

Metro Outer Joint Development Assessment Panel Minutes

M Meeting Date and Time: Meeting Number: Meeting Venue: Thursday, 14 December 2023; 9.30am MOJDAP/289 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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Gene Koltasz Engene Kattay Presiding Member, Metro Outer JDAP



Meeting No.289 14 December 2023

OFFICIAL

Attendance

DAP Members

Eugene Koltasz (Presiding Member) Karen Hyde (Deputy Presiding Member) Neema Premji (A/Third Specialist Member) Cr Chontelle Stone (Local Government Member, City of Cockburn) Cr Phoebe Corke (Local Government Member, City of Cockburn)

Officers in attendance

Tanya Wasley (City of Cockburn) Riley Brown (City of Cockburn) Suzanne Neale (City of Cockburn) Liam Smart (City of Cockburn) Lachlan Compton (City of Cockburn) Christine Devereux (City of Cockburn) Helen Harvey (City of Cockburn Lucia Dunstan (City of Cockburn)

Minute Secretary

Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Lidija Langford (Rowe Group) Kris Kennedy (Aigle Royal) Darren Levey (Uloth and Associates) Terry Lloyd (Llyod George Acoustics) Mason Harrison (Hames Sharley) Jeevan Krishnan (Hames Sharley) Lucinda Trevaskis (Hames Sharley) Mark Read

Members of the Public / Media

There were 3 members of the public in attendance.

Nadia Budihardjo from Business News was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.31am on 14 December 2023 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.

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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

7. Deputations and Presentations

- **7.1** Mark Read addressed the DAP against the recommendation for the application at Item 8.1.
- **7.2** Lidija Langford (Rowe Group) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- **7.3** Mason Harrison (Hames Sharley) and Darren Levey (Uloth and Associates) responded to questions from the panel.
- **7.3** The City of Cockburn officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

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PROCEDURAL MOTION 1

Moved by: Karen Hyde

Seconded by: Cr Chontelle Stone

That the Standing Orders be suspended in accordance with section 5.10.2h of the DAP Standing Orders 2020 to allow members to speak more than once on the same item and continue further debate on Item 8.1.

The Procedural Motion was put and CARRIED.

REASON: to allow members to speak more than once on the same item and continue further debate on Item 8.1.

The Standing Orders were suspended at 10.57am.

PROCEDURAL MOTION 2

Moved by: Karen Hyde

Seconded by: Cr Chontelle Stone

That the Standing Orders be reinstated in accordance with section 5.10.2h of the DAP Standing Orders 2020.

The Procedural Motion was put and CARRIED.

REASON: to reinstate Standing Orders

The Standing Orders were reinstated at 11.04am.

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8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 9043, 9053 and 305 Whadjuk Drive, Hammond Park

Development Description:	Hammond Park Neighbourhood Centre
Applicant:	Lidija Langford (Rowe Group)
Owner:	Goldenore Corporation Pty Ltd
	Sunview Developments Pty Ltd
Responsible Authority:	City of Cockburn
DAP File No:	DAP/23/02556

REPORT RECOMMENDATION

Moved by: Karen Hyde

Seconded by: Gene Koltasz

The following administrative amendment was made to Condition 20 as follows:

All noise attenuation measures, identified by the Lloyd George Acoustics Report "Environmental Noise Assessment, Proposed Hammond Park Shopping Centre, Hammond Park" (Ref 20075601-01G; dated 14 June 2023) and the further acoustic report and Noise Management Plan required under condition **22** 26, are to be implemented prior to occupancy of the development and the requirements of the Acoustic Report are to be observed at all times.

REASON: to correct a typographical error.

That the Metro Outer DAP resolves to:

- 1. **Accept** that the DAP Application reference DAP/23/02556 is appropriate for consideration as a "Shop, Liquor Store, Medical Centre, Restaurant, Fast Food, Office, and Lunch Bar" land use and compatible with the objectives of the zoning table in accordance with Clause 3.4.2. of the City of Cockburn Planning Scheme No. 3.;
- 2. **Approve** DAP Application reference DAP/23/02556 and accompanying plans 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 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. Development shall be carried out in accordance with the approved plan.

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- 4. In addition to the land uses exempt from requiring development approval under Clause 61(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Deemed Provisions, the following land uses, as defined under the City of Cockburn Town Planning Scheme No. 3 (as amended), are approved as part of this development:
 - a) Fast Food Outlet (Tenancies B1.2, B1.9, B1.10, B1.11, B2 and B3)
 - b) Liquor Store Small (Tenancy 'LIQ').
 - c) Lunch Bar (Tenancies B1.2, B1.9, B1.10, B1.11)
 - d) Medical Centre (Tenancy B1.8 only)
 - e) Office (All Tenancies excluding B2 and B3)
 - f) Restaurant (Tenancies B1.2, B1.9, B1.10, B1.11)
 - g) Shop (All Tenancies excluding B2 and B3)
- 5. Prior to issue of a Building Permit, plans and signage strategy are to be updated to amend the pylon signs as follows;
 - Whadjuk Drive 12m pylon reduced to 6m in height; and
 - Wattleup Road 10m Pylons (x2) reduced to 4m in height.
- 6. Prior to the issue of a Building Permit, a detailed material, colours and finishes schedule for the development, to be provided to the City's satisfaction. The details as agreed by the City are to be implemented in the development.
- 7. Prior to the issue 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.

- 8. Prior to the issue of a Building Permit, a detailed landscaping plan shall be submitted to and approved by the City. The plan agreed to by the City shall be implemented in the development. The landscaping plan shall include the following;
 - minimum twelve (12) additional trees to be located along Whadjuk Drive and the parking area adjacent the future development site as required by the City;
 - landscaping treatments to the fence line of Marcy Lane to the satisfaction of the City;
 - the location, number, size and species type of proposed trees and shrubs, including calculations for the landscaping area;
 - any lawns to be established;
 - those areas to be reticulated or irrigated;
 - appropriate planting within the car parking areas;
 - emphasis of the internal street through the placement of trees; and

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- verge treatments.
- 9. 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 prior to the initial occupation of the development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
- 10. Prior to the issue of a Building Permit, the landowner shall contribute towards development infrastructure provisions pursuant to the City's Town Planning Scheme No. 3, to the City's satisfaction.
- 11. Provisions identified in the Waste Management Plan provided by Talis Consultants on behalf of Rowe Group dated 19/10/2023 and approved by the City on 03/11/2023, which include recycling measures and management of waste, are to be implemented and maintained thereafter to the satisfaction of the City.
- 12. Noise from waste and delivery vehicles must comply with the Environmental Protection (Noise) Regulations and such vehicles should not service the site before 7.00am or after 7.00pm Monday to Saturday, or before 9.00am or after 7.00pm on Sundays and Public Holidays.
- 13. Prior to the initial occupation of the development hereby approved, the parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained and line marked in accordance with the approved plans to the satisfaction of the City.
- 14. Prior to the issue of a Building Permit, a minimum of 39 Bicycle parking bays are to be designed to comply with Australian Standard 2890.3. The development (excluding pad sites) requires a minimum of 39 bicycle bays. Location(s) and details of the bicycle bays shall be submitted to the City for assessment and approval.
- 15. Prior to commencement of any development works hereby approved, a detailed Dust Management Plan shall be submitted to and approved by the City. The Dust Management Plan shall be implemented during the construction phase to the satisfaction of the City.
- 16. The applicant must implement all of the recommendations contained in the Bushfire Management Plan prepared by *JBS&G* dated *12 May 2023* and approved by the *Local Government* for the duration of the development.
- 17. 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.
- 18. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS 4282 1997 "*Control of the Obtrusive Effects of Outdoor Lighting*".
- 19. 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.

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- 20. All noise attenuation measures, identified by the Lloyd George Acoustics Report "Environmental Noise Assessment, Proposed Hammond Park Shopping Centre, Hammond Park" (Ref 20075601-01G; dated 14 June 2023) and the further acoustic report and Noise Management Plan required under condition 22, are to be implemented prior to occupancy of the development and the requirements of the Acoustic Report are to be observed at all times.
- 21. Written confirmation from a recognised acoustic consultant that all recommendations made in the Acoustic Report prepared by Lloyd George Acoustics and the further Acoustic Report required under condition 20 have been incorporated into the proposed development, shall be submitted to the City at the time of lodgement of the Building Permit Application.
- 22. A further Acoustic Report, and Noise Management Plan, shall be submitted to and approved by the City, prior to the submission of a Building Permit application, and implemented thereafter, to the satisfaction of the City.
- 23. Written confirmation from a recognised acoustic consultant that all recommendations made in the Acoustic Report prepared by Lloyd George Acoustics and the further Acoustic Report required under condition 20 have been incorporated into the proposed development, shall be submitted to the City at the time of lodgement of the BA7 Completion Form, prior to occupation of the development.
- 24. Provisions identified in the Delivery Management Plan provided Rowe Group dated 31/07/2023 which include specified delivery operation hours and noise management measures, are to be implemented and maintained thereafter to the satisfaction of the City.
- 25. The dimensions of all car parking bays, aisle widths, wheel stops, columns, ramps and circulation areas complying with the Australian Standards AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
- 26. All access ways, parking areas and hardstand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.
- 27. Crossovers are to be located and constructed to the City's Vehicle Crossover Specifications.
- 28. Hatched Clear Zone proposed at entrances of Drive Throughs to fast food outlets (B2 & B3) to be implemented and maintained to the satisfaction of the City.
- 29. All stormwater to be contained on site. Stormwater drainage to be able to contain a 1 in 100 year, critical storm event.
- 30. Prior to the issue of Building Permit, details about the stormwater drainage design intended for the proposed development shall be submitted to the City for review and approval. Details should include information on storage volumes to be contained within the drainage cells and soakwells, drainage calculations with catchment area and rainfall intensity.

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- 31. Prior to the issue of a Building Permit, engineering drawings and specifications are to be submitted to, and approved by, the City, for the following works to be completed at full cost to the applicant;
 - i. The upgrade of Wattleup Road and Whadjuk Drive, including any required modifications to existing road infrastructure to accommodate safe access/egress to the development site;
 - ii. Stormwater management including kerbing to Wattleup Road;
 - iii. The provision of a shared path and dual use path, adjacent to the development site, on Wattleup Road and Whadjuk Drive, respectively, connecting to the existing path network;
 - iv. Street lighting to Wattleup Road; and
 - v. Eight (8) embayed parking bays to Whadjuk Drive, as shown on the approved plan.

The approved works are required to be undertaken prior to the occupation of the development and to the satisfaction of the City.

- 32. Prior to the issue of a Building Permit, plans amended to demonstrate crossover widths to Wattleup Road adequately suit the vehicle turning movements to the satisfaction of the City.
- 33. Prior to the issue of a Building Permit, A Construction Management Plan shall be submitted to and approved by the City for new buildings detailing management of:
 - a) access to and from the site;
 - b) the delivery of materials and equipment to the site;
 - c) the storage of materials and equipment on the site;
 - d) the parking arrangements for contractors and subcontractors;
 - e) other matters likely to impact on surrounding properties;
 - f) management of construction waste.

The Construction Management Plan shall be implemented at all times during the construction phase.

- 34. All services areas and service related hardware, including antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City.
- 35. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
- 36. The approved development must clearly display the street number/s.

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.

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- 2. The City advises that a parking audit is to be provided to confirm all tenancy uses and overall site parking requirements to confirm suitability of uses for the stage 2 development proposed to Whadjuk Drive in conjunction with all relevant state and local government parking requirements.
- 3. With regards to Condition 4, to provide maximum flexibility for the nominated tenancies, it is recommended that the food tenancies have appropriate back of house facilities (i.e. grease traps ect) to accommodate food related uses.
- 4. With regard to condition 7, the art work shall be in accordance with Council' Local Planning Policy 5.13 Percent for Art and the 'Application for Art Work Design' and shall include a contract between the owner/applicant and the artists full working drawings (including an indication of where the art work is located) and a detailed budget being submitted to and approved by the City. Further information regarding the provision of art work can be obtained from the City's Community Arts Officer on 9411 3444.
- 5. With regards to Condition 8. The landscaping plan should avoid any species that is considered detrimental to the neighbouring nature reserve, with an emphasis on WA natives to be confirmed by the City's Environmental Team. All Trees proposed to be suitable evergreen species to achieve screening and shading required to neighbouring properties and carpark area.
- 6. Any future alfresco dining is to comply with Local Planning Policy 3.5 Alfresco dining and relevant health and building regulations.
- 7. You are advised that a Sign Permit is required in accordance with the City's Local Laws (2000) prior to the erection of the signs. A permit is obtainable from the City's Building Services Department.
- 8. With regard to condition 27, Please submit a crossover application on City's website with a detailed site plan. A 2m x 2.5m sightline shall be provided at the intersection of the crossover and the front boundary for standard crossovers. All sightlines shall be maintained clear of obstructions above a height of 0.75m. Copies of crossover specifications are available from the City's Engineering Services or from the City's website www.cockburn.wa.gov.au
- 9. With regard to condition 31, the installation of street lighting is to be in accordance with AS1158 and drainage infrastructure in conjunction with the kerbing of this length of Wattleup as required for upgrading of Wattleup Road to 'urban standard'. Development site stormwater shall not be discharged into Wattleup Road Reserve.
- 10. With regard to condition 32, Swept path movements are to demonstrate all vehicles remaining 'lane correct'. Overall crossover width to be increased where necessary to allow concurrent movements.
- 11. A 'Shop' is defined under the City's Town Planning Scheme No. 3 as 'premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom, fast food outlet, bank, farm supply centre, garden centre, hardware store, liquor store or nursery'.

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- 12. A 'Fast Food Outlet' is defined under the City's Town Planning Scheme No. 3 as 'premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises but does not include a lunch bar'.
- 13. <u>A 'Liquor Store' is defined</u> under the City's Town Planning Scheme No. 3 as 'a building the subject of a Store Licence granted under the provisions of the Liquor Act'.
- 14. <u>A 'Medical Centre' is defined</u> under the City's Town Planning Scheme No. 3 as 'premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling)
- 15. <u>A 'Restaurant' is defined under the City's Town Planning Scheme No. 3 as</u> 'premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the Liquor Licensing Act 1988.'
- 16. If an odour detected at an adjacent premises is deemed to be offensive by the City, then any process, equipment and/or activities that are causing the odour shall be stopped until the process, equipment and or activity has been altered to prevent odours to the satisfaction of the City.
- 17. If dust is detected at adjacent premises and is deemed to be a nuisance by the City, then any process, equipment and/or activities that are causing the dust nuisance shall be stopped until the process, equipment and or activity has been altered to prevent the dust to the satisfaction of the City.
- 18. All food businesses shall comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).
- 19. An "Application to Construct or Alter a Food Premises" is required to be submitted to Health Services prior to construction. This is to be accompanied by detailed plans and specifications of the food preparation and storage area (including mechanical ventilation and hydraulics), sanitary conveniences and garbage room, demonstrating compliance with the mentioned legislation.
- 20. No wash-down of plant, vehicles or equipment is permitted on the premises. Industrial, commercial or wash-down wastes shall not enter stormwater disposal systems or otherwise be discharged to the environment.
- As part of transitioning Australia to the National Broadband Network (NBN), 21. 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 residents when 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 or 1800 687 626.

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- 22. All earthworks and/or associated drainage details shall be in accordance AS3500 with plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the City
- 23. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a Building Permit being obtained prior to construction. Retaining walls are required for any cut and/or fill greater than 150mm in height. In this regard, any fill above or below natural ground level at the lot boundaries is to be suitably retained or have a compliant stabilised embankment.
- 24. The development may require approval under the provisions of the *Aboriginal Heritage Act 1972*. You are advised to contact the Department of Aboriginal Sites for further information related to this development.
- 25. In accordance with Clause 26 of the Metropolitan Region Scheme (MRS) text, this development approval under Town Planning Scheme No.3 is also deemed to be an approval under the Metropolitan Regional Scheme.

The Report Recommendation was put and CARRIED (3/2).

- For: Gene Koltasz Karen Hyde Neema Premji
- Against: Cr Chontelle Stone Cr Phoebe Corke

REASON: The majority of the Panel was satisfied that the proposed development was consistent with the Planning Framework for the locality. The site Zoning is Development Zone and the land is subject to the provisions of the Wattleup Road, Hammond Park Structure Plan that was assessed and approved by the WA Planning Commission. The majority of the Panel was also satisfied that the proposed development was generally consistent with the provisions of the Local Development Plan (LDP), for the site, that was approved by the City of Cockburn in August 2023.

The LDP provisions set requirements for parking, vehicular access, landscaping and built form. The development proposal was assessed by the City's Design Review Panel (DRP) and the majority of the Panel was satisfied the DRP requirements were generally addressed into the final plans.

Where the proponents requested discretion for some provisions of the LDP the Majority of the Panel considered that the discretion was warranted for elements such as parking provision, minor built form elements and landscaping as they were not considered to have undue impact on the amenity of the locality.

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The majority of the Panel also considered that the conditions of approval were robust and would result in the Council having greater control of local amenity through the requirements of the proponents having to prepare further justification for their management plans for elements such as built form, noise attenuation, signage, landscaping and deliveries to the site. The majority were also satisfied that the fast food outlets noted on the plans would be subject to future development application.

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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications Application File No. & LG Name Property Date SAT Location Description Lodged DR No. Portion of 9040 DR75/2022 City of **Mixed Commercial** 02/05/2022 DAP/18/01543 Joondalup (34) Kallatina Centre (Iluka Drive, Iluka Plaza) Lot 622 (No.2) DR135/2023 City of Proposed mixed 11/08/2023 Aurea Boulevard, DAP/23/02447 Rockingham commercial Golden Bay development (Golden Bav Neighbourhood Centre) DR98/2023 City of Swan Lot 31 (No.1487) Proposed 16/06/2023 roadhouse DAP/22/02379 Neaves Road, Bullsbrook DR169/2023 City of Swan Lot (No.9) Child Care 13/11/2023 1 DAP/23/02486 Waterhall Road, Premises South Guildford

The Presiding Member noted the following SAT Applications –

The Presiding Member noted the following Supreme Court Appeal -

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

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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 11.07am.

Gene Koltasz Engene Kattay Presiding Member, Metro Outer JDAP