



## **Metro Outer Development Assessment Panel Related Information**

**Meeting Date and Time:** Thursday, 8 May 2025; 9:30am  
**Meeting Number:** MODAP/79

### **PART B – CITY OF ROCKINGHAM**

1. Declarations 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



## **Attendance**

### **Officers/Technical Advisors in attendance**

Mike Ross (City of Rockingham)  
David Banovic (City of Rockingham)  
Chris Parlane (City of Rockingham)  
Casey Gillespie (City of Rockingham)

### **Applicants and Submitters**

#### *Item 3.1*

Marc Re (Planning Solutions)  
Donna Edmiston (Guzman y Gomez)

#### *Item 3.2*

Alessandro Stagno (Apex Planning)  
Scott Ferguson (Fergosia Property Group)

#### *Item 3.3*

Alessandro Stagno (Apex Planning)



## PART B – CITY OF ROCKINGHAM

### 1. Declarations of Due Consideration

### 2. Disclosure of Interests

Please note a standing declaration of interest, if the items on this agenda have been considered at the relevant local government council meeting, the local government DAP members acknowledge that in accordance with section 2.4.9 of the DAP Code of Conduct 2024 they have declared that they had participated in a prior Council meeting in relation an item being determined at this meeting. However, under section 2.1.2 of the DAP Code of Conduct 2024, they acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

Member	Item	Nature of Interest
Cr Dawn Jecks	3.1, 3.2 & 3.3	Impartiality Interest – Cr Jecks participated in a council meeting where these items were heard.

### 3. Form 1 DAP Applications

#### 3.1 Lot 9002 Settlers Avenue, Baldivis – Proposed Fast Food Outlet – DAP/25/02843

##### 3.1.1 Deputations and Presentations

Marc Re (Planning Solutions) presenting in support of the recommendation for the application at Item 3.1. The presentation will address support for the presentation.

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

##### 3.1.2 Additional Information

Nil.

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

##### 3.2.1 Deputations and Presentations

Alessandro Stagno (Apex Planning) presenting in support of the recommendation for the application at Item 3.2. The presentation will address support for the recommendation with a request to amend Condition No. 4.

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



### **3.2.2 Additional Information**

Nil.

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

### **3.3.1 Deputations and Presentations**

Alessandro Stagno (Apex Planning) presenting in support of the recommendation for the application at Item 3.3. The presentation will address support for the recommendation with a request to amend Condition No. 5 and delete Condition No. 14.

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

### **3.3.2 Additional Information**

Nil.

## **4. Form 2 DAP Applications**

Nil.

## **5. Section 31 SAT Reconsiderations**

Nil.



## Presentation Request Form

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

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

### Presentation Request Guidelines

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

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

Please complete a separate form for each presenter and submit to [daps@dplh.wa.gov.au](mailto:daps@dplh.wa.gov.au)

### Presenter Details

Name	Marc Re
Company (if applicable)	Planning Solutions
Please identify if you have any special requirements:	<b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: <a href="#">Click or tap here to enter text.</a>

### Meeting Details

DAP Name	Metro Outer DAP
Meeting Date	8 May 2025
DAP Application Number	DAP/25/02843
Property Location	Lot 9002 (20) Settlers Avenue, Baldivis
Agenda Item Number	Part B, Item 3.1

### Presentation Details

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



### Presentation Content\*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion in the Additional Information as part of the agenda	<i>The presentation will address:</i> Brief presentation in support of the application.
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In accordance with Clause 3.6.2 of the *DAP Standing Orders*, your presentation request must also be accompanied with a written document setting out the substance of the submission. If the presentation references documents that are contained within the responsible authority attachments, please consider referencing the attachment and not including a duplication of documents.

Please attach detailed content of presentation or provide below:-

Refer to the attached presentation summary.

# Presentation Summary

<b>To:</b>	Metro Outer DAP	<b>From:</b>	Planning Solutions
<b>Attention:</b>	Panel Members	<b>Job No:</b>	8881
<b>Copy to:</b>	City of Rockingham	<b>Date:</b>	1 May 2025
<b>Subject:</b>	Part B, Item 3.1 – Proposed Fast Food Outlet (GYG) Lot 9002 (20) Settlers Avenue, Baldivis		

Planning Solutions acts on behalf of Guzman Y Gomez (GYG), the proponent of the proposed fast food outlet on Lot 9002 (20) Settlers Avenue, Baldivis (**subject site**).

We are pleased to receive the City's Responsible Authority Report (**RAR**) and recommendation to approve the application, subject to conditions. We thank the City's officers for their collaboration throughout the application process.

We have reviewed the recommended conditions in the City's RAR and request no amendments to the conditions at this time.

The proposal has planning merit and warrants approval for the following reasons:

- The proposed development is consistent with the District Town Centre zoning and intent as outlined under the City of Rockingham Local Planning Scheme No. 2 and LPP 3.3.9 - Fast Food Outlets.
- In accordance with State Planning Policy 4.2 – Activity Centres, fast food outlets are desired uses within District Centres and the proposed development is appropriately located within the Stockland Baldivis Shopping Centre.
- The proposed development has been assessed against the requirements of SPP7.0 and is deemed to address the design elements.
- The proposed development is compatible within its commercial setting, alongside other established drive through fast food businesses separated from the main street and fronting a regional road.
- The design of the development is sympathetic to the surrounding urban context and will enhance the overall streetscape, turning an underutilised, temporary development into an active space.
- A parking utilisation and demand survey was undertaken at the Stockland Baldivis Shopping Centre which demonstrates that a sufficient parking supply will be available following the development of the GYG fast food outlet. The City's own investigations, as documented in the RAR, support these findings.

For these reasons, we respectfully request the Panel approve the application.

Yours sincerely,

*Marc Re*

**MARC RE**  
**PRINCIPAL**



## Presentation Request Form

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

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### Presenter Details

Name	Alessandro Stagno
Company (if applicable)	Apex Planning
Please identify if you have any special requirements:	<b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> If yes, please state any accessibility or special requirements: <a href="#">Click or tap here to enter text.</a>

### Meeting Details

DAP Name	Metro Outer DAP
Meeting Date	8 May 2025
DAP Application Number	DAP/24/02804
Property Location	Lot 9505 Warnbro Sound Avenue, Golden Bay
Agenda Item Number	Part B 3.2

### Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content <u>will be</u> published as part of the Agenda:	<b>YES</b> <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> )? ( <i>contained within the Agenda</i> )	<b>SUPPORT</b> <input checked="" type="checkbox"/> <b>AGAINST</b> <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	<b>SUPPORT</b> <input checked="" type="checkbox"/> <b>AGAINST</b> <input type="checkbox"/>
Will the presentation require power-point facilities?	<b>YES</b> <input type="checkbox"/> <b>NO</b> <input checked="" type="checkbox"/> <b>If yes, please attach</b>
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Brief sentence summary for inclusion in the Additional Information as part of the agenda	<i>The presentation will address:</i> Support for the officer recommendation but requesting a change to Condition 4
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In accordance with Clause 3.6.2 of the *DAP Standing Orders*, your presentation request must also be accompanied with a written document setting out the substance of the submission. If the presentation references documents that are contained within the responsible authority attachments, please consider referencing the attachment and not including a duplication of documents.

Please attach detailed content of presentation or provide below:-

Refer to attached submission.

# Submission to MODAP

Lot 9505 Warnbro Sound Avenue, Golden Bay

**apex**  
planning

<b>From:</b>	Alessandro Stagno (Apex Planning)	<b>Date:</b>	4 May 2025
<b>Subject:</b>	MODAP/79 – Part B, item 3.2 – proposed Child Care Premises		

Apex Planning is the applicant of the child care premises proposed at Lot 9505 Warnbro Sound Avenue, Golden Bay (**development site**), which is before the MODAP for **approval**.

The proposed development is recommended for **approval** by the City of Rockingham, subject to conditions. We thank the City's officers for their collaboration, professionalism, and attentiveness throughout the application process.

We have reviewed the RAR and respectfully request that Condition 4 (which imposes an upper limit of staff to be employed by the child care premises) be deleted and replaced with the following wording:

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.*

It is important to highlight that the above change has been discussed with the City of Rockingham's planning staff, and the revised condition wording was prepared by the City of Rockingham's planners.

The above change is requested due to operational concerns that the staff restriction would create regulatory issues and limit the ability for the centre to provide education and care services for 94 children.

In addition to the 18 'full time' staff, the child care centre will also be serviced by additional 'part time' support staff who usually attend outside of the 'drop off' and 'pick up' periods to supervise children while the main educators take lunch breaks. If the centre is limited to a maximum of 18 staff, this precludes the ability for support staff to supervise children during these periods and places the centre at a significant regulatory risk.

As these 'part time' support staff usually attend the premises outside of the 'drop off' and 'pick up' periods (usually in the middle of the day), the visitor parking bays are available for use (if those staff choose to drive to the site).

Furthermore, limiting the number of staff on site at any one time also prevents the ability for additional staff to attend the site by other means – for example, if some staff car pool, cycle, or walk to the centre.

A Parking Management Plan (**PMP**) was prepared in support of the application. The PMP was originally prepared to address parking demand associated with full-time staff during the peak AM drop-off and PM pick-up periods, and can easily be updated to provide further information about the arrangements pertaining to additional support staff to the satisfaction of the City.

I thank the Panel for its consideration and I look forward to presenting in support of this proposal on the 8<sup>th</sup> May. I will be pleased to respond to any questions from the Panel.

**ALESSANDRO STAGNO**  
**APEX PLANNING**



## Presentation Request Form

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

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### Presenter Details

Name	Alessandro Stagno
Company (if applicable)	Apex Planning
Please identify if you have any special requirements:	<b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> If yes, please state any accessibility or special requirements: <a href="#">Click or tap here to enter text.</a>

### Meeting Details

DAP Name	Metro Outer DAP
Meeting Date	8 May 2025
DAP Application Number	DAP/24/02829
Property Location	Lot 429 & 430 Kerosene Lane, Baldivis
Agenda Item Number	Part B 3.3

### Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content <u>will be</u> published as part of the Agenda:	<b>YES</b> <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> )? ( <i>contained within the Agenda</i> )	<b>SUPPORT</b> <input checked="" type="checkbox"/> <b>AGAINST</b> <input type="checkbox"/>
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Brief sentence summary for inclusion in the Additional Information as part of the agenda	<i>The presentation will address:</i> Support for the officer recommendation but requesting a change to Condition 5 and deletion of Condition 14
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Please attach detailed content of presentation or provide below:-

Refer to attached submission.

# Submission to MODAP

Lots 429 & 430 (120 & 124) Kerosene Lane, Baldivis

**apex**  
planning

<b>From:</b>	Alessandro Stagno (Apex Planning)	<b>Date:</b>	5 May 2025
<b>Subject:</b>	MODAP/79 – Part B, item 3.3 – proposed fast food outlet and service station		

Apex Planning is the applicant of the commercial development proposed at Lots 429 & 430 (120 & 124) Kerosene Lane, Baldivis (**development site**), which is before the Panel for **approval**.

The proposed development is recommended for **approval** by the City of Rockingham, subject to conditions. We thank the City's officers for their collaboration, professionalism, and attentiveness throughout the application process.

We have reviewed the RAR and respectfully request the following modifications to the conditions forming part of the recommendation:

- Condition 5: amend to require a 0.5m setback to Kerosene Lane for freestanding signs.
- Condition 14: delete, as a pre-occupation acoustic assessment is not warranted.

The above changes have been raised with the City. The following submission explains and justifies the modifications requested to Condition 5 and Condition 14.

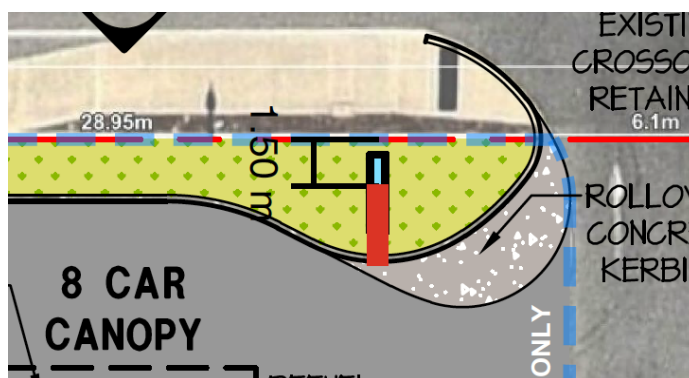
## MODIFICATION TO CONDITION 5

It is requested to modify Condition 5 as follows:

5. 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 above change is requested due to two key issues.

Firstly, 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 as shown in the below measurement:



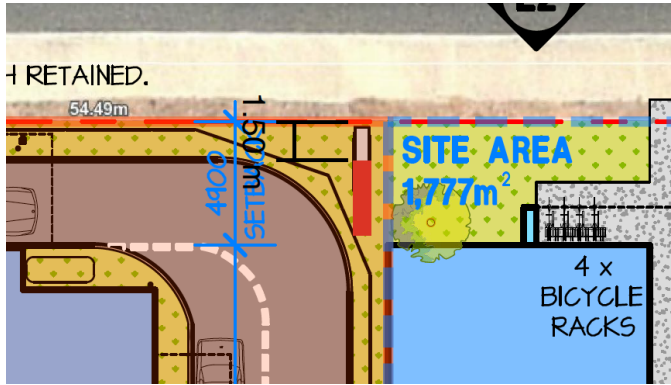
Adjusting the kerblines to achieve a 1.5m setback will reduce the available driveway area within the forecourt. It is more appropriate to retain the service station sign in a central position within the front landscape area, rather than it being on the kerb's edge next to an area which is regularly used by vehicles.

Secondly, the fast food outlet sign will be positioned too far from the street boundary such that its visibility will be unnecessarily diminished by the drive-through canopy and landscaping in front of the service station building as shown below:



# Submission to MODAP

Lots 429 & 430 (120 & 124) Kerosene Lane, Baldivis



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.

## DELETION OF CONDITION 14

It is requested to **delete** Condition 14, which requires a pre-occupation acoustic assessment to be prepared. The condition is considered to be unwarranted for the following reasons:

- An acoustic assessment was not required during the DA process, and it is confirmed on Page 12 of the RAR under the “amenity” heading that *“It is considered unlikely that residential ‘amenity’ will be adversely impacted by light glare, noise or other emissions arising from the operation of a 24/7 Fast Food Outlet and Service Station”*.
- The proposed development does not have a direct interface with any sensitive receivers, noting the closest dwellings are 60m from the site on Annabelle Way (south west) and these dwellings are screened from the development site by the existing 24 hour Spudshed facility. Images showing the separation of the site from the nearest residential properties and the Annabelle Way frontage of Spudshed from the intersection of Elderberry Drive (looking north) are provided below:



- An acoustic assessment was not required for the 24 hour fast food outlet at Lot 9002 Settlers Avenue (agenda item 3.1 on the agenda for MODAP/79), even though that site is closer to and more directly adjacent to residences. Refer below image:



## **Submission to MODAP**

Lots 429 & 430 (120 & 124) Kerosene Lane, Baldivis

**apex**  
planning

For the reasons outlined above, a pre-occupation acoustic assessment is clearly unwarranted for this proposal and hence, Condition 14 should be deleted.

### **CONCLUSION**

I thank the Panel for its consideration and I look forward to presenting in support of this proposal on the 8<sup>th</sup> May. I will be pleased to respond to any questions from the Panel.

**ALESSANDRO STAGNO**  
**APEX PLANNING**