



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 8 May 2024; 9:30am
Meeting Number: MODAP/11
Meeting Venue: 140 William Street, Perth
Public Observing: Online

A recording of the meeting is available via the following link: [MODAP/11 - 8 May 2024 - City of Cockburn - City of Wanneroo - 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 COCKBURN

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 105 (100) Prinsep Road, Jandakot – Warehouse Development (46 units) – DAP/24/02640
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – CITY OF WANNEROO

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 395 (No.1) Peony Boulevard, Yanchep – Proposed Tavern – DAP/23/02588
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

Clayton Higham
Presiding Member, Metro Outer DAP



PART D – CITY OF SWAN

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 101 (No. 10) Malaga Drive, Lot 327 (No. 10) and Lot 328 (No. 12), Millrose Drive, Malaga – Data Centre (Warehouse) – DAP/24/02641
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

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

A handwritten signature in black ink, appearing to read 'Clayton Higham'.

Clayton Higham
Presiding Member, Metro Outer DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Clayton Higham (Presiding Member)	Claire Ortlepp
Ian Birch (Deputy Presiding Member)	Zoe Hendry
Jason Hick	
<i>Part B – City of Cockburn</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Tom Widenbar	Jak Hottes
Cr Tarun Dewan	Lucia Dunstan
	Riley Brown
	Lachlan Compton
<i>Part C – City of Wanneroo</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Nat Herridge	Greg Bowering
Cr Sonet Coetzee	
<i>Part D – City of Swan</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Aaron Bowman	Hillary Blythe
Cr Jennifer Catalano	Patricia Wojcik
	Jonathan Lendich

Clayton Higham
Presiding Member, Metro Outer DAP



Applicant and Submitters
<i>Part B – City of Cockburn</i>
Nik Hidding (Hidding Urban Planning)
<i>Part C – City of Wanneroo</i>
Peter Simpson (PTS Town Planning) Ronan Casey (Yanchep Central Investments)
<i>Part D – City of Swan</i>
Rebecca Travaglione (Urbis) Jason Lenard (Hames Sharley) Alessio Visintin (NEXTDC) Crystal Jordan (NEXTDC) John Turner (NEXTDC)

Members of the Public / Media

Nil.

Observers via livestream

There were 7 persons observing the meeting via the livestream.

Clayton Higham
Presiding Member, Metro Outer DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:35am on 8 May 2024 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

1.1 Announcements by Presiding Member

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 Bronwyn Smith (Local Government DAP Member, City of Wanneroo)
Cr Jacqui Huntley (Local Government DAP Member, City of Wanneroo)

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](#).

Clayton Higham
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 and Part B of the Additional Information.

2. Disclosure of Interests

Nil.

3. Form 1 DAP Applications

3.1 Lot 105 (100) Prinsep Road, Jandakot – Warehouse Development (46 units) – DAP/24/02640

Deputations and Presentations

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

Nik Hidding (Hidding Urban Planning) addressed the DAP in support of the recommendation for the application at Item 3.1.

REPORT RECOMMENDATION

Moved by: Cr Tarun Dewan

Seconded by: Cr Tom Widenbar

The following amendments were made administratively:

i) *That Condition No. 22 be amended to read as follows:*

With regard to Condition ~~22~~ 21 above, 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).

ii) *That Advice Note No. 10 i. be amended to read as follows:*

The applicant is advised by Main Roads WA:

i. *In relation to Condition ~~39~~ 36, specifications for the anti-graffiti coating can be found on the Main Roads website: Specification 908 - Anti-Graffiti 05 Jun 2019 (mainroads.wa.gov.au).*

REASON: *To ensure that Condition No.22 and Advice Note 10 i. refer to the correct Conditions.*

Clayton Higham
Presiding Member, Metro Outer DAP



That the Metro Outer Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/24/02640 is appropriate for consideration as a “Warehouse” land use and compatible with the objectives of the zoning table in accordance with of the City of Cockburn Town Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/24/02640 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,

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 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. Development shall be carried out in accordance with the approved plans (including any amendments marked in red). The approved development has approval to be used for ‘Warehouse’ only. In the event it is proposed to change the use of a tenancy, a further development application may to be lodged to the City for determination.
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. **Prior to the issue of a Building Permit**, a schedule of the materials, finishes and colours shall be submitted to and approved by the City. The schedule shall include details of the type of materials proposed to be used, including their colour and texture. The development shall thereafter be maintained in accordance with the approved materials schedule.
6. 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.
7. The car parking areas, access ways and landscaping located in front of the building shall not to be used for storage of any type.
8. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.

Clayton Higham
Presiding Member, Metro Outer DAP



9. Crossovers are to be located and constructed to the City's specifications. Redundant crossovers shall be removed and the verge to be reinstated prior to or at the time of the installation of the approved new crossover(s).
10. **Prior to Occupancy** of the building hereby approved, the 213 parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans.
11. 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.
12. The internal driveway shall be marked with directional arrows both on plan and on site to ensure that vehicle and truck movements are as per the proposed TIS.
13. 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. 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.
14. A 12.5m single unit truck to be the largest vehicle accessing & egressing the northern portion of the site as illustrated on the site plan.
15. **Prior to the Issue of a Building Permit**, the pedestrian crossing indicated on the site plan to be removed and amended to the satisfaction of the City
16. All stormwater to be contained on site. Stormwater drainage to be able to contain a 1 in 100 year, 24 hour storm event.
17. **Prior to the lodgement of a Building Permit**, details about the stormwater drainage design intended for the proposed development shall be submitted to the City, for review and approval. Details should include drainage calculations with catchment area, rainfall intensity etc.
18. Industrial liquid waste, including wash-down waste, are not permitted to enter any stormwater system. This includes no wash-down of plant, vehicles or equipment is permitted on the premises. Industrial, commercial or wash-down wastes shall not enter stormwater disposal systems or otherwise be discharged to the environment.
19. **Prior to the issue of a Building Permit**, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all development works have been carried out in accordance with the pre-works geotechnical report.

Clayton Higham
Presiding Member, Metro Outer DAP



20. **Prior to issue of a Building Permit**, a Construction Management Plan shall be submitted to and approved by the City.
21. **Prior to the submission of a Building Permit**, a further Acoustic Report shall be submitted to and approved by the City and implemented thereafter, to the satisfaction of the City.
22. With regard to **Condition 21** above, 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).
23. Written confirmation from the builder that all recommendations made in the Acoustic Report required under **Condition 22** (including the implementation of a 2.8m high noise wall on the northern border of the site) have been incorporated into the proposed development, shall be submitted to the City with the Building Permit Application.
24. Roller/Delivery doors shall remain closed for units 6,7,8,9,10,11,12,13,45,46 during the hours of 10:00pm to 7:00am Monday to Saturday and 10:00pm to 9:00am Sundays and Public Holidays.
25. There shall be no deliveries or operations to the warehouse units 6,7,8,9,10,11,12,13, 45,46 between the hours of 10:00pm to 7:00am Monday to Saturday and 10:00pm to 9:00am Sundays and Public Holidays.
26. **Prior to the Issue of a Building Permit**, a Delivery Management Plan shall be submitted and approved by the City. The approved Delivery Management Plan shall be implemented thereafter, to the satisfaction of the City.
27. The development site must be connected to the reticulated sewerage system of the Water Corporation before the commencement of any use.
28. 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”.
29. 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.
30. The large tree, located within the north western landscape area, must be retained throughout the course of construction (as marked on the site plan).

Clayton Higham
Presiding Member, Metro Outer DAP



31. The internal bin stores shall include a concrete wash-down pad of at least 1m² graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer.
32. No vehicular access to Kwinana Freeway is permitted. All vehicular access shall be via Prinsep Road.
33. The signs shall not contain fluorescent, reflective or retro-reflective colours or materials.
34. The signs shall not flash, pulsate or chase during all hours.
35. The maximum luminance level of the signs shall be in accordance with the requirements below at all times:
 - During daytime, the maximum luminance level shall be 6000 cd/m².
 - During dusk/dawn, the maximum luminance level shall be 600 cd/m².
 - During the night, the maximum luminance level shall be 300 cd/m².
36. An anti-graffiti coating is to be applied to the wall adjoining the Kwinana Freeway Road Reserve to the satisfaction of the City of Cockburn and to the specifications of Main Roads WA.

Advice Notes

1. This is a Development Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No.3 or with the requirements of any external agency.
2. Please be advised that the development must comply with the requirements of the Building Codes of Australia.
3. In accordance with Clause 26 of the Metropolitan Region Scheme (MRS) text, this development approval under Town Planning Scheme No.3 is also deemed to be an approval under the Metropolitan Region Scheme.
4. With respect to **Condition 3**, the approved use for the subject site is 'Warehouse', however if this changes, an application for a change of use must be submitted to the City for determination.

Clayton Higham
Presiding Member, Metro Outer DAP



5. With regard to **Condition 20**, the Construction Management Plan (CMP) shall be in accordance with the City's CMP guidelines accessed on the City's Website and shall address the following items:
 - Access to and from the site;
 - Delivery of materials and equipment to the site;
 - Storage of materials and equipment on the site;
 - Parking arrangements for contractors and subcontractors;
 - Management of construction waste; and
6. With regard to **Condition 13**, copies of crossover specifications are available from the City's Engineering team.
7. With respect to **Condition 10**, the 213 parking bays, driveways and points of ingress and egress are to be designed and constructed in accordance with the Australian Standard for Off-street Car parking (AS 2890) and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
8. The applicant is strongly advised to contact ATCO Gas prior to the issue of a Building Permit, as the proposed area falls within the WAPC Draft Development Control 4.3 *Trigger Distance for ATCO Infrastructure* (area hatched blue in attachment). Any sensitive land use or high density community use developments within this Trigger Distance of a High pressure Gas Pipeline requires further consultation with ATCO prior to preliminary designs being finalised. Please consider the WAPC's draft DC4.3 and also the site: PlanWA for development planning.
9. ATCO Gas further advises:
 - i. Anyone proposing to carry out construction or excavation works within 15 metres of Critical Asset Infrastructure must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure [Gas Projects | Working Around Gas Infrastructure | ATCO](#).
 - ii. All works occurring within 15 metres of Critical Asset Infrastructure must undergo ATCO Engineering Assessment to determine if additional safety measures are required. Risk mitigation and asset protection measures may be necessary. Notification for the works must be submitted to ATCO via the online web portal.
 - iii. All works occurring within 15 metres of Critical Asset Infrastructure must comply with the ATCO document Additional Information for Working Around Gas Infrastructure - AGA-O&M-PR24 <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>

Clayton Higham
Presiding Member, Metro Outer DAP



- iv. Future construction and any proposed access roads across the ATCO Critical Asset gas mains (including proposed roads and road upgrades) need to be managed in accordance with the ATCO document Additional Information for Working Around Gas Infrastructure - AGA-O&MPR24 [Gas Projects | Working Around Gas Infrastructure | ATCO](#).
 - v. Anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24-Additional Information for Working Around Gas Infrastructure <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>.
 - vi. If the disconnection and/or removal of an ATCO gas service is required, a request can be submitted via the online ATCO portal found [here](#).
10. The applicant is advised by Main Roads WA:
- i. In relation to Condition 36, specifications for the anti-graffiti coating can be found on the Main Roads website: *Specification 908 - Anti-Graffiti 05 Jun 2019 (mainroads.wa.gov.au)*.
 - ii. Kwinana Freeway is a proclaimed *Control of Access* road pursuant to Section 28A of the Main Roads Act 1930 and access between adjacent properties and Kwinana Freeway is not permitted.
 - iii. An application to undertake works within the road reserve is required prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website: *Technical & Commercial; Working on Roads*.
 - iv. No works are permitted within the Kwinana Freeway Road Reserve unless Main Roads WA has issued a *Working on Roads* Permit.

AMENDING MOTION

Moved by: Clayton Higham

Seconded by: Ian Birch

That Condition No. 23 be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel considered that the condition may not be valid as it imposed a requirement on a third party being the builder. The panel were satisfied that the intent of condition 23 would be covered by conditions 21 and 22.

Clayton Higham
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Development Assessment Panel resolves to:

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2. **Approve** DAP Application reference DAP/24/02640 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,

Conditions

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6. 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.
7. The car parking areas, access ways and landscaping located in front of the building shall not to be used for storage of any type.
8. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.

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9. Crossovers are to be located and constructed to the City's specifications. Redundant crossovers shall be removed and the verge to be reinstated prior to or at the time of the installation of the approved new crossover(s).
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16. All stormwater to be contained on site. Stormwater drainage to be able to contain a 1 in 100 year, 24 hour storm event.
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20. **Prior to issue of a Building Permit**, a Construction Management Plan shall be submitted to and approved by the City.
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29. The large tree, located within the north western landscape area, must be retained throughout the course of construction (as marked on the site plan).
30. The internal bin stores shall include a concrete wash-down pad of at least 1m² graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer.
31. No vehicular access to Kwinana Freeway is permitted. All vehicular access shall be via Prinsep Road.

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32. The signs shall not contain fluorescent, reflective or retro-reflective colours or materials.
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 - During dusk/dawn, the maximum luminance level shall be 600 cd/m².
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35. An anti-graffiti coating is to be applied to the wall adjoining the Kwinana Freeway Road Reserve to the satisfaction of the City of Cockburn and to the specifications of Main Roads WA.

Advice Notes

1. This is a Development Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No.3 or with the requirements of any external agency.
2. Please be advised that the development must comply with the requirements of the Building Codes of Australia.
3. In accordance with Clause 26 of the Metropolitan Region Scheme (MRS) text, this development approval under Town Planning Scheme No.3 is also deemed to be an approval under the Metropolitan Region Scheme.
4. With respect to **Condition 3**, the approved use for the subject site is 'Warehouse', however if this changes, an application for a change of use must be submitted to the City for determination.
5. With regard to **Condition 20**, the Construction Management Plan (CMP) shall be in accordance with the City's CMP guidelines accessed on the City's Website and shall address the following items:
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 - Storage of materials and equipment on the site;
 - Parking arrangements for contractors and subcontractors;
 - Management of construction waste; and
6. With regard to **Condition 13**, copies of crossover specifications are available from the City's Engineering team.

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7. With respect to **Condition 10**, the 213 parking bays, driveways and points of ingress and egress are to be designed and constructed in accordance with the Australian Standard for Off-street Car parking (AS 2890) and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
8. The applicant is strongly advised to contact ATCO Gas prior to the issue of a Building Permit, as the proposed area falls within the WAPC Draft Development Control 4.3 *Trigger Distance for ATCO Infrastructure* (area hatched blue in attachment). Any sensitive land use or high density community use developments within this Trigger Distance of a High pressure Gas Pipeline requires further consultation with ATCO prior to preliminary designs being finalised. Please consider the WAPC's draft DC4.3 and also the site: PlanWA for development planning.
9. ATCO Gas further advises:
 - i. Anyone proposing to carry out construction or excavation works within 15 metres of Critical Asset Infrastructure must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure [Gas Projects | Working Around Gas Infrastructure | ATCO](#).
 - ii. All works occurring within 15 metres of Critical Asset Infrastructure must undergo ATCO Engineering Assessment to determine if additional safety measures are required. Risk mitigation and asset protection measures may be necessary. Notification for the works must be submitted to ATCO via the online web portal.
 - iii. All works occurring within 15 metres of Critical Asset Infrastructure must comply with the ATCO document Additional Information for Working Around Gas Infrastructure - AGA-O&M-PR24 <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>
 - iv. Future construction and any proposed access roads across the ATCO Critical Asset gas mains (including proposed roads and road upgrades) need to be managed in accordance with the ATCO document Additional Information for Working Around Gas Infrastructure - AGA-O&MPR24 [Gas Projects | Working Around Gas Infrastructure | ATCO](#).
 - v. Anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>.

Clayton Higham
Presiding Member, Metro Outer DAP



- vi. If the disconnection and/or removal of an ATCO gas service is required, a request can be submitted via the online ATCO portal found [here](#).
10. The applicant is advised by Main Roads WA:
- i. In relation to Condition 35, specifications for the anti-graffiti coating can be found on the Main Roads website: *Specification 908 - Anti-Graffiti 05 Jun 2019 (mainroads.wa.gov.au)*.
 - ii. Kwinana Freeway is a proclaimed *Control of Access* road pursuant to Section 28A of the Main Roads Act 1930 and access between adjacent properties and Kwinana Freeway is not permitted.
 - iii. An application to undertake works within the road reserve is required prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website: *Technical & Commercial; Working on Roads*.
 - iv. No works are permitted within the Kwinana Freeway Road Reserve unless Main Roads WA has issued a *Working on Roads* Permit.

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

REASON: The panel, in having due regard to the planning framework, considered that the proposed development is consistent with the objectives of the mixed use zone and felt that any of the issues raised will be addressed by the conditions imposed.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Cr Tom Widenbar & Cr Tarun Dewan (Local Government DAP Members, City of Cockburn) left the panel at 9:59am.

Clayton Higham
Presiding Member, Metro Outer DAP



PART C – CITY OF WANNEROO

Cr Nat Herridge & Cr Sonet Coetzee (Local Government DAP Members, City of Wanneroo) joined the panel at 10:00am.

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 Additional Information.

2. Disclosure of Interests

Nil.

3. Form 1 DAP Applications

3.1 Lot 395 (No.1) Peony Boulevard, Yanchep – Proposed Tavern – DAP/23/02588

Deputations and Presentations

Peter Simpson (PTS Town Planning) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

The panel noted a written submission from Alex & Marilyn Stobbie in support of the recommendation and against 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.

REPORT RECOMMENDATION

Moved by: Cr Nat Herridge

Seconded by: Cr Sonet Coetzee

That the Metro Outer DAP resolves to:

1. **Refuse** DAP Application reference DAP/23/02588 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 Wanneroo District Planning Scheme No. 2*, for the following reasons:

Clayton Higham
Presiding Member, Metro Outer DAP



Reasons

1. Schedule 11 of the City of Wanneroo's *District Planning Scheme No. 2* requires a total of 572 parking bays to be provided for the existing and proposed uses on site. The application proposes a total of 394 bays on site, resulting in a shortfall of 178 bays. It is considered that the proposed shortfall will result in parking and traffic difficulties on site. This is not considered to be orderly and proper planning and therefore is contrary to Clause 67(2)(a), (b) and (s) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Schedule 11 of the City of Wanneroo's *District Planning Scheme No. 2* requires a minimum of 8% landscaping to be provided on site. The application proposes 5.27%, with no detailed landscaping plan provided. This is contrary to Clause 67(2)(a) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* given the proposal does not meet the provisions of the Scheme.
3. Schedule 11 of the City of Wanneroo's *District Planning Scheme No. 2* indicated built form requirements, including setbacks to the primary and secondary street, which the proposed development has not met. This is contrary to Clause 67(2)(a) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* given the proposal does not meet the provisions of the Scheme.

PROCEDURAL MOTION

Moved by: Ian Birch

Seconded by: Jason Hick

That the consideration of DAP Application DAP/23/02588 be deferred for a period of up to three months (8 August 2024), in accordance with section 5.10.1a of the DAP Standing Orders 2024, to allow the applicant the opportunity to work with the City to address concerns raised in relation to the three reasons given for refusing the application.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: The Panel considered that variations sought to the scheme provisions were not adequately addressed but that there was scope for a satisfactory outcome to be achieved.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Clayton Higham
Presiding Member, Metro Outer DAP



Cr Nat Herridge & Cr Sonet Coetzee (Local Government DAP Members, City of Wanneroo) left the panel at 10:48am.

PROCEDURAL MOTION

Moved by: Jason Hick

Seconded by: Ian Birch

That the meeting be adjourned for a period of 5 minutes to allow members a comfort break.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

The meeting was adjourned at 10:48am.

The meeting was reconvened at 10:56am.

A handwritten signature in black ink, appearing to read 'Clayton Higham'.

Clayton Higham
Presiding Member, Metro Outer DAP



PART D – CITY OF SWAN

Cr Aaron Bowman (Local Government DAP Member, City of Swan) joined the panel at 10:56am.

Cr Jennifer Catalano (Local Government DAP Member, City of Swan) joined the panel at 10:57am.

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 Additional Information.

2. Disclosure of Interests

Nil.

3. Form 1 DAP Applications

3.1 Lot 101 (No. 10) Malaga Drive, Lot 327 (No. 10) and Lot 328 (No. 12), Millrose Drive, Malaga – Data Centre (Warehouse) – DAP/24/02641

Deputations and Presentations

Rebecca Travaglione (Urbis), Jason Lenard (Hames Sharley) & Alessio Visintin (NEXTDC) 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 Swan addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Cr Aaron Bowman

Seconded by: Ian Birch

An administrative change to the report recommendation was made to correct the numbering of conditions.

Clayton Higham
Presiding Member, Metro Outer DAP



With the agreement of the mover and seconder, the following amendments were made:

- i) *That a new Condition No. 1 be added to read as follows, and the remaining conditions be renumbered accordingly:*

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.

REASON: *To include that the development is also being approved under the provisions of the MRS.*

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

*payment to the City of Swan a cash-in-lieu amount equal to the sum of the 1% contribution amount (~~\$563,849~~ **\$479,271.65 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 a building permit for the approved development, whichever occurs first; or*

REASON: *The 15% reduction for cash in lieu is consistent with the City's policy framework.*

That the Metro Outer Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02641 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, 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 approval is for a 'Warehouse' as defined under the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval of the City of Swan.
3. The approved Data Centre (Warehouse) is to 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 approval issued.
4. Lot 101 (No. 10) Malaga Drive, Lot 327 (No. 10) and Lot 328 (No. 12), Millrose Drive, Malaga shall be amalgamated into a single lot on a certificate of title. Amalgamation must occur prior to occupation of the proposed development.

Clayton Higham
Presiding Member, Metro Outer DAP



5. The Data Centre (Warehouse) is limited to a maximum number of 38 people (staff and customers) at any given time and up to 90 employees in emergency periods.
6. Prior to occupation or use of the development, a parking management plan is to be submitted to the City for approval detailing how the 90 employees during emergency periods will be managed.
7. Prior to occupation or use of the development, 38 car parking bays on-site must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).
8. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
9. All crossovers must be built and maintained in accordance with the City of Swan's specifications.
10. The Data Centre (Warehouse) must incorporate all requirements outlined in the submitted Bushfire Management Plan, prepared by BushfireWest (dated December 2023, version A), and maintain the property to this standard.
11. Prior to the lodgement of the building permit, a detailed Landscape Plan must be prepared by a suitable qualified person and submitted to and approved by the City of Swan, and must include details of the following:
 - Provide additional trees within the verge areas, where security visibility is not hindered, to the satisfaction of the City;
 - The location, number, spacing, densities, size and species of new trees, shrubs and/or other vegetation, including the verge vegetative;
 - Tree and shrub species selected and spaced in accordance with the City of Swan's tree planting guidelines;
 - Review tree species selection and density to enable more shade, especially to the parking areas;
 - Detail that any verge landscaping or turf can achieve 2.2.3.2 (f) standard as per AS3959 and Schedule 1: Standards for APZs from the Guidelines;
 - Details of verge irrigation;
 - A landscaping maintenance plan detailing Owner/Operators responsibility to maintain landscaping to a low-fuel state in accordance with the Guidelines for Planning in Bushfire Prone Areas and AS3959, in perpetuity.
12. All landscaping must be completed in accordance with the approved detailed landscaping plan, prior to the occupation of any building. All landscaping is to be maintained onsite to the satisfaction of the City of Swan.

Clayton Higham
Presiding Member, Metro Outer DAP



13. The approved landscaping plan must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two (2) planting seasons following implementation must be replaced in consultation with, and to the satisfaction of, the City of Swan.
14. A Construction Management Plan shall be submitted for approval to the City of Swan prior to commencement of works. The Construction Management Plan shall address, but not be limited to, dust, noise, waste management, storage of materials, traffic management and site safety/security. The Construction Management Plan is to be complied with for the duration of the construction of the development.
15. An Acoustic Assessment and study of the mechanical services shall be undertaken once the design has been finalised and submitted for approval to the City of Swan prior to occupation of the development. Mechanical services shall be installed in accordance with an approved acoustic assessment study and maintained thereafter to the satisfaction of the City of Swan.
16. 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, and total water cycle management. The Statement of Sustainability is to be complied with for the duration of the construction of the development.
17. Prior to a building permit being issued, stormwater disposal plans, details and calculations must be submitted for approval by the City of Swan and thereafter implemented, constructed and maintained on-site to the satisfaction of the City of Swan.
18. No bunting is to be erected on the site (including streamers, streamer strips, banner strips or decorations of similar kind).
19. Prior to the submission of a building permit, amended development plans are to be provided to the satisfaction of the City of Swan, specifically addressing the design review report:
 - Further details on the gatehouse and fence design;
 - Detailed building façade plans, adding additional windows where possible.

Clayton Higham
Presiding Member, Metro Outer DAP



20. Prior to the occupation of the development, 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 (\$479,271.65 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 a building permit for the approved development, whichever occurs first; or
 - b) Provision of Public Art on-site to a minimum value of the 1% contribution amount (\$563,849). The following is required for the provision of Public Art on-site:
 - i. the landowner or applicant on behalf of the landowner must seek approval from the City of Swan for a specific Public Artwork including the artist proposed to undertake the work to the satisfaction of the City of Swan in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended). The City of Swan may apply further conditions in regard to 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 of Swan; and,
 - iii. the approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.
21. Prior to a building permit being issued, 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) Frequency of bin collections.
- The Waste Management Plan must be implemented at all times to the satisfaction of the City of Swan.
22. 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.

Clayton Higham
Presiding Member, Metro Outer DAP



23. The refuse bin area shall be in compliance with the City of Swan Health Local Law 2002 and shall be provided to the satisfaction of the City of Swan prior to the occupation of the development.
24. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, to the satisfaction of the City of Swan.
25. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.
26. The development shall be connected to the reticulated sewerage system.
27. All signs must be placed on private property and must not overhang or encroach on the road reservation.
28. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
29. No goods or materials being stored, either temporarily or permanently, in the parking or landscaping areas or within access driveways.
30. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
31. 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.

AMENDING MOTION 1

Moved by: Ian Birch

Seconded by: Jason Hick

That Conditions No. 4 & 5 (now Conditions No. 5 & 6) be combined and amended to read as follows, and the remaining conditions to be renumbered accordingly:

The Data Centre (Warehouse) is limited to a maximum number of 38 people (staff and customers) on site at any one time. Additional employees and customers may be permitted during emergency periods and events, subject to a parking management plan being approved by the City of Swan prior to occupation of the development.

Clayton Higham
Presiding Member, Metro Outer DAP



The Amending Motion was put and LOST (2/3).

For: Ian Birch
Jason Hick

Against: Clayton Higham
Cr Aaron Bowman
Cr Jennifer Catalano

AMENDING MOTION 2

Moved by: Clayton Higham

Seconded by: Jason Hick

That Conditions No. 4 & 5 (now Conditions No. 5 & 6) be combined and amended to read as follows, and the remaining conditions to be renumbered accordingly:

The Data Centre (Warehouse) is limited to a maximum number of 38 people (staff and customers) on site at any one time. Additional employees and customers may be permitted during emergency periods, subject to a parking management plan being approved by the City of Swan prior to occupation of the development.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel expressed concern that the proposed extended use of the premises for events was not appropriate particularly given the large reduction in the number of parking bays. The condition will ensure that there is an appropriate parking management plan for emergencies.

AMENDING MOTION 3

Moved by: Cr Jennifer Catalano

Seconded by: Cr Aaron Bowman

That Condition No. 10 be amended to read as follows:

Prior to the lodgement of the building permit, a detailed Landscape Plan must be prepared by a suitable qualified person and submitted to and approved by the City of Swan, and must include details of the following:

- *Provide additional trees within the verge areas, **which should include Eucalyptus tottiana and Corymbia calophylla if suitable**, where security visibility is not hindered, to the satisfaction of the City;*
- *The location, number, spacing, densities, size and species of new trees, shrubs and/or other vegetation, including the verge vegetative;*
- *Tree and shrub species selected and spaced in accordance with the City of Swan's tree planting guidelines;*
- *Review tree species selection and density to enable more shade, especially to the parking areas;*

Clayton Higham
Presiding Member, Metro Outer DAP



- *Detail that any verge landscaping or turf can achieve 2.2.3.2 (f) standard as per AS3959 and Schedule 1: Standards for APZs from the Guidelines;*
- *Details of verge irrigation;*
- *A landscaping maintenance plan detailing Owner/Operators responsibility to maintain landscaping to a low-fuel state in accordance with the Guidelines for Planning in Bushfire Prone Areas and AS3959, in perpetuity.*

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

For: Cr Jennifer Catalano

Against: Clayton Higham
Ian Birch
Jason Hick
Cr Aaron Bowman

AMENDING MOTION 4

Moved by: Cr Jennifer Catalano

Seconded by: Nil

That a new Condition No.31 be added to read as follows:

A sustainability strategy be prepared and submitted to the satisfaction of the City of Swan.

The Amending Motion was withdrawn by the Mover as this matter was already addressed in Condition No.15.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02641 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, 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 approval is for a 'Warehouse' as defined under the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval of the City of Swan.

Clayton Higham
Presiding Member, Metro Outer DAP



3. The approved Data Centre (Warehouse) is to 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 approval issued.
4. The Data Centre (Warehouse) is limited to a maximum number of 38 people (staff and customers) on site at any one time. Additional employees and customers may be permitted during emergency periods, subject to a parking management plan being approved by the City of Swan prior to occupation of the development.
5. Prior to occupation or use of the development, a parking management plan is to be submitted to the City for approval detailing how the 90 employees during emergency periods will be managed.
6. Prior to occupation or use of the development, 38 car parking bays on-site must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).
7. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
8. All crossovers must be built and maintained in accordance with the City of Swan's specifications.
9. The Data Centre (Warehouse) must incorporate all requirements outlined in the submitted Bushfire Management Plan, prepared by BushfireWest (dated December 2023, version A), and maintain the property to this standard.
10. Prior to the lodgement of the building permit, a detailed Landscape Plan must be prepared by a suitable qualified person and submitted to and approved by the City of Swan, and must include details of the following:
 - Provide additional trees within the verge areas, where security visibility is not hindered, to the satisfaction of the City;
 - The location, number, spacing, densities, size and species of new trees, shrubs and/or other vegetation, including the verge vegetative;
 - Tree and shrub species selected and spaced in accordance with the City of Swan's tree planting guidelines;
 - Review tree species selection and density to enable more shade, especially to the parking areas;
 - Detail that any verge landscaping or turf can achieve 2.2.3.2 (f) standard as per AS3959 and Schedule 1: Standards for APZs from the Guidelines;
 - Details of verge irrigation;
 - A landscaping maintenance plan detailing Owner/Operators responsibility to maintain landscaping to a low-fuel state in accordance with the Guidelines for Planning in Bushfire Prone Areas and AS3959, in perpetuity.

Clayton Higham
Presiding Member, Metro Outer DAP



11. All landscaping must be completed in accordance with the approved detailed landscaping plan, prior to the occupation of any building. All landscaping is to be maintained onsite to the satisfaction of the City of Swan.
12. The approved landscaping plan must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two (2) planting seasons following implementation must be replaced in consultation with, and to the satisfaction of, the City of Swan.
13. A Construction Management Plan shall be submitted for approval to the City of Swan prior to commencement of works. The Construction Management Plan shall address, but not be limited to, dust, noise, waste management, storage of materials, traffic management and site safety/security. The Construction Management Plan is to be complied with for the duration of the construction of the development.
14. An Acoustic Assessment and study of the mechanical services shall be undertaken once the design has been finalised and submitted for approval to the City of Swan prior to occupation of the development. Mechanical services shall be installed in accordance with an approved acoustic assessment study and maintained thereafter to the satisfaction of the City of Swan.
15. 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, and total water cycle management. The Statement of Sustainability is to be complied with for the duration of the construction of the development.
16. Prior to a building permit being issued, stormwater disposal plans, details and calculations must be submitted for approval by the City of Swan and thereafter implemented, constructed and maintained on-site to the satisfaction of the City of Swan.
17. No bunting is to be erected on the site (including streamers, streamer strips, banner strips or decorations of similar kind).
18. Prior to the submission of a building permit, amended development plans are to be provided to the satisfaction of the City of Swan, specifically addressing the design review report:
 - Further details on the gatehouse and fence design;
 - Detailed building façade plans, adding additional windows where possible.

Clayton Higham
Presiding Member, Metro Outer DAP



19. Prior to the occupation of the development, 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 (\$479,271.65 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 a building permit for the approved development, whichever occurs first; or
 - b) Provision of Public Art on-site to a minimum value of the 1% contribution amount (\$563,849). The following is required for the provision of Public Art on-site:
 - i. the landowner or applicant on behalf of the landowner must seek approval from the City of Swan for a specific Public Artwork including the artist proposed to undertake the work to the satisfaction of the City of Swan in accordance with POL-LP-1.10 and the Developers' Handbook for Public Art (as amended). The City of Swan may apply further conditions in regard to 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 of Swan; and,
 - iii. the approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.
20. Prior to a building permit being issued, 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) Frequency of bin collections.
- The Waste Management Plan must be implemented at all times to the satisfaction of the City of Swan.
21. 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.

Clayton Higham
Presiding Member, Metro Outer DAP



22. The refuse bin area shall be in compliance with the City of Swan Health Local Law 2002 and shall be provided to the satisfaction of the City of Swan prior to the occupation of the development.
23. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, to the satisfaction of the City of Swan.
24. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.
25. The development shall be connected to the reticulated sewerage system.
26. All signs must be placed on private property and must not overhang or encroach on the road reservation.
27. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
28. No goods or materials being stored, either temporarily or permanently, in the parking or landscaping areas or within access driveways.
29. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
30. 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.

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

For: Clayton Higham
Ian Birch
Jason Hick
Cr Aaron Bowman

Against: Cr Jennifer Catalano

REASON: The majority of the panel considered that the proposal was appropriate for the location and a well designed building given the nature of the proposed use. The majority of panel members were satisfied that the landscaping and parking could be managed by appropriate conditions.

4. Form 2 DAP Applications

Nil.

Clayton Higham
Presiding Member, Metro Outer DAP



5. Section 31 SAT Reconsiderations

Nil.

A handwritten signature in black ink, appearing to read 'Clayton Higham'.

Clayton Higham
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
DR169/2023 DAP/23/02486	City of Swan	Lot 1 (No.9) Waterhall Road, South Guildford	Child Care Premises	13/11/2023
DR179/2023 DAP/22/02358	Shire of Serpentine Jarrahdale	Lot 806 South Western Highway, Byford	Proposed Showroom and Fast Food/Takeaway Development	4/12/2023
DR175/2023 DAP/22/02166	City of Joondalup	1 Lyell Grove (Lot 2), Woodvale	Child Care Premises	30/11/2023
DR193/2023 DAP/23/02545	Shire of Serpentine Jarrahdale	575 (Lot 218) Abernethy Road, Oakford	Proposed Educational Establishment	19/12/2023

The Presiding Member noted the following Supreme Court Appeal -

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

* Matters finalised during the last meeting cycle.

2. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2024 a DAP member must not publicly comment on any action or determination of a DAP.

3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:55am.

Clayton Higham
Presiding Member, Metro Outer DAP