



Metro Outer Development Assessment Panel Additional Documentation

Meeting Date and Time: Tuesday, 9 April 2024; 9:30am
Meeting Number: MODAP/9

PART C – CITY OF ROCKINGHAM

1. Declarations of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 100 (No.434) Safety Bay Road, Safety Bay – Proposed Mixed Commercial Development – DAP/23/02551
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations



Attendance

Officers in attendance

Chris Parlane (City of Rockingham)

Mike Ross (City of Rockingham)

Applicants and Submitters

Ross Underwood (Planning Solutions)

Rhys Kelly (Braykell Two Pty Ltd)

Behnam Bordbar (Transcore)

Matthew Nolan (Lloyd George Acoustics)



PART C – 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.

3. Form 1 DAP Applications

3.1 Lot 100 (No.434) Safety Bay Road, Safety Bay – Proposed Mixed Commercial Development – DAP/23/02551

3.1.1 Deputations and Presentations

Rhys Kelly (Braykell Two Pty Ltd) presenting in support of the recommendation for the application at Item 3.1. The presentation will address support for the recommendation for approval.

Behnam Bordbar (Transcore) presenting in support of the recommendation for the application at Item 3.1. The presentation will address an overview of the previous DAP's reasons for deferral 1, 4 and 5.

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

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.

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

Presenter Details

Name	Rhys Kelly
Company (if applicable)	Braykell Two Pty Ltd
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer DAP
Meeting Date	9 April 2024
DAP Application Number	DAP/23/02551
Property Location	Lot 100 (434) Safety Bay Road, Safety Bay
Agenda Item Number	Part C 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 published</u> as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u>)? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach
Will you be attending in person or via electronic means	In person <input checked="" type="checkbox"/> Online <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> My Deputation is in support of the recommendation for approval put forward by the Responsible Authority (Council).
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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:-

It is noted the Responsible Authority recommendation is slightly different than that of the City officers' original recommendation to the Planning and Asset Services Committee as it has removed Condition 25 from the proposed condition list.

Condition 25 would require the tavern to be constructed in the first stage of development.

We are supportive of the Responsible Authority recommendation for approval that does not include the originally proposed condition 25 for the following reasons.

1. The tavern is subject to separate approvals that are not part of this process. In particular it is subject to a liquor licence application and approval which could provide a set of conditions that may necessitate the redesign of the tavern, in addition if a liquor licence is not approved and the tavern were required to have been built, it would be a building that would suit no other tenants.

Accordingly it is our position that prior to construction commencing on the tavern the other relevant approvals need to be obtained (which cannot occur until a DA has issued) so that there is certainty surrounding what will actually be built.

2. The tavern will require its own Western Power transformer, at present it is likely that the process to obtain design, approval and installation from Western Power will take upwards of 2 years. This has been widely publicised in the newspapers and by industry bodies as well as Western Power openly informing the industry of the significant delays that are experiencing and therefore causing to the industry.

Without certainty around timing of power construction, the tavern can not commence as we can not be in a position that would require a tavern to be run off generator power due to the delay in public infrastructure. The cost relating to generator use as well as noise impacts on neighbours is not feasible.



3. The balance of the development is predominantly leased to tenants who have imposed sunset dates on when their tenancies need to be delivered by, should the tavern have to be constructed in stage 1, then the development would be delayed for an extended period of time whilst issues detailed above are resolved. It would then mean that the sunset dates would expire and the balance of tenants would move onto other opportunities in the market resulting in the proposed development not commencing in any form as a minimum level of precommitment is required to facilitate commencement of the development.

Thank you for the opportunity to present at this meeting in support of an approval for this development.



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Presenter Details

Name	Behnam Bordbar
Company (if applicable)	Transcore
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

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On 9 January 2024 the Metro Outer Joint DAP resolved to defer this application for five reasons including:

1. *Revised plans should be provided and robust justification to demonstrate the provision of an appropriate level of car parking for the development, including a Parking Management Plan, to be submitted to the satisfaction of the City of Rockingham.*
- ...
4. *The Transport Impact Assessment should be amended to address outstanding matters as raised throughout the Report.*
5. *The Application should be amended to consider a pedestrian crossing between the development and the Foreshore Reserve.*

Following the DAP meeting and resolution the project team has been liaising with City of Rockingham to clarify the reasons for deferral and to agree on a way forward. Transcore met with the City of Rockingham on 5th of February 2024 to confirm the methodology for addressing the parking demand of the proposed development and confirm other outstanding issues which need to be addressed prior to the next DAP meeting.

A technical note was prepared by Transcore to address the above matters based on the discussion and agreements with the City.

The technical note documented:

- Parking requirement and supply analysis in line with TPS2.
- Video survey of the Waikiki Foreshore carpark on a Friday and Saturday in summer.
- Parking observation survey of a suburban tavern in Carramar.
- A pedestrian crossing design for Safety Bay Road.
- Additional traffic modelling and analysis.

The technical note was supported by the City as outlined in the RAR.



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Presenter Details

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

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Please attach detailed content of presentation or provide below:-

Refer attached summary.

Presentation Summary

To:	Metro Outer DAP	From:	Ross Underwood
Meeting No:	MODAP/8	Date:	3 April 2024
Subject:	Part C Item 8.1 – Proposed Mixed Commercial Development - Lot 100 (434) Safety Bay Road, Safety Bay		

Planning Solutions acts for Braykell Two Pty Ltd, the proponent of the proposed mixed commercial development on the former Waikiki Hotel site.

We are pleased to receive the Council (as responsible authority) recommendation for approval. We are not opposed to or seek changes to any of the **24** conditions recommended by the responsible authority.

Attending the meeting and available to answer questions are:

- **Rhys Kelly**, Braykell Two Pty Ltd (development proponent)
- **Ross Underwood**, Planning Solutions
- **Behnam Bordbar**, Transcore
- **Matthew Nolan**, Lloyd George Acoustics – who is not speaking but will be available to answer any questions.

Additional information was provided to the City by letter 13 February 2024 in response to the previous Metro Outer Joint DAP's decision of 9 January 2024 to defer the application. The RAR confirms the additional information adequately responds to the DAP reasons for deferral, and reiterates previous comments that *"there are a number of positive elements"* which are consistent with the local planning framework.

There are two matters I briefly wish to raise.

On page 16 the RAR states there are *"significant shortcomings"* to the submitted Parking Management Plan, but does not describe what those shortcomings are, nor does the RAR propose a condition requiring the Parking Management Plan to be resubmitted for approval. We don't consider it necessary as the site is presently contained in a single title and Condition 24(iii) provides for child care centre parking to be made available. If, however, the DAP were minded to require a Parking Management Plan to future proof the development then this could be imposed by a suitably worded condition of approval requiring a Parking Management Plan to specify how access to parking bays will be controlled and managed to be submitted for the City's approval prior to occupation of the development.

On page 19 the City officers' have recommended an additional Condition 25 requiring the tavern to be constructed in the first stage of development. Rhys Kelly has addressed this in his presentation. From a planning perspective, there is nothing which requires the tavern to be constructed in the first stage of development. The City's Planning Policy No.3.3.23 Waikiki Hotel Site – Urban Design Guidelines requires a licenced premises to be included in an application but an inflexible application of this policy to require the tavern to be considered in the first stage of development when there are liquor licence and power access constraints that do not restrict other elements of the development – and would unnecessarily delay those elements – would not be consistent with principles of orderly and proper planning.

Thank you for your consideration. Myself and the proponent team would be pleased to answer any questions.

ROSS UNDERWOOD
SENIOR ASSOCIATE