



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

**Meeting Date and Time:** Friday, 8 April 2022; 9:30am  
**Meeting Number:** MOJDAP/163  
**Meeting Venue:** Electronic Means

*This DAP meeting was conducted by electronic means (Zoom) open to the public rather than requiring attendance in person*

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## **Attendance**

### **DAP Members**

Mr Ian Birch (Presiding Member)  
Mr Gene Koltasz (A/Deputy Presiding Member)  
Mr John Syme (A/Third Specialist Member)

#### *Item 8.1*

Cr Kellie Miskiewicz (Local Government Member, City of Kalamunda)  
Cr Brooke O'Donnell (Local Government Member, City of Kalamunda)

#### *Item 9.1*

Cr David Goode (Local Government Member, City of Gosnells)  
Cr Peter Abetz (Local Government Member, City of Gosnells)

### **Officers in attendance**

#### *Item 8.1*

Mr Andrew Fowler-Tutt (City of Kalamunda)  
Ms Cardia Mariani (City of Kalamunda)  
Ms Sophie Tunstead (City of Kalamunda)  
Mr Raktim Barua (City of Kalamunda)  
Mr Peter Varelis (City of Kalamunda)

#### *Item 9.1*

Mr Brenton Scrambler (City of Gosnells)

### **Minute Secretary**

Ms Adele McMahon (DAP Secretariat)  
Ms Ashlee Kelly (DAP Secretariat)

### **Applicants and Submitters**

#### *Item 8.1*

Mr Murray Casselton (element)  
Mr Tim Reynolds (Herring Storer Acoustics)  
Mr Mohammad Rasouli (Transcore)  
Mr Dilan Patel (Talis)  
Mr Matt Bruce (Wallace PM)

#### *Item 9.1*

Mr Ian Beacham (Delapre Securities)

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

There were 2 members of the public in attendance.

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



## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:37am on 8 April 2022 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 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 meeting would not be recorded.

In response to the COVID-19 situation, this meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

## 2. Apologies

Ms Sheryl Chaffer (Deputy Presiding Member)  
Mr Jason Hick (Third Specialist Member)  
Cr Margaret Thomas (Local Government Member, City of Kalamunda)

## 3. Members on Leave of Absence

DAP Member, Ms Sheryl Chaffer has been granted leave of absence by the Director General for the period of 23 March 2022 to 15 April 2022 inclusive.

## 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 Murray Casselton (element) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Matt Bruce (Wallace PM) responded to questions from the panel in relation to item 8.1.
- 7.3 Mr Tim Reynolds (Herring Storer Acoustics) responded to questions from the panel in relation to item 8.1.
- 7.4 City of Kalamunda officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

***The presentations at Items 7.1 - 7.4 were heard prior to the application at Item 8.1.***

- 7.5 Mr Ian Beacham (Delapre Securities) responded to questions from the panel in relation to item 9.1.
- 7.6 Mr Brenton Scambler (City of Gosnells) responded to questions from the panel in relation to item 9.1.

***The presentations at Items 7.5 - 7.6 were heard prior to the application at Item 9.1.***

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

### 8.1 Lots 196 & 197 (531 & 529) Kalamunda Road, High Wycombe

Development Description: Proposed Childcare Premises  
Applicant: element  
Owner: Uptown Street Pty Ltd  
Responsible Authority: City of Kalamunda  
DAP File No: DAP/21/02171

### REPORT RECOMMENDATION

**Moved by:** Cr Brooke O'Donnell

**Seconded by:** Mr Gene Koltasz

That the Metro Outer Joint Development Assessment Panel resolves to:

- 1. **Accept** that the DAP Application reference DAP/21/02171 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/21/02171 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:

Plan No.	Rev.	Title	Date	Prepared by
	E	Site Plan	21/12/2021	Raunik Design Group
	E	Ground Floor Plan	21/12/2021	Raunik Design Group
	E	First Floor Plan	21/12/2021	Raunik Design Group
	D	West & East Elevations	21/12/2021	Raunik Design Group
	D	North & South Elevations	21/12/2021	Raunik Design Group
-	r01a	Traffic Impact Statement	December 2021	Transcore
-	1	Environmental Acoustic Assessment	10/12/2021	Herring Storer Acoustics
-	1.0	Waste Management Plan	20/12/2021	Talis Consultants
-	-	Stormwater Drainage Plan	3/12/2021	Pritchard Francis

4. 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.
5. 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.
6. The street wall and fence as well as any associated gates are to be no greater than 1.8 metres in height in accordance with the requirements the City of Kalamunda Local Planning Policy 13 – Street Fencing, Walls and Gates.



7. Prior to occupation of the development, a noise management plan must be submitted to the satisfaction of the City of Kalamunda.
8. 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

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.

9. Prior to occupation of the development, crossovers must be designed and constructed to the specifications and satisfaction of the City of Kalamunda
10. 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 6:30pm.
11. The maximum number children in child care at the site shall not exceed 94 at any one time.
12. 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 27 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.
13. All crossovers, accessways, parking and vehicle circulation areas, shall be designed, constructed, sealed, kerbed, line marked and drained to the specifications and satisfaction of the City of Kalamunda.
14. Prior to the occupation of the development, the landowner/applicant contributing towards public art, pursuant to City of Kalamunda Local Planning Policy 26.
15. 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.
16. 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).
17. Prior to occupation of the development, the lots must be legally amalgamated into one certificate of title, with the new title issued and a copy of the new title provided to the satisfaction of the City of Kalamunda.



18. Prior to the occupation of the development, the outdoor play space areas within 7.5 metres of adjoining residential property boundaries, which have a finished floor level of more than 0.5 metres above the natural ground level, must be provided with permanent screening to block the cone of vision onto any adjoining property. The permanent screening devices (i.e. obscure glazing, timber screens, external blinds, window hoods or shutters) must be at least 1.6 metres in height, at least 75 percent obscure, permanently fixed, made of durable material and maintained for the duration of the development.
19. Prior to the occupation of the development, the safety barrier is to be constructed in accordance with the Guide to Roadside Design (GRD) Part 6 and inspected 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. 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](http://www.dwer.wa.gov.au) under air quality publications.
4. In regard to condition 14 the landowner's are advised that a public art contribution of \$21,000 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 \$21,000 or alternatively the provision of a \$21,000 as in lieu payment to the City of Kalamunda's Public Art Fund.
5. 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 was put and CARRIED UNANIMOUSLY.**

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





**REASON:** The proposed Child Care Centre meets the City's criteria for locating such uses in residential zoned areas and as outlined in the Responsible Authority Report, the development has been assessed as satisfying relevant planning requirements and performance standards where discretion is sought. Supporting technical reports concerning traffic impact, provision for onsite parking and noise management have been reviewed and accepted by City officers as satisfying relevant regulatory standards. Measures to mitigate against amenity impacts on surrounding residents are suitably covered in the proposal as submitted, together with appropriate conditions, and are considered to adequately respond to community concerns raised through public consultation.

*Cr Kellie Miskiewicz and Cr Brooke O'Donnell (Local Government Member, City of Kalamunda) left the panel at 10:07am.*

*Cr David Goode and Cr Peter Abetz (Local Government Member, City of Gosnells) joined the panel at 10:07am.*

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

### **9.1 Lot 810 (No. 60) Clifford Street, Maddington**

Development Description:	Amendment to Warehouse and Office
Proposed Amendments:	<ul style="list-style-type: none"><li>• Amalgamation of approved Warehouses 7 &amp; 8 into one single Warehouse 7; and</li><li>Extending the approved hardstand area for Warehouse 9</li></ul>
Applicant:	Delapre Securities Pty Ltd
Owner:	Delapre Securities Pty Ltd
Responsible Authority:	City of Gosnells
DAP File No:	DAP/20/01745

## **REPORT RECOMMENDATION**

**Moved by:** Cr Peter Abetz

**Seconded by:** Cr David Goode

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/20/01745 and accompanying plans (Cover sheet (A0.00 Rev 16), Estate Plan (A1.01 Rev 16), Site Plan Proposed (A2.02 Rev 16), Site Plan Proposed – True North (A2.03 Rev 16), Site Plan – Warehouse 7 (A4.701 Rev 16), Main Office Floor Plan (A5.701 Rev 16), Outbound / Inbound Office Plans (A5.702 Rev 16), Elevations (A3.01 Rev 16) all dated September 2019, and Main Office Elevations (A5.03 Rev 0) dated November 2021) 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 Gosnells Town Planning Scheme No. 6, for the proposed minor amendment to the approved Warehouse at 60 (Lot 810) Clifford Street, Maddington, subject to the following amended conditions:

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



## Amended Conditions

1. Delete Condition 2 of DAP/20/01745 as follows:
  - “2. *Arrangements being made to the satisfaction of the City of Gosnells for Lots 23, 101, 103, 105 and 107 Clifford Street, Maddington to be amalgamated prior to occupation of the development.*”
  
2. Delete Condition 11 of DAP/20/01745 as follows:
  - “11. *A notification under section 70A of the Transfer of Land Act 1893 must be registered over the Certificate of Title of the subject lot(s) to notify owners and prospective purchasers of the land of the factor affecting the use of the land. The notification is to be prepared and executed at the applicant's cost to the satisfaction of the City of Gosnells and 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 development on this land.'*”
  
3. Modify Condition 3 of DAP/20/01745 as follows:
  - “3. *The recommendations and requirements of the Bushfire Management Plan - Reference 59214/131,147 (Rev 0) dated 25/08/2020 and Emergency Evacuation Plan – Reference 59214/131,891 (Rev 0) dated 25/08/2020 prepared by Strategen JBS&G shall be implemented to the satisfaction of the City of Gosnells.*”
  
4. Modify Condition 9 of DAP/20/01745 as follows:
  - “9. *The recommendations and requirements of the Bushland and Wetland Management Plan – Lot 810 Clifford Street, Maddington – Report Number 2020-511 Version 5, dated 5 October 2020 prepared by PGV Environmental shall implemented to the satisfaction of the City on advice from the Department of Biodiversity, Conservation and Attractions.*”

All other conditions and requirements detailed on the previous approval dated 8 April 2020. shall remain unless altered by this application.

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

**REASON:** The proposed modifications to the approved development plans raise no material issues in terms of land use or compliance with planning requirements for the site. Conditions have been updated to reflect the current situation.



## 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/21/2047 DR257/2021	City of Swan	Lots 136 (26) & 3235 (34) Asturian Drive and Lots 137 (238) & 138 (230) Henley Street, Henley Brook	Proposed education facility	03/12/2021

## 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 10:13am.