

Rockingham

MINUTES

Planning and Asset Services Committee

Held on Monday 16 June 2025 at 5:00pm City of Rockingham Council Chamber



where the coast comes to life

	City of Rockingham				
Pla	Planning and Asset Services Committee Minutes				
	Monday 16 June 2025	8			
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Presiding Member

	City of Rockingham						
PI	Planning and Asset Services Committee Minutes						
	Monday 16 June 2025 - Council Chamber						
1.	Declaration of Opening						
	The Chairperson declared the Planning and Asset Services Committee meeting open at 5:00pm and welcomed all present.						
	Acknowledgement of Country						
	and Custodians of this land, the B continuing connection to the land, w	of Rockingham acknowledges the Traditional Owners injareb and Whadjuk Nyoongar peoples and their vaters and community. We pay our respects to all and their cultures; and to Elders past and present.					
	Recording and Live Streaming of pro	oceedings					
		meeting is being live streamed on the City's website, s and periods of adjournment or as determined by the					
		nbers of the public consent to the possibility that their I to the public. Recordings are also made available on g.					
	Please note that clause 8.5 of the City's <i>Standing Orders Local Law 2001</i> 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						
	Cr Lorna Buchan, Deputy Ma Mayor Deb Hamblin Cr Peter Hudson Cr Dawn Jecks Cr Mark Jones Cr Brett Wormall	ayor Chairperson					
	2.2 Executive						
	Mr Michael Parker	Chief Executive Officer					
	Mr Peter Ricci	Director Planning and Development Services					
	Mr Sam Assaad	Director Asset Services					
	Mr Brett Ashby	Manager Strategic Planning and Environment					
	Mr James Henson	Manager Land and Development Infrastructure					
	Ms Erica King	Manager Health and Building Services					
	Mr David Caporn	Manager Compliance and Emergency Liaison					
	Mr Mike Ross	Manager Statutory Planning					
	Mr Tristan Fernandes	Manager Major Planning Projects					
	Ms Lisa-Jane Manning	A/Manager Infrastructure Project Delivery					
	Mr Manoj Barua	Manager Technical Services					

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Presiding Member

		Mr Tony Poiloy	Manager Operations and Float Services		
		Mr Tony Bailey Mr Cyril Sharrook	Manager Operations and Fleet Services		
		Mr Cyril Sharrock Mr Jim Olynyk, JP	A/Manager Parks Services Manager Governance and Councillor Support		
		Ms Lauren Townsend	Governance Coordinator		
		Ms Melinda Wardle	EA to Director Planning and Development		
			Services		
		Ms Andrea Furfaro	EA to Director Asset Services		
		Ms Jen Weinman	Governance Officer FOI and Councillor Support		
	2.3	Members of the Gallery:	7		
	2.4	Apologies:	Nil		
	2.5	Approved Leave of Absence:	Nil		
3.	Resp	onses to Previous Public Qu	lestions Taken on Notice		
	3.1	Mr James Mumme, Shoalwate	er - Various		
		Mr Mumme asked the followin	vices Committee meeting held on 19 May 2025, g questions that were taken on notice and the ed a response in a letter dated 28 May 2025 as		
		Question			
		Mersey Point Sand Renourishm	ent		
		 What is the expected costs of this in FY 24/25 and 25/26 and is the sand only travelling eastwards to block up Bent Street Jetty access? 			
		<u>Response</u>			
		The City has spent approximately \$206,000 for sand renourishment at Mersey Point in 2024/25. The total budget for sand renourishment across all City beaches in 2025/26 is estimated at \$320,000. The exact cost for Mersey Point renourishment varies from year-to-year and the amount required for 2025/26 is not known at this stage.			
		The City has recently undertaken a coastal modelling study which demonstrated that the erosion at Mersey Point is caused by shortfall of sediment in the local sediment cell (catchment). Regular sand nourishment at the site is the key recommendation of the study.			
		Mersey Point and Bent Street are located in a highly dynamic coastal section that experiences seasonal variances in sediment movement. While some sand at Mersey Point may travel towards Bent Street it is not the main source of accretion there. The coastal modelling study considered the sand movement in making the recommendation on continuing renourishment at Mersey Point.			
		Question - Submitted via email	on 21 May 2025		
		1(a) Will this need doing eve	ry year?		
		<u>Response</u>			
		As noted in the coastal modelli recommended. This may not ne	ing study regular sand nourishment at the site is cessarily be required annually.		
		Question			
		Cape Peron Transport Needs			
			he traffic congestion seems to have diminished		
		·	idea by how much and why?		
			ada by now much and wry:		

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Presiding Member

		Response		
		The City is not aware of any significant change in traffic pattern. Traffic volume can vary seasonally due to varying factors and the City collects traffic data every two to three years.		
		Question		
		3. When is the roundabout at Parkin/Safety Bay Road/Hymus Street going to be constructed and who will pay for it?		
		Response		
		The City is progressing the detail design and cost estimates for the roundabout. The timeframe of construction has not been programmed at this stage and the City will be seeking external funding at the appropriate time.		
4.	Public (Question Time		
	5:03pm	The Chairperson opened Public Question Time and invited members of the Public Gallery to ask questions. The Chairperson noted that this was the only opportunity in the meeting for the public to ask questions.		
	4.1	Mr Jason Davies, Hillman - Rae Road Refuge Islands		
		The Chairperson invited Mr Davies to present his questions to the Planning and Asset Services Committee.		
		Mr Davies asked the following question.		
		So today I have pictures of two (2) refuge islands. One is the island next to the intersection of Acapulco Road and Rae Road, the other is the new refuge island nearest to the Read Street and Rae Road traffic lights.		
		I've had a couple residents express concern about these islands, mostly regarding the fact they seem to not be highlighted as much as they should be, especially around night time.		
		Now I'm aware that line markings will come soon enough for the new island, the residents aren't too worried about that.		
		The question put to me and I will put to you now:		
		 Can the Council arrange for some form of signage to be put on these refuge islands to highlight them as pedestrian crossings, even if it's one double sided sign posted on the island to warn drivers of the potential risk, as well as maybe some small signs on either end to inform pedestrians that they have to give way to drivers when crossing? The Chairperson advised that as the road construction in this location is 		
		currently being finalised, traffic management signage is in place. Officers will confirm that the required signage, as necessary, will be completed.		
	4.2	Mr Terry Sanfead, Karnup - PD-020/25 - Proposed Community Purpose (Community Garden and Rockingham Montessori Activities)		
		The Chairperson invited Mr Sanfead to present his questions to the Planning and Asset Services Committee.		
		Mr Sanfead asked the following questions.		
		1. Is it this Council's goal right from the start to make sure that the land could be sold to the Montessori School, and even though the whole time they said they were against it unanimously, the whole time behind the scenes they were trying to get it through?		
		2. Why does a four and a half metre driveway need to go in if the amenity's not going to be any worse for us or it's not going to be any greater, what do we need another driveway for?		

Confirmed at a Planning and Asset Services Committee meeting held on Monday 14 July 2025

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Presiding Member

Mr Peter Ricci, Director Planning and Development Services advised that in relation to the first question, the issue of tenure has never come into the City's consideration when dealing with the application – the City considers every application upon its merits. Who owns the property, who owned the property, is not taken into account. Mr Mike Ross, Manager Statutory Planning advised that the existing driveway is proposed to be maintained in terms of access and configuration. With respect to a requirement for a second driveway, the question was taken on notice. Note: It was subsequently confirmed by Mr James Lewisson of JL Advisory (applicant) during his deputation to the Committee that the matter raised by Mr Sanfead was in relation to a recommended condition of Planning Approval which required the existing vehicle access to be constructed to minimum dimensions, to enable access by fire fighting vehicles. A second driveway/crossover is not proposed. 5:07pm There being no further questions the Chairperson closed Public Question Time. 5. Confirmation of Minutes of the Previous Meeting Moved Cr Jecks, seconded Cr Jones: That Committee CONFIRMS the Minutes of the Planning and Asset Services Committee meeting held on 19 May 2025, as a true and accurate record. Committee Voting (Carried) - 6/0 6. Matters Arising from the Previous Minutes Nil The Chairperson announced to all present that decisions made at Committees of Council are recommendations only and may be adopted in full, amended or deferred when presented for consideration at the next council meeting. 8. Declarations of Members and Officers Interests 8.1 </th <th></th> <th></th> <th></th> <th></th>						
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Presiding Member

	Mr Lewisson advised the site is owned by RMS and the Development Application has been lodged to facilitate the relocation of the Baldivis Community
	Garden (BCG). Mr Lewisson explained this is a complex Development Application, which includes the current use of the Reception Centre building and ensuring this building complies with current bushfire and health requirements.
	He advised the use of the Reception Centre building is not proposed to materially change and it will continue to be used for community meetings and events and as a space for training and other bookings. Its capacity is proposed to reduce.
	The BCG is considered to be in keeping with the rural character of the area, through use of existing buildings on-site which reduces the visual impact, with the ability to cater for five (5) to 25 gardeners.
	This application does not seek to establish a school campus on the site, it simply proposes the continued use of existing infrastructure which has been used on this site for a while. Mr Lewisson explained that if the use of the Reception Centre building is not permitted, it would not be able to be used for any purpose at all, which would be a loss to the community. Also, that the matters raised in submissions are thoroughly addressed in the Officer Report.
	With respect to the question raised by Mr Sanfead in relation to the construction of a second driveway, Mr Lewisson advised that the proposed condition is to enforce the bushfire requirements on the site which is via the existing driveway and confirmed that an additional driveway will not be constructed.
	The Chairperson thanked Mr Lewisson and advised the matter will be considered by the Committee, as an item on the Agenda.
10.	Matters for which the Meeting may be Closed
	Nil
11.	Bulletin Items
	Planning and Development Services Information Bulletin - June 2025
	Health Services
	ricaldi Services
1	1. Health Services Team Overview
	1. Health Services Team Overview
	 Health Services Team Overview Project Status Reports
	 Health Services Team Overview Project Status Reports FoodSafe Industrial and Commercial Waste Monitoring Mosquito Control Program
	 Health Services Team Overview Project Status Reports 2.1 FoodSafe 2.2 Industrial and Commercial Waste Monitoring 2.3 Mosquito Control Program 2.4 Environmental Waters Sampling
	 Health Services Team Overview Project Status Reports FoodSafe Industrial and Commercial Waste Monitoring Mosquito Control Program Environmental Waters Sampling Food Sampling
	 Health Services Team Overview Project Status Reports FoodSafe Industrial and Commercial Waste Monitoring Mosquito Control Program Environmental Waters Sampling Food Sampling Information Items
	 Health Services Team Overview Project Status Reports FoodSafe Industrial and Commercial Waste Monitoring Mosquito Control Program Environmental Waters Sampling Food Sampling Information Items Food Recalls
	 Health Services Team Overview Project Status Reports FoodSafe Industrial and Commercial Waste Monitoring Mosquito Control Program Environmental Waters Sampling Food Sampling Information Items Food Recalls Food Premises Inspections
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	 Health Services Team Overview Project Status Reports FoodSafe Industrial and Commercial Waste Monitoring Mosquito Control Program Environmental Waters Sampling Food Sampling Information Items Food Recalls Food Premises Inspections Outdoor Event Approvals
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	 Health Services Team Overview Project Status Reports FoodSafe Industrial and Commercial Waste Monitoring Mosquito Control Program Environmental Waters Sampling Food Sampling Information Items Food Recalls Food Premises Inspections Public Building Inspections Outdoor Event Approvals Complaint - Information Noise Complaints – Detailed Information
	 Health Services Team Overview Project Status Reports FoodSafe Industrial and Commercial Waste Monitoring Mosquito Control Program Environmental Waters Sampling Food Sampling Information Items Food Recalls Food Premises Inspections Public Building Inspections Outdoor Event Approvals Complaint - Information Noise Complaints – Detailed Information
	 Health Services Team Overview Project Status Reports FoodSafe Industrial and Commercial Waste Monitoring Mosquito Control Program Environmental Waters Sampling Food Sampling Information Items Food Recalls Food Premises Inspections Public Building Inspections Outdoor Event Approvals Permit Approvals Complaint - Information Health Approvals Septic Tank Applications
	 Health Services Team Overview Project Status Reports FoodSafe Industrial and Commercial Waste Monitoring Mosquito Control Program Environmental Waters Sampling Food Sampling Information Items Food Recalls Food Premises Inspections Public Building Inspections Outdoor Event Approvals Complaint - Information Noise Complaints – Detailed Information

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Presiding Member

		Skin Penetration Premises		
		Caravan Park Inspections		
		Bookings for Halls and Reserves		
		Food Act Prosecution		
	lding Services			
1.		ing Services Team Overview		
2.	-	ct Status Reports		
3.	Inforr	nation items		
	3.1	Monthly Building Permit Approvals - (All Building Types)		
	3.2	Other Permits		
	3.3	Monthly Caravan Park Site Approvals		
Com		e and Emergency Liaison		
1.		pliance and Emergency Liaison Team Overview		
2.	-	ct Status Reports		
3.	Inforr	nation items		
	3.1	Ranger Services Action Reports		
	3.2	Compliance and Emergency Liaison - Prosecutions		
	3.3	Building and Development Compliance		
	3.4	Emergency Liaison and Fire Prevention		
	3.5	SmartWatch Key Result Areas		
	3.6	Compliance Community Engagement		
	-	lanning and Environment		
1.		egic Planning and Environment Team Overview		
2.		ct Status Reports		
	2.1	Local Planning Strategy and New Local Planning Scheme No.4		
	2.2	Greening Plan/Urban Forrest Strategy		
	2.3	Lake Richmond Management Plan Implementation - Thrombolite Study and Feral Fish Partnership Program		
	2.4	Karnup District Structure Plan		
	2.5	Wetland Management Plan		
	2.6	Bushland Management Plan, Tamworth Hill Swamp Management Plan and Lake Richmond Management Plan		
	2.7	Sustainable Transport Strategy		
3.	Inforr	nation Items		
	3.1	Structure Plan Assessment Status		
	3.2	Tree Removals - Approvals Issued Under Delegated Authority		
	3.3	Environmental Education Program		
	3.4	ReWild Program		
	3.5	North-East Baldivis District Structure Plan and MRS Amendment		
	3.6	Native Plants Giveaway 2025 and WA Tree Festival		
	3.7	Waste Plan - Annual Reporting 2023/2024		
	3.8	Sustainability Snapshot Report 2023 2024		
	3.9	Garden Island Environmental Approval		
		Development Infrastructure		
1.		and Development Infrastructure Team Overview		
2.	-	ct Status Reports		
3.		nation items		
	3.1	Referrals		
	3.2	Delegated Land and Development Infrastructure Assets Approvals		
	3.3	Handover of Subdivisional Roads		
	3.4	Delegated Subdivision Engineering and Public Open Space Practical Completions		

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	3.5	Delegated Authority to Approve the Release of Bonds for Private Subdivisiona Works		
Stat	utory F	Planning		
1.	Statu	tory Planning Team Overview		
2.		ct Status Reports		
	2.1	General Review of City's Municipal Heritage Inventory (Local Heritage Survey) and Heritage List		
	2.2	East Rockingham Heritage Area (Local Planning Policy)		
	2.3	Design Review Panel		
3.	Inforr	nation Items		
	3.1	Subdivision/Development Approval and Refusals by the WAPC		
	3.2	Notifications and Gazettals		
	3.3	Subdivision Clearances		
	3.4	Subdivision Survey Approvals		
	3.5	Subdivision Lot Production		
	3.6	Delegated Development Approvals		
	3.7	Delegated Development Refusals		
5 1		Delegated Building Envelope Variations		
	3.9	Subdivision/Amalgamation Recommended for Approval		
	3.10	Strata Plans		
	3.11	Subdivision/Amalgamation Recommended for Refusal		
	3.12	Development Application and Lot Production Statistics		
	3.13	Successful Heritage Assistance Grant - Lot 1 (No.11) Florence Street Rockingham		
Plar	nning a	nd Development Directorate		
1.	-	lanning and Development Directorate Team Overview		
2.		ect Status Reports		
	2.1	Rockingham Strategic Centre Local Planning Framework Review		
3.	Inforr	nation Items		
	3.1	Outcome of Metropolitan Region Scheme Amendment 1417 - Karnup Station Precinct		

Committee Recommendation

Moved Cr Jecks, seconded Cr Wormall:

That Council Members acknowledge having read the Planning Services Information Bulletin - June 2025 and the content be accepted.

Committee Voting (Carried) - 6/0

	6
Asse	et Services Information Bulletin - June 2025
Asse	et Services Directorate
1.	Asset Services Directorate Team Overview
2.	Project Status Reports
3.	Information items
	3.1 Bushfire Risk
	3.2 DWER Applications
Strat	egic Asset Management
1.	Strategic Asset Management Team Overview
2.	Project Status Reports
3.	Information items
	3.1 Strategic Asset Management
	3.2 Delegated Authority for the payment of crossover subsidies
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	3.3	Verge Treatment Applications		
	3.4	Verge Issues		
Ope	erations and Fleet Services			
1.		erations and Fleet Services Team Overview		
2.	•	ct Status Reports		
3.	-	nation items		
	3.1	Building Maintenance - Operations		
	3.2	Building Maintenance - Buildings		
	3.3	Building Maintenance - Reserves		
	3.4	Building Maintenance - Upcoming Works		
	3.5	Graffiti Program 2024/2025		
Infra	structu	ire Project Delivery		
1.	Infras	tructure Project Delivery Team Overview		
2.		ct Status Reports		
3.	-	nation items		
	3.1	Asphalt Works at Operation Centre and Animal Management Facility Carpark		
	3.2	Baldivis Road Upgrade - MRRG Road improvement project		
	3.3	Churchill Park - Play space		
	3.4	Depot Administration Building Extension		
	3.5	Drainage Upgrades at Various Locations		
	3.6	Mersey Point Carpark Resurfacing and Accessibility Upgrade		
	3.7	Millar Road and Folly Road/St Albans Road - Installation of Safety Barriers		
	3.8	Mundijong Road Realignment and Upgrades		
	3.9	Read Street Intersection Upgrades - MRRG Road improvement project		
	3.10	Reserve Shelter Replacements		
	3.11	Rockingham Arts Centre - Front Courtyard Upgrade		
	3.12	Safety Bay Road Intersections - Upgrade of Roadworks, Drainage ar Footpath		
	3.13	Settlers Pavilion Refurbishment		
	3.14	Shoalwater Reserve Change rooms Upgrade		
	3.15	The Avenue in Warnbro Safety Platforms at various intersections		
	3.16	Townsend Road and Swinstone Street Safety Platforms at variou intersections.		
	3.17	Warnbro Sound Avenue, Bancoura Parkway and Blue Stone Parkway installation of speed deflection.		
Park	s Serv	ices		
1.	Parks	Services Team Overview		
2.	-	ct Status Reports		
3.	Inforn	nation items		
	3.1	CRM Statistics		
	3.2	Delegated Public Open Space Handovers		
	3.3	Contract Management - Requests for Quote and Tender		
	3.4	Parks Maintenance		
	3.5	Streetscape Maintenance		
	3.6	Natural Area Maintenance		
	3.7	Bushfire Mitigation		
	3.8	Tree Maintenance		
Tech	nnical S	Services		
1.	Techr	nical Services Team Overview		
2.	Proje	ct Status Reports		
	2.1	Operating Projects - Coastal Management Study		
	2.2	Operating Projects - Heavy Vehicle network plan		

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	3.	Inform	nation Items	
		3.1	Delegated Authority for Temporary Thoroughfare Closure	
	3.2 Delegated Authority for approval of Directional Signage		Delegated Authority for approval of Directional Signage	
		3.3	Approval of Heavy Haulage	
		3.4	Authorised Traffic Management Plans for Works on City Controlled Roads	
		3.5	Civil Works Program 2024/2025	
		3.6	Traffic Investigations	
		3.7	Civil Maintenance Program 2024/2025	
	3.8 Civil Maintenance Program 2024/2025		Civil Maintenance Program 2024/2025	
	3.9 Road Rehabilitation and Renewal Programs 2024/2025		Road Rehabilitation and Renewal Programs 2024/2025	
	3.10 Drainage Renewal Program Municipal Works 2024/2025		Drainage Renewal Program Municipal Works 2024/2025	
	3.11 Footpath Renewal Program Municipal Works 2024/2025		Footpath Renewal Program Municipal Works 2024/2025	
		3.12	Carpark Renewal Program Municipal Works 2024/2025	
		3.13	Coastal Capital Projects and Coastal Management	
		3.14	Coastal Infrastructure Management	
Com	Committee Recommendation			

Moved Cr Jecks, seconded Cr Wormall:

That Council Members acknowledge having read the Asset Services Information Bulletin - June 2025 and the content be accepted.

Committee Voting (Carried) - 6/0

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12. Agenda Items

Planning and Development Services

Planning and Development Services Statutory Planning Services						
Report number / title:	PD-019/25	Proposed Council Policy - Development Assessment Panel Process				
File number:	LUP/1385-6					
Applicant:						
Owner:						
Author:	Mr David Banovic Planning Reform)	, Coordinator Statutory Planning (DAP and				
Other Contributors:	Mr Mike Ross, Manager Statutory Planning Mr Peter Ricci, Director Planning and Development Services					
Date of Committee meeting:	16 June 2025					
Previously before Council:						
Disclosure of Interest:						
Nature of Council's role:	Executive					
Attachments:						
Maps / Diagrams:						
Site:						
Lot Area:						
LA Zoning:						
MRS Zoning:						

Purpose of Report

To consider the preparation of a new Council Policy to guide the role and conduct of Council Members, during the Development Assessment Panel (**DAP**) process.

Background

Development Assessment Panels Pathway

DAPs were introduced by the Western Australian Government in 2011 as part of a broader planning reform initiative aimed at improving the consistency, transparency and efficiency of decision-making for significant or complex Development Applications. DAPs operate under the authority of the *Planning and Development (Development Assessment Panels) Regulations 2011* (**DAP Regulations 2011**), made pursuant to the *Planning and Development Act 2005*.

Confirmed at a Planning and Asset Services Committee meeting held on Monday 14 July 2025

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The intent of the DAP pathway is to ensure that decisions on larger or more complex Development Applications are made on planning merit and professional expertise, while still incorporating local representation through Council-appointed DAP members. DAPs are responsible for determining Development Applications that meet or exceed prescribed monetary thresholds, albeit through the 2024 DAP reforms the pathway has become entirely optional.

Local Governments (**LGs**) are required to assess DAP applications against the applicable planning framework and recommend either approval or refusal of the application, including any conditions to be imposed where Development Approval is recommended or reason/s for refusal, where refusal is recommended (discussed further below). Ultimately, the DAP is the decision-maker and is responsible for determining the application under the pathway.

Each of the DAPs comprise independent decision makers, including technical experts (defined in the DAP Regulations 2011 as 'Specialist Members') and elected local government representatives (defined in the DAP Regulations 2011 as 'Local Government Members'). This mix of expertise and knowledge was intended to help balance the technical aspects of development with local interests.

Applications received within the City of Rockingham (**City**) are determined by the Metro Outer Development Assessment Panel (**MODAP**). All panels comprise of five (5) members: three (3) Specialist Members and two (2) nominated Local Government Members.

For applications received within the City, the Local Government Members are:

- Deputy Mayor Lorna Buchan Local Member; and
- · Cr Mark Jones Local Member.

The following Alterative Members may attend DAP meetings in lieu of a Local Government (DAP) Member:

- Mayor Hamblin Alterative Member; and
- Cr Jecks Alternative Member.

The current DAP application process is outlined as follows:

The application process



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Responsible Authority Report

Pursuant to DAP Regulations 2011, a responsible authority to which a DAP application is made, must give the DAP that will determine the application, a Responsible Authority Report (**RAR**) in a form approved by the Department of Planning, Lands and Heritage (**DPLH**). A RAR includes an assessment and recommendation, with sufficient information to enable the DAP to make a determination on the DAP application.

In 2011, during the initial implementation of DAPs, the City received guidance from the then Department of Planning (now DPLH) which indicated that DAP applications were not required to be formally presented to the Council and that a RAR could be prepared by an Officer of the LG. Furthermore, the Director General of the DPLH advised that, under the provisions of the *Local Government Act 1995*, the local government could delegate the preparation and submission of a RAR to an employee via the Chief Executive Officer.

In 2013, the City conducted a review of this advice and determined that the Council does not possess the legal authority to delegate its functions in relation to the preparation and submission of RARs. Following the consideration, the City concluded that the responsibility for preparing and submitting RARs must reside with Council and cannot be delegated to an individual employee.

While the majority of LGs in the Perth metropolitan area have historically submitted RARs directly to the DAP without seeking Council or Committee endorsement, it has been observed that some LGs, including the City of Rockingham were formally considering RARs through Council for review and endorsement prior to submission. Over time, this practice raised concerns about the potential for role confusion, particularly regarding the separation between a Council Member's role as a DAP member and their broader responsibilities to the Council and community.

Local Government Reforms

To further delineate the respective roles of Council Members and LG administration in the DAP process (as part of a broader reform), the *Local Government Amendment Bill 2024* was introduced. This subsequently resulted in the establishment of the *Local Government (Development Assessment Panels) Regulations 2025*, which came into effect on 1 May 2025. These legislative changes clarify that RARs must be prepared by administration of the LG and cannot be the subject of Council consideration.

Councillor Engagement Session

At a Councillor Engagement Session (**CES**) on 6 May 2025, the implications of the *Local Government Amendment Bill 2024* were discussed. Specifically, the purpose of the presentation was to:

- Outline key changes from the *Local Government Amendment Bill 2024* with respect to DAP Functions; and
- Discuss the approach to engaging with Council Members on DAP Applications effective 1 May 2025.

In this regard, it was outlined that a Council Policy is the appropriate mechanism to outline the process and clearly define the role and conduct of Council Members in relation to DAP applications.

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Details

The overarching purpose of a new Council Policy is to provide a framework which clarifies the roles and responsibilities of Council Members when a DAP application is submitted to the City, based on the recent changes to legislation which are now in effect. A Council Policy would:

- Define the roles and responsibilities of Council Members during the DAP process;
- · Clarify that RARs are to be prepared and submitted solely by City Officers;
- Outline protocols for Council Members' and Local Government (DAP) Members' communication and conduct in relation to DAP applications, as elected representatives of the community; and
- Outline how Council Members will be kept informed on the lodgement of complex DAP applications. This approach is proposed to be guided by the City's engagement practices during public advertising of 'complex' Development Applications, as outlined in *Local Planning Policy No.3.3.27 Community Consultation for Development Applications* (LPP3.3.27).

The preparation of a Council Policy would be in accordance with the presentation at the CES, based upon the governance framework discussed.

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

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

d. Policy

Council Policy - Policy Framework

The following principles will be applied in policy development and review:

- Policies will be consistent with the City's strategic goals, values, risk appetite and policy template.
- Policies will be concise and state no more than is necessary to direct decision making and clarify expected outcomes.
- Policies will be clear and written in plain English to avoid ambiguity and to be easily understood by the reader.

e. Financial

Nil

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f. Legal and Statutory

Local Government (Development Assessment Panels) Regulations 2025

As detailed above, the recent implementation of the *Local Government (Development Assessment Panels) Regulations 2025* effective 1 May 2025, clarifies the roles of Councils and local government administration in the DAP process.

These Regulations also specify that the preparation of RARs is to be undertaken by a local government's administration.

Planning and Development (Development Assessment Panels) Regulations 2011

DAP members are required, under regulation 45(2) of the *Planning and Development* (*Development Assessment Panels*) Regulations 2011, to comply with the 'Development Assessment Panel Code of Conduct 2024'. Notably members, including Local Government (DAP) Members, must not obtain their own private briefings outside of the public forum.

Local Government Members can raise questions to City Officers on the RAR, or the application in general, in advance of the meetings via a request to the Executive Director under the DAP Regulations, however, discretion to approve the request ultimately rests with the Executive Director.

While there is clear guidance for Local Government (DAP) Members on how they should engage with City Officers, including the process for raising questions via the DAP Executive Director, there remains a lack of clear guidance regarding the roles, responsibilities and conduct of the remaining Council Members who are not appointed to the DAP.

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 / Program/Project management / Natural Environment: High and Extreme Risks Financial / Health and Safety: Medium, High and Extreme Risks

Nil

Comments

For the past 12 years, all DAP applications have been referred to the Council to provide its recommendations to the MODAP, based upon a draft RAR prepared by City Officers. The recent legislative changes, however, have changed this 'state-of-play' and now mandate that all RARs must be prepared by City Officers, and not referred to Council.

There are Council Member functions, roles, responsibilities and conduct, which need to be clarified for Council Members and the nominated Local Government (DAP) Members as distinct from City Officers, on the governance process moving forward.

A new Council Policy is recommended which addresses the above matters, through good governance, transparency and support for Council Members during the DAP process through clear and consistent communication procedures on DAP applications.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **DIRECTS** the Chief Executive Officer to prepare a draft Council Policy outlining the functions of and communications with Council Members relating to Development Assessment Panel applications.

Confirmed at a Planning and Asset Services Committee meeting held on Monday 14 July 2025

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Committee Recommendation

Moved Cr Jones, seconded Mayor Hamblin:

That Council **DIRECTS** the Chief Executive Officer to prepare a draft Council Policy outlining the functions of and communications with Council Members relating to Development Assessment Panel applications and the draft Policy be presented to a Councillor Engagement Session.

Committee Voting (Carried) - 6/0

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

Not Applicable

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Confirmed at a Planning and Asset Services Committee meeting held on Monday 14 July 2025

Cr Wormall declared an Impartiality interest in Item PD-020/25 - Proposed Community Purpose (Community Garden and Rockingham Montessori Activities) and will deal with the matter on its merits and vote accordingly (refer to Item 8 for specific details).

Planning and Development Services	
Statutory Planning Services	
Report number / title:	PD-020/25 Proposed Community Purpose (Community Garden and Rockingham Montessori Activities)
File number:	DD020.2024.00000397.001
Applicant:	JL Advisory
Owner:	Rockingham Montessori School Incorporated
Author:	Mr David Waller, Coordinator Statutory Planning
Other Contributors:	Mr Mike Ross, Manager Statutory Planning
Date of Committee meeting:	16 June 2025
Previously before Council:	
Disclosure of Interest:	
Nature of Council's role:	Tribunal
Attachments:	1. Schedule of Submissions
Maps / Diagrams:	 Location Plan Aerial Photo Deposited Plan - Lot 700 and 701 1999 DA (Reception Centre) - Site Plan 1999 DA (Reception Centre) - Floor Plan 1999 DA (Reception Centre) - Elevations 2004 DA (Chapel) - Site Plan 2004 DA (Chapel) - Elevations Master Plan (JDAP approval) - Montessori School Site Plan Landscape Development Plan Consultation Plan BMP Strategies
Site:	Lot 700 (No.1791) Mandurah Road, Karnup
Lot Area:	2.5954 hectares
LA Zoning:	Rural
MRS Zoning:	Rural

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Purpose of Report

To consider a Development Application for a proposed Community Garden, operated by the Baldivis Community Garden Inc. (**BCG**) and allow for activities/events managed by Rockingham Montessori School (**RMS**) ('Community Purpose Use') on Lot 700 (No.1791) Mandurah Road, Baldivis (**subject site**).



1. Location Plan

Confirmed at a Planning and Asset Services Committee meeting held on Monday 14 July 2025

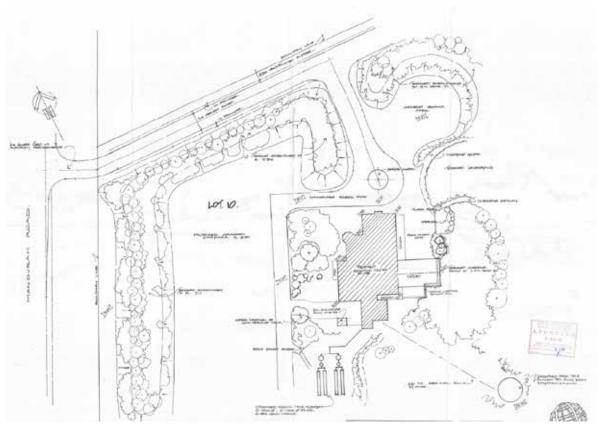


2. Aerial Photo

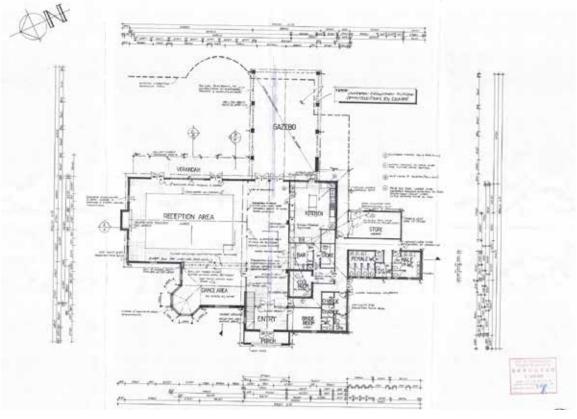
Background

- The subject site (Lot 700) was formerly part of a larger land parcel known as Lot 10 Mandurah Road, Karnup. Lot 10 was subdivided in January 2010 to create two land parcels now known as Lot 700 and Lot 701.
- The subject site includes buildings previously associated and purpose built for the 'Munja Gardens Reception Centre' (former).
- In 1994, 1997 and 1998, various City of Rockingham (City) Development Approvals were granted for a 'Reception Centre' on the subject site.
- In November 1999, a further Development Approval for a 'Reception Centre' (1999 DA) was issued whereby the development of the 'Reception Centre' on the subject site was ultimately constructed. The 1999 DA was granted under the City's (former) Town Planning Scheme No.1 (TPS1).
 - The 1999 DA, did not include a condition restricting the number of persons able to be accommodated at the 'Reception Centre'. The Applicant's description in the application included formal and non-formal functions associated with weddings, events and functions with a maximum capacity of up to one hundred and eighty (180) persons.

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4. Site Plan - 1999 Reception Centre Development Approval



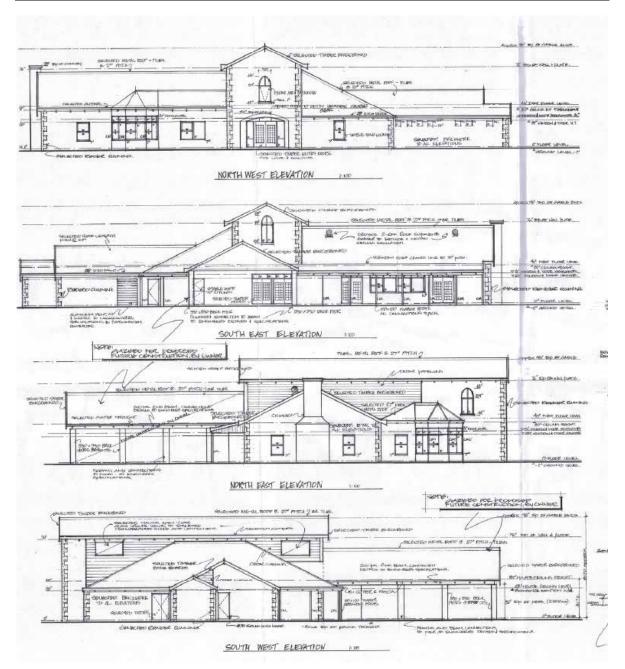
5. Floor Plan - 1999 Reception Centre Development Approval

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Confirmed at a Planning and Asset Services Committee meeting held on Monday 14 July 2025

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- 6. Elevations 1999 Reception Centre Development Approval
- In September 2000, the City granted a Public Building Approval for the approved 'Reception Centre' to be used for 'Function Centre and Dining' purposes with a maximum occupancy capacity of 295 persons.
- In March 2004, Development Approval was issued for a Chapel on Lot 10 Mandurah Road, Karnup on the southern side of the 'Reception Centre' building.
- In April 2008, the City granted an updated Public Building Approval for the 'Reception Centre' to be used as a 'Function Centre' with a maximum occupancy capacity of 295 persons.

Confirmed at a Planning and Asset Services Committee meeting held on Monday 14 July 2025

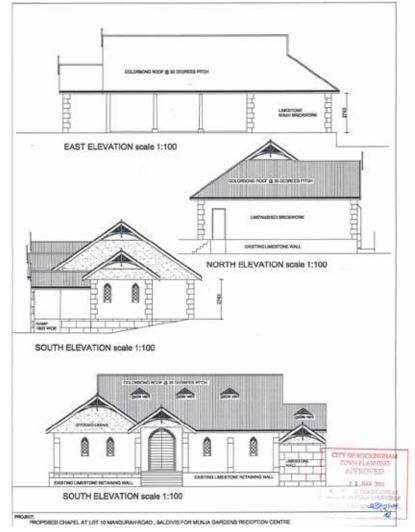
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Confirmed at a Planning and Asset Services Committee meeting held on Monday 14 July 2025

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8. Elevations - 2004 Chapel Development Approval

In July 2008, Council resolved to initiate Scheme Amendment No.79 to Town Planning Scheme No.2 **(TPS2)**, to rezone Lot 10 Mandurah Road from 'Rural' to 'Special Rural' (PD135/7/08) which facilitated the subsequent subdivision of the land into two (2) lots. The 2008 Council Minutes refer to the following arrangement:

"The subdivision facilitated by this amendment will separate the existing reception centre ("Munja Gardens Function Centre") on the property from an existing dwelling on the same property. No new access arrangement is proposed; access for both lots will be obtained via the existing driveway on the northern side of the property. A reciprocal access agreement will be imposed over the common driveway to facilitate this."

- In June 2009, Scheme Amendment No.79 was gazetted which meant the 'Special Rural' zone came into effect under the City's TPS2. A 'Reception Centre' became a prohibited ('X') land use in the 'Special Rural zone' as a consequence of the rezoning.
- In late 2012, it was reported that the 'Munja Gardens Reception Centre' facility had closed.
- In December 2014, a Development Assessment Panel (**DAP**) application was lodged for a proposed 'Educational Establishment' at Lot 11 (No.1809) and Lot 700 (No.1791) Mandurah Road, Karnup. The application was to occupy the existing 'Reception Centre' buildings and construct an Administration Building and Classroom Building on Lot 11.

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- In March 2015, the South-West Joint Development Assessment Panel (**SWJDAP**) resolved to refuse the application for various reasons including, inter alia, the intensification of the change of non-conforming use, scale, visual impact, traffic and bushfire.
 - Note: A 'Non-conforming land use' is a land use that lawfully received Development Approval in the past, but due to a change in zoning, would be a prohibited land use now and not capable of receiving Development Approval if applied for today (further discussed below).
- In April 2015, the applicant lodged an 'Application for Review' (appeal) with the State Administrative Tribunal (**SAT**) in relation to the refusal.
- On 18 December 2015, the SWJDAP reconsidered its decision pursuant to s.31 of the *State Administrative Tribunal Act 2004* (**SAT Act**), when it resolved to approve the Development Application for an 'Educational Establishment'. This Development Approval was partially based on a change in Non-Conforming Use from a 'Reception Centre' to an 'Educational Establishment' for the subject site.
- In March 2016, the RMS became the registered proprietor of the subject site (Lot 700) and Lot 701 at an earlier date.
- In November 2017, the City received a DAP application to extend the period within which the development of the 'Education Establishment' (516 students) must be commenced and also for some minor alterations to the previously approved proposal related to the internal road network, car parking areas and the location of buildings. All of the 'Education Establishment' is contained on Lots 11 and 700. Lot 701 was only proposed for access, as it provides a right of carriageway easement for access to Lot 700.
- In December 2017, the SWJDAP approval for an 'Education Establishment' expired, as the development had not substantially commended within two (2) years of the date of Development Approval.
- On 10 May 2018, the SWJDAP granted Development Approval to the application for a revised 'Education Establishment' with some changes to the previous condition and extended the approval period for three (3) years from the expiry date of the original approval being 18 December 2017 (i.e. 18 December 2020).



9. Master Plan - JDAP 2018 Approval - Montessori School

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- In April 2020, in response to the COVID-19 pandemic, the State Government introduced a number of temporary planning exemptions to support businesses, including extending Non-conforming use expirations <u>Planning Reform Program</u>
- In April 2020, the City wrote to the RMS, advising that the SWJDAP approval issued on 10 May 2018 for the Educational Establishment was extended until 10 May 2022.
 - In March 2022, updated temporary planning exemptions were introduced, which superseded the April 2020 temporary exemptions. These exemptions placed various expiry dates on exempted uses, including extending Non-Conforming Uses until December 2022 after which they would expire.

Site Context

The locality within which the subject site is located is predominately rural. The eastern side of Mandurah Road is characterised by single houses on large landholdings, along with rural business and equestrian activities on the western side of Mandurah Road. Other businesses in the locality include the Larkhill Vet and Carramar Coastal Nursery.

Details

The Applicant seeks Development Approval for the following:

- A Community Garden to be operated by the Baldivis Community Garden, a not for profit organisation run by volunteers which provide opportunities for community members to plant and grow plants, fruit and vegetables. The Garden temporarily previously operated as Baldivis Grove Estate just off Pike Road, Baldivis.
- Functions and events to be undertaken by RMS and allow other organisations to also use the existing 'Reception Centre' building for various community type uses and for business use.

Details of the Community Garden are as follows:

- Accommodate up to 25 people for events and will typically to be operated by 1-5 people on site at any one time;
- The Community Garden access is from 6am-6pm, seven (7) days a week;
- Provision of a permanent and secured shipping container on site for storage;
- Development of a 60m² greenhouse / shed / work zone;
- Development of garden plots for active gardening;
- Grading of a small unsealed car park area adjacent to the shipping container storage;
- Clearing of some trees as required by the Bushfire Management Plan within Asset Protection Zones; and
- The community purpose building (reception centre building) will only be accessible via organised events or use of the toilet facilities by community garden users.

Details of the RMS use and other activities to be undertaken are as follows:

- Host meetings for community groups or organisations, consistent with the booking of a community hall or similar and has the potential to be used by local Rockingham businesses or organisations to host commercial events or training;
- Accommodating up to 150 persons including any supporting staff but to function with a maximum average of 130 persons;
- The former Reception Centre building is proposed to be used intermittently for organised events between the hours of 7am-9pm Monday to Saturday, 9am-7pm Sundays and Public Holidays;
- RMS may take groups of students to the community garden for learning opportunities from time to time; and

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The existing vehicle parking facilities and overflow grassed area have been used previously to accommodate approximately 120 cars (according to the previous owners of the site) and therefore a maximum of 70 car parking bays is appropriate based on the space available.

The following technical reports and supporting material accompanied the application:

- Development Application Report;
- Development Plans; and
- Bushfire Management Plan (**BMP**) and Bushfire Evacuation Plan (**BEP**);

Existing Reception Centre use

The Applicant has provided explanation of the current use of the Reception Centre building.

"The reception centre building is currently used for a range of school and school community related events. These range from meetings and training events to full scale 150 person events. It is estimated that 50+ different events / meetings / activities have been held on the site during the RMS ownership, with a large number being regular and repeated, resulting in 100-150+ events being held over the ownership period. At a minimum, the building is used an estimated every 2 months, depending on the time of year. A list of some of the larger or more regular uses of the building is provided below, noting this is not all inclusive:

- Carols on the Green 150 persons
- Open mic night 150 persons
- Whole of school visioning events 80 persons
- Whole of school staff meetings 50 persons
- Barn Dance night 150 persons
- Community spirit movie nights 120 persons
- Comet Bay Netball Association awards dinner 150 persons
- Middle School dance 100 persons
- Flourish program women's return to work program 25 persons
- Montessori head to head conference 30 persons
- RMS Board Meetings 8 persons
- Quiz night 100 persons"

RMS has also stated:

"It is reaffirmed that business activities on this site have not ceased and RMS continues to operate the reception centre for its approved use on a regular basis. All reception centre buildings fit out and equipment that came with the building when the site was purchased has been retained and is still used for events. This includes tables, chairs and other furniture as well as crockery, cutlery and other kitchen/serving related equipment.

RMS has have always intended to use the site themselves or hire out for events / training / workshops. RMS has held numerous discussions with parties interested in booking the site for events and several of these eventuated in the events listed above. This is planned to continue into the future."

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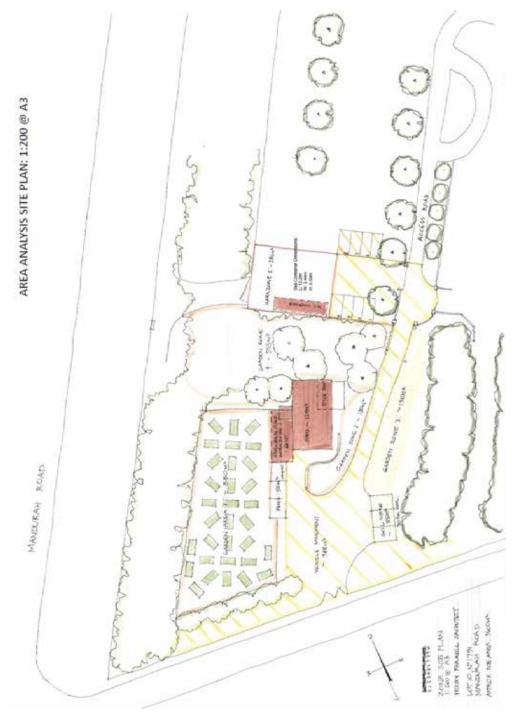
Presiding Member



10. Site Plan

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Confirmed at a Planning and Asset Services Committee meeting held on Monday 14 July 2025



11. Landscape Development Plan

Implications to Consider

a. Consultation with the Community

The application was advertised for public comment in accordance with *Local Planning Policy* 3.3.27 - *Community Consultation for Development Applications* as a 'Complex Application', for a period of 31 days, between 21 January and 21 February 2025 as follows:

Written correspondence was sent to all owners and occupiers of properties within 200m of the subject site (Refer to Figure 12 - Consultation Plan below);

Confirmed at a Planning and Asset Services Committee meeting held on Monday 14 July 2025

Presiding Member

- The Development 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
- One (1) notification sign was erected at the subject site fronting Mandurah Road for the duration of the consultation period.
- A Public Notice was published in the Sound Telegraph on 21 January 2025

A total of eight (8) submissions were received at the conclusion of the advertising period. Three (3) in support and five (5) in objection. Two (2) submissions were received from the same property owner; one provided by a Planning Consultant on the landowner's behalf.



12. Consultation Plan

The following table is a summary of the main comments raised from the submissions received, along with responses by the Applicant and the City to the matters raised.

1. Traffic and Pedestrian Safety

Increased Traffic (Summarised)

Concern the proposal will bring more visitors and increase traffic congestion on the surrounding roads.

The activities on-site will result in dangerous traffic manoeuvres occurring on Mandurah Road. Vehicles traveling north from the proposed site would need to perform 'U-turns' at Surf Drive or Anstey Road, the latter of which has been identified as Perth's fourth most dangerous intersection by the RAC.

Single driveway access - entry and exit to the site are limited to a single southerly-facing driveway, creating safety and traffic flow concerns.

Presiding Member

1. Traffic and Pedestrian Safety (cont...)

Applicant's Response:

"The proposal is proposed to result in decreased traffic volumes from the existing approved development and use of the site.

Vehicle ingress and egress from the subject site has been undertaken successfully and safely for an extended period of time. The approved patron numbers on the site are being decreased as a part of this application, reducing the number of ingress and egress movements."

City's Comment

The Applicant has advised that additional traffic generated by the Community Garden is to accommodate a maximum of 25 persons and typically one (1) to five (5) persons. For the 'Reception Centre' building use for RMS events and activities, the Applicant has advised that a maximum of one hundred and fifty (150) is proposed.

The traffic generated by the RMS activities and BCG is less than the maximum permitted capacity under the 1999 Development Approval for the Reception Centre, which allowed for up to 180 persons. The traffic generated by this proposal is also significant less than the volumes that were accepted by MRWA as part of the previous 'Educational Establishment' Development Assessment Panel approval, albeit over two lots, which also relied on potential 'U-turns' at Surf Drive.

The City's car parking assessment is contained in the Legal and Statutory section of this Report.

Pedestrian Safety (Summarised)

Concern was raised in relation to safety issues associated with children and pedestrians due to the high-speed and high-traffic nature of Mandurah Road. This location is known to be hazardous, with no controlled intersection.

Applicant's Response:

"User safety is the highest priority for Rockingham Montessori School (RMS) who are experienced in operating facilities with young children and pedestrians. The subject site is fenced and all users of the facility will travel to the site via vehicle. Young children will not be the primary users of this site but when they do attend RMS will be responsible for their safety."

City's Comment:

Due to the rural location of the site, BCG participants and visitors will drive to the site, which mitigates any pedestrian safety concerns. Further, as stated by the Applicant, the premises will be predominantly operated by the RMS. The City does not consider pedestrian safety risks will increase due to the proposed development.

2. Inadequate Public Transport

Lack of Public transport (Summarised)

The nearest bus stop is over 1 km away along a 100 km/h road with no footpath, requiring pedestrians to cross four lanes of fast-moving traffic. This limits accessibility for those without private transport.

Applicant's Response:

"The subject site is in close proximity to urban areas and needed to move from its previous location. The subject site is considered to be highly accessible and a good location for the proposed use.

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2. Inadequate Public Transport (cont...)

The proposed development does not result in a large increase of activity on the site. A dramatic increase in activity or density of development on a site is generally considered to be a catalyst for requiring good public transport access. On this basis the accessibility of the site to public transport is not considered to be relevant to this application and will not be relied upon for the future operation of the proposed uses."

City's Comment:

Given the sites rural location, it is considered unlikely that guests will use public transport to access the site, which is no different to a Reception Centre use.

3. Amenity

Noise (Summarised)

Noise increase due to noise pollution from multiple co-operating land uses on-site.

Applicant's Response:

"The proposed development application is seeking approval for a lower number of visitors than currently approved on the site, and with more restrictive operating times. On this basis the sound emitted by activities will be lower than the existing approved operation and at less impactful times to the surrounding properties.

The traffic and acoustic impacts of the proposed development will be less than the existing proposed use due to the reduced intensity of the land use and the less impactful operating hours."

City's Comment:

Given the reduction of maximum capacity of the proposed development compared to the 1999 Reception Centre, the City considers that the proposal is likely to have less impact on the amenity of adjacent owners.

The Community Garden is a very 'low-key' activity which is compatible with the rural amenity of the area.

Anti-Social behaviour (Summarised)

Similar community-use areas, such as Baldivis Children's Forest, have faced on-going issues with vandalism, theft, and trespassing. Increased public access may result in similar problems for nearby properties, raising concerns about security and property damage.

Applicant's Response

"The site is currently used on an intermittent basis. With more regular use and use at different times (i.e. morning use for the community garden) there will be more activation and passive surveillance over the site, decreasing the risk of the issues listed. This is anticipated to be a benefit to surrounding properties as well. The community garden has operated previously in Baldivis without causing security issues or anti-social behaviour."

City's Comment:

Current Crime Prevention Through Environmental Design ('CPTED') principles align with the Applicant's response, in that, with daily use by the BCG, these activities could improve security.

Given the type of events and activities proposed, there is no basis to conclude that it will generate anti-social impacts.

Loss of Community Asset (Summarised)

Loss of the existing function centre, which is viewed as a valuable asset to the local community.

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3. Amenity (cont...)

Applicant's Response

"The purpose of this development application is to maintain the use of the function centre within the community and to facilitate the use of the site for a community garden. It is agreed that the reception centre building is a valuable piece of community infrastructure. This application will ensure that infrastructure can be used by the community into the future."

City's Comment:

The loss of the 'Munja Gardens Reception Centre' is noted, however, this is not a relevant planning consideration.

Rural Character (Summarised)

Detrimental to the character and amenity of the locality, which is zoned 'Rural' and should be preserved accordingly.

Applicant's Response

"The only physical development proposed as a part of this application is the community garden and associated minor car parking / vehicle movement areas. The community garden is considered to be consistent with the rural character and amenity of the area by promoting localised agriculture within the community. The reception centre is an existing development within this locality and is not proposed to be physically altered. An assessment of the proposed development against Local Planning Policy No.3.1.1 – Rural Land Strategy (LPP3.1.1) was provided with the development application and demonstrated compliance against Key Elements and General / Performance Standards of that Policy.

The community garden patron maximum is not in addition to the reception centre / overall

site maximum for visitors / persons. It is intended that the community garden will mostly run at different times to the use of the reception centre, however, if there is crossover of the use the 150 person maximum will not be exceeded.

The traffic and acoustic impacts of the proposed development will be less than the existing proposed use due to the reduced intensity of the land use and the less impactful operating hours. No additional lighting is proposed as a part of this development application.

City's Comment:

The proposed development is unlikely to adversely affect the rural character and amenity of the adjacent owners. The community garden activities are low-intensity outdoor activities that are not expected to generate noise impacts off-site. The existing car parking and former Reception Centre buildings are also proposed to be re-used.

Community Expectations(Summarised)

Residents purchased property in this area with the understanding that the proposed Montessori School development had been previously rejected, and the site would remain a reception centre within a semi-rural setting.

Applicant's Response

"It is agreed that the reception centre is consistent with the semirural zoning in the area and an existing community asset.

The purpose of this development application is to maintain the use of the function centre within the community and to facilitate the use of the site for a community garden. It is agreed that the reception centre building is a valuable piece of community infrastructure. This application will ensure that infrastructure can be used by the community into the future."

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3. Amenity (cont...)

City's Comment:

The Montessori School development was previously approved by the MOJDAP, however, Development Approval has since expired.

All Development Applications are considered on their individual merits against the provisions of the City's TPS2 and policy requirements. In this regard the City has considered the proposal within the Special Rural zone provisions of the scheme and has had due regard to the objectives and principles outlined in the City's Rural Land Strategy which guides future development within the Zone.

4. Bushfire

Increased Bushfire Risk (Summarised)

Increased fire hazard. The proposal would significantly increase site occupancy, raising the risk of fire incidents.

Applicant's Response

"A Bushfire Management Plan (BMP) and Bushfire Evacuation Plan (BEP) have been prepared for the site and demonstrate the safe operation of the uses. Following approval of this application and implementation of the requirements identified in the BMP, the site will have a lower bushfire risk and be better equipped to deal with fires in the area. This will benefit neighbouring properties."

City's Comment:

The applicant's BMP and Bushfire Emergency Evacuation Plan ('BEEP') satisfactorily address bushfire requirements. This matter is further considered under the Policy section of this Report.

5. Planning Requirements

Orderly and Proper Planning (Summarised)

That the proposed 'Community Purpose' would not be in line with orderly and proper planning principles. The proposal is a prohibited 'X' use in the 'Special Rural' zone and does not align with the objectives of the Special Rural zone.

Applicant's Response

"Previous planning approvals on the site were for 150 persons and building approvals of up to 295 persons. It is unclear which of the maximums were approved previously but it is understood large events including school ball receptions, weddings and parties were held on the site and within the reception centre building. It is understood these events were permitted until late at night on weekends, creating the potential for significant disruption to the surrounding properties and residents.

This development application proposes a maximum of 150 patrons including staff across the whole site, inclusive of the reception centre and community garden. Most events are anticipated to be 50 people or less and the community garden is anticipated to have a maximum of 25 people on site at any time. In addition, this development application proposes less impactful operating hours, removing late nights on weekends and having the community garden only operate during the day.

On this basis, this development application proposes to reduce the scale and intensity of the use of the reception centre building which will reduce the impact of the use on the amenity of neighbouring properties as follows:

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5. Planning Requirements (cont...)

Proposed hours of operation are less impactful with earlier closing times. Proposed use is not intended for events with loud outdoor music late at night such as weddings or formal balls and is intended as a meeting place with opportunities for community events and training."

City's Comment:

The matter of land use permissibility within the 'Special Rural' zone is considered under the Statutory section of this Report together with the planning considerations under the City's TPS2 associated with a Non-Conforming land use.

Non-Conforming Use (Summarised)

The Non-Conforming use for the Reception Centre has expired and it would be now be illegally operating

Applicant's Response

"RMS has continued to operate and maintain the reception centre building and surrounding site since acquisition of the property. Additional technical information on the use of the property to demonstrate the continued use has been provided to the City of Rockingham for assessment."

City's Comment:

Refer to the Statutory section of this Report for further details.

6. Environmental Impact

Increased vehicles, foot traffic, waste, and noise may negatively affect local wildlife and vegetation.

Applicant's Response

"The proposed development is not considered to have an adverse impact on the environment. The use of the reception centre is proposed to be less than is currently approved, decreasing vehicle and foot traffic. No significant clearing of bushland is proposed with land for car parking and the community garden existing. Some minor thinning of vegetation is proposed around the reception centre building for bushlire safety purposes."

City's Comment:

The proposed Community Garden and uses associated with the former Reception Centre are not likely generate more traffic, waste, noise etc. than the former 'Munja Gardens Reception Centre'.

It is unlikely that the proposed development will negatively affect local wildlife, as the proposed clearing around the Community Garden for an Asset Protection Zone (**APZ** - bushfire protection) is likely to be limited to the removal of one (1) or two (2) trees. The APZ for the Reception Building is likely to result in additional tree removal, however, an APZ can already be installed around the building via current exemptions under the *Bushfire Act* without the need for Development Approval or environmental approvals.

7. Other Matters

Property Prices (Summarised)

Potential reduction in property values. Properties near schools can experience value reductions of up to 30%. Residents purchased their properties under the understanding that a school development was not proceeding.

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7. Other Matters (cont...)

Applicant's Response

"Property values are not a planning consideration. A school is not proposed in this development application."

City's Comment:

The impact of the proposed development on property values is not a relevant planning consideration. The Development Application submitted to the City does not include a school, however, the City notes past approvals for a School have previously been granted.

Management (Summarised)

How will the site be managed?

Applicant's Response

"The community garden will be managed by BCG not Rockingham Montessori. The community garden will be available for use by members of BCG, with additional members welcomed."

City's Comment:

Noted.

A copy of the public submissions received are contained in Attachment 1 to this Report.

b. Consultation with Government Agencies

The application was referred to the Department of Water and Environmental Regulation (**DWER**) and Department of Health (**DoH**) for comment.

1. DoH

"1. Wastewater Management:

In relation to wastewater management, the proposal is required to comply with the requirements of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 (the Regulations) and Government Sewerage Policy requirements. Further information is required prior to DoH supporting the proposal. In particular -

- a) There is reference to a maximum number of 150 persons per day that are proposed to attend community meetings and organised events at the property, with the addition of 25 persons per day proposed to visit the gardens and additional staff. All existing onsite wastewater treatment systems and disposal areas need to be provided, detailing the purpose of what will remaining or be decommissioned.
- b) The proposal shows a plan proposing four septic tanks with leach drains (two systems). The proponent is to ensure onsite wastewater treatment system/s and disposal area/s will meet the regulated wastewater volumes. The DoH will need to know if indoor and outdoor meetings, gatherings or functions will occur and whether food and/or alcohol are included.
- c) The land is located within a sewerage sensitive area. As this proposal is changing purpose, a secondary onsite wastewater treatment system will be required. Therefore, the proposed septic tank systems as primary treatment systems are not suitable for the location.
- d) As the proposed development is located within a sewerage sensitive area, a sitespecific Site and Soil Evaluation (SSE) will be required to be undertaken by a qualified consultant during the wettest seasonal time of the year (mid-July/August) as per AS/NZS 1547:2012 to ensure the land application area is located and sized appropriately.

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1. DoH (cont...)

2. Drinking Water Management:

All drinking water provided on site must meet the health-related requirements of the Australian Drinking Water Guidelines 2011 and the proponent is to provide the location of the drinking water bore/s.

3. Public Buildings

All public access/gathering areas are to comply with the provisions of the Health (Miscellaneous Provisions) Act 1911, related regulations and guidelines, and in particular Part VI – Public Buildings. It is recommended that the proponent work with the City of Rockingham's (City) Environmental Health team to ensure compliance with the legal requirements.

4. Medical Entomology

To protect the health and lifestyle of communities, all land use planning decisions should include consideration of mosquitoes and their management.

The City is a member of the Peel Mosquito Management Mosquito Contiguous Local Authorities Group, which undertakes an extensive program of health-driven mosquito monitoring and management in conjunction with the Department of Health. Despite considerable efforts to manage mosquitoes and mosquito-borne disease in the City, there continues to be cases of Ross River virus and Barmah Forest virus disease, including in Karnup. Prior to any future developments the Department recommends that:

- The proponents work with the City of Rockingham to determine the extent of risk from mosquitoes and mosquito-borne disease for the location.
- If that risk is considered medium or high by the City, a mosquito management plan should be established and adequately funded.
- The City of Rockingham ensures they have sufficient resources to continue mosquito management for any future development associated with the proposed extension."

City's Comment

Wastewater Management

As the subject site is located in a 'Sewage Sensitive Area', an effluent disposal system with a secondary treatment system and surface irrigation or leach drains is required to manage wastewater on-site. The existing systems that service the former 'Munja Gardens Reception Centre' and Chapel, are standard primary septic systems and the condition, size and location of the systems are not known. A 'Plumber's Report' detailing whether the systems are operating as per their original design and manufacturers specifications, the sizes of the systems and the locations, must be provided to the City before a decision can be made on whether upgrades are required.

An Advice Note should be included on any Development Approval that Department of Health Approval will be required, in this regard.

Drinking Water Management

An Advice Note on any Development Approval will be applied, to ensure the water supply meets relevant drinking standards.

Public Buildings

An Advice Note is recommended to alert the Applicant to the requirement for a new Public Building Approval, given the current Public Building Approval is for the 'Munja Gardens Reception Centre'.

Mosquito Risk

The subject site is identified as 'low risk' and therefore a Mosquito Management Plan is not required.

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2. DWER

"Thank you for providing the development application received 23 December 2024 for the Department of Water and Environmental Regulation (the Department) to consider.

The Department has identified that the proposed community garden at Lot 700 Mandurah Road in Karnup has the potential to impact on water values and/or management. In principle the Department does not object to the proposal however key issues, recommendations and advice are provided below and these matters should be addressed to the satisfaction of the Department.

lssue

Nutrient Risk and Management

Advice

The proposal is located within the Peel-Harvey coastal plain catchment. Conventional inground horticulture, such as this community garden, has the potential to export significant nutrient loads to the Peel-Harvey Estuary System. Subsequently this development application is subject to the following state policies:

Environmental Protection Peel Inlet - Harvey Estuary Policy (EPP) (EPA, 1992); and State Planning Policy 2.1 (SPP 2.1) Peel Harvey Coastal Plain Catchment (WAPC, 2003).

The below guiding documents and local planning policies provides further specific reference to achieving the intent, and overall nutrient targets, of the aforementioned policies with respect to horticultural practices.

Hydrological and nutrient modelling of the Peel-Harvey catchment – Water Science Technical Series Report No WST 33 (DoW, 2011);

Horticulture in the Peel-Harvey: A guide for investors and growers (PHCC, 2015); and

Model Local Planning Policy – Horticultural development in Local Governments of the Peel-Harvey Coastal Plain Catchment (Peel-Harvey Catchment Council, 2016).

The Peel-Harvey EPP establishes phosphorous loading targets for the Peel-Harvey Estuary System to be adhered to by new or expanding proposals. To comply with these total loading targets, the community garden would be required to achieve an export rate for total phosphorous (TP) of less than 0.29kg/ha/year, as specified within the Department's report Hydrological and nutrient modelling of the Peel-Harvey catchment (DoW, 2011).

The Department's modelling report has also established nutrient input (or application) rates for the Peel-Harvey catchment to achieve the necessary nutrient export loads. These need to be less than 6.5 kg/ha/year for phosphorous and less than 45 kg/ha/year for nitrogen.

As per Department of Primary Industries and Regional Development (DPIRD) soil mapping, the site for the community garden is largely located on moderately deep yellow brown sand which is poorly nutrient retentive. These areas are generally not suitable for annual and perennial in-ground horticulture due to the high nutrient export risk. Therefore, if the City has not already, it should consult DPIRD regarding this proposal.

Information provided by the proponent to support this application is insufficient to provide a full assessment of the proposal's potential impact to water resources. The onus of proof will rest with the proponent to demonstrate the proposal meets the objectives of the aforementioned policies. Given the size of the proposed community garden a Nutrient and Irrigation Management Plan (NIMP) is not considered necessary in this instance, however the City of Rockingham should be satisfied that the proponent can demonstrate that the proposal meets the objectives of the aforementioned policies.

Issue

Native Vegetation Regulation

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2. DWER (cont...)

Advice

Under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless:

- it is undertaken under the authority of a clearing permit
- it is done after the person has received notice under Section 51DA(5) that a clearing permit is not required
- the clearing is subject to an exemption

Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations).

Based on the information provided, the proposed clearing for the asset protection zone is likely to be exempt from the requirement for a clearing permit under Schedule 6, Clause 10(f) of the EP Act, noting that the clearing will be required to fulfil the obligations of a Bushfire Management Plan necessary for the development approval being sought, and will therefore be required under the Shire of Rockingham's current Fire Control Notice.

Please note that the guide to exemptions does not reflect the correct schedule location for the above exemption, given the change was made recently as part of the EP Act amendments. Please refer to Schedule 6, Clause 10 of the EP Act for the details relating to this exemption.

Should any clearing be required to facilitate the construction of buildings or structures, such clearing would likely be exempt from the requirement for a clearing permit under Regulation 5, Item 1 of the EP Act. Note that this exemption does not apply prior to development approval being issued.

Should any clearing be required to facilitate construction of garden plots, a clearing permit would be required, noting that exemptions do not apply.

The Department has not received a clearing permit application for this proposal. Application forms are available from

https://www.wa.gov.au/service/environment/environment-information-services/clearingpermit-forms

Additional information on how to apply for a clearing permit is available from https://www.wa.gov.au/service/environment/environment-information-services/nativevegetation-clearing-permits.

Information regarding clearing permit fees can be found here: <u>https://www.wa.gov.au/service/environment/environment-information-services/native-vegetation-clearing-permit-fees-frequently-asked-questions</u>

Please note the Department has a referral process where very minor clearing proposals can be referred to the Department to determine whether a clearing permit is required.

The decision on whether a clearing permit is required will be made against criteria specified in the EP Act and the Guideline: Native vegetation referrals available here:

https://www.wa.gov.au/government/publications/guideline-native-vegetation-clearingreferrals

It appears that the referral process may be applicable if any clearing proposed.

Applicants are encouraged to review the guideline to determine whether the proposed clearing satisfies all of the criteria specified under section 51DA of the EP Act. If the clearing does not satisfy all of the criteria under section 51DA of the EP Act, a clearing permit is required."

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2. DWER (cont...)

City's Comment:

Nutrient Risk Management

It is noted that DWER has not recommended a NIMP and given the low scale of the activity.

Vegetation Clearing

The only vegetation clearing proposed is to satisfy the APZ around BCG structures.

A condition is recommended to ensure that species are retained where possible.

Potable Water

An Advice Note is recommended in relation to potable water.

c. Strategic

Community Plan

Aspiration:

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:

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

Outcome/Objective: Plan for sustainable growth - Create safe community places to live, recreate and work

d. Policy

State Government Policy

State Planning Policy 3.7 - Bushfire (SPP3.7)

SPP3.7 and its associated Guidelines (2024) guide the implementation of effective riskbased land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

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 'Bushfire Prone - Area 2' (Rural) and the proposed land use is classified as a 'vulnerable land use', the Applicant had submitted a BMP and a BEEP in support of the application, as per the requirements of SPP3.7.

The BMP and BEEP are considered satisfactory.

Guidelines for Planning in Bushfire Prone Areas (GfPBPA)

The Department of Planning, Lands and Heritage's (**DPLH**) GfPBPA provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP3.7. The BMP indicates that the site is compliant with the SPP3.7 and GfPBPA. The assessment proposes the establishment of an APZ around buildings to maintain a 'Low Threat' state. The Bushfire Attack Level (**BAL**) 29 rating identified in the BMP are within acceptable standards and supported by the City.

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As stated in the City's Response to DWER comments on vegetation clearing, a condition is recommended to limit native vegetation removal from the APZ and to apply a Landscaping Plan requirement.



Management Requirements

- The existing and proposed habitable buildings shall be surrounded by a 21m Asset Protection Zone (APZ) to ensure the radiant heat flux does not exceed 29kW/m2 (BAL-29). The APZ shall be managed in accordance with the Standards for Asset Protection Zones, in perpetuity.
- O The existing driveway and proposed extension shall maintain a minimum trafficable width of 4m with a passing bay every 200m and tunraround areas for a Type 3.4 fire appliance vehicle.
- A non-combustible water tank shall be provided with a minimum capacity of 30,000 litres and camlock for fire appliance vehicles. The water tank shall be located within 4m of a sealed driveway or hardstand area.
 Notes
- The subject site shall comply with the City of Rockingham Fire Control Notice.
- The Bushfire Emergency Plan (BEP) shall be updated prior to occupancy to include the contact details of the emergency response team.

13. BMP Strategies

Local Government Policies

Local Planning Policy 3.1.1 - Rural Land Strategy (RLS)

The RLS provides the basis for land use planning in the rural area of the City. In particular, it provides Council with a framework for the assessment of proposals to rezone, subdivide, manage and develop rural land. The RLS considers the City's rural land in terms of 'Policy Areas', which are further divided into Planning Precincts. The subject land is situated in 'Policy Area 1A – Rural Wedge (South)'.

The 'Rural Wedge Precinct' comprises a linear series of ridgelines, wetlands and remnant vegetation that run generally north-south along the eastern side of Mandurah Road between Kerosene Lane and Anstey Swamp.

The 'Rural Wedge Precinct' provides for a rural transition between the inland and coastal urban corridors and maintains the valuable rural vista to Mandurah Road.

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The site is not affected by any wetlands, and given the limited scale of the proposal, it is unlikely to affect the visual rural character and amenity of the area. The City considers the proposed land use activities can readily be absorbed into the site, with minimal impact and will comply with the RLS.

e. Financial

Nil

f. Legal and Statutory

Metropolitan Region Scheme (MRS)

Clause 32 of the MRS provides the ability for the Western Australian Planning Commission (**WAPC**) to require certain classes of applications be referred for its determination. Recent changes to the MRS now include requirements for Changes of Non-Conforming Use, under the City's TPS2, to be referred to the WAPC to determine if approval is required under the MRS.

In accordance with Clause 34 of the MRS, the DPLH on behalf of the WAPC advised that approval is required under the MRS and that it has no objection to the proposal. As no objection was provided by the DPLH, the decision to determine the Development Application under the MRS is delegated to the City of Rockingham, under Schedule 1, Clause 2.8 of the WAPC's Instrument of Delegation.

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

Clause 67 of Schedule 2 of the Planning Regulations outlines the matters to which the Local Government is to have due regard when considering an application for Development Approval. Where relevant, these matters have been discussed in the planning assessment within this Report.

Town Planning Scheme No.2

The objectives of the 'Special Rural' zone under TPS2 are set out in clause 4.12.1 in the following terms:

'4.12.1 Objectives

To identify areas within which co-ordinated subdivision can occur for the purposes of providing a rural lifestyle that is not associated with large scale, intensive rural activities, whilst also allowing for the effective management of the land to ensure the retention of the rural landscape and amenity and conserve and enhance the natural environment.

To ensure that all development within Special Rural zones is in accordance with the Provisions Relating to Specified Areas as set out in Schedule No.4 of the Scheme that has due regard to the objectives and principles outlined in the Rural Land Strategy and supported by any other Plan or Policy that the Council may adopt from time to time as a guide to future development within the Zone."

An assessment of the proposed development against the principles of RLS is included within the Local Policies section of this Report.

From the objectives of the 'Special Rural' zone, the intended purpose of the zone is taken to be an area that provides for a rural lifestyle that is not associated with large-scale rural activities. Developments should retain the rural landscape and amenity of the area and conserve and enhance the natural environment. In this particular area, the RLS identifies the importance of retaining the visual buffer between development to the east and west.

In relation to the scale of the proposed development and traffic generation associated with guests/visitors, it is considered to be less intense than the peak periods associated with the former 'Munja Gardens Reception Centre'. The proposed Community Garden is also considered to be more aligned with the objectives of the 'Special Rural' zone being a low-scale rural activity.

Given the above, the proposed development complies with the objectives of the 'Special Rural' zone.

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Presiding Member

Special Rural zone - Permissibility and Land-Use Classification

The subject site is zoned 'Special Rural' under TPS2. 'Community Purpose' and 'Reception Centre' uses are prohibited in the Special Rural zone under TPS2 and are defined as follows:

"Reception Centre: means premises used for hosted functions on formal or ceremonial occasions."

"Community Purpose: means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit."

With respect to the future use of the 'Reception Centre' building, the current application states:

"The community purpose building is envisaged to host meetings for community groups or organisations, consistent with the booking of a community hall or similar and has the potential to be used by local Rockingham businesses or organisations to host commercial events or training."

The 'community groups or organisations' that RMS has in mind are considered to involve activities for community benefit. The use of the building by such groups for meetings is likely to facilitate the provision of educational, social or recreational facilities or services by those groups or organisations.

The proposed use of the 'Reception Centre' building by local Rockingham businesses or organisations to host commercial events or training, while outside the scope of a 'Community Purpose' use, can still be supported, given that this will infrequently occur and is incidental.

The proposed activities are interpreted under TPS2 to be generally consistent with a 'Community Purpose' land use.

Non-Conforming Use provisions

Despite land uses included in this Development Application being prohibited ('X' in the 'Special Rural' zone, the application can be considered for Development Approval under the Non-Conforming Use provisions TPS2.

Clause 7.2 of TPS2 provides for an 'Extension of Non-Conforming Use', as follows:

"7.2 Extension of Non-Conforming Use"

- 7.2.1 A person must not:
 - (a) alter or extend a non-conforming use;
 - (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use;
 - (c) change the use of land from a non-conforming use to another non-conforming use;

without first having applied for and obtained development approval under the Scheme.

7.2.2 An application for development approval under this clause is to be advertised in accordance with clause 64 of the deemed provisions."

Clause 7.3 of TPS2 provides the ability for a 'Change of Non-Conforming Use', as follows:

"7.3 Change of Non-Conforming Use

"Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the Local Government is not to grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the Local Government, closer to the intended purpose of the zone."

Confirmed at a Planning and Asset Services Committee meeting held on Monday 14 July 2025

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Presiding Member

Clause 7.4 of TPS2 provides a mechanism for 'discontinuance of Non-conforming Use', as follows:

- *"7.4 Discontinuance of Non-Conforming Use"*
- 7.4.1 Where a non-conforming use of any land or building has been discontinued for a period of six (6) months or more, the land must not be used after that period otherwise than in conformity with the provisions of the Scheme;
- 7.4.2 The Local Government may affect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier of that land, and may enter into an agreement with the owner for that purpose."

Non-Conforming Use (Reception Centre)

A Non-Conforming land use under TPS2, is a land use that lawfully received Development Approval in the past, but due to a change in zoning or permissibility, is now a prohibited land use and not capable of receiving Development Approval. TPS2 allows Council to support a change in Non-Conforming land use to a less detrimental land use.

The first test for this Development Application is to establish if a Non-Conforming land use currently applies to the subject site related to the Reception Centre and Chapel. The second test is then whether or not a change in Non-Conforming Land Use is acceptable under TPS2.

Does a Non-Conforming Use currently apply?

The ability to use Lot 700 for a Reception Centre is accordance with the 1999 Development Approval is protected by clause 7.1 of TPS2, despite a 'Reception Centre' being a prohibited use ('X') in the 'Special Rural' zone.

In this regard, the City considered whether or not a Non-Conforming land use currently applies to the subject site. The City concluded that a Non-Conforming land use continues to apply to the land in accordance with the 1999 Development Approval for a 'Reception Centre', for the following reasons:

- The principle applied by the Courts to the interpretation of non-conforming use rights is that the use protected is to be construed broadly and is not confined to precise activities;
- There is no direct evidence about how or whether Lot 700 was used between June/July 2015 as a Reception Centre and when RMS became the registered proprietor on 9 March 2016. Correspondence from Applicant, however, under the 2015 JDAP application states that the 'Munja Gardens Reception Centre' was operating as at July 2015;
- S Although there may have been limited or no use of the 'Reception Centre' as a business after that time, in a case in which land containing a Non-Conforming use is in the process of being sold, the intentions of the purchaser are relevant to whether or not the use was discontinued;
- When RMS purchased Lot 700 its primary intention was evidently to use the land for an 'Educational Establishment'. The information provided by RMS, however, indicates that it had a secondary intention consistent with continuing the use of the land for events, meetings and similar activities;
- The 1999 Development Approval does not limit the approved 'Reception Centre' use to 'functions on formal or ceremonial occasions' which could have excluded 'unhosted use for general entertainment purposes'. Rather, the approved land use means the premises may be used for functions or similar activities in a broader sense; and
- The events, meetings and similar activities proposed by RMS are considered to fall with the scope of the 1999 Development Approval for a 'Reception Centre' when this land use is construed broadly.

Presiding Member

Accordingly, despite the assertion made in some public submissions, pursuant to TPS2 the City considers that the 'Reception Centre' Non-Conforming Use continues to apply and that the land use has not been discontinued or abandoned.

Is a change in Non-Conforming Use acceptable?

The City considers that that the proposed change in Non-Conforming Use from 'Reception Centre' to a 'Community Purpose' is less detrimental to amenity and closer to the intended purpose of the 'Special Rural' zone in accordance with Clause 7.3 of TPS2, for the following reasons:

- The patrons of the 'Community Garden' and function activities involve fewer people attending the subject land than the former 'Reception Centre';
- The 'Community Garden' use is essentially a garden area for the growing of various, fruit, vegetables, plants and herbs more akin to a rural activity; and
- Proposed function activities are anticipated to finish earlier than a typical 'Reception Centre', (i.e. wedding reception) which would operate on Friday and Saturdays nights until later in the evening.

The City considers the proposed change of Non-Conforming use is compliant with Clause 7.3 of TPS2. Accordingly, the Council has the ability to grant Development Approval for the proposed development.

4.15.1.3 - Car Parking

TPS2 requires the provision of on-site parking for vehicles for development in accordance with the provisions of Clause 4.15 and Table No.2 of TPS2. As a 'Community Purpose' land use does not include specific car parking requirements, Table 2, Clause 4.15.1.4(a) of TPS2 requires car parking spaces to be determined having regard to:

- "(i) the nature of the proposed development;
- (ii) the number of Employees likely to be employed on the site;
- (iii) the anticipated demand for parking; and
- (iv) the orderly and proper planning of the locality."

As the previous 'Reception Centre' required one (1) bay per four (4) persons the building is designed to accommodate, the provision of 70 informal parking bays, which could cater for 280 persons based on this rate is considered adequate. Based on the Applicant's proposal for a maximum of 150 guests for RMS activities this would accommodate a vehicle occupancy rate of just over two (2) person per vehicle, which is considered low. Further there other locations for informal parking on-site for larger events such as the vehicle access way.

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 / Program/Project management / Natural Environment: High and Extreme Risks Financial / Health and Safety: Medium, High and Extreme Risks

Nil

Comments

The proposed development has been the subject of a detailed planning assessment and review in accordance with TPS2 and policy framework and is considered to be generally compliant.

'Community Purpose' is defined in TPS2 to mean 'premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit'. The RMS and BCG are both considered to qualify as organisations undertaking activities for community benefit. Whilst there is some incidental, occasional commercial use associated, the activities to be undertaken on the site are primarily for community benefit and therefore do not take it outside the 'Community Purpose' use class classification.

Presiding Member

The proposal is considered acceptable having regard to rural character, traffic, access and safety, when considering that the proposed land use is less in intensity and scale, than the previously approved 'Reception Centre'. The early starting time for the some RMS activities is a concern and it is recommended they start at 7am, in lieu of 6am, to ensure the proposal complies with the *Environmental Protection (Noise) Regulations 1997.*

It is recommended that the Council approve the change of Non-Conforming Use of Lot 700 Mandurah Road, Baldivis from 'Reception Centre' to 'Community Purpose' for both the RMS and BCG activities.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **APPROVES** the application for Development Approval for Change of 'Non-Conforming Use' of Lot 700 Mandurah Road, Karnup to 'Community Purpose', subject to the following conditions:

- 1. All development must be carried out in accordance with the approved plans [and drawings] as listed below:
 - Landscape development Plan;
 - · Floor Plan;
 - Elevations; and
 - Site Plan

save that, 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. The maximum number of guests to attend the property being limited to:
 - One hundred and fifty guests for the 'Reception Centre' activities.
 - A maximum of 25 persons for 'Community Garden' activities;
- 3. The operating hours for 'Reception Centre' building are restricted to 8am-9pm Monday to Saturday, 9am-7pm Sundays and Public Holidays.
- 4. The operating hours for Community Garden are restricted to 7am-6pm, seven days a week.
- 5. Seventy informal grassed parking bays to be maintained to the satisfaction of the City of Rockingham at all times for use by the reception building.
- 6. The access and nine (9) parking bays for the Community Garden are to be constructed to all weather standard to the satisfaction of the City prior to occupation of the Development.
- 7. Prior to the proposed development commencing, the Asset Protection Zone (APZ), as depicted in the Bushfire Management Plan prepared by Element, dated June 2024, must be installed on the site in accordance with the following requirements:
 - (a) maximum Fine Fuel Load of 2 tonnes per hectare;
 - (b) tree trunks at maturity must be a minimum distance of 6 metres from all elevations of the building and tree canopies at maturity must be 5 metres apart;
 - (c) shrubs must not be located within 3 metres of a building;
 - (d) grass must be managed to maintain a height of 100m or less;
 - (e) fences and sheds must be constructed of non-combustible material; and
 - (f) 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

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Presiding Member

8. Prior to the proposed development commencing, a plan must be submitted to and approved by the City of Rockingham to determine the vegetation to be cleared and retained within the Asset Protection Zones. The plan is to be based on an accurate survey showing the location and canopy spread of the vegetation. The vegetation to be retained and removed is to be determined at a site inspection attended by City Officers and the applicant's suitably qualified Arborist and bushfire consultant. Where possible, all vegetation proposed for removal is to be replaced like for like outside of the Asset Protection Zone, consistent with Bushfire Management Plan requirements.

All vegetation removed from within the Asset Protection Zone is to be in accordance with the approved plan.

- 9. Prior to the occupation of the proposed development, a private driveway must be constructed in accordance with the following requirements:
 - (a) minimum trafficable surface of 4 metres;
 - (b) minimum horizontal clearance of 6 metres;
 - (c) minimum vertical clearance of 4.5 metres;
 - (d) maximum grade over 50 metres or less of 1 in 10;
 - (e) minimum weight capacity of 15 tonnes;
 - (f) maximum crossfall of 1 in 33;
 - (g) minimum inner radius of curves of 8.5 metres;
 - (h) turn around area for 3.4 Urban Tanker series fire appliance as shown on the plan;
 - (i) passing bays located every 200 metres, having a minimum length of 20 metres and minimum width of 2 metres; and
 - (j) all weather surface (i.e. compacted gravel, limestone or sealed).

The private driveway must be maintained in accordance with these requirements and in a good and safe condition for the duration of the development.

- 10. Prior to the proposed development commencing, a water tank with a minimum capacity of 30,000 litres, reserved solely for the purpose of fire-fighting, must be installed on site. The tank must:
 - (a) be sited above ground and constructed of concrete or metal;
 - (b) be located within 60 metres of the outer edge of the building;
 - (c) be fitted with both a 55mm cam-lock fitting with a full-flow valve and a 125mm Storz coupling with a full-flow valve;
 - (d) have all above ground water pipes constructed of non-corrodible and non-combustible materials;
 - (e) have a hardstand turn around area, suitable for a 3.4 Urban Tanker fire appliance, provided within 3 metres of the water tank; and
 - (f) be readily identifiable from the building or appropriate signage be provided pointing to the location of the water supply. If the water tank has a tank stand, that stand must be constructed of non-combustible materials and heat shielding of the stand must be provided.

The water tank must be maintained in accordance with these requirements and be in working condition for the duration of the development.

11. All trees and vegetation must be retained (unless specifically identified for removal on the approved plans) and, during the construction period measures for their retention are to be undertaken in accordance with Australian Standard AS 4970-2009, *Protection of trees on development sites*.

Advice Notes

1. 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.

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- 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. The existing effluent disposal system servicing the Public Building may need to be upgraded or a separate system installed; the applicant and owner should liaise with the City's Health Services in this regard.
- 4. Prior to the occupation of the development, the development must be supplied with a potable drinking water supply that meets the *Australian Drinking Water Guidelines 2011*. Written confirmation of compliance with the *Australian Drinking Water Guidelines 2011* is to be provided to the satisfaction of the City of Rockingham.
- 5. Any non-drinking water (i.e. water that is not intended or suitable for drinking) must be managed to ensure it cannot be confused with or contaminate the drinking water supply. This requires satisfactory labelling of non-drinking water taps and, depending on system configuration, suitable backflow prevention arrangements in accordance with *Australian/New Zealand Standards AS3500 Plumbing and Drainage.*

Committee Recommendation

Moved Cr Wormall, seconded Cr Hudson:

That Council **APPROVES** the application for Development Approval for Change of 'Non-Conforming Use' of Lot 700 Mandurah Road, Karnup to 'Community Purpose', subject to the following conditions:

- 1. All development must be carried out in accordance with the approved plans [and drawings] as listed below:
 - Landscape development Plan;
 - Floor Plan;
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 - Site Plan

save that, 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.

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- (e) fences and sheds must be constructed of non-combustible material; and
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 - (d) have all above ground water pipes constructed of non-corrodible and non-combustible materials;
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Advice Notes

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- 4. Prior to the occupation of the development, the development must be supplied with a potable drinking water supply that meets the *Australian Drinking Water Guidelines 2011*. Written confirmation of compliance with the *Australian Drinking Water Guidelines 2011* is to be provided to the satisfaction of the City of Rockingham.
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Committee Voting (Carried) - 6/0

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

Not Applicable

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Asset Services

Asset Services Technical Services				
Report number / title:	AS-012/25	Tender T24/25-78 - Framework Agreement for the Provision of Cleaning and Maintenance Services for Installed Drainage Products		
File number:	T24/25-78			
Applicant:				
Owner:				
Author:	Mr Manoj Barua, Manager Technical Services			
Other Contributors:	Mr Aulad Hossain, Maintenance Engineer Mr Om Gupta, Coordinator Infrastructure and Coastal Engineering			
Date of Committee Meeting:	16 June 2025			
Previously before Council:				
Disclosure of Interest:				
Nature of Council's Role:	Executive			
Attachments:				
Maps/Diagrams:				
Site:				
Lot Area:				
LA Zoning:				
MRS Zoning:				

Purpose of Report

To provide Council with details of the Tender submissions received for Tender T24/25-78 - Framework Agreement for the Provision of Cleaning and Maintenance Services for Installed Drainage Products, document the results of the Tender assessment and make recommendations regarding award of the contract.

Background

Tender T24/25-78 - Framework Agreement for the Provision of Cleaning and Maintenance Services for Installed Drainage Products was advertised in the West Australian on Saturday, 29 March 2025. The Tender closed at 2.00pm, Wednesday, 30 April 2025 and was publicly opened immediately after the closing time.

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Details

The type of works to be undertaken under the contract shall include:

- Educting (vacuuming) and jetting (high pressure cleaning) of stormwater drainage system in various catchments and areas of previous flooding.
- Underground remote controlled camera inspection.
- Root cutting for drainage pipe and culvert.
- Hydro excavation service for drainage pit and pipe repairs.
- Disposal of contaminated and uncontaminated materials.

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

A panel as approved by the Director Asset Services in compliance with Executive Standard -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
	40 Pts	20 Pts	40 Pts	100 Pts	
DFS Industrial & Environmental Services Pty Ltd	34.0	16.7	35.9	86.6	1
Cleanaway Industrial Solutions Pty Ltd	31.8	16.2	21.9	69.9	2
Aaro Group Pty Ltd	28.3	16.7	19.2	64.2	3
Precision Pipe Technologies	23.7	11.8	28.5	64.0	4

This is a fixed price, schedule of rates Tender, not subject to rise or fall. The score for price considerations are obtained according to the sliding scale, with lowest price receiving highest score. No Tenderer has received the full 40 points as none of them offered lowest price for all activities.

Implications to Consider

a. Consultation with the Community

Not Applicable

b. Consultation with Government Agencies

Not Applicable

c. Strategic

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective 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

Presiding Member

d. Policy

In accordance with Executive Standard - Purchasing of Goods and Services, 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 \$915,000.

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 / Program/Project management / Natural Environment: High and Extreme Risks Financial / Health and Safety: Medium, High and Extreme Risks

Nil

Comments

In addition to price, Tenderers were required to supply qualitative information addressing level of service and understanding of Tender requirements including, organisational structure, demonstrated relevant industry experience, available resources, qualified personnel, methodology for undertaking works and quality accreditation systems.

Tender submissions varied in the depth and detail of the qualitative criteria information received demonstrating different levels of capability to undertake the contract requirements. DFS Industrial & Environmental Services Pty Ltd scored the highest in level of service, understanding of Tender requirements and Tendered price.

Following consideration of the submissions in accordance with the Tender assessment criteria, DFS Industrial & Environmental Services Pty Ltd represents best value to the City of Rockingham and is therefore recommended as the preferred Tenderer.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ACCEPTS** the Tender submitted from DFS Industrial & Environmental Services Pty Ltd, 30 Westchester Road, Malaga, WA 6944 for Tender T24/25-78 - Framework Agreement for the Provision of Cleaning and Maintenance Services for Installed Drainage Products in accordance with the Tender documentation for 36 months from the date of award.

Confirmed at a Planning and Asset Services Committee meeting held on Monday 14 July 2025

Presiding Member

Committee Recommendation

Moved Mayor Hamblin, seconded Cr Hudson:

That Council **ACCEPTS** the Tender submitted from DFS Industrial & Environmental Services Pty Ltd, 30 Westchester Road, Malaga, WA 6944 for Tender T24/25-78 - Framework Agreement for the Provision of Cleaning and Maintenance Services for Installed Drainage Products in accordance with the Tender documentation for 36 months from the date of award.

Committee Voting (Carried) - 6/0

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

Not Applicable

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Confirmed at a Planning and Asset Services Committee meeting held on Monday 14 July 2025

13.	Reports of Council Members			
	Nil			
14.	Addendum Agenda			
	Nil			
15.	Motions of which Previous Notice has been given			
	Nil			
16.	Notices of Motion for Consideration at the Following Meeting			
	Nil			
17.	Urgent Business Approved by the Person Presiding or by Decision of the Committee			
	Nil			
18.	Matters Behind Closed Doors			
	Nil			
19.	Date and Time of Next Meeting			
	The next Planning and Asset Services Committee meeting will be held on Monday 14 July 2025 in the Council Chamber, Council Administration Building, Civic Boulevard, Rockingham. The meeting will commence at 5:00pm.			
20.	Closure			
	There being no further business, the Chairperson thanked those persons present for attending the Planning and Asset Services Committee meeting, and declared the meeting closed at 5:47pm .			

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