



Metro Outer Development Assessment Panel Minutes

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

This DAP meeting was live streamed open to the public rather than requiring attendance in person.

A recording of the meeting is available via the following link: [MODAP/8 - 9 Apr 2024 - City of Armadale - City of Rockingham](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

PART B – CITY OF ARMADALE

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 800 (No.357) Skeet Road, Piara Waters – Proposed Child Care Premises – DAP/24/02626
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – CITY OF ROCKINGHAM

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 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

PART D – OTHER BUSINESS

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

Eugene Koltasz
Presiding Member, Metro Outer DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Eugene Koltasz (Presiding Member) Ian Birch (Deputy Presiding Member) Neema Premji	Claire Ortlepp Ashlee Kelly
<i>Part B – City of Armadale</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Caroline Wielinga	Catherine Sullivan Glen Windass
<i>Part C – City of Rockingham</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Mark Jones Cr Dawn Jecks	Chris Parlane Mike Ross David Banovic

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Presiding Member, Metro Outer DAP



Applicant and Submitters
<i>Part B – City of Armadale</i>
Josh Watson (Planning Solutions) Daniel Panickar (Western Environmental) Matt Davies (Accord Property) Connor Brown (Accord Property) Matt Elliott (Accord Property) Harry Mettam (Accord Property)
<i>Part C – City of Rockingham</i>
Ross Underwood (Planning Solutions) Rhys Kelly (Braykell Two Pty Ltd) Behnam Bordbar (Transcore) Matthew Nolan (Lloyd George Acoustics) Harry Bray (Braykell Two Pty Ltd)

Members of the Public / Media

There were 3 members of the public in attendance.

Observers via livestream

There were 8 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 9:35am on 9 April 2024 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

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

2. Apologies

Cr Michael Hancock (Local Government DAP Member, City of Armadale)
Cr Lorna Buchan (Local Government DAP Member, City of Rockingham)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

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

Eugene Koltasz
Presiding Member, Metro Outer DAP



PART B – CITY OF ARMADALE

1. Declaration of Due Consideration

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

2. Disclosure of Interests

DAP Member, Cr Michael Hancock, declared an impartiality interest in item 3.1. Cr Hancock is a close friend of Josh Watson, who is the applicant for the item.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was not permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lot 800 (No.357) Skeet Road, Piara Waters – Proposed Child Care Premises – DAP/24/02626

Deputations and Presentations

Josh Watson (Planning Solutions) & Daniel Panickar (Western Environmental) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

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

REPORT RECOMMENDATION

Moved by: Ian Birch

Seconded by: Neema Premji

With the agreement of the mover and seconder, the following amendments were made:

- i) That Condition No. 5 be amended to read as follows;

*Operating hours shall be during 6:30am to 6:30pm Monday to Friday only, in accordance with the Environmental Noise Assessment dated December 2023 prepared by Reverberate Consulting **or as amended**. All activities shall be conducted in a manner to avoid any noise impact upon adjoining neighbours, to the satisfaction of the City of Armadale.*

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- ii) That Condition No. 7 be amended to read as follows;

*The Child Care Premises (inclusive of fencing) shall be constructed and implemented prior to occupation in accordance with the recommendations of the Environmental Acoustic Assessment dated December 2023 prepared by Reverberate Consulting **or as amended**, to the satisfaction of the City of Armadale.*

- iii) That Condition No. 8 be amended to read as follows;

Prior to the occupation of the development, a Final Environmental Noise Assessment must be prepared and provided to the City of Armadale which demonstrates, to the City of Armadale's satisfaction, that the completed development complies with the Environmental Protection (Noise) Regulations 1997.

The Final Environmental Noise Assessment must include the following information:

- a. Confirmed noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest "noise sensitive premises" and proposed surrounding residential area;*
- b. Tonality, modulation and impulsiveness of noise sources; and*
- c. Confirmation of the implementation of noise attenuation measures.*

***Upon approval**, any further works must be carried out in accordance with the Final Environmental Noise Assessment ~~upon approval~~ **or as amended**, to the satisfaction of the City of Armadale and implemented thereafter for the duration of the development.*

REASON: To allow for flexibility in the detailed design stage to ensure compliance is achievable from a noise perspective for the lifetime of the development.

- iv) That Condition No. 9 be amended to read as follows;

*The Bushfire Management Plan **and Bushfire Emergency Evacuation Plan** prepared by Western Environmental dated December 2023 **or as amended**, shall be implemented including site preparation prior to occupation of the development, **to the satisfaction of the City of Armadale.***

REASON: To ensure all bushfire reporting is implemented and to allow for amendments if they are required, subject to the approval of the City of Armadale.

- v) That Condition No. 10 be deleted and the remaining conditions be renumbered accordingly.

REASON: No alternative offsite refuge location is required to be nominated. The modifications to Condition 9 also ensure compliance with the Bushfire Emergency Evacuation Plan.

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- vi) That Condition No. 17 (now Condition No. 16) be amended to read as follows;

*Prior to submission of a Building Permit a schedule of external building and fencing colours and materials shall be submitted to and approved by the City of Armadale. The development and fencing shall be completed and maintained in accordance with the approved schedule **or as amended**, to the satisfaction of the City of Armadale.*

REASON: To allow for flexibility in the detailed design stage to ensure compliance is achievable for the lifetime of the development.

- vii) That Condition No. 6 be amended to read as follows;

***Prior to occupation**, a Management Plan detailing days/hours of operation, the number of children, a typical routine, and alternative parking arrangements for staff shall be submitted to and approved by the City of Armadale. The Child Care Premises shall be operated in accordance with the approved Management Plan thereafter.*

REASON: To provide certainty by specifying the time period by which the Management Plan be submitted.

That the Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/24/02626 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 City of Armadale Town Planning Scheme No. 4, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 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. The Child Care Premises is restricted to a maximum of 111 children at any given time.
4. No outdoor play is to commence prior to 7:00am, Monday to Friday.
5. Operating hours shall be during 6:30am to 6:30pm Monday to Friday only, in accordance with the Environmental Noise Assessment dated December 2023 prepared by Reverberate Consulting or as amended. All activities shall be conducted in a manner to avoid any noise impact upon adjoining neighbours, to the satisfaction of the City of Armadale.

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6. Prior to occupation, a Management Plan detailing days/hours of operation, the number of children, a typical routine, and alternative parking arrangements for staff shall be submitted to and approved by the City of Armadale. The Child Care Premises shall be operated in accordance with the approved Management Plan thereafter.
7. The Child Care Premises (inclusive of fencing) shall be constructed and implemented prior to occupation in accordance with the recommendations of the Environmental Acoustic Assessment dated December 2023 prepared by Reverberate Consulting or as amended, to the satisfaction of the City of Armadale.
8. Prior to the occupation of the development, a Final Environmental Noise Assessment must be prepared and provided to the City of Armadale which demonstrates, to the City of Armadale's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Environmental Noise Assessment must include the following information:

- a. Confirmed noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest "noise sensitive premises" and proposed surrounding residential area;
- b. Tonality, modulation and impulsiveness of noise sources; and
- c. Confirmation of the implementation of noise attenuation measures.

Upon approval, any further works must be carried out in accordance with the Final Environmental Noise Assessment or as amended, to the satisfaction of the City of Armadale and implemented thereafter for the duration of the development.

9. The Bushfire Management Plan and Bushfire Emergency Evacuation Plan prepared by Western Environmental dated December 2023 or as amended, shall be implemented including site preparation prior to occupation of the development, to the satisfaction of the City of Armadale.
10. The building shall be constructed in accordance with Australian Standard 3959 – Construction of Buildings in Bush Fire Prone Areas (or superseding standard) and the approved Bushfire Management Plan.
11. Prior to occupation all internal vehicle manoeuvring spaces shall be constructed, sealed, kerbed and drained in accordance with the approved site plan to the satisfaction of the City of Armadale and continuously maintained thereafter. Relocation/Removal of any services/infrastructure will be at the cost of the developer/owner.
12. Twenty six (26) car parking bays shall be provided and must be clearly marked on-site and continuously maintained for the duration of the development.

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13. To meet drainage requirements prior to commencement of works, the developer/owner shall, to the specifications and satisfaction of the City of Armadale:
 - a. Submit a stormwater management plan in accordance with the approved Local Water Management Strategy, incorporating water sensitive design principles for approval and implement the approved plan thereafter.
14. A Waste Management Plan shall be submitted to and approved by the City of Armadale prior to commencement of site works. Waste collection shall be carried out in accordance with the approved plan thereafter.
15. Bin storage areas, outdoor storage areas and external clothes drying areas shall be conveniently located and screened from view and adjoining properties, to the satisfaction of the City of Armadale.
16. Prior to submission of a Building Permit a schedule of external building and fencing colours and materials shall be submitted to and approved by the City of Armadale. The development and fencing shall be completed and maintained in accordance with the approved schedule or as amended, to the satisfaction of the City of Armadale.
17. A landscape plan shall be submitted to and approved by the City of Armadale. The landscape plan shall include:
 - a) Plant species (predominantly West Australian natives);
 - b) Numbers, location, container size;
 - c) Method of irrigation of the landscaped areas;
 - d) Landscaping of the outdoor play space (including a minimum of 4 shade trees)
 - e) Landscaping and treatment of adjoining verge areas (including 4 verge trees);
 - f) A minimum 2 metre wide landscaping strip between the parking area and the street boundary of the site; and
 - g) The provision of shade trees within the car park at the rates of at least 1 tree per 10 metre interval along any line of car parking;

All landscaping shall be installed prior to occupancy of the development and maintained as per the approved plan thereafter.
18. Any landscaping undertaken shall comply with the Bushfire Management Plan and Landscape Plan approved by the City for the site.
19. Prior to the commencement of works a Construction Management Plan is to be prepared and submitted to the City of Armadale for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall be implemented to the satisfaction of the City of Armadale and detail how the construction of the development will be managed, including the following:
 - a. Public safety and site security;
 - b. Hours of operation;
 - c. Dust management;

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- d. Waste and material disposal;
 - e. Traffic management plans for the various phases of the construction;
 - f. Parking arrangements for contractors and sub-contractors;
 - g. Delivery and access arrangements;
 - h. The storage of materials and equipment on site (no storage of materials within the public realm will be permitted);
 - i. Bonding and remediation arrangements; and
 - j. Any other matters likely to impact upon the surrounding properties or public realm.
20. Air conditioning units, compressors and other equipment related to utilities shall be screened from public view and positioned so as to avoid any adverse effects, including noise, on the occupants of nearby existing and future residential properties to the satisfaction of the City of Armadale.
21. In accordance with the requirements of Local Planning Policy PLN 3.12 - Percent for Public Art, prior to the occupancy of development, the applicant or landowner is to either:
- a. Make a monetary contribution to the City of Armadale Public Art Reserve Account equal to one per cent (1%) of the estimated total development cost; or,
 - b. Install public art work to the value of one per cent (1%) of the total development cost and continuously maintain the public art work.

Advice Notes

- A. The applicant is advised that fencing associated with the proposed development is to comply with the requirements of the *City of Armadale Fencing Local Law 2011*, unless otherwise varied by the recommendations of the Final Environmental Noise Assessment approved by the City of Armadale.
- B. With regard to the Condition requiring a Landscape Plan, please refer to the City's Landscaping Guidelines – (Industrial and Commercial), Landscaping Guidelines – Plants to Avoid, the City's Urban Forestry Strategy and Landscape Factsheet - Trees for Confined Spaces to assist you to formulate a satisfactory landscaping proposal. Copies of these documents are available on the City's website at: <https://www.armadale.wa.gov.au/planning-information-sheets>
- C. With regard to the condition requiring a Final Environmental Noise Assessment, the applicant is advised to consider acoustic impacts prior to Building Permit stage to confirm that the completed development and Final Environmental Noise Assessment can comply with the *Environmental Protection (Noise) Regulations 1997*.
- D. With regard to part b) of the condition relating to the City of Armadale's PLN 3.12 – Percent for Public Art, the arts approval process is outlined under section 5 of the policy and the proponent will be required to lodge a Public Art Submission Form to the City, which is available on the City of Armadale's website.

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- E. Lighting shall comply with Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting" or its equivalent and the City's Environment, Animals and Nuisance Local Laws.
- F. The premises is required to be registered with the Local Government in accordance with the Food Act 2008; the applicant is required to submit an *Application for Registration of a Food Business* accompanied with the appropriate registration fee a minimum of two weeks prior to commencing operation.
- G. Compliance with *Food Act 2008*, the *Food Regulations 2009*, the *Australia New Zealand Food Standards Code* and the *Australian Standard AS4674:2004 Design, construction and fit-out of food premises*. Detailed fit-out plans, including elevations, are to be submitted with the building licence application showing all fixtures, fittings and finishes.

The Report Recommendation (as amended) was put and CARRIED (3/1).

For: Eugene Koltasz
Ian Birch
Neema Premji

Against: Cr Caroline Wielinga

REASON: The majority of the Panel considered that the proposed Child Care Premises is compatible with the Planning Framework for the locality and is compatible with the objectives of the Residential Zone under Development Area 31 Structure Plan. The proposal is considered to generally comply with the criteria outlined for Child Care Premises under the City's Local Planning Policy PLN 3.2 Child Care Premises and Family Day Care.

The design of the premises is considered to be consistent with the scale and type of existing and future type of development envisaged in the locality. Conditions have been applied to the approval to mitigate any potential adverse impact of the development on surrounding uses.

Particular consideration has been given to imposing conditions requiring preparation and compliance with a Bushfire Management Plan and Bushfire Emergency Evacuation Plan for the Premises.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Cr Caroline Wielinga (Local Government DAP Member, City of Armadale) left the panel at 9:59am.

Eugene Koltasz
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PART C – CITY OF ROCKINGHAM

Cr Mark Jones & Cr Dawn Jecks (Local Government DAP Members, City of Rockingham) joined the panel at 10:00am.

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 Additional Information.

2. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Members, Cr Mark Jones and Cr Dawn Jecks, declared that they had participated in a prior Council meeting in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr Jones and Cr Jecks acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the DAP executive director determined that the members listed above, who have disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

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

Deputations and Presentations

Rhys Kelly (Braykell Two Pty Ltd) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Behnam Bordbar (Transcore) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

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

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

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REPORT RECOMMENDATION

Moved by: Cr Mark Jones

Seconded by: Neema Premji

With the approval of the mover and seconder, the following amendment was made:

With regard to the proposed Child Care Premises on Parcel 1:

- (i) *No more than 82 children are to be accommodated at the Child Care Premises;*
- (ii) *Operations are restricted to between 6.30am and 6.30pm Mondays to Fridays, with up to four (4) days **per annum** open in the weekends for open days; and*
- (iii) *The car parking for the Child Care Centre must be made available for customer and staff parking for the overall commercial development, outside of the operating hours of the Child Care Centre.*

REASON: To provide clarity as to the number of times that the centre will be open on weekends.

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

Approve DAP Application reference DAP/23/02551 and modified development plans received on 13 February 2024 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. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. Prior to applying for a Building Permit, a Construction Management Plan is to be submitted to and approved by the City of Rockingham addressing but not limited to:
 - (i) Hours of construction;
 - (ii) Traffic Management including, a Traffic Management Plan addressing site access, egress and parking arrangement for staff and contractors;
 - (iii) Management of vibration and dust;
 - (iv) Management of construction noise and other site generated noise; and

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- (v) A complaints resolution procedure, including the requirement to maintain a complaints log which shall be provided to the City if required in writing within one (1) business day.

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

4. Prior to commencement of works, engineering drawings for a pedestrian crossing between the development site and the Foreshore Reserve must be submitted by a suitably qualified person to the City of Rockingham for approval.
These works must be constructed, in accordance with the approved plans, prior to occupation of the Tavern.
5. Engineering drawings for all other works within the development site and along the existing road reserves must be submitted to the City of Rockingham for approval prior to commencing of works on and off site.
All works must be completed to the satisfaction of the City of Rockingham.
6. 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 and those plans must be submitted to the City of Rockingham for approval.
All stormwater generated by the development must be managed in accordance with *Local Planning Policy 3.4.3 - Urban Water Management* to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
7. Prior to the occupation of the development, any damage to existing City infrastructure within the road reservation or Foreshore Reserve including kerb, road pavement and footpaths is to be repaired to the satisfaction of the City of Rockingham, at the cost of the Applicant.
8. Prior to occupation of the development, the car parking area must:
 - (i) provide a minimum of 159 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 1A for Staff Bays, User Class 3A for visitors of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;
 - (iii) provide three (3) 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;

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- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
 - (v) comply with the above requirements for the duration of the development.
9. Seventeen on-street car parking spaces must be provided along Malibu Road and Safety Bay Road. The car parking spaces must:
- (i) be designed, constructed, sealed, kerbed, drained and marked in accordance with Australian Standard AS 2890.5—1993, 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 maintained thereafter; and comply with the above requirements for the duration of the development.
10. In accordance with City of Rockingham *Local Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities*, short-term and long-term bicycle parking spaces must be provided across 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.
11. In accordance with City of Rockingham *Local Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities*, secure hot-water showers, change rooms and clothing lockers must be provided across the development, which must be designed in accordance with the Policy and approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The showers, change rooms and lockers must be retained and maintained in good and safe condition for the duration of the development.
12. Prior to applying for a Building Permit, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, including noise emanating from the Tavern, will comply with the *Environmental Protection (Noise) Regulations 1997*, must be submitted to and approved by the City of Rockingham.
13. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Acoustic Assessment must include the following information:

- (i) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is

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received at the nearest 'noise sensitive premises' and surrounding residential area;

- (ii) tonality, modulation and impulsiveness of noise sources; and
- (iii) confirmation of the implementation of noise attenuation measures including perimeter wall requirements, and management controls for car parking areas, loading, servicing and delivery.

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

14. An operational Noise Management Plan (NMP) shall be prepared to the satisfaction of the City of Rockingham prior to the Occupation Permit being lodged demonstrating how all noise from the Tavern will be controlled to comply with the *Environmental Protection (Noise) Regulations 1997*. The approved NMP shall thereafter be implemented for the duration of the development.
15. Floodlighting must not be illuminated after 10pm or before 7am on any day. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—2019, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.
16. 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 to Malibu Road and Safety Bay Road;
 - (ii) any lawns to be established and areas to be mulched;
 - (iii) those areas to be reticulated or irrigated;
 - (iv) the provision of a minimum 12 trees to be planted in the adjoining street verges and road reserve and a minimum 40 shade trees throughout the development site;
 - (v) proposed upgrading to landscaping, paving and reticulation of all verge areas;
 - (vi) Detailed landscape, irrigation, lighting and street furniture plans; and
 - (vii) The paving material used for the footpaths shall be carried across driveways in order to maintain the visual continuity of the pedestrian network and aid pedestrian legibility.

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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.

17. Prior to occupation of the development, the existing Easement 'A' over Lot 100 granted in favour of the City of Rockingham shall be formally relocated to align with the approved Site Plan, Rev R, dated 12/2/24 (Hindley & Associates).
18. In accordance with *Local Planning Policy 3.3.25 - Percent for Public Art - Private Developer Contribution*, prior to occupation of the development, the developer shall either:
 - (i) Submit to the City of Rockingham for approval an artwork designed by a professional artist at a cost of 1% of the total project cost (being \$120,000), to be located within the subject site in an area which must be publicly visible for the duration of the development;
 - (ii) Enter into a contract with a professional artist/s to design and install the artwork approved by the City of Rockingham;
 - (iii) The artwork shall then be installed prior to occupation of the development and maintained thereafter to the satisfaction of the City of Rockingham; or
 - (iv) Make a contribution to the City of Rockingham equal to 1% of the total construction value for the provision of public art, being \$120,000 in value.
19. Entries and window frontages of the building elevations facing Malibu Road, Safety Bay Road and the internal carpark must contain clear, transparent glass, and not be covered, closed or screened off (including by means of dark or other tinting, shutters, curtains, blinds, posters, paint, roller doors or similar), to ensure that visibility and a commercial, interactive frontage is available between the development and the public domain at all times.
20. Prior to applying for a Building Permit, a Sign Strategy must be prepared which must include the information required by *Local Planning Policy 3.3.1 - Control of Advertisements*, to the satisfaction of the City of Rockingham, and it must thereafter be implemented for the duration of the development.
21. Prior to applying for a Building Permit, a schedule of the colours and textures of the building materials, must be provided to the satisfaction of the City of Rockingham. The development must be finished in accordance with the schedule provided and approved by the City of Rockingham, prior to occupation of the development and maintained for the duration of the use.
22. Prior to applying for a Building Permit, all service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, must be designed to be located away from public view and/or screened, and this design must be provided to, and approved by the City of Rockingham.

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23. Prior to applying for a Building Permit, written confirmation from a suitably qualified HVAC mechanical engineer must be received confirming that the proposed mechanical ventilation systems will comply with relevant indoor air quality standards (AS 1668.2) and that the ventilation capacity and flow has been designed to accommodate the patron loading and activities within the building with doors and windows closed. Detailed requirements for the system are to be provided to the Acoustic Consultant to ensure suitable acoustic treatments for the system are considered and indicated on the Building Permit application or clearance of Condition 12, whichever occurs first.
24. With regard to the proposed Child Care Premises on Parcel 1:
 - (i) No more than 82 children are to be accommodated at the Child Care Premises;
 - (ii) Operations are restricted to between 6.30am and 6.30pm Mondays to Fridays, with up to four (4) days open in the weekends for open days; and
 - (iii) The car parking for the Child Care Centre must be made available for customer and staff parking for the overall commercial development, outside of the operating hours of the Child Care Centre.

Advice Notes

1. In regards to Condition 12, in order to reduce the sense of enclosure for residents at the adjoining residential properties, the Acoustic Report shall consider the following options:
 - Construct the top 600mm of the required 2.4m high noise barrier from acoustic rated clear Perspex material if constructed on the north-eastern property boundary; or
 - Set back the 2.4m high acoustic barrier onto the subject site away from the common property boundary.
2. The development must comply with the *Food Act 2008*, the *Food Safety Standards* and Chapter 3 of the *Australian New Zealand Food Standards Code (Australia Only)*; the Applicant and owner should liaise with the City's Health Services in this regard.
3. A Building Permit must be obtained for the proposed works prior to commencement of site works. The Applicant and owner should liaise with the City's Building Services in this regard.
4. The Tavern is to comply with the *Liquor Control Act 1988*. All relevant approvals and licenses are to be sought prior to the occupation of the development in conjunction with the Department of Local Government, Sport and Cultural Industries (DLGSC).
5. The development must comply with the *Health (Public Building) Regulations 1992*; the Applicant and owner should liaise with the City's Health Services in this regard.

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6. The Applicant is responsible for protecting any existing City streetscape assets along Safety Bay Road and Malibu Road during the course of the project. This includes any existing streetscape lighting, grated gully pits, side entry pits, kerbing, footpaths, trees, turf etc. If any damage is caused to the existing assets (identified to be retained), they must be rectified to the satisfaction of the City of Rockingham. It is recommended that a photographic dilapidation report is undertaken by the Applicant, to record the current condition of these assets.
7. The proposed development has been approved on the basis of the following land uses:

Parcel 1 - Child Care Premises;

Parcel 2:

- Unit 1 - Shop (Pharmacy);
- Units 2 and 3 - Medical Centre;
- Units 4 and 5 - Restaurant
- Unit 6 - Cafe;
- Unit 7 - Consulting Rooms (Physiotherapists);
- Unit 8 - Recreation Private (Medical gymnasium); and

Parcel 3 - Tavern.

A separate Development Approval may be required for the occupation of any tenancy not specified in this approval, prior to the occupation of the tenancy. The City's Planning Services should be contacted to determine whether development approval is required.

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

REASON: The Panel was satisfied that the proposed redevelopment of the former Waikiki Hotel site was consistent with the aims and objectives of the City of Rockingham Town Planning Scheme No2 and relevant Local Planning Policies (LPP), including LPP 3.3.23 – Waikiki Hotel Site.

The Panel considered that the proposed development had satisfied the requirements for parking provision, the Child Care Premises noise impacts and the design of premises along the street frontages to ensure compliance with active main street design guidelines under LPP 3.3.23. The interaction of the proposed tavern and the foreshore reserve car park is also considered to be satisfactorily resolved by the proponents undertaking to incorporate a pedestrian crossing within the Safety Bay Road between the tavern and foreshore reserve.

4. Form 2 DAP Applications

Nil.

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5. Section 31 SAT Reconsiderations

Nil.

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PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

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

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DR75/2022 DAP/18/01543	City of Joondalup	Portion of 9040 (34) Kallatina Drive, Iluka	Mixed Commercial Centre (Iluka Plaza)	02/05/2022
DR169/2023 DAP/23/02486	City of Swan	Lot 1 (No.9) Waterhall Road, South Guildford	Child Care Premises	13/11/2023
DR175/2023 DAP/22/02166	City of Joondalup	1 Lyell Grove (Lot 2), Woodvale	Child Care Premises	30/11/2023
DR179/2023 DAP/22/02358	Shire of Serpentine Jarrahdale	Lot 806 South Western Highway, Byford	Proposed Showroom and Fast Food/Takeaway Development	4/12/2023

Finalised SAT Applications*				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DR135/2023 DAP/23/02447	City of Rockingham	Lot 622 (No.2) Aurea Boulevard, Golden Bay	Proposed mixed commercial development (Golden Bay Neighbourhood Centre)	11/08/2023

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

*Matters finalised during the last meeting cycle.

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2. General Business

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

3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:33am.

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