



Metro East Joint Development Assessment Panel Minutes

Meeting Date and Time: 1 April 2020; 2:00pm
Meeting Number: MEJDAP/236
Meeting Venue: Via electronic means

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

Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Lindsay Baxter (A/Deputy Presiding Member)
Mr Peter McNab (Specialist Member)
Cr Caroline Wielinga (Local Government Member, City of Armadale)
Cr Jeff Munn (Local Government Member, City of Armadale)

Officers in attendance

Mr Chris Valentine (City of Armadale)
Mr Paul Sanders (City of Armadale)
Mr Glen Windass (City of Armadale)

Minute Secretary

Ms Zoe Hendry (DAP Secretariat)
Ms Megan Ventriss (DAP Secretariat)

Applicants and Submitters

Mr Alessandro Stagno (Planning Solutions)
Mr Scott Ferguson (OTB)
Mr Behnam Bordbar (Transcore)

Members of the Public / Media

There were 3 members of the public in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 2:02pm on 1 April 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*.



In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Ms Kym Petani (Deputy Presiding Member)

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 Alessandro Stagno (Planning Solutions) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Chris Valentine, Mr Paul Sanders and Mr Glen Windass (City of Armadale) responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Property Location:	Lot 31 Wright Road, Piara Waters
Development Description:	Use and development of childcare centre including parking, access, landscaping and signage (10.2019.412.1).
Applicant:	Planning Solutions
Owner:	Christopher John Terlet, Gloria Elizabeth Lind Terlet
Responsible Authority:	City of Armadale
DAP File No:	DAP/19/01725

REPORT RECOMMENDATION

Moved by: Mr Peter McNab

Seconded by: Ms Lindsay Baxter

With the Approval of the Mover and Seconder, the following Amendments were made:

(i) That condition no 1 be amended to read as follows:

Prior to the submission of a Building Permit, revised plans shall be submitted to and approved by the City of Armadale, in-accordance with Schedule 2, Part 9, Clause 74(1) of the Planning and Development (Local Planning Schemes)



Regulations 2015 that modify the proposal by ~~relocating the proposed bin store out of the front setback area:~~

- a. Relocating the proposed bin store to the western side of Staff Bay 3; and**
- b. Shifting Staff Bays 1-3 and the bin store eastward with the balance of the former bin store area being included in the landscaping area.**

REASON: To achieve a greater certainty the planning objective of an appropriate location for the bin store area. The panel was advised that this amendment to the condition had been agreed between the City officers and the applicants prior to the meeting.

- (ii) That condition 2 be deleted and the remaining be renumbered accordingly.

REASON: Condition no. 2 was a duplicate of condition no. 21 (now Condition no. 20)

- (iii) That condition no. 7 (now condition no. 6) be amended to read as follows:

Operating hours shall be 6:30am to 6:30pm Monday to Friday ~~in line with the Environmental Noise Assessment~~. All activities **on the site** shall be conducted in **accordance with the Final Acoustic Assessment so as a manner** to avoid any **excessive** noise impact upon adjoining neighbours, to the satisfaction of the City of Armadale.

REASON: To provide for a referable standard for noise control for activities on the site.

- (iv) That condition no. 14 (e) (now condition no. 13(e)) be amended to read as follows:

*The provision of a boundary landscaping strip **along the Wright Road boundary and four shade trees within the car park, evenly distributed between Bays 13-15, and Bays 16-23.** at the rates of at least 1 tree per 10 metre interval along any ~~line~~ of car parking;*

REASON: To allow for effective spacing and shading while using a limited number of trees, enabling a more efficient parking layout. The panel was advised that this amendment to the condition had been agreed between the City officers and the applicants prior to the meeting.

- (v) That a new condition no. 22 be added to read as follows:

This decision constitutes planning approval only for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.

REASON: Given the current uncertain environment and the unprecedented circumstances which will change the way that services and businesses will be operating for at least the next 6 months, it is unreasonable to expect that the conditions required to be cleared prior to substantial commencement would be able to be acted upon in a timely and efficient manner within the TP Regulations deemed 2 year approval period. It is therefore necessary to provide a longer period for approval.

- (vi) That advice note no. Q be deleted and the remaining advice notes be renumbered accordingly.



REASON: No longer applicable due to amendment motion (v) above.

That the Metro East JDAP resolves to:

Approve DAP Application reference DAP/19/01725 and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the of the City of Armadale Planning Scheme No. 4, subject to the following conditions as follows:

Conditions

1. Prior to the submission of a Building Permit, revised plans shall be submitted to and approved by the City of Armadale, in-accordance with Schedule 2, Part 9, Clause 74(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* that modify the proposal by:
 - a. Relocating the proposed bin store to the western side of Staff Bay 3; and
 - b. Shifting Staff Bays 1-3 and the bin store eastward with the balance of the former bin store area being included in the landscaping area.
2. Kerbside waste collection is not permitted from the road reservation. Commercial Waste generated by the Child Care Premises shall be collected onsite by a private contractor to the satisfaction of the City of Armadale.
3. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Armadale which demonstrates to the City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Acoustic Assessment must include the following information:

- a. noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
- b. tonality, modulation and impulsiveness of noise sources; and confirmation of the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report and implemented as such for the duration of the development.

4. The Child Care Premises shall be constructed and implemented prior to occupation in accordance with the recommendations of the *Environmental Noise Assessment (including Transportation Noise Assessment)* dated December 2019/January 2020 prepared by Lloyd George Acoustics Pty Ltd to the satisfaction of the City of Armadale.
5. The Child Care Premises is restricted to a maximum of 79 children at any given time.
6. Operating hours shall be 6:30am to 6:30pm Monday to Friday. All activities on the site shall be conducted in accordance with the Final Acoustic Assessment so as to avoid any excessive noise impact upon adjoining neighbours, to the satisfaction of the City of Armadale.



7. No outdoor play is to commence prior to 7am, Monday to Friday.
8. Prior to occupation a Parking Management Plan shall be submitted to and approved by the City of Armadale. The Child Care Premises shall be operated in accordance with the approved Parking Management Plan thereafter.
9. Prior to occupation all internal vehicle manoeuvring spaces shall be constructed, sealed, kerbed and drained in accordance with the approved site plan to the satisfaction of the City of Armadale and continuously maintained thereafter. Relocation/Removal of any services/infrastructure will be at the cost of the developer/owner.
10. Bin storage areas shall be conveniently located and screened from view, to the satisfaction of the City of Armadale.
11. To meet drainage requirements prior to commencement of works, the developer/owner shall, to the specifications and satisfaction of the City of Armadale:
 - a. Submit a stormwater management plan incorporating water sensitive design principles for approval and implement the approved plan thereafter;
 - b. Show any drainage easements as may be required on the Certificate of Title in favour of the City; and
 - c. Relocate, remove or upgrade any drainage infrastructure on the lot or within the adjoining road reserve that is impacted by the proposed development.
12. Prior to submission of a Building Permit a schedule of external colours and materials shall be submitted and approved by City of Armadale. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the City of Armadale.
13. Prior to commencement of works a landscape plan shall be submitted to and approved by the City of Armadale. The landscape plan shall include:
 - a. Plant species (predominantly West Australian natives);
 - b. Numbers, location, container size;
 - c. Method of irrigation of the landscaped areas;
 - d. Landscaping and treatment of adjoining verge areas;
 - e. The provision of a boundary landscaping strip along the Wright Road boundary and four shade trees within the car park, evenly distributed between Bays 13-15, and Bays 16-23.

All landscaping shall be installed prior to occupancy of the development and maintained as per the approved plan thereafter.

14. Prior to the commencement of works a Construction Management Plan is to be prepared and submitted to the City of Armadale for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall be implemented to the satisfaction of the City of Armadale and detail how the construction of the development will be managed, including the following:
 - a. Public safety and site security;
 - b. Hours of operation;
 - c. Dust management;
 - d. Waste and material disposal;
 - e. Traffic management plans for the various phases of the construction;
 - f. Parking arrangements for contractors and sub-contractors;



- g. Delivery and access arrangements;
 - h. The storage of materials and equipment on site (no storage of materials within the public realm will be permitted);
 - i. Bonding and remediation arrangements; and
 - j. Any other matters likely to impact upon the surrounding properties or public realm.
15. Fencing of play areas adjoining residential properties shall be constructed prior to occupation to a minimum height of 2.3m from acoustic insulating material to the satisfaction of the City of Armadale.
 16. Air conditioning units, compressors and other equipment related to utilities shall be screened from public view and positioned so as to avoid any adverse effects, including noise, on the occupants of nearby residential properties to the satisfaction of the City of Armadale.
 17. Outdoor storage areas shall be screened from public view and adjoining properties to the satisfaction of the City of Armadale.
 18. External clothes drying areas shall be screened from view from public spaces and adjoining properties to the satisfaction of the City of Armadale.
 19. In accordance with the requirements of Local Planning Policy PLN 3.12 - Percent for Art, prior to the commencement of development, the applicant or landowner is to either:
 - a. make a monetary contribution to the City of Armadale Public Art Reserve Account equal to one per cent (1%) of the estimated total development cost; or,
 - b. public art work to the value of one per cent (1%) of the total development cost and continuously maintain the public art work.
 20. In accordance with Part 5A and Schedule 9B (Development Contribution Plan No.3) of Town Planning Scheme No.4, a contribution shall be paid towards the provision of Common Infrastructure Works to service the Harrisdale/Piara Waters urban area, to the satisfaction of the Executive Director Development Services, prior to the commencement of site works.
 21. Conditions of this approval not specifying a particular timeframe are to be complied with prior to occupancy of the development, to the satisfaction of the City of the Armadale.
 22. This decision constitutes planning approval only for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.

Advice Notes:

- A. Should the subject development be completed and the use commence the City can entertain the removal of the reciprocal access agreement with Lot 602 No. 2472 Wright Road Piara Waters.
- B. With regard to the Condition requiring a development contribution, the developer should contact the City's Project Manager Contribution Arrangements, so that the contribution can be calculated and a Tax Invoice issued for payment.



- C. The City notes that a development contribution of \$9939.33 has previously been paid in 2010 and this amount will be deducted when the final contribution amount payable is determined.
- D. The applicant is advised that fencing associated with the proposed development, other than that specified under the condition relating to play areas is to comply with the requirements of the City of Armadale Fencing Local Law 2011.
- E. With regard to the condition limiting the number of children in attendance please be advised that the Department for Local Government and Communities may further restrict the number of children under their licence.
- F. With regard to the condition for the Parking Management Plan, please be advised that any changes made to the Management Plan shall be submitted to and approved by the City's Planning Department prior to any changes being actioned. The Parking Management Plan should include noise management measures.
- G. With regard to the condition regarding vehicle manoeuvring spaces, the City's Technical Services Directorate should be contacted in order that the appropriate crossover application may be made. The extent of seal within car parking areas (with the exception of disabled bays and crossovers) can be negotiated with the City's Technical Services Directorate.
- H. With regard to the condition requiring a Stormwater Management Plan, Stormwater management should be in accordance with South Forrestdale Local Water Management Strategy.
- I. With regard to the condition requiring a Landscape Plan, please refer to the City's Landscaping Guidelines – (Screening and/or Industrial and Commercial), Landscaping Guidelines – Plants to Avoid, the City's Urban Forestry Strategy and Landscape Factsheet - Trees for Confined Spaces to assist you to formulate a satisfactory landscaping proposal. Copies of these documents are available on the City's website at: www.armadale.wa.gov.au/planninginformation-sheet-forms-fees
- J. With regard to part b) of the condition relating to the City's PLN 3.12 – Percent for Art the arts approval process is outlined under section 5 of the policy.
- K. The applicant is advised of the requirement to comply with the Environmental Protection (Noise) Regulations 1997, the Child Care Services Act 2007 and the Child Care Services (Child Care) Regulations 2006.
- L. The applicant is advised to liaise with the City's Health Services to arrange for an inspection of the premises to ensure compliance with requirements of the Health Act 1911 and the Department of Communities (State Government) to apply for and obtain the necessary licence.
- M. The applicant is advised to liaise with the City's Planning Services if signage is associated with the Child Care Centre is being contemplated. A separate application and approval will be required for any signage.
- N. Lighting shall comply with Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting" or its equivalent and the City's Environment, Animals and Nuisance Local Laws 2002.
- O. The applicant and landowner are advised that it is a statutory requirement to comply with all conditions of this approval, and that not complying with any condition is



therefore illegal. Failure to comply with any condition of this approval or the approved plans constitutes an offence under the Planning Development Act 2005. The City can issue a Planning Infringement Notice of \$500 (without notice) and/or commence legal action with higher penalties up to \$200,000 for each offence and a daily penalty of \$25,000 per day for the continuation of that offence. It is the responsibility of the applicant and/or landowner to inform Council in writing when they consider the development to be complete and all conditions of this approval have been satisfied.

- P. The developer is reminded of the requirement under the provisions of the Environmental Protection Act that all construction work (which includes earthworks and similar) be managed with due regard for noise control. Works generating noise and rock breaking in particular, are not permitted:
- Outside the hours of 7:00am to 7:00pm; or
 - On a Sunday or Public Holiday.
- Q. Where the approval has so lapsed, no development shall be carried out without the further approval of the City having first been sought and obtained. Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Planning and Development (Development Assessment Panels) Regulations 2011.

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

Nil

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 (227) Morrison Road, Midvale	Neighbourhood Centre (Shop, Consulting Rooms, Recreation – Private, Fast Food Outlet, Convenience Store)



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 3:02pm.