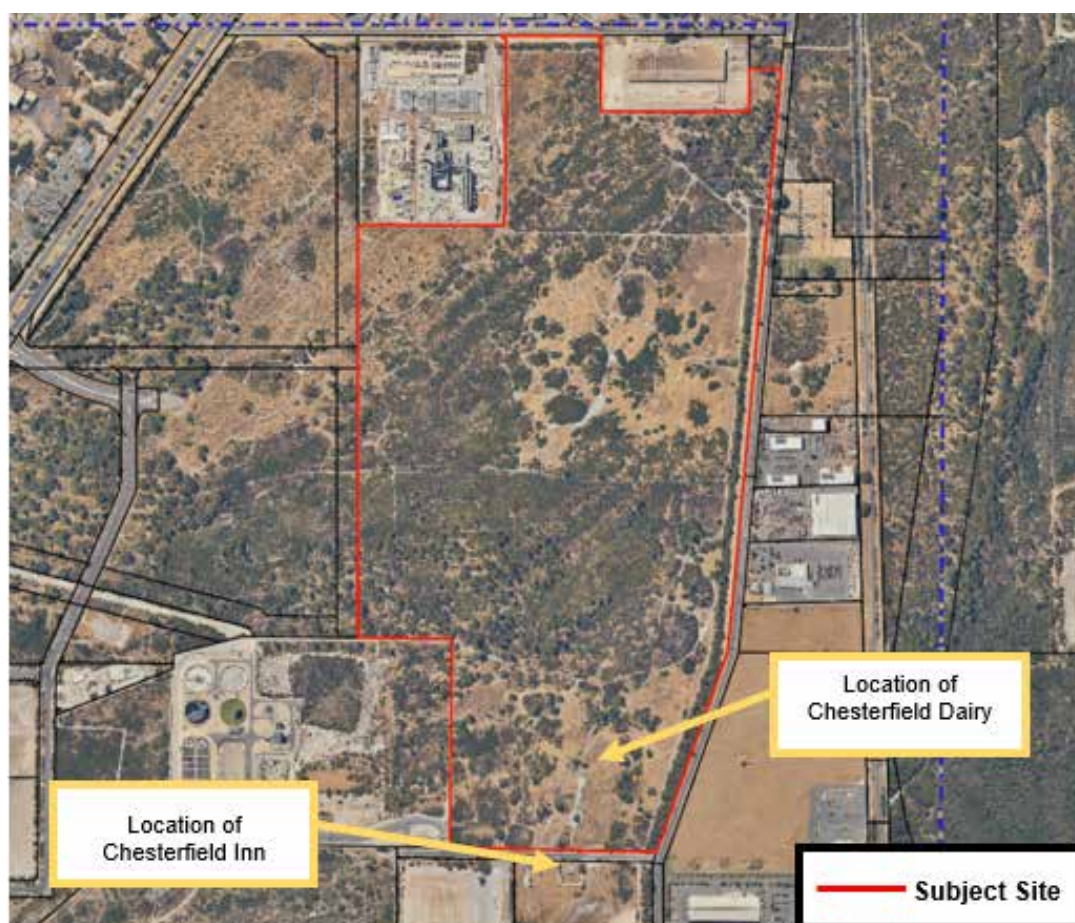
Reference No & Subject:	PD-034/22	Proposed Demolition of 'Chesterfield Dairy'
File No:	DD020.2022.136.1	
Applicant:	Element Advisory Pty Ltd	
Owner:	Western Australian Land Authority (Development WA)	
Author:	Miss Nyah Cheater, Planning Assistant	
Other Contributors:	Mr Chris Parlane, A/Coordinator Statutory Planning Mr David Waller, A/Manager Statutory Planning	
Date of Committee Meeting:	19 September 2022	
Previously before Council:	25 September 2007 (PD175/9/07)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Tribunal	
Site:	Lot 149 Alloy Avenue, East Rockingham	
Lot Area:	89.5778ha	
LA Zoning:	Special Industry	
MRS Zoning:	Industrial	
Attachments:	<ol style="list-style-type: none"> 1. Chesterfield Inn Dairy Detailed Archival Record (2009) 2. Heritage Impact Statement (January 2018) 	
Maps/Diagrams:	<ol style="list-style-type: none"> 1. Location Plan 2. Aerial Photograph 3. Site Plan of Chesterfield Inn (House) and Dairy 4. Map of East Rockingham Heritage Precinct 5. Photograph of the Chesterfield Dairy, 1998 6. Chesterfield Inn - Prior to and after Conservation Works 7. Historical Photographs of the Dairy 8. Current Photographs of the Dairy 	

Purpose of Report

To consider an application seeking Development Approval to demolish the local heritage listed 'Chesterfield Dairy' (otherwise known as the 'Chesterfield Inn Stables'), at Lot 149 Alloy Avenue, East Rockingham.



1. Location Plan



2. Aerial Photograph

Background

Site Context

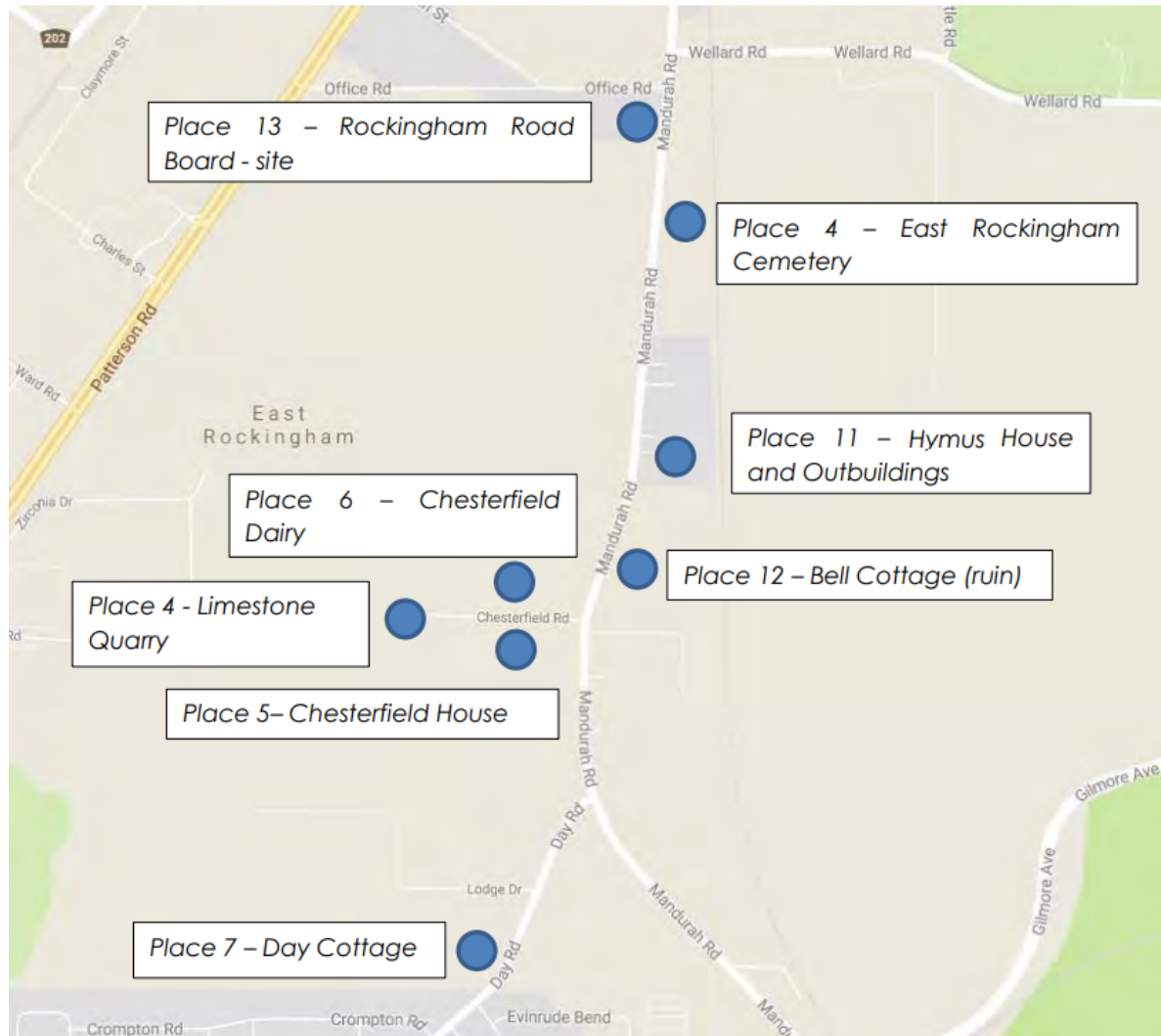
The Chesterfield Dairy (the 'Dairy') is located to the north of the Chesterfield Inn (the 'Inn'), off Chesterfield Road, East Rockingham (refer to Figure 3).

The subject site adjoins the East Rockingham Wastewater Treatment Plant to the west, the East Rockingham Waste to Energy Facility to the north-west, Office Road to the north and Mandurah Road to the east.

The subject site is one of many local heritage properties located within the East Rockingham Heritage Precinct (refer to Figure 4).



3. Site Plan of Chesterfield Inn (House) and Dairy (Palassis Architects, April 2009)



4. Map of East Rockingham Heritage Precinct (Municipal Heritage Inventory 2018)

Historical Context

The subject land is among the earliest land grants within the Rockingham region. The Inn, formerly known as the 'Rockingham Arms' or 'Chesterfield House', was constructed in circa 1857 and was operated by various lessees, functioning as a stopping point for travellers on the road between Fremantle and Mandurah, a boarding house and a place of entertainment. In 1912, the place was delicensed, from being able to serve/supply alcohol and the land was used for grazing cattle.

During the 1930s, the Inn was established as a family home, while the property was developed as a dairy. The Dairy outbuilding was originally located closer to the Inn, but it was substantially rebuilt in the 1950s to its north, using similar materials. It was a single-storey building constructed of limestone masonry walls with brick quoins to the corners and window reveals. It was been built with a corrugated iron roof and concrete floors.

During the 1960s, parcels of land within East Rockingham were being acquired by the State Government for future industrial development. Local community concern about the future of several early settlers' cottages led to the assessment of some of the properties by the National Trust.

In 1979, the land parcels for the Inn and the Dairy were subdivided and the Dairy and its landholding were transferred to the State Government.

From the late 1970s until 1992, the Inn was operated as a Youth Hostel until a fire led to the eviction of the tenants. Subsequently, Development WA (formerly LandCorp) obtained ownership of the Inn and its landholding. The Inn and the Dairy have been largely unoccupied since this time.

The Inn and the Dairy were included on the City's Municipal Heritage Inventory (MHI) in 1998. In 2003, the Inn was included on the State Register of Heritage Places on an interim basis as place No.02325, and the Dairy was listed as place No.02326 and a Child Place of the Inn. The 'Child Place' classification was assigned to the Dairy due to its connection and association with the Inn (as the parent place).

The heritage listing of the Inn and the Dairy was a result of their significant social and historical value, reflecting a connection to a number of pioneering families and individuals who played important roles in establishing the Rockingham region.

By 2008, both the Inn and the Dairy had been the subject of considerable vandalism and decay.



5. Photograph of the Chesterfield Dairy, 1998 (from the Municipal Heritage Inventory)

Previous Approvals

In March 2008, the Western Australian Planning Commission granted Development Approval under the Metropolitan Region Scheme (MRS) for the demolition of the Dairy, to facilitate the development of the East Rockingham Waste Water Treatment Plant (ERWWTP) on the subject site. The application was determined by the WAPC at the time due to it having potentially regional significance on the ERWWTP.

Five (5) conditions, linked to positive conservation outcomes for the associated Inn, were imposed on the Development Approval, as shown below:

1. *A comprehensive archival record for the former Chesterfield Inn and associated Dairy building shall be prepared in accordance with the Minimum Requirements for Recording Places document (attached).*
2. *The owner shall enter into a Heritage Agreement with the Heritage Council of WA to ensure the retention, conservation and interpretation of the former Chesterfield Inn, including the interpretation of the Dairy building. The Heritage Agreement is to include an updated schedule of conservation works prepared by a heritage consultant.*
3. *A proposal for a holding pattern of immediate works for the Inn shall be prepared with input from a heritage consultant and structural engineer, outlining requirements for the removal of fire hazards, stabilisation of remnant walls and roof, re-roofing and securing.*
4. *Works specified in (3) above shall be implemented prior to any demolition works occurring.*
5. *Prior to any ground disturbance at the site, an archaeologist shall be consulted to investigate and record evidence of areas of potential archaeological significance, including the cellar under the Inn. The archaeologist shall also prepare a protocol for addressing archaeology during works.*

The demolition of the Dairy ultimately did not proceed and in 2010, a stolen car was driven into the Dairy building and set alight, causing further damage to the already deteriorating building.

In 2014, the 'Chesterfield Inn Conservation and Heritage Strategy' (the Strategy) was prepared. It assessed the Inn's site viability for conservation and adaptive re-use to ensure its long-term survival. The Strategy identified the extent of conservation works at that point in time, including the urgent works required to stabilise the building to prevent further deterioration.

In October 2017, urgent conservation works to stabilise the Inn were completed (Figure 6), addressing Condition 4 of the 2008 Development Approval. The works included the re-roofing with heritage galvanised corrugated roof sheets, complete with new roof structure, flashings, gutters and rainwater goods.



6. Chesterfield Inn - Prior to and after Conservation Works (Hocking Heritage Studio, 2018)

In February 2018, a fresh Development Application was lodged for the demolition of the Dairy following the lapse of the 2008 Development Approval.

The application was referred to the Heritage Council of Western Australia (HCWA) at the time who advised that Conditions 1, 3, 4 and 5 of the 2008 Development Approval had been satisfied, but that Condition 2 relating to the Heritage Agreement remained outstanding.

In May 2018, Development Approval was granted, with the HCWA's support, for the demolition of the Dairy, subject to the following conditions:

- "1. Prior to works commencing, the owner shall enter into a Heritage Agreement with the Heritage Council of WA to ensure the retention, conservation, and interpretation of the former Chesterfield Inn, including the interpretation of the Dairy building. The Heritage Agreement is to include an up-dated schedule of conservation works prepared by a heritage consultant;*
- 2. As the Heritage Agreement requires an interpretation outcome for the place, an Interpretation Plan for the Inn and the Dairy is to be prepared and submitted to the satisfaction of the Assistant Director General, Heritage Services, Department of Planning, Lands and Heritage.*
- 3. A quantity of vuggy limestone blocks of the Chesterfield Inn Dairy agreed to with the applicant are to be retained and made available to the City for their protection and reuse, following demolition works."*

The 2018 Development Approval was valid until the 29 May 2020, however, in accordance with the COVID-19 'State of Emergency Exemptions issued' by the Minister for Planning, this was extended until May 2022.

In May 2021, the HCWA's Assessment of the Inn was amended to finalise the permanent registration of the Inn on the State Register of Heritage Places, and to remove the Dairy from the state heritage curtilage of the Inn. The Dairy is no longer a state heritage listed asset.

Details

The City of Rockingham (City) has received an application seeking to renew the 2018 Development Approval to demolish the Dairy. The proposal is supported by a Heritage Impact Statement, prepared in 2018 for the previous Development Application, and the Detailed Archival Record prepared for the original demolition proposal in 2009.

The Dairy was considered representative of a class of outbuildings commonly constructed in the East Rockingham area in the mid-twentieth century using stone that was locally available. Due to considerable damage from fire and vandals over the last two decades, the roof and some of the walls of the Dairy are in a collapsed state. The building is considered structurally unsound and a wire fence has been built around the Dairy to prevent trespassing and further vandalism.

As the intention since 2008 has been to proceed with the demolition of the Dairy, no maintenance works have been carried out and the building has continued to deteriorate (refer to Figures 7, 8 and 9).



7. Aerial Photograph of the Dairy as of 5 July 2022 (Nearmaps)



8. Historical Photographs of the Dairy (Hocking Heritage Studio, 2018)



9. Current Photographs of the Dairy (Taken 12 August 2022)

Implications to Consider

a. Consultation with the Community

Consultation with the Rockingham District Historical Society Inc. (RDHS) was undertaken during the 2018 Development Application for the demolition of the Dairy. The RDHS's submission on the previous application recommended that the Dairy be retained.

In further verbal discussions between the City and the RDHS on the application for renewal, the RDHS advised that it maintains its position that the Dairy should be retained, but acknowledges the difficulties surrounding retention. This was on the basis that it been previously approved for demolition twice before and that demolition is supported by the Heritage Council of Western Australia.

As the proposal remains unchanged, it was deemed that formal consultation was not required.

b. Consultation with Government Agencies

The proposal was referred to the Heritage Council of Western Australia for comment.

The comments received are summarised as follows:

1. Heritage Council of Western Australia (HCWA)

At the time of the Heritage Council's original consideration of the proposed demolition of the Dairy in 2008, the Dairy was captured within the Registered curtilage of Chesterfield Inn (fmr), Rockingham. The Registration of Chesterfield Inn (fmr), Rockingham has since been revised to exclude the Dairy.

Despite the dairy being removed from the curtilage, its history is considered to contribute to the overall history of the Chesterfield Inn (fmr), Rockingham. An application for the dairy's demolition was conditional on the preparation of an archival record and included a requirement for the owners to enter into a Heritage Agreement to ensure the retention, conservation and interpretation of the inn. The dairy therefore played a particularly important role as an offset to the conservation works that have occurred to the Cottage.

The proposal does not impact the identified cultural heritage significance of Chesterfield Inn (fmr), Rockingham but is directly related to the positive conservation outcome for the place. The proposed demolition of the Dairy is therefore supported subject to the following conditions:

1. *The owner shall enter into a Heritage Agreement with the Heritage Council of WA to ensure the retention, conservation and interpretation of the former Chesterfield Inn, including the interpretation of the Dairy building. The Heritage Agreement is to include an updated schedule of conservation works prepared by a heritage consultant.*
2. *As the Heritage Agreement requires an interpretation outcome for the place, an Interpretation plan for the Inn and Dairy is to be prepared and submitted to the satisfaction of the Director, Historic Heritage Conservation, Department of Planning, Lands and Heritage.*

This advice is based on an assessment of the proposal's impact on Chesterfield Inn (fmr), Rockingham and is given from a heritage perspective to assist your determination.

City's Comment:

The City agrees with the advice provided by the HCWA and considers the two recommended conditions appropriate given they are consistent with the 2018 Development Approval, and will result in positive conservation outcomes for the Inn. It is noted by the City that the HCWA has recently removed the Dairy from the state heritage curtilage of the Inn.

c. Strategic

Community Plan

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

Aspiration 3: *Plan for Future Generations*

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

d. Policy

State Planning Policy 3.5 - Historic Heritage Conservation (SPP3.5)

SPP3.5 sets out the principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage. It seeks to promote and facilitate a balanced, integrated and imaginative approach to effectively conserve, use and manage state and local heritage assets, taking into account the views of landowners, the community, and State and local governments.

The relevant objective of SPP3.5 to this application is listed as follows:

- *To ensure that heritage significance at both the State and local levels is given due weight in planning decision-making.*

The City (as the local government) is required to give regard to the following matters where the demolition of a heritage place is concerned:

- *"The level of heritage significance of the place, based on a relevant heritage assessment.*
- *Measures proposed to conserve the heritage significance of the place and its setting.*
- *The structural condition of the place, and whether the place is reasonably capable of conservation.*
- *Whether the place is capable of adaptation to a new use which will enable its retention and conservation."*

The proposal has been supported by a Heritage Impact Statement and Detailed Archival Record which acknowledges the heritage significance of the 1950s Dairy building, and deemed that its demolition will not compromise the heritage significance of the place, provided that the former Inn is retained.

The Heritage Impact Statement notes that the Dairy is in extremely poor repair. Little of the roof remains in contact and the failing condition of the walls has resulted in the Dairy being past the point of recovery in terms of restoring the building in a financially sound manner. Additionally, repair would entail the use of various new materials which would potentially harm the heritage integrity of the building.

The potential integration of the Dairy into the facilities of the future Wastewater Treatment Plant at this site, and even relocation of the Dairy to an alternative site, were investigated in the original application in 2008 and ultimately deemed unfeasible.

With due consideration to the provisions of SPP3.5, the City considers the proposed demolition of the Dairy to be acceptable on the basis that the approval will result in the ongoing conservation of the Inn and its heritage significance to the Rockingham region.

Local Planning Policy 3.3.21 – Heritage Conservation and Development (LPP3.3.21)

The purpose of LPP3.3.21 is to provide development and design guidance for places that are heritage listed with the objective of conserving and protecting their heritage significance.

The demolition of a heritage place is addressed in LPP3.3.21 via the following clauses:

- “(a) *Demolition of a heritage place with exceptional or considerable significance is rarely appropriate and should require the strongest justification. Demolition of a heritage place with moderate or low significance should be avoided wherever possible, although there may be circumstances where demolition is justified. The onus rests with the applicant to provide a clear justification.*
- (b) *Demolition approval should not be expected simply because redevelopment is a more attractive economic proposition, or because a building has been neglected. Consideration of a demolition proposal should be based upon the significance of the building or place; the feasibility of restoring or adapting it, or incorporating it into new development; and the extent to which the community would benefit from the proposed redevelopment."*

Proposals for the demolition of heritage places are required to be supported by an archival record of the place prior to works commencing. The applicant has provided a Heritage Impact Statement, which was prepared for the 2018 Development Application, and the original Detailed Archival Record prepared in 2009, to support their application for demolition.

The submitted heritage documentation outlines that the former Dairy is in a state of extreme disrepair by neglect and would require substantial modifications, including the introduction of new materials, to restore it to a state resembling its original condition. This would incur significant expenses on the part of the proponent and would adversely impact the building's heritage integrity.

As stated previously, the feasibility of potential restoration or adaptive reuse was considered in the original application in 2008, but these options were deemed to be non-viable in the circumstances. Furthermore, the applicant agreed in 2018 that the limestone blocks used in the Dairy are to be retained and made available to the City to use for alternative purposes.

The City considers that adequate justification has been provided, in accordance with LPP3.3.21, to support the demolition of the Dairy.

e. Financial

Nil

f. Legal and Statutory

Heritage List

The City's Heritage List is a list of places compiled under the City's Town Planning Scheme No. 2 for which Development Approval is required for demolition, alterations or other development affecting the cultural heritage significance of the place. The Inn is No.5 and the Dairy is No.6 on the Heritage List.

The Chesterfield Dairy is a Category 'A' place within the City of Rockingham Heritage List. The required outcome for Category A places under the LPP3.3.21 is as follows:

"The place should be retained and conserved. Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists for the place)."

The proposed demolition of the Dairy is supported by a Heritage Impact Statement prepared by a qualified Heritage Consultant. Despite its Category 'A' listing on the City's Heritage List, its demolition has also been assessed against the requirements of SPP3.5 and LPP3.3.21 and is considered acceptable, given its poor state, its limited capacity for repair with the same materials and limited opportunity for re-use.

Following demolition of the Dairy, its place/category listing on the Local Heritage List will be included in a future review.

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 Dairy is in a dilapidated state of extreme disrepair, being structurally unsound and heavily vandalised. Relocation or adaptive re-use options were explored within the original 2008 application but were found to be financially and structurally unfeasible. Restoration and/or relocation works would involve substantial modifications, using new materials that would considerably compromise the heritage significance of the building. Additionally, the Dairy sits apart from the Chesterfield Inn and its demolition would have little impact on the heritage significance of the Inn and its overall presentation.

Whilst the demolition of heritage buildings is the least preferred outcome, it is considered there are no reasonable options for retention and/or community benefit. The potential re-use of the Dairy building within the Special Industry zone is limited and restoration works to meet current building code requirements is likely to result in its heritage value being significantly diminished.

Further, as the demolition of the Dairy will result in the ongoing preservation of the Chesterfield Inn, which remains a significant heritage place within the City, this will allow ongoing retention of a building which is reflective of the early pioneering history of Rockingham.

The HCWA has provided its support for the demolition of the Dairy subject to two conditions, which will result in positive conservation outcome for the Inn. Based on the HIS, it is recommended that the demolition of the Dairy be approved, subject to the same three conditions imposed on the 2018 Development Approval and as recommended by the HCWA.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **APPROVES** the application for Development Approval for the demolition of the Chesterfield Dairy at Lot 149 Alloy Avenue, East Rockingham, subject to the following conditions:

1. All development must be carried out in accordance with the submitted documents as listed below:
 - Detailed Archival Record, prepared by Palassis Architects, dated July 2009;
 - Heritage Impact Statement, prepared by Hocking Heritage Studio, dated January 2018;save that, in the event of an inconsistency between the above documents and a requirement of the conditions set out below, the requirement of the conditions shall prevail.
2. Prior to demolition works commencing, the owner shall enter into a Heritage Agreement with the Heritage Council of Western Australia to ensure the retention, conservation, and interpretation of the former Chesterfield Inn, including the interpretation of the Dairy building. The Heritage Agreement is to include an up-dated schedule of conservation works prepared by a heritage consultant.
3. An Interpretation Plan for the Inn and the Dairy is to be prepared and submitted to the satisfaction of the Department of Planning, Lands and Heritage.
4. A quantity of vuggy limestone blocks of the Dairy, as agreed to by the City, is to be retained and made available to the City for protection and/or reuse, following demolition works.

Committee Recommendation

That Council **APPROVES** the application for Development Approval for the demolition of the Chesterfield Dairy at Lot 149 Alloy Avenue, East Rockingham, subject to the following conditions:

1. All development must be carried out in accordance with the submitted documents as listed below:
 - Detailed Archival Record, prepared by Palassis Architects, dated July 2009;
 - Heritage Impact Statement, prepared by Hocking Heritage Studio, dated January 2018;save that, in the event of an inconsistency between the above documents and a requirement of the conditions set out below, the requirement of the conditions shall prevail.
2. Prior to demolition works commencing, the owner shall enter into a Heritage Agreement with the Heritage Council of Western Australia to ensure the retention, conservation, and interpretation of the former Chesterfield Inn, including the interpretation of the Dairy building. The Heritage Agreement is to include an up-dated schedule of conservation works prepared by a heritage consultant.

3. An Interpretation Plan for the Inn and the Dairy is to be prepared and submitted to the satisfaction of the Department of Planning, Lands and Heritage.
4. A quantity of vuggy limestone blocks of the Dairy, as agreed to by the City, is to be retained and made available to the City for protection and/or reuse, following demolition works.

Committee Voting (Lost) - 1/5

(Council Members Wormall, Hamblin, Buchan, Jones and Jecks voted against)

Note: Council Members voted against the Officer Recommendation as the 'Chesterfield Dairy' building:

1. Has heritage significance to the Rockingham community and is placed on the City of Rockingham Heritage List.
2. Is within the East Rockingham Heritage Precinct.
3. Can be rebuilt for future generations.
4. Does not require immediate removal as there is no short-term use for the land.

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

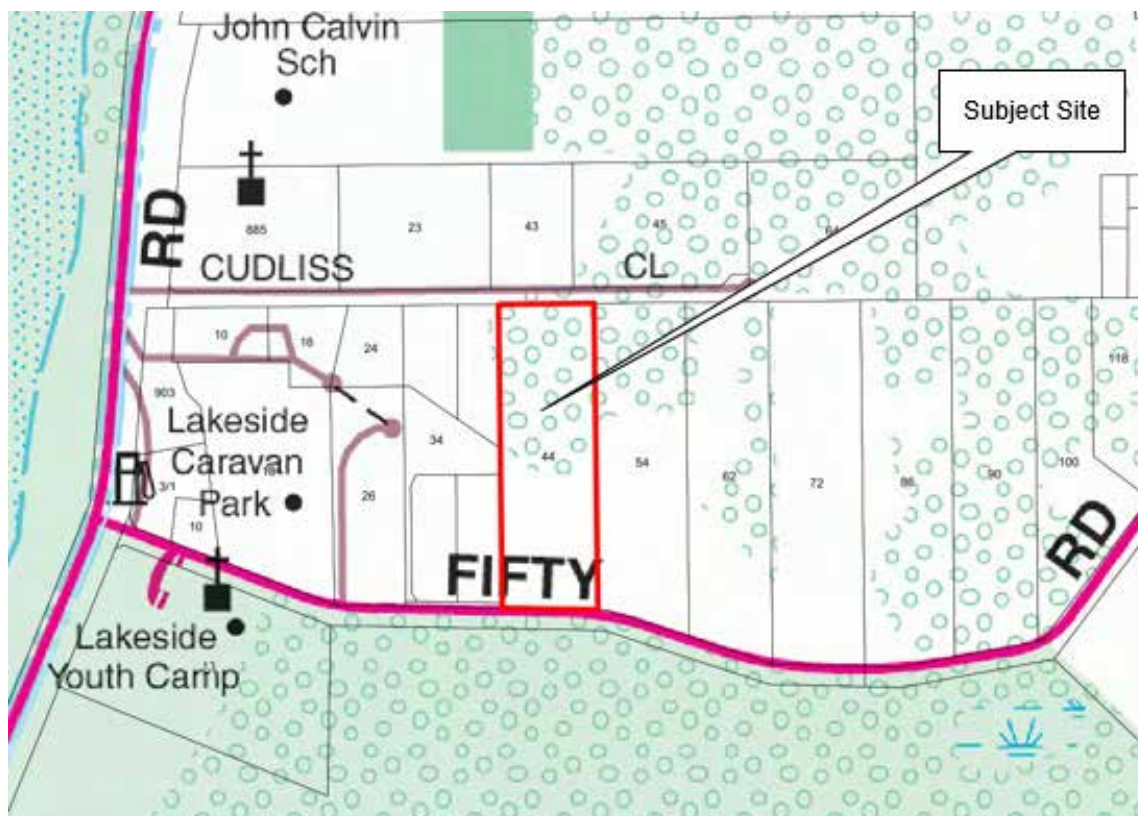
Planning and Development Services Statutory Planning Services



Reference No & Subject:	PD-035/22	Proposed Scheme Amendment No.183 - Rezoning from 'Rural' to 'Special Rural'
File No:	LUP/2191	
Applicant:	Harley Dykstra Planning & Survey Solutions	
Owner:	Wavestar Nominees Pty Ltd	
Author:	Mr Neels Pretorius, Planning Officer	
Other Contributors:	Mr Chris Parlane, A/Coordinator Statutory Planning Mr David Waller, A/Manager Statutory Planning	
Date of Committee Meeting:	19 September 2022	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Legislative	
Site:	Lot 4 (No.44) Fifty Road, Baldivis	
Lot Area:	2.8221ha	
LA Zoning:	Rural	
MRS Zoning:	Rural	
Attachments:	1. Scheme Amendment Report	
Maps/Diagrams:	1. Location Plan 2. Aerial Photograph 3. Photo of Site taken from Cudliss Close 4. Photo of Site taken from Fifty Road 5. Subdivision Concept Plan 6. Building Envelope and Tree Retention Plan 7. Current Zoning 8. Proposed Zoning 9. Figure 5b from Bush Fire Management Plan 10. Extract from South Metropolitan Peel Sub-Regional Planning Framework	

Purpose of Report

To consider Amendment No.183 to Town Planning Scheme No.2 (TPS2) to rezone Lot 4 (No.44) Fifty Road, Baldivis ('the subject site') from 'Rural' to 'Special Rural'.



1. Location Plan



2. Aerial Photograph

Background

Site Context

The subject site is 2.8221ha and has frontage to Cudliss Close to the north and Fifty Road to the south.

North of Cudliss Close the land is zoned 'Special Rural', while the land south of Fifty Road is Reserved 'Parks and Recreation' in the Metropolitan Region Scheme (MRS).

'Special Residential' zoned land adjoins the subject site to the west, while the adjoining land to the east is zoned 'Rural'.

The land slopes down from west to east, from a high point approximately 31m Australian Height Datum (AHD) towards the centre of the site, to approximately 21m AHD in the north-eastern corner (Cudliss Close) and 22m AHD along Fifty Road.

A dwelling, associated outbuildings and a pool are located in proximity to the high point, approximately 95m north of Fifty Road.



3. Photo of Site taken from Cudliss Close



4. Photo of Site taken from Fifty Road.

Details

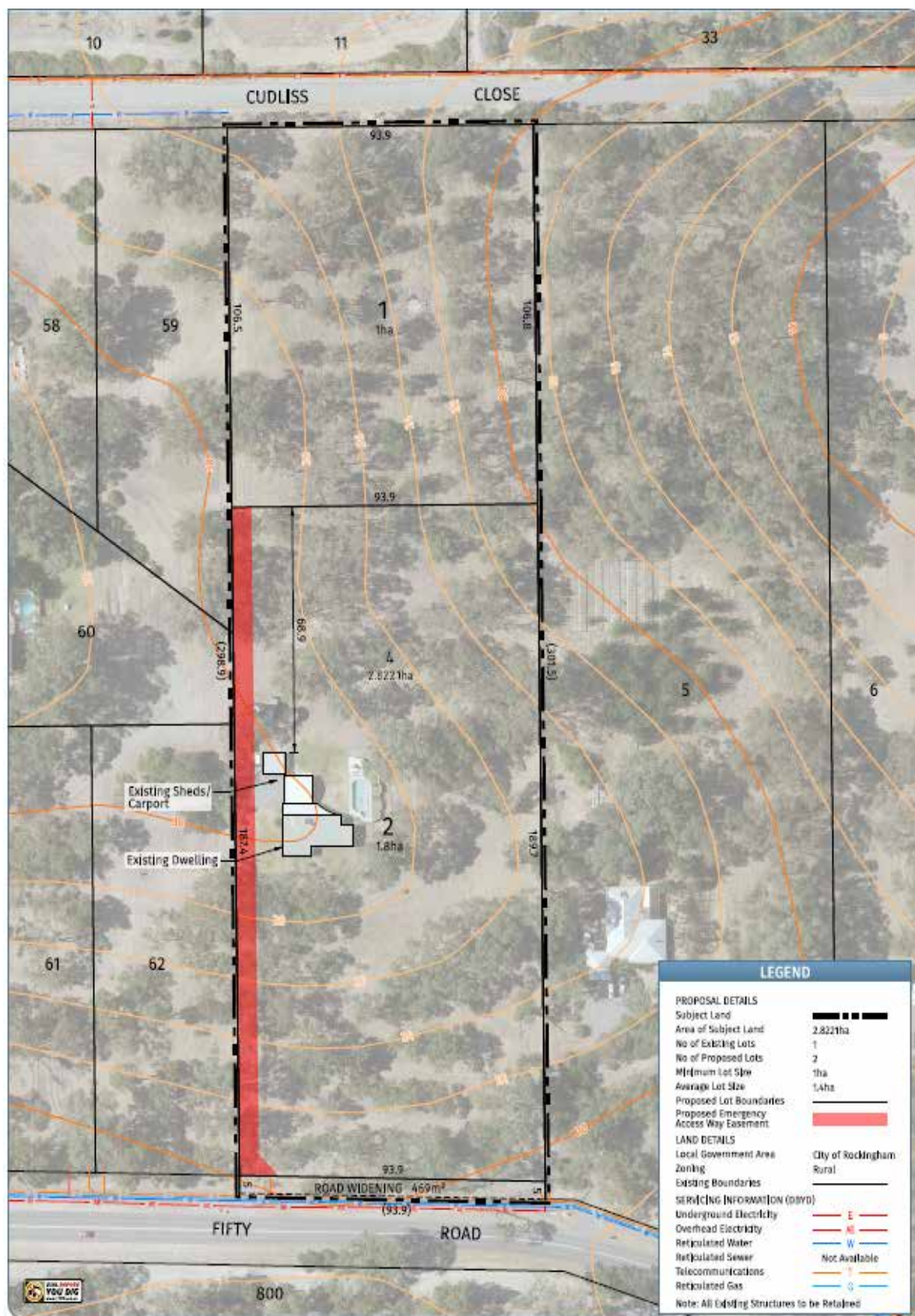
Scheme Amendment No.183 seeks to rezone the subject site from 'Rural' to 'Special Rural'.

A Subdivision Concept Plan has been prepared which indicates:

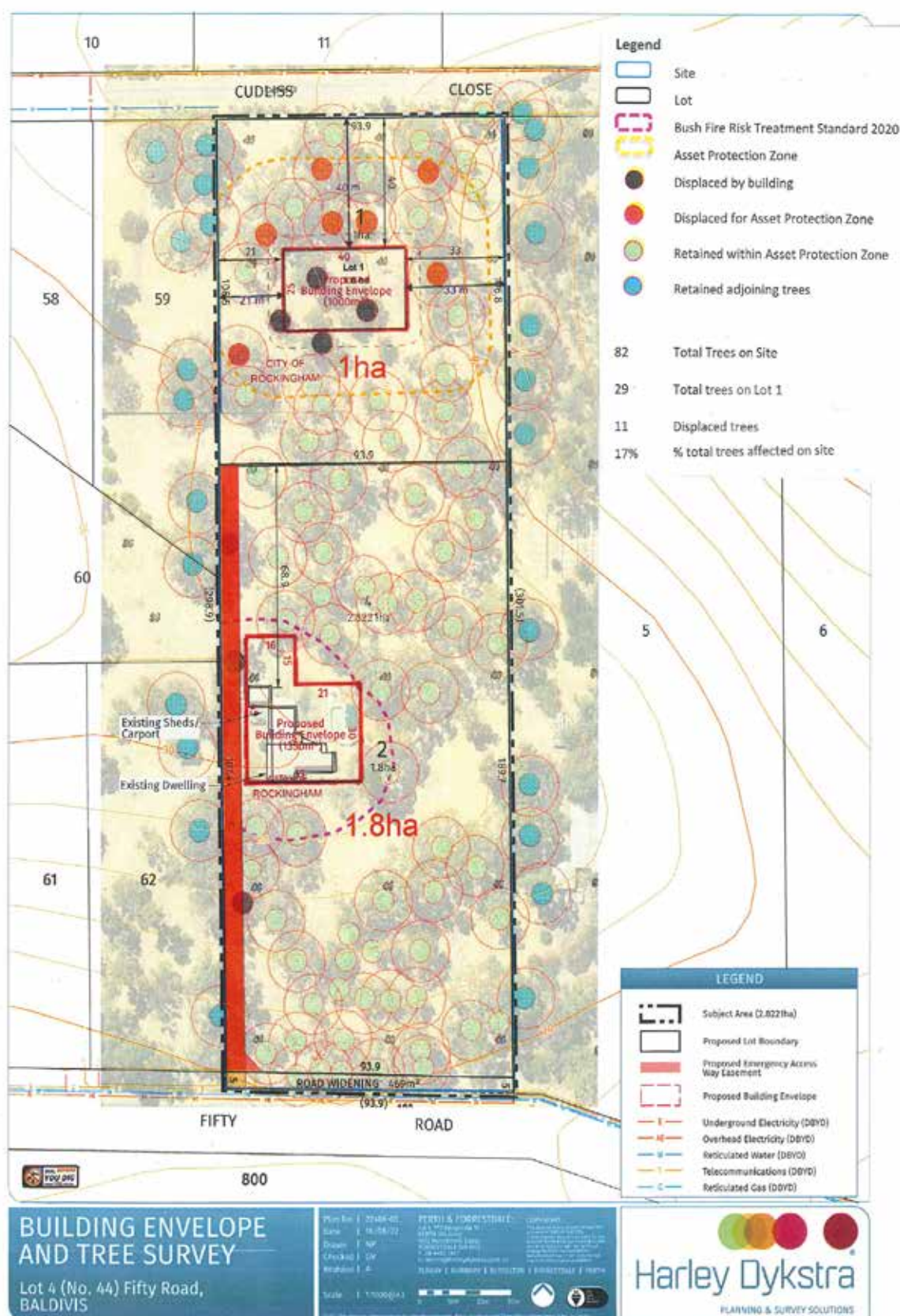
- Ÿ The land being subdivided into two Lots, comprising 1ha (proposed Lot 1) on the northern portion and 1.8ha (proposed Lot 2) on the southern portion of the site;
- Ÿ Building Envelopes on both Lots, comprising 1,000m² and 1,350m² for Lots 1 and 2 respectively; and
- Ÿ A six (6) metre wide Emergency Access Way (EAW) proposed from Lot 1 to Fifty Road, in order to provide alternative emergency access in the case of a Bushfire.

The applicant has provided the following documents in support of the Scheme Amendment:

- Ÿ A Scheme Amendment Report;
- Ÿ A Subdivision Concept Plan; and
- Ÿ A Bushfire Management Plan.



5. Subdivision Concept Plan



6. Building Envelope and Tree Retention Plan



7. Current Zoning



8. Proposed Zoning

Implications to Consider

a. Consultation with the Community

If the Scheme Amendment is initiated by Council as a Standard Amendment, it is required to be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) for a minimum period of 42 days from the date of publication, as follows:

- Published on the City of Rockingham's (City) website;
- Make available a copy of the Scheme Amendment for public inspection at the City's Administration Offices; and
- Publish a notice of the Scheme Amendment in a newspaper circulating in the locality.

b. Consultation with Government Agencies

Consultation with relevant Government Agencies will only occur if the Scheme Amendment is initiated by Council in accordance with the Regulations.

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 a growing population, with consideration of future generations.*

d. Policy

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

SPP3.7 seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

The accompanying *Guidelines for Planning in Bushfire Prone Areas* (the Guidelines) provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP3.7. They provide advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a designated bushfire prone area.

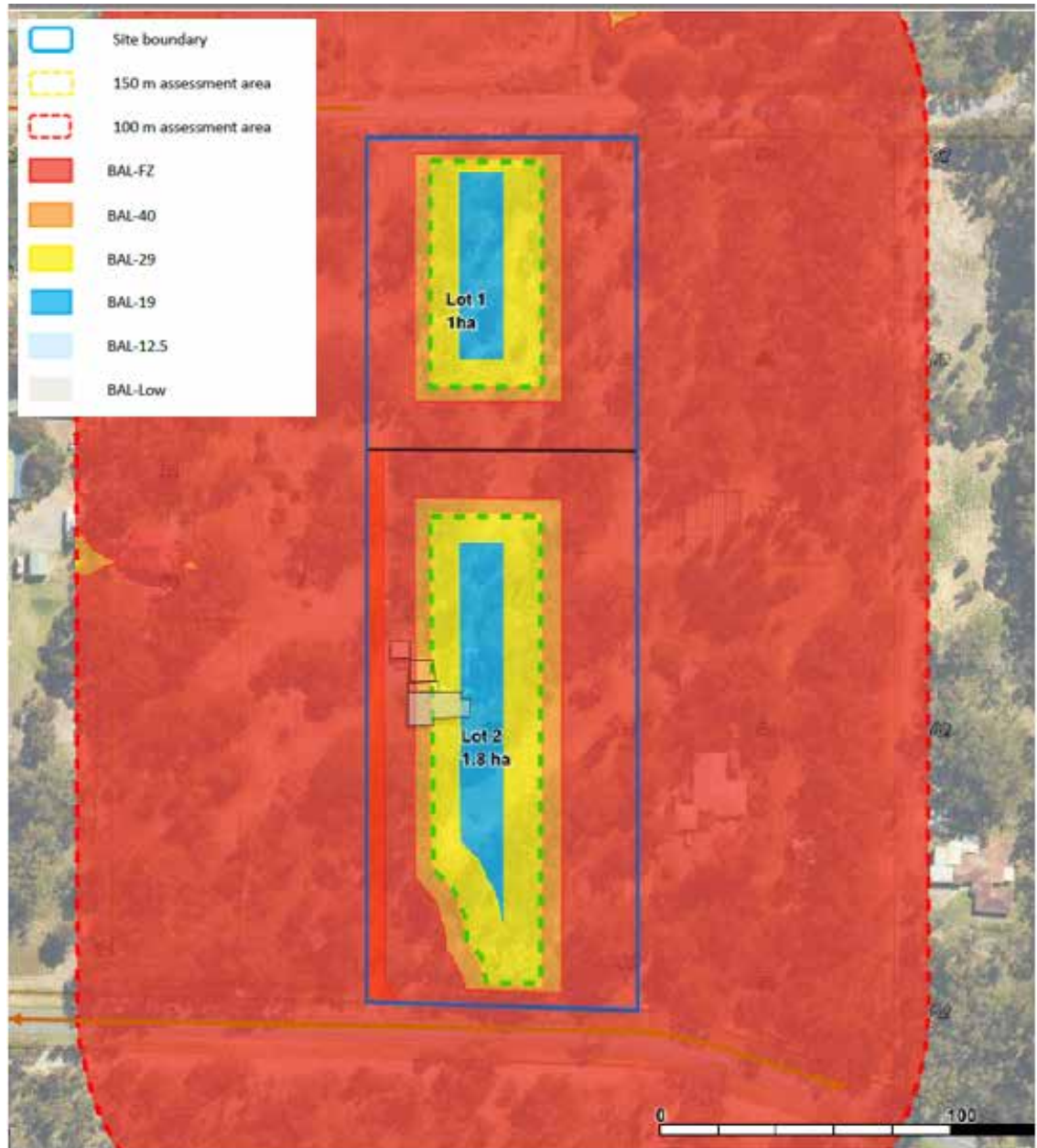
The subject site is located within a designated Bushfire Prone Area and the applicant has submitted a Bushfire Management Plan (BMP) to support the Scheme Amendment.

A key element of the BMP includes the identification of 'developable areas' where development could occur at a rating of BAL-29 or below, where compliance with the Guidelines could be achieved in respect to the provision of asset protection zones. The 'developable areas' are shown in Figure 9 below.

An initial concern of the City, however, was the potential adverse environmental impact of large scale tree removal required to achieve BAL-29 or below, given the size of the 'developable areas' depicted in the BMP. As a result, the applicant submitted a Building Envelope and Tree Retention Plan outlined in Figure 6 above, which indicates designated Building Envelopes of reduced area. As a result, the potential environmental impact has been reduced accordingly.

In all other respects the BMP has been assessed to comply with the Guidelines. In order to align the proposed Buildings Envelopes with the BMP, it will need to be amended to include the building envelopes indicated for the two lots on the Building Envelope and Tree Retention Plan.

Subject to the above, the proposal is considered to be consistent with the objectives of SPP3.7.



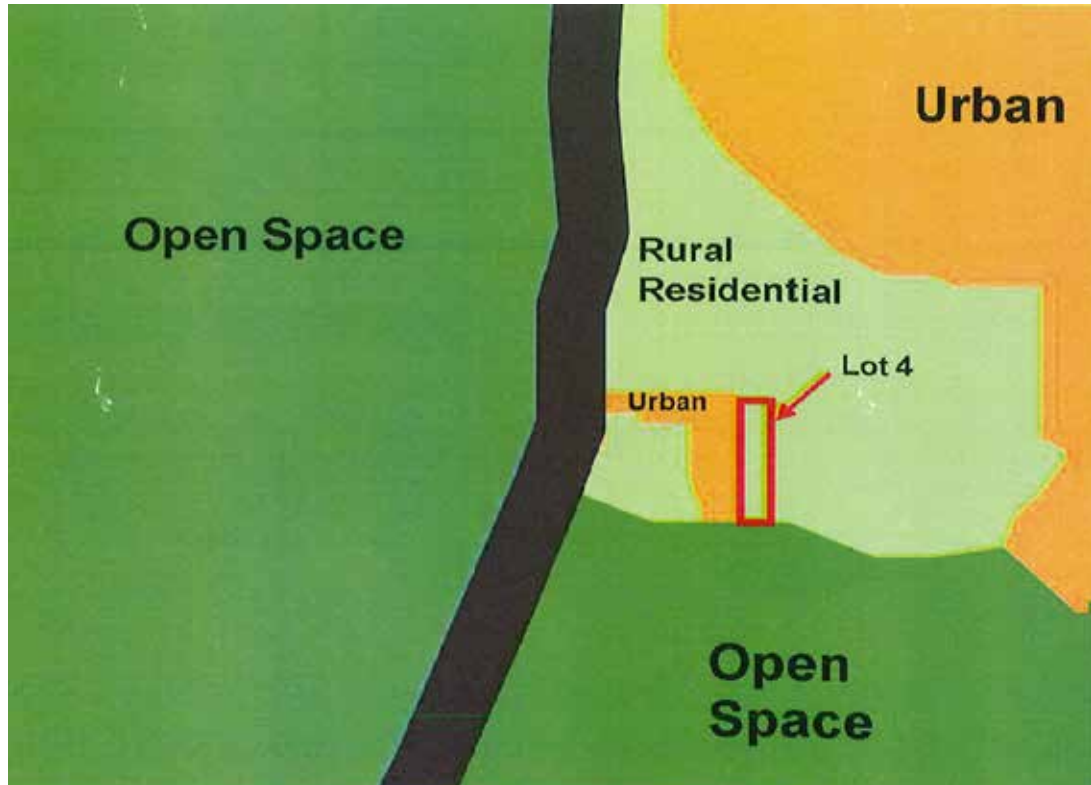
9. Figure 5b from Bush Fire Management Plan

South Metropolitan Peel Sub-Regional Planning Framework (the Framework)

In March 2018, the Western Australian Planning Commission (WAPC) adopted the Framework, forming part of the [PerthandPeel@3.5million](#) suite of land use planning and infrastructure Frameworks, intended to guide the future growth of Perth and Peel regions to 2050.

The Framework identifies the site as 'Rural Residential' as shown in Figure 10.

In terms of the Framework, Rural Residential land is characterised by lot sizes ranging between 1ha and 4ha and generally applies to Special Rural Zones. The Special Residential zone and lots sizes below 1ha, however, are to be located within urban areas. The proposal is therefore compliant with the Framework.



10. Extract from South Metropolitan Peel Sub-Regional Planning Framework

Government Sewerage Policy - September 2019

The Government Sewerage Policy guides future strategic planning, subdivision and development for the provision of sewage disposal in Western Australia.

The policy promotes reticulated sewerage as the best disposal method for sewage. It requires all new subdivision and development to be connected to reticulated sewerage where available or considered necessary on health, environment or planning grounds.

Where reticulated sewerage cannot be provided, the Policy provides detailed site requirements for on-site sewage treatment and disposal for lots less than 1ha in area, unless a 1km separation distance to any 'Sewer Sensitive Area'. This particular site is located within 1km of Lake Walyungup, which is identified as a Sewer Sensitive Area.

As the proposed lots measure 1ha and 1.8ha in area respectively, then on-site effluent disposal is permitted which is compliant with the Policy.

Local Planning Policy 3.1.1 - Rural Land Strategy (RLS) 2020

The RLS provides the basis for land use planning in the rural areas of the City. It provides a framework for the assessment of proposals to rezone, subdivide, manage and develop rural land. The subject site is located within 'Precinct 1A Rural Wedge' (North) of the RLS.

The strategic intent for Precinct 1A includes the following relevant provisions:

- *"To minimise the loss of remnant vegetation associated with bushfire risk mitigation";*
- *"To protect and enhance visual character and amenity".*

The Rural Wedge precinct provides for an important rural transition between the inland and coastal urban corridors and maintains the valuable rural vista to Mandurah Road. It contains multiple overlapping ecological values and linkages, including an extensive chain of wetlands, elevated ridgelines, prominent high points and remnant vegetation that provide an essential landscape and rural context. These areas of environmental and landscape significance are fundamental to the visual character and amenity of the area and their ongoing preservation is a key strategic objective of the RLS.

Proposals are also required to demonstrate that no more than 30% of the on-site vegetation will be cleared to facilitate development.

As mentioned earlier, initially the City had concerns about the extent of the 'developable areas' depicted in the BMP that, for bushfire mitigation, would result in the loss of significant remnant vegetation from the site. The Applicant's response to these concerns involved the submission of a modified plan depicting Building Envelopes on two lots, in suitable locations, that minimise the need for tree removal. Approximately 87% of the trees and vegetation on-site will be retained to facilitate development based on the proposed Building Envelopes.

The RLS provides that lot sizes less than 2ha will not be supported unless reticulated water is provided. The site can connect to reticulated water, therefore the minimum proposed lot size of below 2ha is acceptable.

Subject to the BMP being updated accordingly, the City is satisfied that the proposal is consistent with the RLS.

The City also notes that the site is within the mapped boundary of the Tuart Woodland Threatened Ecological Community under the Commonwealth's *Environmental Protection and Biodiversity Conservation Act 1999*. As such, the applicant is required to refer the proposal to the Commonwealth Government's Department of Environment and Energy to determine if a formal assessment is required. This process is separate to the requirement to refer the Scheme Amendment to the EPA for consideration.

e. Financial

Nil

f. Legal and Statutory

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

The procedures for dealing with proposals to amend TPS2, as per the *Planning and Development Act 2005*, are set out in the Regulations.

Regulation 35(1) enables the Local Government to prepare or adopt an amendment to TPS2, in a form approved by the Western Australian Planning Commission (WAPC). The resolution must specify whether, in the opinion of the local government, the amendment is a Complex Amendment, a Standard Amendment or a Basic Amendment, and include an explanation for the reason for the local government forming that option.

The proposed Scheme Amendment is considered a 'Standard Amendment' with lots of 1ha or bigger, which is considered to be consistent with the Sub-Regional Policy Framework.

A Standard Amendment is defined in the Regulations as:

"means any of the following amendments to a local planning scheme-

- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;*
- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- (c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;*
- (d) an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;*
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*
- (g) any other amendment that is not a complex or basic amendment".*

g. Risk

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

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

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

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

Nil

Comments

The proposed Scheme Amendment is considered acceptable with proposed lots being 1ha or larger and clearing will not exceed the maximum 30% consistent with the City's RLS.

The BMP demonstrates compliance with the SPP3.7 and the Guidelines subject to it being updated to reflect new Building Envelopes shown on the Subdivision Guide Plan.

The proposal is consistent with the WAPC's Framework, which has designated the site as Rural Residential and is recommended that Council Adopt the proposed Scheme Amendment, subject to an updated BMP being provided.

Voting Requirements

Simple Majority

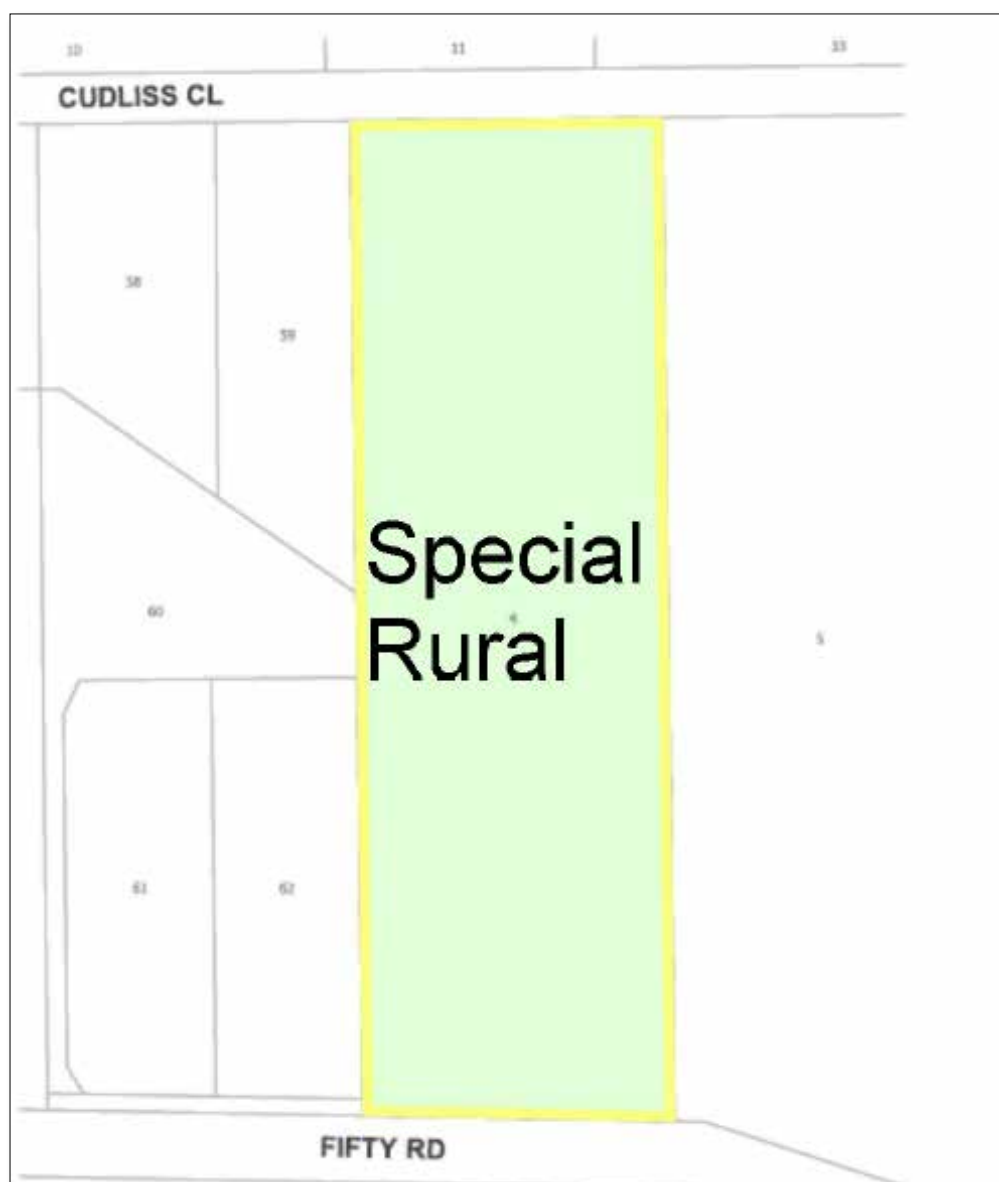
Officer Recommendation

That Council:

1. **ADOPTS** for the purpose of advertising, Amendment No.183 to Town Planning Scheme No.2 to rezone Lot 4 (No.44) Fifty Road from 'Rural' to 'Special Rural' as follows:
 - (i) Amending Schedule 4 - Special Rural Zones "Portions of Planning Unit 4 of the Rural Land Strategy" to amend plan reference 4(i), to include "*Lot 4 (No.44) Fifty Road, Baldivis*"

Plan Reference	Description of Location*
4(i)	Lot 11 (No.153) Mandurah Road, Baldivis (now 30 and 31 Mandurah Road); Lot 4 (No.44) Fifty Road, Baldivis

- (ii) Amend Plan No.4 Special Rural Zones (North) to include Lot 4 (No.44) Fifty Road, Baldivis.
2. **REQUIRES** the applicant to submit a Revised Bushfire Management Plan which reflects the new Building Envelope configuration prior to referral of the Scheme Amendment to the Environmental Protection Authority.
3. **CONSIDERS** the proposed Scheme Amendment to be a Standard Amendment in accordance with Regulation 34(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the proposal is consistent with the South Metropolitan Peel Sub-Regional Planning Framework.
4. **PROCEEDS** with amending the Scheme Maps as follows:



Committee Recommendation

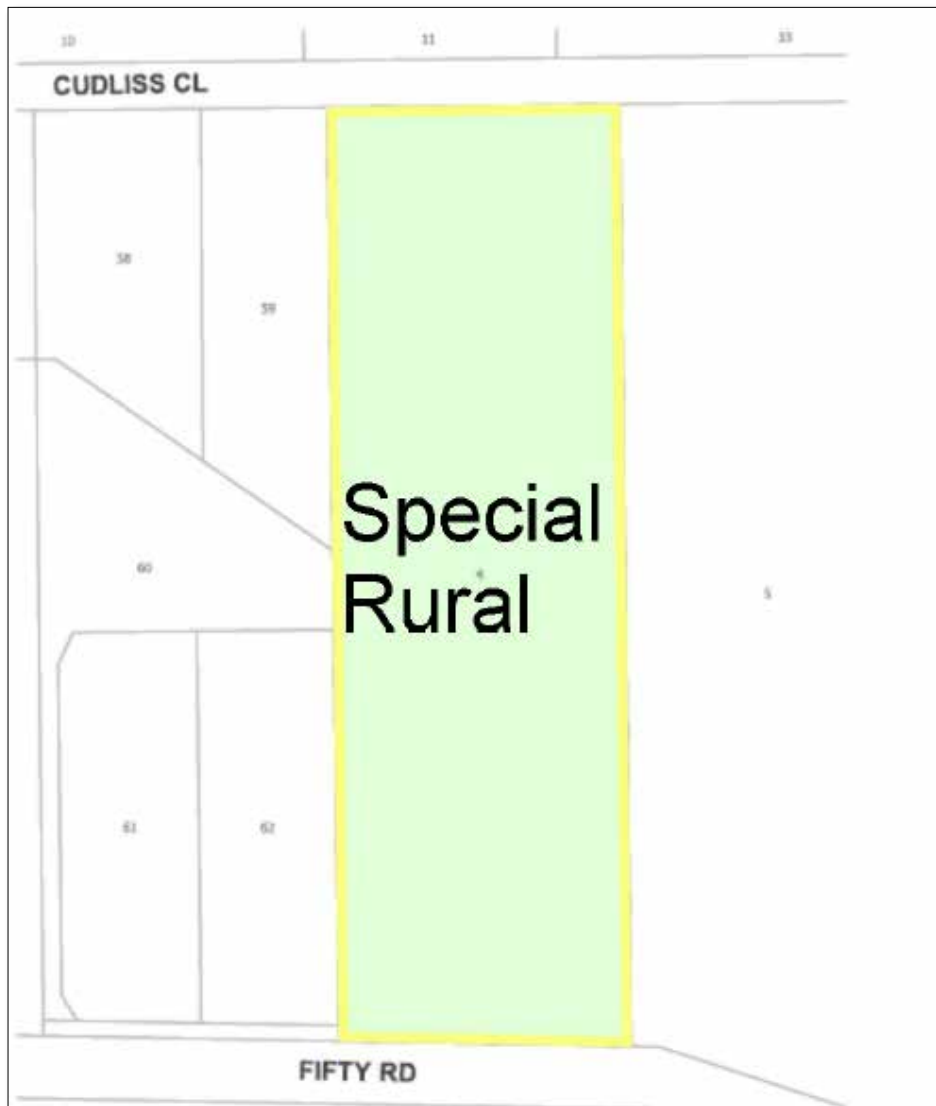
That Council:

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 - (i) Amending Schedule 4 - Special Rural Zones "Portions of Planning Unit 4 of the Rural Land Strategy" to amend plan reference 4(i), to include *"Lot 4 (No.44) Fifty Road, Baldvis"*

Plan Reference	Description of Location*
4(i)	Lot 11 (No.153) Mandurah Road, Baldvis (now 30 and 31 Mandurah Road); Lot 4 (No.44) Fifty Road, Baldvis

- (ii) Amend Plan No.4 Special Rural Zones (North) to include Lot 4 (No.44) Fifty Road, Baldvis.

2. **REQUIRES** the applicant to submit a Revised Bushfire Management Plan which reflects the new Building Envelope configuration prior to referral of the Scheme Amendment to the Environmental Protection Authority.
3. **CONSIDERS** the proposed Scheme Amendment to be a Standard Amendment in accordance with Regulation 34(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the proposal is consistent with the South Metropolitan Peel Sub-Regional Planning Framework.
4. **PROCEEDS** with amending the Scheme Maps as follows:



Committee Voting (Carried) - 6/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Planning and Development Services Statutory Planning Services



Reference No & Subject:	PD-036/22 Heritage Assistance Grants
File No:	LUP/1995
Applicant:	
Owner:	
Author:	Mr David Waller, A/Manager Statutory Planning
Other Contributors:	
Date of Committee Meeting:	19 September 2022
Previously before Council:	PD-020/22 (June 2022)
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	
Lot Area:	
LA Zoning:	
MRS Zoning:	
Attachments:	
Maps/Diagrams:	

Purpose of Report

To consider the outcomes of the investigation into Heritage Assistance Grants to encourage the conservation of privately owned heritage places in the City of Rockingham (City).

Background

In June 2020, Council considered the outcomes of an investigation into Heritage Rates Concessions as an action from the City's *Heritage Strategy 2020-2025*. The investigation reviewed four Local Governments which provided Heritage Rates Concessions. It was recommended that a Rates Concession approach not be supported, primarily as they are difficult to remove once provided and concessions for building maintenance are difficult to verify.

Consequently, Council resolved not to support Heritage Rates Concessions and instead investigate the suitability of Heritage Assistance Grant incentives being undertaken, as a means of encouraging the conservation of privately owned heritage places in the City.

Details

Heritage Assistance Grants have recognised benefits to Local Governments in the retention and conservation of privately owned heritage places which reflect local history. Heritage Assistance Grants provide ongoing support and financial assistance to eligible owners of heritage listed properties to support maintenance and conservation works.

The City's investigation into a Heritage Assistance Grant program is as follows:

- Y Access to Grants provide an appropriate incentive to encourage owners to have their properties placed on the City's Heritage List. It has been successfully applied to other Local Governments, such as the City of Vincent;
- Y Grants provide support and financial assistance to eligible owners to enable maintenance and conservation works;
- Y Grants have better 'visibility' where the works are more physically evident, over rates concessions and other type of incentives;
- Y Grants are measurable with tangible results (through a review process);
- Y The frequency of a Grant can be controlled, for example, by a maximum of one grant every 5 years for a Heritage Listed property;
- Y Grants have a beginning and an end;
- Y Grants can be for Heritage Documentation (such as Heritage Impact Statements or Conservation Management Plans) and Heritage works;
- Y A requirement for a heritage documentation process can be linked to any heritage works grants, to ensure that the works are undertaken in an appropriate manner;
- Y Grants are considered a more equitable approach to funding;
- Y Funding would need to be budgeted and could be subject to a trial period to validate the take up of grants;
- Y It is recommended that funding only be applied to places on the Heritage List as opposed to those listed on the Local Heritage Survey (previously Municipal Heritage Inventory). This would further encourage owners to place properties on a Heritage List and provide a further level of protection; and
- Y Heritage Adviser advice may be required for the assessment of some grant applications.

Other Local Governments

The common features of the six (6) Local Governments that already provide Heritage Grants Funding are as follows:

- Eligible works are for maintenance and/or conservation works for places listed on Local Heritage Surveys (previously known as Municipal Heritage Inventories). The City of Kalgoorlie-Boulder includes funding for Conservation Management Strategies to ensure proposed major works are in line with cultural heritage values;
- Funding is generally on a 50/50 basis up to \$5,000. City of Kalgoorlie-Boulder funds up to \$10,000;
- Annual budgets range from \$25,000 to \$60,000; and
- Marketing of the program to raise awareness is critical to its success.

Heritage Council Grants

The Heritage Council also provides a Heritage Grants Program for the conservation, future planning and promotion of heritage places as well as a variety of community engagement grants.

The interrelationship between the Heritage Council grants and any grant assistance the City proposes to provide will need to be considered, to ensure duplication of funding for the same works or documentation does not occur.

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 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

Community Grants Program Policy

The City's Community Grants Program Policy (CGPP) provides financial assistance to community groups and individuals that build capacity within the community, stimulates volunteering and youth development, and deliver sustainable, accessible and demonstrated social, environmental and economic benefits.

The existing CGPP lists a number of 'target areas' including 'Environment and Heritage'.

Grant Categories currently include:

- Y Minor Grants up to \$3,000 (individuals)
- Y Major Grants up to \$10,000
- Y Major Event Sponsorship up to \$20,000
- Y City Property Grants up to \$10,000
- Y Community Infrastructure Grants up to \$20,000
- Y Infrastructure Capital Grants up to \$50,000

The CGPP, however, limits heritage funding to not-for-profit organisations such as the Rockingham District Historical Society Inc. and the scope does not apply to individuals, such as owners of heritage listed properties in the City.

Should Council resolve to proceed with the broader application of Heritage Assistance Grants (to include individuals), along with minor amendments to the CGPP, an Applicant Guideline would also be prepared to set-out the following:

- Y Eligibility criteria and prerequisites to applications;
- Y Types of grants (Heritage documentation and conservations works);
- Y Co-contribution amounts;
- Y Amounts and Limits;
- Y Documentation requirements and processes; and
- Y Review Period.

Council Policy Framework

Amendments to Council Policies (as opposed to Local Planning Policies) are to be prepared in accordance with the City's Policy Framework.

This Framework requires all new or significantly amended policies to be subject to a minimum 14 day public comment period. The proposed changes to the CGPP to allow individuals and businesses to apply for Heritage Grant Funding is considered a significant amendment that would require public consultation.

e. Financial

Heritage Assistance Grants

The financial implications of the City applying a new Heritage Assistance Grant within the Community Grants Program Policy is recommended to be initially capped at a total of \$30,000 per year.

It is recommended that a review period of 2 years be provided to ascertain the take up of grants.

The allocation of funding is proposed to occur at the same time that proposed changes to the CGPP are considered by Council.

f. Legal and Statutory

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

The Heritage List is an instrument that is afforded weight by the City's Town Planning Scheme No.2 (TPS2) which has effect under the *Planning and Development Act 2005* (the Act) and must be considered when determining a Development Application for a heritage site.

The City's Municipal Heritage Inventory (Local Heritage Survey, LHS) is important as a first point of identification of heritage places and is used, among other functions, to inform the preparation of a Heritage List. The LHS itself, however, has no specific planning or legal weight and hence, why it is recommended that any grant should only apply to those which would be subject to Development Approval, to ensure those sites of highest value are provided a commensurate level of financial support.

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

There are 63 places on the City's Heritage List, but only 31 of these places are privately owned. Thirty-two heritage places are managed by the City of Rockingham or apply to reserved land managed by Government Agencies.

The provision of heritage incentives through a Heritage Assistance Grant would likely encourage owners in managing and conserving places of cultural heritage significance. It would also provide recognition of the works that owners do in maintaining these buildings for the broader benefit of the community.

The City's CGPP, which already lists 'heritage' as a 'target area', is considered the appropriate forum to facilitate Heritage Assistance Grants to allow for a consistent, fair and equitable approach.

If Heritage Assistance Grants for owners of heritage listed properties is supported by Council, the CGPP will require amendment. In addition, a separate Applicant Guidelines is required which would:

Y Provide guidance on the criteria for applying a Heritage Assistance Grant;

Y Explain how it applies to places on the Heritage List; and

Y Details the procedures for making applications for a Heritage Assistance Grant.

The financial implications of the City applying a new Heritage Assistance Grant within the Community Grants Program Policy is recommended to be initially capped at a total of \$30,000 each financial year and be subject to review after two years.

The interrelationship of grants provided by the Heritage Council versus those proposed to be included by City grants program, to ensure no duplication of funding, can be considered as part of future changes to the City's Community Grants Program Policy.

If the Heritage Assistance Grant program is approved, the earliest it could commence is 2023/2024.

It is recommended that Council supports establishing Heritage Assistance Grants through the CGPP, noting that the amendments to the CGPP and associated Applicant Guidelines will be reported to Council subsequently.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **SUPPORTS** the introduction of annual Heritage Assistance Grants under the framework of the City's Community Grants Program.

Committee Recommendation

That Council **SUPPORTS** the introduction of annual Heritage Assistance Grants under the framework of the City's Community Grants Program.


Committee Voting (Carried) - 6/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

<div> <div>Asset Services</div> <div>Technical Services</div> </div> 		
Reference No & Subject:	AS-010/22	Permanent Closure of La Seyne Crescent Carpark, Warnbro
File No:	RDS/5-78	
Applicant:		
Owner:		
Author:	Mr Sam Assaad, Director Asset Services	
Other Contributors:	Mrs Andrea Holman, Business Analyst	
Date of Committee Meeting:	19 September 2022	
Previously before Council:	17 December 2019 (EP-027/19); 15 December 2020 (EP-023/20), 26 July 2022 (AS-008/22)	
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:	Lot 200 on DP19571	
Lot Area:	19864m ²	
LA Zoning:	Public Open Space	
MRS Zoning:		
Attachments:	1. Submissions - Share Your Thoughts	
Maps/Diagrams:	Consultation Area	

Purpose of Report

For Council to consider the permanent closure of the La Seyne Crescent carpark in Warnbro following community engagement.

Background

Council, at its meeting held on 26 July 2022, considered report EP-008/22 and resolved as follows:

"That Council APPROVES community engagement for a period of 28 days for the proposed permanent closure of La Seyne Crescent carpark, Warnbro in accordance with Option 3 of the Officer's report (remove the carpark surface and revegetate the area) and a report be provided to Council on the basis of this engagement."

Details

The La Seyne carpark has been temporarily closed for approximately two and a half years and there has been a demonstrable reduction in anti-social issues as previously reported.

A range of community consultation was undertaken on the same matter.

In accordance with Report EP-008/22, all residents within a 400m radius of the carpark were consulted via letter.

Implications to Consider

a. Consultation with the Community

The consultation was for a period of 28 days and encompassed a 400m radius from the carpark.



Consultation Area

An advertisement was placed in the Public Notices section of the Sound Telegraph on 10 August 2022 and the City of Rockingham (City) website through Share Your Thoughts and was open for comment until 28 August 2022.

In support of closure and revegetation

Theme

A total of eight submissions indicated support for the closure.

City's Comment

Included in some of these submissions were requests for additional consideration as part of the closure, such as signage, bollards etc.

These will be further considered and appropriately actioned when the closure is ready to be implemented.

In support of closure but alternative use	
Theme	One submission indicated support for the closure but suggested use as a dog park.
City's Comment	The suggestion is not supported as this use will require the establishment of parking which is contrary to the intent of this proposal and may attract future anti-social behaviour.
Not in Support of Closure	
Theme	Two submissions indicated they were not in support of the closure for the following reasons
	<ol style="list-style-type: none"> 1. Restricting access to families 2. Restricting access due to physical demands.
City's Comment	<p>These comments are noted, however, the carpark has been closed over two summers to vehicular access and there are a number of adjacent carparks which will retain vehicular accessibility and the original utilisation study indicated sufficient capacity at these other locations to cater for additional use.</p> <p>Pedestrian and cyclist access (including with disability aids) will be retained with the proposed permanent closure.</p>

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

Aspiration 3: *Plan for Future Generations*

Strategic Objective: *Infrastructure Planning - Plan and develop community, sport and recreation facilities which meet the current and future needs of the City's growing population.*

d. Policy

Nil

e. Financial

The whole of life cost for the advertised option is as follows:

Option	Capital cost	Annual cost	Total Lifecycle cost (25 years)
Full closure and revegetation	\$185,000	\$3,000	\$260,000

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

Extensive consultation on this carpark has been undertaken with a total of eleven submissions received. There have been two responses that did not indicate support for this proposal and a further response that supported closure with an alternative use.

The majority of respondents support the permanent closure, removal of infrastructure and revegetation.

Should Councillors endorse the recommendation, the City will retain the temporary closure until the permanent closure and revegetation is completed. At the time that this work is ready to be implemented, suggestions received in relation to signage, access and other matters will be further considered and implemented as appropriate.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **APPROVES** the:

1. Retention of the temporary closure of the La Seyne Crescent carpark until the permanent closure is implemented.
2. Permanent closure of the La Seyne Crescent carpark including removal of the carpark, related infrastructure and revegetation of the area with \$185,000 to be considered in the 2023/24 Business Plan.

Committee Recommendation

That Council **APPROVES** the:

1. Retention of the temporary closure of the La Seyne Crescent carpark until the permanent closure is implemented.
2. Permanent closure of the La Seyne Crescent carpark including removal of the carpark, related infrastructure and revegetation of the area with \$185,000 to be considered in the 2023/24 Business Plan.

Committee Voting (Carried) - 6/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

<div> <div>Asset Services</div> <div>Technical Services</div> </div> <div>  </div>		
Reference No & Subject:	AS-011/22	Delegated Authority - Sand Extraction from the Bent Street Boat Ramp Navigation Channel/Tern Bank Sandbar (Absolute Majority)
File No:	T22/23-08	
Proponent/s:		
Author:	Mr Tim Clee, Coastal Engineering Officer	
Other Contributors:	Mr Manoj Barua, Manager Technical Services Mr Om Gupta, Coordinator Infrastructure and Coastal Engineering Mr Matthew Donaldson, Coastal Engineering Officer	
Date of Committee Meeting:	19 September 2022	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Site:		
Lot Area:		
LA Zoning:		
MRS Zoning:		
Attachments:	Confidential Attachment 1. Financial Information	
Maps/Diagrams:	1. Aerial Location Map 2. Aerial Imagery of Tern Bank Sandbar and Navigation Channel, Captured 27 July 2022	

Purpose of Report

For Council to delegate authority to the Chief Executive Officer (CEO) to award the contract for the excavation of the Tern Bank sandbar intrusion into the navigation channel, that connects the Bent Street boat ramp to northern Warnbro Sound.

Background

Bent Street navigation channel is located in a highly dynamic section of the coast.



1. Aerial Location Map

Following the completion of the latest excavation and dredging campaign in May 2022 the Tern Bank sandbar has accreted significantly during the recent winter period. While some small vessels can still use the boat ramps the navigation channel is almost closed. From the City's previous experiences the accretion will continue until the end of September. Hence, the City of Rockingham (City) usually undertakes the excavation campaign in October/November.

The excavation scope is controlled by a Deed of Licence between the City and the Department of Biodiversity Conservation and Attraction (DBCA). The Licence allows the City to excavate/dredge up to 40,000m³ of material every two years from a predetermined footprint. The current Deed of Licence will expire in June 2023 and based on the restrictions imposed, the City can excavate about 19,130m³ of material between now and June 2023.

Aerial photography captured in July 2022 confirmed that the Tern Bank sand bar had almost completely filled the dredged navigation channel.



2. Aerial Imagery of Tern Bank Sandbar and Navigation Channel, Captured 27 July 2022

The Department of Transport's Navigational Safety Branch (DoT) has issued a Temporary Notice to Mariners (TNTM), advising them to take extreme caution while travelling within the navigation channel between Bent Street boat ramp and Warnbro Sound.

Details

The Tern Bank sandbar needs to be excavated as soon as possible after September 2022, to reinstate safe navigable depth within the access channel, prior to the summer boating season.

The excavation campaign will utilise land based plant and road registered dump trucks will transport the extracted sand and sea wrack to Millar Road landfill facility for beneficial reuse as cell capping material. Carlisle Street boat ramp will be closed for the duration of the works, and utilised by the contractor as a sand and sea wrack load out site. It is expected that the works can take between four to six weeks. Bent Street boat ramp will remain open for the duration of the works. The works will be undertaken in a similar manner to previous campaigns.

Implications to Consider

a. Consultation with the Community

The City will install signage and electronic message board to inform the community about the campaign once a specific starting date is known.

b. Consultation with Government Agencies

The City has consulted with the DBCA and the DoT. Both organisations are supportive of the proposed campaign and associated timeframe.

c. Strategic

Community Plan

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

Aspiration 1: *Actively Pursue Tourism and Economic Development*

Strategic Objective: *Coastal Destination - Promote the City as the premier metropolitan coastal destination.*

Aspiration 3: *Plan for Future Generations*

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

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

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

d. Policy

Community consultation will be undertaken in accordance with the Council Policy - Community Engagement.

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

The City's Delegated Authority Register, Delegation 1.6 Acceptance/Rejection of Tenders – For Supply and Goods of Services states the CEO can accept Tenders up to the value of \$500,000 (excluding GST).

e. Financial

The City's 2022/2023 budget contains provisions for maintenance and dredging activities across various sites within the City. The budgetary details are provided as a confidential attachment to ensure that the tender process and disclosure of financial detail does not disadvantage the City.

f. Legal and Statutory

In accordance with section 3.57 of the *Local Government Act 1995* - Tenders for Providing Goods or Services and *Local Government (Functions and General) Regulations 1996*, Part 4, Division 2, regulation 11(1), Provision of goods and services:

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

In accordance with section 5.42 of the *Local Government Act 1995* - Delegation of some powers and duties to the CEO, by Absolute Majority:

'A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties.'

Under section 5.43 of the *Local Government Act 1995* - Limits on delegations to the CEO, the Council can delegate authority to the CEO to accept a Tender, provided it does not exceed an amount determined by the Local 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

High (Customer Service): If the delegation is not approved the excavation campaign will not be completed before the peak boating season and will have material impact on the boating community and the commercial operator who currently utilises the Carlisle Street sand launching area.

Comments

The procurement process required the City to obtain updated survey data of the channel. Due to this requirement, the Tender was advertised on 10 September 2022 with the closing date being 28 September 2022.

The time required to undertake a Tender award report to Council, would prevent the City from being able to commence and complete the project before the peak boating season and the works would be expected to continue to December 2022.

In order to ensure the works can be completed in a timely manner, it is proposed to delegate authority to the CEO to approve the contract to aim for completion of the campaign by November 2022.

Council will be advised of the successful contractor and project updates through the 'Technical Services' section of Council Bulletin.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council **DELEGATES** authority to the Chief Executive Officer to award the Tender for the sand extraction from the Bent Street Boat Ramp Navigation Channel/Tern Bank Sandbar in accordance with the Confidential Attachment 1.

Committee Recommendation

That Council **DELEGATES** authority to the Chief Executive Officer to award the Tender for the sand extraction from the Bent Street Boat Ramp Navigation Channel/Tern Bank Sandbar in accordance with the Confidential Attachment 1.

Committee Voting (Carried) - 6/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Corporate and Community Development Committee

Corporate Services Director and Support



Reference No & Subject:	CS-011/22	Disposal by Lease of a portion of the Warnbro Recreation Reserve to Vodafone Network Pty Limited
File No:	LGS/330-03	
Proponent/s:		
Author:	Ms Renee Sinclair-Deane, Senior Administration Officer - Leasing	
Other Contributors:		
Date of Committee Meeting:	20 September 2022	
Previously before Council:		
Disclosure of Interest:	Cr Schmidt declared an Impartiality Interest in Item CS-011/22 Disposal by Lease of a portion of the Warnbro Recreation Reserve to Vodafone Network Pty Limited, as detailed in Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 and as per section 5.65 of the Local Government Act 1995, as he is a Board Member of Warnbro Swans Football and Sporting Association who use the Warnbro Recreation Reserve.	
Nature of Council's Role in this Matter:	Executive	
Site:	15m ² portion of Reserve 53297, Lot 601, Okehampton Road, Warnbro, WA	
Lot Area:	5,210m ² (Lot 601 Okehampton, includes the Warnbro Recreation Centre)	
Attachments:		
Maps/Diagrams:	<ol style="list-style-type: none">1. Lot 601, Warnbro Recreation Reserve and Centre and Lease Location2. Lease area/Vodafone equipment box and licence area/shared flood light and electrical box shown within red circle3. Lease area diagram	

Purpose of Report

For Council to consider submissions received for the disposal of a portion of Reserve 53297, Lot 601, Okehampton Road, Warnbro and approve the lease for a term of 20 years to Vodafone Network Pty Ltd.

Background

Vodafone has used the subject land for the installation and operation of telecommunications infrastructure since 2009.

A market rent valuation was undertaken on 26 May 2022 by a licenced Valuer, valuing the rent for the lease at \$20,000 per annum excluding GST.

The proposed lease was approved by the Director Corporate Services under delegated authority in September 2019. Following advertising of the proposed disposition, submissions have been received and Council is now required to consider submissions made.

Vodafone originally proposed a lease of 15m², however in May 2021 it was determined that the lease area be reduced to 8m² and a licence granted over the remaining 7m². The licence provides the City of Rockingham (City) with access to the City's equipment within the licence area, which has Vodafone equipment installed upon it, which would not have been permitted had the area been leased.

In accordance with Section 3.58(3) of the *Local Government Act 1995*, the City advertised details of the proposed disposal of property by local public notice inviting submissions between 13 July 2022 and 10 August 2022. The City received two submissions.

Details

The lease will provide Vodafone with exclusive use of the premises (8m² area containing an electronic equipment cabinet). The City will be required to seek Vodafone's permission to enter the lease area. A licence will provide Vodafone with a right to access the licence areas for maintenance, repairs, replacement and operation of their equipment located within the licence areas. The licence will not diminish the City's right to enter the licence area to access its own equipment located within the licence area.

Land Details

Crown Land Reserve number: 53297 (Lot 601 Okehampton Road, Warnbro). Reserve purpose: recreation and club house and installation, maintenance and operation of a telecommunications facility. Reserve Area: 5,210m². The City has care, control and management of the reserve under Management Order XE N967546. The reserve has power to lease for any term not exceeding 21 years. The lease purpose of 'communications' meets the reserve purpose.



1. Location of Lot 601, Warnbro Recreation Reserve and Centre and lease area

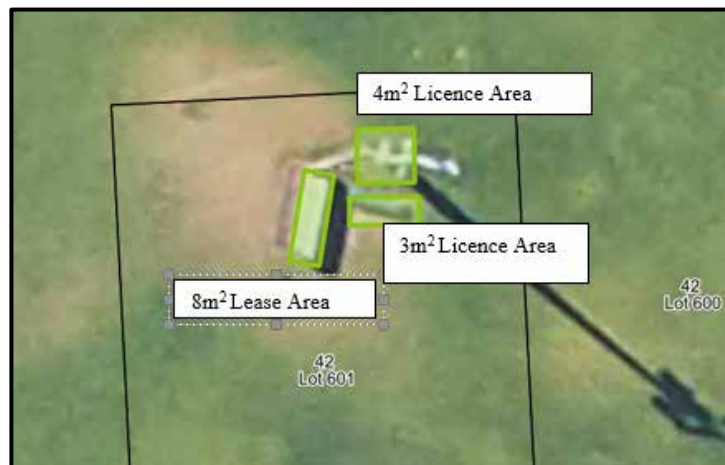
Premises

The lease area is an 8m² portion of Reserve 53297, situated adjacent to the Warnbro Recreation Centre and active sports fields. The lease area houses an electrical equipment cabinet exclusively used by Vodafone. The lease area is accessed through a City of Rockingham chain gate and by crossing the playing fields. The lease area is not defined by fencing or other physical boundary markers.

The licence area is a 7m² portion of Reserve 53297, also situated adjacent to Warnbro Recreation Centre and active sports fields. The licence area includes a City owned floodlight tower and a shared electrical cabinet.



2. Leased telecommunications infrastructure and licenced flood light and associated electrical supply box shown within red circle



3. Lease and licence area diagram

Implications to Consider

a. Consultation with the Community

In accordance with Section 3.58(3) of the *Local Government Act 1995*, the City advertised details of the proposed disposal by local public notice inviting submissions between 13 July 2022 and 10 August 2022.

The notice included details of the proposed lease and licence, including area, location, tenant name, agreed rent, market rent value and term and invited public submissions on the proposal. The notice was placed on the City's libraries and Administration Centre notice boards, the City's website, the Sound Telegraph newspaper and posted on the City's Facebook page.

The City received two submissions through the Share Your Thoughts section of the City's website on 14 July 2022, which are summarised below.

Name	Submissions	Officer comment
Mr Jarl C Andersen	The Vodaphone telecommunication tower lease proposal is de facto already supported by a large number of smartphone users with Vodaphone subscription plans, none of which would realistically work without the communications infrastructure exemplified by this tower proposal. On the face of it, the 8m2 ground realestate is nothing and @ \$385 per week, not a bad little earner for the City. Letting a bit of ground space to renewable power windmills is another way of earning a few bob and perhaps keep council rates from rising. I have no objection to the Vodaphone telecommunication tower. [Sic]	Nil
Mr Marc D Scherer	Being so close to a bowling club and residential housing will greatly reduce the Value of those homes etc that have made an investment in rockingham for the sake of an eyesore that also has differing opinions on the Dangers of these frequencys with no commitment from them apart from a lease .. PS, I do not live in this area . [Sic]	The Vodafone equipment has been fixed to the site since 2009.

b. Consultation with Government Agencies

The Minister of Planning, Lands and Heritage must consent to the Lease prior to its execution. This is a requirement of the Management Order issued over the Crown Reserve.

The Minister for Planning, Lands and Heritage provided consent to the proposed lease in May 2022.

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

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

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

d. Policy

The lease meets the requirements and processes of Council Policy – Leasing. Specifically rent will meet market valuation and be reviewed in accordance with policy.

e. Financial

The City will receive \$20,000 in rent, excluding GST for the first year of the lease. Rent will be increased by 3% annually and reviewed to market value on the commencement of every fifth year.

Vodafone will be responsible for payment of all:

- electricity consumption and service charges;
- taxes, levies, rates, statutory or other charges associated with occupation of the premises;
- insurances relevant to occupation of the premises; and
- maintenance expenses.

f. Legal and Statutory

Section 3.58(3) of the *Local Government Act 1995* (the Act) relates to the disposal of property and where a property is disposed by means other than tender or public auction, requires the Local Government give public notice and consider any submissions received in respect of the proposal. The requirement to give public notice applies to the proposed lease. Any submissions must be considered by the City.

The City received two submissions through the Share Your Thoughts section of the City's website on 14 July 2022, which are summarised in this report.

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

All terms of the lease align with the requirements of a commercial lease for telecommunications as defined in the Council Policy - Leasing.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **APPROVES** the disposal by lease of a 8m² portion of the Warnbro Recreation Reserve, Reserve 53297, Lot 601, Okehampton Road, Warnbro to Vodafone Network Pty Ltd for a term of 20 years, with a rent of \$20,000 per annum excluding GST for the first year of the lease, increased annually by 3% and reviewed to market value on the commencement of every fifth year.
2. **NOTES** the submissions received and the officer responses on the proposed lease in accordance with Section 3.58(3) of the *Local Government Act 1995*.
3. **NOTES** the reason for decision – the lease meets Council Policy – Leasing requirements.

Committee Recommendation

That Council:

1. **APPROVES** the disposal by lease of a 8m² portion of the Warnbro Recreation Reserve, Reserve 53297, Lot 601, Okehampton Road, Warnbro to Vodafone Network Pty Ltd for a term of 20 years, with a rent of \$20,000 per annum excluding GST for the first year of the lease, increased annually by 3% and reviewed to market value on the commencement of every fifth year.
2. **NOTES** the submissions received and the officer responses on the proposed lease in accordance with Section 3.58(3) of the *Local Government Act 1995*.
3. **NOTES** the reason for decision – the lease meets Council Policy – Leasing requirements.

Committee Voting (Carried) – 5/1

(Cr Cottam voted against)

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Community Development Community Infrastructure Planning



Reference No & Subject:	CD-025/22 Community Infrastructure Plan 2022
File No:	CSV/1931-09
Proponent/s:	
Author:	Mr Gary Rogers, Manager Community Infrastructure Planning
Other Contributors:	
Date of Committee Meeting:	20 September 2022
Previously before Council:	CD-017/21(14 September 2021); CD-024/20 (15 September 2020); CD-024/19 (24 September 2019); CD031/18 (18 December 2018); CD-025/18 (25 October 2018); CD-025/17 (25 October 2017); CD-032/16 (25 October 2016); CD-044/15 (24 November 2015); CD-042/15 (27 October 2015); CIP-009/11 (24 May 2011); CIP-005/11 (22 March 2011)
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	
Lot Area:	
Attachments:	1. Community Infrastructure Plan 2022 (Draft)
Maps/Diagrams:	

Purpose of Report

To seek Council adoption of the Community Infrastructure Plan 2022 (CIP).

Background

The CIP was first adopted by Council in 2011. In 2019, the Strategic Development Framework Policy was revised and subsequently endorsed by Council. The Policy requires the CIP to be reviewed annually, presented to the August Councillor Engagement Session, and submitted to the Ordinary Council meeting in September every year for adoption.

Details

The purpose of the CIP is to:

- Guide the development, timing, design and location of community infrastructure over the next 10 years;
- Clearly identify the services and facilities required for the City's emerging population based upon supply/demand analysis and identification of service catchments;
- Specifically identify the capital costs associated with proposed community infrastructure to facilitate integration with the City's Business Plan;
- Meet the requirements of SPP3.6, thus providing a robust basis for the City's Development Contributions Plan; (DCP) and

- Provide the City with a documented framework of community infrastructure planning principles and guidelines.

The purpose of the annual review of the CIP is to enable it to be updated to reflect current changes in community needs and trends as well as specific project circumstances. This is intended to ensure that the CIP reflects the ongoing rigour applied during the planning process, significantly reducing the likelihood and impact of rapid project scope and cost escalation.

The methodology for the preparation and review of the CIP involves the following:

- Compilation of key community infrastructure provision principles and definitions specifically relevant to the City of Rockingham;
- Identification of existing community infrastructure standards of provision, and determination of suitable future community infrastructure standards of provision based on localised analysis and broader industry trends;
- Preparation of a community profile through detailed analysis of population projections, demographic trends, and other relevant data;
- Identification of community infrastructure planning catchments / development contribution areas based on the spatial distribution of existing community facilities, physical boundaries and population;
- Preparation of a community infrastructure profile through detailed analysis of asset types, usage levels, physical condition, and capacity to cater for population growth;
- Compilation of a community infrastructure needs analysis as the basis for determining future infrastructure requirements;
- Analysis of contemporary facility / service provision options that optimise financial and land use outcomes, as well as consideration for social return on investment;
- Determination of a plan for the delivery of proposed community infrastructure that includes facility types, location, land area required, catchment area, and indicative construction timeframes; and
- Preparation or review of a scope for each element of future community infrastructure including facility objectives and purpose, functional spaces, catchment area, capital construction cost estimate, and identification of potential funding sources.

Following a review of current forecast data, the 2022 CIP proposes the following changes:

New Projects

- No new projects have been added to the 2022 CIP.

Proposed Timing Changes

- Rockingham Foreshore Activity Node has been deferred by one year due to timing of site availability. Construction now proposed for 2026/2027.
- East Baldivis Recreation Reserve has been deferred one year due to land tenure uncertainty. Construction is now proposed for 2027/2028.

Projects Removed

- No projects removed.

Projects with Scope Change

- Stan Twight Reserve Clubroom Extension. Revised Master Plan recommendation was to demolish existing building and rebuild. Project is now also named consistently with the DCP, Stan Twight Reserve and Clubroom Redevelopment

The proposed development window for each project allows one year for planning, one year for detailed design, and identifies the year that construction will commence. Commissioning of the infrastructure is in the financial year following the construction being completed.

All other projects remain unchanged as part of the 2022 review.

Implications to Consider

a. Consultation with the Community

Consultation with key stakeholders will occur throughout the detailed development and design process for each specific project where relevant.

The annual review of the CIP is presented each year at the August Councillor Engagement session.

b. Consultation with Government Agencies

While the 2022 CIP has not been subject to broad consultation with government agencies, it should be noted that many individual projects are, or will be, the subject of consultation during detailed planning and design development.

Consultation with other agencies such as Department of Local Government, Sport and Cultural Industries and Lotterywest will occur in relation to the planning and funding of relevant projects.

The CIP enables the City of Rockingham (City) to be position ready to approach State and Federal Governments in respect to any future funding or grant availability.

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 3: *Plan for Future Generations*

Strategic Objective: *Infrastructure Planning – Plan and develop community, sport and recreation facilities which meet the current and future needs of the City's growing population.*

d. Policy

The Strategic Development Framework Policy outlines the detail and timing of the annual Community Infrastructure Plan review which requires the draft CIP to be presented at the August 2022 Councillor Engagement session and report submitted to the September 2022 Ordinary Council Meeting.

The Sports and Community Facility Provision Policy guides the scale of sporting and community buildings.

e. Financial

The capital expenditure implications associated with the projects within the CIP Implementation Plan amount to \$90,087,310.

The cost summary for each project has been prepared by a qualified, independent accredited quantity surveyor, based on the scope and detail available at the respective development stage of each project. The cost of each project has been escalated to the year of construction. Due to current market conditions escalations of between 5 – 10% for each project have been included for all projects at the time of build. This has resulted in \$5.1m added to the life of the current CIP.

Revenue through external grants and development contributions, assist in reducing municipal expenditure or loan funding. However external grants are not reflected in the CIP as applications are made on a project by project basis.

f. Legal and Statutory

State Planning Policy 3.6 – Development Contributions for Infrastructure, allows for development contributions to be sought for items of infrastructure that are required to support the orderly development of an area. Development Contribution Plans for community infrastructure must be supported by the following:

- A community infrastructure plan for the area, identifying the services and facilities required over the next five to 10 years, supported by needs analysis and identification of service catchments
- A capital expenditure plan detailing at least five years into the future which identifies the capital costs of facilities, and revenue sources including capital grants and provision programs
- Project growth figures including the number of new dwellings to be created at suburb or district catchment level

- A methodology for determining the proportion of community infrastructure costs to be attributed to growth, and the proportion to be attributed to existing areas

The preparation and endorsement of the CIP contributes to meeting the above requirements to enable the City to implement a Development Contribution Plan.

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

There is one high financial risk identified within the CIP.

This risk relates to the inability to deliver the CIP Implementation Plan as a result of changes to the City's financial capacity. The potential outcome of this is that projects are deferred and cost increases occur due to escalations.

There is one medium financial risk

This risk relates to the changes to project budgets identified in the CIP as a result of price changes, varying markets, unforeseen project cost elements, or industry cost escalations beyond the control of the City. The potential outcome of this is that there could be issues with affordability or timing with possible implications to developer contributions, and any changes to scope may compromise community outcomes.

Both of the above Risks are controlled through the annual review of the CIP which includes annual project scope and timing review, project cost assessments by a qualified Quantity Surveyor and the review is completed in consultation with the Director Corporate Services, to ensure alignment of the CIP Implementation Plan with the City's annual budget and Business Plan preparations.

Comments

Similar to the 2021 CIP the 2022 review has considered significant impacts the building sector has experienced as a result of the COVID-19 health pandemic. The 2022 CIP review of project cost estimates has again seen increases ranging from five percent to 10 percent for a number of the projects in the CIP.

In addition to the escalation experienced across the CIP projects, the cost estimates have this year continued to include an escalation estimate on projects within the next five years to allow for the current abnormal market conditions continuing during this period. This escalation estimate will be reviewed annually as part of the CIP annual review.

The 2022 review includes an updated current community profile. The 2021 Census data has been used where possible. The City's demographer has scheduled for a staged release for the data and at the time of this review not all areas had been made available. The future community profile forecast data remains unchanged from the 2021 CIP and uses the 2016 Census data. A complete update of the Community profile will be possible and included as part of the 2023 review.

While community infrastructure planning principles and provision guidelines are the primary measure to determine project need and priority, the Implementation Plan to deliver these projects is guided both by project-specific dependencies and the financial capacity of the City to deliver the infrastructure through the City Business Plan.

There is an inherent risk with any document like the CIP, that specific project timeframes may be impacted by unforeseen circumstances which are beyond the control of the City. This presents a number of challenges in relation to project delivery and timeframes, however the City has a strong project management and governance framework in place to mitigate this risk.

The use of a strategic, planned approach to the future development of community infrastructure provides a strong basis for the City to engage with funding bodies such as the Federal and State Governments and funding sources such as Lotterywest, Cricket Australia and WA Football. This approach has proven successful with external funding commitments received for recent projects including Stan Twight Reserve and Clubroom Redevelopment, Baldyis District Sporting Complex, Baldyis Indoor Recreation Centre, Aqua Jetty Stage 2, Koorana Reserve Master Plan, Baldyis

South Community Centre, Singleton Sports and Community Centre, Golden Bay Sports Pavilion, Rockingham Youth Centre and Baldivis South Sports Pavilion, totalling in excess of \$36 million.

Subject to Council endorsement of the 2022 CIP, Officers will use the revised plan in future discussions with these agencies.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** the Community Infrastructure Plan 2022, as detailed in Attachment 1.

Committee Recommendation

That Council **ADOPTS** the Community Infrastructure Plan 2022, as detailed in Attachment 1.

Committee Voting (Carried) – 6/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Community Development Community Infrastructure Planning



Reference No & Subject:	CD-026/22 Community Sporting and Recreation Facilities Fund 2023/2024 Annual Forward Planning Grant Application, Assessment and Ranking
File No:	GRS/8-09
Proponent/s:	City of Rockingham
Author:	Mr Gary Rogers, Manager Community Infrastructure Planning
Other Contributors:	Ms Andrea Clark, Community Infrastructure Planning Officer
Date of Committee Meeting:	20 September 2022
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	Executive
Site:	Lot 753, Lot 4119, Lots 300, 301 and 302 Hennessy Way, Rockingham (Reserve No. 38646)
Lot Area:	
Attachments:	
Maps/Diagrams:	Stan Twight Reserve location

Purpose of Report

To seek Council approval to submit one funding application to the Department of Local Government, Sport and Cultural Industries, Community Sport and Recreation Facilities Fund 2023/2024 Annual Forward Planning Grants Round.

Background

The Community Sporting and Recreation Facilities Fund (CSRFF) is a funding program offered by State Government through the Department of Local Government, Sport and Cultural Industries (DLGSC). The program provides financial assistance to community groups and local governments to develop infrastructure for sport and recreation. The program aims to maintain or increase participation in sport and recreation, with an emphasis on physical activity through the rational development of good quality, well-designed and well-utilised facilities.

Applicants must be an incorporated, not for profit sporting, recreation or community organisation, or a local government entity. Projects must be developed on land which is a Crown reserve, land owned by a public authority, or municipal property.

Applications for an annual or forward planning grant are accepted once per calendar year.

Projects with a total cost that does not exceed \$500,000 are eligible to apply in the annual grant round for up to one third of the total project cost, to a maximum grant amount of \$166,666 (up to \$250,000 with development bonus).

Projects with a total cost over \$500,000 are eligible to apply for a forward planning grant for up to one third of the total project cost, to a maximum grant amount of \$2 million.

All applications are required to be submitted to the relevant local government authority for initial review, assessment and prioritisation using the criteria developed by the DLGSC.

Subject to Council approval, applications are then submitted to DLGSC for assessment. Applications for the 2023/2024 annual and forward planning grants closed on Friday 12 August 2022.

Details

One application has been prepared for submission to the DLGSC for the forward planning grant, from the City of Rockingham.

A summary is provided below.

1. City of Rockingham – Stan Twight Reserve Implementation of Master Plan

Stan Twight Reserve is an active open space located on Hennessy Way in Rockingham. The reserve consists of five separate lots and is identified as a Sub District level facility, in the Coastal North Sub District in the City of Rockingham's Community Infrastructure Plan facility hierarchy. For Stan Twight Reserve, the primary function is to provide facilities for Australian Rules Football (Safety Bay Football Club and Rockingham District AFL Masters) as the winter tenant and Cricket (Shoalwater Bay Cricket Club) in the summer. The Western Australian Cricket Association (WACA) also uses the reserve to host Country Week throughout January each year.

Stan Twight Reserve Clubroom Redevelopment is included in the City's Community Infrastructure Plan, with funding allocated through the Business Plan with construction phase in 2023/2024.

The project includes development of the clubrooms including gender equitable change rooms, umpires change rooms and first aid room and sports floodlighting to one senior AFL oval at Stan Twight Reserve. The floodlighting project will light the primary AFL oval, having the capacity of being lit to 150 lux to meet competition requirements and the ability to be reduced to 50 lux to meet the relevant Australian Standards for training lighting.

The floodlighting project will include four towers with LED lights, this will ensure the reserve is serviced by the same provision of lighting as other recent upgrade and new floodlighting projects across the City. The clubrooms and floodlight project is estimated at a cost \$4.9M.



Figure 1: Stan Twight Reserve location

Implications to Consider

a. Consultation with the Community

Officers have discussed the project with representatives from the following Community Sporting Clubs during the preparation of the City's applications:

- Safety Bay Football Club
- Rockingham Masters Football Club
- Shoalwater Bay Cricket Club
- Western Australian Football Commission and
- Western Australian Cricket Association

b. Consultation with Government Agencies

As required by CSRFF guidelines, City officers have liaised with representatives of the DLGSC. Subject to Council approval the application will be forwarded to the DLGSC for assessment.

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

Aspiration 3: *Plan for Future Generations*

Strategic Objective: *Infrastructure planning: Plan and develop community, sport and recreation facilities which meet the current and future needs of the City's growing population.*

d. Policy

Nil

e. Financial

Funding for the floodlighting and implementation of the Stan Twight Reserve Master Plan development is included within the City's 2022/2023 Budget and Business Plan.

An application will be submitted to the DLGSC requesting \$1,378,740 for the Stan Twight Reserve.

f. Legal and Statutory

Nil

g. Risk

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

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

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

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

Nil

Comments

The application received has been assessed using the prescribed assessment criteria. A summary of the assessment is detailed below.

1. **Stan Twight Reserve Implementation of Master Plan**

Criteria	Satisfactory	Unsatisfactory	Not relevant
Project justification	X		
Planned approach	X		
Community input	X		
Management planning	X		
Access and opportunity	X		
Design	X		
Financial viability	X		
Co-ordination	X		
Potential to increase Physical activity	X		
Sustainability	X		

The primary outcome of Stan Twight Reserve Clubroom Redevelopment is to provide facilities for Australian Rules Football (Safety Bay and Masters) in winter and cricket (Shoalwater Cricket) in the summer. The WACA also uses the reserve to host Country Week throughout January each year. The development of the clubrooms will deliver contemporary multipurpose facilities that are flexible and inclusive for people of all ages, genders, cultures and abilities. Once completed the development of the clubrooms will provide a functional layout that has responded to the specific requirements related to female usage as well as universal access, and meets the City's Sports and Community Facility Provision Standards and Dimensions Guide. The design will facilitate the ability for the City to make the change rooms available to other community groups to hire outside of the use of the three sporting clubs. The completion of the Stan Twight Reserve Clubroom Redevelopment and Floodlighting project is a high priority project for the City.

Current sports floodlighting provision at Stan Twight Reserve is limited to training level lighting only which only provides floodlighting to a small area of playing space on the eastern side of the reserve. During the winter season, both football clubs are currently impacted by the amount of reserve space available for training, as well as the clubs ability to schedule a suitable amount of time for training to each of their teams.

The floodlighting project at Stan Twight Reserve is the City's highest priority 'new' floodlighting project within the City's Floodlighting Plan. Designs and specification to complete the work have been developed which takes into consideration best value for money and the use of sustainable LED light fittings.

In recent years the City has experienced an increased demand for access to winter sporting facilities. This demand has been as a result of the City's growing population along with increases experienced in female participation in sport. Stan Twight Reserve floodlighting project will provide an important service for the City's established suburbs in the Coastal North sub district catchment area.

The project will increase physical activity through improved floodlighting provision to the primary AFL oval on the active reserve, offering opportunities for existing clubs to increase membership.

The project is well planned and needed by the municipality and is considered the highest priority for the City.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **APPROVES** the submission of the Stan Twight Reserve Clubroom Redevelopment and Floodlighting application to the Department of Local Government, Sport and Cultural Industries, Community Sport and Recreation Facilities Fund, Annual Forward Planning Grant 2023/2024 Annual Grants Round.

Committee Recommendation

That Council **APPROVES** the submission of the Stan Twight Reserve Clubroom Redevelopment and Floodlighting application to the Department of Local Government, Sport and Cultural Industries, Community Sport and Recreation Facilities Fund, Annual Forward Planning Grant 2023/2024 Annual Grants Round.

Committee Voting (Carried) – 6/0

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

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

15. Report of Mayor

**City of Rockingham
Mayor's Report**



Reference No & Subject:	MR-009/22	Meetings and Functions Attended by the Mayor and Deputy Mayor
File No:	GOV/85	
Proponent/s:	City of Rockingham	
Author:	Mayor Deb Hamblin	
Other Contributors:	Cr Hayley Edwards, Deputy Mayor	
Date of Council Meeting:	27 September 2022	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	

Purpose of Report

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

Background

Nil

Details

Date	Meeting/Function
24 August	Defence Industries Pathway Graduation
25 August	Meeting with Minister Whitby Year 4 Living Waters college students <i>WA Live Lighter Aged Care Games – attended by Deputy Mayor Edwards</i>
27 August	Rockingham Flames semi final
29 August	Rockingham Lions meeting Rockingham Flames Touring Team South Metropolitan Zone meeting
30 August	Tree planning Queens Jubilee Meeting re Cultural Awareness Training
31 August	Meeting with Author Nada Lubay Tourism Rockingham meeting
2 September	Funeral for Staff family member
4 September	Warnbro Strikers Soccer Club
5 September	Opening National Bowling Arm Championships
7 September	Rockingham High School Board meeting

Date	Meeting/Function
9 September	Tour of Thales operations Rockingham PCYC Graduation Mixed Palette new premises National Bowling Championship Awards
10 September	Opening Safety Bay Bowling Season
11 September	24 Hour Row for Mental Health
12 September	South West Group Board meeting
13 September	Councillor Engagement Session
14 September	Audit Committee
15 September	Interviews
16 September	CEO Performance Review Committee meeting
17 September	Plaques for service in the Gulf War and Afghanistan
19 September	Meeting with Mayor of Mandurah Planning and Engineering Services Committee meeting Coastal Awards for Excellence
20 September	video at Baldivis Sporting complex Warnbro Education Support Awards CEO Performance Review Committee meeting
21 September	Bridge Club celebration Sportstar Awards
25 September	<i>Cruising Yacht Club official sailing season – attended by Deputy Mayor Edwards</i>
27 September	Council meeting

Implications to Consider

a. Consultation with the Community

Nil

b. Consultation with Government Agencies

Nil

c. Strategic

Nil

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

Nil

g. Risk

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

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

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

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

Nil

Comments

Nil

Voting Requirements

Simple Majority

Officer Recommendation

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