



## Metro Outer Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Friday, 7 January 2022; 9:30am  
**Meeting Number:** MOJDAP/146  
**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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**Mr Paul Kotsoglo**  
Presiding Member, Metro Outer JDAP



## **Attendance**

### **DAP Members**

Mr Paul Kotsoglo (Presiding Member)  
Ms Lindsay Baxter (A/Deputy Presiding Member)  
Mr Jason Hick (Third Specialist Member)

#### *Item 8.1*

Cr Frank Cvitan (Local Government Member, City of Wanneroo)  
Cr Vinh Nguyen (Local Government Member, City of Wanneroo)

#### *Item 8.2*

Cr Chontelle Stone (Local Government Member, City of Cockburn)  
Cr Chamonix Terblanche (Local Government Member, City of Cockburn)

### **Officers in attendance**

#### *Item 8.1*

Ms June Wang (Western Australian Planning Commission)

#### *Item 8.2*

Mr David King (City of Cockburn)  
Ms Lucia Dunstan (City of Cockburn)

### **Minute Secretary**

Ms Zoe Hendry (DAP Secretariat)  
Ms Samantha Hansen (DAP Secretariat)

### **Applicants and Submitters**

#### *Item 8.1*

Mr Marc Karol (T&Z Architects)

#### *Item 8.2*

Mr Tony Watson (MW Urban)  
Ms Tanya Trevisan (Frasers Property for Port Catherine Developments)

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

There were 2 members of the public in attendance.

Ms Kristie Lim from PerthNow was in attendance.

## **1. Opening of Meeting, Welcome and Acknowledgement**

The Presiding Member declared the meeting open at 9:34am on 7 January 2022 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

**Mr Paul Kotsoglo**  
Presiding Member, Metro Outer JDAP



Due to the leave of absence of the Presiding Member and the leave of absence of the Deputy Presiding Member, Mr Paul Kotsoglo has been appointed as Presiding Member for this meeting in accordance with regulation 27(3A) of the *Planning and Development (Development Assessment Panel) Regulations 2011*.

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**

Mr Ian Birch (Presiding Member)  
Ms Sheryl Chaffer (Deputy Presiding Member)

## **3. Members on Leave of Absence**

DAP Member, Mr Ian Birch has been granted leave of absence by the Director General for the period of 27 December 2021 to 10 January 2022 inclusive.

DAP Member, Ms Sheryl Chaffer has been granted leave of absence by the Director General for the period of 18 December 2021 to 2 February 2022 inclusive.

## **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**

DAP Member, Mr Paul Kotsoglo, declared an Impartiality Interest in item 8.2. Mr Kotsoglo is employed as Managing Director of Planning Solutions. Planning Solutions employs Mr Nic Watson, son of Mr Tony Watson of MW Urban. In the past it is Mr Kotsoglo's understanding that Mr Watson has referred clients to Planning Solutions given capacity issues.

**Mr Paul Kotsoglo**  
Presiding Member, Metro Outer JDAP



In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member, Ms Francesca Lefante, determined that the member listed above, who had disclosed an Impartiality Interest, was permitted to participate in the discussion and voting on the item.

## 7. Deputations and Presentations

- 7.1 The Western Australian Planning Commission Officer responded to questions from the panel in relation to the application at Item 8.1

***The presentation at Item 7.1 was heard prior to the application at Item 8.1.***

- 7.2 Ms Tanya Trevisan (Frasers Property for Port Catherine Developments) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

- 7.3 The City of Cockburn Officers responded to questions from the panel relation to the application at Item 8.2.

***The presentations at Items 7.2 - 7.3 were heard prior to the application at Item 8.2.***

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

### 8.1 Lot 101 (2018) Santorini Promenade, Alkimos

Development Description:	Education Establishment, Alkimos College Stage 2
Applicant:	T&Z Architects
Owner:	Department of Education
Responsible Authority:	Western Australian Planning Commission
DAP File No:	DAP/21/02127

## REPORT RECOMMENDATION

**Moved by:** Cr Frank Cvitan

**Seconded by:** Ms Lindsay Baxter

*With the approval of the mover and seconder the following conditions were amended:*

- (i) To amend Condition No.2 to read as follows:

*This decision constitutes planning approval only relating to the proposed Education Establishment - Stage 2 as highlighted on the attached plans and is valid for a period of ~~two~~ **four** 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.*

**REASON:** To be consistent with regulation 16A (2) of the Planning and Development (Development Assessment Panels) Regulations 2011

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- (ii) To amend Condition No.6 to read as follows:

*Detailed civil engineering drawings and specifications, including signage and pavement marking, detailing works within the public road reserve (earthworks, parking, footpath, roads and drainage) shall be lodged for approval to the City of **Wanneroo** prior to commencement of construction works. Engineering drawings shall be prepared in accordance with the City's specifications and works shall be undertaken in accordance with the approved engineering drawings, to the satisfaction of the Western Australian Planning Commission.*

**REASON:** To be consistent with other conditions and provide clarity.

- (iii) To amend Condition No.10 (i) to read as follows:

*Any other **relevant** matter required by the City of Wanneroo.*

**REASON:** To improve finality and clarity.

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/02127 and accompanying plans (dated 19/10/2021) in accordance with the provisions of the Metropolitan Region Scheme 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 the Metropolitan Region Scheme.
2. This decision constitutes planning approval only relating to the proposed Education Establishment - Stage 2 as highlighted on the attached plans and is valid for a period of four 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. Planting and Landscaping shall be carried out in accordance with the plans as submitted prior to the occupation of the building and thereafter maintained to the specification of the City of Wanneroo and the satisfaction of the Western Australian Planning Commission.
4. The development is to comply at all times with the Environmental Acoustics Noise Emissions Report prepared by Gabriels Hearne Farrell dated 15 November 2021.
5. Parking areas, driveways and point of ingress and egress shall be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS2890) and shall be drained, sealed, marked and maintained to the specification of the City of Wanneroo and the satisfaction of the Western Australian Planning Commission.

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6. Detailed civil engineering drawings and specifications, including signage and pavement marking, detailing works within the public road reserve (earthworks, parking, footpath, roads and drainage) shall be lodged for approval to the City of Wanneroo prior to commencement of construction works. Engineering drawings shall be prepared in accordance with the City's specifications and works shall be undertaken in accordance with the approved engineering drawings, to the satisfaction of the Western Australian Planning Commission.
7. The parking areas and associated access indicated on the approved plans shall not be used for the purpose of storage or obstructed in any way at any time without the prior approval of the City of Wanneroo, to the satisfaction of the Western Australian Planning Commission.
8. Stormwater and any other water run-off from buildings and/or paved areas shall be collected and retained on site.
9. The applicant shall undertake adequate measures during construction to minimise any adverse impacts caused by sand drift and dust from the site.
10. A construction management plan shall be submitted to the City of Wanneroo for approval when application is made for a building licence. This plan is to detail how construction will be managed to minimise disruption in the area and shall include:
  - a. The delivery of and delivery times for materials and equipment to the site;
  - b. Storage of materials and equipment on site;
  - c. Parking arrangements for contractors and sub-contractors ;
  - d. The impact on traffic movement;
  - e. Construction times;
  - f. The relocation of public footpaths;
  - g. The relocation/disruption of any public transport infrastructure;
  - h. Management of sand drift and dust from the site; and
  - i. Any other relevant matter required by the City of Wanneroo.
11. Any damage or removal of a City of Wanneroo asset (including vegetation) shall be replaced or repaired at the cost of the applicant/landowner and to the specification of the City of Wanneroo.

#### **Advice Notes**

1. The applicant/landowner is to take measures to minimise any adverse impacts caused by sand drift and dust from the site during construction in accordance with the requirements contained in the Department of Environmental Regulation's '*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities*'.

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

**Mr Paul Kotsoglo**  
Presiding Member, Metro Outer JDAP



**REASON:** The JDAP resolved to amend the Responsible Authority Report recommendation to ensure consistency with regulation 16A (2) of the Planning and Development (Development Assessment Panels) Regulations 2011, and to improve finality and clarity in regard to the construction management plan in Condition 10. The JDAP considered the application appropriate for approval as it determined the proposal and the modifications to the Responsible Authority Report to be consistent with the planning framework.

*Cr Frank Cvitan and Cr Vinh Ngyuen (Local Government Member, City of Wanneroo) left the panel at 9:51am.*

*Cr Chontelle Stone and Cr Chamonix Terblanche (Local Government Member, City of Cockburn) joined the panel at 9:51am.*

## **8.2 Lot 9153 Orsino Boulevard, North Coogee**

Development Description: Mixed Use (Shop and Multiple Dwellings)  
Applicant: MW Urban  
Owner: Port Catherine Developments Pty Ltd  
Responsible Authority: City of Cockburn  
DAP File No: DAP/21/02123

### **REPORT RECOMMENDATION**

**Moved by:** Cr Chontelle Stone

**Seconded by:** Ms Lindsay Baxter

*With the approval of the mover and seconder the following amendments were made:*

- (i) To amend Condition No.8 to read as follows:

*A minimum of 14 bicycle stands/racks that conform to Australian Standard 2890.3 shall be provided ~~in close proximity to the entrance of the building~~ prior to occupation of the building. Details of the bicycle parking shall be provided prior to the lodgement of a Building Permit Application.*

**REASON:** The modification is consistent with planning framework requirements and may be supported without compromising the requirements of the planning framework, or the adequate provision of bicycle parking for the proposed development.

- (ii) To amend Condition No.17 to read as follows:

*Prior to the lodgement of a Building Permit application, written confirmation ~~from the builder~~ that all recommendations made in the Acoustic Report required under Condition 16 have been incorporated into the development plans, shall be submitted to the City.*

**REASON:** To ensure that the responsible authority is provided with the necessary information that the acoustic report has been incorporated.

**Mr Paul Kotsoglo**  
Presiding Member, Metro Outer JDAP





(iii) To amend Advice Note C to read as follows:

*All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the National Construction Code (Building Code of Australia), the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000. The City's Health Service further recommends that laundries without external windows and doors should be ventilated to external air and ~~condensating~~ clothes dryers installed.*

**REASON:** To allow suitable flexibility for the satisfaction of the requirement in light of new or emerging technologies, whilst not compromising the intent to ensure appropriate ventilation and air quality.

(iv) To delete Advice Note D and re-alphabetise the remaining advice notes as necessary.

**REASON:** To ensure accuracy of the alphabetisation. Furthermore, the Responsible Authority Report recommendation was adopted with the Advice Note "D" removed as the JDAP, after carefully considering the matter, determined the condition did not apply to the land beyond the Lot 9153 Orsino Boulevard, North Coogee, and therefore was not necessary or applicable.

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/02123 is appropriate for consideration as a "Multiple Dwellings and Shop" land use and compatible with the objectives of the zoning table in accordance with the City of Cockburn Town Planning Scheme No. 3.
2. **Approve** DAP Application reference DAP/21/02123 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. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of Four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. Prior to the issue of a Building Permit application, the landowner/applicant contributing towards development infrastructure provisions pursuant to the City's Town Planning Scheme No. 3, to the City's satisfaction.

**Mr Paul Kotsoglo**  
Presiding Member, Metro Outer JDAP





4. Prior to the lodgement of a Building Permit application, a schedule of the materials, finishes and colours shall be submitted to and approved by the City. The schedule shall include details of the type of materials proposed to be used, including their colour and texture. The development shall thereafter be maintained in accordance with the approved materials schedule.
5. The Retail tenancy on the ground floor of Calypso Parade is approved for the following uses;
  - a. Shop;
  - b. Office;
  - c. Bank.
6. Prior to the lodgement of a Building Permit, the owner/applicant shall:
  - submit to the City for approval a preliminary proposal for an art work designed be 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 art work approved by the City.

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

7. Prior to the lodgement of a Building Permit Application, a stormwater management plan is to be provided to the City's satisfaction.
8. A minimum of 14 bicycle stands/racks that conform to Australian Standard 2890.3 shall be provided prior to occupation of the building. Details of the bicycle parking shall be provided prior to the lodgement of a Building Permit Application.
9. Prior to the occupation of the development, all vehicle parking, access ways, footpaths and external lighting shall be constructed and maintained in accordance with the Australian Standards AS2890 in the form and layout depicted on the approved plans to the satisfaction of the City.
10. Prior to the occupation of the development, the internal traffic control devices as noted in the Cardno Traffic Impact Statement 'Proposed Mixed-Use Development – Lot 203 Orsino Boulevard, Port Coogee (For Development Application) CW1178600' dated 21 October 2021 shall be designed and installed prior to occupancy.
11. Prior to the lodgement of a Building Permit application, a revised landscaping plan shall be submitted to and approved by the City.
12. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the/an approved plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented during the first available planting season post completion of development, to the satisfaction of the City.

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Presiding Member, Metro Outer JDAP



13. Prior to the lodgement of a Building Permit application, 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.
14. The provisions identified in the Waste Management Plan provided by Cardno dated 21 October 2021 under project number CW1186100, which include recycling measures and management of commercial and residential waste, are to be implemented and maintained thereafter to the satisfaction of the City.
15. All noise attenuation measures, identified by the Lloyd George Acoustics Report "Development Application: Acoustics Lot 203 Orsino Boulevard, Port Coogee" (Ref 21086563-01\_Rev3; dated 21 October 2021) and the further acoustic report required under Condition 16, are to be implemented prior to occupancy of the development and the requirements of the Acoustic Report are to be observed at all times.
16. Prior to the lodgement of a Building Permit application, a further Acoustic Report shall be submitted to and approved by the City, and implemented thereafter, to the satisfaction of the City.
17. Prior to the lodgement of a Building Permit application, written confirmation that all recommendations made in the Acoustic Report required under Condition 16 have been incorporated into the development plans, shall be submitted to the City.
18. Prior to occupation of the development, written confirmation from the builder shall be provided that the requirements of the Acoustic Report referred to in Condition 16 have been incorporated into the completed development with the Form BA7 Completion Form.
19. All mechanical plant and related hardware must be screened from view of adjoining properties and the primary and secondary street frontages. The details in respect of which are to be provided to the City's satisfaction prior to lodgement of a Building Permit Application. The location of plant and equipment must also minimise the impact of noise on future occupants of the development and adjoining residents.
20. Any signage associated with the Retail tenancy shall maintain a 2.5m clearance from the finished floor level of the footpath.

### **Advice Notes**

- a. 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.
- b. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.

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- c. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the National Construction Code (Building Code of Australia), the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000. The City's Health Service further recommends that laundries without external windows and doors should be ventilated to external air and clothes dryers installed.
- d. With regard to Condition 16, the acoustic report shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the design and location of plant, including air conditioning, mechanical exhaust, and other sources of noise within the development will not exceed the assigned noise levels set out in the *Environmental Protection (Noise) Regulations 1997* (as amended).
- e. 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*. The installation of equipment within the development including air-conditioners, spas, pools and similar equipment shall not result in noise emissions to neighbouring properties exceeding those imposed by the *Environmental Protection (Noise) Regulations 1997* (as amended).
- f. With regard to Condition 19, the screening of mechanical and plant equipment does not apply to solar panels.
- g. The Construction Management Plan (CMP) shall be in accordance with the City's CMP guidelines accessed on the City's Website and shall 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;
  - f. Protection of existing verge trees; and
  - g. Other matters likely to impact on the surrounding properties.
- i. As part of transitioning Australia to the **National Broadband Network (NBN)**, developers are encouraged to engage early with **NBN**, at least six months before the required service date, to understand requirements around future connections and the timing of infrastructure provision. This will ensure a connection is ready when residents move in. For more information please refer to <https://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments> or contact **NBN** on [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au) or 1800 687 626.
- j. A plan and description of any signage and advertising not exempt under Town Planning Scheme No. 3 shall be submitted to and approved by the City prior to the erection of any signage on the site/building. It is strongly advised to liaise with the City's Planning Services prior to any installation of signage to confirm what approvals, if any, are required.

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All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282 - 1997 "*Control of the Obtrusive Effects of Outdoor Lighting*".

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

**REASON:** The Responsible Authority Report recommendation was adopted with the modifications made as the JDAP, after carefully considering the matter, determined the modifications were consistent with the requirements of the planning framework and statutory requirements applicable.

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

Nil.

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

The Presiding Member noted the following SAT Applications -

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
DAP/21/02000 DR203/2021	City of Joondalup	Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo	Proposed Child Care Centre	28/09/2021
DAP/21/02016 DR207/2021	City of Joondalup	centre Lot 667 (73) Kingsley Drive & Lot 666 (22) Woodford Wells Way, Kingsley	Child Care Centre	28/09/2021
DAP/21/02047 DR	City of Swan	Lots 136 (26) & 3235 (34) Asturian Drive and Lots 137 (238) & 138 (230) Henley Street, Henley Brook	Proposed education facility	03/12/2021

**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 10:46am.

**Mr Paul Kotsoglo**  
Presiding Member, Metro Outer JDAP