



Metro Outer Joint Development Assessment Panel Agenda

Meeting Date and Time: Wednesday 16 August 2023; 9:30am
Meeting Number: MOJDAP/265
Meeting Venue: Electronic Means

To connect to the meeting via your computer -
<https://us06web.zoom.us/j/87939668079>

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This DAP meeting will be conducted by electronic means (Zoom) open to the public rather than requiring attendance in person.

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Attendance

DAP Members

Gene Koltasz (Presiding Member)
Karen Hyde (Deputy Presiding Member)
Jason Hick (Third Specialist Member)
Cr Adrian Hill (Local Government Member, City of Joondalup)
Cr Nige Jones (Local Government Member, City of Joondalup)

Officers in attendance

Cathrine Temple (City of Joondalup)

Minute Secretary

Stephen Haimes (DAP Secretariat)

Applicants and Submitters

Chris Harman (AGEM PG 33 Pty Ltd)
Reegan Cake (Dynamic Planning and Developments)

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declares the meeting open and acknowledges the traditional owners and pay respects to Elders past and present of the land on which the meeting is being held.

This meeting is being conducted by electronic means (Zoom) open to the public. Members are reminded to announce their name and title prior to speaking.

2. Apologies

Cr Tom McLean (Local Government Member, City of Joondalup)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

Signed minutes of previous meetings are available on the [DAP website](#).

5. Declarations of Due Consideration

The Presiding Member notes an addendum to the agenda was published to include additional information from the responsible authority in relation to Item 10.1, received on 8 August 2023.



Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

6. Disclosure of Interests

Nil.

7. Deputations and Presentations

- 7.1 Reegan Cake (Dynamic Planning) presenting in support of the recommendation for the application at Item 10.1. The presentation will address advertising submissions received as part of the application process.

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

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil.

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

10.1 Lot 649 (98) O'Mara Boulevard, Iluka

Development Description:	Commercial Development
Summary of Modifications:	Amendment of development approval issued on 23 May 2023 as follows: <ul style="list-style-type: none">Modification to condition relating to hours of operation of the tavern use to allow extended hours to 12.00am on Friday and Saturday nights.
Applicant:	Dynamic Planning and Developments
Owner:	AGEM PG33 Pty Ltd
Responsible Authority:	City of Joondalup
DAP File No:	DAP/18/01543



File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02346 DR47/2023	City of Joondalup	8 Elcar Lane, Joondalup	Two Storey Mixed Used Development	17/03/2022
DAP/22/02394 DR69/2023	City of Mandurah	Lot 9124 Cobaki Brace, Lakelands	Proposed Bulky Goods Showroom	28/04/2023
DAP/22/02379 DR98/2023	City of Swan	Lot 31 (No.1487) Neaves Road, Bullsbrook	Proposed roadhouse	16/06/2023

11. General Business

In accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure

Addendum to Responsible Authority Report – DAP/18/01543 – Submitted on 2 August 2023

Modification to Previous Approval (Commercial Development)

Lot 649 (98) O’Mara Boulevard, Iluka

Reason/Purpose for Addendum:

The applicant has requested that condition 22 of the development approval issued by the Metro Outer Joint Development Assessment Panel is amended to remove reference to an extended trading permit being granted for a ‘special occasion’.

The condition wording in the current development approval is provided below:

“The hours of operation shall be no more than:

- a) T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday.*
- b) T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.*
- c) T1/T2/T3 (Tavern) 6am to 11pm Monday to Sunday unless an extended trading permit is granted for special occasion under Liquor Control Act 1988.*

The current proposed condition wording in the Responsible Authority Report is provided below (changes in red):

“The hours of operation shall be no more than:

- d) T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday.*
- e) T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.*
- f) T1/T2/T3 (Tavern) 6am to 11pm **Sunday to Thursday, and 6am to 12am Friday and Saturday** unless an extended trading permit is granted for special occasion under Liquor Control Act 1988.*

The condition wording proposed by the applicant is as follows (changes in red):

“The hours of operation shall be no more than:

- g) T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday.*
- h) T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.*
- i) T1/T2/T3 (Tavern) 6am to 11pm **Sunday to Thursday, and 6am to 12am Friday and Saturday** unless **in accordance with** an extended trading permit **granted** under **the** Liquor Control Act 1988 **(WA)**.*

Comments:

The applicant is seeking removal of the requirement that an extended trading permit is granted for a “special occasion” under the *Liquor Control Act 1988*. This would allow the applicant to seek an extended trading permit for “one-off” events (i.e. sporting events) or “ongoing events” (which can include extended trading hours). It is noted that an application for ongoing extended trading hours would be subject to public consultation. “Ongoing” extended trading permits are renewed every five years.

As outlined in the Responsible Authority Report, the City supports the operating hours of the Tavern to be from 6am to 11pm Monday to Thursday, and 6am to 12am Friday and Saturday.

The City is also supportive of the Tavern operating in accordance with a “one-off” extended trading permit granted under the *Liquor Control Act 1988 (WA)* as this would allow the Tavern to operate during special sporting events.

The City does not support the prospect of an “ongoing” extended trading permit as this could allow changes over a five year period which has greater potential to be detrimental to the amenity of the local neighbourhood. Whilst it notes that any application for ongoing extended trading hours under the *Liquor Control Act 1988 (WA)* are subject to community consultation, the City considers that given the proximity of the Tavern to residential dwellings, it is appropriate to restrict the regular trading hours of the Tavern to midnight. On this basis, the City does not support the applicants proposed amendment to condition 22.



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

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 **5 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	Reegan Cake
Company (if applicable)	Dynamic Planning and Developments
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 JDAP
Meeting Date	16 August 2023
DAP Application Number	DAP/18/01543
Property Location	Lot 649 (No. 98) O'Mara Boulevard, Iluka
Agenda Item Number	10.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be 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



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 on the Agenda	<i>The presentation will address:</i> Advertising submissions received as part of the application process.
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

Refer attached.

Submission	Applicant response
<p><u>Noise</u></p> <p>The noise from people leaving The Iluka is disruptive and at 11pm is already late enough. If the time was moved to midnight it would be even more disruptive. I am sick and tired of the cars hooning down O'Mara Boulevard at closing time particularly.</p> <p>We live 250 metres north of tavern and are only ever disturbed by noisy patrons leaving the tavern on Friday and Saturday nights.</p> <p>If the tavern is granted permission to stay open until midnight they would push that boundary out maybe till 12.30 or 1am. It's not just the noise from people going home, but the constant vehicle noise up and down O'Mara Boulevard from Uber drivers picking people up that would go on until at least 1am in the morning.</p> <p>Noisy deliveries to the Tavern start taking place before 5 am each morning irrespective of the day of the week. This modification will mean that the mere couple of peaceful hours that nearby residents currently, at least in theory, enjoy on Saturday and Sunday mornings will be further reduced thereby increasing the public nuisance created by the Tavern.</p> <p>There is the occasional jet wash to clean up mess in the car park at 2am in the morning.</p> <p>What happened to changing the door to round the side so customer goes straight into car park or wait for Ubers round the side where there are no houses?</p>	<p><i>Public behaviour once people have left the venue is difficult to control, especially if they are locals. Measures in the OMP include security and staff managing patrons and directing them to designated ride share bays for an efficient departure. Further the increase in time to midnight is only on Friday and Saturday nights.</i></p> <p><i>Opening past 12am will not occur as this will be punishable through compliance action.</i></p> <p><i>There is an approved delivery management plan that governs when deliveries occur and this does not relate to the reconsideration of extending the opening hours.</i></p> <p><i>Cleaning is not scheduled to occur at these times.</i></p> <p><i>Modifying the door location is no longer being considered. Instead, staff are ushering patrons to rideshare bays for collection and away from residents.</i></p>
<p><u>Antisocial behaviour</u></p> <p>Extended hours means: more fighting, noise, vandalism, stealing, breaking glass, domestic arguments, teenagers hanging around the pub waiting for parents, urinating on walls etc</p> <p>What was once a lovely quiet street has turned into this. Has a reputation now in Iluka.</p> <p>It has become a constant nightmare on those 2 particular nights (Friday & Saturday) only just last weekend, my wife was confronted with some ones sick in front of our gates which we had to clean up, we heard the episode happening outside our home whilst in bed around 12.30am noise from people leaving the pub on Fridays and Saturdays in the early hours is a regular occurrence now and it's supposed to close at 11pm which it never does.</p> <p>We feel that the Tavern should provide Security on Burns Beach Road between O'Mara Boulevard and Mykonos View between the hours of 10.30 and 11.30pm to prevent the unruly and noisy behaviour from patrons leaving the Tavern in these hours.</p>	<p><i>Public behaviour once people have left the venue is difficult to control, especially if they are locals. Measures in the OMP seek to control this as much as what is reasonable.</i></p> <p><i>Security are proposed to be employed on a Friday and Saturday nights when the later operating hours are proposed up until closure at 12am.</i></p>

<p><u>Issues with operations management plan and/or noise management plan</u></p> <p>The offer in the OMP is crowd control personnel. How is this even a consideration in a local community focussed establishment? The proprietor runs this Tavern as a night club, which was never the intention of the initial planning of this local centre. This commercial/mixed zoning initially excluded Tavern land use, for reasons that it was deemed too close to residences. Now it operates as a nightclub.</p> <p>The maths don't stack up. A pub or tavern may have 50 or even 100 patrons... how can the tavern ensure all patrons are deposited to their cars by the bar staff? Who will be working in the bars then, tending to customers/cleaning up?</p> <p>The tavern's noise reduction plan is inadequate, as it does not address noises created by its own staff restocking the venue from their storage area. Staff have been observed dropping kegs onto the concrete floor of the below ground carpark, which creates loud booming noises that echo into the surrounding streets. Changes to operating hours are likely to increase the frequency this occurs, further disrupting local residents.</p> <p>Also the OMP and NMP indicate that the doors to the Burns Beach entrance of the tavern will be kept closed. This is impossible, as this is the entrance patrons use to come out to smoke, which is conducted in the outdoor area and on the footpath. I was standing at the end of Mykonos View on Friday evening just before midnight and there were numerous patrons out there smoking and talking over the music that exited the venue.</p>	<p><i>Crowd control is an appropriate measure to control behaviour of patrons.</i></p> <p><i>The OMP will encourage a staggered departure, it isn't likely all patrons will depart at one time which will assist in ushering patrons.</i></p> <p><i>The noise management plan was prepared in accordance with the Environmental Protection (Noise) Regulations 1997 and it is stressed that the City have approved it as being appropriate to control noise at the premise.</i></p> <p><i>Regarding the doors – they will be prevented from being left open, they will still need to function as doors to allow access and egress but this will only be for very short periods of time.</i></p>
<p><u>Intended use for the site</u></p> <p>We bought our land after doing our homework and felt confident that would be the case. When we bought we were told that there was to be a small Deli and a restaurant, since that time things clearly changed and we have ended up with a small shopping centre.</p> <p>When the Iluka was first spoken of the owners made reference to a nice wine bar, sine then they have continued to apply for more and more, discos starting at 2100 at night with patrons leaving making lots of noise, shouting screaming etc. 2300 is a reasonable time for a public house to be open, it is not a night club it is a pub.</p> <p>I enjoy a pub. I enjoy a tavern, and certainly enjoy the occasional dance. However I believe in decency and fairness for all and the small wine bar down my street should really never have got through. This small bar is noisy inside, parking is an issue and noisy again at close time. Sadly longer hours means more alcohol and more Ubers, walkers home (up my street) and glass and mess outside, I have seen this a number of times on my Sunday dog walk. I have watched my close friends have to deal with this as they live a stones throw away and I will continue to oppose all these appeals as what was promised to them was lies followed by a very different neighbourhood come the</p>	<p><i>The land use is not the subject of the application as this has already been approved.</i></p> <p><i>There are considerable management measures in place to ensure the venue operation is appropriate for within the area.</i></p>

<p>weekend. I know this was not the intention so keeping the hours to a respectable time would be the kind and supportive thing to do for everyone surrounding.</p> <p>The fact COJ is referring to this venue as a Tavern when it is clearly marketed as a Pub in reference to the large, neon, 'Iluka Pub' sign at the main entry doors, which is a whole different category of establishment.</p>	
<p><u>Odour</u></p> <p>The smell from food preparation from this venue spoils our enjoyment of our alfresco area.</p>	<p><i>The venue is permitted to prepare and offer food. This would not result in odour that is unreasonable.</i></p>
<p><u>Hours of operation</u></p> <p>In reality there are only two nights a week that would be used by the Tavern. The tavern is dead quiet on Monday to Thursday and on Sunday nights after 10pm so it's not beneficial for them to be open after 11pm on those nights.</p> <p>Alcohol will be served up to 12:00 midnight the patrons then have a further half hour to drink up and leave the premises.</p> <p>We believe that though their original application was for 7 nights, effectively they only wanted Friday and Saturday.</p> <p>The SAT considered the application and said 'no' because of negative impact on home owners. The only negative impact occurs on Fridays and Saturdays. It has already been considered and rightly refused.</p> <p>The pub is still serving drinks on Fridays and Saturdays well after 11pm and people are hanging around outside sometime until 1am. I drove past the pub on Friday at 12 30am and could see people still in the pub and several people hanging around outside.</p> <p>The additional operating hours have nothing to do with allowing these to be managed through the liquor licensing process, as suggested, as the liquor licensing process is not a planning instrument, but a licensing body. In fact, the planning policies clearly state that there should be no detrimental impact on surrounding residents/landowners. To extend the operating hours would not be a good planning decision, merely a decision to increase the yield of the Tavern proprietor.</p> <p>The City's conclusion in the agenda of the 22 May 2023, states that "the City considers the updated information sufficient to determine that, if properly managed, the additional hour and ability to have live music will not have an unacceptable detrimental impact on the surrounding area".</p> <p>Are you able to please inform me how this determination was made? And "if properly managed" could even be a consideration, as thus far they Tavern proprietors have blatantly ignored all conditions enforced on them.</p>	<p><i>In accordance with the operational management plan alcohol service will cease 30 minutes prior to close at 11.30pm.</i></p> <p><i>If activity is occurring post midnight, evidence in the form of photos and times should be provided to the City for compliance action to be taken.</i></p> <p><i>Extension of operating hours will not have a significant amenity impact beyond what has already been approved at the site which has been demonstrated to comply with the relevant noise regulations.</i></p> <p><i>The Operational Management Plan being provided is comprehensive and will serve as an appropriate tool to control the actions of the tavern.</i></p>

Parking

There is a major shortage of parking even on Sundays now cars parked anywhere on footpaths, verges wherever they can get. As far as giving in to the upper level being closed at night it's never closed anyway so there not conceding anything the upper level is full on Fridays and Saturdays and so are all the footpaths, there traffic management plan when they were looking for planning permission was grossly flawed.

This Iluka pub has caused traffic and accidents as people just stop in the roundabout to drop participants to the club, the poor apartments have to deal with parking and noise. I think it's already dangerous and out of control - adding the extra hours is asking for more damages abuse and damages to property and the peace of the local community.

The verge parking continues and is not deterred by the venue. Often footpaths are utilised causing pedestrians to walk into traffic.

Parking provision is not being considered as part of this application. Further the first floor parking will need to be closed which will exacerbate the parking issues in the area if this is in fact the case.



LOT 649 (98) O'MARA BOULEVARD, ILUKA - MODIFICATION TO PREVIOUS APPROVAL (COMMERCIAL DEVELOPMENT)

State Administrative Tribunal Reconsideration – Responsible Authority Report (Regulation 12)

DAP Name:	Metro Outer JDAP
Local Government Area:	City of Joondalup
Summary of Modifications:	Amendment of development approval issued on 23 May 2023 as follows: <ul style="list-style-type: none"> Modification to condition relating to hours of operation of the tavern use to allow extended hours to 12.00am on Friday and Saturday nights.
Applicant:	Dynamic Planning and Developments
Owner:	AGEM PG33 PTY LTD
Value of Development:	N/A
Responsible Authority:	City of Joondalup
Authorising Officer:	Chris Leigh – Director Planning and Community Development
LG Reference:	DA18/1336.01
DAP File No:	DAP/18/01543
SAT File No (DR reference):	DR75/2022
Date of Decision under Review:	14 April 2022
Application for Review Lodgement Date:	2 May 2022
Attachment(s):	<ol style="list-style-type: none"> Proposed development plans Applicant planning justification Operational Management Plan (including Noise Management Plan and Noise Impact Assessment) Location Plan DA18/1336 - Determination letter (original development) DA20/0452 - Determination letter and plans (change of use to tavern) DA18/1336.01 – Determination letter and plans (refusal) DA18/1336.01 – Determination letter and plans (Section 31 reconsideration for approval) Summary of Submissions (including applicant comment) Summary of Submissions (including City comment) Consolidated conditions list for DA18/1336 (including all subsequent approvals)
	<input type="checkbox"/> Yes Complete Responsible Authority <input checked="" type="checkbox"/> N/A Recommendation section

Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR DR75 of 2022, resolves to:

Reconsider its decision dated 22 May 2023 and **APPROVE** DAP Application reference DAP/18/01543 and accompanying plans (Attachment 1) in accordance with the Metropolitan Region Scheme, Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Joondalup *Local Planning Scheme No. 3*, subject to the following conditions:

Amended Conditions

Condition 22 shall read:

“The hours of operation shall be no more than:

- a) T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday.*
- b) T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.*
- c) T1/T2/T3 (Tavern) 6am to 11pm Sunday to Thursday, and 6am to 12am Friday and Saturday unless an extended trading permit is granted for special occasion under Liquor Control Act 1988.*

All other conditions and advice notes remain as per the previous decisions of JDAP issued 13 May 2019, 28 June 2019, 31 August 2020 and 22 May 2023.

Amended Advice notes

Advice note 13 shall read:

The Operational Management Plan and Noise Management Plan as submitted are considered acceptable subject to the following modifications:

- a) Operational Management Plan – Include appropriate noise mitigation measures related with the movement of kegs relating to the Tavern with specific attention to any movements required outside of 10.00am and 7.00pm.*
- b) Operational Management Plan – Update ‘Objectives of Management Plan’ section to reference operating hours to 12.00am on Fridays and Saturdays only.*
- c) Noise Management Plan - Section 6 shall include any speakers within the function room. Any speaker’s setting shall be required to be documented in the same manner as the main bar.*
- d) Noise Management Plan – Include commentary regarding the management of the collection of glasses, cans and bottles including times*

this will occur. The Noise Management Plan can replicate similar statements within the Operational Management Plan.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme Zone/Reserve	Urban
Local Planning Scheme	City of Joondalup Local Planning Scheme No. 3
Local Planning Scheme Zone/Reserve	Urban Development
Structure Plan/Precinct Plan	Iluka Structure Plan
Structure Plan/Precinct Plan Land Use Designation	Commercial, R80
Use Class (proposed) and permissibility:	Not applicable
Lot Size:	5,552m ²
Net Lettable Area (NLA):	Not applicable
Number of Dwellings:	N/A
Existing Land Use:	Shopping Centre
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

Proposal:

The Metro Outer Joint Development Assessment Panel (JDAP) has been invited to reconsider its decision of 22 May 2023 for conditional approval of modifications to a development approval for a Tavern located at 98 O'Mara Road, Iluka pursuant to Section 31 of the *State Administrative Tribunal Act 2004*.

Specifically, the applicant has submitted a revised proposal seeking approval for the Tavern to remain open until midnight on Friday and Saturday evenings only, whereas the previous approval permitted trading hours until 11.00pm on these nights (except for special occasions where a traders permit has been granted under the *Liquor Control Act 1988*).

Background:

The development site is bound by Burns Beach Road to the west, Calis Avenue to the east, O'Mara Boulevard to the south and residential properties including an apartment complex (24 units) and 13 survey strata grouped dwellings to the north.

The subject site is located within the Commercial zone of the Iluka Structure Plan (ISP) and is identified in Attachment 4.

On 14 April 2022, the JDAP refused a development application seeking retrospective approval for increased operating hours for the tavern, a screening device to the car park facing Calis Avenue, unrestricted access to the first floor car park after 10.00pm and the ability to play live music for the following reasons;

1. *The proposed modifications do not satisfy the matters to be considered under Clause 67(2)(a), Schedule 2, Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015. Specifically, extending hours from 11.00pm to 12.00am for the 'Tavern' use and modifications to the car park entrance to Calis Avenue will have a detrimental impact on the amenity of the adjoining owners and residential properties in the locality and, therefore, does not meet the objectives under Table 2, 'Commercial' zone objectives of Local Planning Scheme No. 3.*
2. *The proposed modifications do not satisfy the matters to be considered under clause 67(2)(h), Schedule 2, Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015. Specifically, the modifications do not meet the objectives under clause 6.1 of the Iluka Structure Plan as the proposal is considered to;*
 - a) *have a detrimental impact on the amenity of the adjoining owners and residential properties in the locality;*
3. *The proposed modifications do not satisfy the matters to be considered under clause 67(2)(n), Schedule 2, Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 as the proposal will detrimentally impact the amenity of the locality, specifically in relation to the character of the location and the social impacts of the development.*
4. *The proposal does not satisfy the matters to be considered under clause 67(2)(m), Schedule 2, Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposed hours of operation of the 'Tavern' between 11.00pm and midnight is not compatible with the setting of the locality, being a local centre, and with the specific objectives set out in the Iluka Structure Plan.*
5. *Insufficient information has been provided to support an amendment to Advice Note 9 to remove reference to the prohibition of play live music at the tavern use. The application has not demonstrated that the playing of live music can meet the relevant requirements of the Environmental Protection (Noise) Regulations 1997.*

On 2 May 2022 an application was lodged with the State Administrative Tribunal (SAT) to review the above decision. Numerous directions hearings and mediation sessions between the JDAP and centre management (AGEM PG 33 Pty Ltd) were held between 20 May 2022 and 2 May 2023. The outcome of these sessions resulted in additional information and justification being submitted by the applicant for the purposes of reconsidering the application including:

- Updated Operational Management Plan.
- Updated Noise Impact Assessment.
- Updated Noise Management Plan.

On 22 May 2023 the JDAP reconsidered the revised proposal and approved part of the application subject to modified conditions. In particular, the applicant was seeking to remove the condition restricting the tavern's operating hours to 11.00pm and allow these to be managed through the liquor licensing process. The JDAP did not support removing the condition in its entirety, however, did support modification to the condition to allow the Tavern to open later where an extended trading permit had been granted by the Department of Local Government, Sport and Cultural Industries (Office of Racing, Gaming and Liquor).

Following the JDAP's decision the applicant advised the SAT that it was not satisfied with the outcome of the reconsideration, and submitted a further revision seeking approval for the Tavern to remain open until midnight on Friday and Saturday evenings only.

On 30 June 2023, SAT made further orders inviting the JDAP as the decision maker to reconsider its decision of 22 May 2023 pursuant to Section 31 of the *State Administrative Tribunal Act 2004* (SAT Act). In doing so the decision-maker may:

- affirm the previous decision;
- vary the decision; or
- set aside the decision and substitute a new decision.

Previous Development Applications

DA18/1336 – Commercial Development

On 11 March 2019, the JDAP considered an application for a two-storey commercial development. The JDAP deferred the matter at that meeting to allow the applicant to further consider pedestrian and vehicle access for the development and building setbacks to Calis Avenue.

On 18 March 2019, the applicant sought a review of the JDAP's decision via the State Administrative Tribunal (SAT).

On 13 May 2019, the JDAP considered revised development plans and approved the application, subject to conditions, which included a restriction on the operating hours of the supermarket.

As part of the same ongoing SAT process, the applicant sought review of the operating hours condition. The matter was subsequently reconsidered by the JDAP and approved revised conditions permitting the hours of operation of the supermarket to 11.00pm.

Following JDAP's decision, the applicant withdrew its SAT appeal.

The development was approved, incorporating the following land uses:

- Shop
- Restaurant / Café (food and beverage)
- Supermarket
- Liquor store
- Consulting room

- Office
- Recreation – Private (gym)
- Child care premises.

A copy of the DA18/1336 approval, is provided as Attachment 5.

DA20/0452 – Change of Use to Tavern (Form 2)

On 31 August 2020, the JDAP approved an application to change the use of tenancies 1, 2 and 3 to ‘Tavern’ subject to conditions, including a restriction on the operating hours of the tavern to between 6.00am and 11.00pm, Monday to Sunday.

A copy of the DA20/0452 approval is included as Attachment 6.

Legislation and Policy:

Legislation

- *Planning and Development Act 2005.*
- *Metropolitan Region Scheme.*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).*
- *Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations).*
- *City of Joondalup Local Planning Scheme No.3 (LPS3).*

State Government Policies

- *State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7).*
- *State Planning Policy 4.2: Activity Centres for Perth and Peel (SPP4.2)*

Local Structure Plan/Local Development Plan

- *Iluka Structure Plan (ISP).*
- *Iluka Local Centre Local Development Plan No.1 (LDP No. 1).*

Local Planning Policies

- *Commercial, Mixed Use and Service Commercial Local Planning Policy.*
- *Development Proposals Before the State Administrative Tribunal Policy.*

Consultation:

Public Consultation

The revised proposal submitted by the applicant through the SAT process was advertised in accordance with the City’s *Planning Consultation Local Planning Policy (Consultation Policy)* for a period of 14 days commencing on 6 July 2023 and ending on 20 July 2023.

Consultation was undertaken in the following manner:

- A total of 467 letters were sent to property owners and occupants, as well as people who previously made a submission on the application. This includes:
 - 214 properties in the vicinity of the subject site; and
 - 210 previous submitters.
- Development plans and information provided by the applicant were made available for public viewing on the City's website.

A total of 30 submissions were received during the public consultation period consisting of one submission in support and 29 submissions opposing the development.

A summary of the issues raised along with applicant's comments is included in Attachment 9 and with officer's comments in Attachment 10.

The main issues identified through consultation include:

- The revised proposal still does not sufficiently address the negative impact on residents' amenity.
- The tavern is already operating until 12.00am on weekends.
- The tavern generates anti-social behaviour from intoxicated people including yelling/screaming and talking loudly in front of houses.
- The tavern still generates too much noise for being within a predominantly residential area. Noise can be heard in residential properties until late into the evening.
- Littering, rubbish and cigarette butts are left around the area, including within the under-croft car park and not cleaned up.
- Concerns around the ability to comply with the Operational Management Plan, including feasibility of keeping the entry door from Burns Beach Road closed for noise attenuation and having adequate staff to manage crowd dispersal at the end of the night.

Referrals/consultation with Government/Service Agencies

Not applicable.

Design Review Panel Advice

Not applicable.

Planning Assessment:

The Tavern is located within the Commercial zone of the Iluka Structure Plan (ISP) and more broadly forms part of Iluka Plaza local centre.

The relevant objectives of the ISP Commercial zone are:

- *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.*
- *To ensure any commercial uses are reflective of the local scale of the centre, primarily serving the needs of the local community.*

The applicant proposes to modify the application previously approved by the JDAP by:

- Extending the evening trading hours on Friday and Saturday nights from 11.00pm to 12.00am.

The above modifications have been considered against the objectives of the ISP in further detail below, including the impact on amenity of the adjoining owners and residential properties in the locality, and compatibility within the setting of the Iluka Plaza local centre.

Modification to condition 22 – hours of operation

Condition 22 of the current approval for the Tavern (Attachment 8), limits the hours of operation to between 6.00am and 11.00pm each day unless an extended trading permit is granted for special occasion under *Liquor Control Act 1988*. The closing time of 11.00pm is consistent with the trading hours of other uses within the centre and was considered appropriate by the JDAP to manage the amenity impacts of the Tavern on surrounding residents.

The applicant is now seeking approval to modify condition 22 by extending the evening hours of operation for the Tavern on Fridays and Saturdays from 11.00pm to 12.00am.

The following justification was provided by the applicant in support of their previous request to open until 12.00am seven days a week, which remains relevant in considering the revised proposal seeking these hours of operation on Friday and Saturday only:

- *In undertaking a detailed acoustic assessment as part of the submitted Noise Management Plan, the facility will ensure compliance with the Environmental Protection (Noise) Regulations 1997, ensuring no negative noise impacts on adjoining sensitive land uses, despite the modified operating hours allowing an additional hour of trade in the evenings.*
- *Included in the Noise Management Plan are controls around the nature and type of live music to be played at the premises.*
- *In addressing the amenity concerns associated with the ‘Tavern’ operations, a detailed Operations Management Plan has been prepared to govern the operation of the ‘Tavern’ and provide measurable and assessable management controls for the premises that can be appropriately implemented by the operator and assessed for compliance by the City.*

The Operational Management Plan (OMP - Attachment 3) and an updated Noise Impact Assessment (NMP – Appendix 1 to Attachment 3) that were submitted by the applicant to support the application considered by the JDAP on 22 May 2023 are still relevant to this application.

The OMP makes reference to the “hours of the Tavern will not exceed 12.00am in the evening unless an Extended Trading Permit is granted in accordance with the Liquor Control Act” which will need to be updated to specify 12.00am on a Friday and Saturday only. It is considered that the existing condition 23 of the approval requiring an updated Operational Management Plan within 60 days from approval will be sufficient to manage this, however its recommended that modification of the OMP in this regard is specified in advice note 13 as recommended.

Operational Management Plan

The proposed OMP (Attachment 3 refers) outlines that the Tavern is intended to be a food-focussed, family friendly venue with a DJ on Friday and Saturday evenings after the dinner service has concluded (approximately 9.00pm). The OMP states that the Tavern will provide live music mainly on weekends (interchangeably with DJ performances) and sporadically during the week. Live music will be in line with soft contemporary radio music, jazz, classical, singer songwriters and will exclude heavy rock or music with harsh live elements such as kick drum and the use of hard drumsticks.

The OMP provides the following strategies and procedures that will be used by the operator to manage amenity impacts such as noise, disorderly behaviour, litter, and complaints management:

- Party bus bookings will be declined by management, and any patrons of party buses arriving at the venue will be declined entry.
- Licenced crowd controllers and security personnel will be employed on Friday and Saturday nights and all major events to assist in managing the dispersal of patrons.
- Special events (AFL grand final, Melbourne Cup etc) will have crowd controllers and be open to ticket holders only to manage venue capacity.
- Extended trading permits will be sought on occasion (ie. New Years Eve) in accordance with the *Liquor Control Act 1988*.
- Staff will patrol the venue regularly to clear empty and discarded glasses, cans and bottles, and to prevent patrons from leaving with alcohol.
- Liquor sales will cease 30 minutes prior to closing time and patrons will be guided by security personnel and staff to dedicated pick up bays along O'Mara Boulevard.
- Management will arrange for collection of litter from the residential areas surrounding the premises.
- Disposal of waste from the Tavern (to the external waste storage areas) will only occur between the hours of 7.00am to 7.00pm to manage noise associated with this activity.
- Complaints procedure which formalises how any concerns raised from the surrounding properties are dealt with. This includes first response by staff and follow up by management and provides a variety of options in which the concerns can be raised (to avoid attending in person if desired). The procedures are aimed at promoting communication between residents and operators to ensure cohesion within the community.

The City has reviewed the OMP and considers that the measures addressing dispersal of patrons, litter and complaints management demonstrate that, through proper management, the Tavern can appropriately minimise the potentially detrimental impact on the amenity of the surrounding area. The measures contained in the OMP such as employing crowd controllers and security personnel, ceasing of liquor service 30 minutes prior to closing and undertaking litter patrols provide greater detail and certainty around how the Tavern will function, which in turn, will allow the City to better monitor compliance in the future and ensure that the Tavern operates in accordance with the stated intent of the venue.

Noise Management Plan

Submissions raised during consultation undertaken for the proposal considered by the JDAP on 22 May 2023 highlighted that noise was audible from surrounding properties,

with the concern being a later closing time would effectively extend the period of time which the local community would be subject to these impacts.

In order to address these concerns the applicant provided a Noise Impact Assessment (NIA - Appendix 4) which has informed the NMP (Appendix 1 of the OMP – Attachment 3 refers). The NIA concludes that the noise impacts associated with the sound system of the Tavern originally significantly exceeded the allowable noise levels as prescribed by the *Environmental Protection (Noise) Regulations 1997*. This finding aligns with submissions received during the consultation period that numerous large-scale events (sporting and music) were held and could be heard from surrounding residential properties. As a result of the updated NIA, the sound system has now been set to ensure the noise limits within the Tavern are compliant with thresholds detailed in the *Environmental Protection (Noise) Regulations 1997*.

The NMP provides the operational strategies that will be used by the Tavern operator to ensure noise emitting from the premises does not adversely impact on the surrounding area. This includes locating the speakers out of reach of performers and patrons to ensure controls can only be altered by suitably experienced staff, ensuring doors and windows are closed when the venue is operating at specified levels and only allowing the inhouse sound system to be used (performers cannot bring their own speakers). All staff will be made aware of the requirements of the NMP through their induction process, with one staff member on each shift responsible for ensuring the requirements of the plan are met. Staff will also undertake periodic checks on noise impacts within the surrounding area and record levels in a log. In the event the venue receives a complaint, staff will attend to check levels and adjust levels accordingly (if found to be non-compliant).

The Tavern is an approved use on the site and is currently permitted to remain open to 11.00pm at night. Whilst the applicant is seeking approval to remain open until midnight on Fridays and Saturdays, the OMP and NMP provide broader management strategies for the venue throughout the evening, not just the additional hours trading that is being sought.

JDAP's original refusal of operating hours extending to 12.00am considered impacts on the amenity of surrounding properties and impact on the character of the area. The OMP and NMP introduce measures and actions for the operator to adhere to that will directly reduce the external impact of the development on the surrounding properties and the character of the area, containing the impact of the Tavern largely within the premises.

On this basis, and given the scope of midnight trading is limited to Fridays and Saturdays only, the amendments sought by the applicant are considered appropriate and therefore it is recommended this aspect of the proposal be approved subject to the recommended modifications.

Conclusion:

The applicant is seeking approval from the Metro Outer JDAP for modifications to previous approvals relating to operating hours of the Tavern at 98 O'Mara Boulevard, Iluka; specifically an increase on operating hours from 11.00pm to 12.00am on Friday and Saturday nights.

The applicant's submission includes supporting information around operational management, and noise management as well as providing an updated acoustic

assessment to respond to concerns relating to noise from the venue and the overall impact from the land use.

The City considers the updated information sufficient to determine that, if properly managed, the additional hour on a Friday and Saturday evening will not have an unacceptable detrimental impact on the surrounding area.

The development is considered to be consistent with the provisions of the City's *Local Planning Scheme No. 3*, objectives of the Iluka Structure Plan and relevant local planning policies and therefore it is recommended that the development is approved, subject to conditions.

Alternatives

In accordance with clause 17(4) of the Regulations, the JDAP may determine an application by either approving the application (with or without conditions) or refusing the application.

In reference to the Responsible Authority Recommendation, the JDAP can amend or delete the conditions of approval recommended by the City and/or include additional conditions of approval should they be considered necessary to ensure the proposal complies with the relevant planning framework.

Should the JDAP resolve to refuse the application, this determination needs to be made based on valid planning considerations as outlined under clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and as set out in the *Development Assessment Panel Practice Notes: Making Good Planning Decisions*.

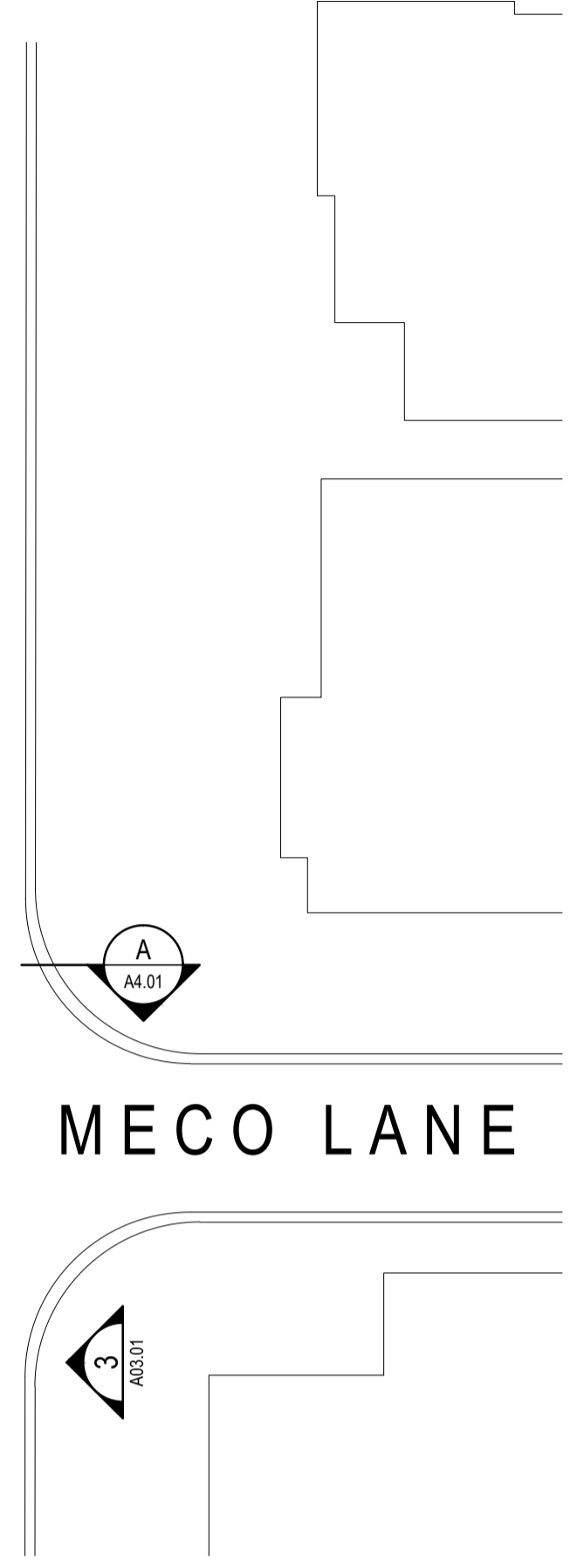
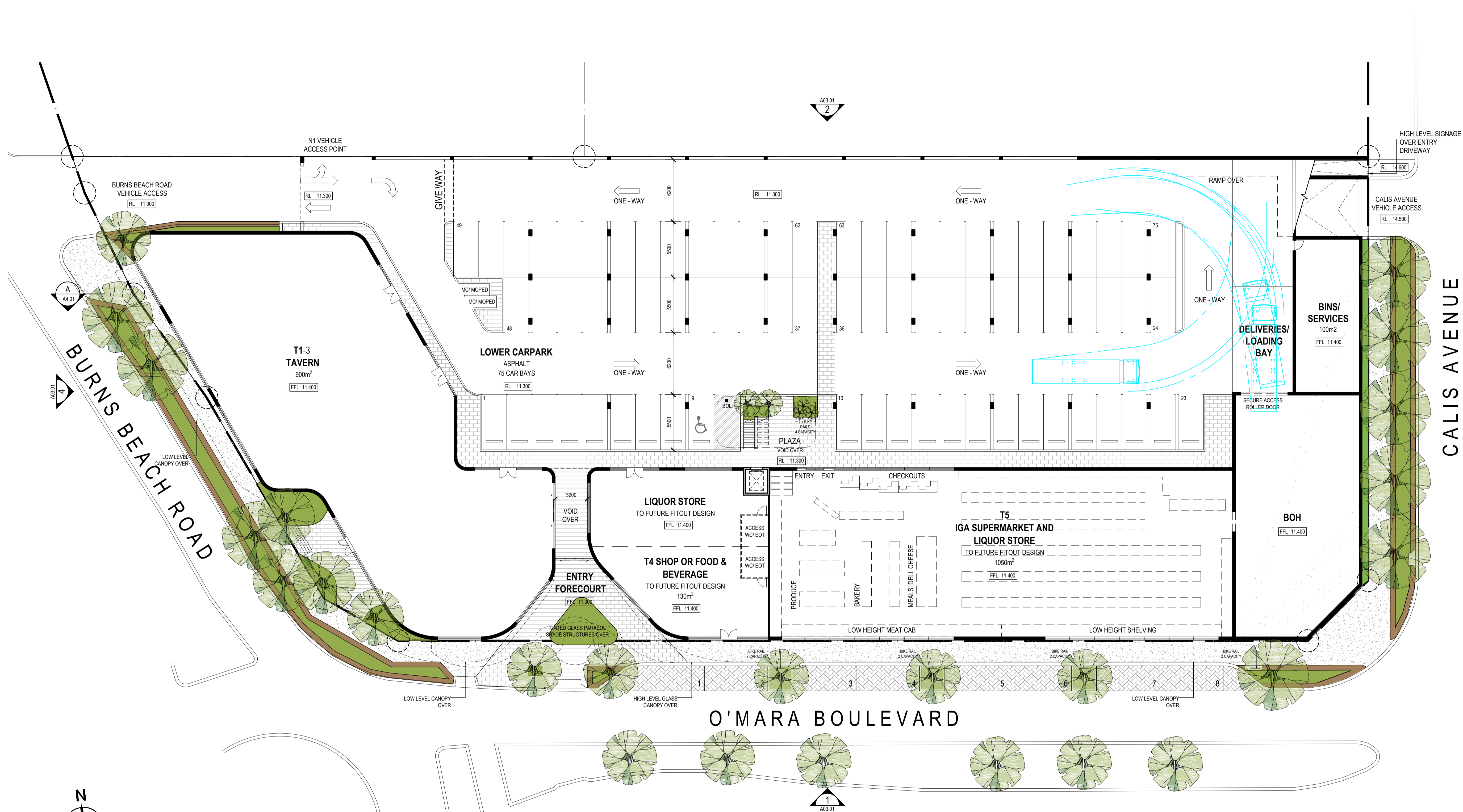
However, as outlined in the Planning Assessment and Officer's Comment sections above, the City considers that the development meets the relevant provisions and/or objectives of the applicable planning framework and the application is therefore recommended for approval.

If the applicant is aggrieved by the decision or any aspect of the decision, the applicant has a right of review in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.

Council Recommendation:

Not applicable.

NOTE: Contractor to check and verify all dimensions, levels, and angles on site before commencing. All construction work to be in accordance with the building code of Australia, approved documents and relevant Australian Standards.



ISSUE	DATE	DESCRIPTION	DRN.	APP.
F	18/03/19	JDAP REVISIONS	LM	LA
E	26/02/19	DRP REVISIONS	LM	LA
D	20/02/19	DRP REVISIONS	LM	LA
C	18/02/19	DRP REVISIONS	LM	LA
B	05/02/19	DRP REVISIONS	LM	LA
A	29/11/18	DEVELOPMENT APPROVAL	LM	LA

DEVELOPMENT APPROVAL



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PROJECT
ILUKA PLAZA
 LOT 9040 (#98 O'MARA BOULEVARD)
 ILUKA, WA 6028

TITLE
 LOWER FLOOR PLAN

SCALE	DRAWN	CHECKED
1:200 @ A1	LM	LA

PROJECT #	DRAWING #	ISSUE
18031	A02.01	F

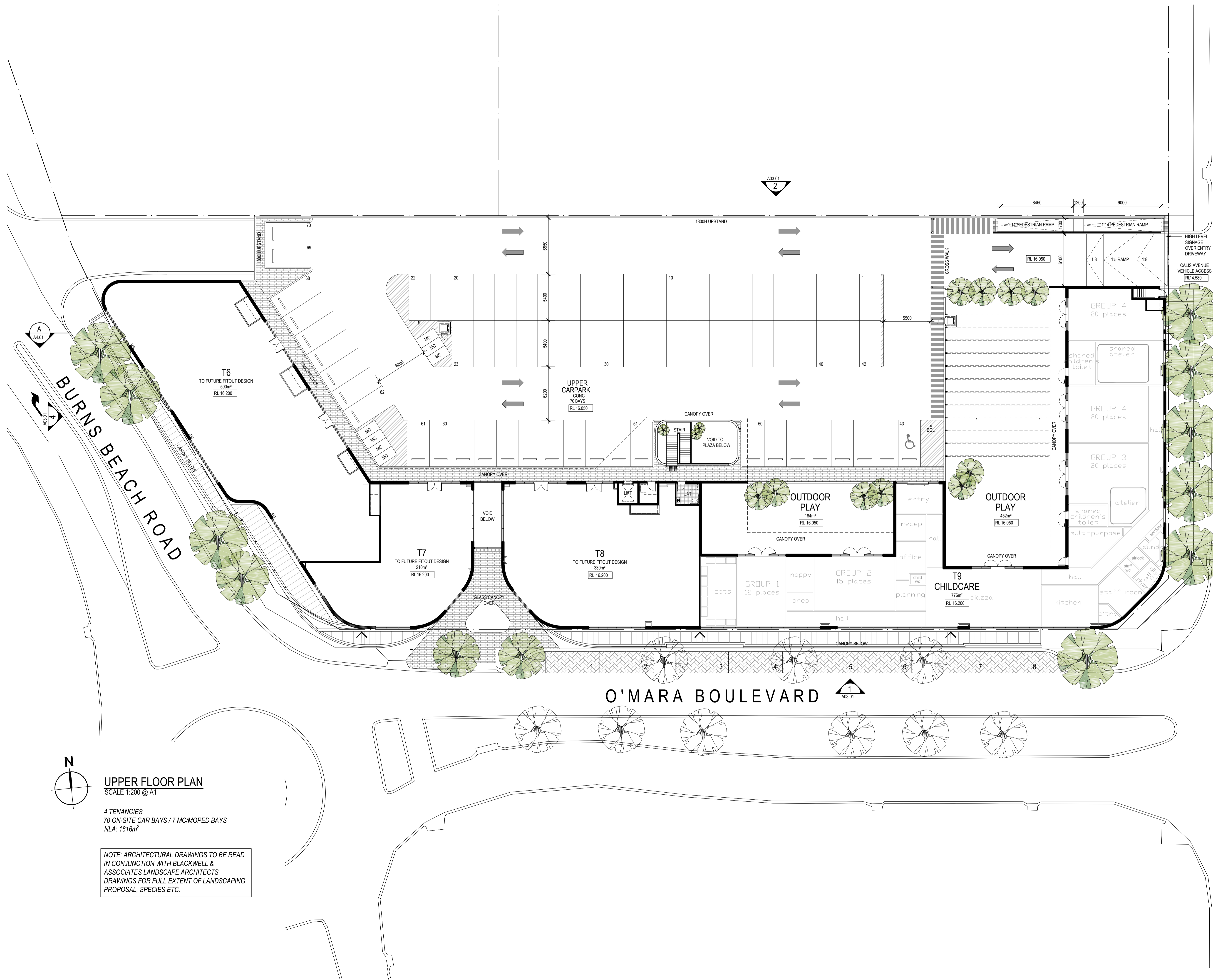
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LOWER FLOOR PLAN
 SCALE 1:200 @ A1

- 6 TENANCIES
- 75 ON-SITE CAR BAYS / 2 MC/MOPED BAYS
- 8 STREET CAR BAYS
- 6 BICYCLE RACKS (12 CAPACITY)
- NLA: 2080m²

NOTE: ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH BLACKWELL & ASSOCIATES LANDSCAPE ARCHITECTS DRAWINGS FOR FULL EXTENT OF LANDSCAPING PROPOSAL, SPECIES ETC.

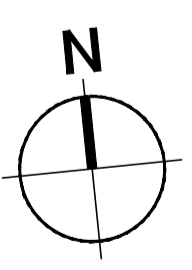
NOTE. Contractor to check and verify all dimensions, levels, and angles on site before commencing. All construction work to be in accordance with the building code of Australia, approved documents and relevant Australian Standards.



CALIS AVENUE

MECCO LANE

O'MARA BOULEVARD



UPPER FLOOR PLAN
SCALE 1:200 @ A1

4 TENANCIES
70 ON-SITE CAR BAYS / 7 MC/MOPED BAYS
NLA: 1816m²

NOTE: ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH BLACKWELL & ASSOCIATES LANDSCAPE ARCHITECTS DRAWINGS FOR FULL EXTENT OF LANDSCAPING PROPOSAL, SPECIES ETC.

A 30/07/19	DA - REVISION	CS	IH
ISSUE DATE	DESCRIPTION	DRN.	APP.

DEVELOPMENT APPROVAL



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PROJECT
ILUKA PLAZA
LOT 9040 (#98 O'MARA BOULEVARD
ILUKA, WA 6028

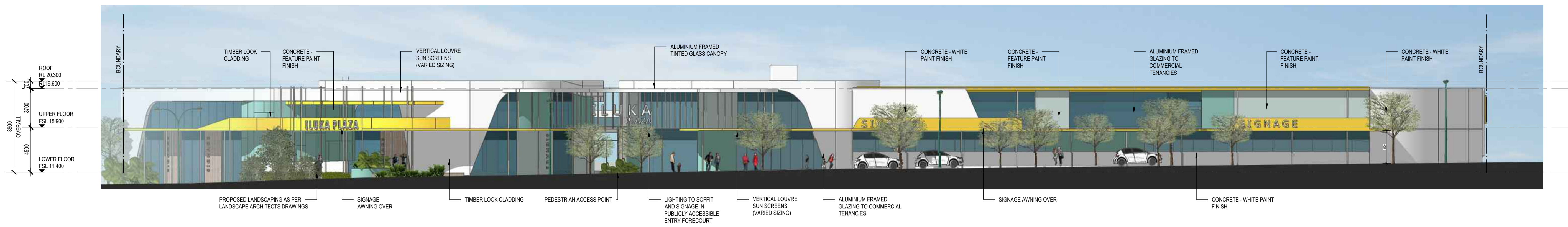
TITLE
UPPER FLOOR PLAN

SCALE	DRAWN	CHECKED
1:200 @ A1	CS	IH

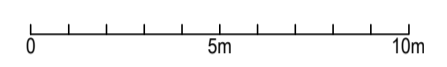
PROJECT #	DRAWING #	ISSUE
18031	SD02.02	A

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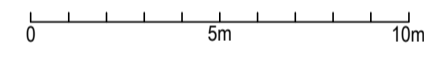
NOTE. Contractor to check and verify all dimensions, levels, and angles on site before commencing. All construction work to be in accordance with the building code of Australia, approved documents and relevant Australian Standards.



SOUTH ELEVATION (O'MARA BOULEVARD)
SCALE 1:200 @ A1



NORTH ELEVATION
SCALE 1:200 @ A1



D	18/03/19	JDAP REVISIONS	LM	LA
C	20/02/19	DRP REVISIONS	LM	LA
B	05/02/19	DRP REVISIONS	LM	LA
A	29/11/18	DEVELOPMENT APPROVAL	LM	LA

DEVELOPMENT APPROVAL



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PROJECT
ILUKA PLAZA
LOT 9040 (#98) O'MARA BOULEVARD
ILUKA, WA 6028

TITLE
ELEVATIONS

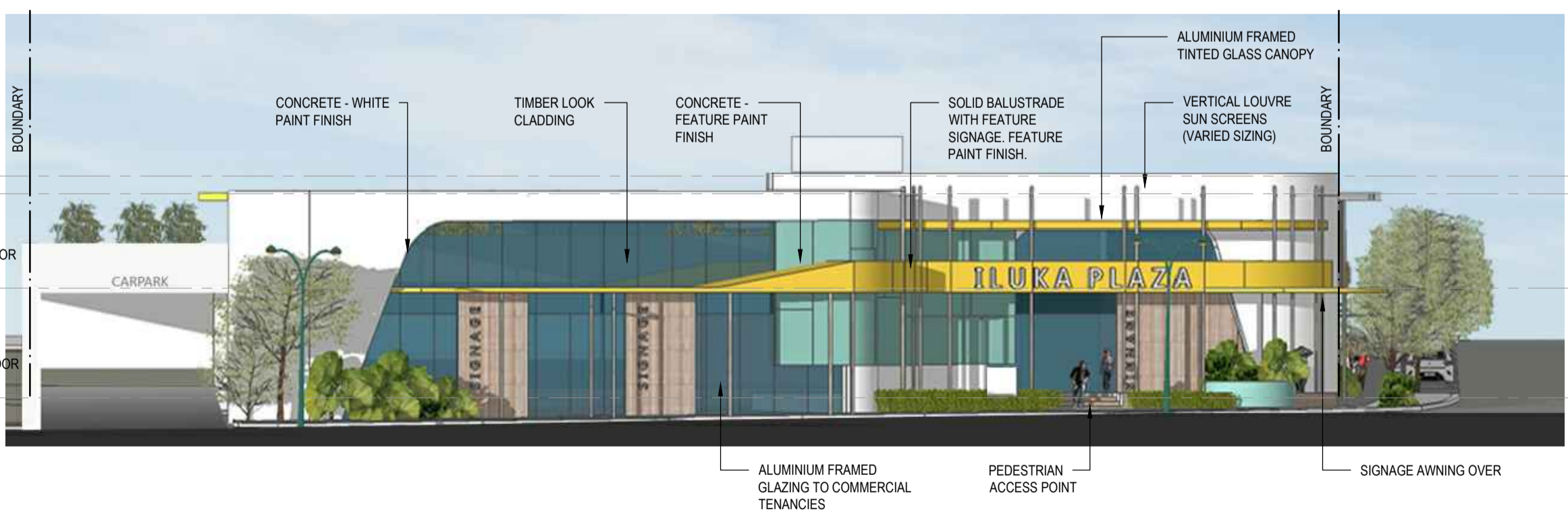
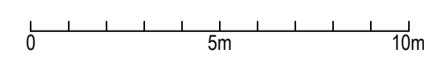
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PROJECT #	DRAWING #	ISSUE
18031	A03.01	D

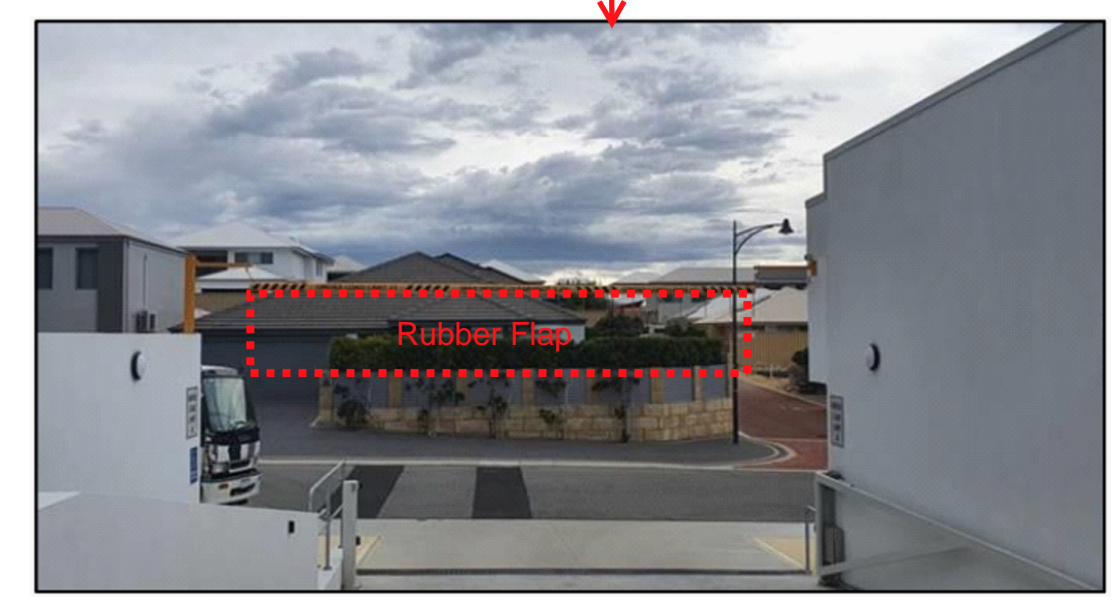
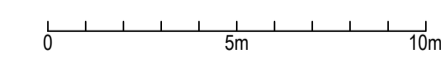
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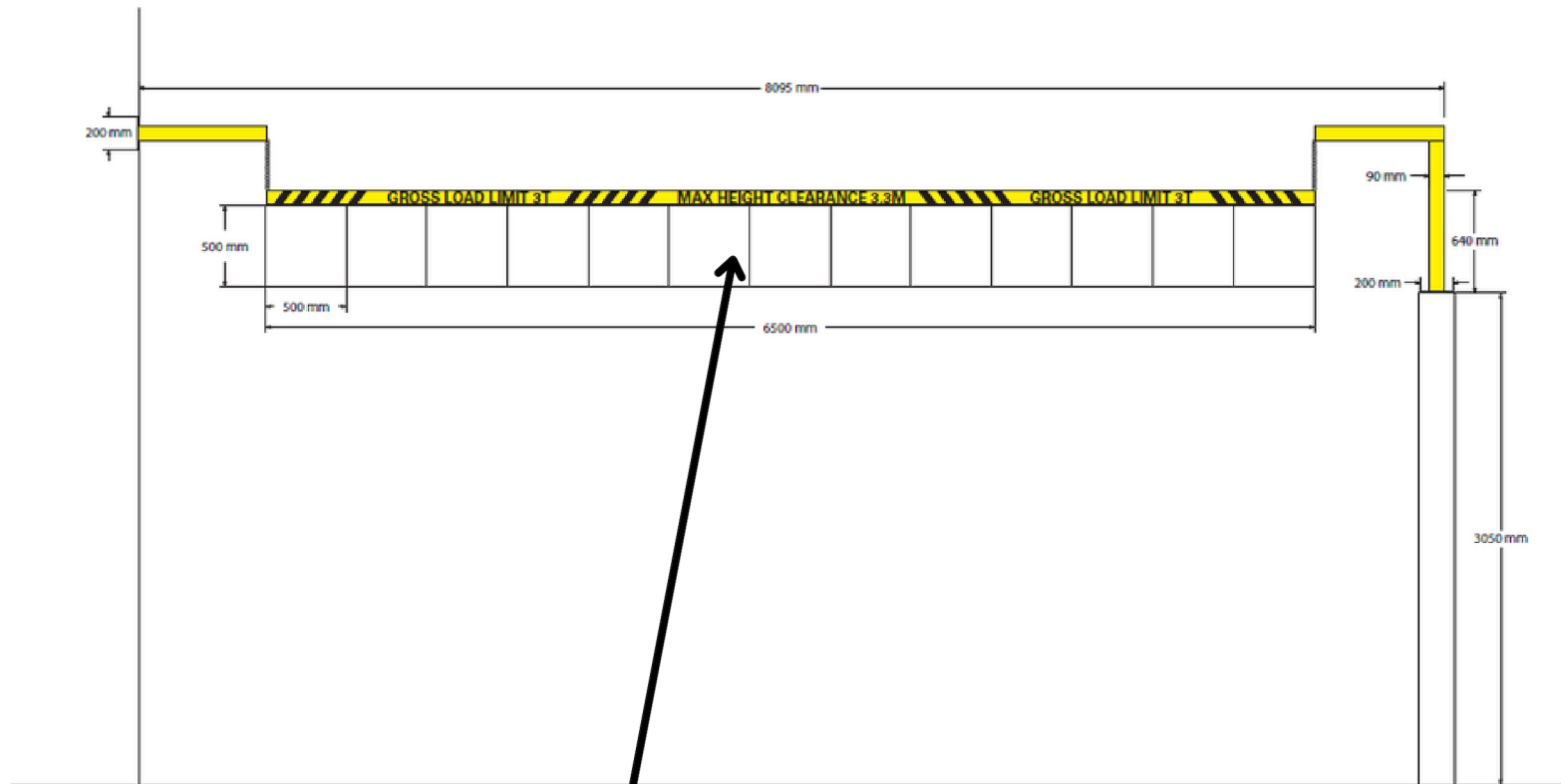
EAST ELEVATION (CALIS AVENUE)
SCALE 1:200 @ A1



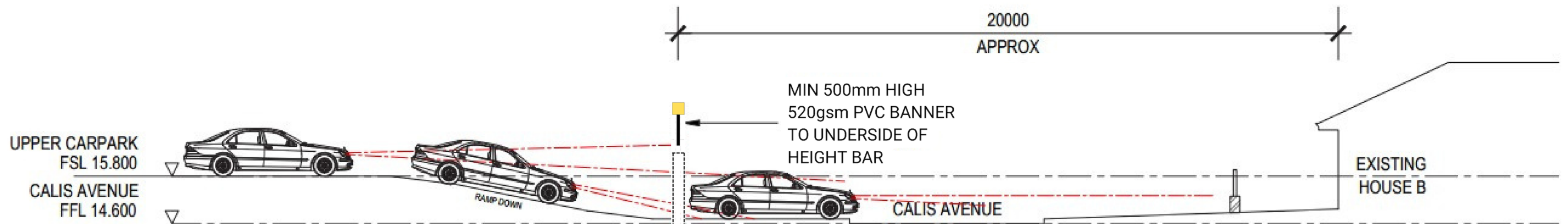
WEST ELEVATION (BURNS BEACH ROAD)
SCALE 1:200 @ A1



Rubber Flap 400mm
6000mm



NEW SAILTRACK EXTRUSION FIXED TO UNDERSIDE OF HEIGHT BAR
 500mm HIGH 520gsm PVC BANNER WITH KEDAR EDGE AND SPLITS
 EVERY 500mm FIXED TO EXTRUSION
 COLOUR: BLACK



ILUKA PLAZA HEIGHT BAR
 ILLUSTRATIVE CROSS SECTION

Our Ref: 840

31 January 2023

Chief Executive Officer
City of Joondalup
PO Box 21
Joondalup WA 6919

Attention: Mr. Jeremy Thompson (via email – Jeremy.Thompson@joondalup.wa.gov.au)

Dear Sir,

ILUKA PLAZA – FORM 2 APPLICATION
SUPPLEMENTARY INFORMATION

This letter is in response to a recent mediation which dealt with a Form 2 application to amend a prior planning approval – DA20/0452 (DAP/18/01543). The intent of this submission is to revise our earlier application and provide additional information to assist the City in preparing a revised RAR Report and recommendation to be considered by the Metro Outer Joint Development Assessment Panel (JDAP).

Our original Form 2 application sought the following:

1. The removal of the bulkhead/screening device across the ramp to the first-floor parking area accessed from Calis Avenue. This is proposed to be replaced with a height restriction bar.
2. Modify Condition 22 of DA20/0452 (DAP/18/01543) to increase the operating hours of the 'Tavern' land use from 11.00pm to midnight. Condition 22 currently states:

"The hours of operation shall be no more than:

- a) *T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday.*
- T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.*
- T1/T2/T3 (Tavern) 6am to 11pm Monday to Sunday"*

3. Amend Advice Note 9 of DA20/0452 (DAP/18/01543) to remove the reference to a restriction on live music within the tavern. Advice Note 9 currently states:

"Revised condition 14 is required to address the change of use of Tenancy 1, 2 and 3. This is to be demonstrated through an amendment to the implementation section of the report which shall identify appropriate management of the tavern, including, but not limited to, restrictions on outdoor areas (including time restrictions, prohibition of music and any openings to the indoor area) and music to be of an ambient nature with live performances to be prohibited."

4. Modify Condition 21 of DA18/1336 (DAP/18/01543) to allow access to the first-floor parking area at all times. Condition 21 currently states:

“A Traffic and Parking Management Plan shall be submitted to and approved by the City prior to the commencement of the development. The Traffic and Parking Management Plan shall include, but not be limited to, the following;

- *Demonstrate safe access and egress including vehicular and pedestrian access;*
- *Consideration of mirrors at the exit on Calis Avenue; and*
- *The Calis Avenue access shall be closed to prevent entry by vehicles between 10.00pm and 5.30am Monday to Sunday. Traffic and Parking Management shall then be undertaken in accordance with the approved plan.”*

The changes being proposed as part of the amended proposal to be re-considered by JDAP include:

- Adding a rubber flap to the height bar that has replaced the bulkhead at the site in order to block headlight glare in a similar fashion to the approved bulkhead, which has since been removed. This is intended to allow ambulances to pass underneath the height bar whilst also blocking headlight glare should vehicles be using the first-floor parking area in the evening.
- Modifying the wording of Condition 22 to remove the reference to operating hours for the approved ‘Tavern’ land use for T1-T3. Instead, the operating hours for the ‘Tavern’ land use will be consistent with the Liquor Control Act 1988 and management will be consistent with an Operations Management Plan.

In addition to the abovementioned changes, we have also prepared additional supporting information to support the proposal, this additional information includes:

- A revised Operational Management Plan (**Attachment 2**) to guide the operation of the approved ‘Tavern’ and provide additional justification in support of the modifications proposed to Condition 22.
- A Noise Management Plan (**Attachment 3**) which provides an updated acoustic assessment and establishes acoustic measures to be implemented to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.

The proposed amendments and recent changes made as part of the mediation process have been considered in detail below.

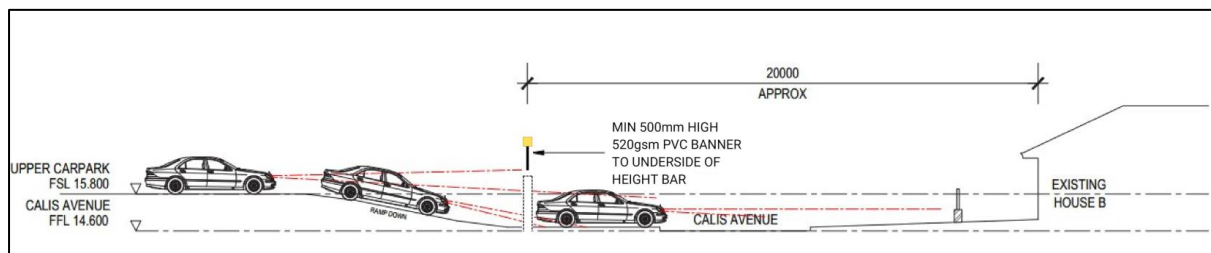
Removal of the Bulkhead

1. The removal of the bulkhead and replacement with a height bar and rubber flap will enable ambulance access to the medical centre, which is a critical need for the development as in emergency situations the approved medical centre needs to have the ability to have access to an ambulance without the need to transport patients in a lift or down the first-floor parking access ramp. In considering the ambulance access to the first floor, we sought advice from a structural engineer around the weight bearing capacity of the ramp and the first floor parking area and they advised that:

The loading design for this carpark is as per Australian Standards and is 2.5kPa or vehicles of 2.5t. This effectively allows for the car park to fully loaded bumper to bumper with 2.5t vehicles. An isolated ambulance weighing up to 3.5t is acceptable as on average the overall weight on the deck will still be less than 2.5 kPa.

This advice indicates that the ability exists for the ramp and parking area to accommodate an ambulance. Any other larger vehicles will be prohibited from accessing the first-floor parking area through the approved Traffic and Parking Management Plan that is in operation for the centre in addition to the height bar prohibiting larger vehicles.

2. Acknowledging the desire/need to also prevent headlight glare was the primary reason for the proposed installation of the rubber flap to hang from the height bar. As is evident in the below section from the amended development plans (Attachment 1), the rubber flap will clearly obstruct headlight glare from entering the property opposite the first floor access on the other side of Calis Avenue.



Access to First Floor Parking

3. Access to the first-floor car parking at all times is requested to ensure a level of passive surveillance of this part of the development, which is currently being used for anti-social behaviour and is impacting the amenity of the development and the surrounding community.

Previous restrictions to access on the first floor has only been applicable to vehicles. This has not discouraged people riding bikes, skateboards etc. up on the first floor which, because access is restricted, is free from vehicles and patrons in the evenings which has ultimately enabled antisocial behaviour. Unfortunately, other methods such as security patrols, calls to the police and local rangers and security cameras has been unsuccessful in discouraging this behaviour. Should access remain open at all times, this will create the perception that staff or patrons attending businesses could arrive at any time which should assist in discouraging antisocial behaviour. This in combination with the rubber flap installation to block headlight glare should act to alleviate all potential amenity impacts from having the first-floor access open at all times.

Modification to Operating Hours

4. The intent behind removing the operating hours pertaining to the proposed 'Tavern' land use is to reduce conflicts between separate legislation being the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Liquor Control Act 1988*. This is most evident in the approval of the Section 39 certificate which allowed operation until 12am which differed from the approved operating hours noted in Condition 22.

In having the operating hours consistent with the Liquor Control Act 1988, there would be restrictions on trade until 12am at night, consistent with what we are seeking. Further, it would also allow the flexibility for Extended Trading Permits to be obtained on occasion in accordance with the provisions of the Liquor Control Act.

5. In undertaking a detailed acoustic assessment as part of the submitted Noise Management Plan (Attachment 3), the facility will ensure compliance with the *Environmental Protection (Noise) Regulations 1997*, ensuing no negative noise impacts on adjoining sensitive land uses, despite the modified operating hours allowing an additional hour of trade in the evenings.

Included in the Noise Management Plan are controls around the nature and type of live music to be played at the premises. This in combination with the other management measures outlined in the Noise Management Plan should ensure that the prohibition of live music noted in Advice Note 9 is no longer necessary.

6. In addressing the amenity concerns associated with the 'Tavern' operations, a detailed Operations Management Plan has been prepared to govern the operation of the 'Tavern' and provide measurable and assessable management controls for the premises that can be appropriately implemented by the operator and assessed for compliance by the City. A copy of the Operations Management Plan has been provided in Attachment 2.

Should you have any queries or require any clarification in regard to the matters raised, please do not hesitate to contact the undersigned on 9275-4433.

Yours faithfully,



REEGAN CAKE
PLANNING COORDINATOR

THE ILUKA

OPERATIONAL MANAGEMENT PLAN

MARCH 2023



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Appendix 2 – Complaints Performa	

Objectives of Management Plan

This Operational Management Plan (OMP) pertains to the 'The Iluka' which operates from Tenancy 2 & 3 at Lot 648 (No. 98) O'Mara Boulevard, Iluka. The intent of the OMP is to details strategies and procedures for the operator to comply with in order to manage the amenity impacts on the surrounding residential properties. In addition, it will assist in ensuring the venue operates as a food focused, family friendly venue that seeks to highlight local produce in the food offering and promote local acoustic and jazz artists in through the entertainment offered at the venue. The target demographic for the facility will be an older demographic that will include families to enjoy the food offering and available entertainment.

Included as part of the OMP is the following:

- Noise Management Plan (Appendix 1) which outlines how the facility demonstrates compliance with the *Environmental Protection (Noise) Regulations 1997*.
- Complaints Performa (Appendix 2).

It is stressed that the obligations outlined within this OMP are in addition to any requirements that are also applicable under the Liquor Control Act.

This OMP shall remain in place for as long as 'Tavern' is the approved land use for Tenancy 2 & 3. Should 'The Iluka' vacate the premises, any new operator will be subject to the provisions of this OMP unless otherwise amended, as agreed to by the City of Joondalup.

To ensure the objectives of the OMP is met the operating hours of the Tavern will not exceed 12am in the evening unless an Extended Trading Permit is granted in accordance with the Liquor Control Act.

Entertainment

The provision of entertainment, which is appropriate and suitable to the Premises, is an important part of the success of our business.

The entertainment provided has to be of a kind that is acceptable to our patrons but at the same time does not cause undue offence, noise or disturbance to persons who live in close proximity to the Premises.

It is stressed that any entertainment provided at the facility will be required to comply with an approved Noise Management Plan which is contained in Appendix 1 of this OMP.

In order to minimise any undue offence, noise or disturbance:

- Operationally the facility will be a restaurant focused establishment that seeks to provide patrons with high quality food that is served in a premises that provides diners with a high level of amenity. The focus on food and a restaurant style operation is evident in the extent of floor space utilised for seated dining (see Figure 1 below). This is purposeful to encourage an older demographic to attend and ensure the venue is family friendly.
- On Friday and Saturday nights only, a DJ will be performing after the dinner service (usually concludes at 9pm) for disco nights. This will involve the removal of some seating in a portion of the premises (as noted as 'Evening Dance Area' in Figure 1 below). It is evident that this only represent a very small section of the total floor area and instead the facility is more restaurant focused.

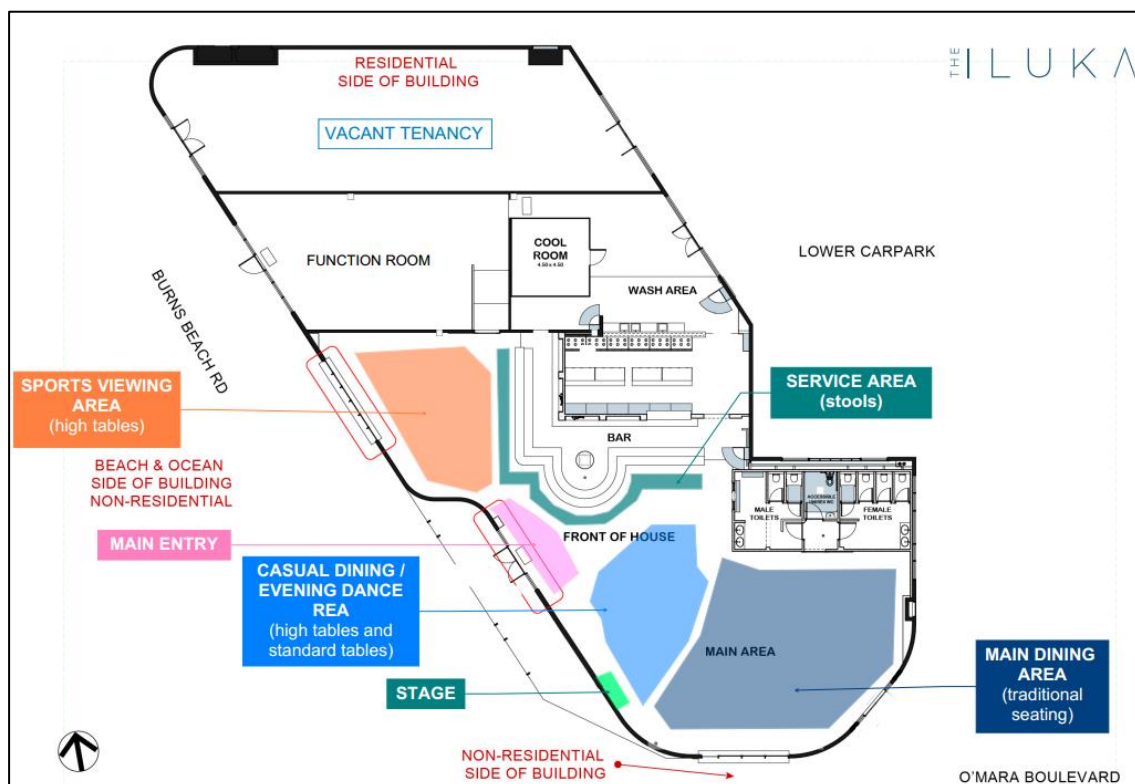


Figure 1 – Floor Plan

-
- The nature of live music must be in line with soft contemporary radio music, jazz, classical, singer songwriters and will exclude heavy rock or music with harsh live elements such as kick drum and the use of hard drum sticks. Live music is expected to occur sporadically throughout the week but will most likely be available to patrons on weekends and may occur interchangeably with DJ performances.
 - Should the facility receive a request for a party bus to attend the site, this will be expressly declined by management. In the event that a party bus arrives on site, the patrons on the bus will be denied entry to the venue.
 - On occasion the facility will host special events, primarily related to sporting events such as soccer games, the AFL grand final or the Melbourne Cup. During these events, tickets will be sold and only patrons with tickets will be permitted to attend to ensure the capacity of venue is managed and the contact details of patrons are available to management. During any special event that is ticketed, crowd controllers will be employed to assist in the management of the event and venue in general.
 - On occasion an Extended Trading Permit (ETP) will be sought for events that occur beyond the allowed operating hours, such as New Years Eve. These applications will be made in accordance with the Liquor Control Act.
 - During special events or when ETP's are granted, the Tavern will conclude the drinks service 30 minutes prior to the end of the event.

Complaints

Any complaint by a member of the public that they are experiencing undue offence, noise or disturbance as a result of entertainment being provided or the general operation of the Premises will follow the below procedure:

1. Complaints forms will be made available on the Tavern's website for members of the public to access and provide feedback if or when they consider it to be appropriate. The nature of the complaint form will be consistent with what is provided in Appendix 2 of the OMP.
2. Upon lodgement of a complaint, staff will bring it to the attention of the Duty Manager who will record the complaint on the mandatory complaints register.
3. The Duty Manager will investigate the complaint to ascertain whether the OMP or conditions of planning approval have been breached.
4. If contact details of the complainant are provided, the owner of the 'Tavern' will make contact to advise them of the outcome of the investigation and if any further concerns remain within a period of 1 week.
5. The resolution of any complaint will be included in the complaints register. Any complaints should be available to the City of Joondalup upon verbal or written request.
6. Should a complainant wish to have a complaint dealt with in real time, the relevant managers contact details will be provided for immediate contact to ensure the complaint is dealt with.

Creating a Safe Environment

The creation of a safe environment within the Premises and the local neighbourhood is a commitment of Management as this will assist in the facility addressing the management plan objectives to encourage an older demographic that is family friendly to attend the venue.

Within the Premises patrons are entitled to feel safe and relaxed. Patrons should not be made to feel uncomfortable, embarrassed or threatened by the behaviour of other patrons. It is one of the aims of Management in adopting responsible service practices at the Premises to create an environment at the Premises where the safety and enjoyment of patrons of the Premises can be maximised as far as may be possible.

In addition, residents of houses within the vicinity of the Premises should not have their peace and quiet unduly disturbed by noise from the Premises or the behaviour of patrons as they leave the Premises. To facilitate these objectives:

- Staff will ensure that reasonable measures are in place to minimise the escape of undue noise from the Premises. This includes adherence to the submitted Noise Management Plan (Appendix 2) which ensures compliance with the *Environmental Protection (Noise) Regulations 1997*.
- Staff will promote and encourage amongst patrons a respect for the amenity of the neighbourhood in which the Premises is situated, and rights of residents not to be unduly disturbed by patrons' behaviour on or off the Premises. To encourage to respect for amenity signage will be installed at the premises reminding patrons that the venue is within a residential community and request that the noise and behaviour is respectful of that community.
- Staff will take reasonable steps to prevent patrons from leaving the Premises with open cans, bottles or with glasses.
- Staff will cease the sale of liquor 30 minutes prior to closing time and advise patrons of the approaching last drinks which will alert patrons of the forthcoming closure of the Premises and encourage them to disperse in an orderly manner. Upon dispersal patrons will be guided by security and staff to dedicated pick up bays and away from the surrounding residential community. The location of the proposed pick up and drop off bays is depicted in Figure 2.

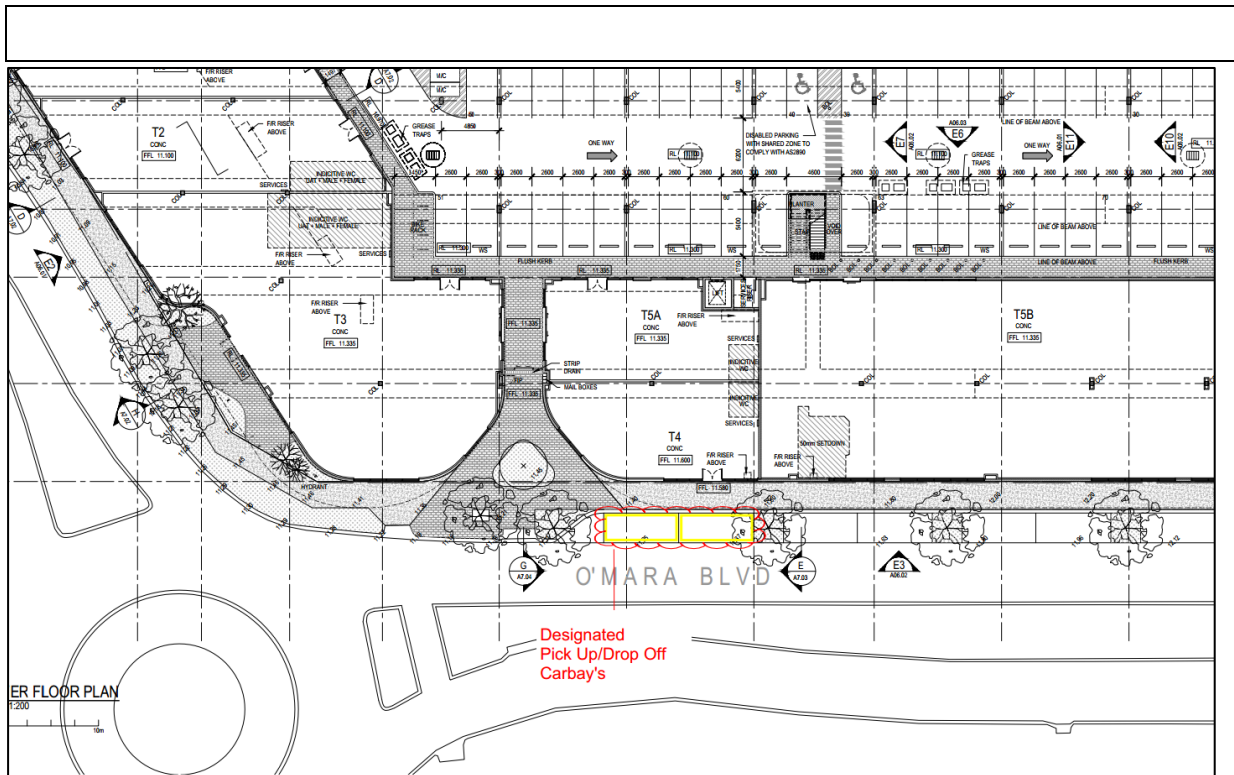


Figure 2 – Pick up and drop off bays

- Staff will collect on a regular basis empty and discard glasses, cans and bottles throughout the Premises. Disposal of waste, in particular glasses, cans and bottles will occur after 7am in the morning and prior to 7pm at night to ensure this occurs outside the noise sensitive periods.
- Management will employ licensed crowd controllers and security personnel on Friday and Saturday nights and whenever the facility is hosting a special event. These staff members will assist in managing the dispersal of patrons and ensuring the behaviour of patrons does not impact adjoining residents.
- Management will arrange for the removal of litter from residential areas surrounding the Premises. This will occur daily during the morning hours when an engaged cleaner is cleaning the premises.
- Should local residents wish to express concern with regard to how the facility is operating, the contact details of management will be made available.



Appendix 1 – Noise Management Plan



THE ILUKA TAVERN

98 O'MARA BOULEVARD
ILUKA

NOISE MANAGEMENT PLAN

MAY 2023

OUR REF: 30393-7-22193



DOCUMENT CONTROL PAGE

NOISE MANAGEMENT PLAN
THE ILUKA TAVERN

Job No: 22193

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THE ILUKA TAVERN

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APPENDICIES

A	Noise Impact Assessment
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1. INTRODUCTION

The Iluka Tavern at 98 O'Mara Boulevard, Iluka, has established requirements for operations to ensure that noise emissions associated with the venue complies with the requirements of the Environmental Protection (Noise) Regulations 1997.

This document sets out the guidelines to be implemented by the operator and their staff to control noise emissions.

2. BACKGROUND

Herring Storer Acoustics conducted an acoustical assessment of noise emissions associated with the Iluka Tavern.

The findings of this report, and the conditions which are to be met are listed in the Noise Impact Assessment report for the venue (HSA Ref : 29657-6-22193).

3. UPDATES TO THIS NOISE MANAGEMENT PLAN

This Noise Management Plan is to be reviewed annually by the operators of the Tavern and in the event that any changes to the tavern (both operations and structure) or surrounding area takes place.

Examples of triggers for such a review, whilst not exhaustive, are as follows :

- Changes in speakers/amplification equipment.
- Changes in façade or roof construction.
- Changes in air conditioning and ventilation systems.
- Changes to the neighbouring area, such as new residential premises.
- Other noise sources become subject of complaint (for example, emptying of bins).

A review of the Noise Management Plan may necessitate a revision of the Noise Impact Assessment.

4. OPENING HOURS / OPERATIONS

The Iluka Tavern operates from 11:30am to late, Monday to Sunday.

5. STAFF INDUCTION

As an integral part of staff induction, staff will be made aware of requirements of this Noise Management Plan and what is required to ensure that The Iluka Tavern complies with this Plan at all times.

During the opening hours, The Iluka Tavern will dedicate one employee ensure that the requirements of this plan are met and respond to noise complaints.

6. NOISE CONTROL

Noise Control requirements within The Iluka Tavern were established as a part of the Noise Impact Assessment. The noise limits for each area within the tavern are summarised below in Table 1.

TABLE 1 - INTERNAL NOISE CRITERIA REQUIRED FOR TAVERN

Tavern Area Location	Required Noise Limit $L_{Aeq, 5min}$	
	dB(A)	dB(C)
Tavern Function Room – Front of Stage	82	91
Main Tavern Sound System – Middle of Bar	85	97
Main Tavern Dance Floor Sound System – Middle of Dance Floor	90	94

Speakers are required to be set such the above noise levels are met. The speaker volume settings are too high to be reached by patrons or performers, with the primary control box locked with only management having access.

All doors and windows are to be normally closed whilst the venue is operating at the above levels.

Management are to ensure that the in house sound system is utilised for all entertainment activities within the venue to ensure that control is maintained on noise levels.

Staff will regularly monitor doors and windows to ensure they remain closed, with this requirement being part of the staff induction.

Calibration of the speaker system to ensure that the above noise limits are met, once undertaken, should only need to be repeated in the event that there is a change to the in house music equipment or should the investigation of a complaint warrant such action.

Photos of the speaker settings are shown below in Figures 1 to 6.



FIGURE 1 – LOCATION OF SPEAKERS – MAIN BAR



FIGURE 2 – SPEAKER VOLUME SETTING – MAIN BAR

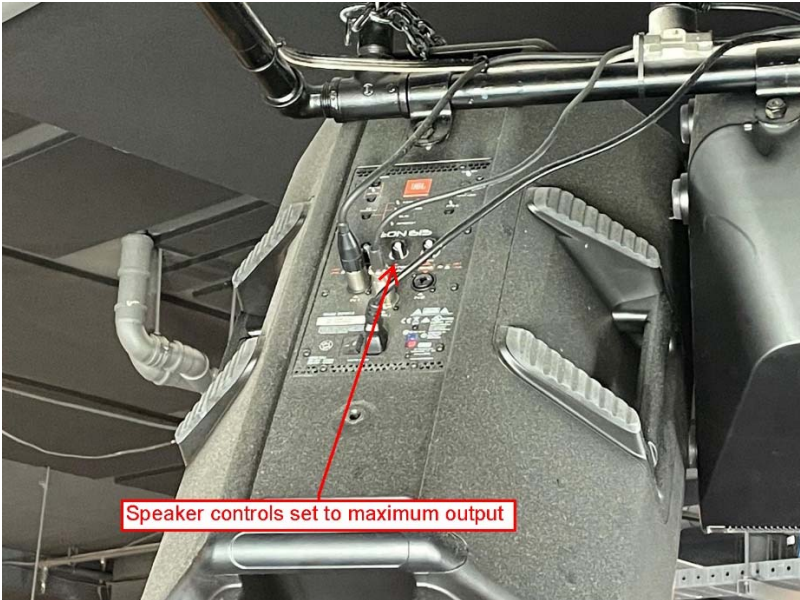


FIGURE 3 – SPEAKER VOLUME SETTING – MAIN BAR

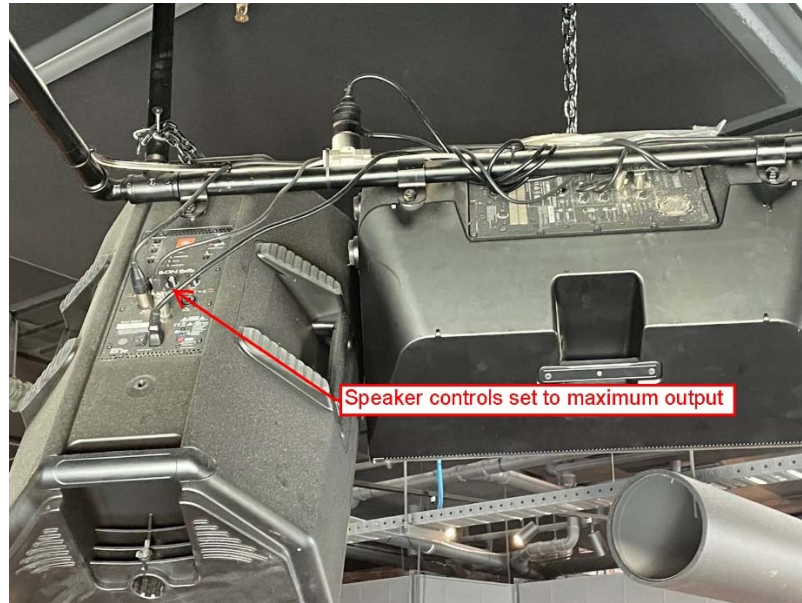


FIGURE 3 – SPEAKER VOLUME SETTING – MAIN BAR



FIGURE 4 – SPEAKER VOLUME SETTING – MAIN BAR

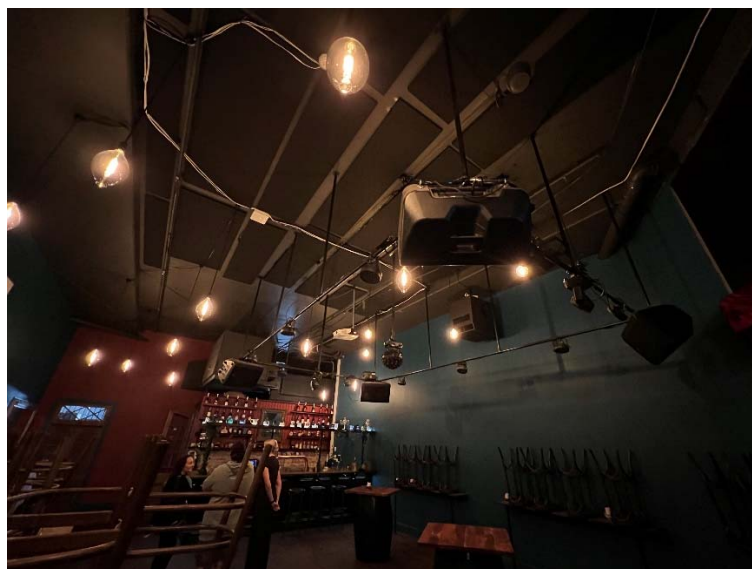


FIGURE 5 – SPEAKERS- FUNCTION ROOM



FIGURE 6 – SECURE CONTROL BOX

7. DISPOSAL OF WASTE

Disposal of waste, in particular glasses, cans and bottles, will occur after 7am in the morning and prior to 7pm at night, to ensure that this occurs outside the noise sensitive periods.

In between these times, the waste will be stored within the tavern.

8. MONITORING OF NOISE IMPACTS

Whilst operating, management are to ensure that periodic checks on noise impacts in the area are undertaken.

This will involve a staff member walking around the surrounding area of the tavern during typical nights to ensure noise levels are either inaudible, or at typically low levels - with noise levels recorded in a log.

On a monthly basis, equipment settings will be checked to ensure that they have not been altered. This check should be recorded in a log.

9. MAINTENANCE OF EQUIPMENT

Management at annual intervals are to check/maintain all speakers/amplifiers to ensure equipment are operating correctly. Any changes to the manner in which the equipment perform will trigger a review of this Noise Management Plan and potentially the Noise Impact Assessment.

10. COMPLAINT RESPONSE

Where possible, the neighbouring residences should be encouraged to, in the first instance, report any complaints directly to The Iluka Tavern.

Any complaints received will be recorded in a log book, stating:

- The time and date of complaint;
- Visiting the site of the complaint (at the time of complaint if possible) and follow up if necessary.
- Review speaker settings and operations at the time of complaint (at the time of complaint if possible).
- Where the complaint was from;
- Source of complaint (i.e. Band / DJ or crowd noise);
- If a verbal response was given to the resident, what was it and was the resident satisfied with the response; and
- Did any personnel go to the property to discuss the complaint and what was resolved at this point.

After the complaint has been received and responded to, staff will check the venue for open doors or windows and then assess the noise at the complainants house using their ears, to determine if music can be heard. If the music can be heard staff will then reduce the volume of the sound system so that it can no longer be heard.

- Provide a copy to the General Manager.

APPENDIX A

NOISE IMPACT ASSESSMENT



DYNAMIC PLANNING AND DEVELOPMENTS PTY LTD

**THE ILUKA TAVERN
98 O'MARA BOULEVARD, ILUKA**

NOISE IMPACT ASSESSMENT

MARCH 2023

OUR REFERENCE: 29657-8-22193



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ACOUSTIC ASSESSMENT
THE ILUKA TAVERN
ILUKA

Job No: 22193

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FOR

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EXECUTIVE SUMMARY AND REQUIRED MANAGEMENT MEASURES

Herring Storer Acoustics have been commissioned to undertake a noise impact assessment of The Iluka Tavern, with the purpose of establishing the internal noise criteria that can be operated within the tavern and comply with the relevant assigned noise levels stipulated by the Environmental Protection (Noise) Regulations 1997 at nearby noise sensitive premises.

The noise criteria for the various areas within the tavern have been developed (based on measurement) and are listed below.

INTERNAL NOISE CRITERIA REQUIRED FOR TAVERN

Tavern Area Location	Required Noise Limit	
	L_{Aeq}, 5min	
	dB(A)	dB(C)
Tavern Function Room – Front of Stage	82	91
Main Tavern Sound System – Middle of Bar	85	97
Main Tavern Dance Floor Sound System – Middle of Dance Floor	90	94

The above noise limits to the various areas are based on the existing sound system set up.

Further confirmation measurements of the system were conducted to calibrate the system and ensure noise levels meet the above criteria. It is noted the speakers were altered, via the physical volume controls located on the speakers at height, during the calibration measurements, hence, are unable to be tampered with by unauthorised personnel.

The measured noise levels during the calibration process within the various areas are listed below. These are all compliant with the limits that were established above.

NOISE LEVELS WITHIN TAVERN FOLLOWING LIMITING OF SPEAKERS

Tavern Area Location	Required Noise Limit	
	L_{Aeq}, 5min	
	dB(A)	dB(C)
Tavern Function Room – Front of Stage	82	91
Main Tavern Sound System – Middle of Bar	83	96
Main Tavern Dance Floor Sound System – Middle of Dance Floor	90	94

It is further noted that all windows and doors of the tavern were closed during the measurements undertaken for the assessment and forms part of the conditions that result in the noise limits presented.

Noise levels at the nearest noise sensitive premises are compliant with the most stringent assigned noise levels stipulated by the *Environmental Protection (Noise) Regulations 1997* whilst operating at the internal levels listed above.

1. INTRODUCTION

Herring Storer Acoustics were commissioned to undertake an acoustic review of The Iluka Tavern at 98 O'Mara Boulevard, Iluka.

The purpose of the review was to ascertain the noise impact of the venue, and the internal noise levels that result in compliant levels with the Environmental Protection (Noise) Regulations 1997.

This work is understood to have been requested to incorporate into an application to change the approved operating conditions of the venue.

2. ENVIRONMENTAL NOISE IMPACT

2.1 CRITERIA

The allowable noise level at the surrounding locales is prescribed by the *Environmental Protection (Noise) Regulations 1997*. Regulations 7 & 8 stipulate maximum allowable external noise levels determined by the calculation of an influencing factor, which is then added to the base levels shown below. The influencing factor is calculated for the usage of land within two circles, having radii of 100m and 450m from the premises of concern. In this instance, the neighbouring premises are commercial, hence, the Assigned Noise Levels are as specified below in Table 1.

TABLE 1 - ASSIGNED OUTDOOR NOISE LEVEL

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises within 15 metres of a dwelling (Highly Sensitive Areas)	0700 - 1900 hours Monday to Saturday	45 + IF	55 + IF	65 + IF
	0900 - 1900 hours Sunday and Public Holidays	40 + IF	50 + IF	65 + IF
	1900 - 2200 hours all days	40 + IF	50 + IF	55 + IF
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays	35 + IF	45 + IF	55 + IF

Note: L_{A10} is the noise level exceeded for 10% of the time.
 L_{A1} is the noise level exceeded for 1% of the time.
 L_{Amax} is the maximum noise level.

It is a requirement that received noise be free of annoying characteristics (tonality, modulation and impulsiveness), defined below as per Regulation 9.

“impulsiveness” means a variation in the emission of a noise where the difference between L_{Apeak} and L_{Amax Slow} is more than 15 dB when determined for a single representative event.

“modulation” means a variation in the emission of noise that –

- is more than 3dB L_{A Fast} or is more than 3 dB L_{A Fast} in any one-third octave band;
- is present for more at least 10% of the representative assessment period; and
- is regular, cyclic and audible.

“tonality” means the presence in the noise emission of tonal characteristics where the difference between –

- (a) the A-weighted sound pressure level in any one-third octave band; and
- (b) the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

is greater than 3dB when the sound pressure levels are determined as $L_{Aeq,T}$ levels where the time period T is greater than 10% of the representative assessment period, or greater than 8 dB at any time when the sound pressure levels are determined as $L_{A\ Slow}$ levels.

Where the noise emission is not music, if the above characteristics exist and cannot be practicably removed, then any measured level is adjusted according to Table 2 below.

TABLE 2 - ADJUSTMENTS TO MEASURED LEVELS

Where tonality is present	Where modulation is present	Where impulsiveness is present
+5 dB(A)	+5 dB(A)	+10 dB(A)

Note: These adjustments are cumulative to a maximum of 15 dB.

Where the noise emission is music, then any measured level is adjusted to Table 3 below.

TABLE 3 - ADJUSTMENTS TO MEASURED MUSIC NOISE LEVELS

Where impulsiveness is not present	Where impulsiveness is present
+10 dB(A)	+15 dB(A)

The allowable noise levels are external to premises. When measurements are recorded/calculated inside a premise, the resultant noise level measurements are to be adjusted in accordance with Table 4 below.

TABLE 4 – INSIDE MEASUREMENTS

Where external windows and doors are open	Where external windows and doors are shut
+10 dB(A)	+15 dB(A)

The location considered in our assessment is understood to be the location where noise levels are subject to complaint, namely the adjacent apartment building, shown in the extract of a previous acoustic assessment below in Figure 1.

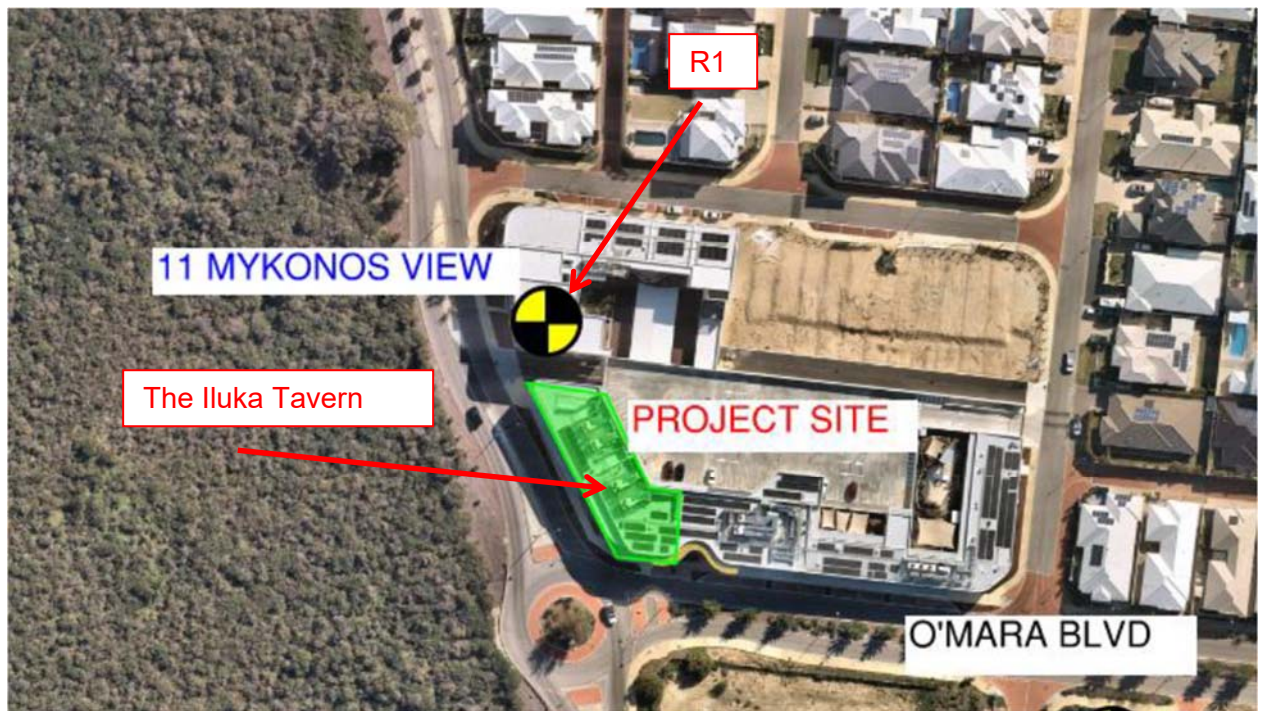


FIGURE 1 – NEAREST NOISE SENSITIVE LOCATION

The influencing factor at the identified noise sensitive premises has been estimated in a previous acoustic report at 4 dB, hence, the assigned outdoor noise levels are as listed in Table 5 below.

TABLE 5 - ASSIGNED OUTDOOR NOISE

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises within 15 metres of a dwelling (Highly Sensitive Areas)	0700 - 1900 hours Monday to Saturday	49	59	69
	0900 - 1900 hours Sunday and Public Holidays	44	54	69
	1900 - 2200 hours all days	44	54	59
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays	39	49	59

Note: L_{A10} is the noise level exceeded for 10% of the time.
 L_{A1} is the noise level exceeded for 1% of the time.
 L_{Amax} is the maximum noise level.

It is understood that 99 O'Mara Boulevard, the vacant lot to the south of The Iluka Tavern could potentially in the future be residential premises.

In the event of a residential premises being developed at this location, the impact of the Tavern upon these premises would need to be considered. It is noted that incorporating provisions for this location by The Iluka Tavern at this stage would be considered premature, as the premises at 99 O'Mara Boulevard may not be noise sensitive once developed, or there may be significant delay before any development at this location.

3. METHODOLOGY

3.1 MEASURED NOISE LEVELS 16/6/2022

Noise levels associated with the tavern were ascertained during site measurements on 16th June 2022 between around 10pm and 11:30pm.

During this time the weather conditions were calm, overcast and a temperature of around 15 °C

Noise levels were recorded with a Larson and Davis 831 Sound Level Meter, with a field calibration check carried out both before and after the measurement period with an acoustic calibrator. All equipment is NATA calibrated, with certification available upon requested.

Noise levels were recorded within the tavern in the Function Room, Main Tavern Area and the area that is utilised as a dance floor in the Main Area at times.

For all locations, the sound system was set to a maximum noise level, with measurements undertaken at repeatable locations internally and externally at a location representative of 11 Mykonos View (“R1”).

Following the above site measurements, further noise level measurements were undertaken.

3.2 MEASURED NOISE LEVELS 16/7/2022

Noise levels associated with various areas/uses are shown in Table 6 below.

During the testing the same song was used on repeat (Daft Punk’s “One More Time”) for the duration of the measurement period.

The background noise level at “R1” prior to the music playing is listed below for reference purposes also.

To illustrate the low frequency content of the measured noise levels in a single number, the C-weighted noise levels are also listed below. The C-weighted overall noise levels better reflects the “bass” frequency content of the noise levels and is a useful way to ascertain the bass component of the measured noise levels.

All noise levels measured during the course of the assessment were undertaken with windows and doors of the tavern closed.

TABLE 6 – MEASURED NOISE LEVELS 16/7/2022

Location	Tavern operations	Measured Noise Level	
		dB(A)	dB(C)
R1 - Background	Not contributing to noise levels	45	56
Tavern Function Room – Front of Stage	Function Room Playing Music	91	107
R1		54	72
Main Tavern – Middle of Bar	Main Tavern Sound System Playing Music	88	103
R1		48	62
Main Tavern – Middle of Dance Floor	Dance Floor Sound System Playing Music	94	101
R1		49	63

4. ASSESSMENT

In all instances, music was audible at “R1” during the testing, hence, the adjustments, as listed in Table 7 are applicable to the measured noise levels. It is noted that impulsive characteristics were not considered present at the measured levels.

TABLE 7 - APPLICABLE ADJUSTMENTS FOR ANNOYING CHARACTERISTICS, dB(A)

	Measured Noise Level, dB(A)	Adjustment to music noise emissions		Assessable Noise Level, dB(A)
		Where impulsiveness is not present	Where impulsiveness is present	
Tavern Function Room Playing Music	54	+ 10	-	64
Main Tavern Sound System Music	48	+ 10	-	58
Main tavern Dance Floor Sound System	49	+ 10	-	59

The music noise emissions associated with the various uses within the tavern, at “R1” has been assessed in Table 8 below – Noting that this assessment considered the tavern operating at maximum noise levels possible by the existing sound system setup, to determine the noise limits.

All time periods have been considered in this assessment, on that basis that music with the tavern could be played at all opening hours.

TABLE 8 – ASSESSMENT OF NOISE LEVEL EMISSIONS – AT R1

Operating Condition	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned Level (dB) L _{A10} dB	Exceedance to Assigned Noise Level (dB)
Tavern Function Room Playing Music	64	Day	49	+ 15 dB
		Sundays	44	+ 20 dB
		Evenings	44	+ 20 dB
		Night	39	+ 25 dB
Main Tavern Sound System Music	58	Day	49	+ 9 dB
		Sundays	44	+ 14 dB
		Evenings	44	+ 14 dB
		Night	39	+ 15 dB
Main tavern Dance Floor Sound System	59	Day	49	+ 10 dB
		Sundays	44	+ 15 dB
		Evenings	44	+ 15 dB
		Night	39	+ 20 dB

As can be seen from the above table, noise level emissions whilst utilising the various areas with the sound system operating at maximum levels significantly exceed the allowable noise levels stipulated by the Environmental Protection (Noise) Regulations 1997 at all time periods.

5. DISCUSSION

5.1 INITIAL ASSESSMENT

The current setup of the sound systems within the tavern result in significant exceedances to the allowable noise levels stipulated by the Environmental Protection (Noise) Regulations 1997 at the adjacent apartment building “R1” – Noting that this exceedance occurs when the sound systems are set to maximum noise levels.

To ensure compliance with the Regulations is attained the following limits to the areas within the tavern are calculated to be required, noting that the following has been based upon noise level emissions after 10pm alone (i.e. during the night period).

TABLE 9 – NOISE LIMITS REQUIRED FOR TAVERN

Tavern Area Location	Required Noise Limit $L_{Aeq, 5min}$	
	dB(A)	dB(C)
Tavern Function Room – Front of Stage	82	91
Main Tavern Sound System– Middle of Bar	85	97
Main Tavern Dance Floor Sound System– Middle of Dance Floor	90	94

The above limits to the various areas are based on the existing sound system set up and all areas operating at these levels concurrently.

The above noise limits in place result in an assessable noise level of 39 dB(A) at the nearest noise sensitive premises, complying with the most stringent assigned noise level – being the night period between 10pm and 7am, Monday to Saturday.

5.2 CONFIRMATION MEASUREMENTS 26/7/2022

Noise level measurements were undertaken within the tavern on the 26/7/2022.

The purpose of these measurements was to confirm that the internal speaker systems had been set to the level ascertained to be required for compliance at neighbouring premises.

Noise level measurements were undertaken at the same internal spots as the 16/7/2022 assessment to confirm that the sound system had been set to the noise limits required as outlined in Table 9 above.

The measured noise levels were undertaken with the same song being played as the 16/7/2022 measurements (Daft Punk’s “One More Time”).

The results of the measurements are listed below in Table 10

TABLE 10 – MEASURED INTERNAL NOISE LEVELS 26/7/2022

Tavern Area Location	Required Noise Limit L _{Aeq} , 5min	
	dB(A)	dB(C)
Tavern Function Room – Front of Stage	82	91
Main Tavern Sound System– Middle of Bar	83	96
Main Tavern Dance Floor Sound System– Middle of Dance Floor	90	94

5.3 LIVE MUSIC CONSIDERATIONS

The calibration of the in-house speaker system establishes compliance with the Regulations at the neighbouring noise sensitive premises.

It is noted that in the event of live music being played, all instruments would be routed through the in-house speakers, with minimal fold back which is required for the musicians to hear their instruments.

Live music to be in line with soft contemporary radio music, Jazz, singer songwriters and will exclude heavy rock or music with “harsh” live elements such as kick drum and the use of hard drum sticks.

6. CONCLUSION

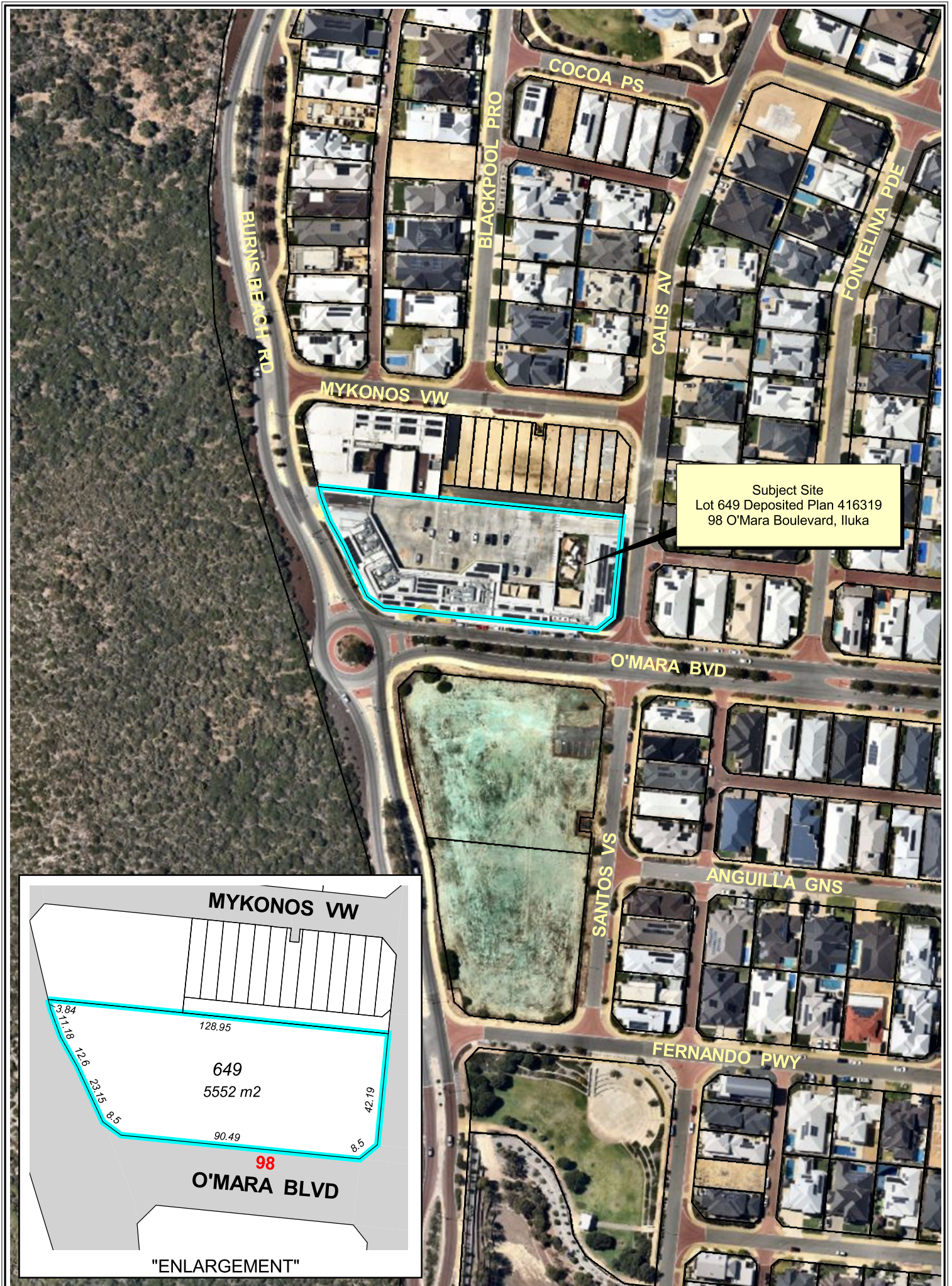
The noise impact associated the sound system of the tavern, operating at maximum noise levels, was originally found to significantly exceed the allowable noise levels at the neighbouring noise sensitive premises stipulated by the *Environmental Protection (Noise) Regulations 1997*.

Following the above finding, the sound system has now been set such that the noise limits required within the tavern to comply with the *Environmental Protection (Noise) Regulations* are achieved. Hence, external noise levels now meet the assigned noise levels stipulated by the *Environmental Protection (Noise) Regulations requirements*.

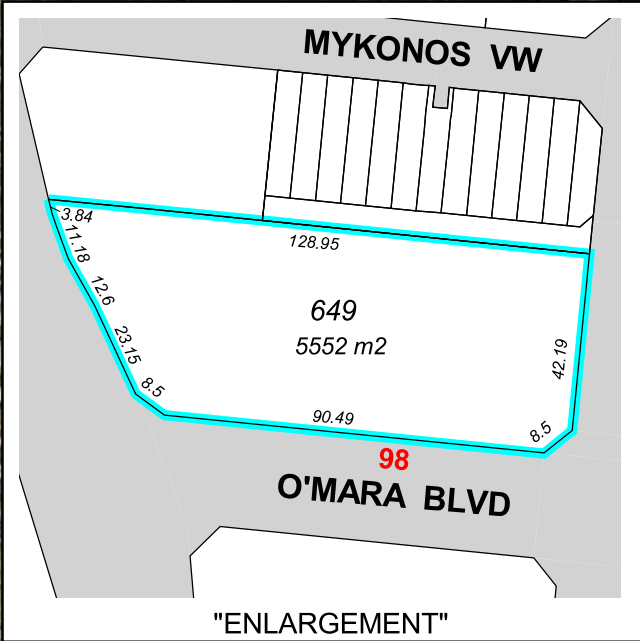
The sound system is understood to be kept at this level via the volume controls that are physically located on the speakers at height – hence, unable to be interfered with by unauthorised personnel.



Appendix 2 – Complaints Performa



Subject Site
 Lot 649 Deposited Plan 416319
 98 O'Mara Boulevard, Iluka





LG Ref: DA8/1336
DAP Ref: DAP/18/01543
Enquiries: (08) 6551 9919

State Administrative Tribunal
565 Hay Street
PERTH WA 6000

Dear Sir/Madam

STATE ADMINISTRATIVE TRIBUNAL REVIEW OUTCOME – DR 061/2019

Property Location:	Portion of 9040 (34) Kallatina Drive, Iluka
Application Details:	Commercial Development

Please be advised that the Metro North-West Joint Development Assessment Panel reconsidered the above-mentioned development application, SAT ref DR 061/2019, pursuant to section 31 of the *State Administrative Tribunal Act 2004* on 28 June 2019.

The Notice of Determination is attached.

Yours sincerely,

DAP Secretariat

9 July 2019

Encl: Amended DAP Determination Notice

Cc: AGEM PG 33 PTY LTD C/- LSV Borello Lawyers

State Solicitor's Office

Mr Jeremy Thompson
City of Joondalup

Planning Appeals



Planning and Development Act 2005

City of Joondalup Local Planning Scheme No.3

Metro North-West Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

Property Location: Portion of 9040 (34) Kallatina Drive, Iluka

Application Details: Commercial Development

Pursuant to section 31 of the *State Administrative Tribunal Act 2004*, the Metro North-West JDAP, at its meeting on 28 June 2019, has reconsidered its decision dated 13 May 2019 in respect to the above application, SAT Ref. DR 061/2019 and has resolved to:

Approve DAP Application reference DAP/18/01543 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the *Metropolitan Region Scheme* and the City of Joondalup *Local Planning Scheme No. 3* and pursuant to clause 24(1) and 26 of the *Metropolitan Region Scheme*, subject to the following amended conditions:

Conditions

11. A Waste Management Plan shall be submitted to and approved by the City prior to commencement of development. The Waste Management Plan shall include, but not be limited to, the following;
 - Days, times and frequency of pick up;
 - Type and size of waste vehicle to be used;
 - Type and size of bins to be used; and
 - Method of rubbish collection.

All waste collection shall be in accordance with the approved Waste Management Plan.

12. A Delivery Management Plan shall be submitted to and approved by the City prior to commencement of the development. The Delivery Management Plan shall include, but not be limited to, the following;
 - Restricting deliveries by semi-rigid vehicles of 12.5m or more in length to between hours of 7am to 7pm;
 - Instruction to drivers for the use of Burns Beach Road access only and not to use Calis Avenue or Mykonos View when approaching or accessing the site;
 - Signage and wayfinding details to be installed on the property to direct delivery drivers to the Burns Beach Road vehicle access point; and
 - Timing of all other development to minimise conflict between customers and service vehicles.

Delivery management shall then be undertaken in accordance with the approved plan.



21. A Traffic and Parking Management Plan shall be submitted to and approved by the City prior to the commencement of the development. The Traffic and Parking Management Plan shall include, but not be limited to, the following;
- Demonstrate safe access and egress including vehicular and pedestrian access;
 - Consideration of mirrors at the exit on Calis Avenue; and
 - The Calis Avenue access shall be closed to prevent entry by vehicles between 10.00pm and 5.30am Monday to Sunday.

Traffic and Parking Management shall then be undertaken in accordance with the approved plan.

22. The hours of operation shall be no more than:
- a. T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday.
 - b. T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.

All other conditions and advice notes remain as per the decision of 13 May 2019.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.



LG Ref: DA20/0452
DAP Ref: DAP/18/01543
Enquiries: (08) 6551 9919

Mr Reegan Cake
Dynamic Planning & Developments
PO Box 688, Inglewood WA 6932

Dear Mr Cake

**METRO OUTER JDAP - CITY OF JOONDALUP - DAP APPLICATION - DA20/0452
- DETERMINATION**

Property Location:	Lot 649 (98) O'Mara Boulevard, Iluka
Application Details:	Mixed Commercial Centre (Iluka Plaza)
Amendment Details:	Form 2.1 - Change of use of tenancies 1 - 3 to 'Tavern'.

Thank you for your Form 2.1 Development Assessment Panel (DAP) application and plans submitted to the City of Joondalup on 3 June 2020 for the above-mentioned development.

The application was considered by the Metro Outer JDAP at its meeting held on 31 August 2020, where in accordance with the provisions of the City of Joondalup Local Planning Scheme No.3, it was resolved to **approve** the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, an application may be made to amend or cancel this planning approval in accordance with regulation 17 and 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the conditions of approval, please contact Mr Jeremy Thompson on behalf of the City of Joondalup on 9400 4400.

Yours sincerely,

DAP Secretariat

9 September 2020

Encl. DAP Determination Notice
Approved Plans

Cc: Mr Jeremy Thompson
City of Joondalup



Planning and Development Act 2005

City of Joondalup Local Planning Scheme No.3

Metro Outer Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Property Location: Lot 649 (98) O'Mara Boulevard, Iluka

Application Details: Mixed Commercial Centre (Iluka Plaza)

Amendment Details: Form 2.1 - Change of use of tenancies 1 - 3 to 'Tavern'.

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 31 August 2020, subject to the following:

1. **Accept** that the DAP Application reference DAP/18/01543 as detailed on the DAP Form 2 dated 28 May 2020 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP application reference DAP/18/01543, and accompanying plans (Attachment 2) 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 Joondalup Local Planning Scheme No. 3*, for the proposed change of use to the approved commercial development at Lot 649 (98) O'Mara Boulevard, Iluka, subject to:

Amended Conditions of JDAP decision dated 13 May 2019

14. A detailed acoustic report shall be submitted to the City's satisfaction, prior to the Occupation of Tenancy 1, 2 and 3. The acoustic report shall demonstrate that the design of the building can ensure that all activities, including those occurring within the gymnasium and child care, and tavern comply with the Environmental Protection (Noise) Regulations 1997. The acoustic report shall also consider any impacts to the adjoining residential development to the north.

Additional Advice note of JDAP decision dated 13 May 2019

9. Revised condition 14 is required to address the change of use of Tenancy 1, 2 and 3. This is to be demonstrated through an amendment to the implementation section of the report which shall identify appropriate management of the tavern, including, but not limited to, restrictions on outdoor areas (including time restrictions, prohibition of music and any openings to the indoor area) and music to be of an ambient nature with live performances to be prohibited.



Amended Conditions of JDAP decision dated 28 June 2019

11. A Waste Management Plan shall be submitted to and approved by the City prior to the occupation of Tenancy 1, 2 and 3. The Waste Management Plan shall include, but not be limited to, the following;
- Days, times and frequency of pick up;
 - Type and size of waste vehicle to be used;
 - Type and size of bins to be used; and
 - Method of rubbish collection.

All waste collection shall be in accordance with the approved Waste Management Plan.

12. A Delivery Management Plan shall be submitted to and approved by the City prior to the occupation of Tenancy 1, 2 and 3. The Delivery Management Plan shall include, but not be limited to, the following;
- Restricting deliveries by semi-rigid vehicles of 12.5m or more in length to between hours of 7am to 7pm;
 - Instruction to drivers for the use of Burns Beach Road access only and not to use Calis Avenue or Mykonos View when approaching or accessing the site;
 - Signage and wayfinding details to be installed on the property to direct delivery drivers to the Burns Beach Road vehicle access point; and
 - Timing of all other development to minimise conflict between customers and service vehicles.

Delivery management shall then be undertaken in accordance with the approved plan.

The Delivery Management Plan shall include the revised Tavern land use.

21. A Traffic and Parking Management Plan shall be submitted to and approved by the City prior to the occupation of Tenancy 1, 2 and 3. The Traffic and Parking Management Plan shall include, but not be limited to, the following;
- Demonstrate safe access and egress including vehicular and pedestrian access;
 - Consideration of mirrors at the exit on Calis Avenue; and
 - The Calis Avenue access shall be closed to prevent entry by vehicles between 10.00pm and 5.30am Monday to Sunday.

Traffic and Parking Management shall then be undertaken in accordance with the approved plan.

22. The hours of operation shall be no more than:
- a) T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday.
T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.
T1/T2/T3 (Tavern) 6am to 11pm Monday to Sunday.



Additional Advice note of JDAP decision dated 28 June 2019

10. Revised condition 11 is required to address the change of use of Tenancy 1, 2 and 3 including any additional waste required from the Tavern land use.
11. Revised condition 12 is required to address the change of use of Tenancy 1, 2 and 3 including any additional delivery requirements from the Tavern land use.
12. Revised condition 21 is required to address the change of use of Tenancy 1, 2 and 3 including the impacts of the Tavern use on vehicular and pedestrian access.

New Condition

23. An Operations Management Plan shall be submitted to and approved by the City prior to commencement of the use. The Operations Management Plan shall include, but not be limited to, an internal floor plan indicating the specific function of each area within the tavern use.

All other conditions, footnotes and advice notes remain as per the decision of 13 May 2019 and 28 June 2019.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.



Amended Conditions of JDAP decision dated 28 June 2019

11. A Waste Management Plan shall be submitted to and approved by the City prior to the occupation of Tenancy 1, 2 and 3. The Waste Management Plan shall include, but not be limited to, the following;
- Days, times and frequency of pick up;
 - Type and size of waste vehicle to be used;
 - Type and size of bins to be used; and
 - Method of rubbish collection.

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 - Signage and wayfinding details to be installed on the property to direct delivery drivers to the Burns Beach Road vehicle access point; and
 - Timing of all other development to minimise conflict between customers and service vehicles.

Delivery management shall then be undertaken in accordance with the approved plan.

The Delivery Management Plan shall include the revised Tavern land use.

21. A Traffic and Parking Management Plan shall be submitted to and approved by the City prior to the occupation of Tenancy 1, 2 and 3. The Traffic and Parking Management Plan shall include, but not be limited to, the following;
- Demonstrate safe access and egress including vehicular and pedestrian access;
 - Consideration of mirrors at the exit on Calis Avenue; and
 - The Calis Avenue access shall be closed to prevent entry by vehicles between 10.00pm and 5.30am Monday to Sunday.

Traffic and Parking Management shall then be undertaken in accordance with the approved plan.

22. The hours of operation shall be no more than:
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T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.
T1/T2/T3 (Tavern) 6am to 11pm Monday to Sunday.



Additional Advice note of JDAP decision dated 28 June 2019

10. Revised condition 11 is required to address the change of use of Tenancy 1, 2 and 3 including any additional waste required from the Tavern land use.
11. Revised condition 12 is required to address the change of use of Tenancy 1, 2 and 3 including any additional delivery requirements from the Tavern land use.
12. Revised condition 21 is required to address the change of use of Tenancy 1, 2 and 3 including the impacts of the Tavern use on vehicular and pedestrian access.

New Condition

23. An Operations Management Plan shall be submitted to and approved by the City prior to commencement of the use. The Operations Management Plan shall include, but not be limited to, an internal floor plan indicating the specific function of each area within the tavern use.

All other conditions and advice notes remain as per the decision of 13 May 2019.

All other conditions, footnotes and advice notes remain as per the decision of 13 May 2019 and DAPs' original decision from the SAT application finalised on 10 July 2019.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

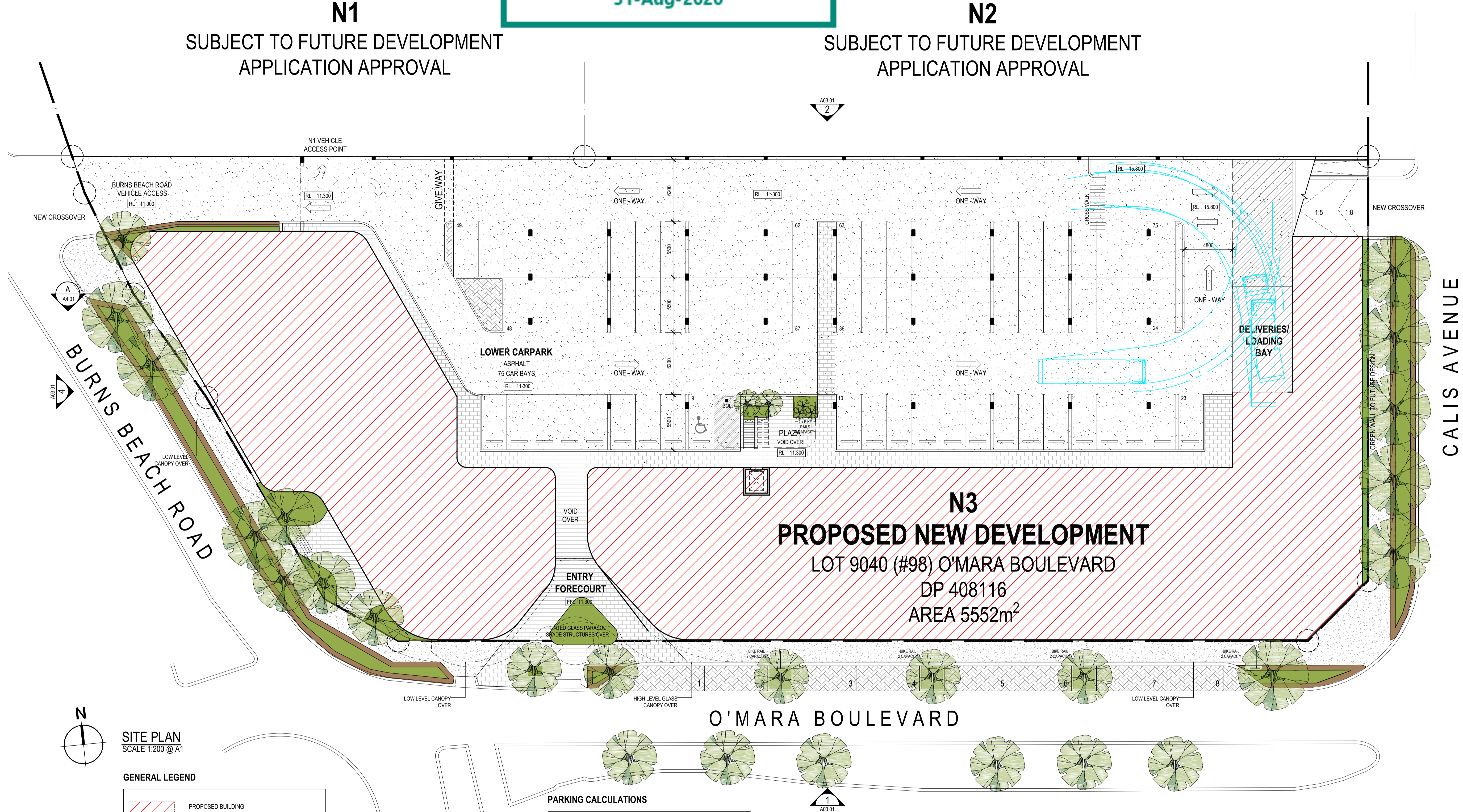
DEVELOPMENT ASSESSMENT PANEL

APPROVED
31-Aug-2020

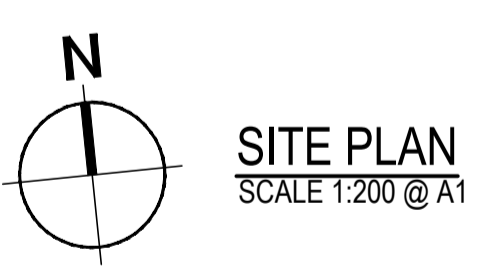
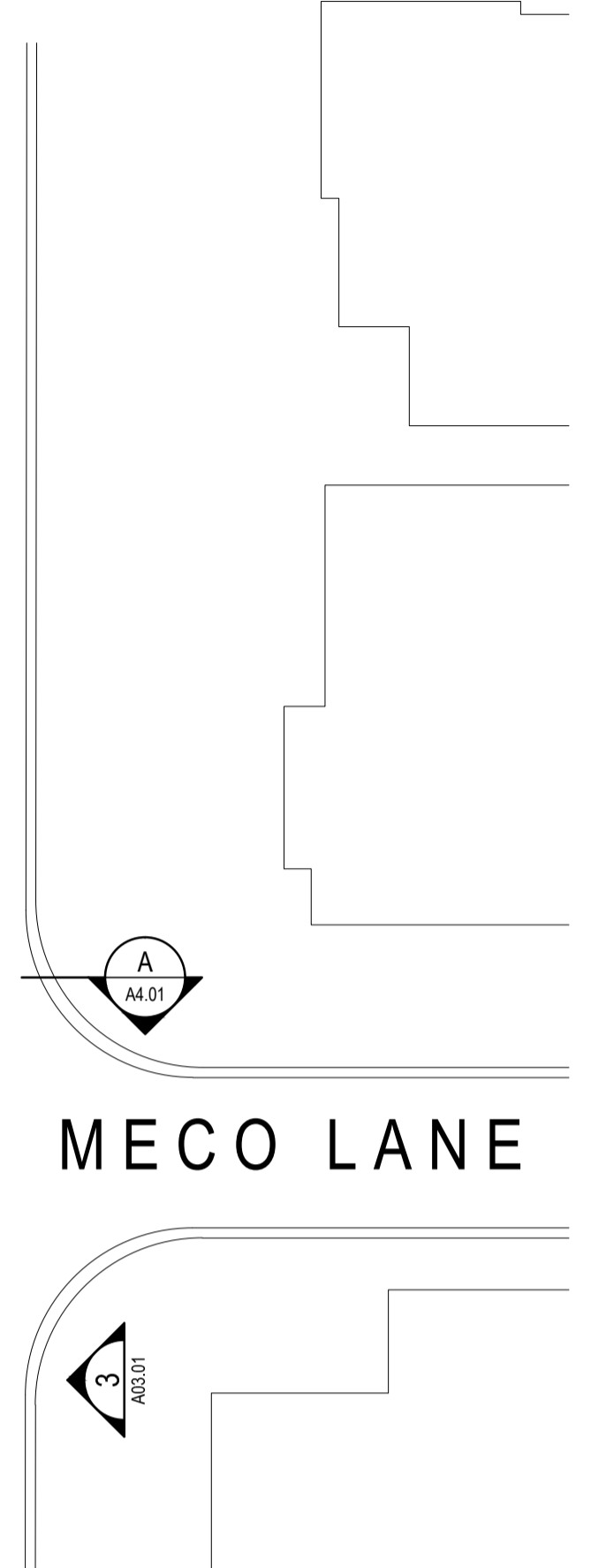
NOTE: Contractor to check and verify all dimensions, levels, and angles on site before commencing. All construction work to be in accordance with the building code of Australia, approved documents and relevant Australian Standards.

N1
SUBJECT TO FUTURE DEVELOPMENT APPLICATION APPROVAL

N2
SUBJECT TO FUTURE DEVELOPMENT APPLICATION APPROVAL



N3
PROPOSED NEW DEVELOPMENT
LOT 9040 (#98) O'MARA BOULEVARD
DP 408116
AREA 5552m²



SITE PLAN
SCALE 1:200 @ A1

GENERAL LEGEND

- PROPOSED BUILDING ENVELOPE
- PROPOSED CARPARK BITUMEN
- PROPOSED PAVING
- PROPOSED LANDSCAPING
- PROPOSED VEGETATION
- PROPOSED COLUMN LOCATIONS
- RELATIVE LEVEL
- FINISHED FLOOR LEVEL

LANDSCAPING CALCULATIONS

TOTAL SITE AREA	5552m²
REQUIRED LANDSCAPING DISTRICT PLANNING SCHEME	445m² 8%
PROPOSED HARD & SOFT LANDSCAPING	205m²
CHILD CARE OUTDOOR AREA	507m²
PROPOSED LANDSCAPING	712m² (12%)

PARKING CALCULATIONS

TOTAL LOWER FLOOR GLA	2080m²
TOTAL UPPER FLOOR GLA	2590m²
T1 - SHOP	GLA 200m ² 7 BAYS
T2 - SHOP	GLA 200m ² 7 BAYS
T3 - FOOD	GLA 500m ² 36 BAYS
T4 - SHOP	GLA 130m ² 4 BAYS
T5 - SHOPPING CENTRE & LIQUOR STORE	GLA 1050m ² 40 BAYS
T6 - OFFICE	GLA 410m ² 8 BAYS
T7 - OFFICE	GLA 300m ² 5 BAYS
T8 - GYM	GLA 350m ² 10 BAYS
T9 - CHILDCARE	GLA 1530m ²
STAFF (1:5)	16 BAYS
80 CHILDREN	10 BAYS
REQUIRED BAYS	143 BAYS
PROPOSED BAYS	142 BAYS
+ 8 STREET BAYS	
+ 5 MOTORCYCLE / MOPED BAYS	

ISSUE	DATE	DESCRIPTION	DRN.	APP.
F	18/03/19	JDAP REVISIONS	LM	LA
E	26/02/19	DRP REVISIONS	LM	LA
D	20/02/19	DRP REVISIONS	LM	LA
C	18/02/19	DRP REVISIONS	LM	LA
B	05/02/19	DRP REVISIONS	LM	LA
A	29/11/18	DEVELOPMENT APPROVAL	LM	LA

DEVELOPMENT APPROVAL

dmg ARCHITECTURE
DESIGN MANAGEMENT GROUP Level 2 1008 hay street perth 6000
telephone +61 8 9212 8888 | facsimile +61 8 9212 8822
info@dmgaustralia.com.au | www.dmgaustralia.com.au

PROJECT
ILUKA PLAZA
LOT 9040 (#98) O'MARA BOULEVARD
ILUKA, WA 6028

TITLE
SITE PLAN

SCALE	DRAWN	CHECKED
1:200 @ A1	LM	LA

PROJECT #	DRAWING #	ISSUE
18031	A02.01	F

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TOTAL AREA:

TENANCY 1	190sqm
TENANCY 2	195sqm
TENANCY 3	490sqm
TOTAL COMBINED	875sqm

PROPOSED GENERAL ARRANGEMENT:

INTERNAL SEATING	490sqm
ALFRESCO	125sqm
BACK OF HOUSE	310sqm

AMENITIES:

FEMALE

6 CLOSET PANS 4 WASH BASINS

MALE

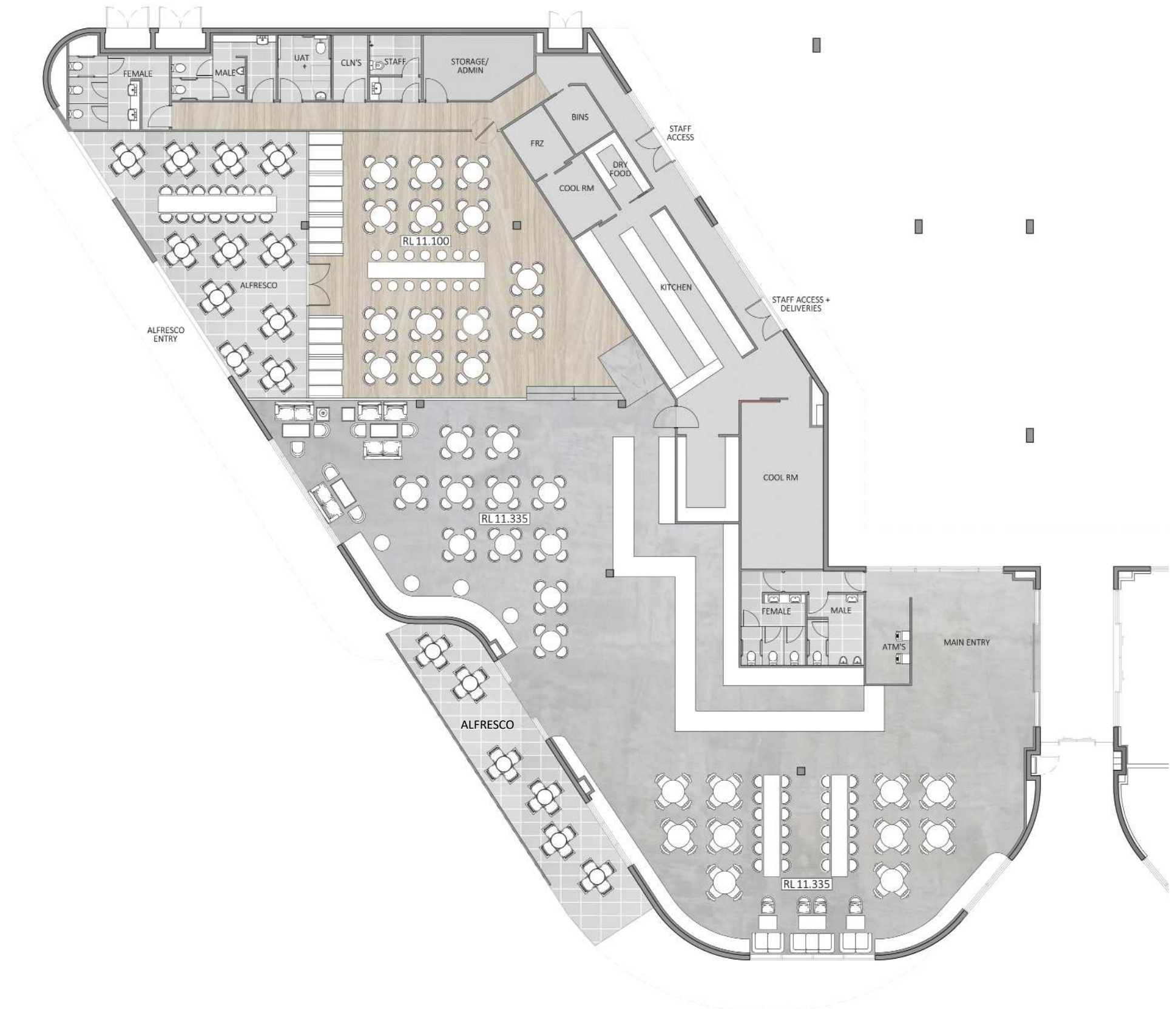
3 CLOSET PANS 2 WASH BASINS 4 URINALS

UAT

1 PROVIDED

STAFF

DEDICATED STAFF EOT FACILITY



GENERAL ARRANGEMENT PLAN 1:200@A3

DEVELOPMENT
ASSESSMENT PANEL

APPROVED
31-Aug-2020

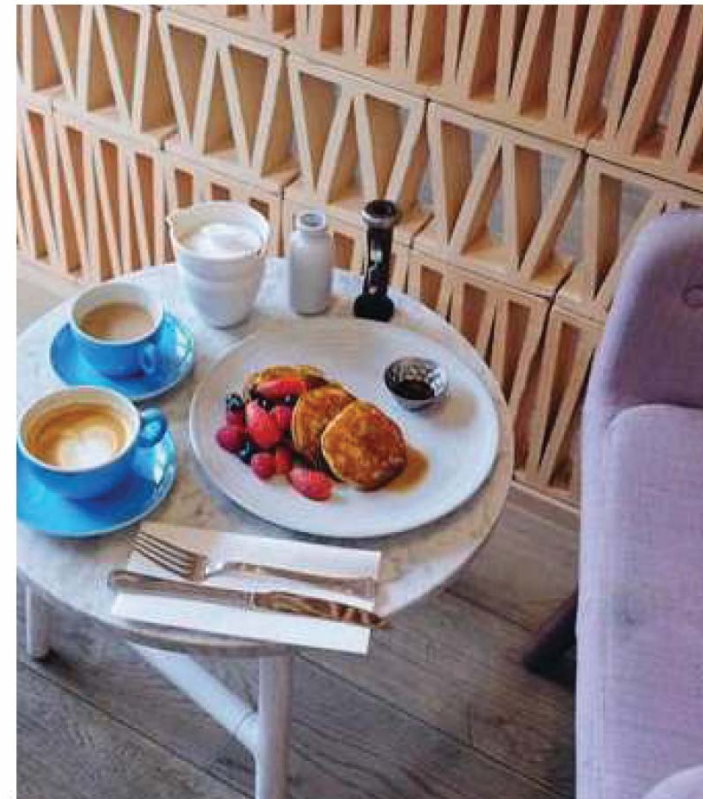
ILUKA



DEVELOPMENT
ASSESSMENT PANEL

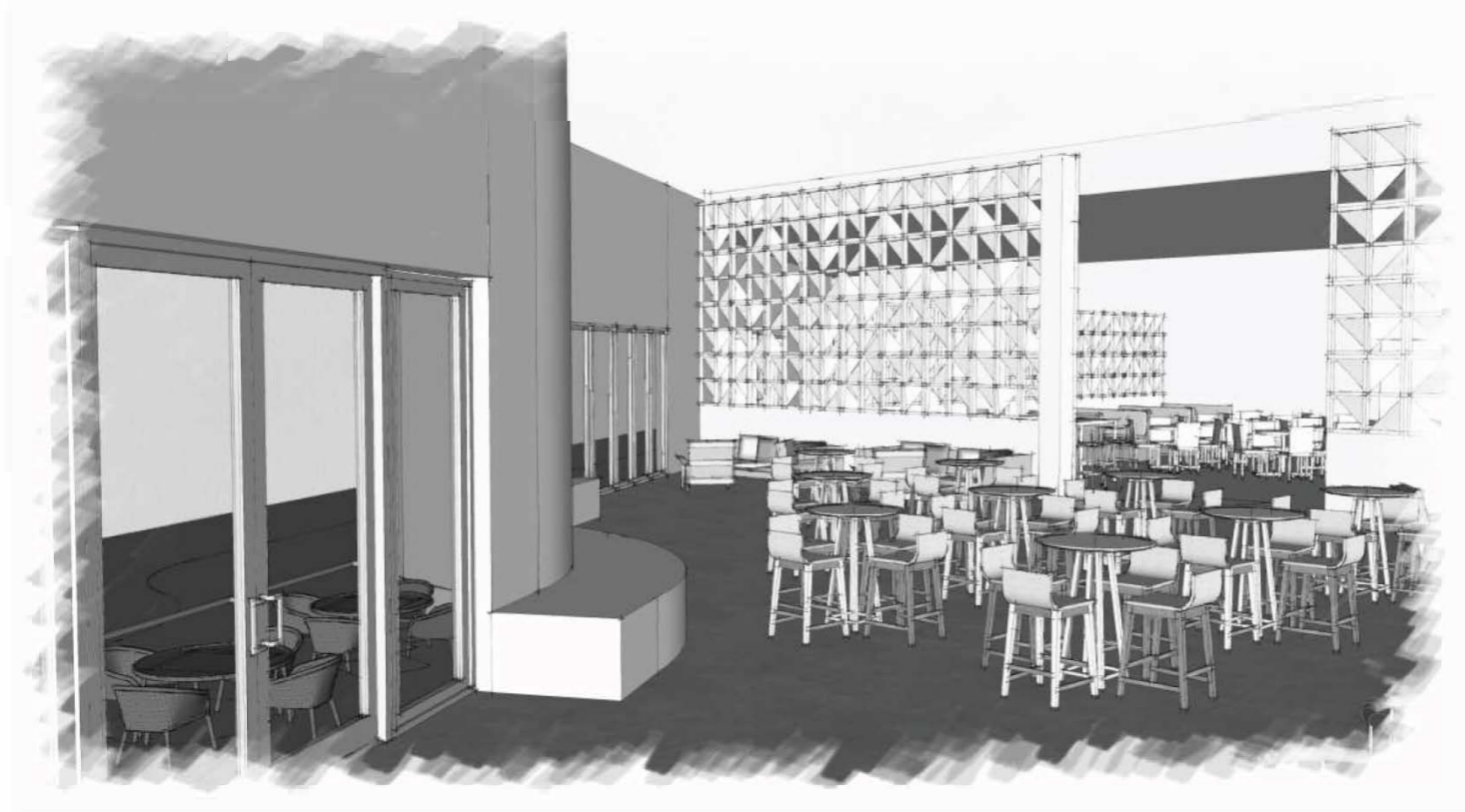
APPROVED

31-Aug-2020



DEVELOPMENT
ASSESSMENT PANEL

APPROVED
31-Aug-2020





LG Ref: DA18/1336.01
DAP Ref: DAP/18/01543
Enquiries: (08) 6551 9919

Mr Reegan Cake
Dynamic Planning & Developments
PO Box 688,
Inglewood WA 6932

Dear Mr Cake

METRO OUTER JDAP - CITY OF JOONDALUP - DAP APPLICATION - DA18/1336.01 - DETERMINATION

Property Location:	Lot 649 (98) O'Mara Boulevard, Iluka
Application Details:	Mixed Commercial Centre (Iluka Plaza)
Amendment Details:	Form 2.2 - Retrospective approval to modify conditions of approval

Thank you for your Form 2.2 Development Assessment Panel (DAP) application and plans submitted to the City of Joondalup on 23 December 2021 for the above-mentioned development.

This application was considered by the Metro Outer JDAP at its meeting held on 14 April 2022, where in accordance with the provisions of the City of Joondalup Local Planning Scheme No.3, it was resolved to **refuse** the application as per the attached notice of determination.

Please be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the reasons for refusal, please contact Mr Jeremy Thompson on behalf of the City of Joondalup on 08 9400 4400.

Yours sincerely,

DAP Secretariat

22 April 2022

Encl. DAP Determination Notice
Refused Plans

Cc: Mr Jeremy Thompson
City of Joondalup



Planning and Development Act 2005

City of Joondalup Local Planning Scheme No.3

Metro Outer Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

Property Location: Lot 649 (98) O'Mara Boulevard, Iluka
Application Details: Mixed Commercial Centre (Iluka Plaza)
Amendment Details: Form 2.2 - Retrospective approval to modify conditions of approval

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **refused** on 14 April 2022, subject to the following:

1. **Accept** that the DAP Application reference DAP/18/01543 as detailed on the DAP Form 2 dated 24 December 2021 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Refuse** the DAP Application reference DAP/18/01543 as detailed on the DAP Form 2 date 24 December 2021 and accompanying plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the provisions of the City of Joondalup *Local Planning Scheme No. 3* and Iluka Structure Plan for the following reasons:

Reasons

1. The proposed modifications do not satisfy the matters to be considered under clause 67(2)(a), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Specifically, extending hours from 11.00pm to 12.00am for the 'Tavern' use and modifications to the car park entrance to Calis Avenue will have a detrimental impact on the amenity of the adjoining owners and residential properties in the locality and, therefore, does not meet the objectives under Table 2, 'Commercial' zone objectives of *Local Planning Scheme No. 3*.
2. The proposed modifications do not satisfy the matters to be considered under clause 67(2)(h), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Specifically, the modifications do not meet the objectives under clause 6.1 of the Iluka Structure Plan as the proposal is considered to;
 - a. have a detrimental impact on the amenity of the adjoining owners and residential properties in the locality;



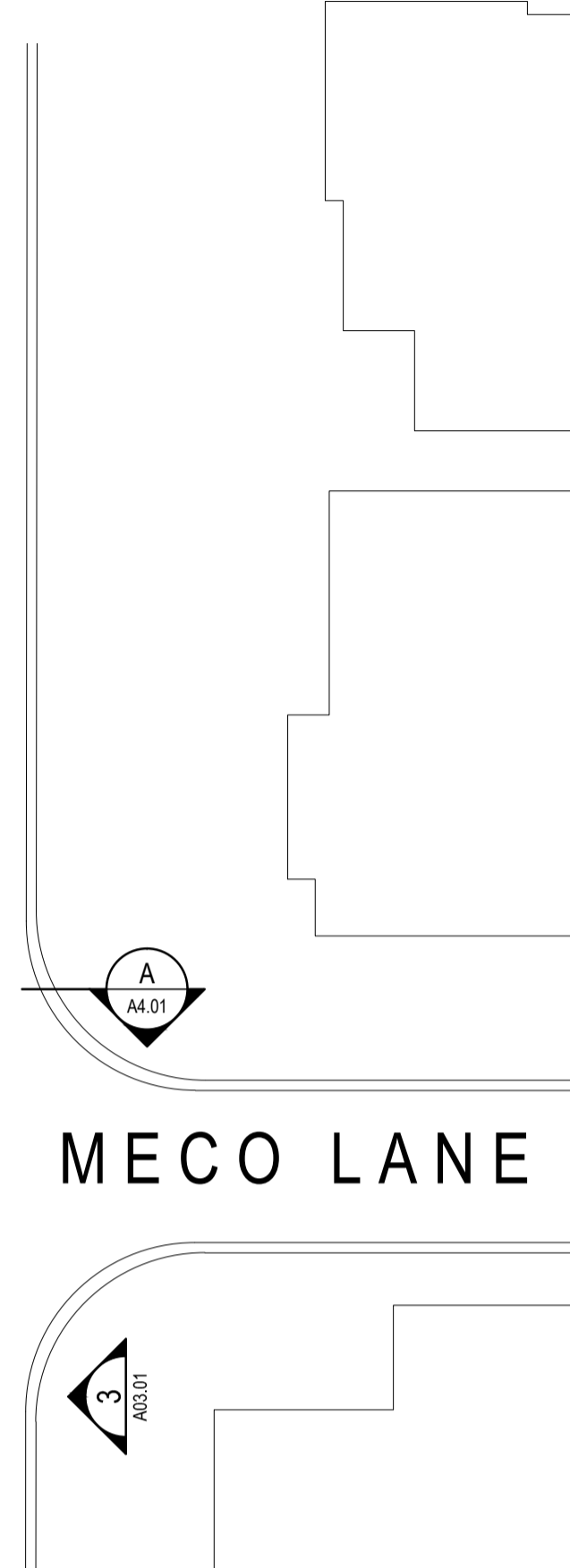
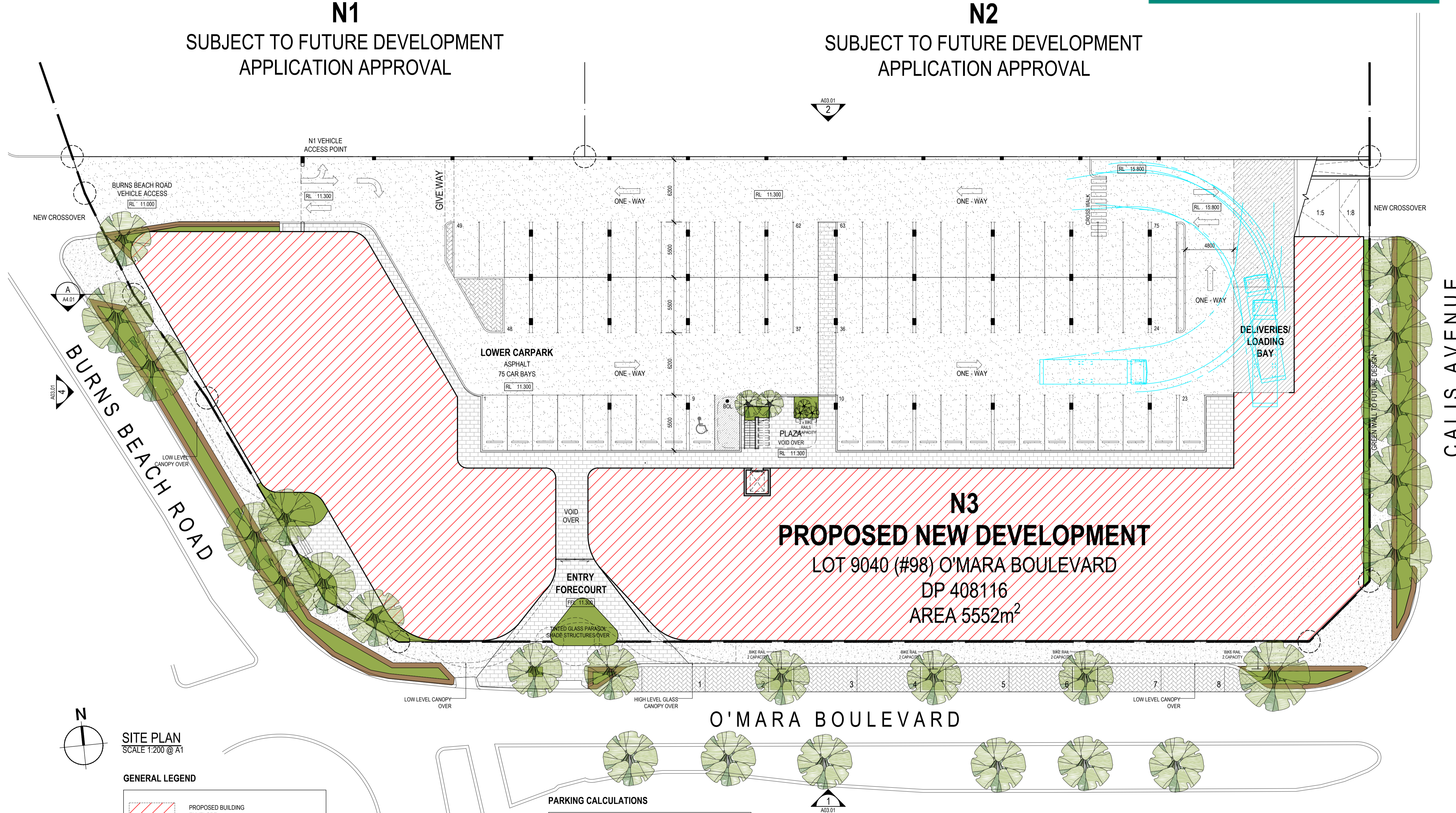
3. The proposed modifications do not satisfy the matters to be considered under clause 67(2)(n), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the proposal will detrimentally impact the amenity of the locality, specifically in relation to the character of the location and the social impacts of the development.
4. The proposal does not satisfy the matters to be considered under clause 67(2)(m), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposed hours of operation of the 'Tavern' between 11.00pm and midnight is not compatible with the setting of the locality, being a local centre, and with the specific objectives set out in the Iluka Structure Plan.
5. Insufficient information has been provided to support an amendment to Advice Note 9 to remove reference to the prohibition of play live music at the tavern use. The application has not demonstrated that the playing of live music can meet the relevant requirements of the *Environmental Protection (Noise) Regulations 1997*.

NOTE. Contractor to check and verify all dimensions, levels, and angles on site before commencing. All construction work to be in accordance with the building code of Australia, approved documents and relevant Australian Standards.

N1
SUBJECT TO FUTURE DEVELOPMENT
APPLICATION APPROVAL

N2
SUBJECT TO FUTURE DEVELOPMENT
APPLICATION APPROVAL

N3
PROPOSED NEW DEVELOPMENT
LOT 9040 (#98) O'MARA BOULEVARD
DP 408116
AREA 5552m²



ISSUE	DATE	DESCRIPTION	DRN.	APP.
F	18/03/19	JDAP REVISIONS	LM	LA
E	26/02/19	DRP REVISIONS	LM	LA
D	20/02/19	DRP REVISIONS	LM	LA
C	18/02/19	DRP REVISIONS	LM	LA
B	05/02/19	DRP REVISIONS	LM	LA
A	29/11/18	DEVELOPMENT APPROVAL	LM	LA

DEVELOPMENT APPROVAL

dmg ARCHITECTURE
DESIGN MANAGEMENT GROUP Level 2 1008 hay street perth 6000
telephone +61 8 9212 8888 | facsimile +61 8 9212 8822
info@dmgaustralia.com.au | www.dmgaustralia.com.au

PROJECT
ILUKA PLAZA
LOT 9040 (#98) O'MARA BOULEVARD
ILUKA, WA 6028

TITLE
SITE PLAN

SCALE	DRAWN	CHECKED
1:200 @ A1	LM	LA

PROJECT #	DRAWING #	ISSUE
18031	A02.01	F

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GENERAL LEGEND

	PROPOSED BUILDING ENVELOPE
	PROPOSED CARPARK BITUMEN
	PROPOSED PAVING
	PROPOSED LANDSCAPING
	PROPOSED VEGETATION
	PROPOSED COLUMN LOCATIONS
	RELATIVE LEVEL
	FINISHED FLOOR LEVEL

LANDSCAPING CALCULATIONS

TOTAL SITE AREA	5552m²
REQUIRED LANDSCAPING DISTRICT PLANNING SCHEME	445m² 8%
PROPOSED HARD & SOFT LANDSCAPING	205m²
CHILD CARE OUTDOOR AREA	507m²
PROPOSED LANDSCAPING	712m² (12%)

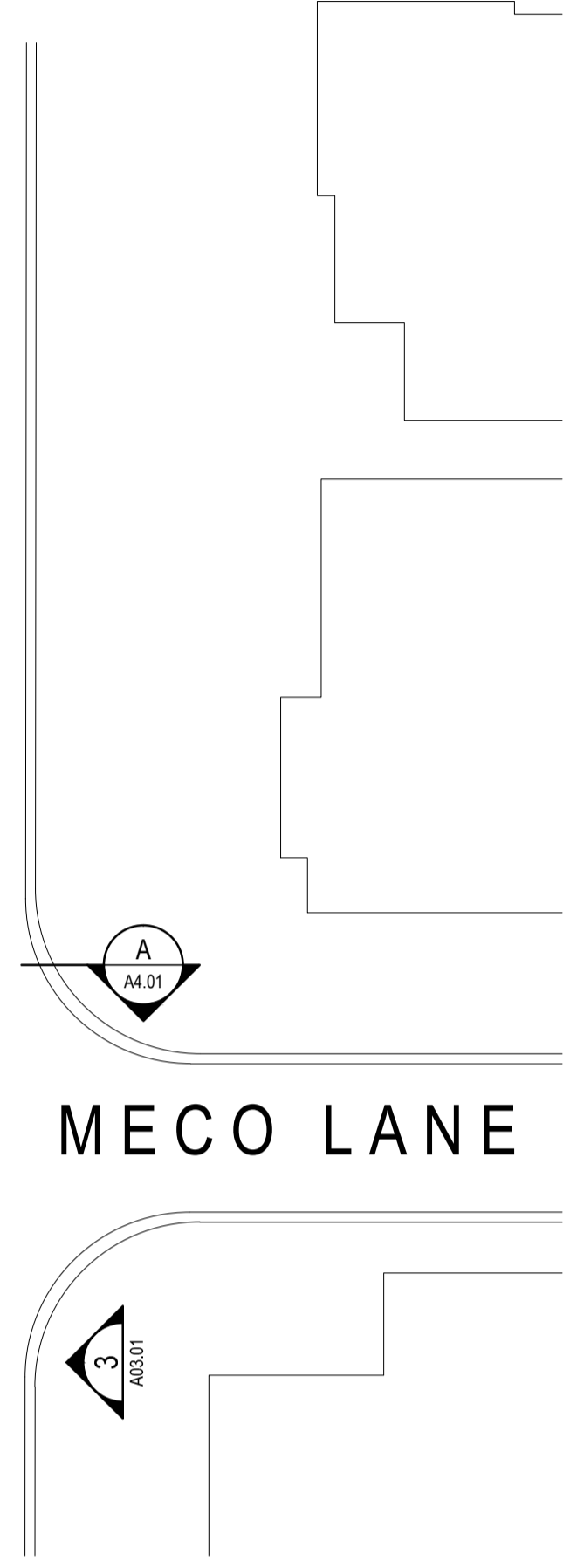
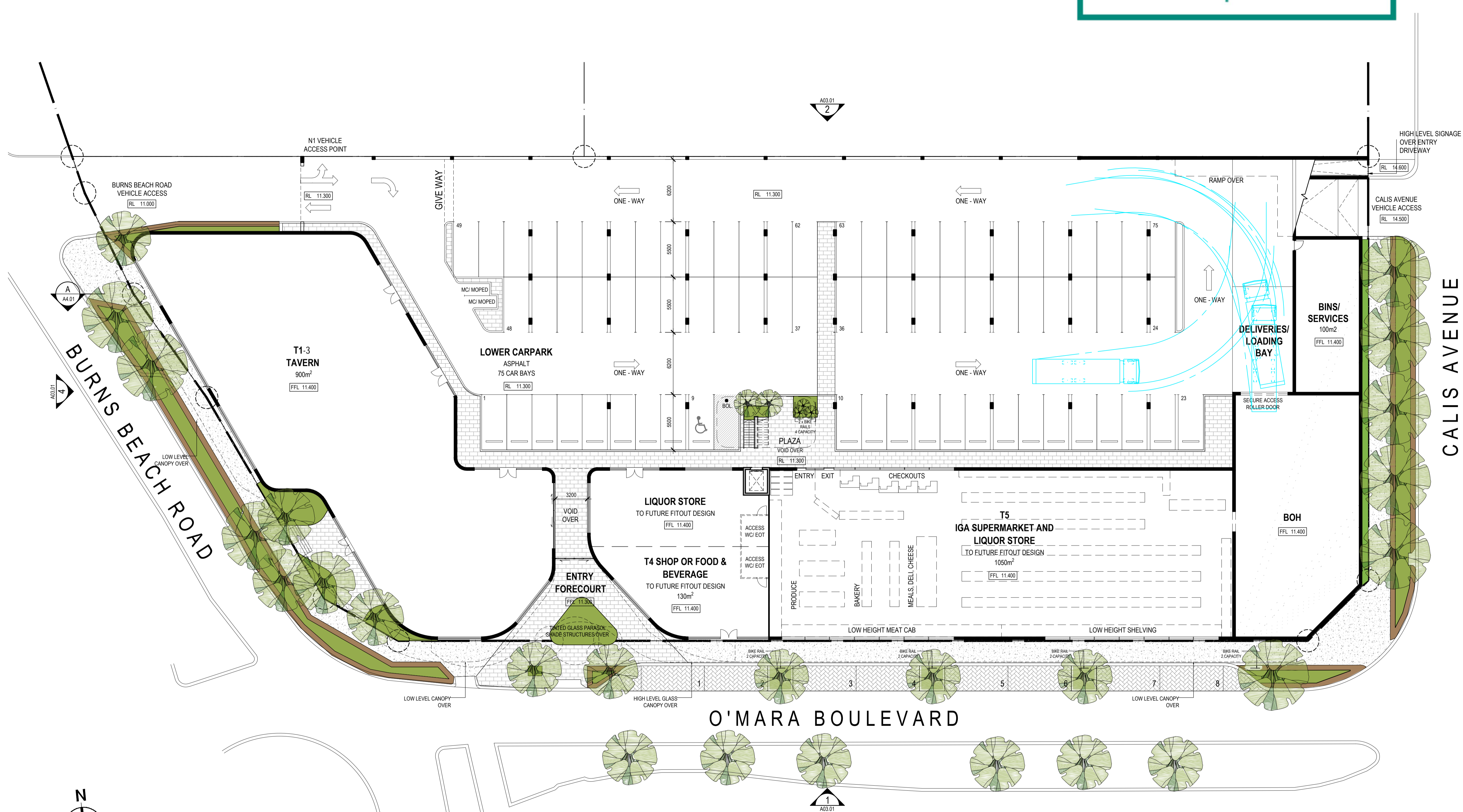
PARKING CALCULATIONS

TOTAL LOWER FLOOR GLA	2080m²
TOTAL UPPER FLOOR GLA	2590m²
T1 - SHOP	GLA 200m ² 7 BAYS
T2 - SHOP	GLA 200m ² 7 BAYS
T3 - FOOD	GLA 500m ² 36 BAYS
T4 - SHOP	GLA 130m ² 4 BAYS
T5 - SHOPPING CENTRE & LIQUOR STORE	GLA 1050m ² 40 BAYS
T6 - OFFICE	GLA 410m ² 8 BAYS
T7 - OFFICE	GLA 300m ² 5 BAYS
T8 - GYM	GLA 350m ² 10 BAYS
T9 - CHILDCARE	GLA 1530m ²
STAFF (1:5)	16 BAYS
80 CHILDREN	10 BAYS
REQUIRED BAYS	143 BAYS
PROPOSED BAYS	142 BAYS
+ 8 STREET BAYS	
+ 5 MOTORCYCLE / MOPED BAYS	

**DEVELOPMENT
ASSESSMENT PANEL**

REFUSED
14-Apr-2022

NOTE: Contractor to check and verify all dimensions, levels, and angles on site before commencing. All construction work to be in accordance with the building code of Australia, approved documents and relevant Australian Standards.



ISSUE	DATE	DESCRIPTION	DRN.	APP.
F	18/03/19	JDAP REVISIONS	LM	LA
E	26/02/19	DRP REVISIONS	LM	LA
D	20/02/19	DRP REVISIONS	LM	LA
C	18/02/19	DRP REVISIONS	LM	LA
B	05/02/19	DRP REVISIONS	LM	LA
A	29/11/18	DEVELOPMENT APPROVAL	LM	LA

DEVELOPMENT APPROVAL



PROJECT
ILUKA PLAZA
LOT 9040 (#98 O'MARA BOULEVARD)
ILUKA, WA 6028

TITLE
LOWER FLOOR PLAN

SCALE	DRAWN	CHECKED
1:200 @ A1	LM	LA

PROJECT #	DRAWING #	ISSUE
18031	A02.01	F

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LOWER FLOOR PLAN
SCALE 1:200 @ A1

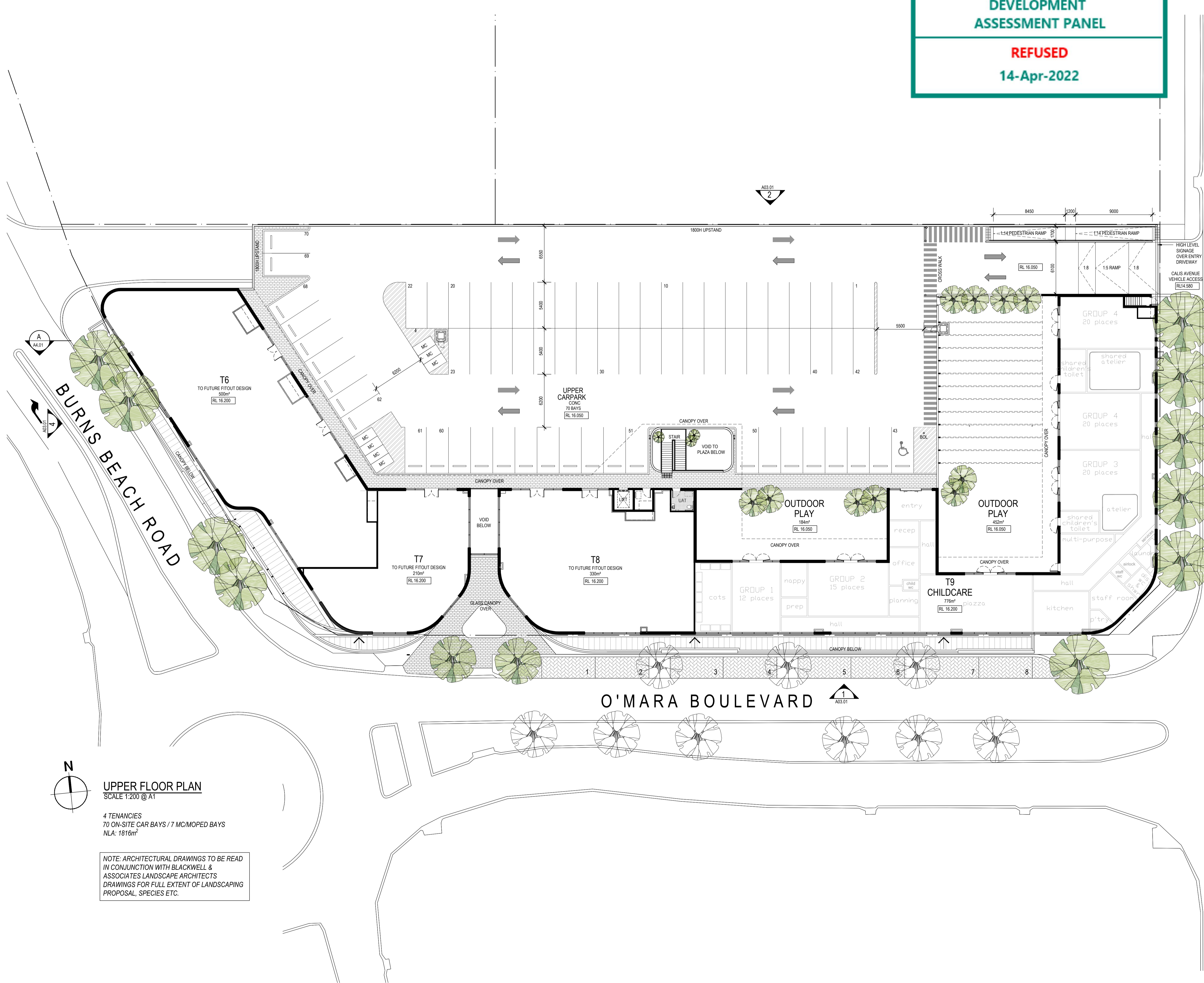
- 6 TENANCIES
- 75 ON-SITE CAR BAYS / 2 MC/MOPED BAYS
- 8 STREET CAR BAYS
- 6 BICYCLE RACKS (12 CAPACITY)
- NLA: 2080m²

NOTE: ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH BLACKWELL & ASSOCIATES LANDSCAPE ARCHITECTS DRAWINGS FOR FULL EXTENT OF LANDSCAPING PROPOSAL, SPECIES ETC.

**DEVELOPMENT
ASSESSMENT PANEL**

REFUSED
14-Apr-2022

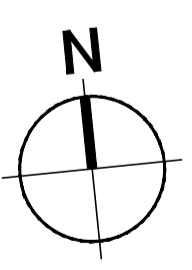
NOTE. Contractor to check and verify all dimensions, levels, and angles on site before commencing. All construction work to be in accordance with the building code of Australia, approved documents and relevant Australian Standards.



CALIS AVENUE

O'MARA BOULEVARD

MECO LANE



UPPER FLOOR PLAN
SCALE 1:200 @ A1

4 TENANCIES
70 ON-SITE CAR BAYS / 7 MC/MOPED BAYS
NLA: 1816m²

NOTE: ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH BLACKWELL & ASSOCIATES LANDSCAPE ARCHITECTS DRAWINGS FOR FULL EXTENT OF LANDSCAPING PROPOSAL, SPECIES ETC.

ISSUE DATE	DESCRIPTION	DRN. APP.
A 30/07/19	DA - REVISION	CS IH

DEVELOPMENT APPROVAL



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PROJECT
ILUKA PLAZA
LOT 9040 (#98 O'MARA BOULEVARD
ILUKA, WA 6028

TITLE
UPPER FLOOR PLAN

SCALE	DRAWN	CHECKED
1:200 @ A1	CS	IH

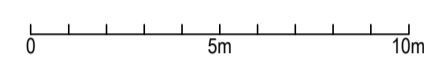
PROJECT #	DRAWING #	ISSUE
18031	SD02.02	A

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SOUTH ELEVATION (O'MARA BOULEVARD)
SCALE 1:200 @ A1



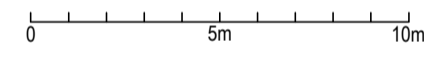
**DEVELOPMENT
ASSESSMENT PANEL**

REFUSED

14-Apr-2022



NORTH ELEVATION
SCALE 1:200 @ A1



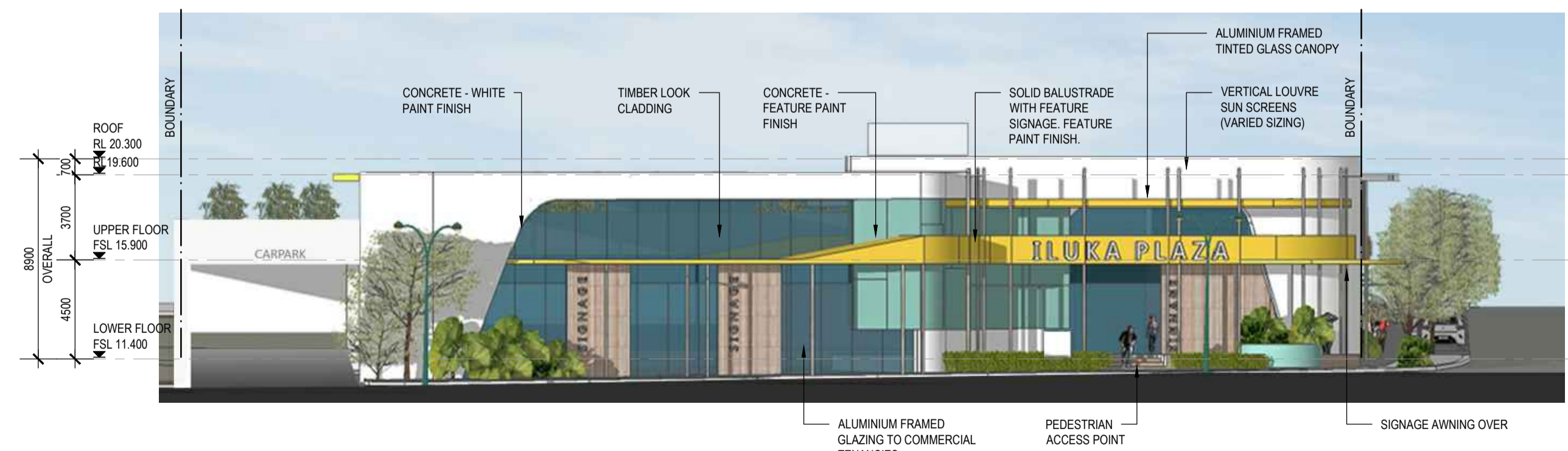
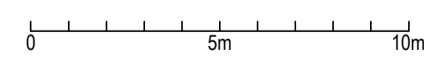
D	18/03/19	JDAP REVISIONS	LM	LA
C	20/02/19	DRP REVISIONS	LM	LA
B	05/02/19	DRP REVISIONS	LM	LA
A	29/11/18	DEVELOPMENT APPROVAL	LM	LA

ISSUE	DATE	DESCRIPTION	DRN.	APP.
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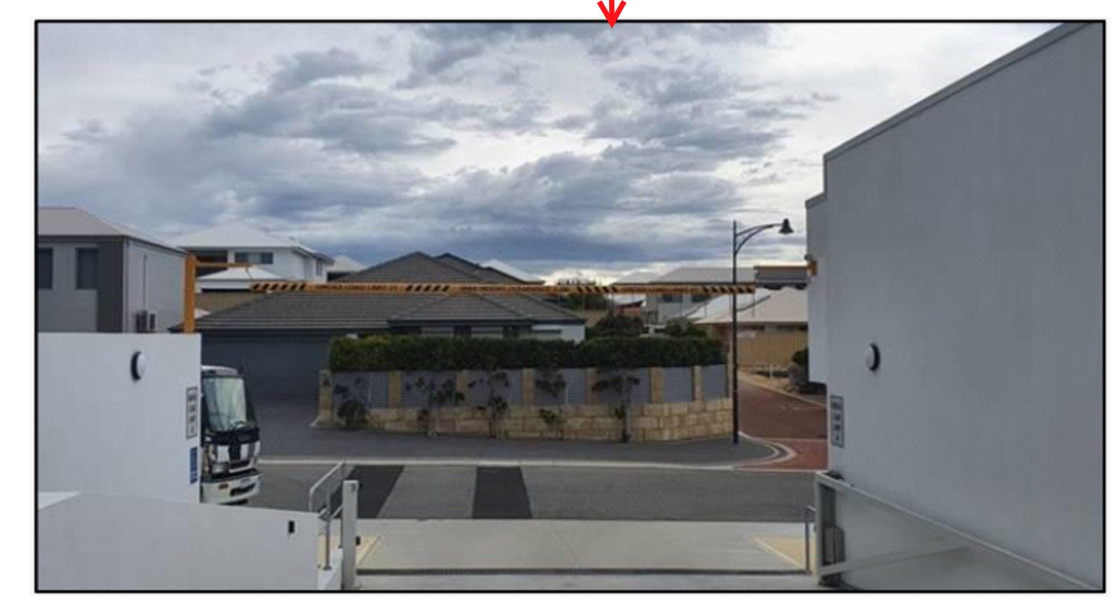
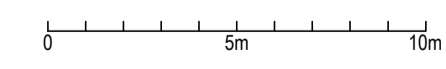
To be removed and replaced with height bar below



EAST ELEVATION (CALIS AVENUE)
SCALE 1:200 @ A1



WEST ELEVATION (BURNS BEACH ROAD)
SCALE 1:200 @ A1



DEVELOPMENT APPROVAL



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info@dmgastralia.com.au | www.dmgastralia.com.au

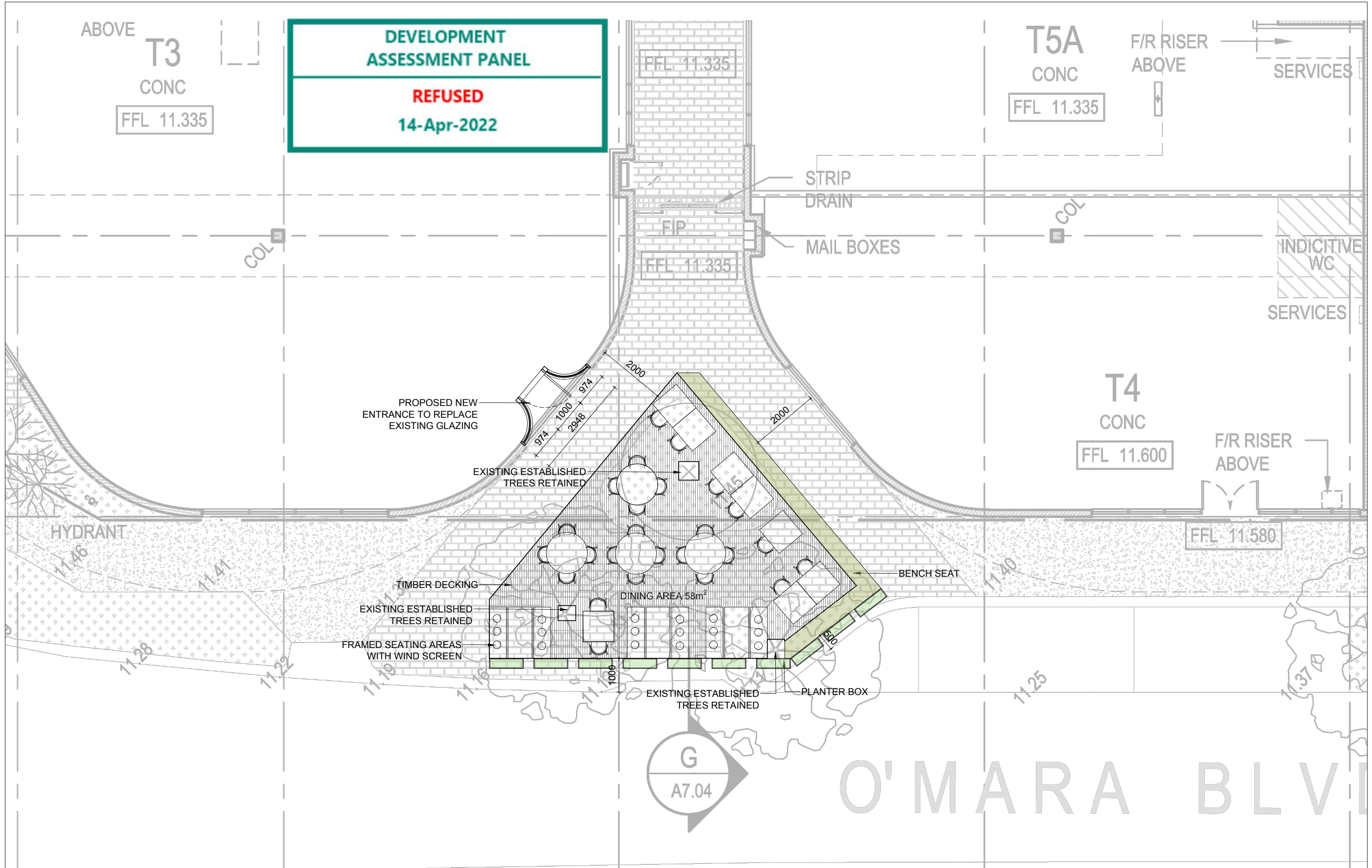
PROJECT
ILUKA PLAZA
LOT 9040 (#98) O'MARA BOULEVARD
ILUKA, WA 6028

TITLE
ELEVATIONS

SCALE	DRAWN	CHECKED
1:200 @ A1	LM	LA

PROJECT #	DRAWING #	ISSUE
18031	A03.01	D

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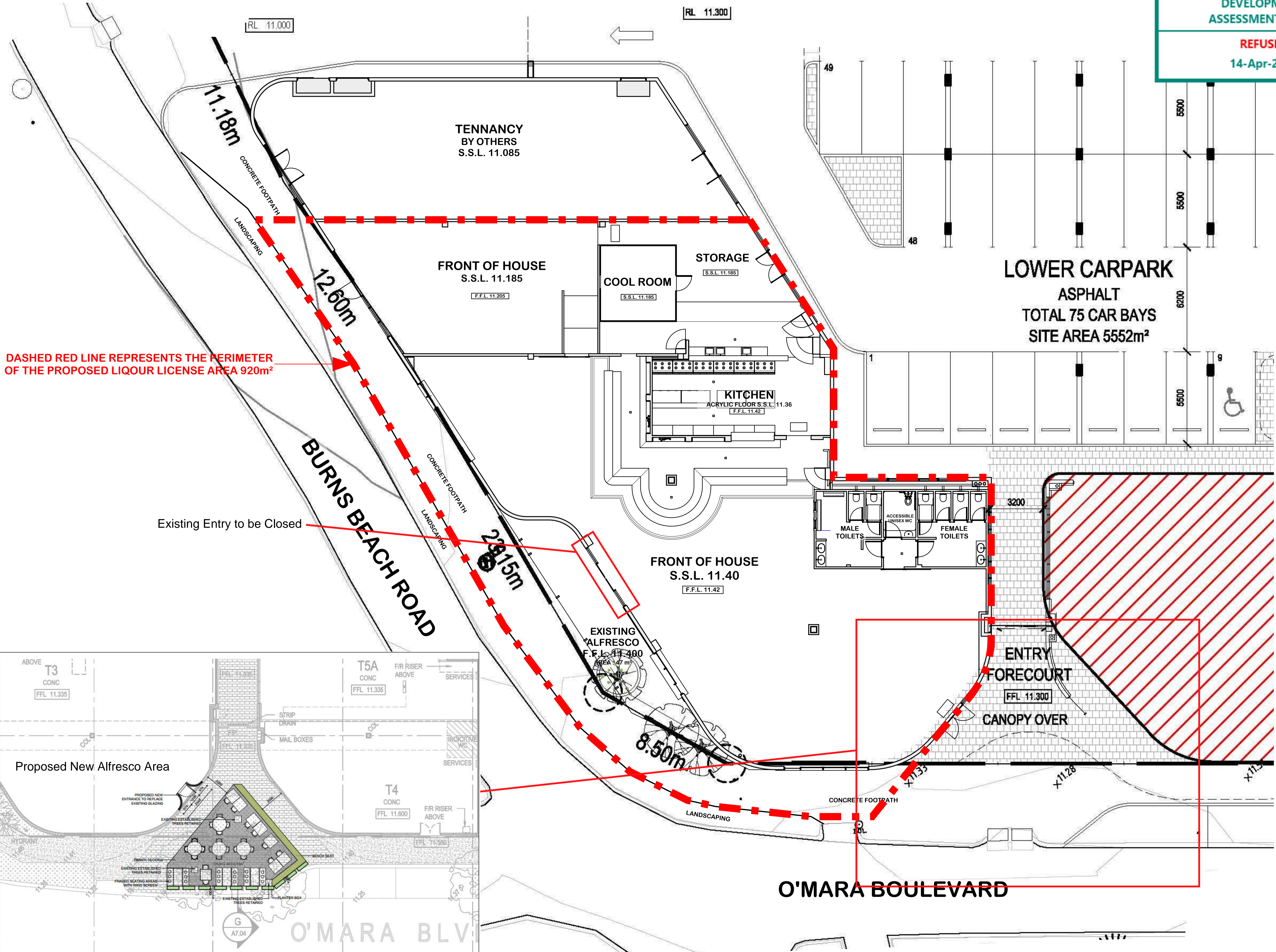
Matthew Crawford Architects

STUDIO 6 Burns Street North Fremantle
 MOBILE 0404 479 243
 WEBSITE www.mcarchitects.com.au
 EMAIL contact@mcarchitects.com.au

Iluka

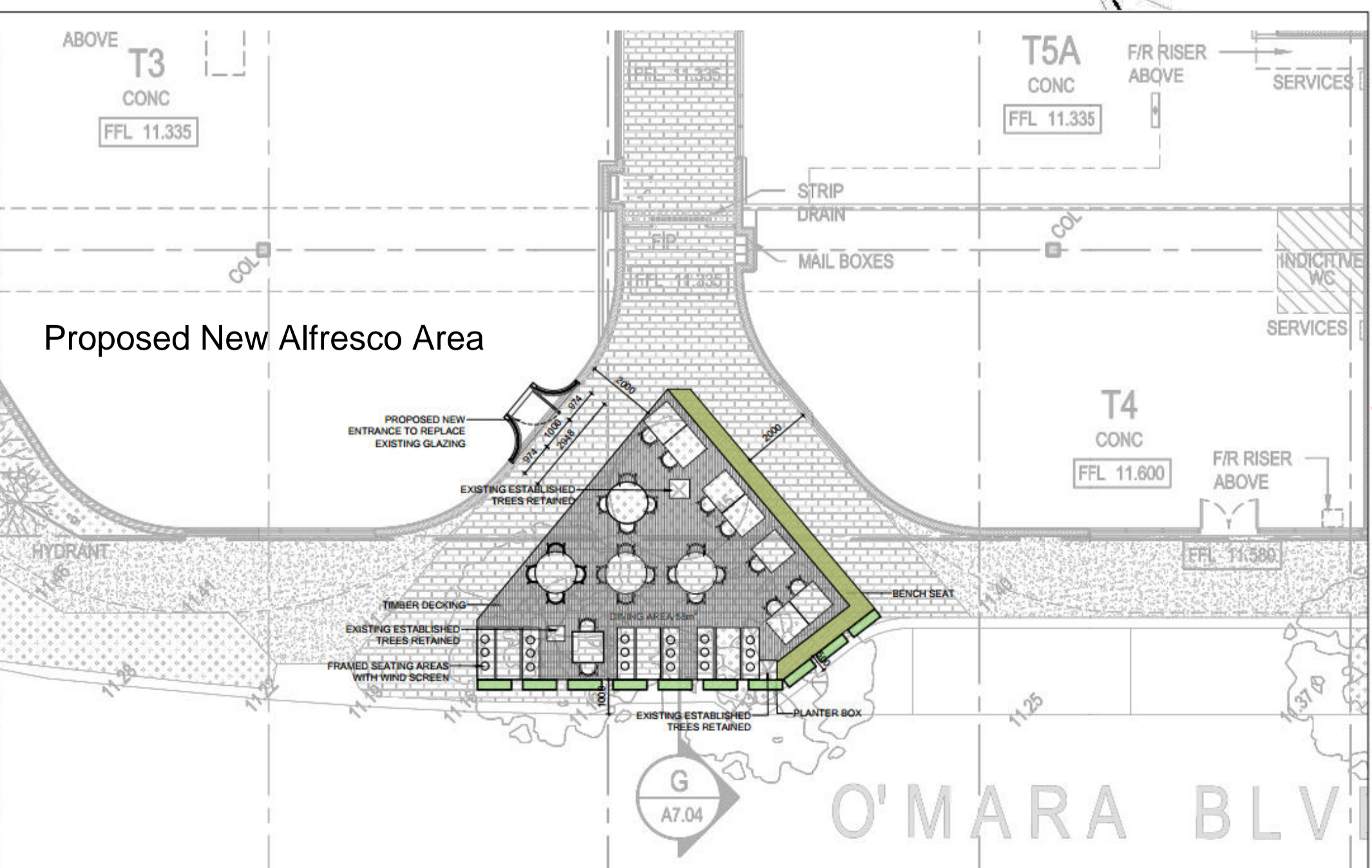
NEW ALFRESCO AREA ON THE CORNER OF BURNS BEACH ROAD & O'MARA BLVD

SITE PLAN			
* Check all dimensions on site • Do not scale this drawing • This drawing is copyright •			
DATE	November 2021	DRAWING No.	SK.03
SCALE	1:100 @ A3	REVISION	2
ISSUE	INFORMATION		
REV:	DATE:	NOTE:	APPR:
2	16/03/2022	PLANNING	
1	20/07/2021	INFORMATION	



DASHED RED LINE REPRESENTS THE PERIMETER OF THE PROPOSED LIQUOR LICENSE AREA 920m²

Existing Entry to be Closed



PRELIMINARY WORKING
DRAWINGS FOR
CERTIFICATION

DRAWING TITLE
SITE PLAN & LIQUOR
LICENSE PLAN

SCALE PAGE SIZE
1 : 100 A1

CLIENT
WES D'ARCY

PROJECT
PROPOSED RESTAURANT AND BAR
AT TENNANCY 12 & T3 ILUKA PLAZA
AT LOT 649 (No 98) OMARA BLVD,
ILUKA, CITY OF JOONDALUP

PROJECT No.	DATE	REV.
20-296	FEB 2021	B.
DRAWN	DWR No.	
J. BROOKS	02-06	

NOTE: THESE PLANS ARE DRAWING USING THE PLANS AND DETAILS SUPPLIED TO FINE LINES DRAFTING.

1. CHECK ALL DIMENSIONS ON SITE PRIOR TO SETTING OUT AND CORRECTING ANY WORK. EXCESS SHALL BE MADE TO THE DRAWINGS.
2. ALL STATUTORY REQUIREMENTS SHALL BE MET TO THE BEST OF THE DRAFTER'S KNOWLEDGE AND BELIEF.
3. ALL WORK TO BE IN ACCORDANCE WITH THE B.C.A. CODES AND THE BEST PRACTICE AUSTRALIAN ENGINEERING.
4. THESE DRAWINGS ARE PREPARED USING INFORMATION OBTAINED FROM SUPPLIER'S PLANS AND SPECIFICATIONS AND ARE NOT TO BE USED FOR ANY PURPOSES OR DECISIONS FROM THE SUPPLIED INFORMATION.



LG Ref: DA8/1336
DAP Ref: DAP/18/01543
Enquiries: (08) 6551 9919

State Administrative Tribunal
565 Hay Street
PERTH WA 6000

Dear Sir/Madam

STATE ADMINISTRATIVE TRIBUNAL REVIEW OUTCOME – 75/2022

Property Location:	Portion of 9040 (34) Kallatina Drive, Iluka
Application Details:	Mixed Commercial Centre (Iluka Plaza)

Please be advised that the Metro Outer Joint Development Assessment Panel reconsidered the above-mentioned development application, SAT ref 75/2022, pursuant to section 31 of the *State Administrative Tribunal Act 2004* on 22 May 2023.

The Notice of Determination is attached.

Yours sincerely,

DAP Secretariat

24 May 2023

Encl: Amended DAP Determination Notice

Cc: Chris Harman
AGEM PG 33 PTY LTD

State Solicitor's Office

Mr Jeremy Thompson
City of Joondalup

Planning Appeals



Planning and Development Act 2005

City of Joondalup Local Planning Scheme No.3

Metro Outer Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

Property Location: Portion of 9040 (34) Kallatina Drive, Iluka

Application Details: Mixed Commercial Centre (Iluka Plaza)

Pursuant to section 31 of the *State Administrative Tribunal Act 2004*, the Metro Outer JDAP, at its meeting on 22 May 2023, has reconsidered its decision dated 14 April 2022 in respect to the above application, SAT Ref. 75/2022 and has resolved to:

Reconsider its decision dated 14 April 2022 and **APPROVE** DAP Application reference DAP/18/01543 and accompanying plans (Attachment 1) in accordance with the Metropolitan Region Scheme, Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Joondalup *Local Planning Scheme No. 3*, subject to the following conditions:

Additional Conditions

24. An updated Noise Management Plan shall be submitted to and approved by the City within 60 days from the date of approval. The Noise Management Plan shall include, but not be limited to, specific requirements in relation to the site including layout, staff training requirements, ongoing maintenance and physical levels to be set on each piece of equipment. The operations of the Tavern are to be conducted in accordance with this plan to the satisfaction of the City.
25. The works required to modify the bulkhead facing Calis Avenue shall be undertaken within 60 days from the date of approval and thereafter maintained to the satisfaction of the City.

Amended Conditions

Condition 22 shall read:

“The hours of operation shall be no more than:

- a) T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday).
- b) T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.
- c) T1/T2/T3 (Tavern) 6am to 11pm Monday to Sunday, unless an extended trading permit is granted for special occasions under the Liquor Control Act 1988.



Replacement condition 23 shall read:

An updated Operational Management Plan shall be submitted to and approved by the City within 60 days from the date of approval. The Operational Management Plan shall include, but not be limited to, an internal floor plan indicating the specific function of each area within the Tavern use. The operations of the Tavern are to be conducted in accordance with this plan to the satisfaction of the City.

Additional Advice Note

13. The Operational Management Plan and Noise Management Plan as submitted are considered acceptable subject to the following modifications:
- a) Operational Management Plan – Include appropriate noise mitigation measures related with the movement of kegs relating to the Tavern with specific attention to any movements required outside of 10.00am and 7.00pm.
 - b) Noise Management Plan - Section 6 shall include any speakers within the function room. Any speaker's setting shall be required to be documented in the same manner as the main bar.
 - c) Noise Management Plan – Include commentary regarding the management of the collection of glasses, cans and bottles including times this will occur. The Noise Management Plan can replicate similar statements within the Operational Management Plan.

Amended Advice Notes

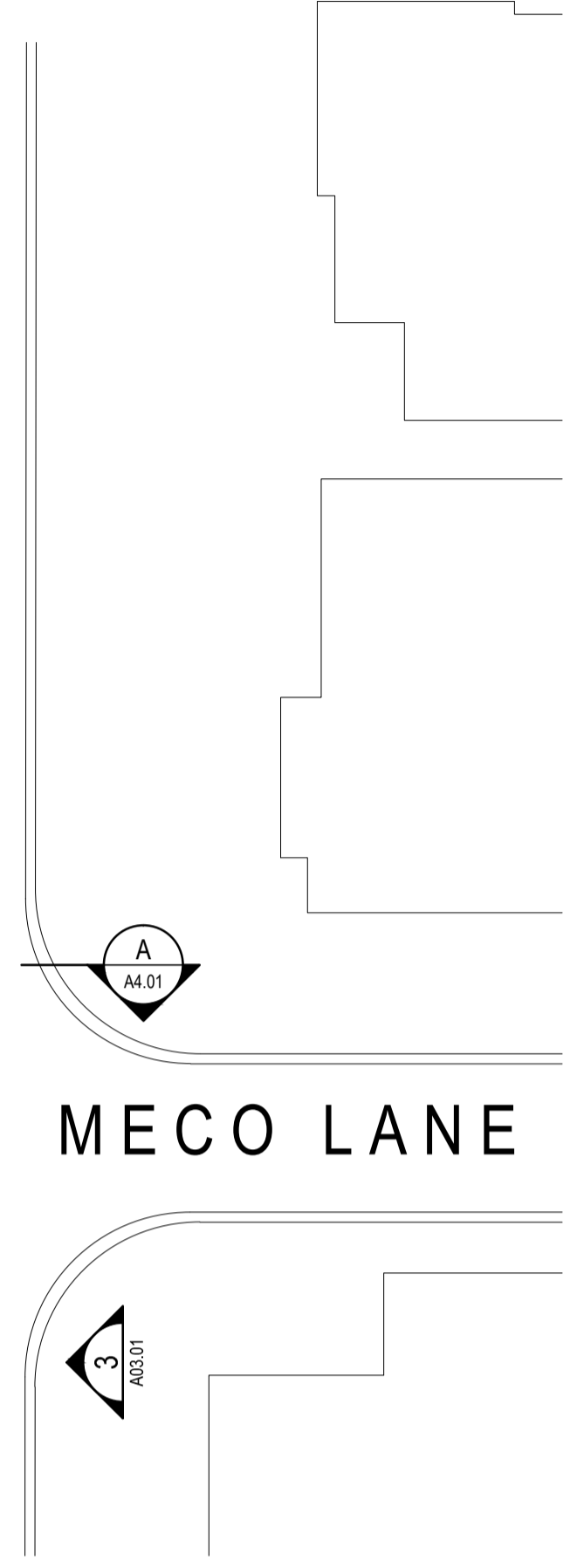
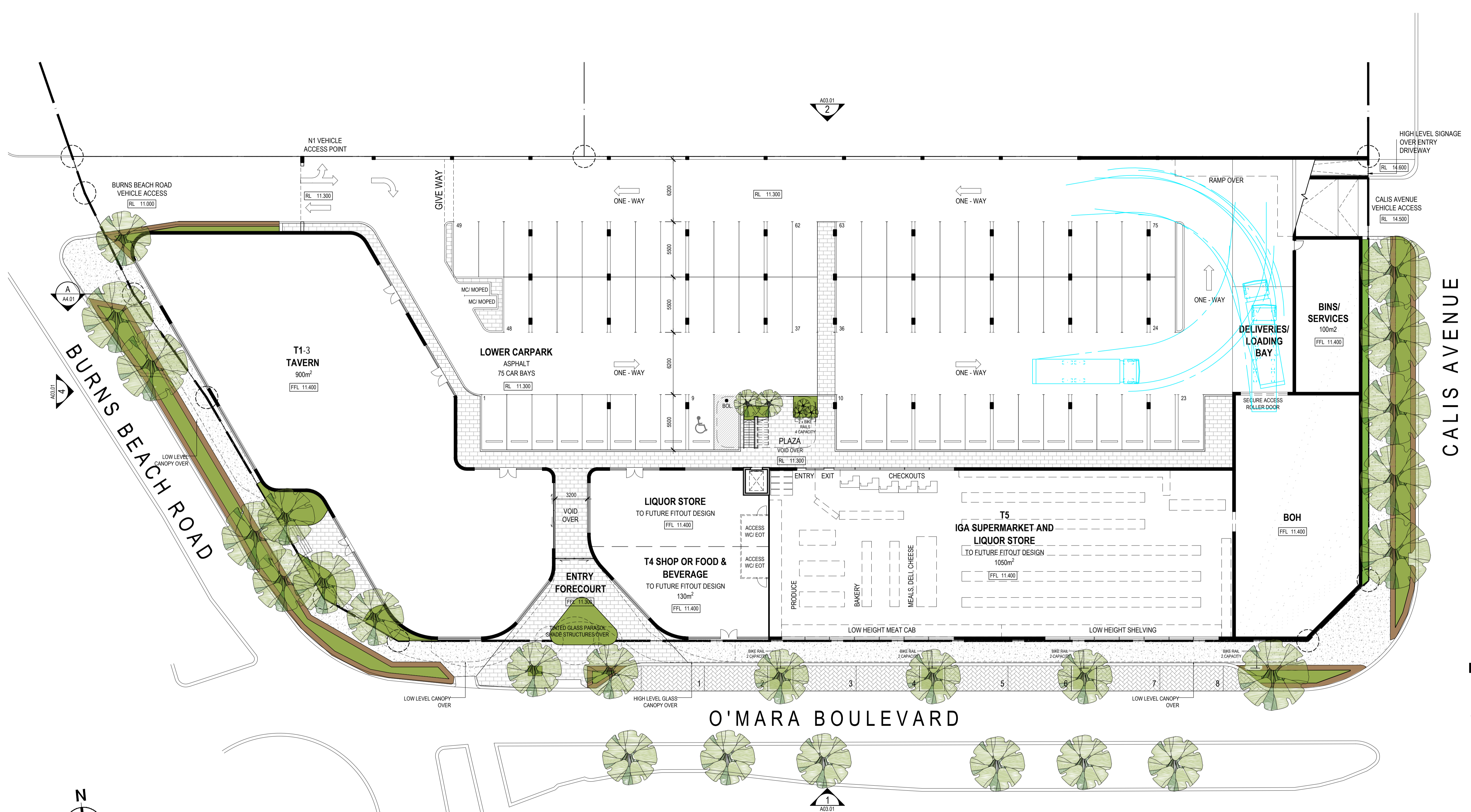
Advice Note 9 shall read:

Revised condition 14 is required to address the change of use of Tenancy 1, 2 and 3. This is to be demonstrated through an amendment to the implementation section of the report which shall identify appropriate management of the tavern, including, but not limited to, restrictions on outdoor areas (including time restrictions and any openings to the indoor area).

All other conditions and advice notes remain as per the previous decisions of JDAP issued 13 May 2019, 28 June 2019 and 31 August 2020.

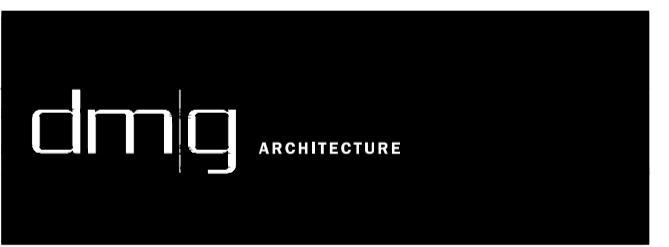
Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011.

NOTE. Contractor to check and verify all dimensions, levels, and angles on site before commencing. All construction work to be in accordance with the building code of Australia, approved documents and relevant Australian Standards.



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B	05/02/19	DRP REVISIONS	LM	LA
A	29/11/18	DEVELOPMENT APPROVAL	LM	LA

DEVELOPMENT APPROVAL



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info@dmgaustralia.com.au | www.dmgaustralia.com.au

PROJECT
ILUKA PLAZA
LOT 9040 (#98 O'MARA BOULEVARD
ILUKA, WA 6028

TITLE
LOWER FLOOR PLAN

SCALE	DRAWN	CHECKED
1:200 @ A1	LM	LA

PROJECT #	DRAWING #	ISSUE
18031	A02.01	F

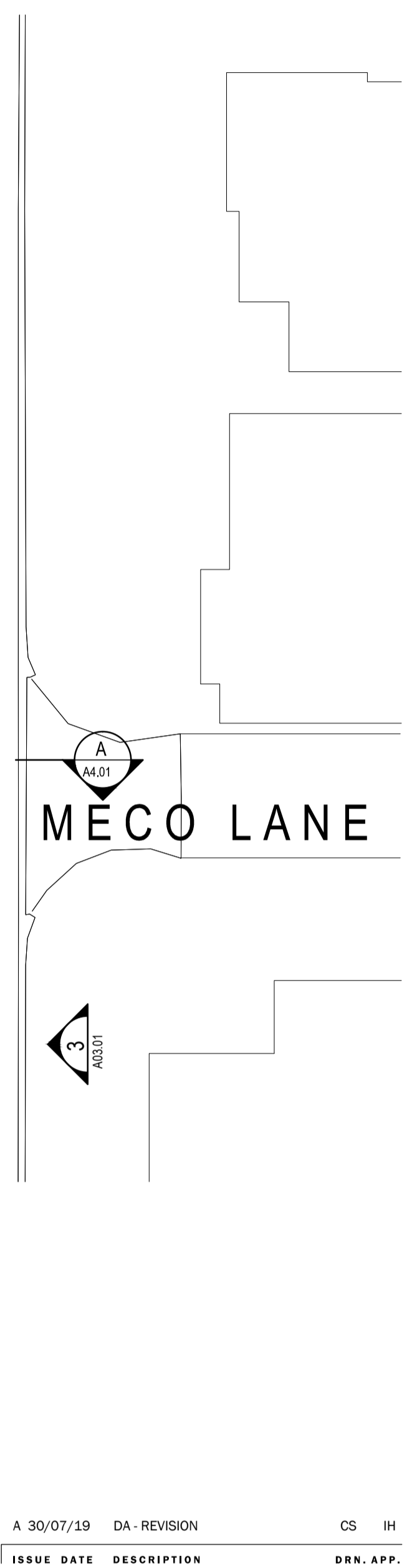
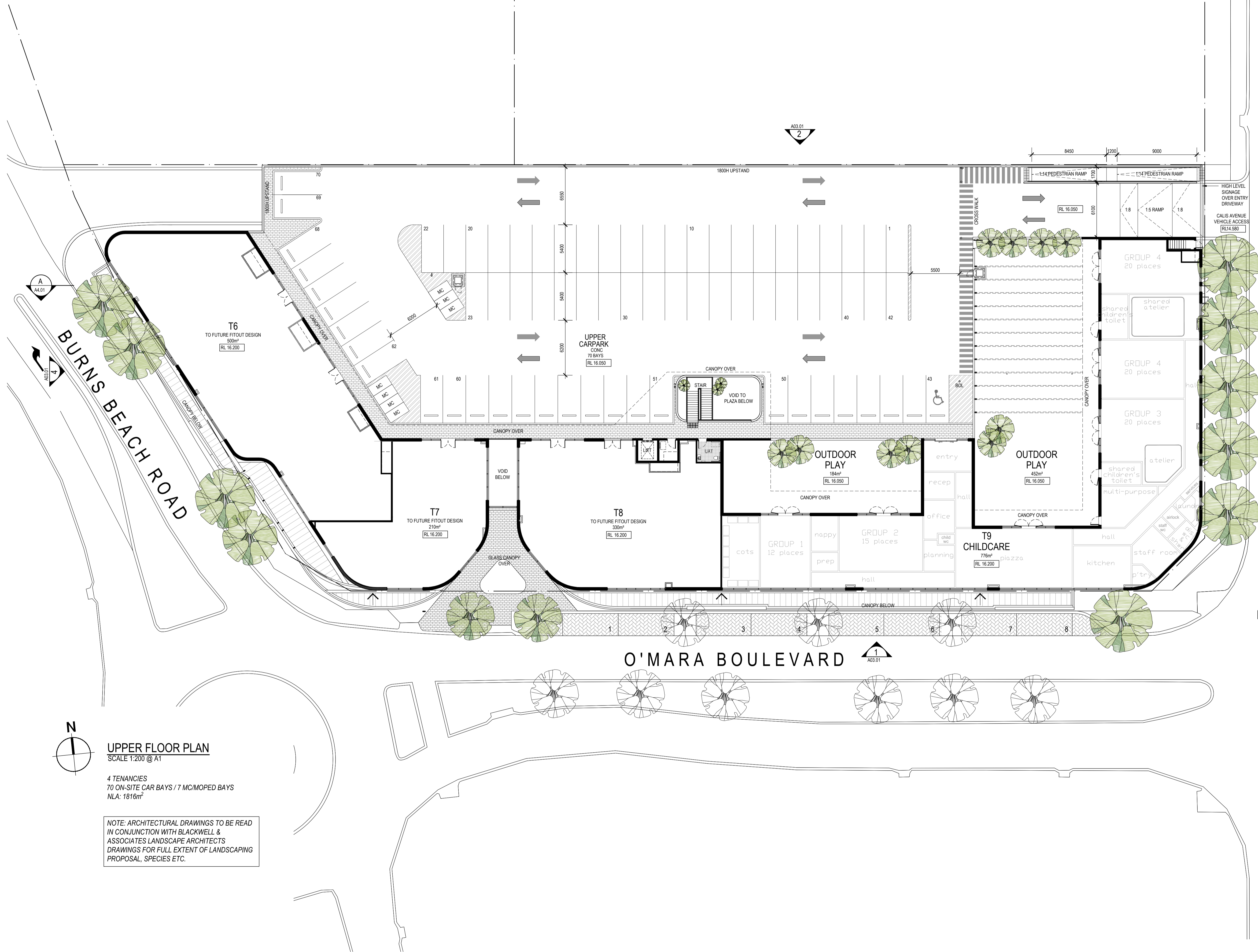
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LOWER FLOOR PLAN
SCALE 1:200 @ A1

- 6 TENANCIES
- 75 ON-SITE CAR BAYS / 2 MC/MOPED BAYS
- 8 STREET CAR BAYS
- 6 BICYCLE RACKS (12 CAPACITY)
- NLA: 2080m²

NOTE: ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH BLACKWELL & ASSOCIATES LANDSCAPE ARCHITECTS DRAWINGS FOR FULL EXTENT OF LANDSCAPING PROPOSAL, SPECIES ETC.

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ISSUE DATE	DESCRIPTION	DRN. APP.
A 30/07/19	DA - REVISION	CS IH

DEVELOPMENT APPROVAL



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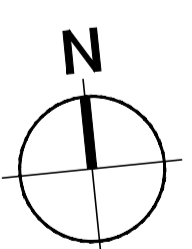
PROJECT
ILUKA PLAZA
 LOT 9040 (#98 O'MARA BOULEVARD
 ILUKA, WA 6028

TITLE
 UPPER FLOOR PLAN

SCALE	DRAWN	CHECKED
1:200 @ A1	CS	IH

PROJECT #	DRAWING #	ISSUE
18031	SD02.02	A

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UPPER FLOOR PLAN
 SCALE 1:200 @ A1

4 TENANCIES
 70 ON-SITE CAR BAYS / 7 MC/MOPED BAYS
 NLA: 1816m²

NOTE: ARCHITECTURAL DRAWINGS TO BE READ
 IN CONJUNCTION WITH BLACKWELL &
 ASSOCIATES LANDSCAPE ARCHITECTS
 DRAWINGS FOR FULL EXTENT OF LANDSCAPING
 PROPOSAL, SPECIES ETC.

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SOUTH ELEVATION (O'MARA BOULEVARD)
SCALE 1:200 @ A1



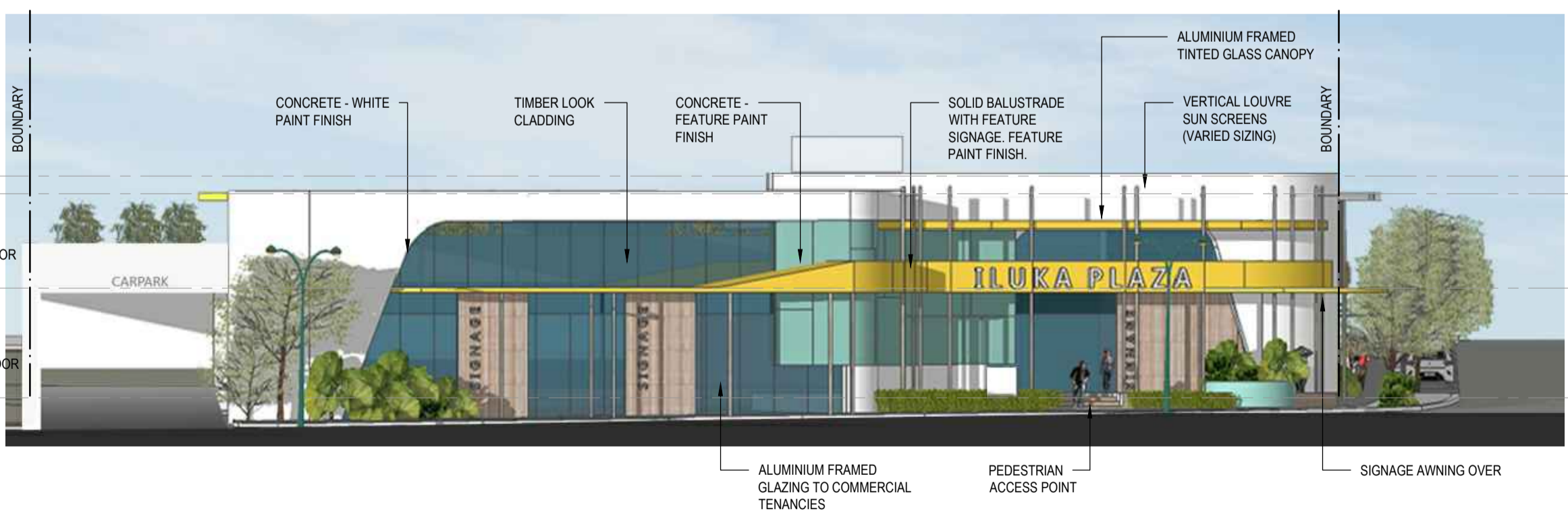
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SCALE 1:200 @ A1

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A	29/11/18	DEVELOPMENT APPROVAL	LM	LA

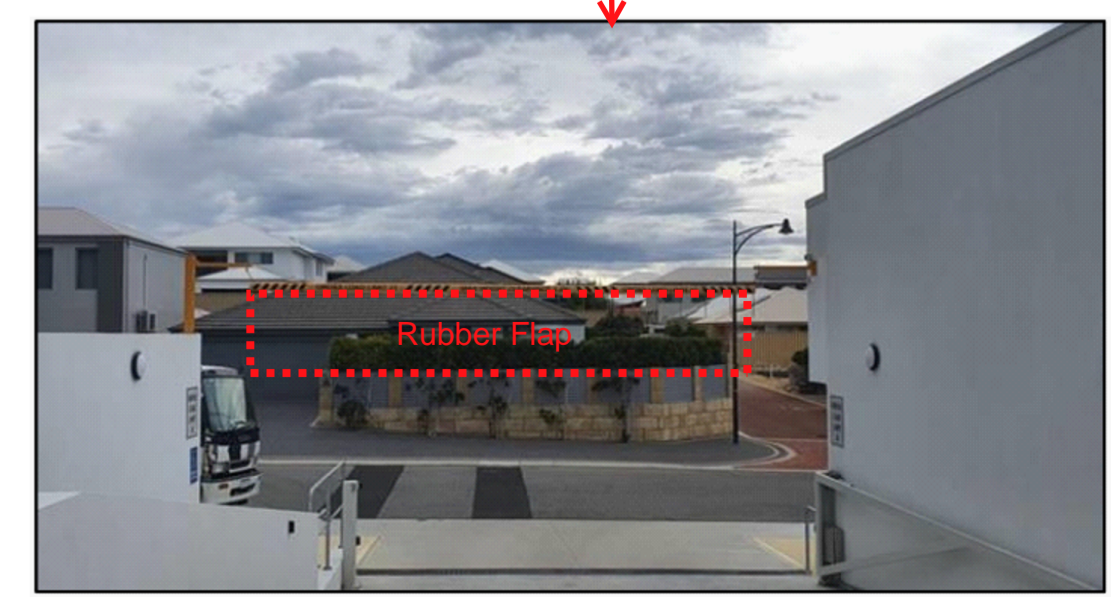
ISSUE	DATE	DESCRIPTION	DRN.	APP.
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EAST ELEVATION (CALIS AVENUE)
SCALE 1:200 @ A1



WEST ELEVATION (BURNS BEACH ROAD)
SCALE 1:200 @ A1



Rubber Flap 400mm
6000mm

DEVELOPMENT APPROVAL



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info@dmgastralia.com.au | www.dmgastralia.com.au

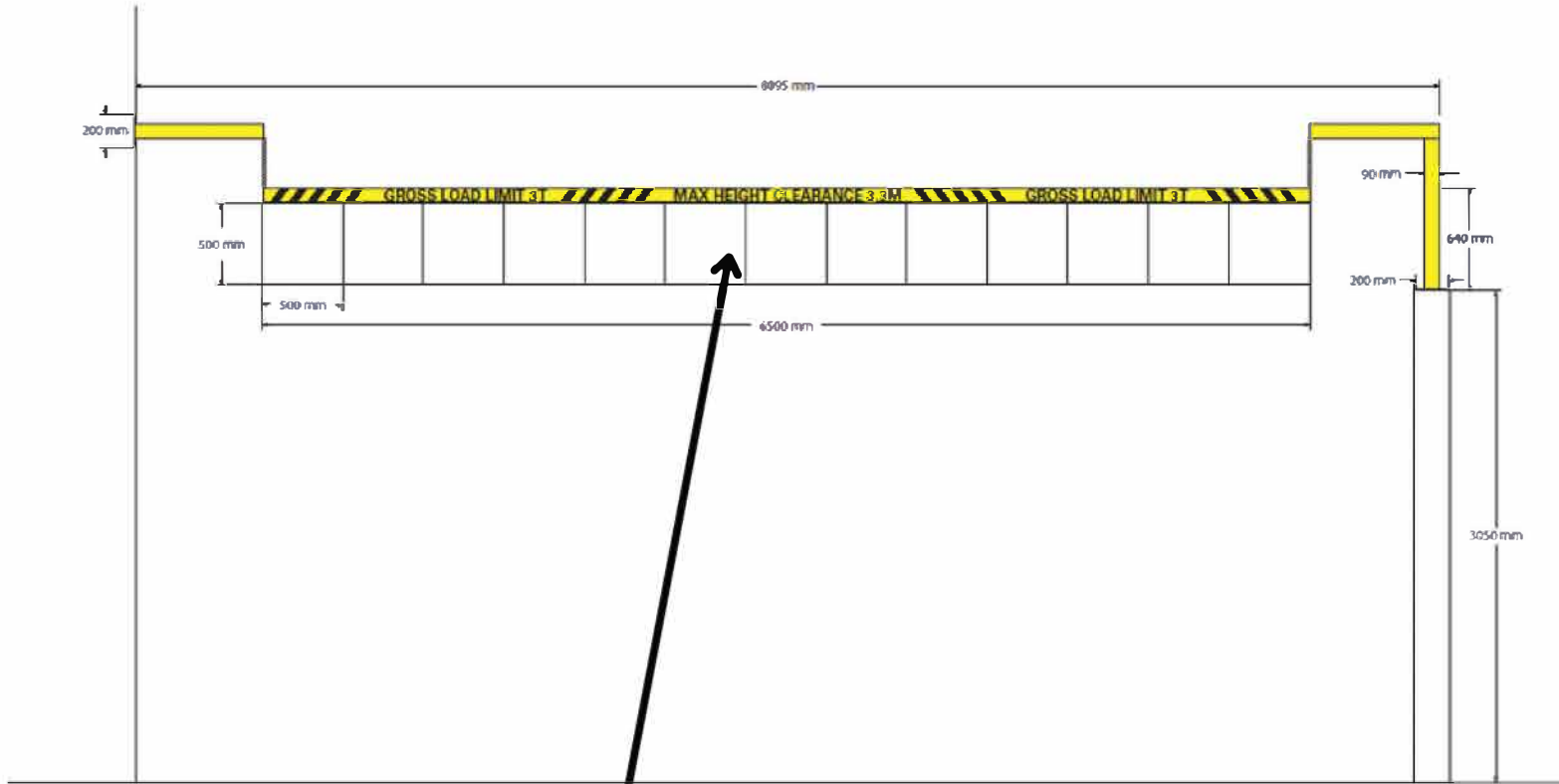
PROJECT
ILUKA PLAZA
LOT 9040 (#98) O'MARA BOULEVARD
ILUKA, WA 6028

TITLE
ELEVATIONS

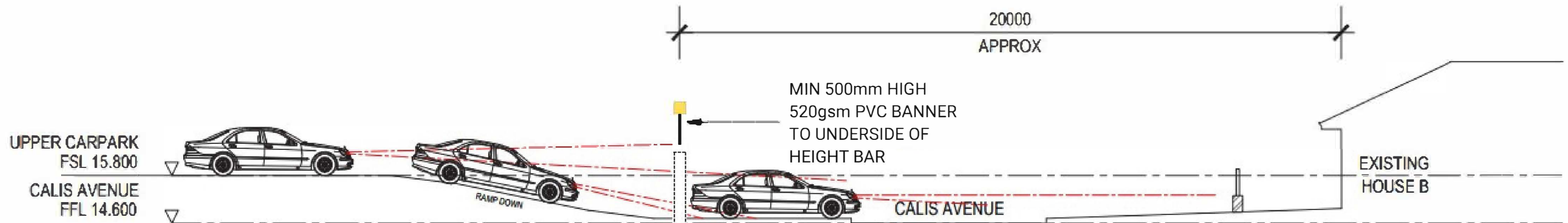
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1:200 @ A1	LM	LA

PROJECT #	DRAWING #	ISSUE
18031	A03.01	D

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NEW SAILTRACK EXTRUSION FIXED TO UNDERSIDE OF HEIGHT BAR
500mm HIGH 520gsm PVC BANNER WITH KEDAR EDGE AND SPLITS
EVERY 500mm FIXED TO EXTRUSION
COLOUR: BLACK



ILUKA PLAZA HEIGHT BAR
ILLUSTRATIVE CROSS SECTION

Submission	Applicant response
<p><u>Noise</u></p> <p>The noise from people leaving The Iluka is disruptive and at 11pm is already late enough. If the time was moved to midnight it would be even more disruptive. I am sick and tired of the cars hooning down O'Mara Boulevard at closing time particularly.</p> <p>We live 250 metres north of tavern and are only ever disturbed by noisy patrons leaving the tavern on Friday and Saturday nights.</p> <p>If the tavern is granted permission to stay open until midnight they would push that boundary out maybe till 12.30 or 1am. It's not just the noise from people going home, but the constant vehicle noise up and down O'Mara Boulevard from Uber drivers picking people up that would go on until at least 1am in the morning.</p> <p>Noisy deliveries to the Tavern start taking place before 5 am each morning irrespective of the day of the week. This modification will mean that the mere couple of peaceful hours that nearby residents currently, at least in theory, enjoy on Saturday and Sunday mornings will be further reduced thereby increasing the public nuisance created by the Tavern.</p> <p>There is the occasional jet wash to clean up mess in the car park at 2am in the morning.</p> <p>What happened to changing the door to round the side so customer goes straight into car park or wait for Ubers round the side where there are no houses?</p>	<p><i>Public behaviour once people have left the venue is difficult to control, especially if they are locals. Measures in the OMP include security and staff managing patrons and directing them to designated ride share bays for an efficient departure. Further the increase in time to midnight is only on Friday and Saturday nights.</i></p> <p><i>Opening past 12am will not occur as this will be punishable.</i></p> <p><i>There is an approved delivery management plan that governs when deliveries occur and this does not relate to the reconsideration of extending the opening hours.</i></p> <p><i>Cleaning is not scheduled to occur at these times</i></p> <p><i>Modifying the door location is no longer being considered. Instead staff are ushering patrons to rideshare bays for collection and away from residents.</i></p>
<p><u>Antisocial behaviour</u></p> <p>Extended hours means: more fighting, noise, vandalism, stealing, breaking glass, domestic arguments, teenagers hanging around the pub waiting for parents, urinating on walls etc</p> <p>What was once a lovely quiet street has turned into this. Has a reputation now in Iluka.</p> <p>It has become a constant nightmare on those 2 particular nights (Friday & Saturday) only just last weekend, my wife was confronted with some ones sick in front of our gates which we had to clean up, we heard the episode happening outside our home whilst in bed around 12.30am noise from people leaving the pub on Fridays and Saturdays in the early hours is a regular occurrence now and it's supposed to close at 11pm which it never does.</p> <p>We feel that the Tavern should provide Security on Burns Beach Road between O'Mara Boulevard and Mykonos View between the hours of 10.30 and 11.30pm to prevent the unruly and noisy behaviour from patrons leaving the Tavern in these hours.</p>	<p><i>Public behaviour once people have left the venue is difficult to control, especially if they are locals. Measures in the OMP seek to control this as much as what is reasonable.</i></p> <p>Security are proposed to be installed on a Friday and Saturday nights.</p>

Issues with operations management plan and/or noise management plan

The offer in the OMP is crowd control personnel. How is this even a consideration in a local community focussed establishment? The proprietor runs this Tavern as a night club, which was never the intention of the initial planning of this local centre. This commercial/mixed zoning initially excluded Tavern land use, for reasons that it was deemed too close to residences. Now it operates as a nightclub.

The maths don't stack up. A pub or tavern may have 50 or even 100 patrons... how can the tavern ensure all patrons are deposited to their cars by the bar staff? Who will be working in the bars then, tending to customers/cleaning up?

The tavern's noise reduction plan is inadequate, as it does not address noises created by its own staff restocking the venue from their storage area. Staff have been observed dropping kegs onto the concrete floor of the below ground carpark, which creates loud booming noises that echo into the surrounding streets. Changes to operating hours are likely to increase the frequency this occurs, further disrupting local residents.

Also the OMP and NMP indicate that the doors to the Burns Beach entrance of the tavern will be kept closed. This is impossible, as this is the entrance patrons use to come out to smoke, which is conducted in the outdoor area and on the footpath. I was standing at the end of Mykonos View on Friday evening just before midnight and there were numerous patrons out there smoking and talking over the music that exited the venue.

Crowd control is an appropriate measure to control behaviour of patrons.

The OMP will encourage a staggered departure, it isn't likely all patrons will depart at one time which will assist in ushering patrons.

The noise management plan was prepared in conjunction with the Environmental Protection (Noise) Regulations 1997 and also the City who have approved it as being appropriate.

Regarding the doors – they will be prevented from being left open, they will still need to function as doors to allow access and egress but this will only be for very short periods of time.

Intended use for the site

We bought our land after doing our homework and felt confident that would be the case. When we bought we were told that there was to be a small Deli and a restaurant, since that time things clearly changed and we have ended up with a small shopping centre.

When the Iluka was first spoken of the owners made reference to a nice wine bar, since then they have continued to apply for more and more, discos starting at 2100 at night with patrons leaving making lots of noise, shouting screaming etc. 2300 is a reasonable time for a public house to be open, it is not a night club it is a pub.

I enjoy a pub. I enjoy a tavern, and certainly enjoy the occasional dance. However I believe in decency and fairness for all and the small wine bar down my street should really never have got through. This small bar is noisy inside, parking is an issue and noisy again at close time. Sadly longer hours means more alcohol and more Ubers, walkers home (up my street) and glass and mess outside, I have seen this a number of times on my Sunday dog walk. I have watched my close friends have to deal with this as they live a stones throw away and I will continue to oppose all these appeals as what was promised to them was lies followed by a very different neighbourhood come the

The land use is not the subject of the application as this has already been approved.

There are considerable management measures in place to ensure the venue operation is appropriate for within the area.

<p>weekend. I know this was not the intention so keeping the hours to a respectable time would be the kind and supportive thing to do for everyone surrounding.</p> <p>The fact COJ is referring to this venue as a Tavern when it is clearly marketed as a Pub in reference to the large, neon, 'Iluka Pub' sign at the main entry doors, which is a whole different category of establishment.</p>	
<p><u>Odour</u></p> <p>The smell from food preparation from this venue spoils our enjoyment of our alfresco area.</p>	<p>The venue is permitted to prepare and offer food. This would not result in odour that is unreasonable.</p>
<p><u>Hours of operation</u></p> <p>In reality there are only two nights a week that would be used by the Tavern. The tavern is dead quiet on Monday to Thursday and on Sunday nights after 10pm so it's not beneficial for them to be open after 11pm on those nights.</p> <p>Alcohol will be served up to 12:00 midnight the patrons then have a further half hour to drink up and leave the premises.</p> <p>We believe that though their original application was for 7 nights, effectively they only wanted Friday and Saturday.</p> <p>The SAT considered the application and said 'no' because of negative impact on home owners. The only negative impact occurs on Fridays and Saturdays. It has already been considered and rightly refused.</p> <p>The pub is still serving drinks on Fridays and Saturdays well after 11pm and people are hanging around outside sometime until 1am. I drove past the pub on Friday at 12 30am and could see people still in the pub and several people hanging around outside.</p> <p>The additional operating hours have nothing to do with allowing these to be managed through the liquor licensing process, as suggested, as the liquor licensing process is not a planning instrument, but a licensing body. In fact, the planning policies clearly state that there should be no detrimental impact on surrounding residents/landowners. To extend the operating hours would not be a good planning decision, merely a decision to increase the yield of the Tavern proprietor.</p> <p>The City's conclusion in the agenda of the 22 May 2023, states that "the City considers the updated information sufficient to determine that, if properly managed, the additional hour and ability to have live music will not have an unacceptable detrimental impact on the surrounding area".</p> <p>Are you able to please inform me how this determination was made? And "if properly managed" could even be a consideration, as thus far they Tavern proprietors have blatantly ignored all conditions enforced on them.</p>	<p>In accordance with the operational management plan alcohol service will cease 30 minutes prior to close at 11.30pm.</p> <p>If activity is occurring post midnight, evidence in the form of photos and times should be provided to the City for compliance action to be taken.</p> <p>Extension of operating hours will not have a significant amenity impact beyond what has already been approved at the site which has been demonstrated to comply with the relevant noise regulations.</p> <p>The operational management plan being provided is comprehensive and will serve as an appropriate tool to control the actions of the tavern.</p>

Parking

There is a major shortage of parking even on Sundays now cars parked anywhere on footpaths, verges wherever they can get. As far as giving in to the upper level being closed at night it's never closed anyway so there not conceding anything the upper level is full on Fridays and Saturdays and so are all the footpaths, there traffic management plan when they were looking for planning permission was grossly flawed.

This Iluka pub has caused traffic and accidents as people just stop in the roundabout to drop participants to the club, the poor apartments have to deal with parking and noise. I think it's already dangerous and out of control - adding the extra hours is asking for more damages abuse and damages to property and the peace of the local community.

The verge parking continues and is not deterred by the venue. Often footpaths are utilised causing pedestrians to walk into traffic.

Parking provision is not being considered as part of this application. Further the first floor parking will need to be closed which will exacerbate the parking issues in the area if this is in fact the case.

Attachment 10 – City of Joondalup Response to Submissions

Submission	City response
Noise	
<p>The noise from people leaving The Iluka is disruptive and at 11pm is already late enough. If the time was moved to midnight it would be even more disruptive. I am sick and tired of the cars hooning down O'Mara Boulevard at closing time particularly.</p> <p>We live 250 metres north of tavern and are only ever disturbed by noisy patrons leaving the tavern on Friday and Saturday nights.</p>	<p>Ongoing issues associated with noisy persons and cars hooning should be reported to the WA Police.</p> <p>The measures to be implemented within the Operational Management Plan (OMP) and Noise Management Plan (NMP) are considered to have a significant reduction on the external impacts from the land use. This is discussed in the body of the report.</p>
<p>If the tavern is granted permission to stay open until midnight they would push that boundary out maybe till 12.30 or 1am. It's not just the noise from people going home, but the constant vehicle noise up and down O'Mara Boulevard from Uber drivers picking people up that would go on until at least 1am in the morning.</p>	<p>Should the application receive approval a condition of approval would limit the opening hours to 12.00am on Friday and Saturday evenings. This is an enforceable condition under the <i>Planning and Development Act 2005</i>. In addition, the Tavern's liquor licence would only permit them to operate until midnight (unless an extended trading permit is obtained for an event) and operating beyond this time would also be a breach of their liquor licence.</p>
<p>Noisy deliveries to the Tavern start taking place before 5 am each morning irrespective of the day of the week. This modification will mean that the mere couple of peaceful hours that nearby residents currently, at least in theory, enjoy on Saturday and Sunday mornings will be further reduced thereby increasing the public nuisance created by the Tavern.</p>	<p>Delivery times were considered through a previous application. Condition 12 of the approval (Attachment 11 refers) sets out the approved delivery management provisions in place for the premises, with restrictions applying to larger truck deliveries prior to 7.00am.</p>
<p>There is the occasional jet wash to clean up mess in the car park at 2am in the morning.</p>	<p>The applicant has confirmed that cleaning is not scheduled at this time, however, has an obligation to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> in this regard. Instances where this occurs should be reported to the City's Health Services via info@joondalup.wa.gov.au</p>
<p>What happened to changing the door to round the side so customer goes straight into car park or wait for Ubers round the side where there are no houses?</p>	<p>Modification to the door location is not being proposed through this application.</p>
Antisocial behaviour	
<p>Extended hours means: more fighting, noise, vandalism, stealing, breaking glass, domestic arguments, teenagers hanging around the pub waiting for parents, urinating on walls etc</p> <p>What was once a lovely quiet street has turned into this. Has a reputation now in Iluka.</p>	<p>Anti-social behaviour occurring off the premises should be reported to the WA Police.</p> <p>The measures to be implemented within the Operational Management Plan (OMP) and Noise Management Plan (NMP) are considered to have a significant reduction on the external impacts from the land use. This is discussed in the body of the report.</p>
<p>We feel that the Tavern should provide Security on Burns Beach Road between O'Mara Boulevard and Mykonos View between the hours of 10.30 and 11.30pm to prevent the unruly and noisy behaviour from patrons leaving the Tavern in these hours.</p> <p>It has become a constant nightmare on those 2 particular nights (Friday & Saturday) only just last weekend, my wife was confronted with some ones sick in front of our gates which we had to clean up, we heard the episode happening outside our home whilst in bed around 12.30am noise from people leaving the pub on Fridays and Saturdays in the early hours is a regular occurrence now and it's supposed to close at 11pm which it never does.</p>	<p>The Tavern's security personnel's jurisdiction is limited to the premises. Matters occurring outside of the premises is a WA Police matter.</p>

Attachment 10 – City of Joondalup Response to Submissions

Issues with operations management plan and/or noise management plan	
<p>The offer in the OMP is crowd control personnel. How is this even a consideration in a local community focussed establishment? The proprietor runs this Tavern as a night club, which was never the intention of the initial planning of this local centre. This commercial/mixed zoning initially excluded Tavern land use, for reasons that it was deemed too close to residences. Now it operates as a nightclub.</p>	<p>The Tavern is already an approved land use on the subject lot. As above, the proposal is now considered to sufficiently mitigate the impacts of the tavern so that it will not impact the surrounding residents thereby meeting the objectives of the structure plan.</p>
<p>The maths don't stack up. A pub or tavern may have 50 or even 100 patrons... how can the tavern ensure all patrons are deposited to their cars by the bar staff? Who will be working in the bars then, tending to customers/cleaning up?</p>	<p>Security will direct patrons to their vehicles or pick-up bays upon closing of the Tavern to assist in orderly dispersal. It is not intended that security staff walk every patron to their vehicle. Other staff will be working inside the venue during this time.</p>
<p>The tavern's noise reduction plan is inadequate, as it does not address noises created by its own staff restocking the venue from their storage area. Staff have been observed dropping kegs onto the concrete floor of the below ground carpark, which creates loud booming noises that echo into the surrounding streets. Changes to operating hours are likely to increase the frequency this occurs, further disrupting local residents.</p>	<p>The applicant has advised that kegs are moved on an as needed basis and therefore they cannot always preempt the movement of kegs. The City considers that the manner in which they are moved should be considered to minimise any outside impact from this occurring.</p> <p>In this regard it is recommended that the OMP be updated to include specific measures relating to the noise mitigation from the movement of Kegs.</p>
<p>Also the OMP and NMP indicate that the doors to the Burns Beach entrance of the tavern will be kept closed. This is impossible, as this is the entrance patrons use to come out to smoke, which is conducted in the outdoor area and on the footpath.</p> <p>I was standing at the end of Mykonos View on Friday evening just before midnight and there were numerous patrons out there smoking and talking over the music that exited the venue.</p>	<p>The requirement for doors and windows to be closed when the Tavern is operating above the noise levels specified in the Noise Impact Assessment is to be upheld in accordance with the NMP and OMP.</p>
Intended use for the site	
<p>We bought our land after doing our homework and felt confident that would be the case. When we bought we were told that there was to be a small Deli and a restaurant, since that time things clearly changed and we have ended up with a small shopping centre.</p>	<p>The subject site is zoned 'Commercial' and as such is able to accommodate a 'Tavern' land use. Previous applications to the JDAP have demonstrated that a Tavern is permissible at the site subject to addressing operational matters through conditions of approval.</p>
<p>When the Iluka was first spoken of the owners made reference to a nice wine bar, sine then they have continued to apply for more and more, discos starting at 2100 at night with patrons leaving making lots of noise, shouting screaming etc. 2300 is a reasonable time for a public house to be open, it is not a night club it is a pub.</p>	<p>A pub is classed under the 'Tavern' land use under the City's Local Planning Scheme No. 3. The proposed development is considered to be consistent with the land use definition of a 'Tavern' and not any other land use.</p>
<p>I enjoy a pub. I enjoy a tavern, and certainly enjoy the occasional dance. However I believe in decency and fairness for all and the small wine bar down my street should really never have got through. This small bar is noisy inside, parking is an issue and noisy again at close time. Sadly longer hours means more alcohol and more Ubers, walkers home (up my street) and glass and mess outside, I have seen this a number of times on my Sunday dog walk. I have watched my close friends have to deal with this as they live a stones throw away and I will continue to oppose all these</p>	<p>The measures to be implemented within the Operational Management Plan (OMP) and Noise Management Plan (NMP) are considered to have a significant reduction on the external impacts from the land use. This is discussed in the body of the report.</p>

Attachment 10 – City of Joondalup Response to Submissions

<p>appeals as what was promised to them was lies followed by a very different neighbourhood come the weekend. I know this was not the intention so keeping the hours to a respectable time would be the kind and supportive thing to do for everyone surrounding.</p>	
<p>The fact COJ is referring to this venue as a Tavern when it is clearly marketed as a Pub in reference to the large, neon, 'Iluka Pub' sign at the main entry doors, which is a whole different category of establishment.</p>	<p>A pub fits under the use class of 'Tavern' under the City's <i>Local Planning Scheme No. 3</i>.</p> <p>'Tavern' is an already approved use at the subject site.</p>
<p>Odour</p>	
<p>The smell from food preparation from this venue spoils our enjoyment of our alfresco area.</p>	<p>The premises was required to comply with the requirements of the Building Code of Australia (BCA) prior to occupation/opening, which includes requirements for mechanical ventilation and kitchen exhausts, as per Australian Standard AS1668.2. The occupancy permit for the premises was issued on the basis that the standards of the BCA and AS1668.2 were met.</p> <p>As part of the City's Health Department's regular checks of food businesses, Environmental Health Officers monitor filtering equipment ensuring they are well maintained and in working order (as required under the Health Legislation).</p>
<p>Hours of operation</p>	
<p>Alcohol will be served up to 12:00 midnight the patrons then have a further half hour to drink up and leave the premises.</p>	<p>Opening hours would be permitted up to 12.00am. Final drink orders would therefore need to be made prior to this.</p>
<p>In reality there are only two nights a week that would be used by the Tavern. The tavern is dead quiet on Monday to Thursday and on Sunday nights after 10pm so it's not beneficial for them to be open after 11pm on those nights.</p> <p>We believe that though their original application was for 7 nights, effectively they only wanted Friday and Saturday.</p>	<p>The JDAP considered that operation to 12.00am seven days a week was not appropriate unless in accordance with a special event license. As recommended in the body of the report, the measures included in the OMP and NMP are considered to have a significant reduction on the external impacts from the Tavern.</p>
<p>The SAT considered the application and said 'no' because of negative impact on home owners. The only negative impact occurs on Fridays and Saturdays. It has already been considered and rightly refused.</p>	<p>The previous decision on the application was made by the JDAP who deemed those opening hours to 12am seven nights a week was not appropriate. The SAT has not made a formal decision on the application, but rather have directed reconsideration of the original decisions through mediation, between the applicant and the JDAP.</p>
<p>The pub is still serving drinks on Fridays and Saturdays well after 11pm and people are hanging around outside sometime until 1am. I drove past the pub on Friday at 12 30am and could see people still in the pub and several people hanging around outside.</p>	<p>The OMP sets out that security personnel will direct patrons to locations away from adjoining residences at the close of the evening.</p>
<p>The additional operating hours have nothing to do with allowing these to be managed through the liquor licensing process, as suggested, as the liquor licensing process is not a planning instrument, but a licensing body. In fact, the planning policies clearly state that there should be no detrimental impact on surrounding residents/landowners. To extend the</p>	<p>The proposal seeks to allow operation until 12.00am on Fridays and Saturdays only without needing a special event license. Operation past 11.00pm would still remain restricted, except for a special event license being obtained under the <i>Liquor Control Act 1998</i>, such as high-profile televised sporting events.</p>

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<p>operating hours would not be a good planning decision, merely a decision to increase the yield of the Tavern proprietor.</p>	<p>The management of the Tavern through the OMP and NMP beyond 11.00pm is discussed further in the body of the report.</p>
<p>The City's conclusion in the agenda of the 22 May 2023, states that "the City considers the updated information sufficient to determine that, if properly managed, the additional hour and ability to have live music will not have an unacceptable detrimental impact on the surrounding area".</p> <p>Are you able to please inform me how this determination was made? And "if properly managed" could even be a consideration, as thus far they Tavern proprietors have blatantly ignored all conditions enforced on them.</p>	<p>The City's previous recommendation was made on the basis that potential amenity impacts were addressed through the measures contained in the OMP and NMP. A detailed assessment in this regard was included in the previous responsible authority report.</p> <p>The conduct of the owners is not a valid planning matter that should be taken into account as part of decision-making.</p>
<p>Parking</p>	
<p>There is a major shortage of parking even on Sundays now cars parked anywhere on footpaths, verges wherever they can get. As far as giving in to the upper level being closed at night it's never closed anyway so there not conceding anything the upper level is full on Fridays and Saturdays and so are all the footpaths, there traffic management plan when they were looking for planning permission was grossly flawed.</p>	<p>On-site parking provision was considered through previous applications to the JDAP and deemed appropriate.</p> <p>The first floor parking area is open to patrons of the Tavern up until 10.00pm when access is restricted, noting that vehicles parked prior to this time are able to leave.</p>
<p>This Iluka pub has caused traffic and accidents as people just stop in the roundabout to drop participants to the club, the poor apartments have to deal with parking and noise. I think it's already dangerous and out of control - adding the extra hours is asking for more damages abuse and damages to property and the peace of the local community.</p>	<p>An additional hour of opening time in the evening is not considered to significantly impact the road network.</p>
<p>The verge parking continues and is not deterred by the venue. Often footpaths are utilised causing pedestrians to walk into traffic.</p>	<p>Verge parking, where unauthorised is able to be reported to the City's Rangers.</p>

Attachment 11: Consolidated Conditions List for Approval DA18/1336

Conditions

1. This approval relates to the commercial development and associated works only. It does not relate to any other development on the lot.
2. The car parking bays, driveways and access points shall be designed, constructed, drained and marked to the specification of the City and in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays, driveways and access points shall thereafter be maintained to the satisfaction of the City.
3. The Burns Beach Road access shall be upgraded to a full movement access point at the expense of the applicant, to the specifications of the City of Joondalup. These upgrades shall be inclusive of design, review, approval and construction to the cost of the developer.
4. Eight on-street parking bays on O'Mara Boulevard shall be constructed by the developer, at the developer's expense, prior to the occupation of the development. The detailed design is to be approved by the City prior to construction.
5. Bicycle parking facilities shall be provided in accordance with the Australian Standard for Off-street Carparking – Bicycles (AS2890.3-1993 as amended) prior to the development first being occupied. Details of bicycle parking areas shall be provided to the City for approval prior to the commencement of development.
6. An easement in gross for the shared driveway shall be placed on the certificates of title for the subject lot to the satisfaction of the City. The easement shall be at the owner/developer's expense and lodged with the Registrar of Titles for endorsement on the certificates of titles, prior to the occupation of development.
7. A notification, pursuant to section 70A of the Transfer of Land Act 1893, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/developer's expense and lodged with the Registrar of Titles for endorsement on the certificate of title, prior to the commencement of development. The notification is to state as follows:

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner'.
8. Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied. Details shall be submitted to and approved by the City prior to the commencement of development. Lighting shall be installed in accordance with the lighting plan to the satisfaction of the City.
9. Detailed landscaping plans shall be submitted to and approved by the City prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatments of the subject site and the adjoining road verges, and shall:
 - provide a minimum of 12 street trees along Burns Beach Road, O'Mara Boulevard and Calis Avenue.
 - the trees along the Calis Avenue frontage should be of a size and scale that will suitably screen the Calis Avenue façade;
 - provide plant species, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;

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- provide all details relating to paving, treatment of verges and tree planting;
- be based on water sensitive urban design and designing out crime principles to the satisfaction of the City;
- show spot levels and/or contours of the site;
- any specific requirements for the 'landscaped wall'; and
- be drawn at an appropriate scale of either 1:100, 1:200 or 1:500.
- relocate the footpath along Calis Avenue to the back of the kerb to allow for landscaping between the development and the road verge.

10. Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City.

11. A Waste Management Plan shall be submitted to and approved by the City prior to the occupation of Tenancy 1, 2 and 3. The Waste Management Plan shall include, but not be limited to, the following;

- Days, times and frequency of pick up;
- Type and size of waste vehicle to be used;
- Type and size of bins to be used; and
- Method of rubbish collection.

All waste collection shall be in accordance with the approved Waste Management Plan.

12. A Delivery Management Plan shall be submitted to and approved by the City prior to the occupation of Tenancy 1, 2 and 3. The Delivery Management Plan shall include, but not be limited to, the following;

- Restricting deliveries by semi-rigid vehicles of 12.5m or more in length to between hours of 7am to 7pm;
- Instruction to drivers for the use of Burns Beach Road access only and not to use Calis Avenue or Mykonos View when approaching or accessing the site;
- Signage and wayfinding details to be installed on the property to direct delivery drivers to the Burns Beach Road vehicle access point; and
- Timing of all other development to minimise conflict between customers and service vehicles.

Delivery management shall then be undertaken in accordance with the approved plan.

The Delivery Management Plan shall include the revised Tavern land use.

13. A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:

- all forward works for the site;
- the delivery of materials and equipment to the site;
- the storage of materials and equipment on the site;
- the parking arrangements and access for the contractors and subcontractors;
- the management of dust during the construction process;
- other matters likely to impact on the surrounding properties;

and works shall be undertaken in accordance with the approved Construction Management Plan.

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14. A detailed acoustic report shall be submitted to the City's satisfaction, prior to the Occupation of Tenancy 1, 2 and 3. The acoustic report shall demonstrate that the design of the building can ensure that all activities, including those occurring within the gymnasium and child care, and tavern comply with the *Environmental Protection (Noise) Regulations 1997*. The acoustic report shall also consider any impacts to the adjoining residential development to the north.
15. A full schedule of colours and materials for all exterior parts to the development shall be submitted to and approved by the City prior to the commencement of development. With regards to boundary walls on the northern lot boundaries, these are to be aesthetically treated to minimise the visual impact. If constructed in stages, development with exposed boundary walls are to be aesthetically treated to minimise their visual impact until such time as the later stages are constructed. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City.
16. Any proposed building plant and equipment, including air conditioning units, piping, ducting and water tanks shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street. Details shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details.
17. The nett lettable area for the site shall not exceed 2,991m², without prior approval from the City first being obtained.
18. All stormwater shall be collected onsite and disposed of in a manner acceptable to the City.
19. All development shall be contained within the property boundaries.
20. Glazing shall be visually permeable with no signage or internal fixtures, attached to or placed in front of glazing restricting the view unless otherwise approved by the City.
21. A Traffic and Parking Management Plan shall be submitted to and approved by the City prior to the occupation of Tenancy 1, 2 and 3. The Traffic and Parking Management Plan shall include, but not be limited to, the following;
 - Demonstrate safe access and egress including vehicular and pedestrian access;
 - Consideration of mirrors at the exit on Calis Avenue; and
 - The Calis Avenue access shall be closed to prevent entry by vehicles between 10.00pm and 5.30am Monday to Sunday.

Traffic and Parking Management shall then be undertaken in accordance with the approved plan.
22. The hours of operation shall be no more than:
 - a) T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday).
 - b) T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.
 - c) T1/T2/T3 (Tavern) 6am to 11pm Sunday to Thursday, and 6am to 12am Friday and Saturday unless an extended trading permit is granted for special occasion under *Liquor Control Act 1988*.

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23. The applicant is to submit revised drawings to the Eastern Boundary detailing a setback of at least 300mm and green wall structures prior to commencement of the development to the satisfaction of the City.
24. An updated Operational Management Plan shall be submitted to and approved by the City within 60 days from the date of approval. The Operational Management Plan shall include, but not be limited to, an internal floor plan indicating the specific function of each area within the Tavern use. The operations of the Tavern are to be conducted in accordance with this plan to the satisfaction of the City.
25. An updated Noise Management Plan shall be submitted to and approved by the City within 60 days from the date of approval. The Noise Management Plan shall include, but not be limited to, specific requirements in relation to the site including layout, staff training requirements, ongoing maintenance and physical levels to be set on each piece of equipment. The operations of the Tavern are to be conducted in accordance with this plan to the satisfaction of the City.
26. The works required to modify the bulkhead facing Calis Avenue shall be undertaken within 60 days from the date of approval and thereafter maintained to the satisfaction of the City.

Advice Notes

1. With respect to the marking of the car park areas, line marking and signage shall adequately convey the one-way configuration of the lower car park.
2. With respect to the upgrades to Burns Beach Road, the detailed design is to include a cross-section with all relevant information to ensure the intersection treatment is designed adequately and all infrastructure (including light poles and storm water drainage pits) can be relocated and meet relevant standards. It is also recommended consultation be undertaken with Main Roads WA for any approvals that may be required for upgrades to Burns Beach Road.
3. The owner/applicant is advised that the subject site has been identified as being within a bushfire prone area as designated by the Fire and Emergency Services Commissioner. As a result:
 - a. a notification on the certificate of title is required in accordance with clause 6.10 of *State Planning Policy 3.7 – Planning for Bushfire Prone Areas (SPP3.7)*; and
 - b. additional construction methods may be required as part of the Building Permit.

Further information about the designated bushfire prone areas and SPP3.7 can be found on the Department of Fire and Emergency Services website:

<https://www.dfes.wa.gov.au/> and the Department of Planning website:

<http://www.planning.wa.gov.au/>

4. With respect to the schedule of colours and materials, the City encourages the developer to incorporate materials and colours to the external surface of the building and associated structures, including roofing, that have low reflective characteristics to minimise potential glare from the development impacting the amenity of the adjoining or nearby neighbours.
5. The bin store area shall be provided with a concrete floor that grades evenly an industrial floor waste that is connected to sewer. A hose cock is to be provide to the bin store area.

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6. Each food business is required to be Registered under the *Food Act 2008*.
7. Any existing footpaths and kerbing are to be retained and protected during construction of the development, except where otherwise approved by the City. Should the footpath/kerb be damaged during the construction of the development, it should be reinstated to the satisfaction of the City.
8. The applicant/owner is advised that verge treatments are required to comply with the City's Street Verge Guidelines. A copy of the Guidelines can be obtained at <https://www.joondalup.wa.gov.au/verge-treatments/>.
9. Revised condition 14 is required to address the change of use of Tenancy 1, 2 and 3. This is to be demonstrated through an amendment to the implementation section of the report which shall identify appropriate management of the tavern, including, but not limited to, restrictions on outdoor areas (including time restrictions and any openings to the indoor area).
10. Revised condition 11 is required to address the change of use of Tenancy 1, 2 and 3 including any additional waste required from the Tavern land use.
11. Revised condition 12 is required to address the change of use of Tenancy 1, 2 and 3 including any additional delivery requirements from the Tavern land use.
12. Revised condition 21 is required to address the change of use of Tenancy 1, 2 and 3 including the impacts of the Tavern use on vehicular and pedestrian access.
13. The Operational Management Plan and Noise Management Plan as submitted are considered acceptable subject to the following modifications:
 - a) Operational Management Plan – Include appropriate noise mitigation measures related with the movement of kegs relating to the Tavern with specific attention to any movements required outside of 10.00am and 7.00pm.
 - b) Operational Management Plan – Update 'Objectives of Management Plan' section to reference operating hours to 12am on Fridays and Saturdays only.
 - c) Noise Management Plan - Section 6 shall include any speakers within the function room. Any speaker's setting shall be required to be documented in the same manner as the main bar.
 - d) Noise Management Plan – Include commentary regarding the management of the collection of glasses, cans and bottles including times this will occur. The Noise Management Plan can replicate similar statements within the Operational Management Plan.