



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 12 April 2021; 9.00am
Meeting Number: MOJDAP/80
Meeting Venue: via Zoom

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

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Mr Ian Birch
Presiding Member, Metro Outer JDAP



Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Mr Jarrod Ross (A/Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)
Cr Casey Rose (Local Government Member, Shire of Murray)
Cr David Bolt (Local Government Member, Shire of Murray)

Officers in attendance

Mr Rod Peake (Shire of Murray)

Minute Secretary

Ms Adele McMahon (DAP Secretariat)
Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Mr Tom Hockley (Allerding Associates)
Mr John Wood (Providence Lifestyle)
Mr Richard Hammond (Providence Lifestyle)
Mr Brenton Downing (Celsius Land)
Mr Rodney Ding (Stantec)
Mr Tim Reynolds (Herring Storer Acoustics)

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:02am on 12 April 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 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 meeting would not be recorded.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



This meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Ms Sheryl Chaffer (Deputy Presiding Member)

3. Members on Leave of Absence

DAP Member, Ms Sheryl Chaffer (Deputy Presiding Member) has been granted leave of absence by the Director General for the period of 29 March 2021 to 23 April 2021 inclusive.

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 John Wood (Providence Lifestyle) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2** Mr Richard Hammond (Providence Lifestyle) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3** Mr Tom Hockley (Allerding Associates) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4** Mr Brenton Downing (Celsius Land) responded to questions from the panel in relation to the application at item 8.1.
- 7.5** Shire of Murray Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

Mr Ian Birch
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8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 156 (528) Pinjarra Road, Furnissdale

Development Description:	Proposed Grouped Dwelling Development
Applicant:	Allerding and Associates on behalf of Ecofit Homes Pty Ltd
Owner:	Mr Stephen Robert Draper, Ms Karen Anne Draper, Mr Raymond Barry Bostelman, Ms Helen Louise Bostelman, Kemoc Pty Ltd and Mr Geoffery Kenneth Marshall
Responsible Authority:	Shire of Murray
DAP File No:	DAP/20/01912

REPORT RECOMMENDATION

Moved by: Cr David Bolt

Seconded by: Cr Casey Rose

With the agreement of the mover and seconder the following amendments were made to the report recommendation;

- (i) That Condition No. 2 be amended to read as follows:

*This decision constitutes planning approval only and is valid for a period of ~~two~~ **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.*

REASON: To reflect the amendments to the DAP Regulations that came into effect on 15 February 2021 providing default 4-year approvals.

- (ii) That Condition No. 17 be amended to read as follows:

*Prior to the commencement of works detailed engineering drawings and specifications are to be submitted for approval by the Shire of Murray, and **subsequent** works undertaken in accordance with the approved engineering drawings and specifications, for the draining of the land in accordance with the approved Urban Water Management Plan.*

REASON: For clarity.



That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/20-01912 and accompanying plans (Attachments 3 and 4) 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 Shire of Murray Town Planning Scheme No. 4, subject to the following conditions:

Conditions

1. Pursuant to clause 22 of the Peel Region Scheme, this approval is deemed to be an approval under clause 22(1) of the Peel 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. The approved development shall be connected to the reticulated water and sewerage networks to a sufficient capacity to service the approved development to the satisfaction of the Shire of Murray on advice from Water Corporation prior to the development first being occupied.
4. A schedule of colours and materials for all exterior parts of the development shall be submitted to and approved by the Shire of Murray prior to the commencement of development. Development shall be undertaken in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the Shire.

Roads and Access

5. Prior to commencement of works, the submitted Transport Impact Statement (Ref: W202190 REV B-Final, dated 15/02/2021) shall be revised to the satisfaction of the Shire of Murray on the advice of Main Roads Western Australia, incorporating an updated SIDRA analysis, to determine the ultimate layout of the Pinjarra Road / Riverside Drive intersection.

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6. Prior to commencement of works, the Pinjarra Road / Riverside Drive intersection shall be designed and approved to the satisfaction of the Shire of Murray on the advice of Main Roads Western Australia. The detailed design shall include (without being limited to) the following:
- a) an 'ultimate' intersection layout concept which accommodates the future development traffic of the locality, with due regard to the recommendations of the final approved Transport Impact Statement and future servicing requirements of the 'Furnissdale West Structure Plan' area; and
 - b) a detailed 'interim' intersection layout design to support the proposed development traffic, including provision of an appropriate corner road truncation area, drainage, kerbing, pedestrian footpath and lighting.

The approved interim intersection layout is to be constructed at the full cost of the landowner/applicant prior to the approved development first being occupied.

7. Prior to the approved development first being occupied, a 10 metre-wide land area measured along the full Pinjarra Road road frontage to Lot 156, a corner truncation area as determined by the approved detailed 'ultimate' intersection layout design required under Condition 6a, and widening along the remaining western side of Riverside Drive where it abuts Lot 156 to accommodate the approved detailed engineering design in accordance with Condition 8 below, is to be ceded to the Crown free of cost and without payment of compensation.
8. Prior to the commencement of works, a detailed engineering design to the satisfaction of the Shire of Murray is to be submitted to the Shire of Murray for approval for the upgrade of Riverside Drive to a Liveable Neighbourhoods 'Neighbourhood Connector A' road for the portion of Riverside Drive that abuts Lot 156. The detailed design is to include drainage, kerbing, pedestrian footpaths, street trees, landscaping and street lighting. The approved design is to be constructed to the satisfaction of the Shire of Murray at the full cost of the landowner/applicant prior to the approved development first being occupied.
9. Prior to the commencement of works, amended plans are to be submitted to the satisfaction of the Shire of Murray to reflect the road widening requirements set out in Conditions 6 and 7, acoustic treatments required by Condition 15 and bin storage/collection areas required by Condition 22.
10. Prior to the development first being occupied, arrangements being made with the Shire of Murray for the landowner/applicant to contribute towards the costs of providing common infrastructure as established through Development Control Area 4 provisions of the Shire of Murray Town Planning Scheme No. 4.
11. Prior to the development first being occupied, crossovers designed in accordance with the Shire of Murray Specifications are to be constructed. Crossovers are to thereafter be maintained in a serviceable condition to the satisfaction of the Shire of Murray.



12. Prior to the development first being occupied, the existing driveway / crossover on Pinjarra Road is to be removed and the road verge reinstated consistent with the adjacent verge to the specifications of Main Roads Western Australia to the satisfaction of the Shire of Murray.
13. The construction of a new dual use path within the road reserve of Pinjarra Road and the western verge of Riverside Drive where the development site abuts these roads.
14. The car parking bays, driveways and points of ingress and egress shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890) prior to the development first being occupied and thereafter maintained in a serviceable condition to the satisfaction of the Shire of Murray.
15. Prior to commencement of works, the Noise Management Plan (Ref: 27222-2-20031-02, dated February 2021) shall be revised to the satisfaction of the Shire on the advice of Main Roads WA. The approved revised Noise Management Plan shall be implemented at the full cost of the landowner/applicant to the satisfaction of the Shire.

Water Management

16. Prior to the commencement of civil works an Urban Water Management Plan is to be prepared and submitted for approval to the satisfaction of the Shire of Murray on advice of the Department of Water and Environment Regulation. The drainage system is to be designed, constructed and managed as per Stormwater Management Manual for Western Australia (DWER, 2004) and Decision Process for Stormwater Management in Western Australia (DWER, 2017). The plan is to describe and demonstrate the management of drainage for minor, small and major events taking into consideration the drainage strategy outlined in the previously approved 'Various Landholdings Furnissdale Local Water Management Strategy (Hyd2o, October 2015)' for the Furnissdale West Structure Plan, including this site's connection and/or discharge to external drainage catchments. The approved plan is to be implemented to the satisfaction of the Shire of Murray. The finished floor and surface levels of the development shall be finally determined in the context of the Urban Water Management Plan and be sufficient to ensure adequate protection from major storm events to the satisfaction of the Shire of Murray.
17. Prior to the commencement of works detailed engineering drawings and specifications are to be submitted for approval by the Shire of Murray, and subsequent works undertaken in accordance with the approved engineering drawings and specifications, for the draining of the land in accordance with the approved Urban Water Management Plan.

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18. Prior to the commencement of any sub-surface or excavation works, 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 prepared for approval by the Shire of Murray on advice from the Department of Water and Environment Regulation. Where an acid sulphate soils management plan is required to be prepared, all site works shall be carried out in accordance with the approved management plan.

Landscaping

19. Detailed landscaping plans to the satisfaction of the Shire of Murray are to be submitted for approval prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of both the site and the adjoining road verge(s), and shall:
- Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - Provide all details relating to paving, treatment of verges, irrigation and plantings;
 - Include shade trees within new car parking areas at the rate of one tree for every four bays;
 - Show spot levels and/or contours of the site;
 - Be based on water sensitive urban design and designing out crime principles;
 - Meet the requirements set out in the Shire of Murray Mosquito Local Planning Policy;
 - Outline what works, if necessary, are required within the subject site and adjacent verges to ensure compliance with AS3959.

The approved landscape plans are to be implemented prior to the development first being occupied with the landscaping to be thereafter maintained in a healthy condition.

20. The trees highlighted as 'Significant Habitat Tree to be Retained' and 'Tree to be Retained' on the plan titled 'Tree Retention Plan' (prepared by Richard Hammond Architect being Plan No. A2.03 dated 26.10.20) are to be retained unless otherwise agreed in writing by the Shire of Murray. These trees are to be maintained on an ongoing basis by the owner and shall not without the written agreement of the Shire of Murray be removed, pruned, filled or excavated around or otherwise treated in a manner that would adversely impact the health and longevity of the trees.
21. Detailed plans are to be submitted to the Shire of Murray for approval which highlights the location of the 'Significant Habitat Tree to be Retained' and 'Tree to be Retained' referred to in Condition 20, existing survey levels, any proposed changes to these levels, the detailed positioning and design of development including underground infrastructure designed in a manner that will maximise tree retention, and minimise any adverse impacts on the health and longevity of the trees to be retained to the satisfaction of the Shire. The development to be carried out in accordance with the approved detailed plans consistent with this condition.

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Waste Management

22. Prior to the commencement of development, modified plans are to be submitted for approval by the Shire of Murray to show bin storage/collection areas. Waste storage areas collection Waste storage area(s) shall be designed in accordance with the Shire of Murray Health Local Law and ensure that bins and receptacles can be appropriately accessed by waste collection vehicles and screened from view.

Bushfire Management

23. The development shall at all times comply with the requirements and recommendations of the approved Bushfire Management Plan (prepared by Allering and Associates being Document ID NLV FU2 ZB/2009 dated 30.9.20), or a revised Bushfire Management Plan approved by the Shire of Murray.
24. A notification, pursuant to section 70A of the Transfer of Land Act 1893, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense and lodged with the Shire for execution prior to commencement of development, and placed on the certificate of title prior to occupation of the development. The notification 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'.

Construction Management

25. A Construction Management Plan shall be submitted to the Shire of Murray for approval prior to the commencement of development. The management plan shall include details regarding mitigation measures to address impacts associated with construction works and shall be prepared to the specification and satisfaction of the Shire. The construction works shall be undertaken in accordance with the approved Construction Management Plan.

Mosquito Management

26. Prior to the commencement of civil works, a Mosquito Management Plan shall be submitted to and approved by the Shire of Murray consistent with its 'Mosquito Local Planning Policy', demonstrating how mosquito impacts from nearby breeding areas will be kept to a minimum (non-nuisance levels) post development. All management recommendations set out in the approved Mosquito Management Plan shall be in place prior to occupation of the development and thereafter maintained to the satisfaction of the Shire of Murray.



Advice Notes

1. Riverside Drive is to be designed and constructed to an urban standard in accordance with the Liveable Neighbourhoods 'Neighbourhood Connector A' street cross section and the IPWEA Local Government Guidelines for Subdivision Development. Works within the eastern verge of Riverside Drive, including kerbing, car parking embayments, footpaths, street trees and landscaping are not required to be constructed under this approval.
2. Development Control Area 4 provides for a cost sharing arrangement between owners of land within the Furnissdale West Structure Plan area for specified common infrastructure. Some works specified in conditions of this approval may contribute toward the common infrastructure costs, including but not limited to the upgrading of Riverside Drive. The Development Contribution Plan report for Development Control Area 4 which will specify matters including costs, priority, timing of common infrastructure has not been prepared and approved to date. Suitable arrangements for a contribution toward the costs of common infrastructure can therefore be satisfied by the owner entering into a legal agreement with the Shire of Murray agreeing to make the proportional contribution applicable to Lot 156, allowing for any works required by conditions of this approval once the Development Contribution Plan report has been prepared and approved.
3. The Urban Water Management Plan is to include provision for a piped stormwater drainage system within the Riverside Drive road reserve.
4. The Construction Management Plan will in particular need to ensure that:
 - A suitable standard and location of access to and from the site is provided;
 - Adequate space is provided within the development site for the parking of construction vehicles and for the storage of building materials to minimise the need to utilise the surrounding road network;
 - Pedestrian and vehicular access around the site is maintained;
 - The hours of construction are limited to ensure that there is no adverse impact on the amenity of the surrounding properties;
 - The impacts caused by sand drift and dust from the site are minimised;
 - Construction waste is suitably managed to ensure it does not escape from the site and does not adversely impact visual amenity;
 - Other matters that have the potential to impact the nearby area are effectively managed.
5. Tree 2 identified in the report by Terrestrial Ecosystems dated 15 October 2020 should be reinspected immediately prior to clearing with a zoologist present to ensure that there is no nesting taking place.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



REASON: As outlined in the Responsible Authority Report, the application is assessed (with appropriate conditions) as satisfying the relevant planning provisions governing the development of the site. Matters relating to required civil works resulting from the development; roads and access, land/water management and contribution to broader infrastructure provisions are dealt with by conditions of the approval, to be satisfied as the development proceeds.

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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

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

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 9:50am.