



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 10 June 2025; 9:30am
Meeting Number: MODAP/83
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:

[MODAP/83 – 10 June 2025 – City of Gosnells – City of Rockingham](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

PART B – CITY OF GOSNELLS

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 102 (No.6/1505) Albany Highway, Beckenham – Recreation – Private – DAP/25/02868
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – CITY OF ROCKINGHAM

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 9001 (No.7-19) McNicholl Street, Rockingham – Proposed 33 Grouped Dwellings – DAP/25/02871
 - 3.2 Lot 850 Mandurah Road and Lot 804, East Rockingham – Proposed Industrial Development and Conservation Works to Bell Cottage (Ruin) – DAP/25/02851
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. Meeting Closure


Francesca Lefante
Presiding Member, Metro Outer DAP



ATTENDANCE	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Francesca Lefante (Presiding Member)	Ashlee Kelly
Eugene Koltasz (Deputy Presiding Member)	Zoe Hendry
Tony Arias	
<i>Part B – City of Gosnells</i>	
<i>Local Government DAP Members</i>	<i>Officers/Technical Advisors in Attendance</i>
Cr Caren Baayens	Brenton Scambler
Cr David Goode	Liam Herzfeld
<i>Part C – City of Rockingham</i>	
<i>Local Government DAP Members</i>	<i>Officers/Technical Advisors in Attendance</i>
Cr Mark Jones	David Banovic
Cr Dawn Jecks	Lindsay Bergsma
	Michael Ross
	Casey Gillespie
	Stephen Carrick
	Chloë Parkinson (DPLH)


Francesca Lefante
Presiding Member, Metro Outer DAP



Applicant and Submitters
<i>Part B – City of Gosnells</i>
Alessandro Stagno (Apex Planning) Richard Giorgi (Burgess Rawson)
<i>Part C – City of Rockingham</i>
<i>Item 3.1</i>
Declan Creighan (Urbis) Stuart Hawley (Bluerock Projects) Marc Spadaccini (Rothelowman) Ella Barton (Rothelowman) Teagan Middleton (Urbis)
<i>Item 3.2</i>
George Hajigabriel (Rowe Group) Sam Bowers (Rowe Group) Renae Canterbury (Hocking Heritage and Architecture) Craig Matthews (Eastcourt)

Members of the Public / Media

Nil

Observers via livestream

There were 15 persons observing the meeting via the livestream.


Francesca Lefante
Presiding Member, Metro Outer DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.34am on 10 June 2025 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Cr Lorna Buchan (Local Government DAP Member, City of Rockingham)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

Francesca Lefante
Presiding Member, Metro Outer DAP



PART B – CITY OF GOSNELLS

1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

2. Disclosure of Interests

Nil

3. Form 1 DAP Applications

3.1 Lot 102 (No.6/1505) Albany Highway, Beckenham – Recreation – Private – DAP/25/02868

Deputations and Presentations

Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

The City of Gosnells addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Cr David Goode

Seconded by: Cr Caren Baayens

That the Metro Outer Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/25/02868 and accompanying plans (Drawing No. DA00, Revision C; Drawing No. DA01, Revision C; Drawing No. DA02, Revision C; Drawing No. DA03, Revision C; Drawing No. DA05, Revision D; Drawing No. DA06, Revision C; Drawing No. DA07, Revision C; Drawing No. DA08, Revision C; Drawing No. DA09, Revision C; Drawing No. DA10, Revision C; and Drawing No. DA11, Revision C, dated 7 April 2025) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the City of Gosnells Town Planning Scheme No. 6, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.

Francesca Lefante
Presiding Member, Metro Outer DAP



2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. Prior to applying for a Building Permit, a geotechnical report is to be submitted, detailing site conditions with respect to soil, groundwater and stormwater disposal, to the satisfaction of the City of Gosnells.
4. Prior to applying for a Building Permit, the applicant shall submit, have approved, and thereafter implement, a drainage plan, to the satisfaction of the City of Gosnells, showing how stormwater drainage from the proposed building and paved areas is to be connected to the existing drainage system.
5. Prior to applying for a Building Permit, a Landscape Plan for the development site and the adjoining road verge(s) is to be submitted to and approved by the City of Gosnells. The following details are to be included:
 - a) Existing trees.
 - b) Vegetation to be retained on the site.
 - c) Landscape treatments such as lawn, mulch areas, paving and bin collection areas.
 - d) The location, species, quantity and pot size of proposed trees and shrubs.
 - e) Areas to be irrigated.
6. Prior to applying for a Building Permit, amended plans are to be provided demonstrating a side and rear boundary fence of masonry, or similar material, construction to a minimum height of 2m to the satisfaction of the City of Gosnells.
7. Prior to the occupation of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
 - a) The approved plan(s).
 - b) Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off street car parking (for User Class 1A).
 - c) Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off street parking for people with disabilities.
 - d) Australian Standard AS 1428.1 2009, Design for access and mobility, Part 1: General Requirements for access new building work (by providing a link to the main entrance of the development by a continuous accessible path of travel).
 - e) Council's engineering requirements and design guidelines.

The car parking is to be maintained to the satisfaction of the City of Gosnells for the duration of the development.
8. The carparking and landscaped area is not to be used for storage purposes. These areas are only to be used as a means of access, parking of vehicles and landscaping, for the duration of the development, unless otherwise approved by the City of Gosnells.



9. Prior to the occupation of the development, the landscaping and irrigation of the development site and the adjoining verges is to be installed in accordance with an approved landscape plan (including the installation of natural food source and habitat species) and thereafter maintained to the satisfaction of the City of Gosnells.
10. Prior to applying for a Building Permit, the proponent shall submit to the City of Gosnells for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost, to be located within the subject site as an integral part of the development.

Prior to the commencement of development, the proponent shall submit to the City of Gosnells for approval an 'Application for Art Work Design' and the proponent is to enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City of Gosnells.

Prior to the occupation of the development, the art work shall then be installed and maintained thereafter to the satisfaction of the City of Gosnells.

Alternatively, prior to applying for a Building Permit, the owner/applicant shall make a cash contribution towards public art in lieu of the above.

11. Prior to the occupation of the development, certification from a qualified acoustic consultant is to be submitted to the City of Gosnells confirming that the recommendations of the Acoustic Report dated December 2024 prepared by Lloyd George Acoustics (Reference: 24089318-01 Rev. 0) have been implemented. The attenuation features shall then be maintained for the life of the development to the satisfaction of the City of Gosnells.
12. Signage:
 - a. Must not exceed 150 cd/m² (candela per square metre) between sunset and sunrise;
 - b. must not flash, pulsate or chase;
 - c. Shall not contain fluorescent, reflective or retro-reflective colours or materials.
13. Stormwater shall not be discharged into the Albany Highway and Kenwick Link Road Reserves or widened road reservation.

Advice Notes

1. The applicant is advised of the need to obtain a Building Permit prior to the commencement of work. The submitted Building Permit application plans are to be consistent with the plans that form part of the relevant Development Approval, to the satisfaction of the City of Gosnells.



2. Your attention is drawn to the following to minimise the impact of development works:
 - i. All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436 1981. For further details please contact the Department of Water and Environment Regulation.
 - ii. Development work shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
 - iii. Development work shall comply in all respects with the *Environmental Protection (Noise) Regulations 1997*.
3. The development must comply with the *Health (Public Building) Regulations 1992*. Please liaise with the City's Health Services in this regard.
4. The operation/development is to comply with the *Environmental Protection (Noise) Regulations 1997*.

AMENDING MOTION 1

Moved by: Francesca Lefante

Seconded by: Tony Arias

That Condition No. 12 be amended to read as follows:

All signage on site to comply with the following:

- a. *Must not exceed 150 cd/m² (candela per square metre) between sunset and sunrise;*
- b. *must not flash, pulsate or chase;*
- c. *Shall not contain fluorescent, reflective or retro-reflective colours or materials.*

to the satisfaction of the City of Gosnells, on advice from MRWA.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide certainty and clarity on the clearing agency.

AMENDING MOTION 2

Moved by: Francesca Lefante

Seconded by: Tony Arias

That Condition No. 13 be amended to read as follows:

Stormwater shall not be discharged into the Albany Highway and Kenwick Link Road Reserves or widened road reservation for the life of the development, to the satisfaction of the City of Gosnells on advice from MRWA.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide certainty and clarity on the clearing agency.

Francesca Lefante
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/25/02868 and accompanying plans (Drawing No. DA00, Revision C; Drawing No. DA01, Revision C; Drawing No. DA02, Revision C; Drawing No. DA03, Revision C; Drawing No. DA05, Revision D; Drawing No. DA06, Revision C; Drawing No. DA07, Revision C; Drawing No. DA08, Revision C; Drawing No. DA09, Revision C; Drawing No. DA10, Revision C; and Drawing No. DA11, Revision C, dated 7 April 2025) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the City of Gosnells Town Planning Scheme No. 6, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. Prior to applying for a Building Permit, a geotechnical report is to be submitted, detailing site conditions with respect to soil, groundwater and stormwater disposal, to the satisfaction of the City of Gosnells.
4. Prior to applying for a Building Permit, the applicant shall submit, have approved, and thereafter implement, a drainage plan, to the satisfaction of the City of Gosnells, showing how stormwater drainage from the proposed building and paved areas is to be connected to the existing drainage system.
5. Prior to applying for a Building Permit, a Landscape Plan for the development site and the adjoining road verge(s) is to be submitted to and approved by the City of Gosnells. The following details are to be included:
 - a) Existing trees.
 - b) Vegetation to be retained on the site.
 - c) Landscape treatments such as lawn, mulch areas, paving and bin collection areas.
 - d) The location, species, quantity and pot size of proposed trees and shrubs.
 - e) Areas to be irrigated.
6. Prior to applying for a Building Permit, amended plans are to be provided demonstrating a side and rear boundary fence of masonry, or similar material, construction to a minimum height of 2m to the satisfaction of the City of Gosnells.
7. Prior to the occupation of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:

Francesca Lefante
Presiding Member, Metro Outer DAP



- a) The approved plan(s).
- b) Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off street car parking (for User Class 1A).
- c) Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off street parking for people with disabilities.
- d) Australian Standard AS 1428.1 2009, Design for access and mobility, Part 1: General Requirements for access new building work (by providing a link to the main entrance of the development by a continuous accessible path of travel).
- e) Council's engineering requirements and design guidelines.

The car parking is to be maintained to the satisfaction of the City of Gosnells for the duration of the development.

- 8. The carparking and landscaped area is not to be used for storage purposes. These areas are only to be used as a means of access, parking of vehicles and landscaping, for the duration of the development, unless otherwise approved by the City of Gosnells.
- 9. Prior to the occupation of the development, the landscaping and irrigation of the development site and the adjoining verges is to be installed in accordance with an approved landscape plan (including the installation of natural food source and habitat species) and thereafter maintained to the satisfaction of the City of Gosnells.
- 10. Prior to applying for a Building Permit, the proponent shall submit to the City of Gosnells for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost, to be to be located within the subject site as an integral part of the development.

Prior to the commencement of development, the proponent shall submit to the City of Gosnells for approval an 'Application for Art Work Design' and the proponent is to enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City of Gosnells.

Prior to the occupation of the development, the art work shall then be installed and maintained thereafter to the satisfaction of the City of Gosnells.

Alternatively, prior to applying for a Building Permit, the owner/applicant shall make a cash contribution towards public art in lieu of the above.

- 11. Prior to the occupation of the development, certification from a qualified acoustic consultant is to be submitted to the City of Gosnells confirming that the recommendations of the Acoustic Report dated December 2024 prepared by Lloyd George Acoustics (Reference: 24089318-01 Rev. 0) have been implemented. The attenuation features shall then be maintained for the life of the development to the satisfaction of the City of Gosnells.



12. All signage on site to comply with the following:
 - a. Must not exceed 150 cd/m² (candela per square metre) between sunset and sunrise;
 - b. must not flash, pulsate or chase;
 - c. Shall not contain fluorescent, reflective or retro-reflective colours or materials.

to the satisfaction of the City of Gosnells, on advice from MRWA.

13. Stormwater shall not be discharged into the Albany Highway and Kenwick Link Road Reserves or widened road reservation for the life of the development, to the satisfaction of the City of Gosnells on advice from MRWA.

Advice Notes

1. The applicant is advised of the need to obtain a Building Permit prior to the commencement of work. The submitted Building Permit application plans are to be consistent with the plans that form part of the relevant Development Approval, to the satisfaction of the City of Gosnells.
2. Your attention is drawn to the following to minimise the impact of development works:
 - i. All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436 1981. For further details please contact the Department of Water and Environment Regulation.
 - ii. Development work shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
 - iii. Development work shall comply in all respects with the *Environmental Protection (Noise) Regulations 1997*.
3. The development must comply with the *Health (Public Building) Regulations 1992*. Please liaise with the City's Health Services in this regard.
4. The operation/development is to comply with the *Environmental Protection (Noise) Regulations 1997*.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The proposal and discretionary land use consistent with the planning framework, including LPS6, local centre zoning. The building design and scale, fits within its locational context and building orientation towards the major roads. The façade signage is not considered to diminish the visual amenity of the area. Due consideration was given to the submissions, with members satisfied that the acoustic treatments, including fencing materials and window 1.8m sill height address the amenity and privacy issues consistent with the legislation. The minor rear setback variation is considered to have negligible impacts on the adjoining residential site. The parking shortfall was considered acceptable, noting the reciprocal parking arrangements and operational peak periods of the private recreational land use. The proposal was supported inclusive of minor condition modifications.

Francesca Lefante
Presiding Member, Metro Outer DAP



4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Cr Caren Baayens & Cr David Goode (Local Government DAP Members, City of Gosnells) left the panel at 10.03am.


Francesca Lefante
Presiding Member, Metro Outer DAP



PART C – CITY OF ROCKINGHAM

Cr Mark Jones & Cr Dawn Jecks (Local Government DAP Members, City of Rockingham) joined the panel at 10.05am.

1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information.

2. Disclosure of Interests

DAP Member, Tony Arias, declared an impartiality interest in item 3.1. Mr Arias has previously utilised the services of David Hawley - Director Bluerock for a project in City of Busselton, of which Mr Arias has a financial interest. David Hawley completed his involvement in 2023 and has no further interest or involvement in the Project. and is not engaged to provide further services on the Project. Mr Arias is to declare that he is able to consider the matter with impartiality and that the familiarity will not influence decision making in relation to the item.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was not permitted to participate in the discussion and voting on the item.

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Members, Cr Mark Jones and Cr Dawn Jecks, declared that they had participated in a prior Council meeting in relation to the application at Item 3.1 and Item 3.2. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr Jones and Cr Jecks acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the DAP Executive Director determined that the members listed above, who had disclosed an impartiality interest, were permitted to participate in the discussion and voting on the items.

3. Form 1 DAP Applications

3.1 Lot 9001 (No.7-19) McNicholl Street, Rockingham – Proposed 33 Grouped Dwellings – DAP/25/02871

Deputations and Presentations

Declan Creighan (Urbis) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Francesca Lefante
Presiding Member, Metro Outer DAP



The City of Rockingham addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Cr Mark Jones

Seconded by: Cr Dawn Jecks

That the Metro Outer Development Assessment Panel (**MODAP**) resolves to:

Approve DAP 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 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. 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.

Francesca Lefante
Presiding Member, Metro Outer DAP



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) 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 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.

Advice Notes

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.

AMENDING MOTION 1

Moved by: Eugene Koltasz

Seconded by: Cr Dawn Jecks

That Condition No. 11 be amended to read as follows:

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) *all verge areas to be paved; ~~and~~*
- (vi) ***verge trees to be of WA native peppermint trees.***

The Amending Motion was put and CARRIED (3/2).

For: Eugene Koltasz
Cr Dawn Jecks
Cr Mark Jones

Against: Francesca Lefante
Tony Arias

REASON: The provision of native tree species fits within the streetscape and supports native fauna.

Francesca Lefante
Presiding Member, Metro Outer DAP



AMENDING MOTION 2

Moved by: Francesca Lefante

Seconded by: Eugene Koltasz

That a new Condition No. 20 be added to read as follows:

Arrangements shall be made to the satisfaction of the City of Rockingham for the creation of a public access easement in accordance with Section 195 and 196 of the Land Administration Act 1997. The easement shall be placed on the certificate(s) of title of the relevant lot(s) to the benefit of the City of Rockingham, to ensure lawful access for City waste collection vehicles along the private laneway.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To enable the on-site waste servicing to occur from the internal private vehicle driveway access.

AMENDING MOTION 3

Moved by: Francesca Lefante

Seconded by: Tony Arias

That Condition No. 4 be amended to read as follows:

The development must operate in accordance with the Waste Management Plan (Version 0.4), dated 4th February 2025, or as amended, to the satisfaction of the City of Rockingham for the duration of the development.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide for any changes to the waste management plan to be considered during the duration of the development.

AMENDING MOTION 4

Moved by: Francesca Lefante

Seconded by: Tony Arias

That Condition No. 9 be amended to read as follows:

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 to the satisfaction of City of Rockingham.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity and certainty on the clearing agency.

Francesca Lefante
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Development Assessment Panel (**MODAP**) resolves to:

Approve DAP 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 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. 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, or as amended, 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.

Francesca Lefante
Presiding Member, Metro Outer DAP



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 to the satisfaction of the City of Rockingham.
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) all verge areas to be paved.
 - (vi) verge trees to be of WA native peppermint trees.

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.
20. Arrangements shall be made to the satisfaction of the City of Rockingham for the creation of a public access easement in accordance with Section 195 and 196 of the Land Administration Act 1997. The easement shall be placed on the certificate(s) of title of the relevant lot(s) to the benefit of the City of Rockingham, to ensure lawful access for City waste collection vehicles along the private laneway.

Advice Notes

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.

Francesca Lefante
Presiding Member, Metro Outer DAP



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.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

REASON: Panel members were satisfied that the proposal, land use and scale is consistent with the planning framework. LPS2, Draft Rockingham Strategic Centre Precinct Structure Plan and the designated R80 Residential classification and locational context. The proposal scale and diversity of development form with a mix of single and two storey townhouse design is considered to meet the strategic intent of the area and consistent with the structure plan. The provision of native tree species in the verge is considered to complement the streetscape including environmental benefits to native fauna. The proposal is supported inclusive of minor condition modifications.


Francesca Lefante
Presiding Member, Metro Outer DAP



3.2 Lot 850 Mandurah Road and Lot 804, East Rockingham – Proposed Industrial Development and Conservation Works to Bell Cottage (Ruin) – DAP/25/02851

Deputations and Presentations

George Hajigabriel (Rowe Group) addressed the DAP in support of the recommendation for the application at Item 3.2 and responded to questions from the panel.

Renae Canterbury (Hocking Heritage and Architecture) addressed the DAP in support of the recommendation for the application at Item 3.2 and responded to questions from the panel.

The City of Rockingham addressed the DAP in relation to the application at Item 3.2 and responded to questions from the panel.

Chloe Parkinson (DPLH) addressed the DAP in relation to the application at Item 3.2 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Tony Arias

Seconded by: Eugene Koltasz

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.

Francesca Lefante
Presiding Member, Metro Outer DAP



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.

19. 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.
20. 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.



21. 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).

AMENDING MOTION 1

Moved by: Tony Arias

Seconded by: Eugene Koltasz

That Condition No. 6(vi) be amended to read as follows:

- (vi) *provision of a ~~tiered~~ landscaping and tree response along the frontage of Mandurah Road across 'Area 1' and 'Area 2';*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The reference to “tiered” is unnecessary. Noted that the applicant and the City were in agreement with its removal.

AMENDING MOTION 2

Moved by: Tony Arias

Seconded by: Cr Mark Jones

The following amendments were made en bloc;

- (i) That Condition No. 12 be deleted, and the remaining numbers be renumbered accordingly.

REASON: The condition was subject to Third party approval and not considered necessary. Noted that the applicant and the City were in agreement with its removal.

- (ii) That Condition No. 13 (now Condition No.12) and Condition No. 14 (now Condition No. 13 be deleted, and the remaining Condition Nos renumbered accordingly and moved to new Advice Notes No 12 and 13.

REASON: The conditions were subject to Third party approval and not considered necessary. Noted that the applicant and the City were in agreement with their removal and inclusion as Advice Notes.

Francesca Lefante
Presiding Member, Metro Outer DAP



The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 3

Moved by: Tony Arias

Seconded by: Eugene Koltasz

That Condition No.16 (now Condition No.13) be amended to read as follows:

Prior to ~~applying for a Building Permit~~ to commencement of any works within the Memorial area, 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.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The heritage issues relate to the memorial area, and it is considered an unreasonable requirement to prevent the applicant progressing works on the site outside the Memorial area.

AMENDING MOTION 4

Moved by: Tony Arias

Seconded by: Eugene Koltasz

That Condition No.17 (now Condition No.14) be amended to read as follows:

Prior to ~~applying for a Building Permit~~ commencement of any works within the Memorial area, 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.

The Amending Motion was put and CARRIED (3/2).

For: Tony Arias
Eugene Koltasz
Cr Mark Jones

Against: Francesca Lefante
Cr Dawn Jecks

REASON: The Condition was considered unreasonable as it prevented any development outside the Memorial area until the Archaeological Survey within the Memorial area is completed.

AMENDING MOTION 5

Moved by: Tony Arias

Seconded by: Eugene Koltasz

That Condition No.18 (now Condition No.15) be amended to read as follows:

~~Prior to commencement of any works on-site~~ **commencement of any works within the Memorial area**, 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.

Francesca Lefante
Presiding Member, Metro Outer DAP



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.

The Amending Motion was put and CARRIED (4/1).

For: Tony Arias
Eugene Koltasz
Francesca Lefante
Cr Mark Jones

Against: Cr Dawn Jecks

REASON: The Condition was considered unreasonable as it prevented any development outside the Memorial area until the Archaeological Survey is completed.

AMENDING MOTION 6

Moved by: Tony Arias

Seconded by: Cr Mark Jones

That Condition No.19 (now Condition No.16) be amended to read as follows:

Prior to the application for a Building Permit commencement of any works within the Memorial area, 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

The Amending Motion was put and CARRIED (4/1).

For: Tony Arias
Eugene Koltasz
Francesca Lefante
Cr Mark Jones

Against: Cr Dawn Jecks

REASON: The Condition was considered unreasonable as it prevented any development outside the Memorial area until the Archival Record is completed.

Francesca Lefante
Presiding Member, Metro Outer DAP



AMENDING MOTION 7

Moved by: Tony Arias

Seconded by: Francesca Lefante

That Condition No.20 (now Condition No.17) be amended to read as follows:

*Prior to **commencement of works within the memorial area** ~~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.

The Amending Motion was put and LOST (1/4)

For: Tony Arias

Against: Cr Dawn Jecks
Eugene Koltasz
Francesca Lefante
Cr Mark Jones

Francesca Lefante
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION (AS AMENDED)

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;

Francesca Lefante
Presiding Member, Metro Outer DAP



- (vi) provision of a 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. 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.
13. Prior to commencement of any works within the Memorial area, 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.
14. Prior to commencement of any works within the Memorial area, 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.

15. Prior to commencement of any works within the Memorial area, 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.

16. Prior to commencement of any works within the Memorial area, 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.
17. 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.

18. 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).
12. No stockpiles or storage of material is to be stored on the gas pipeline easement at any time.
13. 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.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.



REASON: The proposed land use and building form is consistent with the planning framework, the Industry Zone and locational context. Discussion occurred during the meeting on Bell Cottage ruins heritage classification, significance, established memorial area buffer zone, and potential impacts associated with works on the site. Due consideration was given to the Heritage protection provisions and the expert heritage reports which informed the Panel's decision to restrict works within the Memorial area whilst supporting the progression of various works over the site associated with the proposal. The issues raised in the submissions were assessed against the planning framework, with Members satisfied that the applicant is bound by obligations under other legislation, and matters relating to third party approvals should be reflected in advice notes. The proposal was supported inclusive of various condition modifications to clarify timing of actions associated with works in the memorial area.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.



PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DR146/2024 DAP/23/02523	City of Gosnells	65 (Lot 98) Mills Road West, Gosnells	Place of Worship	30/09/2024

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12.49pm.

Francesca Lefante
Presiding Member, Metro Outer DAP