



Metro East Joint Development Assessment Panel Minutes

Meeting Date and Time: 18 February 2020, 1:00 PM
Meeting Number: MEJDAP/230
Meeting Venue: City of Swan Council Chambers
Midland Town Hall
312 Great Eastern Highway
Midland

Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Kym Petani (Deputy Presiding Member)
Mr Peter McNab (Specialist Member)
Cr Kevin Bailey (Local Government Member, City of Swan)
Cr Rod Henderson (Local Government Member, City of Swan))

Officers in attendance

Mr Philip Russell (City of Swan)

Minute Secretary

Ms Debbie Crawford (City of Swan)

Applicants and Submitters

Item 8.1

Mr Lewis Shugar (element)
Mr Trevor Williams (WesTrac)
Mr Karim Yngstrom (NS Projects)

Item 8.2

Ms Kareena May (SITE Planning & Design)
Mr Aaron McNish (GTA Consultants)

Members of the Public / Media

Nil

1. Declaration of Opening

The Presiding Member declared the meeting open at 1.00pm on 18 February 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*.

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.', the meeting would not be recorded.

2. Apologies

Nil

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 8.1 and 8.2. Ms Kym Petani is an employee and shareholder in GHD. GHD have been engaged by the City of Swan to undertake a design of safety barrier at Millhouse Road/West Swan Road, pavement assessment within City of Swan, traffic and road safety assessment for 3 intersections, bridge inspection, preparation of documentation for infrastructure requirements associated with Midland Oval Redesign and refurbishment of the City of Swan's operation building.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr Lewis Shugar (element), Mr Trevor Williams (WesTrac) and Mr Karim Yngstrom (NS Projects) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

The presentation at Item 7.1 was heard prior to the application at Item 8.1.

7.2 Mr Aaron McNish (GTA Consultants) addressed the DAP in support of the application at Item 8.2 and responded to questions from the panel.



7.3 Ms Kareena May (SITE Planning + Design) addressed the DAP in support of the application at Item 8.2 and responded to questions from the panel.

7.4 Mr Philip Russell (City of Swan) responded to questions from the panel.

The presentations at Items 7.2 - 7.3 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Property Location:	Lot 900 (128-142) Great Eastern Highway SOUTH GUILDFORD
Development Description:	Building demolition, extension to industrial workshops and provision of new amenities, modifications to site car parking and other ancillary works
Applicant:	David Read and Lewis Sugar on behalf of element
Owner:	Gallop Australian Sub TC Pty Ltd atf Gallop South Guildford Trust
Responsible Authority:	DA-695/2019
DAP File No:	DAP/19/01698

REPORT RECOMMENDATION

Moved by: Cr Kevin Bailey

Seconded by: Cr Rod Henderson

With the approval of the mover and seconder the substance of two Advice Notes provided by Main Roads Western Australia are to be included in the Recommendation as Advice Note No.1 and Advice Note No.2.

REASON: It was considered that these Advice Notes should be added as Main Roads had suggested and that they provided relevant context to the approval.

REPORT RECOMMENDATION

That the Metro East resolves to:

1. **Approve** DAP Application reference DAP/19/01698 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 the Clause 10.3 of the City of Swan Planning Scheme No. 17, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

Conditions

1. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.



2. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
3. All crossovers must be built and maintained in accordance with the City's specifications.
4. A minimum of 3 car bays shall be constructed prior to use of the approved development to the satisfaction of the City and maintained thereafter.
5. Fencing of the property along the Great Eastern Highway frontage must be installed along or within the surveyed boundary alignment of Lot 900.
6. All existing hardstand, fencing, lighting, signage and any other infrastructure etc within the road widening formerly part of the subject property and/or the Great Eastern Highway road reserve must be removed and that area reinstated to the satisfaction of the City.
7. Suitable arrangements being made for the connection of the land to the comprehensive district drainage system at the landowner/developer's cost. The contribution amount is based on the additional roof area of 1398m² to the satisfaction of the City of Swan in accordance with the City of Swan Local Planning Policy POL-C-096 'Guildford & South Guildford District Drainage and Development Fund'. This fee is to contribute towards the upgrade and supply of an adequate drainage service within the area. Payment must be made prior to the issuance of a building permit or prior to any work commencing on the site (at the earliest instance).

Advice Notes

1. The applicant must obtain approval from Main Roads before any work is undertaken with the Great Eastern Highway road reserve. The applicant seeking access to the Main Roads network will be required to submit an application as outlined in the "Procedure for seeking approval to undertake works within the road reserve" for State Roads.
2. The current planning design concept for this section of Great Eastern Highway illustrates that the ultimate carriageway pattern depicts that there will be a solid median constructed which will limit the turn movements on Great Eastern Highway to left in/left out only.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: In accordance with details contained in the Responsible Authority Report.

8.2 Property Location: Lots 11, 152 and 153 Talbot Road Hazelmere
Development Description: Industrial Warehouse and ancillary uses
Applicant: SITE Planning + Design
Owner: Perpetual Corporate Trust Ltd ATF LALV
Hazelmere Trust No.1
Responsible Authority: DA-711/2019
DAP File No: DAP/19/01702



REPORT RECOMMENDATION

Moved by: Ms Kym Petani

Seconded by: Cr Kevin Bailey

With the approval of the mover and seconder the reference to Lot numbers in the preamble of the report is to be amended to read Lots 11, 152 and 153 Talbot Road, Hazelmere.

REASON: This more accurately describes the parcels of land the subject of the approval and which were shown on the plans.

That the Metro-East JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/0172 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 10.3 of the City of Swan Local Planning Scheme No.17, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme for the proposed Warehouse on Lots 11, 152 and 153 Talbot Road, Hazelmere subject to the following conditions:

Conditions

1. The approved Warehouse must comply in all respects with the attached approved plans, as dated, marked and stamped together with any requirements and annotations detailed thereon by the City of Swan. The plans approved form part of the development approval issued.
2. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
3. Vehicles ingress and egress shall be in accordance with the approved plan.
4. All crossovers must be built and maintained in accordance with the City's specifications.
5. No more than 100 employees are to be onsite at any one time.
6. A total of 150 car spaces and 14 truck spaces shall be constructed prior to use of the approved development to the satisfaction of the City and maintained thereafter.
7. Vehicle parking areas, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City, in accordance with the approved plans.
8. Car parking bays and areas designated for landscaping shall not be used for the storage, display or selling of any goods or vehicles whatsoever.
9. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.



10. The approved landscaping plan and reticulation plan must be fully implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the City of Swan.
11. Prior to the issuing of a building permit, the owner is to comply with the City of Swan Provision of Public Art Policy POL-LP-1.10 through the contribution of a sum of 1% of the total construction value towards public art being either:
 - a. Payment to the City the sum of the 1% cash-in-lie amount. This must be paid to the City prior to the date specified in an invoice issued by the City, or prior to the issuance of the building permit for the development the subject of the approval, whichever occurs first; or
 - b. The provision of public art on site to a minimum value of the \$195, 000 contribution amount. Please note in providing the public art;
 - i. The owner(s) or applicant on behalf of the owner(s) must seek approval from the City for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-C-142 Public Art and the Developers' Handbook for Public Art (as amended). The City may apply further conditions regard the proposed public art;
 - ii. No part of the development may be occupied or used unless the Public Art has been installed in accordance with the approval granted by the City; and
 - iii. The Public Art approved must be maintained in compliance with the conditions of approval for the public art proposal to the satisfaction of the City.

AMENDING MOTION 1:

Moved by: Cr Rod Henderson

Seconded by: Nil

That Condition 11 be deleted.

The Amending Motion LAPSED for want of a seconder.

AMENDING MOTION 2:

Moved by: Mr Peter McNab

Seconded by: Ms Kym Petani

That Condition 9 be amended to read as follows:

*All stormwater ~~must~~ **is to be collected and contained** ~~contained and disposed of on-site at all times.~~ **Discharge to the City's stormwater network within Talbot Rd is to be limited via a flow restricted connection. Stormwater drainage plans and connection details are to be included within submission of the Building Permit Application, to the satisfaction of the City of Swan.***



The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide more certainty as to the requirements for stormwater collection and disposal.

AMENDING MOTION 3

Moved by: Mr Ian Birch

Seconded by: Cr Kevin Bailey

That Condition 11 be amended to read as follows:

11. ~~Prior to the issuing of a building permit, t~~ The owner is to comply with the City of Swan Provision of Public Art Policy POL-LP-1.10 through the contribution of a sum of 1% of the total construction value towards public art being either:
- i. Payment to the City the sum of the 1% cash-in-lie amount. This must be paid to the City prior to the date specified in an invoice issued by the City, or prior to the issuance of the building permit for the development the subject of the approval, whichever occurs first; or
 - ii. ~~The provision of public art on site to a minimum value of the \$195,000 contribution amount.~~ ***Making arrangements to the satisfaction of the City of Swan in accordance with the City of Swan Provision of Public Art Policy (POL-LP-1-10) for the provision of public art on site to a minimum value of 1% of the construction cost of the development.***

If the election is:

Option 1 *Payment to the City of the sum of the 1% cash-in-lieu amount. This must be paid to the City prior to the date specified in an invoice issued by the City, or prior to the issuance of a building permit for the development the subject of the approval, whichever occurs first; or*

Option 2 *The provision of the public art on site to a minimum value of the \$195,000 contribution amount.*

Please note in providing the public art;

- i. The owner(s) or applicant on behalf of the owner(s) must seek approval from the City for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-C-142 Public Art and the Developers' Handbook for Public Art (as amended). The City may apply further conditions regard the proposed public art;
- ii. No part of the development may be occupied or used unless the Public Art has been installed in accordance with the approval granted by the City; and
- iii. The Public Art approved must be maintained in compliance with the conditions of approval for the public art proposal to the satisfaction of the City.



The Amending Motion was put and CARRIED (4/1)

For: Mr Ian Birch
Ms Kym Petani
Mr Peter McNab
Cr Kevin Bailey

Against: Cr Rod Henderson

REASON: To clarify the manner in which the intent of the condition is to be met.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro-East JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/0172 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 10.3 of the City of Swan Local Planning Scheme No.17, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme for the proposed Warehouse on Lots 11, 152 and 153 Talbot Road, Hazelmere subject to the following conditions:

Conditions

1. The approved Warehouse must comply in all respects with the attached approved plans, as dated, marked and stamped together with any requirements and annotations detailed thereon by the City of Swan. The plans approved form part of the development approval issued.
2. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
3. Vehicles ingress and egress shall be in accordance with the approved plan.
4. All crossovers must be built and maintained in accordance with the City's specifications.
5. No more than 100 employees are to be onsite at any one time.
6. A total of 150 car spaces and 14 truck spaces shall be constructed prior to use of the approved development to the satisfaction of the City and maintained thereafter.
7. Vehicle parking areas, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City, in accordance with the approved plans.
8. Car parking bays and areas designated for landscaping shall not be used for the storage, display or selling of any goods or vehicles whatsoever.



9. All stormwater is to be collected and detained on-site. Discharge to the City's stormwater network within Talbot Rd is to be limited via a flow restricted connection. Stormwater drainage plans and connection details are to be included within submission of the Building Permit Application, to the satisfaction of the City of Swan.
10. The approved landscaping plan and reticulation plan must be fully implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the City of Swan.
11. The owner is to comply with the City of Swan Provision of Public Art Policy POL-LP-1.10 through the contribution of a sum of 1% of the total construction value towards public art being either:
 1. Payment to the City the sum of the 1% cash-in-lieu amount. This must be paid to the City prior to the date specified in an invoice issued by the City, or prior to the issuance of the building permit for the development the subject of the approval, whichever occurs first; or
 2. Making arrangements to the satisfaction of the City of Swan in accordance with the City of Swan Provision of Public Art Policy (POL-LP-1-10) for the provision of public art on site to a minimum value of 1% of the construction cost of the development.

If the election is:

- Option 1 Payment to the City the sum of the 1% cash-in-lieu amount. This must be paid to the City prior to the date specified in an invoice issued by the City, or prior to the issuance of a building permit for the development the subject of the approval, whichever occurs first; or
- Option 2 The provision of the public art on site to a minimum value of the \$195,000 contribution amount.

Please note in providing the public art;

- i. The owner(s) or applicant on behalf of the owner(s) must seek approval from the City for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-C-142 Public Art and the Developers' Handbook for Public Art (as amended). The City may apply further conditions regard the proposed public art;
- ii. No part of the development may be occupied or used unless the Public Art has been installed in accordance with the approval granted by the City; and
- iii. The Public Art approved must be maintained in compliance with the conditions of approval for the public art proposal to the satisfaction of the City.



The Amending Motion was put and CARRIED (4/1)

For: Mr Ian Birch
Ms Kym Petani
Mr Peter McNab
Cr Kevin Bailey

Against: Cr Rod Henderson

REASON: In accordance with details contained in the Responsible Authority Report and adopted amendments.

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

Nil

10. Appeals to the State Administrative Tribunal

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 Swan	Lot 357 (227) Morrison Road, Midvale	Proposed Shopping Centre, Service Station, Consulting Rooms, Recreation – Private and Fast Food Outlet
City of Kalamunda	Lot 200 (584) Kalamunda Road, High Wycombe	Proposed Storage and Hardstand Development
City of Armadale	Lot 9007 (76) Southampton Drive, Piara Waters	Lifestyle Village (Piara Waters Lifestyle Village)
City of Swan	Lot 121 (3241) Great Northern Highway, Bullsbrook	Transport Depot, Warehouse, Storage & Incidental Office

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 1.42pm.