



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 5 December 2024; 9:30am
Meeting Number: MODAP/50
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link: [MODAP/50 – 5 December 2024 – City of Rockingham – City of Kalamunda](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

PART B – CITY OF ROCKINGHAM

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot No. 8005 Adelong Avenue, Golden Bay – Two (2) Fast Food Outlets – DAP/24/02722
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – CITY OF KALAMUNDA

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 9 (No. 29) Stirling Crescent, High Wycombe – Two Warehouses and Incidental Office – DAP/24/02756
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. Meeting Closure

Francesca Lefante
Presiding Member, Metro Outer DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Francesca Lefante (Presiding Member)	Claire Ortlepp
Karen Hyde (Deputy Presiding Member)	Zoe Hendry
Andrew Howe	
<i>Part B – City of Rockingham</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Mark Jones	Casey Gillespie
Cr Dawn Jecks	David Waller
<i>Part C – City of Kalamunda</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Mayor Margaret Thomas	Anjali Parmar
Cr Kathy Ritchie	Cardia Mariani
	Regan Travers

Francesca Lefante
Presiding Member, Metro Outer DAP



Applicant and Submitters
<i>Part B – City of Rockingham</i>
Alessandro Stagno (Apex Planning) Benham Bordbar (Transcore) Matt Moyle (Lloyd George Acoustics) Scott Ferguson (Proponent) Sindy Goodhew (Proponent)
<i>Part C – City of Kalamunda</i>
Tayne Evershed (Planning Solutions) Joshua Carmody (Planning Solutions) Belinda Moharich (Moharich & More) Marina Kleyweg (Premise) Trevor Chudleigh (ADTC Architects)

Members of the Public / Media

There were 2 members of the public in attendance.

Observers via livestream

There were 2 persons observing the meeting via the livestream.

Francesca Lefante
Presiding Member, Metro Outer DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:30am on 5 December 2024 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Cr Lorna Buchan (Local Government DAP Member, City of Rockingham)

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](#).

Francesca Lefante
Presiding Member, Metro Outer DAP



PART B – CITY OF ROCKINGHAM

1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

2. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Cr Dawn Jecks, declared that they had participated in a prior Council meeting in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr Jecks 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 3.3 of the DAP Code of Conduct 2024, the DAP Executive Director determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Cr Mark Jones, declared that they had participated in a prior Council meeting in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr Jones 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 3.3 of the DAP Code of Conduct 2024, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lot No. 8005 Adelong Avenue, Golden Bay – Two (2) Fast Food Outlets – DAP/24/02722

Deputations and Presentations

Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

The City of Rockingham addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

Francesca Lefante
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION

Moved by: Karen Hyde

Seconded by: Cr Dawn Jecks

That the Metro Outer Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/24/02722 and accompanying plans contained within Attachment 1:
 - Overall Floor Plan - Drawing Number DA-1000; Issue N, drawn by Bayer Stevens and dated 18 September 2024
 - Fast Food Building 01 - Floor Plan - Drawing Number DA-1100; Issue H, drawn by Bayer Stevens and dated 18 September 2024
 - Fast Food Building 02 - Floor Plan - Drawing Number DA-1200; Issue F, drawn by Bayer Stevens and dated 9 September 2024
 - Sections - Drawing Number DA-2000; Issue F, drawn by Bayer Stevens and dated 9 September 2024
 - Sections - Drawing Number DA-3000; Issue G, drawn by Bayer Stevens and dated 9 September 2024
 - Fast Food Building 02 - Elevations - Drawing Number DA-3001; Issue F, drawn by Bayer Stevens and dated 9 September 2024
 - Boundary Fence Elevations - Drawing Number DA-3002; Issue B, drawn by Bayer Stevens and dated 9 September 2024

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 Rockingham Town 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 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. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site; those plans must be submitted to the City of Rockingham for approval.

All stormwater generated by the development must be managed in accordance with Local Planning Policy No.3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.

Francesca Lefante
Presiding Member, Metro Outer DAP



4. Prior to the commencement of works on site, a Construction and Environmental Management Plan (CEMP) must be submitted to and approved by the City of Rockingham. The CEMP shall address, but not be limited to, the following:
 - (i) Hours of construction;
 - (ii) Temporary fencing alignments and types,
 - (iii) Traffic management including a Traffic Management Plan addressing site access, egress and parking arrangement for staff and contractors;
 - (iv) Management of vibration and dust;
 - (v) Management of construction noise and other site generated noise;
 - (vi) Detail how access roads to and all trafficable areas on the site/s will be treated and maintained to prevent or minimise the generation of airborne dust;
 - (vii) How any stockpiles on-site/s are to be managed;
 - (viii) Construction waste disposal strategy and location of waste disposal bins; and
 - (ix) How materials and equipment will be delivered and removed from the site/s.All construction works must be undertaken in accordance with the approved CEMP to the satisfaction of the City of Rockingham.
5. The Contractor shall be responsible for the protection of all existing services in the road reserve for the duration of the works. Upon completion of the proposed services installation and prior to building occupancy, affected areas in the road reserve shall be reinstated to the satisfaction of the City.
6. Prior to occupation of the development, the car parking area must:
 - (i) provide a minimum of 25 shared car parking spaces, in addition to stacking for 10 cars for each drive-thru and 2 waiting bays for each Fast Food Outlet;
 - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3A and User Class 4 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;
 - (iii) provide at least two (2) car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 4 of 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;
 - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
 - (v) comply with the above requirements for the duration of the development.
7. Vehicle crossovers are to be designed and constructed, in accordance with the City's standard Specification for the Construction of Commercial Crossovers to the satisfaction of the City of Rockingham.

Francesca Lefante
Presiding Member, Metro Outer DAP



8. Pavement markings and signage shall be provided at the vehicular crossover locations as shown on the approved plans, and within the development site to clearly delineate the intended traffic flow within the site as follows:
- (i) Restricted entry only for light vehicles on the Mallina Crescent crossover; and
 - (ii) Full movement entry and exit, left turn only, for vehicles at the crossover on Adelong Avenue.

Works shall be completed to the satisfaction of the City of Rockingham at the applicant's full cost.

9. Prior to applying for a Building Permit, a Signage Strategy must be prepared (which must include the information required by *Planning Policy 3.3.1 - Control of Advertisements*) to the satisfaction of the City of Rockingham and it must thereafter be implemented for the duration of the development. The Signage Strategy shall include but not be limited to:

- Signage for wayfinding throughout the site for vehicles and pedestrians
- Signage for each Fast Food Outlet, including menu boards
- Signage for all drive-thru areas demonstrating a minimum horizontal clearance of 0.5m from the edge of any signage to the traffic and/or pedestrian lanes
- One (1) pylon sign fronting onto Warnbro Sound Avenue only

10. Prior to applying for a Building Permit, a Landscaping Plan must be submitted and approved to the satisfaction of the City of Rockingham and shall include the following detail:

- (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area inclusive of the verge;
- (ii) any lawns to be established and areas to be mulched;
- (iii) any natural landscape areas to be retained;
- (iv) those areas to be reticulated or irrigated;
- (v) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas;
- (v) the number and location of bicycle parking facilities in accordance with *Planning Policy No.3.3.14 - Bicycle Parking and End of Trip Facilities*;
- (vi) Includes hardscape treatments, including furniture such as seating, planter boxes, lighting, public refuse bins;

Francesca Lefante
Presiding Member, Metro Outer DAP



- (vii) Fencing types, heights and alignments consistent with the recommendations of the Lloyd George Environmental Noise Assessment Lot 8005 (1) Adelong Avenue Golden Bay (Ref: 23128613-01) and Technical Note (Ref 23128613-02 Memo), unless otherwise specified by the conditions of this approval;
- (viii) Pedestrian footpath link along Mallina Crescent and a link to the Warnbro Sound Avenue pedestrian network;
- (ix) The Mallina Crescent verge to achieve a medium planting density in a tiered landscaped design, with feature trees to be strategically located at uniform distance at the street interface; and
- (x) Feature trees on Mallina Crescent to be a minimum 100L size at time of planting; hedge planting to be a minimum 600mm height at time of planting (maximum height not to exceed 1.5m).

The landscaping (including all verge landscaping) must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.

11. Existing street trees adjacent to the development site must be protected throughout the course of the project in accordance with *Australian Standard AS 4970-2009 protection of trees on Development Sites*.
12. Pram ramps and kerbing shall be installed in accordance with the City of Rockingham's Road, Kerb, Footpath and Pram Ramp Details to the satisfaction of City of Rockingham and at the applicant's full cost.
13. In accordance with City of Rockingham Planning Policy No.3.3.14 - Bicycle Parking and End of Trip Facilities, a minimum of two (2) short-term and three (3) long-term bicycle parking spaces must be provided for the development.

The bicycle parking spaces must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good and safe condition for the duration of the development.

14. Materials, sea containers, goods, bins or similar must not be stored or displayed within the carpark areas at any time. The car park(s) shall remain freely accessible at all times for car parking purposes.

Francesca Lefante
Presiding Member, Metro Outer DAP



15. Prior to applying for a Building Permit, a Waste Management Plan for each Fast Food Outlet must be prepared and include the following detail to the satisfaction of the City of Rockingham:
- (i) the location of the waste storage area and waste collection points;
 - (ii) calculations of waste volumes and frequency of waste collections;
 - (iii) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iv) general design considerations for the management of noise, odour, hygiene and vermin in the waste storage area; and
 - (v) management of the bins and the waste storage areas, including cleaning, rotation and moving bins to and from the waste collection areas;
 - (vi) frequency and timing of bin collections of which are to be conducted outside of operating hours only and preferably outside of residential waste collection in the immediate locality.

All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.

16. Prior to applying for a Building Permit, a bin storage area for each Fast Food Outlet must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham and generally in accordance with the approved plans. The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the Development.
17. Prior to applying for a Building Permit, exhaust facilities associated with the proposed Fast Food Outlets must be designed in accordance with AS 1668.2-2012 (as amended) and be fitted with filtration and odour suppression devices to the satisfaction of the City. The exhaust facilities must be installed prior to the occupation of the development and must be maintained in good working condition for the duration of the development.

Francesca Lefante
Presiding Member, Metro Outer DAP



18. Prior to applying for a Building Permit, an updated Odour Management Plan for each Fast Food Outlet, and generally consistent with the “*Odour Management Plan Hungry Jacks Golden Bay*” dated 23 October 2024 and “*Odour Management Plan KFC Golden Bay*”, dated 24 October 2024, be prepared and submitted for approval to the satisfaction of the City of Rockingham. The updated Odour Management Plan shall include, but not be limited to, the following:
- (i) Details regarding the capturing of fumes and odours at source;
 - (ii) Housekeeping, cleaning and maintenance schedules of all cooking apparatuses, ventilation systems and odour emission control systems; and
 - (iii) A detailed complaint procedure for receiving, investigating, managing and resolving any complaints received with regard to odour. The procedure should address in what instances the premises will have an assessment undertaken by suitably qualified consultant to determine any corrective actions required to be further manage any identified offsite odour impacts.

All works must be carried out in accordance with the Odour Management Plan and maintained at all times, for the duration of development.

19. The Fast Food Outlets is to comply with the requirements and recommendations of the Lloyd George Environmental Noise Assessment Lot 8005 (1) Adelong Avenue Golden Bay (Ref: 23128613-01) and Technical Note (Ref 23128613-02 Memo) and incorporate:
- Fencing as shown in Figure 1 of the Technical Note. The fencing must be of solid construction (no gaps) and of a material with minimum surface mass 4kg/m^2
 - Delivery vehicles to the site are required to be fitted with broadband type reversing alarms rather than standard tonal alarms
 - Drive-thru ordering speakers to be low level and inaudible at residences
 - Access grates or similar to be plastic or metal with rubber gasket and secured to avoid excess banging
20. Prior to applying for a Building Permit, and once detailed design is known, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other such noise source, will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to and approved by the City of Rockingham.
21. Prior to the occupation of the development, written confirmation from the builder to be provided that demonstrates that all requirements indicated in the acoustic reports mentioned in Conditions 19 and 20, have been incorporated into the development.

Francesca Lefante
Presiding Member, Metro Outer DAP



22. The operating hours for the Fast Food Outlets shall only be between the hours as defined below:
 - Building 1 - 6am - 11pm, Sunday to Thursday; and 6am to 12 midnight, Friday and Saturday
 - Building 2 - 10am - 10pm, 7 days per week
23. Prior to the occupation of the development, a final illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS 4282—2019, Control of the obtrusive effects of outdoor lighting.
24. Public rubbish bin facilities must be provided adjacent to each Fast Food Outlet frontage so as to be convenient to pedestrians, but positioned so as not to obstruct pedestrian movements, to the satisfaction of the City of Rockingham. Public rubbish bin facilities must be emptied daily, continuously maintained in good condition and the surrounding area kept free of litter thereafter for the duration of the development.

Advice Notes

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Development Approval must be submitted to the City
2. In regards to Condition No.5, the applicant is advised that an inspection of the existing infrastructure surrounding the proposed area of works needs to be identified and documented prior to works commencing. Particular interest is to be paid to the state of the existing road pavements. Any damage due to the works, will need to be repaired to the satisfaction of the City of Rockingham.
3. The development must comply with the *Health (Public Building) Regulations 1992*; the applicant and owner should liaise with the City of Rockingham Health and Building Services in this regard.
4. The development must comply with the *Food Act 2008*, the *Food Safety Standards* and Chapter 3 of the *Australian New Zealand Food Standards Code (Australia Only)*; the applicant and owner should liaise with the City's Health Services in this regard.
5. In regards to condition 11 a pavement plan should be provided and include annotations of the location of the various kerb types and kerb transitions, which occur over a minimum length of 2m in accordance with the City of Rockingham kerbing specifications.
6. A Building Permit must be obtained for works prior to construction; the applicant and owner should liaise with the City's Building Services in this regard.

Francesca Lefante
Presiding Member, Metro Outer DAP



7. A Sign Permit must be obtained for any advertising associated with the development; the applicant and owner should liaise with the City's Building Services in this regard.
8. In regards to condition 16, the applicant and owner should liaise with the City's Environmental Health team in this regard.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposal is consistent with the planning framework, zoning, objectives and structure plan. The land use is permitted and consistent with the neighbourhood centre provisions. Due consideration was given to the submissions and community responses comments regarding the fast food outlet land use. The Panel were satisfied that the proposal design includes details that mitigate impacts associated with noise and odour, by the inclusion of restrictions on operating hours and limiting the traffic crossover proximity and movements, which are supported by technical comments in the RAR.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil.

Cr Mark Jones & Cr Dawn Jecks (Local Government DAP Members, City of Rockingham) left the panel at 9:51am.

Francesca Lefante
Presiding Member, Metro Outer DAP



PART C – CITY OF KALAMUNDA

Mayor Margaret Thomas & Cr Kathy Ritchie (Local Government DAP Members, City of Kalamunda) joined the panel at 9:52am.

1. Declaration of Due Consideration

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 2 December 2024.

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information.

2. Disclosure of Interests

Nil.

3. Form 1 DAP Applications

3.1 Lot 9 (No. 29) Stirling Crescent, High Wycombe – Two Warehouses and Incidental Office – DAP/24/02756

Deputations and Presentations

Marina Kleyweg (Premise) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Tayne Evershed (Planning Solutions) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Belinda Moharich (Moharich & More) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Josh Watson (Planning Solutions) responded to questions from the panel in relation to the application at Item 3.1.

Trevor Chudleigh (ADTC Architects) responded to questions from the panel in relation to the application at Item 3.1.

The City of Kalamunda addressed the DAP in relation to the application at Item 3.1.

Francesca Lefante
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION

Moved by: Mayor Margaret Thomas

Seconded by: Cr Kathy Ritchie

That the Metro Outer Development Assessment Panel resolves to:

1. **Refuse** the DAP Application reference DAP/24/02756 as it is not capable of approval as a “Warehouse/Storage” land use due to being incompatible 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. **Refuse** DAP Application reference DAP/24/02756 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, for the following reasons:

Reasons

1. The proposed development is not consistent with Clause 27(2)(a) and Clause 67(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it cannot constitute an orderly and proper planning proposal in the absence of a structure plan - in the following ways:
 - a. The proposed development is inconsistent with the objectives of Clause 5.23 of the City of Kalamunda Local Planning Scheme No.3. Clause 5.23 foreshadows all vehicular access to be obtained from an internal road and specifically not via Stirling Crescent;
 - b. The proposed development is inconsistent with the planned future amenity of the area and will have negative impacts on the amenity of adjoining landowners due to vehicular access to the site being proposed from Stirling Crescent in lieu of an internal road which was foreshadowed by Clause 5.23 of LPS3 and a subsequent structure plan.
2. The proposed development is not consistent with Clause 27(2)(b) and Clause 67(2)(m) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it would prejudice the overall development potential of the area in the following ways:
 - a. The proposed development is inconsistent with Clause 5.23 of the City of Kalamunda Local Planning Scheme No.3 which requires a structure plan to be prepared and approved for the subject land and adjoining land holdings, to coordinate planning and address vehicular access, interface to residential development, identification and protection of environmentally significant areas, and bushfire risk.

Francesca Lefante
Presiding Member, Metro Outer DAP



- b. The proposed development pre-empts the structure planning process, prejudices future planning and does not address the requirement for coordinated planning across the land within the 'Light Industrial' zone.
 - c. Given that the proposed development restricts the site from having future access from an internal road, and that there has been a lack of adequate structure planning in relation to vehicular access, the proposed development would undermine the legitimate aspirations found in the current planning framework, in particular Local Planning Scheme No. 3.
3. Given reasons (1) and (2), it is appropriate to apply the precautionary principle to the proposed development.

The Report Recommendation was put and LOST (2/3).

For: Mayor Margaret Thomas
Cr Kathy Ritchie

Against: Francesca Lefante
Karen Hyde
Andrew Howe

ALTERNATE MOTION

Moved by: Karen Hyde

Seconded by: Andrew Howe

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. For the duration of the development, 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, to the satisfaction of the City of Kalamunda.

Plan No.	Rev.	Title	Date	Prepared by
4442DD06	3	Plans	31/07/2024	Allan J Davies and Trevor Chudleigh Architects
33016-3-24222	3	Acoustic Report	August 202	Herring Storer Architects
24040	-	Geotechnical Report	22/07/2024	Brown Geotechnical

Francesca Lefante
Presiding Member, Metro Outer DAP



-	1	Stormwater Management Plan	29/07/2024	Porter Consulting Engineers
-	B	Transport Impact Statement	13/08/024	KCTT
-	B	TIS appendix 1	20/06/2024	KCTT
-	A	TIS appendix 2	20/06/2024	KCTT
-	B	TIS appendix 3	4/11/2024	KCTT
WMP24057	1.0	Waste Management Plan	5/07/2024	Talis Consultants

4. Stormwater must be disposed of on-site, to the satisfaction of the City of Kalamunda.
5. For the duration of development, car parking areas must always be available for their intended purpose and must not be used for any alternative purpose at any time.
6. For the duration of development, the incidental use of the office must be restricted to use by the occupier of the warehouse and must not be made available for public use.
7. For the duration of the development, the subject site must be maintained in accordance with the stamped approved Bushfire Management Plan prepared by Western Environmental and dated 12 July 2024 (or as modified).
8. For the duration of the development, the subject site must be maintained in accordance with the stamped approved Environmental Acoustic Report prepared by Herring Storer Acoustics and dated 1 August 2024. In particular, the development must ensure:
 - a. Truck movements in/out are to be restricted to 10 per hour during the during the evening (1900 to 2200 hours), night (2200 to 0700 hours) and Sunday/Public Holiday periods.
9. All proposed street trees adjoining the subject land as shown on the submitted plans are to be planted and maintained for the duration of the development unless otherwise approved by the City of Kalamunda.
10. Prior to the commencement of any works on the subject site, a Construction Management Plan must be prepared by the landowner/applicant and approved, to the satisfaction of 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

Francesca Lefante
Presiding Member, Metro Outer DAP



- 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 the issue of a building permit, the applicant/landowner must 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 to the satisfaction of the City of Kalamunda and maintained for the duration of the development.
12. Prior to the issue of a building permit, the applicant/landowner must submit amended plans for the provision of solar panels on the roof of the buildings and/or undercover loading canopy cover to the satisfaction of the City of Kalamunda. The solar panels must be installed prior to occupation of the development and be maintained thereafter.
13. Prior to the issue of a building permit, a Sustainability Report prepared by a suitably qualified practitioner shall be submitted and approved to the satisfaction of the City of Kalamunda. Recommendations contained within the report are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Kalamunda.
14. Prior to the issue of a Building Permit, an updated landscaping plan must be submitted, demonstrating the provision of 10% canopy cover at maturity as per the City's Urban Forest Strategy through the retention of existing mature vegetation within the front setback area, to the satisfaction of the City of Kalamunda.

Francesca Lefante
Presiding Member, Metro Outer DAP



15. Prior to the issue of a Building Permit, the applicant is to submit, and have approved by the City of Kalamunda, an External Lighting Plan, in accordance with the following criteria:
- i. Detailing lighting to internal driveways, carparks, pathways, areas of open space.
 - ii. All lighting must be designed and installed so that as far as reasonably possible, by way of hooding and orientation, minimal light will be cast onto any adjoining property.
 - iii. Lighting must not cause a nuisance to adjoining residents or the travelling public and must comply at all times with the requirements stipulated under the Australian Standard 4282-1997 (Control of the obtrusive effects of outdoor lighting).
 - iv. Other details as required by the City to mitigate light spill impacts upon surrounding property owners.

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

16. Prior to occupation of the development, a notification is to be placed on the certificate of title of the proposed lot 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.”

17. Prior to occupation of the development, all crossovers shall be designed and constructed to the specifications and satisfaction of the City of Kalamunda.
18. Prior to occupation of the development, all landscaping noted in the approved Landscape Plan must be planted 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.
19. Prior to the occupation of the development, the applicant shall submit, and thereafter implement, a detailed drainage plan based on Stormwater Management Plan and to the specification and satisfaction of the City.
20. 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. This system must be nutrient retentive as required by the Government Sewerage Policy.

Francesca Lefante
Presiding Member, Metro Outer DAP



21. Prior to occupation of the development, all hardstand areas must be paved, sealed and drained to the satisfaction of the City of Kalamunda.
22. 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:
 - a. Refuse storage areas.
 - b. Service equipment.
 - c. Mechanical ventilation.
 - d. Refrigeration units.
23. Prior to occupation of the development, the landowner/applicant contributing towards public art, pursuant to the City of Kalamunda Local Planning Policy 26.
24. Prior to occupation of the development, all car parking areas must meet the following requirements:
 - i. The provision and maintenance of a minimum of 53 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.
25. 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.
26. Signs and on-site advertising must not include reflective, flashing, chasing or pulsating lights and must not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries for the duration of the development.

Francesca Lefante
Presiding Member, Metro Outer DAP



Advice Notes

1. In regard to condition 23, 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 23, the landowners advised that a public art contribution of \$70,000 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 \$70,000, or alternatively the provision of a \$70,000 as in lieu payment to the City of Kalamunda's Public Art Fund.
3. Any trees requiring protection from development works should be in accordance with AS4970-2009 "Protection of Trees on Development Sites".
4. 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.
5. 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".
6. 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".
7. 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".
8. 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.
9. 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.

Francesca Lefante
Presiding Member, Metro Outer DAP



10. Any changes to Restricted Access Vehicles (RAV) to service the development will be subject to a separate approval process. Main Roads is the relevant authority to issue such approvals. Information about adding or amending a road on a Restricted Access Vehicle Network can be found in the Heavy Vehicles Access Requirements in WA section of the Main Roads website.
11. 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.
12. 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.
13. Clearances are to be maintained from the waste water disposal system(s) to new structures and boundaries in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.
14. This development approval does not authorise the removal of any vegetation other than any identified for removal on the approved plan(s).
15. It is the responsibility of the applicant to ensure that the site survey plan is correct as any inaccuracy of the plans will not be considered justification for the removal of trees in the event that their positions are incorrectly shown. The removal of street trees without the written approval of the City is an offence under the Local Government (Uniform Local Provisions) Regulations 1996.

AMENDING MOTION 1

Moved by: Karen Hyde

Seconded by: Andrew Howe

The following amendments were made en bloc:

- (i) That Condition No. 3 be amended to read as follows:

For the duration of the development, 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, to the satisfaction of the City of Kalamunda.

Francesca Lefante
Presiding Member, Metro Outer DAP



Plan No.	Rev.	Title	Date	Prepared by
4442DD06	3	Plans	31/07/2024	Allan J Davies and Trevor Chudleigh Architects
33016-3-24222	3	Acoustic Report	August 2024	Herring Storer Architects
24040	-	Geotechnical Report	22/07/2024	Brown Geotechnical
-	1	Stormwater Management Plan	29/07/2024	Porter Consulting Engineers
-	B	Transport Impact Statement	13/08/024	KCTT
-	B	TIS appendix 1	20/06/2024	KCTT
-	A	TIS appendix 2	20/06/2024	KCTT
-	B	TIS appendix 3	4/11/2024	KCTT
WMP24057	1.0	Waste Management Plan	5/07/2024	Talis Consultants

REASON: To remove reference to technical reports where the matters are already covered in conditions.

- (ii) That Condition No. 5 be deleted, and the remaining conditions be renumbered accordingly.

REASON: For certainty and to avoid duplication.

- (iii) That Condition No. 6 be deleted, and the remaining conditions be renumbered accordingly.

REASON: To provide clarity, as the warehouse cannot operate independently of the office.

- (iv) That Condition No. 8 (now No. 6) be amended to read as follows:

~~For the duration of the development, the subject site must be maintained in accordance with the stamped approved Environmental Acoustic Report prepared by Herring Storer Acoustics and dated 1 August 2024. In particular, the development must ensure~~

- a. ~~Truck movements in/out are to be restricted to 10 per hour during the during the evening (1900 to 2200 hours), night (2200 to 0700 hours) and Sunday/Public Holiday periods.~~

REASON: The matter is appropriately dealt with, without needing reference to the acoustic report.

- (v) That Condition No. 9 (now No. 7) be amended to read as follows:

Francesca Lefante
Presiding Member, Metro Outer DAP



All proposed street trees adjoining the subject land as shown on the submitted plans are to be planted and maintained for the duration of the development unless otherwise approved by two years to the satisfaction of the City of Kalamunda.

REASON: To provide clarity on the obligations and timeframe for maintenance.

(vi) That Condition No. 11 (now Condition No. 9) be amended to read as follows:

Prior to the issue of a building permit, the applicant/landowner must 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 to the satisfaction of the City of Kalamunda and maintained for the duration of the development.~~

(vii) That a new Condition No. 10 be added to read as follows:

Prior to the occupation of the development, the approved external finishes and colour schemes are to be implemented to the satisfaction of the City of Kalamunda and maintained for the duration of the development.

REASON: To provide clarity by separating Condition No.11 (now No. 9) into two different conditions, as it refers to two separate matters.

(viii) That Condition No. 14 be deleted, and the remaining conditions be renumbered accordingly.

REASON: To avoid the loss of parking bays as required by changes to the canopy cover, as the current tree cover was considered acceptable.

(ix) That Condition No. 16 be deleted, and the remaining conditions be renumbered accordingly.

REASON: This provision is obsolete as a result of recent policy changes.

(x) That Condition No. 25 (now No. 22) be amended to read as follows:

*Prior to occupation of the development, **space for six** 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.*

REASON: To provide certainty.

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

For: Francesca Lefante
Karen Hyde
Andrew Howe

Francesca Lefante
Presiding Member, Metro Outer DAP



Against: Mayor Margaret Thomas
Cr Kathy Ritchie

AMENDING MOTION 2

Moved by: Karen Hyde

Seconded by: Andrew Howe

That a preamble be inserted at the beginning of the recommendation, to read as follows:

That the Metro Outer Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02756 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, for the following reasons:

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

For: Francesca Lefante
Karen Hyde
Andrew Howe

Against: Mayor Margaret Thomas
Cr Kathy Ritchie

REASON: To provide a preamble as part of the determination.

ALTERNATE MOTION (AS AMENDED)

That the Metro Outer Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02756 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

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.

Francesca Lefante
Presiding Member, Metro Outer DAP



3. For the duration of the development, 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, to the satisfaction of the City of Kalamunda.

Plan No.	Rev.	Title	Date	Prepared by
4442DD06	3	Plans	31/07/2024	Allan J Davies and Trevor Chudleigh Architects
WMP24057	1.0	Waste Management Plan	5/07/2024	Talis Consultants

4. Stormwater must be disposed of on-site, to the satisfaction of the City of Kalamunda.
5. For the duration of the development, the subject site must be maintained in accordance with the stamped approved Bushfire Management Plan prepared by Western Environmental and dated 12 July 2024 (or as modified).
6. Truck movements in/out are to be restricted to 10 per hour during the during the evening (1900 to 2200 hours), night (2200 to 0700 hours) and Sunday/Public Holiday periods.
7. All proposed street trees adjoining the subject land as shown on the submitted plans are to be planted and maintained for two years to the satisfaction of the City of Kalamunda.
8. Prior to the commencement of any works on the subject site, a Construction Management Plan must be prepared by the landowner/applicant and approved, to the satisfaction of the City of Kalamunda. The Construction Management Plan shall detail how the construction of the development will be maintained including the following:
- Public safety and security;
 - Hours of construction;
 - Traffic management plans during construction, including any proposed road closures;
 - Dust management plan
 - Toilet facilities for construction workers;
 - Protection of public infrastructure;
 - How materials and equipment will be delivered, stored and removed from the site;
 - Parking arrangements for staff, contractors and visitors;
 - Construction Waste disposal strategy and location of waste disposal bins;
 - Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction, and how they are to be managed;
 - How dust, noise, erosion, lighting and environmental hazards and will be managed during the stages of construction;
 - Complaint management procedure; and
 - Other matters likely to impact on surrounding property owners.

Francesca Lefante
Presiding Member, Metro Outer DAP



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 the issue of a building permit, the applicant/landowner must submit, and have approved by the City of Kalamunda, detailed information relating to external finishes and colour schemes.
10. Prior to the occupation of the development, the approved external finishes and colour schemes are to be implemented to the satisfaction of the City of Kalamunda and maintained for the duration of the development.
11. Prior to the issue of a building permit, the applicant/landowner must submit amended plans for the provision of solar panels on the roof of the buildings and/or undercover loading canopy cover to the satisfaction of the City of Kalamunda. The solar panels must be installed prior to occupation of the development and be maintained thereafter.
12. Prior to the issue of a building permit, a Sustainability Report prepared by a suitably qualified practitioner shall be submitted and approved to the satisfaction of the City of Kalamunda. Recommendations contained within the report are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Kalamunda.
13. Prior to the issue of a Building Permit, the applicant is to submit, and have approved by the City of Kalamunda, an External Lighting Plan, in accordance with the following criteria:
 - i. Detailing lighting to internal driveways, carparks, pathways, areas of open space.
 - ii. All lighting must be designed and installed so that as far as reasonably possible, by way of hooding and orientation, minimal light will be cast onto any adjoining property.
 - iii. Lighting must not cause a nuisance to adjoining residents or the travelling public and must comply at all times with the requirements stipulated under the Australian Standard 4282-1997 (Control of the obtrusive effects of outdoor lighting).
 - iv. Other details as required by the City to mitigate light spill impacts upon surrounding property owners.

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

14. Prior to occupation of the development, all crossovers shall be designed and constructed to the specifications and satisfaction of the City of Kalamunda.

Francesca Lefante
Presiding Member, Metro Outer DAP



15. Prior to occupation of the development, all landscaping noted in the approved Landscape Plan must be planted 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.
16. Prior to the occupation of the development, the applicant shall submit, and thereafter implement, a detailed drainage plan based on Stormwater Management Plan and to the specification and satisfaction of the City.
17. 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. This system must be nutrient retentive as required by the Government Sewerage Policy.
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:
 - a. Refuse storage areas.
 - b. Service equipment.
 - c. Mechanical ventilation.
 - d. Refrigeration units.
20. Prior to occupation of the development, the landowner/applicant contributing towards public art, pursuant to the 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 53 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;

Francesca Lefante
Presiding Member, Metro Outer DAP



- 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, space for six 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.
23. Signs and on-site advertising must not include reflective, flashing, chasing or pulsating lights and must not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries for the duration of the development.

Advice Notes

1. In regard to condition 23, 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 23, the landowners advised that a public art contribution of \$70,000 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 \$70,000, or alternatively the provision of a \$70,000 as in lieu payment to the City of Kalamunda's Public Art Fund.
3. Any trees requiring protection from development works should be in accordance with AS4970-2009 "Protection of Trees on Development Sites".
4. 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.
5. 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".
6. 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".

Francesca Lefante
Presiding Member, Metro Outer DAP



7. 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".
8. 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.
9. 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.
10. Any changes to Restricted Access Vehicles (RAV) to service the development will be subject to a separate approval process. Main Roads is the relevant authority to issue such approvals. Information about adding or amending a road on a Restricted Access Vehicle Network can be found in the Heavy Vehicles Access Requirements in WA section of the Main Roads website.
11. 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.
12. 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.
13. Clearances are to be maintained from the waste water disposal system(s) to new structures and boundaries in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.
14. This development approval does not authorise the removal of any vegetation other than any identified for removal on the approved plan(s).
15. It is the responsibility of the applicant to ensure that the site survey plan is correct as any inaccuracy of the plans will not be considered justification for the removal of trees in the event that their positions are incorrectly shown. The removal of street trees without the written approval of the City is an offence under the Local Government (Uniform Local Provisions) Regulations 1996.

Francesca Lefante
Presiding Member, Metro Outer DAP



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

For: Francesca Lefante
Karen Hyde
Andrew Howe

Against: Mayor Margaret Thomas
Cr Kathy Ritchie

REASON: The majority of panel members were satisfied that the development proposal is appropriate and consistent with the planning framework. The building is a contemporary design, which has a sensitively designed façade within the streetscape and consistent with provisions and compatible with location and setting. Members noted the land use is permitted, and the proposal largely satisfied the provisions in terms of noise and traffic movement, and that these aspects are managed appropriately and can be dealt with via conditions.

The proposal does not prejudice or impede any future structure plan for the area, noting it would be unreasonable for this development to be delayed through a series of processes. On balance, the proposal was supported inclusive on various conditions.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Francesca Lefante
Presiding Member, Metro Outer DAP



PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DR94/2024 DAP/23/02623	City of Cockburn	Lot 9501 Gaebler Road, Hammond Park	Mixed Use Commercial Development	27/06/2024
DR146/2024 DAP/23/02523	City of Gosnells	65 (Lot 98) Mills Road West, Gosnells	Place of Worship	30/09/2024
DR148/2024 DAP/24/02696	City of Gosnells	Lot 8 (1510) Albany Highway, Beckenham	Service Station, Convenience Store and Signage	30/10/2024

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:55am.

Francesca Lefante
Presiding Member, Metro Outer DAP