



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 24 February 2026; 9:30am
Meeting Number: MODAP/127
Meeting Venue: 140 William Street, Perth

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

[MODAP/127 - 24 February 2026 - City of Rockingham - City of Gosnells](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Noting of Minutes

PART B – CITY OF ROCKINGHAM

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications
 - 4.1 Lot 500 (No.434) Safety Bay Road, Safety Bay - Proposed Mixed Commercial Development - Proposed Minor Amendments to Tavern – DAP/23/02551
5. Section 31 SAT Reconsiderations

PART C – CITY OF GOSNELLS

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 161 (139) Nicholson Road, Canning Vale - Proposed Child Care Premises – DAP/25/03009
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

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

Eugene Koltasz
Presiding Member, Metro Outer DAP



DAP Members

Eugene Koltasz (Presiding Member)

Dale Page (Deputy Presiding Member)

Neema Premji

Cr Mark Jones (Part B – City of Rockingham)

Mayor Lorna Buchan (Part B – City of Rockingham)

Mayor Terresa Lynes (Part C – City of Gosnells)

Cr Saiful Islam (Part C – City of Gosnells)

DAP Secretariat

Tenielle Brownfield

Ashlee Kelly

Part B – City of Rockingham

Applicant

Aoise Noone (Planning Solutions)

Ross Underwood (Planning Solutions)

David Turcato (Motivo Studio)

Arthur Barrett (BB Holdings Pty Ltd)

Officers/Technical Advisors in Attendance

Chris Parlane

Mike Ross

Part C – City of Gosnells

Applicant

Jayden Pope (Altus Planning)

Carl Erasmus (Altus Planning)

Officers/Technical Advisors in Attendance

Brenton Scambler

Eugene Koltasz
Presiding Member, Metro Outer DAP



Members of the Public / Media

There were 3 members of the public in attendance.

Observers via livestream

There were 2 persons observing the meeting via the livestream.

A handwritten signature in cursive script, reading "Eugene Koltasz".

Eugene Koltasz
Presiding Member, Metro Outer DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:32am on 24 February 2026 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

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

1.1 Announcements by Presiding Member

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

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

2. Apologies

Nil

3. Noting of Minutes

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

Eugene Koltasz
Presiding Member, Metro Outer DAP



PART B – CITY OF ROCKINGHAM

1. Declaration of Due Consideration

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

2. Disclosure of Interests

Nil

3. Form 1 DAP Applications

Nil

4. Form 2 DAP Applications

4.1 Lot 500 (No.434) Safety Bay Road, Safety Bay - Proposed Mixed Commercial Development - Proposed Minor Amendments to Tavern – DAP/23/02551

Deputations

Aoise Noone (Planning Solutions) addressed the DAP in support of the application at Item 4.1 and responded to questions from the panel.

Ross Underwood (Planning Solutions) responded to questions from the panel.

The City of Rockingham addressed the DAP in relation to the application at Item 4.1.

SUBSTANTIVE MOTION

Moved by: Mayor Lorna Buchan

Seconded by: Dale Page

That the MODAP resolves to:

1. **Accept** that the DAP Application reference DAP/23/02551 as detailed on the DAP Form 2 dated 12 December 2025 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** DAP Application reference DAP/23/02551 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Rockingham Town Planning Scheme No.2 for the proposed amendments to the Tavern component of the approved Mixed Commercial Development dated 9 April 2024 and 14 October 2025 at No. 434 Safety Bay Road, Safety Bay.

Eugene Koltasz
Presiding Member, Metro Outer DAP



The amendment does not trigger the need to amend any of the existing conditions of Development Approval granted by the Metro Outer Development Assessment Panel (MODAP) in April 2024 and October 2025 (DAP23/02551), however the list of 'Determination Plans' (Attachment 1) requires updating, should the MODAP resolve to approve the amended Development Application.

The Substantive Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel was satisfied that the proposed amendments fall within the scope of a Form 2 application. The changes proposed are the type of changes to be expected during design development and are generally internal reconfigurations, which will enhance the functionality of the premises and potentially reduce impact on adjoining residential premises. The external modifications proposed do not negatively impact on the design of the building or the presentation to the neighbours and the street. The changes are such that they do not trigger the need to amend any of the conditions previously approved by the DAP in October last year.

5. Section 31 SAT Reconsiderations

Nil

Cr Mark Jones and Mayor Lorna Buchan (Local Government DAP Members, City of Rockingham) left the panel at 9:39am.

Eugene Koltasz
Presiding Member, Metro Outer DAP



PART C – CITY OF GOSNELLS

Mayor Teresa Lynes and Cr Saiful Islam (Local Government DAP Members, City of Gosnells) joined the panel at 9:40am.

1. Declaration of Due Consideration

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

2. Disclosure of Interests

Nil

3. Form 1 DAP Applications

3.1 Lot 161 (139) Nicholson Road, Canning Vale - Proposed Child Care Premises – DAP/25/03009

Deputations

Jayden Pope (Altus Planning) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

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

SUBSTANTIVE MOTION

Moved by: Mayor Teresa Lynes

Seconded by: Dale Page

That the Metro Outer Development Assessment Panel resolves to:

Approve DAP Application reference DAP/25/03009 and accompanying plans included in **Attachment 2**, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Gosnells Local Planning Scheme No. 24, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Eugene Koltasz
Presiding Member, Metro Outer DAP



2. Prior to applying for a Building Permit, the proponent shall submit amended plans to the satisfaction of the City of Gosnells, that modify the proposal by:
 - a) Providing a masonry or similarly constructed 2.4m high acoustic fence along the rear and side boundaries (adjacent to the external play areas) in accordance with the City of Gosnells Local Planning Policy 1.6 – Industrial and Commercial Development.
 - b) Providing a masonry or similarly constructed 2m high acoustic fence along the side boundaries (adjacent to the parking areas) in accordance with the City of Gosnells Local Planning Policy 1.6 – Industrial and Commercial Development.
3. Prior to applying for a Building Permit, the proposal is to be modified to incorporate the noise mitigation measures, in accordance with the submitted Noise Assessment prepared by Lloyd George Acoustics, dated 21 October 2025 and 'State Planning Policy 5.4 Road and Rail Noise Guidelines' to the satisfaction of the City of Gosnells. The drawings and specifications contained within that application are to be endorsed as acceptable by an independent, qualified acoustic engineer and thereafter implemented to the satisfaction of the City of Gosnells.
4. The development must be designed and all works must be carried out in accordance with the approved Noise Assessment, to the satisfaction of the City of Gosnells for the life of development.
5. Prior to applying for a Building Permit, a Construction Management Plan shall be prepared by the applicant and/or landowner and submitted to the City of Gosnells for approval. The Construction Management Plan shall be implemented by the applicant and/or landowner to the satisfaction of the City of Gosnells and detail how construction of the development will be managed including the following:
 - a) Public safety and site security
 - b) Hours of operation
 - c) Dust and sand drift management
 - d) Waste and material disposal
 - e) Traffic management plans
 - f) Parking arrangements for contractors and sub-contractors
 - g) Delivery and access arrangements
 - h) The storage of material and equipment on site (no storage of materials within the public realm will be permitted)
 - i) Any other matters likely to impact upon the surrounding properties or public realm.
6. A maximum of 116 children and 29 staff shall be accommodated on site at any one time.
7. Prior to occupation of the development, the drainage plan, endorsed by the City on 16 December 2025, shall be implemented, and all required drainage infrastructure thereafter maintained, to the satisfaction of the City.

Eugene Koltasz
Presiding Member, Metro Outer DAP



8. Prior to occupation of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
- (i) The approved plan(s);
 - (ii) Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off street car parking;
 - (iii) Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off street parking for people with disabilities;
 - (iv) Australian Standard AS 1428.1 2009, Design for access and mobility, Part 1: General Requirements for access New building work (by providing a link to the main entrance of the development by a continuous accessible path of travel);
 - (v) Council's engineering requirements and design guidelines.

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

9. Prior to occupation of the development, all crossovers are to be located and constructed to the City of Gosnells' specifications.
10. Prior to occupation of the development, the redundant vehicle crossover shall be removed and the kerbing, verge, and footpath reinstated to the satisfaction of the City of Gosnells.
11. Prior to applying for a Building Permit, a Landscape Plan for the development site and the adjoining road verge(s) is to be submitted to and approved by the City of Gosnells. The following details are to be included:
- (i) Existing street trees and other vegetation.
 - (ii) Vegetation to be retained on the site.
 - (iii) Landscape treatments such as lawn, mulch areas, and bin collection areas.
 - (iv) The location, species, quantity and pot size of proposed trees and shrubs.
 - (v) Areas to be irrigated.
 - (vi) Requirements of LPP 1.6 – Commercial and Industrial Development.

12. Prior to occupation of the development, the landscaping and irrigation of the development site and the adjoining verges is to be installed in accordance with an approved landscape plan and thereafter maintained to the satisfaction of the City of Gosnells.

13. Prior to applying for a Building Permit, a schedule of materials, finishes and colours shall be submitted to and approved by the City of Gosnells.

Prior to occupation of the development, the approved external finishes and colour schemes are to be implemented to the satisfaction of the City of Gosnells and maintained thereafter.

14. The approved Waste Management Plan prepared by Altus Planning, dated 3 December 2025 shall be implemented and thereafter maintained for the duration of the development to the satisfaction of the City of Gosnells.

Eugene Koltasz
Presiding Member, Metro Outer DAP



15. Prior to applying for a Building Permit, the proponent shall submit to the City of Gosnells for approval a preliminary proposal for an art work at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development. Alternatively, prior to occupation of the development, the owner/applicant shall make a cash contribution towards public art in lieu of the above.

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

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

16. Prior to occupation of the development, line markings and signage shall be completed in accordance with the recommendations of the Transport Impact Statement prepared by Transcore, dated 31 October 2025.
17. Prior to occupation of the development, all septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed.

Advice Notes

1. The applicant is advised of the need to obtain a Building Permit prior to the commencement of work. The submitted Building Permit application plans are to be consistent with the plans that form part of the relevant Development Approval, to the satisfaction of the City of Gosnells.
2. The applicant is advised that with regard to food preparation, the applicant is required to submit appropriate forms to the City in accordance with the *Food Act 2008* and shall design and construct the food premises in accordance with Standard 3.2.3 of the Australia New Zealand Food Standards Code.
3. The applicant is advised that any asbestos should be handled, used, removed and disposed of in accordance with relevant standards. It is recommended that the applicant contact the Department of Water and Environmental Regulation for further information.

Eugene Koltasz
Presiding Member, Metro Outer DAP



4. This is a development approval issued under the City of Gosnells Local Planning Scheme No. 24. It is not an approval or consent to commence or carry out development under any other written law, act, statute, or agreement, whether administered by the City of Gosnells or not. It is the applicant's responsibility to ensure all relevant approvals are obtained prior to the commencement of any development covered by this approval.

The Substantive Motion was put and CARRIED UNANIMOUSLY.

REASON: Whilst the site is in a residential area and has immediate residential neighbours to the north-east and south-east, the panel was satisfied that any potential impacts from this proposal have been thoroughly considered and will be appropriately managed through design considerations to manage noise and through the conditions of approval the City has recommended. The panel noted that, given its location in a residential area, the proposal has been assessed against relevant provisions of the R-Codes and assessed as meeting the Deemed-To-Comply provisions in relation to setbacks, open space, building height, privacy, and overshadowing. These are the matters that often cause amenity impacts on residential neighbours and the fact that these issues are all fully compliant is very positive. There is also no issue with parking, which is often a bone of contention with childcare premises. This proposal not only meets the parking requirements it exceeds them - therefore comfortably meets the requirements of the City's Parking policy. The Traffic Impact Statement and Road Safety Audit received as part of the application conclude that the traffic that will be generated by the proposal will not have undue negative impact on the surrounding road network and that the deceleration pocket and left-in, left-out access arrangements will reduce any road user conflicts. Given the proposal's high level of compliance with the applicable planning framework, and the conditions the City has recommended to safeguard the amenity of the residential neighbours, the panel was happy to support the application.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil

Eugene Koltasz
Presiding Member, Metro Outer DAP



PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

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

| Current SAT Applications | | | | |
|--------------------------|-----------------|---|--|-------------|
| File No. & SAT DR No. | LG Name | Property Location | Application Description | Date Lodged |
| DR196/2025 | City of Kwinana | Lot 9501, No. 32 Meares Avenue, Kwinana Town Centre | Proposed Drive-In Takeaway Food Shop (McDonalds) | 18/12/2025 |

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 9:56am.

Eugene Koltasz
Presiding Member, Metro Outer DAP