



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 22 August 2024; 9:30am
Meeting Number: MODAP/32
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link: [MODAP/32 - 22 August 2024 - Shire of Mundaring](#)

PART A – INTRODUCTION

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

PART B – SHIRE OF MUNDARING

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 222 (7) Hardey Road, Glen Forrest – Proposed Shop, Place of Worship (Meeting Hall) & Child Care Centre – DAP/24/02700
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – OTHER BUSINESS

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

Clayton Higham
Presiding Member, Metro Outer DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Clayton Higham (Presiding Member)	Claire Ortlepp
Tony Arias (Deputy Presiding Member)	Ashlee Kelly
Lee O'Donohue	
<i>Part B – Shire of Mundaring</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Luke Ellery	Adam Oliveri
Cr Prapti Mehta	Steve Trlin

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Presiding Member, Metro Outer DAP



Applicant and Submitters
<i>Part B – Shire of Mundaring</i>
Jeremy Hofland (Rowe Group) Bill Wallis (Mundaring Gospel Trust) Jerry Sivewright (Mundaring Gospel Trust) Jamie Waters (Mundaring Gospel Trust) Gregory Wallis (Mundaring Gospel Trust) Mike Scott (Bushfire Prone Planning) Penny Mills (Glen Forrest Residents and Ratepayers Association) Louise Stelfox (Darlington Ratepayers and Residents Association)

Members of the Public / Media

There were 2 members 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 9:32am on 22 August 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

Nil.

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

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

Clayton Higham
Presiding Member, Metro Outer DAP



PART B – SHIRE OF MUNDARING

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 Lot 222 (7) Hardey Road, Glen Forrest – Proposed Shop, Place of Worship (Meeting Hall) & Child Care Centre – DAP/24/02700

Deputations and Presentations

Penny Mills (Glen Forrest Residents and Ratepayers Association) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Louise Stelfox (Darlington Ratepayers and Residents Association) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Jeremy Hofland (Rowe Group) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Bill Wallis (Mundaring Gospel Trust) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Mike Scott (Bushfire Prone Planning) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

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

Clayton Higham
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION

Moved by: Tony Arias

Seconded by: Lee O'Donohue

That the Metro Outer DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02700 is appropriate for consideration as a "Shop, Place of Worship and Child Care Premises" land use/s and compatible with the objectives of the zoning table in accordance with Clause 4.3 of the Shire of Mundaring Local Planning Scheme No. 4;
2. **Approve** DAP Application reference DAP/24/02700 and accompanying plans (Attachment 2) 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 Shire of Mundaring Local Planning Scheme No. 4, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four 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 development shall comply with the approved plans (including any amendments marked in red) unless approval is granted by the Planning Service for any minor variation made necessary by detailed design.

Operation of the childcare centre to be limited to:

- (a) Maximum of 46 children
- (b) Operating hours limited to 6:30am – 6:30pm Monday to Friday
- (c) Outdoor playing times to be limited to be between 8:00am – 5:30pm
- (d) No amplified sound to be played in the outdoor play areas

Operation of the Meeting Hall (Place of Worship) to be limited to:

- (a) Maximum 50 attendees; and
 - (b) No outdoor amplified sound or events permitted
4. The Shop, Meeting Hall and Child Care Premises shall be constructed in accordance with Australian Standard 3959-2018 (BAL-29) to the satisfaction of the Shire of Mundaring.

Clayton Higham
Presiding Member, Metro Outer DAP



5. Prior to commencement of use or obtaining an occupancy permit, information is to be provided that demonstrates measures contained in Section 6; Table 6.1 of the bushfire management plan [v.1] have been implemented and shall include a completed 'Certification by Bushfire Consultant' from the bushfire management plan.
6. The applicant / landowner shall ensure the site is managed pursuant to Section 6; Table 6.2 of the bushfire management plan [v.1] at all times.
7. Before commencement of use or occupation of each building, the crossover/s shall be located and installed to specifications and satisfaction of the Shire of Mundaring.
8. Prior to applying for a building permit, engineering drawings and specifications for grading, draining, stabilising the site shall be submitted for approval of the Shire of Mundaring.
9. Prior to applying for a building permit, engineering drawings and specifications detailing the construction and drainage of the car park and vehicle access shall be submitted to the satisfaction of the Shire. The carpark and vehicle access shall thereafter be constructed in accordance with the approved plans.
10. Prior to commencement of use or occupation, all car parking bays and manoeuvring/circulation areas shown on the approved plans shall be sealed/paved, surface marked in accordance with Australian Standard 2890 and to the satisfaction of the Shire of Mundaring.
11. Prior to commencement of use or occupation of any part of the development, all visitor/staff only car parking bays shown on the approved plans shall be surface marked "visitors only" / "staff only" and sign posted accordingly, and thereafter be maintained by the landowner(s) for the life of the development to the satisfaction of the Shire of Mundaring.
12. All retaining walls shall be completed in laterite blocks or natural earth-coloured materials that blend in with the surrounding landscape, to the satisfaction of the Shire of Mundaring.
13. Prior to commencing site works, the landowner/applicant shall submit a construction management plan to the satisfaction of the Shire of Mundaring

The construction management plan shall detail:

- a) Measures to minimise nuisance to neighbours (including dust, noise, waste and vehicle parking); and
- b) Measures to minimise soil erosion and stormwater runoff from the site

during site works and construction. Works shall thereafter be completed in accordance with the approved construction management plan.

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Presiding Member, Metro Outer DAP



14. Prior to commencing site works, the landowner/applicant shall submit a waste management plan to the satisfaction of the Shire of Mundaring.

The waste management plan shall detail:

- a) The enclosure for the storage and cleaning of bins;
 - b) How rubbish will be stored and disposed of; and
 - c) How and when service vehicles will collect rubbish from the site
15. Prior to applying for a building permit, a lighting plan prepared by a suitably qualified consultant/engineer shall be submitted to the Shire for approval. The plan shall include measures to minimise light spill onto adjoining residential land and have due regard to Australian Standard 4282 (as amended). Lighting and lighting infrastructure shall thereafter be established and maintained in accordance with the approved lighting plan, to the satisfaction of the Shire of Mundaring.
16. The landowner(s) shall either:
- (i) Provide public art on the subject site, with a minimum value of \$23,000 [Option 1]; OR
 - (ii) Pay \$23,000, which equates to 1% of the construction cost for the overall development, in lieu of providing public art on the subject site [Option 2].

If Option 1 is elected, the public art design shall be submitted to, and approved by the Shire prior to lodgement of the Building Permit application.

The public art shall be installed prior to commencement of use/occupation of any part of the development and thereafter maintained for the life of the development to the satisfaction of the Shire of Mundaring.

If Option 2 is elected, the cash-in-lieu amount shall be paid in full to the Shire prior to lodgement of the Building Permit application.

17. Prior to commencement of use, a landscape plan pursuant to clause 5.7.8 of Local Planning Scheme No.4, shall be submitted to the Shire for approval. The approved landscape plan shall be implemented and thereafter maintained in perpetuity, to the satisfaction of the Shire of Mundaring.
18. Prior to commencement of the Place of Worship or Child Care Premises, individual Bushfire Emergency Plan(s) shall be prepared in accordance with section 5.5.4 of the Guidelines for Planning in Bushfire Prone Areas (as amended), in consultation with the Shire of Mundaring. The Bushfire Emergency Plan(s) shall thereafter be complied with at all times, and made available to all staff, parents, clients and guests, to the satisfaction of the Shire of Mundaring.

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Presiding Member, Metro Outer DAP



19. All stormwater must be managed onsite to prevent erosion and transportation of water borne pollutants, to the satisfaction of the Shire. Stormwater drainage plans must be submitted with the application for a building permit.
20. Prior to commencement of use or occupation of any building on the lot, a contribution for the full cost of constructing a footpath along the verge adjacent to the site, shall be made to the Shire of Mundaring.
21. Prior to applying for a building permit for any building on the site, the landowner/applicant shall enter into a legally binding agreement, allowing for the ongoing maintenance of the asset protection zone extending into lot 221 Hardey Road Glen Forrest, to the satisfaction of the Shire of Mundaring. The agreement shall be at the full expense of the applicant or nominated party.
22. Significant trees that have been identified on the site must be retained and protected as habitat for endangered birds, including black cockatoos.
23. Mechanical plant associated with the development(s) shall be designed with barriers, in accordance with the acoustic assessment, established and maintained to the satisfaction of the Shire of Mundaring. Details shall be provided at building permit stage, to the satisfaction of the Shire of Mundaring.
24. Prior to applying for a building permit, an application to construct or install an apparatus for the treatment of sewage shall be submitted to Shire of Mundaring Environmental Health Services. The Shire of Mundaring will forward the application to the Department of Health for final approval. The system(s) shall thereafter be installed to the satisfaction of Shire of Mundaring and Department of Health approvals.
25. The Child Care Premises shall be constructed in accordance with the Noise amelioration requirements, detailed under appendix B of the acoustic assessment [v.2]. Alternatively, prior to applying for a building permit, an updated acoustic assessment may be provided to the Shire of Mundaring, detailing the specific requirements in response to built environment changes that may occur and further reduce noise impacts from the source.

Advice Notes

1. The applicant/landowner(s) are advised they are responsible to ensure all relevant environmental approvals under state and federal legislation are in place, prior to undertaking any works to remove native vegetation.
2. The landscape plan should include the retention of native vegetation with an emphasis for trees, on the periphery of the site, having regard to the obligations to maintain a fuel load of 2t/ha under the Bushfire Management Plan.

Clayton Higham
Presiding Member, Metro Outer DAP



AMENDING MOTION

Moved by: Cr Luke Ellery

Seconded by: Cr Prapti Mehta

That a new Condition No. 26 be added to read as follows:

Prior to applying for a Building Permit for the childcare premises, a contamination report is to be provided to the Shire of Mundaring. Where remediation works are identified, these works shall be undertaken prior to undertaking any works, to the satisfaction of the Shire of Mundaring.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel members noted that the previous use of the site was a chicken farm and took a precautionary approach, particularly for the childcare use, and sought a soil contamination report.

PROCEDURAL MOTION

Moved by: Cr Prapti Mehta

Seconded by: NIL

That the consideration of DAP Application DAP/24/02700 be deferred for 90 days until 20 November 2024, in accordance with section 5.10.1a of the DAP Standing Orders 2024, for the following reason:

- To allow the proponent to make referral to the EPBC prior to the application being considered.

The Procedural Motion lapsed for want of a seconder.

PROCEDURAL MOTION

Moved by: Tony Arias

Seconded by: Lee O'Donohue

That the Standing Orders be suspended in accordance with section 5.10.2h of the DAP Standing Orders 2024 to allow members to speak more than once on the same item and continue further debate on Item 3.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: to enable the panel to discuss the matter freely and to dispense with standing orders.

The Standing Orders were suspended at 10:31am.

Clayton Higham
Presiding Member, Metro Outer DAP



PROCEDURAL MOTION

Moved by: Tony Arias

Seconded by: Lee O'Donohue

To reinstate Development Assessment Panel Standing Orders 2024.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: to reinstate the standing orders and to resume the meeting in accordance with regulations.

The Standing Orders were reinstated at 10:37am.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02700 is appropriate for consideration as a "Shop, Place of Worship and Child Care Premises" land use/s and compatible with the objectives of the zoning table in accordance with Clause 4.3 of the Shire of Mundaring Local Planning Scheme No. 4;
2. **Approve** DAP Application reference DAP/24/02700 and accompanying plans (Attachment 2) 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 Shire of Mundaring Local Planning Scheme No. 4, subject to the following conditions:

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- (a) Maximum of 46 children
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Presiding Member, Metro Outer DAP



Operation of the Meeting Hall (Place of Worship) to be limited to:

- (a) Maximum 50 attendees; and
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 12. All retaining walls shall be completed in laterite blocks or natural earth-coloured materials that blend in with the surrounding landscape, to the satisfaction of the Shire of Mundaring.

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Presiding Member, Metro Outer DAP



13. Prior to commencing site works, the landowner/applicant shall submit a construction management plan to the satisfaction of the Shire of Mundaring

The construction management plan shall detail:

- a) Measures to minimise nuisance to neighbours (including dust, noise, waste and vehicle parking); and
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16. The landowner(s) shall either:

- (i) Provide public art on the subject site, with a minimum value of \$23,000 [Option 1]; OR
- (ii) Pay \$23,000, which equates to 1% of the construction cost for the overall development, in lieu of providing public art on the subject site [Option 2].

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If Option 2 is elected, the cash-in-lieu amount shall be paid in full to the Shire prior to lodgement of the Building Permit application.

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Presiding Member, Metro Outer DAP



17. Prior to commencement of use, a landscape plan pursuant to clause 5.7.8 of Local Planning Scheme No.4, shall be submitted to the Shire for approval. The approved landscape plan shall be implemented and thereafter maintained in perpetuity, to the satisfaction of the Shire of Mundaring.
18. Prior to commencement of the Place of Worship or Child Care Premises, individual Bushfire Emergency Plan(s) shall be prepared in accordance with section 5.5.4 of the Guidelines for Planning in Bushfire Prone Areas (as amended), in consultation with the Shire of Mundaring. The Bushfire Emergency Plan(s) shall thereafter be complied with at all times, and made available to all staff, parents, clients and guests, to the satisfaction of the Shire of Mundaring.
19. All stormwater must be managed onsite to prevent erosion and transportation of water borne pollutants, to the satisfaction of the Shire. Stormwater drainage plans must be submitted with the application for a building permit.
20. Prior to commencement of use or occupation of any building on the lot, a contribution for the full cost of constructing a footpath along the verge adjacent to the site, shall be made to the Shire of Mundaring.
21. Prior to applying for a building permit for any building on the site, the landowner/applicant shall enter into a legally binding agreement, allowing for the ongoing maintenance of the asset protection zone extending into lot 221 Hardey Road Glen Forrest, to the satisfaction of the Shire of Mundaring. The agreement shall be at the full expense of the applicant or nominated party.
22. Significant trees that have been identified on the site must be retained and protected as habitat for endangered birds, including black cockatoos.
23. Mechanical plant associated with the development(s) shall be designed with barriers, in accordance with the acoustic assessment, established and maintained to the satisfaction of the Shire of Mundaring. Details shall be provided at building permit stage, to the satisfaction of the Shire of Mundaring.
24. Prior to applying for a building permit, an application to construct or install an apparatus for the treatment of sewage shall be submitted to Shire of Mundaring Environmental Health Services. The Shire of Mundaring will forward the application to the Department of Health for final approval. The system(s) shall thereafter be installed to the satisfaction of Shire of Mundaring and Department of Health approvals.
25. The Child Care Premises shall be constructed in accordance with the Noise amelioration requirements, detailed under appendix B of the acoustic assessment [v.2]. Alternatively, prior to applying for a building permit, an updated acoustic assessment may be provided to the Shire of Mundaring, detailing the specific requirements in response to built environment changes that may occur and further reduce noise impacts from the source.

Clayton Higham
Presiding Member, Metro Outer DAP



26. Prior to applying for a Building Permit for the childcare premises, a contamination report is to be provided to the Shire of Mundaring. Where remediation works are identified, these works shall be undertaken prior to undertaking any works, to the satisfaction of the Shire of Mundaring.

Advice Notes

1. The applicant/landowner(s) are advised they are responsible to ensure all relevant environmental approvals under state and federal legislation are in place, prior to undertaking any works to remove native vegetation.
2. The landscape plan should include the retention of native vegetation with an emphasis for trees, on the periphery of the site, having regard to the obligations to maintain a fuel load of 2t/ha under the Bushfire Management Plan.

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

REASON: The proposed Shop, Place of Worship and Child Care Premises land uses are either permitted or discretionary land uses in the City's LPS 4 within the 'Local Centre' zone and capable of approval. The proposed land uses are consistent with the objectives of the Glen Forrest Village Centre Precinct Plan which identifies the site as Local Centre – Commercial and consistent with the local planning framework. The proposed Shop, Place of Worship and Child Care Premises are land uses that would be considered appropriate within a Local Centre – Commercial zone.

The proposed shop use complies with the definition of "shop" under the City's LPS 4 which states "shop" means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet.

The matter of exclusivity has been raised in submissions as a reason for opposing the proposed Shop, however, this is not considered sufficient planning consideration justifying refusal of this component of the development, and as suggested in the RAR the matter of "exclusivity" should be afforded minimal weight by the decision maker.

The Acoustic Assessment indicates that the proposal and its operation can comply with the requirements of the Environmental Protection (Noise) Regulations. The TIS indicates the access roads can support the additional daily traffic movements noting also that MRWA did not raise any concerns with respect to traffic generation. The Panel was satisfied that any potential impacts noise and traffic are capable of being managed and mitigated, with supporting documentation and conditions proposed as part of the RAR recommendation.

There was discussion about requirements for referral/approval of the development under EPBC legislation. The Panel noted that the requirements for referral are separate to the planning approval and is a matter for the proponent under the EPBC legislation.

Clayton Higham
Presiding Member, Metro Outer DAP



4. Form 2 DAP Applications

Nil.

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 C – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

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

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DR193/2023 DAP/23/02545	Shire of Serpentine Jarrahdale	Lot 218 (No.575) Abernethy Road, Oakford	Proposed Educational Establishment	19/12/2023
DR94/2024 DAP/23/02623	City of Cockburn	Lot 9501 Gaebler Road, Hammond Park	Mixed Use Commercial Development	27/06/2024

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

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 10:48am.

Clayton Higham
Presiding Member, Metro Outer DAP