



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 8 May 2025; 9:30am
Meeting Number: MODAP/79
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link: [MODAP/79 – 8 May 2025 – 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 9002 Settlers Avenue, Baldivis – Proposed Fast Food Outlet – DAP/25/02843
 - 3.2 Lot 9505 Warnbro Sound Avenue, Golden Bay – Proposed Child Care Premises – DAP/24/02804
 - 3.3 Lot 429 & 430 Kerosene Lane, Baldivis – Proposed Fast Food Outlet and Service Station – DAP/24/02829
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – OTHER BUSINESS

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

Dale Page
Presiding Member, Metro Outer DAP



ATTENDANCE	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Dale Page (Presiding Member)	Claire Ortlepp
Clayton Higham (Deputy Presiding Member)	Zoe Hendry
Eugene Koltasz	
<i>Part B – City of Rockingham</i>	
<i>Local Government DAP Members</i>	<i>Officers/Technical Advisors in Attendance</i>
Cr Mark Jones	David Banovic
Cr Dawn Jecks	Casey Gillespie

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Applicant and Submitters
<i>Part B – City of Rockingham</i>
<i>Item 3.1</i>
Marc Re (Planning Solutions) Donna Edmiston (Guzman y Gomez)
<i>Item 3.2</i>
Alessandro Stagno (Apex Planning) Scott Ferguson (Fergosia Property)
<i>Item 3.3</i>
Alessandro Stagno (Apex Planning)

Members of the Public / Media

Nil.

Observers via livestream

There were 3 persons observing the meeting via the livestream.

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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 8 May 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](#).

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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 Dawn Jecks, declared that they had participated in a prior Council meeting in relation to the application at Items 3.1, 3.2 & 3.3. 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 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 Mark Jones, declared that they had participated in a prior Council meeting in relation to the application at Items 3.1, 3.2 & 3.3. 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 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 9002 Settlers Avenue, Baldivis – Proposed Fast Food Outlet – DAP/25/02843

Deputations and Presentations

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

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Presiding Member, Metro Outer DAP



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

REPORT RECOMMENDATION

Moved by: Cr Dawn Jecks

Seconded by: Clayton Higham

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

APPROVE DAP Application reference DAP/25/02843 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 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. Prior to applying for a Building Permit, exhaust facilities associated with the proposed food business must be designed in accordance with Australian Standard AS 1668.2-2012, the use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) and be fitted with filtration and odour suppression devices to the satisfaction of the City of Rockingham.

Dale Page
Presiding Member, Metro Outer DAP



The exhaust facilities must be installed prior to the occupation of the development and must be thereafter maintained to the satisfaction of the City of Rockingham for the duration of the development.

7. In accordance with City of Rockingham *Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities*, minimum one (1) short-term bicycle parking space and minimum 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.
8. The landscaping, inclusive of any paving and reticulation must be implemented in accordance with the approved Landscape Plan 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. 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.
10. 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.
11. The Waste Management Plan, prepared by WGA - Reference WGA211687-RP-WM-0001_D must be implemented and maintained at all times, for duration of development to the satisfaction of the City of Rockingham.
12. The bin store area must be constructed prior to occupation of the development and must be retained and maintained in good condition for the duration of the development, to the satisfaction of the City of Rockingham.
13. The owner/applicant is responsible for protecting any existing City streetscape assets along Safety Bay Road during the construction phase 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.
14. Any existing street trees adjacent to the development site must be protected throughout the course of the project in accordance with the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

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Presiding Member, Metro Outer DAP



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 *Chapter 3* of the *Australian - New Zealand Food Standards Code*. 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. With regard to Condition 13, it is recommended that a photographic dilapidation report is undertaken to record the current condition of these assets.

AMENDING MOTION 1

Moved by: Clayton Higham

Seconded by: Eugene Koltasz

That Condition No. 6 be deleted and incorporated as a new Advice Note No. 5, with the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED (4/1).

For: Dale Page
Clayton Higham
Eugene Koltasz
Cr Mark Jones

Against: Cr Dawn Jecks

REASON: This relates to a matter covered by separate legislation and is more appropriately addressed via an Advice Note.

REPORT RECOMMENDATION (AS AMENDED)

An administrative amendment was made to correct the condition reference in Advice Note No. 4, due to the change made in Amending Motion 1.

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

APPROVE DAP Application reference DAP/25/02843 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:

Dale Page
Presiding Member, Metro Outer DAP



Conditions

1. This decision constitutes development 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. In accordance with City of Rockingham *Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities*, minimum one (1) short-term bicycle parking space and minimum 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.
7. The landscaping, inclusive of any paving and reticulation must be implemented in accordance with the approved Landscape Plan 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.
8. 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.



9. 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.
10. The Waste Management Plan, prepared by WGA - Reference WGA211687-RP-WM-0001_D must be implemented and maintained at all times, for duration of development to the satisfaction of the City of Rockingham.
11. The bin store area must be constructed prior to occupation of the development and must be retained and maintained in good condition for the duration of the development, to the satisfaction of the City of Rockingham.
12. The owner/applicant is responsible for protecting any existing City streetscape assets along Safety Bay Road during the construction phase 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.
13. Any existing street trees adjacent to the development site must be protected throughout the course of the project in accordance with the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

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 *Chapter 3* of the *Australian - New Zealand Food Standards Code*. 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. With regard to Condition 12, it is recommended that a photographic dilapidation report is undertaken to record the current condition of these assets.
5. Prior to applying for a Building Permit, exhaust facilities associated with the proposed food business must be designed in accordance with Australian Standard AS 1668.2-2012, the use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) 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 thereafter maintained to the satisfaction of the City of Rockingham for the duration of the development.

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

REASON: The proposed use is appropriate for a District Centre and aligns with the requirements of the Baldivis Activity Centre Structure Plan; the objectives of the City's Local Commercial and Activity Centres Strategy; the Baldivis Town Centre policy; and the City's policy on Fast Food Outlets. The premises will be located close to other fast-food outlets on the Safety Bay Road frontage and will replace an existing car wash facility, with an improved built form and presentation to the surrounding area.

Although the proposal will increase the technical parking shortfall on the site due to removal of 41 parking bays, occupancy surveys have been done by the applicant which demonstrate that there is more than enough parking available on site – even at peak periods. The City has verified these findings and agrees that available parking supply consistently exceeds the demand for parking. The proposal will therefore not negatively impact on the parking availability on the site and within the broader centre.

3.2 Lot 9505 Warnbro Sound Avenue, Golden Bay – Proposed Child Care Premises – DAP/24/02804

Deputations and Presentations

Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 3.2 and responded to questions from the panel.

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: Cr Mark Jones

Seconded by: Eugene Koltasz

That the Metro Outer District Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/24/02804 and accompanying plans:

- Artists Impression - Drawing Number 24982_DA-000, drawn by Raunik Design Group Architects;
- Design Intent - Drawing Number 24982_DA-010_A, drawn by Raunik Design Group Architects and dated 6 February 2025;
- Perspectives - Drawing Number 24982_DA-020_C, drawn by Raunik Design Group Architects and dated 6 February 2025;

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- Site Plan - Drawing Number 24982_DA-100_F, drawn by Raunik Design Group Architects and dated 6 February 2025;
- Floor Plan - Drawing Number 24982_DA-130_F, drawn by Raunik Design Group Architects and dated 6 February 2025;
- Elevations -1 - Drawing Number 24982_DA-200_D, drawn by Raunik Design Group Architects and dated 6 February 2025;
- Elevations -2 - Drawing Number 24982_DA-201_D, drawn by Raunik Design Group Architects and dated 6 February 2025;
- Sections - Drawing Number 24982_DA-300_B, drawn by Raunik Design Group Architects and dated 6 February 2025;
- Signage and Materials - Drawing Number 24982_DA-900_B, drawn by Raunik Design Group Architects and dated 6 February 2025;

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 68(2)(b) of the City of Rockingham Town Planning Scheme No.2, subject to the following conditions:

Conditions

1. 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.
2. Prior to applying for a Building Permit, amended plans and details must be submitted for approval to the City of Rockingham that locates the 'Outdoor Store 3' a minimum of 4m from the Warnbro Sound Avenue street boundary.
3. No more than 94 children are to be accommodated by the Child Care Premises.
4. No more than eighteen (18) staff to be employed by the Child Care Premises.
5. The Child Care Premises must only operate between the hours of 6:30am to 6:30pm, Monday to Friday, with children not permitted in the open space play areas before 7:00am.
6. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with 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.

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7. Prior to the commencement of works a Construction Management Plan must be submitted and approved by the City of Rockingham. The Construction Management Plan shall include, but not be limited to, the following:
- (i) A Dust, Noise and Vibration Management Plan;
 - (ii) Detail how access roads to and all trafficable areas on the site/s will be treated and maintained to prevent or minimise the generation of airborne dust;
 - (iii) How any stockpiles on site/s are to be managed;
 - (iv) Construction waste disposal strategy and location of waste disposal bins;
 - (v) How materials and equipment will be delivered and removed from the site/s; and
 - (vi) A Traffic Management Strategy for the duration of the project, including the locations of all car parking and loading areas to be used, the duration and frequency of use of these areas and any exemption requests.

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

8. Prior to applying for a Building Permit, detailed Engineering Drawings and specifications are to be submitted to the City of Rockingham for approval for all works within the road reserve, including crossover approach, carparks, footpaths, kerb ramps, kerbing, drainage and landscape works. All works are to be installed and maintained at the Applicant's cost to the satisfaction of the City of Rockingham for the duration of the development.
9. The carpark must:
- (i) provide a minimum of 27 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained, marked and signposted in accordance with User Class 3 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) of these car parking spaces as a space dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained, marked and signposted in accordance with 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 clearly marked prior to the development being occupied and maintained thereafter;
 - (v) have lighting installed, prior to the occupation of the development, to the satisfaction of the City of Rockingham; and
 - (vi) confine all illumination 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.



10. Car parking shall be managed for the duration of the development in accordance with the Parking Plan contained within the "*Environmental Noise Assessment*" prepared by Lloyd George Acoustics (reference 24069118-01) and dated 1 October 2024 and the "*Parking Management Plan*" prepared by Transcore (reference Technical Note 1a) and dated 19 November 2024.
11. In accordance with City of Rockingham *Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities*, four (4) 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.
12. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
 - (i) The design and 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;
 - (iv) Frequency and timing of bin collections of which are to be conducted outside of operating hours and outside of residential waste collection on the immediate locality; and
 - (v) Calculations of waste volumes 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.

13. Prior to applying for a Building Permit, a bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham. The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the development.
14. Prior to applying for a Building Permit, an updated Acoustic Report , generally consistent with the "*Environmental Noise Assessment*" prepared by Lloyd George Acoustics (reference 24069118-01) and dated 1 October 2024, prepared by a suitably qualified acoustic consultant, must be submitted to and approved by the City of Rockingham. The acoustic report shall, at a minimum but not limited to, address the following:
 - (i) Detail mechanical plant elements and any attenuation measures required;
 - (ii) Demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*.



15. Prior to the occupation of the development, written confirmation from a suitably qualified Acoustic Consultant must be provided that demonstrates that all requirements indicated in the Acoustic Report have been implemented within the development. The acoustic requirements must thereafter be implemented to the satisfaction of the City of Rockingham for the duration of the development.
16. Prior to applying for a Building Permit, a Landscaping Plan in accordance with *Planting Plan 01 and Planting Plan 02 (Job 5962, revision A)*, prepared by Nature Play Solutions and dated February 2025, to the satisfaction of the City of Rockingham must be prepared and include the following detail:
 - (i) The location, number and type of existing and proposed trees and shrubs, 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 and the irrigation strategy;
 - (iv) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas;
 - (v) Shade trees at a rate of one (1) per four (4) car parking bays;
 - (vi) Updates the Planting Schedule to include all plant species;
 - (vii) Removes the tree shown on Glenburgh Drive and Wyloo Lane (Planting Schedule reference *Can*) so as to not impact in the existing street light infrastructure.

The landscaping (including all verge 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.

17. Fencing heights, types and alignments to be consistent with the recommendations of the "*Environmental Noise Assessment*" prepared by Lloyd George Acoustics (reference 24069118-01) and dated 1 October 2024, with solid boundary walls at a minimum 1.8m high, free of gaps and with a minimum surface mass of 8kg/m³.
18. 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.
19. The Applicant is responsible for protecting any existing City streetscape assets along Warnbro Sound Avenue, Glenburgh Drive and Wyloo Lane during the construction phase of the project. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc. Any damage caused to the existing assets (identified to be retained), must be rectified to the satisfaction of the City of Rockingham at the Applicant's full cost.
20. 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.



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.
2. A Certified Building Permit must be obtained prior to construction and thereafter an Occupancy Permit must be obtained; the applicant and owner should liaise with the City's Building Services in this regard.
3. 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.
4. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant and owner should liaise with the City's Building Services in this regard.
5. With respect to Condition 16, the applicant and owner should liaise with the City's Land Infrastructure and Development Services to confirm requirements for landscaping plans.
6. All works in the road reserve, including construction of a crossover or footpath, installation of on-street car parking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and works to the road carriageway must be to the specifications of the City; the applicant and owner should liaise with the City's Land Infrastructure and Development Services in this regard.
7. With respect to Condition 19, it is recommended that a photographic dilapidation report is undertaken by the applicant, to record the current condition of these assets.
8. The applicant is advised that in respect of Condition 6, a Stormwater Management Plan will require compliance with Planning Policy 3.4.3 - Urban Water Management. The applicant is encouraged to discuss the specific policy requirements with the City prior to the submission of the plan.

AMENDING MOTION 1

Moved by: Clayton Higham

Seconded by: Eugene Koltasz

That Condition No. 4 be amended to read as follows:

No more than eighteen (18) staff to be employed by the Child Care Premises. Prior to occupation of development, a revised Parking Management Plan is to be prepared and provided to the City of Rockingham for its approval. Among other matters, the Parking Management Plan shall address staff attendance

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for full-time and casual/part-time staff, also having regard to alternative modes of transport to the Child Care Premises during peak and off-peak periods. Following the City of Rockingham approval, the Plan shall be implemented and adhered to for the duration of the development, to the satisfaction of the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel was concerned about placing a limit on the overall number of employees given there is likely to be a larger number of people employed by the centre than those present on site at any one time. The panel agreed the new wording suggested by the applicant and the City is more appropriate and creates more operational flexibility, whilst still achieving the intent of the previous condition (which is to ensure there is adequate parking for the development).

AMENDING MOTION 2

Moved by: Clayton Higham

Seconded by: Eugene Koltasz

That Condition No. 19 be amended to read as follows:

*The **owner**/applicant is responsible for protecting any existing City streetscape assets along Warnbro Sound Avenue, Glenburgh Drive and Wyloo Lane during the construction phase of the project. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc. Any damage caused to the existing assets (identified to be retained), must be rectified to the satisfaction of the City of Rockingham at the **owner**/applicant's full cost.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Planning approvals run with the owner of the land and therefore it is important to reference the owner in this condition.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer District Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/24/02804 and accompanying plans:
 - Artists Impression - Drawing Number 24982_DA-000, drawn by Raunik Design Group Architects;
 - Design Intent - Drawing Number 24982_DA-010_A, drawn by Raunik Design Group Architects and dated 6 February 2025;
 - Perspectives - Drawing Number 24982_DA-020_C, drawn by Raunik Design Group Architects and dated 6 February 2025;
 - Site Plan - Drawing Number 24982_DA-100_F, drawn by Raunik Design Group Architects and dated 6 February 2025;

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- Floor Plan - Drawing Number 24982_DA-130_F, drawn by Raunik Design Group Architects and dated 6 February 2025;
- Elevations -1 - Drawing Number 24982_DA-200_D, drawn by Raunik Design Group Architects and dated 6 February 2025;
- Elevations -2 - Drawing Number 24982_DA-201_D, drawn by Raunik Design Group Architects and dated 6 February 2025;
- Sections - Drawing Number 24982_DA-300_B, drawn by Raunik Design Group Architects and dated 6 February 2025;
- Signage and Materials - Drawing Number 24982_DA-900_B, drawn by Raunik Design Group Architects and dated 6 February 2025;

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 68(2)(b) of the City of Rockingham Town Planning Scheme No.2, subject to the following conditions:

Conditions

1. 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.
2. Prior to applying for a Building Permit, amended plans and details must be submitted for approval to the City of Rockingham that locates the 'Outdoor Store 3' a minimum of 4m from the Warnbro Sound Avenue street boundary.
3. No more than 94 children are to be accommodated by the Child Care Premises.
4. Prior to occupation of development, a revised Parking Management Plan is to be prepared and provided to the City of Rockingham for its approval. Among other matters, the Parking Management Plan shall address staff attendance for full-time and casual/part-time staff, also having regard to alternative modes of transport to the Child Care Premises during peak and off-peak periods. Following the City of Rockingham approval, the Plan shall be implemented and adhered to for the duration of the development, to the satisfaction of the City.
5. The Child Care Premises must only operate between the hours of 6:30am to 6:30pm, Monday to Friday, with children not permitted in the open space play areas before 7:00am.
6. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with 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.

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7. Prior to the commencement of works a Construction Management Plan must be submitted and approved by the City of Rockingham. The Construction Management Plan shall include, but not be limited to, the following:
- (i) A Dust, Noise and Vibration Management Plan;
 - (ii) Detail how access roads to and all trafficable areas on the site/s will be treated and maintained to prevent or minimise the generation of airborne dust;
 - (iii) How any stockpiles on site/s are to be managed;
 - (iv) Construction waste disposal strategy and location of waste disposal bins;
 - (v) How materials and equipment will be delivered and removed from the site/s; and
 - (vi) A Traffic Management Strategy for the duration of the project, including the locations of all car parking and loading areas to be used, the duration and frequency of use of these areas and any exemption requests.

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

8. Prior to applying for a Building Permit, detailed Engineering Drawings and specifications are to be submitted to the City of Rockingham for approval for all works within the road reserve, including crossover approach, carparks, footpaths, kerb ramps, kerbing, drainage and landscape works. All works are to be installed and maintained at the Applicant's cost to the satisfaction of the City of Rockingham for the duration of the development.
9. The carpark must:
- (i) provide a minimum of 27 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained, marked and signposted in accordance with User Class 3 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) of these car parking spaces as a space dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained, marked and signposted in accordance with 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 clearly marked prior to the development being occupied and maintained thereafter;
 - (v) have lighting installed, prior to the occupation of the development, to the satisfaction of the City of Rockingham; and
 - (vi) confine all illumination 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.



10. Car parking shall be managed for the duration of the development in accordance with the Parking Plan contained within the “*Environmental Noise Assessment*” prepared by Lloyd George Acoustics (reference 24069118-01) and dated 1 October 2024 and the “*Parking Management Plan*” prepared by Transcore (reference Technical Note 1a) and dated 19 November 2024.
11. In accordance with City of Rockingham *Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities*, four (4) 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.
12. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
 - (i) The design and 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;
 - (iv) Frequency and timing of bin collections of which are to be conducted outside of operating hours and outside of residential waste collection on the immediate locality; and
 - (v) Calculations of waste volumes 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.

13. Prior to applying for a Building Permit, a bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham. The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the development.
14. Prior to applying for a Building Permit, an updated Acoustic Report , generally consistent with the “*Environmental Noise Assessment*” prepared by Lloyd George Acoustics (reference 24069118-01) and dated 1 October 2024, prepared by a suitably qualified acoustic consultant, must be submitted to and approved by the City of Rockingham. The acoustic report shall, at a minimum but not limited to, address the following:
 - (i) Detail mechanical plant elements and any attenuation measures required;
 - (ii) Demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*.



15. Prior to the occupation of the development, written confirmation from a suitably qualified Acoustic Consultant must be provided that demonstrates that all requirements indicated in the Acoustic Report have been implemented within the development. The acoustic requirements must thereafter be implemented to the satisfaction of the City of Rockingham for the duration of the development.
16. Prior to applying for a Building Permit, a Landscaping Plan in accordance with *Planting Plan 01 and Planting Plan 02 (Job 5962, revision A)*, prepared by Nature Play Solutions and dated February 2025, to the satisfaction of the City of Rockingham must be prepared and include the following detail:
 - (i) The location, number and type of existing and proposed trees and shrubs, 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 and the irrigation strategy;
 - (iv) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas;
 - (v) Shade trees at a rate of one (1) per four (4) car parking bays;
 - (vi) Updates the Planting Schedule to include all plant species;
 - (vii) Removes the tree shown on Glenburgh Drive and Wyloo Lane (Planting Schedule reference *Can*) so as to not impact in the existing street light infrastructure.

The landscaping (including all verge 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.

17. Fencing heights, types and alignments to be consistent with the recommendations of the "*Environmental Noise Assessment*" prepared by Lloyd George Acoustics (reference 24069118-01) and dated 1 October 2024, with solid boundary walls at a minimum 1.8m high, free of gaps and with a minimum surface mass of 8kg/m³.
18. 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.
19. The owner/applicant is responsible for protecting any existing City streetscape assets along Warnbro Sound Avenue, Glenburgh Drive and Wyloo Lane during the construction phase of the project. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc. Any damage caused to the existing assets (identified to be retained), must be rectified to the satisfaction of the City of Rockingham at the owner/applicant's full cost.
20. 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.



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.
2. A Certified Building Permit must be obtained prior to construction and thereafter an Occupancy Permit must be obtained; the applicant and owner should liaise with the City's Building Services in this regard.
3. 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.
4. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant and owner should liaise with the City's Building Services in this regard.
5. With respect to Condition 16, the applicant and owner should liaise with the City's Land Infrastructure and Development Services to confirm requirements for landscaping plans.
6. All works in the road reserve, including construction of a crossover or footpath, installation of on-street car parking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and works to the road carriageway must be to the specifications of the City; the applicant and owner should liaise with the City's Land Infrastructure and Development Services in this regard.
7. With respect to Condition 19, it is recommended that a photographic dilapidation report is undertaken by the applicant, to record the current condition of these assets.
8. The applicant is advised that in respect of Condition 6, a Stormwater Management Plan will require compliance with Planning Policy 3.4.3 - Urban Water Management. The applicant is encouraged to discuss the specific policy requirements with the City prior to the submission of the plan.

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

REASON: Although an 'A' use, the facility will be located directly adjacent to a Neighbourhood Centre. Given the scale and design of the proposed centre, it was the panel's view that the proposal meets the objectives of the Residential zone and the panel was therefore satisfied that the proposed use is an appropriate use for the site.



The City's assessment of the proposal demonstrates compliance with the planning scheme, the principles and requirements of the Local Development Plan (LDP) applicable to the site and relevant local planning policies. Though there is a minor parking shortfall proposed, the panel accepted the City's justification in support of this shortfall. The panel noted there were four objections received during public advertising of the application. Some of the issues raised in these submissions were need for an additional childcare centre, given the presence of other centres in the surrounding area. However, the issue of need and demand is not really an issue for this panel to consider when considering a proposal for a childcare centre.

The issue of access, traffic and noise are relevant issues for consideration, but the panel was satisfied that the access proposed is in line with the LDP approved for the site and the traffic impact statement provided as part of the application demonstrates that the proposal will not have any significant impact on the surrounding road network. The Environmental Noise Assessment provided predicts that noise from the centre will fall within the Noise Regulations and appropriate conditions have been recommended to ensure this occurs.

3.3 Lot 429 & 430 Kerosene Lane, Baldivis – Proposed Fast Food Outlet and Service Station – DAP/24/02829

Deputations and Presentations

Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 3.3 and responded to questions from the panel.

The City of Rockingham addressed the DAP in relation to the application at Item 3.3 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Dale Page

Seconded by: Eugene Koltasz

That the Metro Outer Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02829 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 the following conditions:

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.

Dale Page
Presiding Member, Metro Outer DAP



2. 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.
3. Prior to the commencement of works on site, a Construction and Environmental Management Plan (CEMP) must be submitted to and approved by the City of Rockingham. The CEMP shall address, but not be limited to, the following:
 - (i) Hours of construction;
 - (ii) Temporary fencing details;
 - (iii) Traffic management including a Traffic Management Plan addressing site access, egress and parking arrangement for staff and contractors;
 - (iv) Management of vibration and dust;
 - (v) Management of construction noise and other site generated noise;
 - (vi) Management of construction waste, including waste disposal strategy and location of waste disposal bins; and
 - (vii) Temporary material and equipment storage areas associated with the works.

The construction works shall be undertaken in accordance with the approved CEMP at all times.

4. 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.
5. Prior to applying for a Building Permit, revised plans shall be provided that setback the both 'monolith' signs 1.5m from the street boundary of Kerosene Lane.
6. Prior to applying for a Building Permit, exhaust facilities associated with the proposed food business must be designed in accordance with Australian Standard AS 1668.2-2012, the use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) 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 thereafter maintained to the satisfaction of the City of Rockingham for the duration of the development.



7. In accordance with City of Rockingham *Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities*, minimum one (1) short term bicycle parking space and minimum one (1) long term bicycle parking spaces must be provided for each land use. 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.
8. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following detail:
 - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (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; and
 - (v) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.

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 occupation of the development, the car parking areas must:
 - (i) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 (standard bays) 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;
 - (ii) provide at least one (1) car parking space(s) on each site 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;
 - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
 - (iv) comply with the above requirements for the duration of the development.
10. 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.



11. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and submitted to the City of Rockingham 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 approved Waste Management Plan and maintained at all times, for the duration of development.

12. The bin store areas (for both uses) must be constructed prior to occupation of the development and must be retained and maintained in good condition for the duration of the development, to the satisfaction of the City of Rockingham.
13. The applicant is responsible for protecting any existing City streetscape assets along Kerosene Lane and Annabelle Way during the course of construction. 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.
14. Prior to occupation of the development an Acoustic Report prepared by a suitably qualified acoustic consultant and demonstrating compliance with the *Environmental Protection (Noise) Regulations 1997*, must be submitted to and approved by the City of Rockingham. The acoustic report shall, at a minimum but not limited to, address the following:
- (i) Clearly outline the final specification and construction methods, including any materials and treatments, for all components of the development;
 - (ii) Include details of any proposed acoustic wall treatments, including heights from finished lot levels, locations and materiality;
 - (iii) Detail mechanical plant elements 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.
15. The proposed Service Station must incorporate a Stage 1 Vapour Recovery System which is to be installed and functioning from the commencement of operation of the Service Station, and for the duration of its operation.



16. 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.
17. Prior to occupation of the development, the eastern boundary of Lot 429 on Deposited Plan 411230 shall be amended to align with the approved Service Station lot boundaries.
18. Prior to occupation of the development, the existing public access easement 'E' registered on Lot 430 Deposited Plan No.411230 shall be relocated to align with the approved Service Station lot boundaries.

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. Regarding Condition 4, in accordance with the City's *Planning Policy No 3.4.3 - Urban Water Management*, a Stormwater Management Plan is required to demonstrate how critical 10% AEP stormwater will be managed within the development.
3. A separate approval from the City's Health Services is required under the *Food Act 2008* and *Chapter 3* of the *Australian - New Zealand Food Standards Code*. The applicant should liaise with the City's Health Services in this regard.
4. 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.
5. With regard to Condition 13, it is recommended that a photographic dilapidation report is undertaken to record the current condition of these assets.
6. An Occupational Health and Safety Plan for any unexpected finds is recommended to be prepared to the satisfaction of the Department of Water and Environmental Regulation, in consultation with the Department of Health and the City of Rockingham, in order to address the risks associated with the potential to encounter soil and/or groundwater contamination during any intrusive works.



AMENDING MOTION 1

Moved by: Dale Page

Seconded by: Eugene Koltasz

That Condition No. 5 be amended to read as follows:

Prior to applying for a Building Permit, revised plans shall be provided that setback the both 'monolith' signs ~~1.5m~~ 0.5m from the street boundary of Kerosene Lane.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The service station monolith sign cannot achieve a 1.5m setback from the Kerosene Lane boundary without requiring a modification to the adjacent driveway and kerb line; and adjusting the kerblines to achieve a 1.5m setback will reduce the available driveway area within the forecourt. At 1.5 metres, the visibility of the fast-food outlet sign will be diminished by the drive-through canopy and landscaping in front of the service station building. Providing a 0.5m setback for both signs is a reasonable compromise, as the signs will still be offset from the street boundary without requiring any internal modifications and their visibility from the primary street (Kerosene Lane) will not be impeded.

AMENDING MOTION 2

Moved by: Dale Page

Seconded by: Cr Mark Jones

That Condition No. 14 be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The RAR states that it is unlikely that residential amenity will be adversely impacted by the proposed development. This is largely because the proposed development does not have a direct interface with any sensitive receivers, noting existing separation distances and the buffer provided by existing development.

AMENDING MOTION 3

Moved by: Clayton Higham

Seconded by: Eugene Koltasz

That Condition No. 6 be deleted and incorporated as a new Advice Note No. 7, with the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: This relates to a matter covered by separate legislation and is more appropriately addressed via an Advice Note.

Dale Page
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION (AS AMENDED)

An administrative amendment was made to correct the condition reference in Advice Note No. 5, due to the change made in Amending Motion 3.

That the Metro Outer Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02829 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 the following conditions:

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. 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.
3. Prior to the commencement of works on site, a Construction and Environmental Management Plan (CEMP) must be submitted to and approved by the City of Rockingham. The CEMP shall address, but not be limited to, the following:
 - (i) Hours of construction;
 - (ii) Temporary fencing details;
 - (iii) Traffic management including a Traffic Management Plan addressing site access, egress and parking arrangement for staff and contractors;
 - (iv) Management of vibration and dust;
 - (v) Management of construction noise and other site generated noise;
 - (vi) Management of construction waste, including waste disposal strategy and location of waste disposal bins; and
 - (vii) Temporary material and equipment storage areas associated with the works.

The construction works shall be undertaken in accordance with the approved CEMP at all times.

4. 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.
5. Prior to applying for a Building Permit, revised plans shall be provided that setback the both 'monolith' signs 0.5m from the street boundary of Kerosene Lane.



6. In accordance with City of Rockingham *Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities*, minimum one (1) short term bicycle parking space and minimum one (1) long term bicycle parking spaces must be provided for each land use. 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.
7. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following detail:
 - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (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; and
 - (v) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.

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.

8. Prior to occupation of the development, the car parking areas must:
 - (i) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 (standard bays) 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;
 - (ii) provide at least one (1) car parking space(s) on each site 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;
 - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
 - (iv) comply with the above requirements for the duration of the development.
9. 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.



10. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and submitted to the City of Rockingham 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 approved Waste Management Plan and maintained at all times, for the duration of development.

11. The bin store areas (for both uses) must be constructed prior to occupation of the development and must be retained and maintained in good condition for the duration of the development, to the satisfaction of the City of Rockingham.
12. The applicant is responsible for protecting any existing City streetscape assets along Kerosene Lane and Annabelle Way during the course of construction. 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.
13. The proposed Service Station must incorporate a Stage 1 Vapour Recovery System which is to be installed and functioning from the commencement of operation of the Service Station, and for the duration of its operation.
14. 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.
15. Prior to occupation of the development, the eastern boundary of Lot 429 on Deposited Plan 411230 shall be amended to align with the approved Service Station lot boundaries.
16. Prior to occupation of the development, the existing public access easement 'E' registered on Lot 430 Deposited Plan No.411230 shall be relocated to align with the approved Service Station lot boundaries.



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. Regarding Condition 4, in accordance with the City's *Planning Policy No 3.4.3 - Urban Water Management*, a Stormwater Management Plan is required to demonstrate how critical 10% AEP stormwater will be managed within the development.
3. A separate approval from the City's Health Services is required under the *Food Act 2008* and *Chapter 3* of the *Australian - New Zealand Food Standards Code*. The applicant should liaise with the City's Health Services in this regard.
4. 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.
5. With regard to Condition 12, it is recommended that a photographic dilapidation report is undertaken to record the current condition of these assets.
6. An Occupational Health and Safety Plan for any unexpected finds is recommended to be prepared to the satisfaction of the Department of Water and Environmental Regulation, in consultation with the Department of Health and the City of Rockingham, in order to address the risks associated with the potential to encounter soil and/or groundwater contamination during any intrusive works.
7. Prior to applying for a Building Permit, exhaust facilities associated with the proposed food business must be designed in accordance with Australian Standard AS 1668.2-2012, the use of ventilation and air conditioning in buildings, Part 2: Ventilation design for indoor air containment control (excluding requirements for the health aspects of tobacco smoke exposure) 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 thereafter maintained to the satisfaction of the City of Rockingham for the duration of the development.

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

REASON: The site falls within a Neighbourhood Centre with a Commercial zoning and the proposal is an appropriate use for this site. It meets the intent and objectives of the Commercial zone, is generally consistent with the Integrated Development Guide Plan for the site and aligns with the City's policy on Fast Food Outlets. It will also not unduly impact sensitive land uses in the area due to separation distances from those land uses and buffers created by existing development.



The proposal will increase the existing technical parking shortfall on the site, but the panel accepted the City's justification in support of this shortfall including the outcomes of the parking survey undertaken by the applicant. Though there were five objections received during public consultation, only one submission was received from someone living near the site. The issue of need for the proposed uses was raised but need and demand are not issues for this panel to consider when considering a proposal like this one. The issue of amenity was raised but these are uses that are well suited to a centre like this and the potential amenity impacts, including traffic and parking, and impact on public health, have been appropriately addressed in the RAR.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Dale Page
Presiding Member, Metro Outer DAP



PART C – 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

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:26am.