



Regional Development Assessment Panel Related Information

Meeting Date and Time: Thursday, 6 March 2025; 9:30am
Meeting Number: RDAP/37

PART B – CITY OF BUSSELTON

1. Declarations of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 31 Rendezvous Road, Vasse - Grouped Housing with Communal Facilities for Over 55's (Independent Living Complex) – DAP/24/02760
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations



Attendance

Officers in attendance

Emma Craddock (City of Busselton)
Andrew Watts (City of Busselton)
Joanna Wilson (City of Busselton)

Applicants and Submitters

Jon Hammond
Carina McMillen
Andrew Walliss (Urban Design)
Denise Morgan (CPD Town Planning)



PART B – CITY OF BUSSELTON

1. Declarations of Due Consideration

2. Disclosure of Interests

Please note a standing declaration of interest, if the items on this agenda have been considered at the relevant local government council meeting, the local government DAP members acknowledge that in accordance with section 2.4.9 of the DAP Code of Conduct 2024 they have declared that they had participated in a prior Council meeting in relation an item being determined at this meeting. However, under section 2.1.2 of the DAP Code of Conduct 2024, they 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.

3. Form 1 DAP Applications

3.1 Lot 31 Rendezvous Road, Vasse - Grouped Housing with Communal Facilities for Over 55's (Independent Living Complex) – DAP/24/02760

3.1.1 Deputations and Presentations

Jon Hammond presenting against the recommendation for the application at Item 3.1. The presentation will address objection to the proposed development.

Carina McMillen presenting against the recommendation for the application at Item 3.1. The presentation will address objection to proposed development based on lack of orderly.

Kate Reading presenting against the recommendation for the application at Item 3.1. The presentation will address objection to the proposed development.

Denise Morgan (CPD Town Planning) & Andrew Wallis (Urban Design) presenting in support of the recommendation for the application at Item 3.1. The presentation will address minor modifications to some conditions to clarify intention and better reflect the sequence of work and staged delivery of the project.

The City of Busselton may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

Presentation Request Guidelines

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Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Jon Hammond
Company (if applicable)	Click or tap here to enter text.
Please identify if you have any special requirements:	YES ☐ NO ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	24/02760
Meeting Date	06/03/2025
DAP Application Number	DAP/37
Property Location	Lot 31, Rendezvous Rd
Agenda Item Number	.

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES ☒
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT ☐ AGAINST ☒
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT ☐ AGAINST ☒
Will the presentation require power-point facilities?	YES ☐ NO ☒ If yes, please attach



Presentation Content*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address: Objection to development proposal for Lot 31 Rendezvous Road, Busselton</i> Click or tap here to enter text.
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

This Message Is From an External Sender

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe

Report Suspicious

Here is our presentation to oppose the proposed development on Lot 31 Rendezvous Road.

TRAFFIC IMPACT:

- . The total traffic impact on Tortoise Rise is not accurate as the estimated number of cars coming through daily does not include traffic from the future developments on the East side of Heron lake via Bendjar Grove including stage three Heron Lake, The Woods Estate, the current development on Nash drive and any traffic coming via Rendezvous Rd into these estates.
- . Traffic generated from visitors to the 500 plus new residents must also be accounted for in the traffic report.
- . The actual traffic of all existing and planned surrounding estates will largely surpass the estimation given in the developers traffic report and the maximum of three thousand cars allowed every day.
- . Tortoise rise was initially designed to support the traffic of Heron Lake private Estate only.
- . People aged 55 years and over are still in the work force for 10 to 15 years if not more, which again makes the estimated peak hour traffic incorrect.
- . Heron Lake Estate and Birchfield Estate are primarily family estates with a large population of young children travelling to and from school and crossing Cockatoo Loop and Tortoise Rise daily. Therefore, the safety of our children will be significantly compromised with such large volumes of traffic.
- . The blind corner on Cockatoo Loop reduces visibility and the narrow roads, especially Tortoise Rise, are not designed to accommodate the predicted increased traffic volume including caravans that many people in lifestyle villages own.



- . Existing driveways on Cockatoo Loop directly in front of the proposed ingress/egress road and all the way to Tortoise Rise will make it extremely difficult and dangerous to enter and depart their own homes.
- . Increased light pollution with constant headlights shining directly into existing homes as well as noise and air pollution.
- . Our driveway at 62 Cockatoo Loop was positioned specifically on the West side after the recommendation from the Busselton Shire and our builder to provide a safer exit point which will then lose its purpose entirely should the Ingress/Egress Road be built directly in front of it.
- . Ingress/Egress should only be on Rendezvous Road to provide safety and eliminate the need to cut down trees.
- . Ingress/Egress only on Rendezvous Road was approved for the Woods estate, and the future estate on Nash Drive will have similar access. Future estates on the West side of the proposed development also show Ingress/Egress on Rendezvous Rd only. Therefore an Ingress/Egress only on Rendezvous Road for this proposed development is the logical option. This option will not only spare increased traffic to Cockatoo Loop and Tortoise Rise but also all the way to Vasse Village and the already busy entrance/exit to Birchfield estate and on to the Busselton bypass.
- . Understandably a fire emergency exit has to be in place and this should be a much smaller road linking to Cockatoo Loop without destroying the existing environment.

PURPOSE OF THIS DEVELOPMENT

- . A lifestyle residence already exists in Vasse village which everyone welcomed in the past as it made sense to provide such a facility near all the amenities that the village offers. It is a walkable distance to these amenities and does not impact traffic and safety as it was planned from the beginning of the construction of Vasse village.
- . Due to its remote location in comparison to Vasse Village, this development will isolate 500 plus new aged residents who will need to drive in and out daily. Despite what the proposed site is offering, residents will still need to go to work, shop, visit Doctors, go to volunteer services, go golfing and all other outings expected in this age range. Residents will not stay on site just to use a pool and a cafe.
- . Five hundred plus aged residents in the southwest will increase the burden on an already overtaxed healthcare system. Hospital wards are already running at capacity. GP practices cannot take new patients in many cases. There are limited Nursing home placements and respite placements available in the Southwest. As a Clinical Nurse working at Busselton Health Campus with 16 years experience I know that over 55 yr olds are the largest consumers of healthcare. It is also relevant to note that the Aged Care Assessment team has a backlog of over 400 cases yet to be assessed.
- . With only semi rural and large blocks along Rendezvous Rd this proposed development does not align with the area. It seems that the developer is willing to create a town with potentially over 500 new residents crammed together without considering the impact on infrastructure alone. People in the Southwest have been here or moved here for the main reason of enjoying wide spaces, serenity, nature and safety that this region offers. Being packed in like sardines is the antithesis of this lifestyle.
- . If this land is developed it should be done to spare all existing trees and provide large blocks similar to the Woods Estate to suit the area and minimise the impact of urbanization on wildlife.



. When developing land, proposals should be purposeful and logical. Proposals should consider the surrounding neighbourhoods, amenities, infrastructure, safety, environment and future developments. It appears that this proposal goes against these principles.

ENVIRONMENTAL IMPACT:

. According to the plan of the developer many native trees will need to be cut down to create the Ingress/Egress road on Cockatoo Loop. This could easily be avoided by changing the location of the Ingress/Egress to Rendezvous Road which would not require any tree felling.

. According to the plan of the developer, a lot of trees throughout the proposed site will need to be cut down instead of planning around them, to obviously increase the number of dwellings for financial gain.

. We live directly opposite the proposed site and watch possums go from tree to tree, the exact trees that are planned for removal. The Ringtail possum is an endangered species and will suffer further decimation should this plan go ahead.

. The number of southwest Snake necked Turtles is diminishing rapidly and it will take only a few more developments like this one to place them on the endangered list.

. Multiple bird species including the endangered Black Cockatoo, many snake species, Kangaroos and other protected marsupials will be displaced whereas developing larger blocks, sparing existing trees like the Woods Estate has, would avoid unnecessary destruction.

WATER MANAGEMENT:

. Living directly across from the proposed development, we witness this land turn into a lake for several months every winter. Where will all this water go?

. Tortoise Rise is sandwiched between wetland reserves and also floods every winter to the point where smaller cars can barely drive through.

. Birchfield estate already cannot cope with the overflow of water every winter and the parks and road islands also flood. This is an issue raised every year and does not get resolved due to the initial poor planning of this land.

. Will the water, naturally finding its place on the proposed development, be redirected to an already saturated wetland and water table? Or will it be redirected through Birchfields already flood prone system?

. Any development on this land needs an accurate and appropriate water management plan to avoid exacerbating existing flooding issues on Tortoise Rise and Birchfield estate.

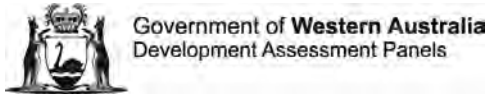
PROPERTY VALUE:

. Heron Lake Estate was sold to all its residents as a private estate. Opening all surrounding estates onto ours does not make it private anymore. This will affect our property value considerably.

. The proposed site was farmland and was never intended to be developed and certainly not to this extent.

CONSTRUCTION IMPACT ON RESIDENTS:

. This development will create considerable noise, ground vibration impacting on existing properties and produce air pollution with heavy machinery creating dust and dirt that will blow directly into the existing residents houses due to the prevailing westerly winds. This construction will go on for a long time. Potentially years.



In conclusion we would like you to consider that we bought our blocks to create homes for our children. To provide our families with a lifestyle that is in harmony with nature and a peaceful existence. We are not wealthy people and the residents of Heron Lake estate have worked and sacrificed to have this lifestyle. We want our children to be safe. We understand the need for development and housing but it must be done in a way that preserves the existing environment and wildlife and is in alignment with existing developments



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

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Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Carina McMillen
Company (if applicable)	Click or tap here to enter text.
Please identify if you have any special requirements:	YES ☐ NO ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Lot 31 Rendezvous Rd, Vasse – Communal Facilities for Over 55's (Independent Living Complex) – DAP/24/02760
Meeting Date	6 March 2025
DAP Application Number	DAP/24/02760
Property Location	Lot 31 Rendezvous Rd, Vasse
Agenda Item Number	Part B – City of Busselton, 3

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES ☒
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT ☐ AGAINST ☒
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT ☐ AGAINST ☒
Will the presentation require power-point facilities?	YES ☐ NO ☒ If yes, please attach



Presentation Content*

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Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Objection to proposed development based on lack of orderly and proper planning, heritage and environmental values.
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

Please refer attached PDF

Deputation by Carina McMillen - 6 March 2025

RE: Lot 31 Rendezvous Rd, Vasse – Communal Facilities for Over 55's (Independent Living Complex) – DAP/24/02760

We strongly oppose the proposed development based on the following:

Orderly and proper planning

The RAR dismisses the need for structure planning on the basis that the site would be used for a single land use with no intention to subdivide. The application is supported by a series of comprehensive reports, including environmental and water assessments.

The RAR also notes Special Provision 4, which is a Special Control Area requiring structure planning to address environmental values across multiple lots, including the subject site.

These two points go to the heart of orderly and proper planning:

- The purpose of structure planning is to integrate development. Whether that is because there are multiple sites under consideration, or multiple landowners, or the development is to be staged – the requirement for structure planning ensures that the surrounding land and its occupants will not be burdened or prejudiced by an earlier decision. Integration covers several factors, including but not limited to road networks, servicing, and preservation of environmental values. In this case it is the preservation of environmental values that was previously deemed by the EPA (through delaying their decision on Amendment 36, which introduced Special Provision 4) and the City as essential, as is reflected in Special Provision 4. The Provision establishes that a structure plan is to be prepared for the whole area and Point 2 specifically states that the lots within the area “contain important environmental values including remnant vegetation, potential habitat for Commonwealth and State listed threatened fauna species, ecological linkages and wetlands. Structure planning shall require these values to be retained, managed and protected for conservation purposes.”
- The development proposal addresses the environmental values in part, for example through the retention of some mature trees and the construction environmental management plan, but it does not consider the impact on the broader area. We note that a level of understanding seems to have been reached with DBCA, however the applicant outright dismisses DBCA's comments that the resource enhancement wetland has recently been evaluated as 'high value'. The presence of the South Western Snake Neck Turtle (refer Attachment 1.0), and the need for habitat and ecological linkages, is not discussed as a priority because this species is not listed as threatened. It seems incredible that a species is known to be in decline and therefore being researched, yet it will be dismissed until such time that it is actually a listed threatened species. The applicant also dismisses DBCA's commentary on referral under the EPBC Act, stating that “the proponents have satisfied themselves with regard to their obligations” because clearing would not result in a significant environmental action. And yet, the environmental report references the out-of-date, 2017 version of the *Referral guideline for 3 threatened black cockatoo species*. The 2022 Guidelines, in Table 3, indicate that the loss of any potential nesting trees would be classed as a significant action. In this development, 9 potential nesting trees will be removed.

Sometimes, there is not a lot to guide orderly and proper planning. In this instance, we have a proposed land use that is not listed in the scheme and therefore subject to no development standards or guidance. We must therefore rely on the zone objectives, one of which is to provide a basis for structure planning, and the Special Control area, which is Special Provision 4, which goes on to require a structure plan. Why has this been ignored? As a landowner who lives directly opposite the subject site, I have witnessed, indeed have evidence of, the environmental value of this site. It is incredible that it will not be considered in a more holistic manner, across the broader area.

I am also aware of a recent Supreme Court decision, *George & Anor v. Shire of Irwin*. In that case, the Shire had approved a development application. Judge Seaward found that a jurisdictional error had been made because the development was inconsistent with development requirements prescribed in the Scheme. The approval was quashed. I ask the panel to consider whether legitimate approval can be issued for this proposed development, given that prescribed development requirements have not been complied with.

Heritage

The South West Design Review Panel provide a note that consultation with the Karri Karrak Aboriginal corporation had not commenced. There is no discussion about this in the RAR and I would like to know whether the applicant has complied with the requirements of the *Aboriginal Cultural Heritage Act 1972*, as amended in May 2024. It is our understanding that there are Aboriginal objects and cultural materials within the vicinity, and this should be investigated prior to any development.

Water Management

We note one of the Conditions (3.10) in the RAR, is the requirement for a revised Water Management Plan to be submitted and approved by the City, in consultation with the Department of Water and Environmental Regulation. We need to know how the changes to the Water Management Plan will affect all neighbouring properties and whether it will mitigate the flooding risks given the impact of the development to the Resource Enhancement Wetland. The past two winters have brought flooding to our property, neighbouring properties and Rendezvous Rd, all of which drain directly into the Resource Enhancement Wetland. Refer Attachments 2.0 and 3.0.

Conclusion

In conclusion, we are fully aware that there are three development pathways that the applicant could have pursued. We are also aware of an application that has been refused by a DAP, which has later been lodged with the state development assessment unit. We know that the SDAU is not bound, in its decision-making, to a local planning scheme. Despite this, we believe that the DAP is bound, and therefore respectfully request that the points raised above are given careful consideration prior to a decision being made.

Attachments:

1.0 South Western Snake Neck Turtle crossing Rendezvous Rd, Vasse – 21 January 2025,
8.19am



2.0 Flooding to adjacent properties (boundary fence of 663 and 701 Rendezvous Rd, Vasse).
View from Rendezvous Rd - 27 July 2023



3.0 Flooding to adjacent properties (boundary fence of 663 and 701 Rendezvous Rd, Vasse).
View from Rendezvous Rd – 27 July 2023







Presentation Request Form

Regulation 40(3) and DAP Standing Orders 2024 cl. 3.6

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Presenter Details

Name	Kate Reading
Company (if applicable)	
Please identify if you have any special requirements:	YES ☐ NO ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	RDAP/37
Meeting Date	6 March 2025
DAP Application Number	DAP/24/02760
Property Location	Lot 31 Rendezvous Road, Vasse
Agenda Item Number	3.1

Presentation Details

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Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT ☐ AGAINST ☒
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT ☐ AGAINST ☒
Will the presentation require power-point facilities?	YES ☐ NO ☒ If yes, please attach
Will you be attending in person or via electronic means	In person ☐ Online ☒



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Brief sentence summary for inclusion in the Additional Information as part of the agenda	<i>The presentation will address:</i> Objection to the proposed development
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Please attach detailed content of presentation or provide below:-

[Click or tap here to enter text.](#)

Submission by Kate Reading - 6 March 2025.

**Re LOT 31 Rendezvous Road VASSE – Community Facilities for Over 55's.
DAP/24/02760.**

The Reading family are strongly opposed to this proposed development.

VASSE COMMUNITY – built this happy and close community

Past generations of people created the Vasse community with balanced and careful development. We respected land, flora, fauna and the needs of the people. The Structure Plan for Vasse is an outstanding example of balanced sympathetic design.

Three generations of the **READING FAMILY** have lived at Vasse since 1899. In 1986, Robert Reading received an Order of Australia Award for Community Service.

COMMUNITY Roles in -Agriculture, Education, Horticulture, Sport, Health, Environment, Local Government

Personal - Working groups built the Vasse Hall, the Oval, and the Tennis Club.

Vasse Volunteer Bush Fire Brigade, Horticulture, Busselton Show, - Red cross, Golf Club, sporting groups, Vasse Newtown Project Manager, Inaugural Chair VPS, local events, Busselton Councillor- BESS, Landcare group, Geocatch

*Historic bushfires Victoria and Canberra – 2 Royal Commission: = recommendations - *that Local firefighting groups be listened to because of their invaluable LOCAL knowledge.*

- Any decision by DAP must respect the history and wishes of, and be acceptable to, this strong Vasse community. With participation reference for respecting rural ambience and that environment

ENVIRONMENT Loss of Wetland Area and Native vegetation,

My experience in Landcare, Geocatch and as project manager for Vasse Newtown, gave me sophisticated and practical experience in respecting the environment.

*Black Cockatoo numbers are seriously declining at Vasse. Flocks of up to 100 birds were not unusual. Now, flocks of 5 or 10 birds are expected.

*Frog numbers are seriously declining: - green, moaning and motor bike frogs.

*Numerous types of local birds regularly visit this welcome wetland.

*Tree planting is vital. Retaining walls and separation space along the western boundary for protection of trees.

Attached PHOTO 25/02/2025 Green Summer swathe, at the end of Summer, GREEN grass like this is because of the underlying wetland.
Every other paddock around is golden dry.

DENSITY

This is Rural Land for Rural Living. Lot 31 is open swathes of wetlands, few homes or other buildings and not many people. It is bad planning to drop this densely populated development into a rural area. It defies past careful landscape design.

*What is the R rating applied to Lot 31?

*The rural ambience of Lot 31 is inappropriate for 214 DWELLINGS.

*Attached MAP of HERON LAKE – 63 Lots, with a large green allocation “Reserve for Conservation”.

Site access to this lot will be a challenging hurdle.

Entry to Cockatoo Loop must be bridged. Filling of this section for a culvert crossing will require significantly more trees to be removed.

Access to Rendezvous Road must also be bridged.

There are Electricity poles along much the north side of Rendezvous Road. What provision has been made for the retention of the poles on Lot 31. The next-door property, Lot 250 had land resumed, as an easement along Rendezvous Road. Some properties have fenced a similar easement area.

See attached – 1 summer photo Lot 31 taken 25 February 2025 and 1 map of Heron Lake.

Kate Reading

If contact is sought after 9 March I will be travelling in Japan. Try my mobile 0457

85 Feb 2005
- Green Swamp



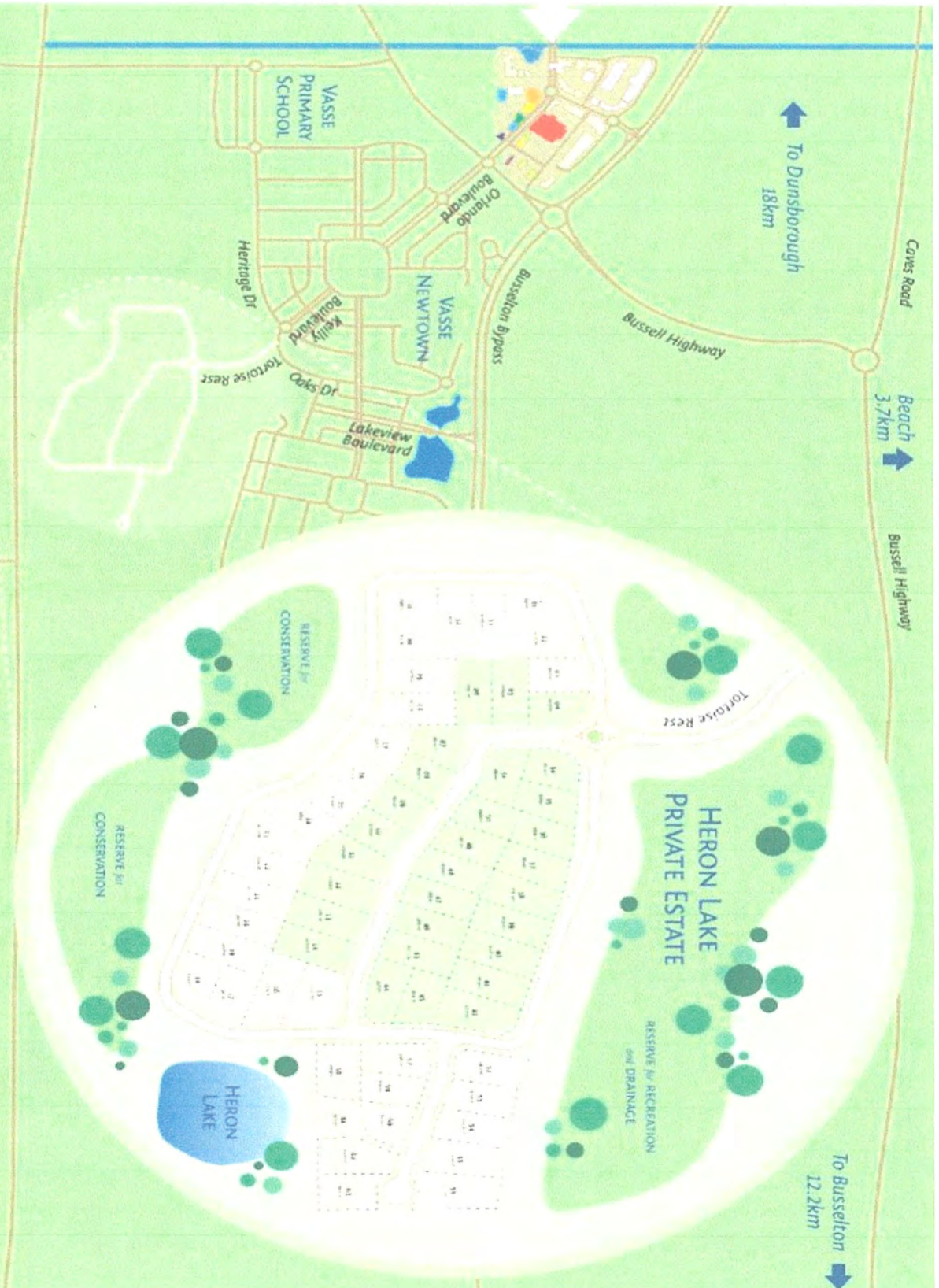
STAGE ONE = 29 LOTS

FEBRUARY 2016.

TOTAL NUMBER OF LOTS TO BE SOLD – 63. Sole access via TORTOISE REST.

VASSE VILLAGE KEY

- CHIPS (OPENING FEB 2017)
- COLES EXPRESS
- MEDICAL
- SPECIALITY RETAIL
- FAST FOOD
- RESTAURANT/GOURMET
- TAVERN
- COMMERCIAL
- PROPOSED SW INSTITUTE OF TECHNOLOGY
- FUTURE STAGES





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Presenter Details

Name	Denise Morgan/ Andrew Wallis
Company (if applicable)	CDP Town Planning & Urban Design/ Stockland Communities
Please identify if you have any special requirements:	YES ☐ NO ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	RDAP/37
Meeting Date	6 March 2025
DAP Application Number	DAP/24/0270
Property Location	Lot 31 Rendezvous Road, Vasse
Agenda Item Number	3.1

Presentation Details

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Brief sentence summary for inclusion in the Additional Information as part of the agenda	<i>The presentation will address:</i> • Stockland general agreement to the modified conditions proposed by the City of Busselton. • Request for minor modifications to some conditions to clarify intention and better reflect the sequence of work and staged delivery of the project.
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Please attach detailed content of presentation or provide below:-

Letter including:

1. Copy of suggested amended conditions provided by the City of Busselton.
2. Requested further amendments to conditions.

28 February 2025
Our Reference: StoVa

Mr Eugene Koltasz
Presiding Member
Regional DAP/32
c/- DAP Secretariat

via Email. daps@dplh.wa.gov.au

p. 08 6333 1888
e. info@cdpaus.com.au
a. 2/464 Murray St,
Perth WA 6000
PO Box 8002
Cloisters Square 6850
cdpaus.com.au

Dear Gene,

**PROPOSED STOCKLAND HALCYON LAND LEASE COMMUNITY - LOT 31 RENDEZVOUS ROAD, VASSE
SUBMISSION TO RDAP/32 ON CITY OF BUSSELTON RAR**

On behalf of Stockland Communities, we wish to make the following submission to the RDAP in relation to Item 3.1 on the proposed Stockland Halcyon land lease community on Lot 31 Rendezvous Road, Vasse.

1. We are appreciative of the City of Busselton's willingness to discuss potential changes to the conditions proposed in the RAR. The conditions proposed by the City in Attachment 1 are generally acceptable.
2. Notwithstanding the generally acceptable nature of the proposed (amended) conditions, we respectfully request further amendments as outlined in Attachment 2 hereto.

Should you require any additional information, please do not hesitate to contact Denise Morgan or the undersigned on 6333 1888.

Yours sincerely,



FRANK ARANGIO
MANAGING DIRECTOR



Attachment 1

CITY OF BUSSELTON PROPOSED AMENDMENTS TO DRAFT
CONDITIONS (27 FEBRUARY 2025)





Attachment 2

PROPOSED FURTHER AMENDMENTS TO DRAFT CONDITIONS





RDAP/32 APPLICANT REQUESTED MODIFICATIONS TO REVISED DRAFT CONDITIONS

Lot 31 Rendezvous Road, Vasse

Draft Conditions 25 February 2025	Proposed Further Amendments	Proponent Comment/Rationale
PRIOR TO COMMENCEMENT OF WORKS CONDITIONS		
3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:	No change	The develop is a broad scaled masterplanned proposal that will be delivered in multiple stages over a period of years. The requirement for all detailed designs to be submitted prior to works occurring is unreasonable and unnecessary. Wording should only require the submission of relevant documentation and endorsement by the City prior to that STAGE of works is required.
3.1 Final Landscaping Plan (LP). The LP shall include the following: a. The location, number, size and species of existing and proposed trees and shrubs; b. Details of all planting, as per (a) above, within the landscape buffer adjacent to Rendezvous Road of a density to provide sufficient screening of the development; c. Any lawns to be established; d. Those areas to be reticulated or irrigated; e. Details of the proposed fencing and entry gates including, but not limited to, the design and the materials to be used and fencing to provide demarcation to the boundaries of adjoining Reserves (R42973 and R53029). f. Verge treatments, including hard and soft landscaping treatments. g. Consideration of any mosquito management measures required by the Mosquito Management Plan.	3.1 A landscaping plan for each stage that includes the following: (no change to content)	Notwithstanding proposed Advice Note 18, the developer would like assurance that details will only be required on a per stage basis. The DA package provides details on the nature of landscaping proposed. It should be noted that full landscaping of the Rendezvous Road frontage can not occur until construction is completed, because all construction traffic will use Rendezvous Road to minimise disturbance to early stage residents and residents in the established neighbouring urban area.



Draft Conditions 25 February 2025	Proposed Further Amendments	Proponent Comment/Rationale
3.9 A Waste Management Plan	Remove	Superfluous. A waste management plan prepared in consultation forms part of the application package. The report states that the City is satisfied with the lodged plan.
3.11 Engineering drawings and specifications are to be submitted and approved by the City of Busselton, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of development, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Water Management Plan.	3.11 Engineering drawings and specifications for each stage are to be submitted and approved by the City of Busselton, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of development, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Water Management Plan.	As above, it is requested that detailed information be provided stage-by-stage. Proposed condition 3.10 relating to water management will be sufficient to ensure guide detailed civil design at each stage.
PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS		
5.5 Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that: <i>"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan (Lot 31 Rendezvous Road, Vasse, Version B, dated February 2025 and prepared by Emerge Associates)."</i>	5.5 Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that: <i>"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan."</i>	The standard WAPC (subdivision) condition does not require reference to a specific edition of a BMP, which could potentially change over time.
5.6 A restrictive covenant between the applicant and the City being entered into, at the full cost of the applicant, which restricts the occupancy to aged (over 55's) persons.	Remove	The planning approval is for an over-55's development, and no change to that would be possible without a new development application, so this condition is superfluous and adds unnecessary expense to the development.



Draft Conditions 25 February 2025	Proposed Further Amendments	Proponent Comment/Rationale
10. Any Aged or Dependent Persons' Dwelling must be designed and used only for the permanent accommodation of a person who: (i) is aged 55 years or more; or (ii) has a recognised form of disability requiring special or supported accommodation; and may also accommodate the spouse or carer of that person and in any case no more than one other person.	Remove	This condition is superfluous because the planning application is not seeking any site concessions or development standard concessions applicable to aged and dependent persons. Furthermore, a planning approval will relate to the approved plans.

Conditions

GENERAL CONDITIONS

1. 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.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans, and except as may be modified by the following conditions.

PRIOR TO COMMENCEMENT OF ~~ANY~~ WORKS CONDITIONS

3. The development hereby approved, or ~~any~~ works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:
 - 3.1 Final Landscaping Plan (LP). The LP shall include the following:
 - a. The location, number, size and species of existing and proposed trees and shrubs;
 - b. Details of all planting, as per (a) above, within the landscape buffer adjacent to Rendezvous Road of a density to provide sufficient screening of the development;
 - c. Any lawns to be established;
 - d. Those areas to be reticulated or irrigated;
 - e. Details of the proposed fencing and entry gates including, but not limited to, the design and the materials to be used and fencing to provide demarcation to the boundaries of adjoining Reserves (R42973 and R53029).
 - f. Verge treatments, including hard and soft landscaping treatments.
 - g. **Consideration of any mosquito management measures required by the Mosquito Management Plan.**
 - 3.2 House option No. 4 to **demonstrate how a ~~be modified to include~~** a dedicated storage area in accordance with Part C, clause 2.1 and in accordance with the definition of 'Storage' as outlined in A1 Definitions of the Residential Design Codes Volume 1 **can be provided.**
 - 3.3 A mosquito management plan.
 - 3.4 An Acid Sulphate Soil Investigation Report and an Acid Sulphate Soils Management Plan shall be submitted to and approved by the City of Busselton in consultation with the Department of Water and Environmental Regulation.
 - 3.5 A Construction Environmental Management Plan shall be submitted to and approved by the City of Busselton in consultation with the Department of Water and Environmental Regulation and Department of Biodiversity, Conservation and Attractions.

- 3.6 All vehicle parking, access ways, points of ingress and egress must be designed and constructed to a minimum standard in accordance with the *Australian Standard for Parking Facilities - Off-Street Car Parking (AS 2890.1)* and shall be developed in the form and layout depicted on the approved plans to the satisfaction of the City.
- 3.7 Accessible car parking and access shall be provided and designed in accordance with the *Australian Standard for Parking Facilities - Off-Street Car Parking for people with disabilities (AS 2890.6)*.
- 3.8 Lighting Management Plan consistent with the 'dark sky principles' and the requirements of *Australian Standard AS 4282—2023 Control of the obtrusive effects of outdoor lighting*, including no use of flood lights and not causing light emissions off site.
- 3.9 A Waste Management Plan. ~~indicating:~~
- ~~(i) Details of proposed bin storage areas including, but not limited to, the design and the materials to be used in their construction. The minimum area for bin storage is 1m² per bin; and~~
 - ~~(ii) Details of the collection areas, which are to be designed and constructed in concrete.~~
- 3.10 A revised Water Management Plan shall be submitted and approved by the City, in consultation with the Department of Water and Environmental Regulation.
- 3.11 Engineering drawings and specifications are to be submitted and approved by the City of Busselton, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of development, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Water Management Plan.
- 3.12 A detailed schedule of external finishes (including materials, colour schemes and details) must be submitted and approved by the City **prior to the commencement of any building works**. The development must be finished in accordance with the approved schedule.
- 3.13 A Construction Management Plan. The Construction Management Plan should address the following issues, where applicable:
- a) public safety and amenity;
 - b) site plan and security;
 - c) contact details of essential site personnel, construction period and operating hours;
 - d) community information, consultation and complaints management Plan;
 - e) temporary realignment of pedestrian access ways (including crossing points and lighting);
 - f) noise, vibration, air and dust management;
 - g) dilapidation reports of nearby properties;

- h) traffic, access and parking management;
- i) waste management and materials re-use;
- j) sanitary facilities;
- k) earthworks, excavation, land retention/piling methods and associated matters;
- l) stormwater and sediment control;
- m) street tree management and protection;
- n) asbestos removal management Plan;
- o) any other matter deemed relevant by the City.

Construction works shall take place in accordance with the approved details at all times.

- 3.14 A Tree Protection Plan (TPP) prepared in accordance with *Australian Standard AS 4970-2009 Protection of trees on development sites* for the trees to be retained on the site, adjoining road reserves and for vegetation within the adjoining Reserves (R42973 and R53029). The approved TPP shall be implemented before any of the substantive development is commenced and shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site. Within any vegetation areas identified to be protected with fencing, nothing shall be stored or placed, and the ground levels shall not be altered.

3.15 A development staging plan.

4. The development hereby approved, or any works required to implement the development shall not commence until a contribution towards community facilities in the Broadwater Precinct has been paid to the City of Busselton.

PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS

5. The development hereby approved shall not be occupied or used until all plans, details or works required by condition 3 and 4 have been implemented.

- 5.1 A copy of the Certificate of Title ~~with required notifications the Section 70A notification~~ registered against it.

- 5.2 The development being connected to reticulated water and sewerage.

- 5.3 Information is to be provided to demonstrate that the measures and works contained in the bushfire management plan ("Lot 31 Rendezvous Road, Vasse, Version B, dated February 2025" and prepared by Emerge Associates) have been implemented. This information should include a completed 'Compliance Certificate' prepared by the bushfire planning practitioner.

- 5.4 A notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the certificates of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan), the notification is to state as follows:

"This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry viruses and other diseases."

- 5.5 Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that:

“This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan (Lot 31 Rendezvous Road, Vasse, Version B, dated February 2025 and prepared by Emerge Associates).”

- 5.6 A restrictive covenant between the applicant and the City being entered into, at the full cost of the applicant, which restricts the occupancy to aged (over 55's) persons.

ON-GOING CONDITIONS

6. The works undertaken to satisfy Condition(s) 2, 3, 4 and 5 shall be subsequently maintained for the life of the development.
7. The development hereby approved shall at all times comply with the definition of “Independent Living Complex” as defined in Western Australian Planning Commission *Position Statement: Residential accommodation for ageing persons March 2004*:
- “a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provisions of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility.”*
8. Landscaping and reticulation shall be implemented in accordance with the approved Landscape Plan and shall thereafter be maintained to the satisfaction of the City of Busselton. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die or, as assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.
9. The tennis/pickleball courts shall comply with the following:
- i. Fencing shall not exceed 3.8 metres in height and shall be of PVC coated link-mesh fencing in dark tones.
 - ii. Light poles to be a maximum height of 6 metres, measured from finished ground level of the tennis court.
 - iii. Lighting must not exceed an illumination level of three (3) lux beyond a distance of three (3) metres from the tennis court.
 - iv. Lighting must be adequately screened or shielded to ensure that the light source is not visible from a habitable-room window of an adjoining dwelling.
10. Any Aged or Dependent Persons’ Dwelling must be designed and used only for the permanent accommodation of a person who:
- (i) is aged 55 years or more; or

- (ii) has a recognised form of disability requiring special or supported accommodation; and may also accommodate the spouse or carer of that person and in any case no more than one other person.

Advice Notes

1. If the applicant and/or owner are aggrieved by this decision, there may be a right of review under the provisions of Part 14 of the *Planning and Development Act 2005*. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the Regional DAP.
2. Please note it is the responsibility of the applicant / owner to ensure that, in relation to substantial commencement, this development approval remains current and does not lapse. The City of Busselton does not send reminder notices in this regard.
3. Please be advised that when forwarding payment for contributions and/or bonds to the City of Busselton, whether it be in person or through the mail, you will need to include a copy of this correspondence (decision on application for development approval) for receipting purposes.
4. The payment towards community facilities in the Broadwater precinct is required as a result of the City of Busselton Local Planning Scheme No. 21 Development Contribution Special Control Area provisions and is calculated on the basis of \$2303.00 for every additional unit approved in the Broadwater precinct (Aged Persons units attract a 50% contribution rate). The contribution will be retained within a separate fund to be used solely for the upgrading, improving and provision of the City's community facilities consistent with a community facility plan for the precinct.
5. The contribution fee is upgraded in line with the Consumer Price Index for Perth on 30 June each year. The fee applicable will be determined at the time of payment.
6. In accordance with the requirements of the *Local Government (Uniform Local Provisions) Regulations 1996*, you are hereby notified that any vehicle access from the land to a road or other public thoroughfare must be in accordance with the City of Busselton's adopted Crossover Policy and Vehicle Crossovers Technical Specification.
7. You are advised that the colour of the roofing materials shall be in accordance with *Local Planning Policy 3.1 Reflective Building Materials*. The City actively discourages the use of building materials that have a solar reflectance value greater than 50%. Colour(s) should complement the locality and not be of undesirable impact.
8. In accordance with the provisions of the *Building Act 2011*, and *Building Regulations 2012*, an application for a building permit must be submitted to, and approval granted by the City, prior to the commencement of the development hereby permitted.
9. The City's development approval should not be construed as an indication of future support of any proposed subdivision.
10. A Food Business Notification/Registration form is to be submitted for approval by an Environmental Health Officer and should include a detailed sketch plan of fit out of premise(Clubhouse).
11. Swimming Pool shall comply with the *Health (Aquatic Facilities) Regulations 2007*.

DRAFT CONDITIONS AT 27/02/2025

12. Should the treatment room within the Clubhouse include skin penetration treatments (dry needling, acupuncture, waxing, etc) an application for a skin penetration business shall be made to the City of Busselton.
13. The clubhouse is required to comply with the *Health (Miscellaneous Provisions) Act 1911*; the *Health (Public Building) Regulations 1992* and the *Building Code of Australia*.
14. The City recommends that a Bushfire Evacuation Plan be prepared to manage the safety of the occupants in a Bushfire Event.
15. The Construction Environmental Management Plan shall address how construction of the site will retain and enhance existing ecological corridors/linkages and any clearing vegetation modifications.
16. You are advised *Agonis flexuosa* (WA Peppermint Trees) provide key habitat for the “critically endangered” *Pseudocheirus occidentalis* (Western Ringtail Possum). The Western Ringtail Possum are awarded protection under the *Biodiversity Conservation Act 2016* and you may face penalties for taking or disturbing (including intentionally disturbing, trapping/relocating or causing harm/death) a Western Ringtail Possum. A section 40 ministerial authorisation to take or disturb threatened fauna under the *Biodiversity Conservation Act 2016* is to be obtained prior to clearing occurring. A fauna handler is required to be onsite prior to and during any clearing operations and is required to hold a Section 40 Ministerial Authorisation. The fauna handler is to provide a post clearing report to DBCA swlanduseplanning@dbca.wa.gov.au that includes the numbers of adult or juvenile western ringtail possums observed, taken or disturbed, any injuries or fatalities, and the location of the fauna after clearing has occurred.
17. A development application will be required in the instance a ‘hit up wall’ is required to support pickleball activities and shall consider appropriate noise mitigation measures.
18. The City notes that the development as approved will be constructed as a staged development in accordance with an approved staging plan. Conditions may be cleared in stages to the satisfaction of the City.