



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 20 December 2022; 10:00am
Meeting Number: MOJDAP/220
Meeting Venue: Electronic Means

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

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Attendance

DAP Members

Mr Eugene Koltasz (Presiding Member)
Ms Gabriela Poezyn (A/Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)

Item 8.1

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

Item 8.2

Cr David Bolt (Local Government Member, Shire of Murray)
Cr Ange Rogers (Local Government Member, Shire of Murray)

Item 8.3

Cr Vinh Nguyen (Local Government Member, City of Wanneroo)
Cr Frank Cvitan (Local Government Member, City of Wanneroo)

Officers in attendance

Item 8.1

Mr Andrew Fowler-Tutt (City of Kalamunda)
Ms Alisha Kozima (City of Kalamunda)
Mr Steve Fernandez (Main Roads WA)

Item 8.2

Mr Rod Peake (Shire of Murray)
Ms Cherryll Oldham (Shire of Murray)
Mr Martin Harrop (Shire of Murray)

Item 8.3

Mr Greg Bowering (City of Wanneroo)
Ms Mel Sun (City of Wanneroo)
Ms Sue Wesley (City of Wanneroo)

Minute Secretary

Mr Stephen Haimes (DAP Secretariat)

Applicants and Submitters

Item 8.1

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

Item 8.2

Mr Oliver Basson (Planning Solutions)
Mr Pat Allan (Brallgra Pty Ltd)

Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



Item 8.3

Mr Nathan Maas (Planning Solutions)
Mr Ronan Casey (FRP Capital)
Mr Anthony Del Borrello (FRP Capital)

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 10:04am on 20 December 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)
Cr Brooke O'Donnell (Local Government Member, City of Kalamunda)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. Declaration of Due Consideration

The Presiding Member noted that an addendum to the agenda was published from the Shire of Murray in relation to Item 8.2, received on 16 December 2022.

All members declared that they had duly considered the documents.



6. Disclosure of Interests

DAP Member, Ms Karen Hyde (Deputy Presiding Member), declared an Indirect Pecuniary Interest in item 8.1. Ms Hyde is an employee of Taylor Burrell Barnett, the applicant of this item.

DAP Member, Mr Jason Hick (Third Specialist Member), declared an Indirect Pecuniary Interest in item 8.1. 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 have disclosed an Indirect Pecuniary Interest, were not permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr Jarrod Ross (Taylor Burrell Barnett) addressed the DAP in support of the recommendation for the application at Item 8.1.

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.

The presentations at Items 7.1 - 7.2 was heard prior to the application at Item 8.1.

7.3 Mr Oliver Basson (Planning Solutions) 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 Shire of Murray 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 Nathan Maas (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.3 and responded to questions from the panel.

7.6 The City of Wanneroo addressed the DAP in relation to the application at Item 8.3 and responded to questions from the panel.

The presentations at Items 7.5 - 7.6 were heard prior to the application at Item 8.3.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 4, 12 & 16 (Lots 15, 14 & 18) Courtney Place and 12 (Lot 16) Coldwell Road Wattle Grove

Development Description: Proposed Warehouse/Storage & Incidental Offices
Applicant: Taylor Burrell Barnett
Owner: Planet Building Products Pty Ltd & Roe 71 Pty Ltd
atf Roe 71 Unit Trust
Responsible Authority: City of Kalamunda
DAP File No: DAP/22/02331

REPORT RECOMMENDATION

Moved by: Cr Margaret Thomas

Seconded by: Ms Gabriela Poezyn

An administrative change was made to Condition 5 ii to ensure the correct Lot numbers were listed.

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/22/02331 is appropriate for consideration as a “Warehouse/Storage” 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/22/02331 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 10.4 of the City of Kalamunda Local Planning Scheme No. 3, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 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 |
|-----------------------|------|---|-----------------|------------------------------|
| DA-00 | B | Locality Plan | 09.08.2022 | Gibb Group |
| DA-002 | F | Site Plan | 26.10.2022 | Gibb Group |
| DA-100 | B | Office Plan | 27.07.2022 | Gibb Group |
| DA-200 | D | Warehouse Elevations | 25.11.2022 | Gibb Group |
| DA-202 | D | Office 1 Elevations | 25.11.2022 | Gibb Group |
| DA-201 | D | Office 2 & Dock Office Elevations | 25.11.2022 | Gibb Group |
| 2211001 | E | Landscape Concept Plan & Planting Palette | October 2022 | Plan/E Landscape Architectcs |
| CW1200369 / 304900766 | E | Transport Impact Assessment | 31 October 2022 | Cardno – Stantec |
| PT182-CI-CONCEPT-01 | B | Civil Stormwater Concept Plan | 20.10.22 | TE – tadros engineering |
| EP17-023(18) | A | Site and Soil Evaluation | February 2021 | Emerge Associates |
| EP20-157(04) | A | Bushfire Management Plan | July 2022 | Emerge Associates |

4. 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.
5. Either
- i. Prior to occupation of the development, the lots subject to subdivision 162674 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) and Lot 13 (20) Courtney Place and burden Lot 14, (12) Courtney Place, Lot 15 (4) Courney Place, Lot 18 (16) Courtney Place and Lot 16 (12) Coldwell Road.
6. 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.



7. Prior to applying for a building permit, the landowner is to submit, and have approved by the City of Kalamunda, revised plans regarding the following:
- i. The warehouse building façade design to Coldwell Road to include vertical and horizontal articulation using alternative colours, materials, columns, blades, or other architectural features.
 - ii. The office design to include vertical and horizontal articulation using architectural features to create distinctive entry doors and canopies and to complement the warehouse design through use of columns, blades, or other architectural features.
 - iii. The outdoor staff amenity areas adjacent to proposed “Main Office 1” to better integrate with the proposed landscaping.
 - iv. External finishes and colour scheme including consideration of the local development context and the incorporation of two different colours and two different materials.

Prior to occupation of the development, the approved warehouse and office design, and the 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.

8. 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.



9. 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.
10. 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.
11. 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.
12. 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.
13. Prior to occupation of the development, a notification is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification 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 development on this land"



14. 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.
15. Parking of passenger/commuter vehicles is only permitted within the designated bays and is not to occur elsewhere onsite or within the adjacent road verge.
16. 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.
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 96 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.
18. Prior to the occupation of the development, the recommendations of the Transport Impact Assessment are to be implemented to the satisfaction of the City of Kalamunda.
19. 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.
20. 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.
21. 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.



22. A geotechnical report in accordance with AS1726 Geotechnical Site Investigations is to be submitted to the satisfaction of the City, to inform designs such as earthworks, subsoil drainage, groundwater management, stormwater drainage, erosion control, slope stability, retaining walls, small structure footings, and road pavements.
23. Prior to the occupation of the development the proponent is to demonstrate that suitable screening devices have been erected, or other management measures put in place, to ensure that headlight glare from heavy vehicles on site does not detrimentally impact the safety of vehicle movements on the adjacent Welshpool Road East, to the satisfaction of the City of Kalamunda.
24. 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.
25. Prior to occupation of the development, a new effluent disposal system that complies with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974 must be installed.

Advice Notes

1. Condition 4 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.
2. In regard to condition 4, 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.
3. In regard to condition 6, 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.
4. In regards to condition 6, the landowners advised that a public art contribution of \$200,000 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 \$200,000, or alternatively the provision of a \$200,000 as in lieu payment to the City of Kalamunda's Public Art Fund.
5. In regards to condition 23, the boundary fence condition has been imposed to address safety issues in regards to heavy vehicle movements from the adjoining development site (subject to DA22/0309 and DAP/22/2312).

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6. 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.
7. 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”.
8. 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”.
9. 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”.
10. 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.
11. 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.
12. 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.
13. 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 proposal was consistent with the Planning Framework for the locality and is a positive addition to the City of Kalamunda. Comments from Main Roads WA were considered and with the addition of relevant conditions the development will address issues associated with access into and out of the Roe Highway Logistics Park.



Cr Margaret Thomas (Local Government Member, City of Kalamunda) left the panel at 10:24am.

Mr Jason Hick (Third Specialist Member) and Cr Ange Rogers and Cr David Bolt (Local Government Members, Shire of Murray) joined the panel at 10:24am.

8.2 25 (Lot 99) James Street Pinjarra

Development Description: Proposed Child Day Care Centre
Applicant: Planning Solutions
Owner: Cobromin Resources Pty Ltd
Responsible Authority: Shire of Murray
DAP File No: DAP/22/02325

REPORT RECOMMENDATION

Moved by: Cr David Bolt

Seconded by: Cr Ange Rogers

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

i) That Condition No. 10 be amended to read as follows:

*Prior to the submission of an application for a building permit ~~application~~ the bushfire management plan shall be updated in accordance with the advice and recommendations of the Department Fire and Emergency Services (**dated 9 December 2022**) to the satisfaction of the local government.*

REASON: Introducing the date of the report into the condition is to ensure that reference is made to the correct Bushfire Management Report.

ii) That Condition No. 13 be amended to read as follows:

*Prior to the development first being occupied the Bushfire Emergency Evacuation Plan – Operational Document ~~V3~~ **V4** dated ~~24 October~~ **16 November 2022** shall be updated in accordance Guidelines Section 5.5.4 'Developing a Bushfire Emergency Evacuation Plan' and implemented to the satisfaction of the local government.*

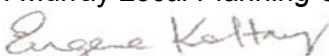
REASON: The Bushfire Emergency Evacuation Plan was revised into a Version 4 and the purpose of the changes to the condition is to refer to the latest report.

iii) That Condition No. 15 be deleted, and the remaining conditions be renumbered accordingly.

REASON: Condition 15 was not considered to be necessary as the approved plans show the fencing proposed for the development.

That the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/22/02325 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 the Shire of Murray *Local Planning Scheme No. 4*, subject to the following conditions:


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Conditions

1. Prior to the submission of an application for a building permit the plans shall be modified to include bicycle bays and end of trip bicycle facilities including showers and lockers within the development site with the facilities implemented in accordance with the Austroads' Guide to Traffic Engineering Practice Part 14: Bicycles and AS 2890.3 Parking Facilities Bicycle Parking to the satisfaction of the local government.
2. Prior to the submission of an application for a building permit an updated detailed landscaping plan for the development site and the abutting street verges shall be submitted to and approved by the Local Government. The landscape plan must include:
 - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) any lawns to be established;
 - (iii) retention of all trees shown on the site plan for retention;
 - (iv) those areas to be reticulated or irrigated;
 - (v) the outdoor play area;
 - (v) proposed upgrading to landscaping, street trees, paving and reticulation of the street setback area and all verge areas;
 - (vi) paving and footpaths to integrate and link with the existing footpath network.

The approved landscaping, paving and reticulation is to be installed prior to the development first being occupied and be maintained at all times to the satisfaction of the Local Government for the duration of the development.

3. Prior to the submission of an application for a building permit a Waste Management Plan, shall be prepared for approval by the local government with the approved plan to be implemented to the satisfaction of the local government for the duration of the development.
4. Prior to the submission of an application for a building permit the Traffic Impact Statement shall be updated to assess the requirements and recommendations of the Waste Management Plan and identify any matters that may impact vehicle or pedestrian access within the verge area and/or the development site.
5. Detailed civil engineering drawings and specifications are to be submitted for:
 - a. the upgrade of the section of Forrest Street abutting the site including associated drainage;
 - b. the construction of footpaths within the abutting portions of James Street and Forrest Street and footpath links to connect the existing path network on the south western side of James Street;
 - c. on-street parking bays; and
 - d. the site crossover with a satisfactory separation distance to the existing power pole achieved through detailed design, relocation of the pole and/or construction of an island;

shall be lodged for approval by the local government prior to the commencement of construction. Construction works are to be undertaken in accordance with the approved engineering drawings and specifications to the satisfaction of the local government prior to the development first being occupied.



6. Prior to the submission of an application for a building permit, the parking bay(s) and points of ingress and egress are to be designed in accordance with AS/NZS 2890.1:2004 Parking facilities - Off-street car parking. The car parking bays and accessways are to be constructed, kerbed, drained and line marked and the abutting boundary fence shall be protected from accidental vehicle damage prior to the development first being occupied and thereafter maintained in a sound state of repair to the satisfaction of the Local Government.
7. Prior to the submission of an application for a building permit an Environmentally Sustainable Design report to the satisfaction of the local government shall be submitted for approval which identifies measures to be undertaken that maximises environmental, social and economic sustainable outcomes for the development. The recommendations from the approved Environmentally Sustainable Design report are to be implemented to the satisfaction of the local government.
8. All storage areas, external fixtures and building plant, including air conditioning units shall be located to minimise any visual and noise impact on surrounding landowners and screened from view from streets, public spaces and adjacent properties to the satisfaction of the local government. Plans outlining this are to be submitted for approval prior to the submission of an application for building permit with the approved plans being implemented to the satisfaction of the local government.
9. Prior to the submission of an application for a building permit the recommendations of Part 7 of the Herring Storer Acoustic Environmental Noise Assessment Ref: 30248-1122246-02 shall be incorporated within the building design. The recommendations of Part 7 of the report shall be implemented for the duration of the development to the satisfaction of the local government.
10. Prior to the submission of an application for a building permit the bushfire management plan shall be updated in accordance with the advice and recommendations of the Department Fire and Emergency Services (dated 9 December 2022) to the satisfaction of the local government.
11. The requirements outlined for bushfire management under Section 4 Implementation and Enforcement of the approved bushfire management plan are to be implemented and managed on an ongoing basis.
12. Prior to the submission of a building permit application details shall be provided outlining an integrated public art component or equivalent cash contribution to the Local Government equivalent to 1% of the development value.
13. Prior to the development first being occupied the Bushfire Emergency Evacuation Plan – Operational Document V4 dated 16 November 2022 shall be updated in accordance Guidelines Section 5.5.4 'Developing a Bushfire Emergency Evacuation Plan' and implemented to the satisfaction of the local government.
14. Prior to the development first being occupied, lighting shall be installed along the driveway and internal pedestrian pathways and in all common service areas. Lighting shall be installed in the car parking area in accordance with relevant Australian Standards and to the satisfaction of the Local Government.


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15. Prior to the installation of any signage, a signage strategy shall be submitted and approved by the Local Government for the overall development site in accordance with the Shire of Murray Signs Local Planning Policy. Only signage consistent with the approved signage strategy is to be installed.
16. The building shall have a finished floor level of not less than 8.25mAHD.
17. Hours of operation for the Child Day Care Centre is limited to between 6.30am to 6.30pm, Monday to Friday, excluding public holidays.
18. No outdoor play is to occur between the hours of 6.30am and 7.00am.
19. The Child Day Care Centre shall be limited to a maximum 100 children at any one time.
20. No parking bays shall be obstructed in any way or used for purposed of storage.
21. The proposed bin store is to be designed and constructed in accordance with the Shire of Murray Health Local laws, and be roofed and screened to a height of at least 1.8m by a masonry, brick or other durable material which is visually compatible with the proposed buildings as approved by the Local Government.
22. A context and character assessment and suitable design response for the elevation plans consistent with the plans outlined in Attachment 7 or suitable alternative is to be submitted for approval prior to an application for a building permit. The approved revised plans are to be implemented.
23. The land shown on the approved plan as required for a truncation at the corner of Forrest Street and James Street is to be ceded free of cost to the Crown and without payment of compensation prior to the development first being occupied.
24. The existing trees in the verge of Forest Street are to be retained and protected from damage during the construction program.
25. Wheel stops are to be provided to all onsite car parking bays.

AMENDING MOTION 1

Moved by: Mr Jason Hick

Seconded by: Mr Eugene Koltasz

That Condition No. 23 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and LOST (2/3).

For: Mr Jason Hick
Mr Eugene Koltasz

Against: Cr David Bolt
Cr Ange Rogers
Ms Gabriela Poezyn

The Report Recommendation was put and CARRIED UNANIMOUSLY.


Mr Eugene Koltasz
Presiding Member, Metro Outer JDAP



REASON: The proposed use of the site as a Child Care Centre can be supported under the site's zoning, and the conditions of approval will ensure that the proposal will blend into the existing character of the area and make a positive contribution to the area.

Cr David Bolt and Cr Ange Rogers (Local Government Members, Shire of Murray) left the panel at 11:15am.

Cr Vinh Nguyen and Cr Frank Cvitan (Local Government Members, City of Wanneroo) joined the panel at 11:15am.

8.3 7 (Lot 2495) Cheriton Drive, Carramar

| | |
|--------------------------|----------------------------|
| Development Description: | Proposed Child Care Centre |
| Applicant: | Planning Solutions |
| Owner: | Carramar Village Pty Ltd |
| Responsible Authority: | City of Wanneroo |
| DAP File No: | DAP/22/02320 |

REPORT RECOMMENDATION

Moved by: Cr Frank Cvitan

Seconded by: Cr Vinh Nguyen

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

That Condition No. 4 be amended to read as follows:

A revised detailed landscaping plan is to be provided for the subject site ~~which and must include a minimum of 8% soft landscaping and additional shade trees within the reconfigured parking areas.~~ The landscaping plan must detail the plant species, densities, confirmation on mulch details, planting locations, and shade trees. The landscaping plan must be lodged for approval by the City prior to lodging a building permit. Planting and installation must be in accordance with the approved landscaping and reticulation plans and completed prior to occupation of the development and maintained thereafter, to the satisfaction of the City.

REASON: The Panel was concerned with landscaping and in particular the provision of additional trees in the parking area of the application site. The changes to the condition are based on the recommendations from the staff at the City of Wanneroo and meets the requirement of the City for the parking area.

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

REASON: Given that the focus for landscaping had shifted to the provision of trees as opposed to a percentage of soft landscaping, the Advice Note became redundant and could be deleted.



That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/2320 and accompanying plans provided in **Attachment 1** 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 Wanneroo District Planning Scheme No. 2, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval lapses and will be of no further effect.
3. The use of the premises is to be **Child Care Centre** and **Recreation Centre** as defined in the City of Wanneroo's District Planning Scheme No.2 as follows:

"Child Care Centre: *means premises used for the daily or occasional care of children in accordance with the Community Services (Child Care) Regulations 1988.*"

"Recreation Centre: *means any premises used for physical exercise of sports including swimming, ice skating, ten pin bowling, cricket, tennis, squash, soccer, billiards and similar activities.*"

A change of use from that outlined above may require the approval of the City.

4. A revised detailed landscaping plan is to be provided for the subject site and must include additional shade trees within the reconfigured parking areas. The landscaping plan must detail the plant species, densities, confirmation on mulch details, planting locations, and shade trees. The landscaping plan must be lodged for approval by the City prior to lodging a building permit. Planting and installation must be in accordance with the approved landscaping and reticulation plans and completed prior to occupation of the development and maintained thereafter, to the satisfaction of the City.
5. The Child Care Centre shall accommodate a maximum of **82 children and 16 staff** are permitted on the premises at any one time.
6. The Recreation Centre shall accommodate a maximum of **30 persons (including staff)** on the premises at any one time.
7. The hours of operation of the Child Care Centre is to be between the hours of **6:30am and 6:30pm Monday to Friday (excluding public holidays)**.



8. Construction of the development must be undertaken in accordance with the recommendations as contained within the Transport Noise Assessment prepared by Lloyd George Acoustics dated 10 June 2022. Written certification must be provided from the acoustic consultant confirming all noise attenuation measures contained within the Environmental Noise Assessment are incorporated into the building design prior to the occupancy of the development.
9. Parking areas, driveways and points of ingress and egress must be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS 2890) and shall be drained, sealed and marked to the satisfaction of the City prior to the occupation of the development, and maintained thereafter to the satisfaction of the City.
10. The parking areas and associated access indicated on the approved plans must not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
11. The car bays as annotated on the approved plans must be modified or redesigned to comply with AS2890.
12. All signage is to be contained entirely within the allotment.
13. All waste must be stored within the designated bin enclosure and collected from the site by a private contractor at the cost of the owner/occupier.
14. The development must be finished in accordance with the approved Schedule of Materials Selections (including materials, colour schemes and details) prior to the use or occupation of the development.
15. Lighting must be installed to pathways and car parking areas, be designed in accordance with the Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and must be internally directed to not overspill into nearby lots. All floodlights must be oriented and hooded to eliminate disturbance to occupants on the surrounding properties.
16. Detailed civil engineering drawings and specifications for works within the public road reserve (footpath) must be lodged with the City and approved in writing prior to the commencement of construction works. Construction works are to be undertaken in accordance with the approved development application, engineering drawings and specifications at the cost of the proponent, and to the satisfaction of the City. All works must be completed prior to occupation.



17. A construction management plan must be submitted for approval to the City prior to an application for a building permit being made. The plan is to detail how construction of the development will be managed to minimise disruption to adjoining landowners. The plan must address the following:
- i. The delivery times for materials and equipment to the site;
 - ii. Storage of materials and the location and type of equipment on site;
 - iii. Adequate measures to be implemented during construction to minimise any adverse impacts caused by sand drift and dust from the site;
 - iv. Parking arrangements for contractors and sub-contractors;
 - v. Construction times;
 - vi. Measures to minimise noise impacts on surrounding residents; and
 - vii. Any other matter required by the City.

The construction management plan is to be submitted to and approved by the City prior to the commencement of any development.

18. A mural design for the eastern elevation is to be submitted to the City prior to occupation. The mural must be completed within six months of the commencement of the approved uses, and thereafter maintained to the satisfaction of the City.
19. The mural must be treated with a non-sacrificial anti-graffiti coating immediately following its completion.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposed development is consistent with the Planning Framework for the locality and considered to be an appropriate addition to the existing shopping centre. The Panel also considered that the proposal adequately addressed issues of concern raised in submissions associated with traffic impact and parking provision. Appropriate conditions of approval have been imposed to address those issues.

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

Nil.



10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications –

| Current SAT Applications | | | | |
|----------------------------|--------------------|--|--|-------------|
| File No. & SAT DR No. | LG Name | Property Location | Application Description | Date Lodged |
| DAP/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 |

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:52am.