



Metro Outer Development Assessment Panel Related Information

Meeting Date and Time: Wednesday, 12 June 2024; 9:30am
Meeting Number: MODAP/17

PART B – CITY OF ROCKINGHAM

1. Declarations of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 3022 Morfontaine Parade, Port Kennedy – Proposed Tavern, Brewery and Short Stay Accommodation – DAP/24/02659
 - 3.2 431 Surf Drive, Secret Harbour – Child Care Premises – DAP/24/02661
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations



Attendance

Officers in attendance

David Banovic (City of Rockingham)
Mike Ross (City of Rockingham)
Chris Parlane (City of Rockingham)
Nyah Cheater (City of Rockingham)

Applicants and Submitters

Item 3.1

Adrian Dhue (Lateral Planning)
Jess Beaver (MJA Studio)
Reyne Dial (Place Development)

Item 3.2

Ross Underwood (Planning Solutions)



PART B – CITY OF ROCKINGHAM

1. Declarations of Due Consideration

2. Disclosure of Interests

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

3. Form 1 DAP Applications

- 3.1 Lot 3022 Morfontaine Parade, Port Kennedy – Proposed Tavern, Brewery and Short Stay Accommodation – DAP/24/02659

3.1.1 Deputations and Presentations

Jess Beaver (MJA Studio) presenting in support of the recommendation for the application at Item 3.1. The presentation will address the architectural merits of the application.

Reyne Dial (Place Development) presenting in support of the recommendation for the application at Item 3.1. The presentation will address the context of the development of the overall Port Kennedy area and request the applicant's alternative recommendation be support.

Adrian Dhue (Lateral Planning) presenting in support of the recommendation for the application at Item 3.1. The presentation will address the town planning framework and proposed amendments to the conditions of planning 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.



3.2 431 Surf Drive, Secret Harbour – Child Care Premises – DAP/24/02661

3.2.1 Deputations and Presentations

Ross Underwood (Planning Solutions) presenting in support of the recommendation for the application at Item 3.1. The presentation will address the developer's view to retain certain trees on site as part of the development if possible and request the deletion of proposed Condition 9.

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

3.2.2 Additional Information

Nil.

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	Jess Beaver
Company (if applicable)	MJA Studio
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 Development Assessment Panel
Meeting Date	12 June 2024
DAP Application Number	DAP/24/02659
Property Location	Lot 3022 Morfortaine Parade, Port Kennedy
Agenda Item Number	Part B – Item 3.2

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content <u>will be</u> published as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u>)? (contained within the Agenda)	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 checked="" type="checkbox"/> NO <input 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> Jess Beaver will address the architectural merits of the development.
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In accordance with Clause 3.6.2 of the *DAP Standing Orders*, your presentation request must also be accompanied with a written document setting out the substance of the submission. If the presentation references documents that are contained within the responsible authority attachments, please consider referencing the attachment and not including a duplication of documents.

Please attach detailed content of presentation or provide below:-

Refer to attached presentation.

Long Point Brewing Co. + Short Stay

Kennedy Bay

Metro Outer DAP Presentation



June 2024

MJA acknowledges the traditional custodians of
the land and waters of Australia.

Longpoint Brewing Co. and Short Stay

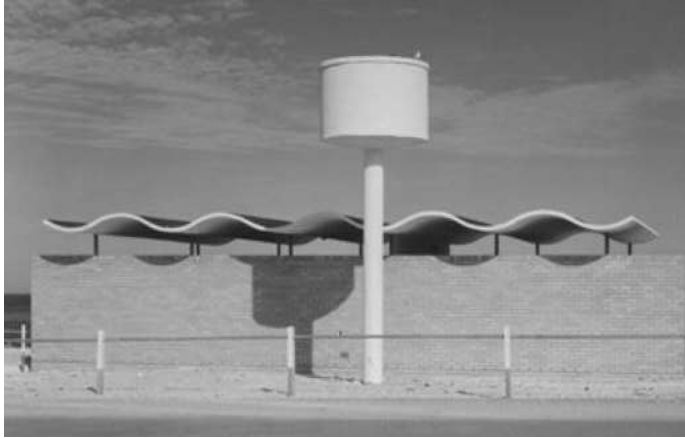
A social, community focused, landmark destination located within the future Kennedy Bay Coastal Village.



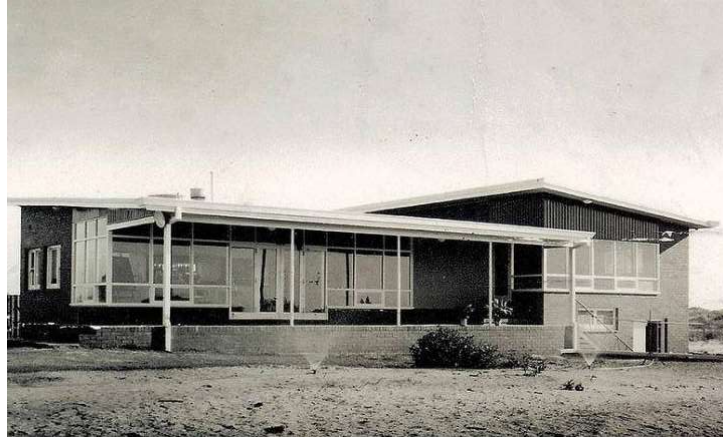


..we plan to provide short stay accommodation, two-storey tavern, brewery + distillery, parkside kiosk and outdoor alfresco...

..a design with some thoughtful references to local character..



Waikiki Beach amenities block



Rockingham Golf Club



Safety Bay Library

...and coastal hero landmarks



Watsons Bay Hotel, Sydney



The Astor, Albury



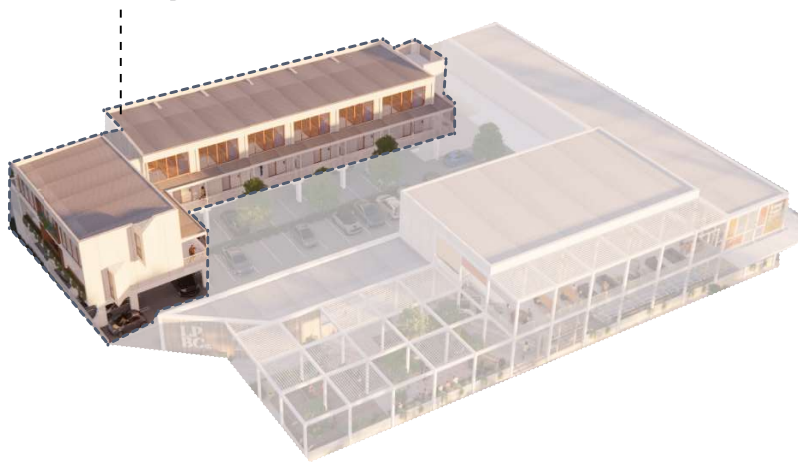
Gage Roads Fremantle

Short Stay Accommodation

9 keys across two floors,
with sleeved parking
below

A destination tourism
offering for local visitors
to Port Kennedy

Short Stay Accommodation





View along Sea Beach Way

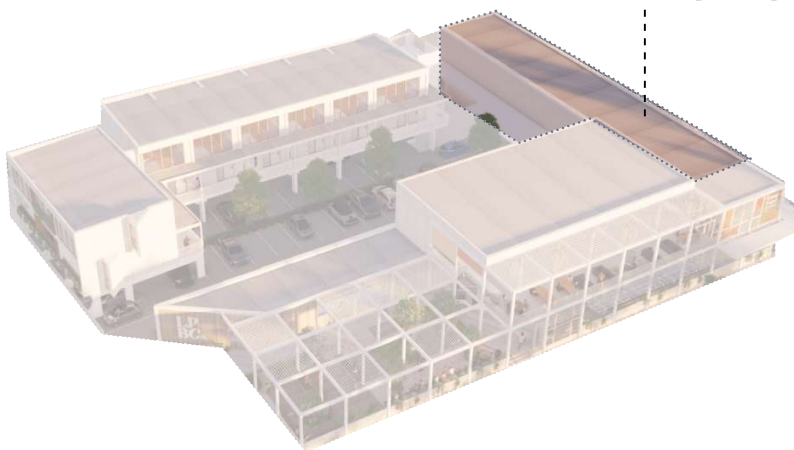
Brewery + Distillery

350m2 craft brewery,
offering local beer and
boutique spirits served in
the tavern

Hero views and strong
identity features along
the foreshore plaza and
Sea Beach Way



Brewery & Distillery



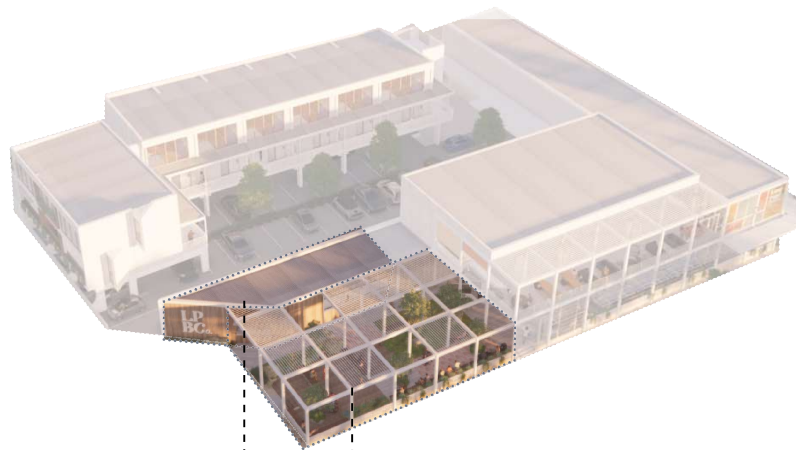


View from Foreshore Plaza

Kiosk, Garden Bar + Alfresco

Early morning coffees and family friendly takeaways

Licensed outdoor alfresco that sits comfortably alongside the foreshore reserve, jetty and playgrounds



Kiosk and Garden Bar

Outdoor Alfresco





..a place for social connectivity, connected by sand, sea or car...

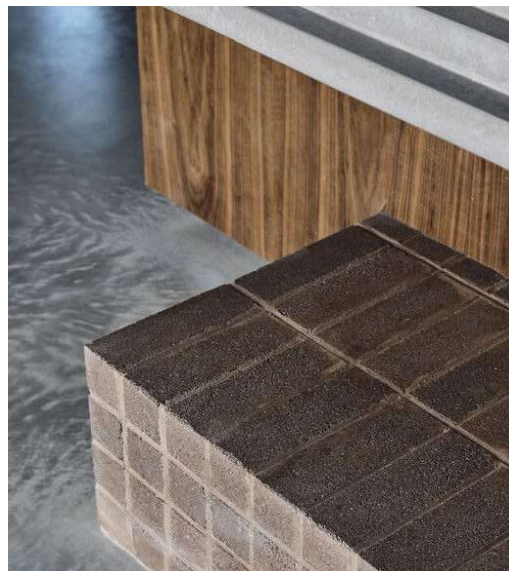
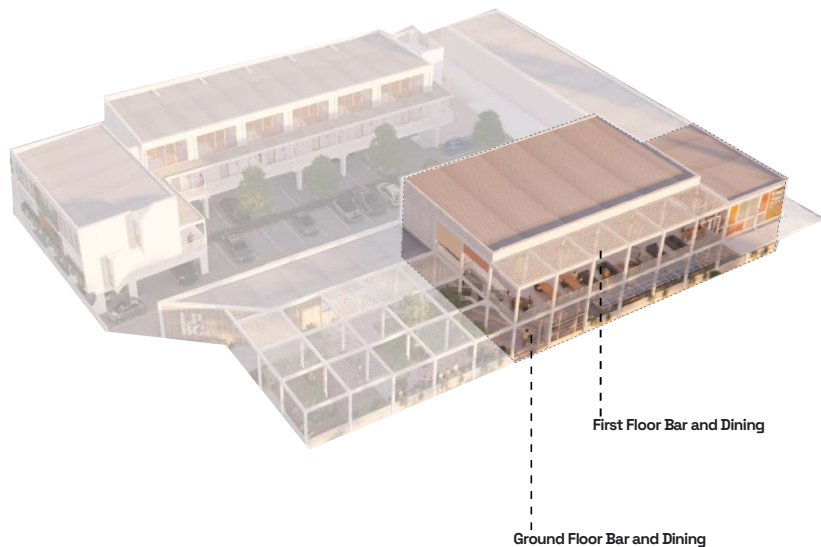


..plenty of seats for icecream, entertainment, conversations, and quality food...

Tavern - Bar and Dining

Ocean-facing offering across two floors

Spacious, year-round, family friendly offering for locals and visitors









First floor balcony views towards the ocean



With recommendation for approval from the City of Rockingham and unanimous support from local council...



..Long Point Brewing Co. and Short Stay provides a high-quality, benchmark hospitality destination for the community of Port Kennedy and beyond.

An architectural rendering of a modern, two-story building with large glass windows and a white frame. The building is surrounded by trees and a sidewalk with people walking. The text "Long Point Brewing Co." is visible on the upper right window. The text "Thank you." and the MJA logo are centered over the image.

Long
Point
Brewing
Co.

Thank you.





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Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Reyne Dial
Company (if applicable)	Place Development
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 Development Assessment Panel
Meeting Date	12 June 2024
DAP Application Number	DAP/24/02659
Property Location	Lot 3022 Morfortaine Parade, Port Kennedy
Agenda Item Number	Part B – Item 3.2

Presentation Details

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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*

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Brief sentence summary for inclusion in the Additional Information as part of the agenda	<i>The presentation will address:</i> Mr Reyne Dial will address the context of the development of the overall Port Kennedy area and request the Applicants alternative recommendation be supported.
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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:-

Click or tap here to enter text.



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Presenter Details

Name	Adrian Dhue
Company (if applicable)	Lateral Planning
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 Development Assessment Panel
Meeting Date	12 June 2024
DAP Application Number	DAP/24/02659
Property Location	Lot 3022 Morfontaine Parade, Port Keenedy
Agenda Item Number	Part B – Item 3.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content <u>will be</u> published as part of the Agenda:	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"/>
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Presentation Content*

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

Please attach detailed content of presentation or provide below:-

Refer to **enclosed** Presentation Request and supporting attachments.

6 June 2024

**APPLICANT'S SUBMISSION TO
METRO OUTER DEVELOPMENT ASSESSMENT PANEL MEETING OF 12TH JUNE 2024
AGENDA PART B ITEM 3.1 – PROPOSED TAVERN, BREWERY AND SHORT STAY
ACCOMMODATION
LOT 3022 MORFONTAINE PARADE, PORT KENNEDY**

Applicant's Request to DAP

Lateral Planning acts on behalf of Long Point Brewing Pty Ltd, the proponent of the proposed 'Tavern, Brewery and Short-Stay Accommodation' development at Lot 3022 Morfontaine Parade, Port Kennedy.

Kennedy Bay is new coastal village positioned along the Port Kennedy coast. With development proposals dating back to 1986, Western Australian Beach and Golf Resort (WABGR) has been actively progressing the planning and development of the village for almost 10 years. Part of the coastal village planning included a dedicated mixed-use, active town centre positioned on the coast. The coastal village forms the active nucleus of the broader development area, centred around an expansive active foreshore landscape.

Our development proposal is the catalyst for the implementation of the active vision for the town centre; incorporating the history of locality, the architectural expression of the proposal creates an attractive and vibrant precinct reflective of the WABGR vision.

Thank you to the City for its positive recommendation and the unanimous support for the Application received from the Council of the City. We respectfully request the Development Assessment Panel's **support** the Application, with amendments to the conditions consistent with our Alternative Recommendation shown at **Attachment 1**.

To assist with the consideration of the Application, **Attachment 2** includes a tabulated summary of requested condition amendments. In this regard, the Applicant requests the DAP:

1. **Delete** Conditions **1, 6, 14, 20 - 22**; and
2. **Modify** Condition **12** and **17**.

A summary of the proposed modifications and justification is provided on the following pages.

Proposed Modifications to Conditions and Justification

Condition 1:

- **Original Text:** *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.*
- **Requested Change:** Delete Condition 1.
- **Justification:** Pursuant to the *Planning and Development Act 2005*, the development is required to comply with the approved development plans and conditions set out within the determination notice. As such, there is no utility in Condition 1 and should therefore be deleted.

Condition 6:

- **Original Text:** *Engineering drawings for works within the development site and along the existing road reserves must be submitted to the Manager of Land and Development Infrastructure for approval prior to works commencing on site. All works within the Road Reserve must be completed to the satisfaction of the City of Rockingham.*
- **Requested Change:** Delete Condition 6.
- **Justification:** A building permit must be obtained prior to any works occurring onsite and engineering drawings will be included in the building permit application documentation. Condition 6 does not relate to the building permit and results in a duplication of processes that requires engineering drawings to be reviewed by and prepared to the satisfaction of the Manager of Land and Development Infrastructure, in addition to the City's Building Certifier upon lodgement of the building permit. Removing Condition 6 streamlines the approval process and eliminates unnecessary duplication ensuring efficiency and consistency at the design development stage.

Condition 12

- **Original Text:** *Prior to 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:

- *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 surrounding residential area;*
- *tonality, modulation and impulsiveness of noise sources; and*
- *confirmation of the implementation of noise attenuation measures.*

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

- **Requested Change:** Modify Condition 12 text as follows:
 - *All recommended measures included in the Revised Acoustic Report and Noise Management Plan shall be implemented prior to the occupation of the development, and be maintained thereafter to the satisfaction of the City.*
- **Justification:** Condition 11 requires that prior to application for a Building Permit, a Revised Acoustic Report and Noise Management Plan be submitted to and approved by the City of Rockingham. The original wording of Condition 12 required an “Final Acoustic Assessment” be prepared following construction and any further works being carried out in accordance with the Acoustic Report. In this regard, Acoustic Reports are assumption based only and do not take into account the evolving context in which the development is sited. The amended wording of Condition 12 is more practical, ensuring that the recommendations contained in the Revised Acoustic Report and Noise Management Plan be implemented for the life of the development. This approach is consistent recent approvals issued by the DAP.

Condition 14

- **Original Text:** *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:*
 - *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 \$65,000), to be located within the subject site in an area which must be publicly visible for the duration of the development;*
 - *Enter into a contract with a professional artist/s to design and install the artwork approved by the City of Rockingham;*
 - *The artwork shall then be installed prior to occupation of the development and maintained thereafter to the satisfaction of the City of Rockingham; or*
 - *Make a contribution to the City of Rockingham equal to 1% of the total construction value for the provision of public art, being \$65,000 in value.*
- **Requested Change:** Delete Condition 14.
- **Justification:** The landowner of Lot 3022 Morfontaine Parade, WABGR, has committed approximately \$250,000.00 to the delivery of public art throughout the Foreshore Reserve and Public Plaza as part of the delivery of the overall Landscaping Masterplan. This represents a significant commitment to the enhancement of the overall precinct and streetscape outcomes. The Foreshore Reserve and Public Plaza immediately about the Site and the development has been designed to directly integrate with these reserve areas.

It is also noted that artistic elements will be incorporated into the overall design and delivery of the Brewery Development reinforcing its place in the Local Centre and connecting the history and context of the area.

Imposing an additional requirement for public art within the Site, or the requirement for a further financial contribution is not related to context of the development and voluntary public art contributions already made by the landowner.

Condition 15

- **Original Text:** *Prior to applying for a Building Permit, a Traffic Sightline Safety Audit shall be prepared by a suitably qualified expert that verifies that compliant sight distance is provided for vehicles leaving the car park in proximity to the adjacent proposed commercial vehicle loading bay in the street verge, to the satisfaction of the City of Rockingham. The applicant shall implement any recommended mitigation measures required to achieve compliance.*
- **Requested Change:** Modify Condition 15 text as follows:
 - *Prior to applying for Building Permit, a Traffic Sightline Safety Audit shall be prepared by a suitably qualified expert that verifies that the configuration of the vehicle crossover and proposed commercial vehicle loading bay in the street verge do not cause any road safety concerns to the satisfaction of the City of Rockingham. The applicant shall implement any recommended mitigation measures identified in the Traffic Safety Sightline Audit.*
- **Justification:** As identified in the Transport Impact Statement prepared by KCTT, the inclusion of the commercial loading bay in the verge generates a partial departure from the sightline requirements of AS2890.1. The original wording of Condition 15 requires compliant sightlines, which has been identified as not being achievable when the commercial vehicle bay is in use. Notwithstanding, this departure can be adequately managed through mitigation measures including but not limited to, spotters during deliveries, use of the commercial loading bay being restricted to times outside of the operating hours of the brewery / tavern (when the crossover is not in use) and tangible measures, such as convex safety mirrors.

Therefore, the proposed modification to the wording of Condition 15 maintains the requirement for a "Traffic Sightline Safety Audit", which identifies measures to mitigate road safety concerns, and any recommended mitigation measures be implemented.

Condition 17

- **Original Text:** Entries and window frontages of the building facing the Foreshore Plaza 'main street' 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.

- **Requested Change:** Modification Condition 17 as follows:
 - *Unless otherwise approved or exempt, entries and window frontages of the building facing the Foreshore Plaza 'main street' 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.*
- **Justification:** The original wording of Condition 17 is overly restrictive and prohibits any form of signage, branding or glazing being installed to the window frontages facing the Foreshore Plaza.

As depicted in the development application plans, areas along the building façade facing the Foreshore Plaza have been designated as potential signage locations. The City of Rockingham Local Planning Policy 3.3.1 – Control of Advertisements provides guidance with respect to signage in which development approval is required for, as well as, signage that is exempt from requirement development approval.

The proposed modification to the wording of Condition 17 ensures flexibility for the future Brewery / Tavern operator to install advertising signage, branding (or similar) on the window frontages, subject to approval for satisfaction of the exemptions, without compromising the overall intent of the original condition.

Condition 20

- **Original Text:** Prior to occupation of the development, public access easement(s) in accordance with Sections 195 and 196 of the Land Administration Act 1997 are to be placed on the certificate of title for portion of Lot 3007 Port Kennedy Drive, Port Kennedy (Golf Course Car Park). Notice of this easement is to be included on the Deposited Plan to the satisfaction of the City of Rockingham.
- **Requested Change:** Delete Condition 20.
- **Justification:** Condition 20 does not serve a direct planning purpose related to the proposed development. The portion of Lot 3007 Port Kennedy Drive, Port Kennedy (Golf Course Car Park) reflected within proposed Condition 20 is owned by the State of Western Australia and not within the Applicant's control. Imposing a public access easement on land unrelated to the Application is inappropriate, cannot be facilitated by our Client and requires the consent of an unrelated third party. That is, Condition 20 necessitates the State agreeing to an easement of its unrelated land, which cannot be guaranteed through the clearance of this condition.

Further to the above, the *Kennedy Bay Coastal Village Local Development Plan (LDP)* and *Kennedy Bay Coastal Village Town Centre Parking Strategy (Parking Strategy)* were approved

by the City in March 2024. The LDP and Car Parking Strategy contemplates reciprocal parking throughout the entire Kennedy Bay Coastal Village Precinct and the primary objective of the Parking Strategy was to illustrate that the parking proposed within the precinct is appropriate to support the land uses contemplated within the LDP. It is therefore considered that the planning framework manages the reciprocity of parking throughout the Precinct, where public access easements over land unrelated to the proposed development are inappropriate. It is therefore requested; Condition 20 be removed.

Condition 21

- **Original Text:** *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. Notice of this easement is to be included on the Deposited Plan to the satisfaction of the City of Rockingham.*
- **Requested Change:** Delete Condition 21.
- **Justification:** Similar to Condition 20, Condition 21 does not serve a planning purpose related to the proposed development. Condition 21 requires a legal agreement between WABGR and the City over proposed future Lot 4 (Lot 3023) Morfontaine Parade, Port Kennedy. Proposed Lot 4 has not yet been created and is not the subject of a development application. At this stage, the use, built form outcome and number and arrangement of parking bays is uncertain. The Applicant therefore requests that Condition 21 be deleted.

Condition 22

- **Original Text:** To facilitate access for a private waste servicing vehicle the plans shall be amended to increase the vertical clearance at the car park entrance to 3.650m minimum, consistent with the Western Australian Local Government Association (WALGA) Multiple Dwelling Waste Management Plan Guidelines.
- **Requested Change:** Delete Condition 22.
- **Justification:** The development proposes the car park entrance with a vertical clearance of 2.3m. As detailed in the Waste Management Plan, the collection of waste generated by the tavern and brewery will be undertaken onsite using a private contractor. In accordance with Condition 13 and Advice Note 1, prior to lodgement of a building permit, an updated Waste Management Plan is required to be lodged to the satisfaction of the City of Rockingham. As part of the updated WMP, confirmation will be provided that the nominated private waste contractor has a waste vehicle that can access the Site.

The additional 1.35m clearance poses an unnecessary constraint and is unreasonable as it results in a significant negative impact on the development. Achieving compliance with Condition 22 results in the loss of two (2) accommodation units (23%) due to amendments to floor levels, service relocations and stair riser modifications. As such, it is therefore

considered that Condition 22 does not serve a planning purpose and can be adequately addressed through the enforcement of Condition 13 and Advice Note 1.

Summary

The proposed Long Point Brewery and Short-Stay Accommodation at Lot 3022 Morfontaine Parade, Port Kennedy represents a major milestone in the urban expansion and delivery of the Kennedy Bay residential precinct and will serve as a catalyst for meaningful activation and development of the Town Centre. The use of the Site is consistent with the current and draft planning framework, as summarised below:

- The Site is zoned for 'Urban' Development pursuant to the Metropolitan Region Scheme.
- The Site is zoned 'Development' under the City of Rockingham Local Planning Scheme No. 2.
- The Site is designated for 'Commercial' development pursuant to the draft Kennedy Bay Local Structure Plan.
- 'Tavern', 'Brewery' and 'Serviced Apartments' are capable of approval at the Site and are 'preferred' land uses at the Site under the provisions of the approved Kennedy Bay Coastal Village Local Development Plan.

The development has been architecturally designed by MJA Studio to an exceptional standard and with the core design brief of creating an attractive, vibrant and sustainable entertainment setting that seamlessly integrates with the overall foreshore landscaping and plaza areas.

As such, the DAP is requested to approve the development as per the recommendation provided by the City, with minor modifications to the conditions as set out at Attachment 1.

Attachment 1

Applicant Alternative Recommendation

Part B – Item 3.1 – LOT 3022 MORFONTAINE PARADE, PORT KENNEDY – PROPOSED TAVERN, BREWERY AND SHORT STAY ACCOMMODATION

Alternative Recommendation

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

APPROVE DAP Application reference DAP/24/02659 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 the City of Rockingham Town Planning Scheme No.2 (TPS2), subject to the following conditions:

1. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Prior to applying for a Building Permit, 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 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.

3. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
4. Prior to occupation of the development, a crossover is to be constructed in accordance with the City's Commercial Crossover Specifications to the satisfaction of the City of Rockingham.
5. An inspection of the existing infrastructure surrounding the proposed area of works needs to be identified and documented prior to works commencing. Particular interest is to be paid to the state of the existing road pavements. Any damage due to the works, will need to be repaired to the satisfaction of the Manager Land & Development Infrastructure.
6. Prior to occupation of the development the car parking area must:
 - (i) provide a minimum of 45 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 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 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) comply with the above requirements for the duration of the development; and
 - (vi) all 45 car parking bays within the development complex must be accessible for customer, and staff parking at all times and not be gated or otherwise physically controlling access.
7. Prior to applying for a Building Permit, a 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;
 - (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.

The 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.

8. In accordance with City of Rockingham Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities, 10 short term and 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.
9. Prior to applying for a Building Permit, a Revised Acoustic Report and a Noise Management Plan must be submitted to and approved by the City of Rockingham, that includes appropriate noise mitigation and management measures to ensure that all mechanical services associated with the proposed development and any other noise source, including noise emanating from Licensed Premises will comply with the *Environmental Protection (Noise) Regulations 1997*.
10. All recommended measures included in the Revised Acoustic Report and Noise Management Plan shall be implemented prior to the occupation of the development, and be maintained thereafter to the satisfaction of the City.

11. 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 location of bin storage areas and bin collection areas;
- (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
- (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
- (iv) frequency of bin collections.

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

12. Prior to applying for a Building Permit, a Traffic Sightline Safety Audit shall be prepared by a suitably qualified expert that verifies that the configuration of the vehicle crossover and proposed commercial vehicle loading bay in the street verge do not cause any road safety concerns, to the satisfaction of the City. The applicant shall implement any recommended mitigation measures identified in the Traffic Safety Sightline Audit.
13. 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.
14. Unless otherwise approved, entries and window frontages of the building facing the Foreshore Plaza 'main street' 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.
15. Prior to building occupancy, the developer responsibilities outlined in Table 3 of the 'Kennedy Bay Brewery - Element 5 Vulnerable Tourism Land Uses Assessment Report', prepared by Bushfire Safety and dated 21/2/2024, shall be implemented and maintained thereafter for the duration of the development.
16. The development shall be managed to prevent the emission or transmission of odour which unreasonably interferes with the health, welfare, convenience, comfort or amenity of surrounding premises.

Advice Notes:

1. Regarding Condition 13, the applicant is advised that the WMP should be updated to consider the need to accommodate:
- A full complement of FOGO bins (which the City is preparing to implement); and
 - A waste collection vehicle that can enter the car park to collect the

commercial waste bins, given the vertical clearance provided at the vehicle entry to the first floor slab level.

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.
6. The Applicant is responsible for protecting any existing City streetscape assets 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.

Attachment 2

Condition Amendments Summary Table

Lot 3022 Morfontaine Parade, Port Kennedy – Proposed Tavern, Brewery and Short Stay Accommodation – DAP24/02659		
Cond.	Proposed Condition Amendments	Applicant Comment
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.	Request removal of Condition 1.
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.	No change.
3	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 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.	No change.
4	Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures must be implemented within the time and in the manner directed by the City of Rockingham in the event that sand, or dust is blown from the site.	No change.
5	Prior to occupation of the development, a crossover is to be constructed in accordance with the City's Commercial Crossover Specifications to the satisfaction of the City of Rockingham.	No change.
6	Engineering drawings for works within the development site and along the existing road reserves must be submitted to the Manager of Land and Development Infrastructure for approval prior to works commencing on site. All works within the Road Reserve must be completed to the satisfaction of the City of Rockingham.	Request removal of Condition 6.
7	An inspection of the existing infrastructure surrounding the proposed area of works needs to be identified and documented prior to works commencing. Particular interest is to be paid to the state of the existing road pavements. Any damage due to the works, will need to be repaired to the satisfaction of the Manager Land & Development Infrastructure.	No change.
8	Prior to occupation of the development the car parking area must: (i) provide a minimum of 45 car parking spaces; (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 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 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) comply with the above requirements for the duration of the development; and (vi) all 45 car parking bays within the development complex must be accessible for customer, and staff parking at all times and not be gated or otherwise physically controlling access.	No change.

Lot 3022 Morfontaine Parade, Port Kennedy – Proposed Tavern, Brewery and Short Stay Accommodation – DAP24/02659		
Cond.	Proposed Condition Amendments	Applicant Comment
9	<p>Prior to applying for a Building Permit, a Landscaping Plan must be submitted and approved to the satisfaction of the City of Rockingham and shall include the following detail:</p> <ul style="list-style-type: none"> (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area inclusive of the verge; (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. <p>The 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.</p>	No change.
10	<p>In accordance with City of Rockingham Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities, 10 short term and 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.</p>	No change.
11	<p>Prior to applying for a Building Permit, a Revised Acoustic Report and a Noise Management Plan must be submitted to and approved by the City of Rockingham, that includes appropriate noise mitigation and management measures to ensure that all mechanical services associated with the proposed development and any other noise source, including noise emanating from Licensed Premises will comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>	No change.
12	<p>All recommended measures included in the Revised Acoustic Report and Noise Management Plan shall be implemented prior to the occupation of the development, and be maintained thereafter to the satisfaction of the City. 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 <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>The Final Acoustic Assessment must include the following information:</p> <ul style="list-style-type: none"> (i) noise sources compared with the assigned noise levels as stated in the <i>Environmental Protection (Noise) Regulations 1997</i>, when the noise is 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. <p>Any further works must be carried out in accordance with the Acoustic Report and implemented as such for the duration of the development.</p>	Modification to wording of Condition 12 as shown in red text.
13	<p>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:</p> <ul style="list-style-type: none"> (i) the location of bin storage areas and bin collection areas; (ii) the number, volume and type of bins, and the type of waste to be placed in the bins; (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and (iv) frequency of bin collections. 	No change.

Lot 3022 Morfontaine Parade, Port Kennedy – Proposed Tavern, Brewery and Short Stay Accommodation – DAP24/02659		
Cond.	Proposed Condition Amendments	Applicant Comment
	All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.	
14	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 \$65,000), 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 \$65,000 in value.	Request removal of Condition 14.
15	Prior to applying for a Building Permit, a Traffic Sightline Safety Audit shall be prepared by a suitably qualified expert that verifies that the configuration of the vehicle crossover and proposed commercial vehicle loading bay in the street verge do not cause any road safety concerns compliant sight distance is provided for vehicles leaving the car park in proximity to the adjacent proposed commercial vehicle loading bay in the street verge, to the satisfaction of the City of Rockingham. The applicant shall implement any recommended mitigation measures identified in the Traffic Safety Sightline Audit. required to achieve compliance.	Modification of wording of Condition 15, as shown in red text.
16	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.	No change.
17	Unless otherwise approved or exempt, entries and window frontages of the building facing the Foreshore Plaza ‘main street’ 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.	Modification to wording of Condition 17, as shown in red text.
18	Prior to building occupancy, the developer responsibilities outlined in Table 3 of the ‘Kennedy Bay Brewery - Element 5 Vulnerable Tourism Land Uses Assessment Report’, prepared by Bushfire Safety and dated 21/2/2024, shall be implemented and maintained thereafter for the duration of the development.	No change.
19	The development shall be managed to prevent the emission or transmission of odour which unreasonably interferes with the health, welfare, convenience, comfort or amenity of surrounding premises.	No change.
20	Prior to occupation of the development, public access easement(s) in accordance with Sections 195 and 196 of the Land Administration Act 1997 are to be placed on the certificate of title for portion of Lot 3007 Port Kennedy Drive, Port Kennedy (Golf Course Car Park). Notice of this easement is to be included on the Deposited Plan to the satisfaction of the City of Rockingham.	Request removal of Condition 20.
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. Notice of this easement is to be included on the Deposited Plan to the satisfaction of the City of Rockingham.	Request removal of Condition 21.
22	To facilitate access for a private waste servicing vehicle the plans shall be amended to increase the vertical clearance at the car park entrance to 3.650m minimum, consistent with the Western Australian Local Government Association (WALGA) Multiple Dwelling Waste Management Plan Guidelines.	Request Condition 22 be deleted.

Lot 3022 Morfontaine Parade, Port Kennedy – Proposed Tavern, Brewery and Short Stay Accommodation – DAP24/02659		
Cond.	Proposed Condition Amendments	Applicant Comment
Advice Notes		
1	Regarding Condition 13, the applicant is advised that the WMP should be updated to consider the need to accommodate: <ul style="list-style-type: none">A full complement of FOGO bins (which the City is preparing to implement); andA waste collection vehicle that can enter the car park to collect the commercial waste bins, given the vertical clearance provided at the vehicle entry to the first floor slab level.	No change.
2	The development must comply with the <i>Food Act 2008</i> , the <i>Food Safety Standards</i> 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.	No change.
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.	No change.
4	The Tavern is to comply with the <i>Liquor Control Act 1988</i> . 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).	No change.
5	The development must comply with the <i>Health (Public Building) Regulations 1992</i> ; the Applicant and owner should liaise with the City's Health Services in this regard.	No change.
6	The Applicant is responsible for protecting any existing City streetscape assets 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.	No change.



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	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.

Meeting Details

DAP Name	Metro Outer DAP
Meeting Date	12 June 2024 (MODAP/17)
DAP Application Number	DAP/24/02261
Property Location	Lot 431 Surf Drive, Secret Harbour
Agenda Item Number	3.2

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content <u>will be</u> published as part of the Agenda:	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> Reaffirm developer's view to retain certain trees on site as part of the development if possible. Request deletion of proposed condition 9 of approval.
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In accordance with Clause 3.6.2 of the *DAP Standing Orders*, your presentation request must also be accompanied with a written document setting out the substance of the submission. If the presentation references documents that are contained within the responsible authority attachments, please consider referencing the attachment and not including a duplication of documents.

Please attach detailed content of presentation or provide below:-

Refer attached presentation summary

Presentation Summary

To:	Metro Outer DAP	From:	Ross Underwood
Meeting No:	MODAP/17	Date:	7 June 2024
Subject:	Part B Item 3.2 – Proposed Child Care Premises - Lot 431 Surf Drive, Secret Harbour		

Planning Solutions acts for Wrobek Pty Ltd, the proponent of the proposed Child Care Premises upon the subject site.

We are pleased to receive the recommendation for **approval**, having worked with the City's officers through the process. While we are satisfied with the majority of the conditions proposed, we do have a concern with Condition 9 which as written imposes a constraint to development of the child care premises. The condition reads:

9. *Prior to applying for a Building Permit, a Vegetation Retention Management Plan must be submitted and approved by the City of Rockingham for all trees identified for retention/possible retention on the approved plans. If any of the earmarked trees become no longer suitable for retention due to damage caused by site works, prior written approval is to be required from the City in order to remove tree/s.*

There are approximately five trees in the proposed outdoor play area shown on our site plan with the following notation:

*Existing trees to be retained if possible. **Note:** trees may not survive due to amount of new fill around the trunks. Trees are to be inspected by a qualified arborist to identify any trees or branches that pose a risk to children. Remove as required.*

The trees in question appear to be peppermint trees of low-medium stature, clumped closely together.



Photograph 1: View from across Surf Drive



Photograph 2: Close-up of trees

We reaffirm our view, and our client's view, is that if possible, the trees will be retained and incorporated into the outdoor play area. This will, however, rely on:

1. The introduction of 250mm – 540mm fill which has the potential to impact the health of tree root systems, as outlined by the **attached** arborist advice.
2. A playscape design that, if trees are retained, considers impact to rootzones while working within acceptable child care operational and safety standards including whether any of the trees pose a climbing hazard and whether low-hanging branches should be removed. Accessibility and safety is important and retaining for a tree wells may pose a fall risk for infants and young children.
3. Proposed Condition 15(ii) which will require *"tree canopies at maturity must be 5 metres apart"* to meet bushfire APZ standards. As some of the tree canopies touch, at least some of the trees will need to be removed to comply with Condition 15(ii).

Under the planning framework development approval is not required to remove a tree from residential private property, and the owner of the site would be in their right to clear all trees from their land. However, we reaffirm our client's commitment given in good faith to preserve the trees in the outdoor play area, if possible. We ask that this is not translated to an onerous condition that requires the local government consent to the removal of the trees. If proposed Condition 9 were to be included on an approval, our client would be within their right to remove the trees in order to avoid unnecessary obligations.

For the above reasons, we seek the DAP's approval to the development with deletion of proposed Condition 9.

Thank you for your time and consideration. We would be pleased to answer any questions.

pp

ROSS UNDERWOOD
SENIOR ASSOCIATE

John Wroth – Director
JW Property Group

6th June, 2024

Hi John,

Below is some information in follow up of our conversation the other day regarding soil level changes around trees. In summary, raising the soil (>200mm) around trees is typically not a good idea as it can often lead to tree decline and mortality. However, this is not to say it cannot be done and is dependent on species, health and the proposed land use around the tree.

Understanding the Impacts of Raising Soil Levels around Trees

Raising the soil level around a tree is a landscaping practice that can yield both positive and negative consequences, contingent upon various factors such as tree species, age, and the depth of its root zone. Firstly, the tolerance of a tree to soil disturbance significantly varies among different species. Young trees with fibrous root systems generally exhibit greater resilience to changes in soil level compared to older trees characterized by deeper taproots. Furthermore, the age and health of the tree play pivotal roles in determining its sensitivity to alterations in soil elevation. Older trees or those with compromised root systems may be more susceptible to adverse effects arising from soil manipulation. Therefore, it becomes imperative to carefully evaluate the tree's health status before undertaking any soil-raising endeavours. Additionally, the root zone of a tree, where the majority of its roots reside, typically lies within the top few inches to feet of soil. Consequently, excessive soil raising can potentially bury these vital roots, leading to a cascade of detrimental consequences such as root suffocation and a subsequent decline in tree health.

Despite the associated risks, raising the soil level around a tree can offer several benefits. Firstly, it can contribute to improved drainage, particularly in areas where the existing soil is compacted or poorly draining. By elevating the soil level, excess water can be directed away from the tree's roots, mitigating the risk of root rot and other moisture-related issues. Moreover, raising the soil level can enhance soil moisture retention, which is especially advantageous during periods of drought or water stress. Additionally, this practice aids in erosion control, safeguarding the tree's root system from exposure and damage caused by soil erosion on slopes or in runoff-prone areas. Furthermore, aesthetically, raising the soil level can provide a visually appealing landscape and create a level surface for planting or other activities.

However, despite these benefits, raising the soil level around a tree also poses inherent risks and potential negative consequences. The most significant concern is the possibility of root suffocation, whereby excessive soil raising buries the tree's root flare, inhibiting crucial oxygen exchange and ultimately leading to a decline in tree health. Stem girdling is another risk associated with soil elevation, where soil piled against the trunk of the tree constricts its growth, potentially resulting in structural problems and even tree mortality. Additionally, soil manipulation can cause unintended root damage, particularly if performed improperly or without consideration for the tree's root system. Furthermore, adding soil without assessing its nutrient content can disrupt the delicate balance of nutrients available to the tree, potentially resulting in nutrient deficiencies or toxicities.



ARBORITE

TREE MANAGEMENT SOLUTIONS

David Cuddihy

Graduate Certificate Arboriculture

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In conclusion, raising the soil level around a tree is a landscaping practice that demands careful consideration, meticulous planning, and ongoing monitoring to ensure both the tree's health and the desired outcomes are achieved. While it offers benefits such as improved drainage, increased soil moisture retention, erosion control, and aesthetic enhancement, it also carries inherent risks such as root suffocation, stem girdling, root damage, and nutrient imbalances.