



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

**Meeting Date and Time:** Friday, 13 May 2022; 9:30am  
**Meeting Number:** MOJDAP/173  
**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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*Sheryl Chaffer*



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## **Attendance**

### **DAP Members**

Ms Sheryl Chaffer (A/Presiding Member)  
Mr Tony Arias (A/Deputy Presiding Member)  
Ms Diana Goldswain (A/Third Specialist Member)

#### *Item 8.1*

Cr Margaret Thomas (Local Government Member, City of Kalamunda)  
Cr Kellie Miskiewicz (Local Government Member, City of Kalamunda)

#### *Item 9.1*

Mayor Carol Adams (Local Government Member, City of Kwinana)  
Cr Matthew Rowse (Local Government Member, City of Kwinana)

### **Officers in attendance**

#### *Item 8.1*

Mr Mitchell Brooks (City of Kalamunda)  
Mr Andrew Fowler-Tutt (City of Kalamunda)  
Ms Asha Logan (City of Kalamunda)

#### *Item 9.1*

Mr Adam Prestage (City of Kwinana)  
Mr Paul Neilson (City of Kwinana)

### **Minute Secretary**

Ms Megan Ventriss (DAP Secretariat)  
Ms Samantha Hansen (DAP Secretariat)

### **Applicants and Submitters**

#### *Item 8.1*

Mr Josh Watson (Planning Solutions)  
Mr Nic Watson (Planning Solutions)  
Mr Matthew Elliott (Accord Property)  
Mr Connor Brown (Accord Property)  
Mr Oliver Mouchemore (Accord Property)

#### *Item 9.1*

Mr Nathan Stewart (Rowe Group)  
Mr Kieran McGovern (Rowe Group)

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

Nil.



## 1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:36am on 13 May 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 A/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 A/Presiding Member

The A/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.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

## 2. Apologies

Mr Ian Birch (Presiding Member)  
Mr Jason Hick (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 A/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 8.1, received on 11 May 2022.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Matthew Rowse and Mayor Carol Adams, declared that they participated in a prior Council meeting in relation to the application at item 9.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Matthew Rowse and Mayor Carol Adams acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.



In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the A/Presiding Member determined that the members listed above, who have disclosed an Impartiality Interest, are permitted to participate in the discussion and voting on the item.

## PROCEDURAL MOTION

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Mr Tony Arias

That the application at Item 9.1 be heard prior to the application at Item 8.1.

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

**REASON:** The panel believed Item No. 9.1 would be a more straightforward item to deal with.

*Cr Margaret Thomas and Cr Kellie Miskiewicz (Local Government Member, City of Kalamunda) left the panel at 9:44am.*

*Mayor Carol Adams and Cr Matthew Rowse (Local Government Member, City of Kwinana) joined the panel at 9:44am.*

## 7. Deputations and Presentations

7.1 Mr Josh Watson (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 The 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 - 7.2 were heard prior to the application at Item 8.1.***

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

### 8.1 Lot 204 (5) Nardine Close, High Wycombe

Development Description:	Research & technology premises, warehouse/storage and office
Applicant:	Planning Solutions
Owner:	Scott Chatwin
Responsible Authority:	City of Kalamunda
DAP File No:	DAP/22/02194

*The following amendments were made to conditions administratively:*

(i) *That Condition No. 2 be amended to read as follows:*

*That the date for Plan No. 3477 03 (Floor Plans) be amended to ~~1221~~/04/2022.*

**REASON:** To be the correct date as listed on the plan.

*Sheryl Chaffer*



## REPORT RECOMMENDATION

**Moved by:** Cr Margaret Thomas

**Seconded by:** Mr Tony Arias

With the approval of the Mover and Seconder the following amendments were made:

(ii) That Condition No. 2 be amended to read as follows:

That the reference to Plan No. *t21.330.sk01b* be amended to *t21.330.sk01c*.

**REASON:** The applicant provided an updated plan for the Service Vehicle Circulation with their presentation. With the support from the City of Kalamunda Officers, this plan is to be approved.

(iii) That Condition No. 8 be amended to read as follows:

*Prior to ~~applying~~ approval for a Building Permit, arrangements being made to the satisfaction of the City of Kalamunda to ensure that a Cost Contribution will be made for 204 (No 5) Nardine Close, High Wycombe, towards the Forrestfield Light Industrial Area – Stage 1 Development Contribution Plan for Infrastructure and Administrative Costs pursuant to cl.6.5 and Schedule 12 of the City of Kalamunda Local Planning Scheme No. 3.*

**REASON:** The City of Kalamunda officers confirmed that the required time for implementation of the condition is before issue of the building permit rather than prior to applying for the building permit.

(iv) That Condition No. 15 be amended to read as follows:

*Prior to ~~applying~~ approval for a building permit, the applicant is to submit, and have approved by the City of Kalamunda, an External Lighting Plan, in accordance with the following criteria:*

- i. Detailing lighting to internal driveways, carparks, pathways and areas of open space.*
- ii. All lighting shall be designed and installed so that as far as reasonably possible, by way of hooding and orientation, minimal light will be cast onto any adjoining property.*
- iii. Lighting shall not cause a nuisance to adjoining residents or the travelling public and shall at all times comply with the requirements stipulated under Australian Standard AS 4282-1997 (Control of the Obtrusive Effects of Outdoor Lighting).*

*The approved lighting plan is to be implemented prior to the occupation of the development and the constructed lighting thereafter maintained for the duration of the development to the satisfaction of the City of Kalamunda.*

**REASON:** The City of Kalamunda officers confirmed that the required time for implementation of the condition is before issue of the building permit rather than prior to applying for the building permit.



That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/22/02194 is appropriate for consideration as a “Research and Technology Premise, Warehouse/Storage & Office” land use and compatible with the objectives of the zoning table in accordance with Clause 4.2.4 of the City of Kalamunda Local Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/22/02194 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*, and the provisions of Clause 10.4 of the City of Kalamunda 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)/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
3477 03	B	SITE PLAN	12/04/2022	BROWN FALCONER
3477 03	B	FLOOR PLANS	21/04/2022	BROWN FALCONER
3477 04	A	ELEVATIONS	25/02/2022	BROWN FALCONER
3477 05	A	ELEVATIONS	25/02/2022	BROWN FALCONER
3477 06	A	ELEVATIONS	25/02/2022	BROWN FALCONER
t21.330.sk01c		SERVICE VEHICLE CIRCULATION	22/02/2022	TRANSCORE
01	D	LANDSCAPE PLAN	26/04/2022	URBAN RETREAT GARDEN DESIGN
t21.330.wt.r01a	r01a	TRAFFIC IMPACT STATEMENT	22/02/2022	TRANSCORE

3. A Detailed Drainage Plan is to be prepared based on geotechnical report and approved to manage all stormwater generated from roofed and paved areas onsite and to the specification and satisfaction of the City of Kalamunda.
4. For the duration of development, all stormwater drainage from roofed and paved areas being disposed of to the specification outlined in the approved Detailed Drainage Plan and to the satisfaction of the City of Kalamunda.

*Sheryl Chaffer*



5. Prior to occupation of the development, redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated to the specifications and satisfaction of the City of Kalamunda.
6. 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 170 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.

7. For the duration of the development, no car parking bays are to be used for other than the parking of vehicles, to the satisfaction of the City of Kalamunda.
8. Prior to approval for a Building Permit, arrangements being made to the satisfaction of the City of Kalamunda to ensure that a Cost Contribution will be made for 204 (No 5) Nardine Close, High Wycombe, towards the Forrestfield Light Industrial Area – Stage 1 Development Contribution Plan for Infrastructure and Administrative Costs pursuant to cl.6.5 and Schedule 12 of the City of Kalamunda Local Planning Scheme No. 3.
9. The maximum number of staff for the development must not exceed 200 at any one time.
10. Prior to the occupation of the development, the landowner/applicant contributing towards public art, pursuant to City of Kalamunda Local Planning Policy 26.
11. 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.
12. Prior to occupation of the development, bicycle facilities shall be provided in accordance with Australian Standard AS 2890.3 to the Satisfaction of the City of Kalamunda. The facilities shall thereafter be retained for the duration of the development.

*Sheryl Chaffer*



13. Signs and on-site advertising must not include reflective, flashing, chasing or pulsating lights and must not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries for the duration of the development.
14. 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 an 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.
15. Prior to approval for a building permit, the applicant is to submit, and have approved by the City of Kalamunda, an External Lighting Plan, in accordance with the following criteria:
  - i. Detailing lighting to internal driveways, carparks, pathways and areas of open space.
  - ii. All lighting shall be designed and installed so that as far as reasonably possible, by way of hooding and orientation, minimal light will be cast onto any adjoining property.
  - iii. Lighting shall not cause a nuisance to adjoining residents or the travelling public and shall at all times comply with the requirements stipulated under Australian Standard AS 4282-1997 (Control of the Obtrusive Effects of Outdoor Lighting).The approved lighting plan is to be implemented prior to the occupation of the development and the constructed lighting thereafter maintained for the duration of the development to the satisfaction of the City of Kalamunda.
16. Prior to occupation of the development, the landowner must locate and/or screen the following components of the development so that they are not visible from any road to which the site has frontage, adjoining properties or otherwise on display from any public vantage point:
  - a. Refuse storage areas;
  - b. Service equipment;
  - c. Mechanical ventilation;
  - d. Refrigeration units; and
  - e. Storage areas for machinery, materials or the like.
17. Prior to occupation of the development, crossovers must be designed and constructed to the specification and satisfaction of the City of Kalamunda.
18. Prior to occupation of the development, the development must be connected to the reticulated sewerage network.
19. Prior to an occupation permit being granted for the development, any recommendations of the submitted Transport Impact Statement are to be implemented to the specification and satisfaction of the City of Kalamunda.
20. A geotechnical report must be submitted detailing site conditions, particularly in respect to groundwater level and stormwater disposal by infiltration.

*Sheryl Chaffer*





21. All cut and fill is to be retained within the property boundaries by retaining walls designed and certified by an accredited structural engineer. A Building Application will be required for the retaining wall if retained height is more than 500 mm.
22. Prior to applying for a Building Permit, the applicant is to submit, and have approved by the City of Kalamunda, a Noise Management Plan demonstrating compliance with the Environmental (Noise) Regulations 1997. The Noise Management Plan is to be prepared by an appropriately qualified acoustic consultant (such as a member of the Australian Acoustical Society or the Association of Australian Acoustical Consultants). The approved Noise Management Plan is to be implemented to the satisfaction of the City of Kalamunda for the duration of the development.
23. 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:
  - a. Public safety and security.
  - b. Hours of construction.
  - c. Traffic management plans during construction, including any proposed road closures.
  - d. Toilet facilities for construction workers.
  - e. Protection of public infrastructure and mature trees marked for retention within the road reserve.
  - f. Dilapidation report of adjoining properties.
  - g. How materials and equipment will be delivered and removed from the site.
  - h. How materials and equipment will be stored on the site.
  - i. Parking arrangements for staff, contractors and visitors.
  - j. Construction Waste disposal strategy and location of waste disposal bins.
  - k. How dust, noise, erosion, lighting and environmental hazards will be managed during the stages of construction.
  - l. Complaint management procedure.
  - m. Dilapidation report(s).
  - n. 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.

24. Prior to the commencement of development, other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot being demolished and materials removed from the lot.
25. Prior to occupation of the development, all septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed.

*Sheryl Chaffer*



## Advice Notes

- A. A building permit is required prior to the commencement of works.
- B. 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.
- C. With regards to the crossover condition, the developer should refer to the Specifications for Crossover Construction available at [www.kalamunda.wa.gov.au](http://www.kalamunda.wa.gov.au).
- D. In regard to stormwater drainage condition, the developer is referred to the City of Kalamunda Stormwater Design Guidelines for Subdivisional and Property Development, available at [www.kalamunda.wa.gov.au](http://www.kalamunda.wa.gov.au)
- E. Lighting for the proposed development is to comply with AS 4282-1997 – Control of the obtrusive effects of outdoor lighting.
- F. In regard to condition 10 the landowner's are advised that a public art contribution of \$100,000 applies to this approval, which can be provided through either a public art contribution within the subject site or within a public area within the vicinity of the subject site equal to \$100,000, or alternatively the provision of a \$100,000 as in lieu payment to the City of Kalamunda's Public Art Fund.
- G. In regard to condition 10 the City of Kalamunda's Local Planning Policy 26 (Public Art Contributions) provides a concise and documented procedure for public art contributions to provide for consistent management and transparent process by the City.
- H. 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.
- I. The landowner/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. 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.
- K. Attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the Building Permit application identifying means of access from carparking areas to the entrance of the building and throughout the building, as required by AS1428.1.
- L. A demolition permit is required prior to commencement of demolition works.

*Sheryl Chaffer*



## AMENDING MOTION 1

**Moved by:** Mr Tony Arias

**Seconded by:** Ms Sheryl Chaffer

That Condition No.9 be deleted and the remaining conditions be renumbered accordingly.

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

**REASON:** The condition was considered unnecessary given the application provided significant surplus carparking bays beyond the requirements in the town planning scheme.

## REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/22/02194 is appropriate for consideration as a “Research and Technology Premise, Warehouse/Storage & Office” land use and compatible with the objectives of the zoning table in accordance with Clause 4.2.4 of the City of Kalamunda Local Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/22/02194 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*, and the provisions of Clause 10.4 of the City of Kalamunda 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)/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
3477 03	B	SITE PLAN	12/04/2022	BROWN FALCONER
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01	D	LANDSCAPE PLAN	26/04/2022	URBAN RETREAT GARDEN DESIGN
t21.330.wt.r01a	r01a	TRAFFIC IMPACT STATEMENT	22/02/2022	TRANSCORE

3. A Detailed Drainage Plan is to be prepared based on geotechnical report and approved to manage all stormwater generated from roofed and paved areas onsite and to the specification and satisfaction of the City of Kalamunda.
4. For the duration of development, all stormwater drainage from roofed and paved areas being disposed of to the specification outlined in the approved Detailed Drainage Plan and to the satisfaction of the City of Kalamunda.
5. Prior to occupation of the development, redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated to the specifications and satisfaction of the City of Kalamunda.
6. 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 170 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.

*Sheryl Chaffer*



- 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.

7. For the duration of the development, no car parking bays are to be used for other than the parking of vehicles, to the satisfaction of the City of Kalamunda.
8. Prior to approval for a Building Permit, arrangements being made to the satisfaction of the City of Kalamunda to ensure that a Cost Contribution will be made for 204 (No 5) Nardine Close, High Wycombe, towards the Forrestfield Light Industrial Area – Stage 1 Development Contribution Plan for Infrastructure and Administrative Costs pursuant to cl.6.5 and Schedule 12 of the City of Kalamunda Local Planning Scheme No. 3.
9. Prior to the occupation of the development, the landowner/applicant contributing towards public art, pursuant to City of Kalamunda Local Planning Policy 26.
10. 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.
11. Prior to occupation of the development, bicycle facilities shall be provided in accordance with Australian Standard AS 2890.3 to the Satisfaction of the City of Kalamunda. The facilities shall thereafter be retained for the duration of the development.
12. Signs and on-site advertising must not include reflective, flashing, chasing or pulsating lights and must not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries for the duration of the development.
13. 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 an 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.

*Sheryl Chaffer*



14. Prior to approval for a building permit, the applicant is to submit, and have approved by the City of Kalamunda, an External Lighting Plan, in accordance with the following criteria:
  - i. Detailing lighting to internal driveways, carparks, pathways and areas of open space.
  - ii. All lighting shall be designed and installed so that as far as reasonably possible, by way of hooding and orientation, minimal light will be cast onto any adjoining property.
  - iii. Lighting shall not cause a nuisance to adjoining residents or the travelling public and shall at all times comply with the requirements stipulated under Australian Standard AS 4282-1997 (Control of the Obtrusive Effects of Outdoor Lighting).

The approved lighting plan is to be implemented prior to the occupation of the development and the constructed lighting thereafter maintained for the duration of the development to the satisfaction of the City of Kalamunda.

15. Prior to occupation of the development, the landowner must locate and/or screen the following components of the development so that they are not visible from any road to which the site has frontage, adjoining properties or otherwise on display from any public vantage point:
  - a. Refuse storage areas;
  - b. Service equipment;
  - c. Mechanical ventilation;
  - d. Refrigeration units; and
  - e. Storage areas for machinery, materials or the like.
16. Prior to occupation of the development, crossovers must be designed and constructed to the specification and satisfaction of the City of Kalamunda.
17. Prior to occupation of the development, the development must be connected to the reticulated sewerage network.
18. Prior to an occupation permit being granted for the development, any recommendations of the submitted Transport Impact Statement are to be implemented to the specification and satisfaction of the City of Kalamunda.
19. A geotechnical report must be submitted detailing site conditions, particularly in respect to groundwater level and stormwater disposal by infiltration.
20. All cut and fill is to be retained within the property boundaries by retaining walls designed and certified by an accredited structural engineer. A Building Application will be required for the retaining wall if retained height is more than 500 mm.
21. Prior to applying for a Building Permit, the applicant is to submit, and have approved by the City of Kalamunda, a Noise Management Plan demonstrating compliance with the Environmental (Noise) Regulations 1997. The Noise Management Plan is to be prepared by an appropriately qualified acoustic consultant (such as a member of the Australian Acoustical Society or the Association of Australian Acoustical Consultants). The approved Noise Management Plan is to be implemented to the satisfaction of the City of Kalamunda for the duration of the development.

*Sheryl Chaffer*



22. 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:
- a. Public safety and security.
  - b. Hours of construction.
  - c. Traffic management plans during construction, including any proposed road closures.
  - d. Toilet facilities for construction workers.
  - e. Protection of public infrastructure and mature trees marked for retention within the road reserve.
  - f. Dilapidation report of adjoining properties.
  - g. How materials and equipment will be delivered and removed from the site.
  - h. How materials and equipment will be stored on the site.
  - i. Parking arrangements for staff, contractors and visitors.
  - j. Construction Waste disposal strategy and location of waste disposal bins.
  - k. How dust, noise, erosion, lighting and environmental hazards will be managed during the stages of construction.
  - l. Complaint management procedure.
  - m. Dilapidation report(s).
  - n. 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.

23. Prior to the commencement of development, other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot being demolished and materials removed from the lot.
24. Prior to occupation of the development, all septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed.

### **Advice Notes**

- A. A building permit is required prior to the commencement of works.
- B. 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.
- C. With regards to the crossover condition, the developer should refer to the Specifications for Crossover Construction available at [www.kalamunda.wa.gov.au](http://www.kalamunda.wa.gov.au).

*Sheryl Chaffer*



- D. In regard to stormwater drainage condition, the developer is referred to the City of Kalamunda Stormwater Design Guidelines for Subdivisional and Property Development, available at [www.kalamunda.wa.gov.au](http://www.kalamunda.wa.gov.au)
- E. Lighting for the proposed development is to comply with AS 4282-1997 – Control of the obtrusive effects of outdoor lighting.
- F. In regard to condition 10 the landowner's are advised that a public art contribution of \$100,000 applies to this approval, which can be provided through either a public art contribution within the subject site or within a public area within the vicinity of the subject site equal to \$100,000, or alternatively the provision of a \$100,000 as in lieu payment to the City of Kalamunda's Public Art Fund.
- G. In regard to condition 10 the City of Kalamunda's Local Planning Policy 26 (Public Art Contributions) provides a concise and documented procedure for public art contributions to provide for consistent management and transparent process by the City.
- H. 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.
- I. The landowner/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. 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.
- K. Attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the Building Permit application identifying means of access from carparking areas to the entrance of the building and throughout the building, as required by AS1428.1.
- L. A demolition permit is required prior to commencement of demolition works.

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

**REASON:** The proposal was supported as it is consistent with the land use intent for the location and the overall planning framework. Very minor development design guideline variations do not defeat amenity or design objectives as stated in the RAR and the nature and scope of conditions applied are appropriate to the development and local context.

*Sheryl Chaffer*





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

### 9.1 Lot 3 (No.46) Meares Ave, Kwinana

Development Description: Proposed Commercial Development (Pharmacy)  
Proposed Amendments: Form 2.2 - Amended Development Application - Shop (Pharmacy)  
Applicant: Rowe Group  
Owner: Santavae (Kwinana) Pty Ltd  
Responsible Authority: City of Kwinana  
DAP File No: DP/13/00855

### REPORT RECOMMENDATION

**Moved by:** Mayor Carol Adams

**Seconded by:** Cr Matthew Rowse

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/13/00855 as detailed on the DAP Form 2 dated 3 March 2022 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** DAP Application reference DAP/13/00855 and accompanying plans (Site Plan, Overall Site Plan, 7684 Elevations - Building B, A03 Proposed Floor Plan) 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 Kwinana Local Planning Scheme No.3 (TPS3), for the proposed change of use from 'Recreational Facilities' to 'Shop' (pharmacy) in Tenancy 7 of the approved commercial development at Lot 3 (46) Meares Avenue, Kwinana Town Centre, subject to the conditions detailed on the previous approval dated 13 August 2014.

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

**REASON:** The Panel agreed that the proposed land use change and associated works are a minor change to the previously approved development and, in accordance with the RAR, is consistent with the planning framework for the city centre.

*Mayor Carol Adams and Cr Matthew Rowse (Local Government Member, City of Kwinana) left the panel at 9:47am.*

*Cr Margaret Thomas and Cr Kellie Miskiewicz (Local Government Member, City of Kalamunda) joined the panel at 9:47am.*



## 10. State Administrative Tribunal Applications and Supreme Court Appeals

The A/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 A/Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the A/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 A/Presiding Member declared the meeting closed at 10:25am.