



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 8 August 2024; 9:30am
Meeting Number: MODAP/29
Meeting Venue: 140 William Street, Perth
Public Observing: Online

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

[8 August 2024 – MODAP/29 – City of Kalamunda – 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 KALAMUNDA

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 193 (No. 318) & Lot 194 (No. 310) Hale Road, Wattle Grove – Child Care Premises, Medical Centre, Consulting Rooms and Shop (Pharmacy) – DAP/24/02707
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – CITY OF ROCKINGHAM

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 3022 Morfontaine Parade, Port Kennedy – Proposed Tavern, Brewery and Short Stay Accommodation – DAP/24/02659
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

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

Tony Arias
Presiding Member, Metro Outer DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Tony Arias (Presiding Member)	Laura Simmons
Lee O'Donohue (Deputy Presiding Member)	Ashlee Kelly
John Syme	
<i>Part B – City of Kalamunda</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Mayor Margaret Thomas	Tracey Cooney Walshe
Cr Kathy Ritchie	
<i>Part C – City of Rockingham</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Mayor Deb Hamblin	David Waller
Cr Dawn Jecks	Chris Parlane

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Applicant and Submitters
<i>Part B – City of Kalamunda</i>
Neil Teo (Dynamic Planning & Development) Rahul Patel
<i>Part C – City of Rockingham</i>
Adrian Dhue (Lateral Planning) Daniel Hollingworth (Lateral Planning) Jess Beaver (MJA Studio) Elliot Langdon (MJA Studio) Marina Kleyweg (KCTT) Reyne Dial (Place Development) Ben McCarthy (King City)

Members of the Public / Media

Nil.

Observers via livestream

Nil.

Tony Arias
Presiding Member, Metro Outer DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:46am on 8 August 2024 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

Nil.

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](#).

Tony Arias
Presiding Member, Metro Outer DAP



PART B – CITY OF KALAMUNDA

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

3.1 Lot 193 (No. 318) & Lot 194 (No. 310) Hale Road, Wattle Grove – Child Care Premises, Medical Centre, Consulting Rooms and Shop (Pharmacy) – DAP/24/02707

Deputations and Presentations

Rahul Patel addressed the DAP against the recommendation for the application at Item 3.1 and responded from questions from the panel.

Neil Teo (Dynamic Planning & Developments) 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 Kalamunda addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Mayor Margaret Thomas

Seconded by: Cr Kathy Ritchie

With the agreement of the mover and the seconder the following amendment was made:

That Condition No. 3 be amended to read as follows:

The development being carried out in accordance with the plan(s)/drawing(s) and document(s) (including any recommendations made) listed below, including any amendments to those plans as shown in red.

Dwg No.	Rev.	Title	Date	Prepared by
A01	5 L	Proposed Site Plan	12.3.2024	Hodge Collard Preston Architects
A02	D	Proposed Childcare Centre Floor Plan	12.3.2024	Hodge Collard Preston Architects

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A03	C	Proposed Commercial Building Floor Plan (Medical Centre & Allied Health)	18.12.2023	Hodge Collard Preston Architects
A04	D	Elevations	12.3.2024	Hodge Collard Preston Architects
-	-	Transport Impact Assessment	March 2024	urbii
-	-	Environmental Acoustic Assessment	July 2024	Herring Storer Acoustics
-	-	BAL Assessment (Basic) Report	18/3/2024	Dynamic Planning

REASON: To reference the correct (up to date) Site Plan revision.

That the Metro Outer Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/24/02707 is appropriate for consideration as a “Commercial” land use and compatible with the objectives of the Local Structure plan and zoning table in accordance with Clause 4.2.3 of the City of Kalamunda Local Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/24/02707 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 provisions of Clause 10.4 of the City of Kalamunda Local Planning Scheme No. 3, subject to the following conditions:

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. 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.
3. The development being carried out in accordance with the plan(s)/drawing(s) and document(s) (including any recommendations made) listed below, including any amendments to those plans as shown in red.

Dwg No.	Rev.	Title	Date	Prepared by
A01	L	Proposed Site Plan	12.3.2024	Hodge Collard Preston Architects
A02	D	Proposed Childcare Centre Floor Plan	12.3.2024	Hodge Collard Preston Architects

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A03	C	Proposed Commercial Building Floor Plan (Medical Centre & Allied Health)	18.12.2023	Hodge Collard Preston Architects
A04	D	Elevations	12.3.2024	Hodge Collard Preston Architects
-	-	Transport Impact Assessment	March 2024	urbii
-	-	Environmental Acoustic Assessment	July 2024	Herring Storer Acoustics
-	-	BAL Assessment (Basic) Report	18/3/2024	Dynamic Planning

4. The development is permitted to operate in accordance with the days, times and maximum patronage and staff numbers stipulated in the table below:

Use	Days	Hours	Maximum staff & practitioners
Medical Centre	Monday to Friday Saturday	8:00am – 7:00pm 9:00am – 5:00pm	6 practitioners 2 staff
Medical Tenancy	Monday to Friday Saturday	8:00am – 7:00pm 9:00am – 5:00pm	4 practitioners 2 staff
Shop (Pharmacy)	Monday to Friday Saturday Sunday	7:00am – 9:00pm 9:00am – 5:00pm 9:00am – 11:00am	-
Consulting rooms (1) (Dental)	Monday to Friday Saturday	8:00am – 7:00pm 9:00am – 5:00pm	2 practitioners 1 staff
Consulting rooms (2) (Podiatry)	Monday to Friday Saturday	8:00am – 7:00pm 9:00am – 5:00pm	2 practitioners 1 staff
Consulting rooms (3) (Physio etc)	Monday to Friday Saturday	8:00am – 7:00pm 9:00am – 5:00pm	2 practitioners 1 staff
Childcare premises	Monday to Friday	6:00am – 6.30pm	17 staff

5. The development must be constructed with the finished floor level matching the existing natural ground levels. Any proposed cut and fill to the site does not form part of this development approval and if required, amended plans must be submitted to the City of Kalamunda for approval.
6. The applicant must comply with all the recommendations provided in the Environmental Noise Assessment submitted as part of the development application for the duration of the development. The noise mitigation and management measures discussed in the conclusion must be implemented in perpetuity, to the satisfaction of the City of Kalamunda

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7. For the duration of works, fill brought to the site must be clean, and solid earth/sand or clean inert material that is free of contaminates, organic material, putrescible or refuse matter, or any other deleterious matter.
8. For the duration of the development, signs and on-site advertising must not include reflective, flashing, chasing or pulsating lights and must not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries.
9. For the duration of the development, no commercial deliveries must occur outside the hours of 7am and 7pm Monday to Saturday and 9am to 7pm on Sunday.
10. Prior to the lodgement of a building permit, arrangements being made to the satisfaction of the City of Kalamunda to ensure that a Cost Contribution will be made towards the Infrastructure Cost Sharing Arrangement for Cell 9 pursuant to the City of Kalamunda Local Planning Scheme No. 3 for the following sites:
 - a. Lot 193 (No. 318) Hale Road, Wattle Grove
 - b. Lot 194 (No. 310) Hale Road, Wattle Grove
11. Prior to the lodgement of a building permit, the landowner must submit, and have approved by the City of Kalamunda, detailed information relating to external finishes and colour schemes. Prior to occupation of the development, the approved external finishes and colour schemes are to be implemented to the satisfaction of the City of Kalamunda and maintained for the duration of the development.
12. Prior to the lodgement of a building permit, a Construction Management Plan must be prepared by the landowner/applicant and approved by the City of Kalamunda. The Construction Management Plan shall detail how the construction of the development will be maintained including the following:
 - i. Public safety and security;
 - ii. Hours of construction;
 - iii. Traffic management plans during construction, including any proposed road closures;
 - iv. Dust management plan
 - v. Toilet facilities for construction workers;
 - vi. Protection of public infrastructure;
 - vii. How materials and equipment will be delivered, stored and removed from the site;
 - viii. Dilapidation report of adjoining properties;
 - ix. Parking arrangements for staff, contractors and visitors;
 - x. Construction waste disposal strategy and location of waste disposal bins;
 - xi. Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction, and how they are to be managed;
 - xii. How dust, sedimentation, noise, erosion, lighting and environmental hazards and will be managed during the stages of construction;
 - xiii. Complaint management procedure; and
 - xiv. Other matters likely to impact on surrounding property owners.

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Presiding Member, Metro Outer DAP



The approved Construction Management Plan must be implemented prior to the commencement of works and thereafter maintained for the duration of works to the satisfaction of the City of Kalamunda.

13. Prior to the lodgement of a Building Permit, the applicant is to submit, and have approved by the City of Kalamunda, a Traffic Management Plan. Once approved the Traffic Management Plan must be implemented to the satisfaction of the City of Kalamunda.
14. Prior to lodgement of a building permit, a Waste Management Plan must be prepared by the landowner and approved to the satisfaction of the City of Kalamunda. The Waste Management Plan must include the following detail to the satisfaction of the City of Kalamunda:
 - i. The location of the bin storage areas and bin collection areas (all storage and loading areas must be screened from the streetscape).
 - ii. The number, volume and type of bins, and the type of waste to be placed in the bins.
 - iii. Management of the bins and the bin storage areas, including cleaning rotation and moving bins to and from the bin collection areas; and
 - iv. Frequency of bin collections.
 - v. Appropriate traffic management measures to mitigate conflicts between private vehicles and waste collection vehicles.
 - vi. Other matters likely to impact on surrounding property owners.

The approved Waste Management Plan is to be implemented for the duration of the development by the landowner to the satisfaction of the City of Kalamunda.

15. Prior to the lodgement of a Building Permit, the applicant is to submit, and have approved by the City of Kalamunda, an External Lighting Plan, in accordance with the following criteria:
 - i. Detailing lighting to internal driveways, carparks, pathways, areas of open space.
 - ii. All lighting must be designed and installed so that as far as reasonably possible, by way of hooding and orientation, minimal light will be cast onto any adjoining property.
 - iii. Lighting must not cause a nuisance to adjoining residents or the travelling public and must comply at all times with the requirements stipulated under the Australian Standard 4282-1997 (Control of the obtrusive effects of outdoor lighting).
 - iv. Other details as required by the City to mitigate light spill impacts upon surrounding property owners.

The approved lighting plan is to be implemented prior to occupation of the development and the constructed lighting thereafter maintained for the duration of the development to the satisfaction of the City of Kalamunda.

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Presiding Member, Metro Outer DAP



16. Prior to the lodgement of a Building Permit, the applicant is to submit, and have approved by the City of Kalamunda, a Signage Plan.

The approved signage plan is to be implemented prior to occupation of the development and thereafter maintained for the duration of the development to the satisfaction of the City of Kalamunda.

17. Prior to the lodgement of a Building Permit, the applicant is to submit, and have approved by the City of Kalamunda a geotechnical report in accordance with AS 1726 Geotechnical Site Investigations. The approved report is to inform designs such as earthworks, subsoil drainage (if required) and stormwater drainage.
18. Prior to the lodgement of a Building Permit, the applicant is to submit, and have approved by the City of Kalamunda a drainage design, prescribing a functional drainage system, including detailed engineering drawings, and necessary technical information to demonstrate functionality of the design. The approved design shall be thereafter implemented to the satisfaction of the City of Kalamunda.
19. Prior to applying for a building permit, engineering drawings for the modifications of Hale Road (including but not limited to modifying the sharp nose of the median) are to be submitted to and approved to the satisfaction of the City of Kalamunda. Prior to occupation of the development, all works are to be completed at the cost of the applicant / landowner in accordance with the approved engineering drawings as per advice and recommendation of Transport Impact Assessment and to the specification and satisfaction of the City of Kalamunda.
20. Prior to occupation of the development, the landowner must contribute towards public art, pursuant to City of Kalamunda Local Planning Policy 26.
21. Prior to occupation of the development, lots 193 & 194 Hale Road must be amalgamated into a single lot on a Certificate of Title.
22. Prior to occupation of the development, the landowner must locate and screen the following components of the development so that they are not visible from any road to which the site has frontage (including Hale Road and Wimbridge Road]), adjoining properties or otherwise on display from any public vantage point:
- i. Refuse storage areas;
 - ii. Service equipment;
 - iii. Mechanical ventilation;
 - iv. Refrigeration units; and
 - v. Storage areas for machinery, materials, or the like.

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Presiding Member, Metro Outer DAP



23. Prior to occupation submit to the City of Kalamunda for approval a detailed landscape plan to landscape the subject site in the areas shown on the below listed plans.

Plan No.	Rev.	Title	Date	Prepared by
101	b	Landscape Concept Plan	12.6.24	Kelsie Davies Landscape Architecture

The landscape plan must include the following:

- i. Parking bays to have a shade tree per 4 bays
- ii. Tree species must be a minimum bag size of 90L at the time of planting.
- iii. Tree canopies must be contained wholly within the lot boundary, except where overlapping the verge.
- iv. Tree canopies are to be achieve a 20% canopy cover at maturity,
- v. Shrub species must be a minimum 175mm pot size at the time of planting.
- vi. Ground cover planting should aim for a 4 plants/m².
- vii. Planting to drainage areas should include a biofiltration mix.
- viii. Tree species planted with root zones adjacent to structures must have root control barriers and/or structure strengthening systems installed. Full demonstration of these systems is required.

Once approved, all landscaping noted in the approved Landscaping Plan must be plated prior to occupation of the development and maintained thereafter, to the satisfaction of the City of Kalamunda.

Any species which fail to establish within the first two planting seasons following implementation must be replaces at the landowners cost to the satisfaction of the City of Kalamunda.

24. Prior to the occupation of the Childcare Centre the operator is to provide an Operational management plan to the City and receive approval for this plan prior to commencing operations. This plan is to detail:
- i. operational measures to reduce amenity impacts (such as noise, odour and light spill to nearby properties).
 - ii. Bushfire Emergency Evacuation Plan (BEEP)
25. Prior to occupation of the development, all car parking areas must meet the following requirements:
- i. The provision and maintenance of a minimum of 61 car parking spaces, which are designed, constructed, sealed, kerbed, drained, and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off street car parking.
 - ii. The provision and maintenance car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off street parking for people with

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- 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.
- iii. Vehicle parking, manoeuvring and circulation areas are to be suitably constructed, sealed, kerbed, line marked and drained to the specification and satisfaction of the City of Kalamunda and Australian Standard AS2890.

The development must comply with the above requirements and be maintained to the satisfaction of the City of Kalamunda for the duration of the development.

26. Prior to occupation of the development, crossovers must be designed and constructed to the specification and satisfaction of the City of Kalamunda.
27. Prior to occupation of the development, any recommendations of the Transport Impact Assessment must be implemented to the satisfaction of the City of Kalamunda.
28. Prior to occupation of the development bicycle facilities must be provided in accordance with Australian Standard AS 2890.3 to the satisfaction of the City of Kalamunda and retained for the duration of the development.
29. Prior to occupation of the development end of trip facilities shall be provided for the benefit of staff. End of trip facilities are to be designed in accordance with the following criteria:
- A locker of functional and suitable size to be provided for every bicycle parking bay provided.
 - All required end of trip facilities shall be appropriately located to ensure easy access from bicycle parking areas and be in common property if shared by more than one tenancy.
 - All end of trip facilities are required to be designed in accordance with the relevant Australian standards and Building Codes including universal access.

Advice Notes

1. In regard to condition 10, the Applicant is advised that Cell Infrastructure Contributions in the Cell 9 Infrastructure Cost sharing Arrangement (ICSA) are calculated based on dwelling yield of the subject land. The ICSA identifies a yield of 31 lots for the subject land.
2. The City of Kalamunda's Local Planning Policy 26 (Public Art Contributions) provides a concise and documented procedure for public art contributions to provide for consistent management and transparent process by the City.
3. The landowners advised that a public art contribution of \$23,000 applies to this approval, which can be provided through either a public art contribution within the subject site or within a public area within the vicinity of the subject site equal to \$23,000, or alternatively the provision of a \$23,000 as in lieu payment to the City of Kalamunda's Public Art Fund.

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Presiding Member, Metro Outer DAP



4. A building permit is required prior to the commencement of works on site.
5. The operation/development is to comply with the Environmental Protection (Noise) Regulations 1997.
6. This development approval does not authorise the erection of any signage not exempt by Schedule 5 (Exempted advertisements) of the City of Kalamunda Local Planning Scheme No. 3.
7. Please submit modified pavement marking plans to Main Roads WA for approval and implementation.
8. Prior to occupation any damages to public assets arising during the development activity are to be repaired and restored in accordance with the "Local Government Guidelines for Restoration and Reinstatement in WA" and to the satisfaction of the City of Kalamunda.
9. The landowners required to apply for Registration of a Food Business accompanied with the appropriate registration fee a minimum of two weeks prior to commencing operation. The Application must include floor plans and elevations of the kitchen and bar areas detailing all fixtures, fittings and finishes to the City's Health Service so that assessment may be made against the requirements of the Food Standards Code and advice can be provided before commencing construction. Such advice will aid in preventing expense and delays caused by the possible need to rectify structural non-compliances at the time of completion.
10. The landowner must book a food premises inspection with the City of Kalamunda's Health Service prior to commencing operations. The premise must meet all requirements and pass the inspection without requiring any corrective actions before it will be allowed to trade.
11. The landowners are advised that the food premises must comply with the Food Act 2008 and Food Standards Code. Further advice on these requirements is available from the City of Kalamunda's Health Service on 9257 9813.

The Report Recommendation was put and CARRIED UNANIMOUSLY

REASON: The subject site is zoned 'Urban Development' under Local Planning Scheme No. 3 and designated Commercial zone under the Cell 9 Wattle Grove Structure, where the proposed 'Medical Centre', 'Childcare Premises', 'Consulting Rooms' and 'Shop' land uses are all permitted uses and capable of being approved. The proposed development is generally consistent with City's Local Planning Policy 10 - Family Day Care and Child Care Premises requirements and has been assessed by the City's Design Review Panel and well supported. Overall, the Panel considered that the proposed 'Medical Centre', 'Childcare Premises', 'Consulting Rooms' and 'Shop' land uses were consistent with the planning framework.

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Presiding Member, Metro Outer DAP



The Panel noted that there were concerns raised during the advertising process from the community relating to traffic and safety. The Traffic Impact Statement prepared for the development indicated that the traffic generated from the proposed Medical Centre', 'Childcare Premises', 'Consulting Rooms' and 'Shop' land uses would have a low to moderate impact on the road network and is generally deemed acceptable. The Panel was satisfied, supported by the RAR and City officers, that the proposed development would have a low to moderate impact on the road network and was deemed acceptable.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Mayor Margaret Thomas & Cr Kathy Ritchie (Local Government DAP Members, City of Kalamunda) left the panel at 10:15am.

A handwritten signature in black ink that reads "Tony Arias".

Tony Arias
Presiding Member, Metro Outer DAP



PART C – CITY OF ROCKINGHAM

Mayor Deb Hamblin & Cr Dawn Jecks (Local Government DAP Members, City of Rockingham) joined the panel at 10:16am.

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

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Members, Mayor Deb Hamblin and Cr Dawn Jecks, declared that they had participated in a prior Council meeting in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Mayor Hamblin and 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 members listed above, who had disclosed an impartiality interest, were permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lot 3022 Morfontaine Parade, Port Kennedy – Proposed Tavern, Brewery and Short Stay Accommodation – DAP/24/02659

Deputations and Presentations

Adrian Dhue (Lateral Planning) 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.

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Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION

Moved by: Mayor Deb Hamblin

Seconded by: Cr Dawn Jecks

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

APPROVE DAP Application reference DAP/24/02659 and the accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Rockingham Town Planning Scheme No.2 (TPS2), subject to the following conditions:

1. In the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.
2. This decision constitutes 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.
3. 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 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.

4. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
5. Prior to occupation of the development, a crossover is to be constructed in accordance with the City's Commercial Crossover Specifications to the satisfaction of the City of Rockingham.
6. Engineering drawings for works along the existing road reserves must be submitted to the Manager of Land and Development Infrastructure for approval, prior to works commencing on site. All works within the Road Reserve must be completed to the satisfaction of the City of Rockingham.
7. 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.

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8. Prior to occupation of the development the car parking area must:
- (i) provide a minimum of 45 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 for visitors 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 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.
9. Prior to applying for a Building Permit, a 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.
- The 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.
10. In accordance with City of Rockingham Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities, 10 short term and 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.

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Presiding Member, Metro Outer DAP



11. Prior to applying for a Building Permit, a Revised Acoustic Report and a Noise Management Plan must be submitted to and approved by the City of Rockingham, that includes appropriate noise mitigation and management measures to ensure that all mechanical services associated with the proposed development and any other noise source, including noise emanating from Licensed Premises will comply with the *Environmental Protection (Noise) Regulations 1997*.
12. Prior to occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to the City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Acoustic Assessment must include the following information:

- (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
- (ii) tonality, modulation and impulsiveness of noise sources; and
- (iii) confirmation of the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report and implemented as such for the duration of the development.

13. Prior to applying for a Building Permit, a revised Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
 - (i) the location of bin storage areas and bin collection areas;
 - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (iv) the manner and frequency of bin collections.

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

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Presiding Member, Metro Outer DAP



14. In accordance with Local Planning Policy 3.3.25 - Percent for Public Art - Private Developer Contribution, prior to occupation of the development, the developer shall either:
 - (i) Submit to the City of Rockingham for approval an artwork designed by a professional artist at a cost of 1% of the total project cost (being \$65,000), to be located within the subject site in an area which must be publicly visible for the duration of the development;
 - (ii) Enter into a contract with a professional artist/s to design and install the artwork approved by the City of Rockingham;
 - (iii) The artwork shall then be installed prior to occupation of the development and maintained thereafter to the satisfaction of the City of Rockingham; or
 - (iv) Make a contribution to the City of Rockingham equal to 1% of the total construction value for the provision of public art, being \$65,000 in value, which may be utilised in the adjoining public realms.
15. Prior to applying for a Building Permit, a Traffic Sightline Safety Audit shall be prepared by a suitably qualified expert which demonstrates that the configuration of the vehicle crossover and proposed commercial vehicle loading bay in the street verge does not cause any road safety concerns, to the satisfaction of the City of Rockingham. The applicant shall implement any recommended mitigation measures identified in the Traffic Safety Sightline Audit.
16. Floodlighting must not be illuminated after 10pm or before 7am on any day. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—2019, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.
17. Unless otherwise approved by the City of Rockingham or exempt through an applicable Local Planning Policy, entries and window frontages of the building facing the Foreshore Plaza 'main street' must contain clear, transparent glass, and not be covered, closed or screened off (including by means of dark or other tinting, shutters, curtains, blinds, posters, paint, roller doors or similar), to ensure that visibility and a commercial, interactive frontage is available between the development and the public domain at all times.
18. Prior to building occupancy, the developer responsibilities outlined in Table 3 of the 'Kennedy Bay Brewery - Element 5 Vulnerable Tourism Land Uses Assessment Report', prepared by Bushfire Safety and dated 21/2/2024, shall be implemented and maintained thereafter for the duration of the development.
19. The development shall be managed to prevent the emission or transmission of odour which unreasonably interferes with the health, welfare, convenience, comfort or amenity of surrounding premises.

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20. To facilitate access for a private waste servicing vehicle the plans shall be amended, where required, to increase the vertical clearance at the car park entrance.
21. Prior to the occupation of the development, a public access easement in accordance with Sections 195 and 196 of the *Land Administration Act 1997* is to be placed on Proposed Lot 1 (Lot 3022 Morfontaine Parade, Port Kennedy) for all car parking bays, excluding the 9 short-stay accommodation bays. Notice of this easement is to be included on the Deposited Plan to the satisfaction of the City of Rockingham.

Advice Notes:

1. Regarding Conditions 13 and 20, the applicant is advised that the WMP should be updated to consider the need to accommodate:
 - A full complement of FOGO bins (which the City is preparing to implement); and
 - A waste collection vehicle that can enter the car park to collect the commercial waste bins, given the vertical clearance provided at the vehicle entry to the first floor slab level.
2. 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's Health Services in this regard.
3. 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.
4. The Tavern is required to comply with the *Liquor Control Act 1988*. All relevant approvals and licenses are to be sought prior to the occupation of the development in conjunction with the Department of Local Government, Sport and Cultural Industries (DLGSC).
5. The development must comply with the *Health (Public Building) Regulations 1992*; the Applicant and owner should liaise with the City's Health Services in this regard.
6. The Applicant is responsible for protecting any existing City streetscape assets during the course of the project. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc. If any damage is caused to the existing assets (identified to be retained), they must be rectified to the satisfaction of the City of Rockingham. It is recommended that a photographic dilapidation report is undertaken by the Applicant, to record the current condition of these assets.

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The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The Site is included within the 'Development' Zone of the City of Rockingham Local Planning Scheme No. 2, where 'Tavern', 'Brewery', and 'Short-Stay Accommodation' land uses are permitted uses and capable of approval. The Panel was satisfied that the proposed development was generally consistent with the Kennedy Bay Local Structure Plan and the Kennedy Bay Coastal Village Local Development Plan and fits within the appropriate planning framework. It also generally complies with the development requirements of the Structure Plan and LDP. Where variations are sought these are supported by the RAR and managed through appropriate conditions of approval.

The Panel considered the site's location within the Kennedy Bay 'town centre' location provides an appropriate context for the proposed uses of 'Tavern', 'Brewery', and 'Short-Stay Accommodation' land uses. The 'town centre' context also provides opportunity to manage potential offsite impacts such as noise and odour.

The Panel also considered the proposed development provided an excellent built form response to the site context and requirements for the 'town centre'. The Panel noted that the proposed development includes a parking variation, however, this was considered acceptable given the 'town centre' location and the recent modification to the LDP which strengthened the parking provisions and clarified arrangements for reciprocal access easements to be created across the various development sites within the 'town centre'. Further those measures have been progressed with the DPLH for the creation of a reciprocal parking easement over a portion of the Port Kennedy golf course (Crown land). The Panel was satisfied, supported by the RAR and City officers, that there will be a sufficient publicly accessible car parking in proximity to the subject site for the proposed development.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

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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
DR193/2023 DAP/23/02545	Shire of Serpentine Jarrahdale	Lot 218 (No.575) Abernethy Road, Oakford	Proposed Educational Establishment	19/12/2023
DR94/2024 DAP/23/02623	City of Cockburn	Lot 9501 Gaebler Road, Hammond Park	Mixed Use Commercial Development	27/06/2024

The Presiding Member noted the following Supreme Court Appeal -

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
DAP/23/02496 CIV 2251 of 2023	City of Swan	Lot 2 & 67 (No.163) and Lot 18 (No.159) James Street, Guildford	Proposed redevelopment of Vaudeville Theatre	03/11/2023

2. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2024 a DAP member must not publicly comment on any action or determination of a DAP.

3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:32am.

Tony Arias
Presiding Member, Metro Outer DAP