



City of Rockingham

MINUTES

Ordinary Meeting of Council

Held on Tuesday 27 May 2025 at 6:00pm
City of Rockingham Council Chamber

DISCLAIMER:

Please read the following important disclaimer before proceeding:

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



City of Rockingham
Ordinary Meeting of Council
6:00pm Tuesday 27 May 2025



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City of Rockingham
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1. Declaration of Opening

The Mayor declared the Council meeting open at **6:00pm** and welcomed all present.

Acknowledgement of Country

The Mayor noted, with permission from Elders, Ngaala kaaditj Nyoongar moort keyen kaadak nidjar boodjar, I acknowledge the Nyoongar people as the traditional owners of the land.

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

Recording and Live Streaming of proceedings

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

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

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

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

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

2.1 Council Members

Mayor Deb Hamblin	
Cr Lorna Buchan, Deputy Mayor	Comet Bay Ward
Cr Mike Crichton	Baldivis Ward
Cr Kelly Middlecoat	Baldivis Ward
Cr Brett Wormall	Baldivis Ward
Cr Robert Schmidt (via Teams link)	Comet Bay Ward
Cr Craig Buchanan, JP	Rockingham/Safety Bay Ward
Cr Peter Hudson	Rockingham/Safety Bay Ward
Cr Caroline Hume	Rockingham/Safety Bay Ward
Cr Dawn Jecks	Rockingham/Safety Bay Ward
Cr Mark Jones	Rockingham/Safety Bay Ward
Cr Leigh Liley	Rockingham/Safety Bay Ward

Note: All Council Members attending by electronic means have endorsed declarations pursuant to Local Government (Administration) Regulations 1996, r14C(5) which are captured in the City's record management system. This Note is to reflect the requirements of r.14C (7).

<p>2.2 Executive</p> <p>Mr Michael Parker Mr Sam Assaad Mr John Pearson Mr Michael Holland Mr Peter Ricci Mr Jim Olynyk, JP Ms Lauren Townsend Ms Sue Langley Ms Jennifer Weinman</p> <p>2.3 Members of the Gallery:</p> <p>2.4 Apologies:</p> <p>2.5 Approved Leave of Absence:</p>	<p>Chief Executive Officer Director Asset Services Director Corporate Services Director Community Development Director Planning and Development Services Manager Governance and Councillor Support Governance Coordinator Governance Officer Governance Officer – Councillor Support/FOI</p> <p>13</p> <p>Nil</p> <p>Nil</p>
<p>3. Responses to Previous Public Questions Taken on Notice</p>	
<p>Nil</p>	
<p>4. Public Question Time</p>	
<p>6:02pm The Mayor opened Public Question Time and invited members from the Public Gallery to ask questions. The Mayor noted that this was the only opportunity in the meeting for the public to ask questions and that Public Question Time is now being livestreamed as per Council Policy.</p> <p>4.1 Mr David Rudman, Port Kennedy – Carbon Emissions / AUKUS / Penguin Island</p> <p>The Mayor invited Mr Rudman to present his questions to the Council.</p> <p>Mr Rudman asked the following questions:</p> <ol style="list-style-type: none"> Mornington Peninsula Council in Victoria have axed climate emergency and wasteful climate spending after admitting that 11.5 million in ratepayers' money was spent with little tangible benefits. <p>It is more than a little irksome to see celebrities and climate billionaires (namely DiCaprio, Bezos) flying in private jets to far-flung places, where they lecture us on our carbon footprint, and in-between courses of beluga caviar, Aberdeen angus beef and cream sauces no doubt, probably washed down by a copious amounts of Dom Perignon. The cult known as 'climate alarmism' will eventually meet its demise, so one hopes will FOGO. In the meantime isn't it unethical to use cash collected from hardworking Australians to fund this Al Gore inspired lunacy?</p> <p><i>The Mayor advised that following on from answers to your questions last month, your view is acknowledged, however, there is no Council position to move away from the existing approach to reduce carbon emissions from our City's operations. As such, the City will continue to implement measures to reduce its carbon footprint some of which will bring cost savings such as installing solar PV systems to power City facilities.</i></p> <ol style="list-style-type: none"> The new head of Advanced Strategic Capabilities Accelerator (ASCA) tells us that the launch of the AUKUS maritime innovation challenge demonstrates how industry and research sectors, with AUKUS partners are working to get the best of advanced capabilities to our war fighters faster. 	

How Jingoistic! And I stifle the urge to don my fatigues, reach for my vintage Lee-Enfield rifle and join in the fun! Don't know if Council is aware, but the three Virginia class subs purchased by Australia are fuelled by highly enriched uranium (HEU), nuclear bomb fuel. It may be a case of the lesser of two evils – but why HEU? Why not LEU? Which is apparently used by China and France. Just for clarification, how many Council Members are fully on board with the AUKUS implementations?

The Mayor advised that on technical matters relating to AUKUS we suggest you refer your queries or concerns to your Federal Government representatives, Department of Defence or the Australian Submarine Agency. As stated previously decisions made with respect to AUKUS are outside the City's jurisdiction notwithstanding this, the City has and is advocating for the best outcomes for its community.

3. They say that you can judge a nation on how well it treats its animals. A 94% reduction in penguin numbers since 2007. A ludicrous policy that only closes the Island at 35°C. No access to cool water for little penguins on hot days when visitors are on the Island. Just three examples of many to highlight why Penguin Island should be closed to the public.

Has there been a response to the latest letter sent to Roger Cook and Matthew Swinbourn by the City and if so, was it favourable?

The Mayor advised that there are a number of Council advocacy actions relating to Penguin Island. A response to the most recent advocacy, associated with the permanent closure of the Island, has not yet been received.

Prior to that, in February 2025, Council resolved to request a review and update of the Shoalwater Islands Marine Park Management Plan. In mid-April, the Premier wrote to the City advising that the matter will be tabled for consideration by the independently chaired Little Penguin Advisory Group which is scheduled to release its findings later this year. A copy of the letter from Premier Cook is attached to the current Planning and Development Services Information Bulletin.

4.2 Mr Clive Galletly, Rockingham – Redefine Regions / Traffic Issues

The Mayor invited Mr Galletly to present his questions to the Council.

Mr Galletly asked the following questions:

1. WA is divided into ten regions, there is a Cabinet Minister for each region with a notable exception of Perth. This is because Perth gets a disproportionate amount of funding and Rockingham and Kwinana being part of the Perth region so we get no Minister responsible for us. I'm proposing that either the Peel region be redefined to include all of Rockingham, Kwinana and Mandurah or that a new region be defined for these cities such as the Southern Growth Corridor with a Minister responsible for and answerable to those cities.

Is Council willing to support an initiative to have a new region and address the funding situation?

The Mayor took the question on notice.

2. Is Council willing to seek funding from State and Federal governments to address the issues in Rae Road, create a better solution for Swinstone Street to modify the S bend, and remove the dog leg at the lights, footpaths either side, bus shelters and bus bays on each side, long laybys on both sides for drop off and pick up?

The Mayor advised that the City already receives a variety of State and Federal road funding.

Recent projects undertaken in Swinstone and Read Streets are externally funded as follows:

- 2/3rd of the total funding for Read Street intersection upgrades is provided by the State Government; and*
- 100% of the Swinstone Street and Townsend Road traffic treatments are funded by the Australian Government.*

The City is advocating for increased State funding for road safety outcomes as detailed in a report to Council in March 2025.

3. Is Council willing to host a special meeting where the public can point out traffic issues and also suggest solutions?

The Mayor advised that community consultation has already been undertaken as part of the Swinstone Street project. Feedback was assessed and where appropriate this informed the final design. The detail of the upgrades can be found on the City's website in the "Current projects and Works" section.

4.3 Mr Ray Major, Rockingham – Signage and CCTV

The Mayor invited Mr Major to present his questions to the Council.

Mr Major asked the following questions:

Driving down Rockingham Beach Road from the West. At Rotary Park, Rotary Reserve, Flinders Lane and Wanliss Street carparks there is a minimum of three (3) "No Camping" signs, and CCTV in use at every location. At Alexandra Street and Victoria Street carparks, no CCTV but even though they are small carparks, both have four (4) "No Camping" signs. At Roe Street, Weld Street and Governor Road carparks, there is not one "No Camping" sign visible from the carpark.

1. I would like to know why in some areas of Rockingham Illegal Camping attracts CCTV and multiple signs warning of fines, but all carparks East of Roe Street it appears to be tolerated, or even encouraged given the lack of both signage and CCTV monitoring?

The Mayor advised that with respect to signage, unfortunately the 'no camping' signage all along the Rockingham Foreshore has been subject to on-going theft and damage over recent times. The City is currently in the process of trialling more 'tamper resistant' signage along the foreshore in the area from Hymus Street through to Victoria Street. Signage in the locations to which you refer, will be replenished in the coming weeks.

With respect to signage, unfortunately the 'no camping' signage all along the Rockingham Foreshore has been subject to on-going theft and damage over recent times. The City is currently in the process of trialling more 'tamper resistant' signage along the foreshore in the area from Hymus Street through to Victoria Street. Signage in the locations to which you refer, will be replenished in the coming weeks.

There is no budget to extend the permanent CCTV network to the locations listed, however, the City has a fleet of 5 portable CCTV units that are deployed to locations all across the City where there is no permanent CCTV. These units are in high demand and location priority is given to requests made by the Police to high crime/issue areas.

In the last 12 months, these units have been placed at Governor Road reserve for a combined period of 3 months and 21 days.

On 8 May 2025, a CCTV unit was placed on Rockingham Beach Road, east of the horse beach car park entry to the present time.

	<p>2. Given the significant art installations at Weld Street, all the Navy memorials, the many shelters and BBQ's, a toilet block, and a children's playground, why have the public toilets been left unlocked 24/7 until now, and there is no CCTV monitoring of these areas as per all locations West of Roe Street?</p> <p><i>The Mayor advised that the toilets at Governor Road should be locked overnight. This is the first report that they may have been left unopened so officers will need to investigate and correct the oversight.</i></p> <p>3. How many illegal camping infringements have been issued by the City of Rockingham this financial year?</p> <p><i>The Mayor took the question on notice.</i></p> <p>4.4 Mr Alan Wade, Rockingham - Homelessness</p> <p>The Mayor invited Mr Wade to present his questions to the Council.</p> <p>Mr Wade asked the following questions:</p> <ol style="list-style-type: none"> 1. With an ever growing population of homeless can the City consider supporting a purpose-built caravan park? 2. Can the City have similar modular housing to the St Pats Fremantle Project? Can we get support from Council? <p><i>The Mayor noted that this is a State and Federal matter.</i></p> <p><i>The Director Community Development, Mr Holland advised that the Council has a clear position that social housing is funded and provided by Federal and State Governments. Mr Holland noted Mr Wade's is aware and keen to contact Magenta Marshall, Member for Rockingham.</i></p> <p>4.5 Mr Brian Preston, Singleton – Singleton Beach Road Crossing</p> <p>The Mayor invited Mr Preston to make a comment to Council.</p> <p>Mr Preston thanked the Comet Bay Ward Council Members and the Director Asset Services for their assistance in obtaining some fluorescent hoops at a crossing point on Singleton Beach Road and making it safer for children.</p> <p><i>The Mayor thanked Mr Preston for his comment.</i></p> <p>6:23pm There being no further questions the Mayor closed Public Question Time.</p>
5.	Applications for Leave of Absence
	Nil
6.	Confirmation of Minutes of the Previous Meeting
	<p>Moved Cr Wormall, seconded Cr Hudson:</p> <p>That Council CONFIRMS the Minutes of the Ordinary Council meeting held on 22 April 2025, as a true and accurate record.</p> <p style="text-align: right;">Carried – 12/0</p>
7.	Matters Arising from Minutes of Previous Meeting
	Nil

8.	Announcement by the Person Presiding without Discussion
	6:24pm The Mayor 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 Council meeting.
9.	Declarations of Members and Officers Interests
	6:24pm The Mayor noted there were no interests to declare.
10.	Petitions/Deputations/Presentations/Submissions
	Nil
11.	Matters for which the Meeting may be closed
	Nil
12.	Receipt of Minutes of Committees
	<p>Moved Cr Jones, seconded Cr Hume: That Council RECEIVES and NOTES the minutes of the:</p> <ul style="list-style-type: none"> · Planning and Asset Services Committee meeting held on 19 May 2025; and · Corporate and Community Development Committee meeting held on 20 May 2025 <p style="text-align: right;">Carried – 12/0</p>
13.	Recommendations of Committees
	<p>Withdrawn Items The following report items were withdrawn for discussion –</p> <p>PD-015/25 Proposed Public Jetty - Kennedy Bay PD-017/25 Development Assessment Panel Application - Proposed 33 Grouped Dwellings CS-008/25 City Business Plan 2025/2026 to 2034/2035 (May 2025) (Absolute Majority) CS-009/25 Rates Smoothing Option Fees and Interest on Late Payments CS-010/25 Rating Methodology - 2025/2026 Financial Year CS-011/25 Budget Review – May 2025 (Absolute Majority) – Addendum Report</p>

Planning and Asset Services Committee

**Planning and Development Services
Statutory Planning Services**



Report number / title:	PD-015/25 Proposed Public Jetty - Kennedy Bay
File number:	DD020.2025.96.1
Applicant:	Rowe Group on behalf of Western Australian Beach and Golf Resort Pty Ltd (WABGR)
Owner:	State of Western Australia (vested in the City of Rockingham)
Author:	Mr Chris Parlane, Senior Planning Officer
Other Contributors:	Mr David Waller, Coordinator Statutory Planning Mr Mike Ross, Manager Statutory Planning
Date of Committee meeting:	19 May 2025
Previously before Council:	25 February 2025 (PD-002/25)
Disclosure of Interest:	
Nature of Council's role:	Executive
Attachments:	1. Schedule of Submissions 2. PD-002/25 - Proposed Public Jetty - Kennedy Bay 3. Environmental Protection Referral Advice
Maps / Diagrams:	1. Land Tenure 2. Approved Structure Plan Map 3. Overall Landscape Masterplan - FMP 4. Coastal Erosion Hazard Lines (Kennedy Bay CHRMAP 2023) 5. Aerial Photograph 6. Jetty Floor and Elevation Plan 7. Site Access and Laydown Areas 8. Consultation Map
Site:	Lot 209 on DP 219441 (Reserve 44886)
Lot Area:	4.9342ha
LA Zoning:	
MRS Zoning:	Parks and Recreation

Purpose of Report

To provide a recommendation to the Western Australian Planning Commission (**WAPC**) on an application seeking Development Approval for the proposed Kennedy Bay Public Jetty (**Jetty**) on Reserve 44886.

Background

Development within Kennedy Bay is governed by the *Port Kennedy Development Act 2017* and the associated Sales and Development Agreement (**SADA**); an agreement between the State Government and Western Australian Beach and Golf Resort Pty Ltd (**WABGR**) being the land developer.

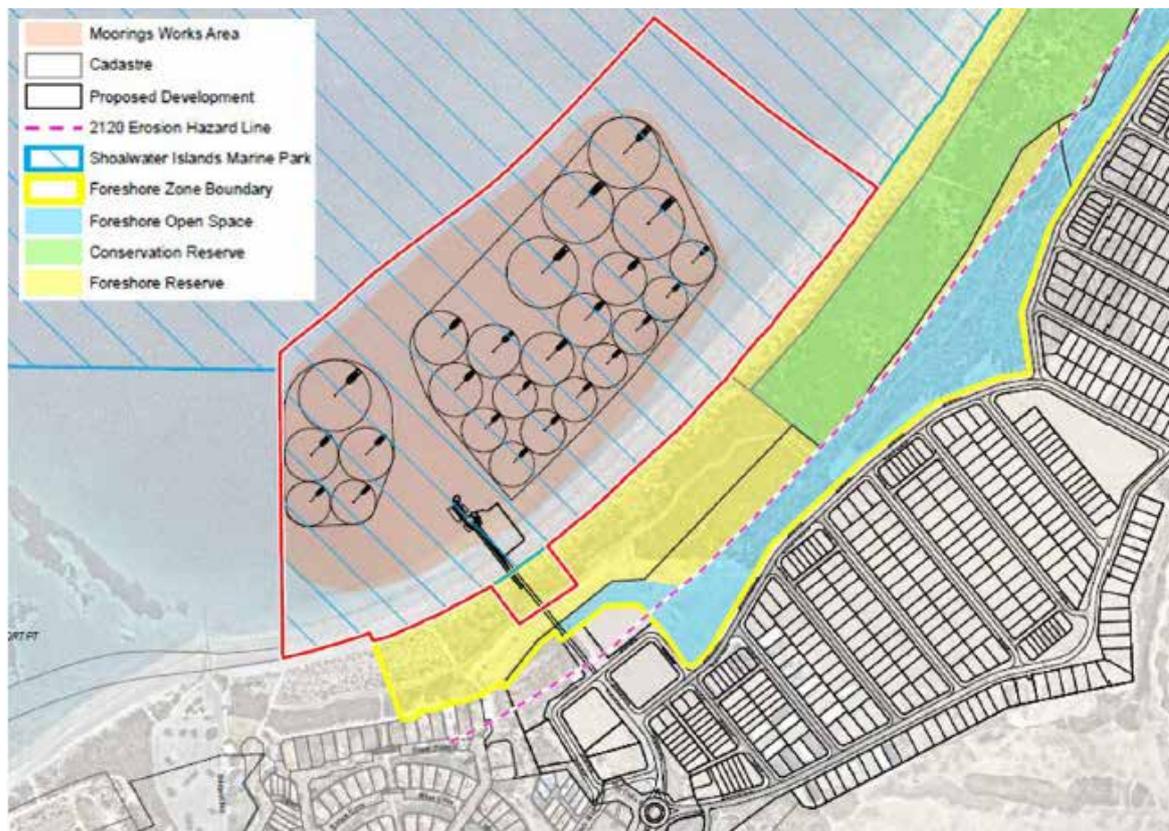
On 28 June 2017, Parliament introduced the *Port Kennedy Development Bill 2017 (Bill)*, which repealed the *Port Kennedy Development Agreement Act 1992*. This allowed for the new agreement to be implemented.

The Bill also resulted in amendments to both the Metropolitan Region Scheme (**MRS**) and the City of Rockingham Town Planning Scheme No.2 (**TPS2**), which reflected a revised development area for the Kennedy Bay project.

Outcomes of the SADA require that WABGR deliver a number of public facilities, including reconfiguration of the golf course and clubhouse, parking, a new jetty and moorings and a local centre with retail, tourism accommodation and hospitality options. In essence, the delivery of this infrastructure results in the transfer of land to WABGR which then subdivide and on-sell lots to the market. As SADA was the subject of Cabinet consideration, and therefore confidential, the City of Rockingham (**City**) was not provided with the opportunity to consider and establish a position on its requirements.

Land Tenure

The Jetty is located mostly within the 'Waterways' reserve of the MRS, with the 'land-based' entry portion of the Jetty within the adjacent 'Parks and Recreation' Reserve managed by the City - Reserve No.44886. The Reserve is Class 'C' for 'Public Recreation', vested in the Crown and under the care, control and management of the City.



1. Land Tenure

In order for this Development Application to be formally lodged for consideration by the WAPC, the City was requested to sign the MRS Form 1 (given its management over Reserve 44886).

The matter was reported to Council on 25 February 2025 (PD-002/25), where the following was resolved:

*“That Council **SUPPORTS** the MRS Form 1 Development Application for the Kennedy Bay Public Jetty being signed by the Chief Executive Officer, subject to the following standard form of endorsement being annotated on the application form, as follows:*

Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the Planning and Development Act 2005 (including any planning scheme).

The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component. The City of Rockingham does not consent or support being the nominated manager of the proposed development, or to providing the associated asset management funds, following a two year handover period and practical completion.”

The City subsequently signed the application for Development Approval which the applicant submitted to the Department of Planning, Lands and Heritage (**DPLH**) who in turn referred the matter to the City for comment. The rationale behind the City not providing its consent or support to being the nominated manager of the proposed development is outlined in detail in PD-002/25 (Attachment 2) and is not discussed further in this Report.

In light of the City’s concern, there has subsequently been discussions held between the City, and the DPLH regarding the future management of the Jetty and to consider suitable options to facilitate the appointment of a Jetty manager. The City suggested that DPLH discuss the matter with the Department of Transport (**DoT**) in this regard.

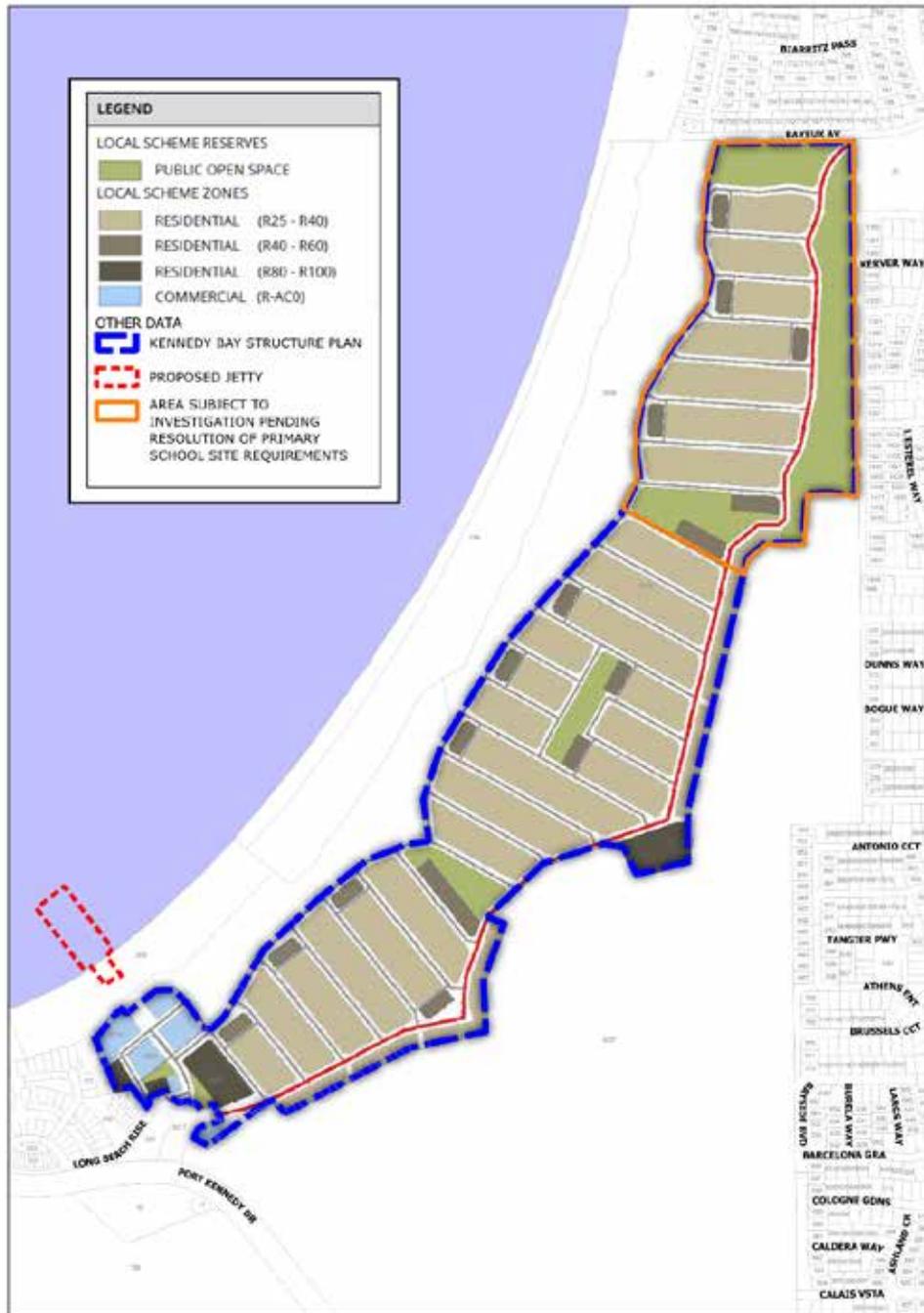
Tenure is a significant matter as a Jetty manager needs to be appointed in order for the WABGR to fulfil its obligations under the SADA and to facilitate the granting of Development Approval.

These discussions are ongoing and unresolved.

Kennedy Bay Structure Plan

In May 2020, Council resolved to approve the lodgement of a Local Government Report to the WAPC, with respect to the proposed Kennedy Bay Structure Plan (**Structure Plan**) over Lot 3020 Bay Links Boulevard and Unallocated Crown Land No.3019, Port Kennedy. Furthermore, the Council resolved that the Structure Plan should not be approved until such time as the applicant has addressed 26 separate matters to the satisfaction of the WAPC and the City, with one of the primary matters being the provision of a Primary School within the Structure Plan. The management and maintenance of the Jetty and moorings were not addressed or agreed as part of the Council resolution.

In November 2020, the WAPC resolved to defer consideration of the northern portion of the Structure Plan area (pending more investigation of a Primary School site) and approved the southern portion of the Structure Plan area, subject to a number of modifications.



2. Approved Structure Plan Map

A Foreshore Management Plan (**FMP**) was subsequently lodged in support of the Structure Plan, and a requirement of the Stage 1 Subdivision Approval.

The FMP considered the proposed Jetty, but did not outline design, cost implications and/or management requirements of the infrastructure. The FMP states:

“The Development Agreement identifies that WABGR will construct a recreational jetty and approximately 20 moorings by 26 March 2024. These facilities will be subject to a separate environmental approvals process which will likely involve consultation with the following agencies:

- *Environmental Protection Authority/Department of Water and Environmental Regulation;*
- *Department of Biodiversity, Conservation and Attractions;*

- City of Rockingham;
- Department of Transport (Recreational Boating); and
- Department of Primary Industries and Regional Development (Fisheries).

The jetty is proposed to be located adjacent to the Local Centre Coastal Node, with the moorings likely to be located to both the east and west of the jetty. In order to meet the target delivery timeframes, the preliminary design, technical investigation and reporting initial phases of this work have commenced.”

The FMP was approved by the City and the Department of Biodiversity, Conservation and Attractions (DBCA) on 8 August 2023 which included the Landscape Masterplan shown below in Figure 3. The FMP contemplates a Jetty in the location proposed.



3. Overall Landscape Masterplan - FMP

Shoalwater Island Marine Park

The marine based portion of the Jetty is proposed within the Shoalwater Islands Marine Park (SIMP) which is under management of the DBCA. The *Shoalwater Islands Marine Park Management Plan 2007-2017* remains current and sets out a framework for managing development within the Marine Park.

The Jetty is located within the ‘General Use’ zone of the SIMP which permits major infrastructure such as jetties, marinas and groynes following formal assessment. The draft Development Application for the Jetty was referred to the DBCA and is subject to the environmental impact assessment requirements of the *Environmental Protection Act 1986*. At the time of this Report being prepared the Environmental Protection Authority (EPA) had not made a decision on the level of assessment.

The DBCA is the referral and approval agency for development within the SIMP.

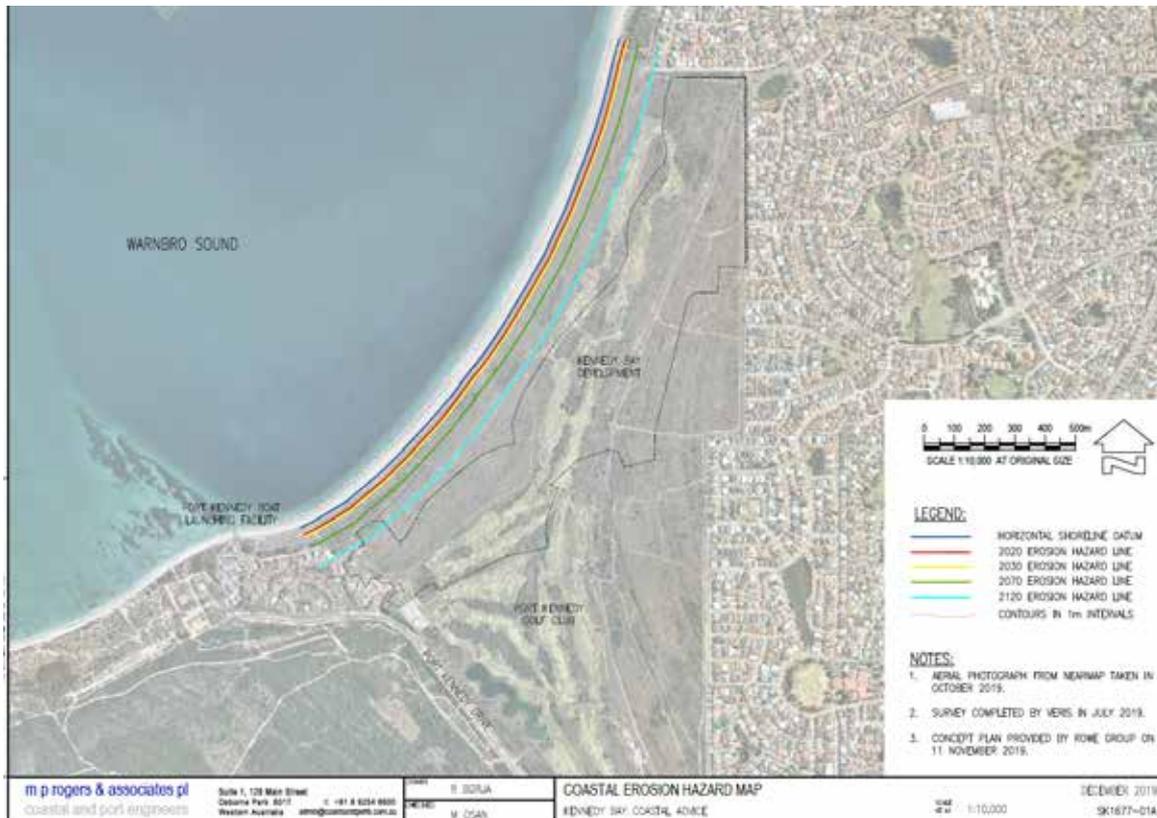
Coastal Hazard Risk Management and Adaptation Plan

A requirement of *State Planning Policy 2.6 - Coastal Planning (SPP2.6)* is to prepare a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP). In 2019, a City wide CHRMAP for 37km of coastline was endorsed by the Council. The CHRMAP outlines key directions for coastal adaptation over a 100 year planning timeframe and prioritises management works over the next 10 years.

Further to this, a stand-alone CHRMAP has been prepared for the Kennedy Bay Structure Plan project which addresses the risks to the specific assets in the proposed Kennedy Bay development.

Protection of existing and future built assets within coastal vulnerable locations adjacent to the Kennedy Bay Town Centre was identified through this process which culminated in the construction of a buried seawall in the vicinity of the proposed Jetty.

The City supported the Kennedy Bay CHRMAP on 4 August 2023. Structures that are demonstrably dependent upon a foreshore location, such as this Jetty proposal, are able to be located within areas identified to be potentially impacted by physical coastal processes. This is, however, dependent upon coastal hazard risk management and adaptation planning processes, which have occurred. SPP2.6 is also discussed in the 'Policy' section of this Report.



4. Coastal Erosion Hazard Lines (Kennedy Bay CHRMAP 2023)

Coastal Facilities Strategy 2021 - 2025

The City provides a range of recreational coastal facilities such as jetties and boat ramps. The Coastal Facilities Strategy (CFS) sets out how the City will continue to provide for sustainable coastal recreation throughout the City's Coastal Precinct, whilst taking action to adapt to the effects of climate change and changing coastlines.

The City currently has three (3) stand-alone jetties - Val Street, Palm Beach and Mersey Point. The closest to Port Kennedy is Mersey Point which is mainly used for Penguin Island passenger vessels.

Throughout the CFS process, consultation with the community found:

- Residents are generally satisfied with the jetties, although their cleanliness could be improved;
- 22% of respondents would like to see additional fishing platforms; and
- Safety concerns at Port Kennedy and insufficient parking at Bent Street facilities.

The CFS sets out key actions for maintaining and improving recreational facilities within the City, including an implementation plan and cost estimates per action over the next five (5) years to fit into the City's Asset Management Plans.

The CFS also identifies a need for the development of a strategic approach to boating facilities in the City with an action to develop the Strategic Boating Provisions Plan (SBPP).

The proposed public jetty has not been identified within the five (5) key priorities and consequently no action was listed for additional jetties. While the boating component (moorings) of the Kennedy Bay development is noted in the SBPP, the Jetty was not acknowledged.

Environmental Approval

Following recommendations from the DPLH and City to seek advice from the EPA, the applicant lodged a referral (Section 38) with the EPA in September 2024 which was advertised for public comment on 6 November 2024. The referral was advertised for seven (7) days seeking comment on 'whether or not the EPA should assess a proposal and, if so, what level of assessment is considered appropriate'.

On 9 November 2024, the City provided a formal submission on the proposal to recommend that the EPA undertake a formal assessment - environmental review, for the following reasons:

- *"The City is primarily concerned with potential impacts to the marine environment. The DPLH are the decision making authority for the marine component of the Jetty, with the City of Rockingham being a referral agency as part of the proposal. There are concerns relating to both the construction and post/ongoing development impacts to the marine environment, and in particular to species identified in the EPA referral as being potentially impacted, including the Little Penguin, Australian Sea Lion, Bottlenose dolphin and nursery habitat for pink snapper, white bait and blue swimmer crabs. Recent research commissioned by the City (Cannell, 2024) has indicated that the Little Penguin population that utilises this area for foraging has declined significantly in recent years to an estimated population of 114 individuals (Sept to Nov 2023) and is locally under threat. These threats to the Little Penguin population are due to multiple factors, which include reduced food availability implicated in reduced breeding success. In addition recreational watercraft injury has been shown to cause just over a quarter of deaths of the Little Penguins.*
- *Both the City and DPLH do not have the expertise to adequately assess both the direct and in-direct impacts to the marine environment associated with this type of development. The City is aware that the development will require DBCA and Conservation Commission approval, however, this approval process is limited to assessment under the CALM Act and BC Act, meaning there is a lack of holistic environmental assessment. As a result and given the potential to cause significant short and long term impacts to a number of marine species, the City recommends assessing the proposal at 'Environmental Review'.*
- *The City also notes that a requirement of the Sale and Development Agreement (SADA) agreement with Applicant (WABGR) and DPLH is to provide and install a number of moorings in the vicinity of the jetty. The concerns regarding the standalone impacts from these moorings to seagrass and benthic communities, and the cumulative impacts of both the jetty, the moorings and vehicles (boats) movements within the Shoalwater Island Marina Park. The Mooring installation associated with the proposal does not look to have been included in the current referral to the EPA.*
- *Additional information on potential impacts to a number of species, along with detailed long term management requirements to ensure marine species that may be in-directly impacted by the development should be provided to support the Environmental Review."*

The environmental assessment and formal review by the EPA is a separate approval process to the Development Application process. The City highlights the need and importance of the support and advice from the EPA in relation to the direct and indirect impacts of the Jetty proposal pre and post construction. There has been no advancement on the EPA referral at this time.

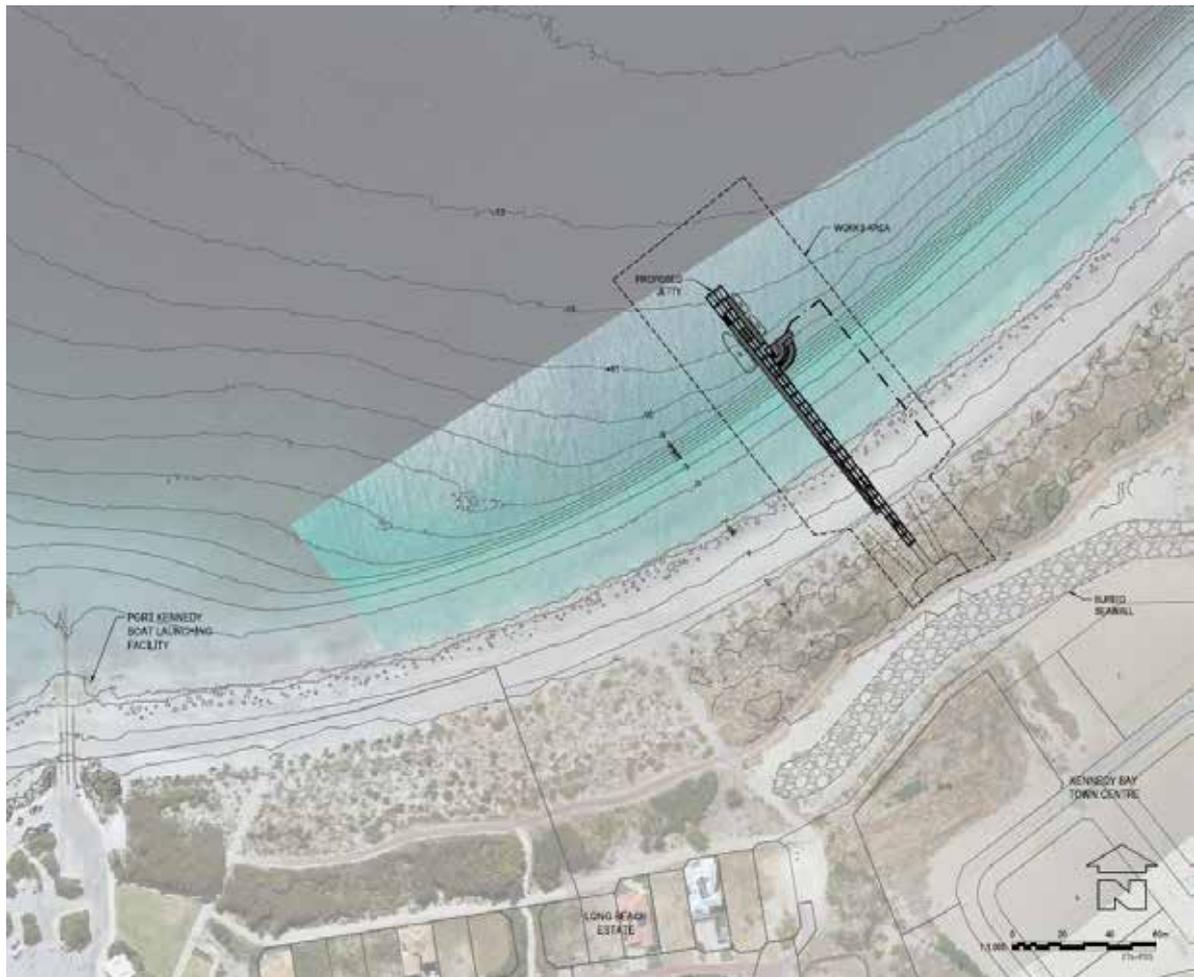
Details

Site Context

The Jetty is located approximately 56 kilometres south-west of the Perth Central Business District and 10 kilometres south-east of the Rockingham Strategic Centre. It is within the coastal suburb of Port Kennedy and forms part of the broader Kennedy Bay Structure Plan, which guides the development of Kennedy Bay

The Jetty is proposed to be located adjacent to the Kennedy Bay Local Centre providing a destination that 'anchors' the western end of the planned Local Centre 'Main Street'.

An aerial photo of the site showing the proposed Jetty layout is in Figure 5.



5. Aerial Photograph

The Proposal

The applicant seeks Development Approval for a 136m long Jetty extending westward from a buried sea wall on Lot 209 on Deposited Plan 219441 (Reserve No.44886) into Warnbro Sound within the Shoalwater Islands Marine Park.

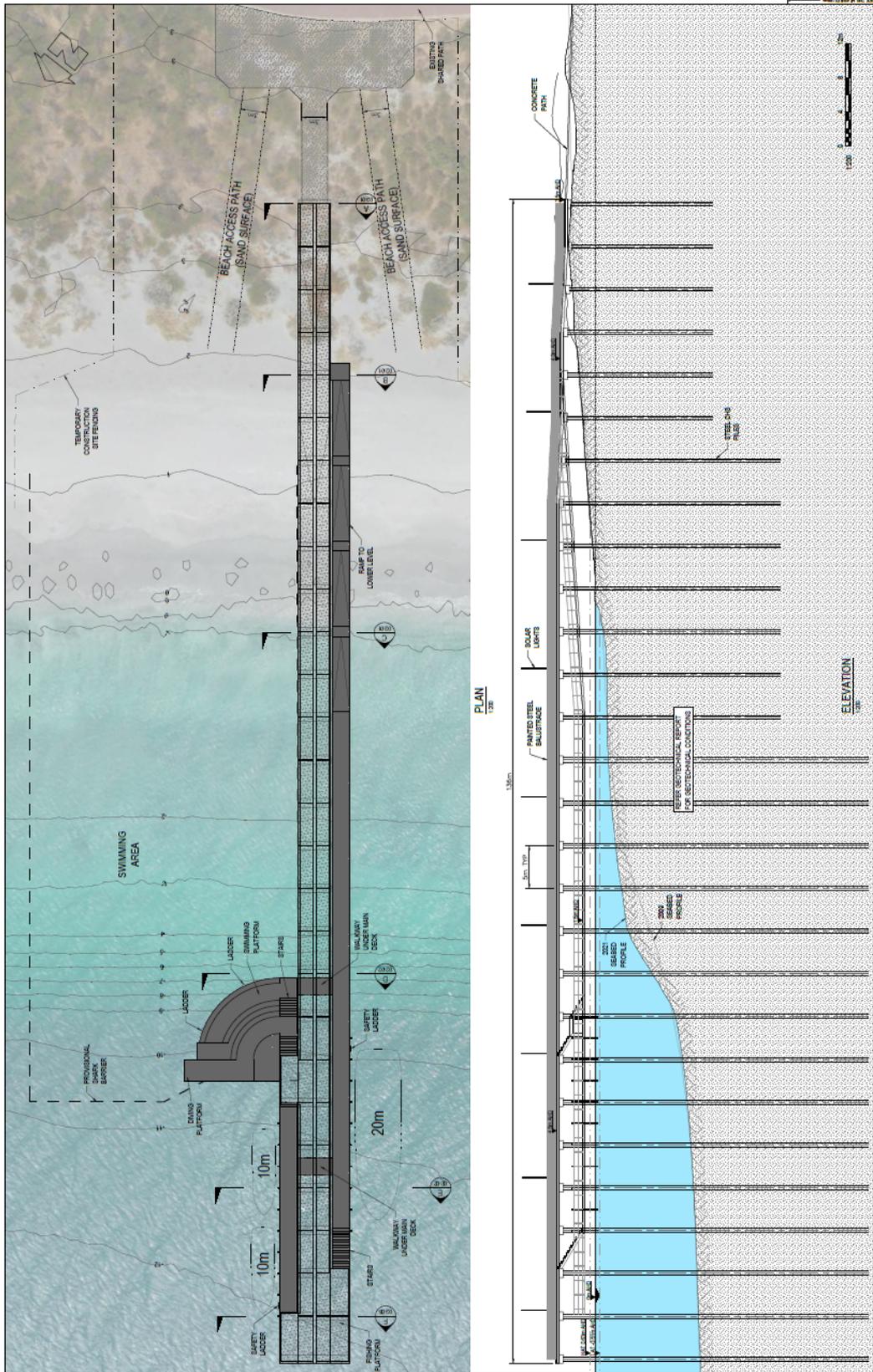
The proposed Jetty design includes two (2) beach access pathways, with one (1) on either side of the Jetty. An access path also connects the Jetty to the existing shared pathway in the foreshore.

The Jetty design serves a range of uses including promenading, short-term vessel berthing, fishing and swimming/diving.

The jetty design includes the following elements:

- An elevated main deck level with a wider head to accommodate fishing;
- A diving and swimming platform on the northern side;
- A lower level walkway on the southern side including a walkway under the main deck that connects to the diving and swimming platform;
- Low-level short-stay vessel berths: 2 x 10m, 1 x 20m;
- Designated swimming area;
- A shark barrier (provisional item);
- Universal access compliance; and
- Lighting and handrails.

A shark barrier has been identified as a provisional item and may also be constructed surrounding the demarcated swimming area adjoining the Jetty comprising of eco-friendly design to allow for the passage of small marine species, but prevents the entry of large marine animals, including sharks.



6. Jetty Floor and Elevation Plan

Construction vehicle access is proposed from lay down sites to the east (in the Local Centre), or along the beach from the Port Kennedy boat ramp launching facility 350m to the west.



7. Site Access and Laydown Areas

The application was accompanied by the following technical information:

- Jetty Design Drawings;
- Environmental Assessment and Management Report - Kennedy Bay Jetty (March 2025);
- Foreshore Management Plan - Kennedy Bay (August 2023); and
- Letter from Rowe Group describing the development (5 March 2025).

Details of the Jetty proposal are summarised, as follows:

- The applicant has advised the jetty design has progressed to allow consideration of the overall structure and construction requirements as part of the Development Application assessment. Further detailed design works will be undertaken to document the detailed engineering elements. This level of detail will be submitted with the future application for a Jetty License to the Department of Transport.
- The jetty is expected to be constructed with a 50-year design life and designed in accordance with the requirements of *Facility Category 3: Normal Commercial Structure as per relevant Australian Standards (AS4997-2005 Guidelines for the Design of Maritime Structures)*. Following construction of the jetty, ownership of the infrastructure would be transferred to the end owner which has not yet been determined, who would then manage the jetty access, use and maintenance requirements.
- The jetty structure is expected to be piled to appropriate depths to mitigate erosion and accretion. The structure is likely to be comprised of precast concrete panels. Jetty construction methods vary according to depth, however, impact piling is proposed (either a vibrator or drop hammer technique) from a barge for the deeper sections. Although a Construction Management Plan (**CMP**) was not submitted with the Development Application, the City will recommend that a CMP is required as a condition, should approval be granted.
- The total estimated timeframe for the Jetty construction is around five (5) to six (6) months, with work ideally undertaken outside of the winter period, when greater wave and swell conditions are present. Construction timeframes will take into account environmental consideration and be undertaken in a period to avoid potential impacts on marine fauna (i.e. outside of peak foraging times). Pile driving is estimated to be completed within a two (2) to three (3) month period.

As the works are located on 'Regional Open Space' (Reserve) and 'Waterways' in the MRS, the WAPC is the relevant authority for determining this application as discussed in the 'Legal and Statutory' section below.

Implications to Consider

a. Consultation with the Community

In light of the community interest in the broader Kennedy Bay development, the City advertised the Development Application for a period of 14 days between 14 April and 2 May 2025, as follows:

- Notification letters were sent to the owners and occupiers identified in the Consultation Map (Figure 8) advising of the proposed development.
- A sign was erected near the intersection of Port Kennedy Drive and Kennedy Bay Entrance;
- An advertisement was placed in the Sound Telegraph on 16 April 2025;
- The application was published on the City's website; and
- The application documents were made available for public inspection at the City's Administration Offices.

At the close of the public consultation period, a total of 85 public submissions were received, which included six (6) objections, 69 supporting submissions and 10 neutral submissions questioning aspects of the proposal.

Overall there was a high level of community support for the Jetty, recognising the social, economic and recreational benefits it would bring.

The following concerns, however, were raised:

- The Jetty will promote anti-social behaviour;
- The potential for water craft or environmental incidents;
- Discarded fishing lines, smell, plastic pollution and environmental damage;
- The need to regulate activities on and around the Jetty;
- Provide for universal access, fishing and smaller watercraft requirements in the design of the Jetty
- Construction impacts and public safety during the construction phase; and
- The money should be spent on existing facilities like boat ramps, which are too small and get congested;



8. Consultation Map

The public submissions will be referred to the WAPC for consideration with the City's recommendations.

b. Consultation with Government Agencies

On 14 March 2025, the application is referred to the WAPC in accordance with Clause 29 of the MRS for its determination, as the subject site is affected by land reserved for 'Parks and Recreation' and 'Waterways' under the MRS.

The City understands that the DPLH has referred the application to:

- Department of Biodiversity Conservation and Attractions (**DBCA**);
- Department of Water and Environmental Regulation (**DWER**); and
- Department of Transport - Marine Division (**DoT**).

At the time of writing this Report the City understands there had been no agency responses provided to the WAPC.

c. Strategic

Community Plan

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

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

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

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

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

Sustainable natural green spaces - Improve amenity

Sustainable natural green spaces - Improve community open spaces

- Aspiration:** **3. Built Environment - A built environment carefully planned for today and tomorrow**
- Outcome/Objective:** *Built infrastructure meets current and future community needs - Plan build and maintain current and future assets*
Plan for sustainable growth - Create vibrant coastal foreshore
- Aspiration:** **4. Economic - A vibrant economy creating opportunities**
- Outcome/Objective:** *A visitor destination - Promote the City as a place to visit*
- Aspiration:** **5. Leadership Aspiration - Transparent and accountable leadership and governance**
- Quality Leadership - Promote the City as a place for the future*

d. Policy

State Planning Policy 2.6 - State Coastal Planning (SPP2.6)

SPP2.6 was gazetted in June 2003 and updated in 2013 to guide decision-making within the coastal zone including managing development and land use change; the establishment of foreshore reserves; and to protect, conserve and enhance coastal values.

The Policy's objectives include:

- “1. *ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;*
2. *ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;*
3. *provide for public coastal foreshore reserves and access to them on the coast; and*
4. *protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance”.*

The Jetty has been designed with the intent to withstand coastal processes and climate change over the course of its economic lifetime, being approximately 50 years and generally complies with the Policy to this extent.

The Jetty is strategically located where it ‘anchors’ the planned Local Centre ‘main street’ and provides a key community node and enhances public access to the coast.

As mentioned in the 'Comments' section below, there are gaps in the environmental reporting with regard to the construction footprint of the Jetty and marine environmental impact reporting. The City's recommendations to the WAPC are designed to address these gaps.

As such, the application is generally considered consistent with the objectives of SPP2.6.

e. Financial

There are no financial considerations with the Development Application process, however, a basis to the Officer Recommendation, as per Council's resolution in February 2025, addresses the City's unwillingness to accept maintenance of the Jetty.

f. Legal and Statutory

Town Planning Scheme No.2 (TPS2):

In accordance with Clause 2.1.2 of TPS2, the approval of the Local Government is not required for development on a Regional Reserve. The WAPC is the planning decision maker on this Development Application for a Jetty pursuant to the Metropolitan Region Scheme (MRS).

Clause 2.1.2 of TPS2 states:

“2.1.2 The approval of Local Government under the Scheme is not required for the commencement or carrying out of any use or development on a Regional Reserve. The provisions of the Metropolitan Region Scheme continue to apply to such Reserves and approval is required under the Metropolitan Region Scheme from the Commission for the commencement or carrying out of any use or development on a Regional Reserve, unless specifically excluded by the Regional Reserve.”



Figure 1. Metropolitan Region Scheme Zoning



Figure 2. Local Planning Scheme No.2 Zoning

Planning and Development Amendment (Metropolitan Region Scheme) Act 2024 (MRS Act)

The proposed Jetty is located both within the ‘Parks and Recreation’ and ‘Waterways’ under the Metropolitan Region Scheme (MRS), where the following purposes apply under the MRS Act:

“Waterways - to recognise coastal and inland waterway and lakes, provide for navigation in, and public access to, those waterways and lakes where appropriate, and to protect environmental, landscape and cultural values.”

As the Jetty involves the carrying out of development on reserved land, pursuant to clause 27 of the MRS Act, it requires prior Development Approval under this Scheme. The MRS Act includes exemptions from Development Approval, however, these do not apply to the proposal, as it is not located within an artificial waterway. The requirement for region scheme Development Approval ensures that development on these reserves is assessed as local scheme provisions do not apply.

Environmental Protection Act 1986 (EP Act)

The EPA and Minister for Environment under Part IV of the EP Act, have a range of functions related to environmental impact assessment, such as the assessment of strategic proposals. The EP Act applies to the assessment of proposals that are considered likely to cause significant environmental impact, under Part IV of the EP Act. Proposals must be referred to the EPA if there is likely to be significant environmental impact as a result of implementing a proposal. In this case, the Jetty proposal was proponent-referred.

As mentioned in the 'Background' section of this Report, the EPA has not yet determined if the Jetty proposal will be formally environmentally assessed. If the level of assessment is advice given, any advice is by way of comment and recommendations only, which are expected to be considered by the proponent and the WAPC in its decision on the Development Application.

Jetties Act 2016

Under the *Jetties Act 1926*, the DoT is responsible for issuing jetty licences for construction, maintenance and operation of private, commercial and community jetty use.

g. Risk

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

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

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

Nil

Comments

A Jetty is a key element in the urban structure of the Kennedy Bay Local Centre, being a major destination and focal point that 'book-ends' or 'anchors' the 'main street' of the Centre. It is also a requirement that the WABGR needs to provide under the SADA. In that sense, a Jetty in this location will be an attractor to the location and would reinforce the Kennedy Bay Local Centre.

In assessing this application, the City has identified the following matters as requiring resolution:

1. Jetty Manager - In February 2025, Council resolved not to agree to take over management responsibility of the Jetty for the reasons outlined in PD-002/25. Discussions are currently underway between the government stakeholders in the effort to nominate an entity to take responsibility for the management of the Jetty after a suitable hand over period is confirmed.
2. Beach Access - The Jetty design needs to be amended to allow for more effective access to the beach via the ramps on the north and south sides of the Jetty for use by emergency, maintenance and Ranger vehicles and for universal access onto the Jetty and beach by people with disabilities:
 - A 3m wide beach access sand path on both sides of the Jetty is proposed grading down to the beach from the landscaped foreshore east of the Jetty.
The width and geometry of the two (2) access paths is too restrictive to enable a Small Rigid vehicle to negotiate a swept path turning movement to get past the Jetty when heading along the beach from north to south or vice versa. There is insufficient vertical clearance beneath the Jetty for vehicles to drive under the structure.
Each beach access track needs to be widened to 4m to provide suitable vehicle access and constructed to a trafficable standard suitable for vehicles, and at least one (1) of the beach access ramps should be designed for wheelchair access and disability needs.
 - In accordance with Appendix 6 of the approved Foreshore Management Plan, the beach access is to include emergency vehicle access. Furthermore, the beach access paths are shown to be 'Feature Hardstand'. The development application should be updated to reflect the access requirements as shown in the Foreshore Management Plan.
3. Jetty Design - While the following Jetty design matters are issues that should be carefully considered by the end Manager, which is not the City, these comments are nonetheless provided to improve its functionality:
 - The design drawings will need to provide the actual amount of piles required to achieve embedment, based on geotechnical investigation. The design of the Jetty will be considered by the DoT when a Jetty License is applied for.

- The Deck Load design specification of the Jetty should be increased from 'Class 5' to 'Class 10' to provide for emergency and service vehicle access onto the Jetty.
 - The solar lights on the Jetty should be designed to include mitigation measures to prevent sea birds from roosting on the light poles and defecating on the concrete Jetty surfaces.
4. Environmental Management Report - The City has also identified several issues not addressed in the Environmental Management Report relating to terrestrial flora and fauna within the construction footprint of the Jetty, as well as gaps in the reporting of potential marine environmental impacts. The City can provide specific details in its written recommendations to the WAPC.
5. EPA Level of Assessment - Further, the level of environmental assessment is still subject to determination by DWER (EPA). The WAPC's planning decision should not be made until the EPA's level of assessment is known.

It is therefore recommended that Council recommends that the WAPC defers determination of the Jetty application for the following reasons:

1. The application should not be determined until such time as a suitable entity (i.e. Department of Transport) has been confirmed to take management responsibility for the maintenance of the Jetty after an agreed hand over period;
2. The Jetty plans should be modified to address the City's comments particularly associated with beach access and emergency vehicle access;
3. The applicant's Environmental Management Report needs to be updated to address the issues identified by the City during the assessment; and
4. In accordance with the State Government's *Parallel Decision Making Policy* the planning decision should not be made until the EPA's level of assessment is known.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **RECOMMENDS** that the Western Australian Planning Commission defer its determination of the application seeking Development Approval for the Kennedy Bay Jetty until such time as the following matters have been satisfactorily addressed:

1. A suitable entity agrees to take management responsibility for the maintenance of the Jetty after an agreed two (2) year handover period from Western Australian Beach and Golf Resort Pty Ltd. Further, the City of Rockingham reaffirms that it does not consent or support being the nominated manager of the proposed development, or to providing the associated asset management funds;
2. The Jetty plans are amended to address the City's technical recommendations set out in the Officer Report, in particular relating to maintaining beach access;
3. The *Environmental Management Report - Kennedy Bay Jetty (March 2025)* is updated to address the City's technical comments set out in the Officer Report; and
4. In accordance with the State Government's *Parallel Decision Making Policy*, the level of assessment of the proposal under the *Environmental Protection Act 1986* is unknown and should be reconciled prior to determining the Development Application.

Committee Recommendation

That Council **RECOMMENDS** that the Western Australian Planning Commission defer its determination of the application seeking Development Approval for the Kennedy Bay Jetty until such time as the following matters have been satisfactorily addressed:

1. A suitable entity agrees to take management responsibility for the maintenance of the Jetty after an agreed two (2) year handover period from Western Australian Beach and Golf Resort

Pty Ltd. Further, the City of Rockingham reaffirms that it does not consent or support being the nominated manager of the proposed development, or to providing the associated asset management funds;

2. The Jetty plans are amended to address the City's technical recommendations set out in the Officer Report, in particular relating to maintaining beach access;
3. The *Environmental Management Report - Kennedy Bay Jetty (March 2025)* is updated to address the City's technical comments set out in the Officer Report; and
4. In accordance with the State Government's *Parallel Decision Making Policy*, the level of assessment of the proposal under the *Environmental Protection Act 1986* is unknown and should be reconciled prior to determining the Development Application.

Committee Voting (Carried) – 6/0

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

Not Applicable

Amended Officer Recommendation

That Council **RECOMMENDS** that the Western Australian Planning Commission defer its determination of the application seeking Development Approval for the Kennedy Bay Jetty until such time as the following matters have been satisfactorily addressed:

1. A suitable entity agrees to take management responsibility for the maintenance of the Jetty after an agreed two (2) year handover period from Western Australian Beach and Golf Resort Pty Ltd. Further, the City of Rockingham reaffirms that it does not consent or support being the nominated manager of the proposed development, or to providing the associated asset management funds;
2. The Jetty plans are amended to address the City's technical recommendations set out in the Officer Report, in particular relating to maintaining beach access; and
3. The *Environmental Management Report - Kennedy Bay Jetty (March 2025)* is updated to address the City's technical comments set out in the Officer Report.

Reasons for Amended Officer Recommendation

The Environmental Protection Authority (**EPA**) has recently released its decision on the referral of the jetty proposal under Section 38 of the *Environmental Protection Act 1986*. In this regard, the EPA has determined that the proposal does not warrant formal environmental assessment.

In its advice, the EPA provides a 'summary of reasons' for its decision and 'public advice' which are contained in Attachment 3 of this report.

There is no avenue to request a review of the EPA's decision.

In light of the above, deferral matter No. 4, which recommends that determination of the Development Application not occur until the level of assessment is known, is no longer relevant.

Council Resolution

Moved Deputy Mayor Buchan, seconded Cr Jones:

That Council **RECOMMENDS** that the Western Australian Planning Commission defer its determination of the application seeking Development Approval for the Kennedy Bay Jetty until such time as the following matters have been satisfactorily addressed:

1. A suitable entity agrees to take management responsibility for the maintenance of the Jetty after an agreed two (2) year handover period from Western Australian Beach and Golf Resort Pty Ltd. Further, the City of Rockingham reaffirms that it does not consent or support being the nominated manager of the proposed development, or to providing the associated asset management funds;

2. The Jetty plans are amended to address the City's technical recommendations set out in the Officer Report, in particular relating to maintaining beach access; and
3. The *Environmental Management Report - Kennedy Bay Jetty (March 2025)* is updated to address the City's technical comments set out in the Officer Report.

Carried – 12/0

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

As detailed above in the reasons for the amended Officer Recommendation.

Planning and Development Services Statutory Planning Services

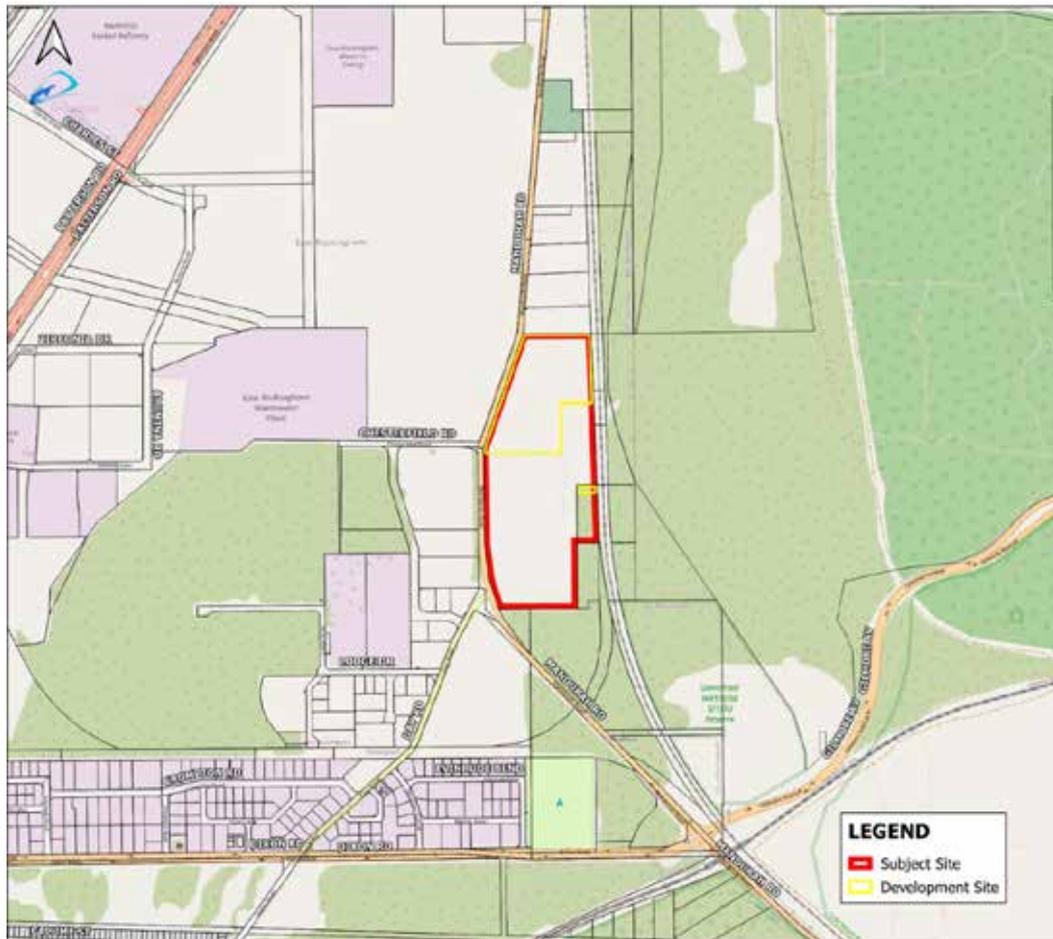


Report number / title:	PD-016/25 Development Assessment Panel Application - Proposed Industrial Development and Conservation Works to Bell Cottage (Ruin)
File number:	DD020.2025.00000012
Applicant:	Rowe Group
Owner:	Trecap Pty Ltd
Author:	Mrs Casey Gillespie, Senior Planning Officer
Other Contributors:	Mr David Banovic, Coordinator Statutory Planning (DAP and Planning Reform) Mr Mike Ross, Manager Statutory Planning
Date of Committee meeting:	19 May 2025
Previously before Council:	
Disclosure of Interest:	
Nature of Council's role:	Tribunal
Attachments:	<ol style="list-style-type: none">1. City's Heritage Advisor Advice - Stabilisation Works and Redevelopment2. City's Heritage Advisor Advice - Acoustics, Vibration and Structural Engineer Clarification3. Responsible Authority Report4. Schedule of Submissions5. Place Record - MHI 20186. Place Record - State Heritage Register7. Late Submission - Rockingham District Historical Society Inc
Maps / Diagrams:	<ol style="list-style-type: none">1. Site Location2. Aerial Photograph3. Bell Cottage circa 1895-19054. Current Photo of front façade of Bell Cottage (Ruin) facing Mandurah Road5. Extract of Bell Cottage and Barn (Ruin) Images from Submitted Heritage Impact Statement6. Deposited Plan7. Plan of Bell Cottage Memorial8. Proposed Structural Works Details9. Proposed Overall Site Plan10. Proposed Development Area11. Proposed Elevation to Mandurah Road

<p>Site:</p> <p>Lot Area:</p> <p>LA Zoning:</p> <p>MRS Zoning:</p>	<p>12. Proposed Elevation South (Icon Way)</p> <p>13. Proposed Elevation North</p> <p>14. City of Rockingham Curtilage Overlay</p> <p>15. Existing landscaping south of subject site, at junction of Icon Way entrance</p> <p>16. Landscaping south of site along Mandurah Road</p> <p>17. Existing frontage of the site to Mandurah Road</p> <p>Lot 804 and Lot 850 (No.371) Mandurah Road, East Rockingham</p> <p>Lot 804 - 1.468ha</p> <p>Lot 850 - 31.084ha</p> <p>General Industry</p> <p>Industrial</p>
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Purpose of Report

To provide a recommendation to the Metro Outer Development Assessment Panel (**MODAP**) on a Development Application for a proposed Industrial Development and Conservation Works to Bell Cottage (Ruin), on a portion of Lot 850 (No.371) Mandurah Road, East Rockingham and the adjoining eastern lot known as Lot 804.



1. Site Location



2. Aerial Photograph

Background

Subject Site and Context

The subject land is contained within the Rockingham Industry Zone (**RIZ**) which is part of the 'Global Advanced Industry Hub' (former 'Western Trade Coast').

Lot 850 fronts Mandurah Road at its western boundary, which provides a connection to the Kwinana Freeway to the east, via Kulija Road. Immediately to the east, in a north-south alignment, the land abuts freight rail infrastructure reserved as 'Railway' under the Metropolitan Region Scheme (**MRS**). Bush Forever site No.349 is located further to the east of the subject land and is separated by the freight rail corridor.

The site, along its western boundary, is constrained by an underground gas transmission pipeline (Parmelia Gas Pipeline), which runs in a north-south alignment.

Existing development on the southern and eastern portions of Lot 850 comprise of warehouses, office and industrial uses. The buildings on the subject site are surfaced with bitumen and concrete for vehicular manoeuvrability around the site. The northern and most-southern portions of the site are vacant.

A portion of Lot 850 is also occupied by a Registered Heritage Place - Bell Cottage (Ruin), which is discussed in detail below.

Lot 804 consists entirely of remnant native vegetation and is free of any structures or physical development.

Bell Cottage (Ruin)

Bell Cottage (Ruin) (c.1868) has 'cultural heritage significance' as a ruined Victorian Georgian cottage with limestone masonry walls and high archaeological potential. The place has significance as one of the earliest buildings in the district and is a landmark along Mandurah Road. The simple vernacular construction of the cottage ruin, together with the barn ruin and peppercorn trees, make it one of the most prominent sites in the region. The place is also important for its close association with James Bell and his family who were pioneers of the district, in particular his wife and mother Jane Bell (nee Green).



Image 57: Bell Family in front of Bell Cottage

Source: Bell Family in front of Bell Cottage, 1895-1905. Courtesy Rockingham and Districts Historical Society.

3. Image of Bell Cottage circa 1895-1905

Bell Cottage (Ruin), is situated approximately 80m east of Mandurah Road, standing in the centre of a cleared paddock area. The place no longer has a roof, which has accelerated its deterioration; windows, doors and a number of external walls have been lost or have deteriorated over time.

The footprint of the cottage remains largely extant with original fabric remaining in situ. The barn to the rear of the house is no longer standing, with only two small sections of wall which have collapsed. The remaining fabric of the barn is no longer capable of identifying the former use or form of the structure.

There is also an existing garrison fence which is approximately 2m high surrounding the cottage, as illustrated within Figure 14 below.

The sites of the 'toilet' and 'well' have been discovered through archaeological investigation, located to the north and east of the cottage respectively. These remnants were identified in the *Bell Cottage (Ruin) Rockingham Conservation Management Plan*, which was commissioned by the landowner with the assistance of the Western Australian Government under the Heritage Grants Program. There is also an earlier *Thorpe, Thomas and Bell Cottages Conservation Management Plan 1997*, commissioned by the National Trust of Australia (WA) and funded by Landcorp (now DevelopmentWA).



4. Current Photo of front façade of Bell Cottage (Ruin) facing Mandurah Road

State Heritage Register

Bell Cottage (Ruin) is one of only seven (7) places on the State Heritage Register (Place No. 2329) within the City of Rockingham (**City**). A place included on the State Heritage Register is of state level cultural heritage significance to Western Australia; the highest recognition afforded. The *Heritage Act 2018* protects and managed cultural heritage places at a state level.

The State Register of Heritage Places provides legal protection for heritage significant places to the history and development of Western Australia. When any development is proposed that could affect the cultural heritage significance of a place on the State Register of Heritage Places, the City must refer a Development Application to the Department of Planning, Lands and Heritage (**DPLH**). The DPLH then takes advice from the Heritage Council of Western Australia, being the State Government's expert body of Western Australia's cultural heritage significance under the *Heritage Act 2018*.

Municipal Heritage Inventory

Bell Cottage (Ruin) is a place on the City's Municipal Heritage Inventory 2018 (**MHI**). A MHI is a document that records places within a local government area that are considered to be, or may become, of cultural heritage significance. Entry onto the City's MHI does not have any legal implications to landowners.

The Bell Cottage (Ruin) place record form is attached to this Report which explains its cultural heritage significance for several reasons drawn from the State Registry Entry for Place No. 2329 prepared in 2001. In particular, the place is one of the earliest land grants in the Rockingham region and the cottage and barn on the property are among the regions oldest built structures. Since 2001, however, the remaining wall of the barn has collapsed; however, significant wall sections of the cottage remain yet are in peril.

The MHI 2018, level of significance for Bell Cottage (Ruin) is 'exceptional'. The Management Category is as follows:

"Essential to the heritage of the locality. Rare or outstanding example. The place should be retained and conserved. Any alterations or extensions should reinforce the significance of the place, and be in accordance with the Thorpe, Thomas and Bell Cottage Conservation Plan 1997."

Heritage List

The Bell Cottage (Ruin) is included on the City's Heritage List. Statutory protection is provided to local heritage places under the Heritage List, which is required to be prepared pursuant to the deemed provisions of *the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*.

The Heritage List comprises a list of places which, in the opinion of the Council, are of such heritage significance that consideration for conservation and protection under the provisions of the City's Town Planning Scheme No.2 (**TPS2**) is warranted. These places are also described as a 'heritage-protected place' (cl.1A Regulations).

Both the City's MHI 2018 and Heritage List are currently under review by Council and are undergoing advertising based on a draft Local Heritage Survey (replaces 2018 MHI) and Heritage List. The status of these documents largely reflects the current requirements described above.

National Trust of Australia (WA)

The place is also classified by the National Trust of Australia (WA).

The following images of the Bell Cottage and the barn ruin are provided from the applicant's submitted Heritage Impact Statement.



Figure 5 Eastern elevation



Figure 6 View looking north west



Figure 7 View looking south west



Figure 8 Northern elevation



Figure 9 View looking south east



Figure 10 Western elevation



Figure 11 Barn with Cottage in the background



Figure 12 Remnants of the barn looking east



Figure 13 Close up of barn remnants



Figure 14 Remnants of the barn looking north

5. Extract of Bell Cottage and Barn (Ruin) Images from Submitted Heritage Impact Statement
Deposited Plan

There are two (2) Easements and one (1) Memorial registered on the Certificate of Title of Lot 850.

The Easements run along the western boundary of Lot 850 and have a combined depth of approximately 20m. The Memorial relates to the Bell Cottage (Ruin), and formalises its entry on the State Heritage Register.

The Easements are denoted as 'X' and 'Y' and memorial as 'M' on figure 6 provided below.

Development Summary	
'Area 2'	Area 2 comprises of 4.99ha to be used as hardstand for storage/laydown area.
Land Use	<p><u>Warehouse/Storage</u></p> <p>Although an operator has not been confirmed, it is understood steel products and equipment will likely be stored on-site within the warehouse buildings as well as on the proposed hardstand areas of 'Area 1' and 'Area 2'.</p> <p>There is unlikely to be any fabrication or manufacturing occurring as part of this development, nor will there be any raw materials stored on-site.</p>
Operation	<p>The proposed trading hours will be 6am to 6pm Monday to Saturday, commensurate with Industrial uses within the area.</p> <p>Up to a total of 80 staff are proposed on-site at any one time.</p>
Access	<p>Access to and from the proposed development will be via Icon Drive, a private road that connects directly to Mandurah Road.</p> <p>This intersection includes an auxiliary lane on Mandurah Road for vehicles turning right into Icon Drive and a separate turning lane is provided on Mandurah Road for vehicles turning left into Icon Drive.</p> <p>Icon Drive also services the balance of development on Lot 850 to the south and east of the proposed development.</p>
Vehicle Types and Movements	<p>The types of vehicles expected to access the site on a regular basis will vary from smaller light vehicles for staff and visitors, with the majority of larger vehicles being up to 19m long semi-trailers.</p> <p>The overall development is expected to generate up to 121 two-way movements during peak hour periods.</p>
Landscaping	<p>Landscaping is focused around 'Area 1', mainly within and around the proposed office building, within the car-parking area and an extension of the lawn area to match the existing lawn in the verge. Four (4) existing trees on Icon Way are proposed to be removed, with additional trees to be planted on the internal road extension along Progress Way, which is also a private road.</p>
Fencing	<p>A 1.8m high black link mesh fence with 3 rows of barbed wire above is proposed along all common boundaries of 'Area 1' and 'Area 2'.</p>
Stormwater	<p>Stormwater will be managed on-site through a series of interconnected soakwells which connect to a new stormwater retention basin to the south-east of the proposed development, on Lot 804.</p>

The following supporting material accompanies the application:

- Development Application Report;
- Development Plans;
- Heritage Impact Statement (**HIS**) and associated drawings;
- Building Condition Report;
- Condition Assessment Report;
- Traffic Impact Assessment (**TIA**) and swept path analysis;
- Landscape Concept Plan;
- Stormwater Management Concept Plan; and
- Bushfire Management Plan (**BMP**).

As part of the proposed storage/warehouse development, which encroaches on the Bell Cottage (Ruin) heritage place, the landowner has committed to removing the collapsed barn structure, and undertaking stabilisation works to the remaining cottage using salvaged materials from the barn. These measures are intended to support the ongoing conservation of the site and help ensure the retention of its cultural heritage significance. Development Approval is required for works affecting a heritage place, as outlined later in the 'Legal and Statutory' Section below.

Bell Cottage (Ruin) Stabilisation Works

Two options for the stabilisation works to the Bell Cottage ruin were identified following the applicant's preliminary discussion with the DPLH who have delegation to act on behalf of the HCWA. These options were developed in conjunction with the applicant's Structural Engineer.

Option 1 - stabilisation works included more extensive measures which can be implemented to preserve the longevity of the ruin, however, it involves more significant physical intervention and will therefore have a greater visual impact.

Option 2 - considered to be a more cautious approach and includes the measures deemed critical to ensure the stability of the ruin.

A draft HIS and Structural Engineering Report was presented to the HCWA at the time of preliminary discussions. A site visit was also carried out with Heritage Officers from DPLH to further discuss the proposed works, with formal comments provided following the visit. The outcomes of the applicant's discussion with DPLH expressed support for Option 2 as the preferred approach, as it involves less physical intervention and visual impact.

Option 2 includes:

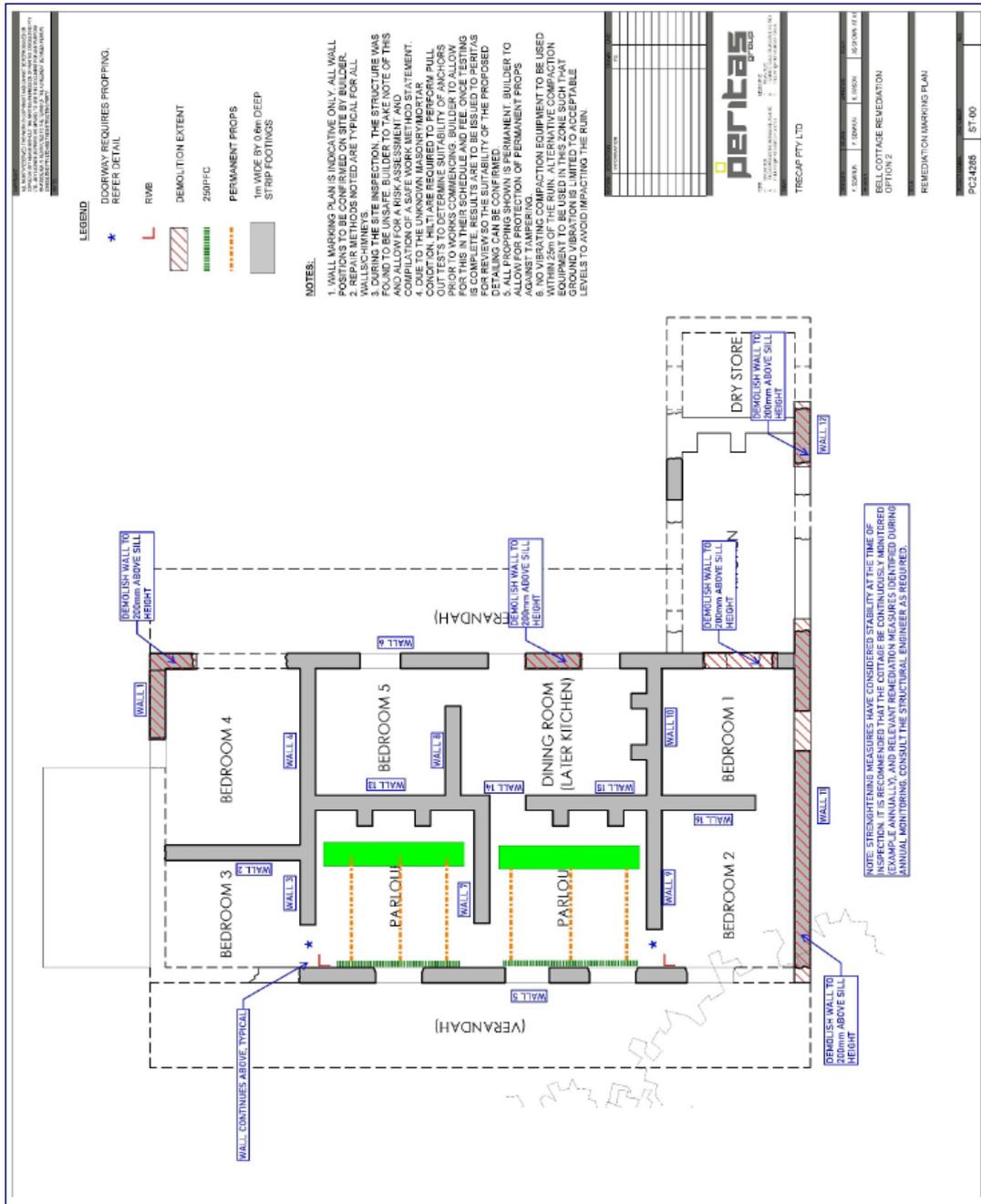
- Repair holes/deteriorated masonry with limestone mortar;
- Stitch significant cracks;
- Install L-brackets to critical wall intersections;
- Prop western wall (laterally) and walls resting on door frames (vertically). All props would be permanent; and
- Partially demolish unstable walls and cut back some walls to 200mm above sill height.

The following plan is an extract from the applicant's Structural Engineering Report which identified the works associated with Option 2.

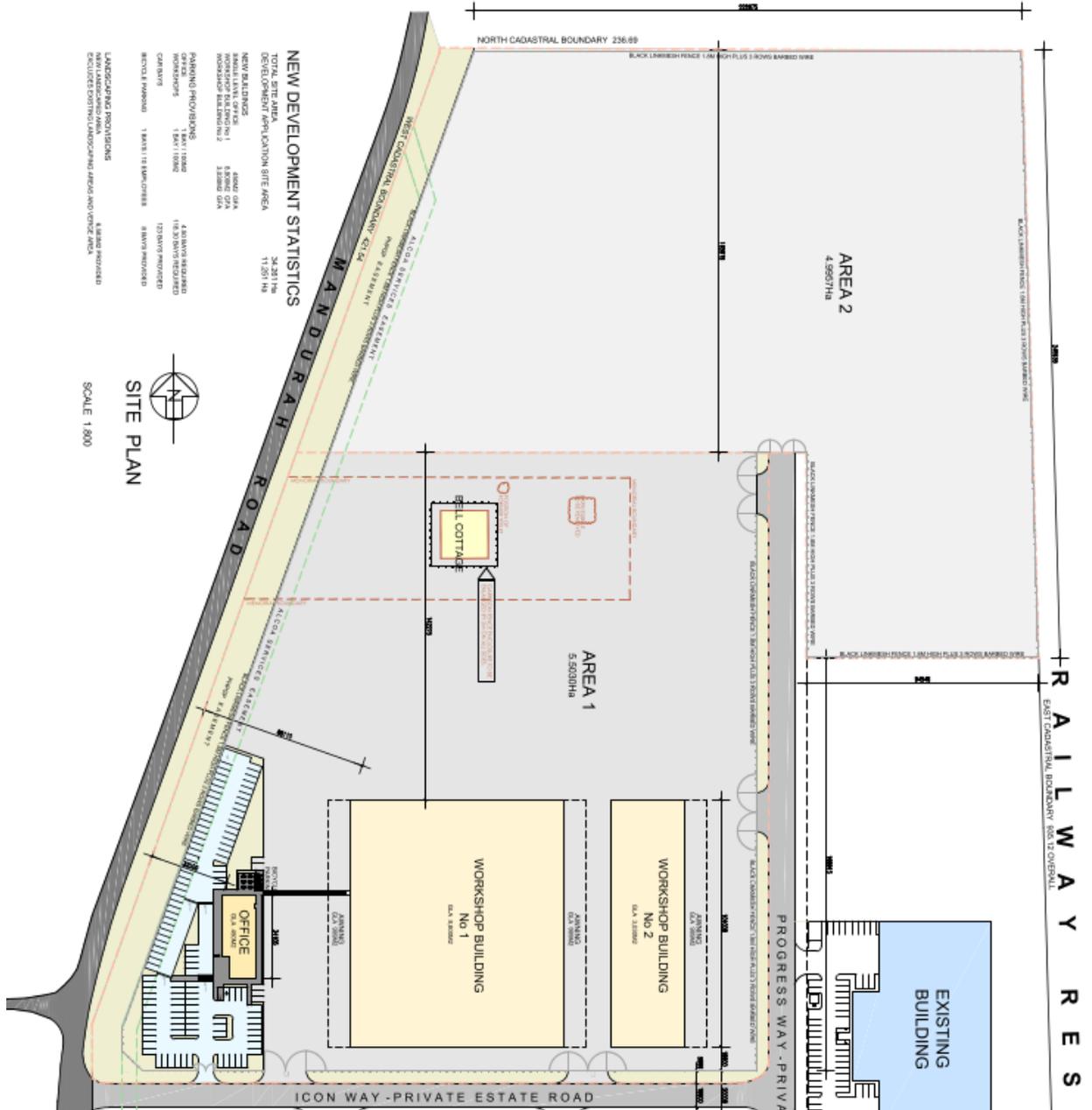
Option 2 was also expected by DPLH to be further refined to require:

- Conservation works to be undertaken prior to structural intervention;
- Physical intervention as required based on advice from a structural engineer; and
- Prop support pads that are easily removable without damaging archaeology.

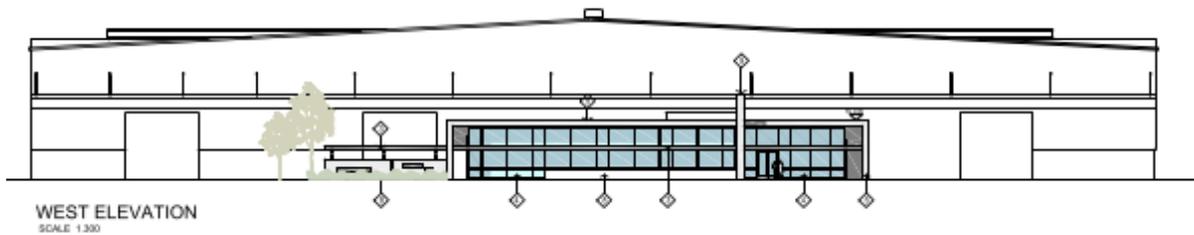
Other matters considered archaeological investigations, garrison fencing location, construction management plan, a management plan (on-going), and archival record and archaeological findings.



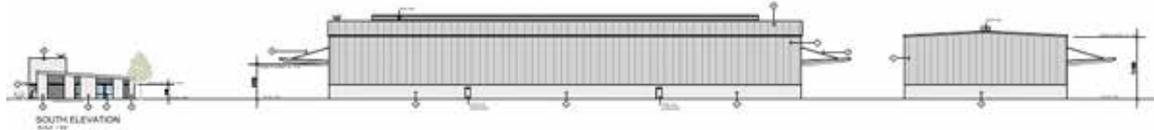
8. Proposed Structural Works Details



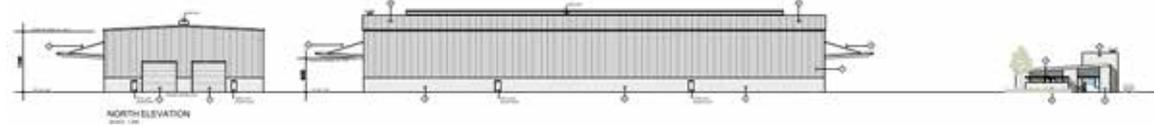
10. Proposed Development Area



11. Proposed Elevation to Mandurah Road



12. Proposed Elevation South (Icon Way)



13. Proposed Elevation North

Implications to Consider

a. Consultation with the Community

Pursuant to clause 64, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's *Local Planning Policy 3.3.27 - Community Consultation on Development Applications*, the City determined that the proposed Development Application be publicly advertised due to its Heritage significance, consistent with the requirements for a 'non-complex' application.

The proposal was advertised for a period of 14 days between 6 - 20 February 2025, as follows:

- To the Rockingham District Historical Society Inc. (RDHS);
- All owners and occupiers with a common or shared boundary with the subject site were notified in writing of the proposed development; and
- The application was made available for public inspection at the City's Administration Offices and published on the City's website.

At the close of the public consultation period, no submissions were received. A late submission was received, however, from RDHS, and is contained as Attachment 7 to this Report.

The key concerns raised in the letter from RDHS are summarised as follows:

- **Preservation Approach:** It is emphasised that 'as much as necessary' should be done to preserve what remains of the Cottage and that minimal intervention approach is insufficient;
- **Preferred Restoration Approach:** RDHS supports Option 1 of the HIS, which includes bracing the two remaining chimneys for the authenticity and aesthetic appearance from the road which is not addressed in Option 2.
- **Structural Integrity, Visual Impact and Site Disturbance:** RDHS strongly opposes the demolition or partial demolition of any remaining walls, asserting they can be rebuilt to stabilise the cottage and preserve its full dimensions. Visual concerns have been raised with proximity of the proposed garrison fence, recommending it be setback 6 to 8m from the cottage rather than 2m. They also highlight the potential impact of construction vibrations and ongoing site transport, calling for ongoing monitoring of the cottage and its surroundings to mitigate long-term damage.

In response to the matters raised by the RDHS, the City's Heritage Advisor acknowledged that one chimney has already been lost and two chimneys remain. It was advised that the conservation approach would likely benefit from structural bracing of the two remaining chimneys. In line with Article 8 of the [Burra Charter & Practice Notes | Australia ICOMOS](#) (*best practice for managing cultural heritage places in Australia*), conservation requires the retention of an appropriate visual setting and the preservation of relationships that contribute to a place's cultural significance. Retaining and bracing the chimneys not only supports the structural integrity of Bell Cottage (Ruin) but also reinforces its visual prominence and identity within the landscape.

Noting this is a late submission, the comments provided are valid and the City agrees that bracing of the two remaining chimneys is appropriate as an additional conservation measure, which can be addressed as a condition of Development Approval.

b. Consultation with Government Agencies

The following external referral agencies were consulted:

- APA Group;
- ATCO Gas Australia;
- Department of Planning Lands and Heritage - Heritage Council of Western Australia **(HCWA)**;
- Public Transport Authority; and
- Water Corporation.

Referral comments and responses received are generally acceptable to the City and can be incorporated as advice where Development Approval is recommended. All agency responses have been provided to the applicant for information and are also included as Attachment 4 to this Report.

Matters requiring further attention are outlined in the Table below.

Please note that, from this point forward in this Report, all heritage-related responses by the City are informed by the advice provided to the City by its Heritage Advisor, as outlined in Attachments 1 and 2 of this Report.

1. APA Group
<p><i>“APA does not object to the proposal subject to the following conditions and advisory notes being included within any approval issued for the proposal:</i></p> <ol style="list-style-type: none"><i>1. Buildings, structures, roadway, pavement, pipeline, cable, fence or any other improvement on or under the land within the gas transmission pipeline easement or within three metres of the gas transmission pipeline must not be constructed without prior consent in writing from the pipeline licensee/operator (APT Parmelia Pty Ltd). No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.</i><i>2. Prior to the development commencing for any stage which includes the gas transmission pipeline easement, landscape plans depicting any planned landscaping, including the planting of vegetation, species details, surface treatments, furniture, structures or improvements on or immediately abutting the gas transmission pipeline easement must be submitted to and approved by the City of Rockingham. The City of Rockingham will seek the view of the pipeline licensee/ operator [APT Parmelia Pty Ltd] in this matter.</i><i>3. Prior to the commencement of any works within the gas transmission pipeline easement, the proponent must enter a Third Party Works Authorisation agreement with the pipeline licensee/operator (APT Parmelia Pty Ltd). Works within the easement must comply with any conditions attached to a third party works approval.</i><i>4. No civil infrastructure providing for water, sewer, electric, telecommunications and other like services will be accepted within the gas pipeline easement, other than service crossings to the satisfaction of the pipeline licensee/operator (APT Parmelia Pty Ltd).</i><i>5. The current ground level over the existing high pressure gas pipeline easement is not to be reduced and must be maintained to the satisfaction of the pipeline licensee/operator (APT Parmelia Pty Ltd).</i><i>6. Details of any additional fill proposed to be placed on the APA gas transmission pipeline easement must be clearly shown on plans and be to the satisfaction of the pipeline licensee/operator (APT Parmelia Pty Ltd).</i><i>7. No buildings are to be constructed on the APA gas transmission pipeline easement.</i>

1. APA Group (cont...)
<p>8. <i>No stockpiles or storage of material is to be stored on the gas pipeline easement at anytime.</i></p> <p>9. <i>All plans which include the area of the gas pipeline must have the pipeline easement clearly identified with hatching. The area must also be clearly labelled as 'high pressure gas pipeline right of way - no works to occur without the prior authorisation of the pipeline operator.'</i></p>
<p><u>City's Comment:</u></p> <p>The recommendations provided by APA Group regarding Development Approval Conditions and Advice Notes are acknowledged and generally supported.</p> <p>In relation to the landscaping and fencing treatments proposed by the applicant, the City's assessment has identified the need for these elements to be improved. Further detail on this matter is provided within the 'Policy' section of this Report. In this context, and consistent with APA Group's recommended Conditions 1 and 2, additional consultation with the pipeline licensee/operator will be required prior to any approval of landscaping or fencing works within or near the gas transmission pipeline easement. Regarding recommended Condition 2, the City's standard landscaping condition is appropriate in this instance, however, it is proposed to be amended to address matters raised in comments provided by APA Group.</p> <p>The City considers APA Group's recommended Condition Nos. 3 - 6 and 9 to be appropriately addressed through Advice Notes given their operational and procedural nature. These Advice Notes will be included to ensure the proponent is mindful of the requirements and obligations relating to works within or in proximity to the gas pipeline easement</p> <p>The City supports the inclusion of APA Group's recommended Condition Nos 7 and 8 which are essential to protect the integrity and ongoing maintenance of the high-pressure gas pipeline.</p>
2. HCWA
<p><u>Findings</u></p> <ul style="list-style-type: none">• <i>"Bell Cottage (Ruin) has cultural heritage significance as a ruined Victorian Georgian cottage with limestone masonry walls and high archaeological potential. The place has significance as one of the earliest buildings in the district and is a landmark along Mandurah Road.</i>• <i>The proposal is for industrial development including two warehouse buildings and office to the south of Bell Cottage and surrounding hardstanding</i>• <i>The work involves stabilisation works to Bell Cottage (Ruin), the removal of remnants of the barn fabric, and a garrison fence surrounding the Cottage, with a 2m setback. A greater setback would be preferred.</i>• <i>Significant views from the Mandurah Road of the ruins will be maintained.</i>• <i>There is considerable ground works surrounding the cottage and the potential to reveal archaeological finds.</i>• <i>A Management Plan could be considered for ongoing protection, inspection, monitoring, conservation and maintenance of the heritage structures.</i>• <i>Interpretation of the history, heritage significance and stories of the place could be considered.</i>• <i>The proposal stabilisation works will have a positive benefit on the place as it will reduce further deterioration of the fabric.</i>• <i>The adverse impacts on the setting and fabric will be mitigated by ensuring the permanent structures are located at appropriate distance to allow for a visual curtilage to Bell Cottage".</i> <p><u>Advice</u></p> <p><i>The proposal, in accordance with the plans submitted, is supported subject to the following conditions, which are to be incorporated into your determination:</i></p>

2. HCWA (cont...)

1. *A Construction Management Plan for the demolition and construction activities is to be implemented at the commencement of works. The plan is to include requirements to minimise potential impacts of the Bell Cottage, including a program of monitoring structural movement and requirement to contact the Heritage Council if any impact occurs.*
2. *An archaeologist watching brief prepared by a suitably qualified archaeologist is to be implemented at the commencement of any ground disturbance work. The Heritage Council is to be notified immediately if archaeological material or features are encountered, and the archaeologist is to advise on a recommended course of action. The final report is to be provided to the Department of Planning, Lands & Heritage for its records.*
3. *Prior to the application for a Building Permit a standard archival record prepared in accordance with the Heritage Council's Guide to Preparing an Archival Record is to be prepared to the satisfaction of the Director, Historic Heritage Conservation. The final record is to be provided to the Department of Planning, Lands & Heritage for its records.*

Please provide a copy of your determination within 10 days after making the decision, as required by the Heritage Regulations 2019".

City's Comment:

The City supports the proposed stabilisation works, subject to HCWA's recommended conditions being addressed and implemented appropriately to ensure the protection of Bell Cottage (Ruin) and its heritage values.

The City agrees with HCWA that the proposed 2m setback from the existing garrison fence around Bell Cottage is insufficient. Clarification from HCWA on this matter has confirmed that a greater setback would materially benefit the interpretation and protection of the heritage place.

The City's Heritage Advisor has recommended a more appropriate setback of the existing fence from Bell Cottage (Ruin) which respects the place and its setting. In this regard, a 10m setback from Cottage walls has been recommended to better protect the cultural and visual context of the Cottage within an industrial setting.

Figure 14 below, provides a more detail comparison of the existing, applicant proposed and City recommended fence setback.

The City acknowledges the potential for archaeological finds due to significant ground disturbance. It supports the implementation of a watching brief by a qualified archaeologist, as per HCWA's advice.

The City supports the proposed stabilisation works to Bell Cottage (Ruin) as a positive conservation measure and considers that it appears feasible to retain the existing height of the cottage's rear stone walls, rather than partially demolishing them, based on advice from the City's Heritage Advisor who has consulted a Structural Engineer.

It is recommended that in the Schedule of Conservation Works that Option 2, Item 5 be reconsidered to ensure that the walls to the former Kitchen and Dry Store are conserved at their current height and not reduced to 200mm above sill height. These walls at their height assist with explaining the extent of the north elevation and with further consideration can be retained through appropriate conservation action which may include rear propping similar to the Parlour rooms. This is considered a way to improve long-term interpretation and better preserve structural integrity. HCWA's indication that 'Option 2' (some wall lowering) is less intrusive is noted, but further clarity or reconsideration of the ability to retain the rear walls would be a better heritage outcome.

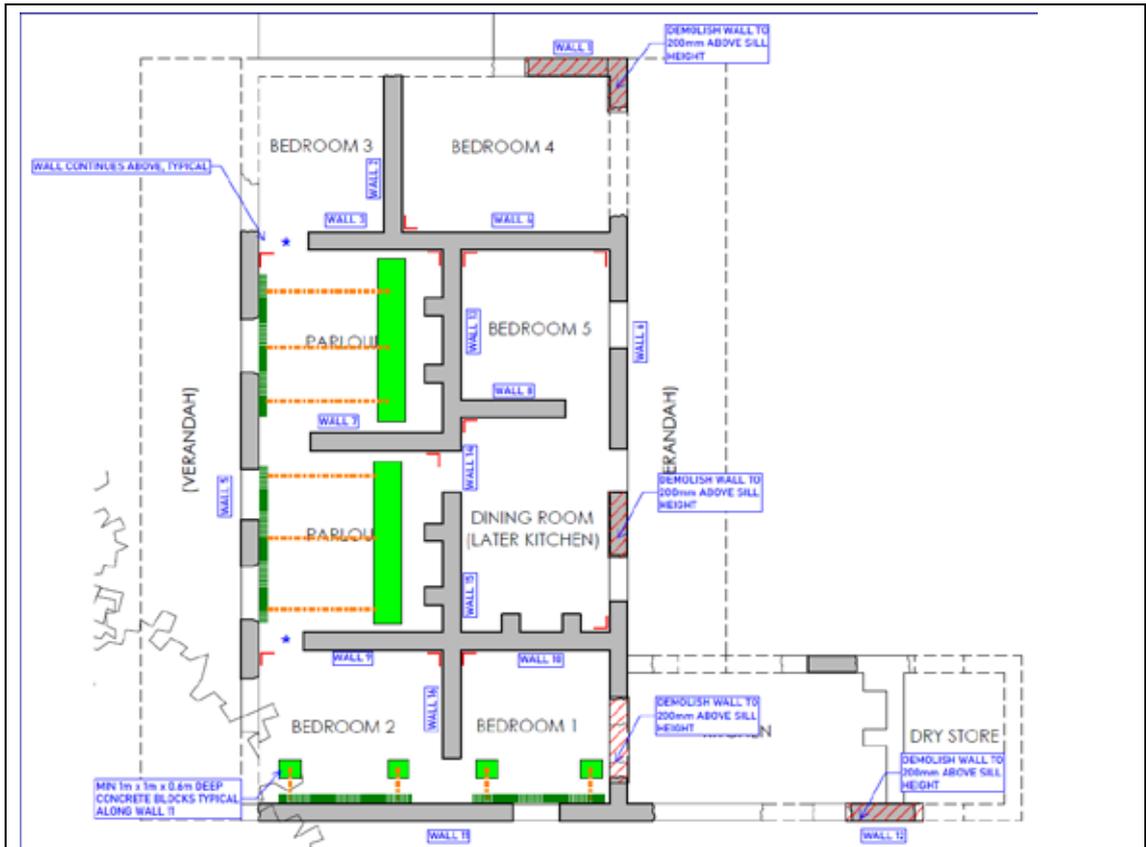


Figure 27 Wall 6 (Eastern elevation)



Figure 28 Wall 12 (Southern elevation/Kitchen)

The City recognises the importance of a Construction Management Plan (CMP) to prevent damage to Bell Cottage (Ruin) during construction.

Overall, the City is generally supportive of the proposal but is actively seeking to ensure greater heritage sensitivity, particularly in relation to the curtilage setback, archaeological procedures along with protection during and post construction. The City remains committed to working with both the applicant and HCWA to ensure the Bell Cottage (Ruin) cultural heritage values are upheld and appropriately managed.

Further details on some of the matters discussed above are provided in the 'Policy' and 'Legal and Statutory' sections of this Report.



14. City of Rockingham Curtilage Overlay

c. **Strategic**

Community Plan

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

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

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

d. **Policy**

State Government Policies

The proposal is generally consistent with the following relevant State Planning Policies (SPP):

- State Planning Policy 3.7 - Bushfire; and
- State Planning Policy 4.1 - Industrial Interface.

The following outlines the assessment of the proposal against the relevant SPP's where additional assessment was necessary.

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

The objectives of SPP3.5 are:

- *"To conserve places and areas of historic heritage significance;*
- *To ensure that development does not adversely affect the significance of heritage places and areas;*
- *To ensure that heritage significance at both the State and local levels is given due weight in planning decision-making; and*

- *To provide improved certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.”*

The proposal has been assessed in line with SPP3.5 and the *Heritage Act 2018* with particular regard to the need to conserve heritage significance, minimise impacts on setting and fabric, and manage heritage values through appropriate planning mechanisms.

The proposal is supported from a heritage planning perspective, subject to the following key considerations:

Curtilage Setback: The existing garrison fencing is located within close proximity of Bell Cottage (Ruin) and in one location comes within only a few metres of the rear wall to the former store and kitchen area. As detailed above, based on the City’s Heritage Advisor recommendations, the existing fence line should be setback a minimum of 10m from the Cottage (Ruin) walls.

Wall Retention and Interpretation: The City supports the retention and repair of the rear walls of Bell Cottage (Kitchen and Dry Store) in their existing form. This is considered feasible based on the City’s Heritage Advisor obtaining comments from a Structural Engineer who advised that it would “*seem appropriate to install propping as per the adjacent “Parlour” rooms as this would be a similar situation with a long length of wall with no top restraint*”.

Construction Management Plan: The recommended HCWA condition requiring a CMP should be refined to more clearly address both the construction and post-construction (operational) phases of the development. Specific attention should be given to potential impacts from construction-related activities such as earthworks, excavation, compaction and vehicle movements which may generate ground vibrations capable of affecting the structural stability of Bell Cottage.

All above matters can be addressed appropriately via conditions of Development Approval.

City of Rockingham Policies

Local Planning Policy 3.3.8 - East Rockingham Industrial Zones (LPP3.3.8)

The site, being located in the ‘General Industry’ Zone, is subject to assessment against LPP3.3.8 which provides planning criteria for development proposals to ensure that the industrial areas within East Rockingham have a consistent high standard of development and visual amenity expected by the community

LPP3.3.8 specifies the development standards, landscaping and fencing requirements. The buildings have been designed to address the street, providing a legible entrance for pedestrians and a positive contribution to the streetscape through the use of glazing, a mixture of materials and architectural features consistent with the LPP. The landscaping and fencing requirements, however, are assessed below:

REQUIREMENT	PROPOSAL	COMPLIANCE
Primary street frontage landscaping to a minimum 10 metres, plus the street verge	Lawn to street frontage.	Non-compliant, further discussion provided below.
The landscaping area to Mandurah Road must be revegetated with native endemic species	Lawn only proposed.	Non-compliant, further discussion provided below
Shade trees in the verge (outside of buffer areas) must be provided at 1 tree per 10 metres of street frontage	Lawn only proposed.	Non-compliant, further discussion provided below.

REQUIREMENT	PROPOSAL	COMPLIANCE
Provide shade trees at a ratio of one (1) per four (4) car bays, evenly throughout customer/staff parking areas	The applicant states that 45 shade trees are proposed within car parking and surrounding area.	Non-compliant - based on 125 car parking bays, 32 shade trees are shown on the landscape plan within the car parking area. Further discussion provided below.
The minimum standard for fencing is black PVC coated galvanised link mesh	The proposed fencing treatment proposed to all frontages of the site is 1.8m high black link mesh fence with 3 rows barbed wire above.	Non-compliant, further discussion provided below.
Loading and storage areas are to be effectively screened with appropriately placed, quality visual screening. Landscaping and approved obscure fencing can be utilised to screen such areas	Area 1 loading and warehouse areas are setback and located behind the main office and car parking areas. A large expanse of hardstand and truck movement areas are not screened in proximity to the Bell Cottage site. Area 2 is open and presents as hardstand area only with lawn treatment to the verge.	Compliant for Area 1. Area 2 non-compliant.
Service and storage areas must be located behind the front building line	Area 2 presents only as hardstand storage area with lawn to frontage area.	Area 2 non-compliant.

The landscaping intent for the site does not comply with LPP3.3.8. The number of shade trees within the car parking area should be increased to achieve the minimum requirements and should be spread evenly throughout the area.

The City acknowledges the proposed lawn treatment along the Mandurah Road verge, particularly in consideration of the underground gas pipeline easement that runs the length of the site's frontage. The City considers, however, that the presentation of the car park area to the road frontage could be enhanced through additional soft landscaping. Incorporating a tiered landscaping and tree response is recommended to create a consistent and cohesive streetscape that aligns with the existing landscaped frontage at the southern end of the site along Mandurah Road. The landscaping treatment should extend along the entire car park frontage providing a visual softening than enhances amenity without obstructing views of the Bell Cottage place.



15. Existing landscaping south of subject site, at junction of Icon Way entrance



16. Landscaping south of site along Mandurah Road

Landscaping to the northern aspect of the Mandurah Road frontage, beyond Bell Cottage and outside of the defined heritage curtilage, should also be considered not only for continuity, but to provide a screen to the large expanse of hardstand proposed for storage purposes within 'Area 2'. Any landscaping along the Mandurah Road frontage will need to be undertaken in consultation with the gas provider (APA) requirements and outside of the easement area.

The City and applicant have subsequently agreed that the matter can be resolved through a condition of Development Approval requiring an updated Landscape Management Plan.



17. Existing frontage of the site to Mandurah Road

The fencing treatment proposed for the entire site, being 1.8m chain link with three (3) rows of barbed wire above, is not consistent with the LPP3.3.8 provisions or the adjoining area.

The City and applicant have subsequently agreed that the matter can be resolved through a condition of Development Approval requiring updated Development Plans showing a 2.0m high Black PVC coated fence profile with three (3) rows of barbed wire above, which complies with the minimum fence profile standard.

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

LPP3.3.14 provides for secure, well defined and effective on-site bicycle parking and end-of-trip (**EOT**) facilities, to encourage the use of bicycles as a means of transport and access within the City.

The table below outlines the requirements under the LPP3.3.14 for the proposed development:

Land Use	Minimum Short-Term Parking	Minimum Long-Term Parking	Required Parking	Proposed Parking
Industry	n/a	0.1 spaces per 100m ² NLA	11,830m ² requires 12 Parking spaces	8

LPP3.3.14 requires end of trip facilities to be provided at a rate of one (1) shower for the first five (5) long-term spaces, plus an additional shower for each four (4) spaces thereafter and one change room per shower.

The proposed development proposes eight (8) bicycle parking bays. Noting that the site is in an industrial area, and it is typical for an industrial development in this location that employees will rely on private vehicles rather than bicycles, the proposed provision is considered appropriate. A universal space is provided within the office building with a shower facility which is considered appropriate.

Whilst the required bicycle parking and end-of-trip facilities in accordance with LPP3.3.14 have not been included, it is considered that the inclusion of a portion of these facilities is acceptable. As such, the provided bicycle parking and end of trip facilities are sufficient for the proposed industrial development.

Local Planning Policy No.3.3.21 - Heritage Development and Design (LPP3.3.21)

As mentioned throughout this Report, Bell Cottage (Ruin) is a State Heritage listed place, but is also listed on the City's Local Heritage List pursuant to TPS2. As such, LPP3.3.21 applies and seeks to:

- *“conserve and protect places of cultural heritage significance within the City, as identified under the Heritage List, including those entered onto the State Register of Heritage Places;*
- *assist property owners and managers to conserve the cultural heritage significance of their heritage places;*
- *ensure that future development, including conservation or adaptation of existing buildings and construction of new buildings does not adversely affect the significance of heritage places and respects and enhances their identified heritage values; and*
- *ensure that heritage significance is given due weight in decision making for applications for Development Approval.”*

In considering the subject Development Application, and in the context of the LPP3.3.21 and the HCWA advice, the City's Heritage Advisor has provided detailed comment on the proposed development.

The following Table provides a summary of the key matters identified in the HCWA advice and the City's Heritage Advisor along with the City's comment. All parties have agreed that the applicant's proposed 'Option 2', which includes stabilisation works to Bell Cottage, is the preferred and more cautious approach.

MATTER	HCWA ADVICE	CITY'S HERITAGE ADVISOR	CITY COMMENT
State Listing and Local Listing	One of earliest buildings in district and is a landmark along Mandurah Road.	Is high priority of importance to the local area and the City.	Acknowledged the place is State listed, however, the local significance must also be duly considered. Additional requirements to be considered where inconsistency and/or uncertainty in advice has been presented.
Proposed 2m setback to garrison fence	Noted that a greater setback would be preferred. Noted that <i>“the impacts on the setting and fabric be mitigated by ensuring permanent structures are located at appropriate distance to allow for ‘visual curtilage”</i>	An increased setback to at least 10m from the Cottage walls which will allow the ruins to have a respectful distance from the industrial buildings and the hardstand ground treatment.	This matter has been discussed earlier in this Report and can be addressed via a condition of Development Approval.

MATTER	HCWA ADVICE	CITY'S HERITAGE ADVISOR	CITY COMMENT
Landscaping	No comment.	A specific landscape plan for the setting to be considered.	<p>The City, through a 'Request for Further Information' (RFI) process, recommended that the trees within the heritage curtilage be considered, such as works to remove dead-wood from existing trees on site, and reducing canopy away from the ruin to prevent any damage from falling limbs.</p> <p>The applicant has advised that these works could be considered.</p>
Construction Management Plan (CMP)	Implemented at commencement of works and to include monitoring of structural movement and a requirements to contact HCWA if any impact occurs.	Preparation of a CMP is supported, in conjunction with comments on vibration and noise impacts below.	<p>This matter has been discussed earlier in this Report and can be addressed via a condition of Development Approval.</p> <p>The City recommends that a CMP be submitted prior to applying for a Building Permit to the satisfaction of the City of Rockingham in consultation with HCWA.</p>
Vibration impacts during construction and on-going operational phases (eg. heavy vehicles and noise)	<p>No comment or consideration in this regard.</p> <p>A separate Management Plan could be considered for ongoing protection, inspection, monitoring, conservation and maintenance of heritage structures.</p>	<p>Noted that the fragile nature of ruins is potentially at risk. It is recommended that an Engineer with experience and expertise in vibration and its impacts on heritage places is engaged by the proponent to assess the potential impacts of the uses on site and to ensure works are not detrimental to Bell Cottage (Ruin).</p> <p>Vibration from large vehicles and noise needs to be considered noting the fragile nature of the structure as detailed in the Structural Engineering Report.</p>	<p>The City agrees that the considerable extent of ground disturbing works and hardstand, indicating truck and vehicle movements and drainage infrastructure within the heritage curtilage, should be re-assessed in the context of vibration and noise impact, both during construction phase and the operational requirements of the development.</p> <p>These matters were raised with the applicant during the RFI process, however, the applicant has not addressed the concerns.</p> <p>The uncertainty of any impacts to the place have not been identified or assessed.</p>

MATTER	HCWA ADVICE	CITY'S HERITAGE ADVISOR	CITY COMMENT
		<p>Annual monitoring of ruin required to assess condition and future retention measures suggested.</p>	<p>It is also noted, from the Engineering Assessment submitted in support of the proposal, the condition of the ruin is generally unsafe with the potential for elements to fail and collapse.</p> <p>Despite this, the City's Heritage Advisor has provided specific advice from an Acoustic and Vibrations Engineer (Attachment 2 to this Report) who has confirmed the shortcomings of the HCWA advice and the applicant's response.</p> <p>Specifically, the advice recommends that the applicant should be providing, as a minimum:</p> <ul style="list-style-type: none"> · Vibration impact assessment to demonstrate the construction and operation of the industrial premises does not adversely affect the Bell Cottage ruins. This shall establish appropriate vibration criteria; prediction of vibration impacts and monitoring program for the project; · Vibration management and monitoring program during the construction and also during the operation of the project; and · Operational vibration measurements can be periodic at set intervals when the operation is at its peak to assess the impacts during the operation of the premises.

MATTER	HCWA ADVICE	CITY'S HERITAGE ADVISOR	CITY COMMENT
			<p>As such, a baseline assessment of the site in regards to vibration and noise has not been established to determine the potential construction and operational impacts of the development on the place and its setting. With works proposed within the curtilage of the heritage memorial, to support development on the presumption that these matters can be addressed post assessment, raises concern that a requirement could be imposed that may be difficult to comply with.</p>
<p>Conservation Management Strategy</p>	<p>No comments or consideration provided.</p>	<p>Recommended to be prepared prior to works commencing on the site to aid in understanding and realising the benefit that the long-term conservation of Bell Cottage (Ruin) will have.</p> <p>It is recommended that the Conservation Works Schedule includes lime mortar capping works to the top of the existing walls to assist with shedding water.</p>	<p>The long term management of the place is unknown and is of high importance to the City's local heritage. Any condition of Development Approval requiring submission of a Conservation Management Strategy must include a schedule of the conservation works to be undertaken.</p>
<p>Interpretation Plan</p>	<p>Comment only that this "<i>Interpretation of the history, heritage significance and stories of the place could be considered</i>"</p>	<p>A Heritage Interpretation Plan is recommended to be prepared prior to works commencing on the site.</p> <p>Recommendations from the Interpretation Plan would ensure that conservation and interpretation works are completed in an agreed timeframe.</p>	<p>Limited details have been provided as to what or how interpretation of the place will be achieved. The City agrees that an opportunity exists for this to occur, which is also recognised by HCWA. A detailed Interpretation Plan should be developed and must recognise the local importance of the site to the broader East Rockingham Heritage area.</p>

MATTER	HCWA ADVICE	CITY'S HERITAGE ADVISOR	CITY COMMENT
Archival Record	Prior to applying for a Building permit, an Archival Record prepared to the satisfaction of the Director Historic Heritage Conservation and final record provided to DPLH.	Recommended to be prepared prior to works commencing on the site, and should include the barn and peppercorn tree as 'considerable significance' of the place.	The applicant has confirmed that the barn and peppercorn tree would be included in any Archival Record. The City agrees with the outcome.
Historical Archaeologist	<p>Noted that "<i>there is considerable ground disturbing works and the potential to reveal archaeological finds.</i>"</p> <ul style="list-style-type: none"> An archaeologist watching brief to be prepared and implemented at the commencement of ground disturbing works. HCWA to be notified immediately if archaeological material or features are encountered, and the archaeologist is to advise on a recommended course of action. The final report is to be provided to DPLH for its records. 	<p>A Historical Archaeologist with experience and expertise in researching and site assessment is to be engaged to undertake an Archaeological Investigation Survey of Bell Cottage (Ruin) and surrounding area within the registered curtilage.</p> <p>Recommended prior to works to commencing on site.</p>	<p>It is agreed that there is benefit in having an Archaeologist engaged, however, the City suggests that a 'watching brief' and/or strategy should be an outcome of an Archaeological Investigation survey to be undertaken prior to works commencing on-site.</p> <p>An Archaeologist should be present on-site during all ground disturbing works on site in accordance with the 'watching brief'/strategy.</p>

Local Planning Policy No.3.4.3 - Urban Water Management (LPP3.4.3)

The purpose of LPP3.4.3 is to provide guidance on the City's urban water management requirements.

Through the City's RFI process, the applicant confirmed that the adjoining lot to the south-east (Lot 804), should have formed part of the Development Application as it proposed to contain the stormwater management basin.

In terms of the submitted information, the plan provided is considered adequate in terms of an overall drainage strategy at a schematic level only. The applicant would need to provide more detail for the stormwater design for the City to confirm a detailed assessment.

Lot 804 should be formally amalgamated with Lot 850 such that the entire site and its stormwater management is managed appropriately as a complete scheme as a recommendation of any approval issued. The applicant has confirmed that it intends to proceed with the existing amalgamation approval.

e. Financial

Nil

f. Legal and Statutory

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

Clause 67 of the Regulations outlines matters to be considered by the decision maker in determining this application. Where relevant, these matters are discussed throughout this Report.

Additionally, Schedule 2 of the Regulations, outlines requirements related to heritage protection. Clause 8 addresses the establishment of a heritage list, and Clause 9 pertains to the designation of heritage areas. Furthermore, Clause 61(1) of the Deemed Provisions specifies that development approval is required for certain works, including those that affect a place on the heritage list or within a heritage area.

Heritage Act 2018 (HA)

Section 72 of the HA outlines the triggers for referrals to the HCWA. Section 75 applies to all decisions on referred proposals. Specifically, the decision maker, in this case being the MODAP, must not make a decision that would, or would be likely to, adversely affect to a significant extent a place referred under Section 72.

Section 75 of the HA outlines how decisions on a proposal referred to the HCWA must be considered by the decision-making authority:

"75 Decision on referred proposal

- (1) In respect of a referred proposal, a decision-maker must not make a decision that would, or would be likely to, adversely affect to a significant extent a place mentioned in section 72(1) (even though the decision is not directly related to that place) unless –*
 - (a) The decision-maker has used its best endeavours to ensure that each person involved in the implementation of the proposal will take all measures to minimise any adverse effect that they can reasonably take; and*
 - (b) The decision-maker has complied with section 73; and*
 - (c) The decision-maker has either received advice on the referred proposal from the Council under section 74 or waited the prescribed period to receive the advice; and*
 - (d) Subject to subsection (2), the decision made is consistent with advice received from the Council.*
- (2) Subsection (1)(d) does not apply if the decision-maker finds that there is no feasible and prudent alternative to the decision made."*

As advised by the DPLH, when considering proposals the HCWA usually only considers impacts on State heritage values, therefore decision-makers are open to apply additional conditions relating to any other matters, including local heritage significance. This forms the basis of the City's assessment and justification of protecting the heritage significance of the place. The City's assessment identifies additional mitigating measures to conserve Bell Cottage (Ruin) both during construction works and post construction works place. These measures are not in conflict with HCWA advice.

Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning Table

The subject site is zoned 'General Industry' under TPS2. The proposed development is consistent with the land use of 'Warehouse/Storage', meaning:

"means premises including indoor or outdoor facilities used for:

- (a) *the storage of goods, equipment, plant or materials; or*
- (b) *the display or sale by wholesale of goods."*

A 'Warehouse/Storage' land use is not permitted ('D') unless the local government has exercised its discretion by granting Development Approval.

Clause 4.10.1 Objectives of Industrial Zones

The following objectives apply to Industrial Zoned land within the TPS2 are:

- "(a) to provide for a range of industrial land uses by establishing guiding principles and policies that are environmentally and socially acceptable;*
- (b) to encourage and facilitate the establishment of attractive and efficient industrial areas ensuring that acceptable levels of safety and high standards of amenity are provided through the application of appropriate land use, design and landscaping controls; and*
- (c) to ensure that industrial areas are developed in a manner which has due regard to potential industries and their infrastructure needs, and that adjacent urban areas are not subjected to pollution and hazards."*

The proposed development is considered generally consistent with the objectives.

Clause 4.10.2 - Form of Development

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

- "(a) promotion of a high standard of building development, landscaping and working environment;*
- (b) protection of the amenity of adjacent residential and open space areas;*
- (c) management of drainage systems and land uses to promote groundwater conservation; and*
- (d) to ensure safe movement of vehicular and pedestrian traffic in the area."*

Built Form and Landscaping

The proposed development was subject to assessment against LPP3.3.8, which details specific design and landscape requirements for the site. The matter has been addressed earlier in the Report.

Drainage

As mentioned above, the drainage plans provided to support the application have been reviewed and is accepted as a high level intent only. Detailed design plans will be necessary to confirm that drainage design network is consistent with LPP3.4.3.

Safe Vehicular Movement and Traffic

The subject site is accessed from Mandurah Road with an existing left turn lane to the private road (Icon Drive), providing direct access to the subject site. Mandurah Road functions as a Regional Distributor road, under the care and control of City. It is a two-way road aligned in a north-south direction and configured as a 2-lane undivided single carriageway, with widening at major site access points and at intersections.

The vehicles proposed to enter the site, as suggested in the TIS, being 19m long heavy vehicle (prime mover and a semi-trailer), do not warrant intersection upgrades as part of this Development Application. Should the applicant seek to include B-Double Heavy Vehicles, exceeding 19m and up to 27.5m in length, the City considers the intersection of Icon Drive and Mandurah Road will need to be upgraded to accommodate longer vehicle movements. A condition of Development Approval is recommended to address this occurrence.

Clause 4.10.3 - Parking

TPS2 requires the provision for the on-site parking of vehicles for all development on 'Industrial' zoned land in accordance with the provisions of Clause 4.15 and Table No.4. The following table shows the calculation for the proposal

Use Class	Minimum Requirement	Floor Area/Staff Numbers	Required Car Bays	Provided Car Bays
Warehouse/Storage	1 bay per 100m ² NLA for warehouses or 1 bay per employee, whichever is the greater	11,830m ² ; or 80 staff	119 based on NLA	125

The proposal complies with the car parking requirements, with the Office component considered ancillary to the primary use of the site. With a maximum of 80 staff on site at any time, the car parking provision is acceptable.

Clause 4.10.4 - General Development Provisions

The proposed development is considered consistent with the requirements outlined under Clause 4.10.4.

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 proposal has been assessed under TPS2 and the City's and State Government's relevant Policy and regulatory framework with careful consideration given to matters relevant to heritage, traffic/access, stormwater drainage, fencing and landscaping to the frontage of the site.

The proposed land use is permissible and consistent with the 'General Industry' zoning and other commercial activity in the precinct.

Of particular interest to the City is the preservation of the Bell Cottage (Ruin) through maintaining the fabric of the place in its existing state and by reducing further deterioration. As outlined above, the City's main concern is that the proposal will include significant ground disturbing works (pre and post construction) and heavy vehicle movements that could adversely impact the place.

The applicant's Engineering Assessment identifies that the condition of the ruin is generally unsafe with the potential for elements to fail and collapse. In this regard, the spirit of the proposed stabilisation and conservation works are considered appropriate. Noting, however, the fragility of the ruin, and in the context of the proposal, the long term stability of this local heritage place is of concern and uncertain, both during the construction phase and the ongoing operations.

Having regard to advice received from HCWA and the City's Heritage Advisor, the responsibility, implementation and compliance of a Construction Management Plan ultimately rests with the applicant. The City through its assessment has proactively identified additional mitigating measures to address its concerns in an attempt to preserve what remains of this heritage place.

As such, it is recommended that the Council adopt the Responsible Authority Report which recommends that the application be conditionally approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Industrial Development and Works to Bell Cottage (Ruin) at Lot 850 Mandurah Road, East Rockingham and Lot 804 on DP70633, contained as Attachment 3, as the Report required to be submitted to the Development Assessment Panel Executive Director pursuant to Regulation 12 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, which recommends that the Metro Outer Development Assessment Panel resolves to **APPROVE** DAP Application reference DAP/25/02851 and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to conditions.

Committee Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Industrial Development and Works to Bell Cottage (Ruin) at Lot 850 Mandurah Road, East Rockingham and Lot 804 on DP70633, contained as Attachment 3, as the Report required to be submitted to the Development Assessment Panel Executive Director pursuant to Regulation 12 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, which recommends that the Metro Outer Development Assessment Panel resolves to **APPROVE** DAP Application reference DAP/25/02851 and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to conditions.

Committee Voting (Carried) - 6/0

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

Not Applicable

Council Resolution

Moved Deputy Mayor Buchan, seconded Cr Jecks:

That Council **ADOPTS** the Responsible Authority Report for the application for the proposed Industrial Development and Works to Bell Cottage (Ruin) at Lot 850 Mandurah Road, East Rockingham and Lot 804 on DP70633, contained as Attachment 3, as the Report required to be submitted to the Development Assessment Panel Executive Director pursuant to Regulation 12 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, which recommends that the Metro Outer Development Assessment Panel resolves to **APPROVE** DAP Application reference DAP/25/02851 and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to conditions as follows:

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. This approval is for 'Warehouse/Storage', as defined by the City of Rockingham Town Planning Scheme No.2, and the subject land/development may not be used for any other use without the prior approval of the City.
3. All development must be carried out in accordance with the approved plans, 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.
4. Amalgamation of Lot 850 Mandurah Road, East Rockingham and Lot 804 on DP70633 into one Certificate of Title prior to occupation of the development.

5. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering consultant, showing how stormwater will be contained on-site, and those plans must be submitted to the City of Rockingham for its approval.

All stormwater generated by the development must be managed to the satisfaction of the City of Rockingham in accordance with *Local Planning Policy No.3.4.3 - Urban Water Management*. The approved plans must be implemented and all works must be maintained for the duration of the development.

6. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham and pipeline licensee/operator [APT Parmelia Pty Ltd] must be prepared and submitted to the City, and must include the following detail:

- (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
- (ii) trees within the heritage curtilage be considered, such as works to remove dead-wood from existing trees on site, and reducing canopy away from the ruin to prevent any damage from falling limbs;
- (iii) any lawns to be established and areas to be mulched;
- (iv) any natural landscape areas to be retained;
- (v) provision of shade trees evenly throughout car parking areas at a ratio of 1 tree per 4 car bays;
- (vi) provision of a tiered landscaping and tree response along the frontage of Mandurah Road across 'Area 1' and 'Area 2';
- (vii) fencing type, height and alignment being a 1.8m high Black PVC coated fence profile with three (3) rows of barded wired above;
- (viii) those areas to be reticulated or irrigated; and
- (ix) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.

The landscaping, paving and reticulation must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham and APT Parmelia Pty Ltd for the duration of the development.

7. The carpark must:

- (i) provide a minimum of 125 car parking spaces;
- (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 2 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;
- (iii) provide 1 car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
- (v) comply with the above requirements for the duration of the development.

8. In accordance with City of Rockingham *Local Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities*:

- (i) eight (8) long-term bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities and must be approved by the City of Rockingham; and

- (ii) a minimum of one (1) secure hot-water shower, change room and clothing lockers must be provided for the development which must be designed in accordance with that Policy.

The bicycle parking spaces must be retained and maintained in good and safe condition for the duration of the development.

9. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:

- (i) The design and location of bin storage areas and bin collection areas;
- (ii) The number, volume and type of bins, and the type of waste to be placed in the bins;
- (iii) Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
- (iv) Calculations of waste volumes and frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.

10. The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the development.
11. An Application to Construct or Install an Apparatus for the Treatment of Sewage must be approved by the City's Health Services prior to the Building Permit application, for onsite wastewater disposal.
12. No buildings are to be constructed on the APA gas transmission pipeline easement.
13. No stockpiles or storage of material is to be stored on the gas pipeline easement at any time.
14. Buildings, structures, roadway, pavement, pipeline, cable, fence or any other improvement on or under the land within the gas transmission pipeline easement or within three metres of the gas transmission pipeline must not be constructed without prior consent in writing from the pipeline licensee/operator (APT Parmelia Pty Ltd). No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.
15. Engineering drawings for all civil works within the development site, including internal private roads but excluding works covered under a Building Permit, must be submitted to the City of Rockingham for approval prior to commencement. All such civil works must be completed to the satisfaction of the City of Rockingham in accordance with the Approved Plans.
16. Prior to applying for a Building Permit, an amended set of Development Plans must be submitted demonstrating:
- (i) The garrison fence being setback a minimum of 10m from the outer most projection of the Bell Cottage (walls), along each elevation; and
 - (ii) The area as defined in a) above, shall remain free of any hardstand or permanent surface treatment.
17. Prior to applying for a Building Permit, a Construction Management Plan (CMP) for the approved development must be submitted to and approved by the City of Rockingham, in consultation with Heritage Council of Western Australia. The CMP shall include, but not be limited to, the following:
- (i) A Vibration Impact Assessment to demonstrate the ground disturbing construction works and on-going operation of the industrial premises post construction does not adversely affect the Bell Cottage (ruins). This shall establish appropriate vibration criteria; prediction of vibration impacts and a monitoring program (pre and post construction);
 - (ii) A Dust and Noise Management Plan;
 - (iii) Details on how the management of fauna will occur and the measures to be implemented to minimise impacts;

- (iv) Details on how the management of vegetation (including individual trees) identified for retention in the approved site plans will be undertaken and the measures implemented to minimise impacts in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009 (as amended). If there are changes to trees identified for retention in the approved site plans, the City of Rockingham must be notified prior to the commencement of works and the CMP be updated to reflect the outcomes of tree retention changes; and
- (v) Traffic Management Strategy, including access/egress locations, loading/unloading areas and parking arrangements for contractors and how these will be managed for the duration of the construction period in connection with all other site operations.

The approved Construction Management Plan must be implemented for the duration of all works to the satisfaction of the City of Rockingham in consultation with Heritage Council of Western Australia.

18. Prior to commencement of any works on-site, an Archaeologist with experience and expertise in researching and site assessment is to be engaged by the landowner to:
- (i) undertake an additional Archaeological Investigation Survey of Bell Cottage (Ruin) and surrounding area within the registered curtilage to identify if there are any potential additional discoveries within the site; and
 - (ii) prepare an archaeologist watching brief to be implemented at the commencement of any ground disturbance work. If any archaeological material or features are encountered, the Archaeologist is to advise on a recommended course of action.

The Department of Planning, Lands and Heritage is to be notified immediately if archaeological material or features are encountered. The final archaeological report is to be provided to the Department of Planning, Lands & Heritage and the City of Rockingham for its records.

20. Prior to the application for a Building Permit, a standard Archival Record, inclusive of the barn and peppercorn tree as part of the heritage significance of Bell Cottage (ruins), prepared in accordance with the Heritage Council of Western Australia's *Guide to Preparing an Archival Record* is to be prepared in consultation with the Department of Planning, Lands and Heritage (Director, Historic Heritage Conservation). The final record is to be provided to the Department of Planning, Lands and Heritage and the City of Rockingham for its records.
21. Prior to applying for a Building Permit or commencement of works on site, whichever occurs first, the landowner shall prepare a Conservation Management Strategy and Schedule of Conservation Works to be submitted for approval by the Heritage Council of Western Australia in consultation with the City of Rockingham.

The Schedule of Conservation Works shall include the works as outlined in 'Option 2' of the submitted Heritage Impact Statement, prepared by Hocking Heritage and Architecture, dated October 2024, and shall include the following additional works:

- Bracing of the two remaining chimneys;
- Lime mortar capping works to the top of the existing walls to assist with shedding water;
- Stone from the Barn ruin to be kept, stored securely and used in the ongoing conservation works of Bell Cottage (Ruin);
- Walls to the former 'Kitchen' and 'Dry Store' are conserved at their current height.

The approved Conservation Management Strategy and Schedule of Conservation Works must be implemented for the duration of all construction works to the satisfaction of the Heritage Council of Western Australia in consultation with the City of Rockingham.

22. Prior to applying for a Building Permit, or commencement of works on site, whichever occurs first, the landowner shall provide a Heritage Interpretation Plan, prepared by a qualified Heritage Consultant, submitted to and approved by the Heritage Council of Western Australia, in consultation with City of Rockingham. The approved Heritage Interpretation Plan shall be implemented and maintained by the owner at all times thereafter.

Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Development Approval must be submitted to the City.
2. It is the responsibility of the applicant/landowner to comply with the Environmental Management Plan and Construction Environmental Management Plan under the Strategic Environmental Assessment of the Rockingham Industry Zone. It is recommended that DevelopmentWA be consulted in this regard.
3. Reticulated water is currently available to the subject area. All water main extensions, if required for the development site, must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.
4. Prior to the commencement of any works within the gas pipeline easement, the proponent must enter a Third Party Works Authorisation agreement with the pipeline licensee/operator (APT Parmelia Pty Ltd). Works within the easement must comply with any conditions attached to a third party works approval.
5. No civil infrastructure providing for water, sewer, electric, telecommunications and other like services will be accepted within the gas pipeline easement, other than service crossings to the satisfaction of the pipeline licensee/operator (APT Parmelia Pty Ltd).
6. The current ground level over the existing high pressure gas pipeline easement is not to be reduced and must be maintained to the satisfaction of the pipeline licensee/operator (APT Parmelia Pty Ltd).
7. Details of any additional fill proposed to be placed on the gas pipeline easement must be clearly shown on plans and be to the satisfaction of the pipeline licensee/operator (APT Parmelia Pty Ltd).
8. All plans which include the area of the gas pipeline must have the gas pipeline easement clearly identified with hatching. The area must also be clearly labelled as 'high pressure gas pipeline right of way - no works to occur without the prior authorisation of the pipeline operator'.
9. In relation to Condition 2, any proposed expansion or changes to the proposed development may trigger provisions under section 53 of the *Environmental Protection Act 1986*. In the circumstances that a Works Approval is required, a new application for Development Approval for a change of use to 'Industry: General (Licensed)' will be required to be lodged with the City of Rockingham for assessment.
10. In relation to Condition 17(i), operational vibration measurements can be periodic at set intervals when the operation is at its peak to assess the impacts during the operation of the premises.
11. No wash-down of plant, vehicles or equipment is permitted on-site without the prior approval of the City of Rockingham (Health Services).

Carried – 12/0

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

Not Applicable

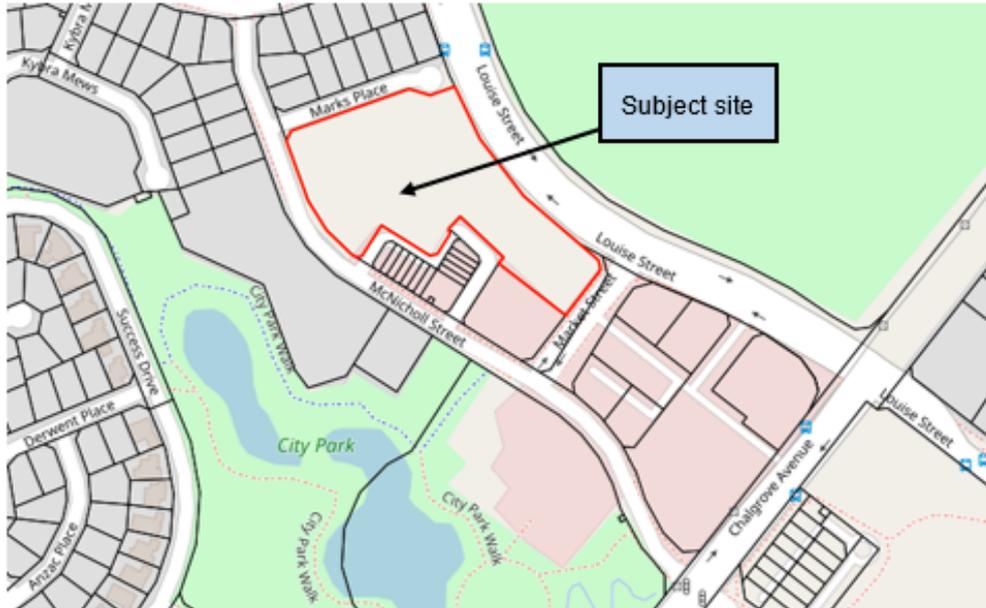
Planning and Development Services Statutory Planning Services



Report number/title:	PD-017/25 Development Assessment Panel Application - Proposed 33 Grouped Dwellings
File number:	DD020.2025.00000062.001
Applicant:	Urbis
Owner:	Western Australian Land Authority
Author:	Mr Lindsay Bergsma, Senior Planning Officer
Other Contributors:	Mr David Banovic, Coordinator Statutory Planning (DAP and Planning Reform) Mr Mike Ross, Manager Statutory Planning
Date of Committee meeting:	19 May 2025
Previously before Council:	
Disclosure of Interest:	
Nature of Council's role:	Tribunal
Attachments:	1. Responsible Authority Report
Maps/Diagrams:	1. Location Plan 2. Aerial Photograph 3. McNicholl Street (Existing Residential Development) 4. McNicholl Street (Adjoining Grouped Dwelling Development) 5. Rockingham Strategic Centre Area 6. Proposed Site Plan 7. Proposed Floor Plan (Ground Floor) 8. Proposed Floor Plan (First Floor) 9. Proposed Elevations 10. 3D Perspectives of Proposed Development 11. Bushfire Prone Mapping 12. Photos of Street Trees and Paving in the locality 13. Proposed permeable fence between development and balance of site 14. Goddard Street Integrated Development Guide Plan (IDGP) 2012 15. Location of Development Footprint in relation to Contaminated Sites Register
Site:	Lot 9001 (No.7-19) McNicholl Street, Rockingham
Lot Area:	1.9417ha
LA Zoning:	Strategic Centre
MRS Zoning:	Central City Area

Purpose of Report

To provide a recommendation to the Metro Outer Development Assessment Panel (**MODAP**) on a Development Application for 33 'Grouped Dwellings' ('Townhouses'), on a portion of Lot 9001 (No.7-19) McNicholl Street, Rockingham, as depicted on Figures 1 and 2 below.



1. Location Plan



2. Aerial Photograph

Background

Site Description

The subject lot has a total land area of 1.9417ha and is vacant.

The site is flat and contains a small amount of scattered vegetation such as shrubs, bushes and ground cover.

Parts of the subject lot have been classified under the *Contaminated Sites Act 2003* as 'remediated for restricted use'. Historically, asbestos contaminated soil had been buried in locations within the eastern section of the lot.

The development, subject of this application, is proposed on the western side of the lot, within an area 6,900m² in size. The eastern side of the lot is to remain vacant and the proposed development does not encroach on the location of the asbestos contaminated soil, as discussed in greater detail later in this Report.

Site Context

The subject site is within an existing residential area. The land to the north and west has been developed into predominantly low density single and two storey, 'Single Dwellings' or 'Grouped Dwellings'. The adjoining development to the south-east consists of 'Grouped Dwellings' in the form of medium density two (2) storey townhouses.



3. McNicholl Street (Existing Residential Development)



4. McNicholl Street (Adjoining Grouped Dwelling Development)

Adjoining the subject lot to the north east is Louise Street, which is a four lane dual carriageway road providing a key road connection to the north and south.

In a broader context, the subject site is situated within the 'Rockingham Strategic Centre' (**RSC**), the details of which are discussed in the 'Policy' section of this Report.



5. Rockingham Strategic Centre Area

The RSC falls within the existing 'Central City Area' zone under the Metropolitan Region Scheme (**MRS**). Under the City of Rockingham Town Planning Scheme No.2 (**TPS2**), the subject site forms part of the 'Strategic Centre' zone and is situated within the 'Residential' sub-zone.

Design Review Panel

On 18 December 2024, a concept proposal for the development of the entire (vacant) site was presented to the City of Rockingham's (**City**) Design Review Panel (**DRP**) for review.

The initial concept proposal involved two (2) four-storey apartment blocks ('Multiple Dwellings', comprising 144 apartments) and thirty-three (33) two storey townhouses ('Grouped Dwellings'). The apartments were proposed on the north-east side of the property (adjacent to Louise Street), while the townhouses were proposed on the western side of the property (adjacent to McNicholl Street).

Details

The applicant seeks Development Approval for 33 two-storey 'Grouped Dwellings' (**townhouses**) on the western portion of the subject lot. Details of the proposal are summarised as follows:

- A row of 15 townhouses are proposed to front McNicholl Street;
- A second row of 18 townhouses is proposed behind the first row, part of which access directly onto Kimbla Street;
- Vehicle access for the remaining townhouses is proposed via a 5m wide common property laneway which connects Marks Place to Kimbla Street;
- All dwellings are three (3) bedroom, two (2) bathroom;
- Pedestrian access is proposed via footpaths along McNicholl Street for the dwellings fronting this street, and along the eastern side for the dwellings to the east of the proposed laneway (extending from Marks Place through to Kimbla Street);

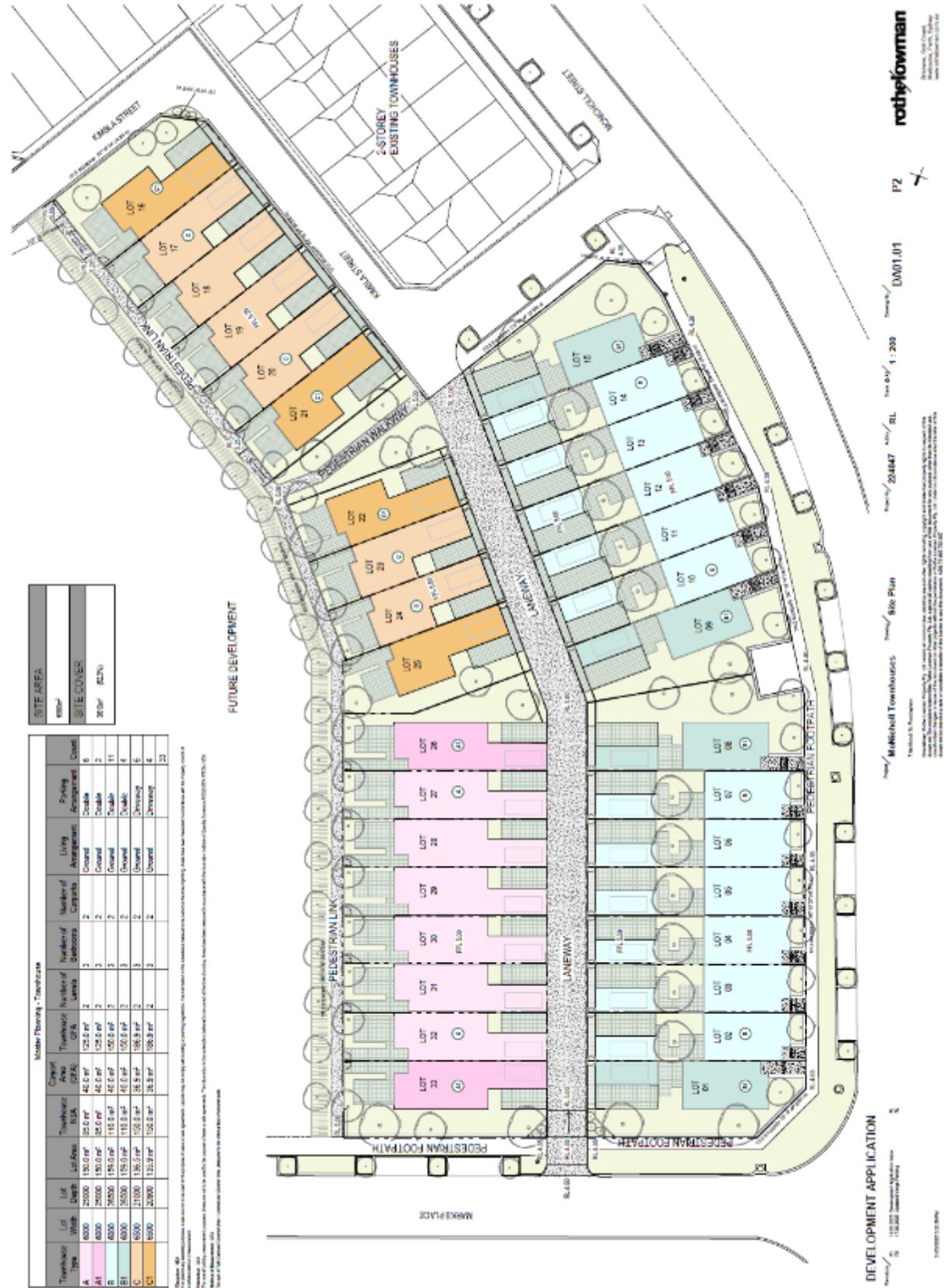
- The external footpaths are proposed to be 1.5m wide;
- Eight (8) on-street car parking bays are proposed along Marks Place and McNicholl Street;
- The development includes landscaping in the communal areas as well as the courtyards for each dwelling. This includes native species, shrubs and shade trees;
- Landscaping is also proposed on the verge areas fronting Marks Place and McNicholl Street with street trees to be provided near the proposed on-street car parking bays; and
- Waste collection is proposed via the City's weekly collection with bins to be presented outside each townhouse garage along the proposed laneway and Kimbla Street.

The following Technical Reports and supporting material accompanied the DAP application:

- Planning Report;
- Transport Impact Statement;
- Waste Management Plan;
- Landscape Concept Plan; and
- Response to the Design Review Panel Meeting Notes.

On 3 and 16 April 2025, the applicant submitted additional information in response to requests made by the City. The City requested clarification around the Residential Design Code (**R-Code**) requirements, and among other matters, identified concerns with traffic access and safety, especially in relation to the proposed common property laneway width and vehicle manoeuvrability.

The following sections of the Report are based upon the Amended Plans and additional information provided by the applicant, in response to the City's request for further information.



6. Proposed Site Plan



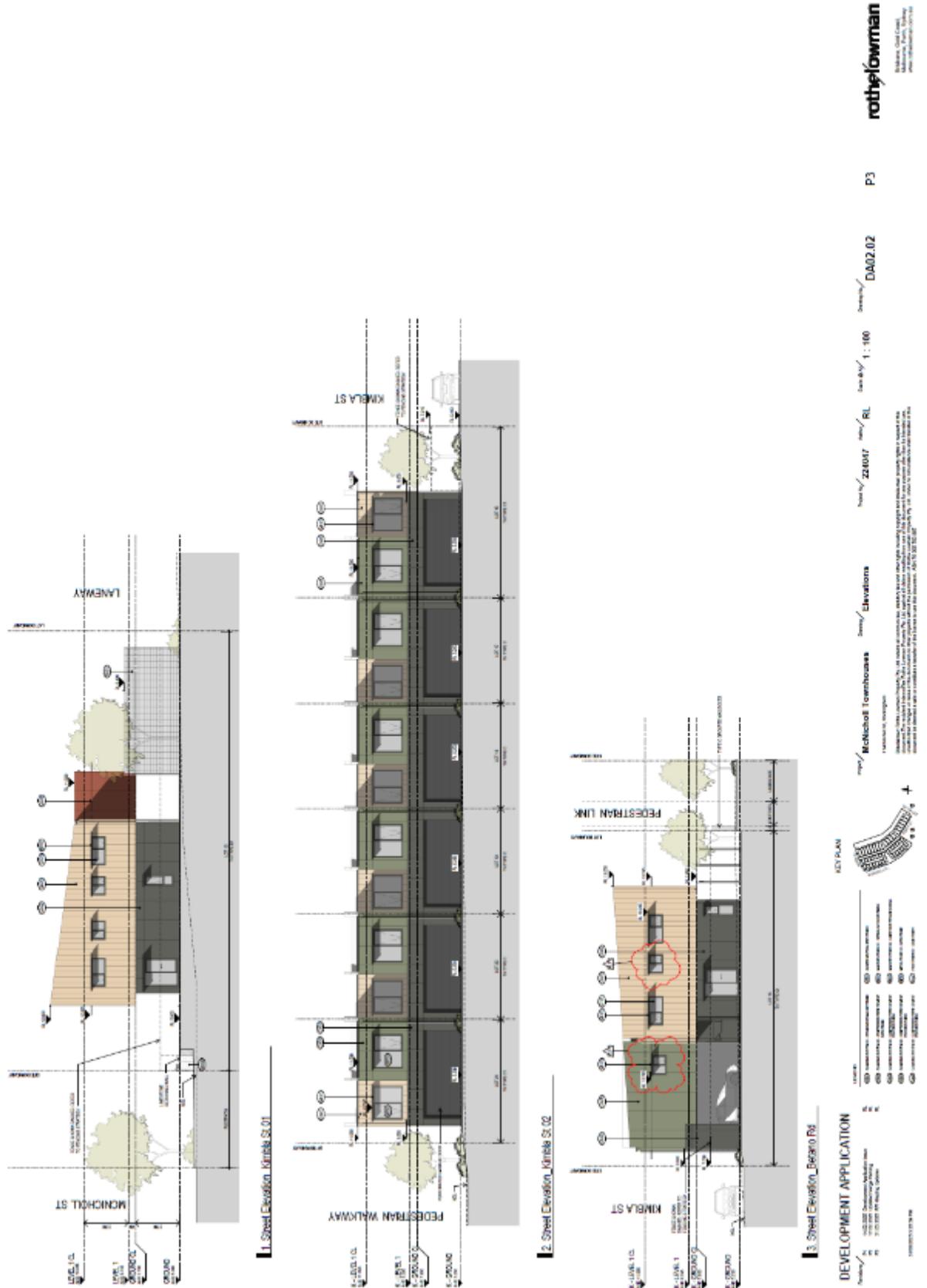
7. Proposed Floor Plan (Ground Floor)



Proposed Marks Place and McNicholl Street Elevations

Confirmed at an Ordinary Council meeting
 held on Tuesday 24 June 2025

Deb Hamblin
 Mayor Deb Hamblin



Proposed Kimbla Street Elevations



3. Internal Laneway 03

DEVELOPMENT APPLICATION

Project: 22/047 / RL / 1:100 / DM02.03 / P2

Architect: **rothflowman**

Scale: 1:100

Project Name: Mitchell Townhouses - Elevations

Site Plan Inset

Legend:

- LEVEL 0
- LEVEL 1
- LEVEL 2
- LEVEL 3
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- LEVEL 100

Proposed Internal Laneway Elevations



Perspective from footpath on eastern side



Perspective from McNicholl Street



Perspective from Kimbla Street

10. 3D Perspectives of Proposed Development

Implications to Consider

a. Consultation with the Community

The proposal was not required to be advertised for public comment pursuant to Clause 64(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and *Local Planning Policy No.3.3.27 - Community Consultation for Development Applications*.

b. Consultation with other Agencies

Consultation with other agencies is not required pursuant to TPS2.

c. Strategic

Community Plan

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

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

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

d. Policy

State Government Policies

The proposal has been assessed in accordance with the relevant State Planning Policies as outlined below.

State Planning Policy 3.7 - Bushfire (SPP3.7)

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

The subject lot is partially designated as bushfire prone by the Fire and Emergency Services Commissioner. The designated bushfire prone area, however, is over the eastern portion of the lot and all the building footprints of the proposed townhouses are outside of the designated bushfire prone area as denoted in Figure 11 below.



11. Bushfire Prone Mapping

Therefore, no further bushfire assessment is required for this stage of development, as the proposed development satisfies the requirements of SPP3.7.

State Planning Policy No.7.0 - Design of the Built Environment (SPP7.0)

SPP7.0 is the lead Policy that elevates the importance of design quality across the whole built environment in Western Australia.

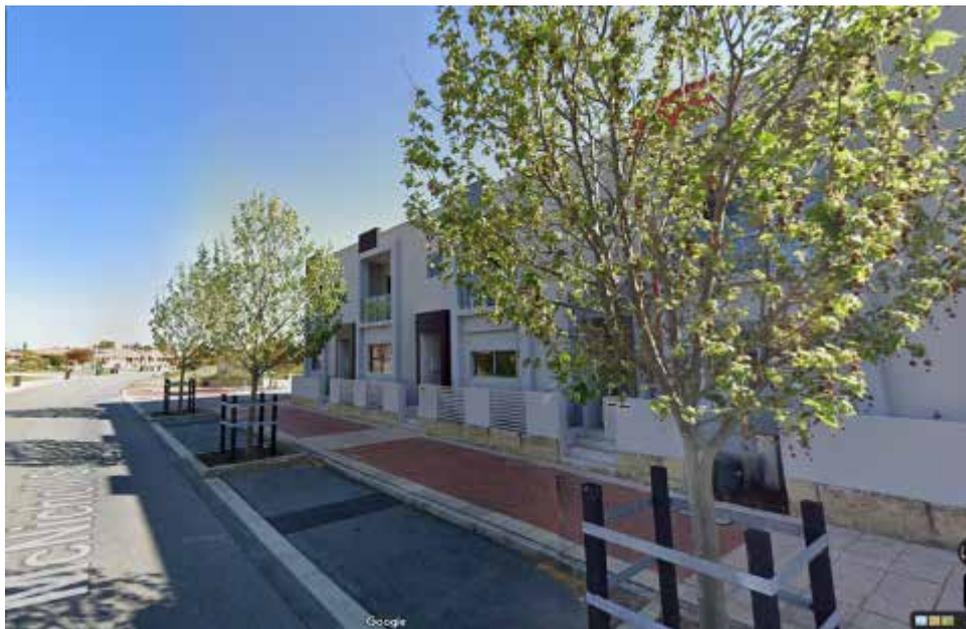
The purpose of SPP7.0 is to inform and guide landowners, proponents, designers, reviewers and decision-makers to achieve good design outcomes in the built environment.

The City's summary of the proposed development against SPP7.0 is outlined in the table below, as follows:

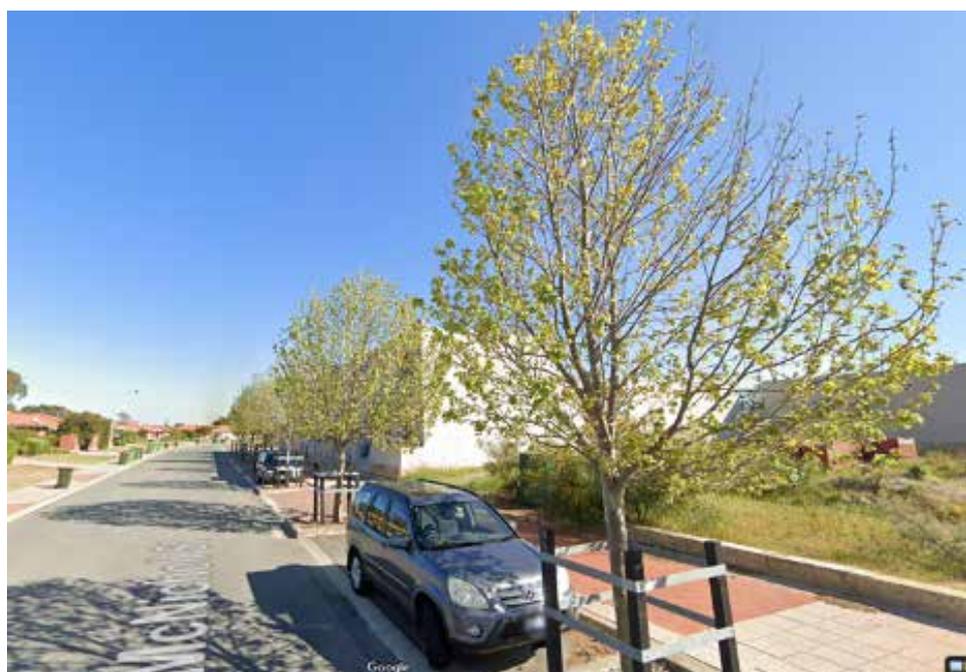
SPP7.0 - Design of the Built Environment		
Design Principle	Officer Comment	Compliance
<p>1. Context and Character <i>Good design responds to and enhances the distinctive characteristics of a local area, contribution to a sense of place.</i></p>	<p>In the light of the applicable planning framework, it is considered that careful attention has been paid to the wider context and the draft Rockingham Strategic Centre Structure Plan, and consideration has been given to how the design can respect and build on the existing character enhancing local activation.</p> <p>The proposal is residential in nature with a modern design that ties in with adjoining medium density development to the south of the site.</p>	Compliant
<p>2. Landscape Quality <i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i></p>	<p>The proposal includes areas of soft and hard landscaping integrated with the townhouse development and accessways. This includes communal areas, private gardens and the streetscape.</p> <p>The overall landscape strategy includes water wise endemic native species which is generally seen as suitable for the local Rockingham coastal conditions. This includes WA Peppermint trees on the verge. The City however, considers that the verge areas should be paved and include feature trees. Feature trees along Marks Place and McNicholl Street are to be 'London Planes' in keeping with species already planted at neighbouring residences, and more broadly throughout the immediate area (refer to the photos at Figure 12 below). This consistency in planting is based on the outcomes of the <i>Rockingham City Centre Streetscape Study (1994)</i>.</p> <p>This matter can be appropriately conditioned in the event Development Approval is granted.</p> <p>External pavement treatment is also expected to be continued to ensure consistency with the immediate area, again based on the outcomes of the <i>Rockingham City Centre Streetscape Study (1994)</i>.</p> <p>The above matter can be included as an advice note in the event Development Approval is granted.</p>	Partially Compliant

SPP7.0 - Design of the Built Environment		
Design Principle	Officer Comment	Compliance
<p>3. Built Form and Scale <i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i></p>	<p>The proposal complies with the two (2) storey minimum height requirement (discussed further below). It is also noted that the City's DRP generally supported the scale, height and density of the proposal.</p> <p>The proposed built form ties in with adjacent similar development to the south east while also presenting an appropriate interface with the adjoining older housing stock on the opposite side of McNicholl Street.</p>	Compliant
<p>4. Functionality and Build Quality <i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle.</i></p>	<p>The design of the dwellings provide for reasonable amenity and functionality both internally and externally to meet the needs of future occupants.</p>	Compliant
<p>5. Sustainability <i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i></p>	<p>The development incorporates passive sustainability measures including building orientation, placement of courtyards on the northern side optimise access to winter sunlight and provision for natural ventilation. Other specific measures include rooftop solar power systems and the inclusion of sustainable timber construction.</p>	Compliant
<p>6. Amenity <i>Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors, and neighbours, providing environments that are comfortable, productive and healthy.</i></p>	<p>The proposal predominantly fronts McNicholl Street and includes both vehicle and pedestrian access through the site. Private outdoor spaces are proposed for the townhouses together with a communal 'parklet' central to the development site. The development provides a diverse range of on-site amenities via various landscape forms.</p> <p>The development site also benefits from nearby amenities such as public open space, shopping and public transport.</p>	Compliant
<p>7. Legibility <i>Good design results in buildings that are legible, with clear connections and easily identifiable elements to help people find their way around.</i></p>	<p>The townhouses have been designed in 'clear lines', with 15 fronting onto McNicholl Street and the remaining 18 having pedestrian access via a walkway along the eastern side of the development.</p> <p>Vehicle access is primarily via a single crossover from Marks Place via the existing road in Kimbla Street.</p>	Partially Compliant

SPP7.0 - Design of the Built Environment		
Design Principle	Officer Comment	Compliance
	The future interface with the remaining undeveloped land on the subject site is unclear, noting that the application proposes a 1.8m permeable fence along its eastern side boundary, which adjoins the balance of the site. The City considers this fencing should not be approved as part of this Development Application in absence of a proposal for the balance undeveloped portion of land. Further discussion with the applicant is required to integrate the pedestrian access way interface into a broader movement network plan for the balance of the site, as discussed further below under the heading 'Approved Goddard Street Integrated Development Guide Plan (IDGP) 2012'.	
8. Safety <i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and uses.</i>	The townhouses include private gates to distinguish private and communal areas. The carports/ garages are all proposed to have doors. The townhouses also include outward facing windows for passive surveillance over surrounding areas. Lighting is also proposed for all walkways and communal spaces.	Compliant
9. Community <i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i>	The proposal assists in providing necessary housing and includes usable private and communal areas to facilitate interaction for residents and visitors.	Compliant
10. Aesthetics <i>Good design is the product of a skilled judicious design process that results in attractive and inviting buildings and places that engage the senses.</i>	The townhouses are proposed to be articulated and vary in finishes and colours. In this regard, the applicant has responded to initial comments from the City's DRP. The City's DRP also noted that the external cladding is generally acceptable and the development has a lightweight aesthetic.	Compliant



Existing London Plane Trees and paving along McNicholl Street



Existing London Plane Trees and paving along McNicholl Street



Existing London Plane Trees and paving along Market Street
12. Photos of Street Trees and Paving in the locality



13. Proposed permeable fence between development and balance of site

Subject to conditions of Development Approval to address matters raised above, the development is generally consistent with SPP7.0.

Residential Design Codes Volume 1 (R-Codes)

The purpose of the R-Codes is to provide a comprehensive basis for the control of residential development throughout Western Australia. The R-Codes apply to this development in accordance with the provisions of the draft Rockingham Precinct Structure Plan (PSP), however, it is noted that some sections of the R-Codes are superseded by provisions within the PSP.

Applications for Development Approval must demonstrate compliance with either the 'Deemed-to-Comply' criteria or satisfactorily address the relevant 'Design Principles' and objectives of the R-Codes.

With regard to the design of the proposed townhouses, the development is broadly consistent with the Deemed-to-Comply and/or Design Principles of the R-Codes.

In terms of visitor parking (section C2.3.4 of the R-Codes), the R-Codes require visitor car parking for Grouped Dwellings to be provided on-site and in accordance with Table 2.. This equates to the need for eight (8) visitor parking bays to be provided on site for the proposed development. It is noted that eight visitor bays are proposed, however, the parking location proposed is on-street and not on-site.

The location of the visitor parking bays is supported by the City, given the location of the site within an urban context. It is also noted that the provision of visitor parking via on-street is consistent with the existing Grouped Dwelling development immediately to the south.

The development also provides compliant on-site car parking for occupant pursuant to requirements of the R-Codes.

In terms of the on-site occupant parking, the R-Codes require (section C2.3.3 of the R-Codes) the design of car spaces and manoeuvring areas to comply with Australian Standard 2890.1. Generally, this requires a 6m clearance behind the parking spaces to allow for vehicles to manoeuvre in and out of the parking bays. It is noted that, while the proposed laneway is 5m in width, the garages of the townhouses to the west of the laneway are setback 1m from the laneway to allow for a total of at least 6m clearance for each garage accessing the laneway.

A further discussion point with the applicant related to the manoeuvring of vehicles into and out of the garages where columns in the garages restricted vehicle movement. The applicant agreed to remove the columns and manage the structural load of the building/roof above via other means. This matter can be appropriately conditioned in the event Development Approval is granted.

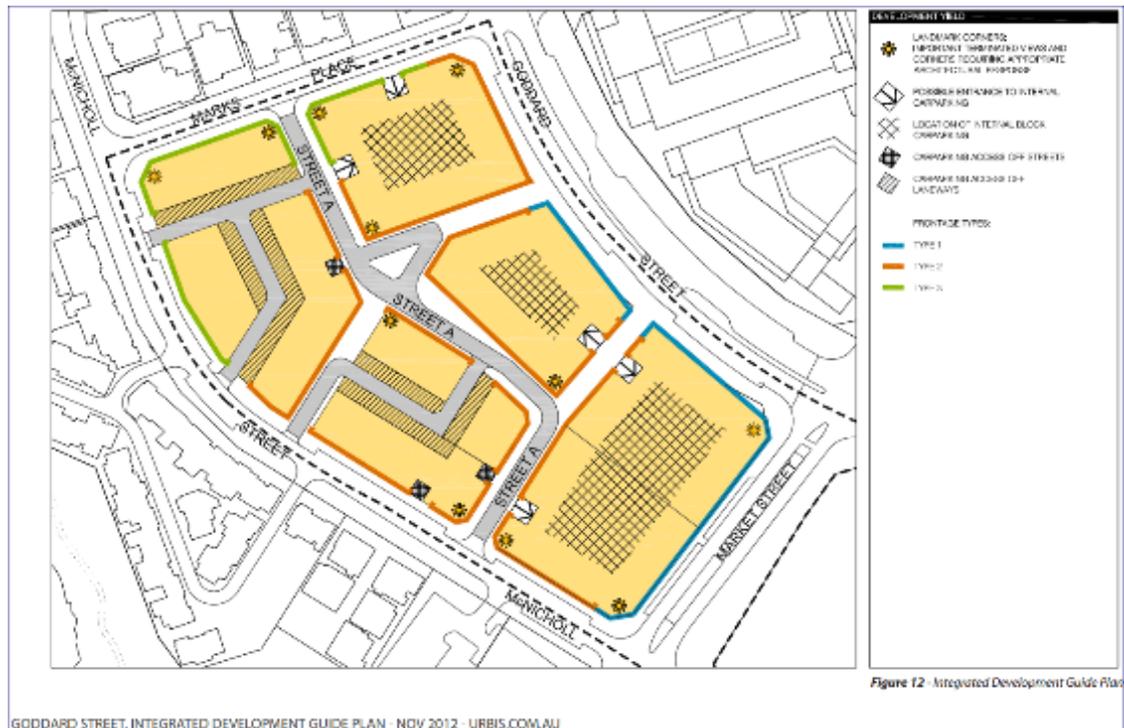
Overall, the proposed vehicle parking for the development and the associated manoeuvring is satisfactory and complies with the required standards of the R-Codes, subject to the modifications as outlined.

Local Planning Policies

Approved Goddard Street Integrated Development Guide Plan (IDGP) 2012

Local Planning Policy No.3.2.1 - Development Policy Plan City Centre Sector (LPP3.2.1) guides development within the Strategic Centre Zone, however, it will no longer be a planning instrument as it will be superseded by the Rockingham Strategic Centre Precinct Structure Plan (PSP) when approved as discussed further below.

LPP3.2.1 including the IDGP will be revoked, however, the background to the IDGP is still considered to be relevant. The IDGP illustrates building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access and indicative car parking layouts as shown in Figure 14.



14. Goddard Street Integrated Development Guide Plan (IDGP) 2012

The proposed development is not consistent with the Council's adopted IDGP with respect to the proposed movement network. In particular, the proposed road network has been altered from the IDGP and a private laneway is proposed in lieu of a public road, however, the development is generally compliant with the City's planning framework including the draft PSP. As the adopted IDGP will be superseded by the PSP, the variations to design and layout are considered to be generally acceptable. The future interface with the balance undeveloped land is somewhat unclear, however, there is still an opportunity to consider how this will be resolved in a future Development Application associated with an overall movement network plan for the balance of the site.

Draft Rockingham Strategic Centre Precinct Structure Plan (PSP)

The Local Government is required, by Clause 67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to have 'due regard' to a range of matters when considering an application for Development Approval. The pertinent matter which requires clarification for this Development Application relates to subclause b), which states that *"the local government is required to give due regard to any proposed planning instrument that has been advertised"*.

The draft PSP is a due regard document since it has been advertised for public comment, adopted by Council (subject to various modifications) and is soon to be considered by the Statutory Planning Committee of the Western Australian Planning Commission (**WAPC**) for endorsement.

Under the draft PSP, the subject site is located within Sub-Precinct 5 – City Park and is designated a Residential 'R80' density coding.

The following table summarises compliance with key provisions of the Part 1 of the PSP, as they pertain to the proposal.

Precinct Structure Plan Provisions			
Provision	Requirement	Comment	Compliance
2.4.1 Building Heights	City's expectation that development has a minimum two storey building height in the R80 zone within P5 (City Park)	Two storey grouped dwelling are proposed	Compliant
3.5.2 Contaminated sites	Lot 9001 (7) McNicholl Street, Lot 9 (5) Market Street and Lot 10 (81) Louise Street are classified as 'Remediated for Restricted Use' by DWER. The following must be undertaken prior to subdivision and development: (a) Develop and implement an asbestos management plan and construction environmental management plan as required.	The proposed area of development is outside of the contaminated sites confirmed onsite, as denoted in Figure 15 below. Accordingly, there is no requirement prior to subdivision or development to prepare an asbestos management plan or an environmental management plan for the proposed development.	N/A

Precinct Structure Plan Provisions			
Provision	Requirement	Comment	Compliance
	(b) Development of an environmental management plan at development stage detailing mitigation strategies, triggers and contingency actions.		
P1- Table 12 P5 - City Park Built Form Controls			
<u>Land Use</u>	Preferred Land Use at Street level - 'Multiple Dwellings'.	'Grouped Dwellings' are only proposed.	Non-compliant, but variation is acceptable as 'Grouped Dwellings' are discretionary 'D' use in the 'Residential' Sub-zone.
<u>Building Height</u>	2-storeys minimum 4-storeys maximum	All proposed dwellings are two-storey.	Compliant
<u>Street Setback</u>	<ul style="list-style-type: none"> · Minimum Primary – 4m · Minimum Secondary- 2m · Maximum Primary/ Secondary - 6m 	<p>The proposal seeks to reduce the setback requirements of the draft PSP as part of this proposal for some of the townhouses fronting McNicholl Street which are proposed to be setback 1.9m at the ground floor and between 1 and 1.2m for the second storey), in lieu of 4m.</p> <p>The setback variation allows for a consistent siting of buildings to that of the neighbouring development and is therefore considered to be acceptable.</p>	Non-compliant, but variation acceptable.
<u>Side and Rear Setbacks</u>	<ul style="list-style-type: none"> · Minimum side setback 2m · Minimum rear setback 4m 	Mostly nil side setbacks proposed, for simultaneously constructed walls ('party wall'). This is acceptable under the R-Codes.	Non-compliant, but variation acceptable as it has no impact on external adjoining sites.
<u>Public Domain Interface</u>	Onsite parking between street and building- not permitted unless visitor parking	There is no on-site parking proposed between the street and building for residents or visitors.	Compliant

Precinct Structure Plan Provisions			
Provision	Requirement	Comment	Compliance
P1- Table 12 P5 - City Park Built Form Controls (cont...)			
<u>Facade Design (Street level)</u>	Minimum frontage build out 70%	Minimum build out of over 70% for McNicholl Street.	Compliant



15. Location of Development Footprint (blue) in relation to Contaminated Sites Register (green)

Local Planning Policy 3.3.25 - Percent for Public Art - Private Developer Contribution (LPP3.3.25)

LPP3.3.25 seeks to facilitate the provision of public art as part of the development application approval process by applying a percent for public art contribution. The Policy requires that for any development application requiring approval with an estimated construction cost to the value of \$5 million or greater, it shall be subject to a requirement to provide public art to the value of not less than 1% of the building works.

The estimated cost of development for this Development Application is stated to be \$8M. The applicant has acknowledged as part of the development application that,

“Although the townhouses will not feature public artwork on-site, the developer will contribute to public artwork in another development located on the same lot.

If a public art contribution is requested, to be applied as a condition of development approval to be provided as a cash-in-lieu payment.”

The City recommends imposing the public art contribution condition, in the event Development Approval is granted.

e. **Financial**

Nil

f. **Legal and Statutory**

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

As stated above, Clause 67 of Schedule 2 of the 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 throughout this Report.

One relevant matter that has not been discussed above relates to the proposed crossover. Clause 67 (2)(t) states that the Local Government is to have due regard to the "amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety". In this regard, it is noted that one new crossover is proposed (via Marks Place) as part of the development. This allows for access to the proposed laneway which in turn is proposed to connect to the existing Kimbla Street. The proposed crossover (and laneway) allow for future traffic to easily connect to the existing surrounding road network and is supported.

Any future crossover/s for the balance of the site will need to be considered on its planning merit.

The other matter that has not been commented on thus far relates to the proposed footpath widths. Clause 67 (2)(u) of the Regulations states that the Local Government is to have due regard to "the availability and adequacy for the development of access for pedestrians and cyclists". In this regard it is noted that the applicant has proposed footpath widths of 1.5m in the Marks Place and McNicholl Street verge areas. The City, however, requires footpaths to be at least 2m in width. This matter can be appropriately conditioned in the event Development Approval is granted.

Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning Table

A 'Grouped Dwelling' is a 'D' (Discretionary) use in the Residential sub-zone of the Strategic Centre zone, which may be approved pursuant to TPS2.

Clause 5.5 - Development Contribution Areas

Pursuant to Clause 5.5.1, contributions are applicable to land within the 'Development Contribution Area No.2', as set out under Schedule No.11 of TPS2.

Development Contributions are only required when a subdivision or development including dwelling/s occurs, and will typically be payable before the clearance of conditions of subdivision approval, or before construction of a dwelling/s commences, via a condition of Development Approval.

The amount due is dependent on the number of new residential dwellings which are being created and where the proposed development is located.

A condition of Development Approval is recommended should Development Approval be issued, requiring the owner/developer to make contribution in accordance with the requirements of TPS2.

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 assessed against the existing and proposed local planning framework for the area. The proposal is considered to be generally compliant with the City's TPS2, draft PSP and policy requirements. The proposal is not consistent with the Council's adopted IDGP with respect to the proposed movement network, however, the design has been supported by the City's DRP and is generally compliant with the City's planning framework including the draft PSP. As the adopted IDGP is expected to be superseded by the PSP, the variations to design and layout are considered to be generally acceptable.

The future interface with the remaining undeveloped land on the subject site is unclear, noting that the application proposes a 1.8m permeable fence along its eastern side boundary, which adjoins the balance of the site. As mentioned above, the City considers that this fencing should not be approved as part of this Development Application in absence of a proposal for the balance of the site. Also, further discussion with the applicant is required to integrate the pedestrian access way interface into a broader movement network plan for the balance of the site.

The proposed townhouses are considered compatible with the existing surrounding context of the locality. The proposed development generally respects the existing surrounding residential area while allowing for higher density development in accordance with the adopted planning framework.

It is also recognised that the project will provide much needed, specialised housing supply, in line with key outcomes of the local planning framework.

Having due regard to the relevant planning considerations, the City is satisfied that any potential issues of concern have been adequately addressed and/or will be regulated through proposed conditions of Development Approval.

As such, it is recommended that the Council adopt the Responsible Authority Report which recommends that the application be conditionally approved.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application of Medium Density Residential Development (33 Grouped Dwellings) at Lot 9001 (No.7-19) McNicholl Street, Rockingham, contained as Attachment 1, as the Report required to be submitted to the Metro Outer Development Assessment Panel Executive Director pursuant to Regulation 12 of the *Planning and Development (Development Assessment Panels) Regulation 2011*, which recommends:

That the Metro Outer Joint Development Assessment Panel resolves to:

APPROVE Development Assessment Panel Application reference DAP/25/02871 and the accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to conditions.

Committee Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application of Medium Density Residential Development (33 Grouped Dwellings) at Lot 9001 (No.7-19) McNicholl Street, Rockingham, contained as Attachment 1, as the Report required to be submitted to the Metro Outer Development Assessment Panel Executive Director pursuant to Regulation 12 of the *Planning and Development (Development Assessment Panels) Regulation 2011*, which recommends:

That the Metro Outer Joint Development Assessment Panel resolves to:

APPROVE Development Assessment Panel Application reference DAP/25/02871 and the accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to conditions as follows:

Conditions

1. This decision constitutes development approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. All development must be carried out in accordance with the approved plans, 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.
3. Prior to development commencing, arrangements must be made to the satisfaction of the City of Rockingham for the landowner/applicant to contribute towards the costs of providing the Administration and Community Infrastructure items pursuant to Clause 5.5.14 of the City of Rockingham Town Planning Scheme No.2.
4. The development must operate in accordance with the Waste Management Plan (Version 0.4), dated 4th February 2025, to the satisfaction of the City of Rockingham for the duration of the development.
5. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with *Local Planning Policy 3.4.3 - Urban Water Management* to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
6. In accordance with *Local Planning Policy 3.3.25 - Percent for Public Art - Private Developer Contribution*, prior to occupation of the development, the developer shall:
 - (i) Submit to the City of Rockingham for approval an artwork designed by a professional artist at a cost of 1% of the total project cost (being \$80,000), to be located within the subject site in an area which must be publicly visible for the duration of the development;
 - (ii) Enter into a contract with a professional artist/s to design and install the artwork approved by the City of Rockingham; and
 - (iii) Install the artwork prior to occupation of the development and maintain it thereafter to the satisfaction of the City of Rockingham.

Alternatively, the developer shall make a contribution to the City of Rockingham equal to 1% of the total construction value for the provision of public art, being \$80,000 in value.
7. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
8. Engineering drawings for works within the development site and along the existing road reserves must be submitted to City of Rockingham for approval prior to works commencing on site. All City approved works must be completed to the satisfaction of the City and maintained thereafter for duration of the development.
9. All off-street car parking shall be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 1A of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit and implemented and maintained thereafter for duration of the development.
10. Eight (8) on-street car parking spaces must be provided along Marks Place and McNicholl Street. The car parking spaces must be:
 - (i) designed, constructed, sealed, kerbed, drained and marked in accordance with Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking;
 - (ii) approved by the City of Rockingham prior to applying for a Building Permit; and
 - (iii) constructed, sealed, kerbed, drained and marked prior to the development being occupied.

11. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham shall be prepared and include the following detail:
 - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) any lawns to be established and areas to be mulched;
 - (iii) any natural landscape areas to be retained;
 - (iv) those areas to be reticulated or irrigated;
 - (v) provision of London Plane Trees in lieu of the WA Peppermint trees proposed in the verge areas; and
 - (vi) all verge areas to be paved

The landscaping, paving and reticulation must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.
12. The applicant is responsible for protecting any existing City streetscape assets along McNicholl Street, Marks Place and Kimbla Street during the course of the construction. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc.
13. Existing street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 protection of trees on Development Sites.
14. The development must be finished in accordance with the schedule provided, prior to occupation of the development, unless approval in writing is obtained from the City of Rockingham to modify the approved schedule.
15. Prior to applying for a Building Permit, an amended set of Development Plans must be submitted to the satisfaction of the City of Rockingham, addressing the following:-
 - (i) The provision of footpaths on the Marks Place and McNicholl Street verges with a minimum width of 2m; and
 - (ii) The removal of the columns currently shown within the garages of the proposed dwellings, in order to ensure safe access and egress of vehicles.
16. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels external hot water heaters, air conditioners, shall not be visible from the street(s) and are designed to be integrated with the building and be located so as to not be visually obtrusive, to the satisfaction of the City of Rockingham.
17. Any metre boxes shall be painted the same colour as the wall they are attached to, to the satisfaction of the City of Rockingham.
18. The proposed 1.8 metre permeable fence along the eastern side boundary of the development, adjoining the balance of the subject site, as indicated on the approved plans being deleted in the absence of a coordinated plan of development for the balance land which identifies a suitable interface.
19. Prior to the occupation of the development, a illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS 4282—2019, Control of the obtrusive effects of outdoor lighting. In this regard, lighting shall be provided for all walkways and communal spaces as outlined in the Development Application.

Footnotes

1. The development must comply with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; the applicant and owner should liaise with the Department of Water and Environmental Regulation in this regard.
2. With respect to Condition 11, pavement treatment external to the site (i.e. verge areas) is to be continued to match the adjoining southern treatment in order to ensure consistency within the locality.

3. With respect to Condition 12, it is recommended that a photographic dilapidation report is undertaken by the applicant, to record the current condition of these assets.

Committee Voting (Carried) - 5/1

Council Members voting for the motion:

Deputy Mayor Buchan Cr Hudson
Cr Jecks Cr Jones
Cr Wormall

Council Members voting against the motion:

Mayor Hamblin

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

Not Applicable

Alternate Motion by Cr Dawn Jecks

Cr Jecks proposed the following Alternate Motion:

That Council **ADOPTS** the Responsible Authority Report for the application of Medium Density Residential Development (33 Grouped Dwellings) at Lot 9001 (No.7-19) McNicholl Street, Rockingham, contained as Attachment 1, as the Report required to be submitted to the Metro Outer Development Assessment Panel Executive Director pursuant to Regulation 12 of the *Planning and Development (Development Assessment Panels) Regulation 2011*, which recommends:

That the Metro Outer Joint Development Assessment Panel resolves to:

APPROVE Development Assessment Panel Application reference DAP/25/02871 and the accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to conditions as follows:

Conditions

1. This decision constitutes development approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. All development must be carried out in accordance with the approved plans, 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.
3. Prior to development commencing, arrangements must be made to the satisfaction of the City of Rockingham for the landowner/applicant to contribute towards the costs of providing the Administration and Community Infrastructure items pursuant to Clause 5.5.14 of the City of Rockingham Town Planning Scheme No.2.
4. The development must operate in accordance with the Waste Management Plan (Version 0.4), dated 4th February 2025, to the satisfaction of the City of Rockingham for the duration of the development.
5. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with *Local Planning Policy 3.4.3 - Urban Water Management* to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
6. In accordance with *Local Planning Policy 3.3.25 - Percent for Public Art - Private Developer Contribution*, prior to occupation of the development, the developer shall:
 - (i) Submit to the City of Rockingham for approval an artwork designed by a professional artist at a cost of 1% of the total project cost (being \$80,000), to be located within the subject site in an area which must be publicly visible for the duration of the development;

- (ii) Enter into a contract with a professional artist/s to design and install the artwork approved by the City of Rockingham; and
- (iii) Install the artwork prior to occupation of the development and maintain it thereafter to the satisfaction of the City of Rockingham.

Alternatively, the developer shall make a contribution to the City of Rockingham equal to 1% of the total construction value for the provision of public art, being \$80,000 in value.

7. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
8. Engineering drawings for works within the development site and along the existing road reserves must be submitted to City of Rockingham for approval prior to works commencing on site. All City approved works must be completed to the satisfaction of the City and maintained thereafter for duration of the development.
9. All off-street car parking shall be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 1A of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit and implemented and maintained thereafter for duration of the development.
10. Eight (8) on-street car parking spaces must be provided along Marks Place and McNicholl Street. The car parking spaces must be:
 - (i) designed, constructed, sealed, kerbed, drained and marked in accordance with Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking;
 - (ii) approved by the City of Rockingham prior to applying for a Building Permit; and
 - (iii) constructed, sealed, kerbed, drained and marked prior to the development being occupied.
11. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham shall be prepared and include the following detail:
 - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) any lawns to be established and areas to be mulched;
 - (iii) any natural landscape areas to be retained;
 - (iv) those areas to be reticulated or irrigated; and
 - ~~(v) provision of London Plane Trees in lieu of the WA Peppermint trees proposed in the verge areas; and~~
 - (vi) all verge areas to be paved

The landscaping, paving and reticulation must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.
12. The applicant is responsible for protecting any existing City streetscape assets along McNicholl Street, Marks Place and Kimbla Street during the course of the construction. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc.
13. Existing street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 protection of trees on Development Sites.
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 - (i) The provision of footpaths on the Marks Place and McNicholl Street verges with a minimum width of 2m; and
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17. Any metre boxes shall be painted the same colour as the wall they are attached to, to the satisfaction of the City of Rockingham.
18. The proposed 1.8 metre permeable fence along the eastern side boundary of the development, adjoining the balance of the subject site, as indicated on the approved plans being deleted in the absence of a coordinated plan of development for the balance land which identifies a suitable interface.
19. Prior to the occupation of the development, a illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS 4282—2019, Control of the obtrusive effects of outdoor lighting. In this regard, lighting shall be provided for all walkways and communal spaces as outlined in the Development Application.

Footnotes

1. The development must comply with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; the applicant and owner should liaise with the Department of Water and Environmental Regulation in this regard.
2. With respect to Condition 11, pavement treatment external to the site (i.e. verge areas) is to be continued to match the adjoining southern treatment in order to ensure consistency within the locality.
3. With respect to Condition 12, it is recommended that a photographic dilapidation report is undertaken by the applicant, to record the current condition of these assets.

Reasons for Alternate Motion

While London Plane trees look pretty, their roots can be huge once established. Their roots have been shown to lift paving, causing damage which the City would end up having to pay for in the coming decades. We risk having to remove paving damaged by the root system, potentially having to grind the roots of the tree and then replace the paving at ratepayers cost effectively. The problems with London plane tree roots have become so severe in some cities that they have been outlawed.

London Plane trees are not native trees and require considerable water and maintenance to make sure they don't die while being established. They are also prone to infection by the polyphagous Shothole borer London plane trees are not waterwise in the way Peppermint trees are. The proponents proposed WA Peppermint trees are native, are drought tolerant and have minimal infrastructure damage risk.

Further, the Rockingham Precinct Structure Plan (PSP) talks about having a diversity of tree species and water wise tree choices. While the use of London Plane trees does align with the Rockingham City Centre Streetscape Study (1994), this Study is from over 30 years ago and outdated. The continued use of London Plane trees does not align with the recently adopted Strategic Community Plan, 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.

Implications to Consider on Alternate Motion

a. Consultation with the Community

Nil

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

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

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

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

Planning and Development (Development Assessment Panels) Regulations 2011

Clause 8 - Applications to be determined by DAPs

Despite any other provision of the Act or a planning instrument, any Development Assessment Panel (**DAP**) application for approval of development within a district for which a DAP is established:

- (a) must be determined by the DAP as if the DAP were the responsible authority under the relevant planning instrument in relation to the development; and
- (b) cannot be determined by the local government for the district or the Commission.

Metro Outer Development Assessment Panel is the decision maker for this development application.

Clause 12 - Responsible Authority Report to DAP

- (2) A responsible authority to which a DAP application is made must give the presiding member of the DAP that will determine the application a report on the application in a form approved by the Director General.

The City will submit the Responsible Authority Report (**RAR**) to the DAP Secretariat following Council's resolution.

In the event the RAR Recommendation of Council is not the same as the Officer Recommendation, the structure of the RAR shall be as per the RAR Form 1 Template and is as follows:

- Council Resolution (as per the Alternate Motion or any amendments thereto);
- Assessment of the proposal as per the Officer Report (remains unchanged);
- Officer Recommendation (i.e. conditional approval); and
- Reasons for Officer Recommendation.

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

Officer Comment on Alternate Motion

Details

Strategic Alignment with Planning Frameworks

The *Rockingham City Centre Streetscape Study 1994 (Streetscape Study)* was prepared to guide the creation of a cohesive, high quality and distinctive public realm within the City Centre, reflecting the status of Rockingham as a 'Regional Centre' (now 'Strategic Centre' under *State Planning Policy 4.2 - Activity Centres*).

The Streetscape Study outcomes are reflected in the unified streetscapes within the inner City Centre precinct, which include London Plane trees as the dominant landscape element.

The draft Rockingham Strategic Centre Precinct Structure Plan (**PSP**) identifies the need for the development of a 'Public Realm Plan', which will provide updated direction on streetscape design and tree selection throughout the broader Rockingham Strategic Centre. The 'Public Realm Plan' will be prepared in 2025/2026, which will establish the City's streetscape response within the Rockingham Strategic Centre.

In the interim, the Streetscape Study remains the relevant guiding document for streetscape treatments, which include paving, planting, furniture, entry statements and public art.

Urban Character

The London Plane tree is an exotic, deciduous tree species which has been a defining feature of the Rockingham Strategic Centre for decades, with over 500 planted. It has assisted in creating a uniform streetscape that reflects the 'urban identify' of the precinct. London Plane trees are prevalent particularly along Central Promenade, Civic Boulevard, Syren Street, Contest Parade, Chalgrove Avenue, Market Street and McNichol Street. These are the core streets of the inner 'City Centre' area, for the broader Rockingham Strategic Centre. Within this core area, there is also a presence of the smaller Cut Leaf Plane trees.

The London Plane tree canopy structure is known for its broad, high canopy with a predictable structure, ideal for shade without interfering with pedestrians or the road. Its form is naturally upright making it suitable for urban corridors and streetscapes.

To the contrary, the WA Peppermint tree (as proposed within the Development Application and supported within the Alternate Motion) is known for its wide, overhanging and often asymmetrical branches, which can obstruct footpaths, on-street parking and sightlines along roads if not heavily pruned.

The WA Peppermint tree has not been used by the City as a street tree within the Rockingham Strategic Centre since the Streetscape Study was adopted.

Maintenance

In comparing the London Plane and the WA Peppermint, both species present advantages and challenges, particularly in relation to root invasion and long-term maintenance. The preference, however, has traditionally been for deciduous species, as they allow greater light penetration onto the footpaths and verges during winter months and shade in the summer months. By contrast, the WA Peppermint has a dense, evergreen canopy that is generally unsuitable for use over urban paved verge treatments due to limited light and space.

While London Plane trees are listed as a high-risk species to the Polyphagous Shot-Hole Borer (**PSHB**), under Department of Primary Industries and Regional Development (**DPIRD**) 'Host List', no tree species is entirely immune to potential attack.

Comment

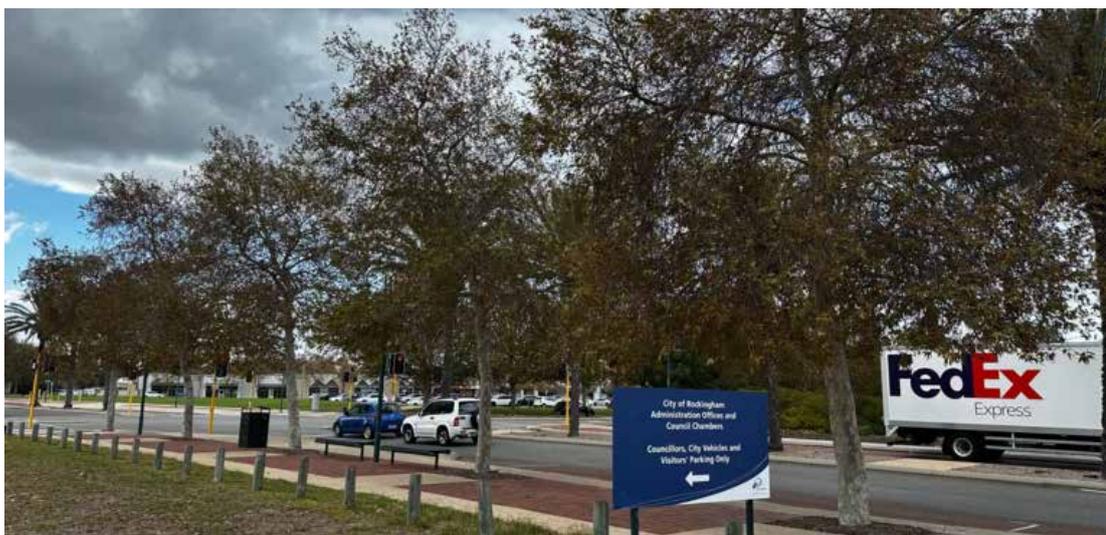
In light of the concerns raised in the Alternate Motion with respect to tree size, invasiveness of the root system and vulnerability to the PSHB, it is recommended that the required tree species in Condition 11(v) be amended to the Cut Leaf Plane tree, rather than the London Plane tree (refer to images below).

In this regard, Cut Leaf Plane tree:

- Is already in use in various locations across the City Centre;
- At maturity, is a smaller tree with a less aggressive root system and a similar trunk characteristics, with a significantly lower threat rating on the DPIRD 'Host List'; and
- Will integrate well with the established London Plane trees along McNicholl Street and offer similar streetscape benefits.



1. London Plane - City Administration



2. Cut Leaf Plane Tree - Central Promenade

Officer Recommendation on Alternate Motion

That the Alternate Motion not be supported and Condition No.11(v) be amended to substitute 'London Plane trees' with 'Cut Leaf Plane trees'.

Council Resolution

Moved Cr Jecks, seconded Cr Schmidt:

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That the Metro Outer Joint Development Assessment Panel resolves to:

APPROVE Development Assessment Panel Application reference DAP/25/02871 and the accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to conditions as follows:

Conditions

1. This decision constitutes development approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. All development must be carried out in accordance with the approved plans, 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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 - (i) Submit to the City of Rockingham for approval an artwork designed by a professional artist at a cost of 1% of the total project cost (being \$80,000), to be located within the subject site in an area which must be publicly visible for the duration of the development;
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 - (ii) any lawns to be established and areas to be mulched;
 - (iii) any natural landscape areas to be retained;
 - (iv) those areas to be reticulated or irrigated;
 - (v) all verge areas to be paved

The landscaping, paving and reticulation must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.
12. The applicant is responsible for protecting any existing City streetscape assets along McNicholl Street, Marks Place and Kimbla Street during the course of the construction. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc.
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Footnotes

1. The development must comply with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; the applicant and owner should liaise with the Department of Water and Environmental Regulation in this regard.
2. With respect to Condition 11, pavement treatment external to the site (i.e. verge areas) is to be continued to match the adjoining southern treatment in order to ensure consistency within the locality.
3. With respect to Condition 12, it is recommended that a photographic dilapidation report is undertaken by the applicant, to record the current condition of these assets.

Carried – 9/3

Council Members voting for the motion:

Cr Jecks
Cr Hume
Cr Liley
Cr Buchanan
Mayor Hamblin

Council Members voting against the motion:

Deputy Mayor Buchan
Cr Crichton
Cr Jones

Note: Cr Mark Jones foreshadowed a motion that the landscaping be in accordance with the public realm plan that the City is preparing if the Alternate Motion is lost.

Note: Deputy Mayor Buchan foreshadowed a motion for the Officer's Recommendation to the Alternate Motion if the Alternate Motion and Cr Jones foreshadowed motion is lost.

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

As detailed above in the reasons for the Alternate Motion.

Corporate and Community Development Committee

Moved Cr Buchanan, seconded Cr Crichton:

That with the exception of Items CS-008/25, CS-009/25, CS-010/25 and CS-011/25, which are to be considered separately, the Committee Recommendations for Items CS-012/25 and CD-009/25 be adopted en bloc.

Carried – 12/0

Corporate Services Director and Support		
Reference No & Subject:	CS-008/25	City Business Plan 2025/2026 to 2034/2035 (May 2025) (Absolute Majority)
File No:	CPM/7-3	
Proponent/s:		
Author:	Mr Alvin Santiago, Manager Financial Services	
Other Contributors:	Mr John Pearson, Director Corporate Services	
Date of Committee Meeting:	20 May 2025	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's Role in this Matter:	Executive	
Attachments:	1. City Business Plan 2025/2026 to 2034/2035 (May 2025)	
Site:		
Lot Area:		

Purpose of Report

The purpose of the report is to adopt the City of Rockingham Business Plan 2025/2026 to 2034/2035.

Background

The City of Rockingham's Business Plan (**Plan**) provides a 10-year financial overview of its operations. Pursuant to the Council Policy – Strategic Development Framework, the City's Business Plan must be reviewed and adopted by Council in December and May each financial year. The last version of the Plan was adopted at the December 2024 Council meeting.

Details

The May 2025 edition of the Plan meets the statutory requirements of the *Local Government Act 1995* and is a continuation of the December 2024 edition. In essence, the May 2025 edition is a refinement of the main strategic direction and parameters adopted in December and assists in Annual Budget creation and adoption. It also, in contrast to the December edition, includes information related to Team Plans.

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

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

Community Infrastructure Plan (CIP) Projects	Construction Start Year	Total Project Cost
Anniversary Park Clubroom Redevelopment	2025/2026	\$4,467,440
Autumn Centre Redevelopment	2025/2026	\$3,300,000
Safety Bay Foreshore Community Facility	2026/2027	\$11,000,000
Aqua Jetty Stage Two	2026/2027	\$33,400,000
Rockingham Foreshore Activity Node	2027/2028	\$3,441,910
Warnbro Community Recreation Centre Redevelopment	2027/2028	\$6,399,380
East Baldivis Recreation Reserve	2028/2029	\$8,088,900
Baldivis Outdoor Courts	2029/2030	\$1,537,900
Secret Harbour Community Library	2029/2030	\$1,649,310
Rockingham Aquatic Centre Redevelopment	2029/2030	\$21,515,523
Waikiki/Warnbro Outdoor Recreation Space	2031/2032	\$1,427,100
Lark Hill Sportsplex Norther Expansion – Ovals and Sports Pavilion	2031/2032	\$23,998,391
Arpenteur Park Master Plan	2033/2034	\$4,138,705

Other Civic/Civil Development	Construction Start Year	Total Project Cost
City of Rockingham Administration Refit (formerly part of the Lotteries House Project that commenced in 2024-25)	2027/2028	\$2,000,000
New Southern Depot	2027/2028	\$25,000,000

Importantly, the above table represents a start date only and should be read in context with the key assumptions contained in the Plan and Community Infrastructure Plan (**CIP**). Construction of a project may span multiple years. Also these dates may change depending on the accuracy of these assumptions.

Key Assumptions:

- All revenues and expenses from the Millar Road Landfill Facility have been quarantined and clearly indicated where included. Implications associated with alternate waste treatments beyond landfilling have been included where these are understood.
- The figures included within the Plan are based upon present conditions, as well as projections based on current knowledge. Based on commentary from the Reserve Bank of Australia (**RBA**), the CPI nationally is targeted to be between 2% and 3%. 12-month Perth CPI as of June 2024, September 2024, December 2024 and March 2025 are 4.6%, 3.8%, 2.9% and 2.8%, respectively. Consequently, a CPI of 3% is used for conservative forecasting.
- Rate increases for the first and second year of the plan are 3.9%, year three and four of the plan is 3.8%, and years five onwards at 3.5%. The Plan allows 0.25% of rates from year one to year three to be allocated directly to coastal hazard risk management and adaptation planning (**CHRMAP**). These funds will be transferred directly into cash reserves each and every year up to 2027/2028. This is net of natural rate growth, which is expected to be approximately 1%. Depending on future economic conditions, this will likely change.
- The City of Rockingham is a minimum Financial Assistance Grant (**FAGs**) local government and receives FAGs in line with population growth. This is anticipated to grow in line with population and can be reasonably anticipated.

- Grants for major capital programs will be available on some occasions. With the exception of road grants, capital grants have been included where known and approved. Capital road grants have been averaged or included as expected for the duration of the Plan.
- Recurring operational grants have been calculated to increase by 3% per annum.
- Contributions and reimbursements have been calculated to increase at 3% per annum.
- The City's fees and charges will be put before Council prior to budget adoption, with the annual yield of these expected to be increased by at least 3% per annum.
- Increases in the sanitation charges will be in line with expense requirements and are submitted to Council via the fees and charges.
- Interest rates have decreased in the recent RBA announcement. It is still uncertain whether interest rates will continue to decline or stay the same for a longer period. The base amount of interest income on the City's "unrestricted funds" however, has been increased in year one to reflect the higher interest earned in recent years but is forecasted to remain static from year two onwards. Cash holdings are expected to decline upon completion of the current carry forward projects and therefore lower interest income in future years. There will be variations to the interest earnings on each of the City's cash reserve accounts due to the fluctuations in the amounts transferred into and out of the respective reserve accounts. All interest related to cash reserves is earmarked to be deposited into the related reserve.
- For all other income, allowances have been made for these to increase by approximately 3% per annum. There is a close watch on landfill revenue, to which uncertainty exists. This is related to the commencement of waste to energy facilities in proximity to the Millar Road Landfill Facility and the requirements being imposed on local government related to the State Waste Strategy.
- Employee costs are expected to increase in line with industry expectations in the forthcoming years. This will need to be reviewed annually with staff number increases related to population growth.
- Materials and contractors can fluctuate depending upon what is planned in each year. A base figure used from a modified prior average of the last five years, with 3% annual increases. It is traditionally very difficult to predict.
- Utilities have been calculated to increase at 3% per annum. Historically this has been difficult to estimate, particularly related to electricity costs. Unit rates for power have been known to increase in past years by much more than inflation.
- Insurances have been calculated to increase by 3% per annum. It is known that the current insurance market is difficult and given recent natural disasters, costs are likely to increase. There is potential for insurance costs to increase substantially above 3%. This situation is being monitored and may require future changes in assumptions.
- Transfers to and from reserves are to occur as per the separate Reserves Summary which is included in section 4 of the Plan. Cash reserves are a mixture of cash held by statutory requirement and by decision of Council. The ratio of this mixture will adjust year-in, year-out according to prevailing conditions.
- The details of loans projected to be repaid each year are shown on the Loans Summary, which is included in section 4 of the Plan. Proposed borrowings are directly related to projects. The City has implemented a modified Gross Debt to Operating Revenue Ratio to measure suitable debt to be held on the balance sheet. This ratio for any given year should not exceed 45%. A Debt Servicing Ratio is also used which is not to exceed 8%.
- All opening balances are determined to be zero.

Implications to Consider

a. Consultation with the Community

Nil

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

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

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

d. Policy

This Plan has been prepared in accordance with Council Policy - Strategic Framework and discussed to seek feedback at a Councillor Engagement Sessions in April 2025.

e. Financial

Nil

f. Legal and Statutory

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

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

g. Risk

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

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

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

Nil

Comments

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

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

- \$550K reduction in CIP projects for the next 10 years with the Safety Bay Foreshore planning and design budget already covered in the 2024-25 budget.
- \$600K increase in other civic/civil development projects due to scope changes and cost escalation of Lottery House Community Hub project.
- Plant replacement and asset management projects for the life of the Plan increased to \$346M after updating replacement costs for most recent plant acquisitions and after incorporating additional grant-funded projects from new funding streams such as the Kulija Rd/ Baldvis Rd Intersection compared to \$332M in December 2024. Following the results of an independent coastal study, \$1.5M of asset renewal costs in 2026-27 for coastal protection structure at Arcadia Drive east of Mersey Road has been re-allocated to fund the cost increase anticipated for the construction of Cell 19 at the Millar Road Landfill Facility.

- Capital grants increased to \$114M from \$99M in December due to \$10M election funding commitment for various projects including \$7M for Kulija Rd/ Baldivis Rd Intersection project, \$3M new funding stream from Safer Local Roads Infrastructure Program and \$1.4M Thriving Suburbs Funding for Lotteries House Community Hub.
- \$16.6M reduction in overall debt for the life of the Plan, after incorporating additional grants and by matching the timing of the loan drawdowns with the cash outflows of the significant capital projects.
- \$20M reduction in the overall debt repayment for the life of the Plan as a result of the overall debt reduction described above and by delaying the loan drawdown to the second half of each year with planned borrowings.
- \$4.3M overall increase in reserve transfers for the life of the plan arising from debt repayment savings.

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

Notes 3.1 to 3.7 of the Plan provides required asset management funding in accordance with adopted asset management models and plans. Importantly, Council is able to identify what actions are proposed to be taken over the coming five years.

Millar Road Landfill revenue is being monitored. Alternate waste treatments do not attract State Landfill Levy and revenue is going to decrease significantly once these facilities are operating. This is not easily predicable at this time. As such, the City has only allowed conservative revenue increases. The City needs to prepare itself for a time when revenue from this facility no longer exist. This has been known for some time and adjustments have been made. If this happens sooner rather than later, rate increases or alternate revenues would need to be found to cover the loss in income or reduce the program of construction of infrastructure delivery.

State planning policies allow for local governments to collect revenue from “new” residential land parcels and selected residential dwellings created within the City boundaries. The City has implemented a Developer Contribution Scheme and is collecting revenue for newly created residential land/dwellings within the City boundaries. The City now has over ten years of history related to contributions and the accuracy of population forecasts. Given the uncertainty associated with predicting the land development activity in recent years, careful attention needs to be kept on revenues received.

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

Allocations to CHRMAP have been provided for as explained in the Key Assumptions section of this report. Should this Plan prove accurate, subject to direct rate revenue allocations for three years, it is anticipated approximately \$17 million will be held in cash reserves at the conclusion of the 10 year business plan.

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

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

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

1. **ADOPTS** the May 2025 City of Rockingham Business Plan 2025/2026 to 2034/2035, as detailed in Attachment 1
2. **REQUIRES** adequate funding to be provided for Aqua Jetty Stage 2 and Mike Barnett Court Expansion

Committee Recommendation

That Council:

1. **ADOPTS** the May 2025 City of Rockingham Business Plan 2025/2026 to 2034/2035, as detailed in Attachment 1
2. **REQUIRES** adequate funding to be provided for Aqua Jetty Stage 2 and Mike Barnett Court Expansion

Committee Voting (Carried) – 6/0

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

Not Applicable

Council Resolution

Moved Deputy Mayor Buchan, seconded Cr Liley:

That Council:

1. **ADOPTS** the May 2025 City of Rockingham Business Plan 2025/2026 to 2034/2035, as detailed in Attachment 1
2. **REQUIRES** adequate funding to be provided for Aqua Jetty Stage 2 and Mike Barnett Court Expansion

Carried by Absolute Majority – 10/2

Council Members voting for the motion:

Cr Deputy Mayor Buchan Cr Liley
Cr Hume Cr Crichton
Cr Jones Cr Jecks
Cr Wormall Cr Hudson
Cr Schmidt Mayor Hamblin

Council Members voting against the motion:

Cr Middlecoat Cr Buchanan

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

Not Applicable

Corporate Services Financial Services



Report number / title:	CS-009/25	Rates Smoothing Option Fees and Interest on Late Payments
File number:	GVR/60-4	
Proponent/s:		
Author:	Mr Alvin Santiago, Manager Financial Services	
Other Contributor/s:		
Date of Committee meeting:	20 May 2025	
Previously before Council:	25 March 2025 (CS-003/25)	
Disclosure of Interest:		
Nature of Council's role:	Executive	
Attachments:		
Maps/Diagrams:		
Site:		
Lot Area:		

Purpose of Report

To review rates smoothing option fees and interest on late payment of rates

Background

The following resolution was passed at the Annual Electors Meeting held on 6 February 2025:

That Council:

1. **Removes** the cost of option fees for rates smoothing
2. **Considers** either removing interest on late payments or changing them to a flat fee setup.

Carried – 18/6

At the March 2025 Ordinary Council Meeting the follow resolved:

That Council:

1. **NOTES** the resolution from the Annual Electors Meeting held on 6 February 2025
2. **REQUESTS** the matters related to interest on outstanding rates, rates smoothing and rates instalments be referred to a Councillor Engagement Session in accordance with Council Policy – Strategic Development Framework (Budget Workshop 4 – April 2025)

Carried – 12/0

The requirements of this resolution have occurred.

The City of Rockingham (**City**) implemented Rates Smoothing in 2015/2016. It is an agreement between the rate payer and the local government which allows a ratepayer to pay their rates weekly, fortnightly or monthly inclusive of costs. It is implemented in accordance with Section 6.49 of the *Local Government Act 1995 (Act)*.

A ratepayer may choose to pay their rates in full, by 4 equal or nearly equal instalments or by such other method of instalments as is set forth in the local government's annual budget. Beyond the 4 instalment option the City also offers a 2 instalment option. This occurs pursuant to Section 6.45 of the Act. It also provides for a local government to impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalment.

A 5.5% interest is applied to all instalments. An administrative fee (additional charge) of \$4.50 is charged for each instalment to cover the cost of managing the instalment plan.

When a Rate Smoothing agreement is formed the City applies an interest rate of 5.5% in accordance with Section 6.51 of the Act.

Section 6.51 of the Act allows local governments to impose interest on overdue rates amounts owed to it. A local government is not to impose interest unless the money is owed for not less than 35 days and the interest rate charged is not to exceed the rate prescribed by the *Local Government (Financial Management) Regulations 1996 (Regulations)*. The City charges interest on late payments of 10%, which is less than the maximum interest of 11% prescribed by the Regulations.

Details

The City receives approximately \$410,000 in instalment admin fees, \$470,000 in interest on outstanding rates and \$650,000 in interest for rates smoothing and instalment options per annum.

Officers have compiled information based on financial documents of 33 local governments, including the 2024-25 Statutory Budgets, 2023-24 Annual Financial Reports, 2024-25 Fees and Charges Schedules, Payment Arrangement Forms, and public website data. Information reviewed included:

- Costs of payment options (Rates Smoothing and Instalments);
- Interest charges on payment plans;
- Late payment penalties;
- City revenue from rates over the past three years; and
- The financial impact of adjusting or removing rates interest and option fees.

This comparative information has assisted in receiving feedback at the Councillor Engagement Session held in April 2025.

Implications to Consider

a. Consultation with the Community

Nil

b. Consultation with Government Agencies

Nil

c. Strategic

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

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

Outcome/Objective: *Sustainable Local Government - Optimise City resources*

d. Policy

Nil

e. Financial

No fee is charged to ratepayers who enter a rates smoothing agreement.

Removing the instalment admin fee could result in lost revenue of \$410,000. Removing the 10% interest on late payments could result in lost revenue of \$470,000. Removing the 5.5% instalment and rates smoothing interest could result in a further \$650,000 in lost interest revenue or \$1.53M altogether.

Interest revenue on rates smoothing, instalments and late payments reduce the budget deficiency funded through rates. Foregoing these revenue items will increase the required rates to balance the budget. All interest and fees are applied in accordance with legislation and borne by those who use the service.

It is important the City applies interest on outstanding rates. Failure to do so will likely result in increases in unpaid rates eventually resulting in greater sums being held on the balance sheet unpaid. This eventually impacts cash flow and the ability for the City to meet its debts when due and payable. It can also result in increased resources and costs required to pursue debt recovery.

f. Legal and Statutory

Regulation 5(1a) of the Regulations requires the Chief Executive Officer to establish systems and procedures for properly collecting all money owing to the local government.

Section 6.51 of the Act grants local governments the ability to impose interest on overdue rates and service charges owed to them. A local government is not to impose interest unless the money is owed for not less than 35 days. The interest rate charged should also not exceed the rate prescribed by the Regulations.

Regulation 19A of the Regulations states that the maximum interest rate to be imposed under section 6.13 of the Act is prescribed at 11%.

Section 6.45(1) of the Act states that rates or service charges are ordinarily payable to a local government in a single, full payment but also allows a local government to offer payment options, including:

- 4 equal or nearly equal instalments, or
- such other methods of payment by instalments as outlined in the annual budget

Section 6.41(2) of the Act requires local governments to issue a rates notice to ratepayers who elected to pay in instalments 28 days before each instalment is due.

Section 6.45(3) of the Act allows local governments to impose an additional charge and interest where payment of a rate or service charge is made by instalment.

Section 6.49 of the Act allows local governments to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

g. Risk

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

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

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

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

Financial Risk – High

Interest revenue on rate smoothing, instalments, and late payments totalling \$1.53M is budgeted and therefore reduces the budget deficiency funded through rates. Foregoing these revenue items will increase the required rates to balance the budget. This has not be planned for in future years.

Comments

Officers compared rate smoothing fees, instalment fees, and interest charges on payment options and late payments across 33 Perth metropolitan local governments and the cities of Mandurah, Busselton, and Bunbury.

Key findings show a wide variation in payment options, fees, and interest charges among local governments. Rates smoothing is a common option, offered by 29 Local governments, with 6 charging no fees or interest, while 2 impose significant fees (e.g. \$53 and \$56 for any instalment). Interest on rates smoothing varies, with some local governments applying instalment interest rates and others using penalty interest rates.

Higher instalment fees correlate with lower outstanding rates, suggesting they deter deferral of payments and favour upfront payments. However, two low-fee local governments also reported low outstanding rates. All local governments set instalment interest at 5.5%, except for four charging 0% and one charging 6%.

Penalty interest rates range from 3% to 11%. Higher rates (10-11%) often align with lower outstanding rates, except for one local governments that maintains just 2% outstanding rates despite a 3% overdue interest rate.

Wealthier socio-economic areas tend to have lower outstanding rates, while lower-income areas reported higher figures, indicating socio-economic status influences rate collection.

While comparing rates smoothing fees, instalment admin fees, interest charges, and outstanding rates across various local governments provides valuable insights, it needs to recognise that each local government operates within their unique demographic and socio-economic context. What works for one local government may not be suitable for another, as factors such as resident income levels, property values, and payment behaviours influence the effectiveness of different fee structures and penalty interest rates.

The provision of rates smoothing has been a popular option chosen by 18.3% of ratepayers. This as well as interest on outstanding rates and administration fees is an important part of the City's rating policy noting that those ratepayers who pay their rates up front greatly assist with the City's cash flow and ability to earn interest in early receipts which helps to reduce the overall rate requirement imposed.

The City must strike a balance that ensures financial sustainability while remaining fair and equitable for its ratepayers. This means setting fees and interest charges at a level that encourages timely payments without placing undue burden on those experiencing financial hardship. It is viewed that the City has always been prudent with its interest rates and charges and this has assisted in maintaining an appropriate outstanding rates on the balance sheet at 30 June each year (4%). Importantly, it needs to be understood should a reduction in revenue occur, the City will need to find alternate sources. It is worth noting, the City has a financial hardship policy to assist those ratepayers in genuine financial hardship.

All interest rate charges are reviewed annually as part of the annual budget process and resolved by Council. Officers are of the view that the current financial years interest charges are relevant and appropriate and supports the ongoing allocation of these charges.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **SUPPORTS** the continued inclusion of instalment administration fees and interest revenue on rates smoothing, instalments and late payments in the 2025-2026 Annual Budget.

Committee Recommendation

That Council **SUPPORTS** the continued inclusion of instalment administration fees and interest revenue on rates smoothing, instalments and late payments in the 2025-2026 Annual Budget.

Committee Voting (Carried) – 4/2

Council Members voting for the motion:

Cr Liley
Cr Hume
Cr Crichton
Cr Buchanan

Council Members voting against the motion:

Cr Middlecoat
Cr Schmidt

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

Not Applicable

Alternate Motion by Cr Mike Crichton

Cr Crichton proposed the following Alternate Motion:

That Council

1. **SUPPORTS** not charging rates smoothing interest for the 2025/2026 financial year.
2. **REQUESTS** the impact of this decision be reviewed and brought to a Councillor Engagement Session prior to 30 June 2026.

Reason for Alternate Motion

With people struggling with the cost of living, I believe we now have an opportunity to offer some meaningful relief through removing the rate smoothing interest charge to ratepayers for a 12 month period. We can then review this in June 2026.

Implications to Consider on Alternate Motion

a. Consultation with the Community

Nil at this stage. Should the alternate motion be resolved communication is likely required to occur with those ratepayers currently in a Rate Smoothing arrangement. The Rates Smoothing agreement is a rates agreement between the City of Rockingham (**City**) and the ratepayer formed in accordance with Section 6.49 of the *Local Government Act 1995*. This agreement, provides that should the interest rate charged by the City change from the current 5.5%, notification must be provided to the ratepayer in writing of the changing interest rates. How this is to occur is being currently being reviewed. It is possible this information may be sent with the rates notice.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

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

Outcome/Objective: Sustainable Local Government - Optimise City resources

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

d. Policy

Nil

e. Financial

The interest received on Rates Smoothing for the 2024/2025 financial year is approximately \$300,000. As such, this revenue will not be received in the 2025/2026 financial year.

It is likely the City will see an increase in Rates Smoothing agreements given the proposed nil charges (i.e. people moving away from full payment or instalment payments) thereby reducing the City's interest on instalments and interest received from investments. At a minimum, should the alternate motion be successful, the City should expect a decrease in revenue for the 2025/2026 financial year from the above sources of \$300,000. It should be noted though the total exposure is approximately \$705,000 (i.e. interest on Rates Smoothing and interest on instalments).

f. Legal and Statutory

Section 6.49 of the *Local Government Act 1995* states "a local government may accept payment of a rate or service charge due and payable by person in accordance with an agreement made by that person." To this end, Rates Smoothing is a bilateral arrangement whereby a ratepayer requests to enter into a rates agreement.

Clause 1.3 of this agreement states:

"the City may by notice in writing to the Ratepayer vary the Instalment Amount during a Rate Year to cover any:

- a) increase or decrease in Rates;
- b) change in the rates of interest charged by the City;
- c) additional interest, costs or charges payable by the Ratepayer to the City."

Therefore, should the Annual Budget be adopted with a zero interest on Rates Smoothing arrangements, the ratepayer is required to be notified in writing of this change. How this is to occur is still being investigated

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*

Financial Risk – High

Interest revenue on rate smoothing, instalments, totals approximately \$705,000. This reduction, or a portion thereof, has not been allocated for in forward planning.

Should the alternate motion be supported, the 2025/2026 Annual Budget will include decreased revenue for Rates Smoothing interest. At this stage it is unclear what impact will occur on interest on investments, instalment interest and cash flows. Revenue from other sources reduces the budget deficiency funded through rates. Foregoing these revenue items will increase the required rates to balance the budget. This has not been planned for in future years and will need to be considered in future planning subject to the review occurring (point 2 of the alternate motion).

Officer Comment on Alternate Motion

Currently 11,551 ratepayers are on Rates Smoothing (approximately 19% of ratepayers). The City has received minimal complaints regarding Rates Smoothing agreements and it is a highly successful, non-statutory arrangement implemented by the City in 2015/2016.

Should the alternate motion be successful, the concept of reviewing the impact of this decision prior to the end of next financial year is supported. While the exact financial impacts are unclear, the City should anticipate an increase in Rates Smoothing arrangements given there is no incentive to pay upfront, nor pay by instalments. This shortfall (including the foregone interest revenue on Rates

Smoothing) will be borne by all ratepayers and an alternate revenue source will need to be found, include potential rate increases to cover this cost or expenses reduced.

It is worth noting, that should the City determine in future years to return interest on Rates Smoothing as per the commentary in the legal and statutory section of this report, ratepayers will need to be notified accordingly of this change. However, this would be an increase rather than a decrease.

Rates Smoothing arrangements work well, with approximately 19% of ratepayers entering this arrangement with minimal complaints received.

Officer Recommendation on Alternate Motion

That the Alternate Motion by Cr Crichton is not supported.

Council Resolution

Moved Cr Crichton, seconded Cr Middlecoat:

That Council

1. **SUPPORTS** not charging rates smoothing interest for the 2025/2026 financial year.
2. **REQUESTS** the impact of this decision be reviewed and brought to a Councillor Engagement Session prior to 30 June 2026.

Carried – 12/0

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

As detailed above in the reasons for the Alternate Motion.

Corporate Services Financial Services



Reference No & Subject:	CS-010/25	Rating Methodology - 2025/2026 Financial Year
File No:	RTV/11	
Proponent/s:		
Author:	Mr John Pearson, Director Corporate Services	
Other Contributors:		
Date of Committee Meeting:	20 May 2025	
Previously before Council:		
Disclosure of Interest:	Executive	
Nature of Council's Role in this Matter:		
Attachments:	1. Rates Modelling Summary	
Site:		
Lot Area:		

Purpose of Report

This report is to approve proposed rates in the dollar for the 2025/2026 financial year to allow for advertising calling for submissions on the proposed differential rates.

Background

The City of Rockingham (**City**) Business Plan on the agenda for this meeting indicates the level of rates needed to service current and future City requirements. This plan provides detailed financial information for the City, which gives clarity to rate changes needed. The City Business Plan (**Business Plan**) indicates the need to generate \$117.87 million in rates in the 2025/2026 financial year.

The new yield from all rates for the 2025/2026 year is projected to be approximately \$117.83 million. This does not include interim rates, which are anticipated to make up any shortfall when compared against the Business Plan requirements. Some projects remain unfunded in the Business Plan and any excess revenue from rates will be allocated these. All money from rates is used across a wide array of services. It does though include a proposed concession of \$65,453 for those 55 properties transitioning from UV to GRV. This is year two of this process.

A total rate increase is proposed at 3.9% greater than the prior year.

Details

Gross Rental Valuation (GRV) Properties

Properties rated on a GRV basis make up approximately 99.7% of the total rates levied and have been classified into the following rate categories:

GRV – Residential

A differential general rate of 8.6071 cents in the dollar applies to Residential land.

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

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

The rate applied to GRV Residential is the differential general rate used as the basis on which the other GRV rate categories are calculated. The proposed GRV Residential rate is an increase of 3.9% compared to the 2024/2025 rate in the dollar.

GRV – Non-Residential

A differential rate of 9.8001 cents in the dollar applies to Non-Residential land.

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

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

GRV – Minimum Rate

It is proposed that the minimum rate on all GRV properties be increased from \$1,377 to \$1,431 for the 2025/2026 year. This is an increase of 3.9% on last year’s minimum rates.

Unimproved Valuation (UV) Properties

A general rate of 0.105 cents in the dollar applies to all UV land. UV land generates approximately 0.3% of rate yield. The proposed UV-Improved rate in the dollar is identical to the 2024/2025 rate in the dollar.

UV – Minimum Rate

It is proposed that the minimum rate for all UV properties will increase to \$709 for the 2025/2026 financial year. This is an increase of 3.9% on last year’s minimum rates.

Implications to Consider

a. Consultation with the Community

Nil at this stage. Should Council adopt the officer recommendation, submissions will be invited as detailed in the Legal and Statutory section of this report.

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

Aspiration 4: *Deliver Quality Leadership and Business Expertise*

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

d. Policy

Nil

e. Financial

The approval of the proposed rates for 2025/2026 is anticipated to yield approximately \$117.83 million.

UV properties are revalued annually; whereas, GRV properties are revalued every three years. This is a statutory revaluation process, independently occurring from the City and must be implemented. This is not a GRV revaluation year.

UV properties account for a very small proportion of properties – 217. The UV valuations increased by 5.37%.

The proposed rate in the dollar will impact differently across UV categories, ranging from 4.64% to 6.79%. This is anticipated to yield 3.9% more in rates from UV properties compared to prior year.

Given the transition of 55 properties from UV to GRV, in continuation of the process implemented last year, it is proposed to grant a concession to those properties in alignment with Schedule 6.1 of the *Local Government Act 1995*. Given the often significant difference in rate yield between UV and GRV properties, Schedule 6.1 allows for local governments to use a mixture of both UV and GRV valuations over a 3 year transition process

f. Legal and Statutory

Adoption of rates occurs as part of the budget adoption which is proposed to occur in June 2025. This report proposes to approve the rate levels at this time for the purpose of public advertising.

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

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

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

g. Risk

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

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

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

Nil

Comments

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council **APPROVES** the following rates in the dollar and minimum rates for the 2025/2026 financial year and advertises calling for submissions on the proposed differential rates:

Gross Rental Valuation (GRV) Properties

GRV – Residential

A differential general rate of **8.6071 cents** in the dollar applies to Residential land.

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

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

GRV – Non-Residential

A differential rate of **9.8001 cents** in the dollar applies to Non-Residential land.

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

GRV – Minimum Rate

The minimum rate on all GRV properties is **\$1431**

Unimproved Valuation (UV) Properties

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

UV – Minimum Rate

The minimum rate for all UV properties is **\$709**.

Committee Recommendation

That Council **APPROVES** the following rates in the dollar and minimum rates for the 2025/2026 financial year and advertises calling for submissions on the proposed differential rates:

Gross Rental Valuation (GRV) Properties

GRV – Residential

A differential general rate of **8.6071 cents** in the dollar applies to Residential land.

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Unimproved Valuation (UV) Properties

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

UV – Minimum Rate

The minimum rate for all UV properties is **\$709**.

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

Council Members voting for the motion:

Cr Crichton Cr Hume
Cr Liley

Council Members voting against the motion:

Cr Middlecoat Cr Buchanan (x 2)
Cr Schmidt

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

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

Not Applicable

Council Resolution

Move Deputy Mayor Buchan, seconded Cr Crichton:

That Council **APPROVES** the following rates in the dollar and minimum rates for the 2025/2026 financial year and advertises calling for submissions on the proposed differential rates:

Gross Rental Valuation (GRV) Properties

GRV – Residential

A differential general rate of **8.6071 cents** in the dollar applies to Residential land.

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

GRV – Non-Residential

A differential rate of **9.8001 cents** in the dollar applies to Non-Residential land.

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

GRV – Minimum Rate

The minimum rate on all GRV properties is **\$1431**

Unimproved Valuation (UV) Properties

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

UV – Minimum Rate

The minimum rate for all UV properties is **\$709**.

Carried – 8/4

Council Members voting for the motion:

Deputy Mayor Buchan Cr Crichton
Cr Jones Cr Liley
Cr Hume Cr Hudson
Cr Jecks Mayor Hamblin

Council Members voting against the motion:

Cr Buchanan Cr Middlecoat
Cr Wormall Cr Schmidt

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

Not Applicable

Corporate Services Financial Services



Report number / title:	CS-011/25 Budget Review – May 2025 (<i>Absolute Majority</i>)
File number:	FLM/17-05
Proponent/s:	
Author:	Mrs Katie MacLachlan, Financial Controller
Other Contributor/s:	Mr Alvin Santiago, Manager Financial Services
Date of Committee meeting:	20 May 2025
Previously before Council:	
Disclosure of Interest:	
Nature of Council's role:	Executive
Attachments:	1. May 2025 Budget Review
Maps / Diagrams:	
Site:	
Lot Area:	

Purpose of Report

For Council to adopt the May 2025 Budget Review.

Background

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

Details

The May 2025 Budget Review includes transactions during the July 2024 – May 2025 period and adjustments required to the annual budget due to the completion of the annual audit. The document includes the following information:

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

Implications to Consider

- a. **Consultation with the Community**
Nil

b. Consultation with Government Agencies

Nil

c. Strategic

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

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

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

d. Policy

Council Policy – Strategic Development Framework

e. Financial

The overall effect of this budget review is an anticipated closing surplus for 30 June 2025 of \$44M after considering the adjusted opening surplus and other budget amendments arising from the review.

f. Legal and Statutory

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

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 forecasting the estimated budget position at 30 June 2025, the May Budget Review also aims to identify savings or additional costs for completed and ongoing projects as well as identifying any funds that are required to be carried forward into the following year.

Below is an explanation of the proposed amendments more than \$250K. The other proposed amendments, including expenditure offset by additional revenues, internal allocations and other budget changes that are less than \$250K individually, are detailed in the May 2025 Budget Review attachment.

1. Opening Position

The opening position is \$82.6M as per the Audited Annual Financial Statements of the last financial year.

2. Operating Revenue

Operating revenue has increased by \$8.9M and includes the following significant amendments:

- 2.1 \$5M increase Profit on disposal of assets in relation to the sale of Lot 3 Mandurah Road (This amount is excluded from calculation of the City's ending position as it is a non-cash amount).
- 2.2 \$1.2M increase in Main Roads Road Program funding for Mundijong Road Improvement project (see 5.5 below).
- 2.3 \$905K increase in interest income from municipal funds and \$798K increase in interest income for reserve funds (see 5.4 below).
- 2.4 \$697K of increased various fees and charges collected.

- 2.5 \$450k of increased interim rates collected.
- 2.6 \$359K decrease in State Black Spot funding due to cancellation of the Baldivis Road and Rivergums Boulevard - Install Roundabout project (see 5.4 below)

3. Operating Expenditure

Operating expenditure has decreased by \$1.8M, and includes the following significant amendments:

- 3.1 \$683K decrease across various operating projects with a corresponding \$684K transfer to the Capital Works Reserve to be allocated to unfunded projects through future budgeting processes (see 5.1 below). Projects include:
 - 3.2.1 Sustainable Transport Plan (\$300K)
 - 3.2.2 Various ICT projects (\$281K)
- 3.2 \$366K decrease in Coastal Management operating projects.
- 3.3 \$301K increase in organisation-wide utility costs.
- 3.4 \$293K decrease in iconic event costs.
- 3.5 \$291K increase in Waste Collection Service – Household bins costs.

4. Non-Operating Income

Non-operating revenue has decreased by \$2M and includes the following significant amendments:

- 4.1 \$1.5M decrease in proceeds from the sale of machinery and equipment and vehicles and small plant.

5. Non-Operating Expenditure

Non-operating expenditure has decreased by \$1.3M and includes the following significant amendments:

- 5.1 \$9M transferred to Capital Works Reserve, \$1M transferred to Aqua Jetty Stage 2 Reserve with a corresponding \$683K decrease in operating projects (see 3.1 above) and \$9.4M reduction in various capital projects, to be allocated to unfunded projects through future budgeting processes. Significant projects include:
 - 5.1.1 Renewal works to CoR Administration Complex (\$2.7M)
 - 5.1.2 Various infield reticulation projects (\$990K)
 - 5.1.3 Palm Beach West Boat Ramp Redevelopment (\$1.8M)
 - 5.1.4 Safety Bay Foreshore – Replace lighting (\$1.2M)
 - 5.1.5 Lighting rugby and soccer floodlights (\$1.1M)
 - 5.1.6 Various Aqua Jetty works (\$1M)
- 5.2 \$848K increase in Mundijong Road – Realign and install street lighting and crash barriers, Main Roads grant funded project (see 2.2 above).
- 5.3 \$798K increase in Reserves interest (see 2.3 above).
- 5.4 \$671K decrease in various ICT capital projects
- 5.5 \$538K decrease due to cancellation of State Blackspot Baldivis Road and Rivergums Boulevard - Install Roundabout project (see 2.5 above).
- 5.6 \$441K decrease in Rae Road WA Bicycle Network path construction project
- 5.7 \$429K decrease in Mandruah-Anstey Road intersection study and design
- 5.8 \$404K decrease in coastal infrastructure projects
- 5.9 \$358K decrease in Port Kennedy Boat Ramp extension design project.
- 5.10 \$292K decrease in Churcher Road drainage upgrade project.
- 5.11 \$269K decrease in various toilet block renewal projects

The other proposed amendments, including expenditure offset by additional revenues, internal allocations and other minor changes, are detailed in the May 2025 Budget Review document.

6. Carryforward Budget

Of the \$44M estimated end of year results, \$38M of unspent budget is committed to existing projects and is detailed in the 'Current Period Carry Forwards Over \$250,000' attachment to this report and features the following most significant items:

- 6.1 Baldivis District Sporting Complex - \$12.9 expenditure (partly funded by \$7.6M borrowings and \$1M Lotterywest grants)
- 6.2 Various building renewal and upgrade works (Council Admin building, Depot urgent works, Lotteries House refit, Safety Bay Library internal and external upgrade) – \$6.8M expenditure
- 6.3 Various road renewal and upgrade projects – \$5.5M expenditure (partly funded by \$3.1M Government grants)
- 6.4 Motor vehicle and plant replacement – \$4.7M expenditure
- 6.5 Landfill Master Plan – \$4.2M expenditure
- 6.6 Stan Twight Clubroom Redevelopment – \$4.2M expenditure (partly funded by \$1M State Government, \$50K WA Cricket and \$50K WA Football grants)
- 6.7 Various parks and reserves renewal and upgrade projects – \$2.8M. This includes the following projects among others:
 - 6.7.1 Safety Bay Foreshore Community Facility Masterplan (\$1.1M)
 - 6.7.2 Reticulation (\$443K)
 - 6.7.3 Larkhill sports softball floodlights (\$303K)
 - 6.7.4 Churchill Park (\$261K)
- 6.8 Various ICT projects – \$2.4M expenditure
- 6.9 Landfill – Upgrade capping – \$1.5M expenditure
- 6.10 Various drainage renewal and upgrade projects – \$1M expenditure
- 6.11 Strategic Planning projects such as Karnup District Plan, Town Planning Scheme Review and Sustainable Transport Plan – \$547K expenditure
- 6.12 Operations Facility (2nd Depot) Masterplan – \$536K expenditure

7. Untied Surplus

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

- \$450K in interim rates
- \$905K in interest income on municipal funds
- \$974K in various fees and charges and other revenue income
- \$2.7M in organisation wide expenditure savings

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

Voting Requirements

Absolute Majority

Officer Recommendation

That Council **ADOPTS** the May 2025 Budget Review as detailed in Attachment 1.

Committee Recommendation

That Council **ADOPTS** the May 2025 Budget Review as detailed in Attachment 1.

Committee Voting (Carried) – 6/0

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

Not Applicable

Addendum Report

During compilation of the Corporate and Community Development Committee Agenda a clerical error occurred with an incorrect working version being inserted in the Agenda. The correct report follows with a new attachment. Council will need to reconsider this matter and vote accordingly.

Corporate Services Financial Services



Report number / title:	CS-011/25	Budget Review – May 2025 (<i>Absolute Majority</i>) – Addendum Report
File number:	FLM/17-05	
Proponent/s:		
Author:	Mrs Katie MacLachlan, Financial Controller	
Other Contributor/s:	Mr Alvin Santiago, Manager Financial Services	
Date of Committee meeting:	20 May 2025	
Previously before Council:		
Disclosure of Interest:		
Nature of Council's role:	Executive	
Attachments:	1. May 2025 Budget Review	
Maps / Diagrams:		
Site:		
Lot Area:		

Purpose of Report

For Council to adopt the May 2025 Budget Review.

Background

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

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

Implications to Consider

a. **Consultation with the Community**

Nil

b. **Consultation with Government Agencies**

Nil

c. **Strategic**

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

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

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

d. **Policy**

Council Policy – Strategic Development Framework

e. **Financial**

The overall effect of this budget review is an anticipated closing surplus for 30 June 2025 of \$44M after considering the adjusted opening surplus and other budget amendments arising from the review.

f. **Legal and Statutory**

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

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 forecasting the estimated budget position at 30 June 2025, the May Budget Review also aims to identify savings or additional costs for completed and ongoing projects as well as identifying any funds that are required to be carried forward into the following year.

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- 2.5 \$450k of increased interim rates collected.
- 2.6 \$359K decrease in State Black Spot funding due to cancellation of the Baldivis Road and Rivergums Boulevard - Install Roundabout project (see 5.4 below)

3. Operating Expenditure

Operating expenditure has decreased by \$1.8M, and includes the following significant amendments:

- 3.1 \$683K decrease across various operating projects with a corresponding \$684K transfer to the Capital Works Reserve to be allocated to unfunded projects through future budgeting processes (see 5.1 below). Projects include:
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- 3.3 \$301K increase in organisation-wide utility costs.
- 3.4 \$293K decrease in iconic event costs.
- 3.5 \$291K increase in Waste Collection Service – Household bins costs.

4. Non-Operating Income

Non-operating revenue has decreased by \$1M and includes the following significant amendments:

- 4.1 \$1M decrease in proceeds from the sale of machinery and equipment.

5. Non-Operating Expenditure

Non-operating expenditure has decreased by \$48K and includes the following significant amendments:

- 5.1 \$9M transferred to Capital Works Reserve, \$1M transferred to Aqua Jetty Stage 2 Reserve with a corresponding \$683K decrease in operating projects (see 3.1 above) and \$9.4M reduction in various capital projects, to be allocated to unfunded projects through future budgeting processes. Significant projects include:
 - 5.1.1 Renewal works to CoR Administration Complex (\$2.7M)
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The other proposed amendments, including expenditure offset by additional revenues, internal allocations and other minor changes, are detailed in the May 2025 Budget Review document.

6. Carryforward Budget

Of the \$44M estimated end of year results, \$39M of unspent budget is committed to existing projects and is detailed in the 'Current Period Carry Forwards Over \$250,000' attachment to this report and features the following most significant items:

- 6.1 Baldivis District Sporting Complex - \$12.9 expenditure (partly funded by \$7.6M borrowings and \$1M Lotterywest grants)
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- 6.3 Various road renewal and upgrade projects – \$5.5M expenditure (partly funded by \$3.1M Government grants)
- 6.4 Motor vehicle and plant replacement – \$4.7M expenditure and proceeds from sale – \$654K
- 6.5 Landfill Master Plan – \$ 4.2M expenditure
- 6.6 Stan Twight Clubroom Redevelopment – \$4.2M expenditure (partly funded by \$1M State Government, \$50K WA Cricket and \$50K WA Football grants)
- 6.7 Various parks and reserves renewal and upgrade projects – \$2.8M. This includes the following projects among others:
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- 6.8 Various ICT projects – \$2.4M expenditure
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- 6.12 Strategic Planning projects such as Karnup District Plan, Town Planning Scheme Review and Sustainable Transport Plan – \$547K expenditure
- 6.13 Operations Facility (2nd Depot) Masterplan – \$536K expenditure

7. Untied Surplus

The current forecasted untied surplus of \$4.6M is an estimate only and may increase or decrease depending on the number of incomplete works at the end of the financial year. The untied surplus is mainly attributable to the following favourable budget variances:

- \$450K in interim rates
- \$905K in interest income on municipal funds
- \$974K in various fees and charges and other revenue income
- \$2.7M in organisation wide expenditure savings

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

Voting Requirements

Absolute Majority

Officer Recommendation

That Council **ADOPTS** the May 2025 Budget Review as detailed in Attachment 1.

Council Resolution

Moved Cr Schmidt, seconded Cr Crichton:

That Council **ADOPTS** the May 2025 Budget Review as detailed in Attachment 1.

Carried by Absolute Majority – 12/0

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

Not Applicable

Corporate Services Corporate Services Director and Support



Report number / title:	CS-012/25 Bulk Verge Collection Review
File number:	WSM/27-44
Proponent/s:	
Author:	Mr John Pearson, Director, Corporate Services
Other Contributor/s:	Ms Nollaig Baker, Manager, Strategy Marketing and Communications
Date of Committee meeting:	20 May 2025
Previously before Council:	27 August 2024 (CS-020/24)
Disclosure of Interest:	
Nature of Council's role:	Executive
Attachments:	1. Bulk Waste Collection Review
Maps / Diagrams:	
Site:	
Lot Area:	

Purpose of Report

To present the outcomes of the Bulk Verge Collection Review, and for Council to consider the outcomes of the review.

Background

The City of Rockingham's (**City**) Waste Plan adopted by Council in 2021 identified a review of the City's bulk verge collection service. There are known challenges with this service including the following:

- Low recovery rates for hard waste items
- Poor visual amenity given the scale and timings of the service
- Occurrence/opportunities for illegal dumping by non-residents
- Procurement challenges relating to contractor options, availability, and service delivery.

At the August 2024 Ordinary Council Meeting the following was resolved:

*That Council **DIRECTS** the Chief Executive Officer to:*

1. *Undertake a review of vergeside collections in the City of Rockingham with a view to improve material recovery and reduce illegal dumping. This review is to:*
 - *Assess the options contained in the WALGA Better Practice Verge Collection Guidelines*
 - *Investigate available options and case studies from other Local Governments*
 - *Conduct cost analysis of suitable options including in house provision of services*
 - *Include community consultation seeking community input to the review*

2. *Present the review to a Councillor Engagement Session prior to completion for input and feedback and adoption by Council of the preferred option thereafter.*

Details

Current Situation

The City provides an annual bulk verge collection to residents in the City of Rockingham. The annual collection schedule is as follows:

- Hard waste collection – once per year that commences in July.
- Green waste collection – twice a year in Spring and Autumn.
 - First round – commences in March and allows for post summer garden clearing.
 - Second round – commences in October to allow for pre- bush fire season.

The City allows households to place 2m² of hard waste and 3m² of green waste. There are ten service area zones with each area serviced over a two-week period.

Current practice outsources the service through a tender process at a cost of \$1,609,000 (2024/2025). This excludes the costs associated with disposing of the waste.

In addition to the above, the City also provides tip passes which are issued annually to rate payers with the rates notices allowing for disposal of up to 1.5m³ of waste at Millar Road Landfill Facility. Tip passes allow residents the flexibility and convenience to dispose of bulk waste, including green waste at a time of their suiting. Other waste disposal options for residents include the free drop off of large cardboard, scrap metal, oils, household hazardous waste and batteries throughout the year.

Following Council's resolution in August 2024, the City engaged ASK Waste Management Consultants to undertake a comprehensive review of the bulk verge collection service. The review included the following:

- Analysis of the national and state waste strategy
- Better practice
- Benchmarking
- Service model alternatives
- Multi Criteria Assessment (MCA)
- Community consultation.

The outcomes of the community consultation were presented to Council Members at the February 2025 Council Engagement Session and feedback was sought.

The consultation findings highlighted a high participation rate, with the community placing significant value on the bulk verge service. While the service is appreciated, many respondents supported operational improvements, particularly related to service reliability and greater reuse/recycling of materials where possible. Additionally, the outcomes indicated support for reducing green waste verge collections to once per year, a change that will be further supported by the successful implementation of the weekly, green-lidded bin service through the FOGO program.

Importantly, the high level of support expressed in this survey aligns with the community's consistent strong satisfaction with waste services reported in the City's annual Resident Perception Survey, underscoring trust in the City's waste management approach.

Options Considered

The review considered five alternate collection methods as follows:

1. Scheduled Verge Collection (current service - outsourced) -Continue with current service, one bulk and two green waste verge collections each year.
2. Scheduled Verge Collection (in-house) - Continue with the current service, one bulk and two green waste verge collections each year and deliver the service in-house.

3. Pre-booked Verge Collection - Residents are allocated a general bulk and a green waste collection each year and can book a collection time that suits them. Waste is placed on the verge for pick-up, and source separated materials are placed beside the verge pile for separate pick-up.
4. Pre Booked Containerised Collection - Residents are allocated a general bulk and a green waste collection each year and can book a collection time that suits them. A skip bin is provided for the waste, and source separated materials are placed beside the bin for separate pick-up.
5. No Bulk Verge Collection - No collection, residents can use their tip passes at the Millar Road Landfill facility. Courtesy trailer hire is provided for residents without appropriate vehicles for transporting waste.

Preferred option

The review found that based on the outcomes of the multi criteria assessment modelling and the focus group session, the preferred bulk waste option recommended for the City is a scheduled verge collection service, delivered in-house rather than through an external contractor. It found this option offers several advantages over the current service, including potential cost efficiency, improved service quality, improved alignment with better practice and data collection and enhanced community support. By bringing the service in-house, the City can achieve greater control, flexibility, and sustainability in its bulk verge collection program, making it the preferred choice based on the multi criteria assessment modelling outcomes.

The report provides the potential key strengths and weaknesses of this option as follows:

Strengths

- Community Support: High acceptance similar to the current service.
- Accessibility: Generally accessible with minimal effort required from residents.
- Procurement Options: Improved control over service quality and flexibility.
- Service Delivery: Better control over quality, data collection and community engagement.
- Costs: Slightly lower than current service (noting detailed costing analysis needs to occur which needs to include traffic management costs).

Weakness

- Visual Amenity: Similar issues as the current service with unsightly verges and illegal dumping.
- Resource Recovery: Low material recovery rates and limited opportunities for education and engagement.

Implications to Consider

a. Consultation with the Community

In line with Council Policy Community Engagement, ASK Waste Management Consultants conducted the following receiving 1332 sets of inputs:

- ASK Waste Consultants conducted a survey which was promoted on the City's website, through Rock Port and on social media, receiving 1306 responses
- Two community workshops
- A focus group workshop

Registered participants of Rock Port were asked to participate in focus group workshops.

The consultation outcomes indicated that the users of the verge collection services have a high level of satisfaction, indicating that the current service generally meets their needs. Detailed on pages 20 and 21 of Attachment 1, the key themes were as follows:

- Most participants use both the verge collection services and tip vouchers to dispose of waste.

- Feedback from participants who don't use verge collection services differed considerably from those who do
- The hard waste collection is used more often than green waste collection services.
- Old furniture, equipment, toys and junk comprise the majority of waste disposed of as part of verge collection services.
- Participants are generally satisfied with the current service although there is room for improvement.
- Providing better environmental outcomes and less waste to landfill needs to form part of a low-cost, easy and accessible service.
- The majority of participants support paying more to improve resource recovery. Most participants want to continue the current service.
- There is some interest in containerised collections, although this needs to be further validated.
- There is little support for a user-pays service.
- Any service needs to be supported by recycling and reuse programs and improved waste education to reduce waste generation and improve resource recovery.

b. Consultation with Government Agencies

Nil

c. Strategic

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

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

Outcome/Objective: *Protection of natural environment - Minimise waste*

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

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

d. Policy

Nil

e. Financial

The report recommends a detailed assessment occur on the financial, operational and logistical feasibility of bringing the service in house. This is currently underway. The review has taken a high level view of costings, and while appropriate for comparative analysis, more detailed examination needs to occur prior to any operational changes being approved or implemented. Notwithstanding this, the review estimated the costs of an in house delivery service to be approximately \$1,990,000 per annum assuming staff have an 80% utilisation rate for the service. This assumption assumes the remaining 20% of the time staff and equipment are used for other purposes.

f. Legal and Statutory

Nil

g. Risk

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

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

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

Nil

Comments

Feedback received from the community has identified the desire to maintain a bulk verge collection service, performed to a higher standard. The review supported the service being transitioned to an in-house model however this should only be committed to once a more detailed understanding of operational implications including costings, logistical implications are better understood.

As stated above there is consistent strong satisfaction with waste services functions in the City and it is important any change maintain a high level of service. To this end, given the high community value and support for the service, it is recommended the nature of the current service be retained with detailed investigations to occur to bringing the service in-house.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ENDORSES** the City of Rockingham Bulk Verge Collection Review May 2025 and the recommendations of the report (page 38), Attachment 1
2. **DIRECTS** the Chief Executive Officer to initiate a detailed assessment of the financial and logistical feasibility of bringing the service in-house.
3. **REQUESTS** the findings of point 2 (above) be referred to a Councillor Engagement Session for feedback and discussion.

Committee Recommendation

That Council:

1. **ENDORSES** the City of Rockingham Bulk Verge Collection Review May 2025 and the recommendations of the report (page 38), Attachment 1
2. **DIRECTS** the Chief Executive Officer to initiate a detailed assessment of the financial and logistical feasibility of bringing the service in-house.
3. **REQUESTS** the findings of point 2 (above) be referred to a Councillor Engagement Session for feedback and discussion.

Committee Voting (Carried) – 6/0

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

Not Applicable

Council Resolution

That Council:

1. **ENDORSES** the City of Rockingham Bulk Verge Collection Review May 2025 and the recommendations of the report (page 38), Attachment 1
2. **DIRECTS** the Chief Executive Officer to initiate a detailed assessment of the financial and logistical feasibility of bringing the service in-house.
3. **REQUESTS** the findings of point 2 (above) be referred to a Councillor Engagement Session for feedback and discussion.

Carried en bloc

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

Not Applicable

Community Development Community Infrastructure Planning



Report number / title:	CD-009/25	Baldivis Recreation Reserve Master Plan
File number:	CPR/824	
Proponent/s:		
Author:	Mr Blake Warner, Community Infrastructure Project Officer Mr Matthew Emmott, Manager Community Infrastructure Planning	
Other Contributor/s:		
Date of Committee meeting:	20 May 2025	
Previously before Council:	25 February 2025 (CD-002/25); 23 August 2022 (CD-022/22)	
Disclosure of Interest:		
Nature of Council's role:	Executive	
Attachments:	1. Baldivis Recreation Reserve Master Plan	
Maps / Diagrams:		
Site:	Lot 1376 Baldivis Road, Baldivis	
Lot Area:	137,823m2 (Lot 1376)	

Purpose of Report

To seek Council adoption of the Baldivis Recreation Reserve Master Plan (**Master Plan**), following public comment, and for Council to consider allocating funding for implementation in a future Business Plan.

Background

On Tuesday 25 February 2025, Council endorsed the draft Master Plan Summary Report for the purpose of public comment. The public comment period concluded on Friday 14 March 2025, and the Master Plan report has been updated based on the feedback received.

The final report is now presented to Council for adoption and funding consideration.

Details

To determine the level of community satisfaction with the draft Master Plan, the community were invited to share their thoughts on the Summary Report and Proposed Site Master Plan.

Following the public comment period, the final Master Plan Report including the Proposed Site Master Plan presented for adoption remains unchanged.

There were three key themes associated with the comments received during the public comment period which related to:

- Car parking and site access;
- Inclusion of play elements (water play/splash pad, playground, skate park); and
- Retention of vegetation.

Subject to endorsement of the Master Plan, all of the above items will be considerations as part of future planning and design of key projects identified within the Master Plan.

Implications to Consider

a. Consultation with the Community

The draft Master Plan was advertised for public comment from Friday 28 February to Friday 14 March 2025 in line with the required 14 days.

The public were notified of the opportunity to comment through the City of Rockingham (City) Share Your Thoughts platform in the following ways:

- Email direct to the user groups on Friday 28 February 2025;
- Mail out to surrounding residents (310 properties);
- Email to Rock Port users who have subscribed to the Strategic Planning category on Friday 28 February and 7 March 2025; and
- Facebook post on Friday 28 February and 7 March 2025.

At the closing of the public comment period, 19 comments were received. All comments aligned with the intent of the Master Plan, with suggestions received which can be considered in future planning of projects identified within the final Master Plan. Three comments were received regarding traffic and road concerns in the Baldivis area which were not directly related to the Baldivis Recreation Reserve (BRR). Responses to these comments were provided by the City’s Technical Services team.

Below is a summary of comments received during the public comment period which have been edited for grammar and length. The comments have been categorised into the key themes which arose from the public comment period.

A number of responses raised ideas for potential infrastructure which could be located at the site:

<u>Comments</u>	<u>City Response</u>
Baldivis splash pad for kids during the warmer weather like the Bunbury one or Kwinana Adventure park that has one. It's a great idea and brings more people into the community.	The Master Plan identifies two separate locations to accommodate future community purpose / recreation spaces. Suggestions for the types of infrastructure to be located in these areas is subject to a commitment to project delivery and would be considered in future project planning.
Please include a skatepark. There is nothing that caters to beginners and advanced users unless we go to Port Kennedy and that's always very busy. Lots of shelter too please maybe even a water play like Maylands waterpark. So ideal for our community.	
This is a great idea, I think a decent water park and have a decent outdoor gym equipment would also be ideal.	
My only request would be if at all possible fitness equipment be part of the plan either now or in the future. The oval is used quite substantially by people doing fitness workouts and running most days, along with dog walkers, one being myself who use the oval on a daily basis.	

<u>Comments</u>	<u>City Response</u>
The playground needs to be updated to be wheelchair accessible. This is the closest playground within walking distance, but the sand means my husband cannot access it to play with our daughters. Glad to see footpaths are being added and happy to see the nature trails will be kept. A nature play area would be fantastic.	

A selection of comments received suggested the preservation of the natural bushland and vegetation:

<u>Comments</u>	<u>City Response</u>
I support the master plan however I would like to see protections for existing mature trees regardless of size and any new plantings to be suitable to the future climate of the area (e.g. avoiding ornamental pears, ashes, planes, jarrah etc.) and consideration for the potential establishment of the shot hole borer (avoiding figs, poinciana, coral trees)	The Master Plan has been developed with a focus on protecting key features of the site including the bushland, and enhancing the reserve and facilities ability to cater to the current and future population.
I am happy with the Master Plan to redesign the area...I feel it will enhance this area....hoping most of the bush will be retained	
The plan looks amazing and it will be lovely for the families that live in the area. As someone who uses the paths in amongst the bush land it is good to note that there is no plan to remove the bush land itself. We live on Valour Bend and the reason for purchasing the land and building was the bush land opposite the property. The amount of wildlife in this area is substantial and it is good to note this will be left intact. It is wonderful to see the City leaving the bush land alone and working with what is already available.	

A number of matters raised included comments in relation to the car parking and traffic flow at the site.

<u>Comments</u>	<u>City Response</u>
The overarching concern we have is the creation of new car parking. Baldivis Road in its current state is inadequate to cope with the volume of traffic.	The Master Plan includes a rationalisation of the entry points along the southern boundary to refine traffic movement within and surrounding the site. Projects identified within the Master Plan will be subject to further planning and

<u>Comments</u>	<u>City Response</u>
	investigation studies.
<p>The Primary School parents utilise the site for drop off and pick-up before and after school to avoid the chaos on Fifty road further up near the school every day. If any development or closure of parking occurs (designated or not) some consideration will need to be taken into account of the areas users.</p>	
<p>Adding extra car parks will increase traffic along Baldivis road. The Baldivis road/ monument boulevard junction is already hazardous. I think a roundabout or turning lane would be very beneficial here.</p>	

Comments were received from two of the key stakeholder groups who were consulted throughout the development of the Master Plan documentation.

<u>Comments</u>	<u>City Response</u>
<p><u>Baldivis Lions Club</u></p> <p>1. I feel that the old Baldivis Hall dance floor area should be kept as is as far as its use is concerned, however a commercial kitchen could be incorporated and toilets upgraded to current day requirements. The total hall space should be retained so that it can be used if needed for large gatherings of members of the public. E.g. Community meetings, dances, displays and individual club meetings. If it is divided then it maybe ok for small meetings but not larger community events, film nights and the like.</p> <p>2. Our club and individual members have contributed greatly to the Baldivis community and we would like somewhere to have as a permanent base in order to grow the club to serve the rapidly growing Baldivis community and the Baldivis hall would be ideal for this purpose. There are a couple of other service clubs that will appreciate the use of this area as a hub for servicing the area as well.</p>	<p>Works proposed within the Master Plan include the redevelopment of the Baldivis Hall to create a new community centre / hall. If supported, this would provide an opportunity for a wide range of community groups to access the space.</p> <p>The concept plans included within the Master Plan align with the City's Sports and Community Facility Provision Policy and Standards and Dimensions Guide. Pending endorsement of the project, further design development will include consultation with both current and potential user groups.</p>

<p>Baldivis Districts Sporting Club</p> <p>The draft Baldivis Recreation Reserve Master Plan is great, however I believe the timing for the Baldivis Recreation Centre can be moved forward by working with Baldivis Districts Sporting Club to apply for the Community Sport and Recreation Facilities Fund Forward Planning Grant. The proposed upgrades to the recreation centre are needed now, not in 6/7 years from now. By moving the Recreation Centre upgrades forward, it will allow for Baldivis Hall to provide more accessibility for other local community groups and organisations.</p>	<p>The timeframes included within the final report include indicative years of delivery which have been identified in consideration of the delivery timeframes and priorities of other City projects. All projects identified within the Master Plan are currently unfunded and are subject to Council endorsement.</p>
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b. Consultation with Government Agencies

Not Applicable

c. Strategic

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

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

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

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

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

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

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

d. Policy

The Master Plan has been developed in accordance with the Council Policy – Sports and Community Facility Provision and was advertised for a minimum of 14 days in line with the Council Policy – Community Engagement.

e. Financial

The projects identified in the BRRMP are currently unfunded.

Baldivis Recreation Reserve Master Plan Key Projects	Indicative Delivery Year	\$
Eastern car park and overflow parking area including footpaths	2030/31	\$880,000
Baldivis Recreation Centre – Option 2 (Major upgrade)	2031/32	\$5,260,000
Terracing of existing retaining wall, development of new grass practice area / events space including footpaths	2032/33	\$2,880,000
Baldivis Hall – Option 2 (Major upgrade)	2033/34	\$3,170,000
Southern car park upgrade including footpaths	2033/34	\$1,230,000

Baldivis Recreation Reserve Master Plan Key Projects	Indicative Delivery Year	\$
Future community purpose / recreation space	TBD	TBD
Total		\$13,420,000

It should be noted that at such an early stage of a project, the Opinion of Probable Costs in the above table deliver a Rough Order of Magnitude (**ROM**) estimate with an accuracy +/- 40% as detailed investigations and designs are required to still be undertaken. As the project progresses, the ROM will start to become more concise.

In addition to the key projects in the above table, there are a number of asset renewal and minor projects identified within the duration of the Master Plan that are likely to be less resource dependent. These works could be planned and undertaken at any time, subject to funding, and are not dependent on any project listed in the above table.

Funding is allocated in the City's Business Plan of \$35,000 to replace the external shelter BBQ structure used by the Baldivis Lions Club with the location of this structure identified on the site layout plan.

The other projects identified will need to be budgeted in asset renewal / maintenance budgets and future versions of the City's Business Plan.

f. Legal and Statutory

Not Applicable

g. Risk

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

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

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

Nil

Comments

The purpose of this Master Plan is to ensure that this important active reserve is developed in such a manner as to ensure the reserve and associated infrastructure meets current and future community and user group requirements.

The substantial growth anticipated within Baldivis North is a key driver of future design and development of the Master Plan. As the BRR currently includes older facilities lacking in functionality to adequately service the population, it is important for the City to continue to develop and upgrade the existing infrastructure to respond to not only growth, but to focus on diverse and accessible community facilities for all.

To ensure the successful implementation of projects identified within the Master Plan a staged delivery approach is proposed in the following priority order:

1. Eastern car park and overflow parking area including footpaths: due to the shortfall in parking as identified within the Master Plan, these works are required to support the current and future use of the site (2030/31);
2. Baldivis Recreation Centre: the works proposed to the Recreation Centre are required to commence prior to works associated with the Baldivis Hall (relocation of sporting club areas) (2031/32);
3. Terracing of existing retaining wall, development of new grass practice area / events space including footpaths: these works align with the upgrade of the Baldivis Recreation Centre (2032/33);
4. Baldivis Hall and Southern car park upgrade including footpath: works are proposed to be completed together following the works to the Recreation Centre. These works are located adjacent to each other within the site with the Southern car park servicing the hall (2033/34).

The public comment period has enabled City Officers to confirm that the Master Plan is compatible with the needs of the community. It is evident that the final Master Plan reflects the needs and expectations of the community and reserve user groups.

Council will need to consider the allocation of funding for the projects identified in the final Master Plan, in the context of the broader financial implications for the City.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **ADOPTS** the Baldivis Recreation Reserve Master Plan report.
2. **CONSIDERS** allocating funding of \$13,420,000 towards the staged implementation of the Baldivis Recreation Reserve Master Plan as part of future Business Plans (escalated to the year of construction).

Committee Recommendation

That Council:

1. **ADOPTS** the Baldivis Recreation Reserve Master Plan report.
2. **CONSIDERS** allocating funding of \$13,420,000 towards the staged implementation of the Baldivis Recreation Reserve Master Plan as part of future Business Plans (escalated to the year of construction).

Committee Voting (Carried) – 6/0

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

Not Applicable

Council Resolution

That Council:

1. **ADOPTS** the Baldivis Recreation Reserve Master Plan report.
2. **CONSIDERS** allocating funding of \$13,420,000 towards the staged implementation of the Baldivis Recreation Reserve Master Plan as part of future Business Plans (escalated to the year of construction).

Carried en bloc

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

Not Applicable

14.	Receipt of Information Bulletin
	<p>Moved Cr Jecks, seconded Cr Hudson:</p> <p>That Council RECEIVES the May 2025 Information Bulletin as follows:</p> <ul style="list-style-type: none">· Planning and Development Services· Asset Services· Corporate and General Management Services· Community Development <p style="text-align: right;">Carried – 12/0</p>

15. Report of Mayor

<p>City of Rockingham Mayor's Report</p> 	
Report number / title:	MR-004/25 Meetings and Functions Attended by the Mayor and Deputy Mayor
File number:	GOV/85
Proponent/s:	
Author:	Mayor Deb Hamblin
Other Contributor/s:	Cr Lorna Buchan, Deputy Mayor
Date of Council meeting:	27 May 2025
Previously before Council:	
Disclosure of Interest:	
Nature of Council's role:	Executive

Purpose of Report

To advise on the meetings and functions attended by the Mayor and Deputy Mayor during the period 18 April 2025 to 22 May 2025.

Background

Nil

Details

Date	Meeting/Function
21 April 2025	Australian Irish Heritage Association Easter Monday Catalpa Commemoration
22 April 2025	Council Meeting
24 April 2025	Autumn Centre ANZAC Service
25 April 2025	ANZAC Dawn Service, Veterans Park, Port Kennedy ANZAC Day Breakfast at Rockingham Naval Club ANZAC Day Service, Rockingham Village Green Gala Lunch and Prize Giving Ceremony at Secret Harbour Surf Life Saving Club
26 April 2025	ANZAC Ceremony, Secret Harbour Dockers, Rhonda Scarrott Reserve Flames Basketball Game
28 April 2025	Pre-State Road Funds to Local Government Advisory Committee
29 April 2025	State Road Funds to Local Government Advisory Committee ANZAC Service, Cooloongup Primary School Councillor Engagement Session

Date	Meeting/Function
30 April 2025	2025 Rockingham Naval and Defence Conference ANZAC Service, Bungaree Primary School Meeting with the Consul General of the United States of America
2 May 2025	Meeting with the Honourable Paul Papalia CSC MLA
3 May 2025	Country Women's Association Baldivis Belles Annual Open Day Secret Harbour Surf Life Saving Club, Annual Awards Night
4 May 2025	Naval Association of WA, Battle of the Coral Sea Ceremony
5 May 2025	Australian Citizenship Ceremony
6 May 2025	Audit Committee Chair Forum Councillor Engagement Session
7 May 2025	Meeting with the Honourable Paul Papalia CSC MLA
8 May 2025	Rockingham Beach School, Sensory Room Opening Pastor McNee funeral Soroptimist International at North Metropolitan TAFE
9 May 2025	Meeting with Commodore Ivan Ingham
10 May 2025	Flames Basketball, Anthony Exeter Cup Safety Bay Yacht Club Function
12 May 2025	Meeting with Ms Magenta Marshall MLA
13 May 2025	Meeting at Rockingham Murdoch Campus
14 May 2025	City of Rockingham, Volunteer Recognition Evening
15 May 2025	Community Grants Program Advisory Committee
16 May 2025	Walk to School Safely at Fairmile and Kings Bridge Road Meeting with the Honourable Madeleine King MP 100 th Birthday Celebration at Mercy Care
17 May 2025	Finalist Photo Judging Safety Bay Bowling Club Presentations
18 May 2025	Welcome Event, Warnbro Community and Family Centre
19 May 2025	Meeting with the Honourable Minister Swinbourn MLC Planning and Asset Services Committee
20 May 2025	Key Leaders in Business Breakfast COTA, Seniors Education Series
21 May 2025	Warnbro Community Students tour of the City
22 May 2025	Autumn Centre, Biggest Morning Tea Councillor Engagement Session

Implications to Consider

- a. **Consultation with the Community**
Nil
- b. **Consultation with Government Agencies**
Nil
- c. **Strategic**
Nil
- d. **Policy**
Nil
- e. **Financial**
Nil

f. Legal and Statutory

Nil

g. Risk

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

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

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

Financial / Health and Safety : Medium, High and Extreme Risks

Nil

Comments

Nil

Voting Requirements

Simple Majority

Officer Recommendation

That Council **RECEIVES** the Mayor's Report for the period 18 April 2025 to 22 May 2025.

Council Resolution

Moved Cr Wormald, seconded Cr Hudson:

That Council **RECEIVES** the Mayor's Report for the period 18 April 2025 to 22 May 2025.

Carried – 12/0

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

Not Applicable

16.	Reports of Council Members
	<p>16.1 Cr Dawn Jecks - Coastal Hazards Workshop held 15 May 2025, presented by the City of Rockingham and the Australian Bureau of Meteorology</p> <p>This was a very well attended event. It shows that coastal vulnerability is of high interest to residents living close to our coastline, some of whom had been on the waitlist.</p> <p>We had experts including a highly experienced Meteorologist who spoke about our local area and how weather patterns impact us and is transforming our coastal community.</p> <p>A senior State Emergency Services officer provided information about the Australian Warning System for storm and flood and talked about disaster planning with real-life scenarios to help keep residents and their families safe.</p> <p>And the final speaker was one of the City's new Coastal Engineers who talked about the risk of erosion. Questions followed as residents were keen to know more.</p> <p>We have 37kms of coastline which is constantly changing and the attendance at this workshop demonstrated that coastal vulnerability is clearly of interest to residents.</p> <p>I extend my thanks to City staff for organising this event.</p> <p>16.2 Cr Robert Schmidt - Secret Harbour Surf Lifesaving Club Annual Awards Night</p> <p>On May 3, 2025, Mayor Hamblin, Deputy Mayor Buchan, Cr Liley, and Cr Schmidt attended the Secret Harbour Surf Lifesaving Club Annual Awards Night in Secret Harbour. There, we celebrated the efforts and service of many of our volunteer Surf Lifesavers, from Nippers to Masters. The work our volunteer surf lifesavers do on our beaches year-round is heroic, dedicated, and selfless. Thank you to President Rick Lowe, his committee, and the many volunteers for their ongoing efforts. Thank you, and best of luck for the year ahead.</p> <p>16.3 Cr Peter Hudson – 'Nambeelup Smell' Community Forum</p> <p>On 16 April 2025, I was invited a community forum held on 17 April including residents from the City of Rockingham jurisdiction suburbs Secret Harbour, Golden Bay, Singleton, Karnup and Keralup in my capacity as a Councillor for the City of Rockingham.</p> <p>The invitation was issued by the office of the Hon. Andrew Hastie MP, Federal Member for Canning, an electoral division which now takes in the geography of the aforementioned suburbs.</p> <p>In attendance was Andrew Hastie; Member for Canning, State Shadow Minister for the Environment; the Member for Murray-Wellington Mr David Bolt MLA, Ahmed Zilani; Councillor for the City of Mandurah, myself but more importantly, several hundred residents from the Cities of Rockingham, Mandurah and the Shire of Murray.</p> <p>The purpose of the forum was for elected members to hear from residents about the ongoing and increasing 'Nambeelup smell' problem.</p> <p>For approximately two hours, Members heard from residents from Secret Harbour to Barragup about their experience with the issue and the ongoing lack of action from the state government & DWER, the relevant decision-making agency.</p> <p>While the City of Rockingham does not have the power to materially rectify the issue, I was requested by many local residents to table a report and move a motion at Council advocating to the state government and Environment Minister, the Hon Matthew Swinbourn MLC, to immediately and urgently address the issue.</p>

17.	Reports of Officers
	Nil
18.	Addendum Agenda
	Nil

19. Motions of which Previous Notice has been given

Planning and Asset Services Committee

**Planning and Development Services
Health Services**



Report number / title:	PD-018/25 Notice of Motion - Odour Nuisance - Nambeelup
File number:	
Proponent/s:	Cr Peter Hudson
Author:	Mrs Erica King, Manager Health and Building Services
Other Contributors:	
Date of Committee meeting:	19 May 2025
Previously before Council:	
Disclosure of Interest:	
Nature of Council's role:	Advocacy
Attachments:	
Maps/Diagrams:	
Site:	

Purpose of Report

To respond to the following Notice of Motion from Cr Peter Hudson:

That Council DIRECTS the Chief Executive Officer to advocate that the Minister for Environment take immediate action to resolve the ongoing odour nuisance emanating from both WA Composts Pty Ltd (trading as C-Wise) and Derby Industries Pty Ltd (trading as Craig Mostyn Farms Pty Ltd and known as CM Farms) in Nambeelup, to address the impacts on affected residents.

Background

Notice of Cr Peter Hudson's proposed motion was provided at the 22 April 2025 Ordinary Council Meeting and the following reason/s were given in support:

"On Thursday, 17th April 2025, a community forum hosted by Canning MHR, the Hon. Andrew Hastie MP, was attended by hundreds of concerned community members from the City of Rockingham, City of Mandurah and Shire of Murray.

As elected member representatives, the panel heard dozens of experiences and accounts of how the odour problems emanating from the C-Wise plant, associated piggery and adjacent mushroom farm is negatively impacting people's lifestyle and enjoyment of their property.

Action rests in the hands on DWER, which, to date, has been inadequate to address the concerns of hundreds of affected community members.

As a stakeholder in the affected suburbs of Singleton, Golden Bay and Secret Harbour, this motion will enable the City to advocate directly to the Minister for the Environment, the Hon. Matthew Swinbourn MLC, calling for immediate action to relieve affected residents."

Details

The City of Rockingham's (**City**) Health Services started receiving odour complaints in November 2023.

Complainants were all reporting a similar 'foul' odour that occurred periodically and were mainly from the City's southern, coastal communities. Many complainants believed the odour was originating from a Nambeelup piggery.

The City's Environmental Health Officers undertook odour investigations of potential local sources. After investigating these complaints, it was determined that the odour source was likely to be outside of the City's jurisdiction, and was reported to the Department of Water and Environmental Regulation (**DWER**).

DWER hosted an inter-agency meeting on 22 February 2024, with representatives from the City of Rockingham, City of Mandurah and Shire of Murray. DWER confirmed that it had received a significant volume of odour complaints since November 2023 from residents in all three (3) local authorities, and in response had undertaken extensive odour surveys. The primary source of the odour was determined to be two (2) companies in Nambeelup (C-Wise and CM Farms).

C-Wise accepts liquid waste and produces compost, while CM Farms operates a piggery.

On 22 February 2024, DWER issued Environmental Protection Notices to C-Wise and CM Farms. Non-compliance with the requirements of an Environmental Protection Notice is a serious offence under the *Environmental Protection Act 1986* for which significant penalties can be imposed.

DWER established a webpage titled 'Mandurah Area Odours (Nambeelup)' as a way to update impacted residents of the investigation into this matter. DWER also encouraged impacted residents to continue to report odours through its online reporting tool.

This webpage was last updated on 12 December 2024. The City has also received very little information relating to the progress of the Environmental Protection Notices against these two (2) premises.

DWER has issued a works approval to C-Wise for a new, larger recycling facility at 320 Gull Road, Keralup (within the Shire of Murray). The approval requires that the operations be enclosed, and biofilters be installed to assist in odour removal. It has been advised that the facility will be constructed in two (2) stages, with the Nambeelup premises remaining in operation until the second stage is completed. The first stage is anticipated to be completed in early 2026.

Implications to Consider

a. Consultation with the Community

Nil

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

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

Outcome/Objective: *Quality Leadership - Active advocacy for the community*

d. Policy

Nil

e. Financial

Nil

f. Legal and Statutory

Nil

g. Risk

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

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

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

Nil

Comments

With C-Wise and CM Farms being located in the Shire of Murray, and being licenced by DWER, there is no jurisdiction for the City to act in response to the complaints being received.

The City can only encourage impacted residents to continue to lodge complaints directly to DWER.

Notwithstanding, the City has sought outcomes to the issue through liaison with DWER in an attempt to improve the amenity of local residents. It is apparent, however, that the actions of DWER to-date have not resulted in resolution of the matter. As an extension to the advocacy which has occurred, a logical next step is to elevate the matter to the Minister responsible for DWER being the Hon Matthew Swinborne, Minister for the Environment.

On this basis, Cr Hudson's Motion is supported.

Voting Requirements

Simple Majority

Officer Recommendation

Cr Peter Hudson's Notice of Motion is supported.

Notice of Motion from Cr Peter Hudson

That Council **DIRECTS** the Chief Executive Officer to advocate that the Minister for Environment take immediate action to resolve the ongoing odour nuisance emanating from both WA Composts Pty Ltd (trading as C-Wise) and Derby Industries Pty Ltd (trading as Craig Mostyn Farms Pty Ltd and known as CM Farms) in Nambelup, to address the impacts on affected residents.

Committee Recommendation

That Council **DIRECTS** the Chief Executive Officer to advocate that the Minister for Environment take immediate action to resolve the ongoing odour nuisance emanating from both WA Composts Pty Ltd (trading as C-Wise) and Derby Industries Pty Ltd (trading as Craig Mostyn Farms Pty Ltd and known as CM Farms) in Nambelup, to address the impacts on affected residents.

Committee Voting (Carried) - 6/0

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

Not Applicable

Alternate Motion by Cr Robert Schmidt

Cr Schmidt proposed the following Alternate Motion:

That Council:

1. **DIRECTS** the Chief Executive Officer to advocate that the Minister for Environment:
 - (i) take immediate action to resolve the ongoing odour nuisance emanating from the Nambeelup area, to address the impacts on affected residents; and
 - (ii) instructs the Department of Water and Environmental Regulation to more effectively communicate to those impacted communities on its current progress in addressing the odour issue and provide regular reports on its investigations, monitoring and any actions taken or planned in this regard.
2. **ACKNOWLEDGES** the collaborative efforts of City of Rockingham staff with other Local Authorities and the Department of Water and Environmental Regulation since the Nambeelup odour issue escalated in the summer of 2023.

Reasons for Alternate Motion

Since the summer of 2023, residents of the Comet Bay Ward in the City of Rockingham have been dealing with an odour emanating from the Nambeelup area around C-Wise and Derby Industries. This smell has significantly impacted the quality of life for those living in Singleton, Golden Bay, and Secret Harbour, leading to family events, community gatherings, and daily life being affected, cancelled, delayed, or prevented for two years. Since this issue began, City staff and Comet Bay Ward councillors have been collaborating with community members, Members of Parliament, and other key stakeholders. This effort has resulted in a significant reduction in the odour; however, it is still insufficient for residents to live peacefully and free from unpleasant smells. This Alternate Motion aligns with the City of Rockingham Strategic Community Plan Aspiration 5 – Leadership.

Implications to Consider on Alternate Motion

a. **Consultation with the Community**

Nil

b. **Consultation with Government Agencies**

Nil

c. **Strategic**

Community Plan

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

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

Outcome/Objective: *Quality Leadership - Active advocacy for the community*

d. **Policy**

Nil

e. **Financial**

Nil

f. **Legal and Statutory**

Nil

g. Risk

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

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

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

Nil

Officer Comment on Alternate Motion

The Notice of Motion lodged by Councillor Hudson on this matter, which was recommended by the Planning and Asset Services Committee on 19 May 2025, is as follows:

*"That Council **DIRECTS** the Chief Executive Officer to advocate that the Minister for Environment take immediate action to resolve the ongoing odour nuisance emanating from both WA Composts Pty Ltd (trading as C-Wise) and Derby Industries Pty Ltd (trading as Craig Mostyn Farms Pty Ltd and known as CM Farms) in Nambeelup, to address the impacts on affected residents."*

Point 1(i) of the Alternate Motion reflects the above Notice of Motion and is supported. The Alternate Motion, however, removes the names of the businesses in question. Given that the Department of Water and Environmental Regulation (**DWER**) webpage dedicated to the investigation (details below) publishes the business names and the Environmental Protection Notices issued by DWER are also publically available, there is no reason to suppress this information. It is also noted that the 'Reasons for Alternate Motion' quotes the business names.

The City agrees that communication with the affected parties has been lacking and caused a degree confusion and distrust within the community.

In this regard, DWER has established a webpage titled 'Mandurah Area Odours (Nambeelup)' as a way to inform impacted residents of the investigation into this matter. The webpage was recently updated on 20 May 2025 before which it contained the same information for almost six months.

The webpage is an effective way of providing updates to the community on this issue, however, more can be done and the intent of Point 1(ii) of the Alternate Motion is supported.

Point 2 of the Alternate Motion does not advance resolution of the issue, however, it provides some context to the collective efforts to resolve the matter and it is also supported.

Officer Recommendation on Alternate Motion

That Council:

1. **DIRECTS** the Chief Executive Officer to advocate that the Minister for Environment:
 - (i) take immediate action to resolve the ongoing odour nuisance emanating from both WA Composts Pty Ltd (trading as C-Wise) and Derby Industries Pty Ltd (trading as Craig Mostyn Farms Pty Ltd and known as CM Farms), to address the impacts on affected residents; and
 - (ii) instructs the Department of Water and Environmental Regulation to more effectively communicate to those impacted communities on its current progress in addressing the odour issue and provide regular reports on its investigations, monitoring and any actions taken or planned in this regard.
2. **ACKNOWLEDGES** the collaborative efforts of City of Rockingham staff with other Local Authorities and the Department of Water and Environmental Regulation since the Nambeelup odour issue escalated in the summer of 2023.

Council Resolution

Moved Cr Schmidt, seconded Cr Hudson:

That Council:

1. **DIRECTS** the Chief Executive Officer to advocate that the Minister for Environment:
 - (i) take immediate action to resolve the ongoing odour nuisance emanating from both WA Composts Pty Ltd (trading as C-Wise) and Derby Industries Pty Ltd (trading as Craig Mostyn Farms Pty Ltd and known as CM Farms), to address the impacts on affected residents; and
 - (ii) instructs the Department of Water and Environmental Regulation to more effectively communicate to those impacted communities on its current progress in addressing the odour issue and provide regular reports on its investigations, monitoring and any actions taken or planned in this regard.
2. **ACKNOWLEDGES** the collaborative efforts of City of Rockingham staff with other Local Authorities and the Department of Water and Environmental Regulation since the Nambeelup odour issue escalated in the summer of 2023.

Carried – 12/0

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

As detailed above in the reasons for the Alternate Motion.

Corporate and Community Development Committee

General Management Services Governance and Councillor Support



Report number / title:	GM-008/25 Notice of Motion - Legal Representation Policy for Council Members
File number:	CPM/3
Proponent/s:	Cr Kelly Middlecoat
Author:	Mr Jim Olynyk, Manager Governance and Councillor Support
Other Contributors:	Mr Michael Parker, Chief Executive Officer
Date of Committee meeting:	20 May 2025
Previously before Council:	
Disclosure of Interest:	
Nature of Council's role:	Executive
Attachments:	1. Notice of Motion - Legal Representation Policy 2. Current Council Policy - Legal Representation Policy for Council Members
Maps/Diagrams:	
Site:	

Purpose of Report

To respond to the following Notice of Motion from Cr Kelly Middlecoat –

"That Council directs the CEO to amend the Legal Representation Policy for Council Members as detailed in the attachment."

Background

Notice of Cr Middlecoat's proposed motion was provided to the City of Rockingham (**City**) on 29 April 2025 with approval from Cr Middlecoat to proceed on 13 May 2025, following discussion with City Officers. The following reasons were given in support –

1. *The existing policy is due for its biennial review in May 2025.*
2. *The Local Government Amendment Bill 2024 enacted on 6 December 2024, introduces significant reforms to the existing legislative framework. These reforms include provisions designed to prevent the inappropriate expenditure of ratepayer funds on council members' personal legal expenses. The existing policy appears to contravene the spirit and intent of these recent legislative changes, which aim to enhance fiscal responsibility and accountability within local government.*
3. *A legal precedent has been set in McCullagh v Northern Midlands Council where the decision handed down in November 2024 determined that a council's decision to use public funds to support defamation proceedings brought by its Mayor was unlawful, notwithstanding that the alleged defamation pertained to the Mayor's official role.*

4. *Enabling Elected Members to deploy public resources against those they represent creates an uneven playing field and can be seen as an attempt to stifle legitimate public criticism.*
5. *The subjectivity in determining the circumstances that warrant legal action under the proposed policy presents a risk of misuse of ratepayer funds. Decisions regarding the initiation of defamation proceedings are inherently susceptible to bias.*
6. *Funding defamation lawsuits by individual Councillors to protect their own personal reputation is highly unlikely to be seen as a legitimate public purpose or an efficient use of ratepayer money when considering the often significant costs that would burden ratepayers.*

Details

A Notice of Motion has been submitted by Cr Middlecoat as detailed above. This request accords with clause 3.9 of the City of Rockingham *Standing Orders Local Law 2001*.

Implications to Consider

a. Consultation with the Community

Nil

b. Consultation with Government Agencies

Nil

c. Strategic

Community Plan

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

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

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

d. Policy

Pertinent decision points have been highlighted below for Council Member convenience. Refer to Attachment 2 for full policy details and context.

Council Policy – Legal Representation for Council Members

Objective

To provide for legal representation and cost indemnification to assist council members in specified situations.

Scope

This policy applies to council members of the City of Rockingham.

This policy does not apply to legal services obtained by the City in relation to the day-to-day management of the City's affairs or to legal services that the CEO considers necessary to comply with a written law.

1. Payment criteria

There are four major criteria for determining whether the City will pay the legal representation costs of a council member.

These are:

- (a) the legal representation costs must relate to a matter that arises from the performance, by the council member, of his or her functions;*

- (b) the legal representation costs must be in respect of legal proceedings that have been, or may be, commenced;
- (c) in performing his or her functions, to which the legal representation relates, the council member must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
- (d) the legal representation costs do not relate to a matter that is of a personal or private nature.

2. Examples of legal representation costs that may be approved

2.2 The City will not approve, unless under exceptional circumstances:

- (a) the payment of legal representation costs for a defamation action, or a negligence action, instituted by a council member;
- (b) the payment of legal representation costs for claims against the City; or
- (c) the reimbursement of any award of legal costs made against a council member if those costs were unreasonably or unnecessarily incurred.

3. Application for payment

3.3 The application is to contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.

3.7 An application is to be accompanied by a report prepared by the CEO for consideration by the Council.

4. Legal representation costs – limit

4.1 The council in approving an application in accordance with this policy shall set a limit on the costs to be paid based on the estimated costs in the application.

5. Council's powers

5.1 The council may:

- (a) refuse;
 - (b) grant; or
 - (c) grant subject to conditions,
- an application for payment of legal representation costs.

5.3 In assessing an application, the council may have regard to any insurance benefits that may be available to the applicant under the City's council members insurance policy or its equivalent.

5.4 The council may at any time:

- (a) require the provision of a report outlining the status of the legal representation and the likely outcome; and
- (b) revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.

5.5 The council may, subject to clause 5.6, determine that a council member whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved –

- (a) not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
- (b) given false or misleading information in respect of the application.

5.6 A determination under clause 5.5 may be made by the council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.

5.7 Where the council makes a determination under clause 5.5, the legal representation costs paid by the City are to be repaid by the council member in accordance with clause 6.

e. **Financial**

Nil

f. **Legal and Statutory**

Local Government Amendment Act 2024

The *Local Government Amendment Act 2024 (Amendment Act)* was enacted on 6 December 2024. However, section 75 of the Amendment Act relevant to certain payments connected with legal matters has not been enacted (section 6.14A).

6.14A. Prohibitions on certain payments connected with legal matters

(1) *In this section —*

council member *includes a former council member;*

insurance policy *includes any contract of insurance;*

legal matter —

(a) *means any of the following —*

(i) *a complaint, an investigation or proceedings under Part 8A;*

(ii) *proceedings before the State Administrative Tribunal or any other tribunal;*

(iii) *criminal proceedings, including an infringement notice under Part 9 or any similar type of notice under another written law;*

(iv) *a criminal investigation;*

(v) *any other type of statutory investigation or proceedings;*

but

(b) *does not include any of the following —*

(i) *an inquiry under Part 8;*

(ii) *civil proceedings before a court (but subject to subsection (4));*

(iii) *a prescribed investigation, proceedings or other matter;*

liability *includes the following —*

(a) *a cost or expense incurred for, or in respect of, legal advice, representation or other services;*

(b) *any other type of cost or expense;*

(c) *a fine or modified penalty in respect of an offence.*

(2) *Regulations may provide for prohibitions on a local government (directly or indirectly) —*

(a) *paying (wholly or partly) a liability incurred by a council member that arises from, or is otherwise connected with, a legal matter or potential legal matter; or*

(b) *paying (wholly or partly) a premium in respect of an insurance policy that would or might indemnify (wholly or partly) a council member against a liability of the kind referred to in paragraph (a); or*

(c) *providing, or procuring the provision of, legal advice, representation or other services to or for a council member in respect of a legal matter or potential legal matter.*

(3) *For the purposes of subsection (2)(a) and (b), references to paying a liability or premium include the following —*

(a) *reimbursing for the payment of the liability or premium;*

(b) *otherwise funding, or meeting the cost of, the payment of the liability or premium.*

(4) *Despite paragraph (b)(ii) of the definition of **legal matter** in subsection (1), regulations made for the purposes of subsection (2)(a) or (b) may apply in relation to a liability for exemplary or punitive damages that are awarded in civil proceedings before a court as if civil proceedings before a court were a legal matter.*

(5) Regulations made for the purposes of subsection (2)(c) may provide (without limitation) that a local government is taken to provide, or to procure the provision of, legal advice, representation or other services if an employee of the local government does so with or without the local government's authority.

(6) This section does not limit section 5.98(6).

Note for this section:

A council member has certain protections from liability under section 9.56

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

Council Policy Legal Representation for Council Members (**Policy**) was adopted by Council in October 2022. It was prepared by the City's then General Counsel and was consistent with the Department of Local Government, Sport and Cultural Industries (**DLGCI**) Draft Policy¹.

Since then:

- No applications have been made for funding pursuant to the Policy;
- No funds have been advanced pursuant to the Policy;
- The Supreme Court of Tasmania held that there was nothing in the Tasmanian Local Government Act 1993 that authorised a local government to fund private litigation by councillors and that the funds of local government were not to be used for the personal benefit of councillors; and
- The Local Government Amendment Act 2024 (Amendment Act) has been assented to, which includes s 6.14A [noted above] which will only become operational if and when it is proclaimed. If/when it becomes operational, regulations may be made prohibiting local government from funding certain "legal matters" (**Regulations**). The City is not aware of the scope of any regulations. Advice from the DLGSC suggests that draft regulations have yet to be drafted/finalised, with no indication as to when they will be.

The Policy is not aimed at gaining a personal benefit for Council Members at the expense of ratepayers. Rather, it is aimed at assisting Council Members to do their job, in a safe environment, and only in "exceptional circumstances", where for example "a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about council members" that the funding of a defamation action may be authorised by the Council. Additionally, any funds advanced by the local government for legal fees must be reimbursed out of any funds recovered.

Further, the relevant provisions of the Amendment Act are not yet operational, and the City is not aware of the scope of any Regulations that might be made if and when those provisions do become operational.

The tracked changes to the Notice of Motion do not show that it is also proposed to amalgamate subclause 2.1(a) into clause 2.1, the effect of which would be to limit the operation of the Policy to instances where proceedings are brought against a council member.

The deletion of subclause (b) would preclude the commencement of any proceedings, in any circumstances (not just defamation proceedings) to permit a Council Member to carry out his or her functions – e.g., to obtain a restraining order against a person using threatening behaviour towards

¹ Which Policy still appears on the Department's website – see:
<https://www.dlgsc.wa.gov.au/department/publications/publication/legal-representation-for-council-members-and-employees>

them. In the interests of good governance, it is considered that Council should retain the ability to approve the commencement of proceedings in exceptional circumstances.

The Notice of Motion correctly notes that the Policy is due for review in May 2025. Given the uncertainty noted in the previous paragraph, that no applications have been made for funding pursuant to the Policy and that no funds have been advanced pursuant to the Policy, Officers propose to proceed in accordance with usual practice involving a formal review by officers to ensure legislative compliance and industry norms, the consideration of a report at either the Planning and Asset Services Committee, the Corporate and Community Development Committee or the Governance Committee depending upon the nature of recommendations.

Officers suggest that the Notice of Motion to amend the Policy should not be supported as it is premature and the Policy review should be deferred based on:

- the full extent of legislative changes, including regulation is not yet known
- it removes the opportunity for all Council Members to provide input outside of the formal decision making process of Council; and
- there is no known urgency that suggests an immediate review is required.

Voting Requirements

Simple Majority

Officer Recommendation

That Council not support the Notice of Motion and defers the review of Council Policy - Legal Representation for Council Members until impending legislative changes are finalised.

Notice of Motion from Cr Kelly Middlecoat

That Council **DIRECTS** the Chief Executive Officer to amend the Legal Representation Policy for Council Members as detailed in Attachment 1.

Committee Recommendation

That Council **DIRECTS** the Chief Executive Officer to amend the Legal Representation Policy for Council Members as detailed in Attachment 1.

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

Council Members voting for the motion:

Cr Middlecoat Cr Schmidt
Cr Buchanan (x 2)

Council Members voting against the motion:

Cr Hume Cr Crichton
Cr Liley

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

Note: Cr Liley foreshadowed the Officer's Recommendation if the Notice of Motion is lost.

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

Not Applicable

Council Resolution

Moved Cr Middlecoat, seconded Cr Wormal:

That Council **DIRECTS** the Chief Executive Officer to amend the Legal Representation Policy for Council Members as detailed in Attachment 1.

Carried – 7/5

Council Members voting for the motion:

Cr Middlecoat Cr Wormal
Cr Buchanan Cr Schmidt
Deputy Mayor Buchan Cr Jones
Cr Jecks

Council Members voting against the motion:

Mayor Hamblin Cr Hudson
Cr Hume Cr Crichton
Cr Liley

Note: Mayor Hamblin foreshadowed a motion for the original Officer's Recommendation to defer the review of the Council Policy if the Committee Recommendation is lost.

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

Not Applicable

20.	Notices of Motion for Consideration at the Following Meeting
	Nil
21.	Questions by Members of which Due Notice has been given
21.1	Cr Robert Schmidt - Community meeting regarding Nambeelup Odour <u>Question</u> When was the City of Rockingham made aware of Andrew Hastie MP's community meeting in Lakelands regarding the Nambeelup Odour? <u>Response</u> <i>The City was not made aware of the meeting taking place until after the event occurred.</i> <u>Question</u> Did the City of Rockingham receive a request to attend? If so, when was it actioned? <u>Response</u> <i>The City did not receive an invitation to the event.</i>
22.	Urgent Business Approved by the Person Presiding or by Decision of the Council
	Nil
23.	Matters Behind Closed Doors
	Nil
24.	Date and Time of Next Meeting
	The next Ordinary Council meeting for the City of Rockingham will be held on Tuesday 24 June 2025 commencing at 6:00pm in the Council Chambers, Civic Boulevard, Rockingham.
25.	Closure
	There being no further business, the Mayor thanked those persons present for attending the Council Meeting, and declared the meeting closed at 8:38pm .