



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 1 September 2021; 2pm
Meeting Number: MOJDAP/118
Meeting Venue: City of Gosnells
Civic Centre, 2120 Albany Highway, Gosnells

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Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)
Mayor 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)
Ms Ashleigh Maple (City of Gosnells)

Minute Secretary

Ms Jamie Trees (City of Gosnells)

Applicants and Submitters

Mr Reece Hendy (Planning Solutions)
Mr Finn Smith (Planning Solutions)

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 2:05pm on 1 September 2021 and acknowledged the traditional owners and paid 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 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2020 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.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



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

Nil

7. Deputations and Presentations

7.1 Mr Reece Hendy (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 City of Gosnells officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 56 (483) Balfour Street, Southern River

Development Description:	Fast Food Outlet and Motor Vehicle Wash
Applicant:	Planning Solutions
Owner:	WA TAL Investments Pty Ltd
Responsible Authority:	City of Gosnells
DAP File No:	DAP/21/01997



REPORT RECOMMENDATION

Moved by: Mayor David Goode

Seconded by: Cr Julie Brown

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/01997 is appropriate for consideration as a “Fast Food Outlet” and “Motor Vehicle Wash” land uses and compatible with the objectives of the zoning table in accordance with Clause 3.2 of the City of Gosnells Town Planning Scheme No. 6;
2. **Approve** DAP Application reference DAP/21/01997 and accompanying plans (Dwg DA01 Rev A dated 24.03.2021, Dwg DA02 Rev C dated 05.08.2021, Dwg DA03 Rev C dated 05.08.2021, Dwg DA04 Rev B dated 05.08.2021, Dwg DA05 Rev A dated 24.03.2021, Dwg DA06, Rev B dated 05.08.2021, Dwg DA07 Rev B dated 05.08.2021, Dwg DA08 Rev A dated 24.03.2021, Dwg DA09, Rev C dated 05.08.2021, Dwg DA10 Rev B dated 05.08.2021) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Town Planning Scheme No. 6, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. Prior to applying for a Building Permit, the proponent shall submit to the City of Gosnells for approval, a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development.

Prior to the commencement of development, the proponent shall submit to the City of Gosnells for approval an 'Application for Art Work Design' and the proponent is to enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City of Gosnells.

Prior to the occupation of the development, the art work shall then be installed and maintained thereafter to the satisfaction of the City of Gosnells.

Alternatively, prior to applying for a Building Permit, the owner/applicant shall make a cash contribution towards public art in lieu of the above.

4. 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.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



5. Prior to applying for a Building Permit, the applicant shall submit, have approved, and thereafter implement, a drainage design, prescribing a functional drainage system, including detailed engineering drawings, and necessary technical information to demonstrate functionality of the design in accordance with the relevant Urban Water Management Plan, to the satisfaction of the City of Gosnells.
6. Prior to applying for a Building Permit, an Odour Report is to be submitted to and approved by the City of Gosnells. The Odour Report recommendations shall thereafter be implemented to the satisfaction of the City. The report is to confirm what measures are required for the development to comply with relevant Australian Standards pertaining to odour emissions.
7. Prior to applying for a Building Permit, a Landscape Plan for the development site and the adjoining road verge(s) is to be submitted to and approved by the City of Gosnells. The following details are to be included:
 - (i) Existing street trees to be retained.
 - (ii) Landscape treatments such as lawn, mulch areas, paving and bin collection areas.
 - (iii) The location, species, quantity and pot size of proposed trees and shrubs.
 - (iv) Areas to be irrigated.
8. Prior to applying for a Building Permit, the proposal is to be modified to incorporate the noise mitigation measures, in accordance with the submitted acoustic report (Lloyd George Acoustics, May 2021) and to the satisfaction of the City of Gosnells. The drawings and specifications contained within that application are to be endorsed as acceptable by an independent, qualified acoustic engineer and thereafter implemented to the satisfaction of the City of Gosnells.
9. Prior to applying for a Building Permit, a lighting plan detailing lighting to access ways, pathways and car parking areas is to be provided.
10. Prior to applying for a Building Permit, a plan is to be provided to the satisfaction of the City showing a pedestrian connection through the site from the Balfour Street and Ranford Road shared paths to the Fast Food Outlet. The pedestrian connection through the site is to be provided prior to the commencement of use, to the satisfaction of the City.
11. Prior to applying for a Building Permit, a schedule of materials, finishes and colours shall be submitted to and approved by the City of Gosnells. Prior to the occupation of the development, the approved external finishes and colour schemes are to be implemented to the satisfaction of the City of Gosnells and maintained thereafter.
12. Prior to the occupation of the development, the lighting plan is to be implemented and thereafter maintained for the duration of the development to the satisfaction of the City of Gosnells.
13. Prior to the occupation of the development, a Waste Management Plan, which details (amongst other things) the manner by which rubbish and recycling bins are to be collected from the site, is to be prepared and thereafter implemented to the satisfaction of the City.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



14. Prior to the occupation of the development, the proposed car parking area and access driveways are to be paved, sealed and drained to the satisfaction of the City of Gosnells
15. 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.
16. Prior to the occupation of the development, the existing shared path on Balfour Street is to be extended to the Ranford Road crossover to the City's satisfaction.

Advice Notes

1. You are advised of the need to obtain a Building Permit prior to the commencement of work.
2. Your attention is drawn to the following to minimise the impact of development works:
 - (i) All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981. For further details please contact the Department of Water and Environment Regulation.
 - (ii) Development work shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
 - (iii) Development work shall comply in all respects with the Environmental Protection (Noise) Regulations 1997.
3. With regard to food preparation, the applicant is required to submit appropriate forms to the City in accordance with the Food Act 2008 and shall design and construct the food premises in accordance with Standard 3.2.3 of the Australia New Zealand Food Standards Code.

Lessees of food handling premises are required to submit plans and specifications of shop fit-outs to the City, prior to commencement of works. Please liaise with the City's Health Services in this regard.
4. The operation/development is to comply with the Environmental Protection (Noise) Regulations 1997.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



AMENDING MOTION 1

Moved by: Ms Sheryl Chaffer

Seconded by: Mayor David Goode

That condition no. 10 be amended to read as follows:

Prior to applying for a Building Permit, a plan is to be provided to the satisfaction of the City showing a pedestrian connection through the site from ~~the Balfour Street and Ranford Road shared paths~~ to the Fast Food Outlet. The pedestrian connection through the site is to be provided prior to the commencement of use, to the satisfaction of the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The requirement for a pedestrian path through the site from Balfour Street is considered to be unworkable without significantly altering the development approval being sought. Together with Condition 16, the connection from Ranford Road offers a safe pedestrian route to the fast food premises.

REPORT RECOMMENDATION (AS AMENDED)

1. **Accept** that the DAP Application reference DAP/21/01997 is appropriate for consideration as a “Fast Food Outlet” and “Motor Vehicle Wash” land uses and compatible with the objectives of the zoning table in accordance with Clause 3.2 of the City of Gosnells Town Planning Scheme No. 6;
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3. Prior to applying for a Building Permit, the proponent shall submit to the City of Gosnells for approval, a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development.

Prior to the commencement of development, the proponent shall submit to the City of Gosnells for approval an 'Application for Art Work Design' and the proponent is to enter into a contract with a professional artist/s to design and install (if appropriate) the art work approved by the City of Gosnells.

Prior to the occupation of the development, the art work shall then be installed and maintained thereafter to the satisfaction of the City of Gosnells.

Alternatively, prior to applying for a Building Permit, the owner/applicant shall make a cash contribution towards public art in lieu of the above.

4. 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.
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8. Prior to applying for a Building Permit, the proposal is to be modified to incorporate the noise mitigation measures, in accordance with the submitted acoustic report (Lloyd George Acoustics, May 2021) and to the satisfaction of the City of Gosnells. The drawings and specifications contained within that application are to be endorsed as acceptable by an independent, qualified acoustic engineer and thereafter implemented to the satisfaction of the City of Gosnells.



9. Prior to applying for a Building Permit, a lighting plan detailing lighting to access ways, pathways and car parking areas is to be provided.
10. Prior to applying for a Building Permit, a plan is to be provided to the satisfaction of the City showing a pedestrian connection through the site from Ranford Road to the Fast Food Outlet. The pedestrian connection through the site is to be provided prior to the commencement of use, to the satisfaction of the City.
11. Prior to applying for a Building Permit, a schedule of materials, finishes and colours shall be submitted to and approved by the City of Gosnells. Prior to the occupation of the development, the approved external finishes and colour schemes are to be implemented to the satisfaction of the City of Gosnells and maintained thereafter.
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Lessees of food handling premises are required to submit plans and specifications of shop fit-outs to the City, prior to commencement of works. Please liaise with the City's Health Services in this regard.

4. The operation/development is to comply with the Environmental Protection (Noise) Regulations 1997.

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

REASON: The Panel members were satisfied that the proposal is consistent with the scheme and planning framework. The proposal fits comfortably with what is existing on the site (now lot 55) and concerns regarding noise and traffic are addressed through appropriate conditions. The JDAP considered the RAR and reasons for supporting the application appropriate and accordingly adopted the recommendation with a modification to one condition.

9. **Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval**

Nil



10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01708 DR 138/2020	City of Kwinana	Lot 108 Kwinana Beach Road, Kwinana	Proposed Bulk Liquid Storage for GrainCorp Liquid Terminals	01/07/2020
DAP/01729 DR 176/2020	City of Kalamunda	Lot 130 (74) Warlingham Drive, Lesmurdie	Aged Residential Care Facility	28/8/2020
DAP/20/01764 DR 204/2020	City of Swan	Lot 780 (46) Gaston Road, Bullsbrook	Proposed Stock Feed Grain Mill	8/09/2020
DAP/20/01829 DR 001/2021	City of Swan	Lot 1 (42) Dale Road & Lot 4 (43) Yukich Close, Middle Swan	Aged care and community purpose	08/01/2021
DAP/21/01952 DR 096/2021	City of Rockingham	Lot 265 (40) Talisker Bend, Golden Bay	Mixed commercial development	14/05/2021

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 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.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 2:55pm.