



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 30 October 2025; 9.30am
Meeting Number: MODAP/111
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:
[MODAP/111 - 30 October 2025 - City of Kalamunda](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Noting of Minutes

PART B – CITY OF KALAMUNDA

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 29 (No. 14) and Lot 28 (No. 16) Canning Road and Lot 3 (No. 5) Heath Road, Kalamunda - Proposed Fast Food Outlet and Motor Vehicle Wash – DAP/25/02835
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – OTHER BUSINESS

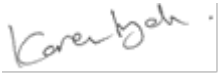
1. State Administrative Tribunal Applications and Supreme Court Appeals
2. Meeting Closure

Karen Hyde 
Presiding Member, Metro Outer DAP



DAP Members
Karen Hyde (Presiding Member)
Dale Page (Deputy Presiding Member)
Eugene Koltasz
Mayor Margaret Thomas (Part B – City of Kalamunda)
Deputy Mayor Kathy Ritchie (Part B – City of Kalamunda)

DAP Secretariat
Ashlee Kelly
Zoe Hendry

Karen Hyde 
Presiding Member, Metro Outer DAP



Part B – City of Kalamunda

Submitters

Chris Swiderski
Zoe Warwick on behalf of Alice Warwick
Mikaela Simondson
Alan Malcolm
David Modolo
Hannah Lill
Donna Gahan
Brian Simpson
Imara Turton
Rachel Davison
Adam Hort MLA

Written Submissions

Diana Rosman
Anthony Zdjelarevic
Amanda Newell
Tony Warwick
Alan Blackburn
Tara Keld
Andrea Doust (President of P&C – Kalamunda High School)
Susan Stitt

Applicant

Marc Re (Planning Solutions)
Benham Bordbar (Transcore)
Todd Wood (McDonald's)
Stephanie Voon (Place Fabric)
Matt Moyle (Lloyd George Acoustics)
Andrew Jennings-Lowe (Hindley and Associates)
David Cuddihy (Arborite Tree Management Solutions)
Brian McCubbin



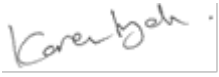
Officers/Technical Advisors in Attendance
Cardia Mariani Regan Travers Prashanth Lokku Shaphal Subedi

Members of the Public / Media

There were 4 members of the public in attendance.

Observers via livestream

There were 17 persons observing the meeting via the livestream.

Karen Hyde 
Presiding Member, Metro Outer DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.31am on 30 October 2025 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 2025 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

Nil

3. Noting of Minutes

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

Karen Hyde 
Presiding Member, Metro Outer DAP



PART B – CITY OF KALAMUNDA

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

Nil

3. Form 1 DAP Applications

3.1 Lot 29 (No. 14) and Lot 28 (No. 16) Canning Road and Lot 3 (No. 5) Heath Road, Kalamunda - Proposed Fast Food Outlet and Motor Vehicle Wash – DAP/25/02835

Deputations

Brian Simpson addressed the DAP against the application at Item 3.1.

Chris Swiderski addressed the DAP against the application at Item 3.1.

Chris Swiderski on behalf of Sharyn Swiderski addressed the DAP against the application at Item 3.1.

Zoe Warwick on behalf of Alice Warwick addressed the DAP against the application at Item 3.1.

Zoe Warwick addressed the DAP against the application at Item 3.1.

Mikaela Simondson addressed the DAP against the application at Item 3.1.

Alan Malcolm addressed the DAP against the application at Item 3.1 and responded questions from the panel.

David Modolo addressed the DAP against the application at Item 3.1 and responded questions from the panel.

Hannah Lill addressed the DAP against the application at Item 3.1.

Donna Gahan addressed the DAP against the application at Item 3.1.

Imara Turton addressed the DAP against the application at Item 3.1.

Rachel Davison addressed the DAP against the application at Item 3.1.

Adam Hort MLA addressed the DAP against the application at Item 3.1.



Marc Re (Planning Solutions) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Benham Bordbar (Transcore) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

David Cuddihy (Arborite Tree Management Solutions) responded to questions from the panel in relation to Item 3.1.

Matt Moyle (Llyod George Acoustics) responded to questions from the panel in relation to Item 3.1.

Stephanie Voon (Place Fabric) responded to questions from the panel in relation to Item 3.1.

The panel noted written submissions against the application at Item 3.1. were received from Diana Rosman, Anthony Zdjelarevic, Amanda Newell, Tony Warwick, Alan Blackburn, Tara Keld, Andrea Doust (President of P&C – Kalamunda High School) and Susan Stitt.

The City of Kalamunda responded to questions from the panel in relation to Item 3.1.

SUBSTANTIVE MOTION

Moved by: Dale Page

Seconded by: Eugene Koltasz

That the Metro Outer Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/25/02835 is appropriate for consideration as a “Fast Food Outlet” and “Motor Vehicle Wash” land use and compatible with the objectives of the zoning table in accordance with Clause 4.2.3 of the City of Kalamunda Local Planning Scheme No.3.
2. **Approve** DAP Application reference DAP/25/02835 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.

Karen Hyde 
Presiding Member, Metro Outer DAP



3. The development being carried out for the duration of the development in accordance with the approved plan(s)/drawing(s) and document(s) listed below.

Plan No.	Title	Rev No.	Prepared by
DA01 – DA25	Amended Development Plans	0/1	Hindley and Associates Pty Ltd
-	Arborist Impact Assessment and TPP	-	Arborite Tree Management Solutions
-	Revised Transport Impact Assessment	R01c	Transcore
T24.140.sk40a	Interim Intersection Upgrades		Transcore
24155-C8-DG-11	Amended Civil Design	A	Colliers
-	Environmental Noise Assessment & Acoustic Technical Note	0	Lloyd George Acoustics
WW01	Wastewater Management Concept Plan	0	Hindley and Associates Pty Ltd
-	Waste Management Plan	-	-
-	Lighting Assessment	V1	Rubidium Light
M000-M400	Odour Assessment	A-G	EMP Consulting

4. Prior to lodging an application for a building permit, detailed drawings for the approved upgrades to the Canning Road and Heath Road intersection must be provided to the satisfaction of the City of Kalamunda.
5. Prior to occupation of either the fast food or car wash, the approved modifications to the Canning Road and Heath Road intersection must be completed at the full cost of the landowner and/or applicant to the satisfaction of the City of Kalamunda.
6. Prior to lodging an application for a building permit, a lighting management plan must be submitted and approved by the City of Kalamunda satisfying the requirements of the Position Statement: Dark sky and Astrotourism. The approved lighting management plan must be implemented for the duration of the development.
7. Prior to lodging an application for a building permit, the applicant must submit amended plans demonstrating an 3m x 3m truncation to be provided at the junction of Heath Road and Canning Road and ensure that all development is wholly contained within the subject allotment, including the timber framed structure annotated on the approved development plans to the satisfaction of the City of Kalamunda.



8. Prior to lodging an application for a building permit, the pylon sign (Black Powder Coated Tower Structure and Illuminated Sign) must be reduced to a maximum height of 6.5m above natural ground level to the satisfaction of the City of Kalamunda.
9. The illuminated signage must be of a low-level not exceeding 300cd/m² during the hours of night, and not flash, pulsate or chase during all hours for the duration of development.
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 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. Dust management plan;
 - v. Toilet facilities for construction workers;
 - vi. Protection of public infrastructure;
 - vii. How materials and equipment will be delivered, stored and removed from the site;
 - viii. Parking arrangements for staff, contractors and visitors;
 - ix. Construction Waste disposal strategy and location of waste disposal bins;
 - x. Dilapidation report of adjoining properties;
 - xi. Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction, and how they are to be managed;
 - xii. How noise, erosion, lighting and environmental hazards and will be managed during the stages of construction;
 - xiii. Complaint management procedure; and
 - xiv. 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 commencement of development works on site, the applicant must provide a detailed Tree Protection Plan to be approved by the City of Kalamunda. The Tree Protection Plan must outline management measures to ensure compliance with AS4970-2009 (Protection of Trees on Development Sites) and must include the following to the satisfaction of the City of Kalamunda:
 - i. Install protective fencing to prevent any damage to the trees in general accordance with Section 4.3 of AS4970-2009;
 - ii. Provide signage identifying the 'Tree Protection Zone' on exclusion fencing;
 - iii. Ensure trees are protected from harm during works on site; and
 - iv. Include the protection trees on adjoining properties which have the potential to be impacted by development works.



12. All tree protection and tree removal works must be undertaken on advice and supervision of a suitably qualified (Australian Qualification Framework (AQF) Level 5) arborist for the duration of works, to the satisfaction of the City of Kalamunda.
13. Prior to the occupation of the development, all landscaping noted in the approved Landscape Plan must be planted and maintained for the duration of the development 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.
14. Fill brought to the site must be clean, and solid earth/sand or clean inert material that is free of contaminates, organic material, putrescible or refuse matter, or any other deleterious matter to the satisfaction of the City of Kalamunda.
15. Prior to occupation of the development, an amended 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 Canning Road and Heath Road).
 - 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.
16. Prior to occupation of the development, all hardstand areas must be paved, sealed and drained to the satisfaction of the City of Kalamunda.
17. Prior to occupation of the development, the landowner/applicant must contribute towards public art, pursuant to City of Kalamunda Local Planning Policy 26 by providing art on-site to the satisfaction of the City of Kalamunda.
18. Prior to occupation of the development, all car parking areas must meet the following requirements:
 - i. The provision and maintenance of a minimum of 23 car parking spaces for the Fast Food Outlet and the Motor Vehicle Wash 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.
19. Prior to occupation of the development, bicycle facilities must 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.
20. Prior to occupation of the development, redundant vehicle crossover(s) must be removed and the kerbing, verge, and footpath (where relevant) reinstated to the specifications and satisfaction of the City of Kalamunda.
21. Prior to occupation of the development, crossovers must be designed and constructed to the specification and satisfaction of the City of Kalamunda.
22. Mechanical wash-down areas must drain to a sewer via a sediment trap and oil separator to the Water Corporation's requirements and must comply with Department of Water: Water Quality Protection Note: Mechanical Equipment Wash-down for the duration of the development, to the satisfaction of the City of Kalamunda.
23. Prior to occupation, the development must be connected to reticulated sewer to the satisfaction of the City of Kalamunda.
24. The approved boundary wall and footings adjacent to the boundary must be constructed wholly within the subject allotment. Prior to occupation of the development, the external surface of the boundary wall must be finished to a professional standard to complement development on the adjoining lot, to the satisfaction of the City of Kalamunda.
25. All external fixtures (e.g. service equipment, mechanical ventilation, water tanks, compressors etc.) must be installed, located and screened, prior to occupation of the development and maintained for the duration of the development to the satisfaction of the City of Kalamunda, to avoid adverse effects, including noise and visual amenity of nearby properties.



Advice Notes

1. Regarding Public Art, 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. Regarding Public Art, the landowners are advised that a public art contribution to the value of \$45,000 applies to this approval, which has been conditioned to be provided on-site.
3. Any trees requiring protection from development works should be in accordance with AS4970-2009 "Protection of Trees on Development Sites".
4. Any damage 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 landowner 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 landowner 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.


Karen Hyde
Presiding Member, Metro Outer DAP



10. This development approval does not authorise the erection of any additional signage which is not approved as a part of this development and not exempted by Schedule 5 (Exempted advertisements) of the City of Kalamunda Local Planning Scheme No. 3.
11. The landowner is required to submit an Application for Registration of a Food Business accompanied with the appropriate registration fee a minimum of two weeks prior to commencing operation.
12. The landowner must book a food premises inspection with the City's Health Service prior to commencing operations. The premises must meet all requirements and pass the inspection without requiring any corrective actions before it will be allowed to trade.
13. The landowner is advised of their obligations to ensure that unreasonable noise and odour emissions are prevented pursuant to the *Environmental Protection (Noise) Regulations 1997* and City local laws.
14. The landowner must obtain a Crossover Permit from the City of Kalamunda. New and modified crossover design must be consistent with the City's Crossover Guidelines. [Crossover Guidelines & Application Form](#)

AMENDING MOTION 1

Moved by: Dale Page

Seconded by: Karen Hyde

That a new Condition No. 26 be added to read as follows:

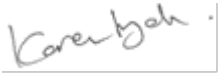
The hours of operation of both the Fast-Food Outlet and the Motor Vehicle Wash shall be restricted to 5.30am to 11.30pm, seven days a week. All servicing should occur within these operating hours, and the operating hours shall not be varied without the prior approval of the City of Kalamunda

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

For: Dale Page
Karen Hyde
Eugene Koltasz

Against: Mayor Margaret Thomas
Deputy Mayor Kathy Ritchie

REASON: The applicant has suggested the restricted hours of operation, and the City supports these restrictions. It is prudent to include these as a condition of approval to enable the City to manage any future amenity impacts on nearby residents if necessary. Although the operations of proposal are modelled to fall within the thresholds of the Noise Regulations, not all noise is included for those purposes and reduced hours will assist in mitigating any impacts of all noise that could be generated by the development on nearby residents.

Karen Hyde 
Presiding Member, Metro Outer DAP



AMENDING MOTION 2

Moved by: Dale Page

Seconded by: Karen Hyde

That Condition No. 1 be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Reference to the Metropolitan Region Scheme is no longer required due to the legislative changes brought about by the *Planning and Development Amendment (Metropolitan Region Scheme) Act 2024*, which took effect on 31 March 2025.

AMENDING MOTION 3

Moved by: Eugene Koltasz

Seconded by: Dale Page

That a new Condition No. 26 be added to read as follows:

Prior to occupation of the development a reciprocal access and shared parking easement shall be prepared, at the proponents cost and to the satisfaction of the City of Kalamunda, to ensure that access and shared parking across the proposed two lots is appropriately implemented.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Although the panel was aware that a separate subdivision application had been lodged and it was likely that reciprocal access and parking easement would be guided through conditions associated with this process, the subdivision process had not been completed and therefore the panel were of the view that a condition of development approval would provide certainty and clarity regarding expectations in line with the technical information presented with the development application and the RAR assessment and recommendation.

AMENDING MOTION 4

Moved by: Eugene Koltasz

Seconded by: Karen Hyde

That a new Condition No. 27 be added to read as follows:

Prior to occupation an Operational Management Plan to be prepared to the satisfaction of the City of Kalamunda. The approved Operational Management Plan to be applied for the duration of operation of these land uses unless otherwise approved by the City of Kalamunda.

The Amending Motion was put and CARRIED UNANIMOUSLY.

Karen Hyde 
Presiding Member, Metro Outer DAP



REASON: An approved Operational Management Plan associated with these land uses will facilitate a process and accountability for any issues associated with operation such as litter, point of contact for complaints etc, particularly since the development is in proximity to some residential development. The Operational Management Plan is not intended to duplicate other management plans and is intended to be succinct and relating to any day-to-day operational aspects consistent with conditions of planning approval and site location.

SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Outer Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/25/02835 is appropriate for consideration as a “Fast Food Outlet” and “Motor Vehicle Wash” land use and compatible with the objectives of the zoning table in accordance with Clause 4.2.3 of the City of Kalamunda Local Planning Scheme No.3.
2. **Approve** DAP Application reference DAP/25/02835 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. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The development being carried out for the duration of the development in accordance with the approved plan(s)/drawing(s) and document(s) listed below.

Plan No.	Title	Rev No.	Prepared by
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T24.140.sk40a	Interim Intersection Upgrades		Transcore
24155-C8-DG-11	Amended Civil Design	A	Colliers
-	Environmental Noise Assessment & Acoustic Technical Note	0	Lloyd George Acoustics

Karen Hyde
Presiding Member, Metro Outer DAP



WW01	Wastewater Management Concept Plan	0	Hindley and Associates Pty Ltd
-	Waste Management Plan	-	-
-	Lighting Assessment	V1	Rubidium Light
M000-M400	Odour Assessment	A-G	EMP Consulting

3. Prior to lodging an application for a building permit, detailed drawings for the approved upgrades to the Canning Road and Heath Road intersection must be provided to the satisfaction of the City of Kalamunda.
4. Prior to occupation of either the fast food or car wash, the approved modifications to the Canning Road and Heath Road intersection must be completed at the full cost of the landowner and/or applicant to the satisfaction of the City of Kalamunda.
5. Prior to lodging an application for a building permit, a lighting management plan must be submitted and approved by the City of Kalamunda satisfying the requirements of the Position Statement: Dark sky and Astrotourism. The approved lighting management plan must be implemented for the duration of the development.
6. Prior to lodging an application for a building permit, the applicant must submit amended plans demonstrating an 3m x 3m truncation to be provided at the junction of Heath Road and Canning Road and ensure that all development is wholly contained within the subject allotment, including the timber framed structure annotated on the approved development plans to the satisfaction of the City of Kalamunda.
7. Prior to lodging an application for a building permit, the pylon sign (Black Powder Coated Tower Structure and Illuminated Sign) must be reduced to a maximum height of 6.5m above natural ground level to the satisfaction of the City of Kalamunda.
8. The illuminated signage must be of a low-level not exceeding 300cd/m² during the hours of night, and not flash, pulsate or chase during all hours for the duration of development.



9. 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 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. Dust management plan;
 - v. Toilet facilities for construction workers;
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 - xii. How noise, erosion, lighting and environmental hazards and will be managed during the stages of construction;
 - xiii. Complaint management procedure; and
 - xiv. 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.

10. Prior to the commencement of development works on site, the applicant must provide a detailed Tree Protection Plan to be approved by the City of Kalamunda. The Tree Protection Plan must outline management measures to ensure compliance with AS4970-2009 (Protection of Trees on Development Sites) and must include the following to the satisfaction of the City of Kalamunda:
- i. Install protective fencing to prevent any damage to the trees in general accordance with Section 4.3 of AS4970-2009;
 - ii. Provide signage identifying the 'Tree Protection Zone' on exclusion fencing;
 - iii. Ensure trees are protected from harm during works on site; and
 - iv. Include the protection trees on adjoining properties which have the potential to be impacted by development works.
11. All tree protection and tree removal works must be undertaken on advice and supervision of a suitably qualified (Australian Qualification Framework (AQF) Level 5) arborist for the duration of works, to the satisfaction of the City of Kalamunda.
12. Prior to the occupation of the development, all landscaping noted in the approved Landscape Plan must be planted and maintained for the duration of the development to the satisfaction of the City of Kalamunda. Any species which fail to establish within the first two planting seasons following implementation must be replaced at the landowners cost to the satisfaction of the City of Kalamunda.



13. Fill brought to the site must be clean, and solid earth/sand or clean inert material that is free of contaminants, organic material, putrescible or refuse matter, or any other deleterious matter to the satisfaction of the City of Kalamunda.
14. Prior to occupation of the development, an amended 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 Canning Road and Heath Road).
 - 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.
15. Prior to occupation of the development, all hardstand areas must be paved, sealed and drained to the satisfaction of the City of Kalamunda.
16. Prior to occupation of the development, the landowner/applicant must contribute towards public art, pursuant to City of Kalamunda Local Planning Policy 26 by providing art on-site to the satisfaction of the City of Kalamunda.
17. Prior to occupation of the development, all car parking areas must meet the following requirements:
 - i. The provision and maintenance of a minimum of 23 car parking spaces for the Fast Food Outlet and the Motor Vehicle Wash 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 occupation of the development, bicycle facilities must 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.
19. Prior to occupation of the development, redundant vehicle crossover(s) must be removed and the kerbing, verge, and footpath (where relevant) reinstated to the specifications and satisfaction of the City of Kalamunda.
20. Prior to occupation of the development, crossovers must be designed and constructed to the specification and satisfaction of the City of Kalamunda.
21. Mechanical wash-down areas must drain to a sewer via a sediment trap and oil separator to the Water Corporation's requirements and must comply with Department of Water: Water Quality Protection Note: Mechanical Equipment Wash-down for the duration of the development, to the satisfaction of the City of Kalamunda.
22. Prior to occupation, the development must be connected to reticulated sewer to the satisfaction of the City of Kalamunda.
23. The approved boundary wall and footings adjacent to the boundary must be constructed wholly within the subject allotment. Prior to occupation of the development, the external surface of the boundary wall must be finished to a professional standard to complement development on the adjoining lot, to the satisfaction of the City of Kalamunda.
24. All external fixtures (e.g. service equipment, mechanical ventilation, water tanks, compressors etc.) must be installed, located and screened, prior to occupation of the development and maintained for the duration of the development to the satisfaction of the City of Kalamunda, to avoid adverse effects, including noise and visual amenity of nearby properties.
25. The hours of operation of both the Fast-Food Outlet and the Motor Vehicle Wash shall be restricted to 5.30am to 11.30pm, seven days a week. All servicing should occur within these operating hours, and the operating hours shall not be varied without the prior approval of the City of Kalamunda.
26. Prior to occupation of the development a reciprocal access and shared parking easement shall be prepared, at the proponents cost and to the satisfaction of the City of Kalamunda, to ensure that access and shared parking across the proposed two lots is appropriately implemented.
27. Prior to occupation an Operational Management Plan to be prepared to the satisfaction of the City of Kalamunda. The approved Operational Management Plan to be applied for the duration of operation of these land uses unless otherwise approved by the City of Kalamunda.



Advice Notes

1. Regarding Public Art, 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. Regarding Public Art, the landowners are advised that a public art contribution to the value of \$45,000 applies to this approval, which has been conditioned to be provided on-site.
3. Any trees requiring protection from development works should be in accordance with AS4970-2009 "Protection of Trees on Development Sites".
4. Any damage 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 landowner 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 landowner 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. This development approval does not authorise the erection of any additional signage which is not approved as a part of this development and not exempted by Schedule 5 (Exempted advertisements) of the City of Kalamunda Local Planning Scheme No. 3.


Karen Hyde
Presiding Member, Metro Outer DAP



11. The landowner is required to submit an Application for Registration of a Food Business accompanied with the appropriate registration fee a minimum of two weeks prior to commencing operation.
12. The landowner must book a food premises inspection with the City's Health Service prior to commencing operations. The premises must meet all requirements and pass the inspection without requiring any corrective actions before it will be allowed to trade.
13. The landowner is advised of their obligations to ensure that unreasonable noise and odour emissions are prevented pursuant to the *Environmental Protection (Noise) Regulations 1997* and City local laws.
14. The landowner must obtain a Crossover Permit from the City of Kalamunda. New and modified crossover design must be consistent with the City's Crossover Guidelines. [Crossover Guidelines & Application Form](#)

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

For: Dale Page
Karen Hyde
Eugene Koltasz

Against: Mayor Margaret Thomas
Deputy Mayor Kathy Ritchie

Karen Hyde 
Presiding Member, Metro Outer DAP



REASON: A significant amount of technical work and liaison between the applicant and the City has been undertaken since the previous meeting, and most of the panel acknowledged that the outcomes of this work has satisfactorily addressed previous the first three reasons for deferral of the application earlier this year. The City has confirmed that parking shortfalls approved for other developments in the area were not approved on the basis that parking would be available for their customers on the subject site and has confirmed that the now-approved Activity Centre Plan encourages reduced on-site parking within the town centre to create movement of pedestrians on-street and through the centre. The City has also confirmed that application of the parking ratio of the Activity Centre Plan to this development will result in only 17 bays being required, which results in a surplus of 6 bays being provided. Most of the panel was therefore comfortable that this information adequately addresses the fourth reason for deferral of the application earlier this year. The fifth reason for deferral required evidence-based justification for the proposed 24/7 trading hours. The panel noted that the applicant now proposes to reduce the operating hours to align them with the operating hours of other comparable developments in the town centre, and the panel felt it was prudent to capture this intent as a condition of approval given the location of this site within an activity centre where there are existing residents. Most of the panel did not agree with all the issues raised by the Design Review Panel (DRP), noting that the DRPs are not a decision-making body and nor does their advice have statutory weight. In the case of this proposal, most of the panel was of the view that the design of the buildings is fit for purpose, and the Fast-Food Outlet is an example of a more contemporary and thoughtful design with appropriate materials, articulation and relief that will allow it blend well with the scale and character of the Kalamunda Town Centre. Most of the panel noted that the fast-food component of this development appears to give rise to most concerns but acknowledged that the fast-food outlet is a Permitted Use under the activity centre plan. The works proposed to be undertaken to the intersection should address the congestion that could be caused by the land uses. If the development is built in accordance with the plans, it should meet the noise thresholds in the Noise Regulations. If the thresholds are exceeded the City can take action to enforce compliance and this may require the employment of additional mitigation strategies. Most of the panel concluded that there is, therefore, no defensible reason to refuse or further defer the application. On balance and taking into consideration the state and local planning framework the majority of the panel were supportive of the recommendation to approve the development with some additional conditions to control implementation and operation.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil

Karen Hyde 
Presiding Member, Metro Outer DAP



PART C – 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
DAP/24/02689 DR106/2025	City of Kwinana	Lot 9000 (No.129) Orton Road, Casuarina	Extractive Industry (Sand)	16 July 2025

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12.08pm.

Karen Hyde 
Presiding Member, Metro Outer DAP