



Metro East Joint Development Assessment Panel Minutes

Meeting Date and Time: 22 January 2020, 10:30 AM
Meeting Number: MEJDAP/227
Meeting Venue: City of Gosnells
2120 Albany Highway
Gosnells

Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Kym Petani (Deputy Presiding Member)
Mr Peter McNab (Specialist Member)
Cr Julie Brown (Local Government Member, City of Gosnells)
Cr David Goode (Local Government Member, City of Gosnells)

Officers in attendance

Ms Donna Shaw (City of Gosnells)
Mr Richard Curtis (City of Gosnells)
Ms Frances Page-Croft (Western Australia Planning Commission)
Mr Justin Breeze (Western Australia Planning Commission)
Mr Tim Hillyard (Western Australia Planning Commission)
Mr Zeljko Zagorac (Main Roads WA)
Mr Andrew Layton (Main Roads WA)

Minute Secretary

Ms Caroline Clark (City of Gosnells)

Applicants and Submitters

Mr Matt Raymond (element)
Mr Jackson Parker (DFES)
Mr Andrew Stephens (Bunnings)
Mr Jason Eden (Bunnings)
Mr Scott Lambie (Cardno)
Mr Michael Hoglin (Water Corporation)
Mr Daniel Lawrence (Water Corporation)
Mr Alan and Mrs Helen Wall
Mr Greg Comiskey (Department of Biodiversity, Conservation and Attractions
Department of Parks and Wildlife)

Members of the Public / Media

There were 9 members of the public in attendance.



1. Declaration of Opening

The Presiding Member declared the meeting open at 10:30am on 22 January 2020, 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 the meeting is being audio recorded 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

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 Ms Kym Petani is an employee and shareholder in GHD who has been engaged by the City of Gosnells to undertake contract administration for a bridge refurbishment.

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 permitted to participate in the discussion and voting on the items.

7. Deputations and Presentations

7.1 Mr Alan and Mrs Helen Wall addressed the DAP in against the application at Item No. item 8.1.

7.2 Mr Jackson Parker (Department of Fire & Emergency Services) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.



- 7.3** Mr Greg Comiskey (Department of Biodiversity, Conservation and Attractions, Department of Parks and Wildlife) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.4** Mr Zeljko Zagorac and Mr Andrew Layton (Main Roads WA) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.5** Mr Michael Hoglin (Water Corporation) addressed the DAP in relation to the application at item 8.1 and responded to questions from the panel.
- 7.6** Mr Matt Raymond (element) addressed the DAP in relation to the application at Item 8.1 and together with Mr Mike Scott (Bushfire Prone Planning) responded to questions from the panel.
- 7.7** Mr Scott Lambie (Cardno) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.8** Mr Jason Eden (Bunnings) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.9** The City of Gosnells and Western Australian Planning Commission addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

PROCEDURAL MOTION

Moved by: Ms Kym Petani

Seconded by: Mr Ian Birch

That the meeting be adjourned for a period of 15 minutes to allow for a comfort break.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

The meeting was adjourned at 12.15pm.

The meeting was reconvened at 12.35pm.

8. Form 1 – Responsible Authority Reports – DAP Applications

- 8.1a** Property Location: Lots 3, 4, 17, 21, 42, 201 & 500 Albany Highway, Maddington
- Development Description: Bunnings Warehouse
- Applicant: Element
- Owner: Bunnings Properties Pty Ltd, Goswell Investments Pty Ltd, Reneagle Pty Ltd and Sambelle Pty Ltd
- Responsible Authority: City of Gosnells
- DAP File No: DAP/18/01540



REPORT RECOMMENDATION

Moved by: Nil

Seconded by: Nil

That the Metro East JDAP resolves to:

1. **Refuse** DAP Application reference DAP/18/05140 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. The proposed development is unacceptable from a traffic and access perspective by virtue of compromising the safety and functionality of Albany Highway.
2. The proposed development does not satisfy the requirements of the Government Sewerage Policy, in that connection to a reticulated sewerage network has not been provided.
3. The proposed development results in an unacceptable risk to environment and water resources as a result of a lack of connection to a reticulated sewerage network.
4. The proposed development does not satisfy the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone Areas in respect to the siting of the proposed development, and the associated Bushfire Management Plan has not been endorsed by the Department of Fire and Emergency Services.

The Report Recommendation LAPSED for want of a mover and a seconder.

ALTERNATE MOTION

Moved by: Mr Peter McNab

Seconded by: Mr Ian Birch

That the Metro East JDAP resolves to:

Approve the DAP Application reference DAP/18/01540 and accompanying plans date stamped 1 October 2019 in accordance with the City of Gosnells Town Planning Scheme No.6 and Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* - Schedule 2 - Deemed Provisions, subject to the following conditions:

1. The warehouse (including bagged goods, nursery, goods inwards, timber trade sales, building materials/landscape yard areas) shall be constructed using weather-proof material with impervious and chemically resistant flooring, designed and graded to contain any spills and wastewater generated from the operation. All spills and wastewater shall be disposed to sewer (subject to Water Corporation consent) or at a licenced waste disposal facility.
2. Prior to any fill and/or top soil being brought onto the site, the landowner/applicant shall demonstrate to the satisfaction of the City of Gosnells in consultation with the Department of Biodiversity, Conservation and Attractions that all material is



certified clean, uncontaminated, and free from rubber, weeds and diseases, and is suitable from a geotechnical perspective, for the proposed works.

3. Prior to any works occurring within the Parks and Recreation reserve, a Construction Environmental Management Plan is to be submitted and approved to the satisfaction of the City of Gosnells in consultation with the Department of Biodiversity, Conservation and Attractions and the Western Australian Planning Commission.

All works within the Parks and Recreation reserve are to be carried out in accordance with the approved Construction Environmental Management Plan.

4. No debris, rubbish or any other deleterious matter shall be placed on the Parks and Recreation Reserve or be allowed to enter the Canning River.
5. No dewatering tail-water is to be discharged directly or indirectly (e.g. via the stormwater system) into the Canning River unless a Dewatering Management Plan has been approved by the City of Gosnells in consultation with the Department of Biodiversity, Conservation and Attractions and the Western Australian Planning Commission.

In the event that dewatering tail-water is required to be discharged into the Canning River, discharge is to be carried out in accordance with the approved Dewatering Management Plan.

6. The garrison fencing installed on top of the retaining walls on the western boundaries shall be visually permeable to a maximum height of 1.8m and be black in colour.
7. Prior to the commencement of development, an updated Stormwater Management Plan is to be submitted and approved to the satisfaction of the City of Gosnells in consultation with the Department of Biodiversity, Conservation and Attractions and the Western Australian Planning Commission. Stormwater runoff from constructed impervious surfaces generated by small rainfall event (i.e. the first 15mm of rainfall) must be retaining and/or detailed at-source as much as practical and will not be permitted to enter the wetland buffer or Canning River untreated.
8. Prior to the commencement of development, a Wetland Management Plan is to be submitted, approved and thereafter implemented to the satisfaction of the City of Gosnells in consultation with the Department of Biodiversity, Conservation and Attractions and the Western Australian Planning Commission.
9. Prior to applying for a Building Permit, detailed plan(s) for the design and alignment of the limestone track and principal shared path are to be submitted and approved to the satisfaction of the City of Gosnells in consultation with the Department of Biodiversity, Conservation and Attractions and the Western Australian Planning Commission. The following details are to be included:
 - (i) Pathway design in accordance with *Australian Standard AS2156.2 - Walking Tracks - Infrastructure Design*;
 - (ii) The alignment of the limestone track and pathway with separation distances to existing vegetation consistent with tree protection zones as defined in



Australian Standard AS4970-2009 - Protection of Trees on Development Sites;

- (iii) Earthworks and fill levels in accordance with the Construction Environmental Management Plan; and
 - (iv) Details of any stormwater run-off, to prevent erosion.
10. Prior to the occupation of the development, the limestone track and pathway shall be:
- (i) Installed in accordance with the detailed plan(s) at no expense to the Crown; and
 - (ii) Ceded to the Crown free of cost and without any payment of compensation by the Crown, following a defects period as agreed to by the City of Gosnells in consultation with the Western Australian Planning Commission.
11. The trees marked for retention within the wetland buffer area are to be protected during the construction works in accordance with *Australian Standard AS4970-2009 - Protection of Trees on Development Sites*.
12. Prior to applying for a Building Permit, 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 in consultation with the Department of Biodiversity, Conservation and Attractions and the Western Australian Planning Commission. The following details are to be included:
- (i) Native vegetation to be planted between the retaining walls on the western boundaries of the site;
 - (ii) Existing street trees and vegetation to be retained on the site;
 - (iii) Landscape treatments such as lawn, mulch areas, paving and bin collection areas;
 - (iv) The location, species, quantity and pot size of proposed trees and shrubs; and
 - (v) Areas to be irrigated.
13. Prior to the occupation of the development, 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.
14. Prior to the occupation of the development, Resource Enhancement Wetland (14428) and associated buffer are to be ceded to the Crown free of cost and without any payment of compensation by the Crown.
15. Prior to applying for a Building Permit, 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.



16. Prior to the commencement of the development, the applicant is to submit an Acid Sulphate Soils Self-Assessment Form, to the satisfaction of the City of Gosnells. If, as a result of the self-assessment, an Acid Sulphate Soils Report and Acid Sulphate Soils Management Plan are required, those documents must be submitted to and approved by the City of Gosnells, on the advice of the Department of Water and Environmental Regulation.

Where an Acid Sulphate Soils Management Plan is required, all works shall be carried out in accordance with the approved management plan.

17. 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.

It should be noted that a maximum stormwater runoff coefficient equivalent to pre development levels 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.

18. Prior to the occupation of the development, redundant vehicle crossover(s) are to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the City of Gosnells.
19. Prior to the occupation of the development, the proposed hardstand area is to be paved, sealed and drained to the satisfaction of the City of Gosnells.
20. Prior to the commencement of development works, the applicant is to submit, have approved, and thereafter implement, a management plan detailing how risks of wind and/or water borne erosion and sedimentation and dust will be minimised during the works and thereafter, to the satisfaction of the City of Gosnells.
21. Prior to the occupation of the development, all existing septic tanks and leach drains are to be decommissioned and all components removed to the satisfaction of the City of Gosnells, with the applicant providing a Statutory Declaration confirming as such.
22. Prior to applying for a Building Permit, satisfactory arrangements being made with the City of Gosnells for the disposal of industrial wastewater, including:
- i) The approval of the Water Corporation for disposal of all industrial wastewater produced from activities on site;
 - ii) Provision of a bunded washdown area a minimum of 75mm in height, serviced by an approved petrol and oil waste disposal treatment system is required. Washdown areas greater than 20min size must be roofed;
 - iii) Detailed plans and specifications of the petrol and oil waste disposal treatment system; and



- iv) Registration of all petrol and oil waste disposal treatment systems with the Waste Management Division of the Department of Water and Environment Regulation.
23. Prior to applying for a Building Permit, arrangements being made to the satisfaction of the City of Gosnells for the amalgamation of lots 3, 4, 17, 21, 42, 201 and 500 Albany Highway, Maddington into one Certificate of Title. The amalgamation must be completed prior to occupation of the development.
24. Prior to the occupation of the development, a notification under section 70A of the Transfer of Land Act 1893 must be registered over the Certificate of Title of the subject lot to notify owners and prospective purchasers of the land of the factor affecting the use of the land.
- (i) 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:
 - (ii) *'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.'*
25. Prior to applying for a Building Permit, 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.
26. Prior to applying for a Building Permit, a Waste Management Plan is to be submitted and approved to the satisfaction of the City of Gosnells and 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; and
 - (iv) frequency of bin collections.
 - (v) All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.
27. Prior to occupation of the development, public rubbish bin facilities must be provided adjacent to the shop frontage so as to be convenient to pedestrians, but positioned so as not to obstruct pedestrian movements, to the satisfaction of the City of Gosnells. Public rubbish bin facilities must be emptied daily, continuously maintained in good condition and the surrounding area kept free of litter thereafter for the duration of the development.



28. Prior to the commencement of development, in accordance with the requirements of Local Planning Policy 4.11 Public Art Policy, the applicant or landowner is to make a contribution to public art to the value of one per cent (1%) of the estimated cost of the development, but not exceeding \$250,000, by way of:
- (i) Providing public art on the development site, unless otherwise approved by the City of Gosnells; or
 - (ii) Making a cash contribution towards public art, in lieu of (i) above.

Details of the proposed public art shall be provided to the City of Gosnells for approval in accordance with the Information Requirements of Local Planning Policy 4.11 Public Art Policy, thereafter installed prior to the commencement of use and/or occupancy of the development site and maintained by the landowners for the life of the development to the satisfaction of the City of Gosnells.

29. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
- (i) The approved plan(s);
 - (ii) Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off street car parking (for User Class 1A);
 - (iii) Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, 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); and
 - (v) Council's engineering requirements and design guidelines.

The car parking is to be maintained to the satisfaction of the City of Gosnells for the duration of the development.

30. Prior to applying for a Building Permit, engineering drawings and specifications are to be submitted to and approved by the City of Gosnells in consultation with Main Roads Western Australia for the construction of a signalised intersection at Albany Highway and Pitchford Avenue. The landowner/applicant is responsible for all costs associated with any land acquisition, design, drainage and construction of the road upgrade works. This includes signage, road markings, signals, signage, re-location of services, street lighting, design checks and inspections.

Prior to the occupation of the development, the signalised intersection is to be constructed in accordance with the approved engineering drawings to the satisfaction of the City of Gosnells in consultation with Main Roads Western Australia.

31. Prior to applying for a Building Permit, engineering drawings and specifications are to be submitted to and approved by the City of Gosnells in consultation with



Main Roads Western Australia for the construction of upgrades to Albany Highway, including the proposed deceleration lanes, slip lanes, 'U'- turn facilities, crossovers, access ways, footpath and modifications to the Gosnells Road West intersection. The landowner/applicant is responsible for all costs associated with any land acquisition, design, drainage and construction of the road upgrade works. This includes signage, road markings, re-location of services, street lighting, design checks and inspections.

Prior to the occupation of the development, the upgrades to Albany Highway are to be constructed in accordance with the approved engineering drawings to the satisfaction of the City of Gosnells in consultation with Main Roads Western Australia.

32. Prior to applying for a Building Permit, the landowner/applicant must submit a request to the City of Gosnells for amenity tree evaluations for all verge trees, including within the Albany Highway road reserve. The amenity value and removal cost of the street trees, in accordance with the amenity tree evaluations, must be paid prior to the occupation of the development.

The landowner/applicant must submit a request to the City of Gosnells in writing for an invoice to meet the total cost of the removal of the street trees.

The landowner/applicant is not permitted to undertake removal of, or engage a contractor to, undertake removal of any street tree. The City of Gosnells will remove the trees.

PROCEDURAL MOTION

Moved by: Ms Kym Petani

Seconded by: Mr Ian Birch

That the Standing Orders be suspended.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow members to further clarify in private whether Department of Biodiversity, Conservation and Attractions, Department of Parks and Wildlife (DBCA) and Western Australian Planning Commission (WAPC) respective advices in relation to the provisions of the MRS, necessitated adjournment or the need for formal legal advice and to consider the wording of conditions which had arrived late in the proceedings.

PROCEDURAL MOTION

Moved by: Ms Kym Petani

Seconded by: Mr Ian Birch

That the Standing Orders be reinstated.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

AMENDING Motion 1

Moved by: Ms Kym Petani

Seconded by: Mr Peter McNab

That condition 14 be amended to read as follows;



Prior to the occupation of the development, Resource Enhancement Wetland (14428) and associated buffer are to be ~~ceded~~ transferred, to the ~~Crown~~ Western Australian Planning Commission free of cost and without any payment of compensation.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Clarifies the intent of the transfer and in effect allows the management of the land by the Western Australian Planning Commission (WAPC).

AMENDING Motion 2

Moved by: Ms Kym Petani

Seconded by: Mr Ian Birch

That condition 30 be deleted and condition 31 delete the words '**U**'-turn facilities and the remaining conditions be renumbered accordingly.

The Amending Motion was put and Lost (1/4).

For: Ms Kym Petani

Against: Mr Ian Birch
Mr Peter McNab
Cr Julie Brown
Cr David Goode

AMENDING Motion 3

Moved by: Cr Julie Brown

Seconded by: Cr David Goode

That condition 31 be amended to read as follows;

Prior to applying for a Building Permit, engineering drawings and specifications are to be submitted to and approved by the City of Gosnells in consultation with Main Roads Western Australia for the construction of upgrades to Albany Highway, including the proposed deceleration lanes, slip lanes, ~~'U'~~-turn facilities, crossovers, access ways, footpath and modifications to the Gosnells Road West intersection. The landowner/applicant is responsible for all costs associated with any land acquisition, design, drainage and construction of the road upgrade works. This includes signage, road markings, re-location of services, street lighting, design checks and inspections.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel agreed with traffic advice that the 'U' turn facility was unsatisfactory and to make it clear that the final access arrangements should not include a U turn arrangement on Albany Highway.

AMENDING Motion 4

Moved by: Mr Peter McNab

Seconded by: Mr Ian Birch

That a new advice note no. 1 be added to read as follows:



The associated plans and conditions approved under this development approval showing or requiring certain road access to roads that are within the jurisdiction of Main roads WA (and therefore require the subsequent approval of Main Roads of WA for that access) should be read as subject to the jurisdiction of Main Roads of WA.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify that MRWA has certain jurisdiction over modifications to Albany Highway, and the construction designs required by the relevant conditions require their assessment and approval.

AMENDING Motion 5

Moved by: Mr Peter McNab

Seconded by: Cr Julie Brown

That condition 23 be amended to read as follows;

Prior to applying for a Building Permit, arrangements being made to the satisfaction of the City of Gosnells for the amalgamation of Lots 3, 4, 17, 20, 21, 42, 201 and 500 Albany Highway, Maddington into one Certificate of Title. The amalgamation must be completed prior to occupation of the development.

REASON: To include Lot 20 Albany Highway into the application via amalgamation of the lots, as this site will be the location of the signalised intersection for access to the site.

With the approval of the mover and seconder the motion was WITHDRAWN.

Reason: Following discussion on whether to include Lot 20 Albany Highway into the application via an amendment to Condition 23, that motion was withdrawn as it was determined that a separate development application to include Lot 20 Albany Highway was required. The separate application was required in part to enable referral of the application to the DBCA, as the site abuts a Swan River Trust Management Area.

Amending Motion 6

Moved by: Mr Peter McNab

Seconded by: Cr Julie Brown

That a new condition 33 be added as follows:

The applicant shall submit prior to lodging an application for a building permit, an application to amend this approval to include Lot 20 in the approved plans for development.

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

For: Mr Ian Birch
Mr Peter McNab
Cr Julie Brown
Cr David Goode



Against: Ms Kym Petani

REASON: To require an amendment to the development application to include Lot 20 Albany Highway, to enable referral of the application to the DBCA, as the site abuts a Swan River Trust Management Area.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro East JDAP resolves to:

Approve the DAP Application reference DAP/18/01540 and accompanying plans date stamped 1 October 2019 in accordance with the City of Gosnells Town Planning Scheme No.6 and Clause 68(2)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed Provisions, subject to the following conditions:

1. The warehouse (including bagged goods, nursery, goods inwards, timber trade sales, building materials/landscape yard areas) shall be constructed using weather-proof material with impervious and chemically resistant flooring, designed and graded to contain any spills and wastewater generated from the operation. All spills and wastewater shall be disposed to sewer (subject to Water Corporation consent) or at a licenced waste disposal facility.
2. Prior to any fill and/or top soil being brought onto the site, the landowner/applicant shall demonstrate to the satisfaction of the City of Gosnells in consultation with the Department of Biodiversity, Conservation and Attractions that all material is certified clean, uncontaminated, and free from rubber, weeds and diseases, and is suitable from a geotechnical perspective, for the proposed works.
3. Prior to any works occurring within the Parks and Recreation reserve, a Construction Environmental Management Plan is to be submitted and approved to the satisfaction of the City of Gosnells in consultation with the Department of Biodiversity, Conservation and Attractions and the Western Australian Planning Commission.

All works within the Parks and Recreation reserve are to be carried out in accordance with the approved Construction Environmental Management Plan.

4. No debris, rubbish or any other deleterious matter shall be placed on the Parks and Recreation Reserve or be allowed to enter the Canning River.
5. No dewatering tail-water is to be discharged directly or indirectly (e.g. via the stormwater system) into the Canning River unless a Dewatering Management Plan has been approved by the City of Gosnells in consultation with the Department of Biodiversity, Conservation and Attractions and the Western Australian Planning Commission.

In the event that dewatering tail-water is required to be discharged into the Canning River, discharge is to be carried out in accordance with the approved Dewatering Management Plan.

6. The garrison fencing installed on top of the retaining walls on the western boundaries shall be visually permeable to a maximum height of 1.8m and be black in colour.



7. Prior to the commencement of development, an updated Stormwater Management Plan is to be submitted and approved to the satisfaction of the City of Gosnells in consultation with the Department of Biodiversity, Conservation and Attractions and the Western Australian Planning Commission. Stormwater runoff from constructed impervious surfaces generated by small rainfall event (i.e. the first 15mm of rainfall) must be retaining and/or detailed at-source as much as practical and will not be permitted to enter the wetland buffer or Canning River untreated.
8. Prior to the commencement of development, a Wetland Management Plan is to be submitted, approved and thereafter implemented to the satisfaction of the City of Gosnells in consultation with the Department of Biodiversity, Conservation and Attractions and the Western Australian Planning Commission.
9. Prior to applying for a Building Permit, detailed plan(s) for the design and alignment of the limestone track and principal shared path are to be submitted and approved to the satisfaction of the City of Gosnells in consultation with the Department of Biodiversity, Conservation and Attractions and the Western Australian Planning Commission. The following details are to be included:
 - (i) Pathway design in accordance with *Australian Standard AS2156.2 - Walking Tracks - Infrastructure Design*;
 - (ii) The alignment of the limestone track and pathway with separation distances to existing vegetation consistent with tree protection zones as defined in *Australian Standard AS4970-2009 - Protection of Trees on Development Sites*;
 - (iii) Earthworks and fill levels in accordance with the Construction Environmental Management Plan; and
 - (iv) Details of any stormwater run-off, to prevent erosion.
10. Prior to the occupation of the development, the limestone track and pathway shall be:
 - (i) Installed in accordance with the detailed plan(s) at no expense to the Crown; and
 - (ii) Ceded to the Crown free of cost and without any payment of compensation by the Crown, following a defects period as agreed to by the City of Gosnells in consultation with the Western Australian Planning Commission.
11. The trees marked for retention within the wetland buffer area are to be protected during the construction works in accordance with *Australian Standard AS4970-2009 - Protection of Trees on Development Sites*.
12. Prior to applying for a Building Permit, 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 in consultation with the Department of Biodiversity, Conservation and Attractions and the Western Australian Planning Commission. The following details are to be included:



- (i) Native vegetation to be planted between the retaining walls on the western boundaries of the site;
 - (ii) Existing street trees and vegetation to be retained on the site;
 - (iii) Landscape treatments such as lawn, mulch areas, paving and bin collection areas;
 - (iv) The location, species, quantity and pot size of proposed trees and shrubs; and
 - (v) Areas to be irrigated.
13. Prior to the occupation of the development, 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.
14. Prior to the occupation of the development, the Resource Enhancement Wetland (14428) and associated buffer are to be transferred to the Western Australian Planning Commission free of cost and without any payment of compensation.
15. Prior to applying for a Building Permit, 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.
16. Prior to the commencement of the development, the applicant is to submit an Acid Sulphate Soils Self-Assessment Form, to the satisfaction of the City of Gosnells. If, as a result of the self-assessment, an Acid Sulphate Soils Report and Acid Sulphate Soils Management Plan are required, those documents must be submitted to and approved by the City of Gosnells, on the advice of the Department of Water and Environmental Regulation.
- Where an Acid Sulphate Soils Management Plan is required, all works shall be carried out in accordance with the approved management plan.
17. 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.
- It should be noted that a maximum stormwater runoff coefficient equivalent to pre development levels 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.
18. Prior to the occupation of the development, redundant vehicle crossover(s) are to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the City of Gosnells.



19. Prior to the occupation of the development, the proposed hardstand area is to be paved, sealed and drained to the satisfaction of the City of Gosnells.
20. Prior to the commencement of development works, the applicant is to submit, have approved, and thereafter implement, a management plan detailing how risks of wind and/or water borne erosion and sedimentation and dust will be minimised during the works and thereafter, to the satisfaction of the City of Gosnells.
21. Prior to the occupation of the development, all existing septic tanks and leach drains are to be decommissioned and all components removed to the satisfaction of the City of Gosnells, with the applicant providing a Statutory Declaration confirming as such.
22. Prior to applying for a Building Permit, satisfactory arrangements being made with the City of Gosnells for the disposal of industrial wastewater, including:
 - (i) The approval of the Water Corporation for disposal of all industrial wastewater produced from activities on site;
 - (ii) Provision of a bunded washdown area a minimum of 75mm in height, serviced by an approved petrol and oil waste disposal treatment system is required. Washdown areas greater than 20min size must be roofed;
 - (iii) Detailed plans and specifications of the petrol and oil waste disposal treatment system; and
 - (iv) Registration of all petrol and oil waste disposal treatment systems with the Waste Management Division of the Department of Water and Environment Regulation.
23. Prior to applying for a Building Permit, arrangements being made to the satisfaction of the City of Gosnells for the amalgamation of lots 3, 4, 17, 20, 21, 42, 201 and 500 Albany Highway, Maddington into one Certificate of Title. The amalgamation must be completed prior to occupation of the development.
24. Prior to the occupation of the development, a notification under section 70A of the Transfer of Land Act 1893 must be registered over the Certificate of Title of the subject lot to notify owners and prospective purchasers of the land of the factor affecting the use of the land.
 - (i) 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:
 - (ii) *'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.'*
25. Prior to applying for a Building Permit, 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.



26. Prior to applying for a Building Permit, a Waste Management Plan is to be submitted and approved to the satisfaction of the City of Gosnells and 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; and
 - (iv) frequency of bin collections.
 - (v) All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.
27. Prior to occupation of the development, public rubbish bin facilities must be provided adjacent to the shop frontage so as to be convenient to pedestrians, but positioned so as not to obstruct pedestrian movements, to the satisfaction of the City of Gosnells. Public rubbish bin facilities must be emptied daily, continuously maintained in good condition and the surrounding area kept free of litter thereafter for the duration of the development.
28. Prior to the commencement of development, in accordance with the requirements of Local Planning Policy 4.11 Public Art Policy, the applicant or landowner is to make a contribution to public art to the value of one per cent (1%) of the estimated cost of the development, but not exceeding \$250,000, by way of:
- (i) Providing public art on the development site, unless otherwise approved by the City of Gosnells; or
 - (ii) Making a cash contribution towards public art, in lieu of (i) above.
- Details of the proposed public art shall be provided to the City of Gosnells for approval in accordance with the Information Requirements of Local Planning Policy 4.11 Public Art Policy, thereafter installed prior to the commencement of use and/or occupancy of the development site and maintained by the landowners for the life of the development to the satisfaction of the City of Gosnells.
29. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
- (i) The approved plan(s);
 - (ii) Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off street car parking (for User Class 1A);
 - (iii) Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, 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); and
- (v) Council's engineering requirements and design guidelines.

The car parking is to be maintained to the satisfaction of the City of Gosnells for the duration of the development.

30. Prior to applying for a Building Permit, engineering drawings and specifications are to be submitted to and approved by the City of Gosnells in consultation with Main Roads Western Australia for the construction of a signalised intersection at Albany Highway and Pitchford Avenue. The landowner/applicant is responsible for all costs associated with any land acquisition, design, drainage and construction of the road upgrade works. This includes signage, road markings, signals, signage, re-location of services, street lighting, design checks and inspections.

Prior to the occupation of the development, the signalised intersection is to be constructed in accordance with the approved engineering drawings to the satisfaction of the City of Gosnells in consultation with Main Roads Western Australia.

31. Prior to applying for a Building Permit, engineering drawings and specifications are to be submitted to and approved by the City of Gosnells in consultation with Main Roads Western Australia for the construction of upgrades to Albany Highway, including the proposed deceleration lanes, slip lanes, crossovers, access ways, footpath and modifications to the Gosnells Road West intersection. The landowner/applicant is responsible for all costs associated with any land acquisition, design, drainage and construction of the road upgrade works. This includes signage, road markings, re-location of services, street lighting, design checks and inspections.

Prior to the occupation of the development, the upgrades to Albany Highway are to be constructed in accordance with the approved engineering drawings to the satisfaction of the City of Gosnells in consultation with Main Roads Western Australia.

32. Prior to applying for a Building Permit, the landowner/applicant must submit a request to the City of Gosnells for amenity tree evaluations for all verge trees, including within the Albany Highway road reserve. The amenity value and removal cost of the street trees, in accordance with the amenity tree evaluations, must be paid prior to the occupation of the development.

The landowner/applicant must submit a request to the City of Gosnells in writing for an invoice to meet the total cost of the removal of the street trees.

The landowner/applicant is not permitted to undertake removal of, or engage a contractor to, undertake removal of any street tree. The City of Gosnells will remove the trees.



33. The applicant shall submit prior to lodging an application for a building permit, an application to amend this approval to include Lot 20 in the approved plans for development.

Advice Note:

1. The associated plans and conditions approved under this development approval showing or requiring certain road access to roads within the jurisdiction of Main Roads WA and require the subsequent approval of Main Roads of WA for that access and should be read as subject to the jurisdiction of Main Roads of WA.

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

Reason: The panel considered that the reasons for recommending refusal of the application could be adequately dealt with generally in accordance with draft conditions provided by the City, together with the adopted amendments. The proposed development is entirely consistent with the planning framework and the Panel is satisfied that the regulatory standards with respect to bushfire control, water and sewerage are capable of being met. Main Roads access remains within Main Roads jurisdiction.

8.1b Property Location:	Lots 3, 4, 17, 21, 42, 201 and 500 (2087) Albany Highway, Maddington
Development Description:	Bunnings Warehouse
Applicant:	element
Owner:	Bunnings Properties Pty Ltd, Goswell Investments Pty Ltd, Reneagle Pty Ltd and Sambelle Pty Ltd
Responsible Authority:	Western Australian Planning Commission
DAP File No:	DAP/18/01540

REPORT RECOMMENDATION

Moved by: Nil

Seconded by: Nil

That the Metro East JDAP resolves to:

Refuse DAP Application reference DAP/18/01540 and accompanying plans date stamped 01 October 2019 in accordance with Clauses 30(1) and 30A of the *Metropolitan Region Scheme* for the following reasons:

Reasons

1. The proposed development has not demonstrated compliance with State Planning Policy 3.7 Planning in Bushfire Prone Areas in respect to its design ensuring bushfire protection measures can be achieved to minimise the level of bushfire risk and impact to people, property and infrastructure. The provision and long term maintenance of the limestone track for bushfire mitigation purposes is not subject to a formal agreement thereby creating uncertainty in respect of implementation of bushfire mitigation measures.
2. The proposed development is to be connected to an onsite effluent disposal system which is not acceptable in this location which is a sewage sensitive area due to the close proximity of the Canning River and the Conservation Category Wetland. The environmental values of the Canning River could be detrimentally



impacted. This is inconsistent with State Planning Policy 2.10 Swan – Canning river system and the Government Sewerage Policy 2019.

3. The traffic impacts of the proposed development on the state road network have not been addressed in respect to access to and egress from Albany Highway, a Primary Regional Road, this being inconsistent with Development Control Policy 5.1 Regional Roads (vehicular access).
4. For the above reasons the proposed development is contrary to orderly and proper planning and the preservation of the amenity of the subject land and locality.

The Report Recommendation LAPSED for want of a mover and a seconder.

ALTERNATE MOTION

Moved by: Mr Peter McNab

Seconded by: Mr Ian Birch

That the Metro East JDAP resolves to:

Approve DAP Application reference DAP/18/01540 and accompanying plans date stamped 01 October 2019 in accordance with the provisions of Clause 29 of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. The development is to be carried out in accordance with the plans date stamped 01 October 2019 unless otherwise modified as required by the conditions of this approval.

Prior to Commencement Works

3. Prior to any fill and/or top soil being brought onto the site, it shall be demonstrated that all material is certified clean, uncontaminated, and free from rubble, weeds and disease and is geotechnically suitable for the proposed works to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Western Australian Planning Commission.
4. Prior to the commencement of works, a Construction Environmental Management Plan shall be submitted, approved and implemented to the specification of the Department of Biodiversity, Conservation and Attractions and the City of Gosnells and to the satisfaction of the Western Australian Planning Commission.
5. Prior to the commencement of works, an updated Stormwater Management Plan shall be submitted, approved and implemented to the specification of the Department of Biodiversity, Conservation and Attractions, the City of Gosnells and to the satisfaction of the Western Australian Planning Commission.



6. Prior to the commencement of works, a Wetland Buffer Management Plan shall be submitted, approved and implemented to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Western Australian Planning Commission.
7. Prior to the commencement of works, plans and technical specifications for the limestone track and the Principal Shared Path shall be submitted, approved and implemented to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Western Australian Planning Commission.
8. Prior to the commencement of works, a Landscape Plan shall be submitted, approved and implemented to the specification of the Department of Biodiversity, Conservation and Attractions, the City of Gosnells and to the satisfaction of the Western Australian Planning Commission.
9. Prior to the commencement of works, a revised Bushfire Management Plan shall be submitted, approved and implemented to the specification of the City of Gosnells and the Department of Fire and Emergency Services and to the satisfaction of the Western Australian Planning Commission.
10. Prior to commencement of works, a Bushfire Risk Management Plan shall be submitted approved and implemented to the specification of the City of Gosnells and the Department of Fire and Emergency Services to the satisfaction of the Western Australian Planning Commission.
11. Prior to commencement of works, a Bushfire Evacuation (Response) Plan shall be submitted and implemented on the advice of the City of Gosnells and the Department of Fire and Emergency Services to the satisfaction of the Western Australian Planning Commission. The plan shall address the following:
 - i) Clearly identify the housekeeping tasks and the emergency evacuation procedure, including the trigger for building evacuation;
 - ii) Information to be included in relation to any relevant building features, such as warning systems;
 - iii) Flammable materials on site to be detailed in the hazards section;
 - iv) Roles and responsibilities of the facility personnel are to be well defined; and
 - v) On-site assembly point to a location outside of the BAL 12.5 contour.

The proposed warehouse is to comply with AS 3959 Section 9 and in particular:

- i) External walls are to be precast panels with fire rated sealed joints to achieve a 90/90/90 FRL;
- ii) And doors and windows are to be designed and treated in accordance with AS 3959;
- iii) The roof and any roof penetrations are to comply with AS 3959;



- iv) Any evaporative air cooling units on the proposed development are to be located to be subject to BAL-19 or less and are to be fitted with ember protection screens (mesh aperture max 2mm) and roof penetrations sealed.
12. Prior to commencement of works, a revised Traffic Impact Assessment shall be submitted and approved to the specification of Main Roads Western Australia and the City of Gosnells to the satisfaction of the Western Australian Planning Commission.

During Works

13. Measures being taken to ensure no vegetation within Bush Forever Site No.246 is removed or disturbed during development works, other than as approved by the development plans, including any secondary impacts from works to provide service infrastructure and drainage to implement the approved plans of development.
14. No debris, rubbish or any other deleterious matter shall be placed on the Parks and Recreation Reserve or be allowed to enter the river.
15. The trees marked for retention within the wetland buffer are to be protected during the construction works in accordance with Australian Standard AS4970-2009 Protection of Trees on Development Sites.
16. No dewatering tailwater is to be discharged directly or indirectly (e.g. via the stormwater system) into the river unless a dewatering management plan has been approved by the Department of Biodiversity, Conservation and Attractions to the satisfaction of the Western Australian Planning Commission.
17. The garrison fencing installed on top of the retaining walls at the western boundaries shall be open view style of a total height not exceeding 1.8 metres and black in colour.
18. The warehouse (including bagged goods, nursery, goods inwards, timber trade sales, building materials/landscape yard areas) shall be constructed using weather-proof material with impervious and chemically resistant flooring, designed and graded to contain any spills and wastewater generated from the operation. All spills and wastewater shall be disposed to sewer (subject to Water Corporation consent) or at a licensed waste disposal facility.
19. An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved to the specification of the Department of Water and Environmental Regulation before any works are commenced to the satisfaction of the Western Australian Planning Commission. Where an acid sulphate soils management plan is required to be submitted, all development works shall be carried out in accordance with the approved management plan to the specification of the Department of Water and Environmental Regulation and to the satisfaction of the Western Australian Planning Commission.



20. The area of land shown highlighted in the attached plan to be vested in the Crown such land to be ceded free of cost and without any payment of compensation by the Crown.
21. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the specification of Main Roads Western Australia and the City of Gosnells, and to the satisfaction of the Western Australian Planning Commission.

Prior to Occupation

22. Prior to occupation of the development, a principal shared path shall be installed within the limestone track corridor at no expense to the Crown, to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Western Australian Planning Commission.
23. Prior to occupation of the development, and in accordance with the approved Landscape Plan, native vegetation shall be planted between the retaining walls on the western boundaries to the specification of the Department of Biodiversity, Conservation and Attractions to the satisfaction of the Western Australian Planning Commission.
24. Prior to occupation of the development, resource enhancement wetland (14428) and associated buffer as highlighted on the attached plan is to be ceded to the Crown free of cost and without compensation.
25. Prior to occupation, the development shall be connected to the reticulated sewerage system to the specification of the Water Corporation and to the satisfaction of the Western Australian Planning Commission.

Advice Notes

1. The applicant is advised the stormwater management system shall be designed to prevent mobilisation of sediment, nutrients and contaminants (including hydrocarbons) from the site to the river. Stormwater from the proposed development should be managed in accordance with Department of Biodiversity, Conservation and Attractions Policy 49 Planning for Stormwater Management Affecting the Swan Canning Development Control Area, the Department of Water and Environmental Regulation's Stormwater Management Manual for Western Australia and Decision Process for Stormwater Management in WA, and water sensitive urban design principles. Also stormwater runoff from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) must be retained and/or detained at-source as much as practical and will not be permitted to enter the wetland buffer or river untreated.
2. The Wetland Buffer Management Plan should address wetland values and how those values will be protected from the various urban threats including weeds and nutrient/hydrocarbon export on an ongoing basis. Provide details on any works proposed within the buffer area and how the works will be managed to protect the wetland and existing vegetation.
3. A pathway to provide public access is to be provided within the limestone track. The pathway design is to comply with Australian Standard AS2156.2 Walking Tracks - Infrastructure Design. Detailed plans for the alignment of the limestone



track and pathway with separation distances to existing vegetation that are consistent with a tree protection zone (as defined in Australian Standard AS4970-2009 Protection of Trees on Development Sites) are to be provided. Existing vegetation within the Parks and Recreation reserve is not to be removed. The design should ensure that stormwater run-off does not result in erosion and earthworks undertaken as part of construction are minimised. Details on the fill and levels are to be provided, along with a construction environmental management plan for the works and works schedule.

4. It is understood that for geotechnical reasons it may be beneficial to install the limestone track at the commencement of site works and the principal shared pathway nearer to the completion of site works. The principal shared path and limestone track is to be handed over to the Western Australian Planning Commission (WAPC) as agreed in writing by the WAPC.
5. The landscaping should improve the visual amenity of the interface of the development with the Parks and Recreation reserve. All species used on site should be native to Western Australia, including the trees species in the car park. The Department of Biodiversity, Conservation and Attractions can provide a list of locally native species for reference.
6. The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub, aquatic plant or other perennial plant that is in the Riverpark or the Swan Canning Development Control Area, except with the approval of the Department of Biodiversity, Conservation and Attractions.
7. With regard to a dewatering management plan, the applicant is advised that the Department of Biodiversity, Conservation and Attractions has dewatering tailwater discharge standards that are required to be met if it is proposed to discharge directly or indirectly (e.g. via the stormwater system) into the river. The Department of Biodiversity, Conservation and Attractions should be contacted for further advice.
8. With regard to the garrison fencing see the Department of Biodiversity, Conservation and Attractions Policy 48 Planning for Development Setback Requirements affecting the Swan Canning Development Control Area for further information.
9. With respect to acid sulphate soils the self-assessment form can be downloaded from the Western Australian Planning Commission's website at: www.dplh.wa.gov.au

The "acid sulphate soils self-assessment form" makes reference to the Department of Water and Environmental Regulation's "Identification and Investigation of Acid Sulphate Soils" guideline. This guideline can be obtained from the Department of Water and Environmental Regulation's website at: www.dwer.wa.gov.au

10. This property is on a site where records confirm there is a history of military activities that have resulted in residual UXO. A possibility exists that dangerous items of UXO may still be found on this site. Contact police if a suspicious item that may be UXO is found. Visit www.defence.gov.au/uxo for further information.



11. The Department of Water and Environmental Regulation (DWER) advises that the Canning River Flood Study shows that small portions of Lots 3 and 42 are affected by flooding during a 1 in 100 (1%) Annual Exceedance Probability (AEP) event. The AEP flood levels are expected to range from 6.5m AHD to 7.4 AHD.

Based on the DWER flood plain development strategy for the area, proposed development on the lots is acceptable with regard to major flooding, however a minimum habitable floor level of 0.5 metres above the 1% AEP floor level is recommended to ensure adequate flood protection.

12. Main Roads Western Australia advises the landowner/applicant with regard to the Primary Regional Road Albany Highway:

- i) no earthworks are to encroach onto the road reserve;
- ii) no stormwater drainage is to be discharged onto the road reserve; and
- iii) the landowner/applicant shall make good any damage to the existing verge vegetation within the road reserve.

13. It is recommended that the Urban zoned lots the subject of this approval be amalgamated into one certificate of title to enable the efficient implementation of the development.

AMENDING MOTION 1

Moved by: Mr Peter McNab

Seconded by: Cr Julie Brown

That condition no. 20 be amended to read as follows:

The area of land shown highlighted in the attached plan to be vested transferred to the Western Australian Planning Commission free of cost and without any payment of compensation.

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: Clarifies the intent of the transfer and allows for in effect the management of the land by the WAPC.

AMENDING MOTION 2

Moved by: Mr Peter McNab

Seconded by: Cr Julie Brown

That condition no. 24 be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: Condition no. 24 is a duplication of Condition 20.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro East JDAP resolves to:

Approve DAP Application reference DAP/18/01540 and accompanying plans date stamped 01 October 2019 in accordance with the provisions of Clause 29 of the



Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. The development is to be carried out in accordance with the plans date stamped 01 October 2019 unless otherwise modified as required by the conditions of this approval.

Prior to Commencement Works

3. Prior to any fill and/or top soil being brought onto the site, it shall be demonstrated that all material is certified clean, uncontaminated, and free from rubble, weeds and disease and is geotechnically suitable for the proposed works to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Western Australian Planning Commission.
4. Prior to the commencement of works, a Construction Environmental Management Plan shall be submitted, approved and implemented to the specification of the Department of Biodiversity, Conservation and Attractions and the City of Gosnells and to the satisfaction of the Western Australian Planning Commission.
5. Prior to the commencement of works, an updated Stormwater Management Plan shall be submitted, approved and implemented to the specification of the Department of Biodiversity, Conservation and Attractions, the City of Gosnells and to the satisfaction of the Western Australian Planning Commission.
6. Prior to the commencement of works, a Wetland Buffer Management Plan shall be submitted, approved and implemented to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Western Australian Planning Commission.
7. Prior to the commencement of works, plans and technical specifications for the limestone track and the Principal Shared Path shall be submitted, approved and implemented to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Western Australian Planning Commission.
8. Prior to the commencement of works, a Landscape Plan shall be submitted, approved and implemented to the specification of the Department of Biodiversity, Conservation and Attractions, the City of Gosnells and to the satisfaction of the Western Australian Planning Commission.
9. Prior to the commencement of works, a revised Bushfire Management Plan shall be submitted, approved and implemented to the specification of the City of Gosnells and the Department of Fire and Emergency Services and to the satisfaction of the Western Australian Planning Commission.



10. Prior to commencement of works, a Bushfire Risk Management Plan shall be submitted approved and implemented to the specification of the City of Gosnells and the Department of Fire and Emergency Services to the satisfaction of the Western Australian Planning Commission.
11. Prior to commencement of works, a Bushfire Evacuation (Response) Plan shall be submitted and implemented on the advice of the City of Gosnells and the Department of Fire and Emergency Services to the satisfaction of the Western Australian Planning Commission. The plan shall address the following:
 - i) Clearly identify the housekeeping tasks and the emergency evacuation procedure, including the trigger for building evacuation;
 - ii) Information to be included in relation to any relevant building features, such as warning systems;
 - iii) Flammable materials on site to be detailed in the hazards section;
 - iv) Roles and responsibilities of the facility personnel are to be well defined; and
 - v) On-site assembly point to a location outside of the BAL 12.5 contour.

The proposed warehouse is to comply with AS 3959 Section 9 and in particular:

- i) External walls are to be precast panels with fire rated sealed joints to achieve a 90/90/90 FRL;
 - ii) And doors and windows are to be designed and treated in accordance with AS 3959;
 - iii) The roof and any roof penetrations are to comply with AS 3959;
 - iv) Any evaporative air cooling units on the proposed development are to be located to be subject to BAL-19 or less and are to be fitted with ember protection screens (mesh aperture max 2mm) and roof penetrations sealed.
12. Prior to commencement of works, a revised Traffic Impact Assessment shall be submitted and approved to the specification of Main Roads Western Australia and the City of Gosnells to the satisfaction of the Western Australian Planning Commission.

During Works

13. Measures being taken to ensure no vegetation within Bush Forever Site No.246 is removed or disturbed during development works, other than as approved by the development plans, including any secondary impacts from works to provide service infrastructure and drainage to implement the approved plans of development.
14. No debris, rubbish or any other deleterious matter shall be placed on the Parks and Recreation Reserve or be allowed to enter the river.



15. The trees marked for retention within the wetland buffer are to be protected during the construction works in accordance with Australian Standard AS4970-2009 Protection of Trees on Development Sites.
16. No dewatering tailwater is to be discharged directly or indirectly (e.g. via the stormwater system) into the river unless a dewatering management plan has been approved by the Department of Biodiversity, Conservation and Attractions to the satisfaction of the Western Australian Planning Commission.
17. The garrison fencing installed on top of the retaining walls at the western boundaries shall be open view style of a total height not exceeding 1.8 metres and black in colour.
18. The warehouse (including bagged goods, nursery, goods inwards, timber trade sales, building materials/landscape yard areas) shall be constructed using weather-proof material with impervious and chemically resistant flooring, designed and graded to contain any spills and wastewater generated from the operation. All spills and wastewater shall be disposed to sewer (subject to Water Corporation consent) or at a licensed waste disposal facility.
19. An acid sulphate soils self-assessment form and, if required as a result of the self- assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved to the specification of the Department of Water and Environmental Regulation before any works are commenced to the satisfaction of the Western Australian Planning Commission. Where an acid sulphate soils management plan is required to be submitted, all development works shall be carried out in accordance with the approved management plan to the specification of the Department of Water and Environmental Regulation and to the satisfaction of the Western Australian Planning Commission.
20. The area of land shown highlighted in the attached plan to be transferred to the Western Australian Planning Commission free of cost and without any payment of compensation.
21. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the specification of Main Roads Western Australia and the City of Gosnells, and to the satisfaction of the Western Australian Planning Commission.

Prior to Occupation

22. Prior to occupation of the development, a principal shared path shall be installed within the limestone track corridor at no expense to the Crown, to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Western Australian Planning Commission.
23. Prior to occupation of the development, and in accordance with the approved Landscape Plan, native vegetation shall be planted between the retaining walls on the western boundaries to the specification of the Department of Biodiversity, Conservation and Attractions to the satisfaction of the Western Australian Planning Commission.



24. Prior to occupation, the development shall be connected to the reticulated sewerage system to the specification of the Water Corporation and to the satisfaction of the Western Australian Planning Commission.

Advice Notes

1. The applicant is advised the stormwater management system shall be designed to prevent mobilisation of sediment, nutrients and contaminants (including hydrocarbons) from the site to the river. Stormwater from the proposed development should be managed in accordance with Department of Biodiversity, Conservation and Attractions Policy 49 Planning for Stormwater Management Affecting the Swan Canning Development Control Area, the Department of Water and Environmental Regulation's Stormwater Management Manual for Western Australia and Decision Process for Stormwater Management in WA, and water sensitive urban design principles. Also stormwater runoff from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) must be retained and/or detained at-source as much as practical and will not be permitted to enter the wetland buffer or river untreated.
2. The Wetland Buffer Management Plan should address wetland values and how those values will be protected from the various urban threats including weeds and nutrient/hydrocarbon export on an ongoing basis. Provide details on any works proposed within the buffer area and how the works will be managed to protect the wetland and existing vegetation.
3. A pathway to provide public access is to be provided within the limestone track. The pathway design is to comply with Australian Standard AS2156.2 Walking Tracks - Infrastructure Design. Detailed plans for the alignment of the limestone track and pathway with separation distances to existing vegetation that are consistent with a tree protection zone (as defined in Australian Standard AS4970-2009 Protection of Trees on Development Sites) are to be provided. Existing vegetation within the Parks and Recreation reserve is not to be removed. The design should ensure that stormwater run-off does not result in erosion and earthworks undertaken as part of construction are minimised. Details on the fill and levels are to be provided, along with a construction environmental management plan for the works and works schedule.
4. It is understood that for geotechnical reasons it may be beneficial to install the limestone track at the commencement of site works and the principal shared pathway nearer to the completion of site works. The principal shared path and limestone track is to be handed over to the Western Australian Planning Commission (WAPC) as agreed in writing by the WAPC.
5. The landscaping should improve the visual amenity of the interface of the development with the Parks and Recreation reserve. All species used on site should be native to Western Australia, including the trees species in the car park. The Department of Biodiversity, Conservation and Attractions can provide a list of locally native species for reference.
6. The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub, aquatic plant or other perennial plant that is in the Riverpark or the Swan



Canning Development Control Area, except with the approval of the Department of Biodiversity, Conservation and Attractions.

7. With regard to a dewatering management plan, the applicant is advised that the Department of Biodiversity, Conservation and Attractions has dewatering tailwater discharge standards that are required to be met if it is proposed to discharge directly or indirectly (e.g. via the stormwater system) into the river. The Department of Biodiversity, Conservation and Attractions should be contacted for further advice.
8. With regard to the garrison fencing see the Department of Biodiversity, Conservation and Attractions Policy 48 Planning for Development Setback Requirements affecting the Swan Canning Development Control Area for further information.
9. With respect to acid sulphate soils the self-assessment form can be downloaded from the Western Australian Planning Commission's website at: www.dplh.wa.gov.au

The "acid sulphate soils self-assessment form" makes reference to the Department of Water and Environmental Regulation's "Identification and Investigation of Acid Sulphate Soils" guideline. This guideline can be obtained from the Department of Water and Environmental Regulation's website at: www.dwer.wa.gov.au

10. This property is on a site where records confirm there is a history of military activities that have resulted in residual UXO. A possibility exists that dangerous items of UXO may still be found on this site. Contact police if a suspicious item that may be UXO is found. Visit www.defence.gov.au/uxo for further information.
11. The Department of Water and Environmental Regulation (DWER) advises that the Canning River Flood Study shows that small portions of Lots 3 and 42 are affected by flooding during a 1 in 100 (1%) Annual Exceedance Probability (AEP) event. The AEP flood levels are expected to range from 6.5m AHD to 7.4 AHD.

Based on the DWER flood plain development strategy for the area, proposed development on the lots is acceptable with regard to major flooding, however a minimum habitable floor level of 0.5 metres above the 1% AEP floor level is recommended to ensure adequate flood protection.

12. Main Roads Western Australia advises the landowner/applicant with regard to the Primary Regional Road Albany Highway:
 - i) no earthworks are to encroach onto the road reserve;
 - ii) no stormwater drainage is to be discharged onto the road reserve; and
 - iii) the landowner/applicant shall make good any damage to the existing verge vegetation within the road reserve.
13. It is recommended that the Urban zoned lots the subject of this approval be amalgamated into one certificate of title to enable the efficient implementation of the development.



The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

Reason: The panel considered that the reasons for recommending refusal of the application could be adequately dealt with generally in accordance with draft conditions provided by the WAPC, together with the adopted amendments. The proposed development is entirely consistent with the planning framework and the Panel is satisfied that the regulatory standards with respect to bushfire control, water and sewerage are capable of being met. Main Roads access remains within Main Roads jurisdiction.

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
City of Armadale	Lot 44 (2888) Albany Highway, Kelmscott	Convenience Store and Fast Food Outlet

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 4.00pm.