



## Metro Outer Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 30 April 2025; 2:00pm  
**Meeting Number:** MODAP/76  
**Meeting Venue:** 140 William Street, Perth

A recording of the meeting is available via the following link: [MODAP/76 – 30 April 2025 – City of Cockburn – City of Kwinana](#)

### **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 COCKBURN**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 1000 Berrigan Drive, Jandakot – Glen Iris Local Centre – DAP/24/02830
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART C – CITY OF KWINANA**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 89 (No.4) Chisham Avenue, Kwinana Town Centre – Alterations and Additions to Kwinana Marketplace Shopping Centre – DAP/25/02847
  - 3.2 Lots 422, 423, 424, 439 (89) Office Road, 444, 504, Kwinana Beach Road, 505 Port Road & 1001 Ocean Street, Kwinana Beach – Underground Urea Ammonium Nitrate (UAN) Pipeline – DAP/24/02716
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART D – OTHER BUSINESS**

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

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



<b>ATTENDANCE</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Eugene Koltasz (Presiding Member)	Claire Ortlepp
Karen Hyde (Deputy Presiding Member)	Zoe Hendry
Mike Mouritz	
<i>Part B – City of Cockburn</i>	
<i>Local Government DAP Members</i>	<i>Officers/Technical Advisors in Attendance</i>
Cr Tom Widenbar	Riley Brown
Cr Michael Separovich	Lucia Dunstan
<i>Part C – City of Kwinana</i>	
<i>Local Government DAP Members</i>	<i>Officers/Technical Advisors in Attendance</i>
Cr Barry Winmar	Lachlan Duncanson
Cr Matthew Rowse	Liam Robinson
	Asha Logan
	Brett Cammell

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



<b>Applicant and Submitters</b>
<i>Part B – City of Cockburn</i>
George Hajigabriel (Rowe Group) Greg Pearce (Super Lifestyle Custodian Pty Ltd) Graham Taylor (Place Fabric)
<i>Part C – City of Kwinana</i>
<i>Item 3.1</i>
Sean Fairfoul (Lateral Planning) Steve Allering (Allering & Associates) Brian Sullivan (Sullivan Property Consultants)
<i>Item 3.2</i>
Matt Raymond (Element Advisory) Phil Hargreaves (Summit Fertilizers) Lee Benger (Summit Fertilizers) Robert Cameron (Milestone Mining Services) Russell Mackenzie (Coogee Chemicals)

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

There was 1 member of the public in attendance.

#### **Observers via livestream**

There were 8 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 2:04pm on 30 April 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

Cr Phoebe Corke (Local Government DAP Member, City of Cockburn)

### 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 COCKBURN

### 1. Declaration of Due Consideration

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

### 2. Disclosure of Interests

Nil.

### 3. Form 1 DAP Applications

#### 3.1 Lot 1000 Berrigan Drive, Jandakot – Glen Iris Local Centre – DAP/24/02830

##### Deputations and Presentations

Graham Taylor (Place Fabric) responded to questions from the panel in relation to the application at Item 3.1.

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

### REPORT RECOMMENDATION

**Moved by:** Cr Michael Separovich

**Seconded by:** Mike Mouritz

That the Metro Outer Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/24/02830 is appropriate for consideration as a Shop, Tavern, Fast Food Outlet, Restaurant, Liquor Store, and Health Studio land use and compatible with the objectives of the City of Cockburn's Town Planning Scheme No.3
2. **Approve** DAP Application reference DAP/24/02830 and accompanying plans (Glen Iris Local Development Applications, Rev B dates 02 2025) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions the City of Cockburn's 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. The approved land uses apply to the various tenancies as outlined below:
  - Tenancy 01 – Shop
  - Tenancy 02 – Shop
  - Tenancy 03 – Fast Food Outlet
  - Tenancy 04 – Restaurant
  - Tenancy 05 – Tavern
  - Tenancy 06 – Use Not Listed (Liquor Store)
  - Tenancy 07 – Shop
  - Tenancy 08 – Health Studio
  - Tenancy 09 – Fast Food Outlet
4. **Prior to occupation** or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with the approved plans and Council's engineering requirements and design guidelines. The areas must be sealed in bitumen or concrete in accordance with City's specifications, 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 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 visitors or employees.
7. All access ways and parking areas shall be maintained in accordance with the City's engineering requirements and design guidelines.
8. A 2m x 2.5m sightline shall be provided at the intersection of the crossover and the front boundary for standard crossovers. All sightlines shall be maintained clear of obstructions above a height of 0.75m.
9. All stormwater to be contained on site. Stormwater drainage to be able to contain a 1 in 100-year, 24-hour storm event.
10. 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 and rainfall intensity.
11. A Construction Management Plan shall be submitted to and approved by the City **prior to issue of a Building Permit** application 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;

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- 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.

- 12. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand, or dust is blown from the site.
- 13. **Prior to the issue of a building permit**, a further acoustic report shall be submitted to and approved by the City.
- 14. All noise attenuation measures identified by the Herring Storer Acoustics Report entitled "GLEN IRIS ESTATE LOCAL CENTRE JANDAKOT Acoustic Assessment" (Ref 33872-3-24242; dated January 2025) and the further acoustic report required under condition 13 above, are to be implemented **prior to occupancy of the development** and the requirements of the Acoustic Report are to be observed at all times.
- 15. Written confirmation from the builder that all recommendations made in the Acoustic Reports required under condition 13 and 14 have been incorporated into the proposed development, shall be submitted to the City with the Building Permit Application.
- 16. **Prior to the submission of a Building Permit Application**, a Noise Management Plan shall be prepared to the City's satisfaction demonstrating that noise emissions from the Bistro/Tavern will comply with the requirements of the Environmental Protection (Noise) Regulations 1997 (as amended). All noise attenuation measures, identified by the plan or as additionally required by the City, are to be implemented **prior to occupancy of the development** (or as otherwise required by the City) and the requirements of the Noise Management Plan are to be observed at all times.
- 17. A noise barrier, as depicted within the Herring Storer Acoustic Report identified in Condition 14 above, shall be constructed for the loading dock with a height of 3m above ground level with a density of 12kg/m<sup>2</sup> or greater and of solid construction.
- 18. All outdoor lighting must be installed in accordance with Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting"
- 19. 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.

**Eugene Koltasz**  
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20. The dwelling and/or extensions must be constructed in accordance with Australian Standard 3959 – Construction of Buildings in Bush Fire Prone Areas (or superseding standard)
21. **Prior to occupancy**, a detailed landscaping plan shall be submitted to and approved by the City. The plan 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. Those area to be reticulated or irrigated; and
  - d. Verge treatments.
22. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the approved plan (as required by condition 21 above) 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.
23. A plan and description of any signage and advertising not exempt under Town Planning Scheme No. 3 shall be submitted to and approved by the City prior to the erection of any signage on the site/building. It is strongly advised to liaise with the City's Planning Services prior to any installation of signage to confirm what approvals, if any, are required. All signage shall adhere to the following requirements:
  - a. Signage shall not include fluorescent, reflective or retro reflective colours or materials.
  - b. Signage is to be in relation to the use(s) of the site. Signage is to be maintained and not offensive in nature, to the satisfaction of the City.
  - c. No bunting is to be erected on the site (bunting includes streamers, streamer strips, banner strips or decorations of similar kind).
24. **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.
25. 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.
26. The external enclosure must be and of an adequate size to contain all waste bins, at least 1.8 m high, fitted with a gate and graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer. The minimum provisions for internal bin storage is a concrete wash-down pad of at least 1m<sup>2</sup> graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer.

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





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

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

28. **Prior to the issue of a building permit**, a Delivery Management Plan shall be submitted to and approved by the City of Cockburn. The Delivery Management Plan shall thereafter be implemented in perpetuity to the satisfaction of the City.
29. All alfresco furniture shall be of a readily portable nature and shall be removed upon the completion of trading. Alfresco Furniture shall be of high quality and shall be in keeping with the style and materials of the eating establishment. The furniture shall be strong, durable and weather resistant. Feet of any metal furniture should be suitably encased in rubber to minimise noise.
30. **Prior to the issue of a building permit**, an access agreement shall be reached between the landowner, the City and the owner of Lot 196 Berrigan Drive. The agreement shall be prepared to the satisfaction of the City and shall be finalized prior to the issue of a building permit. The agreement shall relate to the granting of an easement for parking and access purposed over the development site and vice-versa.
31. **Prior to occupancy**, the easement referenced in condition 30 above shall be lodged with Landgate for registration over the certificate of title. The owner shall be responsible to pay all costs of and incidental to the preparation of the easement (including the drafts), the preparation of an easement only deposited plan and fees for the stamping and registration of the easement.
32. 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
33. The site shall be kept in a neat and tidy condition at all times to the satisfaction of the City. In particular:
- Weeds within landscaping areas to be removed
  - Litter/rubbish to be removed;
  - Graffiti to be removed within a timely matter;
  - Building/structures that fall into disrepair to be repaired and maintained; and
  - Any disused materials to be removed

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34. This approval does not constitute approvals to undertake engineering works within the road reserve. Further designs/drawings shall be submitted to and approved by the City of Cockburn. The costs for all civil works shall be borne by the applicant/landowner. This includes:
  - a. The modification to the Abundant Boulevard median treatment
  - b. The on-street parking bays
  - c. The pedestrian crossing at the North-West of the site
  - d. The relocation of the existing side entry pit (SEP) at the Berrigan Drive crossover
35. The surface finish of the boundary wall abutting the adjoining lot is to be rendered the same colour as the external appearance of the existing development unless otherwise agreed with the adjoining property owners and to the satisfaction of the City.
36. **Prior to the commencement of works** the applicant/owner must liaise with and receive approval from the Public Transport Authority (PTA) for any impact on bus stop 20927 Berrigan Drive after Turnbury Park Drive, Jandakot. All expenses associated with any agreed permanent re-construction or relocation of the bus stop/s, to the satisfaction of the PTA, must be fully borne by the applicant/owner.

#### **Advice Notes**

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency.
- b) Please be advised that the development must comply with the requirements of the Building Codes of Australia.
- c) All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and ideally designed on the basis of a 1:100 year storm event. This is to be provided with the associated Building Permit Application.
- d) Please note that the development site is underneath the approach/departure path of the main runway 06L/24R at Jandakot Airport. If a crane is proposed to extend beyond approx. 43m above ground level, then it will likely cause an infringement of the airspace and will need to be approved by the department (after first being assessed by CASA and Airservices Australia). This is a process that could take as long as 8 months to assess and approve (or reject). You are advised to contact Jandakot Airport early in the planning process to avoid potential delays.
- e) 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.

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- f) All food businesses (must comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the Food Act 2008 the applicant must obtain prior approval for the construction or amendment of the food business premises
- g) The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
- h) The development is to comply with the noise pollution provisions of the Environmental Protection Act 1986, and more particularly with the requirements of the Environmental Protection (Noise) Regulations 1997.
- i) An application to Construct or Alter a Food Premises must be accompanied by detailed plans and specifications of the kitchen, dry storerooms, cool rooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). The plans are to include details of:
  - i. the structural finishes of all floors, walls and ceilings
  - ii. the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc.); and
  - iii. all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal.

These plans are to be separate to those submitted to obtain a Building Licence.

- j) All food handling operations must comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the Food Act 2008 the applicant must complete and return the enclosed Food Business Notification/Registration Form to the City of Cockburn's Health Services. Operation of this food business may be subject to the requirement to pay an Annual Assessment Fee under the Act.
- k) Portions of this development have been defined as a public building and shall comply with the relevant provisions of the Health Act 1911(as amended), and the Health (Public Buildings) Regulations 1992. A Building Permit Application must be submitted for approval, prior to works commencing.
- l) Should an air handling system be proposed, submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, should be submitted in conjunction with the Building Permit Application. Written approval from the City's Health Service for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.

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- m) Crossovers are to be located and constructed to the City's specifications. Redundant crossovers shall be removed and the verge reinstated prior to or at the time of the installation of the approved new crossover(s). Copies of crossover specifications are available from the City's Engineering Services or from the City's website [www.cockburn.wa.gov.au](http://www.cockburn.wa.gov.au)
- n) With respect to condition 12, if dust is detected at adjacent premises and is deemed to be a nuisance by the City, then any process, equipment and/or activities that are causing the dust nuisance shall be stopped until the process, equipment and or activity has been altered to prevent the dust to the satisfaction of the City.
- o) With respect to condition 13, the provided acoustic report by Hering Storer notes that a noise impact assessment associated with the detailed mechanical design is considered appropriate to be a condition of development approval. 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).
- p) With response to condition 14, the acoustic report prepared by Hering Storer mandate the following control measures:
  - i. Alfresco areas to be limited to ambient music only
  - ii. Internal noise emissions to be contained within the structure of the building
- q) With respect to condition 17, the acoustic report prepared by Hering Storer mandates that the loading dock barrier shall consist of no gaps.

#### AMENDING MOTION

**Moved by:** Karen Hyde

**Seconded by:** Mike Mouritz

That a new Condition No. 37 be added to read as follows:

***Prior to occupancy, an Operational Management Plan for the Tavern is to be submitted to and approved by the City and thereafter implemented to the City's satisfaction.***

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

**REASON:** A succinct document to ensure the operation of the facility does not adversely impact the amenity of the adjacent public realm and visitors to the centre.

#### REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/24/02830 is appropriate for consideration as a Shop, Tavern, Fast Food Outlet, Restaurant, Liquor Store, and Health Studio land use and compatible with the objectives of the City of Cockburn's Town Planning Scheme No.3

**Eugene Koltasz**  
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2. **Approve** DAP Application reference DAP/24/02830 and accompanying plans (Glen Iris Local Development Applications, Rev B dates 02 2025) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions the City of Cockburn's 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. The approved land uses apply to the various tenancies as outlined below:
  - Tenancy 01 – Shop
  - Tenancy 02 – Shop
  - Tenancy 03 – Fast Food Outlet
  - Tenancy 04 – Restaurant
  - Tenancy 05 – Tavern
  - Tenancy 06 – Use Not Listed (Liquor Store)
  - Tenancy 07 – Shop
  - Tenancy 08 – Health Studio
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4. **Prior to occupation** or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with the approved plans and Council's engineering requirements and design guidelines. The areas must be sealed in bitumen or concrete in accordance with City's specifications, 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 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 visitors or employees.
7. All access ways and parking areas shall be maintained in accordance with the City's engineering requirements and design guidelines.
8. A 2m x 2.5m sightline shall be provided at the intersection of the crossover and the front boundary for standard crossovers. All sightlines shall be maintained clear of obstructions above a height of 0.75m.

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9. All stormwater to be contained on site. Stormwater drainage to be able to contain a 1 in 100-year, 24-hour storm event.
10. 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 and rainfall intensity.
11. A Construction Management Plan shall be submitted to and approved by the City **prior to issue of a Building Permit** application 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.

12. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand, or dust is blown from the site.
13. **Prior to the issue of a building permit**, a further acoustic report shall be submitted to and approved by the City.
14. All noise attenuation measures identified by the Herring Storer Acoustics Report entitled "GLEN IRIS ESTATE LOCAL CENTRE JANDAKOT Acoustic Assessment" (Ref 33872-3-24242; dated January 2025) and the further acoustic report required under condition 13 above, are to be implemented **prior to occupancy of the development** and the requirements of the Acoustic Report are to be observed at all times.
15. Written confirmation from the builder that all recommendations made in the Acoustic Reports required under condition 13 and 14 have been incorporated into the proposed development, shall be submitted to the City with the Building Permit Application.
16. **Prior to the submission of a Building Permit Application**, a Noise Management Plan shall be prepared to the City's satisfaction demonstrating that noise emissions from the Bistro/Tavern will comply with the requirements of the Environmental Protection (Noise) Regulations 1997 (as amended). All noise attenuation measures, identified by the plan or as additionally required by the City, are to be implemented **prior to occupancy of the development** (or as otherwise required by the City) and the requirements of the Noise Management Plan are to be observed at all times.

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17. A noise barrier, as depicted within the Herring Storer Acoustic Report identified in Condition 14 above, shall be constructed for the loading dock with a height of 3m above ground level with a density of 12kg/m<sup>2</sup> or greater and of solid construction.
18. All outdoor lighting must be installed in accordance with Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting"
19. 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.
20. The dwelling and/or extensions must be constructed in accordance with Australian Standard 3959 – Construction of Buildings in Bush Fire Prone Areas (or superseding standard)
21. **Prior to occupancy**, a detailed landscaping plan shall be submitted to and approved by the City. The plan 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. Those area to be reticulated or irrigated; and
  - d. Verge treatments.
22. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the approved plan (as required by condition 21 above) 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.
23. A plan and description of any signage and advertising not exempt under Town Planning Scheme No. 3 shall be submitted to and approved by the City prior to the erection of any signage on the site/building. It is strongly advised to liaise with the City's Planning Services prior to any installation of signage to confirm what approvals, if any, are required. All signage shall adhere to the following requirements:
  - a. Signage shall not include fluorescent, reflective or retro reflective colours or materials.
  - b. Signage is to be in relation to the use(s) of the site. Signage is to be maintained and not offensive in nature, to the satisfaction of the City.
  - c. No bunting is to be erected on the site (bunting includes streamers, streamer strips, banner strips or decorations of similar kind).
24. **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.

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25. 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.
26. The external enclosure must be and of an adequate size to contain all waste bins, at least 1.8 m high, fitted with a gate and graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer. The minimum provisions for internal bin storage is a concrete wash-down pad of at least 1m<sup>2</sup> graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer.
27. **Prior to occupancy**, the owner/applicant shall:
  - a. submit to the City for approval a preliminary proposal for an art work designed be a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be to be located within the subject site as an integral part of the development;
  - b. submit to the City for approval an 'Application for Art Work Design'; and
  - c. enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City.

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

28. **Prior to the issue of a building permit**, a Delivery Management Plan shall be submitted to and approved by the City of Cockburn. The Delivery Management Plan shall thereafter be implemented in perpetuity to the satisfaction of the City.
29. All alfresco furniture shall be of a readily portable nature and shall be removed upon the completion of trading. Alfresco Furniture shall be of high quality and shall be in keeping with the style and materials of the eating establishment. The furniture shall be strong, durable and weather resistant. Feet of any metal furniture should be suitably encased in rubber to minimise noise.
30. **Prior to the issue of a building permit**, an access agreement shall be reached between the landowner, the City and the owner of Lot 196 Berrigan Drive. The agreement shall be prepared to the satisfaction of the City and shall be finalized prior to the issue of a building permit. The agreement shall relate to the granting of an easement for parking and access purposed over the development site and vice-versa.
31. **Prior to occupancy**, the easement referenced in condition 30 above shall be lodged with Landgate for registration over the certificate of title. The owner shall be responsible to pay all costs of and incidental to the preparation of the easement (including the drafts), the preparation of an easement only deposited plan and fees for the stamping and registration of the easement.

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





32. 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
33. The site shall be kept in a neat and tidy condition at all times to the satisfaction of the City. In particular:
  - a. Weeds within landscaping areas to be removed
  - b. Litter/rubbish to be removed;
  - c. Graffiti to be removed within a timely matter;
  - d. Building/structures that fall into disrepair to be repaired and maintained; and
  - e. Any disused materials to be removed
34. This approval does not constitute approvals to undertake engineering works within the road reserve. Further designs/drawings shall be submitted to and approved by the City of Cockburn. The costs for all civil works shall be borne by the applicant/landowner. This includes:
  - a. The modification to the Abundant Boulevard median treatment
  - b. The on-street parking bays
  - c. The pedestrian crossing at the North-West of the site
  - d. The relocation of the existing side entry pit (SEP) at the Berrigan Drive crossover
35. The surface finish of the boundary wall abutting the adjoining lot is to be rendered the same colour as the external appearance of the existing development unless otherwise agreed with the adjoining property owners and to the satisfaction of the City.
36. **Prior to the commencement of works** the applicant/owner must liaise with and receive approval from the Public Transport Authority (PTA) for any impact on bus stop 20927 Berrigan Drive after Turnbury Park Drive, Jandakot. All expenses associated with any agreed permanent re-construction or relocation of the bus stop/s, to the satisfaction of the PTA, must be fully borne by the applicant/owner.
37. Prior to occupancy, an Operational Management Plan for the Taven is to be submitted to and approved by the City and thereafter implemented to the City's satisfaction.

#### Advice Notes

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency.
- b) 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) All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and ideally designed on the basis of a 1:100 year storm event. This is to be provided with the associated Building Permit Application.
- d) Please note that the development site is underneath the approach/departure path of the main runway 06L/24R at Jandakot Airport. If a crane is proposed to extend beyond approx. 43m above ground level, then it will likely cause an infringement of the airspace and will need to be approved by the department (after first being assessed by CASA and Airservices Australia). This is a process that could take as long as 8 months to assess and approve (or reject). You are advised to contact Jandakot Airport early in the planning process to avoid potential delays.
- e) 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.
- f) All food businesses (must comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the Food Act 2008 the applicant must obtain prior approval for the construction or amendment of the food business premises
- g) The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
- h) The development is to comply with the noise pollution provisions of the Environmental Protection Act 1986, and more particularly with the requirements of the Environmental Protection (Noise) Regulations 1997.
- i) An application to Construct or Alter a Food Premises must be accompanied by detailed plans and specifications of the kitchen, dry storerooms, cool rooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). The plans are to include details of:
  - i. the structural finishes of all floors, walls and ceilings
  - ii. the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc.); and
  - iii. all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal.

These plans are to be separate to those submitted to obtain a Building Licence.

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



- j) All food handling operations must comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the Food Act 2008 the applicant must complete and return the enclosed Food Business Notification/Registration Form to the City of Cockburn's Health Services. Operation of this food business may be subject to the requirement to pay an Annual Assessment Fee under the Act.
- k) Portions of this development have been defined as a public building and shall comply with the relevant provisions of the Health Act 1911(as amended), and the Health (Public Buildings) Regulations 1992. A Building Permit Application must be submitted for approval, prior to works commencing.
- l) Should an air handling system be proposed, submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, should be submitted in conjunction with the Building Permit Application. Written approval from the City's Health Service for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.
- m) Crossovers are to be located and constructed to the City's specifications. Redundant crossovers shall be removed and the verge reinstated prior to or at the time of the installation of the approved new crossover(s). Copies of crossover specifications are available from the City's Engineering Services or from the City's website [www.cockburn.wa.gov.au](http://www.cockburn.wa.gov.au)
- n) With respect to condition 12, if dust is detected at adjacent premises and is deemed to be a nuisance by the City, then any process, equipment and/or activities that are causing the dust nuisance shall be stopped until the process, equipment and or activity has been altered to prevent the dust to the satisfaction of the City.
- o) With respect to condition 13, the provided acoustic report by Hering Storer notes that a noise impact assessment associated with the detailed mechanical design is considered appropriate to be a condition of development approval. 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).
- p) With response to condition 14, the acoustic report prepared by Hering Storer mandate the following control measures:
  - i. Alfresco areas to be limited to ambient music only
  - ii. Internal noise emissions to be contained within the structure of the building
- q) With respect to condition 17, the acoustic report prepared by Hering Storer mandates that the loading dock barrier shall consist of no gaps.

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

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



**REASON:** The panel was unanimous in support of the proposal and conditional approval, as it was regarded as consistent with the planning framework including the objectives of the Scheme, Structure Plan and Local Development Plan. The proposal had been reviewed by the Design Review Panel and amended sufficiently to respond to comments and recommendations, including improvements to pedestrian amenity, connectivity, and legibility.

Whilst technically the design indicated a minor shortfall in deep soil areas, additional tree planting, as proposed, provides ample canopy and softness to the development. The shortfall in parking as calculated against the high ratios of the Scheme, when considered in the context of the WAPC guidance on non-residential development which indicates much lower ratios, was regarded as acceptable and therefore the variation could be supported. There was general community support for the proposal as advertised for public submissions and matters such as traffic volumes, parking requirements and the potential for antisocial behaviour had been addressed through satisfactory technical analysis and design considerations.

**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

*Cr Tom Widenbar & Cr Michael Separovich (Local Government DAP Members, City of Cockburn) left the panel at 2:30pm.*

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



## PART C – CITY OF KWINANA

*Cr Barry Winmar & Cr Matthew Rowse (Local Government DAP Members, City of Kwinana) joined the panel at 2:30pm.*

### 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

#### PROCEDURAL MOTION

**Moved by:** Eugene Koltasz

**Seconded by:** Karen Hyde

That the application at Item 3.2 be heard prior to the application at Item 3.1.

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

**REASON:** To allow the less complex application at Item 3.2 to be heard before the application at Item 3.1.

### 3.2 Lots 422, 423, 424, 439 (89) Office Road, 444, 504, Kwinana Beach Road, 505 Port Road & 1001 Ocean Street, Kwinana Beach – Underground Urea Ammonium Nitrate (UAN) Pipeline – DAP/24/02716

#### Deputations and Presentations

Matt Raymond (Element Advisory) addressed the DAP in support of the recommendation for the application at Item 3.2.

The City of Kwinana addressed the DAP in relation to the application at Item 3.2 and responded to questions from the panel.

Russell Mackenzie (Coogee Chemicals) addressed the DAP against the recommendation for the application at Item 3.2.

#### REPORT RECOMMENDATION

**Moved by:** Cr Matthew Rowse

**Seconded by:** Cr Barry Winmar

That the Metro Outer DAP resolves to:

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



1. **Approve** DAP Application reference DAP/24/02716 and accompanying plans (Attachments 16 & 17) 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 Kwinana Local Planning Scheme No. 2, subject to the following conditions:

### Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. Prior to the commencement of works, Summit Rural (WA) Pty Ltd (the “applicant”) must enter into a deed of agreement with Main Roads Western Australia relating to the section of the development across Patterson Road (Melville Mandurah Highway) and Kwinana Beach Road, to the satisfaction of the City of Kwinana. The executed deed must detail but not be limited to the following:
  - a. Detailed design options (including a potential new alignment within the median of Patterson Road) for the proposed pipeline alignment and engineering design showing exact location, recommended depth and required changes to other infrastructures.
  - b. The pipeline will be removed at the applicant's cost upon 200 days written notice by Main Roads Western Australia that the reserved land is required for the upgrading or intersection improvements.
  - c. All costs associated with the construction, ongoing maintenance and removal of pipeline shall be borne by applicant or the successors.
  - d. No compensation will be sought by the applicant regarding the decommissioning or removal of the pipeline.
4. Prior to the commencement of works, a Construction Management Plan (CMP) detailing how hazards and potential environmental impacts will be managed, including but not be limited to the following:
  - a. service location plan;
  - b. construction methodology;
  - c. site management plan;
  - d. dewatering management plan;
  - e. dust management;
  - f. waste disposal; and,
  - g. a Traffic Management Plan detailing how traffic will be managed at all times in accordance with the requirements of the City of Kwinana and Main Roads WA, including site access and egress and parking arrangements for staff and contractors;

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



must be submitted to and approved by the City of Kwinana. Once approved, the CMP must be implemented and maintained in its entirety throughout the construction of the development, to the satisfaction of the City of Kwinana.

5. Prior to the commencement of works, a construction method statement must be submitted and approved, outlining:

- a. how the development will be installed and maintained;
- b. how the development will limit the disturbance on Main Roads WA infrastructure within the road reserve (above and below ground); and
- c. how the development will limit the impact to traffic flow on state roads;

in accordance with the requirements of Main Roads WA, to the satisfaction of the City of Kwinana.

6. Prior to the commencement of works, construction drawings are to be submitted and approved by the City of Kwinana.
7. Prior to the commencement of works, the applicant is to provide a pre-works geotechnical report certifying that the portions of road reserve required for the proposed development are physically capable of the proposed works, to the satisfaction of the City of Kwinana.
8. The approved works must not modify existing access arrangements on Ocean Street, to the satisfaction of the City of Kwinana.
9. At the completion of the works, remedial works are to be undertaken to reinstate road pavement and seal to the satisfaction of the City of Kwinana.
10. The landowner/applicant must implement dust control measures for the duration of site and construction works, and for the ongoing operation of the site, to the satisfaction of the City of Kwinana.

#### Advice Notes

1. This planning approval is not an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approval, consents or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
2. Future Road Planning for Melville Mandurah Highway (aka Patterson Road) is currently under review due to the increase in development throughout the surrounding industrial areas and broader south-metropolitan area (including Western Trade Coast, Australian Marine Complex, and the West Port, new port development). Patterson Road is likely to be upgraded to at least 6 lanes (divided carriageway 3 lanes in each direction) at the ultimate scenario to accommodate future growth as well as public utility and infrastructure services along this corridor.

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



Proposed UAN pipeline alignment indicates that this would be located below the potential future 3rd lane of the eastern carriageway required for Patterson Road. Without the planning review being completed (estimated in the next 4 to 6 years).

The upgrading/widening of Patterson Road (Melville Mandurah Highway) is not in Main Roads current 4-year forward estimated construction program and all projects not listed are subject to change without notice, and Main Roads assumes no liability for the information provided.

3. The applicant will be required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure will be provided by MRWA to the applicant during the Deed of Agreement process.
4. Relevant Environmental and Heritage approvals to be obtained by the applicant for any required clearing or removal of historical items along the proposed alignment.
5. No works are permitted within the Patterson Road (Melville Mandurah Highway) and Kwinana Beach Road road reservations, unless Main Roads has issued a Working on Roads Permit.
6. The applicant is advised to review the Public Transport Authority (PTA) comments in the letter dated 7 May 2024 in full and liaise directly with the PTA to ensure all access conditions are addressed and appropriately incorporated into the detailed design, construction, and operational phases of the development.
7. The applicant is advised that no noisy works may be conducted outside the hours of 7am to 7pm, Monday to Saturday, unless a separate application with an out-of-hours noise management plan addressing particular criteria has been submitted to, and approved by, the City of Kwinana.
8. Pursuant to section 41 of the *Dampier to Bunbury Pipeline Act 1997*, restrictions apply to land contained within the area identified as the DBNGP corridor. The proposed pipeline within the corridor area requires the prior approval from the DBNGP Land Access Minister.
9. Any protection mitigation deemed necessary or prudent by DBP will be the responsibility and cost of the applicant.
10. All works within the corridor will be monitored by a DBP Third Party Works Officer.
11. The applicant is advised to review the ATCO Gas Australia (ATCO) comments in the email dated 2 July 2024 in full and liaise directly with the ATCO to ensure all access conditions are addressed and appropriately incorporated into the detailed design, construction, and operational phases of the development.
12. A person must not drill, bore, excavate or use impact equipment within the prescribed proximity to water service works, of a prescribed kind, of a licensee, or engage in any other activity within the prescribed proximity that may damage those works, except in accordance with the approval of the licensee.

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





13. A person must not erect, construct, install, place, or demolish any building, plant, wall, fence or other obstruction —
  - a. in, on, over or under; or
  - b. within the prescribed proximity (if any) to, water service works of a licensee, except in accordance with the approval of the licensee
14. The wastewater generated on site, whether permanently or temporarily, is required to comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*. A formal application for each onsite wastewater treatment system, temporary or otherwise will be required to be submitted to the Local Government for assessment, who will forward it onto the Department of Health for assessment and approval.
15. The applicant is advised to submit an application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure to be provided by MRWA to the applicant during the Deed of Agreement process.
16. The applicant is advised to obtain relevant Environmental and Heritage approvals for any required clearing or removal of historical items along the proposed pipeline alignment.

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

**REASON:** The panel were unanimous in support of the proposal and conditional approval. The project was regarded as enabling industrial efficiencies, reducing heavy road traffic and was consistent with the ongoing function of the location and surrounding land uses. Technical details regarding the design of the facility and the material composition had been assessed to be satisfactory. No objections had been received from State Agencies.

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



### 3.1 Lot 89 (No.4) Chisham Avenue, Kwinana Town Centre – Alterations and Additions to Kwinana Marketplace Shopping Centre – DAP/25/02847

#### Deputations and Presentations

Steve Allerding (Allerding & Associates) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Brian Sullivan (Sullivan Property Group) addressed the DAP against the recommendation for the application at Item 3.1.

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

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

#### REPORT RECOMMENDATION

**Moved by:** Karen Hyde

**Seconded by:** Mike Mouritz

That the Metro Outer Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/25/02847 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 Kwinana's Town Planning Scheme No. 3, subject to the following conditions:

#### Conditions

1. This approval relates only to the land uses of Amusement Centre, Eating House, Licensed Restaurant, Shop and Tavern at the tenancies as shown on the approved plans (T27, T53A/T56A, T55, T55A, T59A, T60, T68, T70, T71, T72, T73/T74, T101/T104). The application of these use classes on any other tenancy of Lot 89 (4) Chisham Avenue, Kwinana Town Centre may require a separate development approval.
2. Prior to lodging a building permit application, a Noise Management Plan detailing potential noise impacts and mitigation measures shall be submitted to the City of Kwinana for approval. The Noise Management Plan should include information regarding the potential impacts of roof plant equipment, live music and amplified music associated with the proposed development and explain the implementation of mitigation strategies should any be required. The approved Noise Management Plan shall be implemented thereafter to the satisfaction of the City of Kwinana.

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



3. Prior to lodging a building permit application, a Waste Management Plan (WMP) shall be submitted to the City of Kwinana for approval. The approved Waste Management Plan shall be implemented thereafter to the satisfaction of the City of Kwinana.
4. The requirements of Local Planning Policy No.5 - Development Contribution towards Public Art (LPP5) must be met through one of the following options:
  - a. Prior to lodging a building permit application, the owner/applicant must submit a Public Art Report in accordance with LPP5 to the City of Kwinana for approval, which must detail the provision of Public Art on site to a minimum value as specified in LPP5. Prior to the use or occupation of the development, the approved Public Art must be installed on site to the satisfaction of the City of Kwinana; or
  - b. Prior to the commencement of works, the owner/applicant shall provide a financial contribution of a minimum value as specified in LPP5 to the City of Kwinana, in lieu of installing Public Art on site to the satisfaction of the City of Kwinana.
5. Prior to occupation or use of the development, vehicle parking bays and access ways must be line-marked on the site in accordance with the approved plans, to the satisfaction of the City of Kwinana. The design of vehicle parking and access must comply with AS2890.1 (as amended). Accessible parking bays must comply with AS2890.6 (as amended).
6. Prior to occupation or use of the development, landscaping must be installed on-site in accordance with the approved Landscaping Plan (dated 27 February 2025), and thereafter maintained to the satisfaction of the City of Kwinana. Any species that fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the City of Kwinana.
7. Prior to installation of any additional signage, the landowner is to prepare and lodge a Signage Strategy for the site to the satisfaction of the City of Kwinana. Any signage that is not consistent with the approved Signage Strategy may require separate development approval.
8. Existing trees to be retained on-site as shown on the approved plans must be protected during construction of the development in accordance with Australian Standard AS-4970-2009 *Protection of Trees on Development Sites* and thereafter retained to the satisfaction of the City of Kwinana.
9. All outdoor lighting must be designed in accordance with Australian Standard 4282-1997: Control of the obtrusive effects of outdoor lighting to the satisfaction of the City of Kwinana.
10. This decision constitutes development approval only and is valid for a period of two 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



## Advice Notes

1. In relation to Condition 2, the Noise Management plan shall detail measures that will be undertaken to ensure noise levels generated by the development are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997. The NMP shall detail:
  - a. Predictions of noise levels;
  - b. Sound proofing measures used in the design and construction of the development;
  - c. Control measures to be undertaken (including monitoring procedures); and
  - d. A complaint response procedure.

All noise attenuation measures, identified by the NMP are to be implemented prior to occupation of the development and adhered to at all times for the duration of the development operation to the satisfaction of the City of Kwinana.

2. In relation to Condition 3, the Waste Management Plan shall detail the storage, collection and disposal locations and methods of waste and recyclable materials to the satisfaction of the City of Kwinana.
3. The applicant is advised that a proposal for public art on the property will need to be reviewed by the City's Public Art Review Panel to clear the condition. Refer to Local Planning Policy 5 for further information.
4. In regard to Condition 6, refer to the Water Corporation's waterwise plant directory to assist in choosing appropriate plant species for landscaping areas: <https://www.watercorporation.com.au/Waterwise/Waterwise-plants>
5. In relation to Condition 7, the Signage Strategy should include the tenant specific signage associated with the future tenants of the tenancies subject to this approval. If these signs are not part of the approved Signage Strategy, they may require a separate planning application.
6. The applicant should ensure the proposed development complies with all other relevant legislation, including but not limited to, the *Environmental Protection Act 1986* and Regulations, *Health (Miscellaneous Provisions) Act 1911* and Regulations, and the National Construction Code.

## AMENDING MOTION 1

**Moved by:** Karen Hyde

**Seconded by:** Mike Mouritz

That a new Condition No. 11 be added to read as follows:

***Prior to occupancy, an Operational Management Plan for the Tavern is to be submitted to and approved by the City and thereafter implemented to the City's satisfaction.***

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

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



**REASON:** A succinct document to ensure the operation of the facility does not adversely impact the amenity of the adjacent public realm and visitors to the centre.

### AMENDING MOTION 2

**Moved by:** Karen Hyde

**Seconded by:** Mike Mouritz

*The following amendments were made en bloc:*

- (i) That Condition No. 6 be amended to read as follows:

*Prior to occupation or use of the development, landscaping must be installed on-site in accordance with the approved Landscaping Plan (dated 27 February 2025, or as otherwise agreed by the City), and thereafter maintained to the satisfaction of the City of Kwinana. Any species that fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the City of Kwinana.*

**REASON:** To allow for flexibility so that the landscape plan may be amended, subject to the City's approval, as the design develops.

- (ii) That Condition No. 10 be amended to read as follows:

*This decision constitutes development approval only and is valid for a period of ~~two~~ **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.*

**REASON:** To be consistent with the standard time frame for development approval.

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

### AMENDING MOTION 3

**Moved by:** Karen Hyde

**Seconded by:** Mike Mouritz

That a new Condition No. 12 be added to read as follows:

*Unless otherwise agreed, prior to the lodgement of a building permit and commencement of works associated with the façade of any external facing tenancy, the landowner is to prepare and lodge detailed plans for the tenancy to the satisfaction of the City of Kwinana.*

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

**REASON:** To allow for flexibility regarding tenancies.

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



## REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/25/02847 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 Kwinana's Town Planning Scheme No. 3, subject to the following conditions:

### Conditions

1. This approval relates only to the land uses of Amusement Centre, Eating House, Licensed Restaurant, Shop and Tavern at the tenancies as shown on the approved plans (T27, T53A/T56A, T55, T55A, T59A, T60, T68, T70, T71, T72, T73/T74, T101/T104). The application of these use classes on any other tenancy of Lot 89 (4) Chisham Avenue, Kwinana Town Centre may require a separate development approval.
2. Prior to lodging a building permit application, a Noise Management Plan detailing potential noise impacts and mitigation measures shall be submitted to the City of Kwinana for approval. The Noise Management Plan should include information regarding the potential impacts of roof plant equipment, live music and amplified music associated with the proposed development and explain the implementation of mitigation strategies should any be required. The approved Noise Management Plan shall be implemented thereafter to the satisfaction of the City of Kwinana.
3. Prior to lodging a building permit application, a Waste Management Plan (WMP) shall be submitted to the City of Kwinana for approval. The approved Waste Management Plan shall be implemented thereafter to the satisfaction of the City of Kwinana.
4. The requirements of Local Planning Policy No.5 - Development Contribution towards Public Art (LPP5) must be met through one of the following options:
  - a. Prior to lodging a building permit application, the owner/applicant must submit a Public Art Report in accordance with LPP5 to the City of Kwinana for approval, which must detail the provision of Public Art on site to a minimum value as specified in LPP5. Prior to the use or occupation of the development, the approved Public Art must be installed on site to the satisfaction of the City of Kwinana; or
  - b. Prior to the commencement of works, the owner/applicant shall provide a financial contribution of a minimum value as specified in LPP5 to the City of Kwinana, in lieu of installing Public Art on site to the satisfaction of the City of Kwinana.

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



5. Prior to occupation or use of the development, vehicle parking bays and access ways must be line-marked on the site in accordance with the approved plans, to the satisfaction of the City of Kwinana. The design of vehicle parking and access must comply with AS2890.1 (as amended). Accessible parking bays must comply with AS2890.6 (as amended).
6. Prior to occupation or use of the development, landscaping must be installed on-site in accordance with the approved Landscaping Plan (dated 27 February 2025, or as otherwise agreed by the City), and thereafter maintained to the satisfaction of the City of Kwinana. Any species that fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the City of Kwinana.
7. Prior to installation of any additional signage, the landowner is to prepare and lodge a Signage Strategy for the site to the satisfaction of the City of Kwinana. Any signage that is not consistent with the approved Signage Strategy may require separate development approval.
8. Existing trees to be retained on-site as shown on the approved plans must be protected during construction of the development in accordance with Australian Standard *AS-4970-2009 Protection of Trees on Development Sites* and thereafter retained to the satisfaction of the City of Kwinana.
9. All outdoor lighting must be designed in accordance with Australian Standard 4282-1997: Control of the obtrusive effects of outdoor lighting to the satisfaction of the City of Kwinana.
10. This decision constitutes development 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.
11. Prior to occupancy, an Operational Management Plan for the Tavern is to be submitted to and approved by the City and thereafter implemented to the City's satisfaction.
12. Unless otherwise agreed, prior to the lodgement of a building permit and commencement of works associated with the façade of any external facing tenancy, the landowner is to prepare and lodge detailed plans for the tenancy to the satisfaction of the City of Kwinana.

### Advice Notes

1. In relation to Condition 2, the Noise Management plan shall detail measures that will be undertaken to ensure noise levels generated by the development are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997. The NMP shall detail:

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



- a. Predictions of noise levels;
- b. Sound proofing measures used in the design and construction of the development;
- c. Control measures to be undertaken (including monitoring procedures); and
- d. A complaint response procedure.

All noise attenuation measures, identified by the NMP are to be implemented prior to occupation of the development and adhered to at all times for the duration of the development operation to the satisfaction of the City of Kwinana.

2. In relation to Condition 3, the Waste Management Plan shall detail the storage, collection and disposal locations and methods of waste and recyclable materials to the satisfaction of the City of Kwinana.
3. The applicant is advised that a proposal for public art on the property will need to be reviewed by the City's Public Art Review Panel to clear the condition. Refer to Local Planning Policy 5 for further information.
4. In regard to Condition 6, refer to the Water Corporation's waterwise plant directory to assist in choosing appropriate plant species for landscaping areas: <https://www.watercorporation.com.au/Waterwise/Waterwise-plants>
5. In relation to Condition 7, the Signage Strategy should include the tenant specific signage associated with the future tenants of the tenancies subject to this approval. If these signs are not part of the approved Signage Strategy, they may require a separate planning application.
6. The applicant should ensure the proposed development complies with all other relevant legislation, including but not limited to, the *Environmental Protection Act 1986* and Regulations, *Health (Miscellaneous Provisions) Act 1911* and Regulations, and the National Construction Code.

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

**REASON:** The panel was unanimous in support of the proposal and conditional approval. The application was considered in the context of the Scheme, Town Centre Structure Plan and Master Plan, and was regarded as meeting a number of key objectives to activate the north/south pedestrian link along the western edge of the centre, provide passive surveillance of the proposed piazza associated with the bus port and entry to the retail precinct, and provide opportunities to enhance the public realm and sleeve the mall with finer grain uses.

It was noted that a number of the land uses proposed such as Amusement Centre and Shop were permitted uses and Eating House was considered predominant in the Scheme. Whilst the tavern was not a predominant use in any of the Town Centre precincts, it was regarded as an appropriate use for the shopping centre and in this location at an important gateway to the centre. The panel considered the proposed development in the context of the planned Main Street at Chislom Avenue and regarded this proposal, which was moderate in the scale of the overall centre, to be acceptable

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and to have the potential to act as a catalyst for further development investment in the Main Street and other key locations in the Town Centre. Matters of commercial competition were not material planning considerations.

Technical matters such as parking, traffic and waste had been adequately assessed. The design of the proposal was of good quality and landscape, street furniture and public art were subject to ongoing design refinements and conditions of approval. The panel added a condition to include a requirement for an Operational Management Plan for the Tavern, to ensure ongoing consideration of public amenity.

**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

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

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



## PART D – 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

### 2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 3:35pm.

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