



Metro East Joint Development Assessment Panel Minutes

Meeting Date and Time: 24 March 2020; 10.00 AM
Meeting Number: MEJDAP/234
Meeting Venue: Council Chambers,
2 Railway Road, Kalamunda

Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Kym Petani (Deputy Presiding Member) *via teleconference*
Mr Peter McNab (Specialist Member)
Cr Dylan O'Connor (Local Government Member, City of Kalamunda)
Cr Margaret Thomas (Local Government Member, City of Kalamunda)

Officers in attendance

Mr Regan Travers (City of Kalamunda)
Mr Andrew Fowler-Tutt (City of Kalamunda)
Ms Heidi Herget (City of Kalamunda)

Minute Secretary

Ms Kaitlan Schilling (City of Kalamunda)

Applicants and Submitters

Mr Tayne Eversed (Planning Solutions)
Ms Marina Kleyweg (KCTT) (Telephoned in)
Ms Belinda Moharich (Moharich and More)
Mr David Jones (Applicant)

Members of the Public / Media

Nil.

1. Declaration of Opening

The Presiding Member declared the meeting open at 10.02am on 24 March 2020 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP



meeting unless the Presiding Member has given permission to do so., the meeting would not be recorded.

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](#).

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Ms Kym Petani, declared an Impartiality Interest in item 10.1. GHD has been engaged by the City of Kalamunda to undertake the following: Urban Forest Strategy and Preliminary Site Investigation for Maida Vale Park. Ms Kym Petani is an employee and shareholder in GHD.

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in discussion and voting on the items.

In accordance with section 2.4.10 of the DAP Code of Conduct 2017, DAP Member, Mr Ian Birch and Ms Kym Petani, declared that they participated in a State Administrative Tribunal process in relation to the application at item 10.1. However, under section 2.1.3 of the DAP Code of Conduct 2017, Mr Ian Birch and Ms Kym Petani acknowledged that they are not bound by any confidential discussions that occurred as part of the mediation process and undertakes to exercise independent judgment in relation to any DAP applications before them, which will be considered on its planning merits.

7. Deputations and Presentations

- 7.1 Mr Tayne Eversed (Planning Solutions) addressed the DAP in support of the application at Item 10.1. and responded to questions from the panel.
- 7.2 Ms Belinda Moharich (Moharich and More) addressed the DAP in support of the application at Item 10.1. and responded to questions from the panel.
- 7.3 Ms Marina Kleyweg (KCTT) addressed the DAP in support of the application at Item 10.1. and responded to questions from the panel.
- 7.4 Mr Andrew Fowler-Tutt and Ms Heidi Herget (City of Kalamunda) responded to questions from the panel in regards to Item 10.1.



PROCEDURAL MOTION

Moved by: Mr Peter McNab

Seconded by: Cr Margaret Thomas

That the meeting be adjourned for a period of 10 minutes to allow members to have a comfort break.

The meeting was adjourned at 11:26am.

The meeting was reconvened at 11:33am.

8. Form 1 – Responsible Authority Reports – DAP Application

Nil

9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval

Nil

10. Appeals to the State Administrative Tribunal

10.1	Property Location:	Lot 200 (584) Kalamunda Road, High Wycombe
	Development Description:	Hardstand and Storage
	Applicant:	Peter Jones, David Jones & Bronwyn Jones
	Owner:	Peter Jones, Bronwyn Lea Jones, David Norman Jones
	Responsible Authority:	City of Kalamunda
	DAP File No:	DAP/19/01632

REPORT RECOMMENDATION

Moved by: Ms Kym Petani

Seconded by: Mr Peter McNab

That the Metro East Joint Development Assessment Panel (JDAP), pursuant to Section 31 of the State Administrative Tribunal Act 2004 in respect to SAT application DR 237 of 2019 resolves to:

Approve DAP application reference DAP/10/01632 for Hardstand and Storage 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 Kalamunda Local Planning Scheme No.3 subject to the following conditions:

Conditions

1. This approval supersedes the previous approval for the hardstand and storage granted by the State Administrative Tribunal on 30 May 2017. All future works and use of the site must be carried out in accordance with this approval.
2. Vehicular entry and exit to and from the site will be restricted to Austroads Vehicle Classifications 1-9. No vehicles above Austroads Vehicle Classification 9 are permitted to enter or exit Lot 200 Kalamunda Road.



3. A site management plan must be submitted to the satisfaction of the City of Kalamunda prior to occupation of the development, including the following:
 - a) Measures to ensure vehicles do not stack while waiting to enter the site (can incorporate increased gate setback if required);
 - b) No more than twenty (20) heavy vehicle movements (in and out combined) are permitted per day;
 - c) All visitor and staff parking associated with the proposed development must be contained within the site, and not on the verge at any time;
 - d) The operation of the site must not commence prior to 7.00am or continue after 5.00pm Monday to Friday, must not commence prior to 7:00am or continue after 12:00pm Saturday and not at all on Sundays or public holidays;
 - e) Signage and line marking must be placed within the site to ensure that the crossovers are used as left-in only from Kalamunda Road and left-out only to Stirling Crescent;
 - f) Dust management measures during operation.

The Site Management Plan must be implemented for the duration of the development to the satisfaction of the City of Kalamunda. This condition does not limit passenger vehicle movements.

4. Prior to the commencement of the storage use, crossovers must be designed and constructed to the satisfaction of the City of Kalamunda. Crossover must be angled 70 degrees from Kalamunda Road to facilitate improved vehicle entry.
5. A Drainage Design must be submitted to the satisfaction of the City of Kalamunda prior to occupation of the development, including the following:
 - a) A drainage design showing how stormwater runoff generated from the hardstand areas is to be disposed of onsite in accordance with the City's stormwater design guideline.
 - b) The Stirling Crescent drainage infrastructure impacted by the development being modified.
 - c) The drainage infrastructure referred to in paragraph (b) must be constructed and maintained to ensure it remains free from obstructions to the satisfaction of the City of Kalamunda.

The drainage design must be implemented for the duration of the development to the satisfaction of the City.

6. All hardstand and circulations areas shall be suitably constructed, sealed and drained to the satisfaction of the City prior to occupation of the development. The hardstand areas must be maintained to the satisfaction of the City of Kalamunda for the duration of the development.



7. The Landscaping Plan 5/DR/REV/17.02.2020 must be implemented prior to the commencement of the storage use and must be implemented and maintained to the satisfaction of the City of Kalamunda.
8. Fencing adjoining Stirling Crescent and Kalamunda Road must be 1.8 metres in height, of metal tubing frame vertical pale and horizontal rail fencing with powder coat finish.
9. Site lighting must not adversely affect the amenity of the locality, to the satisfaction of the City of Kalamunda.
10. Retaining walls must be designed and certified by a qualified Structural Engineer to the satisfaction of the City of Kalamunda, prior to construction of the retaining walls commencing.
11. Stored goods, equipment plant and/or materials may be stored on the site:
 - a) to a maximum height of four (4) metres within the 15 metre to 30 metre setbacks from Kalamunda Road and Stirling Crescent, and thereafter up to a maximum height of six (6) metres; and
 - b) Sea Containers must be set back 40 metres from Kalamunda Road and Stirling Crescent;to the satisfaction of the City of Kalamunda for the duration of the development.
12. Construction Management Plan must be submitted to the satisfaction of the City of Kalamunda prior to the commencement of works. The Construction Management Plan must detail how the construction of the development will be maintained including the following:
 - a) Public safety and site security;
 - b) Hours of construction;
 - c) Noise and vibration controls;
 - d) Air and dust management;
 - e) Stormwater, groundwater and sediment control;
 - f) Waste and material disposal;
 - g) Traffic management plans for various phases of the construction, including any proposed road closures;
 - h) The parking arrangements for contractors and sub-contractors;
 - i) Workers toilets
 - j) Fauna relocation;
 - k) On-site delivery times and access arrangements;
 - l) The storage of materials and equipment on site (no storage of materials on the verge will be permitted);



- m) Complaint management procedure; and
- n) Any other matters likely to impact upon the surrounding properties or road reserve.

The approved Construction Management Plan must be implemented prior to and during development works to the satisfaction of the City of Kalamunda.

13. Prior to the commencement of a storage use, a Site Access Plan demonstrating:

- Left in ingress from Kalamunda Road
- Left out egress to Stirling Crescent
- Internal vehicular circulation
- Car parking areas

is to be submitted to the specification and satisfaction of the City of Kalamunda.

The Site Access Plan is to be implemented and thereafter maintained to the satisfaction of the City of Kalamunda

14. Any works within the future road widening for Kalamunda Road, as depicted on land requirement plan 1.5030/2 being removed and the land reinstated to the satisfaction of the City of Kalamunda, at the applicant's cost, when this land is required for road widening purposes.

Advice Notes

1. This approval does not relate to any signage, with a separate application to be lodged and approved by the City of Kalamunda.
2. The operation/development must comply with the Environmental Protection (Noise) Regulations 1997.
3. The applicant is reminded of their obligations to comply with the "Land development sites and impacts on air quality: a guideline for the prevention of dust and smoke pollution from land development sites in Western Australia", prepared by the Department of Water and Environment Regulation.
4. The applicant is advised that light being emitted or reflected from the land is not to create a nuisance to neighbouring properties. It is recommended that the "Australian Standards AS 4282-1997 Control of Obstructive Effects of Outdoor Lighting" be utilised as a guide.
5. Kalamunda Road and Stirling Crescent are not designated as Restricted Access Vehicle (RAV) routes on the MRWA RAV network and there are currently no proposals to include the section of road between Roe Highway and Abernethy Road or Stirling Crescent between Kalamunda Road and Adelaide Street on the RAV network into the future.
6. As Kalamunda Road and Stirling Crescent are not RAV routes and are not designed for this type of heavy vehicles, the applicant will be required to apply to Main Roads WA for the roads to become RAV routes. This process is independent of the



development application and any approval of the development carries no obligation or support towards a RAV application. As part of the RAV application process the applicant may be required to make improvements to the roads to accommodate vehicle geometry and loading, in addition to any requirements arising from the development. The same advice applies for Oversize Overmass Vehicles (OOV).

7. Prior to any changes to the RAV network to include the relevant sections of Abernethy Road and Stirling Crescent which are currently not on the RAV network, vehicular entry and exit to and from the site will be restricted to “as of right vehicles” under Austroads Vehicle Classifications 1 to 9.
8. With regard landscaping, landscaping requirements are described in the City’s Landscaping Information Sheet and Verge Landscaping guideline, available at <http://www.kalamunda.wa.gov.au/Services/Planning/Information-Sheets>

AMENDING MOTION 1

Moved by: Mr Peter McNab

Seconded by: Ms Kym Petani

That condition 1 be deleted, added to the advice notes and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Conclusion of law, superseded as fact.

AMENDING MOTION 2

Moved by: Mr Ian Birch

Seconded by: Ms Kym Petani

That Condition 2 (now Condition 1) be deleted and the remaining conditions be renumbered accordingly.

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

For: Ian Birch
Kym Petani
Peter McNab
Against: Cr Dylan O’Connor
Cr Margaret Thomas

REASON: Given that the land is zoned for industrial purposes and that the intended use is classified as ‘P’, noting the relatively benign nature of the use as open air storage with planted landscape screening, and that condition 3(b) limits the number of heavy vehicles that may access the site on any single day, the majority of panel members considered that the condition in its original form placed an unjustified restriction on the approved use and that the its deletion would not result in an undue impact on the level of amenity that may reasonably be expected in the area.

It was noted that intended future structure planning for the area will review the existing road transport network, however, this is likely to be some years ahead. In any event, it was not considered that this approval should prejudice that future planning.



Notwithstanding this decision, the panel noted that, as outlined in advice note 6, a separate approval is required from Main Roads WA for use of Kalamunda Road and Stirling Crescent by Restricted Access Vehicles (RAVs).

AMENDING MOTION 3

Moved by: Mr Peter McNab

Seconded by: Ms Kym Petani

That condition 5c (now condition 3c) be amended to read as follows:

*The drainage infrastructure referred to in paragraph (b) ~~must~~ **is to be** constructed and maintained to ensure it remains free from obstructions to the satisfaction of the City of Kalamunda.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Clarify the intent consistent with conditions provided by the City.

AMENDING MOTION 4

Moved by: Mr Peter McNab

Seconded by: Ms Kym Petani

That condition 7 (now condition 5) be amended to read as follows:

*The Landscaping Plan 5/DR/REV/17.02.2020 ~~must~~ **is to be** implemented prior to the commencement of the storage use and must be implemented and maintained to the satisfaction of the City of Kalamunda.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Clarify the intent consistent with conditions provided by the City.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro East Joint Development Assessment Panel (JDAP), pursuant to Section 31 of the State Administrative Tribunal Act 2004 in respect to SAT application DR 237 of 2019 resolves to:

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- c) All visitor and staff parking associated with the proposed development must be contained within the site, and not on the verge at any time;
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4. All hardstand and circulations areas shall be suitably constructed, sealed and drained to the satisfaction of the City prior to occupation of the development. The hardstand areas must be maintained to the satisfaction of the City of Kalamunda for the duration of the development.
5. The Landscaping Plan 5/DR/REV/17.02.2020 is to be implemented prior to the commencement of the storage use and must be implemented and maintained to the satisfaction of the City of Kalamunda.
6. Fencing adjoining Stirling Crescent and Kalamunda Road must be 1.8 metres in height, of metal tubing frame vertical pale and horizontal rail fencing with powder coat finish.
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 - h) The parking arrangements for contractors and sub-contractors;
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Advice Notes

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9. With regard landscaping, landscaping requirements are described in the City’s Landscaping Information Sheet and Verge Landscaping guideline, available at <http://www.kalamunda.wa.gov.au/Services/Planning/Information-Sheets>

The Report Recommendation (as amended) was put and CARRIED (3/2).

For: Mr Ian Birch
Ms Kym Petani
Mr Peter McNab
Against: Cr Dylan O’Connor
Cr Margaret Thomas

REASON: In accordance with details contained in the Responsible Authority Report and Amending Motions.

The Presiding Member noted the following State Administrative Tribunal Applications -

Current SAT Applications		
LG Name	Property Location	Application Description
City of Gosnells	Lot 11 Southern River Road, Southern River	Development of Shopping Centre
City of Armadale	Lot 9007 (76) Southampton Drive, Piara Waters	Lifestyle Village (Piara Waters Lifestyle Village)
City of Swan	Lot 357 (227) Morrison Road, Midvale	Neighbourhood Centre (Shop, Consulting Rooms, Recreation – Private, Fast Food Outlet, Convenience Store)

11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

There being no further business, the Presiding Member declared the meeting closed at 11.43 AM.