



## Metro Outer Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 29 April 2026; 9:30am  
**Meeting Number:** MODAP/137  
**Meeting Venue:** 140 William Street, Perth

*A recording of the meeting is available via the following link:*

[MODAP/137 - 29 April 2026 - City of Swan - City of Cockburn - City of Wanneroo](#)

### **PART A – INTRODUCTION**

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Noting of Minutes

### **PART B – CITY OF SWAN**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 822 Youle Dean Road, Brabham - Proposed Woolworths Supermarket and Retail Tenancies – DAP/25/03023
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART C – CITY OF COCKBURN**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 67 (11) Garston Way, North Coogee - Mixed Use Development - Multiple Dwellings (28 Units), and Lunch Bar – DAP/26/03052
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART D – CITY OF WANNEROO**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 2401 (37) Amalfi Avenue, Mindarie - Proposed Commercial Development – DAP/25/03033

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



4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

**PART E – OTHER BUSINESS**

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

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

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



**DAP Members**

Eugene Koltasz (Presiding Member)

Tony Arias (Deputy Presiding Member)

Andrew Howe

Cr Rod Henderson (Part B – City of Swan)

Cr Charlie Zannino (Part B – City of Swan)

Cr Tom Widenbar (Part C – City of Cockburn)

Cr Jacqui Huntley (Part D – City of Wanneroo)

Cr Sonet Coetzee (Part D – City of Wanneroo)

**DAP Secretariat**

Ashlee Kelly

Tenielle Brownfield

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



<b>Part B – City of Swan</b>
<b>Applicant</b>
Kris Nolan (Urbis)
Cameron Liebgott (Urbis)
Mason Harrison (Hames Sharley)
Leyla Mills (Hames Sharley)
Blair Hallion (Woolworths)
Alicia Jones (Woolworths)
Sam Laybutt (PTG Consulting)
Nathan Stewart (Lateral Planning)
Sean Fairfoul (Lateral Planning)
<b>Officers/Technical Advisors in Attendance</b>
Phil Russell

<b>Part C – City of Cockburn</b>
<b>Applicant</b>
Kim Doepel (Doepel Marsh Architects)
Juliana Mugno (Doepel Marsh Architects)
Christopher Munoz
George Munoz
<b>Officers/Technical Advisors in Attendance</b>
Riley Brown

<b>Part D – City of Wanneroo</b>
<b>Applicant</b>
Matthew Cain (Planning Solutions)
Alexia Yacoubian (Planning Solutions)
Mark Zuvela (T&Z Architects)
<b>Officers/Technical Advisors in Attendance</b>
Shabnam Boss
Nick de Vecchis
Daniel Sheahan

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



**Members of the Public / Media**

Nil

**Observers via livestream**

There were 4 persons observing the meeting via the livestream.

A handwritten signature in cursive script, reading "Eugene Koltasz".

**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 29 April 2026 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 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

Cr Mel Congerton (Local Government DAP Member – City of Swan)  
Cr Shaynon Dean (Local Government DAP Member – City of Swan)  
Cr Chontelle Stone (Local Government DAP Member – City of Cockburn)  
Cr Bronwyn Smith (Local Government DAP Member – City of Wanneroo)

### 3. 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 SWAN

### 1. Declaration of Due Consideration

The Presiding Member noted that late information, as per clause 3.6.13 of the DAP Standing Orders, was received on the 29 April 2026 and was circulated to the panel, local government and applicant. The Panel declared that they had duly considered the late information and therefore will be published on the DAP website in due course.

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 822 Youle Dean Road, Brabham - Proposed Woolworths Supermarket and Retail Tenancies – DAP/25/03023

##### Deputations

Sean Fairfoul (Lateral Planning) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Mason Harrison (Hames Sharley) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Kris Nolan (Urbis) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Sam Laybutt (PTG Consulting) responded to questions from the panel.

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

### SUBSTANTIVE MOTION 1

**Moved by:** Cr Rod Henderson

**Seconded by:** Cr Charlie Zannino

That the Metro Outer Development Assessment Panel resolves to:

1. **Refuse** DAP Application reference DAP/25/03023 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 Clause 10.3 of the City of Swan Local Planning Scheme No.17 for the following reason:

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Presiding Member, Metro Outer DAP



- i. The application does not, or has failed to demonstrate, that it complies with the objectives of the adopted Brabham District Centre Precinct Structure Plan with respect to built form – specifically:
  - to provide safe and pleasant pedestrian connections; and
  - provide an amenable interface to surrounding development.
- ii. The application has failed to satisfactorily address the 10 Design Principles of State Planning Policy 7 – Design of the Built Environment.

**The Substantive Motion was put and LOST (1/4).**

For: Cr Rod Henderson

Against: Eugene Koltasz  
Tony Arias  
Andrew Howe  
Cr Charlie Zannino

**SUBSTANTIVE MOTION 2**

**Moved by:** Tony Arias

**Seconded by:** Andrew Howe

It is recommended that the Metro Outer Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/25/03023 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 Clause No.10.3 of the City of Swan Local Planning Scheme No.17 subject to the following conditions:

**Conditions**

1. The approval for a Shopping Centre encompasses the following land uses as defined in the City of Swan Local Planning Scheme No.17:
  - Shop
  - Restaurant
2. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped. The plans approved as part of this application form part of the development.
3. Where the development subject of this approval is commenced prior to the Western Australian Planning Commission endorsing a Deposited Plan for Subdivision Application No. 201470 the landowner/applicant shall make a cost contribution in accordance with the Development Contribution Plan applicable to the land pursuant to the City of Swan Local Planning Scheme No.17.

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Presiding Member, Metro Outer DAP



4. Prior to commencement of operation of the development, the landowner/applicant shall make arrangements to the satisfaction of the City of Swan for the provision of the local roads necessary to service the development site as subject to Western Australian Planning Commission Subdivision Application No. 201470.
5. Prior to works commencing onsite, the landowner/applicant is to submit a Construction Traffic Management Plan to the satisfaction of the City of Swan. Construction traffic is to be managed in accordance with the approved Construction Traffic Management Plan.
6. Prior to commencement of operation of the development, a minimum of 237 vehicle parking bays must be provided on the site. The design of vehicle parking and access must comply with AS 2890.1 (as amended) to the satisfaction of the City. Accessible parking bays must comply with AS 2890.6 (as amended).
7. Bicycle Parking and End of Trip Facilities are to be provided in accordance with the requirements of Clause 5.4 of the Brabham District Centre Structure Plan.
8. Vehicle parking, access and circulation areas shown on the approved plans must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, and must be legally accessible at all times for use by visitors to the property.
9. Prior to works commencing onsite, the landowner/applicant is to submit to the satisfaction of the City of Swan, a Stormwater Management Plan. The drainage works subject of the approved Stormwater Management Plan shall be installed and maintained to the satisfaction of the City of Swan.
10. Crossovers must be built and maintained in accordance with the City's specifications. The site crossovers to the future Everglades Avenue shall be limited to left-in and left-out only.
11. **Prior to the lodgement of a building permit**, a detailed landscaping and reticulation plan for the subject site and/or road verge(s) must be submitted to, and approved to, the satisfaction of the City of Swan, and must include the following:
  - a) The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
  - b) A suitable selection of species to sufficiently screen the Western Power transformer from public view;
  - c) Any lawns to be established;
  - d) Any existing vegetation and/or landscaped areas to be retained;
  - e) Any verge treatments; and
  - f) Evidence that the proposed landscaping will not, at maturity, negatively impact the development and adjoining properties.
12. All landscaping must be completed in accordance with the approved landscaping plan within the first planting season post occupation of any building, and all landscaping shall be maintained onsite to the satisfaction of the City of Swan.
13. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.

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



14. External illumination shall not flash or pulsate to the satisfaction of the City of Swan.
15. All signs must be placed on private property and must not overhang or encroach any road reservation.
16. No bunting is to be erected on the site (including streamers, streamer strips, or decorations of similar kind).
17. Refuse bin areas adequate to service the development shall be provided to the satisfaction of the City of Swan before the development is occupied or used.
18. All areas used for storage of goods must be screened from view from any public street to the satisfaction of the City of Swan.
19. Waste collection is to be limited to between 7.00am and 7.00pm - Monday to Saturday and between 9.00am and 7.00pm on Sundays and Public Holidays unless further evidence, to the satisfaction of the City of Swan is provided that compliance can be achieved with the Environmental Protection (Noise) Regulations 1997 outside of those times.
20. **Prior to the lodgement of a building permit**, a Statement of Sustainability shall be submitted to the satisfaction of the City of Swan. The Statement of Sustainability shall address, but is not limited to, sustainable construction materials, recycling, good waste management practices, re-use of materials and existing structures (where applicable), harnessing of renewable energy sources, analysis of summer heat gain through windows and total water cycle management. The Statement of Sustainability is to be complied with for the duration of the construction of the development.
21. **Prior to the lodgement of a building permit**, a Waste Management Plan must be submitted to and approved by the City of Swan. The plan must include the following details to the satisfaction and specification of the City of Swan:
  - a) The location of bin storage areas and bin collection areas;
  - b) The number, volume and type of bins, and the type of waste to be placed in the bins;
  - c) Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - d) Times and frequency of bin collections.

The Waste Management Plan must be implemented at all times to the satisfaction of the City of Swan.
22. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining properties to the satisfaction of the City of Swan.
23. The development shall be connected to the reticulated sewerage system.

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Presiding Member, Metro Outer DAP



24. Signage to be provided in the delivery dock reminding drivers to turn off truck engines while unloading.
25. **Prior to an occupancy permit being issued**, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy for the Provision of Public Art (POL-LP-1.10), by either:
- a) payment to the City of Swan a cash-in-lieu amount equal to the sum of the 1% contribution amount (\$178,000 with the applicable 15% discount). This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of an occupancy permit for the approved development, whichever occurs first; or,
  - b) provision of Public Art onsite to a minimum value of the 1% contribution amount (\$220,000). The following is required for the provision of Public Art onsite:
    - i. the landowner or applicant must seek approval from the City for a specific Public Art work, including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-LP1.10 and the Developers' Handbook for Public Art (as amended). The City may apply conditions on the proposed Public Art;
    - ii. no part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City; and,
    - iii. the Public Art must be maintained in compliance with the approval granted by the City and any conditions thereof, to the satisfaction of the City
26. **Prior to the lodgement of an occupancy permit**, an acoustic study of the mechanical services shall be undertaken once the design has been finalised and submitted for approval to the City of Swan. Mechanical services shall be installed in accordance with an approved acoustic study and maintained thereafter to the satisfaction of the City of Swan.

**The Substantive Motion was put and CARRIED (4/1).**

For: Eugene Koltasz  
Tony Arias  
Andrew Howe  
Cr Charlie Zannino

Against: Cr Rod Henderson

**REASON:** The lot is zoned 'Special Use Zone 10' in the City's LPS No.17 and subject to the Brabham District Structure Plan, Brabham Stage 3 Local Structure Plan, and the Brabham District Centre Precinct Structure Plan all of which designate the site as shopping centre where the proposed land uses are either permitted or discretionary uses and capable of approval. The RAR does indicate that the proposed land uses are consistent with the planning framework.

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Presiding Member, Metro Outer DAP



The land forms part of an area that has been subject to comprehensive planning, including, Albion District Structure Plan, Brabham Third Stage Structure Plan and Brabham District Centre Precinct Structure Plan. The proposal generally complies with these strategic planning and planning guidance instruments.

The proposal generally complies with the layout and design principles of the Concept Master Plan for Brabham District Centre. The Pedestrian movement is appropriate and consistent with Concept Master Plan for Brabham linkages in terms of size and location and generally be continuously sheltered, universally accessible and legible.

The proposed articulation of the Everglades Avenue (Eastern elevation) complies with the Precinct Structure Plan, which requires facades to avoid visual monotony with a range of variations to height, depth, texture and materials.

**4. Form 2 DAP Applications**

Nil

**5. Section 31 SAT Reconsiderations**

Nil

*Cr Rod Henderson and Cr Charlie Zannino (Local Government DAP Members, City of Swan) left the panel at 11:20am.*

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



## PART C – CITY OF COCKBURN

Cr Tom Widenbar (Local Government DAP Member, City of Cockburn) joined the panel at 11:25am.

### 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 67 (11) Garston Way, North Coogee - Mixed Use Development - Multiple Dwellings (28 Units), and Lunch Bar – DAP/26/03052

##### Deputations

Kim Deopel (Doepel Marsh Architects) addressed the DAP in support of 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.

## SUBSTANTIVE MOTION

**Moved by:** Tony Arias

**Seconded by:** Andrew Howe

That the Metro Outer Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/26/03052 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. Development shall be carried out in accordance with the approved plans.
2. 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



3. **Prior to the issue of a Building Permit**, the landowner/applicant contributing towards development infrastructure provisions pursuant to the City's Town Planning Scheme No. 3, to the City's satisfaction
4. 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, unless otherwise approved by the City.
5. 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.
6. The 5 visitor and 3 commercial car parking bays are to be constructed and maintained in accordance with the City's engineering requirements and design guidelines. The bays must be individually marked on site as 'Visitor Bays' 'Commercial Bays' and made available for use by visitors/commercial members at all times.
7. The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of vehicles in the car park. All car parking bays in the car park are to be always made available for the parking of vehicles by residents, visitors or employees.
8. Crossover/s to meet City's Vehicle Crossover Specification. A separate approval is required by the City's Development Engineering team. Please submit a crossover application on City's website with a detailed site plan
9. A minimum of 28 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.
10. All stormwater to be contained on site. Stormwater drainage to be able to contain a 1 in 100-year, 24 hour storm event.
11. Details about the stormwater drainage design intended for the proposed development shall be submitted to the **City prior to the lodgement of a Building Permit Application**, for review and approval. Details should include drainage calculations with catchment area, rainfall intensity etc.
12. A geotechnical report prepared by an appropriately qualified consultant certifying that the ground is capable of accommodating the proposed development, shall be lodged with the City prior to the commencement of construction on site, at the cost of the owner/applicant, to the satisfaction of the City.
13. **Prior to the issue of a Building Permit**, a construction management plan (CMP) 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;

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Presiding Member, Metro Outer DAP



- e. other matters likely to impact on surrounding properties; and
- f. management of construction waste.

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

14. **Prior to the issue of a Building Permit**, a Traffic Impact Report, shall be submitted to and approved by the City, in line with WAPC guidelines, is required to assess the provision of accessible and continuous pedestrian paths along Parney Close, the proposed parking provision and layout, and loading and unloading facilities.
15. **Prior to the issue of a Building Permit**, an Acoustic Report shall be submitted to and approved by the City, and implemented thereafter, to the satisfaction of the City.
16. **Prior to the issue of a Building Permit**, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be place on the certificates of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:  
  
*“This lot is located in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise. Residential amenity, therefore, may be affected by the transport noise related to this location. Further information is available on request from the City of Cockburn.”*  
  
*“This land is located within the Cockburn Coast town centre. The vision for this town centre is that of a vibrant mixed use area. Residential amenity, therefore, may be affected by the mixed use nature of the location, including noise and other impacts. Further information is available on request from the City of Cockburn.”*
17. **Prior to the issue of a Building Permit**, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be place on the certificates of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:  
  
*“This lot is situated in the vicinity of existing industrial land uses currently affected, or may in future be affected by noise”.*
18. Written confirmation from the builder that all recommendations made in the Acoustic Report have been incorporated into the proposed development, shall be submitted to the City with the Building Permit Application
19. Prior to the occupation of the development, the builder shall provide written confirmation that the requirements of the Acoustic Report referred to in condition 13 have been incorporated into the completed development.

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



20. **Prior to the issue of a Building Permit** detailed landscaping plan shall be submitted to and approved by the City, and shall include the following:-
  - a. the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - b. any lawns to be established;
  - c. any existing landscape areas to be retained;
  - d. those areas to be reticulated or irrigated; and
  - e. verge treatments.
21. 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 and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
22. **Prior to the issue of a Building Permit**, the owner/applicant shall:
  - a. submit to the City for approval a preliminary proposal for an art work 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;
  - b. submit to the City for approval an 'Application for Art Work Design';
  - c. enter into a contract with a professional artist/s to design and install (if appropriate) the artwork approved by the City.
23. The street number, or where there is no street number, the lot number, shall be clearly displayed on the façade of the building prior to occupation of the building hereby approved and remain in perpetuity to the satisfaction of the City
24. All services and service-related hardware, including clothes drying areas, antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City. The location of services and related service hardware must also minimise the impact of noise on future occupants of the development and adjoining residents.
25. The signage component is not approved as part of this application.
26. **Prior to the issue of a building permit**, a revised Waste Management Plan (WMP) shall be submitted to and approved by the City of Cockburn. The WMP shall be implemented in perpetuity.
27. All waste and recycling materials must be contained within bins. These must be stored in an internal enclosure within the buildings or within an external enclosure located and constructed to the satisfaction of the City. This information shall be submitted to and approved by the City prior to the lodgement of a Building Permit Application.

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



### Advice Notes

- a) 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.
- b) Please be advised that the development must comply with the requirements of the Building Codes of Australia.
- c) Where the obligation for payment of developer contributions has been met by a previous approval, such as subdivision, Condition No. 3 will be deemed to have been complied with. The principles and administrative requirements for Development Contribution Plans are set out in Part 5.3 of the City of Cockburn's Town Planning Scheme No. 3. Further information may be found at <https://www.cockburn.wa.gov.au/Building-and-Development/Developer-Contributions>
- d) In relation to Condition No 13, the CMP shall be implemented to the satisfaction of the City. The Construction Management Plan (CMP) shall be prepared in accordance with the 'City of Cockburn Construction Management Plan Guidelines' (available on the City's website) and shall include the provision of a completed CMP checklist. 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.
- e) In relation to Condition No 14, the acoustic report shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the design of the development meets the following requirements:
  - a. the design of the development when assessed against the criteria within the WAPC State Planning Policy 5.4 entitled "Road and Rail Transport Noise and Freight Considerations in Land Use Planning", will result in acceptable indoor noise levels and at least one outdoor living area exposed to noise which meets the criteria for outdoor living areas identified in Table 1 of the Policy; and
  - b. the design and location of plant and other sources of noise within the development (such as air conditioners, entry gates and break out noise) will not exceed the assigned noise levels set out in the Environmental Protection (Noise) Regulations 1997 (as amended); and
  - c. that the proposed design and construction of the habitable areas of the development will comply with the City of Cockburn Noise Attenuation Policy (LPP 1.12), with particular regard to provision 4.2(6) of the Noise Attenuation Guidelines, to satisfactorily attenuate potential future noise levels for the area.
  - d. that indoor noise levels will comply with the requirements of the National Construction Code (Building Code of Australia) with regard to sound transmission between units and floors of the development
- f) All food businesses shall comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).

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Presiding Member, Metro Outer DAP



- g) 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.
- h) With regard to condition 14, the acoustic report shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the design and location of plant 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).
- i) With regards to street numbering of this proposal, you are advised to contact the City's Strategic Planning team on 9411 3444 or email [streetnumbers@cockburn.wa.gov.au](mailto:streetnumbers@cockburn.wa.gov.au) to ensure that any street numbers used comply with the City's requirements.
- j) 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
- k) 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.
- l) The installation of outdoor lighting shall be in accordance with the requirements of Australian Standard AS 4282 - 2019 "Control of the Obtrusive Effects of Outdoor Lighting

#### AMENDING MOTION 1

Moved by: Eugene Koltasz

Seconded by: Tony Arias

The following amendments were made en bloc:

- (i) That Condition No. 16 be amended to read as follows:

***Prior to the issue of a Building Permit, Prior to occupation or use of the development, the landowner shall provide consent for the Local Government, to a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be place on the certificates of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: to be registered on the Certificate(s) of Title of Lot 67 Garston Way, North Coogee, the land subject of this development. The notification shall notify the prospective purchases of lots within the development of the following:***

Eugene Koltasz  
Presiding Member, Metro Outer DAP



*“This lot is located in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise. Residential amenity, therefore, may be affected by the transport noise related to this location. Further information is available on request from the City of Cockburn.”*

*“This land is located within the Cockburn Coast town centre. The vision for this town centre is that of a vibrant mixed-use area. Residential amenity, therefore, may be affected by the mixed-use nature of the location, including noise and other impacts. Further information is available on request from the City of Cockburn.”*

- (ii) That a new Advice Note No. m be added to read as follows:

***Condition 16 is not imposing an obligation on the Local Government. If the Local Government chooses to lodge a Notification under Section 70A, the proponent’s obligation is to give consent to the Local Governments’ application and nothing more.***

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

**REASON:** The obligation to lodge a Section 70A Notice on the Title under the Transfer of Land Act 1893 rests with the local government and not the landowner. This can only be executed by the local government if the landowner has given consent for the notice to be lodged. Further there is no obligation for the local government to lodge the notice even if consent is given, however, should the local government proceed the associated costs rest with the local government.

## **AMENDING MOTION 2**

**Moved by:** Eugene Koltasz

**Seconded by:** Tony Arias

*The following amendments were made en bloc:*

- (i) That Condition No. 17 be amended to read as follows:

***Prior to the issue of a Building Permit, Prior to occupation or use of the development, the landowner shall provide consent for the Local Government, to a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be place on the certificates of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: to be registered on the Certificate(s) of Title of Lot 67 Garston Way, North Coogee, the land subject of this development. The notification shall notify the prospective purchases of lots within the development of the following:***

*“This lot is situated in the vicinity of existing industrial land uses currently affected, or may in future be affected by noise”.*

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



- (ii) That a new Advice Note No. n be added to read as follows:

***Condition 17 is not imposing an obligation on the Local Government. If the Local Government chooses to lodge a Notification under Section 70A, the proponent's obligation is to give consent to the Local Governments' application and nothing more.***

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

**REASON:** The obligation to lodge a Section 70A Notice on the Title under the Transfer of Land Act 1893 rests with the local government and not the landowner. This can only be executed by the local government if the landowner has given consent for the notice to be lodged. Further there is no obligation for the local government to lodge the notice even if consent is given, however, should the local government proceed the associated costs rest with the local government.

**SUBSTANTIVE MOTION (AS AMENDED)**

That the Metro Outer Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/26/03052 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. Development shall be carried out in accordance with the approved plans.
2. 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.
3. **Prior to the issue of a Building Permit**, the landowner/applicant contributing towards development infrastructure provisions pursuant to the City's Town Planning Scheme No. 3, to the City's satisfaction
4. 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, unless otherwise approved by the City.
5. 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.

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



6. The 5 visitor and 3 commercial car parking bays are to be constructed and maintained in accordance with the City's engineering requirements and design guidelines. The bays must be individually marked on site as 'Visitor Bays' 'Commercial Bays' and made available for use by visitors/commercial members at all times.
7. The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of vehicles in the car park. All car parking bays in the car park are to be always made available for the parking of vehicles by residents, visitors or employees.
8. Crossover/s to meet City's Vehicle Crossover Specification. A separate approval is required by the City's Development Engineering team. Please submit a crossover application on City's website with a detailed site plan
9. A minimum of 28 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.
10. All stormwater to be contained on site. Stormwater drainage to be able to contain a 1 in 100-year, 24 hour storm event.
11. Details about the stormwater drainage design intended for the proposed development shall be submitted to the **City prior to the lodgement of a Building Permit Application**, for review and approval. Details should include drainage calculations with catchment area, rainfall intensity etc.
12. A geotechnical report prepared by an appropriately qualified consultant certifying that the ground is capable of accommodating the proposed development, shall be lodged with the City prior to the commencement of construction on site, at the cost of the owner/applicant, to the satisfaction of the City.
13. **Prior to the issue of a Building Permit**, a construction management plan (CMP) 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; and
  - f. management of construction waste.

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

14. **Prior to the issue of a Building Permit**, a Traffic Impact Report, shall be submitted to and approved by the City, in line with WAPC guidelines, is required to assess the provision of accessible and continuous pedestrian paths along Parney Close, the proposed parking provision and layout, and loading and unloading facilities.

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



15. **Prior to the issue of a Building Permit**, an Acoustic Report shall be submitted to and approved by the City, and implemented thereafter, to the satisfaction of the City.
16. **Prior to occupation or use of the development**, the landowner shall provide consent for the Local Government, to a notification, pursuant to Section 70A of the Transfer of Land Act 1893 to be registered on the Certificate(s) of Title of Lot 67 Garston Way, North Coogee, the land subject of this development. The notification shall notify the prospective purchasers of lots within the development of the following:

*“This lot is located in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise. Residential amenity, therefore, may be affected by the transport noise related to this location. Further information is available on request from the City of Cockburn.”*

*“This land is located within the Cockburn Coast town centre. The vision for this town centre is that of a vibrant mixed use area. Residential amenity, therefore, may be affected by the mixed use nature of the location, including noise and other impacts. Further information is available on request from the City of Cockburn.”*
17. **Prior to occupation or use of the development**, the landowner shall provide consent for the Local Government, to a notification, pursuant to Section 70A of the Transfer of Land Act 1893 to be registered on the Certificate(s) of Title of Lot 67 Garston Way, North Coogee, the land subject of this development. The notification shall notify the prospective purchasers of lots within the development of the following:

*“This lot is situated in the vicinity of existing industrial land uses currently affected, or may in future be affected by noise”.*
18. Written confirmation from the builder that all recommendations made in the Acoustic Report have been incorporated into the proposed development, shall be submitted to the City with the Building Permit Application
19. Prior to the occupation of the development, the builder shall provide written confirmation that the requirements of the Acoustic Report referred to in condition 13 have been incorporated into the completed development.
20. **Prior to the issue of a Building Permit** detailed landscaping plan shall be submitted to and approved by the City, and shall include the following:-
  - a. the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - b. any lawns to be established;
  - c. any existing landscape areas to be retained;
  - d. those areas to be reticulated or irrigated; and
  - e. verge treatments.

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



21. 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 and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
22. **Prior to the issue of a Building Permit**, the owner/applicant shall:
  - a. submit to the City for approval a preliminary proposal for an art work 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;
  - b. submit to the City for approval an 'Application for Art Work Design';
  - c. enter into a contract with a professional artist/s to design and install (if appropriate) the artwork approved by the City.
23. The street number, or where there is no street number, the lot number, shall be clearly displayed on the façade of the building prior to occupation of the building hereby approved and remain in perpetuity to the satisfaction of the City
24. All services and service-related hardware, including clothes drying areas, antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City. The location of services and related service hardware must also minimise the impact of noise on future occupants of the development and adjoining residents.
25. The signage component is not approved as part of this application.
26. **Prior to the issue of a building permit**, a revised Waste Management Plan (WMP) shall be submitted to and approved by the City of Cockburn. The WMP shall be implemented in perpetuity.
27. All waste and recycling materials must be contained within bins. These must be stored in an internal enclosure within the buildings or within an external enclosure located and constructed to the satisfaction of the City. This information shall be submitted to and approved by the City prior to the lodgement of a Building Permit Application.

### Advice Notes

- a) 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.
- b) Please be advised that the development must comply with the requirements of the Building Codes of Australia.

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



- c) Where the obligation for payment of developer contributions has been met by a previous approval, such as subdivision, Condition No. 3 will be deemed to have been complied with. The principles and administrative requirements for Development Contribution Plans are set out in Part 5.3 of the City of Cockburn's Town Planning Scheme No. 3. Further information may be found at <https://www.cockburn.wa.gov.au/Building-and-Development/Developer-Contributions>
- d) In relation to Condition No 13, the CMP shall be implemented to the satisfaction of the City. The Construction Management Plan (CMP) shall be prepared in accordance with the 'City of Cockburn Construction Management Plan Guidelines' (available on the City's website) and shall include the provision of a completed CMP checklist. 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.
- e) In relation to Condition No 14, the acoustic report shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the design of the development meets the following requirements:
- the design of the development when assessed against the criteria within the WAPC State Planning Policy 5.4 entitled "Road and Rail Transport Noise and Freight Considerations in Land Use Planning", will result in acceptable indoor noise levels and at least one outdoor living area exposed to noise which meets the criteria for outdoor living areas identified in Table 1 of the Policy; and
  - the design and location of plant and other sources of noise within the development (such as air conditioners, entry gates and break out noise) will not exceed the assigned noise levels set out in the Environmental Protection (Noise) Regulations 1997 (as amended); and
  - that the proposed design and construction of the habitable areas of the development will comply with the City of Cockburn Noise Attenuation Policy (LPP 1.12), with particular regard to provision 4.2(6) of the Noise Attenuation Guidelines, to satisfactorily attenuate potential future noise levels for the area.
  - that indoor noise levels will comply with the requirements of the National Construction Code (Building Code of Australia) with regard to sound transmission between units and floors of the development
- f) All food businesses shall comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).
- g) 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.

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



- h) With regard to condition 14, the acoustic report shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the design and location of plant 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).
- i) With regards to street numbering of this proposal, you are advised to contact the City's Strategic Planning team on 9411 3444 or email [streetnumbers@cockburn.wa.gov.au](mailto:streetnumbers@cockburn.wa.gov.au) to ensure that any street numbers used comply with the City's requirements.
- j) 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
- k) 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.
- l) The installation of outdoor lighting shall be in accordance with the requirements of Australian Standard AS 4282 - 2019 "Control of the Obtrusive Effects of Outdoor Lighting
- m) Condition 16 is not imposing an obligation on the Local Government. If the Local Government chooses to lodge a Notification under Section 70A, the proponent's obligation is to give consent to the Local Governments' application and nothing more.
- n) Condition 17 is not imposing an obligation on the Local Government. If the Local Government chooses to lodge a Notification under Section 70A, the proponent's obligation is to give consent to the Local Governments' application and nothing more.

**The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.**

**REASON:** The land is zoned *Mixed Use R100* under the City of Cockburn LPS No. 3 where the proposed land uses are permitted and capable of approval. The proposal is consistent with the objectives of the Mixed-Use zone under LPS 3 which are "*To provide for a mixed-use environment that includes residential development and a range of compatible smaller scale commercial uses such as office, retail and eating establishments.*" The site is subject to the Robb Jetty Local Structure Plan No. 33A which identifies the land for higher-density mixed-use development and establishes the intended urban form, access arrangements and coastal character outcomes for the precinct. The RAR confirms that the development complies with the intended development outcomes for the land under Structure Plan No. 33A.

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



The DRP indicated that the proposed design generally met the 10 Design Principles, noting that the application was modified based on DRP feedback. It is noted that a reduced parking provision is proposed for the lunch bar component of the development. This is supported by the City's officers given its modest size of 81 m<sup>2</sup>, which limits staff numbers and patron turnover, and likely high proportion of customers expected to access the site on foot.

**4. Form 2 DAP Applications**

Nil

**5. Section 31 SAT Reconsiderations**

Nil

*Cr Tom Widenbar (Local Government DAP Member, City of Cockburn) left the panel at 11:46am.*

A handwritten signature in cursive script, reading "Eugene Koltasz".

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



## PART D – CITY OF WANNEROO

*Cr Jacqui Huntley and Cr Sonet Coetzee (Local Government DAP Members, City of Wanneroo) joined the panel at 11:49am.*

### 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

DAP Member, Tony Arias, declared an impartiality interest in item 3.1. The subject site is within the Catalina Regional Council (formerly Tamala Park Regional Council) district area. Tony Arias was CEO of the Tamala Park Regional Council until August 2021. Tony Arias has not been involved with the Regional Council or any of its deliberations or planning since August 2021. He has also had no contact with the owners or consultants of the current proposal.

DAP Member, Cr Sonet Coetzee, declared an impartiality interest in item 3.1. Cr Coetzee represents the City of Wanneroo on the Catalina Regional Council.

In accordance with section 3.3 of the DAP Code of Conduct 2025, the Presiding Member determined that the members listed above, who have disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

### 3. Form 1 DAP Applications

#### 3.1 Lot 2401 (37) Amalfi Avenue, Mindarie - Proposed Commercial Development – DAP/25/03033

##### Deputations

Matthew Cain (Planning Solutions) addressed the DAP in support of the application at Item 3.1.

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

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



**SUBSTANTIVE MOTION**

**Moved by:** Cr Sonet Coetzee

**Seconded by:** Cr Jacqui Huntley

That the Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/25/03033 and accompanying plans included 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 (DPS 2), subject to the following conditions:

**Conditions**

1. 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.
2. The approved **uses** must conform to the District Planning Scheme No. 2 definitions listed below. The following uses are approved:

Tenancy	Land Uses
1	Fast Food Outlet, Lunch Bar, Restaurant/Café, Small Bar Tavern
2 - 5	Consulting Rooms, Fast Food Outlet, Lunch Bar, Office, Recreation – Private, Restaurant/Café and Shop
6	Fast Food Outlet, Lunch Bar, Restaurant/Café, Small Bar and Tavern

**Consulting Rooms** means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

**Fast Food Outlet** means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten —

- (a) without further preparation; and
- (b) primarily off the premises;

**Lunch Bar** means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation);

**Office** means premises used for administration, clerical, technical, professional or similar business activities;

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



**Recreation- Private** means premises that are —  
(a) used for indoor or outdoor leisure, physical exercise, recreation or sport; and  
(b) not usually open to the public without charge;

**Restaurant/Café** means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988;

**Shop** means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

**Small Bar** means premises the subject of a small bar licence granted under the Liquor Control Act 1988;

**Tavern** means premises the subject of a tavern licence granted under the Liquor Control Act 1988;

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

3. 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 as determined by the City.
4. 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.
5. Wheel stops must be provided in accordance with AS 2890 where the parking bays abuts a concrete path.
6. 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.
7. Prior to the lodgement of a building permit, a detailed schedule of external finishes (including materials, colour schemes and details) must be submitted and approved by the City. The development must then be finished in accordance with the approved schedule.
8. Prior to a building permit being issued, detailed landscaping plans must be lodged for approval by the City. The detailed landscaping plan must include a minimum 8% soft landscaping across the site, detail tree and plant species, quantities and locations. Once approved, planting and installation must then be undertaken in accordance with the approved landscaping and reticulation plans and completed prior to occupation of the development and maintained thereafter, to the satisfaction of the City.

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



9. An onsite stormwater drainage system, sufficient to contain a 1:100 year storm event (over 24 hours) must be provided. Plans illustrating the system proposed must be submitted and approved prior to a building permit being issued. The system must then be installed during the construction of the development.
10. The development is to comply with the recommendations and assumptions of the Acoustic Report (Ref 35316-3-25352) prepared by Herring Storer Acoustics dated February 2026.
11. Prior to issuing of an occupancy permit for tenancies 1 and 6, an updated Environmental Noise Assessment must be prepared by a qualified acoustic (noise) consultant and be submitted to the City for approval to demonstrate that the operational noise complies with the *Environmental (Noise) Regulations 1997*. Once approved, development must then be undertaken in accordance with the recommendations and assumptions of the revised Environmental Noise Assessment. Where the recommendations and assumptions of this report conflict with the report previously prepared by Herring and Storer Acoustics dated February 2026, the revised assessment will prevail to the extent of the inconsistency.
12. Prior to issuing of a Building Permit, a Parking Management Plan must be submitted to and approved by the City, detailing:
  - a) confirmed land uses and tenancy layouts;
  - b) maximum patron numbers and hours of operation;
  - c) an assessment of peak parking demand, including consideration of overlapping peak periods;
  - d) identification of on site and off site parking allocation and management measures; and
  - e) requirements for ongoing updating as tenants change overtime so that the Parking Management Plan remains relevant and effective.

The approved Parking Management Plan is to be implemented and complied with at all times to the satisfaction of the City of Wanneroo.

13. Prior to issuing an occupancy permit for either the 'Tavern', 'Café/Restaurant' and/or 'Small Bar', an Operational Management Plan must be submitted to the City for approval, detailing measures to minimise the impact of the use upon the amenity of the surrounding area including but not limited to the following; noise management, rubbish disposal and collection, deliveries, security, complaint management, and patron control. The Operational Management Plan must then be implemented at the cost of the proponent to the satisfaction of the City.
14. Prior to issuing an occupancy permit, lighting must be installed in accordance with the relevant Australian Standards along all driveways, pedestrian pathways, car parking areas and in all common service areas.
15. 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.

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



16. All waste must be stored within the designated bin enclosure and collected from the site by a private contractor at the cost of the owner/occupier. Bin servicing must occur between 7.00am and 7.00pm Monday to Saturday only. Future operations on the lot must be undertaken in accordance with the approved Waste Management Plan (Ref U25.123.r02a) prepared by Urbi dated 12 December 2025.
17. Any graffiti applied to the external surfaces of the building must be removed to the satisfaction of the City of Wanneroo.
18. All awnings depicted on the approved plans and developed within the adjoining public open space must comply with the provisions of section 45B(1) of the *Building Regulations 2012* at the building permit stage.
19. This development is approved to incorporate a maximum retail net lettable area (as defined in the City's District Planning Scheme No.2 (as amended)) of 1,009m<sup>2</sup> within the 'West Tamala Park Local Centre' as identified in Local Structure Plan No.79 Tamala Park and Local Development Plan No.11.
20. Prior to the granting of an occupancy permit arrangements being made with the City of Wanneroo for the registration of an easement over Lot 8032 (113) Portofino Promenade, Mindarie for the purposes of the encroaching awning.
21. Prior to the issuing of a Building Permit, a Construction Management Plan must be submitted for approval. This plan is to detail how construction will be managed to minimise disruption in the area and to adjoining landowners. The plan must address the following:
  - a) The delivery of and delivery times for materials and equipment to the site;
  - b) Storage of materials and the location and types of 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) Measures to minimise impacts of noise and sand drift and dust from the site;
  - h) Tree protection zones to be established for trees identified to be retained in the approved landscaping plan (including any verge trees) where applicable;
  - i) The relocation/disruption of any public transport infrastructure; and
  - j) Any other matter required by the City.

The construction management plan is to be submitted to and approved by the City prior to the commencement of any development. Construction is to be implemented in accordance with the approved construction management plan.

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



## Advice Notes

1. In relation to managing dust and sand drift in accordance with the construction management Plan condition, adequate measures to minimise any impacts of dust and sand drift from the site include all requirements as stipulated within the Department of Water and 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".
2. 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.

## AMENDING MOTION 1

**Moved by:** Tony Arias

**Seconded by:** Andrew Howe

*The following amendments were made en bloc:*

- (i) That Condition No. 3 be amended to read as follows:

*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 as determined by the City.*

- (ii) That Condition No. 5 be deleted and the remaining conditions be renumbered accordingly.

- (iii) That Condition No. 8 (now Condition No. 7) be amended to read as follows:

*Prior to a building permit being issued, detailed landscaping plans must be lodged for approval by the City. The detailed landscaping plan ~~must include a minimum 8% soft landscaping across the site, detail tree and plant species, quantities and locations. Once approved, planting and installation must then be undertaken in accordance with the approved landscaping and reticulation plans and completed prior to occupation of the development~~ shall be in accordance with the approved plans and include tree and plant species, quantities, locations and reticulation detail. Planting and installation must be completed prior to occupation in accordance and maintained thereafter, to the satisfaction of the City.*

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



- (iv) That Condition No. 11 (now Condition No. 10) be amended to read as follows:

*Prior to issuing of an occupancy permit, ~~for tenancies 1 and 6, an updated Environmental Noise Assessment must be prepared by a qualified acoustic (noise) consultant and be submitted to the City for approval. to demonstrate that the operational noise complies with the Environmental (Noise) Regulations 1997. Once approved, development must then be undertaken in accordance with the recommendations and assumptions of the revised Environmental Noise Assessment. Where the recommendations and assumptions of this report conflict with the report previously prepared by Herring and Storer Acoustics dated February 2026, the revised assessment will prevail to the extent of the inconsistency. Once approved, the development must operate in accordance with the approved Environmental Noise Assessment.~~*

- (v) That a new Advice Note No. 3 be added to read as follows:

***In relation to the updated Environmental Noise Assessment, this should address operational noise and management specifically associated with Tenancies 1 and 6 and confirm tenancies can operate in accordance with the Environmental (Noise) Regulations 1997.***

- (vi) That Condition No. 12 (now Condition No. 11) be amended to read as follows:

*Prior to issuing of a ~~Building Permit~~ **Occupancy Permit**, a Parking Management Plan must be submitted to and approved by the City, detailing:*

- a) *confirmed land uses and tenancy layouts;*
- b) *maximum patron numbers and hours of operation;*
- c) *an assessment of peak parking demand, including consideration of overlapping peak periods;*
- d) *~~identification of on-site and off-site parking allocation and management measures; and~~*
- e) *requirements for ongoing updating as tenants change overtime so that the Parking Management Plan remains relevant and effective.*

*The approved Parking Management Plan is to be implemented and complied with at all times to the satisfaction of the City of Wanneroo.*

- (vii) That Condition No. 13 (now Condition No. 12) be amended to read as follows:

*Prior to issuing an occupancy permit for either the 'Tavern', 'Café/Restaurant' and/or 'Small Bar', an Operational Management Plan must be submitted to the City for approval, detailing measures to minimise the impact of the use upon the amenity of the surrounding area including but not limited to the following; noise management, rubbish disposal and collection, deliveries, security, complaint management, and patron control. The Operational Management Plan must then be implemented ~~at the cost of the proponent~~ to the satisfaction of the City.*

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- (viii) That Condition No. 16 (now Condition No. 15) be amended to read as follows:

~~All waste must be stored within the designated bin enclosure and collected from the site by a private contractor at the cost of the owner/occupier. Bin servicing must occur between 7.00am and 7.00pm Monday to Saturday only. Future operations on the lot must be undertaken in accordance with the approved~~ **This development must operate in accordance with the Waste Management Plan (Ref U25.123.r02a) prepared by Urbi dated 12 December 2025.**

- (ix) That Condition No. 18 (now Condition No. 17) be deleted and the remaining conditions be renumbered accordingly.

- (x) That Condition No. 19 (now Condition No. 17) be amended to read as follows:

~~This development is approved to incorporate a maximum retail net lettable area (as defined in the City's District Planning Scheme No.2 (as amended)) of 1,009m<sup>2</sup> within the 'West Tamala Park Local Centre' as identified in Local Structure Plan No.79 Tamala Park and Local Development Plan No.11.~~

- (xi) That Condition No. 20 (now Condition No.18) be amended to read as follows:

~~Prior to the granting of an occupancy permit arrangements being made with the~~ **Department of Planning, Lands and Heritage, in consultation with the City of Wanneroo for the registration of an easement over Lot 8032 (113) Portofino Promenade, Mindarie for the purposes of the encroaching awning.**

- (xii) That Condition No. 21 (now Condition No. 19) be amended to read as follows:

~~Prior to the issuing of a Building Permit, a Construction Management Plan must be submitted for approval. This plan is to detail how construction will be managed to minimise disruption in the area and to adjoining landowners. The plan must address the following:~~

- a) ~~The delivery of and delivery times for materials and equipment to the site;~~
- b) ~~Storage of materials and the location and types of 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) ~~Measures to minimise impacts of noise and sand drift and dust from the site;~~
- h) ~~Tree protection zones to be established for trees identified to be retained in the approved landscaping plan (including any verge trees) where applicable;~~
- i) ~~The relocation/disruption of any public transport infrastructure; and~~
- j) ~~Any other matter required by the City.~~

~~The construction management plan is to be submitted to and approved by the City prior to the commencement of any development. Construction is to be implemented in accordance with the approved construction management plan.~~

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**REASON:** The proposed changes were requested by the applicant and supported by the City’s officers as they would not change the nature or intent of the development. The purpose of the proposed modifications was to simplify or remove duplication of condition wording, remove reference to compliance with legislation that is not required and amend the trigger timing and for condition compliance.

**SUBSTANTIVE MOTION (AS AMENDED)**

That the Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/25/03033 and accompanying plans included 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 (DPS 2), subject to the following conditions:

**Conditions**

1. 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.
2. The approved **uses** must conform to the District Planning Scheme No. 2 definitions listed below. The following uses are approved:

Tenancy	Land Uses
1	Fast Food Outlet, Lunch Bar, Restaurant/Café, Small Bar Tavern
2 - 5	Consulting Rooms, Fast Food Outlet, Lunch Bar, Office, Recreation – Private, Restaurant/Café and Shop
6	Fast Food Outlet, Lunch Bar, Restaurant/Café, Small Bar and Tavern

**Consulting Rooms** means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

**Fast Food Outlet** means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten —

- (b) without further preparation; and
- (b) primarily off the premises;

**Lunch Bar** means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation);

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**Office** means premises used for administration, clerical, technical, professional or similar business activities;

**Recreation- Private** means premises that are —  
(a) used for indoor or outdoor leisure, physical exercise, recreation or sport; and  
(b) not usually open to the public without charge;

**Restaurant/Café** means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988;

**Shop** means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

**Small Bar** means premises the subject of a small bar licence granted under the Liquor Control Act 1988;

**Tavern** means premises the subject of a tavern licence granted under the Liquor Control Act 1988;

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

3. 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.
4. 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.
5. 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.
6. Prior to the lodgement of a building permit, a detailed schedule of external finishes (including materials, colour schemes and details) must be submitted and approved by the City. The development must then be finished in accordance with the approved schedule.
7. Prior to a building permit being issued, detailed landscaping plans must be lodged for approval by the City. The detailed landscaping plan shall be in accordance with the approved plans and include tree and plant species, quantities, locations and reticulation detail. Planting and installation must be completed prior to occupation in accordance and maintained thereafter, to the satisfaction of the City.

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8. An onsite stormwater drainage system, sufficient to contain a 1:100 year storm event (over 24 hours) must be provided. Plans illustrating the system proposed must be submitted and approved prior to a building permit being issued. The system must then be installed during the construction of the development.
9. The development is to comply with the recommendations and assumptions of the Acoustic Report (Ref 35316-3-25352) prepared by Herring Storer Acoustics dated February 2026.
10. Prior to issuing of an occupancy permit, an updated Environmental Noise Assessment must be prepared by a qualified acoustic (noise) consultant and be submitted to the City for approval. Once approved, the development must operate in accordance with the approved Environmental Noise Assessment.
11. Prior to issuing of a Occupancy Permit, a Parking Management Plan must be submitted to and approved by the City, detailing:
  - a) confirmed land uses and tenancy layouts;
  - b) maximum patron numbers and hours of operation;
  - c) an assessment of peak parking demand, including consideration of overlapping peak periods;
  - d) parking allocation and management measures; and
  - e) requirements for ongoing updating as tenants change overtime so that the Parking Management Plan remains relevant and effective.

The approved Parking Management Plan is to be implemented and complied with at all times to the satisfaction of the City of Wanneroo.

12. Prior to issuing an occupancy permit for either the 'Tavern', 'Café/Restaurant' and/or 'Small Bar', an Operational Management Plan must be submitted to the City for approval, detailing measures to minimise the impact of the use upon the amenity of the surrounding area including but not limited to the following; noise management, rubbish disposal and collection, deliveries, security, complaint management, and patron control. The Operational Management Plan must then be implemented to the satisfaction of the City.
13. Prior to issuing an occupancy permit, lighting must be installed in accordance with the relevant Australian Standards along all driveways, pedestrian pathways, car parking areas and in all common service areas.
14. 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.
15. This development must operate in accordance with the Waste Management Plan (Ref U25.123.r02a) prepared by Urbi dated 12 December 2025.
16. Any graffiti applied to the external surfaces of the building must be removed to the satisfaction of the City of Wanneroo.

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17. This development is approved to incorporate a maximum retail net lettable area (as defined in the City's District Planning Scheme No.2 (as amended)) of 1,009m<sup>2</sup>
18. Prior to the granting of an occupancy permit arrangements being made with the Department of Planning, Lands and Heritage, in consultation with the City of Wanneroo for the registration of an easement over Lot 8032 (113) Portofino Promenade, Mindarie for the purposes of the encroaching awning.
19. Prior to the issuing of a Building Permit, a Construction Management Plan must be submitted for approval. This plan is to detail how construction will be managed to minimise disruption in the area and to adjoining landowners. The plan must address the following:
  - a) The delivery of and delivery times for materials and equipment to the site;
  - b) Storage of materials and the location and types of 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) Measures to minimise impacts of noise and sand drift and dust from the site;
  - h) Any other matter required by the City.

The construction management plan is to be submitted to and approved by the City prior to the commencement of any development. Construction is to be implemented in accordance with the approved construction management plan.

### Advice Notes

1. In relation to managing dust and sand drift in accordance with the construction management Plan condition, adequate measures to minimise any impacts of dust and sand drift from the site include all requirements as stipulated within the Department of Water and 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".
2. 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.
3. In relation to the updated Environmental Noise Assessment, this should address operational noise and management specifically associated with Tenancies 1 and 6 and confirm tenancies can operate in accordance with the Environmental (Noise) Regulations 1997.

**The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.**

**Eugene Koltasz**  
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**REASON:** The subject site is zoned 'Urban Development' under the City's District Planning Scheme No.2 (DPS 2) and 'Commercial' under Tamala Park Agreed Local Structure Plan (LSP 79), the proposed uses are discretionary and capable of approval. The proposed development is consistent with the objectives of the 'West Tamala Park Local Centre' which is to incorporate a wide range of uses including retailing, entertainment, professional offices, business services and residential to meet the daily and weekly needs of the residents.

The DRP was generally supportive of the built form and scale, street activation, central pedestrian link and alfresco plaza. The DRP identified several areas for improvement, including enhancing passive surveillance of the car park, refining servicing arrangements, and strengthening the landscaping design which have been incorporated by the applicant.

The Tamala Park Local Development Plan No. 11 prescribes a maximum net lettable area (NLA) of 250m<sup>2</sup> for the site. The city considers that an increase as proposed to 1,009m<sup>2</sup> NLA. is acceptable based on the Net Benefit Test (NBT) that has been provided by the applicant. The development is generally consistent with the relevant legislative and planning framework under District Planning Scheme No. 2, with the exception of car parking provision. While the proposal does not meet the prescriptive parking requirements of DPS 2, the reduction is supported having regard to the WAPC Planning Manual for Non-Residential Car Parking Rates, which adopts a more flexible and contemporary approach to parking rates. Consistent also with the TIS and supported by City officers.

The TIS states that the development will add fewer than 100 vehicle trips per hour, which is below the threshold identified in the WAPC Transport Impact Assessment Guidelines (2016) for a material impact on the surrounding road network. The City's officers concur with the TIAs findings that the proposal would not adversely impact the surrounding road network.

Noting a number of submissions raising potential amenity issues an Operational Management Plan has been recommended to address matters such as; noise, rubbish disposal and collection, deliveries, security, complaints management and patron control.

#### **4. Form 2 DAP Applications**

Nil

#### **5. Section 31 SAT Reconsiderations**

Nil

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



## PART E – 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
DR196/2025	City of Kwinana	Lot 9501, No. 32 Meares Avenue, Kwinana Town Centre	Proposed Drive-In Takeaway Food Shop (McDonalds)	18/12/2025
DR50/2026	City of Gosnells	Lot 161 (139) Nicholson Road, Canning Vale	Proposed Child Care Premises	31/03/2026

### 2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12.21pm.

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