



City of Rockingham

MINUTES

Planning and Engineering Services Committee Meeting

Held on Monday 19 September 2022 at 4:00pm
City of Rockingham Council Chamber



City of Rockingham
Planning and Engineering Services
Committee Minutes
Monday 19 September 2022



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Monday 19 September 2022 - Council Chamber

1. Declaration of Opening

The Chairperson declared the Planning and Engineering Services Committee meeting open at **4:00pm** and welcomed all present.

Acknowledgement of Country

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

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

2.1 Council Members

Cr Hayley Edwards (*Deputy Mayor*) Chairperson
Mayor Deb Hamblin
Cr Lorna Buchan
Cr Dawn Jecks
Cr Mark Jones
Cr Brett Wormall

2.2 Executive

Mr Michael Parker	Chief Executive Officer
Mr Peter Ricci	A/Director Planning and Development Services
Mr Sam Assaad	Director Asset Services
Mr Peter Doherty	Director Legal Services and General Counsel
Mr Brett Ashby	Manager Strategic Planning and Environment
Mr James Henson	Manager Land and Development Infrastructure
Ms Erica King	Manager Health and Building Services
Mr David Caporn	Manager Compliance and Emergency Liaison
Mr David Waller	A/Manager Statutory Planning
Mr David Banovic	A/Manager Major Planning Projects
Mr Ian Daniels	Manager Infrastructure Project Delivery
Mr Manoj Barua	Manager Technical Services
Mr Tony Bailey	Manager Operations and Fleet Services
Mr Adam Johnston	Manager Parks Services
Mr Jim Olynyk, JP	Manager Governance and Councillor Support
Ms Melinda Wardle	EA to Director Planning and Development Services
Ms Alana Allen	EA to Director Asset Services
Mrs Andrea Holman	Business Analyst

2.3 Members of the Gallery: 2

2.4	Apologies:	Nil
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2.5 Approved Leave of Absence: Nil

3.	Responses to Previous Public Questions Taken on Notice
	Nil
4.	Public Question Time
	<p>4:00pm The Chairperson opened Public Question Time and invited members of the Public Gallery to ask questions. The Chairperson noted that this was the only opportunity in the meeting for the public to ask questions.</p> <p>4.1 Mr James Mumme, Shoalwater - PD-034/22 - Proposed Demolition of 'Chesterfield Dairy' and PD-035/22 - Proposed Scheme Amendment No.183 - Rezoning from 'Rural' to 'Special Rural'</p> <p>The Chairperson invited Mr Mumme to present his questions to the Planning and Engineering Services Committee. Mr Mumme asked the following questions:</p> <p><u>PD-034/22</u></p> <p>1. How exactly does approving the demolition of this piece of history meet the community's aspiration and strategic objective to "plan and control the use of land to meet the needs of the growing population and future generations"?</p> <p><i>The Chairperson advised that it is challenging to provide a response to each and every individual planning decision against the aspirations and strategic objectives in the Community Plan. In this case, the City has considered the application against its planning framework and upon advice from the experts, including the Heritage Council of WA, and has formed the view that the application should be supported.</i></p> <p>2. Who will pay for the "preparation of the archival record of the Inn and Dairy and for the "retention, conservation and interpretation of the Inn" and for the archaeologist and how much is this likely to be?</p> <p><i>The Chairperson advised the proponent, DevelopmentWA, is responsible for satisfying this requirement. The cost is not yet known.</i></p> <p>3. What is the likely cost of conservation of the Dairy and could the proposed Heritage Assistance Grants and new Heritage Grants Program help fund this?</p> <p><i>The Chairperson advised the cost of conservation works are not known but would likely be significant given the state of the building. Although the details surrounding the heritage assistance grants will be established if Council resolves to proceed, it is unlikely to extend to the restoration of entire buildings.</i></p> <p><u>PD-035/22</u></p> <p>4. What exactly are the species of these 11 trees to be displaced?</p> <p><i>The Chairperson advised Tuarts, Banksias and a Sheoak.</i></p> <p>5. What is the Threatened Ecological Community on the site and how will it be affected?</p> <p><i>The Chairperson advised Tuart Woodland. The application will be referred to the Commonwealth Government's Department of Environment and Energy to determine if a formal assessment is required.</i></p> <p>4:06pm There being no further questions the Chairperson closed Public Question Time.</p>
5.	Confirmation of Minutes of the Previous Meeting
	<p>Moved Cr Jones, seconded Mayor Hamblin:</p> <p>That Committee CONFIRMS the Minutes of the Planning and Engineering Services Committee meeting held on 15 August 2022, as a true and accurate record.</p> <p style="text-align: right;">Committee Voting (Carried) - 6/0</p>

6.	Matters Arising from the Previous Minutes
	Nil
7.	Announcement by the Presiding Person without Discussion
	4:06pm The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next Council meeting.
8.	Declarations of Members and Officers Interests
	4:06pm The Chairperson asked if there were any interests to declare. There were none.
9.	Petitions/Deputations/Presentations/Submissions
	Nil
10.	Matters for which the Meeting may be Closed
	Nil
11.	Bulletin Items
	<p>Planning and Development Services Information Bulletin - September 2022</p> <p>Health Services</p> <ol style="list-style-type: none"> 1. Health Services Team Overview 2. Human Resource Update 3. Project Status Reports <ol style="list-style-type: none"> 3.1 FoodSafe 3.2 Industrial and Commercial Waste Monitoring 3.3 Mosquito Control Program 3.4 Environmental Waters Sampling 3.5 Food Sampling 4. Information Items <ol style="list-style-type: none"> 4.1 Food Recalls 4.2 Food Premises Inspections 4.3 Public Building Inspections 4.4 Outdoor Event Approvals 4.5 Permit Approvals 4.6 Complaint - Information 4.7 Noise Complaints – Detailed Information 4.8 Health Approvals 4.9 Septic Tank Applications 4.10 Demolitions 4.11 Swimming Pool and Drinking Water Samples 4.12 Rabbit Processing 4.13 Hairdressing and Skin Penetration Premises 4.14 Bookings for Halls and Reserves <p>Building Services</p> <ol style="list-style-type: none"> 1. Building Services Team Overview 2. Human Resource Update 3. Project Status Reports 4. Information Items

	<ul style="list-style-type: none">4.1 Monthly Building Permit Approvals - (All Building Types)4.2 Other Permits4.3 Monthly Caravan Park Site Approvals
	Compliance and Emergency Liaison <ul style="list-style-type: none">1. Compliance and Emergency Liaison Team Overview2. Human Resource Update3. Project Status Reports4. Information Items<ul style="list-style-type: none">4.1 Ranger Services Action Reports4.2 Compliance and Emergency Liaison - Prosecutions4.3 Building and Development Compliance4.4 Emergency Liaison and Fire Prevention4.5 SmartWatch Key Result Areas4.6 Compliance Community Engagement
	Strategic Planning and Environment <ul style="list-style-type: none">1. Strategic Planning and Environment Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Local Planning Strategy and New Town Planning Scheme3.2 Local Commercial Strategy Review3.3 Greening Plan3.4 Lake Richmond Management Plan Implementation - Thrombolite Study3.5 Karnup District Structure Plan3.6 Foreshore Management Plan3.7 Wetland Management Plan3.8 Sustainable Transport Plan4. Information Items<ul style="list-style-type: none">4.1 Structure Plan Assessment Status4.2 Tree Removals - Approvals Issued Under Delegated Authority4.3 Plastic Free July
	Land and Development Infrastructure <ul style="list-style-type: none">1. Land and Development Infrastructure Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Managed Aquifer Recharge (MAR) - Feasibility Study4. Information Items<ul style="list-style-type: none">4.1 Referrals4.2 Delegated Land and Development Infrastructure Assets Approvals4.3 Handover of Subdivisional Roads4.4 Delegated Subdivision Engineering and Public Open Space Practical Completions4.5 Delegated Authority to Approve the Release of Bonds for Private Subdivisional Works
	Statutory Planning <ul style="list-style-type: none">1. Statutory Planning Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Review of Planning Policy 3.3.1 - Control of Advertisements3.2 Review of Planning Policy 3.3.21 - Heritage Conservation and Development and Website Heritage Information Sheet3.3 Proposed Planning Policy 3.3.26 - Guidelines to Establishing a Heritage List3.4 Proposed Planning Policy 7.5 - Heritage Incentives

	<ul style="list-style-type: none">3.5 Small Business Approvals Program - Action Plan <ul style="list-style-type: none">4. Information Items<ul style="list-style-type: none">4.1 Subdivision/Development Approval and Refusals by the WAPC4.2 Notifications and Gazettals4.3 Subdivision Clearances4.4 Subdivision Survey Approvals4.5 Subdivision Lot Production4.6 Delegated Development Approvals4.7 Delegated Development Refusals4.8 Delegated Building Envelope Variations4.9 Subdivision/Amalgamation Approved4.10 Strata Plans4.11 Subdivision/Amalgamation Refused4.12 State Administrative Tribunal - Proposed Hindu Temple - No.67 Folly Road, Baldivis <p>Planning and Development Directorate</p> <ul style="list-style-type: none">1. Planning and Development Directorate Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Rockingham Strategic Metropolitan Centre Local Planning Framework Review3.2 Design Review Panel4. Information Items <p>Advisory Committee Minutes</p>
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Committee Recommendation

Moved Mayor Hamblin, seconded Cr Buchan:

That Council Members acknowledge having read the Planning Services Information Bulletin - September 2022 and the content be accepted.

Committee Voting (Carried) - 6/0

	<p>Asset Services Information Bulletin - September 2022</p> <p>Asset Services Directorate</p> <ul style="list-style-type: none">1. Asset Services Directorate Team Overview2. Human Resource Update3. Project Status Reports4. Information Items<ul style="list-style-type: none">4.1 Bushfire Risk4.2 Strategic Asset Management <p>Operations and Fleet Services</p> <ul style="list-style-type: none">1. Operations and Fleet Services Team Overview2. Human Resource Update3. Project Status Reports4. Information Items<ul style="list-style-type: none">4.1 Building Maintenance - Operations4.2 Building Maintenance - Buildings4.3 Building Maintenance - Reserves4.4 Graffiti Program 2021/2022 <p>Infrastructure Project Delivery</p> <ul style="list-style-type: none">1. Infrastructure Project Delivery Team Overview
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	<ul style="list-style-type: none">2. Human Resource Update3. Project Status Reports4. Information Items<ul style="list-style-type: none">4.1 Bus Shelter Replacements4.2 Dixon Road (Goddard Street to Ennis Avenue), Rockingham - Footpath Upgrades4.3 Don Cuthbertson Reserve (Cooloongup) - Replace luminaires4.4 Ennis Avenue (Hillman Park to Carvie Street), Rockingham - Construct Shared Path4.5 Gascoyne Way (Willmott Drive to Grange Drive), Cooloongup - Install Raised Safety Platforms4.6 Gosforth Court, Safety Bay - Drainage Upgrade4.7 Lark Hill Sporting Complex Soccer and Cricket Club Building Refurbishments, Port Kennedy4.8 Lark Hill Sporting Complex Softball and Hockey Club Building Refurbishments, Port Kennedy4.9 Maratea Parade (West of Warnbro Sound Avenue), Secret Harbour - Guarded School Crossing4.10 Playground Replacements 2022/20234.11 Playground Rubber soft fall Replacements 2022/20234.12 Point Peron Boat Launching Facility, Peron - Construct Carpark Extension4.13 Read Street/Chalgrove Avenue, Rockingham - Extend Right Turn Pockets4.14 Read Street/Council Avenue, Rockingham - Extend Right Turn Pockets4.15 Rockingham Arts Centre Improvements4.16 Rockingham Aquatic Centre LED Sign4.17 Safety Bay Road/Mandurah Road, Baldivis - Install Road Safety Crash Barriers4.18 Safety Bay Road/Settlers Avenue, Baldivis - Extend Right Turn Pocket4.19 Safety Bay Tennis Club - Fence Replacement4.20 Secret Harbour - Street Lighting Upgrade4.21 Tulley Court/Albatross Place, Rockingham - Drainage Upgrade4.22 Victoria Street Carpark, Rockingham - Accessible (ACROD) Parking Bays Upgrade4.23 Warnbro Beach Road (near View Street), Warnbro - Accessible (ACROD) Parking Bay Upgrade
	Parks Services <ul style="list-style-type: none">1. Parks Services Team Overview2. Human Resource Update3. Project Status Reports<ul style="list-style-type: none">3.1 Communities Environment Program Projects4. Information Items<ul style="list-style-type: none">4.1 CRM Statistics4.2 Delegated Public Open Space Handovers4.3 Contract Management - Requests for Quote and Tender4.4 Weed Management4.5 Reserve and POS Maintenance4.6 Natural Area Maintenance4.7 Bushfire Mitigation4.8 Irrigation Maintenance4.9 Tree Maintenance4.10 Litter Program 2021/2022
	Technical Services <ul style="list-style-type: none">1. Technical Services Team Overview2. Human Resource Update

	<ul style="list-style-type: none">3. Project Status Reports<ul style="list-style-type: none">3.1 Strategic Boating Provision Plan (SBPP)3.2 Bent Street Dredge Material - Environmental Study3.3 Coastal Sediment Management Plan and Beach Renourishment3.4 Footpath Defect Inspection3.5 Rockingham Future Traffic Modelling (Traffic Counts)4. Information Items<ul style="list-style-type: none">4.1 Delegated Authority for Temporary Thoroughfare Closure4.2 Delegated Authority for approval of Directional Signage4.3 Delegated Authority for approval of Heavy Haulage4.4 Authorised Traffic Management Plans for Works on City Controlled Roads4.5 Civil Works Program 2022/20234.6 Traffic investigations4.7 Civil Maintenance Program 2022/20234.8 Civil Maintenance Program 2022/20234.9 Road Rehabilitation & Renewal Programs 2022/20234.10 Drainage Renewal Program Municipal Works 2022/20234.11 Footpath Renewal Program Municipal Works 2022/20234.12 Carpark Renewal Program Municipal Works 2022/20234.13 Delegated Authority for the payment of crossover subsidies4.14 Third Party Works within the City4.15 Asset Inspections4.16 Verge Treatment Applications4.17 Verge Issues4.18 Coastal Capital Projects4.19 Coastal Infrastructure Management <p>Advisory Committee Minutes</p>
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Committee Recommendation

Moved Mayor Hamblin, seconded Cr Buchan:

That Council Members acknowledge having read the Asset Services Information Bulletin - September 2022 and the content be accepted.

Committee Voting (Carried) - 6/0



12. Agenda Items

Planning and Development Services

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

Submission:

Requests for additional locations to be considered.

1. Trading Locations (cont...)
<p><u>City's Comment:</u></p> <p>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.</p> <p>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.</p>
2. Permit Approvals
<p><u>Submission:</u></p> <p>Will the City consider a roster system for 'Fixed Location Food Traders Permits' so food vehicles can attend on rotation?</p>
<p><u>City's Comment:</u></p> <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
<p><u>Submission:</u></p> <p>How will the 'Fixed Location Food Traders Permit' operators integrate with existing food truck monthly events in conflicting locations?</p>
<p><u>City's Comment:</u></p> <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
<p><u>Submission:</u></p> <p>The 'Fixed Location Food Traders Permits' will take away business from established food businesses?</p>
<p><u>City's Comment:</u></p> <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
<p><u>Submission:</u></p> <p>The noise from generators and behaviour around the food vehicles will remove the natural beach noises.</p>
<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

Moved Cr Buchan, seconded Cr Jones:

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 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

Moved Cr Jones, seconded Cr Buchan:

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



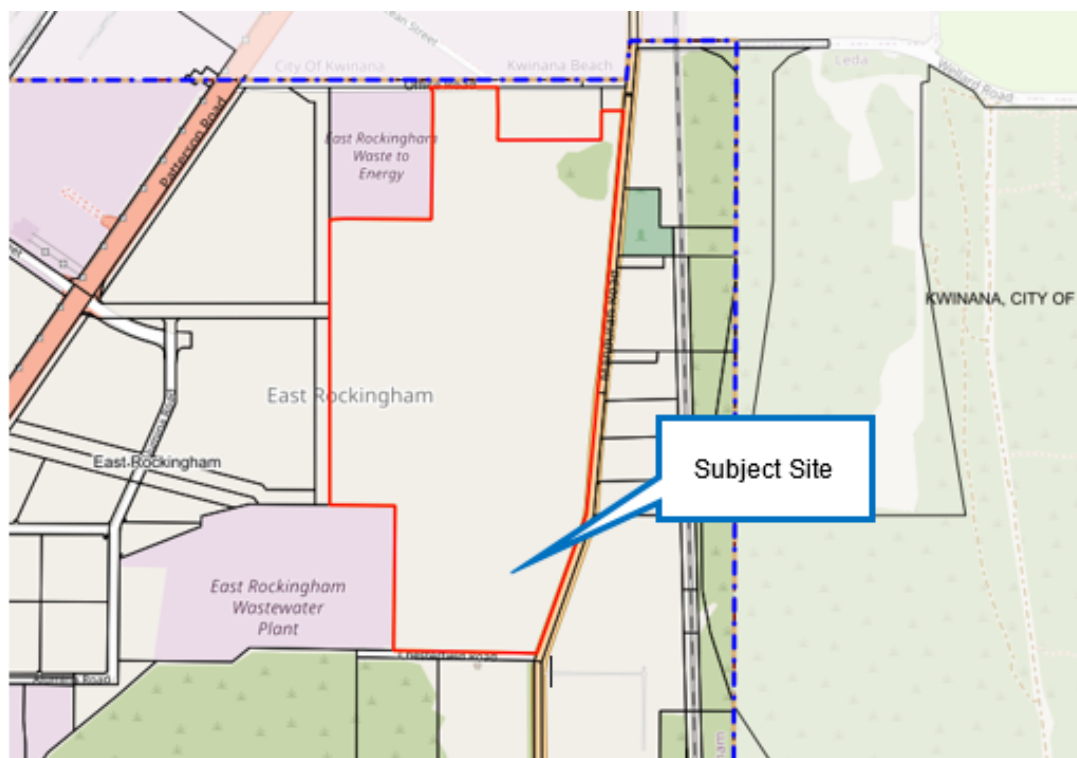
Planning and Development Services Statutory Planning Services



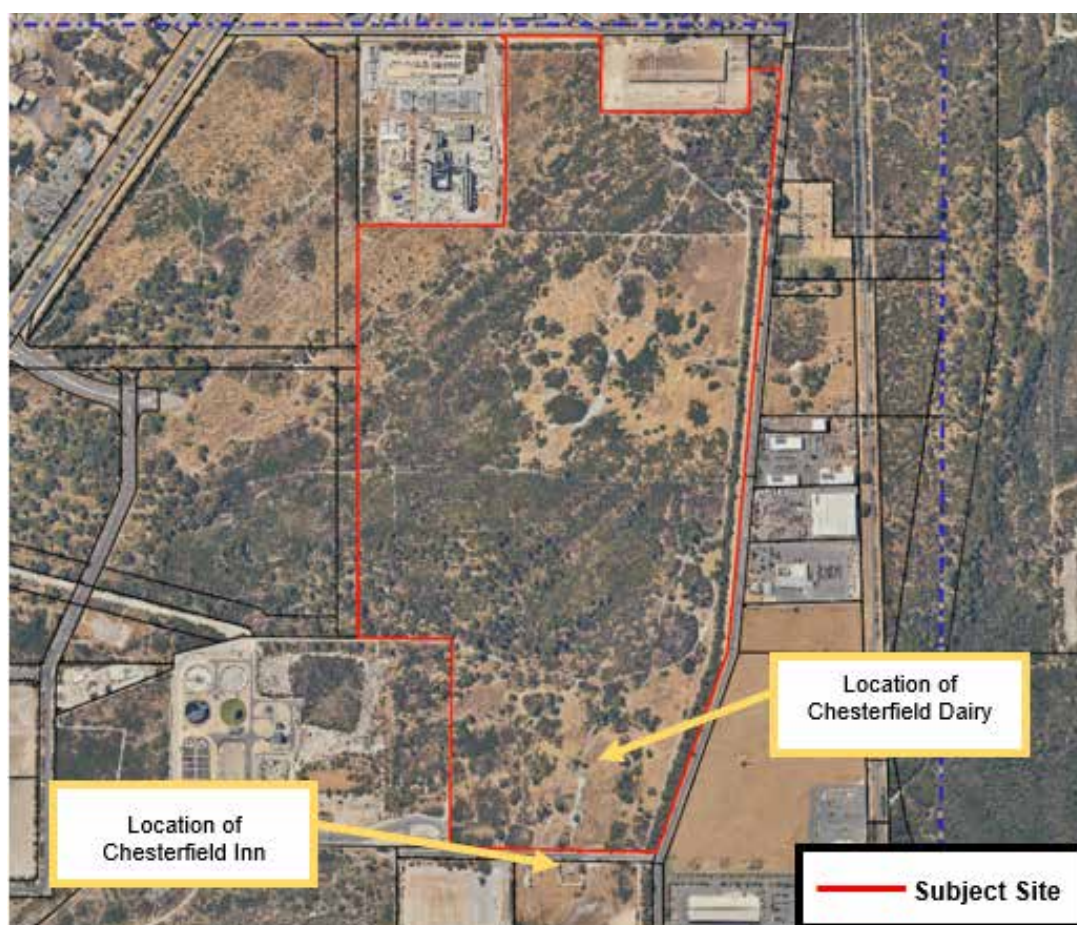
Reference No & Subject:	PD-034/22	Proposed Demolition of 'Chesterfield Dairy'
File No:	DD020.2022.136.1	
Applicant:	Element Advisory Pty Ltd	
Owner:	Western Australian Land Authority (Development WA)	
Author:	Miss Nyah Cheater, Planning Assistant	
Other Contributors:	Mr Chris Parlane, A/Coordinator Statutory 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

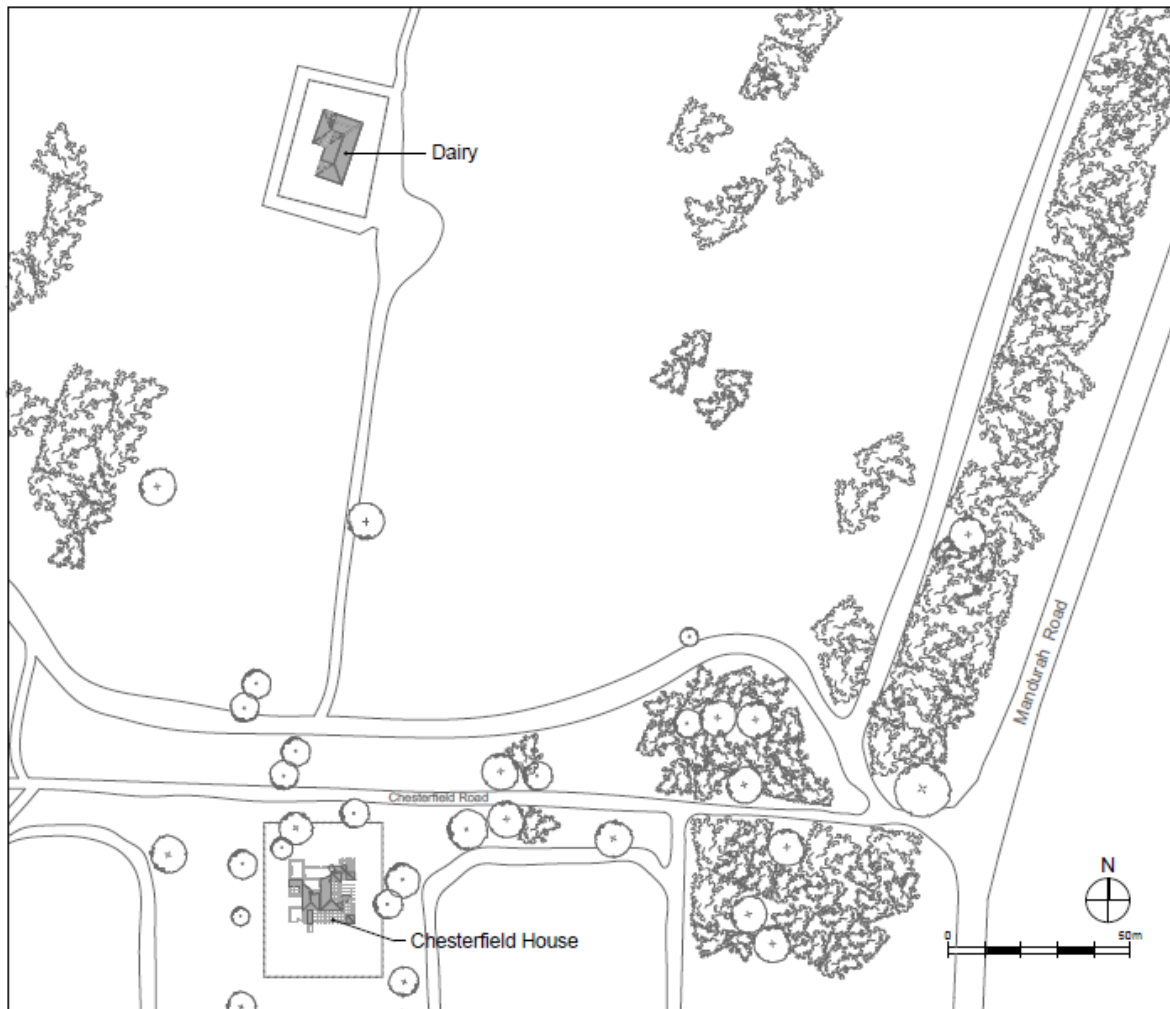
Background

Site Context

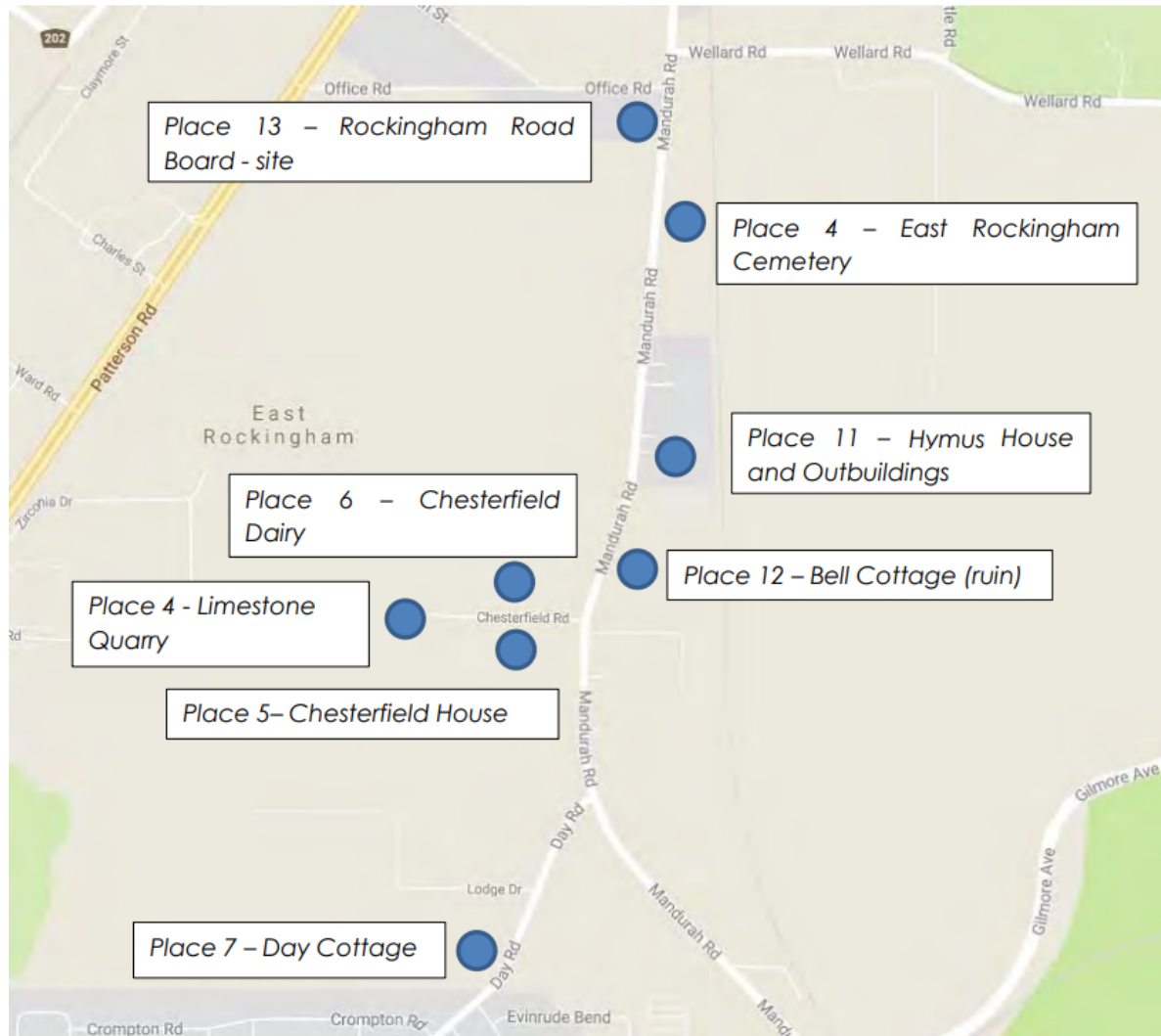
The Chesterfield Dairy (the 'Dairy') is located to the north of the Chesterfield Inn (the 'Inn'), off Chesterfield Road, East Rockingham (refer to Figure 3).

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

Moved Mayor Hamblin, seconded Cr Wormall:

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



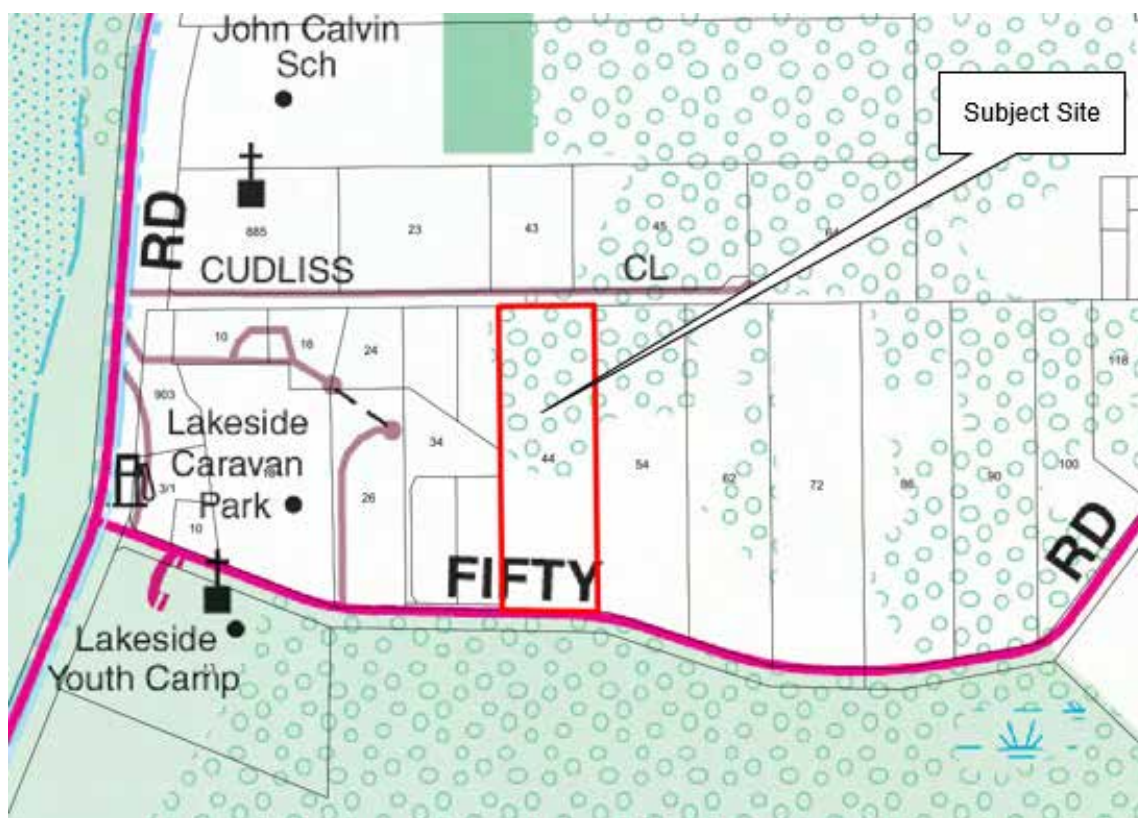
Planning and Development Services Statutory Planning Services



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

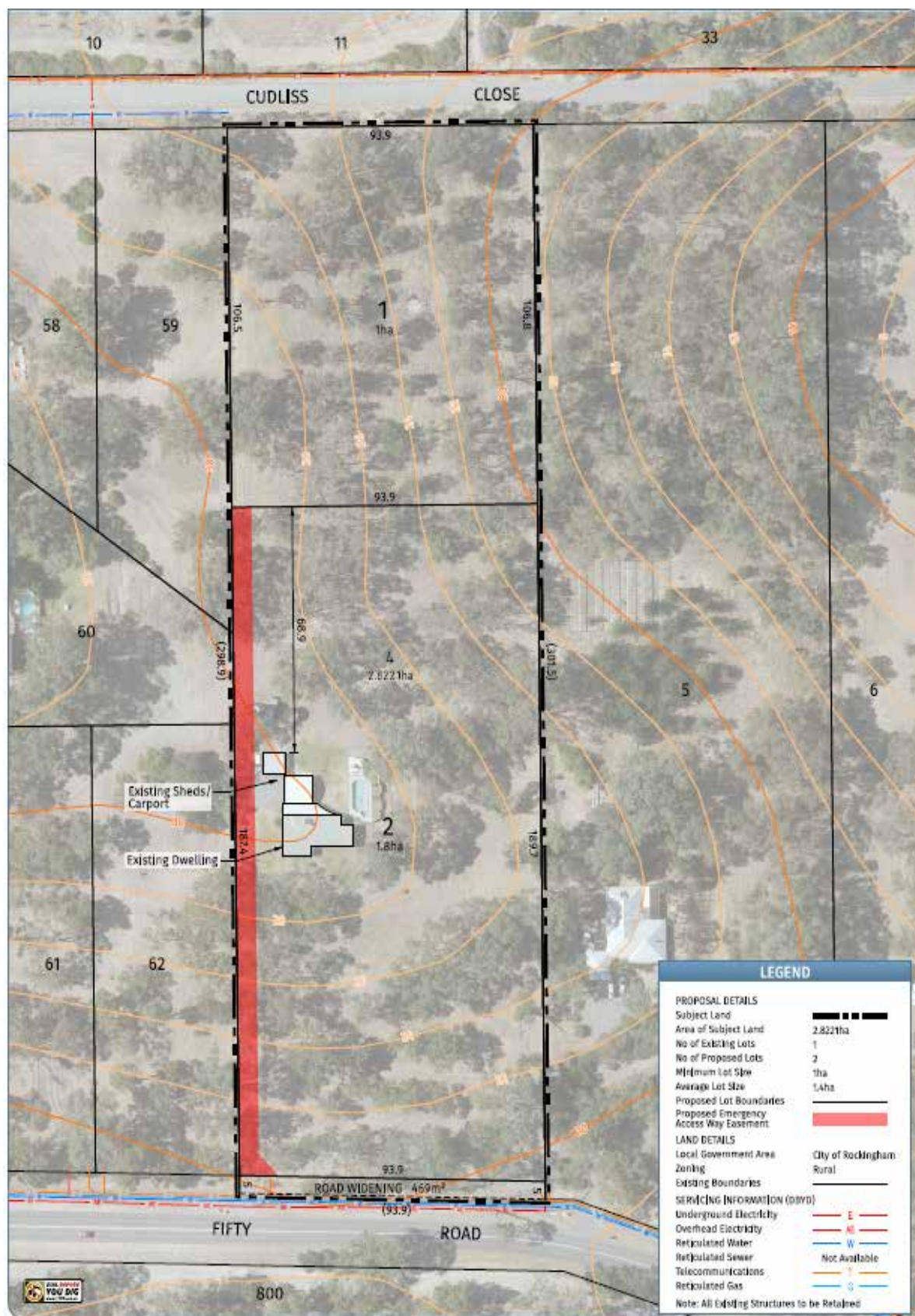
Scheme Amendment No.183 seeks to rezone the subject site from 'Rural' to 'Special Rural'.

A Subdivision Concept Plan has been prepared which indicates:

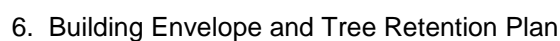
- Y The land being subdivided into two Lots, comprising 1ha (proposed Lot 1) on the northern portion and 1.8ha (proposed Lot 2) on the southern portion of the site;
- Y Building Envelopes on both Lots, comprising 1,000m² and 1,350m² for Lots 1 and 2 respectively; and
- Y A six (6) metre wide Emergency 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:

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



5. Subdivision Concept 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:

- Y Published on the City of Rockingham's (City) website;
- Y Make available a copy of the Scheme Amendment for public inspection at the City's Administration Offices; and
- Y 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.

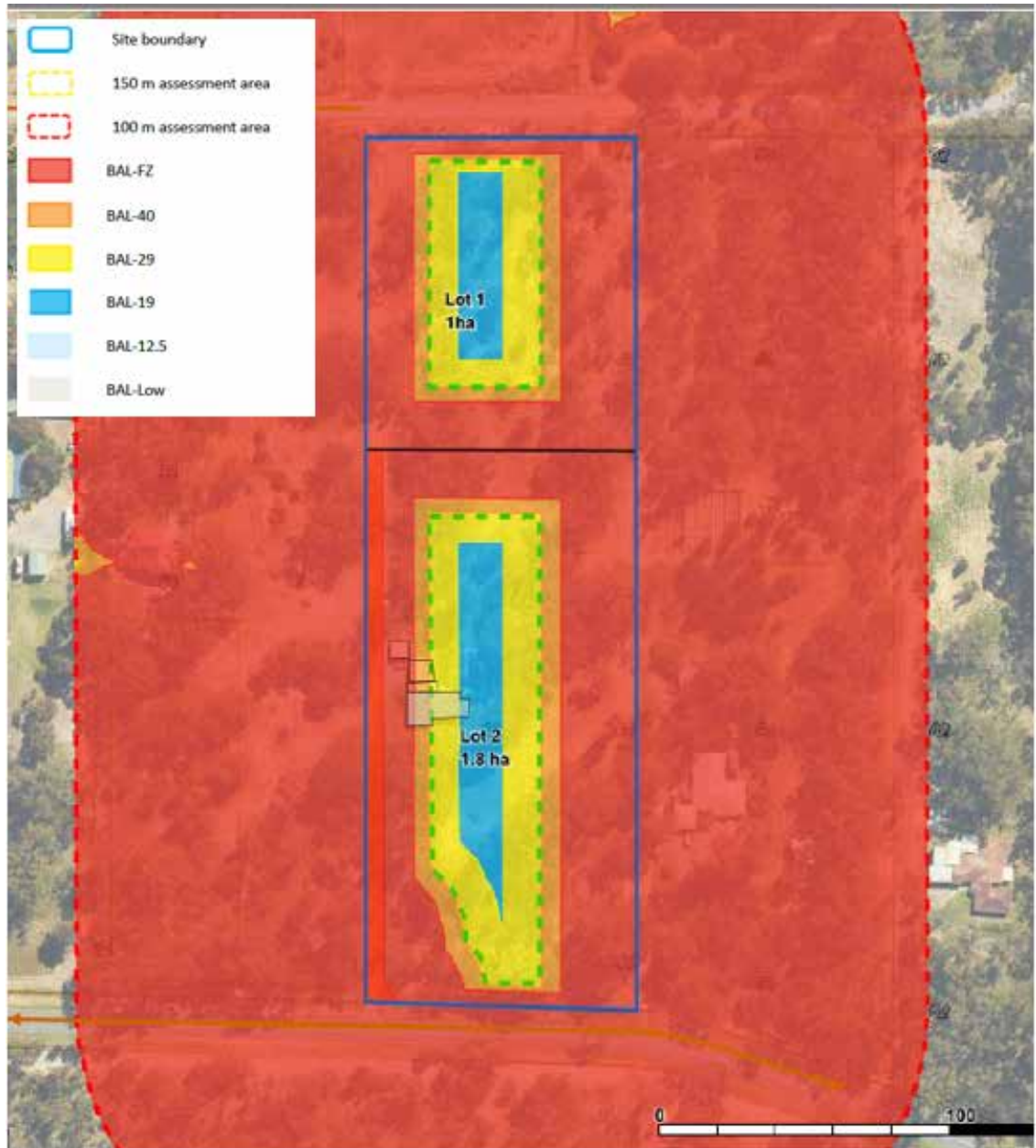
The subject site is located within a designated Bushfire Prone Area and the applicant has submitted a Bushfire Management Plan (BMP) to support the Scheme Amendment.

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.



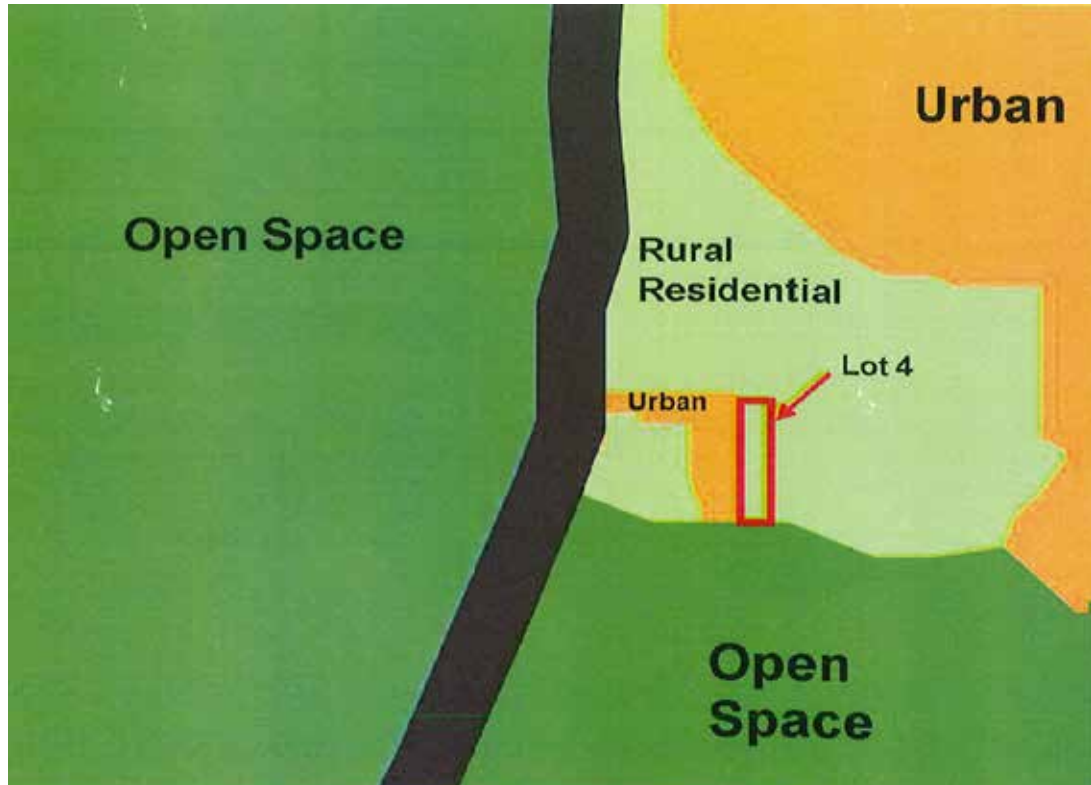
9. Figure 5b from Bush Fire Management Plan

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

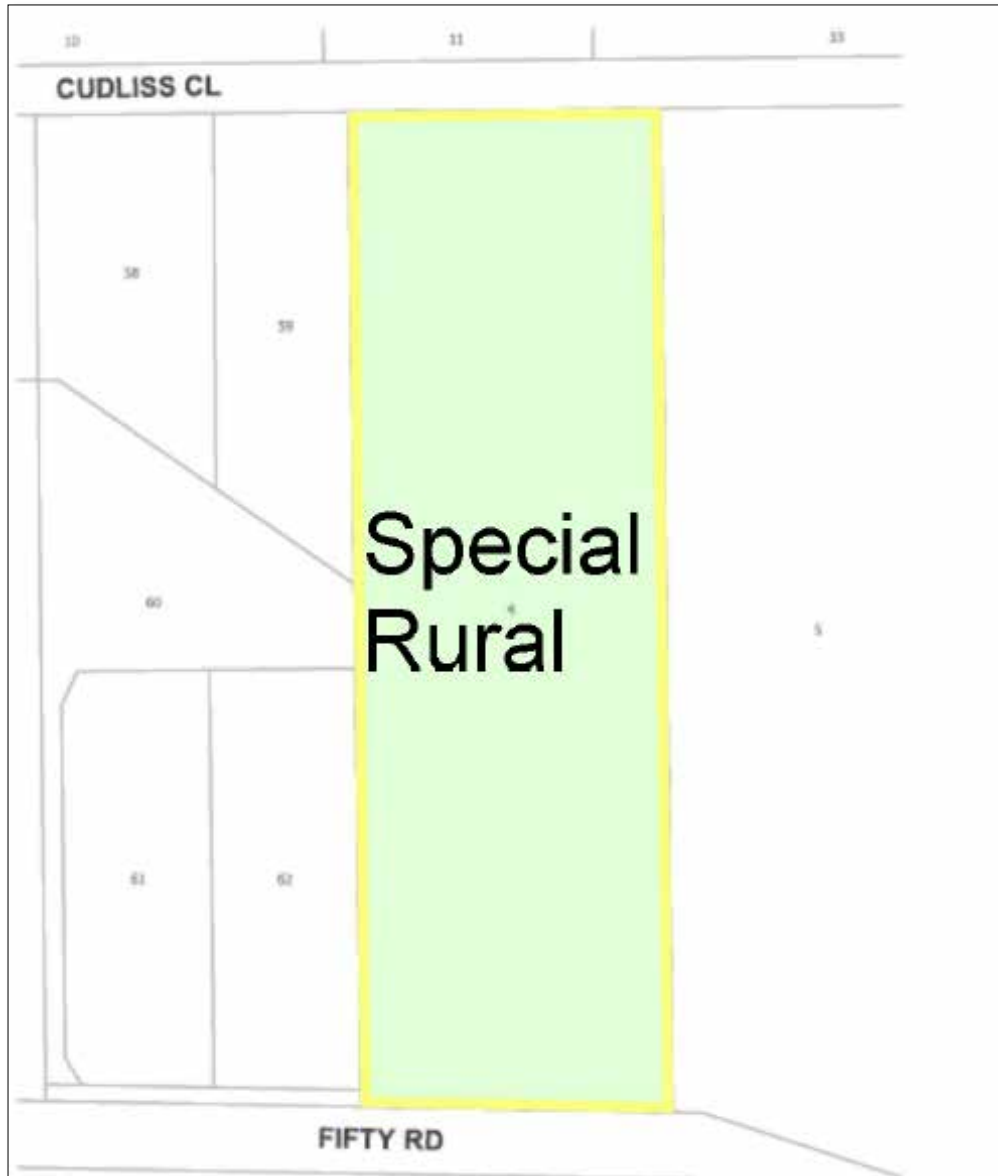
Officer Recommendation

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

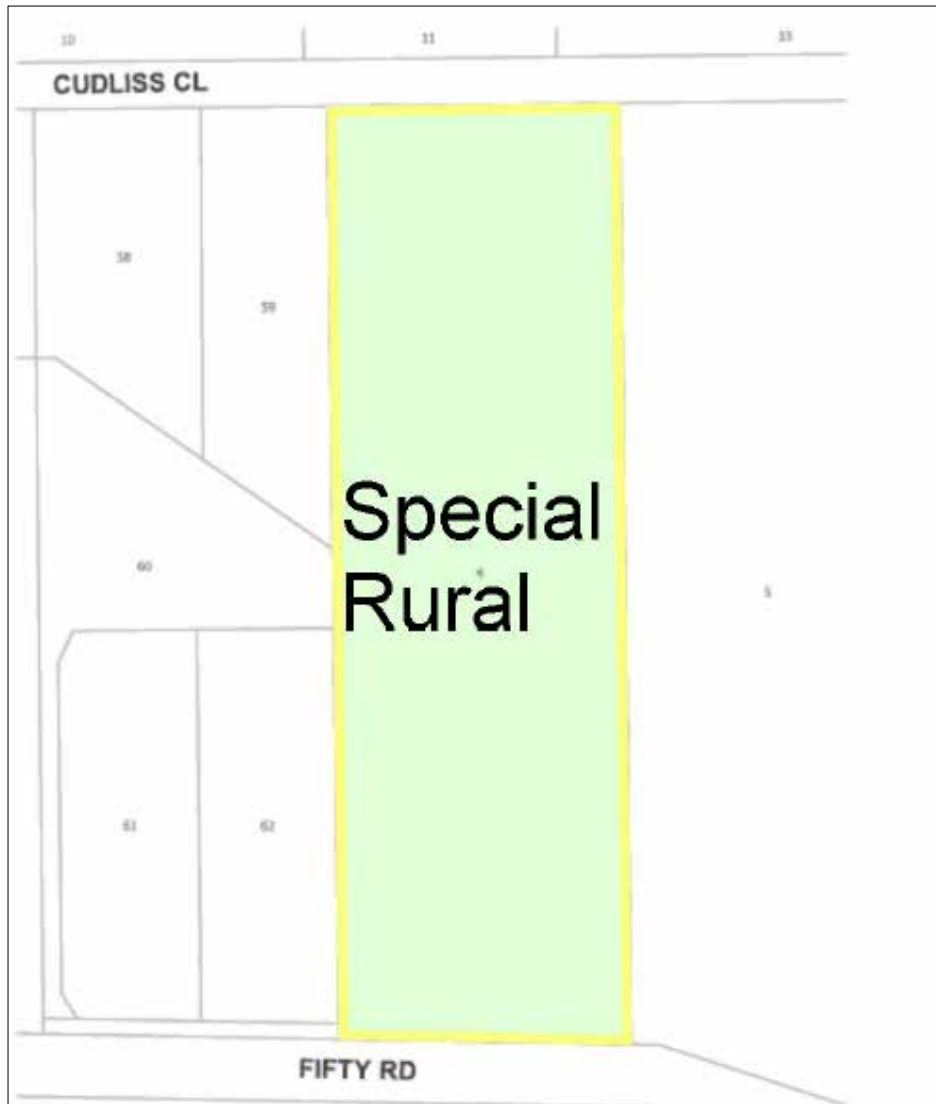
Moved Cr Jones, seconded Mayor Hamblin:

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, Baldavis.
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:

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

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

ÿ 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 2023/2024¹.

¹ Correction of financial year.

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

Moved Cr Jones, seconded Mayor Hamblin:

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



Asset Services

Asset Services Technical Services		
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	
<u>Theme</u>	A total of eight submissions indicated support for the closure.
<u>City's Comment</u>	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	
<u>Theme</u>	One submission indicated support for the closure but suggested use as a dog park.
<u>City's Comment</u>	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	
<u>Theme</u>	Two submissions indicated they were not in support of the closure for the following reasons 1. Restricting access to families 2. Restricting access due to physical demands.
<u>City's Comment</u>	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. Pedestrian and cyclist access (including with disability aids) will be retained with the proposed permanent closure.

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

Moved Mayor Hamblin, seconded Cr Jones:

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

Asset Services Technical Services		
Reference No & Subject:	AS-011/22	Delegated Authority - Sand Extraction from the Bent Street Boat Ramp Navigation Channel/Tern Bank Sandbar (<i>Absolute Majority</i>)
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

Moved Cr Buchan, seconded Cr Wormall:

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

13.	Reports of Council Members
	Nil
14.	Addendum Agenda
	Nil
15.	Motions of which Previous Notice has been given
	Nil
16.	Notices of Motion for Consideration at the Following Meeting
	Nil
17.	Urgent Business Approved by the Person Presiding or by Decision of the Committee
	Nil
18.	Matters Behind Closed Doors
	Nil
19.	Date and Time of Next Meeting
	The next Planning and Engineering Services Committee meeting will be held on Monday 17 October 2022 in the Council Chamber, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 4:00pm.
20.	Closure
	There being no further business, the Chairperson thanked those persons present for attending the Planning and Engineering Services Committee meeting, and declared the meeting closed at 4:46pm .