



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 15 January 2026; 9:30am
Meeting Number: MODAP/121
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:

[MODAP/121 - 15 January 2026 - City of Kalamunda - Shire of Serpentine Jarrahdale](#)

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 500 (No. 21) Berkshire Road, Forrestfield - Childcare Premises – DAP/25/02976
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – SHIRE OF SERPENTINE-JARRAHDAL

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 42 (19) Kiely Land, Hopeland - Proposed Fruit Packing and Distribution Centre and Associated Administration Facilities – DAP/25/02983
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

Clayton Higham
Presiding Member, Metro Outer DAP



DAP Members
Clayton Higham (Presiding Member)
Dale Page (Deputy Presiding Member)
Neema Premji
Mayor Margaret Thomas (Part B – City of Kalamunda)
Deputy Mayor Kathy Ritchie (Part B – City of Kalamunda)
President Robert Coales (Part C – Shire of Serpentine-Jarrahdale)
Cr Nathan Bishop (Part C – Shire of Serpentine-Jarrahdale)

DAP Secretariat
Tenielle Brownfield
Kristen Parker

Clayton Higham
Presiding Member, Metro Outer DAP



Part B – City of Kalamunda
Submitters
Robert Ashworth Leanne Cook (Little Beginnings)
Applicant Brendan Foley (Thomson Geer Lawyers) Alex Beales (West Property Group) Drew Scott (Blackoak Capital) David Zimmermann (Blackoak Capital) Paul Ghantous (Urbii) Caryen Tan (Burgess Design Group) Gianni Da Rui (Meyer Shircore) Gearoid Fitzmaurice (Bushfire Prone) Kathy Nastov (Bushfire Prone)
Officers/Technical Advisors in Attendance
Cardia Mariani Shakira McQuade

Part C – Shire of Serpentine-Jarrahdale
Applicant Murray Casselton (Element Advisory Pty Ltd/ part of SLR) Peter Damen (Level 5 Design) Craig Wallace (Lavan) Ben Norrish (Delroy Orchards/ Karnup Farms Pty Ltd) Russell Delroy (Delroy Orchards/ Karnup Farms Pty Ltd)
Officers/Technical Advisors in Attendance Andrew Trosic Remy Van Leeuwen Marius Le Grange

Members of the Public / Media

There were 3 members of the public in attendance.

Clayton Higham
Presiding Member, Metro Outer DAP



Observers via livestream

There were 2 persons observing the meeting via the livestream.

A handwritten signature in black ink, appearing to read 'Clayton'.

Clayton Higham
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 15 January 2026 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](#).

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Presiding Member, Metro Outer DAP



PART B – CITY OF KALAMUNDA

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for services and responsible authority response in relation to Item 3.1, received on 14 January 2026 was published in Part B of the Related Information.

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 500 (No. 21) Berkshire Road, Forrestfield - Childcare Premises – DAP/25/02976

Deputations

Robert Ashworth addressed the DAP against the application at Item 3.1 and responded to questions from the panel.

Leanne Cook (Little Beginnings) addressed the DAP against the application at Item 3.1 and responded to questions from the panel.

Brendan Foley (Thomson Geer Lawyers) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Paul Ghandos (Urbii) responded to questions from the panel.

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

SUBSTANTIVE MOTION

Moved by: Mayor Margaret Thomas

Seconded by: Dale Page

That the Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/25/02976 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 10.4 of the City of Kalamunda Local Planning Scheme No. 3, subject to the following conditions:

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Presiding Member, Metro Outer DAP



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 in accordance with the plan(s)/drawing(s) and document(s) (including any recommendations made) listed below, including any amendments to those plans as shown in red.

Plan No.	Rev.	Title	Date	Prepared by
A – 1001, 2000 & 3000	SK012	Architectural Drawings	07/2025	Meyer Shircore Architects
L-01,	0	Playground Concept Plan	25/07/25	Childscapes
L0-1, L1-1 & L2-1	A	Landscaping Plans	24/06/2025	Ecoscape
-	-	Arboricultural Report and Associated Tree Retention Plan	17/04/2025	TREESneed TREEsurgeons – Gary Anderson
250364	1.1	Bushfire Management Plan	07/11/2025	Bushfire Prone Planning – Gearoid Fitzmaurice
250364	1.0	Bushfire Emergency Plan	16/06/2025	Bushfire Prone Planning – Gearoid Fitzmaurice
U25.057	U25.057.r01a	Transport Impact Statement	12/07/2025	Urbii
34714-1-25204	1	Environmental Acoustic Assessment	06/2025	West Property Group – Alex Bales
WAE250028-01 001	0	Geotechnical and Environmental Study	23/06/2025	Galt Geotechnics

3. Prior to lodgement of a building permit, a Waste Management Plan must be prepared by the landowner and approved to the satisfaction of the City of Kalamunda. The Waste Management Plan must include the following detail to the satisfaction of the City of Kalamunda:

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- i. The location of the bin storage areas and bin collection areas (all storage and loading areas must be screened from the streetscape).
- ii. The number, volume and type 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; and
- iv. Frequency of bin collections.
- v. Appropriate traffic management measures to mitigate conflicts between private vehicles and waste collection vehicles.
- vi. Other matters likely to impact on surrounding property owners.

The approved Waste Management Plan is to be implemented for the duration of the development by the landowner to the satisfaction of the City of Kalamunda.

4. Prior to lodgement of a building permit, a Construction Management Plan must be submitted by the landowner to the satisfaction of the City of Kalamunda. The Construction Management Plan must be prepared by a suitably qualified person and detail how the construction of the development will be maintained including:
 - i. Public safety and security.
 - ii. Hours of construction.
 - iii. Traffic management plans during construction, including any proposed road closures.
 - iv. Toilet facilities for construction workers.
 - v. Protection of public infrastructure and mature trees marked for retention within the road reserve.
 - vi. Dilapidation report of adjoining properties.
 - vii. How materials and equipment will be delivered and removed from the site.
 - viii. How materials and equipment will be stored on the site.
 - ix. Parking arrangements for staff, contractors and visitors.
 - x. Construction Waste disposal strategy and location of waste disposal bins.
 - xi. How dust, noise, erosion, lighting and environmental hazards will be managed during the stages of construction.
 - xii. Complaint management procedure.
 - 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.

5. Prior to lodgement of a Building Permit, a notification, pursuant to Section 70A of the Transfer of Land Act 1893, is to be included on the diagram or plan of survey (deposited plan).

The notification is to state as follows:

"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to the development on this land."

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6. Prior to lodgement of a building permit, the construction of retaining walls to be designed and certified by an accredited qualified Structural Engineer to the satisfaction of the City of the Kalamunda.
7. Prior to the lodgement of a building permit, a lighting management plan is required to be submitted and approved by the City of Kalamunda satisfying the requirements of the Position Statement: Dark sky and Astro-tourism. Once approved the lighting management plan is to be implemented for the duration of the development.
8. Prior to the lodgement of a building permit, the landowner is to submit, and have approved by the City of Kalamunda, detailed information relating to external finishes and colour schemes. Prior to the occupation permit being granted, 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.
9. This development approval does not authorise the removal of vegetation other than any marked for removal on the approved plan(s). The vegetation identified on the plans for retention must be protected in accordance with AS 4970-2025 prior to works commencing on site and maintained to the satisfaction of the City of Kalamunda for the duration of works.
10. All works within the tree protection zone area 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.
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 AS4970-2025;
 - 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
 - v. No works are to be undertaken within the tree protection zone at a depth which exceeds 100mm, in line with the arborist report provided in support of the application
12. For the duration of works, 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.
13. Prior to occupation of the development, crossovers must be designed and constructed to the specifications and satisfaction of the City of Kalamunda.

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14. Prior to the occupation of development, a continuous footpath treatment across the crossover, together with upgraded kerb ramps where required, shall be constructed to the satisfaction of the City.
15. Prior to an occupation of the development, all car parking areas must meet the following requirements:
 - i. The provision and maintenance of a minimum of 34 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.
16. Prior to occupation of development, all carparking areas must be paved, sealed and drained to the satisfaction of the City of Kalamunda.
17. 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 and retained for the duration of the development.
18. Prior to the occupation of the development, the landowner/applicant contributing towards public art, pursuant to City of Kalamunda Local Planning Policy 26.
19. All landscaping noted in the approved Landscape Plan must be planted prior to occupation of the development and maintained thereafter, to the satisfaction of the City of Kalamunda.

Any species which fail to establish within the first two planting seasons following implementation must be replaced at the landowners cost to the satisfaction of the City of Kalamunda.
20. Prior to occupation of the development the applicant must implement all recommendations set out in the Environmental Acoustic Assessment prepared by Herring Storer Acoustics and dated June 2025. The implementation of the recommendations must occur for the duration of the development, to the satisfaction of the City of Kalamunda.
21. For the duration of the development, all stormwater drainage from roofed and paved areas being disposed of on site to the specification outlined in the approved drainage plan and to the satisfaction of the City of Kalamunda.

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22. For the duration of the development, external lighting shall be installed and maintained within the site boundary for all car parking areas, outdoor activity areas, and along all onsite pedestrian pathways. The design and construction of the external lighting must:
- Meet minimum requirements of Australian Standard AS/NZS 1158.3.1:2005.
 - Be installed prior to the occupation of development and maintained for the duration of development.
 - Lighting within the car parking area having a greater height than the pedestrian area lighting, and be focused downwards to avoid any light spill on to adjoining properties.
 - Lighting shall not cause nuisance to adjoining residents or the travelling public and shall comply at all times with the requirements stipulated under the Australian Standard 4282-1997 (Control of the obtrusive effects of outdoor lighting).
23. For the duration of development, the landowner/applicant shall ensure compliance with the approved Bushfire Emergency Evacuation Plan. This includes, but is not limited to the following:
- An up to date copy of the Emergency Evacuation Plan being made available at all times within all buildings and to all on-site supervising personnel/caretakers.
 - A copy of the Emergency Evacuation Plan Notice being displayed on site in visible locations throughout the building.
 - Signage and signposting (where appropriate) to provide users with wayfinding during times of emergency.
24. The street wall and fence as well as any associated gates are to be no greater than 1.8 metres in height and visually permeable 1.2 metres above natural ground level, measured from the primary street side, in accordance with the requirements the City of Kalamunda Local Planning Policy 13 – Street Fencing, Walls and Gates.
25. 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.
26. The maximum number children in childcare premises at the site shall not exceed 104 at any one time.
27. For the duration of the development, the hours of operation associated with the Child Care Premises are only on Monday to Fridays from 6:30am to 6:30pm.
28. Car parking areas must always be available for their intended purpose and must not be used for any alternative purpose at any time.
29. The subject land must be maintained in accordance with the stamped approved Bushfire Management Plan prepared by Bushfire Prone Planning dated 17 November 2025 for the duration of the development

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Advice Notes

1. In regard to condition 18 the landowner's are advised that a public art contribution of \$32,500 applies to this approval, which can be provided by integrating the public art on site as part of the development component or within a public area within the vicinity of the subject site equal to \$32,500, or alternatively the provision of a \$32,500 as in lieu payment to the City of Kalamunda's Public Art Fund.
2. All proposed fencing is to be installed to a standard no less than the minimum specification as required by the City of Kalamunda Fencing Local Laws.
3. In regard to condition 24, visually permeable is defined as follows: "In reference to a wall, gate, door, screen or fence that the vertical surface when viewed directly from the street or other public space has:
 - a. Continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;
 - b. Continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or
 - c. A surface offering equal or lesser obstruction to view."
4. This development approval does not authorise the erection of any signage not exempt by Schedule 5 (Exempted advertisements) of the City of Kalamunda Local Planning Scheme No. 3.
5. A building permit is required prior to the commencement of works.
6. The applicant is advised that they may require a BA20 & BA20A for the construction of the retaining walls.
7. The landowner/applicant is advised that the Department of Water and Environmental Regulation has prepared dust control guidelines for development sites, which, outline the procedures for the preparation of dust management plans. The dust management plans are generally approved, and their implementation overseen, by the Local Government. Further information on the guidelines can be obtained from the Department of Water and Environmental Regulation's website www.dwer.wa.gov.au under air quality publications.
8. All material known or suspected to contain asbestos is to be removed and disposed of in accordance with the Environmental protection (Controlled Waste) Regulations 2004 and the Health (Asbestos) Regulations 1992. Please note an Asbestos Management Plan may be required prior to issue of a demolition licence.
9. The applicant is advised of their obligations to ensure to not cause the emissions of unreasonable noise and dust pursuant to the Environmental Protection (Noise) Regulations 1997.

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10. 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.
11. The applicant is advised that the food premises must comply with the Food Act 2008 and Food Standards Code. Further advice on these requirements is available from the City’s Health Service
12. The applicant is advised that they must submit a plan showing food preparation layout including food storage area.
13. The applicant is advised that they must submit a food safety Program to the City of Kalamunda Health Services for verification. A food safety program must be verified to ascertain if the food safety program complies with Food Standard 3.2.1.
14. The applicant is advised to ensure that the food safety program is audited by an approved food safety auditor at the auditing frequency determined by the auditor. A list of approved WA regulatory food safety auditors can be accessed here https://www.health.wa.gov.au/Articles/J_M/List-of-approved-regulatory-food-safety-auditors-in-WA.
15. The applicant is required to apply for Registration of a Food Business accompanied with the appropriate registration fee a minimum of two weeks prior to commencing operation.
16. The applicant 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.

AMENDING MOTION 1

Moved by: Dale Page

Seconded by: Neema Premji

That Condition No. 2 be amended to read as follows:

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, where amended by other conditions of this approval, to the satisfaction of the City of Kalamunda.

Plan No.	Rev.	Title	Date	Prepared by
A – 1001, 2000 & 3000	SK012	Architectural Drawings	07/2025	Meyer Shircore Architects
L-01,	0	Playground Concept Plan	25/07/25	Childscapes
L0-1, L1-1 & L2-1	A	Landscaping Plans	24/06/2025	Ecoscape

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-	-	Arboricultural Report and Associated Tree Retention Plan	17/04/2025	TREESneed TREEsurgeons – Gary Anderson
250364	1.1	Bushfire Management Plan	07/11/2025 18/12/2025	Bushfire Prone Planning – Gearoid Fitzmaurice
250364	1.0	Bushfire Emergency Plan	16/06/2025 18/12/2025	Bushfire Prone Planning – Gearoid Fitzmaurice
U25.057	U25.057.r01a	Transport Impact Statement	12/07/2025	Urbii
34714-1-25204	1	Environmental Acoustic Assessment	06/2025	West Property Group – Alex Bales
WAE250028-01 001	0	Geotechnical and Environmental Study	23/06/2025	Galt Geotechnics

The Amending Motion was put and **CARRIED UNANIMOUSLY**.

REASON: The references to “any recommendations made” is confusing. It is not clear what recommendations are being referred to. As written, the original wording could be construed as requiring strict compliance with the submitted documents and that has the potential to cause compliance issues given minor, inconsequential refinements are often made at building permit and implementation stage and some of the plans, by their nature, require regular revision and updating over time as surrounding contexts evolve, for example the Bushfire Emergency Plan. IT is more appropriate to allow minor changes to be made to the satisfaction of the City of Kalamunda as and when the need arises.

AMENDING MOTION 2

Moved by: Dale Page

Seconded by: Neema Premji

The following amendments were made en bloc:

- (i) That Condition No. 5 be amended to read as follows:

Prior to lodgement of a Building Permit, the commencement of use, the landowner shall provide consent to a notification, pursuant to Section 70A of the Transfer of Land Act 1893, is to be included being placed on the diagram or plan of survey (deposited plan).

The notification is to state as follows:

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"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to the development on this land."

- (ii) That a new Advice Note No. 17 be added to read as follows:

Condition No. 5 is not imposing an obligation on the Local Government. If the Local Government chooses to lodge a Notification under section 70A, the proponent's obligation is to give their consent to the Local Government's application and nothing more.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The obligation to lodge a Section 70A Notice on the title under the Transfer of Lands Act 1893 rests with the local government and not the applicant. This can only be executed by the local government if the landowner has given consent for the notice to be lodged. Further, there is no obligation for the local government to lodge the notice even if the consent is given, however, should the local government proceed the associated costs rest with the local government.

AMENDING MOTION 3

The following amendments were made en bloc:

Moved by: Dale Page

Seconded by: Neema Premji

- (i) That Condition No. 6 be deleted and the remaining conditions be renumbered accordingly.
- (ii) That a new Advice Note No. 18 be added to read as follows:

Prior to lodgement of a building permit, the construction of retaining walls to be designed and certified by an accredited qualified Structural Engineer to the satisfaction of the City of the Kalamunda.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: This condition has no planning relevance or basis in the planning framework. It is more appropriate to be included as an Advice Note to inform the applicant of the City's expectations in this regard.

Clayton Higham
Presiding Member, Metro Outer DAP



AMENDING MOTION 4

Moved by: Dale Page

Seconded by: Mayor Margaret Thomas

That Condition No. 8 (now Condition No. 7) be amended to read as follows:

*Prior to the lodgement of a building permit, the landowner is to submit, and have approved by the City of Kalamunda, detailed information relating to external finishes and colour schemes. Prior to the occupation permit being granted, 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 **unless otherwise agreed by the City of Kalamunda.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The additional wording clarifies that minor changes could be made to the colours and finishes during future maintenance or cosmetic upgrades, without necessarily needing to go through a development approval process to get approval for the changes.

AMENDING MOTION 5

Moved by: Dale Page

Seconded by: Neema Premji

That Condition No. 11 (now Condition No. 10) be amended to read as follows:

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 AS4970-2025;*
- 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~~*
- v. ~~No works are to be undertaken within the tree protection zone at a depth which exceeds 100mm, in line with the arborist report provided in support of the application~~*

The Amending Motion was put and CARRIED UNANIMOUSLY.

Clayton Higham
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REASON: Part (iv). of the condition requires the consent of a third party and Part (v). of the condition is inconsistent with AS3970-2025 and is tantamount to a refusal as the Tree Protection Zone under AS4970-2025 is 12x the DBH (trunk diameter at 1.4m above ground). The effect of this is that the majority of the subject site, including a large portion of the built form and carpark will be located within such zones. The absolute restriction on works below 100mm within such zones will render the development impossible to construct. Further, AS3970-2025 does not contain any such restriction on work below 100mm within such zones. Works and excavation are permitted within the TPZ, subject to supervision /approval from an appropriately qualified arborist using appropriate methods to mitigate against damage to the tree.

AMENDING MOTION 6

Moved by: Dale Page

Seconded by: Neema Premji

The following amendments were made en bloc:

- (i) That Condition No. 12 (now Condition No. 11) be deleted and the remaining conditions be renumbered accordingly.
- (ii) That a new Advice Note No. 19 be added to read as follows:

For the duration of works, 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.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: This condition has no planning relevance or basis in the planning framework. It is more appropriate to be included as an Advice Note to inform the applicant of the City's expectations in this regard.

AMENDING MOTION 7

Moved by: Dale Page

Seconded by: Neema Premji

That Condition No. 16 (now Condition No. 14) be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Condition No. 16 (now Condition No. 14) is a duplication of Condition 15(i).

Clayton Higham
Presiding Member, Metro Outer DAP



AMENDING MOTION 8

Moved by: Dale Page

Seconded by: Mayor Margaret Thomas

That Condition No. 29 (now Condition No. 26) be amended to read as follows:

*The subject land must be maintained in accordance with the stamped approved Bushfire Management Plan prepared by Bushfire Prone Planning dated 17 November 2025 for the duration of the development **unless otherwise approved by the City of Kalamunda.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The Bushfire Management Plan is required to be updated and reviewed over time, and as a consequence it is beneficial to allow for these updates to be dealt with administratively, rather than requiring formal reconsideration of the condition by the JDAP.

SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/25/02976 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 in accordance with the plan(s)/drawing(s) and document(s) listed below, including any amendments to those plans, where amended by other conditions of this approval, to the satisfaction of the City of Kalamunda.

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-	-	Arboricultural Report and Associated	17/04/2025	TREESneed TREEsurgeons

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		Tree Retention Plan		– Gary Anderson
250364	1.1	Bushfire Management Plan	18/12/2025	Bushfire Prone Planning – Gearoid Fitzmaurice
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U25.057	U25.057.r01a	Transport Impact Statement	12/07/2025	Urbii
34714-1-25204	1	Environmental Acoustic Assessment	06/2025	West Property Group – Alex Bales
WAE250028-01 001	0	Geotechnical and Environmental Study	23/06/2025	Galt Geotechnics

3. Prior to lodgement of a building permit, a Waste Management Plan must be prepared by the landowner and approved to the satisfaction of the City of Kalamunda. The Waste Management Plan must include the following detail to the satisfaction of the City of Kalamunda:
- The location of the bin storage areas and bin collection areas (all storage and loading areas must be screened from the streetscape).
 - The number, volume and type of bins, and the type of waste to be placed in the bins.
 - Management of the bins and the bin storage areas, including cleaning rotation and moving bins to and from the bin collection areas; and
 - Frequency of bin collections.
 - Appropriate traffic management measures to mitigate conflicts between private vehicles and waste collection vehicles.
 - Other matters likely to impact on surrounding property owners.

The approved Waste Management Plan is to be implemented for the duration of the development by the landowner to the satisfaction of the City of Kalamunda.

4. Prior to lodgement of a building permit, a Construction Management Plan must be submitted by the landowner to the satisfaction of the City of Kalamunda. The Construction Management Plan must be prepared by a suitably qualified person and detail how the construction of the development will be maintained including:
- Public safety and security.
 - Hours of construction.
 - Traffic management plans during construction, including any proposed road closures.
 - Toilet facilities for construction workers.

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- v. Protection of public infrastructure and mature trees marked for retention within the road reserve.
- vi. Dilapidation report of adjoining properties.
- vii. How materials and equipment will be delivered and removed from the site.
- viii. How materials and equipment will be stored on the site.
- ix. Parking arrangements for staff, contractors and visitors.
- x. Construction Waste disposal strategy and location of waste disposal bins.
- xi. How dust, noise, erosion, lighting and environmental hazards will be managed during the stages of construction.
- xii. Complaint management procedure.
- 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.

- 5. Prior to the commencement of use, the landowner shall provide consent to a notification pursuant to Section 70A of the Transfer of Land Act 1893, being placed on the diagram or plan of survey (deposited plan).

The notification is to state as follows:

"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to the development on this land."

- 6. Prior to the lodgement of a building permit, a lighting management plan is required to be submitted and approved by the City of Kalamunda satisfying the requirements of the Position Statement: Dark sky and Astro-tourism. Once approved the lighting management plan is to be implemented for the duration of the development.
- 7. Prior to the lodgement of a building permit, the landowner is to submit, and have approved by the City of Kalamunda, detailed information relating to external finishes and colour schemes. Prior to the occupation permit being granted, 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 unless otherwise agreed by the City of Kalamunda.
- 8. This development approval does not authorise the removal of vegetation other than any marked for removal on the approved plan(s). The vegetation identified on the plans for retention must be protected in accordance with AS 4970-2025 prior to works commencing on site and maintained to the satisfaction of the City of Kalamunda for the duration of works.
- 9. All works within the tree protection zone area 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.

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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 AS4970-2025;
 - ii. Provide signage identifying the 'Tree Protection Zone' on exclusion fencing;
 - iii. Ensure trees are protected from harm during works on site; and
11. Prior to occupation of the development, crossovers must be designed and constructed to the specifications and satisfaction of the City of Kalamunda.
12. Prior to the occupation of development, a continuous footpath treatment across the crossover, together with upgraded kerb ramps where required, shall be constructed to the satisfaction of the City.
13. Prior to an occupation of the development, all car parking areas must meet the following requirements:
 - i. The provision and maintenance of a minimum of 34 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.
14. 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 and retained for the duration of the development.
15. Prior to the occupation of the development, the landowner/applicant contributing towards public art, pursuant to City of Kalamunda Local Planning Policy 26.

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16. All landscaping noted in the approved Landscape Plan must be planted prior to occupation of the development and maintained thereafter, to the satisfaction of the City of Kalamunda.

Any species which fail to establish within the first two planting seasons following implementation must be replaced at the landowners cost to the satisfaction of the City of Kalamunda.

17. Prior to occupation of the development the applicant must implement all recommendations set out in the Environmental Acoustic Assessment prepared by Herring Storer Acoustics and dated June 2025. The implementation of the recommendations must occur for the duration of the development, to the satisfaction of the City of Kalamunda.
18. For the duration of the development, all stormwater drainage from roofed and paved areas being disposed of on site to the specification outlined in the approved drainage plan and to the satisfaction of the City of Kalamunda.
19. For the duration of the development, external lighting shall be installed and maintained within the site boundary for all car parking areas, outdoor activity areas, and along all onsite pedestrian pathways. The design and construction of the external lighting must:
- i. Meet minimum requirements of Australian Standard AS/NZS 1158.3.1:2005.
 - ii. Be installed prior to the occupation of development and maintained for the duration of development.
 - iii. Lighting within the car parking area having a greater height than the pedestrian area lighting, and be focused downwards to avoid any light spill on to adjoining properties.
 - iv. Lighting shall not cause nuisance to adjoining residents or the travelling public and shall comply at all times with the requirements stipulated under the Australian Standard 4282-1997 (Control of the obtrusive effects of outdoor lighting).
20. For the duration of development, the landowner/applicant shall ensure compliance with the approved Bushfire Emergency Evacuation Plan. This includes, but is not limited to the following:
- i. An up to date copy of the Emergency Evacuation Plan being made available at all times within all buildings and to all on-site supervising personnel/caretakers.
 - ii. A copy of the Emergency Evacuation Plan Notice being displayed on site in visible locations throughout the building.
 - iii. Signage and signposting (where appropriate) to provide users with wayfinding during times of emergency.
21. The street wall and fence as well as any associated gates are to be no greater than 1.8 metres in height and visually permeable 1.2 metres above natural ground level, measured from the primary street side, in accordance with the requirements the City of Kalamunda Local Planning Policy 13 – Street Fencing, Walls and Gates.

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22. 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.
23. The maximum number children in childcare premises at the site shall not exceed 104 at any one time.
24. For the duration of the development, the hours of operation associated with the Child Care Premises are only on Monday to Fridays from 6:30am to 6:30pm.
25. Car parking areas must always be available for their intended purpose and must not be used for any alternative purpose at any time.
26. The subject land must be maintained in accordance with the stamped approved Bushfire Management Plan prepared by Bushfire Prone Planning dated 17 November 2025 for the duration of the development unless otherwise approved by the City of Kalamunda.

Advice Notes

1. In regard to condition 18 the landowner's are advised that a public art contribution of \$32,500 applies to this approval, which can be provided by integrating the public art on site as part of the development component or within a public area within the vicinity of the subject site equal to \$32,500, or alternatively the provision of a \$32,500 as in lieu payment to the City of Kalamunda's Public Art Fund.
2. All proposed fencing is to be installed to a standard no less than the minimum specification as required by the City of Kalamunda Fencing Local Laws.
3. In regard to condition 24, visually permeable is defined as follows: "In reference to a wall, gate, door, screen or fence that the vertical surface when viewed directly from the street or other public space has:
 - a. Continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;
 - b. Continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or
 - c. A surface offering equal or lesser obstruction to view."
4. This development approval does not authorise the erection of any signage not exempt by Schedule 5 (Exempted advertisements) of the City of Kalamunda Local Planning Scheme No. 3.
5. A building permit is required prior to the commencement of works.
6. The applicant is advised that they may require a BA20 & BA20A for the construction of the retaining walls.

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7. The landowner/applicant is advised that the Department of Water and Environmental Regulation has prepared dust control guidelines for development sites, which, outline the procedures for the preparation of dust management plans. The dust management plans are generally approved, and their implementation overseen, by the Local Government. Further information on the guidelines can be obtained from the Department of Water and Environmental Regulation's website www.dwer.wa.gov.au under air quality publications.
8. All material known or suspected to contain asbestos is to be removed and disposed of in accordance with the Environmental protection (Controlled Waste) Regulations 2004 and the Health (Asbestos) Regulations 1992. Please note an Asbestos Management Plan may be required prior to issue of a demolition licence.
9. The applicant is advised of their obligations to ensure to not cause the emissions of unreasonable noise and dust pursuant to the Environmental Protection (Noise) Regulations 1997.
10. 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.
11. The applicant is advised that the food premises must comply with the Food Act 2008 and Food Standards Code. Further advice on these requirements is available from the City's Health Service
12. The applicant is advised that they must submit a plan showing food preparation layout including food storage area.
13. The applicant is advised that they must submit a food safety Program to the City of Kalamunda Health Services for verification. A food safety program must be verified to ascertain if the food safety program complies with Food Standard 3.2.1.
14. The applicant is advised to ensure that the food safety program is audited by an approved food safety auditor at the auditing frequency determined by the auditor. A list of approved WA regulatory food safety auditors can be accessed here https://www.health.wa.gov.au/Articles/J_M/List-of-approved-regulatory-food-safety-auditors-in-WA.
15. The applicant is required to apply for Registration of a Food Business accompanied with the appropriate registration fee a minimum of two weeks prior to commencing operation.
16. The applicant 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.

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Presiding Member, Metro Outer DAP



17. Condition No. 5 is not imposing an obligation on the Local Government. If the Local Government chooses to lodge a Notification under section 70A, the proponent's obligation is to give their consent to the Local Government's application and nothing more.
18. Prior to lodgement of a building permit, the construction of retaining walls to be designed and certified by an accredited qualified Structural Engineer to the satisfaction of the City of the Kalamunda.
19. For the duration of works, 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.

The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The City's report outlines a high level of compliance with relevant local planning policies, save for a couple of minor deviations from the policy on Family Day Care and Child Care Premises, one of which was not considered appropriate for inclusion in a policy. The hours of operation proposed align with most other similar applications consider from time to time and the measures to be implemented to manage the impact of any noise in the earlier hours are reasonable. The panel noted the objections received during public consultation on the application and the issues raised therein but were of the view these have been responded to appropriately in the City's RAR – particularly the issue about orderly and proper planning and the issue of the site falling within an area subject to future investigation under the applicable structure plan. The City's RAR has outlined clearly how the proposal meets the tests under the Regulations for similar cases, because the proposal will not prejudice the future planning or development potential of the area and is capable of being integrated into any future more detailed structure planning. The proposal also complies with the built form requirements applicable to the site, has been reviewed by the City's DRP and is considered to align with the design principles of SPP7.0. It also includes measures to manage any noise impacts, rendering it compatible with the surrounding area. The parking provision is compliant and the TIS submitted with the application and supported by the City's technical experts, concludes the traffic that would be generated by the centre will not have any undue impact on the surrounding road network. The issue of oversupply of centres in the area is not an issue that should reasonably be considered by this panel.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Mayor Margaret Thomas and Deputy Mayor Kathy Ritchie (Local Government DAP Members, City of Kalamunda) left the panel at 10:25am.

Clayton Higham
Presiding Member, Metro Outer DAP



PART C – SHIRE OF SERPENTINE-JARRAHDAL

President Robert Coales and Cr Nathan Bishop (Local Government DAP Members, Shire of Serpentine-Jarrahdale) joined the panel at 10:26am.

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for services and responsible authority response in relation to Item 3.1, received on 9 January 2026 was published in Part C of the Related Information.

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 42 (19) Kiely Land, Hopeland - Proposed Fruit Packing and Distribution Centre and Associated Administration Facilities – DAP/25/02983

Deputations

Russell Delroy (Delroy Orchards/ Karnup Farms Pty Ltd) addressed the DAP in support of the application at Item 3.1.

Ben Norrish (Delroy Orchards/ Karnup Farms Pty Ltd) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Craig Wallace (Lavan Legal) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Peter Damen (Level 5 Design) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Murray Casselton (Element Advisory Oty Ltd/ part of SLR) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

The Shire of Serpentine-Jarrahdale addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

Clayton Higham
Presiding Member, Metro Outer DAP



SUBSTANTIVE MOTION

Moved by: Dale Page

Seconded by: Neema Premji

That the Metro Outer Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/25/02983 is appropriate for consideration as an “Industry - Rural” land use and compatible with the objectives of the zoning table in accordance with Clause 17 of the Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.
2. **Approve** DAP Application reference DAP/25/02983 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 3 of the Shire of Serpentine Jarrahdale Local Planning Scheme No. 3, subject to the following conditions:

Conditions

1. The development is to be carried out in compliance with the plans and documentation listed below except where amended by other conditions of this consent

Plans and Specifications	P1 - Development Plans received on 7 October 2025 P2 - Bushfire Management Plan received on 26 November 2025 P3 - Traffic Impact Statement received on 7 October 2025 P4 - Geotechnical Report received on 7 October 2025 P5 - Environmental Noise Assessment received on 7 October 2025 P6 - Operational Waste Management Plan received on 7 October 2025
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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. Operating hours are to be between the hours of 5am to 7pm, Monday to Sunday, and not at all on Public Holidays.
4. Prior to lodgement of a Building Permit, percent for art shall be provided to the satisfaction of the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.

Clayton Higham
Presiding Member, Metro Outer DAP



5. Prior to lodgement of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan should address the following matters:
 - a. Management of car parking delivery vehicles and traffic associated with the construction of the development.
 - b. Management of dust and noise.

Once approved, the Construction Management Plan shall be adhered to, to the satisfaction of the Shire of Serpentine Jarrahdale.

6. Prior to lodgement of a Building Permit, a 15% design plan showing intersection treatments to respective road areas is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The plan should address the following intersection treatments:
 - a. The intersection of Karnup Road and Kiely Lane is to have an Auxiliary Left Lane (AUL) and Channelised Right Turn (CHR) intersection treatments.
 - b. The proposed exit-only crossover on Karnup Road is to have a Simple Left Turn (SL) and Simple Right Turn (SR) intersection treatments.

Once approved, the intersection upgrades are to be undertaken by the applicant prior to commencement of operations.

7. Prior to the lodgement of a Building Permit, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscaping Plan must include:
 - Identification of vegetation proposed for removal and retention, together with details of offset planting.
 - Specification of vegetation modifications within the approved *Asset Protection Zone*, consistent with the Bushfire Management Plan by *Bushfire Prone Planning* dated 14 July 2025.
 - Demonstration of separation distances in accordance with *AS4970:2025 - Protection of Trees on Development Sites*.

Once approved, the Landscaping Plan shall be implemented prior to occupation and maintained thereafter.

8. Prior to occupation of the development; all vehicle parking, manoeuvring and circulation areas (including any pedestrian infrastructure) shall be suitably constructed, sealed (asphalt, concrete or brickpavers), drained, marked (including disabled bays) and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
9. Prior to occupation of the development, an effluent disposal system shall be approved and installed by the applicant to the satisfaction of the Shire of Serpentine Jarrahdale.
10. Prior to occupation of the development, the landowner is to make arrangements to the satisfaction of the Shire of Serpentine Jarrahdale for the construction of a sealed crossover between the public road and the private driveway.

Clayton Higham
Presiding Member, Metro Outer DAP



11. Prior to the occupation of the development, the clearance and maintenance of the *Asset Protection Zone*, the maintenance of the driveway, and the installation of the water supply in accordance with the Bushfire Management Plan (24-20715) prepared by Bushfire Smart and dated 24 January 2025 shall be adhered to, to the satisfaction of the Shire of Serpentine Jarrahdale.
12. Prior to occupation of the development, an Operational Noise Management Plan shall be submitted to and approved by the Shire. The Operational Noise Management Plan shall address the recommendations in relation to vehicular movements including waste collection trucks and mechanical plant selection and operational activities.
13. Prior to occupation of the development, a Mosquito Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale and thereafter implemented and maintained by the applicant.
14. Prior to the occupation of the development, all measures depicted within the Operational Waste Management Plan prepared by Delroy Orchards and dated 15 August 2025 shall be adhered to, to the satisfaction of the Shire of Serpentine Jarrahdale.
15. Prior to the lodgement of a Building Permit, a revised Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate:
 - That the storage requirement for rainfall events can cater for a 1% AEP (annual exceedance probability) while ensuring that the ground floor units, car parking area and traffic circulation areas do not flood.
 - The Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines to the satisfaction of the Shire.

Advice Notes

1. Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.
2. In accordance with *State Planning Policy 2.9 - Planning for Water*, the subject land is located within a sewage sensitive area. As this land is not connected to reticulated sewerage infrastructure, future development must adhere to the aforementioned policy, including the requirement for a secondary treatment system with nutrient removal and setback requirements, to protect the receiving environment.

Clayton Higham
Presiding Member, Metro Outer DAP



3. Under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless:
- It is undertaken under the authority of a clearing permit.
 - it is done after the person has received notice under Section 51DA(5) that a clearing permit is not required.
 - the clearing is subject to an exemption.

Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations).

AMENDING MOTION 1

Moved by: Dale Page

Seconded by: Neema Premji

That Condition No. 3 be amended to read as follows:

*Operating hours are to be between the hours of 5am to 7pm, ~~Monday to Sunday,~~
and not at all on Public Holidays.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Public Holidays are considered no different to Sundays in terms of potential impact. There is insufficient justification for restriction on Public Holiday operations.

AMENDING MOTION 2

Moved by: Dale Page

Seconded by: Neema Premji

That Condition No. 4 be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: There is no obvious planning rationale for public art to be a mandatory requirement of an appropriate development of a property that is located within the Rural Zone - public art is ordinarily associated with areas with more active urban settings.

Clayton Higham
Presiding Member, Metro Outer DAP



AMENDING MOTION 3

Moved by: Dale Page

Seconded by: Clayton Higham

That Condition No. 6 (now Condition No. 5) be amended to read as follows:

Prior to lodgement of a Building Permit, a 30% design plan showing intersection treatments to respective road areas is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The plan should address the following intersection treatments:

- a. *The intersection of Karnup Road and Kiely Lane is to have an Auxiliary Left Lane (AUL) and Channelised Right Turn (CHR) intersection treatments **or an alternative treatment that increases the safety of the right turn movement, to the satisfaction of the Shire of Serpentine-Jarrahdale.***
- b. *The proposed exit-only crossover on Karnup Road is to have a Simple Left Turn (SL) and Simple Right Turn (SR) intersection treatments.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: There are different technical views on the most appropriate right turn movement into the site. The additional wording will allow the Shire and the applicant to discuss and agree the data and assumptions underlying the traffic modelling and to explore which treatment is most suitable (proposed under condition or suggested by applicant) or an alternative solution that enhances the safety of the right turn movement. Increasing the level of design completion will ensure the parties will have a better understanding of the final design and likely costs if any.

AMENDING MOTION 4

Moved by: Dale Page

Seconded by: Clayton Higham

That Condition No. 15 (now Condition No. 14) be amended to read as follows:

Prior to the lodgement of a Building Permit, a revised Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate:

- *That the storage requirement for rainfall events can cater for a 1% AEP (annual exceedance probability) while ensuring that the ~~ground floor units~~ **packing shed and office**, car parking area and traffic circulation areas do not flood.*
- *The Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines to the satisfaction of the Shire.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: There are no ground floor units associated with the proposal and the amended wording more accurately describes the development being considered.

Clayton Higham
Presiding Member, Metro Outer DAP



SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Outer Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/25/02983 is appropriate for consideration as an “Industry - Rural” land use and compatible with the objectives of the zoning table in accordance with Clause 17 of the Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.
2. **Approve** DAP Application reference DAP/25/02983 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 3 of the Shire of Serpentine Jarrahdale Local Planning Scheme No. 3, subject to the following conditions:

Conditions

1. The development is to be carried out in compliance with the plans and documentation listed below except where amended by other conditions of this consent

Plans and Specifications	P1 - Development Plans received on 7 October 2025 P2 - Bushfire Management Plan received on 26 November 2025 P3 - Traffic Impact Statement received on 7 October 2025 P4 - Geotechnical Report received on 7 October 2025 P5 - Environmental Noise Assessment received on 7 October 2025 P6 - Operational Waste Management Plan received on 7 October 2025
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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. Operating hours are to be between the hours of 5am to 7pm.
4. Prior to lodgement of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan should address the following matters:
 - a. Management of car parking delivery vehicles and traffic associated with the construction of the development.
 - b. Management of dust and noise.

Once approved, the Construction Management Plan shall be adhered to, to the satisfaction of the Shire of Serpentine Jarrahdale.

Clayton Higham
Presiding Member, Metro Outer DAP



5. Prior to lodgement of a Building Permit, a 30% design plan showing intersection treatments to respective road areas is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The plan should address the following intersection treatments:
 - a. The intersection of Karnup Road and Kiely Lane is to have an Auxiliary Left Lane (AUL) and Channelised Right Turn (CHR) intersection treatments or an alternative treatment that increases the safety of the right turn movement, to the satisfaction of the Shire of Serpentine-Jarrahdale.
 - b. The proposed exit-only crossover on Karnup Road is to have a Simple Left Turn (SL) and Simple Right Turn (SR) intersection treatments.

Once approved, the intersection upgrades are to be undertaken by the applicant prior to commencement of operations.

6. Prior to the lodgement of a Building Permit, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscaping Plan must include:
 - Identification of vegetation proposed for removal and retention, together with details of offset planting.
 - Specification of vegetation modifications within the approved *Asset Protection Zone*, consistent with the Bushfire Management Plan by *Bushfire Prone Planning* dated 14 July 2025.
 - Demonstration of separation distances in accordance with *AS4970:2025 - Protection of Trees on Development Sites*.

Once approved, the Landscaping Plan shall be implemented prior to occupation and maintained thereafter.

7. Prior to occupation of the development; all vehicle parking, manoeuvring and circulation areas (including any pedestrian infrastructure) shall be suitably constructed, sealed (asphalt, concrete or brickpavers), drained, marked (including disabled bays) and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
8. Prior to occupation of the development, an effluent disposal system shall be approved and installed by the applicant to the satisfaction of the Shire of Serpentine Jarrahdale.
9. Prior to occupation of the development, the landowner is to make arrangements to the satisfaction of the Shire of Serpentine Jarrahdale for the construction of a sealed crossover between the public road and the private driveway.
10. Prior to the occupation of the development, the clearance and maintenance of the *Asset Protection Zone*, the maintenance of the driveway, and the installation of the water supply in accordance with the Bushfire Management Plan (24-20715) prepared by Bushfire Smart and dated 24 January 2025 shall be adhered to, to the satisfaction of the Shire of Serpentine Jarrahdale.

Clayton Higham
Presiding Member, Metro Outer DAP



11. Prior to occupation of the development, an Operational Noise Management Plan shall be submitted to and approved by the Shire. The Operational Noise Management Plan shall address the recommendations in relation to vehicular movements including waste collection trucks and mechanical plant selection and operational activities.
12. Prior to occupation of the development, a Mosquito Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale and thereafter implemented and maintained by the applicant.
13. Prior to the occupation of the development, all measures depicted within the Operational Waste Management Plan prepared by Delroy Orchards and dated 15 August 2025 shall be adhered to, to the satisfaction of the Shire of Serpentine Jarrahdale.
14. Prior to the lodgement of a Building Permit, a revised Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate:
 - That the storage requirement for rainfall events can cater for a 1% AEP (annual exceedance probability) while ensuring that the packing shed and office, car parking area and traffic circulation areas do not flood.
 - The Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines to the satisfaction of the Shire.

Advice Notes

1. Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.
2. In accordance with *State Planning Policy 2.9 - Planning for Water*, the subject land is located within a sewage sensitive area. As this land is not connected to reticulated sewerage infrastructure, future development must adhere to the aforementioned policy, including the requirement for a secondary treatment system with nutrient removal and setback requirements, to protect the receiving environment.
3. Under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless:
 - It is undertaken under the authority of a clearing permit.
 - it is done after the person has received notice under Section 51DA(5) that a clearing permit is not required.
 - the clearing is subject to an exemption.

Clayton Higham
Presiding Member, Metro Outer DAP



Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations).

The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.

REASON: Although a Discretionary Use under the scheme, the panel considered the proposal meet the zone objectives, other applicable requirements of the planning scheme and relevant planning policies and fits well with the existing uses on site, including cattle grazing, which the panel noted will be an ongoing use of the site. There are some sensitive receptors nearby the site, but the panel was satisfied, from the information provided with the report, that compliance with the Noise Regs can be achieved and that the Operational Noise Management Plan required as a condition of approval, will ensure this is the case. There was a concern raised about traffic safety as part of public consultation on the proposal, but the panel had some concerns over the different proposed solutions based on the data available. The panel was confident that the applicant and the Shire officers could confer and agree on the data set to be used and a solution that satisfied the need to ensure a safe right turn into the development at Keily Lane.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil

Clayton Higham
Presiding Member, Metro Outer DAP



PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

Nil

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:47am.

A handwritten signature in black ink, appearing to read 'Clayton'.

Clayton Higham
Presiding Member, Metro Outer DAP