



Metro East Joint Development Assessment Panel Development Assessment Panel Minutes

Meeting Date and Time: 30 March 2020, 10:00 AM
Meeting Number: MEJDAP/235
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) *via teleconference*
Cr David Goode (Local Government Member, City of Gosnells)
Cr Julie Brown (Local Government Member, City of Gosnells)

Officers in attendance

Mr Andrew Lefort (City of Gosnells)
Mr Richard Curtis (City of Gosnells)

Minute Secretary

Ms Caroline Clark (City of Gosnells)

Applicants and Submitters

Mr Alessandro Stagno (Planning Solutions)
Mr Brian McCubbing (Canada Nominees / Roebeck Investments)
Mr George Hajigabriel (Rowe Group)
Mr Behnam Bordbar (Transcore)

Members of the Public / Media

Nil

1. Declaration of Opening

The Presiding Member declared the meeting open at 10:00am on 30 March 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 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 No. 9.1. Ms 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 Brian McCubbing (Canada Nominees / Roebeck Investments) addressed the DAP against the application at Item 8.1 and responded to questions from the panel.
- 7.2** Mr George Hajigabriel (Rowe Group) addressed the DAP against the application at Item 8.1 and responded to questions from the panel.
- 7.3** Mr Alessandro Stagno (Planning Solutions) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.4** Mr Behnam Bordbar (Transcore) responded to questions from the panel.
- 7.5** Mr Andrew Lefort (City of Gosnells) responded to questions from the panel.



PROCEDURAL MOTION

Moved by: Ms Kym Petani

Seconded by: Cr Julie Brown

That the application at Item No. 9.1 be heard prior to the application at Item No. 8.1

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON:

8. Form 1 – Responsible Authority Reports – DAP Application

8.1	Property Location:	Lot 500 Campbell Road, Canning Vale
	Development	The use and development of a drive thru fast
	Description:	food outlet including parking, access, landscaping and signage
	Applicant:	Planning Solutions
	Owner:	Huntley Custodians Ltd
	Responsible	City of Gosnells
	Authority:	
	DAP File No:	DAP/19/01720

REPORT RECOMMENDATION

Moved by: Cr Julie Brown

Seconded by: Cr David Goode

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

Approve DAP Application reference DAP/19/01720 and accompanying plans dated 6 February 2020 (as provided within Attachment 4 of the Responsible Authority Report) subject to the following conditions:

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

1. A Landscape Plan for the development site and the adjoining road verge(s) is to be submitted and approved to the satisfaction of the City of Gosnells. The following details are to be included:
 - i) Landscape treatments such as lawn, mulch areas, paving and bin collection areas;
 - ii) The location, species, quantity and pot size of proposed trees and shrubs; and
 - iii) Areas to be irrigated.
2. 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 shall be in accordance with the relevant Urban Water Management Plan and is to be endorsed prior to the lodgement of a Building Permit application and thereafter implemented, to the satisfaction of the City of Gosnells.
3. 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.



4. All crossovers are to be located and constructed to the City of Gosnells specifications.
5. A Traffic Impact Assessment (TIA) shall be prepared in accordance with the Western Australian Planning Commission's Transport Assessment Guidelines and any recommendations thereafter implemented to the satisfaction of the City. The TIA shall consider the proposal in relation to the traffic generated as part of DA18/00159 and address the following inconsistencies contained within the TIS:
 - a) The TIS includes changes in the parking demands for the Medical Centre and Gym. This is to be modified accordingly given the current proposal does affect parking demand for these uses; and
 - b) The TIS assumes that direct access from Ranford Road will be provided. It is to be clarified that Ranford Road access relies on a reciprocal easement being granted and a constructed accessway provided from the Fast Food Outlet to the Ranford Road crossover.
6. Engineering drawings and specifications are to be submitted to and approved by the City of Gosnells for the construction of a roundabout to Campbell Road where it abuts the subject site, generally in accordance with the approved Local Development Plan and Concept Drawings prepared by Uloth & Associates. The works shall specifically include, but not limited to, the following items:
 - (a) The construction of the roundabout, including tying into the proposed left turn pocket to Ranford Road;
 - (b) Road widening; and
 - (c) Street lighting and footpath construction.

The landowner/applicant is responsible for all costs associated with any land acquisition, design and construction of the roundabout and road upgrade works. This includes signage, road markings, relocation of services, street lighting, design checks and inspections.
7. Engineering drawings and specifications are to be submitted to and approved by the City of Gosnells for the provision of a footpath on Campbell Road abutting the subject site to the satisfaction of the City of Gosnells. The approved shared path and footpath are to be constructed by the landowner/applicant to the satisfaction of the City, prior to occupation of the building.
8. A Waste Management Plan (WMP) is to be submitted to and approved by the City of Gosnells and thereafter implemented, to the satisfaction of the City. The WMP shall include the following detail:
 - i) The location of bin storage areas and bin collection areas. 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;
 - 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. 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; and
- iv) frequency of bin collections.
9. An Odour Management Plan is to be submitted to and approved by the City of Gosnells and thereafter implemented, to the satisfaction of the City. The report is to confirm what measures are required for the development to comply with relevant Australian odour emission standards.
 10. An External Finishes and Colour Schedule is to be submitted to and approved by the City of Gosnells and thereafter implemented to the satisfaction of the City of Gosnells.

Conditions to be satisfied prior to the commencement of occupancy of building(s):

11. The carpark must:
 - i) Provide a minimum of 15 car parking spaces, which are designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 1A of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking;
 - ii) Provide one car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access-New building work; and
 - iii) Be maintained to the satisfaction of the City of Gosnells for the duration of the development.
12. A notification under section 70A of the Transfer of Land Act 1893 or section 6(1) of the Strata Titles Act 1985 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. The notification is to be prepared and executed at the applicant's cost to the satisfaction of the City of Gosnells and is to state as follows:

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner. Additional planning and building requirements may apply to development on this land'.
13. 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. An easement in gross to the satisfaction of the City of Gosnells is to be granted in favour of the City over the proposed car parking bays and vehicular access thereto, in order to facilitate reciprocal vehicular access and car parking between Lot 322 Ranford Road, Canning Vale and Lot 500 Campbell Road, Canning Vale.



15. To allow access from the development to the Ranford Road crossover, an accessway between Lot 322 and the Fast Food Outlet is to be constructed and drained at the landowners cost to the specification and satisfaction of the City.
16. The applicant is to make arrangements to the satisfaction of the City of Gosnells for the construction of a sealed crossover between the Campbell Road and the private driveway. The crossover shall be located and constructed to the City of Gosnells specifications.
17. Any easements necessary to facilitate maintenance access to drainage installations being provided at the owners cost.
18. All road widening, rights of way, truncations, etc., nominated on the approved plan are to be given up free of cost to the Crown.

Advice Notes

1. You are advised of the need to apply for a Building Permit from the City's Building Services Branch prior to the commencement of work. In this regard, your attention is drawn to the requirements of the Building Code of Australia and the Building Act 2011.
2. The submitted Building Permit application plans are to be consistent with the plans that form part of the relevant Development Approval, to the satisfaction of the City of Gosnells.
3. This approval does not relate to any signage, with a separate application to be lodged and approved by the City of Gosnells.
4. Your attention is drawn to requirements for sanitary conveniences to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1.
5. Your attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the Building Permit application identifying means of access from car parking areas to the entrance of the building and throughout the building, as required by AS1428.1.
6. Your attention is drawn to the following to minimise the impact of development works:
 - i) All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981. For further details please contact the Department of Environment Regulation.
 - ii) Development work shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
 - iii) Development work shall comply in all respects with the Environmental Protection (Noise) Regulations 1997.
7. Your attention is drawn to the following requirements in respect to food preparation:
 - i) Detailed plans and specifications of all food preparation and storage (including refuse) areas are to be submitted and approval obtained before construction or fit out is commenced.



- ii) Refuse storage areas are to comply with the City of Gosnells Health Local Law 1999 (Suitable Enclosure (39)).
- iii) To comply in all respects with the Food Act 2008, Food Regulations 2009 and Australia New Zealand Food Standards Code.

AMENDING MOTION 1

Moved by: Mr Peter McNab

Seconded by: Nil

- (i) That condition 15 read as follows;

To allow access from the development to the Ranford Road crossover, an accessway between Lot 322 and the Fast Food Outlet is to be constructed and drained at the landowners cost to the specification and satisfaction of the City, when the development adjacent to the proposed access takes place.

The Amending motion LAPSED for want of a seconder

AMENDING MOTION 2

Moved by: Mr Peter McNab

Seconded by: Ms Kym Petani

- (ii) That condition 12 be deleted and the remaining conditions be renumbered accordingly:

REASON: This was considered unnecessary as the lot has been assessed as BAL-LOW and no additional planning and building requirements apply to the development.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 3

Moved by: Mr Ian Birch

Seconded by: Ms Kym Petani

- (iii) That condition 15 (now condition 14) be deleted and the remaining conditions be renumbered accordingly:

REASON: This condition was considered unnecessary as the access provided from Campbell Road is the logical and most convenient way to get to the fast food outlet and therefore an access way connecting to the Ranford Road crossover was not considered essential to the provision of vehicle access to the site. It was noted that when the remainder of the site is developed, this access route is intended to be put into place.

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

For: Mr Ian Birch
Mr Peter McNab
Ms Kym Petani
Cr David Goode

Against: Cr Julie Brown



AMENDING MOTION 4

Moved by: Ms Kym Petani

Seconded by: Mr Ian Birch

(iv) That condition 14 (now condition 13) read as follows;

An easement in gross to the satisfaction of the City of Gosnells is to be granted in favour of the City over the proposed car parking bays and vehicular access, **as shown on the approved development plans.** ~~thereto, in order to facilitate reciprocal vehicular access and car parking between Lot 322 Ranford Road, Canning Vale and Lot 500 Campbell Road, Canning Vale.~~

REASON: Clarifies the intent of the condition.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 5

Moved by: Ms Kym Petani

Seconded by: Ms Kym Petani

(v) That condition 2 read as follows;

2. *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 shall be in accordance with the relevant Urban Water Management Plan and is to be endorsed prior to the lodgement of a Building Permit application and thereafter implemented, to the satisfaction of the City of Gosnells. **Any easements and/or reserves required for drainage purposes, are to be granted free of cost to the City of Gosnells.***

(vi) That condition 17 (now condition 15) be deleted and the remaining conditions be renumbered accordingly.

REASON: That condition no. 17 be deleted and incorporated into condition no. 2.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REPORT RECOMMENDATION (AS AMENDED)

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

Approve DAP Application reference DAP/19/01720 and accompanying plans dated 6 February 2020 (as provided within Attachment 4 of the Responsible Authority Report) subject to the following conditions:

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

1. A Landscape Plan for the development site and the adjoining road verge(s) is to be submitted and approved to the satisfaction of the City of Gosnells. The following details are to be included:



- i) Landscape treatments such as lawn, mulch areas, paving and bin collection areas;
 - ii) The location, species, quantity and pot size of proposed trees and shrubs; and
 - iii) Areas to be irrigated.
2. 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 shall be in accordance with the relevant Urban Water Management Plan and is to be endorsed prior to the lodgement of a Building Permit application and thereafter implemented, to the satisfaction of the City of Gosnells. Any easements and/or reserves required for drainage purposes, are to be granted free of cost to the City of Gosnells.
 3. 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.
 4. All crossovers are to be located and constructed to the City of Gosnells specifications.
 5. A Traffic Impact Assessment (TIA) shall be prepared in accordance with the Western Australian Planning Commission's Transport Assessment Guidelines and any recommendations thereafter implemented to the satisfaction of the City. The TIA shall consider the proposal in relation to the traffic generated as part of DA18/00159 and address the following inconsistencies contained within the TIS:
 - a) The TIS includes changes in the parking demands for the Medical Centre and Gym. This is to be modified accordingly given the current proposal does affect parking demand for these uses; and
 - b) The TIS assumes that direct access from Ranford Road will be provided. It is to be clarified that Ranford Road access relies on a reciprocal easement being granted and a constructed accessway provided from the Fast Food Outlet to the Ranford Road crossover.
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 - (a) The construction of the roundabout, including tying into the proposed left turn pocket to Ranford Road;
 - (b) Road widening; and
 - (c) Street lighting and footpath construction.

The landowner/applicant is responsible for all costs associated with any land acquisition, design and construction of the roundabout and road upgrade works. This includes signage, road markings, relocation of services, street lighting, design checks and inspections.



7. Engineering drawings and specifications are to be submitted to and approved by the City of Gosnells for the provision of a footpath on Campbell Road abutting the subject site to the satisfaction of the City of Gosnells. The approved shared path and footpath are to be constructed by the landowner/applicant to the satisfaction of the City, prior to occupation of the building.
8. A Waste Management Plan (WMP) is to be submitted to and approved by the City of Gosnells and thereafter implemented, to the satisfaction of the City. The WMP shall include the following detail:
 - i) The location of bin storage areas and bin collection areas. 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;
 - 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. 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; and
 - iv) frequency of bin collections.
9. An Odour Management Plan is to be submitted to and approved by the City of Gosnells and thereafter implemented, to the satisfaction of the City. The report is to confirm what measures are required for the development to comply with relevant Australian odour emission standards.
10. An External Finishes and Colour Schedule is to be submitted to and approved by the City of Gosnells and thereafter implemented to the satisfaction of the City of Gosnells.

Conditions to be satisfied prior to the commencement of occupancy of building(s):

11. The carpark must:
 - i) provide a minimum of 15 car parking spaces, which are designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 1A of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking;
 - ii) provide one car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access-New building work; and
 - iii) be maintained to the satisfaction of the City of Gosnells for the duration of the development.



12. 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.
13. An easement in gross to the satisfaction of the City of Gosnells is to be granted in favour of the City over the proposed car parking bays and vehicular access as shown on the approved development plans.
14. The applicant is to make arrangements to the satisfaction of the City of Gosnells for the construction of a sealed crossover between the Campbell Road and the private driveway. The crossover shall be located and constructed to the City of Gosnells specifications.
15. All road widening, rights of way, truncations, etc., nominated on the approved plan are to be given up free of cost to the Crown.

Advice Notes

1. You are advised of the need to apply for a Building Permit from the City's Building Services Branch prior to the commencement of work. In this regard, your attention is drawn to the requirements of the Building Code of Australia and the Building Act 2011.
2. The submitted Building Permit application plans are to be consistent with the plans that form part of the relevant Development Approval, to the satisfaction of the City of Gosnells.
3. This approval does not relate to any signage, with a separate application to be lodged and approved by the City of Gosnells.
4. Your attention is drawn to requirements for sanitary conveniences to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1.
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 - ii) Development work shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
 - iii) Development work shall comply in all respects with the Environmental Protection (Noise) Regulations 1997.
7. Your attention is drawn to the following requirements in respect to food preparation:
 - i) Detailed plans and specifications of all food preparation and storage (including refuse) areas are to be submitted and approval obtained before



construction or fit out is commenced.

- ii) Refuse storage areas are to comply with the City of Gosnells Health Local Law 1999 (Suitable Enclosure (39)).
- iii) To comply in all respects with the Food Act 2008, Food Regulations 2009 and Australia New Zealand Food Standards Code.

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

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



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

- 9.1 Property Location: Lot 99 (1882) Albany Highway, Maddington
Development Description: Proposed Motor Vehicle Sales Dealership and Motor Vehicle Repair Workshop
Proposed Amendments: Form 2.1 - Extension of Time for Substantial Commencement
Applicant: Peter Webb & Associates
Owner: Intercoast Holdings Pty Ltd
Responsible Authority: Western Australian Planning Commission
DAP File No: DAP/17/01338

REPORT RECOMMENDATION

Moved by: Cr Julie Brown

Seconded by: Cr David Goode

That the Metro East Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/17/01338 as detailed on the DAP Form 2 dated 23 November 2019 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/17/01338 as detailed on the DAP Form 2 dated 23 November 2019 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 City of Gosnells Local Planning Scheme No. 6, for the extension of time request, subject to:

Amended Condition

1. This decision constitutes planning approval only and is valid for a further period of 2 years from 12 March 2020. If the development is not substantially commenced within a further 2 year period from 12 March 2020, the approval shall lapse and be of no further effect.

Advice Note

1. The landowner/applicant is advised to liaise with Main Roads Western Australia (MRWA) to ascertain the extent of the current and future land requirement associated with future widening of Albany Highway. The current land requirement is depicted on MRWA Drawing No. 201432-0110. The Albany Highway Vehicular Access Strategy also identifies future rationalised access along this section of the road.

All other conditions and requirements detailed on the previous approval dated 12 March 2018 shall remain.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

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



10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Applications -

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

11. General Business / Meeting Close

There being no further business, the Presiding Member declared the meeting closed at 11:30am.