



Metro Outer Development Assessment Panel Related Information

Meeting Date and Time: Tuesday, 10 June 2025; 9.30am
Meeting Number: MODAP/83

PART B – CITY OF ROCKINGHAM

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



Attendance

Officers/Technical Advisors in attendance

David Banovic (City of Rockingham)
Lindsay Bergsma (City of Rockingham)
Casey Gillespie (City of Rockingham)
Stephen Carrick (City of Rockingham)

Applicants and Submitters

Item 3.1

Declan Creighan (Urbis)
Stuart Hawley (Bluerock Projects)
Marc Spadaccini (Rothelowman)

Item 3.2

George Hajigabriel (Rowe Group)
Renae Canterbury (Hocking Heritage and Architecture)
Sam Bowers (Rowe Group)
Craig Matthews (Eastcourt)



PART B – CITY OF ROCKINGHAM

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.

Member	Item	Nature of Interest
Cr Mark Jones	3.1 & 3.2	Impartiality Interest – Cr Jones participated in a council meeting where these items were heard
Cr Dawn Jecks	3.1 & 3.2	Impartiality Interest – Cr Jecks participated in a council meeting where these items were heard

3. Form 1 DAP Applications

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

3.1.1 Deputations and Presentations

Declan Creighan (Urbis) presenting in support of the recommendation for the application at Item 3.1. The presentation will address the responsible authority recommendation for approval, supporting the recommendation and the proposal. Additionally, the presentation will briefly address condition changes.

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



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

3.2.1 Deputations and Presentations

Renaë Canterbury (Hocking Heritage and Architecture) presenting in support of the recommendation for the application at Item 3.2. The presentation will address in support of the proposed development and the City of Rockingham's Responsible Authority Report (RAR). As part of the presentation, Ms Canterbury will provide further justification for the amended conditions relating the State Heritage registered Bell Cottage (Ruin), not supported by the City, in particular Condition 16 and 18.

George Hajigabriel (Rowe Group) presenting in support of the recommendation for the application at Item 3.1. The presentation will address in support of the proposed development and the City of Rockingham's Responsible Authority Report (RAR). As part of the presentation, Mr Hajigabriel will provide a brief summary of the proposal and outline a request for proposed amendments to the recommended conditions of Development Approval - identifying those that it is understood the City supports and those it does not. Mr Hajigabriel will provide further justification for the amended conditions not supported by the City.

The City of Rockingham 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 2024 cl. 3.6

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

Presentation Request Guidelines

Persons interested in presenting to a DAP must first consider whether their concern has been adequately addressed in the responsible authority report or other submissions. Your request will be determined by the Presiding Member based on individual merit and likely contribution to assist the DAP's consideration and determination of the application.

Presentations are not to exceed **3 minutes**. It is important to note that the presentation content will be **published on the DAP website** as part of the meeting agenda.

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

Presenter Details

Name	Declan Creighan
Company (if applicable)	Urbis
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer Development Assessment Panel Agenda
Meeting Date	10 June 2025
DAP Application Number	DAP/2502871
Property Location	7-19 McNicholl Street, Rockingham
Agenda Item Number	3.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content <u>will be published</u> as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach
Will you be attending in person or via electronic means	In person <input checked="" type="checkbox"/>



	Online <input type="checkbox"/>
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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 in the Additional Information as part of the agenda	<i>The presentation will address:</i> This presentation will address the responsible authority recommendation for approval, supporting the recommendation and the proposal. Additionally, the presentation will briefly address condition changes.
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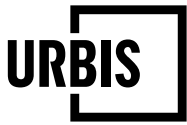
In accordance with Clause 3.6.2 of the *DAP Standing Orders*, your presentation request must also be accompanied with a written document setting out the substance of the submission. If the presentation references documents that are contained within the responsible authority attachments, please consider referencing the attachment and not including a duplication of documents.

Please attach detailed content of presentation or provide below:-

Specifically, this presentation will address:

- Support for the Responsible Authority Recommendation.
- Support for the proposed development.
- A brief addressing of the key town planning considerations as well as the overall merit of the proposal.
- Brief discussion and commentary in relation to requested condition changes.

Overall, this presentation will focus on the town planning considerations and the merit of the proposal, putting forward our support and respectfully requesting the DAP approve the development.



MEMO

To: Metro Outer Development Assessment Panel Members

Cc: David Banovich - Coordinator Statutory Planning (DAP and Planning Reform)

From: Declan Creighan - Urbis

Email: dcreighan@urbis.com.au

Date: 9 June 2025

Subject: DAP/25/02871 – Item 3.1 - no.7-19) McNicholl Street, Rockingham – proposed 33 grouped dwellings

Dear DAP Members,

Urbis, on behalf of Bluerock Projects are pleased to provide this memo in relation to DAP/25/02871 – Item 3.1 on the agenda. This application relates to the 33 Grouped Dwellings development application that is to be determined by DAP members on 10 June 2025. The proposed development is located at 7-19 McNicholl Street, Rockingham (**subject site**).

The project team would like to highlight that we are pleased with the positive recommendation for approval contained within Responsible Authority Recommendation. The project team have worked collaboratively with the City's planning officers who engaged respectfully throughout the planning process and their conduct should be commended.

Additionally, the proposal was considered at the City of Rockingham Planning Committee Meeting on 19 May and at the Ordinary Meeting of Council on 27 May. The project team were pleased to note the significant positivity and support from the Elected Members, who voted to support the officer recommendation and factored in our requested minor but important condition change to the final Responsible Authority report. We reiterate our support for the Responsible Authority Recommendation as is within the agenda.

DAP panel members are well aware of the ongoing housing crisis in Perth. This development application proposes a well-designed medium-density dwellings project that will provide much needed housing supply in the Rockingham City Centre. The site has been vacant for over 10 years due to various complexities and challenges. Bluerock Projects, with their innovative development and building approach, have developed a viable scheme for the site which represents a fantastic opportunity for the City, ensuring a high-quality development.

Bluerock are mobilised and prepared to commence work on the site as soon as practical following determination.

We respectfully request that the DAP approve this development application in accordance with the Responsible Authority Recommendation. Please refer to the below condition considerations which we respectfully request the DAP factor into their determination.

CONDITION CONSIDERATIONS

As outlined above, we are highly supportive of the Responsible Authority Recommendation. We respectfully request the DAP review the below condition considerations.

New Condition: Public Access Easement

Following finalisation of the initial Responsible Authority Recommendation prepared by the City's planning officers, the officers raised with the project team that there was a condition that was inadvertently missed from the recommendation. Specifically, the City identified a need for a condition of development approval requiring a public access easement under section 195 & 196 of the Land Administration Act 1997 as City waste vehicles will be accessing a private laneway to collect waste.

The condition is suggested to read as follows:

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

We believe this condition is in keeping with proper and orderly planning. Had it been included within the initial Responsible Authority Recommendation, the project team would not have objected to this condition. As a measure of goodwill and appreciation for the merit of the condition, we respectfully request this condition be added to the development approval.

Condition 11

We reiterate our support for the wording of Condition 11 in the Responsible Authority Recommendation. For the DAP's reference, the initial Condition 11 put forward by the City's officers contained a requirement to provide an updated Landscaping Plan **to include provision of London Plane Trees in lieu of the WA Peppermint trees proposed in the verge areas.**

DAP panel members will note that the proposed Landscape Concept Plan accompanying the development application notes WA Peppermint trees as the preferred verge tree. The project team put forward to the City of Rockingham Elected Members that the proposed WA Peppermint trees were the best choice for the following reasons:

- London Plane trees are not native trees. They require significant amounts of water and maintenance to ensure they do not die in their early stages.
- Bluerock place importance on their sustainability ambitions and given their high-water usage, the London Plane trees do not align with their sustainability goals.
- Once established, London Plane Trees are incredibly invasive and damaging to both private and public infrastructure, with their roots being incredibly damaging once established and their leave droppings a constant maintenance issue.
- The proposed WA Peppermint trees are native, are drought tolerant and have minimal infrastructure damage risk. They provide excellent shade and will compliment the development well.
- Finally, the Rockingham Precinct Structure Plan (PSP) does not identify London Plane Trees as a preferred species for this location. The PSP talks to the need for a diversity of tree species, water wise tree choices and the requirement for contextually appropriate planting. London plane trees do not achieve any of these goals and simply are not appropriate.

We note the City's planning officers referenced either London Plane trees or Cut Leaf Plane trees as being preferred alternatives due to being identified within a strategic treescape study from 1994. Noting this strategy holds no statutory weight and is more than 30 years old, it is no longer representing best practice in urban ecology. We maintain that the proposed WA Peppermint trees are the preferred option and the best outcome of these three options for the reasons stated above.

In summary, the project team are highly supportive of the wording in Condition 11 of the Responsible Authority Recommendation. We respectfully request the DAP support the condition as is, facilitating the proposed WA Peppermint trees to be delivered.

CONCLUSION

Urbis and Bluerock are pleased with the Responsible Authority Recommendation. It is of paramount importance to the project team the DAP approve this the proposed development, factoring in the proposed condition considerations to their consideration.

We look forward to providing a very brief deputation to address the DAP at the 10 June meeting and will be available answer any questions you may have. We look forward to delivering a positive outcome for this site.

Kindest regards,

A handwritten signature in blue ink that reads "D. Creighan". The signature is written in a cursive, flowing style.

Declan Creighan
Senior Consultant
dcreighan@urbis.com.au



Presentation Request Form

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

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	Renae Canterbury
Company (if applicable)	Hocking Heritage + Architecture
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer Development Assessment Panel
Meeting Date	10 June 2025
DAP Application Number	DAP/25/02851
Property Location	Lot 850 Mandurah Road and Lot 804, East Rockingham
Agenda Item Number	Part C – Item 3.2

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content <u>will be published</u> as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u>)? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach
Will you be attending in person or via electronic means	In person <input checked="" type="checkbox"/> Online <input type="checkbox"/>



Presentation Content*

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Brief sentence summary for inclusion in the Additional Information as part of the agenda	<i>The presentation will address:</i> Ms Renae Canterbury will present in support of the proposed development and the City of Rockingham's Responsible Authority Report (RAR). As part of the presentation, Ms Canterbury will provide further justification for the amended conditions relating the State Heritage registered Bell Cottage (Ruin), not supported by the City, in particular Condition 16 and 18.
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In accordance with Clause 3.6.2 of the *DAP Standing Orders*, your presentation request must also be accompanied with a written document setting out the substance of the submission. If the presentation references documents that are contained within the responsible authority attachments, please consider referencing the attachment and not including a duplication of documents.

Please attach detailed content of presentation or provide below:-

- Refer following pages



Hocking Heritage + Architecture are providing heritage architectural consultancy to Trecap Pty Ltd, the landowner of the subject site. The subject site contains the State Heritage registered Bell Cottage (Ruin). The Development application currently being determined includes the development of the wider site for industrial purposes. As part of this development, the owner is proposing to undertake stabilisation works to the Ruin.

Condition 16

The existing garrison fence surrounding the Ruin is not original and does not relate to a previous fence location. The location of the proposed fence was discussed in detail with DPLH, acting under delegated authority for HCWA. As listed in their advice letter, they determined that a minimum of a 2m setback from the existing fence was acceptable. Follow up correspondence with the senior heritage officer has confirmed that from their viewpoint, the fence location is for physical protection of the Ruin and the 2m minimum is acceptable.

However, as the fence set back from the Ruin is not uniform along the perimeter, the owner is proposing to adjust the proposal to provide a more uniform solution, and in some cases greater setback. This is shown in Appendix A. It is proposed to set the fence 4m off the existing Ruin walls to the north, east and south elevations. Meaning the additional setback is between 2m and 4m from the current fence line.

The fence to the west is proposed to be set back an additional 2m from the existing, making it 7.6m from the Ruin walls. The additional setback to the west, the street facing elevation provides greater visual curtilage to the main façade. HCWA found that the proposed setback of 2m from the existing fence line maintained the significant views from Mandurah Road and that the proposal allows for a visual curtilage to Bell Cottage.

The final fence location however will be based on the outcome of the construction management plan.

Condition 18

The Heritage Curtilage for Bell Cottage, also referred as the Memorial is based on the recommendations of the 1999 Conservation Plan prepared for the City of Rockingham, by Palassis Architects. As part of the Register entry for the place, HCWA has included a curtilage which it considers appropriate for the place.

Hocking H+A prepared a Conservation Management Plan for the place in 2018. As part of this, an Archaeological Management Plan (AMP) was prepared for the Memorial area. Following this, archaeological test excavations were carried out to further test and refine the zones of archaeological potential and significance that were included in the AMP. A copy of the refined zones is attached as Appendix B.

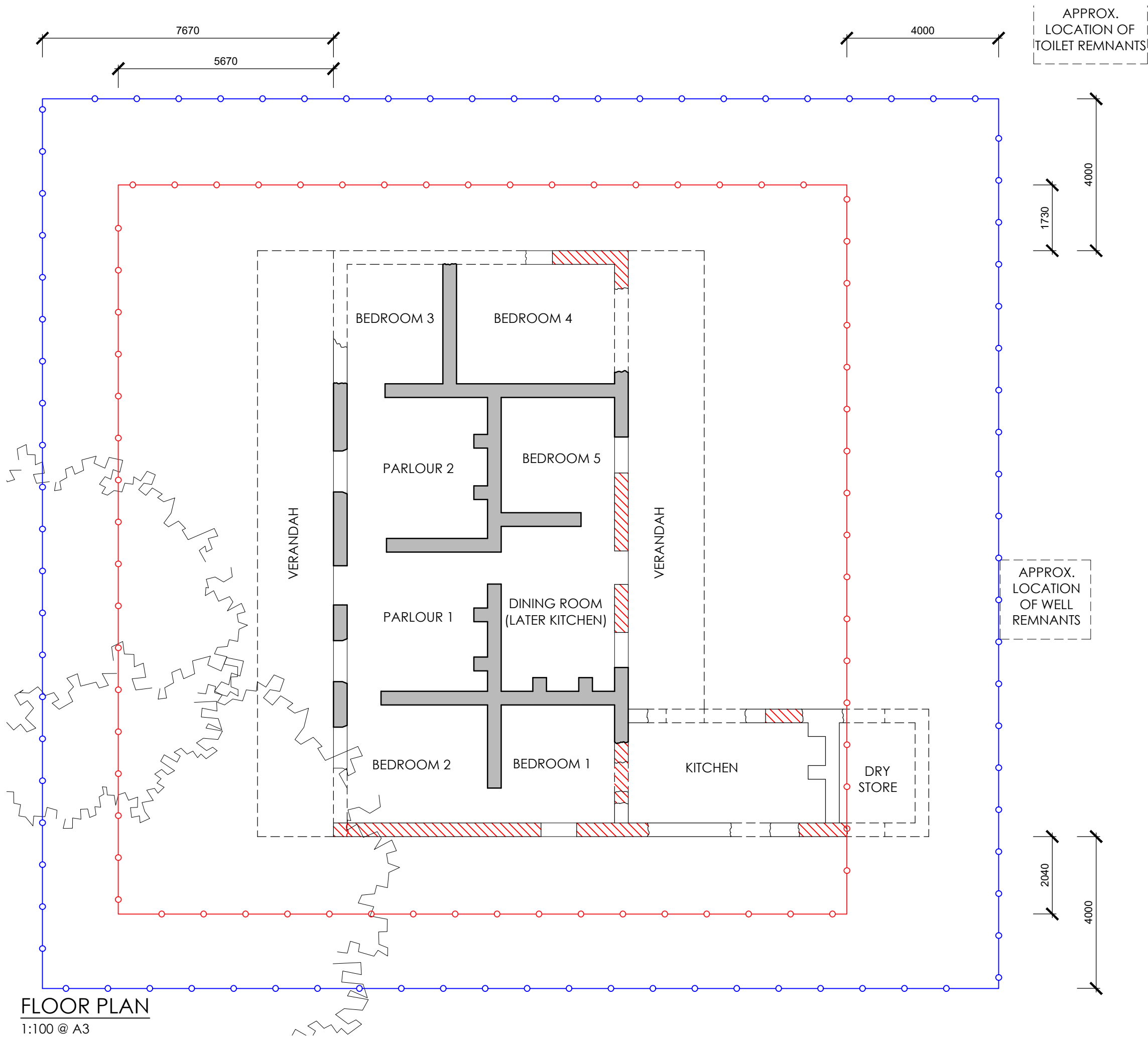
We politely request that further archaeological investigations are only carried out within the Memorial when works are proposed to be carried out in that area. Independent Archaeologists have confirmed that the existing archaeology within the Memorial area, is unlikely to be impacted, unless the works are occurring above or directly adjacent.

The 1999 CMP states “it is a common misconception that a site with archaeological potential should be excavated simply because it is there”. This is in line with the advice of independent archaeologists, in that unless the archaeology is going to be disturbed by the works, the archaeology should not be disturbed.

Further to this, an Archaeologist with experience and expertise, will use the existing AMP and results of the test excavations to define their additional investigations. Meaning that the



proposed amendment to the conditions wording, simply make clear the process that reflects industry standard.



*BARN RUINS (SHOWN OUT OF LOCATION)

* REMOVE REMNANTS OF BARN. SALVAGE STONE FOR REUSE IN CONSERVATION WORKS. DOCUMENT REMAINING FABRIC PRIOR TO REMOVAL.

GENERAL NOTES - FLOOR PLAN

- REFER TO BELL COTTAGE_STRUCTURAL CONDITION ASSESSMENT REPORT REVISION 4, FOR OPTION 2 STABILISATION WORKS .

LEGEND

- DEMOLISH WALLS TO 200MM ABOVE SILL HEIGHT UNLESS SHOWN OTHERWISE
- EXISTING FENCE TO BE RELOCATED
- PROPOSED NEW FENCE LOCATION

FLOOR PLAN
1:100 @ A3

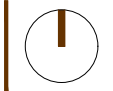




Figure 14. Map showing zones of archaeological significance



Presentation Request Form

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

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Presenter Details

Name	George Hajigabriel
Company (if applicable)	Rowe Group
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer Development Assessment Panel
Meeting Date	10 June 2025
DAP Application Number	DAP/25/02851
Property Location	Lot 850 Mandurah Road and Lot 804, East Rockingham
Agenda Item Number	Part C – Item 3.2

Presentation Details

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<p>Brief sentence summary for inclusion in the Additional Information as part of the agenda</p>	<p>Mr George Hajigabriel will present in support of the proposed development and the City of Rockingham's Responsible Authority Report (RAR). As part of the presentation, Mr Hajigabriel will provide a brief summary of the proposal and outline a request for proposed amendments to the recommended conditions of Development Approval - identifying those that it is understood the City supports and those it does not. Mr Hajigabriel will provide further justification for the amended conditions not supported by the City.</p> <p>The following project team members will also be in attendance to respond to any questions / queries from the panel:</p> <ul style="list-style-type: none">• Mr Craig Matthews – Eastcourt• Ms Renae Canterbury – Hocking Heritage + Architecture• Mr Sam Bowers – Rowe Group
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In accordance with Clause 3.6.2 of the *DAP Standing Orders*, your presentation request must also be accompanied with a written document setting out the substance of the submission. If the presentation references documents that are contained within the responsible authority attachments, please consider referencing the attachment and not including a duplication of documents.

Please attach detailed content of presentation or provide below:

Refer attached.



METRO OUTER DEVELOPMENT ASSESSMENT PANEL

9:30AM TUESDAY 10 JUNE 2025

ITEM 3.2 OF PART C – PROPOSED INDUSTRIAL DEVELOPMENT AND CONSERVATION WORKS TO BELL COTTAGE (RUIN)

LOT 850 MANDURAH ROAD AND LOT 804, EAST ROCKINGHAM

Rowe Group acts on behalf of Trecap Pty Ltd (**client**), the landowner of Lot 850 Mandurah Road and Lot 804, East Rockingham (**subject site**). We lodged a Development Application (**Application**) with the City of Rockingham (**City**) on 13 January 2025, seeking Development Approval for an industrial development at the subject site. This Application is required to be determined by the Metro Outer Development Assessment Panel (**DAP**).

The City has recommended the Application be approved, subject to conditions. While we are supportive of the City's recommendation for approval, we have been instructed by our client to respectfully request the DAP approve several amended conditions - some of which have been agreed to by the City, and others which the City has not supported.

The following project team members will attend the DAP meeting:

- Mr Craig Matthews (Eastcourt);
- Ms Renae Canterbury (Hocking Heritage + Architecture);
- Mr George Hajigabriel (Rowe Group); and
- Mr Sam Bowers (Rowe Group).

The table attached to this correspondence summarises the proposed amendments to the conditions of Development Approval recommended by the City, including the following:

1. The conditions recommended in the City's Responsible Authority Report (**RAR**) that are being contested;
2. The amendments proposed by our client to those conditions (refer yellow highlight);
3. The City's comments in response to the proposed amendments; and
4. Our client's position on each condition, considering the City's comments - either confirming agreement or providing justification as to why the proposed amendment should ultimately be supported by the DAP.

Summary

In summary, this Application seeks Development Approval for an industrial development at the subject site. The City has recommended the proposed development be approved by the DAP, subject to conditions.

Having regard to the approach established in *Newbury District Council v Secretary of State for the Environment [1981] AC 578 (Newbury)*, which has since been adopted by the State Administrative Tribunal (**SAT**) and other appeal bodies in Australia concerning the assessment of the validity of conditions of Development or Subdivision Approval, the Newbury decision held that, for a condition to be valid, it must:



1. Be imposed for a planning purpose;
2. Fairly and reasonably relate to the development for which permission is given; and
3. Be reasonable, that is, be a condition which a reasonable planning authority, properly advised, might impose.

We consider the minor amendments requested to be reasonable in the context of the proposal and are more appropriately aligned with the principles established in the Newbury decision.

In light of the above and the attached, we respectfully request the DAP support the City's recommendation and resolve to approve the proposed development, incorporating all our proposed amendments to the recommended conditions of Development Approval - including both those supported and not supported by the City.

RAR DRAFT CONDITION	PROPOSED AMENDMENT	CoR COMMENT	POSITION
<p>6. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham and pipeline licensee/operator [APT Parmelia Pty Ltd] must be prepared and submitted to the City, and must include the following detail:</p> <p>(i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;</p> <p>(ii) trees within the heritage curtilage be considered, such as works to remove dead-wood from existing trees on site, and reducing canopy away from the ruin to prevent any damage from falling limbs;</p> <p>(iii) any lawns to be established and areas to be mulched;</p> <p>(iv) any natural landscape areas to be retained;</p> <p>(v) provision of shade trees evenly throughout car parking areas at a ratio of 1 tree per 4 car bays;</p> <p>(vi) provision of a tiered landscaping and tree response along the frontage of Mandurah Road across 'Area 1' and 'Area 2';</p> <p>(vii) fencing type, height and alignment being a 1.8m high Black PVC coated fence profile with three (3) rows of barded wired above;</p> <p>(viii) those areas to be reticulated or irrigated; and</p>	<p>6. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham and pipeline licensee/operator [APT Parmelia Pty Ltd] must be prepared and submitted to the City, and must include the following detail:</p> <p>(i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;</p> <p>(ii) trees within the heritage curtilage be considered, such as works to remove dead-wood from existing trees on site, and reducing canopy away from the ruin to prevent any damage from falling limbs;</p> <p>(iii) any lawns to be established and areas to be mulched;</p> <p>(iv) any natural landscape areas to be retained;</p> <p>(v) provision of shade trees evenly throughout car parking areas at a ratio of 1 tree per 4 car bays;</p> <p>(vi) provision of a tiered landscaping and tree response along the frontage of Mandurah Road across 'Area 1' and 'Area 2';</p> <p>(vii) fencing type, height and alignment being a 1.8m high Black PVC coated fence profile with three (3) rows of barded wired above;</p> <p>(viii) those areas to be reticulated or irrigated; and</p>	<p>The City agrees to the removal of the word “tiered” from 6(vi).</p>	<p>The word “tiered” is requested to be removed as this is unnecessary and overly prescriptive. Our client understands the need to provide landscaping that is sympathetic to the site and positively addresses the Manurdah Road frontages. However, the specific details of the landscaping design should be the subject of further discussion with the City and remain subject to separate approval.</p> <p>On the basis of the above, we respectfully request the DAP approve the agreed amendment to Condition 6(vi).</p>

<p>(ix) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.</p> <p>The landscaping, paving and reticulation must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham and APT Parmelia Pty Ltd for the duration of the development.</p>	<p>(ix) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.</p> <p>The landscaping, paving and reticulation must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham and APT Parmelia Pty Ltd for the duration of the development.</p>		
<p>12. No buildings are to be constructed on the APA gas transmission pipeline easement.</p>	<p>12. Proposed to be deleted.</p>	<p>Supported.</p>	<p>We are of the view that Conditions 12, 13, and 14 are unnecessary. This position is based on the fact our client is already fully aware of the restrictions and limitations imposed by the existing easement on the site and the easement itself dictates what can and cannot be undertaken within that area. Accordingly, we consider these conditions unnecessary.</p> <p>On the basis of the above, we respectfully request the DAP approve the agreed deletion of Condition 12.</p>
<p>13. No stockpiles or storage of material is to be stored on the gas pipeline easement at any time.</p>	<p>13. Proposed to be deleted.</p>	<p>The City agrees to removal of the condition, however substance of the removed condition should be incorporated into a new Advice Note.</p>	<p>Please refer above to our rationale regarding the proposed removal of Condition 13.</p> <p>We can confirm our client is comfortable with the City's comment and is agreeable to the substance of the removed condition being incorporated as an Advice Note.</p> <p>On the basis of the above, we respectfully request the DAP approve the agreed deletion Condition 13 and its inclusion as an Advice Note.</p>

<p>14. Buildings, structures, roadway, pavement, pipeline, cable, fence or any other improvement on or under the land within the gas transmission pipeline easement or within three metres of the gas transmission pipeline must not be constructed without prior consent in writing from the pipeline licensee/operator (APT Parmelia Pty Ltd). No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.</p>	<p>14. Proposed to be deleted.</p>	<p>Deletion of this condition is not supported. The proposal includes fencing and landscaping detail within proximity of the pipeline.</p>	<p>Please refer above to our rationale regarding the proposed removal of Condition 14.</p> <p>We consider it appropriate for Condition 14 to be deleted, as all relevant requirements associated with works within the gas transmission pipeline easement are already addressed through Advice Notes 4, 5, 6, 7, and 8.</p> <p>In this regard, our client would be open to amending any of these existing Advice Notes to capture the intent of Condition 14, if considered necessary.</p> <p>On the basis of the above, we respectfully request the DAP support our approach in relation to Condition 14.</p>
<p>15. Engineering drawings for all civil works within the development site, including internal private roads but excluding works covered under a Building Permit, must be submitted to the City of Rockingham for approval prior to commencement. All such civil works must be completed to the satisfaction of the City of Rockingham in accordance with the Approved Plans.</p>	<p>15. Proposed to be deleted.</p>	<p>The City does not support the removal of the condition requiring engineering drawings for all civil works within the development site because the internal road layout is intrinsically linked to the stormwater drainage design. The location and configuration of drainage infrastructure (e.g. pipes, soakwells, detention basins) can directly influence the road pavement design, surface levels and cross grades.</p> <p>Allowing internal road construction to proceed without prior civil engineering approval would risk potential conflicts between road construction and drainage infrastructure, which may result in non-compliant grades, inadequate drainage, or costly and disruptive redesigns during construction.</p>	<p>The deletion of Condition 15 is requested on the basis that requiring additional engineering drawings for works that do not otherwise require a Building Permit - or for a minor extension of Progress Way, which functions as a private accessway and is not under the control or management of the City - is considered onerous.</p> <p>Furthermore, the submission of stormwater drainage details is already required under Condition 5, rendering Condition 15 unnecessary.</p> <p>On the basis of the above, we respectfully request the DAP support the deletion of Condition 15.</p>

<p>16. Prior to applying for a Building Permit, an amended set of Development Plans must be submitted demonstrating:</p> <p>(i) The garrison fence being setback a minimum of 10m from the outer most projection of the Bell Cottage (walls), along each elevation; and</p> <p>(ii) The area as defined in a) above, shall remain free of any hardstand or permanent surface treatment.</p>	<p>16. Prior to commencement of any works within the Memorial area, an amended set of Development Plans must be submitted demonstrating:</p> <p>(i) The garrison fence being relocated an additional 2m away from the existing fence line.</p> <p>(ii) The area as defined in i) above, shall remain free of any hardstand or permanent surface treatment.</p>	<p>The applicant has not provided any additional information to justify the requested change. The change to (i) is not supported, for reasons outlined in the officer RAR.</p> <p>Confirm that condition 16 (ii) be updated to reflect i), and not a) as noted.</p>	<p>Conditions 16, 17, 18, 19, 20 and 21 all relate specifically to works within the Memorial area. Accordingly, we are of the view these conditions should not be required to be satisfied in relation to portions of the site located outside the Memorial area.</p> <p>Notwithstanding our previously proposed amended wording of sub-clause (i), following further consideration, we are now of the view the following revised wording is more appropriate:</p> <p><i>(i) "The garrison fence being relocated in accordance with the floor plan prepared by Hocking Heritage + Architecture (dated 30 May 2025) contained in ANNEXURE A".</i></p> <p>On the basis of the above, we respectfully request the DAP support our new proposed amendment to sub-clause (i), along with the agreed minor amendment to sub-clause (ii) of Condition 16.</p>
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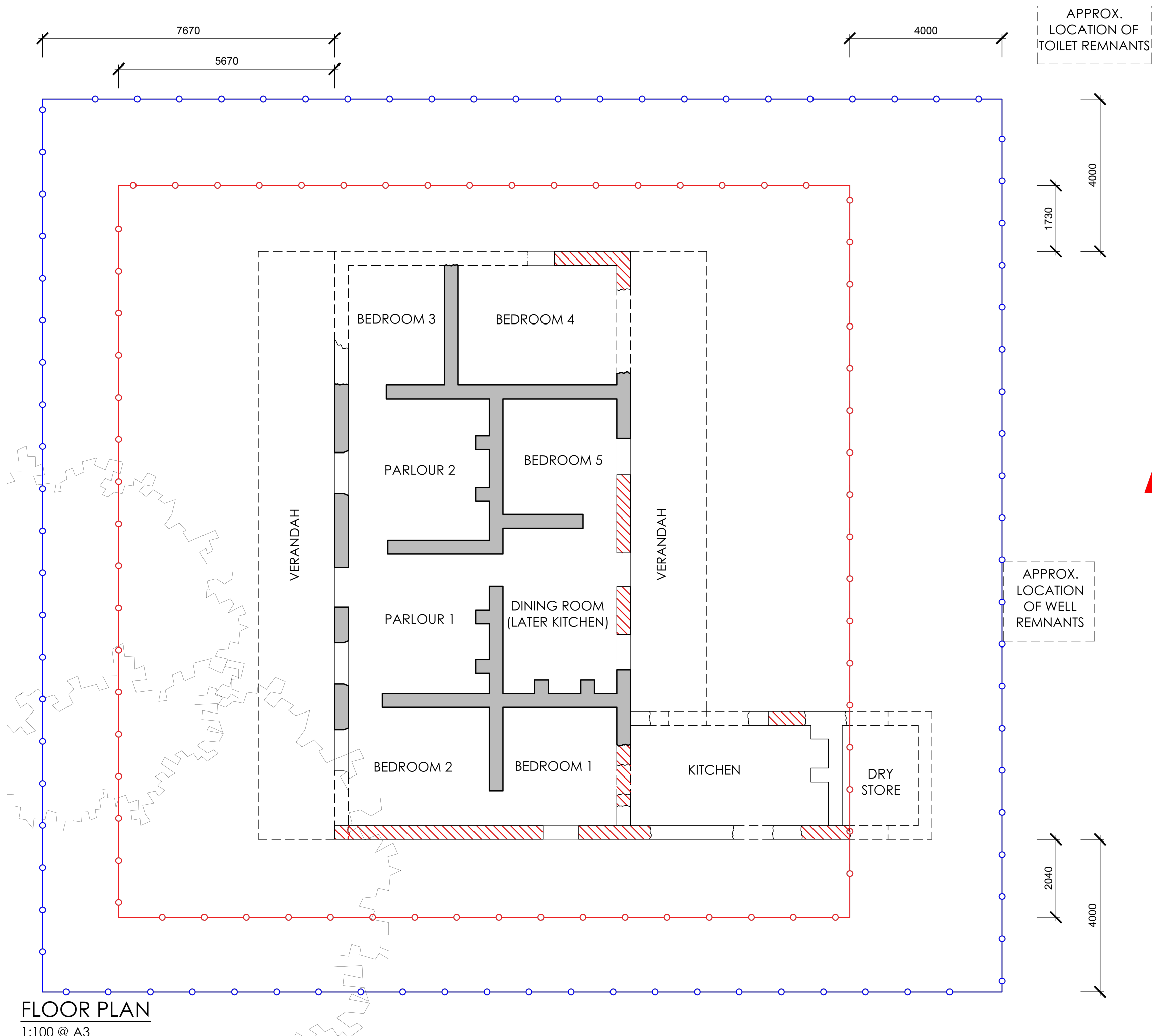
<p>17. Prior to applying for a Building Permit, a Construction Management Plan (CMP) for the approved development must be submitted to and approved by the City of Rockingham, in consultation with Heritage Council of Western Australia. The CMP shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> (i) A Vibration Impact Assessment to demonstrate the ground disturbing construction works and on-going operation of the industrial premises post construction does not adversely affect the Bell Cottage (ruins). This shall establish appropriate vibration criteria; prediction of vibration impacts and a monitoring program (pre and post construction): (ii) A Dust and Noise Management Plan; (iii) Details on how the management of fauna will occur and the measures to be implemented to minimise impacts; (iv) Details on how the management of vegetation (including individual trees) identified for retention in the approved site plans will be undertaken and the measures implemented to minimise impacts in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009 (as amended). If there are changes to trees identified for retention in the approved site plans, the City of Rockingham must be notified prior to the commencement of works and the CMP be updated to reflect the outcomes of tree retention 	<p>17. Prior to commencement of any works within the Memorial area, a Construction Management Plan (CMP) for the approved development must be submitted to and approved by the City of Rockingham, in consultation with Heritage Council of Western Australia. The CMP shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> (i) A Vibration Impact Assessment to demonstrate the ground disturbing construction works and on-going operation of the industrial premises post construction does not adversely affect the Bell Cottage (ruins). This shall establish appropriate vibration criteria; prediction of vibration impacts and a monitoring program (pre and post construction): (ii) A Dust and Noise Management Plan; (iii) Details on how the management of fauna will occur and the measures to be implemented to minimise impacts; (iv) Details on how the management of vegetation (including individual trees) identified for retention in the approved site plans will be undertaken and the measures implemented to minimise impacts in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009 (as amended). If there are changes to trees identified for retention in the approved site plans, the City of Rockingham must be notified prior to the commencement of works and the CMP be updated to reflect the 	<p>The City proposes the wording be changed to "<i>Prior to commencement of works on site</i>".</p> <p>The intent of the condition is to ensure that any construction works across the site do not implicate or impact the Heritage Asset. Limiting this to the works within the memorial area only does not account for works outside of the memorial area. The works and ground disturbance across the site is significant.</p>	<p>Please refer above to our rationale regarding the proposed amendment of Condition 17, particularly as it relates to the timing for satisfying the condition.</p> <p>Our primary concern is that these conditions, as currently worded, have the potential to unnecessarily delay the commencement of basic site works that would not pose any risk or impact to the existing Bell Cottage (ruins). In this regard, we consider it reasonable for the timing requirements to be reworded to reflect a more pragmatic and staged approach to development, having regard to the nature of the works proposed across different areas of the site.</p> <p>The intended purpose of creating the Memorial area was to provide a dedicated buffer around the Bell Cottage (ruins), ensuring that any potential impact from future works, development or other activity at the site was appropriately mitigated. In our view, the current extent of the Memorial area adequately achieves this objective.</p> <p>Furthermore, as the Bell Cottage is listed on the State Heritage Register, our client recognises that all development at the site must be sympathetic to the heritage values of the structure. More importantly, our client acknowledges the statutory obligations under the <i>Heritage Act 2018</i>, which ensure that any proposed works are undertaken in a manner that preserves and protects the heritage significance of the site.</p> <p>On the basis of the above, we respectfully request the DAP support our proposed amendment to Condition 17.</p>
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<p>changes; and</p> <p>(v) Traffic Management Strategy, including access/egress locations, loading/unloading areas and parking arrangements for contractors and how these will be managed for the duration of the construction period in connection with all other site operations.</p> <p>The approved Construction Management Plan must be implemented for the duration of all works to the satisfaction of the City of Rockingham in consultation with Heritage Council of Western Australia.</p>	<p>outcomes of tree retention changes; and</p> <p>(v) Traffic Management Strategy, including access/egress locations, loading/unloading areas and parking arrangements for contractors and how these will be managed for the duration of the construction period in connection with all other site operations.</p> <p>The approved Construction Management Plan must be implemented for the duration of all works to the satisfaction of the City of Rockingham in consultation with Heritage Council of Western Australia.</p>		
<p>18. Prior to commencement of any works on-site, an Archaeologist with experience and expertise in researching and site assessment is to be engaged by the landowner to:</p> <p>(i) undertake an additional Archaeological Investigation Survey of Bell Cottage (Ruin) and surrounding area within the registered curtilage to identify if there are any potential additional discoveries within the site; and</p> <p>(ii) prepare an archaeologist watching brief to be implemented at the commencement of any ground disturbance work. If any archaeological material or features are encountered, the Archaeologist is to advise on a recommended</p>	<p>18. Prior to commencement of any works within the Memorial area, an Archaeologist with experience and expertise in researching and site assessment is to be engaged by the landowner to:</p> <p>(i) undertake an additional Archaeological Investigation Survey of Bell Cottage (Ruin) where any ground disturbing works would impact zones of archaeological significance identified within the Archaeological Management Plan 2017, and the Historical Archaeological Test Excavation Report – Phase 1, 2018 and the recommendations therein; and</p> <p>(ii) prepare an archaeologist watching brief to be implemented at the</p>	<p>The Historical Archaeological Test Excavation Report – Phase 1 includes within the recommendations, the following:</p> <p>The archaeological test excavations have confirmed that the study area contains areas of high archaeological potential, that is, the presence of substantial archaeological deposits and features associated with Bell Cottage and its ancillary structures. The results of the test excavations have been used to refine the zones of archaeological potential within the current heritage curtilage.</p> <p>Noting the high level of cultural heritage significance of the place and the conclusion that the place contains areas of high archaeological potential, it is the City's position that the archaeological</p>	<p>Please refer above to our rationale regarding the proposed amendment of Condition 18, particularly as it relates to the timing for satisfying the condition. To reiterate, Condition 18 is currently drafted such that any development which occurs well outside the Memorial area cannot proceed until the Archaeological Survey within the Memorial area is completed. We consider this requirement to be unreasonable.</p> <p>As it specifically relates to sub-clause (i) of Condition 18, an amendment was requested to reference the existing Archaeological Management Plan, including the results of the Archaeological Test Excavation Phase 1 prepared by Extent Heritage, as well as the zones of archaeological significance and management recommendations contained</p>

<p>course of action.</p> <p>The Department of Planning, Lands and Heritage is to be notified immediately if archaeological material or features are encountered. The final archaeological report is to be provided to the Department of Planning, Lands & Heritage and the City of Rockingham for its records.</p>	<p>commencement of any ground disturbance work. If any archaeological material or features are encountered, the Archaeologist is to advise on a recommended course of action.</p> <p>The Department of Planning, Lands and Heritage is to be notified immediately if archaeological material or features are encountered. The final archaeological report is to be provided to the Department of Planning, Lands and Heritage and the City of Rockingham for its records.</p>	<p>works should be undertaken prior to the commencement of any works as distinct from commencement of any works within the Memorial area.</p> <p>Again, noting the high level of cultural heritage significance of the place; the conclusion that the place contains areas of high archaeological potential and that the condition is for additional archaeological work, it is the City's position that part (i) of Condition 18 remains as drafted by the City of Rockingham.</p>	<p>therein.</p> <p>In this regard, we consider the amended wording of sub-clause (i) establishes a clear technical process and guidelines for further investigative works, grounded in the expert advice of the archaeologist who has undertaken the preliminary site investigations.</p> <p>On the basis of the above, we respectfully request the DAP support the proposed amendments to Condition 18.</p>
<p>19. Prior to the application for a Building Permit, a standard Archival Record, inclusive of the barn and peppercorn tree as part of the heritage significance of Bell Cottage (ruins), prepared in accordance with the Heritage Council of Western Australia's <i>Guide to Preparing an Archival Record</i> is to be prepared in consultation with the Department of Planning, Lands and Heritage (Director, Historic Heritage Conservation). The final record is to be provided to the Department of Planning, Lands and Heritage and the City of Rockingham for its records.</p>	<p>19. Prior to commencement of any works within the Memorial area, a standard Archival Record, inclusive of the barn and peppercorn tree as part of the heritage significance of Bell Cottage (ruins), prepared in accordance with the Heritage Council of Western Australia's <i>Guide to Preparing an Archival Record</i> is to be prepared in consultation with the Department of Planning, Lands and Heritage (Director, Historic Heritage Conservation). The final record is to be provided to the Department of Planning, Lands and Heritage and the City of Rockingham for its records.</p>	<p>Bell Cottage (ruins), the barn, and the peppercorn tree are elements of heritage significance, and their setting/context may be impacted by works occurring elsewhere on the site—not just within the immediate "Memorial area".</p> <p>The City does not support the alternative, however, supports the wording being changed to "<i>Prior to commencement of works on site</i>".</p>	<p>Please refer above to our rationale regarding the proposed amendment to Condition 19, specifically as it relates to the timing for satisfying the condition.</p> <p>We respectfully request the DAP support our proposed amendment to Condition 19.</p>
<p>20. Prior to applying for a Building Permit or commencement of works on site, whichever occurs first, the landowner shall prepare a Conservation Management Strategy and Schedule of Conservation Works to be submitted for approval by the Heritage Council of Western Australia in consultation with the City of Rockingham.</p>	<p>20. At the completion of the works, the existing Conservation Management Plan is to be updated to include an updated schedule of conservation works and maintenance works that captures the condition of the ruin at the completion of the stabilisation works. The following additional conservation works are to form part of the stabilisation and conservation works</p>	<p>The City generally agrees with the proposed change to update the existing Conservation Management Plan.</p> <p>The City does not accept the deletion of the closing part of the condition and recommends this be replaced with the following:</p>	<p>We agree with the City's alternative condition and respectfully request the DAP support the agreed amendments to Condition 20.</p>

<p>The Schedule of Conservation Works shall include the works as outlined in 'Option 2' of the submitted Heritage Impact Statement, prepared by Hocking Heritage and Architecture, dated October 2024, and shall include the following additional works:</p> <ul style="list-style-type: none"> • Bracing of the two remaining chimneys; • Lime mortar capping works to the top of the existing walls to assist with shedding water; • Stone from the Barn ruin to be kept, stored securely and used in the ongoing conservation works of Bell Cottage (Ruin); • Walls to the former 'Kitchen' and 'Dry Store' are conserved at their current height. <p>The approved Conservation Management Strategy and Schedule of Conservation Works must be implemented for the duration of all construction works to the satisfaction of the Heritage Council of Western Australia in consultation with the City of Rockingham.</p>	<p>occurring to the ruin:</p> <ul style="list-style-type: none"> • Bracing of the two remaining chimneys, subject to the structural methodology being approved by HCWA; • Lime mortar capping works to the top of the existing walls to assist with shedding water; • Stone from the Barn ruin to be kept, stored securely and used in the ongoing conservation works of Bell Cottage (Ruin); • Walls to the former 'Kitchen' and 'Dry Store' are conserved at their current height, subject to the structural methodology being approved by HCWA. <p>The approved Conservation Management Plan Strategy and Schedule of Conservation Works must be implemented for the duration of all construction works to the satisfaction of the Heritage Council of Western Australia in consultation with the City of Rockingham.</p>	<p><i>The final record is to be provided to the Department of Planning, Lands and Heritage and the City of Rockingham for its records.</i></p> <p>The condition the City would agree to shall read as follows:</p> <p>20. <i>At the completion of the works, the existing Conservation Management Plan is to be updated to include an updated schedule of conservation works and maintenance works that captures the condition of the ruin at the completion of the stabilisation works. The following additional conservation works are to form part of the stabilisation and conservation works occurring to the ruin:</i></p> <ul style="list-style-type: none"> • <i>Bracing of the two remaining chimneys, subject to the structural methodology being approved by HCWA;</i> • <i>Lime mortar capping works to the top of the existing walls to assist with shedding water;</i> • <i>Stone from the Barn ruin to be kept, stored securely and used in the ongoing conservation works of Bell Cottage (Ruin);</i> • <i>Walls to the former 'Kitchen' and 'Dry Store' are conserved at their current height, subject to the structural methodology being approved by HCWA.</i> <p><i>The final record is to be provided to the Department of Planning, Lands and Heritage and the City of Rockingham for its records.</i></p>	
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<p>21. Prior to applying for a Building Permit, or commencement of works on site, whichever occurs first, the landowner shall provide a Heritage Interpretation Plan, prepared by a qualified Heritage Consultant, submitted to and approved by the Heritage Council of Western Australia, in consultation with City of Rockingham. The approved Heritage Interpretation Plan shall be implemented and maintained by the owner at all times thereafter.</p>	<p>21. Prior to commencement of any works within the Memorial area, the landowner shall provide a Heritage Interpretation Plan, prepared by a qualified Heritage Consultant, submitted to and approved by the Heritage Council of Western Australia, in consultation with City of Rockingham. The approved Heritage Interpretation Plan shall be implemented and maintained by the owner at all times thereafter.</p>	<p>The City does not support the alternative, however, supports the wording being changed to "<i>Prior to commencement of works on site</i>".</p> <p>This change provides some flexibility and clearer obligations for the landowner, and stronger protection for the site's heritage significance, which is the shared goal of the City of Rockingham and the Heritage Council.</p>	<p>Please refer above to our rationale regarding the proposed amendment to Condition 21, specifically as it relates to the timing for satisfying the condition.</p> <p>We do not agree with the City's alternative condition and respectfully request the DAP support our proposed amendment to Condition 21.</p>
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ANNEXURE A

GENERAL NOTES - FLOOR PLAN

- REFER TO BELL COTTAGE STRUCTURAL CONDITION ASSESSMENT REPORT REVISION 4, FOR OPTION 2 STABILISATION WORKS .

LEGEND

-  - DEMOLISH WALLS TO 200MM ABOVE SILL HEIGHT UNLESS SHOWN OTHERWISE
-  - EXISTING FENCE TO BE RELOCATED
-  - PROPOSED NEW FENCE LOCATION

FLOOR PLAN

1:100 @ A3

PROJECT NUMBER: 202430
BELL COTTAGE
 371 MANDURAH ROAD, EAST ROCKINGHAM WA 6168

PRINT IN COLOUR



DRAWING: HA01
 REVISION : B
 DATE : 30.05.2025



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* REMOVE REMNANTS OF BARN. SALVAGE STONE FOR REUSE IN CONSERVATION WORKS. DOCUMENT REMAINING FABRIC PRIOR TO REMOVAL.