



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 20 February 2025; 9:30am
Meeting Number: MODAP/65
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link: [MODAP/65 – 20 February 2025 – City of Cockburn – City of Wanneroo](#)

PART A – INTRODUCTION

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

PART B – CITY OF COCKBURN

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 905 (2) Merino Entrance, Cockburn Central – Proposed Showroom and Office – DAP/24/02825
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – CITY OF WANNEROO

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 506 (11/61) Key Largo Drive, Clarkson – Proposed Tavern and Amusement Parlour – DAP/24/02795
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

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

Eugene Koltasz
Presiding Member, Metro Outer DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Eugene Koltasz (Presiding Member)	Claire Ortlepp
Francesca Lefante (Deputy Presiding Member)	Ashlee Kelly
John Syme	
<i>Part B – City of Cockburn</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Tom Widenbar	Riley Brown
Cr Tarun Dewan	Gayle O’Leary
<i>Part C – City of Wanneroo</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Bronwyn Smith	Greg Bowering
Cr Jacqui Huntley	Aaron Jones

Eugene Koltasz
Presiding Member, Metro Outer DAP



Applicant and Submitters
<i>Part B – City of Cockburn</i>
Milla Harris (Planning Solutions) Marc Re (Planning Solutions)
<i>Part C – City of Wanneroo</i>
Peter Simpson (PTS Town Planning) Andrea Scavalli (Matthews & Scavalli Architects) Jacob Martin (WSP)

Members of the Public / Media

Nil.

Observers via livestream

There were 6 persons observing the meeting via the livestream.

Eugene Koltasz
Presiding Member, Metro Outer DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 20 February 2025 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

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

1.1 Announcements by Presiding Member

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

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

2. Apologies

Nil.

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

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

Eugene Koltasz
Presiding Member, Metro Outer DAP



PART B – CITY OF COCKBURN

1. Declaration of Due Consideration

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

2. Disclosure of Interests

Nil.

3. Form 1 DAP Applications

3.1 Lot 905 (2) Merino Entrance, Cockburn Central – Proposed Showroom and Office – DAP/24/02825

Deputations and Presentations

Milla Harris & Marc Re (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

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

REPORT RECOMMENDATION

Moved by: Cr Tarun Dewan

Seconded by: Cr Tom Widenbar

That the Metro Outer DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02825 is appropriate for consideration as a “Showroom” and “Office” land use and compatible with the objectives of the zoning table in accordance with Clause 3.4.2 of the City of Cockburn Local Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/24/02825 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Cockburn Town Planning Scheme No. 3, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Eugene Koltasz
Presiding Member, Metro Outer DAP



2. Development shall be carried out in accordance the approved plans (including any amendments marked in red).
3. No building or construction activities shall be carried out before 7.00am or after 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays.
4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
5. All stormwater being contained and disposed of onsite to the City's satisfaction. All stormwater from newly roofed areas shall be collected and disposed of via piped connection to the existing system on the site in accordance with the City's engineering requirements and design guidelines. Any existing drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction.
6. The car parking areas, access ways and landscaping shall be maintained to the satisfaction of the City, and shall not be used for storage of any type except where already depicted on the approved plans.
7. **Prior to the initial occupation** of the building hereby approved, the car parking bay/s, driveway/s and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans.
8. The crossovers are to meet the City's Vehicle Crossover Specification and a separate certification is required by the City's Development Engineering team.
9. **Prior to the issue of a Building Permit**, a detailed landscaping plan shall be submitted to and approved by the City.
10. **Prior to the initial occupation**, verge tree planting shall be provided at a rate of 1 tree per 10m of linear frontage (approximately 11 – 12 trees required).
11. **Prior to the initial occupation** of the building hereby approved, all landscaping shall be installed, reticulated and/or irrigated in accordance with the hereby approved plan and maintained thereafter to the satisfaction of the City.
12. The development shall comply with the approved Waste Management Plan.
13. The washdown bay shall be connected to the approved sewerage network and shall not enter the City's drainage system.
14. **Prior to the issue of a Building Permit**, a Construction Management Plan shall be submitted to the City for approval.
15. The premises shall clearly display the street number as viewed from the street, either on the building façade or via signage, pursuant to Local Planning Policy 3.8 – Industrial Subdivision and Development.

Eugene Koltasz
Presiding Member, Metro Outer DAP



16. **Prior to the issue of a Building Permit**, the plans shall be amended to satisfy the following:
- a. Broad facades are to be broken down into separate sections through different materials, colours and finishes to provide interest and enhance the streetscape.
 - b. External boundary walls that are visible from the street shall be treated appropriately. This may be achieved through colour, score lines or similar.
 - c. External fixtures and equipment such as roof ventilation, exhaust towers and plumbing pipes should be effectively screened from the primary street elevation using roof structures and architectural elements.

Advice Notes

- a) Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
- b) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency.
- c) With regard to stormwater, the City recommends the onsite storage capacity be designed to contain a 1 in 100 year storm of 24 hour duration.
- d) In respect to the washdown bay and drainage, the applicant is advised to liaise with the Water Corporation to obtain an approved trade waste permit.
- e) The Construction Management Plan (CMP) guidelines are available on the City's website and it is recommended that the CMP address the following items:
 - a. Access to and from the site;
 - b. Delivery of materials and equipment to the site;
 - c. Storage of materials and equipment on the site;
 - d. Parking arrangements for contractors and subcontractors;
 - e. Management of construction waste; and
 - f. Other matters likely to impact on the surrounding properties.

Please note that in accordance with the Guidelines, a Dust Management Plan and/or Traffic Management Plan may be required to form part of the CMP.

You are advised to contact the City's Environmental Health team and Traffic & Transport team to discuss whether these are required.

- f) The development shall comply with the noise pollution provisions of the Environmental Protection Act 1986, and more particularly with the requirements of the Environmental Protection (Noise) Regulations 1997.

Eugene Koltasz
Presiding Member, Metro Outer DAP



- g) With regard to car parking, the dimensions of all car parking bays, aisle widths, wheel stops, columns, ramps and circulation areas should comply with the Australian Standards AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009 and the City's Paving and Drainage Specification.
- h) The landscape plan shall include the following:-
- i. the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - ii. shade trees to be provided to the eastern boundary carparking at a rate of one (1) tree for every three (3) car parking bays;
 - iii. replacement of Eucalyptus leucoxydon with a non-reproductive host species for polyphagous shot-hole borer;
 - iv. any new landscaping areas to be established;
 - v. any existing landscape areas to be retained;
 - vi. those areas to be reticulated or irrigated; and
 - vii. verge treatments.

AMENDING MOTION 1

Moved by: Francesca Lefante

Seconded by: John Syme

That Condition No. 10 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: This condition duplicates Condition No. 9 verge treatments with additional details covered in Advice Note h.

AMENDING MOTION 2

Moved by: Francesca Lefante

Seconded by: Eugene Koltasz

That Condition No. 4 be deleted, and the remaining conditions be renumbered accordingly.

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

For: Eugene Koltasz
Francesca Lefante
Cr Tom Widenbar

Against: John Syme
Cr Tarun Dewan

REASON: The condition is unnecessary and open to interpretation.

Eugene Koltasz
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02825 is appropriate for consideration as a “Showroom” and “Office” land use and compatible with the objectives of the zoning table in accordance with Clause 3.4.2 of the City of Cockburn Local Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/24/02825 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Cockburn Town Planning Scheme No. 3, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Development shall be carried out in accordance the approved plans (including any amendments marked in red).
3. No building or construction activities shall be carried out before 7.00am or after 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays.
4. All stormwater being contained and disposed of onsite to the City’s satisfaction. All stormwater from newly roofed areas shall be collected and disposed of via piped connection to the existing system on the site in accordance with the City’s engineering requirements and design guidelines. Any existing drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction.
5. The car parking areas, access ways and landscaping shall be maintained to the satisfaction of the City, and shall not be used for storage of any type except where already depicted on the approved plans.
6. **Prior to the initial occupation** of the building hereby approved, the car parking bay/s, driveway/s and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans.
7. The crossovers are to meet the City’s Vehicle Crossover Specification and a separate certification is required by the City’s Development Engineering team.
8. **Prior to the issue of a Building Permit**, a detailed landscaping plan shall be submitted to and approved by the City.

Eugene Koltasz
Presiding Member, Metro Outer DAP



9. **Prior to the initial occupation** of the building hereby approved, all landscaping shall be installed, reticulated and/or irrigated in accordance with the hereby approved plan and maintained thereafter to the satisfaction of the City.
10. The development shall comply with the approved Waste Management Plan.
11. The washdown bay shall be connected to the approved sewerage network and shall not enter the City's drainage system.
12. **Prior to the issue of a Building Permit**, a Construction Management Plan shall be submitted to the City for approval.
13. The premises shall clearly display the street number as viewed from the street, either on the building façade or via signage, pursuant to Local Planning Policy 3.8 – Industrial Subdivision and Development.
14. **Prior to the issue of a Building Permit**, the plans shall be amended to satisfy the following:
 - a. Broad facades are to be broken down into separate sections through different materials, colours and finishes to provide interest and enhance the streetscape.
 - b. External boundary walls that are visible from the street shall be treated appropriately. This may be achieved through colour, score lines or similar.
 - c. External fixtures and equipment such as roof ventilation, exhaust towers and plumbing pipes should be effectively screened from the primary street elevation using roof structures and architectural elements.

Advice Notes

- a) Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
- b) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency.
- c) With regard to stormwater, the City recommends the onsite storage capacity be designed to contain a 1 in 100 year storm of 24 hour duration.
- d) In respect to the washdown bay and drainage, the applicant is advised to liaise with the Water Corporation to obtain an approved trade waste permit.

Eugene Koltasz
Presiding Member, Metro Outer DAP



- e) The Construction Management Plan (CMP) guidelines are available on the City's website and it is recommended that the CMP address the following items:
- a. Access to and from the site;
 - b. Delivery of materials and equipment to the site;
 - c. Storage of materials and equipment on the site;
 - d. Parking arrangements for contractors and subcontractors;
 - e. Management of construction waste; and
 - f. Other matters likely to impact on the surrounding properties.

Please note that in accordance with the Guidelines, a Dust Management Plan and/or Traffic Management Plan may be required to form part of the CMP.

You are advised to contact the City's Environmental Health team and Traffic & Transport team to discuss whether these are required.

- f) The development shall comply with the noise pollution provisions of the Environmental Protection Act 1986, and more particularly with the requirements of the Environmental Protection (Noise) Regulations 1997.
- g) With regard to car parking, the dimensions of all car parking bays, aisle widths, wheel stops, columns, ramps and circulation areas should comply with the Australian Standards AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009 and the City's Paving and Drainage Specification.
- h) The landscape plan shall include the following:-
- i. the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - ii. shade trees to be provided to the eastern boundary carparking at a rate of one (1) tree for every three (3) car parking bays;
 - iii. replacement of Eucalyptus leucoxydon with a non-reproductive host species for polyphagous shot-hole borer;
 - iv. any new landscaping areas to be established;
 - v. any existing landscape areas to be retained;
 - vi. those areas to be reticulated or irrigated; and
 - vii. verge treatments.

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

REASON: The proposal is consistent with the planning framework, zoning and zone objectives. Members were satisfied that the building design and orientation to the street is consistent in scale and locational context. Members were of the opinion that the proposal is considered to support expansion of the business present. On balance the proposal was supported consistent with the RAR inclusive of minor condition changes.

Eugene Koltasz
Presiding Member, Metro Outer DAP



4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Cr Tom Widenbar & Cr Tarun Dewan (Local Government DAP Members, City of Cockburn) left the panel at 10:00am.

A handwritten signature in black ink that reads "Eugene Koltasz".

Eugene Koltasz
Presiding Member, Metro Outer DAP



PART C – CITY OF WANNEROO

Cr Bronwyn Smith & Cr Jacqui Huntley (Local Government DAP Members, City of Wanneroo) joined the panel at 10:01am.

1. Declaration of Due Consideration

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

2. Disclosure of Interests

Nil.

3. Form 1 DAP Applications

3.1 Lot 506 (11/61) Key Largo Drive, Clarkson – Proposed Tavern and Amusement Parlour – DAP/24/02795

Deputations and Presentations

Peter Simpson (PTS Town Planning) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

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

REPORT RECOMMENDATION

Moved by: Cr Bronwyn Smith

Seconded by: Cr Jacqui Huntley

That the Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/24/02795 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Wanneroo District Planning Scheme No. 2, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.

Eugene Koltasz
Presiding Member, Metro Outer DAP



2. The use of the approved **Tavern and Amusement Parlour** must conform to the District Planning Scheme No. 2 definition which states:

“Tavern: means premises the subject of a tavern licence granted under the Liquor Control Act 1988”

Amusement Parlour: means premises —

- a) *that are open to the public; and*
- b) *that are used predominantly for amusement by means of amusement machines including computers; and*
- c) *where there are 2 or more amusement machines”*

A change of use from that outlined above may require further development approval of the City.

3. A maximum of **800** patrons are permitted within the **Tavern and Amusement Parlour** at any one time.
4. The hours of operation of the **Tavern and Amusement Parlour** is restricted to between the following hours:
- a. **11:00am to 12:00am Sunday to Thursday** and;
 - b. **11:00am to 1:00am Friday and Saturday.**
5. The applicant/owner must ensure that all illuminated signage must have any boxing or casing in which it is enclosed constructed of incombustible materials, must not comprise of flashing, pulsating, chasing or running lights and must not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries.
6. All signage is to be contained entirely within the lot.
7. Parking areas, driveways and points of ingress and egress must be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS 2890) and must be drained, sealed, marked and maintained to the satisfaction of the City prior to occupation of the development.
8. The parking areas and associated access indicated on the approved plans must not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
9. The development is to comply with the recommendations and assumptions of the Acoustic Report/Noise Management Plan (Ref **P01524**) prepared by **E-LAB Consulting** dated **21 October 2024**. Recommended works must be completed prior to the commencement of the use.

Eugene Koltasz
Presiding Member, Metro Outer DAP



10. All storage areas, external fixtures and building plant, including air conditioning units and water tanks must be located so as to minimise any visual and noise impact on surrounding landowners and screened from view from streets, public places and adjacent properties to the satisfaction of the City.
11. Future operations on the lot must be undertaken in accordance with the approved Waste Management Plan prepared by **Dallywater Consulting** dated **October 2024**.
12. Future operations on the lot must be undertaken in accordance with the approved Management Plan prepared by **NightOwl Entertainment**.
13. The movement of trucks for delivery purposes must occur between 7am and 7pm, Monday to Saturday only.
14. Any graffiti applied to the external surfaces of the building must be removed within seven (7) days of it being applied, to the satisfaction of the City of Wanneroo.

Advice Notes

1. The owner/applicant is to submit the "Certification of Compliance with Development Approval Conditions" form certifying that all of the conditions specified in the approval by the Council for the development of the land have been completed in accordance with the approved plans, and the certification is to be lodged with the Council within 14 days from the date of practical completion, and applies to all of the conditions, except for those conditions relating to on-going compliance.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposal is consistent with the planning framework, Scheme and zone objectives. The land use and scale are appropriate within the mixed business zone. The proposal is considered to add variety to the area with no impacts on the town centre. The objections regarding impacts on sensitive land uses have been considered and addressed satisfactorily through the acoustic report including and treatments operational controls and noise management plan.

Members gave due consideration to the shared parking, land use mix, and varying operating times, and were satisfied that the on-site parking provisions are sufficient to cater for the proposal, noting the design and development plans reflect the combined operation of the tavern and amusement parlour land uses. On balance, the proposal was supported consistent with the RAR and site context.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Eugene Koltasz
Presiding Member, Metro Outer DAP



PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

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

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DR146/2024 DAP/23/02523	City of Gosnells	65 (Lot 98) Mills Road West, Gosnells	Place of Worship	30/09/2024
DR148/2024 DAP/24/02696	City of Gosnells	Lot 8 (1510) Albany Highway, Beckenham	Service Station, Convenience Store and Signage	30/10/2024

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:13am.

Eugene Koltasz
Presiding Member, Metro Outer DAP