



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 12 October 2021; 9:30am
Meeting Number: MOJDAP/130
Meeting Venue: City of Kalamunda
Council Chambers, 2 Railway Road, Kalamunda

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Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)
Cr Dylan O'Connor (Local Government Member, City of Kalamunda) *via phone*
Cr Margaret Thomas (Local Government Member, City of Kalamunda)

Officers in attendance

Mr Andrew Fowler-Tutt (City of Kalamunda)
Ms Carli O'Brien (City of Kalamunda)
Ms Cardia Mariani (City of Kalamunda)
Mr Raktim Baura (City of Kalamunda)

Minute Secretary

Ms Sophie Tunstead (City of Kalamunda)

Applicants and Submitters

Mr David Maiorana (Harley Dykstra)
Mr Benjamin Houweling (Harley Dykstra)
Mr Daniel Panickar (Eco Logical Australia)
Mr Aaron Lohman (element)
Mr Scott Lambie (Cardno)
Mr John Miller (Pine Brook Pty Ltd)

Members of the Public / Media

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.30am on 12 October 2021 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 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2020 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.



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

Nil

7. Deputations and Presentations

7.1 Mr Aaron Lohman (element) addressed the DAP against the recommendation for the application at Item 8.1 and responded to the questions from the panel.

7.2 Mr Benjamin Houweling (Harley Dykstra) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to the questions from the panel.

7.3 Mr Daniel Panickar (Eco Logical Australia) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to the questions from the panel.

7.4 Mr John Miller (Pine Brook Pty Ltd) responded to questions from members of the panel.

7.5 The City of Kalamunda officers addressed the DAP in relation to the application at Item 8.1 and responded to the questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 500 (13) Strelitzia Avenue, Forrestfield

Development Description:	Proposed Child Care Premises
Applicant:	Harley Dykstra
Owner:	Pine Brook Pty Ltd
Responsible Authority:	City of Kalamunda
DAP File No:	DAP/21/02027



REPORT RECOMMENDATION

Moved by: Cr Margaret Thomas

Seconded by: Cr Dylan O'Connor

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

(i) That condition no. 9 be amended to read as follows:

Prior to applying for a building permit, a Construction Management Plan must be submitted by the landowner to the satisfaction of the City of Kalamunda. The Construction Management Plan must be prepared by a suitably qualified person and detail how the construction of the development will be maintained including:

- (i) *Public safety and security.*
- (ii) *Hours of construction.*
- (iii) *Traffic management plans during construction, including any proposed road closures.*
- (iv) *Toilet facilities for construction workers.*
- (v) *Protection of public infrastructure and mature trees marked for retention within the road reserve.*
- (vi) *Dilapidation report of adjoining properties.*
- (vii) *How materials and equipment will be delivered and removed from the site.*
- (viii) *How materials and equipment will be stored on the site.*
- (ix) *Parking arrangements for staff, contractors and visitors.*
- (x) *Construction Waste disposal strategy and location of waste disposal bins.*
- (xi) *How dust, noise, erosion, lighting and environmental hazards will be managed during the stages of construction.*
- (xii) *Complaint management procedure.*
- ~~(xiii) *Dilapidation report(s).*~~
- (xiv) *Other matters likely to impact on surrounding property owners.*

REASON: (xiii) is a duplication of (vi) therefore not required.

(ii) That condition no. 11 be amended to read as follows:

*For the duration of the development, the hours of operation associated with the Child Care Premises are only on Monday to Fridays from 6:30am to 6.00pm **subject to circumstances arising that relate to Condition 18.***

REASON: To provide clarity on the condition.



(iii) That advice note no. 7 be amended to read as follows:

The landowners are required to apply for Registration of a Food Business accompanied with the appropriate registration fee a minimum of two weeks prior to commencing operation. The Application must include floor plans and elevations of the kitchen ~~and bar~~ areas detailing all fixtures, fittings and finishes to the City's Health Service so that assessment may be made against the requirements of the Food Standards Code and advice can be provided before commencing construction. Such advice will aid in preventing expense and delays caused by the possible need to rectify structural non-compliances at the time of completion.

REASON: The reference to the 'bar' is not applicable to the proposed use and is to be deleted.

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/02027 is appropriate for consideration as a "Child Care Premises" land use and compatible with the objectives of the zoning table in accordance with Clause 4.2.1 of the City of Kalamunda Local Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/21/02027 and accompanying Development 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 10.4 of the City of Kalamunda Local Planning Scheme No. 3, 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 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.



3. The development being carried out in accordance with the plan(s)/drawing(s) and document(s) (including any recommendations made) listed below, including any amendments to those plans as shown in red.

Plan No.	Rev.	Title	Date	Prepared by
A101	A	Site Plan	15/07/2021	Bloom Architecture
A102	F	Ground Floor Plan	15/07/2021	Bloom Architecture
A103	A	Roof Plan	15/07/2021	Bloom Architecture
A104	C	Landscaping Plan	15/07/2021	Bloom Architecture
A105	A	Site Elevations	15/07/2021	Bloom Architecture
A106	A	Building Elevations	15/07/2021	Bloom Architecture
-	-	Transport Impact Statement	02/06/2021	Cardno
-	-	Drainage Strategy	25/05/2021	Olsen Engineering WA Pty Ltd
-	-	Environmental Acoustic Assessment	May 2021	Herring Storer Acoustics
-	V2	Bushfire Management Plan	09/09/2021	Eco Logical Australia
-	V1	Bushfire Emergency Evacuation Plan	12/05/2021	Eco Logical Australia

4. Prior to the lodgement of a building permit, a detailed stormwater drainage plan is required to be submitted to the satisfaction and specifications of the City of Kalamunda.
5. For the duration of the development, all stormwater drainage from roofed and paved areas being disposed of on site to the specification outlined in the approved drainage plan and to the satisfaction of the City of Kalamunda.
6. All landscaping noted in the approved Landscape Plan must be planted prior to the occupation of the development and maintained thereafter, to the satisfaction of the City of Kalamunda. Any species which fail to establish within the first two planting seasons following implementation must be replaced at the landowners cost to the satisfaction of the City of Kalamunda.
7. The street wall and fence as well as any associated gates are to be no greater than 1.8 metres in height and visually permeable 1.2 metres above natural ground level, measured from the primary street side, in accordance with the requirements the City of Kalamunda Local Planning Policy 13 – Street Fencing, Walls and Gates.
8. Prior to the lodgement of a building permit, a noise management plan must be submitted to the satisfaction of the City of Kalamunda.



9. Prior to applying for a building permit, a Construction Management Plan must be submitted by the landowner to the satisfaction of the City of Kalamunda. The Construction Management Plan must be prepared by a suitably qualified person and detail how the construction of the development will be maintained including:
- (i) Public safety and security.
 - (ii) Hours of construction.
 - (iii) Traffic management plans during construction, including any proposed road closures.
 - (iv) Toilet facilities for construction workers.
 - (v) Protection of public infrastructure and mature trees marked for retention within the road reserve.
 - (vi) Dilapidation report of adjoining properties.
 - (vii) How materials and equipment will be delivered and removed from the site.
 - (viii) How materials and equipment will be stored on the site.
 - (ix) Parking arrangements for staff, contractors and visitors.
 - (x) Construction Waste disposal strategy and location of waste disposal bins.
 - (xi) How dust, noise, erosion, lighting and environmental hazards will be managed during the stages of construction.
 - (xii) Complaint management procedure.
 - (xiii) Other matters likely to impact on surrounding property owners.

The approved Construction Management Plan must be implemented prior to the commencement of works and thereafter maintained for the duration of works to the satisfaction of the City of Kalamunda.

10. Prior to occupation of the development, crossovers must be designed and constructed to the specifications and satisfaction of the City of Kalamunda
11. For the duration of the development, the hours of operation associated with the Child Care Premises are only on Monday to Fridays from 6:30am to 6:00pm *subject to circumstances arising that relate to Condition 18.*
12. The maximum number children in child care at the site shall not exceed 69 at any one time.



13. Prior to an occupation of the development, all car parking areas must meet the following requirements:
- (i) The provision and maintenance of a minimum of 20 car parking spaces, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off street car parking.
 - (ii) The provision and maintenance car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1 2009, Design for access and mobility, Part 1: General Requirements for access New building work.
 - (iii) Vehicle parking, manoeuvring and circulation areas are to be suitably constructed, sealed, kerbed, line marked and drained to the specification and satisfaction of the City of Kalamunda and Australian Standard AS2890.
14. For the duration of the development, external lighting shall be installed and maintained within the site boundary for all car parking areas, outdoor activity areas, and along all onsite pedestrian pathways. The design and construction of the external lighting must:
- (i) Meet minimum requirements of Australian Standard AS/NZS 1158.3.1:2005.
 - (ii) Be installed prior to the occupation of development and maintained for the duration of development.
 - (iii) Lighting within the car parking area having a greater height than the pedestrian area lighting, and be focused downwards to avoid any light spill on to adjoining properties.
 - (iv) Lighting shall not cause nuisance to adjoining residents or the travelling public and shall comply at all times with the requirements stipulated under the Australian Standard 4282-1997 (Control of the obtrusive effects of outdoor lighting).
15. Prior to applying for a Building Permit, a notification, pursuant to Section 70A of the Transfer of Land Act 1893, is to be included on the diagram or plan of survey (deposited plan).

The notification is to state as follows:

"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to the development on this land."

16. The subject land must be maintained in accordance with the stamped approved Bushfire Management Plan prepared by Eco Logical Australia dated 9 September 2021 for the duration of the development.
17. Prior to occupation of the development, certification is to be provided by a suitably qualified bushfire consultant which demonstrates that the measures contained in Table 5 of the approved Bushfire Management Plan have been implemented.



18. For the duration of development, the landowner/applicant shall ensure compliance with the approved Bushfire Emergency Evacuation Plan. This includes, but is not limited to the following:
 - (i) An up to date copy of the Emergency Evacuation Plan being made available at all times within all buildings and to all on-site supervising personnel/caretakers.
 - (ii) A copy of the Emergency Evacuation Plan Notice being displayed on site in visible locations throughout the building.
 - (iii) Signage and signposting (where appropriate) to provide users with wayfinding during times of emergency.
 - (iv) The hours of operation being limited in accordance with Table 3 of the BEEP on high – catastrophic fire danger ratings.
 - (v) Closure of the child care premises on extreme or catastrophic fire danger ratings.
19. Prior to the occupation of the development, the landowner/applicant contributing towards public art, pursuant to City of Kalamunda Local Planning Policy 26.
20. Prior to applying for a building permit, the landowner is to submit, and have approved by the City of Kalamunda, detailed information relating to external finishes and colour schemes. Prior to the occupation permit being granted, the approved external finishes and colour schemes are to be implemented to the satisfaction of the City of Kalamunda and maintained for the duration of the development.
21. Prior to applying for a building permit, the landowner/applicant is to submit a verge landscaping plan to the City of Kalamunda for approval. All verge landscaping must be completed prior to the occupation of the development and in accordance with the approved Verge Landscaping Plan and to the satisfaction of the City of Kalamunda.

Advice Notes

1. A building permit is required prior to the commencement of works.

The submitted building permit application plans are to be consistent with the plans that form part of the relevant planning approval, to the satisfaction of the City of Kalamunda.
2. All proposed fencing is to be installed to a standard no less than the minimum specification as required by the City of Kalamunda Fencing Local Laws.
3. In regard to condition 7, visually permeable is defined as follows: “In reference to a wall, gate, door, screen or fence that the vertical surface when viewed directly from the street or other public space has:
 - a. Continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;
 - b. Continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or
 - c. A surface offering equal or lesser obstruction to view.”



4. The landowner/applicant is advised that the Department of Water and Environmental Regulation has prepared dust control guidelines for development sites, which, outline the procedures for the preparation of dust management plans. The dust management plans are generally approved, and their implementation overseen, by the Local Government. Further information on the guidelines can be obtained from the Department of Water and Environmental Regulation's website www.dwer.wa.gov.au under air quality publications.
5. In regard to condition 19 the landowner's are advised that a public art contribution of \$20,670 applies to this approval, which can be provided by integrating the public art on site as part of the development component or within a public area within the vicinity of the subject site equal to \$20,670, or alternatively the provision of a \$20,670 as in lieu payment to the City of Kalamunda's Public Art Fund.
6. This development approval does not authorise the erection of any signage not exempt by Schedule 5 (Exempted advertisements) of the City of Kalamunda Local Planning Scheme No. 3.
7. The landowners are required to apply for Registration of a Food Business accompanied with the appropriate registration fee a minimum of two weeks prior to commencing operation. The Application must include floor plans and elevations of the kitchen areas detailing all fixtures, fittings and finishes to the City's Health Service so that assessment may be made against the requirements of the Food Standards Code and advice can be provided before commencing construction. Such advice will aid in preventing expense and delays caused by the possible need to rectify structural non-compliances at the time of completion.

AMENDING MOTION

Moved by: Mr Jason Hicks

Seconded by: Cr Margaret Thomas

- (i) That a new condition no. 22 be added to read as follows:

The development must be constructed to BAL-29 standards in accordance with Australian Standard 3959 and to the satisfaction of the City of Kalamunda.

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: Given the building will be used as a last resort place of refuge in the event of a bushfire emergency, and the National Construction Code would not require this class of building to be compliance with the construction standards prescribed in AS3959, it would be important for the building to be resilient to the radiant heat exposure and built to the appropriate requirements. This is consistent with the recommendations provided in the applicant's Bushfire Management Plan and Bushfire Emergency Evacuation Plan.



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/21/02027 and accompanying Development 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 10.4 of the City of Kalamunda Local Planning Scheme No. 3, 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 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development being carried out in accordance with the plan(s)/drawing(s) and document(s) (including any recommendations made) listed below, including any amendments to those plans as shown in red.

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A102	F	Ground Floor Plan	15/07/2021	Bloom Architecture
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A104	C	Landscaping Plan	15/07/2021	Bloom Architecture
A105	A	Site Elevations	15/07/2021	Bloom Architecture
A106	A	Building Elevations	15/07/2021	Bloom Architecture
-	-	Transport Impact Statement	02/06/2021	Cardno
-	-	Drainage Strategy	25/05/2021	Olsen Engineering WA Pty Ltd
-	-	Environmental Acoustic Assessment	May 2021	Herring Storer Acoustics
-	V2	Bushfire Management Plan	09/09/2021	Eco Logical Australia
-	V1	Bushfire Emergency Evacuation Plan	12/05/2021	Eco Logical Australia

4. Prior to the lodgement of a building permit, a detailed stormwater drainage plan is required to be submitted to the satisfaction and specifications of the City of Kalamunda.
5. For the duration of the development, all stormwater drainage from roofed and paved areas being disposed of on site to the specification outlined in the approved drainage plan and to the satisfaction of the City of Kalamunda.



6. All landscaping noted in the approved Landscape Plan must be planted prior to the occupation of the development and maintained thereafter, to the satisfaction of the City of Kalamunda. Any species which fail to establish within the first two planting seasons following implementation must be replaced at the landowners cost to the satisfaction of the City of Kalamunda.
7. The street wall and fence as well as any associated gates are to be no greater than 1.8 metres in height and visually permeable 1.2 metres above natural ground level, measured from the primary street side, in accordance with the requirements the City of Kalamunda Local Planning Policy 13 – Street Fencing, Walls and Gates.
8. Prior to the lodgement of a building permit, a noise management plan must be submitted to the satisfaction of the City of Kalamunda.
9. Prior to applying for a building permit, a Construction Management Plan must be submitted by the landowner to the satisfaction of the City of Kalamunda. The Construction Management Plan must be prepared by a suitably qualified person and detail how the construction of the development will be maintained including:
 - (i) Public safety and security.
 - (ii) Hours of construction.
 - (iii) Traffic management plans during construction, including any proposed road closures.
 - (iv) Toilet facilities for construction workers.
 - (v) Protection of public infrastructure and mature trees marked for retention within the road reserve.
 - (vi) Dilapidation report of adjoining properties.
 - (vii) How materials and equipment will be delivered and removed from the site.
 - (viii) How materials and equipment will be stored on the site.
 - (ix) Parking arrangements for staff, contractors and visitors.
 - (x) Construction Waste disposal strategy and location of waste disposal bins.
 - (xi) How dust, noise, erosion, lighting and environmental hazards will be managed during the stages of construction.
 - (xii) Complaint management procedure.
 - (xiii) Other matters likely to impact on surrounding property owners.

The approved Construction Management Plan must be implemented prior to the commencement of works and thereafter maintained for the duration of works to the satisfaction of the City of Kalamunda.

10. Prior to occupation of the development, crossovers must be designed and constructed to the specifications and satisfaction of the City of Kalamunda
11. For the duration of the development, the hours of operation associated with the Child Care Premises are only on Monday to Fridays from 6:30am to 6:00pm subject to circumstances arising that relate to Condition 18.
12. The maximum number children in child care at the site shall not exceed 69 at any one time.



13. Prior to an occupation of the development, all car parking areas must meet the following requirements:
 - (i) The provision and maintenance of a minimum of 20 car parking spaces, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off street car parking.
 - (ii) The provision and maintenance car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1 2009, Design for access and mobility, Part 1: General Requirements for access New building work.
 - (iii) Vehicle parking, manoeuvring and circulation areas are to be suitably constructed, sealed, kerbed, line marked and drained to the specification and satisfaction of the City of Kalamunda and Australian Standard AS2890.

14. For the duration of the development, external lighting shall be installed and maintained within the site boundary for all car parking areas, outdoor activity areas, and along all onsite pedestrian pathways. The design and construction of the external lighting must:
 - (i) Meet minimum requirements of Australian Standard AS/NZS 1158.3.1:2005.
 - (ii) Be installed prior to the occupation of development and maintained for the duration of development.
 - (iii) Lighting within the car parking area having a greater height than the pedestrian area lighting, and be focused downwards to avoid any light spill on to adjoining properties.
 - (iv) Lighting shall not cause nuisance to adjoining residents or the travelling public and shall comply at all times with the requirements stipulated under the Australian Standard 4282-1997 (Control of the obtrusive effects of outdoor lighting).

15. Prior to applying for a Building Permit, a notification, pursuant to Section 70A of the Transfer of Land Act 1893, is to be included on the diagram or plan of survey (deposited plan).

The notification is to state as follows:

“This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to the development on this land.”

16. The subject land must be maintained in accordance with the stamped approved Bushfire Management Plan prepared by Eco Logical Australia dated 9 September 2021 for the duration of the development.

17. Prior to occupation of the development, certification is to be provided by a suitably qualified bushfire consultant which demonstrates that the measures contained in Table 5 of the approved Bushfire Management Plan have been implemented.



18. For the duration of development, the landowner/applicant shall ensure compliance with the approved Bushfire Emergency Evacuation Plan. This includes, but is not limited to the following:
 - (i) An up to date copy of the Emergency Evacuation Plan being made available at all times within all buildings and to all on-site supervising personnel/caretakers.
 - (ii) A copy of the Emergency Evacuation Plan Notice being displayed on site in visible locations throughout the building.
 - (iii) Signage and signposting (where appropriate) to provide users with wayfinding during times of emergency.
 - (iv) The hours of operation being limited in accordance with Table 3 of the BEEP on high – catastrophic fire danger ratings.
 - (v) Closure of the child care premises on extreme or catastrophic fire danger ratings.
19. Prior to the occupation of the development, the landowner/applicant contributing towards public art, pursuant to City of Kalamunda Local Planning Policy 26.
20. Prior to applying for a building permit, the landowner is to submit, and have approved by the City of Kalamunda, detailed information relating to external finishes and colour schemes. Prior to the occupation permit being granted, the approved external finishes and colour schemes are to be implemented to the satisfaction of the City of Kalamunda and maintained for the duration of the development.
21. Prior to applying for a building permit, the landowner/applicant is to submit a verge landscaping plan to the City of Kalamunda for approval. All verge landscaping must be completed prior to the occupation of the development and in accordance with the approved Verge Landscaping Plan and to the satisfaction of the City of Kalamunda.
22. The development must be constructed to BAL-29 standards in accordance with Australian Standard 3959 and to the satisfaction of the City of Kalamunda.

Advice Notes

1. A building permit is required prior to the commencement of works.

The submitted building permit application plans are to be consistent with the plans that form part of the relevant planning approval, to the satisfaction of the City of Kalamunda.
2. All proposed fencing is to be installed to a standard no less than the minimum specification as required by the City of Kalamunda Fencing Local Laws.



3. In regard to condition 7, visually permeable is defined as follows: “In reference to a wall, gate, door, screen or fence that the vertical surface when viewed directly from the street or other public space has:
 - a. Continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;
 - b. Continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or
 - c. A surface offering equal or lesser obstruction to view.”
4. The landowner/applicant is advised that the Department of Water and Environmental Regulation has prepared dust control guidelines for development sites, which, outline the procedures for the preparation of dust management plans. The dust management plans are generally approved, and their implementation overseen, by the Local Government. Further information on the guidelines can be obtained from the Department of Water and Environmental Regulation’s website www.dwer.wa.gov.au under air quality publications.
5. In regard to condition 19 the landowner’s are advised that a public art contribution of \$20,670 applies to this approval, which can be provided by integrating the public art on site as part of the development component or within a public area within the vicinity of the subject site equal to \$20,670, or alternatively the provision of a \$20,670 as in lieu payment to the City of Kalamunda’s Public Art Fund.
6. This development approval does not authorise the erection of any signage not exempt by Schedule 5 (Exempted advertisements) of the City of Kalamunda Local Planning Scheme No. 3.
7. The landowners are required to apply for Registration of a Food Business accompanied with the appropriate registration fee a minimum of two weeks prior to commencing operation. The Application must include floor plans and elevations of the kitchen areas detailing all fixtures, fittings and finishes to the City’s Health Service so that assessment may be made against the requirements of the Food Standards Code and advice can be provided before commencing construction. Such advice will aid in preventing expense and delays caused by the possible need to rectify structural non-compliances at the time of completion.

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

REASON: As outlined in the Responsible Authority Report, the proposed development was assessed as being compatible with surrounding residential properties and conforming to the location and development criteria for Child Care Premises. Whilst noting some conflict of opinion in relation to the application satisfying the terms of State Planning Policy 3.7 Planning in Bushfire Prone Areas, having regard for the opinion provided by the applicant’s accredited bushfire consultant and supporting comments from the Department of Planning, Lands and Heritage the panel, with minor amendments, supported the recommendation in the RAR, to approve the application, with the addition of condition 22 to increase fire protection of the building.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01708 DR 138/2020	City of Kwinana	Lot 108 Kwinana Beach Road, Kwinana	Proposed Bulk Liquid Storage for GrainCorp Liquid Terminals	01/07/2020
DAP/01729 DR 176/2020	City of Kalamunda	Lot 130 (74) Warlingham Drive, Lesmurdie	Aged Residential Care Facility	28/8/2020
DAP/20/01764 DR 204/2020	City of Swan	Lot 780 (46) Gaston Road, Bullsbrook	Proposed Stock Feed Grain Mill	8/09/2020
DAP/20/01829 DR 001/2021	City of Swan	Lot 1 (42) Dale Road & Lot 4 (43) Yukich Close, Middle Swan	Aged care and community purpose	08/01/2021
DAP/21/01952 DR 096/2021	City of Rockingham	Lot 265 (40) Talisker Bend, Golden Bay	Mixed commercial development	14/05/2021
DAP/210/01926 DR144/2021	City of Armadale	Lot 60 Centre Road, Camillo	Proposed 45 Grouped Dwellings	09/07/2021

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 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.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11.09am.