



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 8 October 2025; 9.30am
Meeting Number: MODAP/107
Meeting Venue: 140 William Street, Perth

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

[MODAP/107 - 8 October 2025 - City of Rockingham - City of Swan](#)

PART A – INTRODUCTION

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

PART B – CITY OF ROCKINGHAM

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 3025 Morfontaine Parade, Port Kennedy - Proposed Mixed Use Development– DAP/25/02913
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – CITY OF SWAN

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lots 24 & 25 (88 & 90) Great Northern Highway and Lots 22, 23 & 104 (52, 54 & 44) John Street, Midland - Proposed extension to Nursing Home (Use Not Listed) – DAP/25/02938
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

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


Eugene Koltasz
Presiding Member, Metro Outer DAP



DAP Members
Eugene Koltasz (Presiding Member)
Francesca Lefante (Deputy Presiding Member)
Tony Arias
Deputy Mayor Lorna Buchan (Part B – City of Rockingham)
Cr Mark Jones (Part B – City of Rockingham)
Cr Rod Henderson (Part C – City of Swan)
Cr Jennifer Catalano (Part C – City of Swan)
DAP Secretariat
Kristen Gray
Ashlee Kelly


Eugene Koltasz
Presiding Member, Metro Outer DAP



Officers/Technical Advisors in Attendance
Part B – City of Rockingham
Mike Ross
Part C – City of Swan
Laura O'Shea Celina da Costa

Applicant and Submitters
Part B – City of Rockingham
Reyne Dial (Place Development) Tom Nelson (Nelson & Koos) Daniel Hollingworth (Lateral Planning)
Part C – City of Swan
Matthew Cain (Planning Solutions) Mark Zuvela (T&Z Architects)

Members of the Public / Media

Nil

Observers via livestream

There were 4 persons observing the meeting via the livestream.


Eugene Koltasz
Presiding Member, Metro Outer DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.30am on 8 October 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 2025 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

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

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

2. Apologies

Nil

3. Noting of Minutes

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

Eugene Koltasz (Presiding Member) left the panel at 9.32am.

Due to the absence of the Presiding Member declaring an impartiality interest at Item 3.1, the Deputy Presiding Member Francesca Lefante took the chair for Part B – City of Rockingham, in accordance with section 2.1.2 of the DAP Standing Orders 2025.


Eugene Koltasz
Presiding Member, Metro Outer DAP



PART B – CITY OF ROCKINGHAM

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for services and responsible authority response in relation to Item 3.1, received on 7 October 2025 was published in Part B of the Related Information.

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

DAP Member, Eugene Koltasz, declared an impartiality interest in item 3.1. Eugene Koltasz has a friendship with Luigi D'Alessandro who is a Director of the applicant/landowner, Western Australia Beach & Golf Resort Pty Ltd.

In accordance with section 3.3 of the DAP Code of Conduct 2025, the DAP Executive Director determined that the member listed above, who had disclosed an impartiality interest, was not permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lot 3025 Morfontaine Parade, Port Kennedy - Proposed Mixed Use Development– DAP/25/02913

Deputations

Reyne Dial (Place Development) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Tom Nelson (Nelson & Koos) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Daniel Hollingworth (Lateral Planning) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

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



SUBSTANTIVE MOTION

Moved by: Cr Mark Jones

Seconded by: Deputy Mayor Lorna Buchan

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

Approve DAP Application reference DAP/25/02913 and modified development plans received on 5 September 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 the City of Rockingham Town Planning Scheme No.2 (TPS2), subject to the following conditions:

Conditions

1. In the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. This Development Approval is subject to Sea Beach Way and Kennedy Bay Entrance being fully constructed and formally accepted by the City of Rockingham, where the roads about the subject development. All works must be completed to the satisfaction of the City, prior to occupation of the development.
4. Engineering drawings for works within the development site and along the existing road reserves must be submitted to the City of Rockingham for approval prior to works commencing on site. All works must be completed to the satisfaction of the City.
5. The owner/applicant shall be responsible for the protection of all existing infrastructure within the road reserve during construction. Upon completion of the proposed services installation and prior to building occupancy, affected areas in the road reserve shall be reinstated to the satisfaction of the City of Rockingham.
6. Prior to development commencing, arrangements must be made to the satisfaction of the City of Rockingham for the landowner/applicant to contribute towards the costs of providing the Administration and Community Infrastructure items pursuant to Clause 5.5.14 of the City of Rockingham Town Planning Scheme No.2.
7. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate remediation measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
8. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site; those plans must be submitted to the City of Rockingham for approval.


Francesca Lefante
Presiding Member, Metro Outer DAP



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

9. Prior to applying for a Building Permit, a revised Landscaping Plan must be submitted and approved to the satisfaction of the City of Rockingham and shall include the following detail:
- (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area inclusive of the verge areas abutting the development;
 - (ii) any lawns to be established and areas to be mulched;
 - (iii) any natural landscape areas to be retained;
 - (iv) those areas to be reticulated or irrigated;
 - (v) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas;
 - (vi) landscaping treatment and trees surrounding the transformer to be outside of the 'restrictive' fire covenant and be low fuel material such as gravel mulch; and
 - (vii) Concrete area at the 'DDA shared area' to be extended to ensure full access to the adjoining southern (future) Public Open Space and the footpath connection can be undertaken from the rear car parking area.

The landscaping (including all verge landscaping) must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.

10. Prior to applying for a Building Permit, a revised Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
- (i) the bin enclosure access door to the carpark to be designed to accommodate a 660L bin; and
 - (ii) the car park vertical clearance clarified due to the presence of a second floor above.

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



11. The Multiple Dwellings must be designed, constructed and maintained to BAL- 19 as specified in Australian Standard AS3959-2018: *Construction of Buildings in Bushfire-Prone Areas* (AS3959). Prior to issuing a Building Permit, plans must be submitted to the City of Rockingham demonstrating that the building has been designed to the required BAL as specified in AS3959. The building must be maintained in accordance with the specified requirements of the BAL for the duration of the development.
12. Prior to occupation of the development, the car parking area must:
 - (i) provide a minimum of 53 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3A and User Class 4 of Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking*;
 - (iii) provide at least one (1) car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 4 of Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities* and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
 - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
 - (v) sign-post the three residential visitor parking spaces; and
 - (vi) comply with the above requirements for the duration of the development.
13. Seventeen (17) on-street car parking spaces must be provided along Sea Beach Way and Kennedy Bay Entrance, adjacent to the development site.

The car parking spaces must:

- (i) be designed, constructed, sealed, kerbed, drained and marked in accordance with Australian Standard AS 2890.5—2020, *Parking facilities, Part 5: On-street parking*;
- (ii) be approved by the City of Rockingham prior to applying for a Building Permit; and
- (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and comply with the above requirements for the duration of the development.



14. In accordance with *Local Planning Policy No.3.3.14 - Bicycle Parking and End of Trip Facilities*, a minimum of two (2) short term and two (2) long term bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good and safe condition for the duration of the development.
15. All deliveries to the ground floor commercial tenancies shall only occur between 7am and 7pm Monday to Saturday and only between 9am and 7pm on Sundays and Public Holidays.
16. Prior to occupancy of the café/restaurant tenancy, an Operational Noise Management Plan must be submitted by the owner/applicant and approved by the City of Rockingham. The Operational Noise Management Plan is to detail how the proprietor will manage noise within the tenancy and alfresco dining areas, relative to the surrounding residential premises.
17. All recommendations from the Acoustic Report prepared by Gabriels Hearne Farrell dated 14 April 2025 and the accompanying Technical Note dated 4 September 2025 shall be implemented, prior to occupation of the development.
18. Prior to issue of a Building Permit, a revised Acoustic Report must be submitted to the satisfaction of the City, demonstrating the selected mechanical plant equipment and attenuation measures achieve compliance with the *Environmental Protection (Noise) Regulations 1997*.
19. Prior to the occupation of the development, written confirmation from the builder shall be provided that demonstrate that all requirements indicated in the Acoustic Report and Technical Note mentioned in Condition No.17 and 18 above have been incorporated into the development.
20. A notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the certificate of the proposed residential apartments. Notice of this easement is to be included on the Deposited Plan to the satisfaction of the City of Rockingham.

The notification is to state as follows:

"This residential apartment is likely to be affected by noise generated from ground floor commercial activities, including the external balcony as well as from development on the northern side of Sea Beach Way."

21. Prior to occupation of the development, the landowner(s) shall enter into a legal agreement with the City of Rockingham to place public access easement(s) in accordance with Sections 195 and 196 of the *Land Administration Act 1997* on proposed Lot 4 (Lot 3023) Morfontaine Parade, Port Kennedy, for 36 car parking spaces at the rear of the site, excluding residential visitor parking bays. Notice of this easement is to be included on the Deposited Plan to the satisfaction of the City of Rockingham.



22. In accordance with *Local Planning Policy 3.3.25 Percent for Public Art – Private Developer Contribution*, prior to occupation of the development, the developer shall:
- (i) Submit to the City of Rockingham for approval an artwork designed by a professional artist at a cost of 1% of the total project cost (being \$90,000), to be located within the subject site in an area which must be publicly visible for the duration of the development;
 - (ii) Enter into a contract with a professional artist/s to design and install the artwork approved by the City of Rockingham; and
 - (iii) Install the artwork prior to occupation of the development and maintain it thereafter to the satisfaction of the City of Rockingham.
- Alternatively, the developer shall make a contribution to the City of Rockingham equal to 1% of the total construction value for the provision of public art, being \$90,000 in value.
23. The development must be finished in accordance with the colour/material schedule provided, prior to occupation of the development, unless approval in writing is obtained from the City of Rockingham to modify the approved schedule.
24. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels external hot water heaters, air conditioners, shall not be visible from any adjacent street, the adjoining future Public Open Space and are designed to integrated with the building and be located so as to not be visually obtrusive, to the satisfaction of the City of Rockingham.
25. Any meter boxes shall be painted the same colour as the wall they are attached to.
26. Floodlighting must not be illuminated after 10pm or before 7am on any day. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS/NZS 4282:2023,- Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.

Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Development Approval must be submitted to the City of Rockingham.
2. In relation to Condition No. 5, the owner/applicant is advised to inspect and document existing infrastructure, with particular attention to the decorative pavement at the Kennedy Bay Entrance. A dilapidation survey is recommended to be completed prior to works, and any damage caused must be repaired to the satisfaction of the City of Rockingham.

Francesca Lefante
Presiding Member, Metro Outer DAP



3. The development must comply with the *Health (Public Building) Regulations 1992*; the applicant and owner should liaise with the City of Rockingham's Health and Building Services in this regard.
4. The development must comply with the *Food Act 2008*, the *Food Safety Standards* and Chapter 3 of the *Australian New Zealand Food Standards Code (Australia Only)*; the applicant and owner should liaise with the City of Rockingham's Health Services in this regard.
5. A Building Permit must be obtained for works prior to construction; the applicant and owner should liaise with the City of Rockingham's Building Services in this regard.

AMENDING MOTION 1

Moved by: Tony Arias

Seconded by: Cr Mark Jones

That Condition No. 3 and Condition No.13 be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The works are outside the development site and are to be delivered by separately from this proposal and therefore do not form part of this application.

AMENDING MOTION 2

Moved by: Tony Arias

Seconded by: Deputy Mayor Lorna Buchan

That Condition No. 4 (now Condition No.3) be amended to read as follows:

Engineering drawings for works within the development site ~~and along the existing road reserves~~ must be submitted to the City of Rockingham for approval prior to works commencing on site. All works must be completed to the satisfaction of the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The works within the road reserve are to be constructed as part of a subdivision approval and according do not form part of this application.



AMENDING MOTION 3

Moved by: Tony Arias

Seconded by: Cr Mark Jones

That Condition No. 10 (now Condition No.9) be amended to read as follows:

~~Prior to applying for a Building Permit, a revised Waste Management Plan approved by the City of Rockingham must be prepared and include the following detail to the satisfaction of the City of Rockingham:~~

~~(i) the bin enclosure access door to the carpark to be designed to accommodate a 660L bin; and~~

~~(ii) the car park vertical clearance clarified due to the presence of a second floor above.~~

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

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

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To simplify and provide clarity on the condition..

AMENDING MOTION 4

Moved by: Tony Arias

Seconded by: Deputy Mayor Lorna Buchan

That Condition No. 11 (now Condition No.10) be amended to read as follows:

The Multiple Dwellings facing Sea Beach Way must be designed, constructed and maintained to BAL- 19 and the Multiple Dwellings facing Kennedy Bay Entrance must be designed, constructed and maintained to BAL 12.5 as specified in Australian Standard AS3959-2018: Construction of Buildings in Bushfire-Prone Areas (AS3959). Prior to issuing a Building Permit, plans must be submitted to the City of Rockingham demonstrating that the building has been designed to the required BAL as specified in AS3959. The building must be maintained in accordance with the specified requirements of the BAL for the duration of the development.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify which part of the site and development is impacted by the differing BAL ratings.

Francesca Lefante
Presiding Member, Metro Outer DAP



AMENDING MOTION 5

Moved by: Tony Arias

Seconded by: Cr Mark Jones

That Condition No. 12 (now Condition No.11) be amended to read as follows:

Prior to occupation of the development, the car parking area must:

- (i) *provide a minimum of 53 car parking spaces;*
- (ii) *be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3A 2 and User Class 4 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking;*
- (iii) *provide at least one (1) car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 4 of Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;*
- (iii) *be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;*
- (iv) *sign-post the three residential ~~victor~~ visitor parking spaces; and*
- (vi) *comply with the above requirements for the duration of the development.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The minor wording changes reflect the on-site parking User Class classification associated with the development.

Francesca Lefante
Presiding Member, Metro Outer DAP



AMENDING MOTION 6

Moved by: Tony Arias

Seconded by: Deputy Mayor Lorna Buchan

That Condition No. 20 (now Condition No.18) be amended to read as follows:

*A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate of the proposed residential apartments. Notice of this easement is to be included on the Deposited Plan **or as modified by the LDP** to the satisfaction of the City of Rockingham.*

The notification is to state as follows:

"This residential apartment is likely to be affected by noise generated from ground floor commercial activities, including the external balcony as well as from development on the northern side of Sea Beach Way."

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide flexibility in the implementation of noise management controls to reflect any adopted Local Development Plan covering the site.

AMENDING MOTION 7

Moved by: Tony Arias

Seconded by: Cr Mark Jones

That Condition No. 21 (now Condition No.19) be amended to read as follows:

Prior to occupation of the development, **a public access easement in accordance with Sections 195 and 196 of the Land Administration Act 1997 is to be placed on the Proposed Lot 4 (Lot 3022 Morfontaine Parade, Port Kennedy) for all car parking bays, excluding residential and residential visitor bays. Notice of this easement is to be included on the Deposited Plan to the satisfaction to the City of Rockingham.** ~~the landowner(s) shall enter into a legal agreement with the City of Rockingham to place public access easement(s) in accordance with Sections 195 and 196 of the Land Administration Act 1997 on proposed Lot 4 (Lot 3023) Morfontaine Parade, Port Kennedy, for 36 car parking spaces at the rear of the site, excluding residential visitor parking bays. Notice of this easement is to be included on the Deposited Plan to the satisfaction of the City of Rockingham.~~

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity and wording consistent with a similar condition imposed on the adjacent development relating to carparking.

Francesca Lefante
Presiding Member, Metro Outer DAP



AMENDING MOTION 8

Moved by: Tony Arias

Seconded by: NIL

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

In relation to Condition No. 22, where the applicant has provided Public Art 'upfront', within the public realm prior to implementation of the development, an appropriate offset will be applied to the 1% value of the development, required under the Condition.

The Amending Motion was lapsed for a want of a seconder.

AMENDING MOTION 9

Moved by: Tony Arias

Seconded by: Deputy Mayor Lorna Buchan

That Condition No. 24 (now Condition No.22) be amended to read as follows:

All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, ~~solar panels~~, external hot water heaters, air conditioners, shall not be visible from any adjacent street, the adjoining future Public Open Space and are designed to integrated with the building and be located so as to not be visually obtrusive, to the satisfaction of the City of Rockingham.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify intent of condition as agreed by the applicant and the City.

AMENDING MOTION 10

Moved by: Francesca Lefante

Seconded by: Cr Mark Jones

That Condition No. 9 (now Condition No.8) be amended to read as follows:

Prior to ~~occupation~~ ~~applying for a Building Permit~~, a revised Landscaping Plan must be submitted and approved to the satisfaction of the City of Rockingham and shall include the following detail:

- (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area inclusive of the verge areas abutting the development;***
- (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;***

Francesca Lefante
Presiding Member, Metro Outer DAP



- (v) *proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas;*
- (vi) *landscaping treatment and trees surrounding the transformer to be outside of the 'restrictive' fire covenant and be low fuel material such as gravel mulch; and*
- (vii) *Concrete area at the 'DDA shared area' to be extended to ensure full access to the adjoining southern (future) Public Open Space and the footpath connection can be undertaken from the rear car parking area.*

The landscaping (including all verge landscaping) must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: This change provides suitable timeframe for the finalisation of the plan during the various stages prior to occupation. This minor change does not alter the timeframe or responsible to complete installation of the landscaping prior to occupation.

AMENDING MOTION 11

Moved by: Francesca Lefante

Seconded by: Cr Mark Jones

That Condition No. 22(i) (now Condition No.21(ii)) be amended to read as follows:

In accordance with Local Planning Policy 3.3.25 Percent for Public Art – Private Developer Contribution, prior to occupation of the development, the developer shall:

- (i) *Submit to the City of Rockingham for approval an artwork designed by a professional artist at a cost of 1% of the total project cost (being \$90,000), to be located within the subject site in an area which must be publicly visible for the duration of the development **or on adjoining public land which comprises the road reserve or POS site - proposed Lot 6;***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To reflect the provision of Public art on the site located in close proximity of the site being the road reserve or adjoining POS which the development has direct interface.

Francesca Lefante
Presiding Member, Metro Outer DAP



SUBSTANTIVE MOTION (AS AMENDED)

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

Approve DAP Application reference DAP/25/02913 and modified development plans received on 5 September 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 the City of Rockingham Town Planning Scheme No.2 (TPS2), subject to the following conditions:

Conditions

1. In the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. Engineering drawings for works within the development site must be submitted to the City of Rockingham for approval prior to works commencing on site. All works must be completed to the satisfaction of the City.
4. The owner/applicant shall be responsible for the protection of all existing infrastructure within the road reserve during construction. Upon completion of the proposed services installation and prior to building occupancy, affected areas in the road reserve shall be reinstated to the satisfaction of the City of Rockingham.
5. Prior to development commencing, arrangements must be made to the satisfaction of the City of Rockingham for the landowner/applicant to contribute towards the costs of providing the Administration and Community Infrastructure items pursuant to Clause 5.5.14 of the City of Rockingham Town Planning Scheme No.2.
6. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate remediation measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
7. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site; those plans must be submitted to the City of Rockingham for approval.

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

Francesca Lefante
Presiding Member, Metro Outer DAP



8. Prior to occupation, a revised Landscaping Plan must be submitted and approved to the satisfaction of the City of Rockingham and shall include the following detail:
- (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area inclusive of the verge areas abutting the development;
 - (ii) any lawns to be established and areas to be mulched;
 - (iii) any natural landscape areas to be retained;
 - (iv) those areas to be reticulated or irrigated;
 - (v) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas;
 - (vi) landscaping treatment and trees surrounding the transformer to be outside of the 'restrictive' fire covenant and be low fuel material such as gravel mulch; and
 - (vii) Concrete area at the 'DDA shared area' to be extended to ensure full access to the adjoining southern (future) Public Open Space and the footpath connection can be undertaken from the rear car parking area.

The landscaping (including all verge landscaping) must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.

9. All works must be carried out in accordance with the Waste Management Plan approved by the City of Rockingham, and maintained at all times, for the duration of the development.
10. The Multiple Dwellings facing Sea Beach Way must be designed, constructed and maintained to BAL- 19 and the Multiple Dwellings facing Kennedy Bay Entrance must be designed, constructed and maintained to BAL 12.5 as specified in Australian Standard AS3959-2018: Construction of Buildings in Bushfire-Prone Areas (AS3959). Prior to issuing a Building Permit, plans must be submitted to the City of Rockingham demonstrating that the building has been designed to the required BAL as specified in AS3959. The building must be maintained in accordance with the specified requirements of the BAL for the duration of the development.



11. Prior to occupation of the development, the car parking area must:
 - (i) provide a minimum of 53 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 2 and User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking;
 - (iii) provide at least one (1) car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 4 of Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
 - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
 - (v) sign-post the three residential visitor parking spaces; and
 - (vi) comply with the above requirements for the duration of the development.
12. In accordance with *Local Planning Policy No.3.3.14 - Bicycle Parking and End of Trip Facilities*, a minimum of two (2) short term and two (2) long term bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good and safe condition for the duration of the development.
13. All deliveries to the ground floor commercial tenancies shall only occur between 7am and 7pm Monday to Saturday and only between 9am and 7pm on Sundays and Public Holidays.
14. Prior to occupancy of the café/restaurant tenancy, an Operational Noise Management Plan must be submitted by the owner/applicant and approved by the City of Rockingham. The Operational Noise Management Plan is to detail how the proprietor will manage noise within the tenancy and alfresco dining areas, relative to the surrounding residential premises.
15. All recommendations from the Acoustic Report prepared by Gabriels Hearne Farrell dated 14 April 2025 and the accompanying Technical Note dated 4 September 2025 shall be implemented, prior to occupation of the development.



16. Prior to issue of a Building Permit, a revised Acoustic Report must be submitted to the satisfaction of the City, demonstrating the selected mechanical plant equipment and attenuation measures achieve compliance with the *Environmental Protection (Noise) Regulations 1997*.
17. Prior to the occupation of the development, written confirmation from the builder shall be provided that demonstrate that all requirements indicated in the Acoustic Report and Technical Note mentioned in Condition No.17 and 18 above have been incorporated into the development.
18. A notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the certificate of the proposed residential apartments. Notice of this easement is to be included on the Deposited Plan or as modified by the LDP to the satisfaction of the City of Rockingham.

The notification is to state as follows:

"This residential apartment is likely to be affected by noise generated from ground floor commercial activities, including the external balcony as well as from development on the northern side of Sea Beach Way."

19. Prior to occupation of the development, a public access easement in accordance with Sections 195 and 196 of the Land Administration Act 1997 is to be placed on the Proposed Lot 4 (Lot 3022 Morfontaine Parade, Port Kennedy) for all car parking bays, excluding residential and residential visitor bays. Notice of this easement is to be included on the Deposited Plan to the satisfaction to the City of Rockingham.
20. In accordance with *Local Planning Policy 3.3.25 Percent for Public Art – Private Developer Contribution*, prior to occupation of the development, the developer shall:
 - (i) Submit to the City of Rockingham for approval an artwork designed by a professional artist at a cost of 1% of the total project cost (being \$90,000), to be located within the subject site in an area which must be publicly visible for the duration of the development or on adjoining public land which comprises the road reserve or POS site - proposed Lot 6;
 - (ii) Enter into a contract with a professional artist/s to design and install the artwork approved by the City of Rockingham; and
 - (iii) Install the artwork prior to occupation of the development and maintain it thereafter to the satisfaction of the City of Rockingham.

Alternatively, the developer shall make a contribution to the City of Rockingham equal to 1% of the total construction value for the provision of public art, being \$90,000 in value.



21. The development must be finished in accordance with the colour/material schedule provided, prior to occupation of the development, unless approval in writing is obtained from the City of Rockingham to modify the approved schedule.
22. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, shall not be visible from any adjacent street, the adjoining future Public Open Space and are designed to integrated with the building and be located so as to not be visually obtrusive, to the satisfaction of the City of Rockingham.
23. Any meter boxes shall be painted the same colour as the wall they are attached to.
24. Floodlighting must not be illuminated after 10pm or before 7am on any day. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS/NZS 4282:2023,- Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.

Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Development Approval must be submitted to the City of Rockingham.
2. In relation to Condition No. 5, the owner/applicant is advised to inspect and document existing infrastructure, with particular attention to the decorative pavement at the Kennedy Bay Entrance. A dilapidation survey is recommended to be completed prior to works, and any damage caused must be repaired to the satisfaction of the City of Rockingham.
3. The development must comply with the *Health (Public Building) Regulations 1992*; the applicant and owner should liaise with the City of Rockingham's Health and Building Services in this regard.
4. The development must comply with the *Food Act 2008*, the *Food Safety Standards* and Chapter 3 of the *Australian New Zealand Food Standards Code (Australia Only)*; the applicant and owner should liaise with the City of Rockingham's Health Services in this regard.
5. A Building Permit must be obtained for works prior to construction; the applicant and owner should liaise with the City of Rockingham's Building Services in this regard.

Francesca Lefante
Presiding Member, Metro Outer DAP



PART C – CITY OF SWAN

Cr Rod Henderson and Cr Jennifer Catalano (Local Government DAP Member, City of Swan) joined the panel at 10.45am.

Eugene Koltasz (Presiding Member) joined the panel at 10.45am.

1. Declaration of Due Consideration

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

2. Disclosure of Interests

Nil

3. Form 1 DAP Applications

3.1 Lots 24 & 25 (88 & 90) Great Northern Highway and Lots 22, 23 & 104 (52, 54 & 44) John Street, Midland - Proposed extension to Nursing Home (Use Not Listed) – DAP/25/02938

Deputations

Matthew Cain (Planning Solutions) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

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

SUBSTANTIVE MOTION

Moved by: Francesca Lefante

Seconded by: Tony Arias

That the Metro Outer Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/25/02938 is appropriate for consideration as a “Use Not Listed - Nursing Home” land use and compatible with the objectives of the zoning table in accordance with Clause 4.4.2 of the City of Swan Local Planning Scheme No. 17;
2. **Approve** DAP Application reference DAP/25/02938 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 10.3 of the City of Swan Local Planning Scheme No. 17, subject to the following conditions:


Eugene Koltasz
Presiding Member, Metro Outer DAP



Conditions

1. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
2. This approval is for a "Nursing Home" as defined in the City of Swan's Local Planning Scheme No.17 and the subject land may not be used for any other use without the prior approval of the City of Swan.
3. **Prior to occupation or use of the development**, arrangements must be made to the satisfaction of the City of Swan for the amalgamation of Lot 104 (No.44) John Street, Lot 22 (No.52) John Street, Lot 23 (No.54) John Street, Lot 24 (No.88) Great Northern Highway, and Lot 25 (No.90) Great Northern Highway, Midland into one (1) lot.
4. **Prior to occupation or use of the development**, 71 vehicle parking bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).
5. Bicycle spaces provided on the site in accordance with the approved plans must comply with AS 2890.3:2015 (as amended) to the satisfaction of the City of Swan.
6. Provision must be made for access and facilities for use of people with disabilities in accordance with provisions of the Building Code of Australia and AS 1428.1 to the satisfaction of the City of Swan.
7. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
8. **Prior to a building approval being issued**, detailed stormwater disposal plans, details and calculations showing detention on site prior to connection to council street drainage must be submitted for approval by the City of Swan and thereafter implemented, constructed and maintained on-site to the satisfaction of the City of Swan.
9. Suitable arrangements being made for the connection of the land to the comprehensive district drainage system at the landowner/developer's cost. The contribution amount is based on the additional site allotment area of 3923m² to the satisfaction of the City of Swan in accordance with the City of Swan Local Planning Policy POL-C-040 'Midland District Drainage Development Reserve Fund'. This fee is to contribute towards the upgrade and supply of an adequate drainage service within the area. Payment must be made prior to the issuance of a building permit.


Eugene Koltasz
Presiding Member, Metro Outer DAP



10. **Prior to the submission of a building permit application**, an amended Environmental Acoustic Assessment shall be submitted to the City of Swan for review and approval. The amended Environmental Acoustic Assessment shall address the following matters:
 - a) The location and type of mechanical plant servicing.
11. Mechanical services shall be installed in accordance with the amended Environmental Noise Assessment and maintained thereafter to the satisfaction of the City of Swan.
12. **Prior to occupation or use of the development** for the proposed “Nursing Home” the subject of this application, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* must be placed on the certificate of title of the land subject of the development to notify current and prospective landowners of the implications of aircraft noise in the area.
13. The proposed “Nursing Home” must incorporate noise insulation measures in accordance with the requirements of *State Planning Policy 5.1 – Land use planning in the vicinity of Perth Airport and Australian Standard 2021 – Building Site Acceptability* based on ANEF Zones.
14. All procedures, actions and design considerations detailed in the Waste Management Plan prepared by Talis Consultants (Version 2, dated 16 May 2025) shall be implemented on the site to the satisfaction of the City of Swan for the duration of the operation of the development.
15. The owner shall pay all costs associated with the removal of the street tree as indicated on the approved plan. Prior to the tree being removed, the owner is to liaise with the City on a suitable ‘like’ replacement and the replacement tree planted at their costs to the satisfaction of the City of Swan.
16. **Prior to an occupancy permit being issued**, detailed engineering drawings must be submitted to and approved by the City of Swan for the construction of twelve (12) vehicle parking bays in the northern verge of John Street as generally depicted on the approved plans, together with landscaping. The parking bays must comply with AS 2890.1 (as amended) and demonstrate compliance with AS 4970-2009 with respect to the protection of the existing street trees within the verge.
17. **Prior to an occupancy permit being issued**, the landowner must enter into a Deed of Construction, Maintenance and Indemnity with the City to construct and maintain twelve (12) vehicle parking bays in the northern verge of John Street in accordance with the approved engineering drawings, together with landscaping, to the satisfaction of the City of Swan. The Deed must be prepared by the City's solicitors to the satisfaction of the City and enable the City to lodge an absolute caveat over the lots. The landowner shall be responsible to pay all costs associated with the City's solicitors' costs of and incidental to the preparation (including all drafts) and stamping of the Deed and the lodgement of the absolute caveat.



18. **Prior to a building approval being issued**, a detailed landscaping and reticulation plan for the subject site and/or road verge(s) must be submitted to, and approved to, the satisfaction of the City of Swan, and must include the following:
 - a) The location, number and type of proposed trees and shrubs including planter and /or tree pit sizes and planting density;
 - b) Any lawns to be established;
 - c) Any existing vegetation and/or landscaped areas to be retained;
 - d) Any verge treatments; and
 - e) Evidence that the proposed landscaping will not, at maturity negatively impact the development and adjoining properties.
19. The approved landscaping and reticulation plan must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two planting seasons following implementation must be replaced in consultation with, and to the satisfaction of the City of Swan.
20. The proposed gate(s) shall open wholly within the subject lot.
21. **Prior to occupation or use of the development**, the redundant crossover(s) to Lots subject of this development, as shown on the approved plans, must be removed and the verge, kerb and footpath (where relevant) reinstated to the specification and satisfaction of the City of Swan.
22. All crossovers must be built and maintained in accordance with the City of Swan's specifications.
23. A Construction Management Plan shall be submitted for approval to the City of Swan **prior to commencement of works**. The Construction Management Plan shall address dust, noise, waste management, storage of materials, traffic management and site safety/security. The Construction Management Plan is to be complied with for the duration of the construction of the development.
24. External lighting shall comply with the requirements of AS4282 – Control of Obtrusive Effects of Outdoor Lighting.
25. External illumination shall not flash or pulsate to the satisfaction of the City of Swan.
26. No bunting is to be erected on the site (including streamers, streamer strips, banner strips or decorations of similar kind).
27. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans/ approved schedule of materials and colours which form part of this approval unless otherwise approved by City of Swan.


Eugene Koltasz
Presiding Member, Metro Outer DAP



28. **Prior to an occupancy permit being issued**, the Landowner must contribute a sum of 1% of the total development construction value towards Public Art in accordance with the City of Swan's Local Planning Policy for the Provision of Public Art (POL-LP-1.10), by either:
- a) Payment to the City of Swan of a cash-in-lieu amount equal to the sum of the contribution amount of \$212,500 (being 1% of the total development construction less the applicable 15% discount). This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of a building permit for the approved development, whichever occurs first; or
 - b) Provision of Public Art on-site to a minimum value of the 1% contribution amount (\$250,000). The following is required for the provision of Public Art on-site:
 - i. The Landowner or Applicant on behalf of the Landowner must seek approval from the City of Swan for a specific Public Artwork including the artist proposed to undertake the work to the satisfaction of the City of Swan in accordance with POL-LP-1.10 and the *Developers' Handbook for Public Art* (as amended). The City of Swan may apply further conditions in regard to the proposed Public Art;
 - ii. No part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City of Swan; and,
 - iii. The approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.
29. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.



AMENDING MOTION 1

Moved by: Francesca Lefante

Seconded by: Tony Arias

The following amendments were made en bloc:

- (i) That Condition No.10 be amended to read as follows:

Prior to the submission of a building permit application, an amended Environmental Acoustic Assessment shall be submitted to the City of Swan for review and approval. The amended Environmental Acoustic Assessment shall address the following matters:

- a) *The location and type of mechanical plant servicing.*
- b) ***noise mitigation measures to mitigate address aircraft noise on occupation of the facility***

- (ii) That Condition No. 13 be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and LOST (2/3).

For: Francesca Lefante
Tony Arias

Against: Eugene Koltasz
Cr Rod Henderson
Cr Jennifer Catalano

AMENDING MOTION 2

Moved by: Francesca Lefante

Seconded by: Tony Arias

That Condition No.6 be deleted and moved to a new Advice Note 1.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: This aspect is subject to separate legislation.


Eugene Koltasz
Presiding Member, Metro Outer DAP



AMENDING MOTION 3

Moved by: Francesca Lefante

Seconded by: Tony Arias

The following amendments were made en bloc:

- (i) That Condition No.26 be deleted and the remaining numbers to be renumbered accordingly.
- (ii) That a new Advice Note 2 be added to read as follows:

No bunting can be erected on site without planning approval.

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

For: Eugene Koltasz
Francesca Lefante
Tony Arias
Cr Rod Henderson

Against: Cr Jennifer Catalano

REASON: This aspect is subject to separate legislation.

AMENDING MOTION 4

Moved by: Francesca Lefante

Seconded by: Tony Arias

That Condition No.29 (Now Condition No.27) be deleted.

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

For: Eugene Koltasz
Francesca Lefante
Tony Arias
Cr Rod Henderson

Against: Cr Jennifer Catalano

REASON: This is not relevant condition and not required.


Eugene Koltasz
Presiding Member, Metro Outer DAP



SUBSTANTIVE MOTION (AS AMENDED)

1. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
2. This approval is for a "Nursing Home" as defined in the City of Swan's Local Planning Scheme No.17 and the subject land may not be used for any other use without the prior approval of the City of Swan.
3. **Prior to occupation or use of the development**, arrangements must be made to the satisfaction of the City of Swan for the amalgamation of Lot 104 (No.44) John Street, Lot 22 (No.52) John Street, Lot 23 (No.54) John Street, Lot 24 (No.88) Great Northern Highway, and Lot 25 (No.90) Great Northern Highway, Midland into one (1) lot.
4. **Prior to occupation or use of the development**, 71 vehicle parking bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).
5. Bicycle spaces provided on the site in accordance with the approved plans must comply with AS 2890.3:2015 (as amended) to the satisfaction of the City of Swan.
6. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
7. **Prior to a building approval being issued**, detailed stormwater disposal plans, details and calculations showing detention on site prior to connection to council street drainage must be submitted for approval by the City of Swan and thereafter implemented, constructed and maintained on-site to the satisfaction of the City of Swan.
8. Suitable arrangements being made for the connection of the land to the comprehensive district drainage system at the landowner/developer's cost. The contribution amount is based on the additional site allotment area of 3923m² to the satisfaction of the City of Swan in accordance with the City of Swan Local Planning Policy POL-C-040 'Midland District Drainage Development Reserve Fund'. This fee is to contribute towards the upgrade and supply of an adequate drainage service within the area. Payment must be made prior to the issuance of a building permit.


Eugene Koltasz
Presiding Member, Metro Outer DAP



9. **Prior to the submission of a building permit application**, an amended Environmental Acoustic Assessment shall be submitted to the City of Swan for review and approval. The amended Environmental Acoustic Assessment shall address the following matters:
 - a) The location and type of mechanical plant servicing.
10. Mechanical services shall be installed in accordance with the amended Environmental Noise Assessment and maintained thereafter to the satisfaction of the City of Swan.
11. **Prior to occupation or use of the development** for the proposed “Nursing Home” the subject of this application, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* must be placed on the certificate of title of the land subject of the development to notify current and prospective landowners of the implications of aircraft noise in the area.
12. The proposed “Nursing Home” must incorporate noise insulation measures in accordance with the requirements of *State Planning Policy 5.1 – Land use planning in the vicinity of Perth Airport and Australian Standard 2021 – Building Site Acceptability* based on ANEF Zones.
13. All procedures, actions and design considerations detailed in the Waste Management Plan prepared by Talis Consultants (Version 2, dated 16 May 2025) shall be implemented on the site to the satisfaction of the City of Swan for the duration of the operation of the development.
14. The owner shall pay all costs associated with the removal of the street tree as indicated on the approved plan. Prior to the tree being removed, the owner is to liaise with the City on a suitable ‘like’ replacement and the replacement tree planted at their costs to the satisfaction of the City of Swan.
15. **Prior to an occupancy permit being issued**, detailed engineering drawings must be submitted to and approved by the City of Swan for the construction of twelve (12) vehicle parking bays in the northern verge of John Street as generally depicted on the approved plans, together with landscaping. The parking bays must comply with AS 2890.1 (as amended) and demonstrate compliance with AS 4970-2009 with respect to the protection of the existing street trees within the verge.
16. **Prior to an occupancy permit being issued**, the landowner must enter into a Deed of Construction, Maintenance and Indemnity with the City to construct and maintain twelve (12) vehicle parking bays in the northern verge of John Street in accordance with the approved engineering drawings, together with landscaping, to the satisfaction of the City of Swan. The Deed must be prepared by the City's solicitors to the satisfaction of the City and enable the City to lodge an absolute caveat over the lots. The landowner shall be responsible to pay all costs associated with the City's solicitors' costs of and incidental to the preparation (including all drafts) and stamping of the Deed and the lodgement of the absolute caveat.



17. **Prior to a building approval being issued**, a detailed landscaping and reticulation plan for the subject site and/or road verge(s) must be submitted to, and approved to, the satisfaction of the City of Swan, and must include the following:
 - a) The location, number and type of proposed trees and shrubs including planter and /or tree pit sizes and planting density;
 - b) Any lawns to be established;
 - c) Any existing vegetation and/or landscaped areas to be retained;
 - d) Any verge treatments; and
 - e) Evidence that the proposed landscaping will not, at maturity negatively impact the development and adjoining properties.
18. The approved landscaping and reticulation plan must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two planting seasons following implementation must be replaced in consultation with, and to the satisfaction of the City of Swan.
19. The proposed gate(s) shall open wholly within the subject lot.
20. **Prior to occupation or use of the development**, the redundant crossover(s) to Lots subject of this development, as shown on the approved plans, must be removed and the verge, kerb and footpath (where relevant) reinstated to the specification and satisfaction of the City of Swan.
21. All crossovers must be built and maintained in accordance with the City of Swan's specifications.
22. A Construction Management Plan shall be submitted for approval to the City of Swan **prior to commencement of works**. The Construction Management Plan shall address dust, noise, waste management, storage of materials, traffic management and site safety/security. The Construction Management Plan is to be complied with for the duration of the construction of the development.
23. External lighting shall comply with the requirements of AS4282 – Control of Obtrusive Effects of Outdoor Lighting.
24. External illumination shall not flash or pulsate to the satisfaction of the City of Swan.


Eugene Koltasz
Presiding Member, Metro Outer DAP



25. **Prior to an occupancy permit being issued**, the Landowner must contribute a sum of 1% of the total development construction value towards Public Art in accordance with the City of Swan's Local Planning Policy for the Provision of Public Art (POL-LP-1.10), by either:
- a) Payment to the City of Swan of a cash-in-lieu amount equal to the sum of the contribution amount of \$212,500 (being 1% of the total development construction less the applicable 15% discount). This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of a building permit for the approved development, whichever occurs first; or
 - b) Provision of Public Art on-site to a minimum value of the 1% contribution amount (\$250,000). The following is required for the provision of Public Art on-site:
 - i. The Landowner or Applicant on behalf of the Landowner must seek approval from the City of Swan for a specific Public Artwork including the artist proposed to undertake the work to the satisfaction of the City of Swan in accordance with POL-LP-1.10 and the *Developers' Handbook for Public Art* (as amended). The City of Swan may apply further conditions in regard to the proposed Public Art;
 - ii. No part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City of Swan; and,
 - iii. The approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.

Advice Notes

- 1. Provision must be made for access and facilities for use of people with disabilities in accordance with provisions of the Building Code of Australia and AS 1428.1 to the satisfaction of the City of Swan.
- 2. No bunting can be erected on site without planning approval.

The Substantive Motion (as amended) was put and CARRIED (4/1).

For: Eugene Koltasz
Francesca Lefante
Tony Arias
Cr Rod Henderson

Against: Cr Jennifer Catalano

Eugene Koltasz
Presiding Member, Metro Outer DAP



REASON: Panel members were satisfied the proposal land use classification and form is compatible with its locational context and consistent with the established development. The development is exemplary meeting all 10 design principles and contributing to Midland, creating a strong visual connection to the street providing visually permeable street fencing and street surveillance.

Due regard given to submissions and members satisfied with the design minimizes overlooking as these windows look over vehicle driveway and noise impacts managed through equipment selection, acoustic treatments and operational controls. Traffic generation and parking provision was acceptable and consider reflective of the demand period, with no adverse impact with on the locality. The proposal was supported consistent with the RAR and inclusive of various condition changes.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil


Eugene Koltasz
Presiding Member, Metro Outer DAP



PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

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

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/24/02689 DR106/2025	City of Kwinana	Lot 9000 (129) Orton Road, Casuarina	Extractive Industry (Sand)	16/7/2025

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11.44am.


Eugene Koltasz
Presiding Member, Metro Outer DAP