Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 20 October 2026; 9:30am
Meeting Number: MODAP/165
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:
MODAP/165 - 20 October 2026 - City of Cockburn - City of Swan

PART A – INTRODUCTION

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

PART B – CITY OF COCKBURN

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications

   3.1 Lots 25 & 26, 26L Verde Drive, Jandakot and 49 Cutler Road, Jandakot - Self-Storage Facility (Storage Yard) – DAP/26/03158
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – CITY OF SWAN

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications

   3.1 Lot 301 (No.15) Military Road, Midland - Hardstand (Transport Depot and Storage) – DAP/26/03116

   3.2 3.2 Lot 320 (No.109) Brooklands Drive, Henley Brook - Child Care Premises – DAP/26/03133
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

Clayton Higham
Presiding Member, Metro Outer DAP

DAP Members
Clayton Higham (Presiding Member) (Presiding Member) Eugene Koltasz (Deputy Presiding Member) Heidi Herget
Cr Chontelle Stone (Part B – City of Cockburn)
Cr Mel Congerton (Part C – City of Swan) Cr Rod Henderson (Part C – City of Swan)

DAP Secretariat
Tenielle Brownfield
Ashlee Kelly

Clayton Higham
Presiding Member, Metro Outer DAP

This document was produced on Whadjuk Noongar Boodjar

Part B – City of Cockburn
Applicant
Alex Watson (CLE Town Planning and Design) Shaun Bain (KBH) Matt Kenny (KBH)
Officers/Technical Advisors in Attendance
Riley Brown Ravi Mahato

Part C – City of Swan
Applicant
Item 3.1 Jeremy Hofland (Rowe Group) Greg Rowe (Rowe Group) *Item 3.2* Reegan Cake (Dynamic Planning and Developments)
Officers/Technical Advisors in Attendance
Phil Russell

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.

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 9:39am on 20 October 2026 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

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

1.1 Announcements by Presiding Member

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

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

2. Apologies

Cr Tom Widenbar (Local Government DAP Member, City of Cockburn)

3. 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

This document was produced on Whadjuk Noongar Boodjar

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 Related Information.

2. Disclosure of Interests

Nil

3. Form 1 DAP Applications

3.1 Lots 25 & 26, 26L Verde Drive, Jandakot and 49 Cutler Road, Jandakot - Self-Storage Facility (Storage Yard) – DAP/26/03158

Deputations

Alex Watson (CLE Town Planning and Design) and Shaun Bain (KBH) responded to questions from the panel.

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

SUBSTANTIVE MOTION

Moved by: Cr Chontelle Stone **Seconded by:** Eugene Koltasz

That the Metro Outer DAP resolves to **APPROVE** DAP Application reference DAP/26/03158 for Self-Storage Facility (Storage Yard) at Lots 25 & 26 Verde Street, Jandakot 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 3.4.2 of the City of Cockburn Town Planning Scheme No. 3, subject to the following conditions:

1. The development is to be undertaken in accordance with the approved plans and documents attached to this approval, as listed below, except where amended by subsequent conditions:

Plan/ Document Name	Reference	Date
Site Plan	DA01 Rev D	23.09.2026
Ground Floor Plan	DA03 Rev D	23.09.2026
Floor Plan Level 1	Doc Set ID: 12897653	21.07.2026
Floor Plan Level 2	Doc Set ID: 12897653	21.07.2026
Elevations	Doc Set ID: 12897653	21.07.2026
Sections	Doc Set ID: 12897653	21.07.2026

2. This decision constitutes planning approval only and is valid for a period of four 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 landowner/applicant shall make a contribution towards development infrastructure, in accordance with the provisions of the City's Town Planning Scheme No. 3, to the satisfaction of the City, prior to the issue of a Building Permit.

4. 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.

5. 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 into the environment.

6. All earthworks cleared land, and batters shall be stabilised to prevent sand or dust blowing to the satisfaction of the City.

7. **Prior to the initial occupation of the building hereby approved**, the parking bay/s, driveway/s and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans.

8. All stormwater to be contained on site. Stormwater drainage to be able to contain a 1 in 100-year, 24 hour storm event.

9. Details about the stormwater drainage design intended for the proposed development shall be submitted to the City prior to the lodgement of a Building Permit Application, for review and approval. Details should include drainage calculations with catchment area, rainfall intensity etc.

10. The Monash Gate reserve being set out on a separate diagram or plan of survey (deposited plan) and ceded free of cost and without any payment of compensation by the Crown.

11. Engineering drawings and specifications are to be submitted and approved, and satisfactory arrangements being made with the local government for the cost of construction for the extension of Monash Gate from the roundabout to Lot 26, to be undertaken in accordance with the approved plan and engineering drawings and specifications, for the construction of full earthworks, one carriageway, drainage facilities and grade separated pedestrian crossing required for the portion of Monash Gate abutting the application area.

12. A geotechnical report prepared by an appropriately qualified consultant certifying that the ground is capable of accommodating the proposed development, shall be lodged with the City prior to the commencement of construction on site, at the cost of the owner/applicant, to the satisfaction of the City.

Clayton Higham
Presiding Member, Metro Outer DAP

This document was produced on Whadjuk Noongar Boodjar

13. Construction Management Plan shall be submitted to and approved by the City prior to issue of a Building Permit application. The Construction Management Plan (CMP) shall be prepared in accordance with the *'City of Cockburn Construction Management Plan Guidelines'* (available on the City's website) and shall include the provision of a completed CMP checklist. Please note that in accordance with the Guidelines, a Dust Management Plan and/or Traffic Management Plan may be required to form part of the CMP. You are advised to contact the City's Environmental Health team and Traffic & Transport team to discuss whether these are required.

14. a sewer connection to the site, constructed in accordance with the requirements of the Water Corporation, or alternatively provide an approved on-site wastewater treatment system to the satisfaction of the City, prior to the lodgement of a Building Permit application The landowner/applicant shall make satisfactory arrangements for the provision of.

15. A dedicated landscaping Plan shall be submitted to and approved by the City, prior to lodgement of a Building Permit Application and shall include the following: -
    i. the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
    ii. any lawns to be established;
    iii. any existing landscape areas to be retained;
    iv. those areas to be reticulated or irrigated; and
    v. verge treatments.

16. 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.

17. The applicant must implement all of the recommendations contained in the Bushfire Management Plan prepared by *Terravias Pty Ltd* dated *10 July 2026* and approved by the *City* and maintain those measures in perpetuity to the satisfaction of the City.

18. The provisions identified in the Operational Waste Management Plan submitted by CLE Planning and approved by the *City* shall be implemented and maintained thereafter to the satisfaction of the *City*.

19. The provisions identified in the Fauna Relocation Management Plan prepared by emerge associates and approved by the City shall be implemented to the satisfaction of the City.

20. Stormwater discharge from the site shall not exceed pre-development discharge rates to the Armadale Road reserve, to the satisfaction of Main Roads Western Australia.

Clayton Higham
Presiding Member, Metro Outer DAP

This document was produced on Whadjuk Noongar Boodjar

21. No portion of the proposed Asset Protection Zone (APZ), as identified in the Bushfire Management Plan prepared by *Terravias Pty Ltd* and *dated 10 July 2026*, shall be located within the Primary Regional Road reservation, to the satisfaction of Main Roads Western Australia.

22. 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".

Advice Notes

a) This is a Development Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No.3 or with the requirements of any external agency.

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

c) 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.

d) 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.

e) 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.

f) Paths between centralised car parks to access lifts, stairs and storage area circulation corridors should be clearly marked and allow for use of trolleys.

g) 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.

h) Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a Building Permit being obtained prior to construction. Retaining walls are required for any cut and/or fill greater than 150mm in height. In this regard, any fill above or below natural ground level at the lot boundaries is to be suitably retained or have a compliant stabilised embankment.

i) With regards to street numbering of this proposal, you are advised to contact the City's Strategic Planning team on 9411 3444 or email streetnumbers@cockburn.wa.gov.au to ensure that any street numbers used comply with the City's requirements.

j) If a sewer connection cannot be provided and an on-site effluent disposal system is required, an amended development application must be submitted to address the proposed location of the system. Approval from the City's Environmental Health Team will be required prior to the issue of a Development Approval.

k) No works are permitted within the road reserve unless a Working on Roads Permit has been issued by Main Road.

l) The applicant is 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 can be found on the Main Roads website > Technical & Commercial > Working on Roads

m) Main Roads advises that the proposed development must be designed to achieve compliance with the State Planning Policy 3.7 Bushfire without reliance on land within the State Road reserve.

Vegetation within the State Road reserve is a protected public asset and should not be removed to facilitate private development outcomes. Accordingly, any bushfire mitigation measures required to support the development are to be provided and managed within land under the control/ownership of the landowner/developer and must not rely upon, encroach into, or require modification of the State Road Reserve.

n) The upgrading/widening of Armadale Road 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.

o) 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. This shall be reflected in the Construction Management Plan.

Clayton Higham
Presiding Member, Metro Outer DAP

This document was produced on Whadjuk Noongar Boodjar

AMENDING MOTION 1

Moved by: Eugene Koltasz **Seconded by:** Cr Chontelle Stone

That Condition No. 12 be amended to read as follows:

> *A geotechnical report prepared by an appropriately qualified consultant certifying that the ground is capable of accommodating the proposed development, shall be lodged with the City prior to the ~~commencement of construction on site~~* ***lodgement of a building permit application****, at the cost of the owner/applicant, to the satisfaction of the City.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel considered that the requirement for a geotechnical report is more appropriately linked to the lodgement of a building permit application rather than the commencement of construction. The amendment provides greater administrative clarity and ensures the necessary technical information is available at the relevant stage of the development process.

AMENDING MOTION 2

Moved by: Eugene Koltasz **Seconded by:** Cr Chontelle Stone

The following amendments were made en bloc:

(i) That Condition No. 20 be amended to read as follows:

> *Stormwater discharge from the site shall not exceed pre-development discharge rates to the Armadale Road reserve, to the satisfaction of* ***the City of Cockburn in consultation with*** *Main Roads Western Australia.*

(ii) That Condition No. 21 be amended to read as follows:

> *No portion of the proposed Asset Protection Zone (APZ), as identified in the Bushfire Management Plan prepared by Terravias Pty Ltd and dated 10 July 2026, shall be located within the Primary Regional Road reservation, to the satisfaction of* ***the City of Cockburn in consultation with*** *Main Roads Western Australia.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel considered that compliance with the relevant stormwater and bushfire management requirements should be determined by the City of Cockburn, as the responsible authority, in consultation with Main Roads Western Australia. The amendment clarifies the approval process and appropriately reflects the respective responsibilities of the relevant agencies.



SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Outer DAP resolves to **APPROVE** DAP Application reference DAP/26/03158 for Self-Storage Facility (Storage Yard) at Lots 25 & 26 Verde Street, Jandakot 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 3.4.2 of the City of Cockburn Town Planning Scheme No. 3, subject to the following conditions:

1. The development is to be undertaken in accordance with the approved plans and documents attached to this approval, as listed below, except where amended by subsequent conditions:

Plan/ Document Name	Reference	Date
Site Plan	DA01 Rev D	23.09.2026
Ground Floor Plan	DA03 Rev D	23.09.2026
Floor Plan Level 1	Doc Set ID: 12897653	21.07.2026
Floor Plan Level 2	Doc Set ID: 12897653	21.07.2026
Elevations	Doc Set ID: 12897653	21.07.2026
Sections	Doc Set ID: 12897653	21.07.2026

2. This decision constitutes planning approval only and is valid for a period of four 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 landowner/applicant shall make a contribution towards development infrastructure, in accordance with the provisions of the City's Town Planning Scheme No. 3, to the satisfaction of the City, prior to the issue of a Building Permit.

4. 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.

5. 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 into the environment.

6. All earthworks cleared land, and batters shall be stabilised to prevent sand or dust blowing to the satisfaction of the City.

7. **Prior to the initial occupation of the building hereby approved**, the parking bay/s, driveway/s and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans.

8. All stormwater to be contained on site. Stormwater drainage to be able to contain a 1 in 100-year, 24 hour storm event.

Clayton Higham
Presiding Member, Metro Outer DAP

9. Details about the stormwater drainage design intended for the proposed development shall be submitted to the City prior to the lodgement of a Building Permit Application, for review and approval. Details should include drainage calculations with catchment area, rainfall intensity etc.

10. The Monash Gate reserve being set out on a separate diagram or plan of survey (deposited plan) and ceded free of cost and without any payment of compensation by the Crown.

11. Engineering drawings and specifications are to be submitted and approved, and satisfactory arrangements being made with the local government for the cost of construction for the extension of Monash Gate from the roundabout to Lot 26, to be undertaken in accordance with the approved plan and engineering drawings and specifications, for the construction of full earthworks, one carriageway, drainage facilities and grade separated pedestrian crossing required for the portion of Monash Gate abutting the application area.

12. A geotechnical report prepared by an appropriately qualified consultant certifying that the ground is capable of accommodating the proposed development, shall be lodged with the City prior to the lodgement of a building permit application, at the cost of the owner/applicant, to the satisfaction of the City.

13. Construction Management Plan shall be submitted to and approved by the City prior to issue of a Building Permit application. The Construction Management Plan (CMP) shall be prepared in accordance with the *'City of Cockburn Construction Management Plan Guidelines'* (available on the City's website) and shall include the provision of a completed CMP checklist. Please note that in accordance with the Guidelines, a Dust Management Plan and/or Traffic Management Plan may be required to form part of the CMP. You are advised to contact the City's Environmental Health team and Traffic & Transport team to discuss whether these are required.

14. a sewer connection to the site, constructed in accordance with the requirements of the Water Corporation, or alternatively provide an approved on-site wastewater treatment system to the satisfaction of the City, prior to the lodgement of a Building Permit application The landowner/applicant shall make satisfactory arrangements for the provision of.

15. A dedicated landscaping Plan shall be submitted to and approved by the City, prior to lodgement of a Building Permit Application and shall include the following: -
    i. the location, number, size and species type of existing and proposed trees and shrubs, including calculations for the landscaping area;
    ii. any lawns to be established;
    iii. any existing landscape areas to be retained;
    iv. those areas to be reticulated or irrigated; and
    v. verge treatments.

16. 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.

17. The applicant must implement all of the recommendations contained in the Bushfire Management Plan prepared by *Terravias Pty Ltd* dated *10 July 2026* and approved by the *City* and maintain those measures in perpetuity to the satisfaction of the City.

18. The provisions identified in the Operational Waste Management Plan submitted by CLE Planning and approved by the *City* shall be implemented and maintained thereafter to the satisfaction of the *City*.

19. The provisions identified in the Fauna Relocation Management Plan prepared by emerge associates and approved by the City shall be implemented to the satisfaction of the City.

20. Stormwater discharge from the site shall not exceed pre-development discharge rates to the Armadale Road reserve, to the satisfaction of the City of Cockburn in consultation with Main Roads Western Australia.

21. No portion of the proposed Asset Protection Zone (APZ), as identified in the Bushfire Management Plan prepared by Terravias Pty Ltd and dated 10 July 2026, shall be located within the Primary Regional Road reservation, to the satisfaction of the City of Cockburn in consultation with Main Roads Western Australia.

22. 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".

Advice Notes

a) This is a Development Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No.3 or with the requirements of any external agency.

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

c) 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.

Clayton Higham
Presiding Member, Metro Outer DAP

d) 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.

e) 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.

f) Paths between centralised car parks to access lifts, stairs and storage area circulation corridors should be clearly marked and allow for use of trolleys.

g) 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.

h) Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a Building Permit being obtained prior to construction. Retaining walls are required for any cut and/or fill greater than 150mm in height. In this regard, any fill above or below natural ground level at the lot boundaries is to be suitably retained or have a compliant stabilised embankment.

i) With regards to street numbering of this proposal, you are advised to contact the City's Strategic Planning team on 9411 3444 or email streetnumbers@cockburn.wa.gov.au to ensure that any street numbers used comply with the City's requirements.

j) If a sewer connection cannot be provided and an on-site effluent disposal system is required, an amended development application must be submitted to address the proposed location of the system. Approval from the City's Environmental Health Team will be required prior to the issue of a Development Approval.

k) No works are permitted within the road reserve unless a Working on Roads Permit has been issued by Main Road.

l) The applicant is 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 can be found on the Main Roads website > Technical & Commercial > Working on Roads

Clayton Higham
Presiding Member, Metro Outer DAP

This document was produced on Whadjuk Noongar Boodjar

m) Main Roads advises that the proposed development must be designed to achieve compliance with the State Planning Policy 3.7 Bushfire without reliance on land within the State Road reserve.

Vegetation within the State Road reserve is a protected public asset and should not be removed to facilitate private development outcomes. Accordingly, any bushfire mitigation measures required to support the development are to be provided and managed within land under the control/ownership of the landowner/developer and must not rely upon, encroach into, or require modification of the State Road Reserve.

n) The upgrading/widening of Armadale Road 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.

o) 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. This shall be reflected in the Construction Management Plan.

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

REASON: The panel was satisfied that the proposed development is consistent with the applicable planning framework and that the issues raised through the assessment process can be appropriately managed through the recommended conditions of approval. The panel also noted the discretion to be exercised in relation to the signage and setbacks accepting that these were minor variations. The panel considered the proposed self-storage facility to be a suitable form of development for the site and agreed that approval was warranted subject to the amended conditions.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil

Cr Chontelle Stone (Local Government DAP Member, City of Cockburn) left the panel at 10:02am.

Clayton Higham
Presiding Member, Metro Outer DAP

PART C – CITY OF SWAN

Cr Mel Congerton and Cr Rod Henderson (Local Government DAP Members, City of Swan) joined the panel at 10:03am.

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for services and responsible authority response in relation to Item 3.1, received on 19 October 2026 was published in Part C of the Related Information.

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

2. Disclosure of Interests

Nil

3. Form 1 DAP Applications

3.1 Lot 301 (No.15) Military Road, Midland - Hardstand (Transport Depot and Storage) – DAP/26/03116

Deputations

Greg Rowe and Jeremy Hofland (Rowe Group) addressed the DAP in support of 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.

SUBSTANTIVE MOTION

Moved by: Cr Mel Congerton **Seconded by:** Cr Rod Henderson

That the Metro Outer DAP resolves to **DEFER a decision** on DAP Application reference DAP/26/03116 for 'Hardstand (Transport Depot + Storage)' at Lot 301 (No.15) Military Road, Midland until 18 November 2026 for the following reasons;

1. The subject lot currently has no legal access to Military Road, given a portion of the road reserve has been closed and the existing crossover to Military Road traverses private land (Lot 2 Military Road).

2. Reinstatement of legal use of this portion of the Military Road reserve requires a prior Council decision to re-open this section of the road which cannot occur prior to 11 November 2026.

Clayton Higham
Presiding Member, Metro Outer DAP

AMENDING MOTION 1

Moved by: Clayton Higham **Seconded by:** Cr Rod Henderson

That the preamble be amended to read as follows:

> *That the Metro Outer DAP resolves to DEFER a decision on DAP Application reference DAP/26/03116 for 'Hardstand (Transport Depot + Storage)' at Lot 301 (No.15) Military Road, Midland until ~~18 November 2026~~* ***on or before the 22 December 2026*** *for the following reasons;*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel considered that extending the deferral period to on or before 22 December 2026 would provide sufficient time for the necessary land access matters to be resolved and for the responsible authority to complete the required processes associated with the potential reopening of the affected portion of the road reserve.

SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Outer DAP resolves to **DEFER a decision** on DAP Application reference DAP/26/03116 for 'Hardstand (Transport Depot + Storage)' at Lot 301 (No.15) Military Road, Midland until on or before the 22 December 2026 for the following reasons;

1. The subject lot currently has no legal access to Military Road, given a portion of the road reserve has been closed and the existing crossover to Military Road traverses private land (Lot 2 Military Road).

2. Reinstatement of legal use of this portion of the Military Road reserve requires a prior Council decision to re-open this section of the road which cannot occur prior to 11 November 2026.

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

REASON: The panel were mindful of the difficult position that the applicant is faced with however did not feel that the alternative as proposed by the applicant provided an appropriate solution, leaving no alternative but to defer the matter until the Military Road access is considered by the City of Swan on 11 November. The panel considered that additional time was required to resolve the outstanding legal access issue affecting the site. The panel was not satisfied that the matter could be appropriately determined until the status of access to Military Road had been clarified and the relevant local government processes had been completed. The panel also agreed with the officers that the proposed access to Lloyd Street would need to be further refined and approved by the appropriate authorities under the PCA. Deferral was therefore considered the most appropriate course of action.

Clayton Higham
Presiding Member, Metro Outer DAP

This document was produced on Whadjuk Noongar Boodjar

3.2 3.2 Lot 320 (No.109) Brooklands Drive, Henley Brook - Child Care Premises – DAP/26/03133

Deputations

Reegan Cake (Dynamic Planning and Developments) addressed the DAP in support of the application at Item 3.2 and responded to questions from the panel.

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

SUBSTANTIVE MOTION

Moved by: Cr Mel Congerton **Seconded by:** Cr Rod Henderson

That the Metro Outer DAP resolves to **APPROVE** DAP Application reference DAP/26/03133 for a Child Care Premises at Lot 320 (No.109) Brooklands Drive, Henley Brook 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:

1. The development is to be undertaken in accordance with the approved plans and documents attached to this approval, as listed below, except where amended by subsequent conditions:

Plan/ Document Name	2. **Reference**	3. **Date**
Cover Sheet	P000, Rev 7	15 July 2026
Existing Site Plan	P100, Rev 5	15 July 2026
Site Plan	P101, Rev 8	15 July 2026
Parking Bay Layout	P102, Rev 7	15 July 2026
Ground Floor	P200, Rev 7	15 July 2026
Elevations	P300, Rev 6	5 July 2026
Sections	P400, Rev 2	15 July 2026

2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval, being <insert date>. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

3. This approval is for a ‘Child Care Premises’ 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

4. The approved 'Child Care Premises' 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.

5. The 'Child Care Premises' is limited to a maximum number of 94 children and 18 staff at any given time.

6. The hours of operation shall be limited to 6.30am to 6.30pm Monday to Friday.

7. **Prior to occupation or use of the development**, 26 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. 12 parking bays are to be available for parent pickup and drop off during the peak periods of 7:30am – 8:30am and 4:30pm – 5:30pm and be line marked accordingly.

9. Parking bays at the western and southern side of the carpark as annotated on the approved plans are to be marked 'No Parking Before 7.00am'.

10. 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.

11. All crossovers must be built and maintained in accordance with the City of Swan's specifications.

12. No goods or materials being stored, either temporarily or permanently, in the parking or landscaping areas or within access driveways.

13. Prior to occupation of the development, 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. Any future changes to the approved colours, materials and finishes of the development shall be to the satisfaction of the City of Swan.

14. **Prior to the lodgement of an application for building approval**, a Statement of Sustainability shall be submitted to the satisfaction of the City of Swan. The Statement of Sustainability shall address, but is not limited to, sustainable construction materials, recycling, good waste management practices, re-use of materials and existing structures (where applicable), harnessing of renewable energy sources, analysis of summer heat gain through windows and total water cycle management including Water Sensitive Urban Design initiatives to assist species survival in carpark area. The Statement of Sustainability is to be complied with for the duration of the construction and the life of the development.

Clayton Higham
Presiding Member, Metro Outer DAP

This document was produced on Whadjuk Noongar Boodjar

15. **Prior to the lodgement of an application for building approval,** a detailed Landscape Plan (on-site and verge) and Playscape design shall be submitted to the satisfaction of the City.

16. The approved Landscaping Plan must be implemented prior to 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.

15. All noise attenuation measures, identified by the Environmental Noise Assessment (Reference: 260311402-01B, Rev B) prepared by Lloyd George Acoustics, dated 3 August 2026, are to be implemented prior to occupancy of the development and the requirements of the Environmental Noise Assessment are to be observed at all times, specifically:

    a. The installation of solid fencing that is free of gaps and of minimum surface mass 8kg/m^2 to the following locations:
       2.1m high along the eastern lot boundary abutting the outdoor play area;
       At least 1.8m high along the western and southern lot boundaries;
    b. Parking bays at the western and southern side of the carpark as annotated on the approved plans are not to be used prior to 7.00am;
    c. Maximum of 31 children playing outside simultaneously at any one time; and
    d. The outdoor play area not being used prior to 7.00am.

18. **Prior to the lodgement of an occupancy permit**, an acoustic study of the mechanical services shall be undertaken once the design has been finalised and submitted for approval to the City of Swan. Mechanical services shall be installed in accordance with an approved acoustic study and maintained thereafter to the satisfaction of the City of Swan.

19. Waste collection is to be limited to between 7.00am and 7.00pm - Monday to Saturday and between 9.00am and 7.00pm on Sundays and Public Holidays unless further evidence, to the satisfaction of the City of Swan is provided that compliance can be achieved with the *Environmental Protection (Noise) Regulations 1997* outside of those times.

20. 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.

21. **Prior to the lodgement of an application for building approval**, 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. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.

22. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining properties to the satisfaction of the City of Swan.

23. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.

24. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting, to the satisfaction of the City of Swan.

25. No bunting is to be erected on the site (including streamers, streamer strips, banner strips or decorations of similar kind).

26. The content displayed on signage is limited to the name business and/or the nature of the business operations.

27. All signs must be placed on private property and must not overhang or encroach on the road reservation.

28. The development shall be connected to the reticulated sewerage system.

29. Prior to the occupation of the development, 280m of high-density polyethylene slabbing (HDPE) over the current Dampier Bunbury Natural Gas Pipeline is to be installed and all costs incurred in installing the slabbing are the developer's responsibility.

The Substantive Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel was satisfied that the proposed Child Care Premises is consistent with the relevant planning framework and is capable of being accommodated on the site without creating unreasonable impacts on surrounding land uses. The panel acknowledged the concerns raised by the neighbours but were satisfied that the conditions would adequately address those concerns. The panel further noted that matters relating to traffic, parking, landscaping, noise management and servicing can be appropriately addressed through the recommended conditions of approval and therefore supported the proposal. In relation to Condition 29 regarding the gas pipeline the panel were satisfied that this was appropriate given the sensitive nature of the use, however acknowledged that the extent of cover required by the authority could be further assessed through a future Reg 17 consideration when more information can be obtained.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil

Clayton Higham
Presiding Member, Metro Outer DAP

This document was produced on Whadjuk Noongar Boodjar

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**
DR 79/2026	City of Cockburn	Lot 168 (81) Quill Way, Henderson	Mixed Commercial Development (Henderson Business Hub	28/05/2026

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:15am.

Clayton Higham
Presiding Member, Metro Outer DAP

This document was produced on Whadjuk Noongar Boodjar