



## Metro Outer Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Friday, 18 November 2022; 9:30am  
**Meeting Number:** MOJDAP/210  
**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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**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



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## Attendance

### DAP Members

Mr Eugene Koltasz (Presiding Member)  
Ms Gabriela Poezyn (A/Deputy Presiding Member)  
Mr John Syme (A/Third Specialist Member)

#### *Item 8.1*

Cr Phoebe Corke (Local Government Member, City of Cockburn)  
Cr Tom Widenbar (Local Government Member, City of Cockburn)

#### *Item 8.2*

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

#### *Item 9.1*

Cr Rod Henderson (Local Government Member, City of Swan)  
Cr Charlie Zannino (Local Government Member, City of Swan)

### Officers in attendance

#### *Item 8.1*

Mr Riley Brown (City of Cockburn)  
Ms Lucia Dunstan (City of Cockburn)

#### *Item 8.2*

Mr Regan Travis (City of Kalamunda)  
Ms Angie Dewar (City of Kalamunda)  
Ms Kaitlin Schilling (City of Kalamunda)

#### *Item 9.1*

Mr Phil Russell (City of Swan)

### Minute Secretary

Mr Stephen Haimes (DAP Secretariat)

### Applicants and Submitters

#### *Item 8.1*

Mr Nik Hidding (Peter Webb & Associates)  
Mr Andrew Caspar (Peregrine Corporation)

#### *Item 8.2*

Mr Jarrod Ross (Taylor Burrell Barnett)  
Ms Bec Didcoe (Taylor Burrell Barnett)  
Mr James McCallum (Taylor Burrell Barnett)  
Mr Glenn Coffey (Hesperia)

#### *Item 9.1*

Mr Jeremy Hofland (Rowe Group)  
Mr Sheldon Turner (Total PM)

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



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## Members of the Public / Media

Nil.

### 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:34am on 18 November 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.

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

### 2. Apologies

Ms Karen Hyde (Deputy Presiding Member)  
Mr Jason Hick (Third Specialist Member)  
Cr Brooke O'Donnell (Local Government Member, City of Kalamunda)  
Cr Chontelle Stone (Local Government Member, City of Cockburn)

### 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 notes an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 8.2, received on 11 November 2022.

All members declared that they had duly considered the documents.

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## 6. Disclosure of Interests

DAP Member, Ms Karen Hyde, declared an Indirect Pecuniary Interest in item 8.2. Ms Hyde works for Taylor Burrell Barnett, the applicant for this item.

DAP Member, Mr Jason Hick, declared an Indirect Pecuniary Interest in item 8.2. Mr Hick works for Emerge, who prepared supporting documents for this application.

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

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Rod Henderson and Cr Charlie Zannino, 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, Crs Henderson and Zannino 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 Presiding Member determined that the members listed above, who had /have disclosed an Impartiality Interest, were permitted to participate in the discussion and voting on the item.

## 7. Deputations and Presentations

7.1 Mr Nik Hidding (Hidding Urban Planning) 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 Cockburn addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

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

7.3 Mr Jarrod Ross (Taylor Burrell Barnett) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.4 The City of Kalamunda 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.***

7.5 Mr Jeremy Hofland (Rowe Group) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

  
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- 7.6** The City of Swan addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

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

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

### **8.1 Lot 500 (71) Shallcross Street, Yangebup**

Development Description: Proposed Service Station and Motor Vehicle Wash  
Applicant: Peter Webb & Associates  
Owner: Shallcross Street Project 2020 Pty Ltd  
Responsible Authority: City of Kalamunda  
DAP File No: DAP/22/02209

### **REPORT RECOMMENDATION**

*An administrative change was made to correct typographical errors in Condition 3, Condition 13, Advice Note 3 and Advice Note 5.*

**Moved by:** Cr Phoebe Corke

**Seconded by:** Cr Tom Widenbar

That the METRO OUTER JDAP resolves to:

- Accept** that the DAP Application reference DAP/21/02081 is appropriate for consideration as a “Service Station and Motor Vehicle Wash” land use and compatible with the objectives of the zoning table in accordance with the City of Cockburn Town Planning Scheme No. 3;
- Approve** DAP Application reference DAP/22/02209 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 the City of Cockburn Town 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.
- Prior to the issue of a Building Permit, a Construction Management Plan (CMP) shall be submitted to and approved by the City. The CMP shall be implemented to the satisfaction of the City.

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3. Prior to the issue of a building permit, a Landscaping Plan shall be submitted to and approved by the City. The landscaping shall be planted and irrigated in accordance with the details of the landscaping plan during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced. The landscaping shall thereafter be maintained in perpetuity to the satisfaction of the City.
4. All stormwater drainage shall be retained on-site. All stormwater infrastructure is to be installed in accordance with the approved stormwater plan to the satisfaction of the City.
5. Prior to the initial occupation, the 17 parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained, line marked and made available for use in accordance with the approved plans and thereafter maintained to the satisfaction of the City.
6. A minimum of 4 bicycle stands/racks that conform to Australian Standard 2890.3 shall be provided in close proximity to the entrance of the building prior to occupation of the building.
7. Prior to the issuing of a building permit, a Delivery Management Plan shall be submitted and approved by the City to address potential issues associated with the movement of trucks to and from the site. The Delivery Management Plan shall be adhered to in perpetuity.
8. Prior to the issuing of a building permit, a Traffic Management Plan shall be submitted and approved by the City to manage the traffic environment during peak times and durations. The Traffic Management Plan shall be implemented in perpetuity.
9. Prior to the issue of a Building Permit, the owner/applicant shall:
  - Submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
  - Submit to the City for approval an 'Application for Art Work Design';
  - Enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City. The art work shall then be installed prior to occupation of the building/development and maintained thereafter to the satisfaction of the City.
10. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
11. Prior to use of the development, the crossover onto Shallcross Street shall be constructed to the City's Vehicle Crossover Specification.
12. Provisions identified in the Waste Management Plan provided by *Talis Consultants* and approved by the City, dated 18<sup>th</sup> of February 2022 with the Project Number *TW21142*, which include recycling measures and management of commercial waste, are to be implemented and maintained thereafter to the satisfaction of the City.

  
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13. The applicant must implement all of the recommendations contained in the Bushfire Management Plan prepared by *Bushfire Prone Planning*, reference number 211046 dated 10 January 2022, revised 6<sup>th</sup> September 2022 and approved by the *Local Government* for the duration of the development. The development must be constructed in accordance with Australian Standard 3959 – Construction of Buildings in Bush Fire Prone Areas (or superseding standard), the National Construction Code (NCC) requirements for ‘Construction in Bushfire Prone Areas
14. No structures or stormwater drainage shall be permitted to enter or encroach upon the Primary Regional Road reserve.
15. Any proposed illumination of the signs must not exceed 300cd/m<sup>2</sup> (candela per square metre) between sunset and sunrise. The signs must not flash, pulsate or chase. The signs must not contain fluorescent, reflective or retro reflective colours or materials.
16. Prior to the occupation of the building a 1.8 metre high fence must be installed, at the applicant’s cost, within the lot boundary adjacent to the Melville-Mandurah Highway reserve.

#### **Advice Notes**

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 is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency. The applicant is advised to make themselves aware of the requirements pursuant to the Food Act, Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations and relevant Australian Standards where applicable (parking, outdoor lighting and bushfire).
3. With regards to Condition 15, a Sign Permit issued by the City’s Building Services is required in accordance with the City’s Local Laws (2000)
4. The applicant is advised that a crossover application will be required to be lodged with the City’s Operations and Maintenance Division
5. With regards to Condition 2, the Construction Management Plan (CMP) guidelines are available on the City’s Website. The Construction Management Plan (CMP) shall address the following items:
  - a. Access to and from the site;
  - b. Delivery of materials and equipment to the site;
  - c. Storage of materials and equipment on the site;
  - d. Parking arrangements for contractors and subcontractors;
  - e. Management of construction waste; and
  - f. Other matters likely to impact on the surrounding properties.

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6. Where petrol, benzine or other inflammable or explosive substances or grease, oil or greasy/oily matter may be discharged, a sealed wash-down area and a petrol/oil trap (gravity separator) must be installed and connected to the sewer, with the approval of the Water Corporation and Department of Environment and Conservation.
7. With regard to condition 9, the art work shall be in accordance with City's Local Planning Policy LPP 5.13 Percent for Art and the 'Application for Art Work Design' and shall include a contract between the owner/applicant and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget being submitted to and approved by the City. Further information regarding the provision of art work can be obtained from the City's Community Arts Officer on 9411 3444.
8. An "Application to Construct or Alter a Food Premises" is required to be submitted to Health Services prior to construction. This is to be accompanied by detailed plans and specifications of the food preparation and storage area (including mechanical ventilation and hydraulics), sanitary conveniences and garbage room, demonstrating compliance with the mentioned legislation.
9. 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.

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

**REASON:** The proposal is considered to be appropriate for the area. The use is considered to be commercial (rather than industrial) and therefore the requirement for art is appropriate.

*Cr Phoebe Corke and Cr Tom Widenbar (Local Government Members, City of Cockburn) left the panel at 9:57am.*

*Cr Margaret Thomas (Local Government Member, City of Kalamunda) joined the panel at 9:57am.*

**8.2 Lots 11 (28), 12 (24) 13 (20), 18 (16), Courtney Place, Lot 16 Coldwell Road, Wattle Grove**

Development Description:	Warehouse/Storage and Office
Applicant:	Taylor Burrell Barnett
Owner:	MKSEA Ptd Ltd-B Lisle, Planet Building Products Pty Ltd-, P S J Ferris, R F Ferris
Responsible Authority:	City of Kalamunda
DAP File No:	DAP/22/02312

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## REPORT RECOMMENDATION

**Moved by:** Cr Margaret Thomas

**Seconded by:** Mr John Syme

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

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

**REASON:** The Panel considered that a restriction on operating hours for the proposed development was unreasonable and that the use was able to operate effectively if Noise Regulations were not breached. The decision was consistent with previous approvals for the Precinct.

- ii. That Condition No. 22 (no. 21) be amended to read as follows:

*Prior to occupation of the development, 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.*

~~*The installation of an Aerobic Treatment Unit with nutrient removal capacity will need to be included as part of the septic application.*~~

**REASON:** The last sentence in this condition has no bearing on the condition.

- iii. That Advice Note No. 1 be deleted, and the remaining advice notes be renumbered accordingly.

**REASON:** The state of emergency concluded in early November 2022 and this condition is no longer appropriate.

That the Metro Outer Joint Development Assessment Panel resolves to:

**Accept** that the DAP Application reference DAP/22/02312 is appropriate for consideration as a "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.

**Approve** DAP Application reference DAP/22/02312 and accompanying Development Plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 10.4 of the City of Kalamunda Local Planning Scheme No. 3, subject to the following conditions:

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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.

Plan No.	Rev.	Title	Date	Prepared by
A01	B	Site Plan	27/07/2022	Hesperia
A02	B	Floor Plan	27/07/2022	Hesperia
A03	B	Office Plans	27/07/2022	Hesperia
A04	B	Elevations	27/07/2022	Hesperia
DA001	A	Landscape Plan	July 2022	UDLA
DA002	A	Landscape Species	July 2022	UDLA
PT160	B	Stormwater Plan	06/07/2022	Tadros Engineering
CW937700/ 304900322	B	Transport Impact Statement	28/10/2022	Cardno/ Stantec
EP20- 157(04)-006 SAM	A	Bushfire Management Plan	July 2022	Emerge

4. Prior to an occupation permit being granted for the development, all crossovers must be designed and constructed to the specifications and satisfaction of the City of Kalamunda.
5. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the City of Kalamunda.
6. Prior to the lodgement of a building permit, a detailed drainage plan is to be prepared and submitted for approval. The drainage plan must manage all stormwater generated from roofed and paved areas for the duration of the development and to the specification and satisfaction of the City of Kalamunda.
7. 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.
8. For the duration of development, staff numbers must be limited to no more than 46 at any one time.

  
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9. For the duration of development, the incidental use of office must be restricted to use by the occupier of the warehouse and must not be made available for public use.
10. Prior to an occupation permit being granted of the development, the landowner/applicant contributing towards public art, pursuant to City of Kalamunda Local Planning Policy 26.
11. 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 must 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. Toilet facilities for construction workers;
  - v. Protection of public infrastructure including any verge trees;
  - vi. How materials and equipment will be delivered, stored and removed from the site;
  - vii. Parking arrangements for staff, contractors and visitors;
  - viii. Construction Waste disposal strategy and location of waste disposal bins;
  - ix. Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction, and how they are to be managed;
  - x. How dust, noise, erosion, lighting and environmental hazards and will be managed during the stages of construction;
  - xi. Complaint management procedure; and
  - xii. 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.

12. All landscaping noted in the approved Landscape Plan must be planted in the first available planting season after the initial 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.

13. Prior to occupation of the development, 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."*

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14. Either
  - i. Prior to occupation of the development, the lots must be legally amalgamated into one certificate of title, with the new title issued and a copy of the new title provided to the satisfaction of the City of Kalamunda; or
  - ii. Prior to occupation of the development, implement a Right of Carriageway easement to benefit Lot 11 (28), Lot 12 (24), Lot 13 (20) and Lot 18 (16) Courtney Place and burden Lot 16 Coldwell Road.
15. Prior to an occupation permit being granted for the development, an Interim Development Contribution Arrangement (IDCA) being prepared by the landowner in accordance with City of Kalamunda' Local Planning Policy 25 (Interim Development Contribution Arrangements) and executed by all parties, for the applicant to contribute towards the cost of providing common infrastructure as established through Local Planning Scheme Amendment No. 101, to the City of Kalamunda Local Planning Scheme No.3 when gazetted. Such arrangements are to be at the cost of the applicant and to the satisfaction of the City of Kalamunda.
16. Prior to an occupation permit being granted 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.
17. Prior to an occupation permit being granted for the development, all car parking areas must meet the following requirements:
  - i. The provision and maintenance of a minimum of 56 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; and
  - iv. Comply with the above requirements and be maintained to the satisfaction of the City of Kalamunda for the duration of the development.

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18. Prior to occupation of the development, 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 Courtney Place and Welshpool Road East).
  - ii. The number, volume and types 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.
  - iv. Frequency of bin collections.
19. Prior to the occupation of the development, bicycle facilities must be provided in accordance with the Australian Standard AS 2890.3 to the satisfaction of the City of Kalamunda. The facilities must be maintained thereafter and be retained for the duration of the development.
20. Prior to occupation of the development, all boundary fencing must be visually permeable and no greater than 2.1 metres in height to demonstrate compliance with the City of Kalamunda's Local Planning Policy 19 (Kalamunda Wedge Industrial Area – Precinct 3A Design Guidelines) to the satisfaction of the City of Kalamunda.
21. Prior to occupation of the development, 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.
22. Prior to the occupation of the development, stormwater drainage is to be designed and constructed in accordance with the Urban Water Management Plan submitted for the development area Urban Water Management Plan for MKSEA Precinct 3C Stage 4, September 2021, to the satisfaction of the City of Kalamunda.

### Advice Notes

1. With regards to Condition 4, the applicant/owner should refer to the Specifications for Crossover Construction available at [www.kalamunda.wa.gov.au](http://www.kalamunda.wa.gov.au).
2. With regards to Condition 17, 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.

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3. 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.
4. 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".
5. The applicant is required 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". For dust control post earthworks, the City of Kalamunda accepts a minimum treatment of hydromulch containing couch seed and turf rye grass.
6. 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.
7. The applicant is required 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".
8. Condition 15 is in acknowledgement of Amendment No. 101 to City of Kalamunda Local Planning Scheme No.3 which is viewed by the City to be a seriously entertained planning proposal, which will provide for developer contributions for community infrastructure.
9. In regard to condition 15, the City of Kalamunda's Local Planning Policy 25 provides a concise and documented procedure for the establishment of Interim Development Contribution Arrangements to provide for consistent management by the City, and a transparent process to manage interim arrangements for the community.
10. 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.
11. In regards to condition 10, the landowners 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.
12. With regard to condition 13, a Notification Under Section 70A form is available from Landgate and the City's Administration Building. The applicant/owner is required to complete this form and submit it to the City for signing and executing. Once the form has been signed the applicant/owner is required to lodge for the form with Landgate.

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13. The proponent is advised of the requirement to submit an application for the proposed ATU and flatbed leach drains prior to issuance of a building permit demonstrating that:
- the location of the ATU and leach drains meet the required setbacks to buildings, structures, and lot boundaries and
  - The leach bed drains have adequate separation to the clay layer

In accordance with the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

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

**REASON:** The proposed development is considered to be appropriate for the area. Some minor variation to development standards relating to matters such as landscaping, hours of operation and car parking were considered appropriate and unlikely to cause adverse amenity impacts.

*Cr Margaret Thomas (Local Government Member, City of Kalamunda) left the panel at 10:15am.*

*Cr Rod Henderson and Cr Charlie Zannino (Local Government Members, City of Swan) joined the panel at 10:15am.*

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

**9.1 Lot 97 (No.31) & Lot 817 (No.47) Lakes Road, Hazelmere**

Development Description:	Construction of a Logistics Depot with Ancilliary Office Area
Proposed Amendments:	Deletion of Condition 13 – Public Art
Applicant:	Rowe Group
Owner:	CTI Xpress Systems Pty Ltd & Lafe (WA) Pty Ltd
Responsible Authority:	City of Swan
DAP File No:	DAP/21/02036

**REPORT RECOMMENDATION**

**Moved by:** Cr Charlie Zannino

**Seconded by:** Mr Eugene Koltasz

That the Metro Outer Joint Development Assessment Panel resolves to:

- Accept** that the DAP Application reference DAP/21/02036 as detailed on the DAP Form 2 dated 16 August 2022 is appropriate for consideration in accordance with Regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



2. **Refuse** the request to delete Condition 13 of the approval of DAP Application reference DAP/21/02036 as detailed on the DAP Form 2 dated 16 August 2022 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 10.3(b) of the City of Swan Local Planning Scheme No.17 for the following reasons:
1. Condition 13 is considered to be a valid planning condition that has both a planning purpose and a nexus with the subject approved development in accordance with the City of Swan Local Planning Policy POL-LP-1.10 - Provision of Public Art.
  2. Having been imposed for a planning purpose relevant to the development approved it was reasonable for the Metro Outer Joint Development Assessment Panel to impose Condition 13.

**The Report Recommendation was put and CARRIED (4/1).**

For: Mr Eugene Koltasz  
Ms Gabriela Poezyn  
Mr John Syme  
Cr Charlie Zannino

Against: Cr Rod Henderson

**REASON:** It was considered to be appropriate that this development contributes to public art in line with the City's policy for Public Art, that has been consistently applied.

**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/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022
DAP/22/02148 DR146/2022	City of Rockingham	Lot 53 (No 67) Folly Road, Baldivis	Proposed place of worship (Hindu Temple)	26/08/2022
DAP/22/02220 DR162/2022	City of Kwinana	Lot 9507 Berthold Street, Orelia	Proposed Child Care Centre	28/09/2022
DAP/22/02159 DR163/2022	Shire of Murray	No. 630 (Lot 137) Pinjarra Road, Furnissdale	Proposed Petrol Filling Station	28/09/2022

  
**Mr Eugene Koltasz**  
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 10:29am.

  
**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP