



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 7 January 2025; 9:30am
Meeting Number: MODAP/53
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link: [MODAP/53 – 7 January 2024 – City of Rockingham](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

PART B – CITY OF ROCKINGHAM

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 9021 Furnivall Parade, Baldivis – Proposed Fast Food Outlet – DAP/24/02778
 - 3.2 Lot 9021 Furnivall Parade, Baldivis – Proposed Service Station – DAP/24/02768
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



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Eugene Koltasz (Presiding Member) Karen Hyde (Deputy Presiding Member) Mike Mouritz	Claire Ortlepp Ashlee Kelly
<i>Part B – City of Rockingham</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Mark Jones Cr Dawn Jecks	Chris Parlane David Waller

Eugene Koltasz
Presiding Member, Metro Outer DAP



Applicant and Submitters
<i>Part B – City of Rockingham</i>
<i>Item 3.1</i>
Ben Doyle (Planning Solutions)
<i>Item 3.2</i>
Daniel Martinovich (CLE Town Planning + Design) Jonny Sheldrick (Rockingham Park)

Members of the Public / Media

Nil.

Observers via livestream

There were 4 persons observing the meeting via the livestream.

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 9:30am on 7 January 2025 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 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

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

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

2. Apologies

Cr Lorna Buchan (Local Government DAP Member, City of Rockingham)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

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

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

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Cr Mark Jones, declared that they had participated in a prior Council meeting in relation to the application at Item 3.1 and Item 3.2. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr Jones acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the DAP Executive Director determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the items.

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Cr Dawn Jecks, declared that they had participated in a prior Council meeting in relation to the application at Item 3.1 and Item 3.2. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr Jecks acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the items.

3. Form 1 DAP Applications

3.1 Lot 9021 Furnivall Parade, Baldivis – Proposed Fast Food Outlet – DAP/24/02778

Deputations and Presentations

Ben Doyle (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

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

Eugene Koltasz
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION

Moved by: Mike Mouritz

Seconded by: Cr Dawn Jecks

That the Metro Outer Development Assessment Panel (**MODAP**) resolves to:

APPROVE DAP Application reference DAP/24/02778 and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2, subject to conditions as follows:

Conditions

1. Pursuant to Clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. In the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.
3. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
4. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate remediation measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
5. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site; those plans must be submitted to the City of Rockingham for approval.

All stormwater generated by the development must be managed in accordance with *Local Planning Policy No.3.4.3 - Urban Water Management* to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.

6. The Contractor shall be responsible for the protection of all existing services in the road reserve for the duration of the works. Upon completion of the proposed services installation and prior to building occupancy, affected areas in the road reserve shall be reinstated to the satisfaction of the City of Rockingham.

Eugene Koltasz
Presiding Member, Metro Outer DAP



7. Prior to occupation of the development, the car parking area must:
 - (i) provide a minimum of 8 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3A and User Class 4 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;
 - (iii) provide at least one (1) car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 4 of Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
 - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
 - (v) comply with the above requirements for the duration of the development.

8. Prior to applying for a Building Permit, a revised Landscaping Plan, must be submitted and approved to the satisfaction of the City of Rockingham and shall include the following detail:
 - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area inclusive of the verge;
 - (ii) any lawns to be established and areas to be mulched;
 - (iii) any natural landscape areas to be retained;
 - (iv) those areas to be reticulated or irrigated;
 - (v) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.

The landscaping (including all verge landscaping) 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.

9. Existing street trees adjacent to the development site must be protected throughout the course of the project in accordance with *Australian Standard AS 4970-2009 protection of trees on Development Sites*.

Eugene Koltasz
Presiding Member, Metro Outer DAP



10. In accordance with City of Rockingham Planning Policy No.3.3.14 - Bicycle Parking and End of Trip Facilities, a minimum of two (2) short term and two (2) long term bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good and safe condition for the duration of the development.
11. Prior to applying for a Building Permit, an updated Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
 - (i) the location of the waste storage area and waste collection points;
 - (ii) calculations of waste volumes and frequency of waste collections;
 - (iii) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iv) general design considerations for the management of noise, odour, hygiene and vermin in the waste storage area;
 - (v) management of the bins and the waste storage areas, including cleaning, rotation and moving bins to and from the waste collection areas; and
 - (vi) frequency and timing of bin collections.

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

12. Prior to applying for a Building Permit, exhaust facilities associated with the proposed Fast Food Outlet must be designed in accordance with AS 1668.2-2012 (as amended) and be fitted with filtration and odour suppression devices to the satisfaction of the City of Rockingham. The exhaust facilities must be installed prior to the occupation of the development and must be maintained in good working condition for the duration of the development.
13. Prior to applying for a Building Permit and once detailed design is known, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other such noise source, will comply with the *Environmental Protection (Noise) Regulations 1997*, must be submitted to and approved by the City of Rockingham.
14. Prior to the occupation of the development, written confirmation from the builder to be provided that demonstrates that all requirements indicated in the Acoustic Report mentioned in Condition No.13 have been incorporated into the development.

Eugene Koltasz
Presiding Member, Metro Outer DAP



15. Prior to the occupation of the development, a final Illumination Report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of *Australian Standard AS 4282—2019, Control of the obtrusive effects of outdoor lighting*.

Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Development Approval must be submitted to the City of Rockingham.
2. In regards to Condition No.6, the applicant is advised that an inspection of the existing infrastructure surrounding the proposed area of works needs to be identified and documented prior to works commencing. Particular interest is to be paid to the state of the existing road pavements. Any damage due to the works, will need to be repaired to the satisfaction of the City of Rockingham.
3. The development must comply with the *Health (Public Building) Regulations 1992*; the applicant and owner should liaise with the City of Rockingham's Health and Building Services in this regard.
4. The development must comply with the *Food Act 2008*, the *Food Safety Standards* and Chapter 3 of the *Australian New Zealand Food Standards Code (Australia Only)*; the applicant and owner should liaise with the City of Rockingham's Health Services in this regard.
5. A Building Permit must be obtained for works prior to construction; the applicant and owner should liaise with the City of Rockingham's Building Services in this regard.

AMENDING MOTION

Moved by: Karen Hyde

Seconded by: Mike Mouritz

That a new Advice Note No. 6 be added to read as follows:

A signed permit must be obtained for any advertising associated with the development; the applicant is to liaise with the City of Rockingham's Building Services in this regard.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To include as an Advice Note for consistency with other approvals issued by the Council.

Eugene Koltasz
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Development Assessment Panel (**MODAP**) resolves to:

APPROVE DAP Application reference DAP/24/02778 and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2, subject to conditions as follows:

Conditions

1. Pursuant to Clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. In the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.
3. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
4. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate remediation measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
5. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site; those plans must be submitted to the City of Rockingham for approval.

All stormwater generated by the development must be managed in accordance with *Local Planning Policy No.3.4.3 - Urban Water Management* to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.

6. The Contractor shall be responsible for the protection of all existing services in the road reserve for the duration of the works. Upon completion of the proposed services installation and prior to building occupancy, affected areas in the road reserve shall be reinstated to the satisfaction of the City of Rockingham.
7. Prior to occupation of the development, the car parking area must:
 - (i) provide a minimum of 8 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3A and User Class 4 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;

Eugene Koltasz
Presiding Member, Metro Outer DAP



- (iii) provide at least one (1) car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 4 of Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
 - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
 - (v) comply with the above requirements for the duration of the development.
8. Prior to applying for a Building Permit, a revised Landscaping Plan, must be submitted and approved to the satisfaction of the City of Rockingham and shall include the following detail:
- (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area inclusive of the verge;
 - (ii) any lawns to be established and areas to be mulched;
 - (iii) any natural landscape areas to be retained;
 - (iv) those areas to be reticulated or irrigated;
 - (v) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.
- The landscaping (including all verge landscaping) 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.
9. Existing street trees adjacent to the development site must be protected throughout the course of the project in accordance with *Australian Standard AS 4970-2009 protection of trees on Development Sites*.
10. In accordance with City of Rockingham Planning Policy No.3.3.14 - Bicycle Parking and End of Trip Facilities, a minimum of two (2) short term and two (2) long term bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good and safe condition for the duration of the development.

Eugene Koltasz
Presiding Member, Metro Outer DAP



11. Prior to applying for a Building Permit, an updated Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
 - (i) the location of the waste storage area and waste collection points;
 - (ii) calculations of waste volumes and frequency of waste collections;
 - (iii) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iv) general design considerations for the management of noise, odour, hygiene and vermin in the waste storage area;
 - (v) management of the bins and the waste storage areas, including cleaning, rotation and moving bins to and from the waste collection areas; and
 - (vi) frequency and timing of bin collections.

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

12. Prior to applying for a Building Permit, exhaust facilities associated with the proposed Fast Food Outlet must be designed in accordance with AS 1668.2-2012 (as amended) and be fitted with filtration and odour suppression devices to the satisfaction of the City of Rockingham. The exhaust facilities must be installed prior to the occupation of the development and must be maintained in good working condition for the duration of the development.
13. Prior to applying for a Building Permit and once detailed design is known, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other such noise source, will comply with the *Environmental Protection (Noise) Regulations 1997*, must be submitted to and approved by the City of Rockingham.
14. Prior to the occupation of the development, written confirmation from the builder to be provided that demonstrates that all requirements indicated in the Acoustic Report mentioned in Condition No.13 have been incorporated into the development.
15. Prior to the occupation of the development, a final Illumination Report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of *Australian Standard AS 4282—2019, Control of the obtrusive effects of outdoor lighting*.

Eugene Koltasz
Presiding Member, Metro Outer DAP



Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Development Approval must be submitted to the City of Rockingham.
2. In regards to Condition No.6, the applicant is advised that an inspection of the existing infrastructure surrounding the proposed area of works needs to be identified and documented prior to works commencing. Particular interest is to be paid to the state of the existing road pavements. Any damage due to the works, will need to be repaired to the satisfaction of the City of Rockingham.
3. The development must comply with the *Health (Public Building) Regulations 1992*; the applicant and owner should liaise with the City of Rockingham's Health and Building Services in this regard.
4. The development must comply with the *Food Act 2008*, the *Food Safety Standards* and Chapter 3 of the *Australian New Zealand Food Standards Code (Australia Only)*; the applicant and owner should liaise with the City of Rockingham's Health Services in this regard.
5. A Building Permit must be obtained for works prior to construction; the applicant and owner should liaise with the City of Rockingham's Building Services in this regard.
6. A signed permit must be obtained for any advertising associated with the development; the applicant is to liaise with the City of Rockingham's Building Services in this regard.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The Panel considered that approving the proposed Fast Food Outlet was consistent with the Planning Framework for the locality and the site as outlined in the provisions within the City of Rockingham Town Planning Scheme No. 2 and the Parkland Heights Local Structure Plan.

The Panel noted concerns raised by submissions regarding the health impacts of eating fast food and the proximity of fast-food outlets to school sites. Whilst acknowledging that some in the community have concerns on those issues, they are not governed by robust planning policies that can be relied upon in determining the application.

The Panel considered that the application had addressed a number of amenity concerns such as noise impacts, built form, site access, parking and landscaping. Appropriate conditions have been imposed to ensure that the development is compliant with all relevant Council Scheme and Policy requirements.

Eugene Koltasz
Presiding Member, Metro Outer DAP



3.2 Lot 9021 Furnivall Parade, Baldivis – Proposed Service Station – DAP/24/02768

Deputations and Presentations

Daniel Martinovich (CLE Town Planning + Design) addressed the DAP in support of the recommendation for the application at Item 3.2.

The City of Rockingham addressed the DAP in relation to the application at Item 3.2 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Karen Hyde

Seconded by: Mike Mouritz

That the Metro Outer Development Assessment Panel (**MODAP**) resolves to:

APPROVE DAP Application reference DAP/24/02768 and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2, subject to conditions as follows:

Conditions

1. This decision constitutes development 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.
2. Pursuant to Clause 26 of the Metropolitan Region Scheme, this Development Approval is deemed to be an approval under Clause 24(1) of the Metropolitan Region Scheme.
3. All development must be carried out in accordance with the approved plans, save that, in the event of an inconsistency between the approved plans a requirement of the conditions set out below, the requirements of the conditions shall prevail.
4. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
5. Stormwater from all roofed and paved areas shall be collected and contained on-site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve. All stormwater generated by the development must be managed in accordance with *Local Planning Policy 3.4.3 - Urban Water Management* to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.

Eugene Koltasz
Presiding Member, Metro Outer DAP



6. Prior to applying for a Building Permit, revised plans shall be provided, demonstrating that the Furnivall Parade Monolith Sign has been removed.
7. Prior to applying for a Building Permit, an Acoustic Report prepared by a suitably qualified consultant must be submitted to and approved by the City of Rockingham demonstrating compliance with the *Environmental Protection (Noise) Regulations 1997*. The Acoustic Report shall, at a minimum but not limited to, address the following:
 - (i) Detail the combined noise levels received by the nearest 'noise sensitive premises' for all sources operating during the day, evening and night time assigned levels of the Regulations;
 - (ii) Include details of any proposed acoustic treatments, including specification and construction methods, locations and materiality;
 - (iii) Detail mechanical plant elements, including tonality characteristics and any attenuation measures required;
 - (iv) Detail any proposed mitigations or management controls for car parking areas; and
 - (v) Detail any proposed mitigations or management controls for noise emissions from activities on the premises.
8. Prior to applying for a Building Permit, an updated 'Parkland Heights Neighbourhood Centre' Landscape Plan must be prepared, resultant from the development and is to include the following detail to the satisfaction of the City of Rockingham:
 - (i) The location, number and type of existing and proposed trees and shrubs (including street trees, shade trees within the car parking areas, and planting within verge areas), including calculations for the landscaping area;
 - (ii) Any lawns to be established and areas to be mulched;
 - (iii) Those areas to be reticulated or irrigated;
 - (iv) Any natural areas landscape areas to be retained;
 - (v) Proposed upgrading to landscaping, paving, and reticulation of the street setback area and all verges;
 - (vi) Provision of minimum (3) shade trees within the car parking area; and
 - (vii) Provision of replacement carpark tree species for *Ficus hillii* and *Platanus*.

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 for the duration of the development.

Eugene Koltasz
Presiding Member, Metro Outer DAP



9. Prior to applying for a Building Permit, an external lighting plan is to be submitted and approved by the City of Rockingham demonstrating compliance with AS 4282- Control of Obtrusive Effects of Outdoor Lighting. External lighting is to be implemented in accordance with the lighting plan for the duration of the development, to the satisfaction of the City of Rockingham.
10. Engineering drawings and specifications are to be submitted, approved and works undertaken for the construction of the left in only driveway crossover on Nairn Drive and full movement crossover on Furnivall Parade. Construction works must be completed prior to occupation of the development, at the landowners cost to the satisfaction of the City of Rockingham.
11. The proposed footpath and pram ramp adjustments within road reserve(s) are to be designed in accordance with the City of Rockingham engineering standards and constructed to the satisfaction of the City of Rockingham.
12. All driveways, car parking and manoeuvring area(s) which form part of this development approval shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City of Rockingham.
13. Prior to occupation of the development, any damage to existing City infrastructure within the road reservation including kerb, road pavement, turf, irrigation, bollards and footpaths is to be repaired to the satisfaction of the City of Rockingham at the cost of the applicant.
14. Prior to occupation of the development, written confirmation from the builder shall be provided that demonstrates that all requirements indicated in the approved Acoustic Report have been incorporated into the development.
15. Any existing street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites.
16. All plant and roof equipment and other external fixtures must be designed to be located away from public view/or screened for the life of the development, to the satisfaction of the City of Rockingham.
17. All commercial vehicle movements associated with service delivery and refuelling shall occur outside the AM and PM peak hour periods to minimise traffic safety risk.
18. The Waste Management Plan, prepared by Talis Consultants - Reference WMP24070 must be implemented and maintained at all times, for duration of development to the satisfaction of the City of Rockingham.
19. The proposed Service Station must incorporate Stage 1 and Stage 2 (VR1 and VR2) Vapour Recovery Systems which are to be installed and functioning from the commencement of operation of the Service Station, and for the duration of its operation.

Eugene Koltasz
Presiding Member, Metro Outer DAP



20. An Operational Management Plan being prepared for the Service Station for the approval of the City, prior to the issue of a Building Permit, demonstrating how the dispenser hose for Stage 2 (VR2) Vapour Recovery System will be tested for leaks upon commissioning and a program which includes on-going monitoring of the performance of the VR2 system.

Advice Notes

1. A Building Permit must be obtained for the proposed works prior to commencement of site works. The applicant and owner should liaise with the City's Building Services in this regard.
2. A separate approval from the City's Health Services is required under the *Food Act 2008* and *Food Safety Standards*. This is required prior to the lodgement of an application for a Building Permit - Certified. The applicant should liaise with the City's Health Services in this regard.
3. A Sign Permit must be obtained for any advertising associated with the development; the applicant and owner should liaise with the City's Building Services in this regard.
4. The detailed drainage design in the Stormwater Management Plan should be consistent with City's *Local Planning Policy No. 3.4.3 - Urban Water Management* and the approved LWMS addendum (Mortons Urban Solutions, 2018).
5. The applicant is responsible for protecting any existing City streetscape assets along Furnivall Parade and Nairn Drive during the course of the project. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc. It is recommended that a photographic dilapidation report is undertaken by the applicant, to record the current condition of these assets.

AMENDING MOTION

Moved by: Cr Dawn Jecks

Seconded by: Karen Hyde

That Condition No. 6 be amended to read as follows:

Prior to applying for a Building Permit, revised plans shall be provided, demonstrating that the Furnivall Parade Monolith Sign has ~~been removed~~ a maximum height of 4.0 metres and is located within the site boundaries.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure that the sign is located within the site boundary and to enable the operators of the service station to comply with their statutory obligation to provide appropriately located signage advising motorists of prevailing fuel prices.

Eugene Koltasz
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Development Assessment Panel (**MODAP**) resolves to:

APPROVE DAP Application reference DAP/24/02768 and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2, subject to conditions as follows:

Conditions

1. This decision constitutes development 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.
2. Pursuant to Clause 26 of the Metropolitan Region Scheme, this Development Approval is deemed to be an approval under Clause 24(1) of the Metropolitan Region Scheme.
3. All development must be carried out in accordance with the approved plans, save that, in the event of an inconsistency between the approved plans a requirement of the conditions set out below, the requirements of the conditions shall prevail.
4. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
5. Stormwater from all roofed and paved areas shall be collected and contained on-site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve. All stormwater generated by the development must be managed in accordance with *Local Planning Policy 3.4.3 - Urban Water Management* to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
6. Prior to applying for a Building Permit, revised plans shall be provided, demonstrating that the Furnivall Parade Monolith Sign has a maximum height of 4.0 metres and is located within the site boundaries.
7. Prior to applying for a Building Permit, an Acoustic Report prepared by a suitably qualified consultant must be submitted to and approved by the City of Rockingham demonstrating compliance with the *Environmental Protection (Noise) Regulations 1997*. The Acoustic Report shall, at a minimum but not limited to, address the following:
 - (i) Detail the combined noise levels received by the nearest 'noise sensitive premises' for all sources operating during the day, evening and night time assigned levels of the Regulations;

Eugene Koltasz
Presiding Member, Metro Outer DAP



- (ii) Include details of any proposed acoustic treatments, including specification and construction methods, locations and materiality;
 - (iii) Detail mechanical plant elements, including tonality characteristics and any attenuation measures required;
 - (iv) Detail any proposed mitigations or management controls for car parking areas; and
 - (v) Detail any proposed mitigations or management controls for noise emissions from activities on the premises.
8. Prior to applying for a Building Permit, an updated 'Parkland Heights Neighbourhood Centre' Landscape Plan must be prepared, resultant from the development and is to include the following detail to the satisfaction of the City of Rockingham:
- (i) The location, number and type of existing and proposed trees and shrubs (including street trees, shade trees within the car parking areas, and planting within verge areas), including calculations for the landscaping area;
 - (ii) Any lawns to be established and areas to be mulched;
 - (iii) Those areas to be reticulated or irrigated;
 - (iv) Any natural areas landscape areas to be retained;
 - (v) Proposed upgrading to landscaping, paving, and reticulation of the street setback area and all verges;
 - (vi) Provision of minimum (3) shade trees within the car parking area; and
 - (vii) Provision of replacement carpark tree species for Ficus hillii and Platanus.
- 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 for the duration of the development.
9. Prior to applying for a Building Permit, an external lighting plan is to be submitted and approved by the City of Rockingham demonstrating compliance with AS 4282- Control of Obtrusive Effects of Outdoor Lighting. External lighting is to be implemented in accordance with the lighting plan for the duration of the development, to the satisfaction of the City of Rockingham.
10. Engineering drawings and specifications are to be submitted, approved and works undertaken for the construction of the left in only driveway crossover on Nairn Drive and full movement crossover on Furnivall Parade. Construction works must be completed prior to occupation of the development, at the landowners cost to the satisfaction of the City of Rockingham.

Eugene Koltasz
Presiding Member, Metro Outer DAP



11. The proposed footpath and pram ramp adjustments within road reserve(s) are to be designed in accordance with the City of Rockingham engineering standards and constructed to the satisfaction of the City of Rockingham.
12. All driveways, car parking and manoeuvring area(s) which form part of this development approval shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City of Rockingham.
13. Prior to occupation of the development, any damage to existing City infrastructure within the road reservation including kerb, road pavement, turf, irrigation, bollards and footpaths is to be repaired to the satisfaction of the City of Rockingham at the cost of the applicant.
14. Prior to occupation of the development, written confirmation from the builder shall be provided that demonstrates that all requirements indicated in the approved Acoustic Report have been incorporated into the development.
15. Any existing street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites.
16. All plant and roof equipment and other external fixtures must be designed to be located away from public view/or screened for the life of the development, to the satisfaction of the City of Rockingham.
17. All commercial vehicle movements associated with service delivery and refuelling shall occur outside the AM and PM peak hour periods to minimise traffic safety risk.
18. The Waste Management Plan, prepared by Talis Consultants - Reference WMP24070 must be implemented and maintained at all times, for duration of development to the satisfaction of the City of Rockingham.
19. The proposed Service Station must incorporate Stage 1 and Stage 2 (VR1 and VR2) Vapour Recovery Systems which are to be installed and functioning from the commencement of operation of the Service Station, and for the duration of its operation.
20. An Operational Management Plan being prepared for the Service Station for the approval of the City, prior to the issue of a Building Permit, demonstrating how the dispenser hose for Stage 2 (VR2) Vapour Recovery System will be tested for leaks upon commissioning and a program which includes on-going monitoring of the performance of the VR2 system.

Advice Notes

1. A Building Permit must be obtained for the proposed works prior to commencement of site works. The applicant and owner should liaise with the City's Building Services in this regard.

Eugene Koltasz
Presiding Member, Metro Outer DAP



2. A separate approval from the City's Health Services is required under the *Food Act 2008* and *Food Safety Standards*. This is required prior to the lodgement of an application for a Building Permit - Certified. The applicant should liaise with the City's Health Services in this regard.
3. A Sign Permit must be obtained for any advertising associated with the development; the applicant and owner should liaise with the City's Building Services in this regard.
4. The detailed drainage design in the Stormwater Management Plan should be consistent with City's *Local Planning Policy No. 3.4.3 - Urban Water Management* and the approved LWMS addendum (Mortons Urban Solutions, 2018).
5. The applicant is responsible for protecting any existing City streetscape assets along Furnivall Parade and Nairn Drive during the course of the project. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc. It is recommended that a photographic dilapidation report is undertaken by the applicant, to record the current condition of these assets.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The Panel was satisfied that overall the application for the proposed service station was consistent with the planning framework for the locality and site, as contained within the provisions of City of Rockingham TPS No. 2 and the Parkland Heights Locals Structure Plan.

The Panel noted concerns raised in some submissions regarding the number of service stations being built in the locality and the appropriateness of the site for a fuel outlet given its proximity to the local school nearby, however the site has been identified for that use for many years under the approved local structure plan.

In regard to the matter of odour emissions from the service station operations on nearby sensitive land uses, both residential and school site, the Panel was satisfied that the applicants Environmental Impact Assessment and the Council's PEER review of that assessment, had adequately demonstrated that the proposed development was acceptable with respect to the separation distances to those sensitive land uses.

Other amenity issues including built form, access and egress, landscaping, and the number of parking bays proposed are considered to have been adequately addressed and relevant conditions imposed to ensure compliance with the approval and ongoing maintenance of the development.

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
DR146/2024 DAP/23/02523	City of Gosnells	65 (Lot 98) Mills Road West, Gosnells	Place of Worship	30/09/2024
DR148/2024 DAP/24/02696	City of Gosnells	Lot 8 (1510) Albany Highway, Beckenham	Service Station, Convenience Store and Signage	30/10/2024
DR94/2024 DAP/23/02623	City of Cockburn	Lot 9501 Gaebler Road, Hammond Park	Mixed Use Commercial Development	27/06/2024

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:13am.

Eugene Koltasz
Presiding Member, Metro Outer DAP