



# Metro Outer Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Monday, 26 February 2024; 9:30am  
**Meeting Number:** MOJDAP/299  
**Meeting Venue:** Electronic Means

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

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**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



## **Attendance**

### **DAP Members**

Eugene Koltasz (Presiding Member)  
Karen Hyde (Deputy Presiding Member)  
Neema Premji (A/Third Specialist Member)

#### *Item 8.1*

Cr Tom Widenbar (Local Government Member, City of Cockburn)  
Cr Tarun Dewan (Local Government Member, City of Cockburn)

#### *Item 9.1*

Cr Bronwyn Smith (Local Government Member, City of Wanneroo)  
Cr Jacqui Huntley (Local Government Member, City of Wanneroo)

### **Officers in attendance**

#### *Item 8.1*

Jamie Evans (City of Cockburn)  
Lucia Dunstan (City of Cockburn)  
Ellie Kennedy (City of Cockburn)

#### *Item 9.1*

Shabnam Boss (City of Wanneroo)  
Greg Bowering (City of Wanneroo)

### **Minute Secretary**

Claire Ortlepp (DAP Secretariat)

### **Applicants and Submitters**

#### *Item 8.1*

Marc Re (Planning Solutions)  
James Kish (Firmus Capital)  
Vanessa Hudyana (Firmus Capital)  
Garry Sheridan (Insight Project Services)  
Graham Taylor (TRCB)  
John Lipscombe (TRCB)

#### *Item 9.1*

Neil Teo (Dynamic Planning)

### **Members of the Public / Media**

There were 4 members of the public in attendance.

Gabrielle Becerra Mellet from Perth Now was in attendance.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 26 February 2024 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

### 1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

## 2. Apologies

Jason Hick (Third Specialist Member)

## 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](#).

## 5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

Nil.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



## 7. Deputations and Presentations

- 7.1 Marc Re (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 City of Cockburn addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

***The presentations at Items 7.1 - 7.2 were heard prior to the application at Item 8.1.***

- 7.3 Neil Teo (Dynamic Planning) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.
- 7.4 City of Wanneroo addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

***The presentations at Items 7.3 - 7.4 were heard prior to the application at Item 9.1.***

## 8. Form 1 – Responsible Authority Reports – DAP Applications

### 8.1 Lot 63 (254) Rockingham Road, Spearwood

Development Description:	Proposed shopping centre refurbishment and new external dining precinct
Applicant:	Marc Re (Planning Solutions)
Owner:	The Trust Company (Australia) Ltd
Responsible Authority:	City of Cockburn
DAP File No:	DAP/24/02624

## REPORT RECOMMENDATION

**Moved by:** Cr Tarun Dewar

**Seconded by:** Cr Tom Widenbar

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02624 is appropriate for consideration as a “Shop and Restaurant ” 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/24/02624 and accompanying plans (Development Plan Attached 3) 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 Local Planning Scheme No. 3, subject to the following conditions:

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



## **Conditions**

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of **four (4)** years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. No building or construction activities shall be carried out before 7.00 am or after 7.00 pm, Monday to Saturday, and not at all on Sunday or Public Holidays, unless otherwise approved by the City.
4. Prior to the issue of a **Building Permit**, a construction management plan (CMP) shall be submitted to and approved by the City. The CMP shall be implemented to the satisfaction of the City.
5. The owner/applicant shall submit a detailed stormwater plan for approval prior to the lodgement of a **Building Permit**, showing the proposed method of stormwater drainage as certified by a suitably qualified practicing Engineer. The stormwater infrastructure is to be maintained for the duration of the development
6. **Prior to occupancy**, an operational noise management plan is to be submitted to address the management of operational noises.
7. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
8. **Prior to occupation**, the owner/applicant shall:
  - Submit to the City for an approval for a preliminary artwork proposal designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be to be located within the subject site as an integral part of the development;
  - Submit to the City for approval an 'Application for Art Work Design';
  - Enter into a contract with a professional artist/s to design and install (if appropriate) the artwork approved by the City.

The artwork shall then be installed prior to occupation of the building/development and maintained thereafter to the satisfaction of the City.
9. The Waste Management Plan prepared by Talis Consultants (**2<sup>nd</sup> of February 2024**) shall be implemented to the satisfaction of the City.
10. The signage shall not include fluorescent, reflective or retro reflective colours or materials. If illuminated, signage shall not to flash, pulsate or chase. All signage shall relate to the use(s) of the site, unoffensive in nature, and is to be maintained to the satisfaction of the City.

*Eugene Koltasz*

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



11. A detailed landscaping plan shall be submitted to and approved by the City, prior to the lodgement of **the Building Permit** and shall include the following:-
  - (1) the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - (2) any lawns to be established;
  - (3) any existing landscape areas to be retained;
  - (4) those areas to be reticulated or irrigated; and
  - (5) verge treatments
12. Prior to the **initial occupation** of the development hereby approved, landscaping including verge planting shall be installed and maintained thereafter in accordance with the approved plans.
13. Prior to the **initial occupation** of the building hereby approved, the 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 and to the satisfaction of the City.

### **Advice Notes**

1. This is a Development 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.
2. With regards to condition 5, the applicant is advised to ensure:
  - All stormwater is contained and disposed of on-site
  - All Stormwater drainage to be able to contain a 1 in 100-year, 24 hour storm event.
  - Be designed in accordance with the National Construction Code Volumes I-III (as applicable) and certified based on a 1 in 20 year event, 5-minute storm duration, to the satisfaction of the City.
3. The landowner/applicant is advised to accord with the requirements of Australian Standard AS 4282 - 2019 "Control of the Obtrusive Effects of Outdoor Lighting".
4. With regards to condition 6, the applicant is advised the operational Noise Management Plan is to include:
  - a. control measures to address noises from breakout noise, pedestrian noise, amplified music, staff movement, movement of equipment and furniture;
  - b. a complaint response procedure; and
  - c. hours of operation.
5. The landowner/applicant is recommended that the proposed nine (9) bicycle stands/racks conform to Australian Standard 2890.3 and shall be provided in close proximity to the entrance of the building prior to the occupation of the building.

*Eugene Koltasz*

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



6. The applicant is advised that dimensions of all car parking bays, aisle widths, wheel stops, columns, ramps and circulation areas should accord with the Australian Standards AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009, and maintained in accordance with the City's engineering requirements and design guidelines.
7. With regards to attachment 8, the landowner/applicant is advised the plan is indicative only having regard to the future development proposed on Rockingham Road. Further consultation is required with the City to confirm the scope of the final works proposed adjacent to the Rockingham Road reserve.

### AMENDING MOTION 1

**Moved by:** Karen Hyde

**Seconded by:** Neema Premji

*The following amendments were made en bloc;*

1. That Condition No. 6 be amended to read as follows:

*Prior to occupancy, an operational noise management plan is to be submitted to **and approved by the City, to address the management of operational noises.***

#### REASON:

To ensure there is oversight of the performance of the noise management plan recommendations by the City.

2. That Advice Note No. 2 be amended to read as follows:

~~With regards to condition 5, the applicant is advised to ensure:~~

- ~~• All stormwater is contained and disposed of on-site~~
- ~~• All Stormwater drainage to be able to contain a 1 in 100-year, 24 hour storm event.~~

~~Be designed in accordance with the National Construction Code Volumes I-III (as applicable) and certified based on a 1 in 20-year event, 5-minute storm duration, to the satisfaction of the City.~~ **With regard to Condition 5, all stormwater must be contained and disposed of on-site to the satisfaction of the City. All stormwater drainage shall be designed in accordance with the National Construction Code Volumes I-III (as applicable). The design is to be certified by a suitably qualified practicing Engineer on the basis of a 1 in 20 year event, 5 minute storm duration, to the satisfaction of the City. Details of the stormwater drainage are to be provided with the associated Building Permit Application.**

#### REASON:

It was not considered necessary to impose another drainage requirement on the site as the existing drainage system in place will cater for the proposed drainage given there will be no increase in the impervious surfaces resulting from the development.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



## REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02624 is appropriate for consideration as a “Shop and Restaurant ” 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/24/02624 and accompanying plans (Development Plan Attached 3) 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 Local Planning Scheme No. 3, subject to the following conditions:

### Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of **four (4)** years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. No building or construction activities shall be carried out before 7.00 am or after 7.00 pm, Monday to Saturday, and not at all on Sunday or Public Holidays, unless otherwise approved by the City.
4. Prior to the issue of a **Building Permit**, a construction management plan (CMP) shall be submitted to and approved by the City. The CMP shall be implemented to the satisfaction of the City.
5. The owner/applicant shall submit a detailed stormwater plan for approval prior to the lodgement of a **Building Permit**, showing the proposed method of stormwater drainage as certified by a suitably qualified practicing Engineer. The stormwater infrastructure is to be maintained for the duration of the development
6. **Prior to occupancy**, an operational noise management plan is to be submitted to address the management of operational noises.
7. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP





8. **Prior to occupation**, the owner/applicant shall:
- Submit to the City for an approval for a preliminary artwork proposal designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
  - Submit to the City for approval an 'Application for Art Work Design';
  - Enter into a contract with a professional artist/s to design and install (if appropriate) the artwork approved by the City.

The artwork shall then be installed prior to occupation of the building/development and maintained thereafter to the satisfaction of the City.

9. The Waste Management Plan prepared by Talis Consultants (**2<sup>nd</sup> of February 2024**) shall be implemented to the satisfaction of the City.
10. The signage shall not include fluorescent, reflective or retro reflective colours or materials. If illuminated, signage shall not to flash, pulsate or chase. All signage shall relate to the use(s) of the site, unoffensive in nature, and is to be maintained to the satisfaction of the City.
11. A detailed landscaping plan shall be submitted to and approved by the City, prior to the lodgement of **the Building Permit** and shall include the following:-
- (1) the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - (2) any lawns to be established;
  - (3) any existing landscape areas to be retained;
  - (4) those areas to be reticulated or irrigated; and
  - (5) verge treatments
12. Prior to the **initial occupation** of the development hereby approved, landscaping including verge planting shall be installed and maintained thereafter in accordance with the approved plans.
13. Prior to the **initial occupation** of the building hereby approved, the 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 and to the satisfaction of the City.

### **Advice Notes**

1. This is a Development 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.
2. With regard to Condition 5, all stormwater must be contained and disposed of on-site to the satisfaction of the City. All stormwater drainage shall be designed in accordance with the National Construction Code Volumes I-III (as

*Eugene Koltasz*

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



applicable). The design is to be certified by a suitably qualified practicing Engineer on the basis of a 1 in 20 year event, 5 minute storm duration, to the satisfaction of the City. Details of the stormwater drainage are to be provided with the associated Building Permit Application.

3. The landowner/applicant is advised to accord with the requirements of Australian Standard AS 4282 - 2019 "Control of the Obtrusive Effects of Outdoor Lighting".
4. With regards to condition 6, the applicant is advised the operational Noise Management Plan is to include:
  - a. control measures to address noises from breakout noise, pedestrian noise, amplified music, staff movement, movement of equipment and furniture;
  - b. a complaint response procedure; and
  - c. hours of operation.
5. The landowner/applicant is recommended that the proposed nine (9) bicycle stands/racks conform to Australian Standard 2890.3 and shall be provided in close proximity to the entrance of the building prior to the occupation of the building.
6. The applicant is advised that dimensions of all car parking bays, aisle widths, wheel stops, columns, ramps and circulation areas should accord with the Australian Standards AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009, and maintained in accordance with the City's engineering requirements and design guidelines.
7. With regards to attachment 8, the landowner/applicant is advised the plan is indicative only having regard to the future development proposed on Rockingham Road. Further consultation is required with the City to confirm the scope of the final works proposed adjacent to the Rockingham Road reserve.

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

**REASON:**

The Panel was satisfied that the proposed upgrade to the Phoenix Shopping Centre was in accordance with the Planning Framework for the site, as specified within the Phoenix Activity Centre Structure Plan and Town Planning Scheme No 3. Proposed conditions will reinforce compliance with statutory instruments.

The upgrade to the Centre will result in an attractive development offering better and more contemporary facilities.

*Cr Tarun Dewan and Cr Tom Widenbar (Local Government Members, City of Cockburn) left the panel at 9:53am.*

*Cr Bronwyn Smith and Cr Jacqui Huntley (Local Government Members, City of Wanneroo) joined the panel at 9:53am.*

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

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



## 9.1 Lot 234 (394) Kingsway, Landsdale

Development Description:	Child Care Centre
Proposed Amendments:	Amendment to condition 4, to increase number of staff permitted on site
Applicant:	Neil Teo (Dynamic Planning)
Owner:	Stoneridge Nominees Pty Ltd
Responsible Authority:	City of Wanneroo
DAP File No:	DAP/21/02056

### REPORT RECOMMENDATION

**Moved by:** Cr Jacqui Huntley

**Seconded by:** Cr Bronwyn Smith

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application DAP/21/02056 and accompanying plans provided in **Attachment 1** 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, for the proposed minor amendment to the approved development details at 394 Kingsway Landsdale, subject to the following amended conditions:

#### Conditions

Amended Condition 4 as follows:

A maximum of 100 children and 23 Staff are permitted on the premises at any one time.

Amended Condition 24 as follows:

Parking shall be managed in accordance with the Revised Parking Management Plan (attached) to ensure staff and visitor parking is appropriately managed.

All other conditions and requirements detailed on the previous approval dated 23 December 2021 shall remain unless altered by this application.

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

#### REASON:

The Panel was satisfied that the amendment to staff numbers is warranted for the effective and flexible management of the Child Care Premises.

It was considered necessary to monitor staff parking during the day which required the proponents to revise their Parking Management Plan to address the additional staff numbers.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



## 10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DR75/2022 DAP/18/01543	City of Joondalup	Portion of 9040 (34) Kallatina Drive, Iluka	Mixed Commercial Centre (Iluka Plaza)	02/05/2022
DR135/2023 DAP/23/02447	City of Rockingham	Lot 622 (No.2) Aurea Boulevard, Golden Bay	Proposed mixed commercial development (Golden Bay Neighbourhood Centre)	11/08/2023
DR169/2023 DAP/23/02486	City of Swan	Lot 1 (No.9) Waterhall Road, South Guildford	Child Care Premises	13/11/2023
DR175/2023 DAP/22/02166	City of Joondalup	1 Lyell Grove (Lot 2), Woodvale	Child Care Premises	30/11/2023
DR193/2023 DAP/23/02545	Shire of Serpentine Jarrahdale	575 (Lot 218) Abernethy Road, Oakford	Proposed Educational Establishment	19/12/2023

The Presiding Member noted the following Supreme Court Appeal -

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

## 11. General Business

The Presiding Member announced that 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

There being no further business, the Presiding Member declared the meeting closed at 10:06am.

*Eugene Koltasz*

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP