



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 10 October 2024; 9:30am
Meeting Number: MODAP/42
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link: [MODAP/42 – 10 October 2024 – 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 ROCKINGHAM

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 10 (No. 81) Louise Street, Rockingham – Fourteen (14) Grouped Dwellings – DAP/24/02703
4. Form 2 DAP Applications
Nil.
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

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

Tony Arias
Presiding Member, Metro Outer DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Tony Arias (Presiding Member)	Claire Ortlepp
Neema Premji (Deputy Presiding Member)	Ashlee Kelly
Lindsay Baxter	
<i>Part B – City of Rockingham</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Lorna Buchan	Chris Parlane
Cr Mark Jones	David Banovic

Tony Arias
Presiding Member, Metro Outer DAP



Applicant and Submitters
<i>Part B – City of Rockingham</i>
Nick Grindrod (Rise Urban) Kathryn Moorey (Stellar Living) Thomas Chadwick (Chadwick Consulting)

Members of the Public / Media

Nil.

Observers via livestream

There were 2 persons observing the meeting via the livestream.

Tony Arias
Presiding Member, Metro Outer DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 2:00pm on 10 October 2024 and acknowledged the traditional owners and custodians of the land on which the meeting is taking place 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

Nil.

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](#).

Tony Arias
Presiding Member, Metro Outer DAP



PART B – CITY OF ROCKINGHAM

1. Declaration of Due Consideration

The Presiding Member noted that details of two separate DAP directions for further information and responsible authority responses in relation to Item 3.1, received on 8 October 2024 and 9 October 2024, were published in Part B of the Related Information.

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

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Members, Cr Lorna Buchan and Cr Mark Jones, declared that they had participated in a prior Council meeting in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr Buchan and Cr Jones 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 Presiding Member determined that the members listed above, who had disclosed an impartiality interest, were permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lot 10 (No. 81) Louise Street, Rockingham – Fourteen (14) Grouped Dwellings – DAP/24/02703

Deputations and Presentations

Kathryn Moorey (Stellar Living) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Nick Grindrod (Rise Urban) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

The panel noted a written submission against the recommendation for the application at Item 3.1. was received from Cameron Leckey (Rise Urban).

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

Tony Arias
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION

Moved by: Cr Lorna Buchan

Seconded by: Cr Mark Jones

That the Metro Outer Development Assessment Panel resolves to:

Defer the Development Application for Fourteen (14) Grouped Dwellings on Lot 10 Louise Street, Rockingham for up to 90 days, in accordance with the reasons listed below.

Reasons:

1. The proposed development in its current form is incompatible with the desired future character of its setting and the relationship with other development in the locality.
2. The Application should be amended to comply with the provisions of the proposed draft Rockingham Strategic Centre Precinct Structure Plan, with respect to the desired street interface and setback requirements for the 'City Park Sub-Precinct'.
3. The Application should be amended to comply with *State Planning Policy 7.0 - Design of the Built Environment* with regard to the following Design Principles: Context and Character, Built Form and Scale, Legibility, Safety and Aesthetics.
4. The Application should be amended to demonstrate that adequate and legal pedestrian access is made available for the occupants and visitors of all proposed dwellings.
5. The Application should be amended to provide for a clearly definable and accessible communal letter-box.
6. The Bushfire Attack Level Assessment should be amended to correctly classify 'Plot A' as 'Class A Forrest'.

The Report Recommendation was put and LOST (2/3).

For: Cr Lorna Buchan
Cr Mark Jones

Against: Tony Arias
Neema Premji
Lindsay Baxter

Tony Arias
Presiding Member, Metro Outer DAP



ALTERNATE MOTION

Moved by: Lindsay Baxter

Seconded by: Neema Premji

With the approval of the mover and seconder, the following amendments were made:

- (i) *That a new Condition No. 1 be added to read as follows, with the remaining conditions renumbered and references to condition numbers in the advice notes updated accordingly:*

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.

REASON: *To ensure that statutory approval is also given under the MRS.*

- (ii) *That Condition No. 4 (now No. 5) be amended to read as follows:*

*Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate **remediation** measures must be implemented within the time and in the ~~manner~~ **manner** directed by the City of Rockingham in the event that sand or dust is blown from the site.*

- (iii) *That Condition No. 6 (now No. 7) be amended to read as follows:*

*Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified ~~engineering~~ **drainage engineer** showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.*

- (iv) *That Condition No. 10 (now. No. 11) be amended to read as follows:*

Prior to applying for a Building Permit, a bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham. The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the ~~D~~development.

REASON: *To correct various typographical errors and insert some missing words.*

Tony Arias
Presiding Member, Metro Outer DAP



That the Metro Outer Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02703 and modified development plans received on 14 August 2024 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Rockingham Town Planning Scheme No.2 (TPS2), subject to the following conditions:

1. Pursuant to Clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. 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. This decision constitutes development approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
4. Prior to applying for a Building Permit, arrangements being 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.
5. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate remediation 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.
6. Prior to applying for a Building Permit, a works-specific Remediation Plan and an updated Site Management Plan are required to be developed and reviewed by an accredited contaminated sites auditor, as the proposed development works require disturbance of asbestos-contamination fill beneath the geo-fabric barrier beneath the site.
7. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified drainage engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.

Tony Arias
Presiding Member, Metro Outer DAP



8. The carparking area shall:
- (i) provide a minimum of 14 car parking spaces, at a rate of 1 space per dwelling;
 - (ii) unless otherwise required by Condition No.14 below, 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;
 - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
 - (iv) designate the car parking space for Unit 8 as a 'Small Car' parking bay; and
 - (v) comply with the above requirements for the duration of the development.
9. 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.
10. Prior to applying for a Building Permit, a revised Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
- (i) the location of bin storage areas and bin collection areas;
 - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (iv) frequency of bin collections.

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

11. Prior to applying for a Building Permit, a bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham. The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the development.

Tony Arias
Presiding Member, Metro Outer DAP



12. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared 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) 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) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas; and
 - (vi) common property driveway lighting.

The landscaping must be completed prior to the occupation of the development, and maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.

13. Prior to applying for a Building Permit, an amended Bushfire Attack Level (BAL) Assessment report shall be provided that classifies the vegetation Plot opposite the site in the Dowling Street Reserve as 'Class A - Forrest' to the satisfaction of the City of Rockingham.
14. The dwellings must be designed, constructed and maintained to the Bushfire Attack Level rating as specified in the BAL report required in Condition No. 12 above, in accordance with Australian Standard AS3959-2009: Construction of Buildings in Bushfire-Prone Areas (AS3959).
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, that:
- provides a communal letterbox location directly accessible from the public domain, or located otherwise to the satisfaction of the City of Rockingham, in consultation with Australia Post;
 - provides for three (3) accessible dwellings and associated car parking to be designed and constructed in accordance with the silver level universal design standards outlined in the R- Codes (Volume 1) Deemed to Comply provision C2.7.1;
 - provides fences within the front setback area to be visually permeable above 1.2m above finished ground level; and
 - for Units 1 and 2, provides a pedestrian gate with direct access to the Louise Street road reserve.

Tony Arias
Presiding Member, Metro Outer DAP



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 conditions, and the like, shall not be visible from the street(s), and are designed integrally with the building, and be located so as to not be visually obtrusive, to the satisfaction of the City of Rockingham.
17. Any meter boxes shall be painted the same colour as the wall they are attached to, to the satisfaction of the City of Rockingham.

Advice Notes:

Note 1: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

Note 2: The owner/applicant is responsible for protecting any existing City streetscape assets during the course of the project. This includes any existing streetscape paving, lighting, grated fully pits, side entry pits, kerbing, footpaths, trees, turf etc. If any damage is caused to the existing assets, they must be rectified to the satisfaction of the City of Rockingham.

Note 3: The owner/applicant is also responsible for protecting any existing assets on Lot 303 (No.85) Chalgrove Avenue during the course of the project. This primarily includes the public access easement. If any damage is caused to the adjoining assets, they must be rectified to the satisfaction of the affected landowner, in consultation with the City of Rockingham.

Note 4: In relation to Condition 6, and in accordance with regulation 31(1)(c) of the Contaminated Sites Regulations 2006, a mandatory auditor's report, prepared by an accredited contaminated sites auditor will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance. A current list of accredited auditors is available from www.dwer.wa.gov.au

Note 5: Regarding Condition 7, detailed stormwater drainage design should be in compliance with City of Rockingham's Planning Policy No 3.4.3 Urban Water Management and 'Site Management Plan - Lot 9 and Lot 10 on Plan 86080' (EVNSS, 20 December 2021).

Note 6: In relation to Condition 10, the Waste Management Plan (WMP) shall be revised to include provision for the three-bin Food Organics and Garden Organics (FOGO) system that the City is rolling out. As a result, the WMP shall be revised to incorporate a suitable method of waste collection to the satisfaction of the City of Rockingham, that may entail the need for waste to be collected directly from the bin store within the site, as the presentation of waste bins in double rows within the access easement on Lot 303 Chalgrove Avenue is not suitable for collection by City of Rockingham waste collection vehicles.

Tony Arias
Presiding Member, Metro Outer DAP



Note 7: In relation to Condition 11, the size of the bin store may require revision to account for the three-bin FOGO system. This condition will only apply in the event that that the revised WMP triggers the need for a larger bin store than shown on the approved Site Plan.

AMENDING MOTION 1

Moved by: Lindsay Baxter

Seconded by: Neema Premji

The following amendments were made en bloc:

- (i) That Condition No. 13 (previously No. 12) be deleted, and the remaining conditions be renumbered accordingly.
- (ii) That Condition No. 14 (now No. 13) be amended to read as follows:

*The dwellings **and any fencing** must be designed, constructed and maintained to the Bushfire Attack Level rating as specified in the BAL, ~~report required in Condition No. 12 above,~~ in accordance with Australian Standard AS3959-2009: Construction of Buildings in Bushfire-Prone Areas (AS3959).*

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

For: Tony Arias
Neema Premji
Lindsay Baxter

Against: Cr Lorna Buchan
Cr Mark Jones

REASON: Having regard to the Bushfire Attack Level (BAL) Assessment in the RAR the Panel was satisfied with the BAL12.5 rating for the development and considered that the Condition 13 (previously No. 12) was not required. The modification to Condition 13 was necessary to maintain appropriate fire safety compliance.

AMENDING MOTION 2

Moved by: Lindsay Baxter

Seconded by: Neema Premji

That Condition No. 14 be amended to read as follows:

Prior to applying for a Building Permit, an amended set of Development Plans must be submitted to the satisfaction of the City of Rockingham, that:

- ~~provides a communal letterbox location directly accessible from the public domain, or located otherwise to the satisfaction of the City of Rockingham, in consultation with Australia Post;~~

Tony Arias
Presiding Member, Metro Outer DAP



- *provides for three (3) accessible dwellings and associated car parking to be designed and constructed in accordance with the silver level universal design standards outlined in the R- Codes (Volume 1) Deemed to Comply provision C2.7.1;*
- *provides fences within the front setback area to be visually permeable above 1.2m above finished ground level; and*
- *for Units 1 and 2, provides a pedestrian gate with direct access to the Louise Street road reserve.*

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

For: Tony Arias
Neema Premji
Lindsay Baxter

Against: Cr Lorna Buchan
Cr Mark Jones

REASON: The Condition was not considered necessary as the applicant had provided advice from Australia Post confirming the suitability of the letterbox location.

AMENDING MOTION 3

Moved by: Neema Premji

Seconded by: Lindsay Baxter

That a new Condition No. 17 be added to read as follows:

Prior to applying for a building permit, the applicant is to submit a plan showing the location of all service utilities, to the satisfaction of the City of Rockingham.

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

For: Tony Arias
Neema Premji
Lindsay Baxter
Cr Mark Jones

Against: Cr Lorna Buchan

REASON: The Condition was considered necessary following discussions with the City's Officers.

Tony Arias
Presiding Member, Metro Outer DAP



ALTERNATE MOTION(AS AMENDED)

That the Metro Outer Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02703 and modified development plans received on 14 August 2024 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Rockingham Town Planning Scheme No.2 (TPS2), subject to the following conditions:

1. Pursuant to Clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. 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. This decision constitutes development approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
4. Prior to applying for a Building Permit, arrangements being 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.
5. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate remediation 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.
6. Prior to applying for a Building Permit, a works-specific Remediation Plan and an updated Site Management Plan are required to be developed and reviewed by an accredited contaminated sites auditor, as the proposed development works require disturbance of asbestos-contamination fill beneath the geo-fabric barrier beneath the site.
7. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified drainage engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.

Tony Arias
Presiding Member, Metro Outer DAP



8. The carparking area shall:
- (i) provide a minimum of 14 car parking spaces, at a rate of 1 space per dwelling;
 - (ii) unless otherwise required by Condition No.14 below, 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;
 - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
 - (iv) designate the car parking space for Unit 8 as a 'Small Car' parking bay; and
 - (v) comply with the above requirements for the duration of the development.
9. 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.
10. Prior to applying for a Building Permit, a revised Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
- (i) the location of bin storage areas and bin collection areas;
 - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (iv) frequency of bin collections.
- All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.
11. Prior to applying for a Building Permit, a bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham. The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the development.

Tony Arias
Presiding Member, Metro Outer DAP



12. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared 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) 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) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas; and
 - (vi) common property driveway lighting.

The landscaping must be completed prior to the occupation of the development, and maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.

13. The dwellings and any fencing must be designed, constructed and maintained to the Bushfire Attack Level rating as specified in the BAL, in accordance with Australian Standard AS3959-2009: Construction of Buildings in Bushfire-Prone Areas (AS3959).
14. Prior to applying for a Building Permit, an amended set of Development Plans must be submitted to the satisfaction of the City of Rockingham, that:
- provides for three (3) accessible dwellings and associated car parking to be designed and constructed in accordance with the silver level universal design standards outlined in the R- Codes (Volume 1) Deemed to Comply provision C2.7.1;
 - provides fences within the front setback area to be visually permeable above 1.2m above finished ground level; and
 - for Units 1 and 2, provides a pedestrian gate with direct access to the Louise Street road reserve.
15. 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 conditions, and the like, shall not be visible from the street(s), and are designed integrally with the building, and be located so as to not be visually obtrusive, to the satisfaction of the City of Rockingham.

Tony Arias
Presiding Member, Metro Outer DAP



16. Any meter boxes shall be painted the same colour as the wall they are attached to, to the satisfaction of the City of Rockingham.
17. Prior to applying for a building permit, the applicant is to submit a plan showing the location of all service utilities, to the satisfaction of the City of Rockingham.

Advice Notes:

Note 1: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

Note 2: The owner/applicant is responsible for protecting any existing City streetscape assets during the course of the project. This includes any existing streetscape paving, lighting, grated fully pits, side entry pits, kerbing, footpaths, trees, turf etc. If any damage is caused to the existing assets, they must be rectified to the satisfaction of the City of Rockingham.

Note 3: The owner/applicant is also responsible for protecting any existing assets on Lot 303 (No.85) Chalgrove Avenue during the course of the project. This primarily includes the public access easement. If any damage is caused to the adjoining assets, they must be rectified to the satisfaction of the affected landowner, in consultation with the City of Rockingham.

Note 4: In relation to Condition 6, and in accordance with regulation 31(1)(c) of the Contaminated Sites Regulations 2006, a mandatory auditor's report, prepared by an accredited contaminated sites auditor will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance. A current list of accredited auditors is available from www.dwer.wa.gov.au

Note 5: Regarding Condition 7, detailed stormwater drainage design should be in compliance with City of Rockingham's Planning Policy No 3.4.3 Urban Water Management and 'Site Management Plan - Lot 9 and Lot 10 on Plan 86080' (EVNSS, 20 December 2021).

Note 6: In relation to Condition 10, the Waste Management Plan (WMP) shall be revised to include provision for the three-bin Food Organics and Garden Organics (FOGO) system that the City is rolling out. As a result, the WMP shall be revised to incorporate a suitable method of waste collection to the satisfaction of the City of Rockingham, that may entail the need for waste to be collected directly from the bin store within the site, as the presentation of waste bins in double rows within the access easement on Lot 303 Chalgrove Avenue is not suitable for collection by City of Rockingham waste collection vehicles.

Tony Arias
Presiding Member, Metro Outer DAP



Note 7: In relation to Condition 11, the size of the bin store may require revision to account for the three-bin FOGO system. This condition will only apply in the event that that the revised WMP triggers the need for a larger bin store than shown on the approved Site Plan.

The Alternate Motion (as amended) was put and CARRIED (3/2).

For: Tony Arias
Neema Premji
Lindsay Baxter

Against: Cr Lorna Buchan
Cr Mark Jones

REASON: Having considered the Responsible Authority Report (RAR), all materials and information presented, the Panel, by majority, considered the grounds for deferral were not sufficient to not approve the application. The recommended reasons in the RAR were tantamount to refusing the application or requiring modifications that were so substantial that it would change the nature of the development from that which was proposed.

A 'Grouped Dwelling' is a discretionary use in the Primary Centre City Centre under Town Planning Scheme No. 2 and capable of being approved. The Panel, by majority, considered that the proposed community housing development comprising 14 two-storey grouped dwellings should be approved based on general compliance with the current and future strategic and statutory framework. The proposed development complies with the two-storey minimum height for buildings in the Rockingham Strategic Centre and the residential density of R80. It was appropriate to grant discretion to the Grouped Dwellings use on the basis that it was compatible with other uses within the structure plan area, achieved the objectives of the planning framework, and the built form, scale and bulk and setback from the street are acceptable.

The extensive landscaping within the front setback will assist in breaking up the impact of buildings with a greater height and bulk. While there were some minor areas of non-compliance with regard to State Planning Policy 7.0 and the Residential Design Codes, it was considered that discretion should be granted on the basis that the design and layout of the proposed dwellings was generally of a high standard and fit for purpose. Conditions imposed on the approval will assist with resolving minor issues associated with, inter alia, access, waste management, parking, and servicing.

The Panel discussed the issue of bush fire management in detail, with the applicant and the City. The Panel noted that a Level 2 Bushfire practitioner had undertaken a Bushfire Attack Level (BAL) Assessment, as required by SPP3.7, and determined a BAL12.5 rating for the development. The Panel, having considered the RAR and discussions with City officers and applicant, was satisfied with the Bushfire Attack Level (BAL) Assessment and mitigations measures.

Tony Arias
Presiding Member, Metro Outer DAP



4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

A handwritten signature in black ink that reads "Tony Arias".

Tony Arias
Presiding Member, Metro Outer DAP



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
DR193/2023 DAP/23/02545	Shire of Serpentine Jarrahdale	Lot 218 (No.575) Abernethy Road, Oakford	Proposed Educational Establishment	19/12/2023
DR94/2024 DAP/23/02623	City of Cockburn	Lot 9501 Gaebler Road, Hammond Park	Mixed Use Commercial Development	27/06/2024
DR146/2024 DAP/23/02523	City of Gosnells	65 (Lot 98) Mills Road West, Gosnells	Place of Worship	30/09/2024
DR148/2024 DAP/24/02696	City of Gosnells	Lot 8 (1510) Albany Highway, Beckenham	Service Station, Convenience Store and Signage	30/10/2024

The Presiding Member noted the following Supreme Court Appeal -

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
DAP/23/02496 CIV 2251 of 2023	City of Swan	Lot 2 & 67 (No.163) and Lot 18 (No.159) James Street, Guildford	Proposed redevelopment of Vaudeville Theatre	03/11/2023

2. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2024 a DAP member must not publicly comment on any action or determination of a DAP.

3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 3:58pm.

Tony Arias
Presiding Member, Metro Outer DAP