



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 20 October 2023; 9:00am
Meeting Number: MOJDAP/280
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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Eugene Koltasz
Presiding Member, Metro Outer JDAP



Attendance

DAP Members

Eugene Koltasz (Presiding Member)
Karen Hyde (Deputy Presiding Member)
Neema Premji (A/Third Specialist Member)
Mayor Margaret Thomas (Local Government Member, City of Kalamunda)

Officers in attendance

Anjali Parmar (City of Kalamunda)
Regan Travers (City of Kalamunda)
Shannon Galvin (City of Kalamunda)

Minute Secretary

Claire Ortlepp (DAP Secretariat)

Applicants and Submitters

Jeff Malcolm (MGA Town Planners)
Luke Dujmovic

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:07am on 20 October 2023 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.

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

Eugene Koltasz
Presiding Member, Metro Outer JDAP



2. Apologies

Jason Hick (Third Specialist Member)
Cr Sue Bilich (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

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil.

7. Deputations and Presentations

7.1 Jeff Malcolm (MGA Town Planners) and Luke Dujmovic 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 addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 14, 16, 17 & 1015 Berkshire Road, Forrestfield

Development Description:	Warehouse and Transport Depot
Applicant:	Jeff Malcolm (MGA Town Planners)
Owner:	AP Dujmovic Pty Ltd, EI Dujmovic Pty Ltd, LM Dujmovic Pty Ltd, PJ Dujmovic Pty Ltd
Responsible Authority:	City of Kalamunda
DAP File No:	DAP/23/02520

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REPORT RECOMMENDATION

Moved by: Mayor Margaret Thomas

Seconded by: Karen Hyde

With the agreement of the mover and seconder the following amendments were made:

- i) That Condition No. 7 be amended to read as follows;

*Prior to ~~applying for~~ **the issue of** a Building Permit, the applicant/landowner must enter into an agreement (Deed) to the satisfaction of the City of Kalamunda and the applicant/landowner to enable the City of Kalamunda to acquire the truncation at the intersection of Berkshire Road and Bonser Road and the intersection of Bosner Road and Nardine Close for road widening. Costs associated with the preparation and execution of the deed of agreement are to be borne by the applicant/landowner.*

- ii) That Condition No. 8 be amended to read as follows;

*Prior to ~~applying for~~ **the issue of** a Building Permit, the applicant/landowner must enter into an agreement (Deed) to the satisfaction of the City of Kalamunda and the applicant/landowner to enable the City of Kalamunda to acquire the truncation at the intersection of Berkshire Road and Bonser Road and the intersection of Bosner Road and Nardine Close for road widening. Costs associated with the preparation and execution of the deed of agreement are to be borne by the applicant/landowner.*

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

*Prior to ~~applying for~~ **the issue of** a Building Permit, the applicant/landowner is to provide a Geotechnical Report in accordance with AS 1726 Geotechnical Site Investigations to inform designs such as earthworks, subsoil drainage, groundwater management, stormwater drainage, erosion control, slope stability, retaining walls, small structure footings, and road pavements, to the satisfaction of the City of Kalamunda.*

REASON: To allow more appropriate time for the proponents and Council to consider the requirements of the conditions.

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/23/02520 is appropriate for consideration as a "Warehouse/Storage" and "Transport Depot" land use and are 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/23/02520 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:

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Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development being carried out in accordance with the plan(s)/drawing(s) and document(s) (including any recommendations made) listed below, including any amendments to those plans as shown in red.

Rev.	Title	Date	Prepared by
-	Development Plans	6/10/2023	Jeff Freeman Architects
B	Transport Impact Assessment	17/08/2023	Stantec
1	Waste Management Plan	5/05/2023	Low Impact Development Consulting

4. Stormwater must be disposed of on-site, to the satisfaction of the City of Kalamunda.
5. For the duration of development, all car parking and landscaping areas located in the front setback area are not to be used for the storage of motor vehicles, machinery, equipment or materials which are being wrecked or repaired, or for the stacking or storing of fuel, raw materials, products or by-products or wastes of manufacture, in accordance with the City of Kalamunda Local Planning Scheme No. 3.
6. For the duration of development, the incidental use of office shall be restricted to use by the occupier of the warehouse and must not be made available for public use.
7. Prior to the issue of a Building Permit, the applicant/landowner must enter into an agreement (Deed) to the satisfaction of the City of Kalamunda and the applicant/landowner to enable the City of Kalamunda to acquire the truncation at the intersection of Berkshire Road and Bonser Road and the intersection of Bosner Road and Nardine Close for road widening. Costs associated with the preparation and execution of the deed of agreement are to be borne by the applicant/landowner.
8. Prior to the issue of a Building Permit, the applicant/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 of the development, the approved external finishes and colour schemes are to be implemented into the development, to the satisfaction of the City of Kalamunda and maintained for the duration of the development.

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9. Prior to the issue of a Building Permit, the applicant/landowner is to provide a Geotechnical Report in accordance with AS 1726 Geotechnical Site Investigations to inform designs such as earthworks, subsoil drainage, groundwater management, stormwater drainage, erosion control, slope stability, retaining walls, small structure footings, and road pavements, to the satisfaction of the City of Kalamunda.
10. Prior to applying for a building permit, a Construction Management Plan must be prepared by the landowner/applicant and approved by the City of Kalamunda. The Construction Management Plan shall detail how the 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. Dust management plan
 - v. Toilet facilities for construction workers;
 - vi. Protection of public infrastructure;
 - vii. How materials and equipment will be delivered, stored and removed from the site;
 - viii. Parking arrangements for staff, contractors and visitors;
 - ix. Construction Waste disposal strategy and location of waste disposal bins;
 - x. Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction, and how they are to be managed;
 - xi. How dust, noise, erosion, lighting and environmental hazards and will be managed during the stages of construction;
 - xii. Complaint management procedure; and
 - xiii. Other matters likely to impact on surrounding property owners.

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

11. Prior to applying for a building permit, an amended Landscape Plan must be submitted to the City of Kalamunda. The amended Landscape Plan must provide 1 tree per every 4 uncovered car parking bays in accordance with the City of Kalamunda Local Planning Policy 27 and 33, to the satisfaction of the City of Kalamunda.
12. Prior to occupation of the development, Lots 14, 16, 17 and 1015 Berkshire Road, Forrestfield must be legally amalgamated into a single lot on a Certificate of Title, with the new title issued and a copy of the new title provided to the satisfaction of the City of Kalamunda.
13. Prior to occupation of the development, all crossovers must be designed and constructed to the specifications of the City of Kalamunda and maintain the existing capacity of the verge swale, to the satisfaction of the City of Kalamunda.

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14. Prior to the occupation of the development, the stormwater drainage is to be designed and constructed as per geotechnical report and in accordance with City's "Stormwater Design Guidelines for Subdivisional and Property Development" and to the satisfaction of the City of Kalamunda.
15. Prior to occupation of the development, the Warehouse and Transport Depot must be connected to the reticulated sewerage network.
16. Prior to occupation of the development, all landscaping noted in the approved Landscape Plan must be planted and maintained in perpetuity, 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.
17. Prior to occupation of the development, landscaping of the verge shall be completed in accordance with City's "Verge Development Guidelines" and the verge swale must be protected at all times.
18. Prior to occupation of the development, all hardstand areas must be paved, sealed and drained to the satisfaction of the City of Kalamunda.
19. Prior to occupation of the development, the landowner must locate and 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:
 - i. Refuse storage areas.
 - ii. Service equipment.
 - iii. Mechanical ventilation.
 - iv. Refrigeration units.
 - v. Storage areas for machinery, materials or the like.
20. Prior to occupation of the development, the landowner/applicant contributing towards public art, pursuant to City of Kalamunda Local Planning Policy 26.
21. Prior to occupation of the development, all car parking areas must meet the following requirements:
 - i. The provision and maintenance of a minimum of 68 car parking spaces for the Warehouse and a minimum of 17 car parking spaces for the Transport Depot, 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

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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; and
 - iv. Comply with the above requirements and be maintained to the satisfaction of the City of Kalamunda for the duration of the development.
22. 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.

Advice Notes

- 1. In regard to condition 20, 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.
- 2. In regards to condition 20, the applicant/landowners are advised that a public art contribution of \$130,000 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 \$130,000, or alternatively the provision of a \$130,000 as in lieu payment to the City of Kalamunda's Public Art Fund.
- 3. Any damages to public assets arising during the course of the development activity are to be repaired and restored in accordance with the "Local Government Guidelines for Restoration and Reinstatement in WA" and to the satisfaction of the City of Kalamunda.
- 4. The applicant is advised to manage and minimise dust during the works and after completion in accordance with the Department of Environment and Conservation's "Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and Other Related Activities".
- 5. The applicant is advised to manage and minimise erosion and sediment loss during the works and after completion in accordance with the Eastern Metropolitan Regional Council's policy 5.1.2 "Erosion and Sediment Control".
- 6. 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".

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7. A Traffic Management Plan (TMP) is required for any works in the road reserve or impacting the road reserve. Submit a TMP in accordance with Main Roads WA's Traffic Management for Works on Roads Code of Practice, to the City. For non-complex TMPs submit the TMP at least 14 calendar days before commencing work, and for complex TMPs a minimum of 21 days before commencing work. The Traffic Management Plan must be approved before work impacting the road reserve can commence.
8. The applicant is reminded of their obligations to comply with the "Land development sites and impacts on air quality: a guideline for the prevention of dust and smoke pollution from land development sites in Western Australia", prepared by the Department of Water and Environment Regulation.
9. It is prohibited to clear endemic (native) vegetation unless the clearing is authorised by a clearing permit obtained from the Department of Water and Environmental Regulation (DWER) under the Clearing Regulations of Part V of the Environmental Protection Act (WA) 1986 or is of a kind exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Regulation 5 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.
10. This development approval does not authorise the erection of any signage not exempted by Schedule 5 (Exempted advertisements) of the City of Kalamunda Local Planning Scheme No. 3.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The Panel considered that the proposed development is compatible with the locality and consistent with the Planning Framework as stated in the City of Kalamunda Local Planning Scheme No 3 and the Forrestdale/High Wycombe Industrial Area Stage 1 Local Structure Plan.

Minor variations to front setback, landscaping and car parking provision are supported, as was the timing of some conditions as the Panel considered that the variations would have little or no impact on the amenity of the locality.

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

Nil.

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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
DR75/2022 DAP/18/01543	City of Joondalup	Portion of 9040 (34) Kallatina Drive, Iluka	Mixed Commercial Centre (Iluka Plaza)	02/05/2022
DR135/2023 DAP/23/02447	City of Rockingham	Lot 622 (No.2) Aurea Boulevard, Golden Bay	Proposed mixed commercial development (Golden Bay Neighbourhood Centre)	11/08/2023
DR98/2023 DAP/22/02379	City of Swan	Lot 31 (No.1487) Neaves Road, Bullsbrook	Proposed roadhouse	16/06/2023

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 9:48am.

Eugene Koltasz
Presiding Member, Metro Outer JDAP