



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 13 February 2025; 1:00 pm
Meeting Number: MODAP/63
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link: [MODAP/63 – 13 February 2025 – City of Swan](#)

PART A – INTRODUCTION

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

PART B – CITY OF SWAN

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications
 - 4.1 Lot 801 (No.391) Stirling Crescent and Lot 4 Talbot Road, Hazelmere – Proposed Industry-General – DAP/24/02743
 - 4.2 Lot 469 (5) Virgate Way, Brabham – Tavern and Drive-Through Liquor Store – DAP/22/02381
5. Section 31 SAT Reconsiderations

PART C – OTHER BUSINESS

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

Eugene Koltasz
Presiding Member, Metro Outer DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Eugene Koltasz (Presiding Member)	Claire Ortlepp
Dale Page (Deputy Presiding Member)	Ashlee Kelly
Tony Arias (Specialist Member)	
<i>Part B – City of Swan</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Rod Henderson	Bella Moreton
Cr Jennifer Catalano	Darcy Gibson
	Phil Russell

Eugene Koltasz
Presiding Member, Metro Outer DAP



Applicant and Submitters
<i>Part B – City of Swan</i>
<i>Item 4.1</i>
Jarrold Ross (Taylor Burrell Barnett) Fiona Atkins (Taylor Burrell Barnett) Brett Chivers (Hesperia)
<i>Item 4.2</i>
Declan Creighan (Urbis) Robert Nichevich (Brabham Village Pty Ltd) Tom Larkins (Australian Venue Co.)

Members of the Public / Media

Nil.

Observers via livestream

There were 3 persons observing the meeting via the livestream.

Eugene Koltasz
Presiding Member, Metro Outer DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 1:03pm on 13 February 2025 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

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

1.1 Announcements by Presiding Member

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

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

2. Apologies

Nil.

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

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

Eugene Koltasz
Presiding Member, Metro Outer DAP



PART B – CITY OF SWAN

1. Declaration of Due Consideration

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

2. Disclosure of Interests

Cr Rod Henderson declared that they had nominated as a candidate for the upcoming State Government Election. It was noted that their candidature did not in itself constitute a conflict of interest, and the member was able to continue to participate in the meeting.

3. Form 1 DAP Applications

Nil.

4. Form 2 DAP Applications

4.1 Lot 801 (No.391) Stirling Crescent and Lot 4 Talbot Road, Hazelmere – Proposed Industry-General – DAP/24/02743

Deputations and Presentations

Jarrold Ross (Taylor Burrell Barnett) addressed the DAP in support of the recommendation for the application at Item 4.1 and responded to questions from the panel.

The City of Swan addressed the DAP in relation to the application at Item 4.1 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Cr Rod Henderson

Seconded by: Dale Page

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

Approve DAP Application reference DAP/24/02743 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 proposed minor amendment to the approved 'Proposed Industry-General' at Lot 801 (No.391) Stirling Crescent and Lot 4 Talbot Road, Hazelmere subject to the following new conditions to supplement the approval dated 5 November 2024:

Eugene Koltasz
Presiding Member, Metro Outer DAP



New Conditions (18 – 19)

18. The extent of illumination shall be limited to internal backlit illumination only unless further approval is granted from the City of Swan.
19. The sign(s), earthworks and footings must be located entirely within the subject lot and must not encroach upon the road reserve or any other land.

All other conditions and requirements detailed on the previous approval dated 8 November 2024 shall remain unless altered by this application.

AMENDING MOTION

Moved by: Cr Rod Henderson

Seconded by: Dale Page

That Condition No. 18 be deleted, and the remaining condition be renumbered accordingly.

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

For: Eugene Koltasz
Dale Page
Tony Arias
Cr Rod Henderson

Against: Cr Jennifer Catalano

REASON: Conditions 14 and 15 already address external illumination which includes signage. Condition 18 is not necessary and is inconsistent with the intent, as the plans state that only the above door sign is proposed to be 'backlit'.

REPORT RECOMMENDATION (AS AMENDED)

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

Approve DAP Application reference DAP/24/02743 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 proposed minor amendment to the approved 'Proposed Industry-General' at Lot 801 (No.391) Stirling Crescent and Lot 4 Talbot Road, Hazelmere subject to the following new condition to supplement the approval dated 5 November 2024:

New Condition (18)

18. The sign(s), earthworks and footings must be located entirely within the subject lot and must not encroach upon the road reserve or any other land.

All other conditions and requirements detailed on the previous approval dated 8 November 2024 shall remain unless altered by this application.

Eugene Koltasz
Presiding Member, Metro Outer DAP



The Report Recommendation (as amended) was put and CARRIED (4/1).

For: Eugene Koltasz
Dale Page
Tony Arias
Cr Rod Henderson

Against: Cr Jennifer Catalano

REASON: The changes proposed do not affect the overall presentation and only serve to enhance the functionality of the development for the identified tenant.

4.2 Lot 469 (5) Virgate Way, Brabham – Tavern and Drive-Through Liquor Store – DAP/22/02381

Deputations and Presentations

Declan Creighan (Urbis) addressed the DAP in support of the recommendation for the application at Item 4.2 and responded to questions from the panel.

The City of Swan addressed the DAP in relation to the application at Item 4.2 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Cr Rod Henderson

Seconded by: Tony Arias

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

Approve DAP Application reference DAP/22/02381 and accompanying plans in accordance with Clause 68 of Schedule No.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 proposed minor amendment to the approved development at Lot 469 (No.5) Virgate Way Brabham WA 6055, subject to the following amendments to the conditions of approval dated 3 July 2023:

Amended Conditions

1. Condition #1 which reads as:

This approval is for a 'Tavern' and 'Shop' as defined by the City of Swan Local Planning Scheme No.17.

To be amended to:

This approval is for a 'Tavern' as defined by the City of Swan Local Planning Scheme No.17.

Eugene Koltasz
Presiding Member, Metro Outer DAP



2. Condition #3 which reads as:

The Bottle Shop is not permitted to operate after 10.00pm or prior to 8.00am on any given day.

To be removed.

3. Condition #4 which reads as:

A maximum of 400 patrons are permitted within the Tavern at any given time, with no more than 120 persons within the Alfresco Area.

To be amended to:

A maximum of 500 patrons are permitted within the Tavern at any given time, with alfresco area being restricted as follows:

- a) No more than 230 patrons between 10:00 PM and 7:00 AM Monday to Friday, or until 9:00 AM on Sundays and Public Holidays; and
- b) A maximum of 350 patrons at all other times.

4. Condition #8, part e which reads as:

Provision of a 2.7m tall plexiglass wall to a thickness of 10mm around the perimeter of the Alfresco Area.

To be amended to:

Provision of a 2.3m tall plexiglass wall to a thickness of 10mm around the perimeter of the Alfresco Area.

5. Condition #9 which reads as:

Within three (3) months of the commencement of operation of the approved Tavern and Bottle Shop, the Applicant/Owner shall submit, to the satisfaction of the City of Swan, an Operational Noise Management Plan demonstrating that all noise generated from the development complies with the levels permitted by the Environmental Protection (Noise) Regulations 1997 as measured from surrounding sensitive receivers, and where such measured levels do not comply measures that will be undertaken to achieve compliance.

To be amended to:

Within three (3) months of the commencement of operation of the approved Tavern, the Applicant/Owner shall submit, to the satisfaction of the City of Swan, an Operational Noise Management Plan demonstrating that all noise generated from the development complies with the levels permitted by the *Environmental Protection (Noise) Regulations 1997* as measured from surrounding sensitive receivers, and where such measured levels do not comply measures that will be undertaken to achieve compliance. This report should include the noise levels of internal operations.

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6. Condition #16 which reads as:

A minimum of 79 car parking bays, designed in accordance with Australian Standard AS 2890, are to be provided on the land, being the whole of Lot 469 in accordance with the approved plans and provision made to the satisfaction of the City of Swan for such to be accessible to patrons and staff of the approved Tavern and Bottle Shop.

To be amended to:

Prior to occupation or use of the development, a minimum of 93 car parking bays, designed in accordance with Australian Standard AS/NZ 2890.1 (as amended), are to be provided on the land, being the whole of Lot 469 in accordance with the approved plans and provision made to the satisfaction of the City of Swan for such to be accessible to patrons and staff of the approved Tavern.

7. New condition #22:

The proposed development must incorporate all requirements outlined in the submitted Environmental Noise Assessment prepared by Herring Storer Acoustics (revision 3, dated 3 December 2024), and maintain the property to this standard including the followings:

- Alfresco areas to be limited to ambient music only.
- Internal noise emissions to be contained with the structure of the building.
- Barriers around the alfresco area to be built to a height of 2.3m above ground floor level.
- Alfresco area retractable roof to be closed at 10pm.

All other conditions and requirements detailed on the previous approval dated 3 July 2023 shall remain unless altered by this application.

The Report Recommendation was put and CARRIED (4/1).

For: Eugene Koltasz
Dale Page
Tony Arias
Cr Rod Henderson

Against: Cr Jennifer Catalano

REASON: The change to remove the bottle shop component will not impact negatively on the amenity of the area. The increase in number of patrons for the Tavern corresponds to the increase in Tavern floor area and will not alter the impact on the surrounding area. The limitation on the number of patrons in the outdoor area to ensure compliance with the Noise Regulations was supported.

The other changes proposed are minor and enhance the proposal, particularly the sizeable increase in landscaping across the site. Although objections were received to this proposal, most of these relate to the suitability of the land use, which has already been approved. The parking shortfall has reduced this with proposal.

Eugene Koltasz
Presiding Member, Metro Outer DAP



5. Section 31 SAT Reconsiderations

Nil.

Eugene Koltasz
Presiding Member, Metro Outer DAP



PART C – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

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

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

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 1:50pm.

Eugene Koltasz
Presiding Member, Metro Outer DAP