



## Direction for Further Services from the Responsible Authority

Regulation 13(1)

### Guidelines

A DAP Member who wishes to request further services (e.g. technical advice and assistance or information in writing) from the Responsible Authority must complete this form and submit to [daps@dplh.wa.gov.au](mailto:daps@dplh.wa.gov.au).

The request will be considered by the DAP Executive Director and if approved, the Responsible Authority will be directed to provide a response to DAP Secretariat within the form.

It is important to note that **the completed form containing the query, response and any accompanying documentation will be published on the DAP website** as an addendum to the meeting agenda.

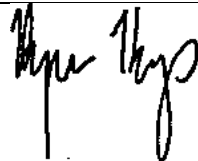
### DAP Application Details

DAP Name	Metro Outer DAP
DAP Application Number	DAP/24/02703
Responsible Authority	City of Rockingham
Property Location	Lot 10 (No. 81) Louise Street, Rockingham

### Nature of technical advice or information required\*

1	DAP query	Please provide an alternate recommendation for approval, with appropriate conditions
	Response	See attached

### DAP Executive Director Authorisation

Signature	
Date	3 October 2024
Response Due	8 October 2024; midday

\* Any alternate recommendation sought does not infer a pre-determined position of the panel.

# City of Rockingham Response - Regulation 13 Request – DAP/24/02703



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On 3 October 2024, the Development Assessment Panel Executive Director, Mr Ryan Keys, directed the City of Rockingham to provide a response to the following query:

*“Please provide an alternate recommendation for approval, with appropriate conditions”.*

The City’s response is provided below on a ‘without prejudice’ basis:

“ **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. In the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.
2. This decision constitutes 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.
3. 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.
4. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
5. Prior to 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.
6. 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 Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
7. 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.
8. 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.
9. 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.

10. 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.
11. 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.

12. 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.
13. 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).
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 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.
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.
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.

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 5, 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](http://www.dwer.wa.gov.au)
- Note 5: Regarding Condition 6, 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 9, 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.
- Note 7: In relation to Condition 10, 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".