



## **Metro Outer Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** Wednesday, 22 September 2021; 9:30am  
**Meeting Number:** MOJDAP/126  
**Meeting Venue:** City of Gosnells  
Civic Centre, 2120 Albany Highway, Gosnells

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## **Attendance**

### **DAP Members**

Mr Ian Birch (Presiding Member)  
Ms Sheryl Chaffer (Deputy Presiding Member)  
Ms Diana Goldswain (A/Third Specialist Member)

#### *Item 8.1a & 8.2*

Mayor David Goode (Local Government Member, City of Gosnells)  
Cr Julie Brown (Local Government Member, City of Gosnells)

#### *Item 8.1b*

Mayor Margaret Thomas (Local Government Member, City of Kalamunda)  
Cr Dylan O'Connor (Local Government Member, City of Kalamunda)

### **Officers in attendance**

Mr Andrew Lefort (City of Gosnells) - *Item 8.1a & 8.2*  
Ms Tracey Baglin (City of Gosnells) – *Item 8.2*

#### *Item 8.1b*

Mr Andrew Fowler-Tutt (City of Kalamunda)  
Ms Sophie Tunstead (City of Kalamunda)  
Ms Alisha Kozma (City of Kalamunda)

### **Minute Secretary**

Ms Jamie Trees (City of Gosnells)

### **Applicants and Submitters**

#### *Item 8.1*

Mr Jarrod Ross (Taylor Burrell Barnett)

#### *Item 8.2*

Mr Robert Walker (Planning Solutions)  
Mr Reece Hendy (Planning Solutions)  
Mr Mathew Wilson (Direct Homes)  
Mr Tim Reynolds (Herring Storer)

### **Members of the Public / Media**

Nil



## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.31am on 22 September 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

Mr Jason Hick (Third Specialist Member)  
Mr Justin Page (A/Third Specialist Member)

## 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

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.2, received on 21 September 2021.

All members declared that they had duly considered the documents.



## 6. Disclosure of Interests

DAP Member, Mr Jason Hick, declared a Pecuniary Interest in items 8.1a and 8.1b. Mr Hick is a shareholder, Director and employee of Emerge Environmental Services Pty Ltd. MKSEA Pty Ltd. is a current client of Emerge Environmental Services.

DAP Member, Mr Justin Page, declared an Indirect Pecuniary Interest items 8.1a and 8.1b. The Proponent includes 'Hesperia'. My employee (Element Advisory) has been appointed by Hesperia on multiple on-going metropolitan projects at present.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who had disclosed a Direct and Indirect Pecuniary Interest, were not permitted to participate in the discussion and voting on the items.

## 7. Deputations and Presentations

7.1 Mr Jarrod Ross (Taylor Burrell Barnett) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 City of Gosnells officers addressed the DAP in relation to the application at Item 8.1a.

7.3 City of Kalamunda Officers addressed the DAP in relation to the application at Item 8.1b and responded to questions from the panel.

***The presentation at Item 7.1 – 7.3 were heard prior to the application at Item 8.1a&b.***

7.4 Mr Robert Walker (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel. Property owner and builder, Tim Wilson and Acoustic Consultant, Tim Reynolds also responded to questions from the panel.

7.5 Mr Mathew Wilson (Direct Homes) responded to questions from the panel in relation to item 8.2.

7.6 Mr Tim Reynolds (Herring Storer) responded to questions from the panel in relation to item 8.2.

7.7 City of Gosnells Officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

***The presentations at Items 7.4 - 7.7 were heard prior to the application at Item 8.2.***



## PROCEDURAL MOTION

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Mayor Margaret Thomas

That the application at Item 8.1b be heard prior to the application at Item 8.1a.

**The Procedural Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** For continuity, to allow for the City of Kalamunda item to be heard first given there was a further City of Gosnells item on the agenda.

### 8. Form 1 – Responsible Authority Reports – DAP Applications

#### 8.1a Lot 9036 (137) Logistics Boulevard, Kenwick

Development Description: Warehouse and Incidental Office  
Applicant: Taylor Burrell Barnett  
Owner: MKSEA Pty Ltd  
Responsible Authority: City of Gosnells  
DAP File No: DAP/21/02041

### REPORT RECOMMENDATION

*With the approval of the mover and seconder the following amendment was made;*

That condition no. 2 be amended to read as follows:

*This decision constitutes planning approval only and is valid for a period of four years from the date of approval (~~this is inclusive of the additional two years available under 'Clause 78H Notice of Exemption from planning requirements during State of Emergency', issued by the Minister for Planning on 8 April 2020~~). If the subject development is not substantially commenced within the four year period, the approval shall lapse and be of no further effect.*

**REASON:** The DAP Regulations now provide for a default approval period of 4 years for substantial commencement.

**Moved by:** Mayor David Goode

**Seconded by:** Cr Julie Brown

That the Metro Outer Joint Development Assessment Panel (JDAP) resolves to:

1. **Accept** that the DAP Application reference DAP/21/02041 is appropriate for consideration as a "Warehouse" land use and compatible with the objectives of the zoning table in accordance with Clause 3.2 of the City of Gosnells Town Planning Scheme No. 6;
2. **Approve** DAP Application reference DAP/21/02041 and accompanying plans (SK00 – Rev G, SK01 – Rev J, SK02 – Rev G, SK03 – Rev G, SK04 – Rev G, SK05 – Rev G, SK06 – Rev G, SK07 – Rev G, SK08 – Rev G, DA-01 – Rev D) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Town Planning Scheme No. 6, subject to the following conditions:

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



## 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 four year period, the approval shall lapse and be of no further effect.
3. Prior to applying for a Building Permit, the applicant shall submit, have approved, and thereafter implement, a drainage design, prescribing a functional drainage system, including detailed engineering drawings, and necessary technical information to demonstrate functionality of the design in accordance with the relevant Urban Water Management Plan, to the satisfaction of the City of Gosnells.
4. Prior to applying for a Building Permit, a Landscape Plan for the development site and the adjoining road verge(s) is to be submitted to and approved by the City of Gosnells. The following details are to be included:
  - a. Existing street trees.
  - b. Landscape treatments such as lawn, mulch areas, paving and bin collection areas.
  - c. The location, species, quantity and pot size of proposed trees and shrubs.
  - d. Areas to be irrigated.
  - e. The boundary between the City of Gosnells and the City of Kalamunda.
5. Prior to applying for a Building Permit, the applicant is to submit and have approved information relating to external finishes and colour schemes to the satisfaction of the City of Gosnells. Once approved and prior to the occupation of the development, the approved external finishes and colour schemes are to be implemented to the satisfaction of the City of Gosnells.
6. Prior to the occupation of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line-marked and kerbed in accordance with:
  - a. The approved plan(s);
  - b. Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking;
  - c. Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities; and
  - d. Council's engineering requirements and design guidelines.

The car parking is to be maintained to the satisfaction of the City of Gosnells for the duration of the development.
7. All crossovers are to be located and constructed to the City of Gosnells specifications.
8. Prior to the occupation of the development, the proposed hardstand area is to be paved, sealed and drained to the satisfaction of the City of Gosnells.



9. Prior to the occupation of the development, the landscaping and irrigation of the development site and the adjoining verges is to be installed in accordance with the approved landscape plan and thereafter maintained to the satisfaction of the City of Gosnells.
10. The car parking and landscaped area located in the front setback area is not to be used for the storage of motor vehicles, machinery, equipment or materials which are being wrecked or repaired, or for the stacking or storing of fuel, raw materials, products or by-products or wastes of manufacture, in accordance with Town Planning Scheme No. 6, for the duration of the development.

### **Advice Notes**

1. The Applicant is advised that prior to the occupation of the development, the approved Aerobic Treatment Unit for on-site effluent disposal must be installed to the satisfaction of the City of Gosnells and maintained thereafter.
2. The Applicant is advised that prior to applying for a Building Permit, an application to construct or install an apparatus for the treatment and disposal of all industrial wastewater is to be submitted and approved by the City of Gosnells. The apparatus is to be installed prior to the occupation of the development and thereafter maintained to the satisfaction of the City of Gosnells.
3. The Applicant is advised of the need to obtain a Building Permit prior to the commencement of work.
4. Your attention is drawn to the following to minimise the impact of development works:
  - i) All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981. For further details please contact the Department of Water and Environment Regulation.
  - ii) Development work shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
  - iii) Development work shall comply in all respects with the Environmental Protection (Noise) Regulations 1997.
5. The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health (Miscellaneous Provisions) Act 1911 and Regulations, Contaminated Sites Act 2003, and the National Construction Code.

### **The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**REASON:** As per the assessment outlined in the Responsible Authority Report, the application is consistent with the planning framework set out for the MKSEA, Precinct 3A Roe Highway Logistics Park. Relevant conditions are added to the approval.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



**8.1b Lot 9032 Courtney Place and Lot 9036 Logistics Boulevard, Kenwick**

Development Description: Warehouse and Incidental Office  
 Applicant: Taylor Burrell Barnett  
 Owner: MKSEA Pty Ltd  
 Responsible Authority: City of Kalamunda  
 DAP File No: DAP/21/02041

**REPORT RECOMMENDATION**

**Moved by:** Cr Dylan O'Connor

**Seconded by:** Mayor Margaret Thomas

That the Metro-Outer Joint Development Assessment Panel resolves to:

- Accept** that the DAP Application reference DAP/21/02041 is appropriate for consideration as the uses "Warehouse/Storage and Incidental uses compatible with the objectives of the zone in accordance with Clause 4.2.4 Industrial Zones of the City of Kalamunda Local Planning Scheme No. 3
- Approve** DAP Application reference DAP/21/02041 and accompanying plans, as referenced in condition 3, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, clause 24(1) of the Metropolitan Region Scheme and the provisions of Clause 10.4 of the City of Kalamunda's Local Planning Scheme No. 3, subject to the following conditions:

**Conditions**

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

Plan No.	Rev No.	Title	Prepared By
SK01	J	Site Plan	Jeff Freeman Architects
SK02	G	Floor Plan	Jeff Freeman Architects
SK03	G	Elevations	Jeff Freeman Architects
SK04	G	Elevations – Section	Jeff Freeman Architects
SK09	H	Signage	Jeff Freeman Architects
DA-01 & DA-02	D	Landscape Development Application	UDLA
CW937700	B	Transport Impact Statement	Cardno
88698.49	1	Geotechnical Investigation	Douglas Partners





3. All landscaping noted in the approved Landscape Plan must be planted prior to 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.

4. Prior to the occupation of the development, landscaping of the verge must be completed in accordance with the Landscaping Plan and the City of Kalamunda's Verge Development Guidelines
5. 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 [insert no.] 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.

Comply with the above requirements and be maintained to the satisfaction of the City of Kalamunda for the duration of the development.

6. Prior to occupation of the development, crossovers must be designed and constructed to the specification and satisfaction of the City of Kalamunda.
7. Prior to applying for a building permit, the applicant must submit, have approved, and thereafter implement, a drainage design, prescribing a functional drainage system, including detailed engineering drawings, and necessary technical information to demonstrate functionality of the design in accordance with the relevant Urban Water Management Plan, to the satisfaction of the City of Kalamunda.
8. Illuminated signage must be of a low-level not exceeding 300cd/m<sup>2</sup>, and not flash, pulsate or chase during at any time for the duration of development.



9. Prior to applying for a building permit, an Interim Development Contribution Arrangement (IDCA) must be prepared by the landowner in accordance with City of Kalamunda Local Planning Policy 25 (Interim Development Contribution Arrangements) and executed by all parties, for the applicant to contribute towards the cost of providing common infrastructure as established through Local Planning Scheme Amendment No. 101, to the City of Kalamunda Local Planning Scheme No.3 when gazetted. Arrangements are to be at the cost of the applicant and to the satisfaction of the City of Kalamunda.
10. The maximum number of staff associated with the use must not exceed 21 at any one time.

### **Advice Notes**

1. The applicant is advised, a building permit is required prior to the commencement of works on site.
2. 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.
3. Any trees requiring protection from development works should be in accordance with AS4970-2009 "Protection of Trees on Development Sites".
4. Condition 9 is in acknowledgement of Amendment No. 101 to City of Kalamunda Local Planning Scheme No.3 which is viewed by the City to be a seriously entertained planning proposal, which will provide for developer contributions for community infrastructure.
5. In regard to condition 9 the City of Kalamunda's Local Planning Policy 25 provides a concise and documented procedure for the establishment of Interim Development Contribution Arrangements to provide for consistent management by the City, and a transparent process to manage interim arrangements for the community.

### **AMENDING MOTION**

**Moved by:** Cr Dylan O'Connor

**Seconded by:** Mayor Margaret Thomas

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

*Prior to **commencement of development** ~~applying for a building permit~~, an Interim Development Contribution Arrangement (IDCA) must be prepared by the landowner in accordance with City of Kalamunda Local Planning Policy 25 (Interim Development Contribution Arrangements) and executed by all parties, for the applicant to contribute towards the cost of providing common infrastructure as established through Local Planning Scheme Amendment No. 101, to the City of Kalamunda Local Planning Scheme No.3 when gazetted. Arrangements are to be at the cost of the applicant and to the satisfaction of the City of Kalamunda.*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



**REASON:** The matter of Development Contributions can be settled prior to commencement, without necessarily delaying processing of the Building Permit. City officers supported the amendment.

**REPORT RECOMMENDATION (AS AMENDED)**

That the Metro-Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/02041 is appropriate for consideration as the uses “Warehouse/Storage and Incidental uses compatible with the objectives of the zone in accordance with Clause 4.2.4 Industrial Zones of the City of Kalamunda Local Planning Scheme No. 3
2. **Approve** DAP Application reference DAP/21/02041 and accompanying plans, as referenced in condition 3, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, clause 24(1) of the Metropolitan Region Scheme and the provisions of Clause 10.4 of the City of Kalamunda’s Local Planning Scheme No. 3, subject to the following conditions:

**Conditions**

1. 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.
2. The development being carried out in accordance with the plan(s)/drawings(s) and document(s) (including any recommendation made) listed below, including any amendments to those plans as shown in red.

Plan No.	Rev No.	Title	Prepared By
SK01	J	Site Plan	Jeff Freeman Architects
SK02	G	Floor Plan	Jeff Freeman Architects
SK03	G	Elevations	Jeff Freeman Architects
SK04	G	Elevations – Section	Jeff Freeman Architects
SK09	H	Signage	Jeff Freeman Architects
DA-01 & DA-02	D	Landscape Development Application	UDLA
CW937700	B	Transport Impact Statement	Cardno
88698.49	1	Geotechnical Investigation	Douglas Partners

3. All landscaping noted in the approved Landscape Plan must be planted prior to 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.



4. Prior to the occupation of the development, landscaping of the verge must be completed in accordance with the Landscaping Plan and the City of Kalamunda's Verge Development Guidelines
5. 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 [insert no.] 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.

Comply with the above requirements and be maintained to the satisfaction of the City of Kalamunda for the duration of the development.

6. Prior to occupation of the development, crossovers must be designed and constructed to the specification and satisfaction of the City of Kalamunda.
7. Prior to applying for a building permit, the applicant must submit, have approved, and thereafter implement, a drainage design, prescribing a functional drainage system, including detailed engineering drawings, and necessary technical information to demonstrate functionality of the design in accordance with the relevant Urban Water Management Plan, to the satisfaction of the City of Kalamunda.
8. Illuminated signage must be of a low-level not exceeding 300cd/m<sup>2</sup>, and not flash, pulsate or chase during at any time for the duration of development.
9. Prior to commencement of development, an Interim Development Contribution Arrangement (IDCA) must be prepared by the landowner in accordance with City of Kalamunda Local Planning Policy 25 (Interim Development Contribution Arrangements) and executed by all parties, for the applicant to contribute towards the cost of providing common infrastructure as established through Local Planning Scheme Amendment No. 101, to the City of Kalamunda Local Planning Scheme No.3 when gazetted. Arrangements are to be at the cost of the applicant and to the satisfaction of the City of Kalamunda.



10. The maximum number of staff associated with the use must not exceed 21 at any one time.

### Advice Notes

1. The applicant is advised, a building permit is required prior to the commencement of works on site.
2. 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.
3. Any trees requiring protection from development works should be in accordance with AS4970-2009 “Protection of Trees on Development Sites”.
4. Condition 9 is in acknowledgement of Amendment No. 101 to City of Kalamunda Local Planning Scheme No.3 which is viewed by the City to be a seriously entertained planning proposal, which will provide for developer contributions for community infrastructure.
5. In regard to condition 9 the City of Kalamunda’s Local Planning Policy 25 provides a concise and documented procedure for the establishment of Interim Development Contribution Arrangements to provide for consistent management by the City, and a transparent process to manage interim arrangements for the community.

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

**REASON:** As per the assessment outlined in the Responsible Authority Report, the application is consistent with the planning framework set out for the MKSEA, Precinct 3A Roe Highway Logistics Park. Relevant conditions are added to the approval.

*Mayor Margaret Thomas and Cr Dylan O’Connor (Local Government Members, City of Kalamunda) left the panel at 9.43am.*

### 8.2 Lot 304 & 503 (177-179) William Street, Beckenham

Development Description:	Child Care Premises
Applicant:	Planning Solutions
Owner:	Mathew Ronald Wilson
Responsible Authority:	City of Gosnells
DAP File No:	DAP/21/02024

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



## REPORT RECOMMENDATION

**Moved by:** Cr Julie Brown

**Seconded by:** Mayor David Goode

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/02024 is appropriate for consideration as a Child Care Premises land use and compatible with the objectives of the zoning table in accordance with the City of Gosnells Town Planning Scheme No.6.
2. **Approve** DAP Application reference DA/21/02024 and accompanying plans Job No. 20 004 - sheet 2 of 6 to sheet 6 of 6 and sheet 2 of 4 and sheet 3 of 4 (dated 14 February 2020) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Town Planning Scheme No. 6, subject to the following conditions.

### Conditions:

1. 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.
2. 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.
3. Prior to applying for a Building Permit, a geotechnical report is to be submitted, detailing site conditions with respect to soil, groundwater and stormwater disposal, to the satisfaction of the City of Gosnells.
4. Prior to applying for a Building Permit, the applicant shall submit, have approved, and thereafter implement a drainage design, prescribing a functional drainage system, including detailed engineering drawings, and necessary technical information to demonstrate functionality of the design, to the satisfaction of the City of Gosnells.
5. Prior to applying for a Building Permit, a Landscape Plan for the development site and the adjoining road verge(s) is to be submitted to and approved by the City of Gosnells. The following details are to be included:
  - (i) Existing street trees and vegetation to be retained on the site and verge.
  - (ii) Landscape treatments such as lawn, mulch areas, paving and bin collection areas.
  - (iii) The location, species, quantity and pot size of proposed trees and shrubs.
  - (iv) Areas to be irrigated.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP





6. Prior to applying for a Building Permit, a schedule of external materials, finishes and colours shall be submitted to and approved by the City of Gosnells. Prior to the occupation of the development, the approved external materials, finishes and colour schedule is to be implemented to the satisfaction of the City of Gosnells and maintained thereafter.
7. Prior to applying for a Building Permit, a revised Waste Management Plan (WMP) must be submitted to and approved by the City of Gosnells. The revised WMP must demonstrate that a smaller waste collection vehicle is capable of collection during the operating hours of the approved Childcare Premises. All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.
8. Prior to the occupation of the development, the amalgamation of lot 304 and lot 503 into one Certificate of Title must be completed.
9. Prior to the occupation of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line-marked and kerbed in accordance with:
  - (i) The approved plan(s);
  - (ii) Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking;
  - (iii) Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities;
  - (iv) Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access-New building work (by providing a link to the main entrance of the development by a continuous accessible path of travel).
  - (v) Council's engineering requirements and design guidelines.

The car parking is to be maintained to the satisfaction of the City of Gosnells for the duration of the development.

10. Prior to the occupation of the development, the redundant vehicle crossover to William Street is to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the City of Gosnells.
11. Prior to the occupation of the development, the landscaping and irrigation of the development site and the adjoining verges is to be installed in accordance with the approved landscape plan and thereafter maintained to the satisfaction of the City of Gosnells.
12. Prior to the occupation of the development, a pedestrian footpath along Diamond Street is to be constructed to a minimum 1.5m width to the City of Gosnells specifications. The path is to be realigned to the back of kerb to allow for greater clearance to the existing street tree.
13. Prior to the occupation of the development, arrangements being made with the Water Corporation for the provision of a sewerage service to the amalgamated lot.



14. The operation of the Child Care Premises is limited to the following extent:
  - A maximum of 89 children and 14 staff members at the premises at any one time.
  - The hours of operation are from 6.30am to 6.30pm Monday to Friday.
15. The recommendations of the Noise Assessment prepared by Herring Storer Acoustics dated April 2021 shall be implemented and maintained for the life of the development to the satisfaction of the City of Gosnells. The exception to the report is for the boundary fencing abutting adjoining the residential properties to the north-west and south-west.
16. Prior to applying for a Building Permit, the proposal is to be modified to include a 2m high masonry wall along the north-west and south-west boundaries to the satisfaction of the City. Prior to the occupation of the development, the masonry wall shall be constructed to the satisfaction of the City.
17. Floodlighting shall be limited to between 6.30am and 6.30pm Monday to Friday with any illumination being confined to the subject site in accordance with Australian Standard AS 4282-1997, Control of the obtrusive effects of outdoor lighting.
18. Prior to the occupation of the development, the proposed street boundary fencing (solid portions) shall be treated with anti-graffiti treatment to the satisfaction of the City of Gosnells.

#### **Advice Notes**

1. You are advised of the need to obtain a Building Permit prior to the commencement of work.
2. Your attention is drawn to the following to minimise the impact of development works:
  - (i) All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981. For further details please contact the Department of Water and Environment Regulation.
  - (ii) Development work shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
  - (iii) Development work shall comply in all respects with the Environmental Protection (Noise) Regulations 1997.
3. With regard to food preparation, the applicant is required to comply with the *Food Act 2008* and shall design and construct the food premises in accordance with Standard 3.2.3 of the Australia New Zealand Food Standards Code.

Operators of food handling premises are required to submit plans and specifications of shop fit-outs to the City, prior to commencement of works. Please liaise with the City's Health Services in this regard.





4. The operation/development is to comply with the *Environmental Protection (Noise) Regulations 1997*.

#### **AMENDING MOTION 1**

**Moved by:** Ms Diana Goldswain

**Seconded by:** Mr Ian Birch

*The following amendments were made en bloc;*

- (i) That condition no. 15 be amended to read as follows:

*The recommendations of the Noise Assessment prepared by Herring Storer Acoustics dated April 2021 shall be implemented and maintained for the life of the development to the satisfaction of the City of Gosnells. The exception to the report is for the boundary fencing abutting adjoining the residential properties to the ~~north-west and south-west~~ and;*

- (ii) That condition no. 16 be amended to read as follows:

*Prior to applying for a Building Permit, the proposal is to be modified to include a **minimum** 2m high masonry wall along the ~~north-west and south-west boundaries~~ **boundary** to the satisfaction of the City. Prior to the occupation of the development, the masonry wall shall be constructed to the satisfaction of the City.*

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

For: Mr Ian Birch  
Ms Sheryl Chaffer  
Ms Diana Goldswain  
Mayor David Goode

Against: Cr. Julie Brown

**REASON:** Whilst noting the findings in the acoustic assessment report, which concluded that colorbond fencing on both boundaries was sufficient to contain noise levels within acceptable limits, given the location of the outdoor play area immediately adjacent to the residence to the south west, the panel supported the RAR recommendation for a masonry wall along that boundary.



## AMENDING MOTION 2

**Moved by:** Mr Ian Birch

**Seconded by:** Ms Sheryl Chaffer

*The following amendments were made en bloc;*

- (i) That a new condition no. 19 be added to read as follows:

***Prior to occupation of the development, an Operational Management Plan shall be submitted to and approved by the City of Gosnells. The approved Operational Management Plan shall be implemented for the life of the development and;***

- (ii) That a new advice note no. 5 be added to read as follows:

***With regards to Condition 19, the Operational Management Plan shall include measures to minimise disruption to residential neighbours including:***

- a) Management of Outdoor play areas;***
- b) Parking Management and Access; and***
- c) Pick Up and Drop Off procedures.***

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** To set down in writing measures implicit in the approval which are in place to minimise impact on neighbours.

### REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/02024 is appropriate for consideration as a Child Care Premises land use and compatible with the objectives of the zoning table in accordance with the City of Gosnells Town Planning Scheme No.6.
2. **Approve** DAP Application reference DA/21/02024 and accompanying plans Job No. 20 004 - sheet 2 of 6 to sheet 6 of 6 and sheet 2 of 4 and sheet 3 of 4 (dated 14 February 2020) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Town Planning Scheme No. 6, subject to the following conditions.

### Conditions:

1. 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.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



2. 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.
3. Prior to applying for a Building Permit, a geotechnical report is to be submitted, detailing site conditions with respect to soil, groundwater and stormwater disposal, to the satisfaction of the City of Gosnells.
4. Prior to applying for a Building Permit, the applicant shall submit, have approved, and thereafter implement a drainage design, prescribing a functional drainage system, including detailed engineering drawings, and necessary technical information to demonstrate functionality of the design, to the satisfaction of the City of Gosnells.
5. Prior to applying for a Building Permit, a Landscape Plan for the development site and the adjoining road verge(s) is to be submitted to and approved by the City of Gosnells. The following details are to be included:
  - (i) Existing street trees and vegetation to be retained on the site and verge.
  - (ii) Landscape treatments such as lawn, mulch areas, paving and bin collection areas.
  - (iii) The location, species, quantity and pot size of proposed trees and shrubs.
  - (iv) Areas to be irrigated.
6. Prior to applying for a Building Permit, a schedule of external materials, finishes and colours shall be submitted to and approved by the City of Gosnells. Prior to the occupation of the development, the approved external materials, finishes and colour schedule is to be implemented to the satisfaction of the City of Gosnells and maintained thereafter.
7. Prior to applying for a Building Permit, a revised Waste Management Plan (WMP) must be submitted to and approved by the City of Gosnells. The revised WMP must demonstrate that a smaller waste collection vehicle is capable of collection during the operating hours of the approved Childcare Premises. All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.
8. Prior to the occupation of the development, the amalgamation of lot 304 and lot 503 into one Certificate of Title must be completed.
9. Prior to the occupation of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line-marked and kerbed in accordance with:
  - (i) The approved plan(s);
  - (ii) Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking;
  - (iii) Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities;
  - (iv) Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access-New building work (by providing a link to



the main entrance of the development by a continuous accessible path of travel).

- (v) Council's engineering requirements and design guidelines.

The car parking is to be maintained to the satisfaction of the City of Gosnells for the duration of the development.

10. Prior to the occupation of the development, the redundant vehicle crossover to William Street is to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the City of Gosnells.
11. Prior to the occupation of the development, the landscaping and irrigation of the development site and the adjoining verges is to be installed in accordance with the approved landscape plan and thereafter maintained to the satisfaction of the City of Gosnells.
12. Prior to the occupation of the development, a pedestrian footpath along Diamond Street is to be constructed to a minimum 1.5m width to the City of Gosnells specifications. The path is to be realigned to the back of kerb to allow for greater clearance to the existing street tree.
13. Prior to the occupation of the development, arrangements being made with the Water Corporation for the provision of a sewerage service to the amalgamated lot.
14. The operation of the Child Care Premises is limited to the following extent:
  - A maximum of 89 children and 14 staff members at the premises at any one time.
  - The hours of operation are from 6.30am to 6.30pm Monday to Friday.
15. The recommendations of the Noise Assessment prepared by Herring Storer Acoustics dated April 2021 shall be implemented and maintained for the life of the development to the satisfaction of the City of Gosnells. The exception to the report is for the boundary fencing abutting adjoining the residential properties to the south-west.
16. Prior to applying for a Building Permit, the proposal is to be modified to include a minimum 2m high masonry wall along the south-west boundaries to the satisfaction of the City. Prior to the occupation of the development, the masonry wall shall be constructed to the satisfaction of the City.
17. Floodlighting shall be limited to between 6.30am and 6.30pm Monday to Friday with any illumination being confined to the subject site in accordance with Australian Standard AS 4282-1997, Control of the obtrusive effects of outdoor lighting.
18. Prior to the occupation of the development, the proposed street boundary fencing (solid portions) shall be treated with anti-graffiti treatment to the satisfaction of the City of Gosnells.



19. Prior to occupation of the development, an Operational Management Plan shall be submitted to and approved by the City of Gosnells. The approved Operational Management Plan shall be implemented for the life of the development.

### **Advice Notes**

1. You are advised of the need to obtain a Building Permit prior to the commencement of work.
2. Your attention is drawn to the following to minimise the impact of development works:
  - (i) All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981. For further details please contact the Department of Water and Environment Regulation.
  - (ii) Development work shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
  - (iii) Development work shall comply in all respects with the Environmental Protection (Noise) Regulations 1997.
3. With regard to food preparation, the applicant is required to comply with the *Food Act 2008* and shall design and construct the food premises in accordance with Standard 3.2.3 of the Australia New Zealand Food Standards Code.

Operators of food handling premises are required to submit plans and specifications of shop fit-outs to the City, prior to commencement of works. Please liaise with the City's Health Services in this regard.
4. The operation/development is to comply with the *Environmental Protection (Noise) Regulations 1997*.
5. With regards to Condition 19, the Operational Management Plan shall include measures to minimise disruption to residential neighbours including:
  - a) Management of Outdoor play areas;
  - b) Parking Management and Access; and
  - c) Pick Up and Drop Off procedures.

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

**REASON:** Having considered the assessment in the Responsible Authority Report and depositions provided by the applicants, the panel agreed that, with suitable conditions, the development of a child care centre, as proposed, was compatible with its neighbours and accordingly, acceptable in this location.



**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 -

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
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 10.30am.