



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 28 April 2022; 9:30am
Meeting Number: MOJDAP/168
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 Tony Arias (A/Deputy Presiding Member)
Ms Diana Goldswain (A/Third Specialist Member)
Cr Margaret Thomas (Local Government Member, City of Kalamunda)

Officers in attendance

Mr Andrew Fowler-Tutt (City of Kalamunda)
Mr Peter Varelis (City of Kalamunda)

Item 8.1

Mr Michael Bruce (City of Kalamunda)

Item 8.2

Ms Angie Dewar (City of Kalamunda)
Mr Ernest Samec (Department of Planning, Lands and Heritage)

Minute Secretary

Ms Zoe Hendry (DAP Secretariat)
Ms Adele McMahon (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Reece Hendy (Planning Solutions)
Mr Jono Cohen (Planning Solutions)

Item 8.2

Mr Ian Beacham (Welshpool Brook Partnership)
Mr Paul McQueen (Lavan)
Mr Grant Pickford (Jacx Property)

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:42am on 28 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 Kellie Miskiewicz (Local Government Member, City of Kalamunda)
Cr Brooke O'Donnell (Local Government Member, City of Kalamunda)

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 27 April 2022.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

7.1 Mr Reece Hendy (Planning Solutions) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.

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

The presentation at Item 7.1 – 7.2 were heard prior to the application at Item 8.1.



- 7.3** Mr Paul McQueen (Lavan) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.4** City of Kalamunda officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.3 - 7.4 were heard prior to the application at Item 8.2.

PROCEDURAL MOTION

Moved by: Mr Tony Arias

Seconded by: Cr Margaret Thomas

That the Metro Outer JDAP receive legal advice from representatives of the Department of Planning, Lands and Heritage and that such advice is received behind closed doors, in accordance with section 5.10.2g of the DAP Standing Orders 2020.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: Concerning Item 8.2 to receive and consider legal advice provided by DPLH behind closed doors

*The meeting was closed to the public at 10:30am.
The meeting was reopened to the public at 11:00am.*

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 1 (42) Cumberland Road, Forrestfield

Development Description:	Proposed Child Care Centre
Applicant:	Planning Solutions
Owner:	I LODGE PTY LTD
Responsible Authority:	City of Kalamunda
DAP File No:	DAP/22/02173

REPORT RECOMMENDATION

With the agreement of the mover and seconder, the following amendment was made;

To amend Condition No.15 to read as follows;

*Prior to ~~applying for a Building Permit~~ **occupation**, 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.”



REASON: The nominated time requirement was too restrictive and could unnecessarily delay the project. The proposed change was supported by the City officers.

Moved by: Cr Margaret Thomas

Seconded by: Mr Tony Arias

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/22/02173 is appropriate for consideration as a “Child Care Premises” land use and compatible with the objectives of the zoning table in accordance with the objectives of the zoning table of the City of Kalamunda Local Planning Scheme No. 3.
2. **Approve** DAP Application reference DAP/22/02173 and accompanying 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 four (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
DA01	B	COVER	03/03/2022	ON Architecture
DA02	C	DEMOLITION PLAN	15/03/2022	ON Architecture
DA03	C	PROPOSED FLOOR PLAN	15/03/2022	ON Architecture
DA04	C	PROPOSED ROOF PLAN	15/03/2022	ON Architecture
DA05	B	PROPOSED ELEVATIONS	03/03/2022	ON Architecture
DA06	B	PROPOSED ELEVATIONS	03/03/2022	ON Architecture
DA07	B	SECTIONS	03/03/2022	ON Architecture
DA08	B	CONCEPT IMAGES	03/03/2022	ON Architecture
21PER-20657	v2	Bushfire Attack Level	16/03/2022	Eco-Logical Australia

Mr Ian Birch
Presiding Member, Metro Outer JDAP



		(BAL) Assessment Report for 42 Cumberland Road, Forrestfield		
202100107	-	Forrestfield Childcare Landscape Plan	17/12/2021	ON Architecture
T21.321	R01a	Traffic Impact Statement	December 2021	Transcore
21116816-01	-	Environmental Noise Assessment	-	Lloyd George Acoustics
t21.321.sk01c	-	Truck Entry	12/04/2022	Transcore
t21.321.sk02c	-	Truck Exit	12/04/2022	Transcore

4. Prior to applying for a building permit, the applicant submitting amended plan(s)/drawing(s) and document(s), to the City of Kalamunda for approval, in accordance with:

Plan No.	Rev.	Title	Date	Prepared by
202100107	-	Forrestfield Childcare Landscape Plan	17/12/2021	ON Architecture
DA03	C	PROPOSED FLOOR PLAN	15/03/2022	ON Architecture

showing the following amendments:

- i. Bin storage area being modified to have a minimum setback of 300 millimetres from the crossover to facilitate sight lines to the crossover.
- ii. Landscaping plan being amended to incorporate additional landscaping and achieve consistency with approved drawing DA03 titled 'Proposed Floor Plan' Rev. C dated 15/03/2022 by ON Architecture.

Once approved, the amended plan(s)/drawing(s) and recommendations made by document(s) are to be implemented prior to occupation of the development and maintained for the duration of the development.

5. 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.
6. Stormwater drainage from the development is to be contained on-site, or appropriately treated and connected to the local drainage system to the specification and satisfaction of the City of Kalamunda.



7. 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.
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. The applicant is required to engage an appropriately qualified acoustic consultant (such as a member of the Australian Acoustical Society or the Association of Australian Acoustical Consultants) to undertake a detailed noise assessment in relation to the Environmental Protection (Noise) Regulations 1997 to the satisfaction of the City of Kalamunda prior to commencing the development. Where such an assessment finds the proposal fails to meet the legislative limits the proponent must submit a noise mitigation plan for approval of the City of Kalamunda prior to commencing the development.
10. All crossovers, accessways, parking and vehicle circulation areas, must be designed, constructed, sealed, kerbed, line marked and drained 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 7:00pm.
12. The maximum number children in child care at the site shall not exceed 104 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 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.

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 occupation, 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. Prior to the occupation of the development, the landowner/applicant contributing towards public art, pursuant to City of Kalamunda Local Planning Policy 26.



17. All street trees adjoining the subject land as shown on the submitted plans are to be retained and protected for the duration of the development unless otherwise approved by the City of Kalamunda. It is the responsibility of the applicant to ensure that the site survey plan is correct as any inaccuracy of the plans will not be considered justification for the removal of trees in the event that their positions are incorrectly shown. The removal of street trees without the written approval of the City is an offence under the Local Government (Uniform Local Provisions) Regulations 1996.
18. All external fixtures (e.g. service equipment, mechanical ventilation, water tanks, compressors etc.) must be installed, located and screened, prior to occupation of the development and maintained for the duration of the development to the satisfaction of the City of Kalamunda, to avoid adverse effects, including noise and visual amenity of nearby properties.
19. Prior to occupation of the development, the child care centre must be connected to the reticulated sewerage network.
20. Prior to the lodgement of building permit, the landowner is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report

21. Prior to applying for a building permit, a Waste Management Plan must be prepared by the landowner and approved by the City of Kalamunda. The Waste Management Plan must include the following detail to the satisfaction of the City of Kalamunda:
 - i. The location of the bin storage areas and bin collection areas (all storage and loading areas must be screened from the streetscape).
 - ii. The number, volume and type of bins, and the type of waste to be placed in the bins.
 - iii. Management of the bins and the bin storage areas, including cleaning rotation and moving bins to and from the bin collection areas; and
 - iv. Frequency of bin collections.
 - v. Appropriate traffic management measures to mitigate conflicts between private vehicles and waste collection vehicles.
 - vi. Other matters likely to impact on surrounding property owners.

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 under air quality publications.
4. In regard to condition 16 the landowner's are advised that a public art contribution of \$21,100.00 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 \$21,100.00, or alternatively the provision of a \$21,100.00 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 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.
6. The City requires accessways and crossovers to be designed and constructed as provided by the Specifications for Crossover Construction and Residential Accessway Guideline available at www.kalamunda.wa.gov.au. Parking areas and access for parking are to be designed in accordance with Australian Standards AS/NZS 2890 Parking Facilities and ACROD Parking Bays design standard.
7. All parking bays and access ways that are adjacent to neighbouring properties are required to have wheel stops or other treatments to prevent vehicles impacting the boundary fence.
8. In regard to Condition 6 the developer is referred to the City of Kalamunda Stormwater Design Guidelines for Subdivisional and Property Development, available at www.kalamunda.wa.gov.au.
9. The applicant is advised that due to the close proximity of neighbouring properties any air conditioning units should be located to minimise the potential for noise intrusion to neighbouring properties and must comply with Assigned Noise Levels as detailed in the Environmental Protection (Noise) Regulations 1997 (amended).
10. The applicant is advised that the development must comply with the Sewerage (Lighting, Ventilation and Construction) Regulations 1971.
11. In regard to Condition 10, the verge fronting the property is to have bollards or other physical devices installed to prevent uncontrolled ad-hoc parking.



12. In regard to condition 10, all parking bays and access ways that are adjacent to neighbouring properties are required to have wheel stops or other treatments to prevent vehicles impacting the boundary fence.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposal is supported by the RAR. The site is zoned 'Commercial R25/60' under the City of Kalamunda Local Planning Scheme No 3 where child care use is a permitted use, and generally the proposal complies with the relevant development standards and requirements of the local scheme. The subject site is appropriate for child care uses being located within a neighbourhood centre, adjacent a community centre and local reserves to the north and east of the site and within close proximity to a primary school. Supporting technical reports concerning traffic and environmental noise have been reviewed and accepted by City officers. Measures to mitigate against amenity impacts on surrounding residents are adequately covered in the proposal as submitted, together with appropriate conditions.

8.2 Lot 36 (655) Welshpool Road East, Wattle Grove

Development Description: Proposed Warehouse/Storage and Incidental Use Office
Applicant: Welshpool Brook Partnership
Owner: Whitecliff Securities Pty Ltd
Bunthorne Holdings Pty Ltd
Responsible Authority: City of Kalamunda
DAP File No: DAP/22/02158

REPORT RECOMMENDATION

Moved by: NIL

Seconded by: NIL

The Metropolitan Outer Joint Development Assessment Panel resolves to:

1. **Accept** the DAP application reference DAP/22/02158 is appropriate for consideration as the uses "Warehouse/Storage" and "Office" are compatible with the objectives of the 'Industrial Development' zone in accordance with clause 4.2.4 of the City of Kalamunda's Local Planning Scheme No.3.
2. **Defer** the application DAP/22/02158 and accompanying development plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for a period of up to three months, to allow for the City of Kalamunda to refer the application on behalf of the Metro Outer Development Assessment Panel, to be formally considered by the Environmental Protection Authority.

The Report Recommendation LAPSED for want of a mover and a seconder.



ALTERNATE MOTION

Moved by: Cr Margaret Thomas

Seconded by: NIL

The Metropolitan Outer Joint Development Assessment Panel resolves to:

1. **Accept** the DAP application reference DAP/22/02158 is appropriate for consideration as the uses “Warehouse/Storage” and “Office” are compatible with the objectives of the ‘Industrial Development’ zone in accordance with clause 4.2.4 of the City of Kalamunda’s Local Planning Scheme No.3.
2. **Defer** the DAP application reference DAP/22/02158 under clause 68 of the Deemed Provisions of the DAP Regulations 2015 and in accordance with s 48I(3) of the Environmental Protection Act 1986 (WA) (EP Act) determines under section 48I(1) that:
 - (a) one or more of the environmental issues raised by the proposal was or were not assessed in any assessment of the assessed scheme under this Division 4; or
 - (b) the proposal does not comply with the assessed scheme or one or more of the conditions to which the scheme is subject; and

the JDAP as the responsible authority refers the application being the proposal to the EPA under section 38 of the EP Act.

The Report Recommendation LAPSED for want of a seconder.

ALTERNATE RECOMMENDATION 2

With the agreement of the mover and seconder, the following amendments were made to the alternate motion provided by the City.

- (i) That the preamble be amended to read as follows:

The Metropolitan Outer Joint Development Assessment Panel resolves to:

1. ***Accept that DAP application reference DAP/22/02158 and the accompanying plans are appropriate for consideration as the “Warehouse/Storage” and ancillary “Office” use are compatible with the objectives of the ‘Industrial Development’ zone under clause 4.2.4 of the City of Kalamunda’s Local Planning Scheme No 3.***



2. Determine under section 48I(1) of the Environmental Protection Act 1986 (WA) (EP Act) that:

- (a) *the environmental issues raised by the proposal being DAP application reference DAP/22/02158 were assessed in any assessment of the assessed scheme under this Division; and*
- (b) *the proposal complies with the assessed scheme and any conditions to which the assessed scheme is subject; and*

in accordance with s 48I(2) of the EP Act the proposal need not be referred to the EPA under section 38.

3. Approve DAP application DAP/22/02158 and accompanying development plans, as referenced in condition 2, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, 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:

REASON: To recognise that due consideration was given to the requirements of the EP Act in determining this application.

- (ii) That Condition No. 1 be amended to read as follows:

This decision constitutes planning approval only and is valid for a period of 2-4 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.

REASON: To align the approval period within regulation 16(2) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

- (iii) That Condition No. 9 be amended to read as follows:

*For the duration of the development, stormwater must be contained on-site, or appropriately treated and connected to the local drainage system based on the geotechnical report and to the specification and satisfaction of the City of Kalamunda, **in consultation with DWER.***

REASON: To ensure stormwater is managed consistent with DWER guidelines

Moved by: Mr Tony Arias

Seconded by: Ms Diana Goldswain

1. **Accept** that DAP application reference DAP/22/02158 and the accompanying plans are appropriate for consideration as the "Warehouse/Storage" and ancillary "Office" use are compatible with the objectives of the 'Industrial Development' zone under clause 4.2.4 of the City of Kalamunda's Local Planning Scheme No.3.



2. **Determine** under section 48(1) of the Environmental Protection Act 1986 (WA) (EP Action) that:
- The environmental issues raised by the proposal being DAP application reference DAP/22/02158 were assessed in any assessment of the assessment scheme under this Division; and
 - The proposal complies with the assessed scheme and any conditions to which the assessed scheme is subject; and

In accordance with S48I(2) of the EP Act the proposal need not be referred to the EPA under section 38.

3. **Approve** DAP application DAP/22/02158 and accompanying development plans, as referenced in condition 2, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of *the Planning and Development (Local Planning Schemes) Regulations 2015*, 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

Drawing No	Rev No	Title	Date	Prepared By
A0.01	M	Welshpool Road Views	September 2021	Tim Manser-Smith Architect Pty Ltd
A0.02	M	Office Entry Views	September 2021	Tim Manser-Smith Architect Pty Ltd
A1.01	M	Locality Plan	September 2021	Tim Manser-Smith Architect Pty Ltd
A2.01	M	Locality Plan	September 2021	Tim Manser-Smith Architect Pty Ltd
A2.02	M	Site Plan	September 2021	Tim Manser-Smith Architect Pty Ltd
A3.01	M	Floor Plan/ Roof Plan	September 2021	Tim Manser-Smith Architect Pty Ltd
A3.02	M	Elevations	September 2021	Tim Manser-Smith Architect Pty Ltd
A4.01	M	Sections	September 2021	Tim Manser-Smith Architect Pty Ltd
A4.02	M	Office Plans	September 2021	Tim Manser-Smith Architect Pty Ltd



A4.03	M	Office Elevations	September 2021	Tim Manser-Smith Architect Pty Ltd
A4.04	M	Dispatch Office/ Warehouse Office	September 2021	Tim Manser-Smith Architect Pty Ltd
n/a	R01	Transport Impact Statement	02/12/2021	Transcore
URB0642	A	Stormwater Drainage Calculations	20/04/2022	Urbanise WA Engineering Solutions
URB0642	B	Stormwater Drainage Management Plan	20/04/2022	Urbanise WA Engineering Solutions
URB0642	B	Rain Garden Details	20/04/2022	Urbanise WA Engineering Solutions
21098	n/a	Geotechnical Report	17/12/2021	Brown Geotechnical
211059	1.0	Bushfire Management Plan	12/01/2022	Bushfire Prone Planning

3. The development, the subject of this approval must comply with the approved plans at all times, unless otherwise varied in writing by the JDAP or the City of Kalamunda.
4. Prior to occupation of the development, all car parking areas must meet the following requirements:
 - i. The provision and maintenance of a minimum of 49 car parking spaces, shall be designed, constructed sealed, kerbed, drained and line marked in accordance with the Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking Facilities, Part 1: Off street carparking.
 - ii. The provision and maintenance of one accessible car parking space, that is designed, constructed, sealed, kerbed, drained and line marked that is dedicated to people with disabilities that are designed in accordance with the Australian/New Zealand Standard AS/NZ 2890.6:2009, Parking Facilities Part 6 off street parking.
 - iii. Vehicle parking, manoeuvring and circulation areas are to be suitable constructed, sealed, kerbed, drained and line marked to the specification and satisfaction of the City of Kalamunda and Australian Standard AS AS2890.
5. Prior to occupation of the development, crossovers must be designed and constructed to the specification and satisfaction of the City of Kalamunda.
6. Prior to an occupation permit being granted for the development, all hardstand areas shall be paved, sealed, and drained to the satisfaction of the City of Kalamunda.



7. Engineering drawings and specifications are to be submitted, and satisfactory arrangements being made for public area works to be undertaken in accordance with the approved plan of development and engineering drawings and specifications, for the construction of full earthworks, carriageway, and drainage facilities required for the portion of Brook Road abutting the application area, to the satisfaction of the City of Kalamunda prior to issuing the building permit.
8. Prior to occupation of the development, satisfactory arrangements being made with the City of Kalamunda for the full cost of upgrading and/or construction of Brook Road from SLK 0.0 to SLK 0.25 to an industrial standard minimum 9.0 metres wide.
9. For the duration of the development, stormwater must be contained on-site, or appropriately treated and connected to the local drainage system based on the geotechnical report and to the specification and satisfaction of the City of Kalamunda, in consultation with DWER.
10. Prior to issuing a building permit, a Construction Management Plan must be prepared by the applicant/landowner to the satisfaction of the City of Kalamunda. The Construction Management Plan shall detail how construction of the development will be maintained including the following:
 - i. Public safety and security.
 - ii. Hours of construction.
 - iii. Traffic management plans during construction, including any proposed road closures.
 - iv. Toilet facilities.
 - v. How materials and equipment will be delivered to and removed from the site.
 - vi. How materials and equipment will be stored on site.
 - vii. Parking arrangements for staff, contractors, and visitors.
 - viii. Construction and Waste disposal strategy and location of waste bins
 - ix. How dust, noise, vibration, drainage, erosion, lighting, and environmental hazards will be managed during the stages of construction.
 - x. Complaint management procedure.
 - xi. Other matters likely to impact on surrounding properties.
 - xii. Protection of public infrastructure including any verge trees.

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

11. Prior to commencement of works, a Traffic Management Plan must be prepared to the satisfaction of the City of Kalamunda for works within the road reserve.
12. Stormwater discharge (if any) shall not be discharged to the Welshpool Road East Reserve or the widened road reservation.
13. Any recommendations in the approved Transport Impact Statement shall be implemented to the satisfaction of the City of Kalamunda.
14. The business is permitted to operate Monday-Friday 5am til 5pm.



15. The development shall be connected to an appropriate on-site effluent disposal system that complies with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974.
16. Clearances are to be maintained from the wastewater disposal system(s) to new buildings and boundaries in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.
17. Prior to occupation of the development, the landowner/applicant contributing towards public art, pursuant to the City of Kalamunda's Local Planning Policy – 26.
18. For the duration of the development staff numbers shall not exceed twenty-six.
20. Prior to the lodgement of a building permit, the applicant is to submit and have approved by the City of Kalamunda, detailed information relating to the external finishes and colour schemes. Prior to occupation of the development, the approved external finishes are to be implemented to the satisfaction of the City of Kalamunda and maintained for the duration of the development.
21. The warehouse and office must be constructed with the finished floor level matching the approved plans. Any additional proposed cut and fill to the site does not form part of this development approval and if required, amended plans must be submitted to the City of Kalamunda for approval.
22. The Asset Protection Zone must be established around the building prior to occupation of the building in accordance with the approved Bushfire Management Plan.
23. Prior to issuing the building permit, a detailed landscaping plan is required to be submitted to and approved by the City of Kalamunda.
24. Car parking areas must always be available for their intended purpose and must not be used for any alternative purpose at any time.

Advice Notes

- a) This application qualifies for an exemption from the substantial commencement period, in that a new timeframe can be substituted being the original deadline plus an additional two (2) years. These periods are calculated from the date the approval was granted. This is available under 'Clause 78H Notice of Exemption from planning requirements during State of Emergency', issued by the Minister for Planning on 8 April 2020.
- b) All development must comply with the provisions of Council's Local Planning Scheme No 3, Health Regulations, Building Code of Australia, and all other relevant Acts, Regulations and Local Laws.



- c) In the event that the JDAP determines that the development application is to be referred/considered by the Environmental Protection Authority, any recommendations and/or mitigation measures shall be implemented to the satisfaction of the City of Kalamunda in consultation with the Environmental Protection Authority
- d) The landowner/applicant must liaise with the landowners of the adjoining site (Lot 341) and Main Roads WA regarding the creation of the rear access easement to the benefit of abutting Lot 341.
- e) The applicant is required to submit an application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.
- f) If any amendments to the existing Restricted Access Vehicle (RAV) network are required, an application is required to be lodged to Heavy Vehicle Services. Application forms can be found on the Main Roads website > Heavy Vehicles > Access Requirements in WA.
- g) Planning and development works are underway for the upgrading/widening of Welshpool Road East and the interchange with Tonkin Highway and as such, consultation is underway with affected landowners in the locality. Construction is estimated to begin in 2023. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.
- h) In regard to condition 17 the landowners are advised that a public art contribution of \$95,700 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 \$95,700 or alternatively the provision of a \$95,700 as in lieu payment to the City of Kalamunda's Public Art Fund.
- i) 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 Environmental Regulation.
- j) The development must comply with the *Environmental Protection (Noise) Regulations 1997*.
- k) The applicant is required to manage noise and vibration during the works in accordance with Australian Standard AS 2436 "Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites".
- l) The applicant is advised that with regard to condition 15 an "Application to Construct or Install an Apparatus for the Treatment of Sewage" must be submitted and approved before a building licence will be issued. The application form can be found at: <https://www.kalamunda.wa.gov.au/building-development/health/effluent-disposal>



The Alternate Motion 2 was put and CARRIED (3/1).

For: Mr Ian Birch
Mr Tony Arias
Ms Diana Goldswain

Against: Cr Margaret Thomas

REASON: The land is zoned 'Industrial Development' under Local Planning Scheme No.3 and 'Urban' under the Metropolitan Region Scheme and the proposed uses are consistent with the objectives for the 'Industrial Development' zone as confirmed in the Responsible Authority Report.

The subject site was rezoned from Parks and Recreation under the Metropolitan Region Scheme in 2013 and also removed the Bush Forever Area notification (site 387) over the site which would facilitate industrial development of the land. The Shire of Kalamunda Local Planning Scheme No.3 was also amended to rezone the subject land to Industrial Development zone.

It was considered that environment issues potentially raised by the application were assessed in any assessment of the assessed schemes, both the Metropolitan Region Scheme Amendment and the Shire of Kalamunda Local Planning Scheme No.3 Amendment. Given this referral of the proposal to the EPA at that the Responsible Authority Report raises no new environmental issues pursuant to section (481(2) of the EP Act further referral is not required.

The stormwater management plan has been designed to maintain the pre and post development flows and the City's technical staff have indicated support for the stormwater management plan.

Having regard for the above, by majority, the application was approved subject to appropriate conditions.

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/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

Mr Ian Birch
Presiding Member, Metro Outer JDAP



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 11:26am.

A handwritten signature in black ink, appearing to read 'Ian Birch'.