



# City of Rockingham

## AGENDA

### Ordinary Meeting of Council

To be held on Tuesday 28 May 2024 at 6:00pm  
City of Rockingham Council Chamber

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



## Notice of Meeting



Dear Mayor and Council Members

The next Ordinary meeting of the Council of the City of Rockingham will be held on Tuesday 28 May 2024 in the Council Chamber, Civic Boulevard, Rockingham. The meeting will commence at 6:00pm.

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

MICHAEL PARKER  
CHIEF EXECUTIVE OFFICER

23 May 2024

### DISCLAIMER

#### PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

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

**City of Rockingham**  
**Ordinary Council Meeting**  
**6:00pm Tuesday 28 May 2024**



**1. Declaration of Opening**

**Acknowledgement of Country**

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

**Recording and Live Streaming of proceedings**

In accordance with Council Policy this meeting is being live streamed on the City's website, with the exception of confidential items and periods of adjournment or as determined by the Presiding Member.

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

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

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

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

**2.1 Council Members**

Mayor Deb Hamblin

Cr Lorna Buchan, Deputy Mayor      Comet Bay Ward

Cr Mike Crichton      Baldivis Ward

Cr Kelly Middlecoat      Baldivis Ward

Cr Brett Wormall      Baldivis Ward

Cr Robert Schmidt      Comet Bay Ward

Cr Craig Buchanan, JP      Rockingham/Safety Bay Ward

Cr Peter Hudson      Rockingham/Safety Bay Ward

Cr Caroline Hume      Rockingham/Safety Bay Ward

Cr Dawn Jecks      Rockingham/Safety Bay Ward

Cr Mark Jones      Rockingham/Safety Bay Ward

Cr Leigh Liley      Rockingham/Safety Bay Ward

**2.2 Executive**

Mr Michael Parker      Chief Executive Officer

Mr Sam Assaad      Director Asset Services

Mr John Pearson      Director Corporate Services

Mr Michael Holland      Director Community Development

Mr Peter Ricci      Director Planning and Development Services

Mr Jim Olynyk, JP      Manager Governance and Councillor Support

**2.3 Members of the Gallery:**

|           |   |
|-----------|---|
|           | <p><b>2.4 Apologies:</b><br/>Mr Peter Doherty Director Legal Services and General Counsel</p> <p><b>2.5 Approved Leave of Absence:</b></p>  |
| <b>3.</b> | <b>Responses to Previous Public Questions Taken on Notice</b>   |
|           | <p><b>3.1 Ms Rebecca Privilege, Secret Harbour – Millar Road Landfill</b></p> <p>At the Council meeting held on 23 April 2024, Ms Privilege asked the following questions that were taken on notice and the Director Corporate Services provided a response in a letter dated 29 April 2024, Mayor Hamblin also provided a response to questions 9 and 10 in a letter dated 16 May 2024:</p> <p><u>Question</u></p> <p>1. Has this information been disseminated to all Councillors? If so, when? If not, why not?</p> <p><u>Response</u></p> <p><i>Yes – Councillors were made aware of the pending appointment of an independent Contaminated Sites Auditor in November 2023.</i></p> <p>2. Has this information come to Council?</p> <p><u>Response</u></p> <p><i>Please see answer to Question 1.</i></p> <p>3. When was the Accredited Independent Contamination Sites Auditor engaged by the City?</p> <p><u>Response</u></p> <p><i>1 March 2024.</i></p> <p>4. What is the length of their contract?</p> <p><u>Response</u></p> <p><i>There is no fixed term.</i></p> <p>5. What is the Accredited Independent Contamination Sites Auditor being paid?</p> <p><u>Response</u></p> <p><i>It is anticipated to cost \$30,695 ex GST.</i></p> <p>6. Where is this information in the Bulletin?</p> <p><u>Response</u></p> <p><i>All creditor payments are listed monthly in the Bulletin. Detailed operational details are not available in the Bulletin.</i></p> <p>7. How is the information presented in the Bulletin</p> <p><u>Response</u></p> <p><i>Please see answer to Question 6.</i></p> <p>8. Why are the results not being published on the City website?</p> <p><u>Response</u></p> <p><i>The City has owned and run the Millar Road Landfill Facility for 30 years which is regulated by the Department of Water and Environmental Regulation (DWER). Ground water monitoring is independently performed and submitted to the regulator for their review. This information is prepared for operational management and regulatory licence requirement.</i></p> <p>9. Would Council please remind the CEO and his Executive Staff that they report to Council and not the other way around?</p> <p>10. Would Council please remind the CEO and his Executive Staff that Councillors are quite within their rights to propose Notices of Motion, without fear or favour?</p> |



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|-----|--|
|     | <p><u>Response</u></p> <p><i>The Chief Executive Officer, Executive Staff and Council members are fully aware of their roles and responsibilities.</i></p>   |
| 3.2 | <p><b>Ms Teresa Ong, Singleton – SSSA</b></p> <p>At the Council meeting held on 23 April 2024, Ms Ong asked the following question that were taken on notice and the Director Corporate Services provided a response in a letter dated 2 May 2024 as follows:</p> <p><u>Question</u></p> <p>1. I am asking is it incompetence, laziness or inability to retain staff to do the work? Is that why we can't get a lease?</p> <p><u>Response</u></p> <p><i>The City Properties Maintenance Grants is open all year round for amounts up to \$10,000 per financial year for lessees' to assist with meeting their maintenance obligations within their leased facility. The Property Maintenance Grants are for work based on maintaining the asset and not for works that are deemed to be operational.</i></p> <p><i>Operational works are defined as regular activities to maintain amenity (e.g. cleaning, pest controls, grass mowing and utility costs). On this basis, carpet cleaning and pest control are not payable under the Property Maintenance Grants. The City is willing to discuss any proposed maintenance grant submission to clarify whether it meets criteria. For information purposes it is noted other maintenance grants recently submitted have recently been approved as they meet criteria.</i></p> <p><i>The City endeavours to meet its obligations in negotiating a renewal of a lease however, many factors can attribute to a delay including conflicting priority demands and the availability of staff. Notwithstanding this, all leases, including yours, have a hold over clause to ensure security of the tenant for the facility. The lease held by the Singleton Social and Sporting Association is not a commercial lease and charges are not made on a commercial basis. It is a peppercorn lease (i.e. there are no fees charged to the tenant outside of normal outgoings such as rubbish services, emergency services levy and insurance).</i></p> <p><b>Mr Jason Davies, Hillman on behalf of T Gibson – Millar Road Landfill</b></p> <p>At the Council meeting held on 23 April 2024, Mr Davies asked the following questions that were taken on notice and the Director Corporate Services provided a response in a letter dated 6 May 2024 as follows:</p> <p><u>Question</u></p> <p>1. Can you produce 10 years' worth of soil and test results from samples taken from the Millar Road Tip Facility and any underground water tables linked to the Facility and any other locations that may be impacted?</p> <p><u>Response</u></p> <p><i>The City has owned and run Millar Road Landfill for 30 years which is regulated by the Department of Water and Environmental Regulation (DWER). Ground water monitoring is independently performed and submitted to the regulator for their review. This information is prepared for operational management and regulatory license requirements. It is not for publication.</i></p> <p>2. If no why not?</p> <p><u>Response</u></p> <p><i>Please see response to question 1.</i></p> <p>3. If yes, will you make these public without completing a FOI request?</p> |

Response

*Please see response to question 1. This information is prepared for operational management and regulatory license requirements. Not for publication.*

4. What steps has the City undertaken to address and remedy any and all identified confirmed issues at Millar Road and the subsequent areas?

Response

*While low levels of PFAS has been detected, DWER has advised that there is nothing to suggest concerns for public health. The City has been asked to undertake further monitoring and has engaged the services of an Accredited Contaminated Sites Auditor to oversee additional ground water investigations undertaken by qualified consultants.*

5. Why does the City of Rockingham and the relevant Officers believe that an Independent Investigation nor a standalone Committee is not required?

Response

*As the relevant state government regulator, the City welcomes DWER and/or WorkSafe to perform any assessment or inspection on Millar Road Landfill as they deem appropriate. They are independent of the City. An Accredited Contaminated Site Auditor has already been appointed. Please see response to question 4.*

6. How many employees have made a claim of any type in regards to their health? I am after a number count not how many or why they have made a claim whether it be Workers Compensation or a Health Claim that it is in its infancy or a Personal Injury Claim.

Response

*The City does not publish employee health matters.*

7. Has the City reached out to past Millar Road Tip Facility members requesting they undertake health checks as well as residences?

Response

*Any person who has any questions or concerns about PFAS disposal at Millar Road Landfill may contact DWER's Contaminated Site Information line on 1300 762 982 or contact them on [contaminated.sites@dwer.wa.gov.au](mailto:contaminated.sites@dwer.wa.gov.au). The City has been advised that there is nothing to suggest concerns for public health.*

8. Why would the City request that all employees to be seen by their preferred Dr(s) and or specialist(s) in regards to this matter?

Response

*The City would recommend to any person to contact a qualified health practitioner over any health concern they may have.*

9. Has the City engaged with its relevant insurance providers over this matter?

Response

*Operational matters are not responded to publicly.*

10. Will your relevant insurance providers pay out any and all claims if found to be liable when you have advised on numerous times that no issues occur?

Response

*The City is unable to answer your question. At all times Officers of the City of Rockingham have acted in good faith.*

11. If found liable, how will the City pay for these and what costs are there to the rate payers due to this if it occurs?

Response

*The City is unable to answer your question. The City has been advised there is nothing to suggest concerns for public health.*

12. Will any City of Rockingham Directors/Mangers, CEO and Mayor stand down if it comes to light they have mislead the public, regardless of the advice they took from others?

Response

*The City of Rockingham Mayor, Directors, Managers and CEO have always acted in good faith.*

**3.4 Ms Diane Park, Waikiki – Australia Day Survey, Senior newsletter access and Millar Road Landfill**

At the Council meeting held on 23 April 2024, Ms Park asked the following questions that were taken on notice and the Manager Strategy, Marketing and Communications provided a response in a letter dated 9 May 2024 as follows:

Question

1. From my experience, surveys I have seen are usually geared to what the proponent would like the answers to be. I would like to ask how many ratepayers will be included in the survey? What percentage usually responds to surveys? What questions will be asked on the survey?

Response

*The CEO responded to part of the first question in respect to the Australia Day Survey. The survey will be both post and internet, two forms like the annual survey of residents. The consultant will be involved in couching the question to be put, so that it will not be biased as suggested. The City have no preconceived ideas. The CEO stated that it can be seen from the chronology of what's occurred, different recommendations from staff, different Council decisions initially and now to go out for public consultation, there are a variety of views.*

*The City can't comment on your experience with other surveys.*

*For the City's 2023 Resident Perception Survey the response rate was 21% (836) based on sample of 4005. A maximum sampling error of+ 3.4% at the 95% confidence interval was achieved making it a statistically valid survey.*

*Advice will be sought from the successful qualified research consultant on the methodology of the survey/poll and the volume of surveys required to obtain a statistically valid response.*

2. It is noted that the City produces a Seniors Newsletter, full of extremely invaluable information and I congratulate the City on being inclusive of our Seniors who make up 20% of our residents.

Response

*Your information is incorrect. The City prints 1500 hard copies of the Seniors newsletter. There are a number of ways that older people can sign up to receive this including at community events and at the City's Administration Building.*

3. So why do we need the Chronicle sent to every home in the city but not the Seniors newsletter?

Response

*The Seniors newsletter is not necessarily relevant to every household but the City Chronicle is.*

*Please refer to the Council resolution report no: GM-008/24 Annual Electors' Meeting, 8 February 2024 Resolution: City Chronicle*

4. Lastly, can Council investigate why my questions from last meeting where not responded to?

Response

*Due to an administrative oversight there was a delay in response time. The City would like to apologise for this delay. The responses were sent to Ms Park via correspondence on 9 May 2024.*

**3.5 Mr James Mumme, Shoalwater – Advocacy, Iodine supplies and greening plan**

At the Council meeting held on 23 April 2024, Mr Mumme asked the following questions that were taken on notice and the Director Planning and Development Services provided a response in a letter dated 3 May 2024 as follows:

Question

1. With reference to Council's role as a first or early responder and repairer in civil emergencies, does anyone in the Council know how many doses of iodine are currently available within the City in case of a leak of radioactivity into Cockburn Sound and desalination plant or into the air?

Response

*No, the City does not have access to this information.*

2. I understand that Rockingham is near the bottom of green coverage with 16% green cover. Does that green include grass and does anyone know how much of our 16% is grass and how much is biodiverse native vegetation? Is so, please tell us?

Response

*The vegetation data capture recently conducted to inform the review of the City's Greening Plan, will be presented at the next meeting of the Environmental Advisory Committee, where this and other questions can be discussed.*

**3.6 Mr Richard Harris, Singleton – Aqua Jetty Availability**

At the Council meeting held on 23 April 2024, Mr Harris asked the following questions that were taken on notice and the Director Community Development provided a response in a letter dated 3 May 2024 as follows:

Question

1. What steps are being taken to ensure the rejuvenation project will resolve long term issues, simply replacing equipment will only be a short term fix and down the line issues will occur while focusing on the plant room.

Response

*The City is still committed to undertaking the Aqua Jetty Stage 2 project in line with Council's resolution to:*

1. **DECLINE** all the tenders for T23/24-39 - Construction of Stage 2 of the Aqua Jetty Aquatic facility, as they exceed the current budget a/locations
2. **INSTRUCTS** the CEO to investigate redesigning Stage 2 in an effort to reduce the construction costs.
2. Is a robust preventative computerised maintenance system used to schedule frequency based inspections for plant assets?

Response

*A computerised maintenance system is not used, however there is a scheduled preventative maintenance service contract in place. Services are pre-planned throughout the year. There are times when scheduled services have to be rescheduled due to availability of parts or other unforeseeable circumstances.*

3. Are rateable spares for common items (likely to fail during service or impacts on availability of the pool) being adopted to minimise future pool downtime.

Response

*Certain parts are kept in stock by the contractor to replace when required. Items such as pumps are not kept in stock as spare.*

4. If not, in the current is there a plan to utilise fully electronic chemical dosing (Instrument metered systems)

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|           | <p><u>Response</u></p> <p><i>Electronic automated dosing units are currently in place and serviced regularly. These units are running 24 hours a day seven days a week measuring variable usage within the pool filtration systems.</i></p> <p>5. What steps are being taken to improve the cleanliness of the facility</p> <p><u>Response</u></p> <p><i>Cleaning schedules and cleanliness of the facility is constantly under review to ensure, the facility's hygiene standards are as high as possible.</i></p> |  |
| <b>4.</b> | <b>Public Question Time</b>   |  |
|           | <p>Members of the public are invited to present questions to the Mayor about matters affecting the City of Rockingham and its residents. This is the only opportunity in the meeting for the public to ask questions.</p>   |  |
| <b>5.</b> | <b>Applications for Leave of Absence</b>  |  |
|           | <p>Cr Lorna Buchan, Deputy Mayor has requested leave of absence for the period 25 June 2024 to 8 July 2024 inclusive.</p>   |  |
| <b>6.</b> | <b>Confirmation of Minutes of the Previous Meeting</b>  |  |
|           | <p><b>Recommendation:</b></p> <p>That Council <b>CONFIRMS</b> the Minutes of the Ordinary Council meeting held on 23 April 2024, as a true and accurate record.</p>   |  |
| <b>7.</b> | <b>Matters Arising from the Previous Minutes</b>  |  |
|           |   |  |
| <b>8.</b> | <b>Announcement by the Presiding Person without Discussion</b>  |  |
|           | <p>The Mayor to announce to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the Council meeting.</p>  |  |
| <b>9.</b> | <b>Declarations of Members and Officers Interests</b>   |  |
|           | <p><b>9.1 Item PD-016/24</b></p> <p>Council Member:</p> <p>Type of Interest:</p> <p>Nature of Interest:</p> <p>Extent of Interest:</p>  | <p><b>Development Assessment Panel Application - Proposed Tavern, Brewery and Short Stay Accommodation</b></p> <p>Cr Brett Wormald</p> <p>Indirect Financial</p> <p>Long Point Brewing Company Pty Ltd is contracted to this Developer, 'Lateral Planning'. Long Point Brewing Company Director is also the Wormald Group Pty Ltd Director, Cr Wormald's employer.</p> <p>The Long Point Brewing Company Director is also the Wormald Group Pty Ltd Director, my employer.</p> |
|           | <p><b>9.2 Item CD-012/24</b></p> <p>Council Member:</p> <p>Type of Interest:</p> <p>Nature of Interest:</p> <p>Extent of Interest:</p>  | <p><b>Recommendation from the Rockingham Education and Training Advisory Committee – Tertiary Scholarship Scheme Applications Semester One 2024</b></p> <p>Cr Mike Crichton</p> <p>Impartiality</p> <p>Cr Crichton's neighbour is one of the applicants who he knows well.</p> <p>Not Applicable</p>   |

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|            | <p><b>9.3 Item CD-012/24 Recommendation from the Rockingham Education and Training Advisory Committee – Tertiary Scholarship Scheme Applications Semester One 2024</b></p> <p>Council Member: Cr Robert Schmidt</p> <p>Type of Interest: Impartiality</p> <p>Nature of Interest: Three applicants are known to Cr Schmidt as former students of Warnbro Community High School. Cr Schmidt declares that he will deal with the matter on its merits and vote accordingly.</p> <p>Extent of Interest: Not Applicable</p> <p><b>9.4 Item HR-001/24 Appointment of independent consultant to facilitate the Chief Executive Officer Performance Review for the 2023-2024 period</b></p> <p>Officer: Michael Parker</p> <p>Type of Interest: Financial</p> <p>Nature of Interest: The appointment of a consultant is preparatory to undertaking an annual review of performance as required under the CEO's contract of employment.</p> <p>Extent of Interest: Not Applicable</p>  |
| <b>10.</b> | <b>Petitions/Deputations/Presentations/Submissions</b>  |
|            |   |
| <b>11.</b> | <b>Matters for which the Meeting may be closed</b>  |
|            | <p><b>General Management Services 11</b></p> <p>HR-001/24 Appointment of independent consultant to facilitate the Chief Executive Officer Performance Review for the 2023-2024 period 11</p> <p><b>Community Development 13</b></p> <p>CD-011/24 Rockingham Education and Training Advisory Committee change of representation (<i>Absolute Majority</i>) 13</p> <p>CD-012/24 Recommendation from the Rockingham Education and Training Advisory Committee - Tertiary Scholarship Scheme Applications Semester One 2024 15</p> <p>In accordance with section 5.23(2)(b) of the <i>Local Government Act 1995</i> – if there are any questions or debate on Confidential Items HR-001/24 Appointment of independent consultant to facilitate the Chief Executive Officer Performance Review for the 2023-2024 period, CD-011/24 Rockingham Education and Training Advisory Committee change of representation (<i>Absolute Majority</i>) and CD-012/24 Recommendation from the Rockingham Education and Training Advisory Committee - Tertiary Scholarship Scheme Applications Semester One 2024, then the Council will need to defer the matter for consideration at Agenda Item 23 - Matters Behind Closed Doors.</p> |

**General Management Services**

**CONFIDENTIAL ITEM**

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

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

**Chief Executive Officer Performance  
Review Committee**



**Reference No & Subject:**

HR-001/24

**Appointment of independent consultant to facilitate the Chief Executive Officer Performance Review for the 2023-2024 period**

File No:

PERS/PAR-M/2215

Proponent/s:

Author:

Mr Vince Ritorto, Manager Human Resource Development

Other Contributors:

Date of Committee Meeting:

22 May 2024

Previously before Council:

Disclosure of Interest:

Mr Michael Parker, Chief Executive Officer declared a financial interest in item 7.1 Appointment of independent consultant to facilitate the Chief Executive Officer Performance Review for the 2023-2024 period as the appointment of a consultant is preparatory to undertaking an annual review of performance as required under the CEO's contract of employment.

Nature of Council's Role in this Matter:

Site:

Lot Area:

Attachments:

1. Price Consulting
2. Minutes of the CEO Performance Review Committee meetings held

**Confidential Attachment as per Section 5.23 of the Local Government Act 1995**

Maps/Diagrams:

**Purpose of Report**

To consider the appointment of a suitable consultant to undertake the Chief Executive Officer (CEO) performance review for the 2023-2024 period.



### Voting Requirements

Simple Majority

### CEO Performance Review Committee Recommendation

That Council **APPOINTS** Price Consulting as the independent reviewer for the Chief Executive Officer Performance Review in 2023-2024 period.

Committee Voting (Carried) – 4/0

### The Officer's Reason for Varying the CEO Performance Review Committee Recommendation

Not Applicable

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

Not Applicable


## Community Development

### CONFIDENTIAL ITEM

### NOT FOR PUBLIC ACCESS

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

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

| Community Development<br>Community Capacity Building |  |                               |
|--|--|--|
| Report number / title:                               | CD-011/24  | Rockingham Education and Training<br>Advisory Committee change of<br>representation ( <i>Absolute Majority</i> ) |
| File number:   | CSV/1522-06  |  |
| Proponent/s:   |  |  |
| Author:  | Ms Rebekka Jarvis, Coordinator Community Capacity Building   |  |
| Other Contributor/s:                                 | Ms Amanda Fairhead, Community Grants Officer<br>Mr Paul Hayward, Manager Community Capacity Building |  |
| Date of Committee meeting:                           | 21 May 2024  |  |
| Previously before Council:                           |  |  |
| Disclosure of Interest:                              |  |  |
| Nature of Council's role:                            | Executive  |  |
| Attachments:   |  |  |
| Maps/Diagrams:                                       |  |  |
| Site:  |  |  |
| Lot Area:  |  |  |

## Purpose of Report

For Council to appoint a new University representative to the Rockingham Education and Training Advisory Committee.

## Voting Requirements

Absolute Majority

## Officer Recommendation

That Council **APPOINTS** the nominated University representative as a member of the Rockingham Education and Training Advisory Committee, for a term expiring 30 September 2024.

### Committee Recommendation

That Council **APPOINTS** the nominated University representative as a member of the Rockingham Education and Training Advisory Committee, representing the University for a term expiring 30 September 2024.

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

**CONFIDENTIAL ITEM**

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

This item may be discussed behind closed doors as per

Section 5.23(2)(b) of the Act

Community Development  
Community Capacity Building  
Rockingham Education and Training Advisory  
Committee



|                               |  |  |
|-------------------------------|--|--|
| <b>Report number / title:</b> | <b>CD-012/24</b>   | <b>Recommendation from the Rockingham Education and Training Advisory Committee - Tertiary Scholarship Scheme Applications Semester One 2024</b> |
| File number:                  | CSV/1522-7   |  |
| Proponent/s:                  |  |  |
| Author:                       | Ms Amanda Fairhead, Community Grants Officer   |  |
| Other Contributor/s:          | Ms Rebekka Jarvis, Coordinator Community Capacity Building<br>Mr Paul Hayward, Manager Community Capacity Building   |  |
| Date of Committee meeting:    | 21 May 2024  |  |
| Previously before Council:    |  |  |
| Disclosure of Interest:       | <p>Cr Crichton declared an Impartiality Interest in Item CD-012/24 Recommendation from the Rockingham Education and Training Advisory Committee - Tertiary Scholarship Scheme Applications Semester One 2024, as detailed in Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 and per section 5.65 of the Local Government Act 1995 as Cr Crichton's neighbour is one of the applicants who he knows well. Cr Crichton declares that he will deal with the matter on its merits and vote accordingly.</p> <p>Cr Schmidt declared an Impartiality Interest in Item CD-012/24 Recommendation from the Rockingham Education and Training Advisory Committee - Tertiary Scholarship Scheme Applications Semester One 2024, as detailed in Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 and per section 5.65 of the Local Government Act 1995 as Three applicants are known to Cr Schmidt as former students of Warnbro Community High School. Cr Schmidt declares that he will deal with the matter on its merits and vote accordingly</p> |  |
| Nature of Council's role:     | Executive  |  |
| Attachments:                  | <p>1. Public Minutes of the Rockingham Education and Training Advisory Committee meeting held on 8 April 2024</p> <p><b>Confidential Attachment as per Section 5.23 of the Local Government Act 1995</b></p>   |  |

Maps / Diagrams:

Site:

Lot Area:

### Purpose of Report

For Council to approve the recommended applicants for the Tertiary Scholarship Scheme, Semester One 2024.

### Voting Requirements

Simple Majority

### Advisory Committee Recommendation

That Council **APPROVES** funding to all eligible applications for Semester One 2024 of the Tertiary Scholarship Scheme, as identified in the Comments Section of the Confidential Report.

### Officer Recommendation if Different to Advisory Committee Recommendation

Not Applicable

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

Not Applicable

### Committee Recommendation

That Council **APPROVES** funding to all eligible applications for Semester One 2024 of the Tertiary Scholarship Scheme, as identified in the Comments Section of the Confidential Report.

Committee Voting (Carried) – 6/0

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

Not Applicable

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

Not Applicable

|            |   |  |
|------------|---|--|
| <b>12.</b> | <b>Receipt of Minutes of Council Committees</b>   |  |
|            | <b>Recommendation:</b><br>That Council <b>RECEIVES and NOTES</b> the minutes of the: <ul style="list-style-type: none"> <li>• Planning and Asset Services Committee meeting held on 20 May 2024;</li> <li>• Corporate and Community Development Committee meeting held on 21 May 2024; and</li> <li>• CEO Performance Review Committee meeting held on 22 May 2024.</li> </ul>  |  |
| <b>13.</b> | <b>Recommendations of Council Committees</b>  |  |
|            | <b>Planning and Asset Services Committee</b> <b>19</b><br>PD-015/24 Karnup District Structure Plan - Approval to Proceed 19<br>PD-016/24 Development Assessment Panel Application - Proposed Tavern, Brewery and Short Stay Accommodation 27<br>PD-017/24 Development Assessment Panel Application - Proposed Child Care Premises 59<br>AS-013/24 Tender T23/24-74 - Framework Agreement for the Supply of Traffic Management Services 80<br>AS-014/24 Tender T23/24-06 - Period Maintenance of Various Environmental Reserves 84<br>AS-015/24 Tender T23/24-12 - Framework Agreement for the Supply of Shade Shelters, Solar Shelter Lighting, Universally Accessible Picnic Settings, Reserve Furniture and Associated Services 87<br><b>Corporate and Community Development Committee</b> <b>90</b><br>CS-013/24 May 2024 Budget Review ( <i>Absolute Majority</i> ) 90<br>CS-014/24 City Business Plan 2024/2025 to 2033/2034 (May 2024) ( <i>Absolute Majority</i> ) 94<br>CS-015/24 Rating Methodology - 2024/2025 Financial Year 100<br>CD-013/24 Continuation of the Tertiary Scholarship Scheme 104<br>CD-014/24 Draft Strategy for Early Years, Children and Young People 2024-2030 109 |  |
| <b>14.</b> | <b>Receipt of Information Bulletin</b>  |  |
|            | <b>Recommendation:</b><br>That Council <b>RECEIVES</b> the Information Bulletins as follows: <ul style="list-style-type: none"> <li>• Planning Services Bulletin – May 2024;</li> <li>• Asset Services Bulletin – May 2024;</li> <li>• Corporate and General Management Services Bulletin – May 2024; and</li> <li>• Community Development Bulletin – May 2024.</li> </ul>  |  |
| <b>15.</b> | <b>Report of Mayor</b>  |  |
|            | <b>Report of Mayor</b> <b>116</b><br>MR-004/24 Meetings and Functions Attended by the Mayor and Deputy Mayor 116  |  |
| <b>16.</b> | <b>Reports of Council Members</b>   |  |
|            |   |  |
| <b>17.</b> | <b>Reports of Officers</b>  |  |
|            | <b>General Management Services</b> <b>118</b><br>GM-009/24 Proposed Local Government Reform – Standardised Meeting Procedures 118   |  |

|            |  |
|------------|--|
| <b>18.</b> | <b>Addendum Agenda</b>   |
|            |  |
| <b>19.</b> | <b>Motions of which Previous Notice has been given</b>   |
|            |  |
| <b>20.</b> | <b>Notices of Motion for Consideration at the Following Meeting</b>  |
|            |  |
| <b>21.</b> | <b>Questions by Members of which Due Notice has been given</b>   |
|            |  |
| <b>22.</b> | <b>Urgent Business Approved by the Person Presiding or by Decision of the Council</b>  |
|            |  |
| <b>23.</b> | <b>Matters Behind Closed Doors</b>   |
|            |  |
| <b>24.</b> | <b>Date and Time of Next Meeting</b>   |
|            | The next Ordinary Council meeting for the City of Rockingham will be held on <b>Tuesday 25 June 2024</b> in the Council Chambers, Civic Boulevard, Rockingham. |
| <b>25.</b> | <b>Closure</b>   |
|            |  |



### 13. Recommendations of Council Committees

#### Planning and Asset Services Committee

#### Planning and Development Services Strategic Planning and Environment



|                             |  |
|-----------------------------|--|
| <b>Report number/title:</b> | <b>PD-015/24</b> <b>Karnup District Structure Plan - Approval to Proceed</b>   |
| File number:                | LUP/1546-8   |
| Applicant:                  |  |
| Owner:                      | Various  |
| Author:                     | Ms Sally Birkhead, Strategic Planning Consultant   |
| Other Contributors:         | Mr Brett Ashby, Manager Strategic Planning and Environment   |
| Date of Committee meeting:  | 20 May 2024  |
| Previously before Council:  | 28 February 2023   |
| Disclosure of Interest:     |  |
| Nature of Council's role:   | Executive  |
| Attachments:                | 1. Background Report - Karnup District Structure Plan<br><b>Confidential Attachment as per Section 5.23 of the Local Government Act 1995</b> |
| Maps/Diagrams:              | 1. Karnup District Structure Plan Area<br>2. Current Project Programme   |
| Site:                       | Karnup District Structure Plan Area  |
| Lot Area:                   | Approximately 2000ha   |
| LA Zoning:                  | Development, Rural, Special Rural  |
| MRS Zoning:                 | Urban, Urban Deferred, Parks & Recreation, Rural, Other Regional Road Reserve, Primary Regional Road Reserve, Railway Reserve                |

#### Purpose of Report

To advise Council of the outcome of Western Australian Planning Commission (**WAPC**) direction on the Karnup District Structure Plan (**DSP**) Background Report, including Mosquito Risk Assessment and Management Plan (**MRAMP**), and to seek Council approval to progress work to prepare the DSP.

#### Background

At its meeting of 29 June 2022, the WAPC considered the City of Rockingham's (**City**) proposal to prepare a DSP for the Karnup Urban Expansion Area, and resolved as follows:

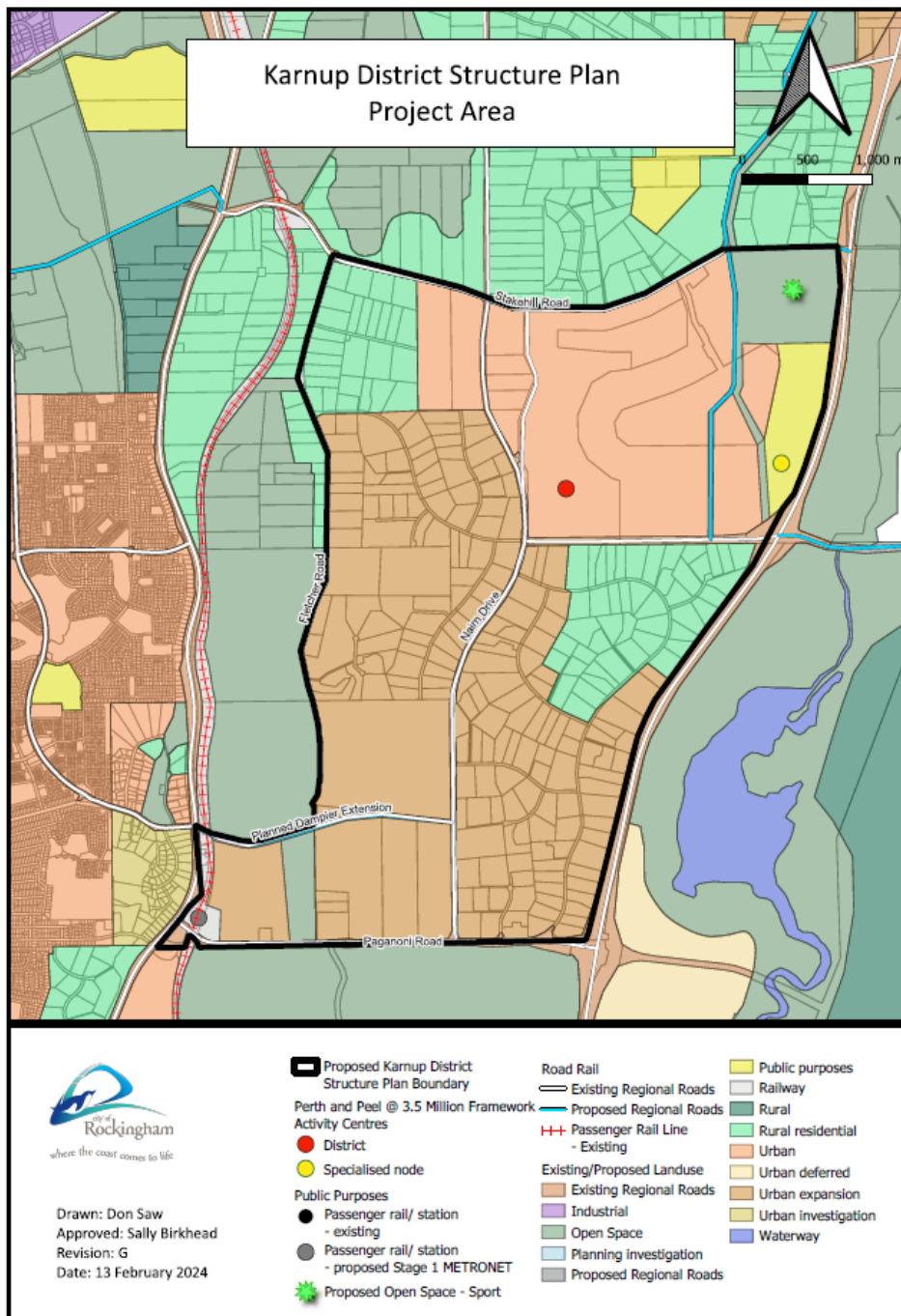
*"That the Western Australian Planning Commission:*

- 1. confirms that a district structure plan should be prepared for the Karnup locality, to coordinate land use distribution and identify regional reserves and environmental and infrastructure considerations;*

2. *advises the City of Rockingham that the potential health and amenity impacts of mosquitoes is a significant issue that will need to be examined and addressed during the preparation of the proposed District Structure Plan. Upon the City's completion of a study on the impact of mosquitoes on the district structure plan area, the City is to provide the Western Australian Planning Commission with an update on the outcomes of the study, and the City's intended approach to addressing the potential impacts within the preparation of the district structure plan; and*
3. *advises the City of Rockingham that it will consider endorsing a district structure plan for Karnup, once finalised, under Section 14 of the Planning and Development Act 2005."*

At its meeting of 28 February 2023, Council resolved to appoint a multi-disciplinary team, led by CDP Town Planning and Urban Design (CDP), to prepare the Karnup DSP.

Figure 1 shows the extent of the DSP area.



1. Karnup District Structure Plan Project Area

In December 2023, the Project Team finalised preparation of a Background Report which contains the outcomes of all technical investigations undertaken to date, including a literature review, desktop investigations, onsite inspections and preliminary agency stakeholder engagement. The Background Report was accompanied by a number of technical appendices, including a MRAMP. The purpose of the Background Report is to inform the preparation of the DSP.

The preliminary findings of the Background Report and MRAMP were presented at a Councillor Engagement Session (**CES**) in November 2023.

The Background Report was referred to the Department of Planning Lands and Heritage (**DPLH**) for consideration, and referral to the Department of Health (**DoH**), Department of Biodiversity Conservation and Attractions (**DBCA**) and Department of Water and Environmental Regulation (**DWER**), primarily to seek input on the direction of the DSP given the findings of the mosquito monitoring, outlined in the MRAMP (addressed later in this Report).

Following consideration of the findings of the Background Report, and comments being received from the agencies referred to above, on 30 May 2024, the City received the following direction from WAPC:

*"It is acknowledged that a substantial body of work has now been completed by the City and its consultants to guide the potential future urban expansion outcomes at Karnup, including the preparation of a comprehensive Mosquito Risk and Management Plan.*

*As you are aware consultation has occurred with the key State Government agencies to ensure a 'whole of government' direction can be provided in relation to the preferred urban development approach at Karnup.*

*I can confirm that the transitional approach under Scenario C is supported. This scenario would result in the development of non-sensitive land uses within 1km of mosquito buffer areas in the short to medium term, with a transition to unconstrained development (consistent with Scenario B) in the long term, as mosquito mitigation management improves and provided those measures are effective.*

*I encourage the City to continue working with the Department of Planning, Lands and Heritage to progress the preparation of the draft Karnup District Structure Plan for future consideration by the WAPC.*

The Contract between the City and CDP enables the City to discontinue the project, should the findings of the Background Report and the WAPC's direction, not support the DSP from proceeding.

## Details

### DSP Overview

The need for a DSP results from the South Metropolitan Peel Sub-Regional Planning Framework (**Planning Framework**) which identifies Karnup as an 'Urban Expansion Area' and a key future urban growth corridor within the south-west corridor of the region. The land has been identified as a future urban cell within strategic planning dating back to the 1980s.

The DSP area (**study area**) is approximately 2,000ha, extending from Stakehill Road in the north to Paganoni Road in the south, and from Mandurah Road/Fletcher Road to the west, to the Kwinana Freeway in the east (refer Figure 1).

The study area includes 'Urban Deferred' land on the southern side of Stakehill Road, with a large proportion under the control of DevelopmentWA, and 130ha of land reserved 'Parks & Recreation'. Two pockets of land within the study area are identified to remain 'Rural Residential', primarily to protect native vegetation. The study area comprises a large proportion of fragmented landholdings in different ownership from approximately 2ha in area. The land is predominantly zoned 'Rural' and 'Special Rural' under Town Planning Scheme No. 2.

The Karnup Station Precinct is located in the south-west corner of the study area. The City understands that DPLH/METRONET has finalised a Precinct Structure Plan (**PSP**) for this Precinct, and initiated a Metropolitan Region Scheme (**MRS**) Amendment to rezone the land. These proposals are expected to be received by the end of May 2024, with a request for the City to commence concurrent advertising. This matter will be reported to Council in due course.

The DSP will provide a strategic land use framework to guide and coordinate the future development of the study area including:

- The spatial layout of the study area and supporting technical studies and findings;
- Activity centres and employment areas including a District Centre and a number of Neighbourhood Centres, potentially including mixed business and industrial areas;
- Residential areas and density targets;
- Regional and district infrastructure including a Specialised Node as a strategic site for longer term public uses, possibly including medical, health, education and other ancillary activities;
- Primary, high and private school locations;
- Regional, district and local open space, including a 50ha Regional Sporting Facility site;
- A range of community infrastructure supported by a Community Infrastructure Plan (CIP), currently being prepared by the City;
- The future Karnup railway station and transit orientated development on the Mandurah Railway Line, supported by a network of High Priority Transit Corridors and High Frequency Transit Corridors that will provide public transport connections between activity centres, population catchments, rail stations and local bus services;
- Coordination of transport and community infrastructure supported by a network of high priority/frequency transit corridor connecting centres, neighbourhoods, facilities, the Station Precinct and local bus services; and
- Primary infrastructure networks including service and drainage corridors, and strategic utility infrastructure.

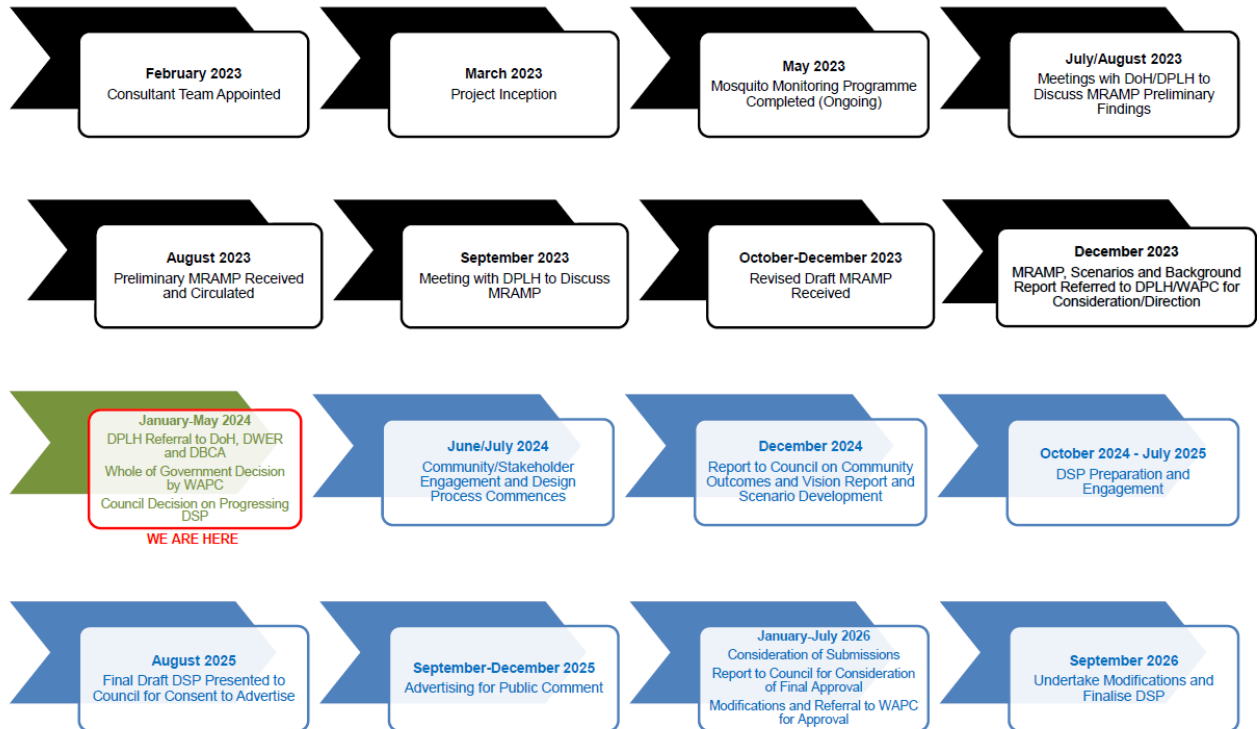
The project will be undertaken over five (5) phases:

- (i) Phase 1: Preparation of the Background Report and Mosquito Assessment and Management Plan (*Completed*);
- (ii) Phase 2: Preparation of Community Outcomes and Vision Report;
- (iii) Phase 3: Preparation of Draft District Structure Plan;
- (iv) Phase 4: Undertaking of Community Consultation of Draft District Structure Plan; and
- (v) Phase 5: Final District Structure Plan.

The DSP will include preparation of the following supporting technical reports:

- Karnup DSP report and plan (supported by Background Report (*completed*))
- Mosquito Risk Assessment and Management Plan (*completed*)
- Engineering Servicing Plan
- District Water Management Strategy
- Bulk Earthworks Strategy
- Development Contribution Arrangement Strategy
- Environmental Assessment Report (including flora, fauna, wetland assessment, indigenous heritage, spring survey, black cockatoo habitat assessment) (*being completed - due end May 2024*)
- Bushfire Management Plan
- Stakeholder Engagement Strategy
- Landscape Masterplan
- Traffic Impact Assessment (including rail noise and vibration consideration)
- District Economic, Retail and Employment Strategy
- Community Infrastructure Plan (being prepared by the City's Community Infrastructure Planning Team)

Following approval of the final DSP by the City, it will require adoption by the WAPC. Based on the current programme, this is expected to occur in late 2026 (refer Figure 2).



## 2. Current Project Programme

Following adoption of the DSP by the WAPC, a series of Amendments to the MRS and Local Planning Scheme will be required, supported by the preparation of (Local) Structure Plans, to enable the commencement of subdivision and development within the DSP area.

### Mosquito Risk and Management

The City has collected data on mosquito numbers, species and complaints over many years due to known mosquito breeding occurring within the Serpentine River system to the east of the Kwinana Freeway. During September 2022 - May 2023, the City established additional traps throughout the Study Area to assist in informing the preparation of the MRAMP by the Council's appointed Consultants, Rankine Mosquito Management and Emerge Associates.

The MRAMP found that the mosquito issues were more widespread and potentially more impactful from a public health and amenity perspective than previously thought. In this regard, significant breeding, including disease carrying species, active both day and night, were recorded from not only the Serpentine River wetland system, but more significantly from Anstey Swamp and Paganoni Swamp, to the west and south of the study area.

Although the Serpentine River system is well managed by the Peel Mosquito Management Group (PMMG), of which the City is a member, Anstey Swamp and Paganoni Swamp are not currently managed. The nature and density of on-ground and overstorey vegetation, particularly within Anstey Swamp, will make access to, and treatment and management of these areas, challenging. In addition, there is no funding currently allocated to the treatment of these areas.

Through the process of preparing the MRAMP and Planning Strategy, it has become evident that there is no single control that will resolve the mosquito issue and its implications for the development of the area as set out in the Planning Framework. A well-considered holistic and pragmatic approach is required.

The DSP outcome for the study area will require a number of 'indirect' approaches to mosquito risk mitigation to be adopted. These include the use of land use control, building design requirements, notifications and public education strategies, along with suitable stormwater and construction management.

### Development Scenarios

Following discussions with State Government Agencies in the context of the mosquito monitoring findings, three (3) development scenarios were prepared to understand the potential spatial and yield impact of the findings on the study area. In addition, a suite of management options were identified to reduce mosquito risk.

In a limited Policy context, and to provide context for the scenarios, there is empirical data on the prevalence of mosquito-borne virus infections within 1km of mosquito breeding areas. Applying a 1km buffer to mosquito breeding areas where no 'sensitive' development i.e. residential development, could occur, will have a significant impact on the development potential of the area, and result in a highly diminished development yield in the context of what is intended within the Planning Framework.

The three (3) scenarios were:

- Scenario A: 'Restricted land uses' - applying minimum 1km buffer ('fly zone') between sensitive uses (including residential development) to adjacent wetlands (mosquito breeding areas) where no sensitive uses should occur. Areas within the 1km 'fly zone' would remain 'Rural' or 'Special Rural';
- Scenario B: 'Uncontrolled land uses' being a full development outcome consistent with the Planning Framework (i.e. assuming there was no mosquito issue); and
- Scenario C: 'Balanced Approach' being a compromise between the previous scenarios, providing for non-sensitive land uses within the 1km 'fly zone' of the mosquito breeding area, and with the option for sensitive uses to develop in these areas over time, where mosquito management improves as development progresses, or other treatment/management options become available. Non-sensitive uses may include a range of commercial, industrial and community/recreational uses (although attracting potentially large numbers of visitors day and/or night, exposure time is limited).

Given WAPC's direction to progress with Scenario C, with a view to transitioning to Scenario B over time when effective mosquito mitigation is demonstrated, careful consideration will need to be given through the DSP process to how this progression could be facilitated.

The scenarios that were prepared are not intended to provide design solutions for the DSP area at this early stage in the process - the visioning and design process, informed by stakeholder engagement, is subject to subsequent project phases. To avoid confusion and misrepresentation of the scenarios at this early stage, they have not been included in this Report.

Future development of the area to a Scenario B outcome will require further consideration of funding of mosquito treatment. Currently there is no funding available to the PMMG through the DoH or the City for the treatment of Anstey and Paganoni Swamps. The preferred source is the State Government, with a possible Development Contribution Plan (**DCP**) requiring contributions by developers, limited to related civil infrastructure works, and not to ongoing mosquito management.

Without treatment, and management of the dense vegetation within the mosquito breeding areas (particularly Anstey Swamp), development potential within the 1km 'flight zone' is very limited. Land use is likely to remain in its current form, or non-sensitive uses may be able to be considered. The success of any treatment programme will involve securing access to these areas, which are managed by DBCA. It should also be recognised that treatment will not remove the issue, however, may reduce breeding to more acceptable levels.

### Engagement

The Background Report and supporting technical appendices will inform the preparation of the DSP.

During the process of preparing the DSP, extensive engagement will occur with State Government Agencies, private landowners and developers, the community and elected members; along with the City's Environmental Advisory Committee (**EAC**) and Aboriginal Advisory Group. A detailed Stakeholder Engagement Plan is currently being prepared.

The City is also discussing with DPLH the opportunity to establish a Technical Advisory Group (**TAG**) for the DSP. This process brings together key representatives from all Government Agencies to share information, and identify/resolve issues, in a collaborative environment. TAG processes have been used in other DSP projects including East Wanneroo and North-East Baldvis.



## Implications to Consider

### a. Consultation with the Community

Consultation with the community to date has involved advising landowners within the study area of the commencement of the project; engaging with landowners regarding environmental inspections; providing information on the City's website; and inviting landowners and other interested parties to register for updates on Rock Port.

Further engagement will occur in the next stages of the project, in accordance with a Stakeholder Engagement Plan which is currently being finalised by the Project Team.

### b. Consultation with Government Agencies

Preliminary engagement has occurred with a number of Government Agencies. Further engagement will occur during the next stages of the project in accordance with a Stakeholder Engagement Plan which is currently being finalised by the Project Team.

### 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 2023-2033:

**Aspiration:**                      **1. Social - A family-friendly, safe and connected community**

**Outcome/Objective:**    *Community health and wellbeing - Strengthen community health and wellbeing*

**Aspiration:**                      **2. Natural Environment - A place of natural beauty where the environment is respected**

**Outcome/Objective:**    *Sustainable natural green spaces - Preserve and enhance biodiversity*

**Aspiration:**                      **3. Built Environment - A built environment carefully planned for today and tomorrow**

**Outcome/Objective:**    *Plan for sustainable growth - Balance growth while maintaining the identified natural environment*

### e. Financial

Council has committed funds for the preparation of the DSP in its 2022/2023, 2023/2024 and 2024/2025 budgets and Team Plans.

### 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

Given the 'whole of Government' direction by the WAPC, and the findings of the Background Report, it is recommended that Council approve preparation of the DSP proceeding as per the advice from the WAPC.

This will enable the engagement, visioning and design processes to commence mid-2024, which will include a workshop with the EAC and elected members.

The outcomes of the DSP will be strongly influenced by the MRAMP, engagement outcomes, and the findings of the environmental investigations, along with a range of other considerations.



### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **APPROVES** the Karnup District Structure Plan project proceeding, including stakeholder engagement, visioning and design processes following advice from the Western Australian Planning Commission.

### Committee Recommendation

That Council **APPROVES** the Karnup District Structure Plan project proceeding, including stakeholder engagement, visioning and design processes following advice from the Western Australian Planning Commission.

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



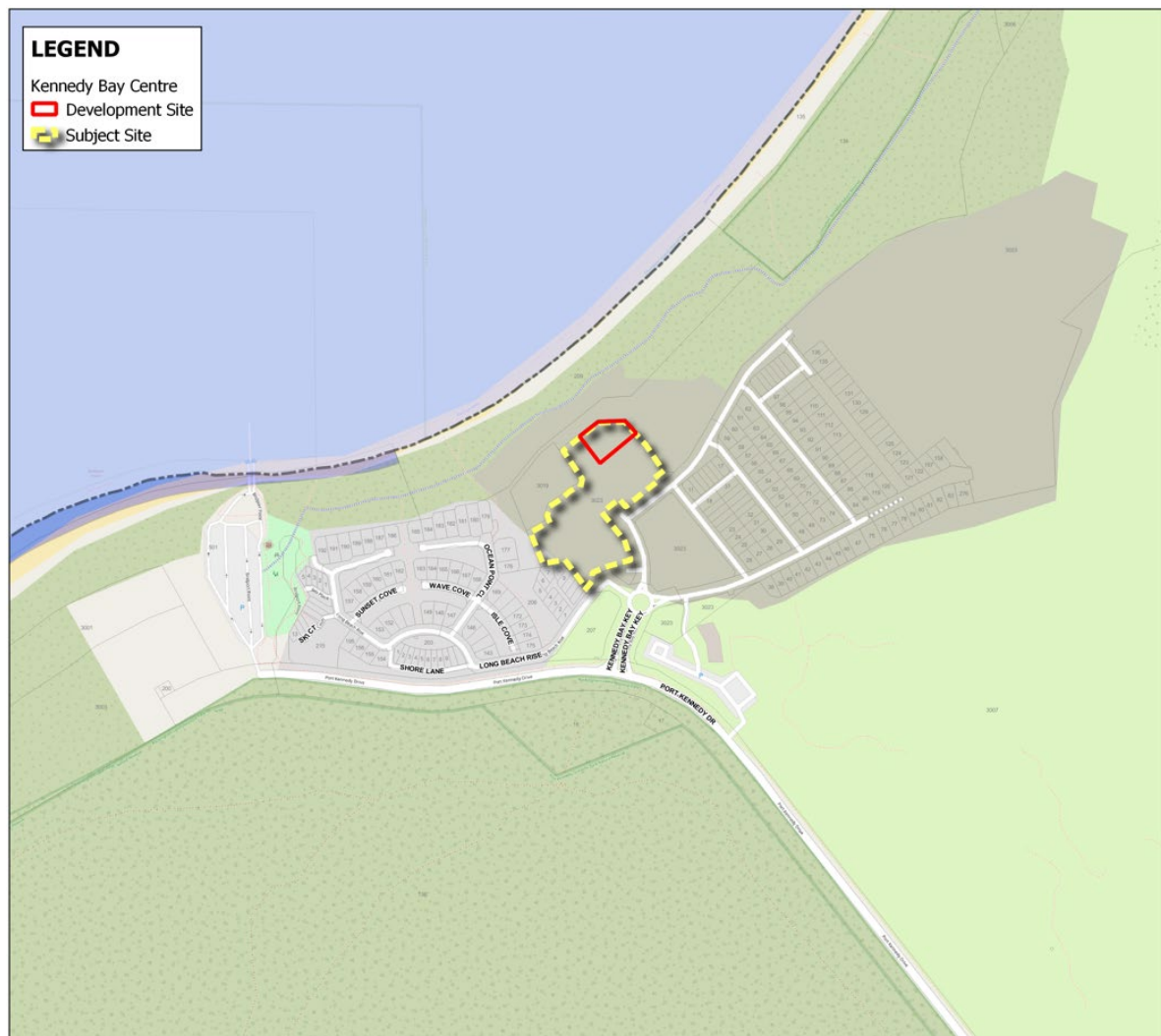
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|-----------------------------|--|---|
| <b>Report number/title:</b> | <b>PD-016/24</b>   | <b>Development Assessment Panel Application - Proposed Tavern, Brewery and Short Stay Accommodation</b> |
| File number:                | DD020.2023.00000329.001  |   |
| Applicant:                  | Lateral Planning   |   |
| Owner:                      | Western Australia Beach & Golf Resort Pty Ltd  |   |
| Author:                     | Mr Chris Parlane, Senior Planning Officer  |   |
| Other Contributors:         | Mr David Waller, Coordinator Statutory Planning<br>Mr Mike Ross, Manager Statutory Planning  |   |
| Date of Committee meeting:  | 20 May 2024  |   |
| Previously before Council:  |  |   |
| Disclosure of Interest:     | Cr Wormall declared an Indirect Financial Interest in Item PD-016/24 Development Assessment Panel Application - Proposed Tavern, Brewery and Short Stay Accommodation, as detailed in Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 and per section 5.65 of the Local Government Act 1995 as Long Point Brewing Company Pty Ltd is contracted to this Developer, 'Lateral Planning'. Long Point Brewing Company Director is also the Wormall Group Pty Ltd Director, Cr Wormall's employer. Cr Wormall will depart the Council Chamber  |   |
| Nature of Council's role:   | Tribunal   |   |
| Attachments:                | <ol style="list-style-type: none"> <li>1. Development Application</li> <li>2. Responsible Authority Report</li> <li>3. Schedule of Submissions</li> </ol>  |   |
| Maps/Diagrams:              | <ol style="list-style-type: none"> <li>1. Location Plan</li> <li>2. Aerial Photograph</li> <li>3. Aerial Photograph with Subdivision Plan Overlaid</li> <li>4. Kennedy Bay Local Structure Plan</li> <li>5. Site Context</li> <li>6. Site Plan</li> <li>7. Ground Floor Plan</li> <li>8. First Floor Plan</li> <li>9. Second Floor Plan</li> <li>10. Elevation Plans</li> <li>11. Perspectives</li> <li>12. GS3 Separation Distances</li> <li>13. 'Main Street' and Movement Network, Parking Plan</li> <li>14. Lot 4 - Future Reciprocal Parking with 'Tavern' Site</li> <li>15. Extract from Kennedy Bay Local Development Plan</li> </ol> |   |

|             |   |
|-------------|---|
| Site:       | 16. Map Showing Noise Affected Properties         |
| Lot Area:   | Lot 3023 on Deposited Plan 426546, Port Kennedy   |
| LA Zoning:  | 58.4613ha (Development Area 2,661m <sup>2</sup> ) |
| MRS Zoning: | Development                                       |
|             | Urban   |

## Purpose of Report

To provide a recommendation to the Metro Outer Development Assessment Panel (**MODAP**) on an application for a Mixed Use development ('Tavern', 'Brewery', 'Short Stay Accommodation') on proposed Lot 1 of the subdivision of Lot 3022 on Deposited Plan 425079, Port Kennedy ('**subject site**').

The location of the proposed development is shown in Figures 1 and 2 below.



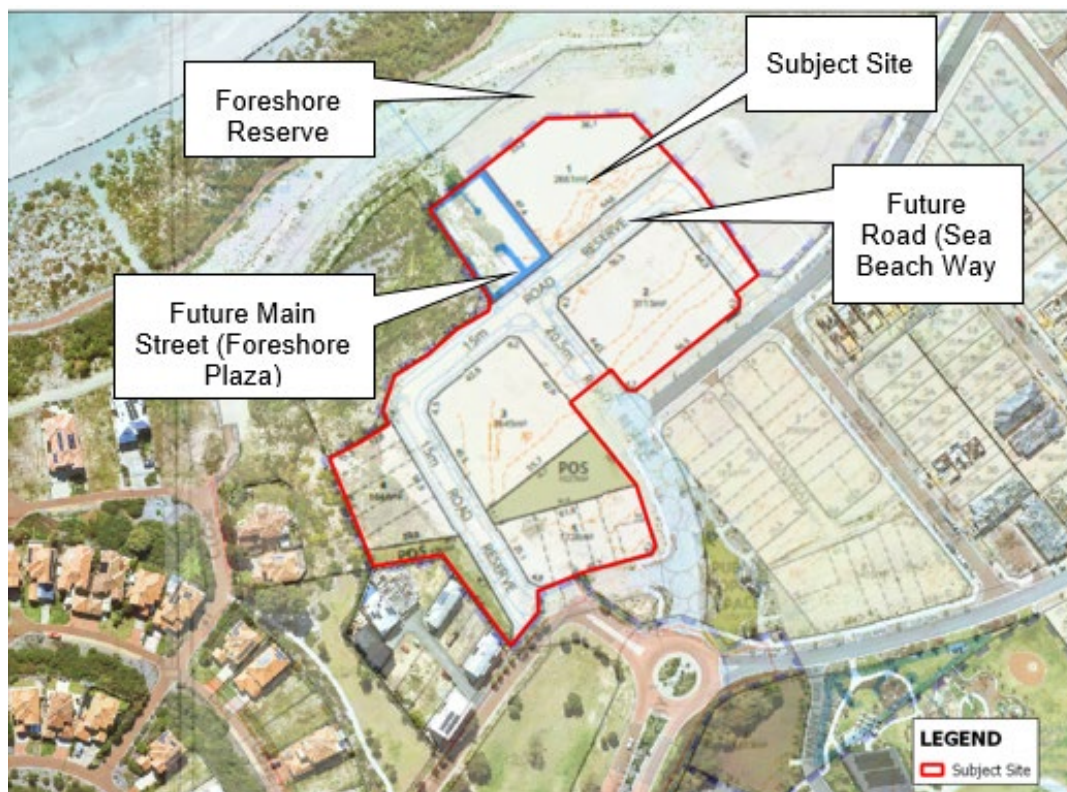
1. Location Plan

For context, as the Certificate of Title for the subject site has not been created yet, the layout of the approved subdivision is shown overlaid on Figure 3 below.





2. Aerial Photograph



3. Aerial Photograph with Subdivision Plan Overlaid

## Background

### Structure Plan

In October 2020, the Western Australian Planning Commission (**WAPC**) resolved to approve, subject to modifications, the southern portion of the Kennedy Bay Local Structure Plan (**LSP**), which is where the Development Site is located.

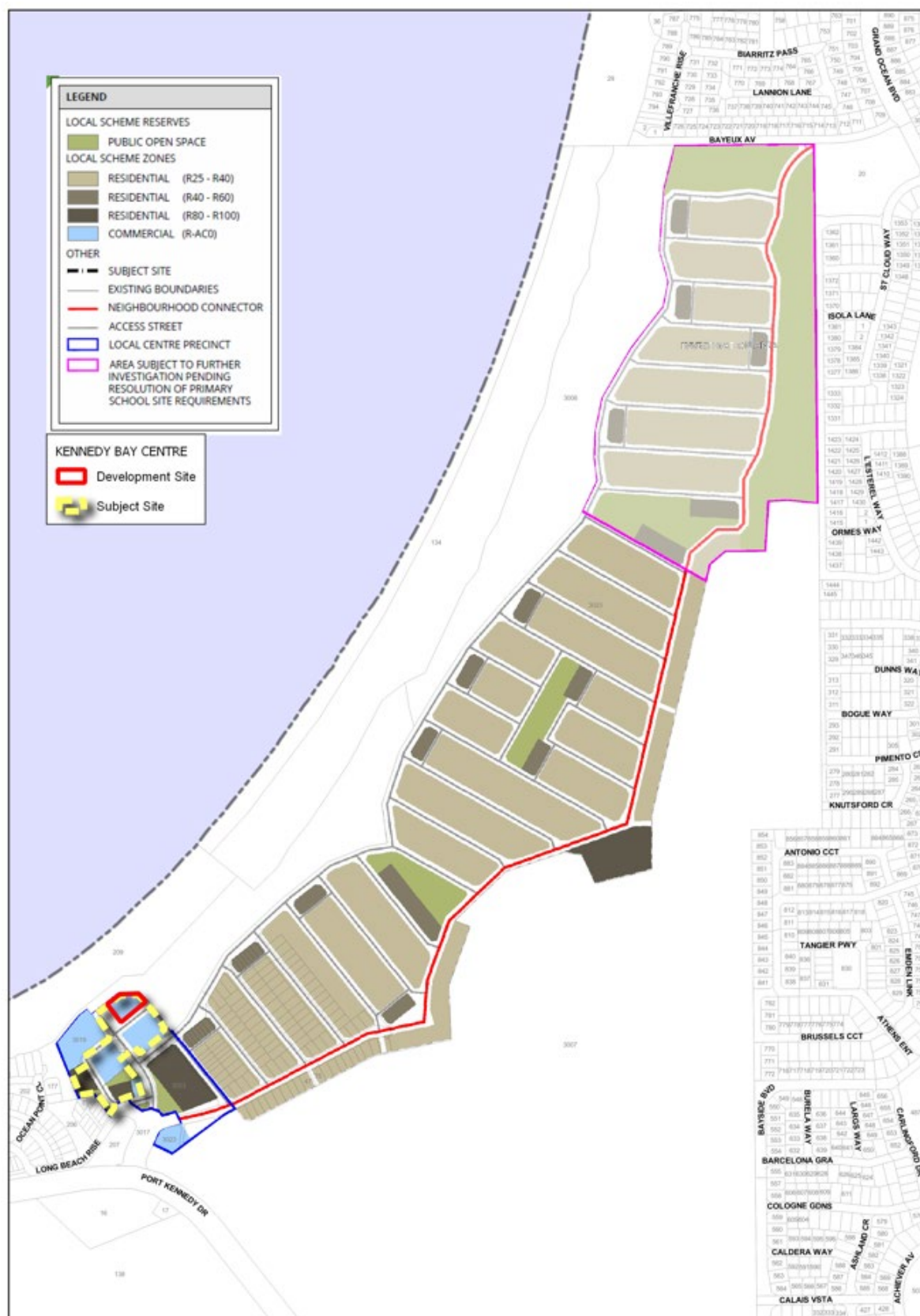
The WAPC deferred consideration of the northern portion of the LSP, pending the identification of a Primary School site; a process which is ongoing.

The LSP area is being subdivided in stages. Several residential lots have been created north-east of the proposed subject site, however, the Certificate of Title of the subject site has yet to be issued. As such, the subject site is currently described as Lot 3023 on Deposited Plan 426546, being a portion of a 58.4613ha Lot owned by the Western Australia Beach and Golf Resort Pty Ltd.

This application, however, seeks Development Approval over proposed Lot 1, a proposed 2,661m<sup>2</sup> parcel located on the south-western edge of Lot 3023.

On 11 March 2024, the City approved the Kennedy Bay Coastal Village Local Development Plan (**LDP**) in order to guide the built form outcome in the Town Centre precinct of which the subject site forms part.





4. Kennedy Bay Local Structure Plan

## Details

### Site Context:

The site context is characterised by the following:

- The Kennedy Bay Town Centre is located approximately 1.9km from the Port Kennedy Shopping Centre and 2.2km from Warnbro Sound Avenue.
- The development site is at the southern end of the Kennedy Bay Structure Plan area, and is oriented along the coastline, and forms part of the commercial Town Centre for Kennedy Bay and will overlook a plaza that is an extension of the 'Main Street'.
- The development site is currently being subdivided together with other land which has been included in the Kennedy Bay Town Centre. The immediate surrounding land is currently vacant.
- The Kennedy Bay Town Centre in the future will comprise a mix of 2-4 storey built form, with some residential and commercial mixed-use development fronting the 'Main Street'.
- The adjoining coastal foreshore is reserved for 'Parks and Recreation' in the Metropolitan Region Scheme.
- East of the Town Centre is the Kennedy Bay 'Links' Golf Course.
- Beyond the Town Centre precinct to the south-west, lies existing residential development associated with the Long Beach Estate (an original stage of the Kennedy Bay project) and to the north-east land has recently been subdivided into residential lots.

Figure 5 below illustrates the site context.



5. Site Context



The Development Application seeks approval for a two storey 'brewpub' incorporating a 'Tavern' and 'Brewery', as well as nine (9) 'Short Stay Accommodation' units above a portion of the car park.

The 'Tavern' and 'Brewery' are proposed on the western half of the site, while the 'Short Stay Accommodation' component is proposed on the eastern half.

The 'Tavern' incorporates:

- A main dinning space, central bar, garden bar and beer garden on the ground floor;
- A kiosk facing the foreshore reserve for the provision of coffee services;
- Back of house and customer amenities; and
- An upper level function space, dedicated bar and a verandah area.

The 'Brewery' abuts the future 'main street' of the Kennedy Bay Town Centre (referred also to as the 'Foreshore Plaza'), and features full height glazing and an awning along the 'Main Street' frontage to maximize visual permeability and interest. A 'main street' is generally defined as a street which has significant pedestrian movement and 'activation' with commercial buildings and windows overlooking the street.

The 'Brewery' incorporates:

- A brewing space (with void above) which can be viewed from the 'main street' through the full height glazing;
- Back of house space and a cool room; and
- A tasting and merchandise area featuring the onsite brewed product.

The nine (9) 'Short Stay Accommodation' units incorporate:

- Eight (8) two bedroom units;
- One (1) three bedroom, universally accessible unit; and
- Access via a lobby on the ground floor adjacent the entry to the car park and external walkways.

The 45 bay car park is located on the ground floor behind the 'Tavern' and 'Brewery' and is screened and accessed from the adjoining road reserve (future Sea Beach Way) to the south-east.

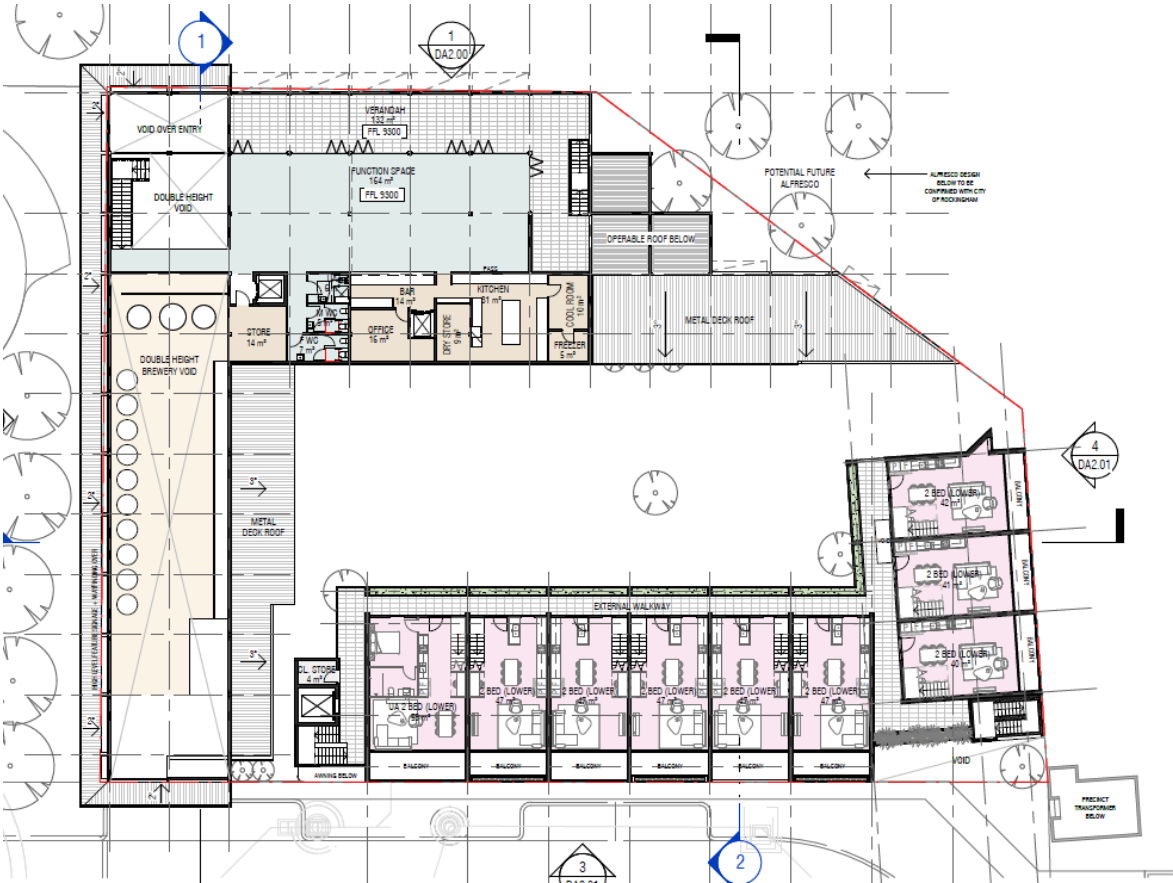
The following Reports and supporting material accompany the application:

- Development Application Report;
- Development Plans;
- Architectural Report;
- Transport Impact Statement (**TIS**);
- Noise Assessment;
- Odour Management Plan;
- Bushfire Management Plan and Vulnerable Land Use Evacuation Plan;
- Short Stay Accommodate Operational Management Plan;
- Kennedy Bay Foreshore Management Plan (as approved); and
- Waste Management Plan.

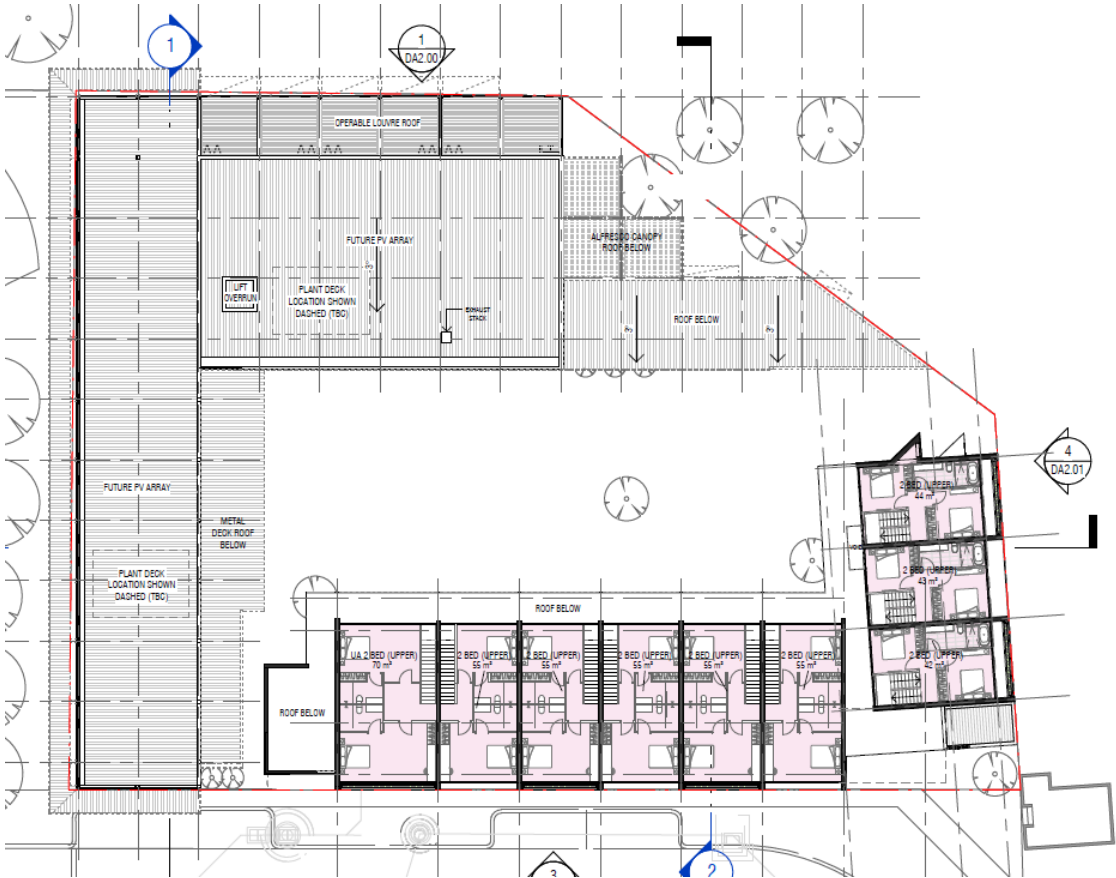
The following additional information was submitted by the Applicant on 24 April 2024, in response to the City's preliminary assessment:

- Acoustic information;
- Updated Waste Management Plan;
- Updated Odour Management Plan; and
- A letter from the Applicant addressing the City's original comments.

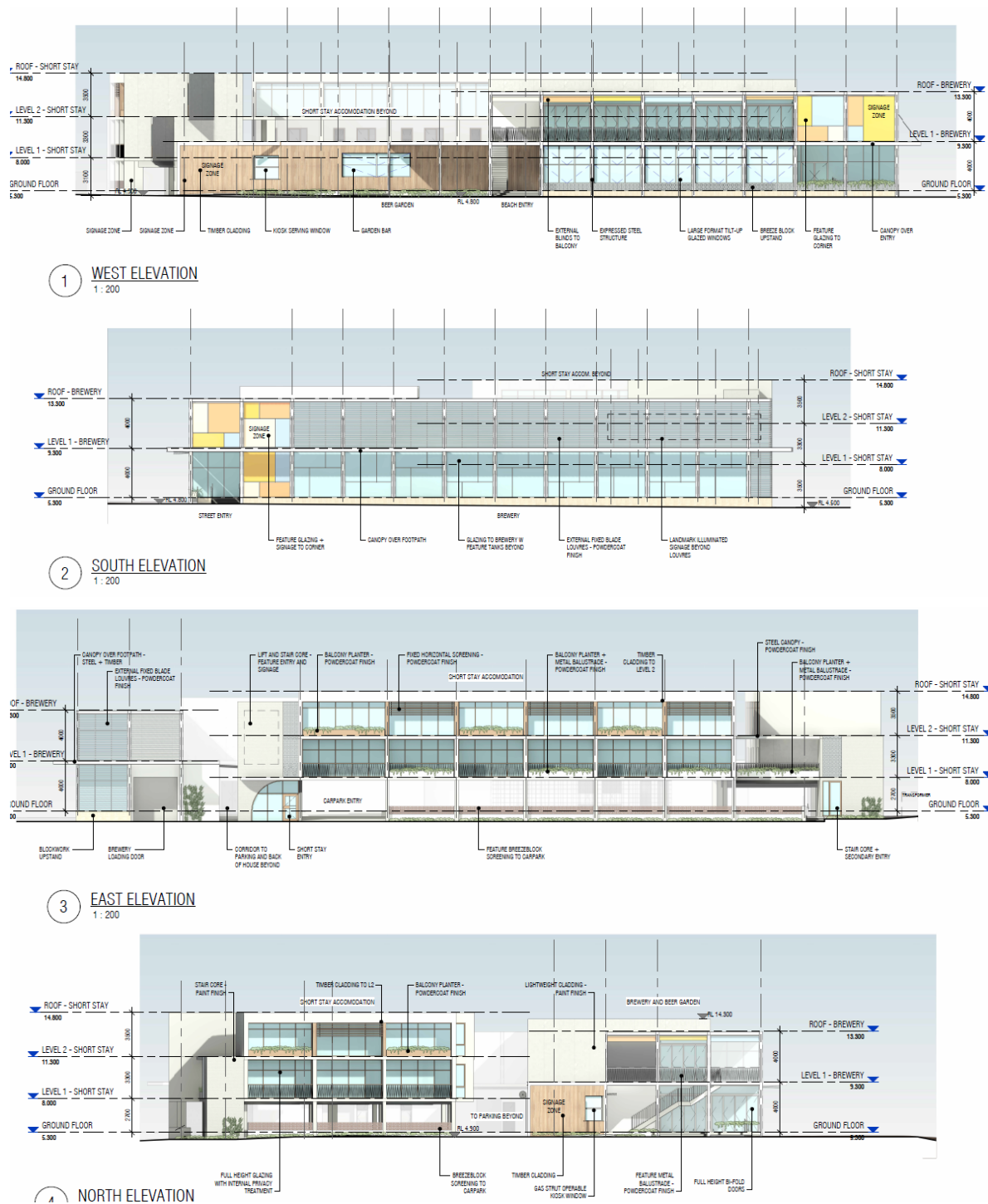




8. First Floor Plan



9. Second Floor Plan

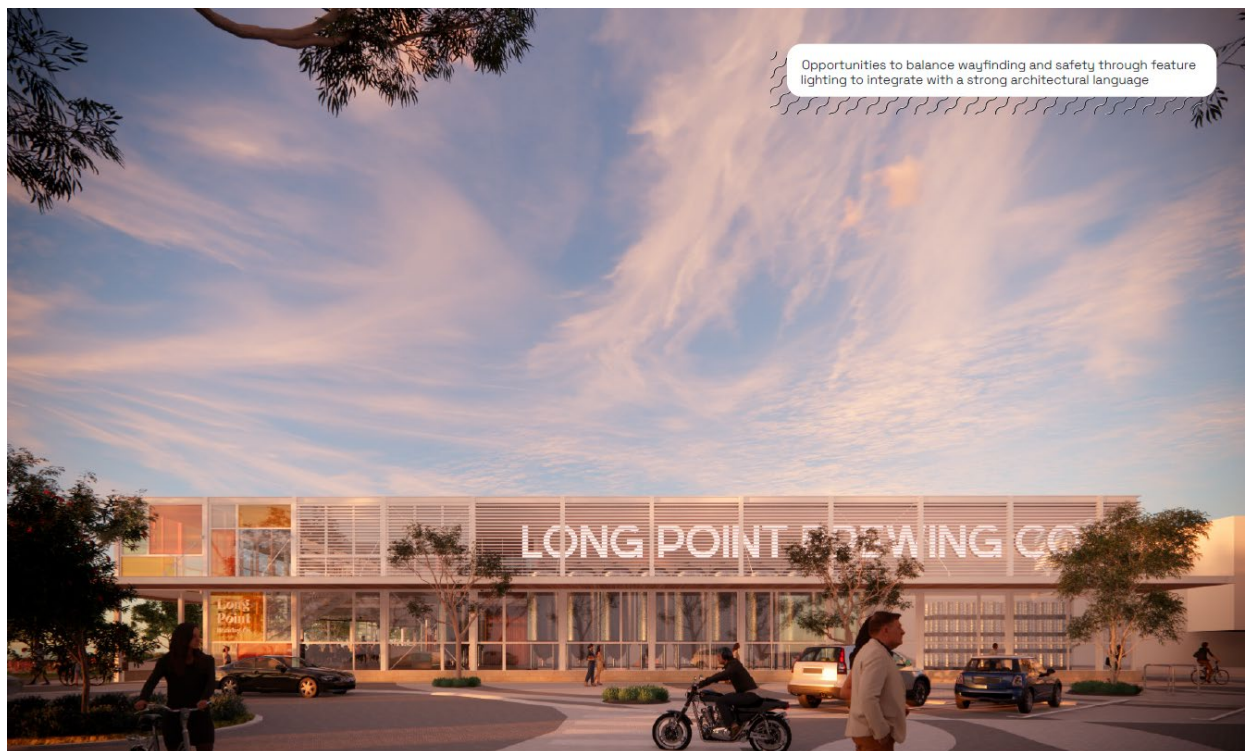


10. Elevation Plans













11. Perspectives

## Implications to Consider

### a. Consultation with the Community

The application was not required to be advertised for public comment under the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy No.3.3.27 - Community Consultation for Development Applications for the following reasons:

- This commercial development is permissible ('P').
- Given the 'town centre' location of the subject site, it is considered that any off-site impacts such as noise and odour can be managed, as discussed later in this Report.

The application was referred to the following Government Agencies seeking comment:

- Department of Fire and Emergency Services (**DFES**);
- Department of Health (**DoH**); and
- Department of Water and Environmental Regulation (**DWER**).

The following Table summaries the submissions received along with the Applicant and City responses. The submissions received from the Government Agencies are repeated in full in the Schedule of Submissions in Attachment 2 to this report.

| 1. Department of Fire and Emergency Services (Summarised)  |
|--|
| <p><u>Submission:</u></p> <p>DFES considers that further clarification is required within the BMP of the requirements of <i>State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)</i> and the supporting Guidelines.</p> <p>Specifically, DFES considers:</p> <ul style="list-style-type: none"><li>• The BMP that accompanied the subdivision application was also submitted with the Development Application. Also, the submitted BMP addendum does not include updated evidence to support the current status of the vegetation.</li><li>• Compliance has not been demonstrated for various criteria in Element 5 'Vulnerable Tourism Land Uses' outlined in the Bushfire Protection Guidelines, addressing:<ul style="list-style-type: none"><li>– Siting and design;</li><li>– Vehicle access; and</li><li>– Provision of water.</li></ul></li></ul> <p>Essentially, DFES is concerned there is uncertainty around the provision of an Asset Protection Zone, adequate vehicle access and the provision of a water supply due to the timing of the surrounding subdivisional works.</p> |
| <p><u>Applicant's Response:</u></p> <p><i>"Bushfire Safety Consulting prepared a comprehensive Bushfire Management Plan and Vulnerable Land Use and Evacuation Plan in support of the development of the Site and broader precinct. All reporting has been prepared by an experienced, accredited bushfire consultant. The Bushfire Management Plan prepared as part of the broader development was accepted by DFES and has been implemented by the landowner/developer. It is not necessary for vegetation to be re-surveyed or re-classified, as all approved recommendations of the BMP have been implemented; the reasonable starting point for consideration of the development is the implementation of the BMP.</i></p> <p><i>The precinct has a long history of detailed planning phases which has considered bushfire throughout".</i></p>   |
| <p><u>City Response:</u></p> <p>Western Australia Beach &amp; Golf Resort Pty Ltd is responsible for the underlying subdivision process and the works that will create the subject lot. As part of the approved subdivision BMP, the subdivider is responsible for the provision of:</p> <ul style="list-style-type: none"><li>• an Asset Protection Zone within the foreshore adjoining the subject site;</li><li>• a compliant vehicle access network to the subject site; and</li><li>• a compliant water supply that can service the subject site.</li></ul> <p>The subdivisional works are nearing completion for the Development Site. Compliance with the above bushfire matters is being addressed as part of the subdivisional works.</p> <p>The following information was submitted with the Development Application:</p> <ul style="list-style-type: none"><li>• Vulnerable Land Use and Evacuation Plan, Version 2 dated 21 February 2024; and</li><li>• The 2022 subdivision BMP (Version 5), prepared by Bushfire Safety Consulting and dated 15 June 2022.</li></ul>                          |



The Bush Fire Attack Level (BAL) Contour Map from the subdivision BMP confirmed that the Development Site will be exposed to BAL-12.5. The vegetation in the Foreshore Reserve (R44886) will be managed by the Subdivider in accordance with the subdivision BMP which included a Landscape Master Plan from the Kennedy Bay Foreshore Management Plan.

Sea Beach Way will comply with the standards and requirements for Public Roads, providing access to the surrounding public road system and a minimum of two evacuation routes, to a suitable evacuation destination.

Reticulated water will be provided for firefighting purposes, with plans to be submitted to DFES at the Building Permit stage.

For the purpose of this Development Application, the City considers that the BMP and Vulnerable Land Use and Evacuation Plan submitted by the Applicant satisfactorily addresses the bushfire considerations and complies with SPP7.3 and associated Guidelines.

## **2. Department of Water and Environmental Regulation (Summarised)**

In principle, DWER does not object to the proposal and provided the following recommendations and advice:

To inform the decision making consideration is required of the EPA's *Guidance Statement 3 Separation Distances between Industrial and Sensitive Land Uses* (GS 3) (EPA, 2005). The proposal contains a brewery (alcoholic beverage manufacturing), and the site is located adjacent to an existing residential development, a sensitive land use.

GS3 provides guidance on the use of generic separation distances (buffers) between industrial and sensitive land uses. The intent is to avoid conflicts between incompatible land uses and assist in the determination of suitable distances between industry and sensitive land uses. Potential impacts to sensitive land uses may include gaseous, noise, dust and odour emissions.

DWER advised that as the proposal will be connecting to the reticulated sewerage service provided by the Water Corporation, the proposal does not trigger sections of the *Environmental Protection Act* (EP Act), which relates to the requirements for a licence, amendment or works approval.

### Applicant's Response:

*"The DWER comments with respect to Guidance Statement 3 Separation Distance between Industrial and Sensitive Land Uses are noted.*

*As part of this Application, comprehensive reporting has been prepared which address relevant environmental considerations (e.g. noise, odour and waste management). These reports demonstrate that the operation of the brewery element will be effectively managed to minimise any adverse impacts on the surrounding sensitive land uses. Specific measures to reduce the impact include advanced noise reduction technology, odour containment systems and stringent waste management protocols.*

*Also as noted in our response provided on 24 April 2024, the brewery element is a modest operation, being a size commensurate with:*

- *Phat Brew Club;*
- *Nowhereman Brewing Co; and*
- *Running with Thieves.*

*All of the aforementioned brewpubs are located in compact, inner-city environments. It is demonstrated that brewpubs of this scale are capable of operating in highly pedestrianised and urbanised environments that do not negatively impact amenity.*

*With respect to the waste water systems, any modifications to the development that may have implications on waste water management, the Department will be notified".*

### City Response:

Noise and odour impacts associated with GS3 are discussed in the Legal and Statutory and the Comments sections of this Report.

| 3. Department of Health (Summarised)   |
|--|
| The DoH did not object to the proposal, and provided general advice relating to water supply and waste water disposal, <i>Food Act and Health (Miscellaneous Provisions) Act</i> requirements.   |
| <u>Applicant's Response:</u><br><i>"All comments provided by the Department of Health are noted by the proponent and provide beneficial guidance on the relevant requirements moving toward operation. The landowner and operator note the legislative requirements that apply to the proposal and will obtain necessary approvals and registrations".</i> |
| <u>City Response:</u><br>The development lot will be connected to reticulated sewer and water as part of the current Subdivision Approval for the development area.<br>A 'Trade Waste Permit' will be required from the Water Corporation for the disposal of liquid 'Brewery' waste to sewer.   |

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 2023-2033:

**Aspiration:**                      **3. Built Environment - A built environment carefully planned for today and tomorrow**

**Outcome/Objective:** *Built infrastructure meets current and future community needs - Plan build and maintain current and future assets*

d. **Policy**

**State Government Policies**

Separation Distances Between Industrial and Sensitive Land Uses - Guidance Statement No.3 (GS3) (Environmental Protection Authority)

GS3 provides advice on the use of generic separation distances between industrial and sensitive uses, and to avoid conflicts (gaseous, noise, odour) between incompatible land uses.

GS3 recommends a 200m-500m generic separation distance between the Brewery ('Beverage Manufacturing - Alcoholic') and sensitive land uses. 'Sensitive' land uses include residential developments, hotels, motels and hostels.

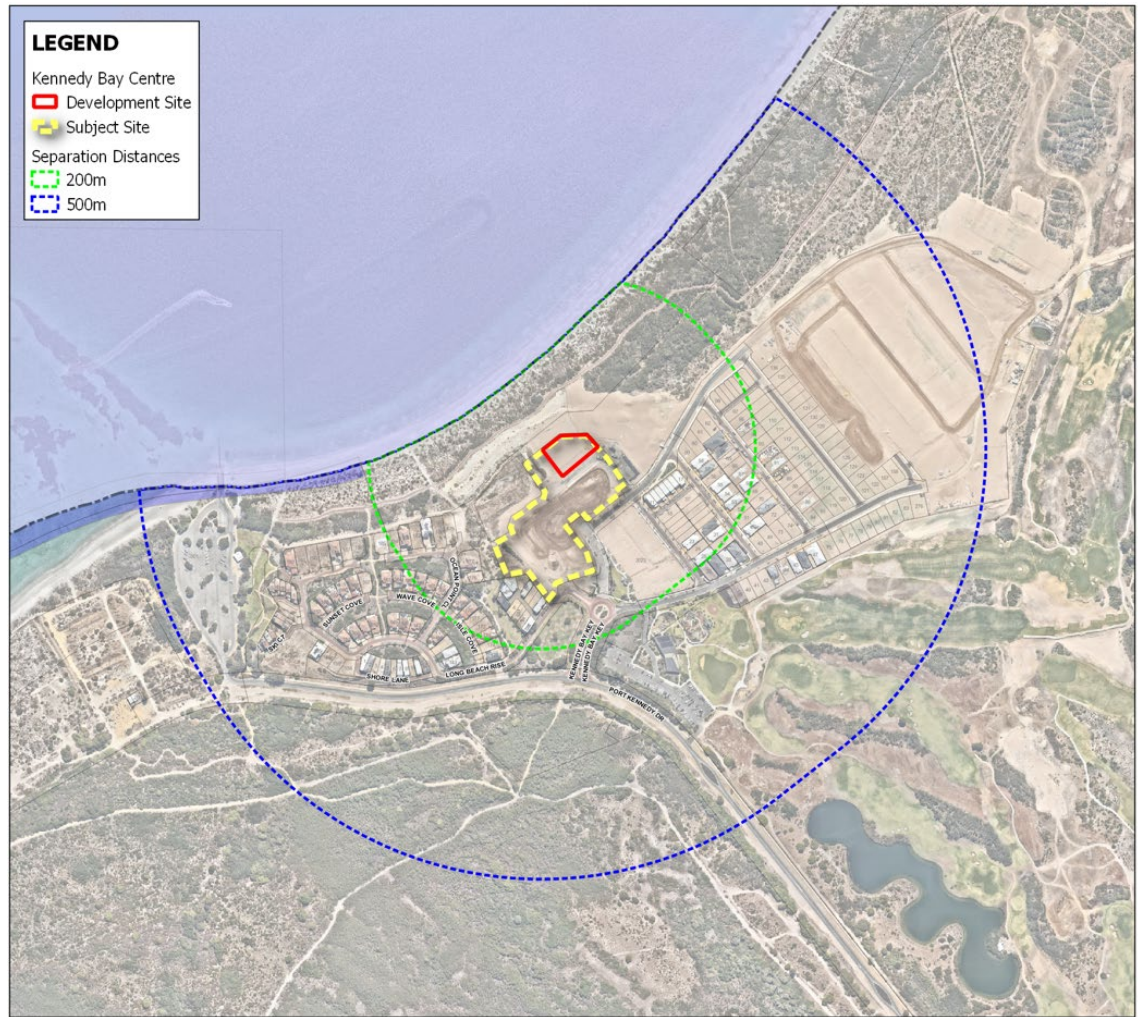
The planned development in proximity to the subject site includes:

- The Short Stay Accommodation proposed in this application; and
- Future mixed-use development on the development lots within this Town Centre.

There is residential development beyond the Town Centre to the north-east and south-west, as indicated in Figure 12 below.

Where proposals vary from the recommended separation distances outlined in GS3, site specific technical analysis is required. The applicant has addressed this requirement by providing an Odour Management Plan for the Brewery, and an Acoustic Report.

From the City's review of the application documents it is considered that odour and noise from the Brewery land use can be adequately managed to ensure the proposal will not result in unacceptable impacts to the amenity of the surrounding area.



## 12. GS3 Separation Distances

It is considered that the 200m-500m generic separation distances in GS3 for a 'Brewery' can be varied to approve a lesser setback to the sensitive land uses, given:

- The Applicant's Odour Management Plan (**OMP**), which proposes the following management measures to control odour:
  - (i) Implementing techniques in the brewing and fermentation process to minimise odour emissions;
  - (ii) Utilising odour control technologies, such as cooling jackets on the chimney, bio filters and other effective odour mitigation measures;
  - (iii) Regular maintenance;
  - (iv) Proper disposal procedures for odour products to reduce odour, including spent grains, waste water and by-products; and
  - (v) Effective bin storage.
- The City's Health Services considers that the OMP is generally acceptable.
- It is considered that noise impact from the Brewery operations can be effectively managed through a revised Acoustic Report required to be provided prior to applying for a Building Permit that recommends suitable mitigation measures to achieve compliance with the Noise Regulations.

Accordingly, it is considered that potential odour/noise impacts from the proposed Brewery can be controlled and managed to protect the amenity of surrounding land through the implementation of the OMP. In conjunction with the OMP, a condition is recommended that states:

*“The development shall be managed to prevent the emission or transmission of odour which unreasonably interferes with the health, welfare, convenience, comfort or amenity of surrounding premises”.*

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

SPP3.7 provides the foundation for land use planning to address bushfire risk management in Western Australia. It is used to inform and guide decision-makers, referral agencies and landowner/proponents to help achieve acceptable bushfire protection outcomes. SPP3.7 applies to high order strategic planning documents, strategic planning proposals, subdivision and Development Applications located in designated bushfire prone areas.

As mentioned above, the City has assessed the Applicant's Bushfire Management Plan and Vulnerable Land Use and Evacuation Plan submitted with the Development Application and considers that it complies with SPP3.7, and the *Guidelines for Planning in Bushfire Prone Areas (Version 1.4)*.

Bushfire compliance is currently being addressed via the underlying subdivision process for works external to the subject site relating to an APZ in the foreshore, adequate vehicle access and water supply. Should Development Approval be granted, bushfire considerations can be addressed in conditions.

**City of Rockingham Policies**

**Local Planning Policy No.3.1.2 Local Commercial and Activity Centres Strategy (LPP3.1.2)**

LPP3.1.2 is a high-level strategic planning document intended to guide and inform planning for Activity Centres and commercial development within the City. Activity Centres are considered essential drivers of development and investment for the City and the Sub-region and their role is recognised in State Planning Policy 4.2 - Activity Centres (SPP4.2).

LPP3.1.2 provides for a Local Centre at Kennedy Bay, which includes the proposed Development Site.

LPP3.1.2 provides for increasing amounts of supportable commercial floorspace over time. The modelling estimates that by 2026 the Kennedy Bay Local Centre will include approximately:

- 1,850m<sup>2</sup> of 'Shop Floorspace';
- Zero 'Retail Floorspace'; and
- 1,105m<sup>2</sup> 'Non-retail' floorspace.

The proposed development does not include any retail floorspace associated with a 'Shop' land use and complies with LPP3.1.2.

**Local Planning Policy No.3.3.14 Bicycle Parking and End of Trip Facilities (LPP3.3.14)**

PP3.3.14 facilitates the appropriate provision of secure, well designed and effective on site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City. The bicycle parking requirements for the proposed development are assessed in Table 1, below.

| Land Use   | Required                                    |          |  |          |
|--|---|----------|--|----------|
|  | Minimum Short Term                          |          | Minimum Long Term                      |          |
|  | Rate  | Required | Rate                                   | Required |
| Accommodation<br>(i.e. 'Short Stay Accommodation') | N/A   | N/A      | 0.1 spaces per staff (3 staff)         | 0.3      |
| Food and Drink Premises (i.e. 'Tavern')            | 0.1 spaces per 5 seats (assume 500 patrons) | 10       | 0.1 spaces per staff (assume 16 staff) | 1.6      |

| Land Use                  | Required           |                |                      |               |
|---------------------------|--------------------|----------------|----------------------|---------------|
|                           | Minimum Short Term |                | Minimum Long Term    |               |
|                           | Rate               | Required       | Rate                 | Required      |
| Industry (i.e. 'Brewery') | N/A                |                | 0.1 spaces per staff |               |
| <b>Total</b>              |                    | <b>10 Bays</b> |                      | <b>2 Bays</b> |

Table 1 - Bicycle Parking Requirements

The proposal includes four (4) long term bicycle parking spaces in a bike store, forming part of an End of Trip facility on the ground floor, accessed from a central car park.

There is currently no provision for short term bicycle parking on the architectural plans provided. As per LPP3.3.14, there is a requirement for 10 short term bicycle parking spaces to be provided for customers in a convenient location.

End of trip shower and locker facilities are not triggered under LPP3.3.14 for the scale of this development.

A condition is recommended should Development Approval be granted, requiring bicycle parking facilities to be provided in accordance with LPP3.3.14.

Local Planning Policy No.3.3.19 Licensed Premises (LPP3.3.19)

The application proposes a 'Tavern' which is subject to this Policy, which provides guidance for the assessment and determination of applications for licenced premises.

The 'Tavern' will be subject to an application under the *Liquor Control Act 1988* for a 'Tavern Liquor licence' and the Brewery will require a 'Producer License', in the event that Development Approval is granted.

The proposed operating hours of the 'Tavern' are as follows:

| Day                     | Open    | Close              |
|-------------------------|---------|--------------------|
| Monday - Saturday       | 6am     | 12 midnight        |
| Sunday                  | 10am    | 12 midnight        |
| New Year's Eve          | 6am     | 2am New Year's Day |
| New Year's Eve (Sunday) | 10am    | 2am New Year's Day |
| Good Friday             | 12 noon | 10pm               |
| Christmas Day           | 12 noon | 10pm               |
| ANZAC Day               | 12 noon | 12 midnight        |

Table 2 - Tavern Operating Hours

The relevant Policy provisions are discussed below.

| Requirement  | Proposal   | Compliance  |
|--|--|---|
| <b>1. Location</b>   |  |   |
| <p>Applications will generally not be supported if the proposal is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties. A significant potential impact includes:</p> <ul style="list-style-type: none"> <li>undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital, child care premises or school, would be likely to occur; or</li> <li>the amenity, quiet or good order of the locality in which the premises or the proposed premises are, or are to be, situated would in some other manner be lessened.</li> </ul> | <p>The development site is located in a planned mixed use Town Centre where active commercial, retail, and residential uses are contemplated. A 'Tavern' is a preferred land use which is consistent with the planning framework for this Town Centre.</p> <p>As discussed in the Legal and Statutory section of this Report, if not managed carefully, there is potential for noise from the tavern/brewery to affect existing residential development on surrounding land and the 'Short Stay Accommodation Units' which form part of the application.</p> <p>Noise mitigation measures are considered necessary, which can be addressed via recommended conditions, in the event Development Approval is granted.</p> | <p>Yes, subject to recommended conditions that require:</p> <ul style="list-style-type: none"> <li>submission of a final Acoustic Report prior to applying for a Building Permit recommending mitigation measures necessary to achieve compliance with the <i>Environmental Protection (Noise) Regulations 1997</i>; and</li> <li>a Noise Management Plan.</li> </ul> |
| <b>2. Noise</b>  |  |   |
| <p>To address noise impacts from a proposed licensed premises, the City may require that an applicant submit an acoustic report, prepared by a suitably qualified acoustic consultant (as determined by the City), demonstrating that the noise likely to be emitted from the licensed premises will comply with the <i>Environmental Protection (Noise) Regulations 1997</i>. The report should indicate the likely noise nuisance and what sound attenuation measures will be needed to control noise emissions from the premises in accordance with the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>   | <p>As above.</p>   | <p>As above.</p>  |

| Requirement  | Proposal   | Compliance  |
|--|--|---|
| <b>3. Harm Minimisation</b>  |  |   |
| The applicant will be required to demonstrate that the principles of harm minimisation have been addressed by the lodgement of a House Management Policy, Code of Conduct and Management Plan in accordance with the Department of Racing, Gaming and Liquor Guidelines. | At this stage, the Applicant has not provided sufficient detail to support a Liquor Licensing Application. | A House Management Policy, Code of Conduct and Management Plan must be provided with the Section 40 Certificate application required for a Liquor Licence, should Development Approval be granted. A Section 40 certificate confirms that the proposed use of the premises will comply with the requirements of the relevant planning laws (i.e. Town Planning Scheme). |

Table 3 - LPP3.3.19 Assessment

Local Planning Policy No.3.3.25 Percent for Public Art - Private Developer Contribution (LPP3.3.25)

In accordance with LPP3.3.25, where a proposed development has an estimated construction cost exceeding \$5M, there is a requirement to provide Public Art to a value of not less than 1% of the building works, being \$65,000 for this application, given the value of the proposed development at \$13 million.

The public art is proposed to be delivered on-site or as a cash-in-lieu, and will be recommended as a condition should the application be approved.

**e. Financial**

Nil

**f. Legal and Statutory**

Town Planning Scheme No.2 (TPS2)

*Clause 3.2 - Zoning Table*

The subject site is zoned 'Development' in TPS2 and designed as a 'Commercial Zone' in the Kennedy Bay Structure Plan.

Within the Commercial zone a 'Tavern', 'Brewery' and 'Serviced Apartment' are discretionary land uses ('D' uses), meaning that the uses are not permitted unless the local government has exercised its discretion by granting Development Approval.

The City considers the tasting/ merchandise area associated with the 'Brewery' to be 'incidental' to the 'Brewery' land use, and not a separate land use in its own right (i.e. 'Shop').

The objective of the 'Commercial Zone' is:

*"...provide for the development of District, Neighbourhood and Local shopping facilities to cater for the present and future residents of the Local Government consistent with the Local Government's Local Commercial Strategy and supported by any other Plan or Policy that the Local Government from time to time may adopt as a guide for the future development within the zone."*

The proposed development complies with the zone objective.

*Clause 4.6.2 - Form of Development*

In considering an application for Development Approval, the decision maker shall have regard to the following:

*"ensure that that site planning, scale, built form, elevations and landscaping of the development positively contribute to the streetscape, appearance and amenity of the locality".*

The Kennedy Bay Coastal Village LDP is a separate planning instrument intended to guide the built form outcome of developments in the Kennedy Bay Town Centre.

**Clause 4.6.3 - Parking**

On-site car parking is required to be provided in accordance with Table No.4 of TPS2.

The provision of car parking is summarised as follows:

| Car Parking Assessment             |  |                                  |                 |
|------------------------------------|--|----------------------------------|-----------------|
| Land Use                           | Rate   | Number Required (TPS2)           | Number Provided |
| Short Stay (Holiday Accommodation) | 1 bay/unit , plus 1 bay/employee   | 12 bays                          | 9 bays          |
| Tavern                             | 1/5m <sup>2</sup> of bar and public areas, including lounges, beer gardens and restaurants | (540m <sup>2</sup> ) 108 bays    | 36 shared bays  |
| Brewery (Industry)                 | 1 bay/50m <sup>2</sup> NLA or 1 bay/employee, whichever is the greatest                    | 303m <sup>2</sup> / 50 = 6 bays  |                 |
| Brewery bar (Shop)                 | 6 bays/ 100m <sup>2</sup> NLA  | 3.7 (4) bays (63m <sup>2</sup> ) |                 |
| Totals                             |  | <b>130</b>                       | 45              |
| <b>Surplus/shortfall</b>           |  |                                  | <b>-85 bays</b> |

Table 4 - Car Parking Assessment

The proposed development has a significant shortfall of 85 car bays when assessed against TPS2 requirements.

When this parking shortfall was identified, the City was concurrently assessing the Kennedy Bay LDP, which included a comprehensive Coastal Village Town Centre Parking Strategy (**Strategy**). The Strategy document included an overall parking demand assessment at full development for the Kennedy Bay Town Centre, which included the parking demand associated with the proposed 'Tavern', 'Brewery' and 'Short Stay Accommodation Units', which revealed a theoretical shortfall similar to the above parking assessment of 85 bays.

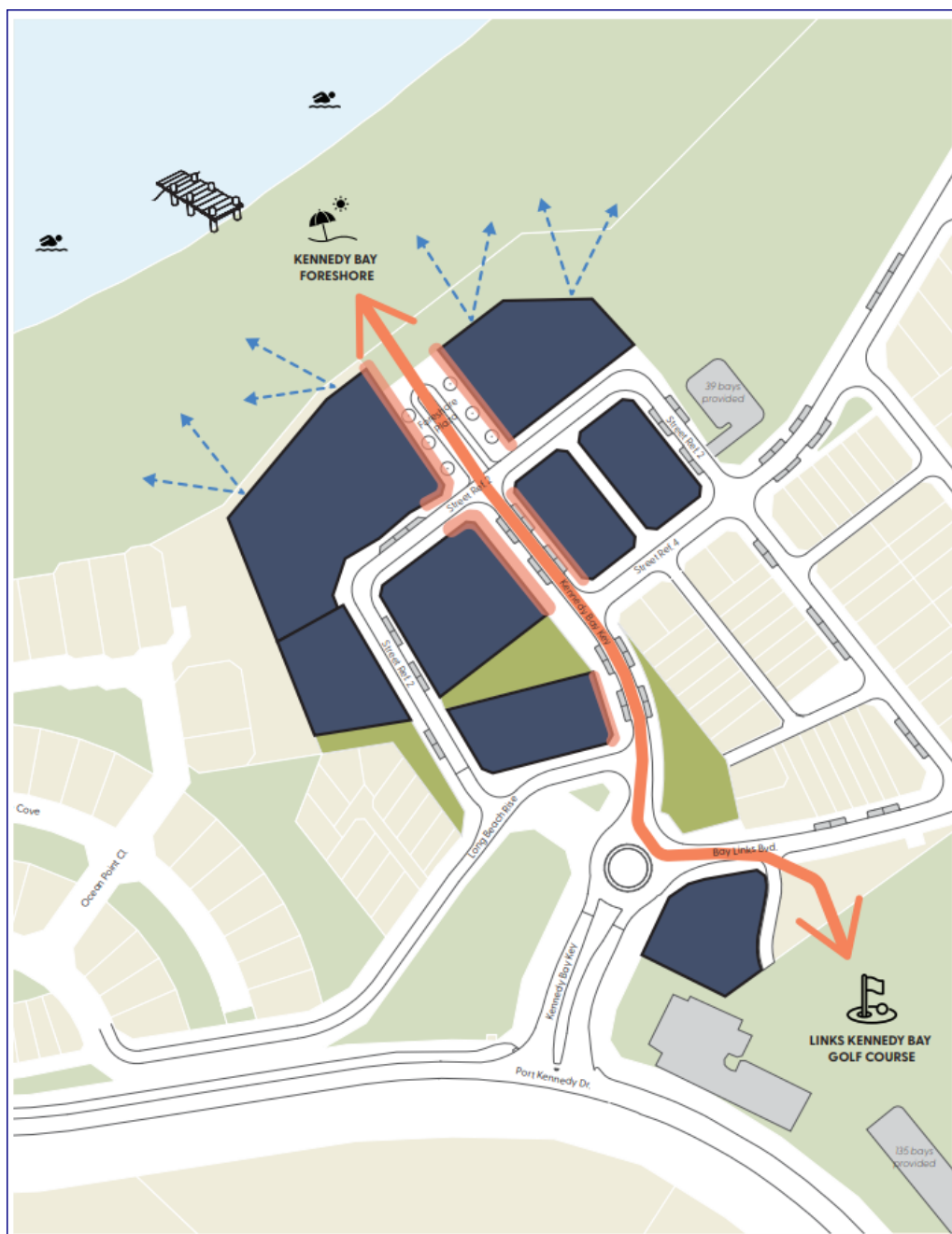
The Strategy provided the following justification for lower parking provision:

- 117 informal on-street parking bays approximately within a 5 minute walk;
- 39 bays in the foreshore car park located immediately east of the subject site, with a 15 bay surplus;
- 45 surplus parking bays at the golf course that are available for non-golf club members, situated approximately 200m east of the subject site;
- 27 on-street parking bays within the surrounding street network of the Town Centre;
- Reciprocity of parking between land uses with customers visiting potentially more than one land use;
- The ability for the City to implement a Parking Management Strategy in the future; and
- Provision for the creation of reciprocal car parking easement over a nearby lot which is being considered for a future local shopping centre.



The Strategy provides the planning rational for the proposed development to be considered with a parking shortfall, with the understanding that customers and staff parking will not be able to be fully accommodated by the provision of 45 on-site parking bays. The Strategy document was the pre-cursor to the approval of the Kennedy Bay LDP.

Figure 13 below illustrates key elements of the Coastal Village Town Centre Parking Strategy.



13. 'Main Street' and Movement Network, Parking Plan



#### 14. Lot 4 - Future Reciprocal Parking with 'Tavern' Site

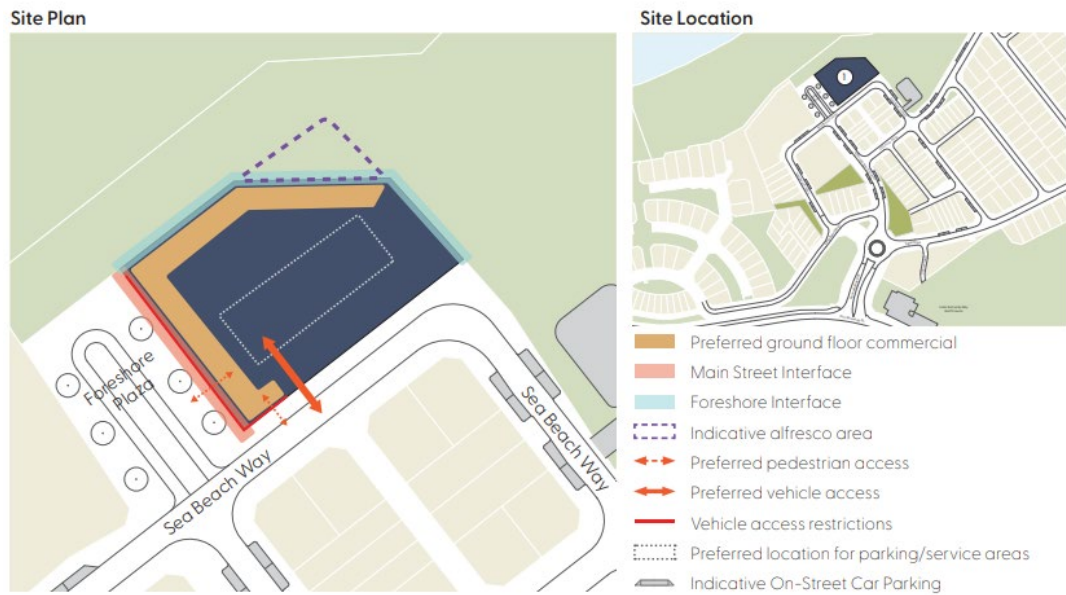
Given the planning context and parking rationale outlined in the Strategy, it is considered that an 85 car bay variation to the TPS2 car parking requirements can be supported in this instance for the following reasons:

- The Town Centre LDP and Strategy seeks to optimise the provision of car parking on private land and in the public domain by establishing a framework to favourably consider parking variations (shortfalls) from TPS2 requirements where appropriate;
- The proposed Tavern will not be operating at peak capacity at all times (i.e. 500 patrons), meaning that parking demand will be reduced outside of peak operating periods.
- The supply of publicly available car parking in the vicinity of the development site should be sufficient to offset the parking demand generated by the proposed development;
- Approximately 204 car parking spaces will be available for public car parking, either within the LDP area or located within 5 minutes' walk of the proposed development;
- Reciprocity of car parking expected to occur between land uses, where people potentially visit more than one land use during a trip;
- In accordance with the approved LDP, there is an ability to seek an agreement over a future development lot (i.e. proposed Lot 4) in the Town Centre to place public access easements the benefit of the subject site to provide additional parking for the Tavern. In order to maximise certainty, a condition is recommended accordingly; and
- A public access easement may also be applied to a portion of the Kennedy Bay Golf Course Carpark in accordance with the Kennedy Bay Coastal Village Town Centre Parking Strategy 2024.

Accordingly, a variation to the TPS2 parking requirements is recommended for this development.

#### Kennedy Bay Coastal Village Local Development Plan

As a requirement of the Structure Plan, a LDP was prepared which was approved by the City on 11 March 2024. As mentioned above, a LDP is used to guide the built form outcome in the Town Centre. An extract of the LDP is provided in Figure 15 below, depicting the subject site.



#### 15. Extract from Kennedy Bay Local Development Plan

The following Table sets out only those aspects of the proposal which are inconsistent with elements of the LDP.

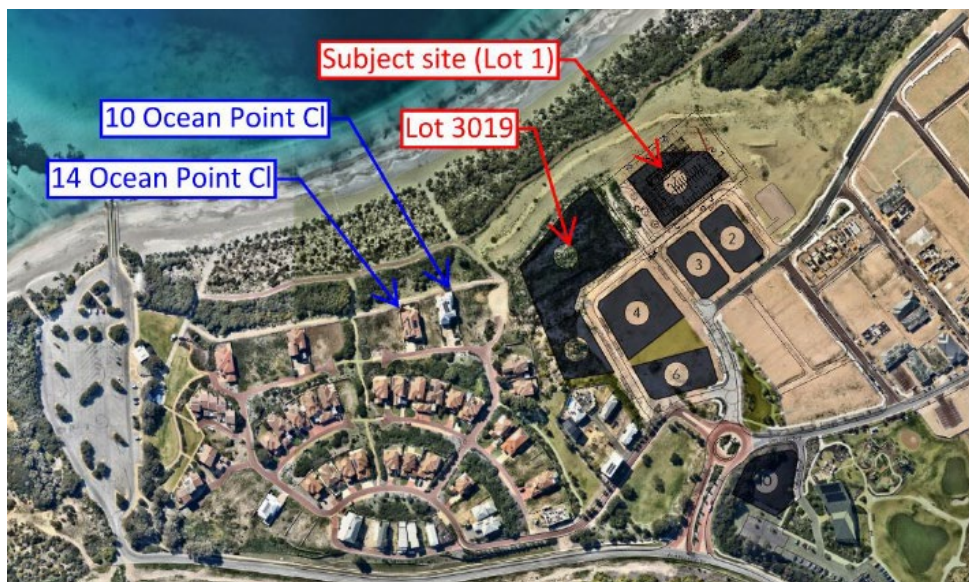
| Element  | City Comment  |
|--|---|
| <p><u>Landscaping</u></p> <p>Non-residential development to provide a minimum 10% landscaping per site with a minimum dimension of 1.5m.</p>                         | <p>There is minimal on-site landscaping provided. Small areas of landscaping are proposed abutting the eastern building edge; within the car park and on the building façade of the short stay accommodation.</p> <p>Landscaping, however, is considered to be subservient to achieving the 'built form' outcomes which encourage buildings along the street frontage. The adjacent Reserve will be landscaped which will soften the visual impact of the development along the coast.</p> <p>A condition is recommended, should approval be granted, requiring a detailed Landscaping Plan prior to applying for a Building Permit, to the satisfaction of the City.</p> |
| <p><u>Setbacks</u></p> <p>Nil ground and upper floor setback to the Foreshore Plaza (min street).</p> <p>2m ground floor setback required from other boundaries.</p> | <p>A variation is required for the nil setback proposed for the ground floor to the foreshore reserve (north/west boundary) and to Sea Beach Way (south-east) in lieu of the 2m minimum in the LDP.</p> <p>Nil setbacks in these locations can be supported, as:</p> <ul style="list-style-type: none"> <li>the LDP encourages development on this site to capitalise on the coastal aspect. Positioning the built form against the foreshore reserve boundary achieves this objective.</li> </ul>  |

| Element | City Comment   |
|---------|--|
|         | <p>The beer garden has been designed to integrate with and will help activate development within the foreshore reserve, as identified on the Foreshore Reserve Master Plan.</p> <ul style="list-style-type: none"> <li>The eastern building edge incorporates screening of the internal car park and is a necessary requirement, however, the proposed landscaping strip between the building edge and street boundary is very narrow, and unlikely to provide an effective landscaping outcome. It is recommended that the proponent reconsiders this design element and widens the landscaping strip to an effective dimension. A variation on this street setback requirement of the LDP is supported on this basis.</li> </ul> |

Environmental Protection (Noise) Regulations 1997 (Noise Regulations)

The Applicant's Noise Assessment Report included noise modelling results which suggest that patron and music noise produced from the 'Tavern' will not comply with the Noise Regulations at the following locations:

- the 'Short Stay Apartments' (within this development);
- proposed Lots 2 and 3 immediately to the south-east of the subject site;
- Lot 3019 to the south-west (vacant) - future Hotel site; and
- in the absence of a development on Lot 3019, noise exceedance could also impact upon the existing residential properties at No.10 and No.14 Ocean Point Close, south-west of Lot 3019.



16. Map Showing Noise Affected Properties

To demonstrate the noise impact the Applicant's Acoustic Reporting modelled two scenarios for the Tavern:

- Scenario 1: typical regular operations of the tavern, with windows opened and patrons in the garden bar, and
- Scenario 2: busy internal operations with noise controls in place.



Scenario 1 indicates that patron and background music noise for typical operations of the 'Tavern' is expected to exceed the acceptable noise level also known as 'Assigned Levels', as follows:

- at all times during the Day time and Night time hours by 11 - 21 dB\* at future residences on Lot 1 (the 'Short Stay Accommodation' on the subject site) and Lot 3019, and
- by 2 - 7 dB at existing residence (No.10 and No.14 Ocean Point Close) on Sundays, Public Holidays, Evenings and Night times.

\* *Note: dB is defined as 'noise decibels'.*

Scenario 1 results in a 'general' environmental noise along foreshore and beach area ranging down from 52 dB (La10). La10 means the noise level not to be exceeded for more than 10% of the assessment period.

Scenario 2 indicates that with busy internal 'Tavern' operations with noise controls in place (closed doors and windows and no people outside) noise from the tavern is expected to mostly comply at all locations at all times of day, except for a 2dB exceedance at the future short stay units on the subject site at night times.

Other noise sources from the premises that have not been evaluated in the acoustic report include noise from mechanical infrastructure, brewing operations, deliveries and no cumulative noise assessment has been undertaken to demonstrate that inclusion of these noises to either scenario above will not produce further exceedances.

In order to mitigate noise impacts, a Noise Management Plan is required to be implemented by the future 'Tavern' operator as the greatest risk relates to breakout noise from patrons using outdoor areas, as well as noise from internal spaces if the doors and windows were to be fully open when the spaces are busy and during noise sensitive times in the evening and early morning.

To address the 2dB noise exceedance and manage impact from the other noise sources, it is recommended that a revised Acoustic Report is prepared and submitted to the City prior to applying for a Building Permit, which recommends suitable mitigation measures to achieve compliance with the Noise Regulations. This may include for example:

- double glazing to the 'Short-Stay Accommodation' within the development;
- Tavern operator requirements to close doors and windows during evening periods and closing the alfresco outdoor areas; and
- Other noise controls being assessed and implemented associated with brewing, deliveries and mechanical plant within the proposed development.

**g. Risk**

Nil

**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 development which includes a 'Tavern', 'Brewery', and 'Short-Stay Accommodation' is generally compliant with the City's TPS2 and Local Development Plan. The proposed development includes a significant parking variation, however, this is considered to be warranted based on the holistic approach applied within the Coastal Village Town Centre Parking Strategy.

The proposed development includes a range of preferred land uses that will help activate the Kennedy Bay Town Centre and offer local and regional community benefits by providing services for residents and visitors.

The proposed 'built form' generally complies with the local planning framework, and where variations are required, these can be supported subject to the inclusion of appropriate conditions of Development Approval, should approval be granted.

The following matters can be managed via conditions of Development Approval, as follows:

- Compliance with the Noise Regulations.
- The design and capacity of the bin stores does not appear to address future bin requirements associated with food and organic waste material, however, this matter can be addressed through an updated Waste Management Plan (**WMP**).
- The WMP also needs to be updated to address the issue of a lack of vertical clearance for an 8.8m waste collection vehicle to enter the car park to collect waste. An alternative smaller sized waste collection vehicle will be required. In accordance with the Western Australian Local Government Association (WALGA) '*Multiple Dwelling Waste Management Plan Guidelines*' the minimum clearance (i.e. vertical clearance between the driveway and under side of the first floor slab) required for waste vehicle servicing is 3.650m. A condition is recommended, requiring the plans to be amended to increase height at the car park entrance accordingly.
- There is a commercial vehicle parking bay proposed in the verge adjacent the service entry to the brewery. To address a concern about sight-line distances for vehicles leaving the car park, a Traffic Sight Distance Safety Audit, with recommendations to mitigate this sight-distance concern, will be required.

It is recommended that the Council adopt the Responsible Authority Report which recommends that the MODAP approve the application subject to appropriate conditions.

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application for a mixed use 'Brewery', 'Tavern' and 'Short Stay Accommodation' development at Lot 3023 on Deposited Plan 426546, Port Kennedy contained as Attachment 1 as the report required to be submitted to the Presiding Member of the Metro Outer Development Assessment Panel pursuant to Regulation 12 of the *Planning and Development (Development Assessment Panels) Regulation 2011*, which recommends that the Metro Outer Development Assessment Panel resolves to **Approve** DAP Application reference DAP/24/02659 and accompanying plans contained within Attachment 1:

- DA0.01 Cover Page - Rev F, dated 10.01.2024;
- DA1.00 Location Plan - Rev G, dated 10.01.2024;
- DA1.01 Site Plan - Rev F, dated 10.01.2024;
- DA1.02 Ground Floor Plan - Rev J, dated 10.01.2024;
- DA1.03 Level 1 GA Plan - Rev J, dated 10.01.2024;
- DA1.04 Level 2 GA Plan - Rev G, dated 10.01.2024;
- DA1.05 Roof Plan - Rev G, dated 10.01.2024;
- DA2.00 Elevations - Rev F, dated 10.01.2024;
- DA2.01 Elevations - Rev F, dated 10.01.2024;
- DA3.00 Sections - Rev C, dated 7.12.2023;
- DA3.01 Sections - Rev C, dated 7.12.2023;
- Long Point Brewery Odour Management Plan, dated 30 March 2024;

in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2.

### Committee Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application for a mixed use 'Brewery', 'Tavern' and 'Short Stay Accommodation' development at Lot 3023 on Deposited Plan 426546, Port Kennedy contained as Attachment 1 as the report required to be submitted to the Presiding Member of the Metro Outer Development Assessment Panel pursuant to Regulation 12 of the *Planning and Development (Development Assessment Panels) Regulation 2011*, which recommends that the Metro Outer Development Assessment Panel resolves to **Approve** DAP Application reference DAP/24/02659 and accompanying plans contained within Attachment 1:

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- DA3.01 Sections - Rev C, dated 7.12.2023;
- Long Point Brewery Odour Management Plan, dated 30 March 2024;

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

Conditions:

1. In the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site; those plans must be submitted to the City of Rockingham for approval.  
  
All stormwater generated by the development must be managed in accordance with *Local Planning Policy 3.4.3 - Urban Water Management* to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
4. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
5. Prior to occupation of the development, a crossover is to be constructed in accordance with the City's Commercial Crossover Specifications to the satisfaction of the City of Rockingham.
6. Engineering drawings for works within the development site and along the existing road reserves must be submitted to the Manager of Land and Development Infrastructure for approval prior to works commencing on site. All works within the Road Reserve must be completed to the satisfaction of the City of Rockingham.
7. An inspection of the existing infrastructure surrounding the proposed area of works needs to be identified and documented prior to works commencing. Particular interest is to be paid to the state of the existing road pavements. Any damage due to the works, will need to be repaired to the satisfaction of the Manager Land & Development Infrastructure.

8. Prior to occupation of the development the car parking area must:
  - (i) provide a minimum of 45 car parking spaces;
  - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 for visitors of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;
  - (iii) provide one (1) car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 4 of Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
  - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
  - (v) comply with the above requirements for the duration of the development; and
  - (vi) all 45 car parking bays within the development complex must be accessible for customer, and staff parking at all times and not be gated or otherwise physically controlling access.
9. Prior to applying for a Building Permit, a Landscaping Plan must be submitted and approved to the satisfaction of the City of Rockingham and shall include the following detail:
  - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area inclusive of the verge;
  - (ii) any lawns to be established and areas to be mulched;
  - (iii) any natural landscape areas to be retained;
  - (iv) those areas to be reticulated or irrigated.

The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.
10. In accordance with City of Rockingham *Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities*, 10 short term and 2 long-term bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good and safe condition for the duration of the development.
11. Prior to applying for a Building Permit, a Revised Acoustic Report and a Noise Management Plan must be submitted to and approved by the City of Rockingham, that includes appropriate noise mitigation and management measures to ensure that all mechanical services associated with the proposed development and any other noise source, including noise emanating from Licensed Premises will comply with the *Environmental Protection (Noise) Regulations 1997*.
12. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Acoustic Assessment must include the following information:

  - (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
  - (ii) tonality, modulation and impulsiveness of noise sources; and
  - (iii) confirmation of the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report and implemented as such for the duration of the development.



13. Prior to applying for a Building Permit, a revised Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
  - (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency of bin collections.All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.
14. In accordance with *Local Planning Policy 3.3.25 - Percent for Public Art - Private Developer Contribution*, prior to occupation of the development, the developer shall either:
  - (i) Submit to the City of Rockingham for approval an artwork designed by a professional artist at a cost of 1% of the total project cost (being \$130,000), to be located within the subject site in an area which must be publicly visible for the duration of the development;
  - (ii) Enter into a contract with a professional artist/s to design and install the artwork approved by the City of Rockingham;
  - (iii) The artwork shall then be installed prior to occupation of the development and maintained thereafter to the satisfaction of the City of Rockingham; or
  - (iv) Make a contribution to the City of Rockingham equal to 1% of the total construction value for the provision of public art, being \$130,000 in value.
15. Prior to applying for a Building Permit, a Traffic Sightline Safety Audit shall be prepared by a suitably qualified expert that verifies that compliant sight distance is provided for vehicles leaving the car park in proximity to the adjacent proposed commercial vehicle loading bay in the street verge, to the satisfaction of the City of Rockingham. The applicant shall implement any recommended mitigation measures required to achieve compliance.
16. Floodlighting must not be illuminated after 10pm or before 7am on any day. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—2019, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.
17. Entries and window frontages of the building facing the Foreshore Plaza 'main street' must contain clear, transparent glass, and not be covered, closed or screened off (including by means of dark or other tinting, shutters, curtains, blinds, posters, paint, roller doors or similar), to ensure that visibility and a commercial, interactive frontage is available between the development and the public domain at all times.
18. Prior to building occupancy, the developer responsibilities outlined in Table 3 of the 'Kennedy Bay Brewery - Element 5 Vulnerable Tourism Land Uses Assessment Report', prepared by Bushfire Safety and dated 21/2/2024, shall be implemented and maintained thereafter for the duration of the development.
19. The development shall be managed to prevent the emission or transmission of odour which unreasonably interferes with the health, welfare, convenience, comfort or amenity of surrounding premises.
20. Prior to occupation of the development, public access easement(s) in accordance with Sections 195 and 196 of the Land Administration Act 1997 are to be placed on the certificate of title for portion of Lot 3007 Port Kennedy Drive, Port Kennedy (Golf Course Car Park). Notice of this easement is to be included on the Deposited Plan to the satisfaction of the City of Rockingham.
21. Prior to occupation of the development, the landowner(s) shall enter into a legal agreement with the City of Rockingham to place public access easement(s) in accordance with Sections 195 and 196 of the Land Administration Act 1997 on proposed Lot 4 (Lot 3023) Morfontaine Parade, Port Kennedy. Notice of this easement is to be included on the Deposited Plan to the satisfaction of the City of Rockingham.

22. To facilitate access for a private waste servicing vehicle the plans shall be amended to increase the vertical clearance at the car park entrance to 3.650m minimum, consistent with the Western Australian Local Government Association (WALGA) Multiple Dwelling Waste Management Plan Guidelines.

Advice Notes:

1. Regarding Condition 13, the applicant is advised that the WMP should be updated to consider the need to accommodate:
  - A full complement of FOGO bins (which the City is preparing to implement); and
  - A waste collection vehicle that can enter the car park to collect the commercial waste bins, given the vertical clearance provided at the vehicle entry to the first floor slab level.
2. The development must comply with the *Food Act 2008*, the *Food Safety Standards* and Chapter 3 of the *Australian New Zealand Food Standards Code (Australia Only)*; the Applicant and owner should liaise with the City's Health Services in this regard.
3. A Building Permit must be obtained for the proposed works prior to commencement of site works. The Applicant and owner should liaise with the City's Building Services in this regard.
4. The Tavern is to comply with the *Liquor Control Act 1988*. All relevant approvals and licenses are to be sought prior to the occupation of the development in conjunction with the Department of Local Government, Sport and Cultural Industries (DLGSC).
5. The development must comply with the *Health (Public Building) Regulations 1992*; the Applicant and owner should liaise with the City's Health Services in this regard.
6. The Applicant is responsible for protecting any existing City streetscape assets during the course of the project. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc. If any damage is caused to the existing assets (identified to be retained), they must be rectified to the satisfaction of the City of Rockingham. It is recommended that a photographic dilapidation report is undertaken by the Applicant, to record the current condition of these assets.

Committee Voting (Carried) - 5/0

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

Not Applicable

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

Not Applicable

## Planning and Development Services Statutory Planning Services



|                             |   |   |          |                                |              |                       |
|-----------------------------|---|---|----------|--------------------------------|--------------|-----------------------|
| <b>Report number/title:</b> | <b>PD-017/24</b>  | <b>Development<br/>Application<br/>Premises</b> | <b>-</b> | <b>Assessment<br/>Proposed</b> | <b>Child</b> | <b>Panel<br/>Care</b> |
| File number:                | DD020.2024.00000067.001   |   |          |                                |              |                       |
| Applicant:                  | Planning Solutions  |   |          |                                |              |                       |
| Owner:                      | Messrs M, J and B Doyle, Ms K Doyle and Ms J Davis  |   |          |                                |              |                       |
| Author:                     | Miss Nyah Cheater, Planning Officer   |   |          |                                |              |                       |
| Other Contributors:         | Mr David Banovic, Senior Projects Officer<br>Mr Mike Ross, Manager Statutory Planning   |   |          |                                |              |                       |
| Date of Committee meeting:  | 20 May 2024   |   |          |                                |              |                       |
| Previously before Council:  |   |   |          |                                |              |                       |
| Disclosure of Interest:     |   |   |          |                                |              |                       |
| Nature of Council's role:   | Tribunal  |   |          |                                |              |                       |
| Attachments:                | <ol style="list-style-type: none"> <li>1. Responsible Authority Report</li> <li>2. Schedule of Submissions</li> </ol>   |   |          |                                |              |                       |
| Maps/Diagrams:              | <ol style="list-style-type: none"> <li>1. Location Map</li> <li>2. Anstey Park Structure Plan</li> <li>3. Aerial Photograph</li> <li>4. Proposed Subdivision Plan</li> <li>5. Site Plan</li> <li>6. Building Elevations</li> <li>7. Perspectives</li> <li>8. Consultation Plan</li> <li>9. Removal and Retention of Trees Overlay</li> <li>10. Trees Identified for Potential Retention as viewed from Warnbro Sound Avenue</li> <li>11. Vegetation Classification</li> </ol> |   |          |                                |              |                       |
| Site:                       | Lot 431 Surf Drive, Secret Harbour  |   |          |                                |              |                       |
| Lot Area:                   | 7,829m <sup>2</sup>   |   |          |                                |              |                       |
| LA Zoning:                  | Development   |   |          |                                |              |                       |
| MRS Zoning:                 | Urban   |   |          |                                |              |                       |

### Purpose of Report

To provide a recommendation to the Metro Outer Development Assessment Panel (**MODAP**) on a Development Application for a proposed Child Care Premises (**CCP**) on Lot 431 Surf Drive, Secret Harbour (**subject site**).



1. Location Map

## Background

### Anstey Park Structure Plan

The subject site forms part of the Local Structure Plan (**LSP**) for the 'Anstey Park' Estate, which was endorsed by the Western Australian Planning Commission (**WAPC**) in April 2002. The subject land is zoned 'Development' under the City's Town Planning Scheme No.2 (**TPS2**), with a Residential 'R20' density designation within the LSP.

In February 2024, Council supported a LSP Amendment, which seeks to relocate Public Open Space (**POS**), such that the POS would be re-positioned along Surf Drive, north of the subject site (see Agenda Item PD-003/24). The LSP Amendment is currently with the WAPC for its determination.



2. Anstey Park Structure Plan

### Site Context

The subject site is situated in a suburban context and is bound by Warnbro Sound Avenue to the west and Surf Drive to the north. To the immediate east and south, the site is bound by residential development, primarily consisting of single-storey dwellings. Opposite the site, to the north, is undeveloped land, proposed as POS, in accordance with the proposed LSP Amendment.

The proposed CCP is on the most north-western portion of the subject site, as illustrated within Figure 3 below.



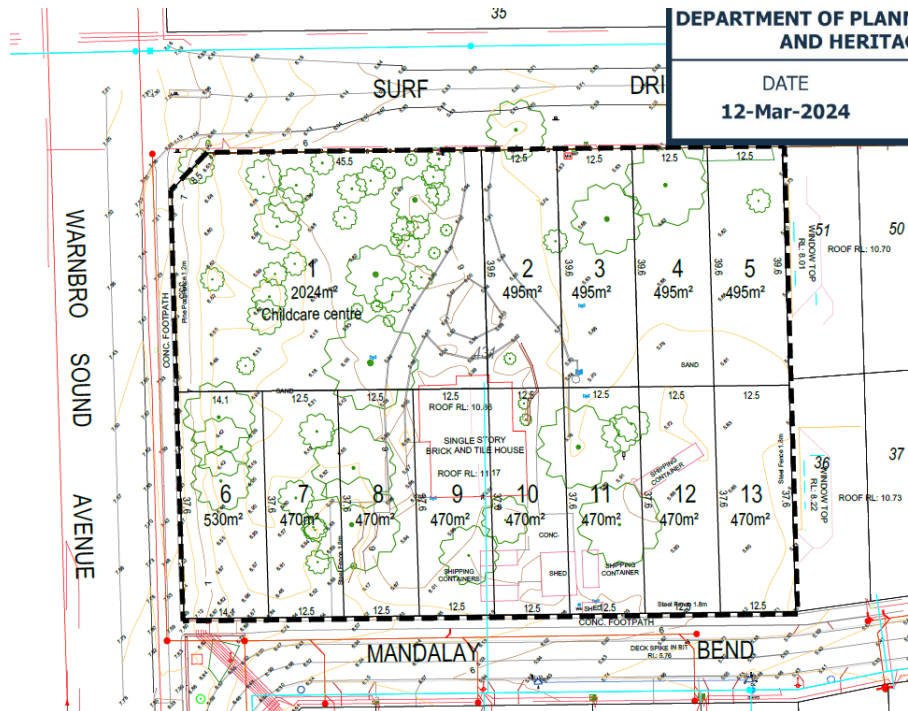


3. Aerial Photograph

#### Subdivision Application

An application to subdivide the subject site into a CCP landholding and an additional 12 residential freehold lots was lodged with the WAPC in March 2024 and is pending determination.

The proposed lot configurations are illustrated on Figure 4 below.



4. Proposed Subdivision Plan

For clarity, the future Lot 1 (CCP) is referred to through the balance of this Report as the 'development site'.



## Details

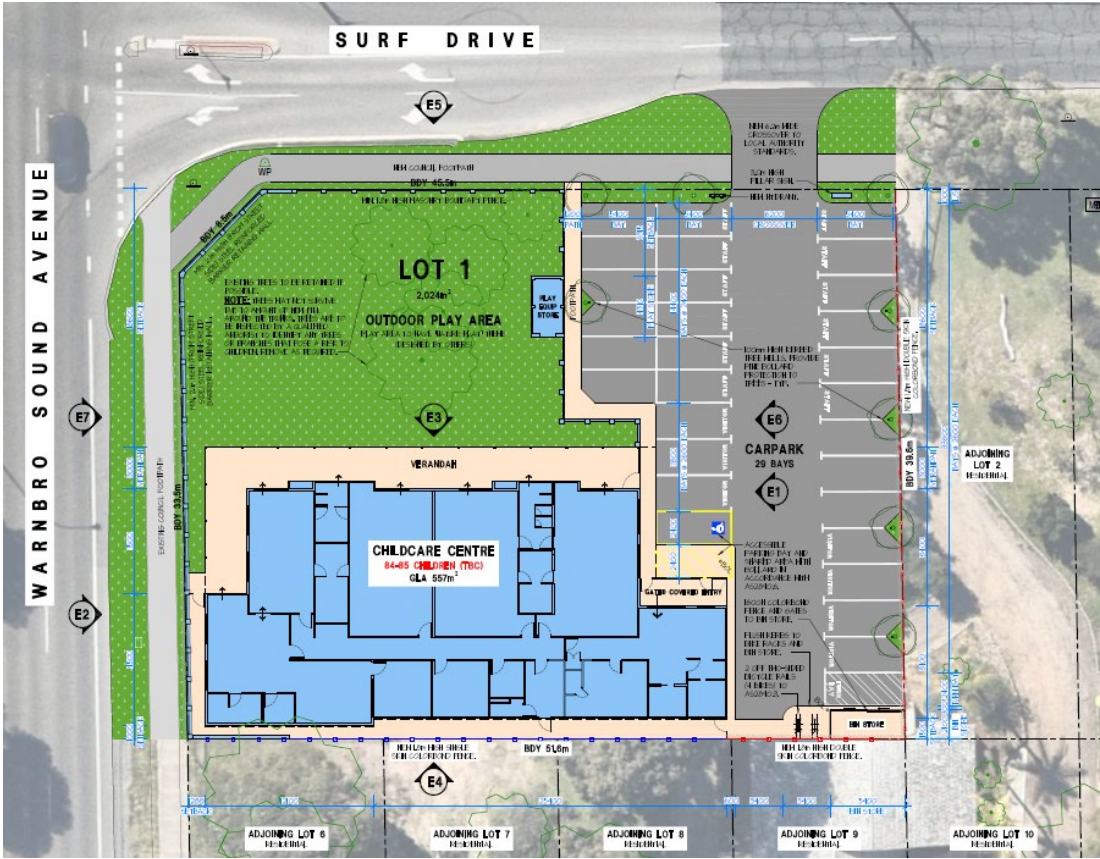
The DAP application was lodged with the City on 5 March 2024, to construct a CCP on a 2,024m<sup>2</sup> development site.

Details of the proposal are as follows:

- A single storey CCP building, with car parking to the east and an outdoor play area to the north of the building;
- The CCP will accommodate up to 21 staff [18 full-time, three (3) part-time] and 85 children across the following age groups:
  - 0-12 months (12 places);
  - 12-18 months (13 places);
  - 18-24 months (20 places);
  - 24-36 months (20 places); and
  - 36+ months (20 places).
- The proposed hours of operation are 6:30am to 6:30pm, Monday to Friday. No weekend operation is proposed;
- A total of 29 on-site car parking spaces is provided with access via a 6.2m wide crossover on Surf Drive;
- A total of 30 trees are proposed to be removed from the development site, with an additional five (5) trees identified for 'potential' retention within the proposed outdoor play area;
- A bin storage area to the rear of the development site; and
- Proposed fencing as follows:
  - 'Visually permeable' fencing to the Surf Drive street frontage;
  - A 2.1m high solid wall to the Warnbro Sound Avenue frontage and the street corner truncation; and
  - A 1.8m high colorbond fence to the side and rear boundaries.

The following reports and supporting material accompanied the DAP application:

- Development Application Report;
- Development Plans;
- Transport Impact Statement (**TIS**);
- Environmental Noise Assessment (**ENA**);
- Bushfire Management Plan (**BMP**) and Bushfire Emergency Evacuation Plan (**BEEP**); and
- Waste Management Plan (**WMP**).



5. Site Plan



6. Building Elevations



7. Perspectives



## Implications to Consider

### a. Consultation with the Community

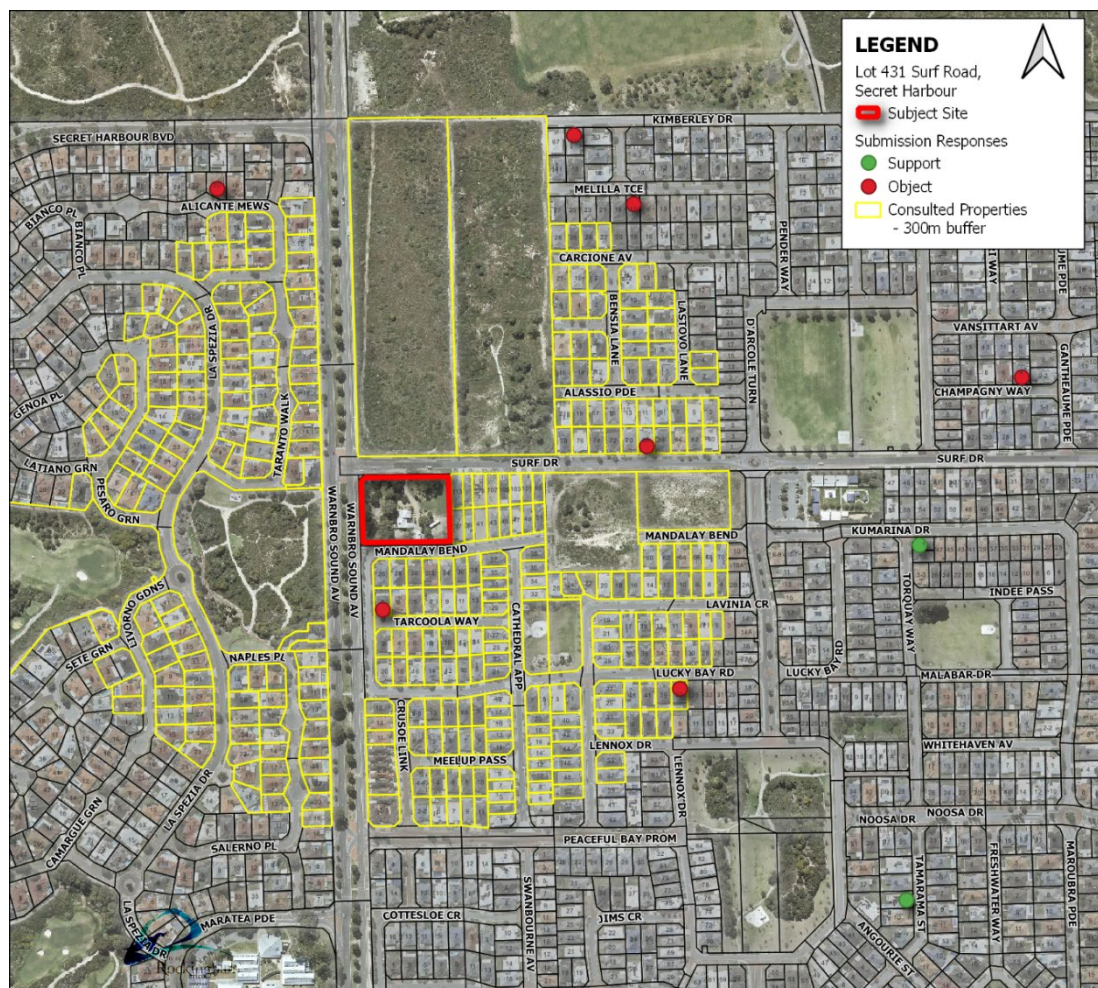
The application was advertised for public comment for a period of 35 days, concluding on Wednesday, 24 April 2024, as follows:

- Written correspondence to all owners and occupiers within 300m of the subject site (per Consultation Plan below);
- The application was made available for public inspection at the City's Administration Offices and published on the City's website for the duration of the consultation period; and
- Two (2) notification signs were erected on the subject site, one fronting Surf Drive and the other fronting Warnbro Sound Avenue, for the duration of the consultation period.

At the close of the advertising period, a total of 19 submissions were received, comprising of the following:

- A total of 16 submissions objected or raised concerns with the proposal, with only three (3) of these objections being from owners/occupiers whom the City consulted, via written correspondence; and
- Three (3) submissions supported the proposal (all from outside the consultation area).

Figure 8 below shows the distribution of responses within, and in the immediate vicinity of, the subject site.



8. Consultation Plan

The following table is a summary of the comments raised from the submissions along with the Applicant and the City's responses to the concerns raised.

| <b>Traffic and Safety</b>  |
|--|
| <p><u>Submission:</u></p> <p>Several submitters raised safety concerns in relation to the location of the proposed CCP development due to its proximity to the Warnbro Sound Avenue intersection.</p> <ul style="list-style-type: none"><li>Residents have witnessed multiple accidents at this intersection, including a fatality. Upgrades to this intersection are suggested to improve safety and congestion before the development goes ahead.</li><li>The proposed development will worsen the existing traffic congestion at this intersection, which will likely result in further accidents. During the peak morning and afternoon periods, there is often a queue of cars along Surf Drive which often obstructs the existing entry to the subject property, which is proposed to be used as the entry for the proposed development.</li><li>Concerns were raised regarding how parent/guardians and children will be able to safely cross Surf Drive or Warnbro Sound Avenue to access the CCP.</li><li>The reports submitted with the application do not adequately address the safety issues of this intersection.</li></ul>  |
| <p><u>Applicant's Response:</u></p> <ul style="list-style-type: none"><li><i>"There have been 8 crashes at this intersection during the 5 year period ending December 2023. There were two medical crashes, no hospital crashes and one fatal crash. The fatal crash involved a speeding motorcyclist and therefore the road environment was not a contributing factor. The other crashes were property damage only and therefore relatively minor in nature. As a result, there is no current safety issues at the intersection.</i></li></ul> <p><i>The City is responsible for this intersection. Upgrades to the intersection are not relevant to this application.</i></p> <ul style="list-style-type: none"><li><i>Based on the traffic modelling and site observations there is no congestion at this intersection.</i></li><li><i>There is a pedestrian crossing facility on Warnbro Sound Avenue at the northern end of the intersection. There is also a crossing facility across on Surf Drive at the intersection."</i></li></ul>  |
| <p><u>City's Comment:</u></p> <ul style="list-style-type: none"><li>The City has undertaken a detailed analysis of the submitted TIS and has also verified the crash data provided by the Applicant, with Main Road's data. The findings of the review generally corroborate with the findings contained within the TIS.</li><li>Due to the fatality in 2023, the Warnbro Sound Avenue and Surf Drive intersection could potentially appear on a list for future consideration of black spot funding projects (i.e. funding measure to improve road environment and reduce risk of crashes). Noting, however, the low number of total crashes and that no predominant crash pattern has been identified, the possibility for the intersection being identified as a 'black spot' is considered to be low. Nevertheless, the City will continue to monitor the functionality and safety of this intersection, however, no upgrades are considered necessary at this point in time, and/or as a result of the proposed development.</li><li>With respect to queueing, monitoring of the intersection was undertaken by the Applicant's Traffic Consultant and by City Officers during peak morning and afternoon periods. The results of the monitoring indicate the intersection of Warnbro Sound Avenue and Surf Drive is functioning satisfactory, with 'Level of Service A' (LoS measure describing operational conditions within a traffic stream) and limited congestion observed.</li></ul> |

| Traffic and Safety (cont...)  |
|---|
| <ul style="list-style-type: none"> <li>Existing pedestrian crossing facilities are located on Warnbro Sound Avenue and Surf Drive. Given the nature of the land use, parents/guardians are more likely to visit the CCP by vehicle on the way to/from work, rather than on foot.</li> <li>It is noted that the proposed development will improve pedestrian connectivity by providing a footpath connection adjacent to the development site. This footpath connection will facilitate a safer path of travel for school children, in lieu of the current path of travel which involves crossing Surf Drive at the intersection with Warnbro Sound Avenue.</li> </ul> <p>The City considers that the potential traffic generated from this development will not have a substantial impact on the surrounding road network, with the nearby intersection expected to perform satisfactorily post-development.</p>  |
| Need  |
| <p><u>Submission:</u></p> <p>There are four (4) child care centres already within the area, just within Secret Harbour and Golden Bay.</p>  |
| <p><u>Applicant's Response:</u></p> <p><i>"The need for a childcare centre is not a relevant planning matter given its proposed location. It is a commercial decision of the developer and the tenant.</i></p> <p><i>Notwithstanding, there is no evidence that the proposal will affect the operation of other local CCPs, noting the following:</i></p> <ul style="list-style-type: none"> <li><i>There are an existing nine childcare centres in Secret Harbour, of which only five are similar in style and size to this proposal (the other four are much smaller family day care/after school care operations).</i></li> <li><i>The abovementioned five centres have approximately 350 approved child care placements between them.</i></li> <li><i>The latest census data for secret harbour indicates there are 1,561 children aged 0-4 in the area, indicating a substantial shortfall in local child care placements.</i></li> <li><i>The operator of the proposed CCP is an established operator who have multiple sites across the Perth Metro area. They have done their due diligence in their selection of the subject site as to the need for additional child care in the area.</i></li> <li><i>The proposal will add approximately 20% supply to the existing approved child care placements. This is still however below the overall demand for child care placements in the area."</i></li> </ul> |
| <p><u>City's Comment:</u></p> <p>A Needs Assessment qualifying the level of service, in accordance with the requirements of <i>Local Planning Policy No.3.3.5 - Child Care Premises</i>, <u>may</u> be requested where a proposed CCP could have an adverse impact on the level of service to the community by similar existing or approved facilities.</p> <p>The City considers a Needs Assessment for the proposed development is not required, given Secret Harbour is still a growing community and the adjoining suburb of Golden Bay also contains substantial undeveloped residential land.</p>   |
| Environment   |
| <p><u>Submission:</u></p> <p>The subject property has a lot of significant trees that look to be in good health and should be retained/protected.</p>   |



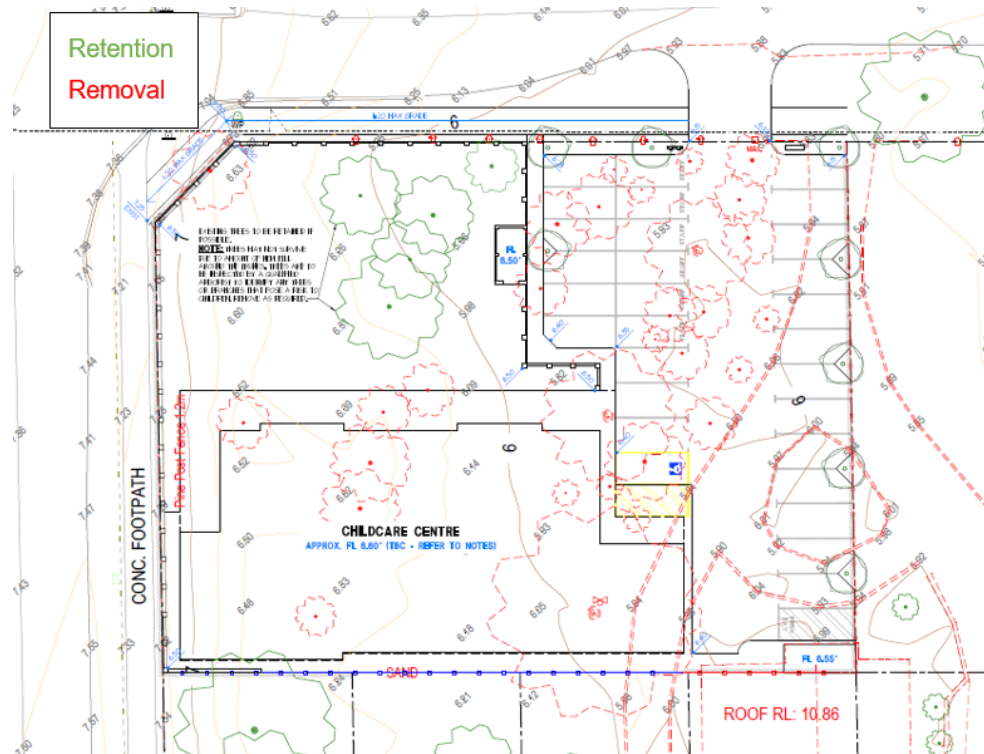
**Environment (cont...)**

Applicant's Response:

*"It is the intent of the developer to retain some trees for the proposed play area, if possible."*

City's Comment:

A number of small to large type trees (comprising predominantly of various species of Eucalypt, as well as Peppermints) are proposed to be removed to allow development to occur. Five (5) low to medium size trees are also identified for 'potential' retention, as identified on figure 9 and 10 below.



9. Removal and Retention of Trees Overlay



10. Trees Identified for Potential Retention as viewed from Warnbro Sound Avenue

**Environment (cont...)**

The retention of the subject trees is central to the theme presented by the Applicant. These trees provide a wider ecological benefit and will offer a natural amenity for children attending the CCP. The City considers the Proponent should take necessary measures during the construction period to ensure the protection of the five (5) trees identified for retention, in accordance with AS4970 - *Protection of trees on development sites*. A condition of Development Approval is recommended in this regard, should MODAP resolve to approve the development.

Having regard to vehicular access constraints (i.e. the easternmost location where access is required), the proposed layout provides most opportunity for tree retention, hence, the design intent is supported.

There are several other trees situated on the balance of the subject site (which is proposed to be subdivided), potentially including Tuart trees that may provide breeding, foraging and/or roosting habitat for the threatened Black Cockatoo species. The clearing of any potential breeding habitat trees resultant from future development or subdivision could result in significant impact on Black Cockatoos and as such, other approvals may need to be sought by the Proponent under the *Environmental Protection and Biodiversity Conservation Act 1999*.

All submissions are contained in the accompanying Schedule of Submissions (Attachment 2).

**b. Consultation with Government Agencies**

The following agencies were consulted on the DAP application:

- Department of Planning, Lands and Heritage (**DPLH**); and
- Department of Fire and Emergency Services (**DFES**).

The received comments are summarised as follows:

**1. Department of Planning, Lands and Heritage (DPLH)**

Submission:

*"The Department of Planning, Lands and Heritage has no objection to the proposal subject to the City's support for the driveway location along Surf Drive."*

Applicant's Response:

No comment required.

City's Comment:

The City considers the proposed crossover location to be appropriate, as it has been sited the furthest possible distance from the intersection of Surf Drive and Warnbro Sound Avenue.

**2. Department of Fire and Emergency Services (DFES)**

Submission:

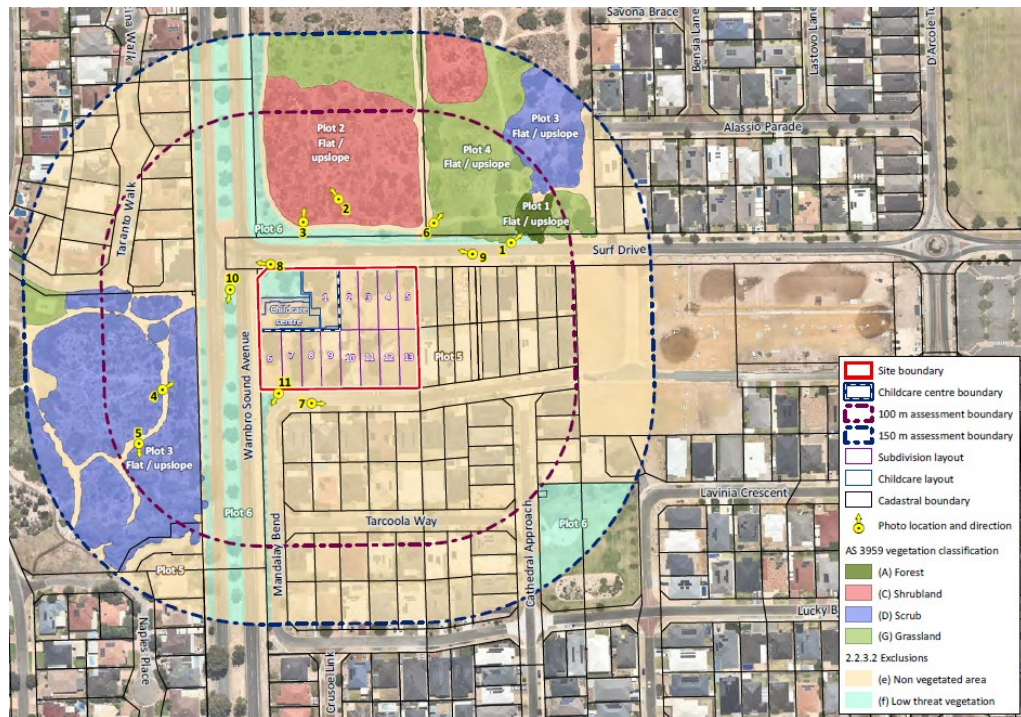
*"Further clarification is required within the BMP of the requirements of SPP 3.7, and the supporting Guidelines as outlined in our assessment below:*

- *Evidence to support the exclusion of Plots 5 and 6 (road reserve and POS respectively) in their entirety as managed to low threat in accordance with AS3959 is required. The BMP states that it is assumed that the City of Rockingham will continue to manage the vegetated areas. An appropriate mechanism is required to provide certainty that the proposed management measures can be achieved in perpetuity and that they are enforceable.*
- *The BMP relies upon management of vegetation on proposed lots 2 – 13 as shown in the BMP. It is understood that this subdivision has not yet been approved. If the childcare centre is developed prior to the development of the remaining lots, vegetation on these lots may impact the BAL rating shown in the BMP.*

## 2. Department of Fire and Emergency Services (DFES) (cont...)

*An appropriate mechanism is required to provide certainty that the proposed management measures can be achieved in perpetuity and that they are enforceable. If unsubstantiated, the vegetation should be classified as per AS3959, or the resultant BAL ratings may be inaccurate.*

*The development application and the BMP have adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved. However, modifications to the BMP are necessary to ensure it accurately identifies the bushfire risk and necessary mitigation measures."*



11. Vegetation Classification

### Applicant's Response:

- "The road reserves and POS areas were excluded as low threat based on existing long-term management, where grass in verges along Warnbro Sound Avenue are regularly mowed, and new mulch applied as required. Similarly for the POS to the south-east of the site, this area is subject to regular mowing and garden maintenance. No additional management compared to existing arrangements is required to achieve low threat. These are reasonable assumptions based on long-existing management and is in accordance with classifying or excluding vegetation in accordance with AS 3959.*

*The POS to the west was assumed to be classified vegetation and a bushfire hazard given this area is more natural and was clearly not subject to regular ongoing management.*

*Even if the road verges were not managed at any point, the road pavement, footpaths and cleared verges would provide sufficient separation to enable BAL-29 to be achieved addressing Element 1. The POS to the south-east is more than 100 m from the site and is not influencing the BAL ratings.*

- The BMP outlines the requirement for the proponent to manage the site (which includes the childcare centre and Lots 2-12) to achieve low threat, and for it to be maintained as low threat until building development occurs. If required, this table could be modified to state this is to support development, not just titles (and/or could be conditioned through the approval process for either process). The BMP is enforceable as a condition of approval, either subdivision or development approval."*

City's Comment:

- The existing vegetation within the Warnbro Sound Avenue road reserve is managed on a regular basis with the grass maintained to under 50mm in height. The City is satisfied this vegetation will be maintained to a low threat standard in perpetuity.
- A condition of Development Approval is recommended in this regard to address DFES' comments.

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 2023-2033:

**Aspiration:**                      **3. Built Environment - A built environment carefully planned for today and tomorrow**

**Outcome/Objective:**    *Built infrastructure meets current and future community needs - Plan build and maintain current and future assets*

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 subject site has been designated bushfire prone under the *Fire and Emergency Services Act 1998 (as amended)* and therefore the requirements of SPP3.7 are applicable.

The objectives of SPP3.7 are to:

- *"Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.*
- *Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.*
- *Ensure that higher order strategic planning documents, strategic planning proposals, subdivision and development applications take into account bushfire protection requirements and include specified bushfire protection measures.*
- *Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change."*

As the subject site is designated as a bushfire prone area and is classified as a 'vulnerable' land use, the Applicant has submitted a BMP and a BEEP in support of the application, as per the requirements of SPP3.7.

An assessment of the BMP and BEEP in accordance with the Guidelines for Planning in Bushfire Prone Areas is detailed below.

Guidelines for Planning in Bushfire Prone Areas (the Guidelines)

The Guidelines provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP3.7. An assessment against the Guidelines is provided as follows:

**4.5 Bushfire Protection Criteria**

| Element     | Provided  |
|-------------|---|
| 1. Location | The BMP demonstrates an acceptable rating of BAL-29 or lower can be achieved for the development. |

| Element                   | Provided  |
|---------------------------|---|
| 2. Siting and Development | An Asset Protection Zone ( <b>APZ</b> ), covering the extent of the subject site, has been identified in the BMP to enable BAL-29 to be achieved. A condition of Development Approval will be recommended in this regard. |
| 3. Vehicular Access       | Multiple egress options exist through the surrounding road network which satisfies this element.  |
| 4. Water                  | The site will be connected to the existing reticulated water supply.  |

#### *5.5.4 Developing a Bushfire Emergency Evacuation Plan*

SPP 3.7, Policy Measure 6.6.1, states that Development Applications for vulnerable land uses should include a BEEP. The purpose of this is to improve the preparedness of vulnerable land uses by identifying the steps to be followed before, during and after a bushfire event for occupants, staff and visitors, and assigning responsibilities and resources that may be required.

The BEEP among matters should consider:

- the number of people at the facility;
- whether the occupants are permanent or transient;
- whether there is a caretaker onsite; and
- whether there are people with disability, medically dependent, young children or the elderly.

The main components of the BEEP, submitted in support of the application, are outlined below:

- Clearly defines the functions, roles and responsibilities of staff in the event of a bushfire emergency;
- Outlines preparation measures, communication methods and actions to be undertaken to ensure orderly evacuation; and
- Identifies the following emergency procedures for children, staff, and visitors in the event of a bushfire:
  - In the circumstances that evacuation is required, children and staff will be assembled in the car parking area where a bus service will arrive to evacuate the occupants to an alternative location. The children considered to be the most vulnerable (i.e., youngest and/or disabled) will be evacuated first; and
  - Sheltering on site has been identified as an option should the bushfire risk be considered too high to undertake evacuation from the property.

The BEEP generally addresses the requirements outlined under the Guidelines, however, the City considers further refinement is required to ensure the feasibility of the identified evacuation procedures has been adequately considered (i.e. possible transport providers, how long before a bus can arrive, a nominated safe place to evacuate to etc.). It is recommended that a condition of Development Approval be included in this regard, should MODAP resolve to approve the development.

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

SPP7.0 provides an overarching framework that considers design quality and built form outcomes. SPP7.0 includes 10 principles of 'good design' and outlines the design review process.

The proposal presents a built form and aesthetic compatible and consistent with the surrounding residential (existing and planned) context. The proposal is consistent with the intent of SPP7.0, however, subject to the Applicant's confirmation that a reasonable retention strategy can be implemented for trees within the outdoor play area, in order to satisfy 'Principle 2 - Landscape quality'.



Residential Design Codes - Volume 1 (R-Codes)

The purpose of the R-Codes is to provide a comprehensive basis for the guidance and control of residential development throughout Western Australia. The objectives of the R-Codes seek to facilitate quality residential development that responds to local context, contributes to the desired character of an area, and is appropriately designed.

While the proposed development is not for residential purposes, the subject site is located within a 'Residential' zone under the SP. Assessment against the R-Codes is considered appropriate to ensure the development has regard to the presiding local context to achieve a harmonious design outcome. This is also in keeping with the City's *Local Planning Policy No.3.3.5 - Child Care Premises*, where the appearance of a CCP must be consistent with the scale and character of the locality, lending itself to domestic (residential) architecture.

The City considers that the proposed building is consistent in scale, appearance and setbacks with the surrounding residential development and the requirements of the R-Codes.

Local Planning Policy No.3.3.5 - Child Care Premises (LPP3.3.5)

The objectives of LPP3.3.5 seek to promote the orderly and proper development of land by making suitable provisions relating to the location and design of CCP are consistent with the scale and character of the immediate area, whilst ensuring that appropriate facilities are provided to accommodate the needs of the children and their carers within a safe environment.

The proposed development has been assessed against the requirements of LPP3.3.5 and is considered to be fully compliant.

**e. Financial**

Nil

**f. Legal and Statutory**

Planning and Development (Local Planning Scheme) Regulations 2015

Clause 67 of the *Planning and Development (Local Planning Scheme) Regulations* outlines matters to be considered by the decision maker in determining this application. Where relevant, these matters are discussed throughout this Report.

Town Planning Scheme No.2 (TPS2)

*Clause 3.2 - Zoning Table*

The subject site is zoned 'Development' under TPS2 and is designated 'Residential (R20)' under the Anstey Park LSP. The proposed development is consistent with the land use of 'Child Care Premises' (CCP) meaning:

"premises where –

- (a) *an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or*
- (b) *a child care service as defined in the Child Care Services Act 2007 section 4 is provided."*

A CCP is an 'A' land use within the Residential Zone under TPS2, meaning that the land use is not permitted unless the local government has exercised its discretion by granting Development Approval after giving notice in accordance with Clause 64 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**4.15.1.3 - Car Parking**

Pursuant to Clause 4.15.1.3, car parking for a CCP is to be provided in accordance with Table 5 of TPS2. The following table shows the calculation for the proposal:

| Land Use                    | TPS2 Requirement     | Proposed Staff and Children | Bays Required |
|-----------------------------|----------------------|-----------------------------|---------------|
| Child Care Premises         | 1 bay per 8 children | 85 children                 | 10.6 (11)     |
|                             | 1 per employee       | 21 employees                | 21            |
| <b>Total Required</b>       | 32                   |                             |               |
| Total Bays provided on-site | 29                   |                             |               |

A Parking Management Plan (**PMP**) was submitted by the Applicant following public consultation, providing further information in relation to the proposed staff arrangement. The CCP will be managed by 18 full-time staff, with an additional three (3) part-time staff who will attend the site between the hours of 9:30am to 3:30pm.

As the staff and visitor arrival and departure times will be staggered throughout the day, sufficient parking is still available on-site to accommodate parent drop-offs and pick-ups during peak am and pm hours. In this context, the City considers the proposed parking variation to clause 4.15 of TPS2 is sufficiently addressed.

A condition of Development Approval is recommended to ensure all bays are appropriately marked for staff and visitor use.

**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 following outstanding comments are provided on waste collection.

Waste collection is proposed to occur twice per week via a private contractor, through direct on-site collection. For weekday collection, this will need to occur outside of the CCP operating hours as the waste collection vehicle will require the car park to be generally empty for manoeuvring purposes.

Due to the proposed operating hours and the requirements applicable to waste vehicles under the *Environmental Protection (Noise) Regulations 1997*, waste collection on weekdays will likely be limited to the timeframe between 6:30pm to 7:00pm. The City raised concern with the feasibility of waste collection occurring within this short period of time, however, the Applicant advised the CCP tenant will coordinate this to occur, in accordance with the submitted WMP.

While this is not the ideal approach, it is acknowledged that there is still a window available for collection that ensures compliance with *Environmental Protection (Noise) Regulations 1997* can be maintained.

### Conclusion

The proposed CCP has been assessed under TPS2 and the relevant Policy framework, and is considered to be generally compliant.

Having regard to the relevant planning considerations, the City is satisfied that any likely impacts of the proposed CCP have been adequately resolved and/or can be managed through recommended conditions of Development Approval. As such, it is recommended that the Council adopt the accompanying Responsible Authority Report (Attachment 1), which recommends that the application be conditionally approved.

## Voting Requirements

Simple Majority

### Officer Recommendation

That Council **ADOPTS** the Responsible Authority Report for the proposed Child Care Premises at Lot 431 Surf Drive, Secret Harbour, as Attachment 1 of the report required to be submitted to the Presiding Member of the Metro Outer Development Assessment Panel (MODAP) pursuant to Regulation 12 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, which recommends that the MODAP resolves to **Approve** Development Application reference DAP/24/02661 and the amended plans and supporting information received on 17 April 2024, 26 April 2024, 29 April 2024 and 30 April 2024.

- DA01; Rev D - Site Plan (29 April 2024);
- DA02; Rev B - Survey Overlay, Levels and Demolition Plan (15 April 2024);
- DA03; Rev B - Floor Plan (15 April 2024);
- DA04; Rev B - Elevations (15 April 2024);
- DA05; Rev C - Elevations (29 April 2024);
- DA06; Rev C - Perspectives (29 April 2024);
- DA07; Rev C - Perspectives (29 April 2024);

in accordance with *Metropolitan Region Scheme* and Clause 68 of the amended *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of clause 68(2)(c) of the Deemed Provisions of the City of Rockingham Town Planning Scheme No.2.

### Committee Recommendation

That Council **ADOPTS** the Responsible Authority Report for the proposed Child Care Premises at Lot 431 Surf Drive, Secret Harbour, as Attachment 1 of the report required to be submitted to the Presiding Member of the Metro Outer Development Assessment Panel (MODAP) pursuant to Regulation 12 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, which recommends that the MODAP resolves to **Approve** Development Application reference DAP/24/02661 and the amended plans and supporting information received on 17 April 2024, 26 April 2024, 29 April 2024 and 30 April 2024:

- DA01; Rev D - Site Plan (29 April 2024);
- DA02; Rev B - Survey Overlay, Levels and Demolition Plan (15 April 2024);
- DA03; Rev B - Floor Plan (15 April 2024);
- DA04; Rev B - Elevations (15 April 2024);
- DA05; Rev C - Elevations (29 April 2024);
- DA06; Rev C - Perspectives (29 April 2024);
- DA07; Rev C - Perspectives (29 April 2024);

in accordance with *Metropolitan Region Scheme* and Clause 68 of the amended *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of clause 68(2)(c) of the Deemed Provisions of the City of Rockingham Town Planning Scheme No.2, subject to the following conditions:

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. No more than 85 children are to be accommodated at the Child Care Premises.
4. No more than 21 staff are permitted at the Child Care Premises at any one time.
5. The Child Care Premises must only operate between the hours of 6:30am to 6:30pm, Monday to Friday, with children not permitted in the open space areas before 7:00am.

6. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering consultant showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
7. Prior to applying for a Building Permit, a bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham. The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the development.
8. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and include the following detail:
  - (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - (ii) Any lawns to be established and areas to be mulched;
  - (iii) Those areas to be reticulated or irrigated,
  - (iv) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas; and
  - (v) Shade trees at a rate of one (1) per four (4) car parking bays.

The landscaping (including all verge landscaping), paving and reticulation must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.
9. Prior to applying for a Building Permit, a Vegetation Retention Management Plan must be submitted and approved by the City of Rockingham for all trees identified for retention/possible retention on the approved plans. If any of the earmarked trees become no longer suitable for retention due to damage caused by site works, prior written approval is to be required from the City in order to remove tree/s.
10. Prior to applying for a Building Permit, detailed Engineering Drawings and specifications are to be submitted to City of Rockingham for approval for all works within the road reserve, including crossover approach, carparks, footpaths, kerbing, drainage and landscape works. All works are to be installed and maintained at the Applicant's cost to the satisfaction of the City of Rockingham for the duration of the development.
11. Prior to applying for a Building Permit, exhaust facilities associated with the proposed kitchen area must be designed in accordance with Australian Standard AS 1668.2—2002, The use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) and be fitted with filtration and odour suppression devices to the satisfaction of the City of Rockingham.

The exhaust facilities must be installed prior to the occupation of the development and must be thereafter maintained to the satisfaction of the City of Rockingham for the duration of the development.
12. Prior to applying for a Building Permit, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development, and any other noise source, will comply with the *Environmental Protection (Noise) Regulations 1997*, must be submitted to and approved by the City of Rockingham.
13. Prior to applying for a Building Permit, a Sign Strategy must be prepared (which must include the information required by Planning Policy 3.3.1 - Control of Advertisements) to the satisfaction of the City of Rockingham, and it must thereafter be implemented for the duration of the development.
14. Prior to the occupation of the development, the Bushfire Emergency Evacuation Plan prepared by Emerge Associates, dated March 2024, shall be updated to:
  - (i) Page iv under "If you are told to leave" to list the Emergency WA website as a primary source of information;

- (ii) Page iv to include actions and considerations in the circumstances that an "Emergency Warning" is issued by DFES;
  - (iii) Include a plan showing the nominated safe place(s) where the children and staff will be evacuated to via bus. This plan should consider possible road closures and alternative routes;
  - (iv) Include a separate appendix with a list of possible transport providers for evacuation; and
  - (v) Delete "City of Rockingham fire and emergency services manager" from Page 5.
- The Bushfire Emergency Evacuation Plan must thereafter be implemented and maintained at all times to the satisfaction of the City of Rockingham.
15. Prior to occupation of the development, the Asset Protection Zone (APZ), as depicted in Figure 4 of the Bushfire Management Plan prepared by Emerge Associates (as reviewed), must be installed on the site in accordance with the following requirements:
- (i) maximum Fine Fuel Load of two (2) tonnes per hectare;
  - (ii) tree trunks at maturity must be a minimum distance of six (6) metres from all elevations of the building and tree canopies at maturity must be 5 metres apart;
  - (iii) shrubs must not be located within three (3) metres of a building;
  - (iv) grass must be managed to maintain a height of 100mm or less;
  - (v) fences and sheds must be constructed of non-combustible material; and
  - (vi) sheds must not contain flammable materials.
- The APZ must be maintained in accordance with these requirements and in a good and safe condition for the duration of the development.
16. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
17. The carpark must:
- (i) provide a minimum of 29 car parking spaces;
  - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;
  - (iii) provide one (1) of these car parking spaces as a space dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
  - (iv) be constructed, sealed, kerbed, drained and clearly marked prior to the development being occupied and maintained thereafter;
  - (v) have all parking bays clearly marked as 'Staff' or 'Visitor' prior to occupation of the development, to the satisfaction of the City of Rockingham. The tandem car parking bays must not form part of the visitor parking allocation;
  - (vi) have lighting installed, prior to the occupation of the development, to the satisfaction of the City of Rockingham; and
  - (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-2019, Control of the obtrusive effects of outdoor lighting, at all times.
18. In accordance with City of Rockingham Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities, four (4) bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good and safe condition for the duration of the development.



Advice

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Development Approval must be submitted to the City.
2. A Certified Building Permit must be obtained prior to construction and thereafter an Occupancy Permit must be obtained; the Applicant and owner should liaise with the City's Building Services in this regard.
3. The development must comply with the *Food Act 2008*, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only); the Applicant and owner should liaise with the City's Health Services in this regard.
4. The development must comply with the *Health (Public Building) Regulations 1992*; the Applicant and owner should liaise with the City's Health Services in this regard.
5. The Applicant is advised the vehicle crossover must be designed and constructed in accordance with the City of Rockingham's Specifications for Commercial Crossovers.
6. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the Applicant and owner should liaise with the City's Building Services in this regard.
7. With respect to Condition 6, a Stormwater Management Plan will require compliance with Planning Policy 3.4.3 - Urban Water Management. The Applicant is encouraged to discuss the specific policy requirements with the City prior to the submission of the plan.
8. With respect to Condition 8, the Applicant and owner should liaise with the City's Land and Development Infrastructure Services to confirm requirements for landscaping plans.
9. All works in the road reserve, including construction of a crossover or footpath, installation of on-street car parking spaces, planting of street trees, and other streetscape works or works to the road carriageway, must be to the specifications of the City; the Applicant and owner should liaise with the City's Land and Development Infrastructure Services in this regard.
10. The Applicant is responsible for protecting any existing City streetscape assets along Warnbro Sound Avenue and Surf Drive during the course of the project. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc. If any damage is caused to the existing assets (identified to be retained), they must be rectified to the satisfaction of the Manager Land and Development Infrastructure. It is recommended that a photographic dilapidation report is undertaken by the Applicant, to record the current condition of these assets.
11. Existing street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

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 Parks Services



|                                   |  |   |
|-----------------------------------|--|---|
| <b>Report number/title:</b>       | <b>AS-013/24</b>                         | <b>Tender T23/24-74 - Framework Agreement for the Supply of Traffic Management Services</b> |
| <b>File number:</b>               | T23/24-74                                |   |
| <b>Proponent/s</b>                |  |   |
| <b>Author:</b>                    | Mr Adam Johnston, Manager Parks Services |   |
| <b>Other Contributors:</b>        |  |   |
| <b>Date of Committee meeting:</b> | 20 May 2024                              |   |
| <b>Previously before Council:</b> |  |   |
| <b>Disclosure of Interest:</b>    |  |   |
| <b>Nature of Council's role:</b>  | Executive                                |   |
| <b>Attachments:</b>               |  |   |
| <b>Maps/Diagrams:</b>             |  |   |
| <b>Site:</b>                      |  |   |
| <b>Lot Area:</b>                  |  |   |

### Purpose of Report

Provide Council with details of the Tenders received for Tender T23/24-74 - Framework Agreement for the Supply of Traffic Management Services, document the results of the Tender assessment and make recommendations regarding award of the Tender.

### Background

Tender T23/24-74 - Framework Agreement for the Supply of Traffic Management Services (**Tender**) was advertised in the West Australian on Saturday, 2 March 2024. The Tender closed at 2pm, Wednesday 20 March 2024 and was publicly opened immediately after the closing time.

### Details

The scope of works is for the supply of traffic management services within the City of Rockingham's (**City**) roadways and associated infrastructure. Works to be undertaken under the contract shall include:

- Supply planning services for the development of Traffic Management Plans;
- Supply traffic control and all associated devices on City roadways and other impacted infrastructure; and
- Supply traffic control and all associated devices on Main Roads Western Australia (**MRWA**) roadways and other impacted infrastructure

The Tender allowed for two separable portions with total of four Tender submissions received. Each Tenderer provided submissions for all separable portions.

The period of the contract shall be 36 months from the start date.

A panel as approved by the Director Asset Services in compliance with Executive Policy - Purchasing of Goods and Services, undertook Tender evaluations.

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

| <b>Separable Portion 1 - Traffic Management Services where the Contractor is not required to be registered under the State Road Traffic Management Company Registration Scheme</b> |                         |   |                             |                    |             |
|--|-------------------------|---|-----------------------------|--------------------|-------------|
| <b>Tenderer</b>  | <b>Level of service</b> | <b>Understanding of Tender Requirements</b> | <b>Price Considerations</b> | <b>Total Score</b> | <b>Rank</b> |
|  | 40 Pts                  | 30 Pts                                      | 30 Pts                      | 100 Pts            |             |
| <b>Drainflow Services Pty Ltd<br/>t/a DFS Traffic Management</b>   | <b>37.5</b>             | <b>28.3</b>                                 | <b>24.4</b>                 | <b>90.2</b>        | <b>1</b>    |
| Contra-Flow Pty Ltd  | 38.3                    | 29.2  | 19.1                        | 86.6               | 2           |
| WARP Pty Ltd   | 30.0                    | 25.0  | 30.0                        | 85.0               | 3           |
| Altus Traffic Pty Ltd  | 21.7                    | 15.0  | 15.9                        | 52.6               | 4           |

| <b>Separable Portion 2 - Traffic Management Services where the Contractor is required to be registered under the State Road Traffic Management Company Registration Scheme</b> |                         |   |                             |                    |             |
|--|-------------------------|---|-----------------------------|--------------------|-------------|
| <b>Tenderer</b>  | <b>Level of service</b> | <b>Understanding of Tender Requirements</b> | <b>Price Considerations</b> | <b>Total Score</b> | <b>Rank</b> |
|  | 40 Pts                  | 30 Pts                                      | 30 Pts                      | 100 Pts            |             |
| <b>Drainflow Services Pty Ltd<br/>t/a DFS Traffic Management</b>   | <b>37.5</b>             | <b>28.3</b>                                 | <b>29.7</b>                 | <b>95.5</b>        | <b>1</b>    |
| Contra-Flow Pty Ltd  | 38.3                    | 29.2  | 20.3                        | 87.8               | 2           |
| WARP Pty Ltd   | 30.0                    | 25.0  | 30.0                        | 85.0               | 3           |
| Altus Traffic Pty Ltd  | 21.7                    | 15.0  | 20.5                        | 57.2               | 4           |

The Contractor will be entitled to a price variation of the Contract rate every twelve (12) months from the date of award. Such a price variation will be calculated in accordance with the variation in the Consumer Price Index (**CPI**) for Perth Western Australia for all groups for the 12 months preceding the last completed CPI quarter as at the date the price variation is due.

### **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 Aspirations and Strategic Objectives contained in the Strategic Community Plan 2023-2033:

**Aspiration:**                      **2. Natural Environment - A place of natural beauty where the environment is respected**

**Outcome/Objective:**    *Sustainable natural green spaces - Preserve and enhance biodiversity*

**Aspiration:**                      **3. Built Environment - A built environment carefully planned for today and tomorrow**

**Outcome/Objective:**    *Built infrastructure meets current and future community needs - Plan build and maintain current and future assets*

**d. Policy**

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

**e. Financial**

Expenditure will be in accordance with the approved Budget and Business Plan. Annualised expenditure in the initial 12 months under the contract is estimated to be \$1,552,639.

**f. Legal and Statutory**

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

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

**g. Risk**

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

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

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

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

Nil

**Comments**

The provision of traffic management services has recently undergone a regulatory change by MRWA setting minimum wages for Traffic Controllers and other on-site personnel when they are undertaking works on MRWA road assets. To ensure that best value for money was realised, the variety of services were presented to the market as two separable portions. The separation of the portions were based on the controlling authority of the road [Local Government Authority (LGA) vs MRWA controlled]. The City has a maintenance agreement with MRWA for selected maintenance activities and as such, the need for Traffic Management on MRWA controlled roads is necessary.

**Separable Portion 1 - Traffic Management Services where the Contractor is not required to be registered under the State Road Traffic Management Company Registration Scheme**

This separable portion of the Tender will provide for traffic management services on all roads that are LGA controlled and not bound by the regulations under the State Road Traffic Management Company Registration Scheme. Submissions were received from Altus Traffic, Contra-Flow, DFS Traffic Management and WARP with all businesses demonstrating good overall levels of service and understanding of Tender requirements.

Following consideration of the submissions in accordance with the Tender assessment criteria, the submission received from Drainflow Services Pty Ltd t/a DFS Traffic Management is considered to be the most advantageous to deliver traffic management services to the City and therefore recommended as the preferred Tenderer for Separable Portion 1.

**Separable Portion 2 - Traffic Management Services where the Contractor is required to be registered under the State Road Traffic Management Company Registration Scheme**

This separable portion of the Tender will provide for traffic management services on all roads that are MRWA controlled and are bound by the regulations under the State Road Traffic Management Company Registration Scheme. Submissions were received from Altus Traffic, Contra-Flow, DFS Traffic Management and WARP with all businesses demonstrating good overall levels of service and understanding of Tender requirements.

Following consideration of the submissions in accordance with the Tender assessment criteria, the submission received from Drainflow Services Pty Ltd t/a DFS Traffic Management is considered to be the most advantageous to deliver traffic management services to the City and therefore recommended as the preferred Tenderer for Separable Portion 2.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ACCEPTS**:

1. The Tender submitted from Drainflow Services Pty Ltd t/a DFS Traffic Management 30 Westchester Road, Malaga WA 6090 for Separable Portion 1 of Tender T23/24-74 - Framework Agreement for the Supply of Traffic Management Services in accordance with the Tender documentation being from the date of Award for a period of 36 months.
2. The Tender submitted from Drainflow Services Pty Ltd t/a DFS Traffic Management 30 Westchester Road, Malaga WA 6090 for Separable Portion 2 of Tender T23/24-74 - Framework Agreement for the Supply of Traffic Management Services in accordance with the Tender documentation being from the date of Award for a period of 36 months.

**Committee Recommendation**

That Council **ACCEPTS**:

1. The Tender submitted from Drainflow Services Pty Ltd t/a DFS Traffic Management 30 Westchester Road, Malaga WA 6090 for Separable Portion 1 of Tender T23/24-74 - Framework Agreement for the Supply of Traffic Management Services in accordance with the Tender documentation being from the date of Award for a period of 36 months.
2. The Tender submitted from Drainflow Services Pty Ltd t/a DFS Traffic Management 30 Westchester Road, Malaga WA 6090 for Separable Portion 2 of Tender T23/24-74 - Framework Agreement for the Supply of Traffic Management Services in accordance with the Tender documentation being from the date of Award for a period of 36 months.

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 Park Services



|                                   |   |  |
|-----------------------------------|---|--|
| <b>Report number/title:</b>       | <b>AS-014/24</b>  | <b>Tender T23/24-06 - Period Maintenance of Various Environmental Reserves</b> |
| <b>File number:</b>               | T23/24-06   |  |
| <b>Proponent/s</b>                |   |  |
| <b>Author:</b>                    | Mr Adam Johnston, Manager Parks Services                |  |
| <b>Other Contributors:</b>        |   |  |
| <b>Date of Committee meeting:</b> | 20 May 2024   |  |
| <b>Previously before Council:</b> | 25 February 2020 (EP-006/20)                            |  |
| <b>Disclosure of Interest:</b>    |   |  |
| <b>Nature of Council's role:</b>  | Executive   |  |
| <b>Attachments:</b>               | 1. Maps of the Sites to be maintained under this Tender |  |
| <b>Maps/Diagrams:</b>             |   |  |
| <b>Site:</b>                      |   |  |
| <b>Lot Area:</b>                  |   |  |

### Purpose of Report

Provide Council with details of the Tenders received for Tender T23/24-06 - Period Maintenance of Various Environmental Reserves, document the results of the Tender assessment and make recommendations regarding Award of the Tender.

### Background

Tender T23/24-06 - Period Maintenance of Various Environmental Reserves (**Tender**) was advertised in the West Australian on Saturday, 9 March 2024. The Tender closed at 2.00pm, Wednesday, 3 April 2024 and was publicly opened immediately after the closing time.

### Details

The scope of works is for landscape and environmental maintenance services at 10 environmental reserves across the City of Rockingham (**City**) as identified in Attachment 1 - Drawings 1-10 of the sites to be maintained under this Tender.

The services to be provided under this contract will include:

- manage, treat and maintain the sites for weed control;
- manage, treat and maintain the sites for path and firebreak accessibility and compliance with the City of Rockingham Fire Control Notice;
- manage, treat and maintain the sites for litter and rubbish control; and
- undertake revegetation and watering works.

The period of the contract shall be 36 months from the start date.

A panel as approved by the Director Asset Services in compliance with Executive Policy - Purchasing of Goods and Services, undertook Tender evaluations.

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

| Tenderer  | Level of service | Understanding Tender Requirements | Price Considerations | Total Score | Rank     |
|---|------------------|-----------------------------------|----------------------|-------------|----------|
|   | 35 Pts           | 35 Pts                            | 30 Pts               | 100 Pts     |          |
| <b>Pinochle Holdings Pty Ltd t/a Landscape Australia Construction</b> | <b>20.8</b>      | <b>22.5</b>                       | <b>30.0</b>          | <b>73.3</b> | <b>1</b> |
| Natural Area Holdings Pty Ltd   | 30.0             | 28.0                              | 10.7                 | 68.7        | 2        |
| Workpower Incorporated  | 26.5             | 26.3                              | 15.3                 | 68.1        | 3        |
| Environmental Industries Pty Ltd                                      | 23.5             | 24.3                              | 7.6                  | 55.4        | 4        |

The Contractor will be entitled to a price variation of the Contract rate every 12 months from the date of Award. Such a price variation will be calculated in accordance with the variation in the Consumer Price Index (**CPI**) for Perth Western Australia for all groups for the 12 months preceding the last completed CPI quarter as at the date the price variation is due.

### Implications to Consider

**a. Consultation with the Community**

Not Applicable

**b. Consultation with Government Agencies**

Not Applicable

**c. Strategic**

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspirations and Strategic Objectives contained in the Strategic Community Plan 2023-2033:

**Aspiration:** **2. Natural Environment - A place of natural beauty where the environment is respected**

**Outcome/Objective:** *Sustainable natural green spaces - Preserve and enhance biodiversity*

**Aspiration:** **5. Leadership Aspiration - Transparent and accountable leadership and governance**

**Outcome/Objective:** *Sustainable Local Government - Continual improvement*

**d. Policy**

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

**e. Financial**

Expenditure will be in accordance with the approved Budget and Business Plan. Annualised expenditure in the initial 12 months under the contract is estimated to be \$336,409.

**f. Legal and Statutory**

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

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

**g. Risk**

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

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

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

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

Nil

**Comments**

The panel considers that all companies demonstrated a capacity to complete the works, including proposed resourcing of this contract and understanding of the Tender requirements.

A clarification was sought by the panel from Pinochle Holdings Pty Ltd t/a Landscape Australia Construction regarding two (2) statements within their Tender submission. The response received confirmed understanding of the contract conditions, that the Tender submission was conforming and did not alter any conditions of the contract or the specification.

Following consideration of the submissions in accordance with the Tender assessment criteria, the submission from Pinochle Holdings Pty Ltd t/a Landscape Australia Construction is considered to provide best value to the City and is therefore recommended as the preferred Tenderer.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council **ACCEPTS** the Tender submitted from Pinochle Holdings Pty Ltd t/a Landscape Australia Construction for Tender T23/24-06 - Period Maintenance of Various Environmental Reserves in accordance with the Tender documentation being from the date of Award for a period of 36 months.

**Committee Recommendation**

That Council **ACCEPTS** the Tender submitted from Pinochle Holdings Pty Ltd t/a Landscape Australia Construction for Tender T23/24-06 - Period Maintenance of Various Environmental Reserves in accordance with the Tender documentation being from the date of Award for a period of 36 months.

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 Infrastructure Project Delivery



|                                   |   |   |
|-----------------------------------|---|---|
| <b>Report number/title:</b>       | <b>AS-015/24</b>  | <b>Tender T23/24-12 - Framework Agreement for the Supply of Shade Shelters, Solar Shelter Lighting, Universally Accessible Picnic Settings, Reserve Furniture and Associated Services</b> |
| <b>File number:</b>               | T23/24-12   |   |
| <b>Proponent/s</b>                |   |   |
| <b>Author:</b>                    | Mr Ian Daniels, Manager Infrastructure Project Delivery |   |
| <b>Other Contributors:</b>        | Mr Craig Beard, Project Officer Parks/Landscaping       |   |
| <b>Date of Committee meeting:</b> | 20 May 2024   |   |
| <b>Previously before Council:</b> |   |   |
| <b>Disclosure of Interest:</b>    |   |   |
| <b>Nature of Council's role:</b>  | Executive   |   |
| <b>Attachments:</b>               |   |   |
| <b>Maps/Diagrams:</b>             |   |   |
| <b>Site:</b>                      |   |   |
| <b>Lot Area:</b>                  |   |   |

### Purpose of Report

To provide Council with details of the Tender submissions received for Tender T23/24-12 - Framework Agreement for the Supply of Shade Shelters, Solar Shelter Lighting, Universally Accessible Picnic Settings, Reserve Furniture and Associated Services, document the results of the Tender assessment and make recommendations regarding Award of the contract.

### Background

Tender T23/24-12 - Framework Agreement for the Supply of Shade Shelters, Solar Shelter Lighting, Universally Accessible Picnic Settings, Reserve Furniture and Associated Services (**Tender**) was advertised in the West Australian on Saturday, 16 March 2024. The Tender closed at 2:00pm Wednesday, 10 April 2024 and was publicly opened immediately after the closing time.

### Details

The type of works under the Contract shall include the following items within Churchill Park, Bell Park, Phoebe Hymus Reserve, Naval Memorial Reserve, Palm Beach Foreshore, Rotary Reserve and Golden Bay Foreshore:

- removal of existing shade shelters and hardstands;
- removal existing reserve furniture;
- supply and installation of new shade shelters; solar shelter lighting;
- supply and installation universally accessible picnic settings and reserve furniture; and
- supply of reserve furniture

A panel as approved by the Director of Asset Services in compliance with Executive Policy - Purchasing of Goods and Services, undertook Tender evaluations.

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

| Tenderer  | Level of Service | Understanding Tender Requirements | Price Considerations | Total Score | Rank     |
|---|------------------|-----------------------------------|----------------------|-------------|----------|
|   | 28 Pts           | 32 Pts                            | 40 Pts               | 100 Pts     |          |
| <b>Grillex Pty Ltd Option 1</b>                                     | <b>23.1</b>      | <b>23.4</b>                       | <b>40.0</b>          | <b>86.4</b> | <b>1</b> |
| Grillex Pty Ltd Option 2  | 23.1             | 23.4                              | 38.9                 | 85.4        | 2        |
| Superior Nominees Pty Ltd t/a Miracle Recreation Equipment Option 1 | 21.0             | 19.7                              | 30.6                 | 71.3        | 3        |
| The Stainless Steel Monument Company t/a Artforms                   | 15.0             | 17.4                              | 34.0                 | 66.4        | 4        |
| Superior Nominees Pty Ltd t/a Miracle Recreation Equipment Option 2 | 21.0             | 19.7                              | 22.7                 | 63.4        | 5        |
| Landmark Engineering & Design Pty Ltd t/a Exteria                   | 20.3             | 18.2                              | 24.6                 | 63.1        | 6        |

### 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 Aspirations and Strategic Objectives contained in the Strategic Community Plan 2023-2033:

**Aspiration:** **1. Social - A family-friendly, safe and connected community**

**Outcome/Objective:** Accessible services - Adapt services to meet changing community need

**Aspiration:** **3. Built Environment - A built environment carefully planned for today and tomorrow**

**Outcome/Objective:** Built infrastructure meets current and future community needs - Plan build and maintain current and future assets

**Aspiration:** **4. Economic - A vibrant economy creating opportunities**

**Outcome/Objective:** A visitor destination - Promote the City as a place to visit

**d. Policy**

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

**e. Financial**

All submissions exceeded the approved Budget and Business Plan.



**f. Legal and Statutory**

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

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

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

*'Tenders do not have to be publicly invited according to the requirements of this Division if —*

*within the last 6 months —*

- (i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment.'*

**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 submissions received were reviewed by the assessment panel. Although all submissions were deemed capable to facilitate the City's request, it was determined that all submissions should be rejected as they exceed the approved budget.

In accordance with section 3.57 of the *Local Government Act 1995*, the City will have six (6) months to negotiate an outcome without having to publically invite Tenders again and thus it is intended that the Chief Executive Officer finalise this procurement in line with the approved budget.

**Voting Requirements**

Absolute Majority

**Officer Recommendation**

That Council **DECLINES** all Tenders for T23/24-12 - Framework Agreement for the Supply of Shade Shelters, Solar Shelter Lighting, Universally Accessible Picnic Settings, Reserve Furniture and Associated Services.

**Committee Recommendation**

That Council **DECLINES** all Tenders for T23/24-12 - Framework Agreement for the Supply of Shade Shelters, Solar Shelter Lighting, Universally Accessible Picnic Settings, Reserve Furniture and Associated Services.

Committee Voting (Carried) - 6/0

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

Not Applicable

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

Not Applicable

## Corporate and Community Development Committee

### Corporate Services Financial Services



|                                    |  |
|------------------------------------|--|
| <b>Reference No &amp; Subject:</b> | <b>CS-013/24</b> <b>May 2024 Budget Review (Absolute Majority)</b> |
| File No:                           | FLM/17-05  |
| Proponent/s:                       |  |
| Author:                            | Mr Alvin Santiago, Manager Financial Services                      |
| Other Contributors:                | Katie MacLachlan, Financial Controller                             |
| Date of Committee Meeting:         | 21 May 2024  |
| Previously before Council:         |  |
| Disclosure of Interest:            |  |
| Nature of Council's Role:          | Executive  |
| Attachments:                       | 1. May 2024 Budget Review  |
| Site:                              |  |
| Lot Area:                          |  |

## Purpose of Report

To adopt the May 2024 Budget Review.

## Background

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

## Details

The May 2024 Budget Review includes details of transactions from July 2023 to April 2024 and adjustments required to the annual budget. The document includes the following information:

1. Summary of Budget Position
2. Summary of Amendments over \$250,000
3. Summary of Projects Carried Forward
4. Summary Statement of Operating and Non-Operating Revenue and Expenditure by Department.

## Implications to Consider

**a. Consultation with the Community**

Nil

**b. Consultation with Government Agencies**

Nil

**c. Strategic**

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2023-2033:

**Aspiration:**                      **5. Leadership Aspiration - Transparent and accountable leadership and governance**

**Outcome/Objective:** *Quality Leadership - Ensure accountable and transparent governance*

**d. Policy**

Nil

**e. Financial**

The overall effect of the various budget amendments and carry forwards is an anticipated year end position of \$69M. This amount is inclusive of \$64M committed to existing projects. This leaves an estimated untied surplus of \$5M arising from the various matters explained in this report. The final surplus/deficit is dependent on the number of incomplete works at the end of the financial year and can only be finalised during the preparation and audit of the Annual Financial Statements.

**f. Legal and Statutory**

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

**g. Risk**

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

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

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

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

Nil

## Comments

### **Budget Amendments**

In addition to forecasting the estimated budget position at 30 June 2024, the May 2024 Budget Review also aims to identify savings from projects that have been completed under budget and re-assessed the prioritisation of projects in light of resourcing constraints. Where there is an opportunity to re-allocate funds to more critical priority projects, an internal budget re-allocation has been proposed. The prevailing market conditions, specifically the inability to complete some items given labour shortages or interrupted supply chains for products is ongoing.

Below is an explanation of amendments and carryforwards more than \$250k. The other proposed amendments, carryforwards, including expenditure offset by additional revenues, internal allocations and other budget changes that are less than \$250k individually, are detailed in the May 2024 Budget Review attachment.

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

The opening position is \$64.6M as per the Audited Annual Financial Statements of the last financial year.

## **2. Operating Expenditure**

Operating expenditure has decreased by \$3M and includes the following significant amendments:

- 2.1 \$1.9M organisation-wide employee cost savings, net of \$1M contract labour cost.
- 2.2 \$512K decrease in various operating expenses across the organisation.

## **3. Operating Revenue**

Operating revenue has increased by \$9M and includes the following significant amendments:

- 3.1 \$2.95M increase in interest income from municipal funds and \$1.61M increase in interest income for reserve funds (see 4.1 below).
- 3.2 \$1.6M increase in Metropolitan Regional Road Group road grants (see 4.3 below).
- 3.3 \$1.31M increase in various fees of Aqua Jetty and building services.
- 3.4 \$902K of increased interim rates collected.

## **4. Non-Operating Expenditure**

Non-operating expenditure has increased by \$2.8M and includes the following significant amendments:

- 4.1 \$1.61M increased interest income transferred to reserves (see 3.1 above).
- 4.2 \$1.2M increase in expenditure for various building renewal and upgrade works such electrical vehicle charging station, public toilet replacement and depot accommodation works.
- 4.3 \$485K increase in road projects funded by State and Federal government grants (see 3.2 above).

## **5. Non-Operating Revenue**

Non-operating revenue has decreased by \$3.8M as the transfer of funds from reserves is not proposed to occur at this time.

All other proposed amendments are detailed in the May 2024 Budget Review attachment.

## **6. Carryforward Budget**

Of the \$69M estimated end of year results, \$64M of unspent budget is committed to existing projects and is detailed in the 'Current Period Carry Forwards Over \$250,000' attachment to this report and features the following most significant items:

- 6.1 Aqua Jetty Stage 2 - \$19.6M expenditure (partly funded by \$9.5M WA Recovery grants).
- 6.2 Baldivis District Sporting Complex - \$16.8M expenditure (partly funded by \$8.5M borrowings and \$1M Lotterywest grants)
- 6.3 Various parks and reserves renewal and upgrade projects – \$10.6M. This includes the following projects among others:
  - 6.3.1 Secret Harbour lighting replacement stage 2 (\$2.9M)
  - 6.3.2 Shoalwater Masterplan (\$1M)
  - 6.3.3 Larkhill sports rugby and softball floodlights (\$706K)
  - 6.3.4 Churchill Park (\$592K)
  - 6.3.5 Stan Twight reticulation (\$250K)
- 6.4 Various road renewal and upgrade projects – \$9.1M expenditure (partly funded by \$4M State and Federal government grants)
- 6.5 Various building renewal and upgrade works (Council Admin building, Depot urgent works, Lotteries House refit) – \$5.8M expenditure
- 6.6 Stan Twight Clubroom Redevelopment – \$5.7M expenditure
- 6.7 Landfill Master Plan – \$ 4.9M expenditure
- 6.8 Motor vehicle and plant replacement – \$4.5M expenditure
- 6.9 Various ICT projects – \$4M expenditure
- 6.10 Various footpath renewal and upgrade works – \$1.80M expenditure
- 6.11 Various marine and coastal infrastructure projects such as Palm Beach Jetty and Port Kennedy boat ramp – \$948K expenditure
- 6.12 Strategic Planning projects such as Karnup District Plan, Town Planning Scheme Review and Greening Plan Review – \$847K expenditure

6.13 Landfill truck loader – \$668K expenditure

6.14 Operations Facility (2<sup>nd</sup> Depot) Masterplan – \$549K expenditure

6.15 Various drainage renewal and upgrade projects – \$328K expenditure

## 7. Untied Surplus

The current forecasted untied surplus of \$5M is an estimate only and may increase or decrease depending on the number of incomplete works at the end of the financial year. The untied surplus is mainly attributable to the following favourable budget variances:

- \$2.95M in increased income on investments
- \$1.89M savings in staff costs, net of contract labour hire, due to vacancies
- \$901K in interim rates

Officers will continue to monitor the City's net ending position until the final surplus/deficit is confirmed at year-end. It should be noted the estimated closing positions are based on best information available. It is possible for a closing position to be significantly different to what is estimated due to changes in circumstances or new information which only becomes available leading to year-end. Significant caution should be exercised in allocating the estimated surplus until this is realised post year-end.

## Voting Requirements

Absolute Majority

## Officer Recommendation

That Council **ADOPTS** the May 2024 Budget Review, as contained in Attachment 1.

## Committee Recommendation

That Council **ADOPTS** the May 2024 Budget Review, as contained in Attachment 1.

Committee Voting (Carried) – 6/0

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

Not Applicable

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

Not Applicable



## Corporate Services Director and Support



|   |  |
|---|--|
| <b>Reference No &amp; Subject:</b>              | <b>CS-014/24</b> <b>City Business Plan 2024/2025 to 2033/2034 (May 2024) (Absolute Majority)</b> |
| <b>File No:</b>                                 | CPM/7-02   |
| <b>Proponent/s:</b>                             |  |
| <b>Author:</b>                                  | Mr John Pearson, Director Corporate Services   |
| <b>Other Contributors:</b>                      |  |
| <b>Date of Committee Meeting:</b>               | 21 May 2024  |
| <b>Previously before Council:</b>               |  |
| <b>Disclosure of Interest:</b>                  |  |
| <b>Nature of Council's Role in this Matter:</b> | Executive  |
| <b>Attachments:</b>                             | 1. City Business Plan 2024/2025 to 2033/2034 (May 2024)  |
| <b>Site:</b>                                    |  |
| <b>Lot Area:</b>                                |  |

### Purpose of Report

The purpose of the report is to adopt the City Business Plan 2024/2025 to 2033/2034.

### Background

The City of Rockingham's Business Plan (**Plan**) provides a 10-year financial overview of its operations. Pursuant to the Council Policy – Strategic Development Framework, the City's Business Plan must be reviewed and adopted by Council in December and May each financial year. The last version of the Plan was adopted at the November 2023 Council meeting.

### Details

The May 2024 edition of the Plan meets the statutory requirements of the *Local Government Act 1995* and is a continuation of the December 2023 edition. In essence the main strategic direction and parameters and adopted in December and the edition provides refinement to assist in Annual Budget creation and adoption. It also, in contrast to the December edition includes information related to Team Plans.

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

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

| Community Infrastructure Plan (CIP) Projects | Construction Start Year | Total Project Cost |
|--|-------------------------|--------------------|
| Aqua Jetty Stage 2                           | 2025/2026               | \$ 33,400,000      |
| Anniversary Park Clubroom Redevelopment      | 2025/2026               | \$ 3,127,000       |
| Rockingham Foreshore Activity Node           | 2027/2028               | \$ 2,984,000       |
| East Baldivis Recreation Reserve             | 2028/2029               | \$ 7,039,000       |
| Baldivis South Outdoor Courts                | 2029/2030               | \$ 1,345,000       |
| Secret Harbour Community Library             | 2029/2030               | \$ 1,465,000       |
| Rockingham Aquatic Centre Redevelopment      | 2029/2030               | \$ 16,941,000      |
| Waikiki/Warnbro Outdoor Recreation Space     | 2031/2032               | \$ 1,311,000       |
| Lark Hill Sportsplex Northern Expansion      | 2032/2033               | \$ 19,223,000      |
| Arpenteur Park Master Plan                   | 2033/2034               | \$ 3,659,000       |

| Other Civic/Civil Development                    | Construction Start Year | Total Project Cost |
|--|-------------------------|--------------------|
| Shoalwater/Safety Bay Foreshore Carlisle to Bent | 2025/2026               | \$ 7,700,000       |
| Lotteries House/Administration refit             | 2024/2025               | \$ 5,400,000       |
| Autumn Centre Expansion                          | 2025/2026               | \$ 3,300,000       |
| New Southern Depot                               | 2027/2028               | \$ 25,000,000      |
| Southern Depot Land                              | 2024/2025               | \$ 5,000,000       |
| Warnbro Recreation Centre                        | 2027/2028               | \$ 4,100,000       |

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

#### Key Assumptions:

- All revenues and expenses from the Millar Road Landfill Facility have been quarantined and clearly indicated where included. Implications associated with alternate waste treatments beyond landfilling have been included where these are understood.
- The figures included within the Plan are based upon present conditions, as well as projections based on current knowledge. Based on commentary from the Reserve Bank of Australia, the Consumer Price Index nationally is expected to be between 2 and 3 per cent in 2025.
- Rate increases for the first year of the Plan are 4.2%, years two and three of the Plan is 3.9%, years four and five are 3.8%, years six onwards at 3.5%. The Plan allows for money at 0.25% of rates for four years from year one to year four to be allocated directly to coastal hazard risk management and adaptation planning (CHRMAP). These funds will be transferred directly into cash reserves each and every year. This is net of natural rate growth, which is expected to be approximately 1%. Depending on future economic conditions, this will likely change. Without the allocation to CHRMAP the rate increase would be 3.95% and as per prior Council decisions it has been staged over 4 years to allocate .25% of rate yield to the CHRMAP reserve.
- The City of Rockingham is a minimum Financial Assistance Grant (FAGs) local government and receives FAGs in line with population growth. This is anticipated to grow in line with population and can be reasonably anticipated.
- Grants for major capital programs will be available on some occasions. With the exception of road grants, capital grants have been included where known and approved. Capital road grants have been averaged or included as expected for the duration of the Plan.
- Recurring operational grants have been calculated to increase by 2% per annum.
- Contributions and reimbursements have been calculated to increase at 2% per annum.
- The City's fees and charges will be put before Council prior to budget adoption, with the annual yield of these expected to be increased by at least 2% per annum.

- Increases in the sanitation charges will be in line with expense requirements and are submitted to Council via the fees and charges.
- Interest on investments of the City's "unrestricted funds" is expected to remain static however the base rate has been increased reflective of more interest being earned given higher interest rates. While interest on investments may increase, cash on hand must be available to receive the interest. There will be variations to the interest earnings on each of the City's cash reserve accounts due to the fluctuations in the amounts transferred into and out of the respective reserve accounts. All interest related to cash reserves is earmarked to be deposited into the related reserve.
- State planning policies allow for local governments to collect revenue from "new" residential land parcels and selected residential dwellings created within the City boundaries. The City has implemented a Developer Contribution Scheme and is collecting revenue for newly created residential land/dwellings within the City boundaries. The City now has over ten years of history related to contributions and the accuracy of population forecasts. Given the uncertainty associated with predicting the land development activity in recent years, careful attention needs to be kept on revenues received.
- For all other income, allowances have been made for these to increase by approximately 2% per annum. There is a close watch on landfill revenue, to which uncertainty exists. This is related to the commencement of waste to energy facilities in proximity to the Millar Road Landfill Facility and the requirements being imposed on local government related to the State Waste Strategy.
- Employee costs are expected to increase in line with industry expectations in the forthcoming years. This will need to be reviewed annually with staff number increases related to population growth. A 2% increase in the employee cost is directly related to population growth.
- Materials and contractors is an area where there can be large cost fluctuations depending upon what is planned. A base figure used from a modified prior average of the last five years, with 2% annual increases. It is traditionally very difficult to predict.
- Utilities have been calculated to increase at 2% per annum. Historically this has been difficult to estimate, particularly related to electricity costs. Unit rates for power have been known to increase in past years by much more than inflation.
- Insurances have been calculated to increase by 2% per annum. It is known that the current insurance market is difficult and given recent natural disasters, costs are likely to increase. There is potential for insurance costs to increase substantially above 2%. This situation is being monitored and may require future changes in assumptions.
- Transfers to and from reserves are to occur as per the separate Reserves Summary which is included in section 4 of the Plan. Cash reserves are a mixture of cash held by statutory requirement and by decision of Council. The ratio of this mixture will adjust year-in, year-out according to prevailing conditions.
- The details of loans projected to be repaid each year are shown on the Loans Summary, which is included in section 4 of the Plan. Proposed borrowings are directly related to projects. The City has implemented a modified Gross Debt to Operating Revenue Ratio to measure suitable debt to be held on the balance sheet. This ratio for any given year should not exceed 45%. A Debt Servicing Ratio is also used which is not to exceed 8%.
- All opening balances are determined to be zero with exception of the first and final year of the Plan. The first year is directly linked to City funds to be spent on the Aquajetty stage 2 project which has been deferred. These funds are being allocated directly to reserves.

### Implications to Consider

- a. Consultation with the Community**  
Nil
- b. Consultation with Government Agencies**  
Nil

c. **Strategic**

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2023-2033:

**Aspiration:** **5. Leadership Aspiration – Transparent and accountable leadership and governance**

**Outcome/Objective:** *Quality Leadership – Ensure accountable and transparent governance*

d. **Policy**

This Plan has been prepared in accordance with Council Policy - Strategic Framework and was discussed at a Councillor Engagement Sessions in April 2024.

e. **Financial**

Nil

f. **Legal and Statutory**

This edition of the City Business Plan meets statutory requirements of Regulation 19DA of the *Local Government (Administration) Regulations 1996*.

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

g. **Risk**

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

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

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

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

Nil

## Comments

This Plan, similar to prior years, requires significant resources to be delivered to new community infrastructure in the coming decade and keeps rate increases to a minimum.

The main differences between this Plan and the one adopted in December are:

- Aquajetty – as per Council resolution this has been delayed for approximately 2 years. Approximately \$4 million has been allocated to the project to assist in meeting cost escalations.
- Warnbro Recreation Centre has been included with a draft commencement date 2027/2028. At a cost of \$7.6 million. This is inclusive of funds from asset management of \$3.5 million.
- Rates for years two and three have been reduced from 4.8% to 3.9% whilst still maintaining transfers to CHRMAP reserve at .25% of rate yield.
- Shoalwater/Safety Bay Foreshore has been delayed for 12 months reflective of market conditions
- The inclusion of a \$1 million grant for Anniversary Park Clubroom Redevelopment which has been approved
- The delay in debt raising, saving significant outgoing in payments

Given the population growth of the City, the construction of new facilities to service the community needs to be matched with the replacement of existing assets and buildings. A balance between these goal areas is always difficult and catering for specific needs can vary between years. The cost of any new item needs to be fully investigated and taken into account, with those costs projected across the years. The City continues to have significant challenges recruiting contractors and staff. Employment costs are reflective of actual costs from prior years plus anticipated growth.

Notes 3.1 to 3.7 of the Plan provides required asset management funding in accordance with adopted asset management models and plans. Importantly, Council is able to identify what actions are proposed to be taken over the coming five years. Of note is an increase in asset management allocations of \$600,000 per year to assist in maintaining new infrastructure.

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

The Plan follows the direction of prior plans and still maintains services. Councillors should note debt is planned. While this is highly variable, this Plan intends to borrow significantly. This may reduce should other revenue streams become available. Importantly, it remains within acceptable levels.

Allocations to CHRMAP have been provided for as explained in the Key Assumptions section of this report. Should this Plan prove accurate, subject to direct rate revenue allocations for four years, it is anticipated approximately \$14 million will be held in cash reserves.

Significant increases are being experienced in construction and maintenance costs which are concerning. However, these have been catered for in the CIP so therefore captured. Uncertainty remains with civil work costs given global economic conditions. Team plans, when prepared should assist in identifying some of these cost escalations.

Staffing is also significantly challenging given the very tight labour market in Western Australia, putting pressure on recruitment. This puts unprecedented pressure on labour costs, as services need to be maintained. To this end, the Plan provides for labour costs increases representative in industry trends. This will assist somewhat in attracting and retaining staff however the current labour market is very competitive and the City is unable to compete with private practice in many instances. This will continue to be closely monitored.

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

### Voting Requirements

Absolute Majority

### Officer Recommendation

That Council **ADOPTS** the May 2024 City of Rockingham Business Plan 2024/2025 to 2033/2034, as detailed in Attachment 1.

### Committee Recommendation

That Council **ADOPTS** the May 2024 City of Rockingham Business Plan 2024/2025 to 2033/2034, as detailed in Attachment 1

Committee Voting (Lost on the casting vote of the Presiding Member) – 3/4

#### Council Members voting for the motion:

Cr Jecks  
Cr Crichton  
Cr Liley

#### Council Members voting against the motion:

Cr Middlecoat  
Cr Schmidt  
Cr Buchanan (x 2 votes)

*Note: Due to an equality of votes at the Committee meeting, the Presiding Member exercised the obligation to cast a second vote to reach a decision in this matter (Section 5.21(3) of the Local Government Act 1995).*



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

Not Applicable

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

Not Applicable

## Corporate Services Financial Services



|  |  |  |
|--|--|--|
| <b>Reference No &amp; Subject:</b>       | <b>CS-015/24</b>                             | <b>Rating Methodology - 2024/2025 Financial Year</b> |
| File No:                                 | RTV/11                                       |  |
| Proponent/s:                             |  |  |
| Author:                                  | Mr John Pearson, Director Corporate Services |  |
| Other Contributors:                      |  |  |
| Date of Committee Meeting:               | 21 May 2024                                  |  |
| Previously before Council:               |  |  |
| Disclosure of Interest:                  | Executive                                    |  |
| Nature of Council's Role in this Matter: |  |  |
| Attachments:                             | 1. Rates Modelling Summary                   |  |
| Site:                                    |  |  |
| Lot Area:                                |  |  |

### Purpose of Report

This report is to approve proposed rates in the dollar for the 2024/2025 financial year to allow for advertising calling for submissions on the proposed differential rates.

### Background

The City of Rockingham (**City**) Business Plan on the agenda for this meeting indicates the level of rates needed to service current and future City requirements. This plan provides detailed financial information for the City, which gives clarity to rate changes needed. The City Business Plan indicates the need to generate \$112.06 million in rates in the 2024/2025 financial year.

The new yield from all rates for the 2024/2025 year is projected to be approximately \$110.98 million. This does not include interim rates, which are anticipated to make up any shortfall when compared against the Business Plan requirements. All money from rates is used across a wide array of services. It does though include a proposed concession of \$130,907 for those 56 properties transitioning from UV to GRV.

A total rate yield increase is proposed at 4.2% greater than the prior year. Should Council also support a concession from the 56 properties transitioning from UV to GRV, at a cost of \$130,907 then the total yield increase will be 4.07%.

### Details

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

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

**GRV – Residential**

A differential general rate of 8.284 cents in the dollar applies to Residential land.

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

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

The rate applied to GRV Residential is the differential general rate used as the basis on which the other GRV rate categories are calculated. The proposed GRV Residential rate is an increase of 4.2% compared to the 2023/2024 rate in the dollar.

**GRV – Non-Residential**

A differential rate of 9.433 cents in the dollar applies to Non-Residential land.

“Non-Residential land” means all land other than Residential land.

The City has implemented a 13.87% differential rate on Non-Residential properties to assist in the cost of infrastructure specifically designed to support the non-residential sector.

**GRV – Minimum Rate**

It is proposed that the minimum rate on all GRV properties be increased from \$1,322 to \$1,377 for the 2024/2025 year. This is an increase of 4.2% on last year’s minimum rates.

**Unimproved Valuation (UV) Properties**

A general rate of 0.105 cents in the dollar applies to all UV land. UV land generates approximately 0.3% of rate yield. The proposed UV-Improved rate in the dollar is a decrease of 3.8% on the 2023/2024 rate in the dollar.

**UV – Minimum Rate**

It is proposed that the minimum rate for all UV properties will increase to \$682 for the 2024/2025 financial year. This is an increase of 4.2% on last year’s minimum rates.

**Implications to Consider**

- a. **Consultation with the Community**  
Nil at this stage. Should Council adopt the officer recommendation, submissions will be invited as detailed in the Legal and Statutory section of this report.
- b. **Consultation with Government Agencies**  
Nil
- c. **Strategic**  
Community Plan  
This item addresses the Community’s Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019-2029:  
**Aspiration 4:** *Deliver Quality Leadership and Business Expertise*  
**Strategic Objective:** *Effective governance – Apply systems of governance which empower the Council to make considered and informed decisions within a transparent, accountable, ethical and compliant environment.*
- d. **Policy**  
Nil
- e. **Financial**  
The approval of the proposed rates for 2024/2025 is anticipated to yield approximately \$110.97 million. This is in line with what was required to be yielded from City Business Plan calculations.  
UV properties are revalued annually; whereas, GRV properties are revalued every three years. This is a statutory revaluation process, independently occurring from the City and must be implemented. This is not a GRV revaluation year.

UV properties account for a very small proportion of properties – 226. The UV valuations increased by 8.84%. The proposed rate in the dollar will impact differently across UV categories, ranging from 6.81% to 3.81%. This is anticipated to yield 4.2% more in rates from UV properties compared to prior year.

Given the transition of 55 properties from UV to GRV is proposed to grant a concession to those properties in alignment with Schedule 6.1 of the *Local Government Act 1995*. Given the often significant difference in rate yield between UV and GRV properties, Schedule 6.1 allows for local governments to use a mixture of both UV and GRV valuations over a 3 year transition process. By approving a concession to the value of \$130,907 this has the same impact as implementing the requirements of Schedule 6.1 and will be able to be managed within current information system constraints.

**f. Legal and Statutory**

Adoption of rates occurs as part of the budget adoption which is proposed to occur in June 2024. This report proposes to approve the rate levels at this time for the purpose of public advertising.

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

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

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

**g. Risk**

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

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

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

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

Nil

## Comments

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

## Voting Requirements

Simple Majority

## Officer Recommendation

That Council **APPROVES** the following rates in the dollar and minimum rates for the 2024/2025 financial year and advertises calling for submissions on the proposed differential rates:

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

#### **GRV – Residential**

A differential general rate of **8.284 cents** in the dollar applies to Residential land.

"Residential land" means any land used, or designed, or adapted for use, for the purpose of a dwelling and includes vacant land within the Residential, Development, Rural, Special Rural, Special Residential, Commercial, District Town Centre, Primary Centre Waterfront Village, Primary Centre Urban Village, Primary Centre City Centre, Primary Centre City Living, Primary Centre

Campus and Primary Centre Urban Living zones under the City of Rockingham Town Planning Scheme No. 2.

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

**GRV – Non-Residential**

A differential rate of **9.433 cents** in the dollar applies to Non-Residential land.

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

**GRV – Minimum Rate**

The minimum rate on all GRV properties is **\$1377**

**Unimproved Valuation (UV) Properties**

A general rate of **0.105 cents** in the dollar applies to UV land.

**UV – Minimum Rate**

The minimum rate for all UV properties is **\$682**.

**Committee Recommendation**

That Council **APPROVES** the following rates in the dollar and minimum rates for the 2024/2025 financial year and advertises calling for submissions on the proposed differential rates:

**Gross Rental Valuation (GRV) Properties**

**GRV – Residential**

A differential general rate of **8.284 cents** in the dollar applies to Residential land.

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

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

**GRV – Non-Residential**

A differential rate of **9.433 cents** in the dollar applies to Non-Residential land.

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

**GRV – Minimum Rate**

The minimum rate on all GRV properties is **\$1377**

**Unimproved Valuation (UV) Properties**

A general rate of **0.105 cents** in the dollar applies to UV land.

**UV – Minimum Rate**

The minimum rate for all UV properties is **\$682**.

Committee Voting (Carried) – 5/1

**Council Members voting for the motion:**

Cr Buchanan

Cr Middlecoat

Cr Liley

Cr Crichton

Cr Jecks

**Council Members voting against the motion:**

Cr Schmidt

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

Not Applicable

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

Not Applicable



**Community Development  
Community Capacity Building  
Rockingham Education and Training Advisory  
Committee**



|                               |  |
|-------------------------------|--|
| <b>Report number / title:</b> | <b>CD-013/24 Continuation of the Tertiary Scholarship Scheme</b>   |
| File number:                  | CSV/1522-7   |
| Proponent/s:                  |  |
| Author:                       | Mr Paul Hayward, Manager Community Capacity Building   |
| Other Contributors:           | Ms Rebekka Jarvis, Coordinator Community Capacity Building   |
| Date of Committee meeting:    | 21 May 2024  |
| Previously before Council:    | 15 December 2020 (CD-029/20)   |
| Disclosure of Interest:       |  |
| Nature of Council's role:     | Executive  |
| Attachments:                  | 1. Minutes of the Rockingham Education and Training Advisory Committee meeting held on 8 April 2024 (Public) |
| Maps / Diagrams:              |  |
| Site:                         |  |
| Lot Area:                     |  |

### **Purpose of Report**

For Council to approve the continuation of the Tertiary Scholarship Scheme for the next three financial years.

### **Background**

In August 2014, Murdoch University made the decision to discontinue undergraduate programs at the Rockingham campus. Subsequently, in October 2018 Council resolved to cease funding for the Chair of Education program and redirect funds to the City of Rockingham (**City**) newly established Learning Strategy.

In 2016 a review of the City's Learning Strategy identified that most actions had been achieved, but that Rockingham was not resourced to be a 'Learning City'. This resulted in a decision to not progress with another Learning Strategy, and instead to focus on promoting the concept of a 'Learning Community', which was defined as follows:

*'Rockingham as a Learning Community is one where all residents can create, participate in and support opportunities to acquire knowledge and skills through study, experience, or instruction, resulting in the enhanced potential of individuals creating a more vibrant community.'*

As a result, in July 2017, Council endorsed the Tertiary Scholarship Scheme (**TSS**) Council Policy, committing \$360,000 for 4 financial years. This comprised of \$90,000 per year for scholarships, and \$10,000 a year for advertising and promotion. The purpose of the TSS was to enable more people aged 17-40 to undertake an undergraduate university degree, TAFE diploma or enter a recognised alternative pathway to university course.

At the conclusion of the initial funded period, in December 2020, Council resolved to continue the TSS for a further 3 year period, again committing \$100,000 per year until the end of the 2023/2024 financial year. The program has continued accordingly, with minor amendments to the Council Policy during that time. The main Policy change is that the eligible age range is now 17 years and above.

This financial year marks the conclusion of the 3 year period, and this report has been prepared to seek Council endorsement to continue the TSS for a further 3 years.

## Details

### Applications received

Since inception, TSS has awarded / committed \$496,250.

Table 1 outlines all applications received to date. Officers note that COVID19 impacted application numbers in the past 3 years, and that recent rounds have seen an increase and return to pre-COVID19 numbers.

Table 1

|                                  | 2017 - 2020 | 2021 - current | Total | Comments   |
|----------------------------------|-------------|----------------|-------|--|
| Number of applications received  | 115         | 59             | 174   | COVID-19 had a significant impact during this period   |
| Number of eligible applications  | 79          | 41             | 120   |  |
| Number of scholarships awarded   | 66          | 35             | 101   | <ul style="list-style-type: none"> <li>• 91 University</li> <li>• 10 TAFE</li> </ul>   |
| Number of scholarships cancelled | 17          | 6              | 23    | Reasons included: <ul style="list-style-type: none"> <li>• Acquittals not provided</li> <li>• Moved overseas</li> <li>• Application withdrawn</li> </ul> |

### Demographics

Table 2 provides an overview of applicant demographics for all scholarships to date. These numbers are on par with the figures reported in the last 3 year review.

Table 2

|                       | 2017-2020                              | 2021-current  | Comments  |
|-----------------------|--|---|---|
| Age breakdown         | 17-24: 58%<br>25-32: 19%<br>33-40: 23% | 17-24: 51%<br>25-44: 46%<br>45-59: 3%<br>60-65: 0%<br>66+: 0%   | Age limit changed from 17-40, to 17 and above in December 2022                              |
| Demographic breakdown | First Nations: 2 applications          | People with disability: 11%<br>First Nations: 3%<br>Born overseas: 26%<br>Speak a language other than English at home: 9% | More demographic questions have been included as part of the application process since 2021 |

### Census data – highest qualifications achieved:

Table 3 compares the percentage of people in Rockingham with a Bachelor Degree or higher with the greater Perth area. The major differences between qualifications held by the population of the City of Rockingham and Greater Perth were:

- There are more people with Vocational qualifications (28.8% compared to 20.3%)
- There are more people with No qualifications (40.0% compared to 35.6%)
- There are fewer people with Bachelor or Higher degrees (12.5% compared to 26.5%)
- Rockingham is on par with greater Perth in regards to advanced diplomas or diplomas

Table 3

| Qualification level         | 2016  |       | 2021  |       |
|-----------------------------|-------|-------|-------|-------|
|                             | COR   | WA    | COR   | WA    |
| Bachelor or higher degree   | 10.6% | 22.9% | 12.5% | 26.5% |
| Advanced diploma or diploma | 8.9%  | 9.3%  | 9.7%  | 9.8%  |
| Vocational                  | 27.2% | 19.4% | 28.8% | 20.3% |
| No qualification            | 42%   | 38.1% | 40%   | 35.6% |

Profile Id. [Qualifications](#) | City of Rockingham | Community profile ([id.com.au](#))

### Strategic alignment

The Strategy for Children and Young People 2018 – 2023 contains an action to develop, promote, implement and evaluate a tertiary scholarship scheme. The draft Strategy for Early Years, Children and Young People 2024-2030 notes that Australian young people will, on average, have 17 jobs across five careers in their lifetime, and highlights the importance of education in enabling future career opportunities.

## Implications to Consider

### a. Consultation with the Community

#### 2023 TSS Recipient Survey

Scholars who have completed their courses were invited to complete a short survey during 2023. The City received 7 responses. Of these:

- 100% indicated that TSS supported them to complete their tertiary studies
- 71% indicated that the scholarship assisted them to achieve their career aspirations. Comments to this question included:
  - *Yes. It has helped me by covering costs for my degree. Which has helped to relieve added pressure due to financial strain*
  - *Yes. Allowed me to attend a uni that would have been hard to get to without the assistance.*
- 71% indicated that they have obtained gainful employment in a field relating to their qualification
- Other general comments included:
  - *As a single mother, there isn't a lot of support to study. The City of Rockingham Tertiary Scholarship Scheme made it easier to pay for essential study materials and also childcare, making studying a lot less stressful. I believe that without it, I wouldn't have been able to complete my bachelor of science as I would have struggled financially due to the degree taking 4 years.*
  - *It is a great scholarship that helps you focus less on financial problems and focus more on your studies. Thank you!*
  - *Easy process and very good support whenever I needed help*

Consultation for the Strategy for Early Years, Children and Young People 2024 - 2030

Consultation for the Strategy for Early Years, Children and Young People 2024 – 2030 revealed general feedback from young people and key stakeholders that education is a priority, but that young people often find it difficult to access education opportunities, due to cost of living pressures. Feedback also suggested that young people face broader issues which may impact on their likelihood or ability to undertake tertiary study, such as mental health issues, homelessness and/or other family challenges. Opportunities which ease the financial burden for young people to access tertiary study are therefore well-received, as it is potentially one less factor that may cause stress or trepidation.

**b. Consultation with Government Agencies**

Nil

**c. Strategic**

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2023-2033:

**Aspiration:** *1. Social - A family-friendly, safe and connected community*

**Outcome/Objectives:** *Accessible services - Adapt services to meet changing community need*

*Community health and wellbeing - Strengthen community health and wellbeing*

**d. Policy**

The Tertiary Scholarship Scheme operates in line with the Council Policy - Tertiary Scholarship Scheme, and the Tertiary Scholarship Scheme Executive Standard.

**e. Financial**

To enable the continuation of the Scheme, an annual allocation of \$90,000 for the Tertiary Scholarship Scheme and \$10,000 for promotional purposes would be required for financial years 2024/2025, 2025/2026 and 2026/2027.

A total of \$73,750 is currently committed through previously approved Tertiary Scholarship Scheme applications for the next three years: \$43,750 in 2024/2025, \$22,500 in 2025/2026, and \$7,500 in 2026/2027.

It should be noted that, should Council endorse the Tertiary Scholarship Scheme Applications that are currently recommended for Semester One 2024 (CD-012/24) of \$18,750 for 2024/2025, a balance of \$27,500 will therefore remain for new scholarships for 2024/2025.

The 2024/2025 Team Plan includes a proposed budget for year 1. Years 2 and 3 would be budgeted through future Team Plans.

**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**

When the TSS was last reviewed in December 2020, Census data from 2016 was considered. For this review, census data from 2021 has been reviewed, with findings generally consistent with 2016. The 2021 census data reflects the low number of City of Rockingham residents with a 'Bachelor degree or higher' when compared to greater Perth. Officers additionally note that the most recently reported unemployment rate for Rockingham (2021 Census) was 6.4%, compared to 5.3% for greater Perth.

In addition, recent research undertaken for the Strategy for Early Years, Children and Young People (**Strategy**) revealed that young people will have an average of 17 jobs across five different careers. Tertiary education is therefore seen as valuable in supporting young people to pursue their educational and career aspirations and achieve positive life outcomes.

Stakeholder comments received during consultation for the Strategy also noted a range of challenges young people face which may impact their ability to undertake tertiary study. This again suggests that continued efforts to assist young people to access tertiary study would be valuable to the community. The most recent 2 rounds of the TSS (April 2023 and August 2023) saw increased numbers in eligible applications, with 16 and 9 received respectively. This shows that application numbers are returning to pre-COVID19 levels. For example, in 2019, the City received 18 eligible applications in round 1 (March) and 8 in round 2 (August).

Given the lower rates of tertiary education in Rockingham compared to greater Perth, the higher rates of unemployment, feedback and comments during recent consultation for the draft Strategy for Early Years, Children and Young People, and noting the recent increase in applications following COVID19, Officers are recommending continuation of the TSS.

Should Council approve the Officer's Recommendation, the next TSS round will occur in July 2024.

Another review of the TSS will take place in 2026/27 to determine the future of the program from 2027/2028 onwards.

### Voting Requirements

Simple Majority

### Advisory Committee Recommendation

That Council **APPROVES** the continuation of the Tertiary Scholarship Scheme for the 2024/2025, 2025/2026 and 2026/2027 financial years.

### Officer Recommendation if Different to Advisory Committee Recommendation

Not Applicable

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

Not Applicable

### Committee Recommendation

That Council **APPROVES** the continuation of the Tertiary Scholarship Scheme for the 2024/2025, 2025/2026 and 2026/2027 financial 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

## Community Development Community Capacity Building



|                                   |   |
|-----------------------------------|---|
| <b>Report number / title:</b>     | <b>CD-014/24</b> <b>Draft Strategy for Early Years, Children and Young People 2024-2030</b>   |
| <b>File number:</b>               | CSV/3321-4  |
| <b>Proponent/s:</b>               |   |
| <b>Author:</b>                    | Marta Makuch, Coordinator Recreation and Wellbeing<br>Katie Berry, Coordinator Youth Development<br>Paul Hayward, Manager Community Capacity Building |
| <b>Other Contributor/s:</b>       |   |
| <b>Date of Committee meeting:</b> | 21 May 2024   |
| <b>Previously before Council:</b> |   |
| <b>Disclosure of Interest:</b>    |   |
| <b>Nature of Council's role:</b>  | Executive   |
| <b>Attachments:</b>               | 1. Draft Strategy for Early Years, Children and Young People 2024-2030  |
| <b>Maps/Diagrams:</b>             |   |
| <b>Site:</b>                      |   |
| <b>Lot Area:</b>                  |   |

### Purpose of Report

To seek Council's endorsement of the draft Strategy for Early Years, Children and Young People 2024-2030 (**Strategy**), for advertising and public comment.

### Background

Following expiration of the Strategy for Children and Young People 2018-2023, the City of Rockingham (**City**) recently facilitated research and consultation to inform development of the new draft Strategy. The new Strategy builds on the outcomes of the previous strategy, and is now divided into two parts. Part One focuses on Early Years and Children (0 to 11 years old), while Part Two focuses on Young People (12 to 24 years old). The title of the new strategy has also been changed to Strategy for Early Years, Children and Young People, to reflect the sector's distinction between early years (ages 0-4 years) and children (ages 5-11 years).

Some key achievements of the previous Strategy include:

- Establishment of the Rockingham Youth Centre
- Securing approximately \$200,000 per annum from the Department of Communities to support outreach
- Continued provision and successes of the Junior Council program and the Rockingham Youth Reference Group
- Facilitated development of the Rockingham Early Years Group Action Plan



- Development and delivery of the Be School Ready campaign an annual Children's Week event
- Securing \$100,000 from the WA Public Health Alliance for mental health initiatives
- Provision of Tertiary Scholarship to over 100 people
- Development and delivery of the Moordiboordap Djoowak cultural program for Aboriginal and Torres Strait Islander young people.

The proposal to rename the strategy and divide it into two parts was presented at a Councillor Engagement Session on 6 June 2023, with the changes supported. The draft Strategy was then presented and discussed at a Councillor Engagement Session on 9 April 2024. It is now presented to Council for endorsement for advertising and public comment.

## Details

The draft Strategy's objective is to continue to support an environment where Rockingham's children and young people, from birth through to adulthood, are highly valued and engaged members of the community'.

Its development was informed by research, data analysis and a comprehensive internal and external community and stakeholder engagement process.

The draft Strategy includes a total seven Key Elements, with a total of 65 actions. There are 20 new actions and 45 ongoing actions.

### **Part One – Early Years and Children**

Part One of the Strategy focuses on Early Years and Children (0 to 11 year olds) and includes three Key Elements. It has a total of 30 actions, with 6 new and 24 ongoing actions. The three Key Elements are outlined below.

#### Key Element 1 - Early Development, Learning and Belonging

Providing opportunities for children and their families to obtain knowledge, develop skills, acknowledge children's interdependence with others, build trusting relationships and make sense of the world.

The City will continue to support local families and children to increase their skills and knowledge. Key activities will include programs that foster families' nutritional literacy and allow them to focus on key developmental domains such as communication skills, physical health and wellbeing, social competencies, language and cognitive skills, as well as emotional maturity.

Some of the ongoing actions are:

- Provision of Junior Council Program
- Celebration of Children's Week
- Provision of programs focusing on nutritional literacy of children and their families such as Junior Kitchen program
- Promotion of early literacy programs such as Paint Rockingham REaD.

New actions will focus on:

- Facilitating intergenerational opportunities for the community
- Partnering with external organisations to provide volunteering opportunities for children and their families.

#### Key Element 2 - Strong Families

Building the capacity and resilience of parents and families by providing relevant and appropriate opportunities which focus on developing safe and secure parenting skills, and social connections.

The City will continue to investigate different communication methods to make the City's and the sector's information as easy to access as possible. Core activities will aim to address the identified need for upskilling and knowledge sharing, as well as access to social connection and recreation opportunities.

Some of the ongoing actions are:

- Promotion of available services and funding opportunities such as emergency relief and KidSport.
- Provision of educational workshops for families and carers.
- Internal and external partnerships to promote the importance of schooling. (E.g. Be School Ready campaign).

New actions will focus on:

- Ensuring the needs for Early Years and Children are considered as part of new, or renewal of existing, spaces.
- Promotion of social connection and peer support opportunities for parents and families.

#### Key Element 3 – Thriving Communities and Sector Support

Continuation of working collaboratively with government agencies, not for profit organisations, service providers and community groups to foster a cohesive, accessible and sustainable early years and children sector.

To achieve a strong early years and children sector, continuation of collaborative working partnerships between different levels of government agencies, not for profit and community is paramount. The City will continue to advocate on behalf of the sector and look at ways to share resources and facilities to maximise access and inclusion.

Some of the ongoing actions are:

- Facilitation of the Rockingham Early Years Group.
- Promotion of the City's community facilities as well as funding opportunities.
- Advocate on behalf of the Rockingham community and sector.

New actions will focus on:

- Building stronger links with local partners such as schools, service providers and community groups
- Ensuring promotion of the City's Community Directory.

### **Part Two – Young People**

Part Two of the Strategy focuses on Young People (12 to 24 year olds) and includes four Key Elements. It has a total of 35 actions, with 14 new and 21 ongoing actions.

#### Key Element 1 - Inclusion and Diversity

Ensuring events, spaces and activities are safe, welcoming, and celebrate diversity.

The City will continue to support an inclusive and diverse community, where all young people feel a sense of belonging. Inclusion, identity, and diversity among young people are frequently associated with positive mental health outcomes.

Some of the ongoing actions are:

- Creating spaces, programs and events that focus on mental health, diversity and creativity.
- Encouraging young people from all backgrounds to participate in City initiatives.
- Celebrating and creating awareness of First Nations culture.
- Providing young people with opportunities to learn about the experiences of those from a diverse range of backgrounds.

New actions will focus on:

- Providing opportunities for young men to engage in support with male role models.
- Providing multicultural programming and events for young people.

#### Key Element 2 - Social Connection and Resilience

Ensuring young people have access to social activities and programs, are educated about supportive and healthy relationships, and are supported to develop their resilience.

The City will continue to support young people to increase their social connections, develop resilience through upskilling, and to manage stressful situations. Continuing to provide access to services, events and activities for young people across Rockingham will be a key consideration.

Some of the ongoing actions are:

- Opportunities for social connection.
- Life skills and educational workshops.
- Continued provision of support and information (directly and through referrals).

New actions will focus on investigating the co-location of youth services with other facilities, in order to increase access amongst the wider community.

#### Key Element 3 - Engagement and Participation

Supporting young people to engage in education, employment and training, engaging them in decision making, and providing opportunities to ensure their voices are heard.

Youth participation and co-design will remain an important focus. Young people will continue to have opportunities to develop leadership skills, as well as skills necessary to succeed in the workforce.

Some of the ongoing actions are:

- Providing opportunities for youth participation through the Rockingham Youth Reference Group.
- Working closely with schools to increase youth awareness of available programs and opportunities.
- Delivering job readiness workshops.

New actions will focus on:

- Promoting and providing opportunities for young people to gain volunteering and paid work experience
- Reviewing available grants to ensure they meet community needs

#### Key Element 4 - Community Education and Awareness

Continuing to raise awareness of support services, sharing information, addressing priority areas, supporting the sector, and celebrating the positive contributions of young people.

Issues such as homelessness, violence, substance use, and mental health concerns, have a significant impact on young people in the community. The City will continue to raise awareness of available services and work with the sector to provide information and support. The perception of young people within the community is another important aspect.

Some of the ongoing actions are:

- Promoting positive news stories about young people within the community.
- Continuing to deliver programs that highlight young people's accomplishments.
- Engaging various networks, communication channels, and stakeholders to provide information about support services for young people.
- Fostering partnerships and collaborations with local schools to address priority areas such as homelessness, domestic violence, mental health, and substance abuse.

New actions will focus on:

- Promoting physical activity and informal recreation opportunities for young people, such as fitness classes and sporting activities.
- Advocating for additional services to support young people and their families who are homeless or at risk of becoming homeless.

The Community Capacity Building team will lead the implementation of the Strategy through a collaborative approach with identified internal and external stakeholder and partners.

## Implications to Consider

### a. Consultation with the Community

The development of this Strategy included extensive community and stakeholder consultation throughout October and November 2023. This included:

- Seven Focus Groups:
  - Kwinana Rockingham Action for Today's Youth with 12 attendees
  - Rockingham Early Years Group with 15 attendees
  - Two Juniors Council sessions, with 20 attendees
  - Two Your Say events with 40 attendees
  - Rockingham Youth Reference Group with 12 attendees
- 14 one-on-one interviews, with representatives from 10 organisations
- Feedback gathered at the City's Teddy Bears' Picnic attracting 30 responses
- Online survey for young people attracting 94 responses
- Online survey for service providers and schools attracting 6 responses
- Online survey for community members attracting 86 responses
- Penny for your Thoughts initiative attracting 5,481 votes
- Two internal staff sessions with 32 attendees.

Pending Council's endorsement of the draft Strategy, the City will advertise the Strategy and seek public comment for a period of 28 days. This will include:

- Seeking feedback from the Rockingham Early Years Group, Kwinana Rockingham Action for Today's Youth (KRAFTY) and the Rockingham Youth Reference Group.
- Seeking feedback from key stakeholders and participants who were involved throughout the Strategy development process
- Dissemination of the draft Strategy through key networks, Share Your Thoughts, City eNewsletters and RockPort
- Advertising in local newspapers and on the City's website
- Making the document readily available in the City's Libraries and Administration Building.

### b. Consultation with Government Agencies

Government agencies involved in the consultation process included representatives from the Department of Health and the Department of Communities.

### c. Strategic

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2023-2033:

**Aspiration:** **1. Social - A family-friendly, safe and connected community**

**Outcome/Objective:** *Connected community - Provide opportunities for community engagement and participation*

**Outcome/Objective:** *Community health and wellbeing - Reinforce a strong sense of safety*

**Outcome/Objective:** *Community health and wellbeing - Strengthen community health and wellbeing*

**Outcome/Objective:** *Community health and wellbeing - Provide healthy lifestyle opportunities*

**Outcome/Objective:** *Accessible services - Adapt services to meet changing community need*

- Outcome/Objective:** *Inclusive community - Build connectivity with our diverse community*
- Aspiration:** **2. Natural Environment - A place of natural beauty where the environment is respected**
- Outcome/Objective:** *Sustainable natural green spaces - Improve community open spaces*
- Aspiration:** **3. Built Environment - A built environment carefully planned for today and tomorrow**
- Outcome/Objective:** *Built infrastructure meets current and future community needs - Plan build and maintain current and future assets*
- Outcome/Objective:** *Plan for sustainable growth - Create safe community places to live, recreate and work*
- Outcome/Objective:** *Accessible and connected - Plan and advocate for transport solutions*
- Aspiration:** **5. Leadership Aspiration - Transparent and accountable leadership and governance**
- Outcome/Objective:** *Quality Leadership - Active advocacy for the community*
- Outcome/Objective:** *Quality Leadership - Provide community communication and facilitate engagement opportunities*

**d. Policy**

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

**e. Financial**

The total cost of implementing the Strategy is \$3,566,000. Of this, \$306,000 is allocated to new actions, with the remaining allocated to existing or ongoing actions.

The cost of implementation of actions will be considered as part of the annual Team Plan process, with allowance for CPI or service fee costs at the time.

**f. Legal and Statutory**

Not applicable.

**g. Risk**

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

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

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

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

Nil

## Comments

The draft Strategy for Early Years, Children and Young People 2024-2030 provides Council with a clear strategic direction aimed at supporting an environment where Rockingham's children and young people are highly valued and engaged members of the community now and into the future. The draft Strategy has been developed following extensive community and stakeholder engagement, and reflects the current needs and gaps of the community.

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

Following Council endorsement of the draft Strategy, and completion of the public comment period, Officers will review and consider all feedback. The final draft Strategy will then be presented to Council for adoption in the coming months.

## Voting Requirements

Simple Majority

### Officer Recommendation

That Council **ENDORSES** the draft Strategy for Early Years, Children and Young People 2024-2030 for advertising and public comment.

### Committee Recommendation

That Council **ENDORSES** the draft Strategy for Early Years, Children and Young People 2024-2030 for advertising and 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



**15. Report of Mayor**

**City of Rockingham  
Mayor's Report**



|                               |                               |  |
|-------------------------------|-------------------------------|--|
| <b>Report number / title:</b> | <b>MR-004/24</b>              | <b>Meetings and Functions Attended by the Mayor and Deputy Mayor</b> |
| File number:                  | GOV/85                        |  |
| Proponent/s:                  | City of Rockingham            |  |
| Author:                       | Mayor Deb Hamblin             |  |
| Other Contributors:           | Cr Lorna Buchan, Deputy Mayor |  |
| Date of Council meeting:      | 28 May 2024                   |  |
| Previously before Council:    |                               |  |
| Disclosure of Interest:       |                               |  |
| Nature of Council's Role:     | Executive                     |  |

**Purpose of Report**

To advise on the meetings and functions attended by the Mayor and Deputy Mayor during the period 19 April 2024 to 23 May 2024.

**Background**

Nil

**Details**

| <b>Date</b>   | <b>Meeting/Function</b>  |
|---------------|--|
| 19 April 2024 | Meeting with Mr David Harrison, Director Kwinana Industries Council  |
| 22 April 2024 | South Metropolitan Zone welcome, hosted by the City of Rockingham<br>Rotary Awards Night   |
| 23 April 2024 | Perth South West Metropolitan Alliance meeting with Minister Madeleine King MP<br>Meeting with Minister Rita Saffioti<br>Council Meeting   |
| 24 April 2024 | Autumn Centre ANZAC Breakfast<br>Warnbro High School ANZAC Ceremony  |
| 25 April 2024 | Deputy Mayor, ANZAC Day Dawn Service, Veteran's Memorial Park, Port Kennedy<br>ANZAC Day Breakfast, Rockingham Navy Club attended by Mayor and Deputy Mayor<br>ANZAC Day Service, Rockingham Village Green |
| 26 April 2024 | Meeting with Minister Reece Whitby<br>Cooloongup Primary School ANZAC Day Service<br>Meeting of Councillors  |
| 28 April 2024 | Safety Bay Tennis Club Championships   |
| 29 April 2024 | Meeting with Ms Magenta Marshall MLA   |
| 1 May 2024    | Mayor's Sundowner  |

| Date        | Meeting/Function   |
|-------------|--|
| 6 May 2024  | Deputy Mayor, Australian Citizenship Ceremony  |
| 15 May 2024 | Deputy Mayor, Community Safety Forum<br>Deputy Mayor, Volunteer Recognition Evening              |
| 18 May 2024 | Deputy Mayor, HMAS Anzac Decommissioning   |
| 20 May 2024 | State Road Funds to Local Government Advisory Committee<br>Planning and Asset Services Committee |
| 21 May 2024 | Councillor Engagement Session  |
| 23 May 2024 | 2023 AFL Ken Cannon Community Football Awards<br>Celebration, two years of Connections WA        |

### Implications to Consider

**a. Consultation with the Community**

Nil

**b. Consultation with Government Agencies**

Nil

**c. Strategic**

Nil

**d. Policy**

Nil

**e. Financial**

Nil

**f. Legal and Statutory**

Nil

**g. Risk**

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

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

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

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

Nil

### Comments

Nil

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **RECEIVES** the Mayor's Report for the period 19 April 2024 to 23 May 2024.

## 17. Reports of Officers

### General Management Services

#### General Management Services Governance and Councillor Support



|                               |  |   |
|-------------------------------|--|---|
| <b>Report number / title:</b> | <b>GM-009/24</b>   | <b>Proposed Local Government Reform – Standardised Meeting Procedures</b> |
| File number:                  | GOV/96   |   |
| Proponent/s:                  |  |   |
| Author:                       | Mr Jim Olynyk, Manager Governance and Councillor Support   |   |
| Other Contributor/s:          | Mr Michael Parker, Chief Executive Officer   |   |
| Date of Committee meeting:    | 21 May 2024  |   |
| Previously before Council:    |  |   |
| Disclosure of Interest:       |  |   |
| Nature of Council's role:     | Advocacy   |   |
| Attachments:                  | 1. City of Rockingham Submission on Local Government Reform – Standardised Meeting Procedures.<br>2. WALGA Discussion Paper. |   |
| Maps / Diagrams:              |  |   |
| Site:                         |  |   |
| Lot Area:                     |  |   |

### Purpose of Report

For Council to endorse the City of Rockingham submission to the Department of Sport and Cultural Industries (**DLGSC**) on the Standardised Meeting Procedures Consultation Paper.

### Background

On 10 November 2021, the then Local Government Minister Hon. John Carey MLA released details of a number of proposed reforms to the *Local Government Act 1995*.

The proposed reforms have been developed on the basis of findings identified as part of the Local Government Act Review and recommendations of various reports, including the Local Government Review Panel Final Report.

The proposed changes to the *Local Government Act 1995 (Act)* and Regulations include standardising council and committee procedures as part of these reforms. Establishing a consistent approach across all local governments is considered to make it easier and simpler for all people to participate in and observe council and committee meetings.

Currently, it is usual practice for local governments to have a local law or policy in place to govern the conduct of council and committee meetings. However, this approach means that there can be variation in how members of the public can engage with council meetings.

The *Local Government Amendment Act 2023*, inserts section 5.33A into the *Local Government Act 1995*, to allow for standardised meeting procedures for all local governments to be made in the form of Regulations or model provisions. Section 5.33A of the Act is not yet enacted and will come into operation on a day to be fixed by proclamation.

The State Government intends under section 5.33A to make Regulations that apply to all local governments and an order of the Governor under section 3.17 of the Act to repeal all existing local government meeting procedures, standing orders or council meeting local laws.

On Wednesday 28 February 2024, the DLGSC released a consultation paper on the standardised meeting procedures (Attachment 1).

The DLGSC has invited local governments, council members, chief executive officers, local government employees, groups and associations, and members of the community to consider the proposals and provide feedback.

Specific questions have been targeted to certain meeting procedure topics to better understand the variety of existing approaches currently used by the sector. The DLGSC is interested in learning more about how existing approaches work well in practice; and how reforms can be structured to improve transparency and public involvement, simplify the way meetings are conducted, and promote uniformity throughout the sector.

Submissions are open until Wednesday 29 May 2024.

Following release of the DLGSC consultation paper, the Western Australian Local Government Association (**WALGA**) released a discussion paper seeking feedback from Local Government CEO's on the consultation paper prepared by the DLGSC. WALGA is conscious that local government consultation leading to the development of the *Local Government Amendment Act 2023* evidenced broad sector support for the standardisation of meeting procedures however, WALGA is equally aware there is a wide range of provisions across a range of local laws content.

The WALGA discussion paper has been developed with a view to being read in conjunction with the DLGSC consultation paper. A copy of the WALGA discussion paper is provided at Attachment 2.

### Details

The reform proposals for standardised meeting procedures do not provide definitive options in terms of changes or indeed what specific drafting will be made in the legislation, but rather a series of high-level principles and associated questions. In view of this, the City's response focuses on the ideas presented in the consultation paper, and whether the City supports those ideas.

The City's draft responses take into consideration the following:

- Previous City / Council positions related to local government reform proposals, and in particular:
  - Local Government Act Review Submissions, GM-006/19, 26 February 2019
  - Proposed Local Government Reforms, GM-002/22, 25 January 2022
- Practical application of the proposed reforms.
- Sector-wide discussions regarding the proposed reforms.
- Consideration of the City's current Standing Orders Local Law 2001.

A draft City of Rockingham submission is provided at Attachment 1 to this Report.

### Implications to Consider

**a. Consultation with the Community**

Nil

**b. Consultation with Government Agencies**

Department of Local Government, Sport and Cultural Industries and the Western Australian Local Government Association.

**c. Strategic**

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2023-2033:

**Aspiration:** **5. Leadership Aspiration - Transparent and accountable leadership and governance**

**Outcome/Objective:** *Quality Leadership - Ensure accountable and transparent governance*

**d. Policy**

Nil

**e. Financial**

Nil

**f. Legal and Statutory**

Relevant legislative references include:

- *Local Government Act 1995.*
- *Local Government Amendment Act 2023.*
- *Local Government (Administration) Regulations 1996.*
- *City of Rockingham Standing Orders Local Law 2001.*

**g. Risk**

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

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

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

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

Nil

**Comments**

The City has been an active and cooperative participant in all legislative and reform reviews.

Through the reform consultation processes, the Minister and DLGSC have stated the review attempts to modernise the *Local Government Act 1995* to empower local governments to better deliver for their communities, as well as to remove red tape and overly burdensome bureaucracy. Local governments, due to their existence as being a product of statute, are bureaucratic in nature and are required to comply with numerous reporting and oversight regimes.

Overall, the Act should remain principle-based in which local governments have the flexibility and ability to operate in, with good governance principles and standards in mind. The City recognises that its responses to this consultation on standardised meeting procedures is but one element of the consultation to be undertaken on the Act reform.

Council Member input was sought through a Councillor Engagement Session conducted on Tuesday 21 May 2024.

Officers in responding to DLGSC, with Council's resolved position, will also request clarification and context of terminology used within the DLGSC consultation paper. E.g.:

Topic 14 – Adverse reflection

*Regulations are proposed to provide that:*

• *members cannot adversely reflect on the decisions of the **council**, except in making a motion to revoke or change a decision*

*27. Are there any circumstances where a person should be able to adversely reflect on another council member, an employee or a decision of the **local government**? Yes / No*

As demonstrated above the proposed regulation refers to '*decisions of the **council***' whereas the question asked refers to a '*decision of the **local government***'. Does the reference to local government include decisions of the administration or just those of the Council?

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council **ADOPTS** as its response to the Department of Local Government, Sport and Cultural Industries' invitation to comment on the proposed standardised meeting procedures the City of Rockingham submission provided as Attachment 1 to this Report.