



## **Metro East Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** 8 April 2020; 10:00am  
**Meeting Number:** MEJDAP/237  
**Meeting Venue:** via electronic means.

*This DAP meeting was conducted by electronic means open to the public rather than requiring attendance in person.*

### **Attendance**

#### **DAP Members**

Mr Ian Birch (Presiding Member)  
Ms Kym Petani (Deputy Presiding Member)  
Mr Dominic Snellgrove (A/Specialist Member)  
Cr David Goode (Local Government Member, City of Gosnells)  
Cr Julie Brown (Local Government Member, City of Gosnells)

#### **Officers in attendance**

Mr Andrew Lefort (City of Gosnells)  
Mr Richard Curtis (City of Gosnells)  
Ms Kelly McGowan (City of Gosnells)

#### **Minute Secretary**

Ms Megan Ventris (DAP Secretariat)  
Mr Philip Goodwin (DAP Secretariat)

#### **Applicants and Submitters**

Mr Ian Beacham (Delapre Securities)  
Mr Paul Van Der Moezel (PGV Environmental)

#### **Members of the Public / Media**

Nil

### **1. Declaration of Opening**

The Presiding Member declared the meeting open at 10:02 on 8 April 2020 and acknowledged the traditional owners and pay respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.



In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

**2. Apologies**

Mr Peter McNab (Specialist Member)

**3. Members on Leave of Absence**

Nil

**4. Noting of Minutes**

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

**5. Declaration of Due Consideration**

All members declared that they had duly considered the documents.

**6. Disclosure of Interests**

DAP Member, Ms Kym Petani, declared an Impartiality Interest in item no. 8.1. GHD has been engaged by the City of Gosnells to undertake contract administration for a bridge refurbishment. Ms Petani is also an employee and shareholder in GHD.

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in discussion and voting on the items.

**7. Deputations and Presentations**

**7.1** Mr Paul Van Der Moezel (PGV Environmental) and Mr Ian Beacham (Delapre Soutions) addressed the DAP and responded to questions from the panel.

**7.2** Mr Andrew Lefort (City of Gosnells) addressed the DAP and responded to questions from the panel.

**PROCEDURAL MOTION**

**Moved by:** Cr Julie Brown

**Seconded by:** Nil

That the consideration of DAP Application DAP/20/01745 be deferred for 60 days, in accordance with section 5.10.1a of the DAP Standing Orders 2017, for the following reasons:

**The Procedural Motion was put and lapsed for want of a Secunder.**

**PROCEDURAL MOTION**

**Moved by:** Cr David Goode

**Seconded by:** Ms Kym Petani



That the Standing Orders be suspended in accordance with section 5.10.2h of the DAP Standing Orders 2017 to allow members to speak more than once on the same item and continue further discussion on the Alternate recommendation.

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

**REASON:** To discuss revision of wording and intent of conditions 9 and 13 in the Alternate recommendation provided by the City of Gosnells administration.

*The Standing Order was suspended at 11:26am.*

*The Standing Order was reinstated at 11:33am.*

**8. Form 1 – Responsible Authority Reports – DAP Application**

8.1 Property Location:	52 (Lot 105) 58 (Lot 103) 62 (Lot 101) 64 (Lot 23) and Lot 107 Clifford Street, Maddington
Development Description:	Warehouse and Office
Applicant:	Delapre Securities
Owner:	Delapre Securities
Responsible Authority:	City of Gosnells
DAP File No:	DAP/20/01745

**REPORT RECOMMENDATION**

**Moved by:** Nil

**Seconded by:** Nil

That the Metro-East JDAP resolves to:

1. **Refuse** DAP Application reference DAP/20/1745 and accompanying plans in accordance with the City of Gosnells Town Planning Scheme No. 6 and Clause 68(2)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* - Schedule 2 - Deemed Provisions, for the following reasons:

**Reasons**

1. Approval of the proposal will prejudice implementation of the Maddington Kenwick Strategic Employment Area draft Structure Plan (Precinct One) as it fails to adequately consider buffers associated with a conservation category wetland (CCW) and threatened ecological communities (TEC).
2. The application fails to demonstrate adequate bushfire management as it does not satisfy the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone Areas.
3. Approval of the proposal would not constitute orderly and proper planning and is therefore inconsistent with the aims of Town Planning Scheme No.6 contained in Clause 1.6 (d).
4. The proposal has not adequately demonstrated that the use and development of the site will not result in significant adverse impacts on the physical environment and is therefore inconsistent with the aims of Town Planning Scheme No.6 contained in Clause 1.6 (g).

**The Report Recommendation LAPSED for want of a Mover and a Seconder.**



## ALTERNATE MOTION

**Moved by:** Cr David Goode

**Seconded by:** Mr Dominic Snellgrove

With the Approval of the Mover and Seconder, the following Amendments were made to the alternate motion provided by city officers:

- (i) That condition no. 9 be amended to read as follows:

~~An Environmental Management Plan (EMP) shall be submitted to and approved by the City of Gosnells in consultation with the Department of Biodiversity, Conservation and Attractions and shall include the following detail:~~

- ~~(i) An environmental investigation that outlines the potential impact of the development on the Threatened Ecological Community (TEC) and Conservation Category Wetland (CCW) buffers on Lots 23 and 107 Clifford Street, respectively. The findings of the study are to be used to determine appropriate buffer distances and identify mitigation measures to ensure protection of the TEC and CCW;~~
- ~~(ii) A wetland assessment undertaken on the CCW located adjacent to lot 107 Clifford Street. The outcomes of this assessment may have implications in regard to the management and mitigation of impacts from the development; and~~
- ~~(iii) A plan detailing interface treatments abutting the development site and other proposed mitigation measures in accordance with the findings of the required environmental studies;~~
- ~~(iv) If required by (i), (ii) and (iii) above, a revegetation plan for the abovementioned buffers with appropriate native species; and~~
- ~~(v) Measures being taken to ensure that no vegetation within Bush Forever Site No. 53 (adjacent to Lot 107) is removed or disturbed during development works, including any secondary impacts from works to provide service infrastructure and drainage to implement the approved plan.~~

~~The EMP and its recommendations shall be implemented prior to occupation of the development and maintained thereafter to the satisfaction of the City of Gosnells.~~

***Prior to the commencement of works a bushland and wetland management plan is to be prepared (as appropriate) to identify and address the protection and management of Bush Forever Site 53 and the threatened ecological community on Lots 15 and 50 Victoria Road, and thereafter implemented to the satisfaction of the City on advice from the Department of Biodiversity, Conservation and Attractions.***

- (ii) That condition no. 13 be amended to read as follows:

*All road widening as **may be** required by the Maddington Kenwick Strategic Employment Area Precinct 1 Structure Plan **as finalised**, to be ceded free of cost to the Crown, to the satisfaction of the City of Gosnells.*

That the Metro-East Joint Development Assessment Panel (JDAP) resolves to:

**Approve** DAP Application reference DAP/20/01745 and accompanying plans dated September 2019 (as provided within Attachment 2 of the Responsible Authority Report) subject to the following conditions:



**Conditions to be satisfied prior to lodgement of a Building Permit application:**

1. A Landscape Plan for the development site and the adjoining road verge(s) is to be submitted and approved to the satisfaction of the City of Gosnells. The following details are to be included:
  - (i) Landscape treatments such as lawn, mulch areas, paving and bin collection areas
  - (ii) The location, species, quantity and pot size of proposed trees and shrubs.
  - (iii) Areas to be irrigated.
2. Arrangements being made to the satisfaction of the City of Gosnells for Lots 23, 101, 103, 105 and 107 Clifford Street, Maddington to be amalgamated prior to occupation of the development.
3. A Bushfire Management Plan and Emergency Evacuation Plan shall be prepared in accordance with State Planning Policy 3.7 - Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas, endorsed by the City of Gosnells in consultation with the Department of Fire and Emergency Services, and thereafter implemented to the satisfaction of the City of Gosnells.
4. A Traffic Impact Assessment shall be prepared in accordance with the Western Australian Planning Commission's Transport Assessment Guidelines and the Austroads Guide (Part 6: Road Safety Audit), submitted and any recommendations thereafter implemented to the satisfaction of the City of Gosnells.
5. A geotechnical report is to be submitted, detailing site conditions with respect to soil, groundwater and stormwater disposal, to the satisfaction of the City of Gosnells. The geotechnical report is to include certification from a geotechnical engineer that the site has been filled with clean, uncontaminated, free draining sand fill.
6. The applicant shall submit a drainage design, prescribing a functional drainage system, including detailed engineering drawings, and necessary technical information to demonstrate functionality of the design. The design is to be endorsed prior to the lodgement of a Building Permit application and thereafter implemented to the satisfaction of the City of Gosnells.
7. A schedule of the external materials, finishes and colours shall be submitted to and approved by the City of Gosnells prior to the lodgement of a Building Permit Application. The approved schedule shall be maintained thereafter to the satisfaction of the City of Gosnells.
8. A Waste Management Plan is to be submitted to and approved by the satisfaction of the City of Gosnells and shall include the following detail:
  - (i) The location of bin storage areas and bin collection areas;
  - (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;
  - (iv) Frequency of bin collections; and



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

**Condition to be satisfied prior to commencement of works:**

9. Prior to the commencement of works a bushland and wetland management plan is to be prepared (as appropriate) to identify and address the protection and management of Bush Forever Site 53 and the threatened ecological community on Lots 15 and 50 Victoria Road, and thereafter implemented to the satisfaction of the City on advice from the Department of Biodiversity, Conservation and Attractions.

**Conditions to be satisfied prior to occupancy of buildings:**

10. The landscaping and irrigation of the development site and the adjoining verges is to be installed in accordance with the approved landscape plan and thereafter maintained to the satisfaction of the City of Gosnells.
11. A notification under section 70A of the Transfer of Land Act 1893 must be registered over the Certificate of Title of the subject lot(s) to notify owners and prospective purchasers of the land of the factor affecting the use of the land. The notification is to be prepared and executed at the applicant's cost to the satisfaction of the City of Gosnells and is to state as follows:

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

12. Arrangements being made with the Water Corporation for provision of a reticulated sewer service to the approved development.
13. All road widening as may be required by the Maddington Kenwick Strategic Employment Area Precinct 1 Structure Plan as finalised, to be ceded free of cost to the Crown, to the satisfaction of the City of Gosnells.
14. All crossovers are to be located and constructed to the satisfaction of the City of Gosnells.
15. All hardstand, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line-marked and kerbed in accordance with:
- i) The approved plans;
  - ii) Australian/New Zealand Standard AS/NZS 2890.1:2004, Part 1: Off-street car parking (for User Class 1A);
  - iii) Australian/New Zealand Standard AS/NZS 2890.6:2009, Part 6: Off-street parking for people with disabilities;
  - iv) Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access-New building work (by providing a link to the main entrance of the development by a continuous accessible path of travel)
  - v) Council's engineering requirements and design guidelines.

The hardstand and car parking area shall be maintained to the satisfaction of the City of Gosnells for the duration of the development.



**Conditions to be satisfied for the life of the development:**

16. The car parking area and landscaping located in the front setback area shall not be used for the storage of motor vehicles, machinery, equipment or materials which are being wrecked or repaired, or for the stacking or storing of fuel, raw materials, products or by products or wastes of manufacture, in accordance with Town Planning Scheme No. 6, for the duration of the development.

**Advice notes**

1. You are advised of the need to apply for a Building Permit from the City's Building Services Branch prior to the commencement of work. In this regard, your attention is drawn to the requirements of the Building Code of Australia and the *Building Act 2011*.
2. Your attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the Building Permit application identifying means of access from car parking areas to the entrance of the building and throughout the building, as required by AS1428.1.
3. An Occupancy Permit is to be applied for and issued by the Local Authority (Permit Authority) prior to occupation of the building or part thereof. For a new building, a Certificate of Construction Compliance (BA17) is to be provided with the application for it to be valid. For an existing building, a Certificate of Building Compliance (BA18) is to be provided with the application for it to be valid.
4. Your attention is drawn to requirements for sanitary conveniences to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1. For further details please contact the City of Gosnells' Building Services Branch.
5. This approval does not relate to any signage, with a separate application to be lodged and approved by the City of Gosnells.
6. The development is to comply with the Environmental Protection (Noise) Regulations 1997
7. With respect to the Drainage Plan, it should be noted that a maximum stormwater runoff coefficient equivalent to pre-development levels and/or in accordance with an existing Urban Water Management Plan approved for the development area shall be applied to calculate the critical permissible site discharge (PSD) from the development. This PSD shall not be exceeded in all storm events up to the 1 in 20 year Average Recurrence Interval. All excess stormwater shall be detained and/or infiltrated on-site through suitable structural means.
8. Your attention is drawn to the following to minimise the impact of development works:
  - (i) All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436 1981. For further details please contact the Department of Water and Environment Regulation.
  - (ii) Development work shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.



- (iii) Development work shall comply in all respects with the *Environmental Protection (Noise) Regulations 1997*.

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

**REASON:** Having regard for previous approvals issued for the site, including a clearing permit issued by the Department of Water and Environmental Regulation, for the clearing of vegetation on the land as well as evidence provided by the applicant’s environmental consultant, it was not apparent that there is a strong and clear argument for further environmental assessment or imposition of buffers over the subject site.

It was further noted that the draft Structure Plan for the area while forwarded to the WAPC in August 2019 for final approval has not, to date, been finalised. The need for the environmental buffers has not, therefore, been endorsed and confirmed through the structure planning process. Accordingly, the panel were of the view that little weight could be given to the structure plan in relation to this matter, particularly in light of the previous statutory approvals issued.

The Panel did, however, consider that there was merit in amending Condition 9 to ensure that any adverse impacts, arising from the development of the land, on the neighbouring environmentally sensitive areas are appropriately mitigated.

**9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval**

Nil

**10. Appeals to the State Administrative Tribunal**

The Presiding Member noted the following State Administrative Tribunal Applications –

Current SAT Applications		
LG Name	Property Location	Application Description
City of Gosnells	Lot 11 Southern River Road, Southern River	Development of Shopping Centre
City of Armadale	Lot 9007 (76) Southampton Drive, Piara Waters	Lifestyle Village (Piara Waters Lifestyle Village)
City of Swan	Lot 357 (227) Morrison Road, Midvale	Neighbourhood Centre (Shop, Consulting Rooms, Recreation – Private, Fast Food Outlet, Convenience Store)

**11. General Business / Meeting Close**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

There being no further business, the Presiding Member declared the meeting closed at 11:37am.