



Metro East Joint Development Assessment Panel Minutes

Meeting Date and Time: 10 January 2020, 10:00 AM
Meeting Number: MEJDAP/226
Meeting Venue: City of Armadale
Function Room,
7 Orchard Avenue, Armadale

Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Kym Petani (Deputy Presiding Member)
Mr Peter McNab (Specialist Member)

Item 8.1

Cr Kevin Bailey (Local Government Member, City of Swan)
Cr Rod Henderson (Local Government Member, City of Swan)

Item 10.1

Cr Donna Shaw (Local Government Member, City of Armadale)

Officers in attendance

Item 8.1

Mr Philip Russell (City of Swan)

Item 10.1

Mr Glen Windass (City of Armadale)
Ms Kira Strange (City of Armadale)

Ms Victoria Johnson (Governance Officer, DAP Secretariat)

Minute Secretary

Ms Noelene Cranfield (City of Armadale)

Applicants and Submitters

Mr Scott Vincent (Planning Solutions)
Mr Graham Taylor (Taylor Robinson Chaney Broderick)
Mr Jacob Martin (Cardno)
Mr Nik Hidding (Peter Webb & Associate)
Mr Ian Hazlehurst (FTC)
Mr Valdimir Baltic (Transcore)
Mr Robin Hammond (Representing the owner Kelmscott Property Group Pty Ltd)

Mr Ian Birch
Presiding Member, Metro East JDAP



Mr Ian Thomson (Main Roads WA)

Members of the Public / Media

There was 1 member of the public in attendance

1. Declaration of Opening

The Presiding Member declared the meeting open at 10.00am on 10 January 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

Cr Caroline Wielinga (Local Government Member, City of Armadale)

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 Petani is an employee and shareholder of GHD who have been engaged by the City of Armadale to undertake a design of safety barrier at Millhouse Road/West Swan Road, pavement assessment within City of Swan, traffic and road safety assessment for 3 intersections, bridge inspection, preparation of documentation for infrastructure requirements associated with Midland Oval Redesign and refurbishment of the City of Swan's operation building.

Mr Ian Birch
Presiding Member, Metro East JDAP



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.

In accordance with section 2.4.10 of the DAP Code of Conduct 2017, DAP Member, Mr Ian Birch and Ms Kym Petani, declared that they had participated in a State Administrative Tribunal process in relation to the application at item 10.1. However, under section 2.1.3 of the DAP Code of Conduct 2017, Mr Birch and Ms Petani acknowledged that they are not bound by any confidential discussions that occurred as part of the mediation process and undertake to exercise independent judgment in relation to any DAP applications before them, which will be considered on its planning merits.

7. Deputations and Presentations

- 7.1 Mr Scott Vincent (Planning Solutions) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Graham Taylor (Taylor Robinson Chaney Broderick) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.3 Mr Philip Russell (City of Swan) responded to questions from the panel in relation to the application at Item 8.1.

The presentations at Item 7.1 - 7.3 were heard prior to the application at Item 8.1.

- 7.4 Mr Nik Hidding (Peter Webb & Associates) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.
- 7.5 The City of Armadale Officers and Mr Ian Thomson (MRWA) responded to questions from the panel in relation to the application at Item 10.1.

The presentations at Items 7.4 - 7.5 were heard prior to the application at Item 10.1.

8. Form 1 – Responsible Authority Reports – DAP Applications

- 8.1 Property Location: Lot 7197 Maffina Parade, Ellenbrook
Development Description: Shopping Centre
Applicant: Planning Solutions
Owner: DCA Projects Pty Ltd
Responsible Authority: City of Swan
DAP File No: DAP/19/01685

REPORT RECOMMENDATION:

Mr Ian Birch
Presiding Member, Metro East JDAP



Moved by: Cr Kevin Bailey

Seconded by: Cr Rod Henderson

That the Metro East JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/01685 and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Part 10.3 of the City of Swan Local Planning Scheme No. 17, subject to the following conditions:

Conditions

1. This decision constitutes a planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. This approval is for a Shopping Centre comprising 'Shops', 'Restaurants' and a 'Medical Centre' as shown on the approved plans and defined in the City of Swan Local Planning Scheme No.17.
3. Prior to the lodgement of an application for a Building Permit a detailed Landscaping Plan must be submitted to, and approved by the City of Swan. An acceptable Landscaping Plan must include:
 - a) the location, species and extent of new trees and vegetation to be planted on-site and within the abutting road reserves;
 - b) existing trees to be retained within the abutting road reserves;
 - c) the use and location of structural soil cells and/or root control barriers for new and retained trees on-site and within the abutting road reserves;
 - d) new footpath treatments within The Broadway road reserve abutting the site; and
 - e) written endorsement of an appropriately qualified Bushfire Planning and Design (BPAD) Accredited Practitioner confirming that the Landscaping Plan complies with the asset protection zone requirements detailed in the Bushfire Management Plan prepared by Entire Fire Management (*Bushfire Management Plan – 2-1435: Lot 7197 The Broadway, Ellenbrook – Revision - 0*).

An acceptable Landscape Plan must be generally consistent with the approved plans, including the stormwater drainage plan.

4. Prior to the initial occupation of the development all landscaping shall be installed in accordance with the approved Landscaping Plan. Landscaping shall be maintained on-site to the satisfaction of the City of Swan and in accordance with the Bushfire Management Plan prepared by Entire Fire Management (*Bushfire Management Plan – 2-1435: Lot 7197 The Broadway, Ellenbrook – Revision - 0*).
5. Prior to the lodgement of an application for a Building Permit, updated noise modelling is to be submitted to the City of Swan demonstrating expected noise emissions from all mechanical plant and equipment (air conditioners, compressors etc) and compliance with the *Environmental Protection (Noise) Regulations 1997*.

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6. Prior to the lodgement of an application for a Building Permit and in order to comply with the City of Swan Provision of Public Art Policy the owner, or applicant on behalf of the owner, shall elect either:
 - a) To pay to the City the sum of \$135,000 which equates to 1% of the Construction Cost of the development, in lieu of providing on-site Public Art (Option 1); or
 - b) seek approval from the City for an artist to provide Public Art on the development site to a minimum value of \$135,000 (Option 2).
7. Prior to the initial occupation of the development bicycle parking facilities capable accommodating a minimum of 18 bicycles shall be provided on site. Bicycle parking facilities must be designed and constructed in accordance with AS2890.3.
8. Prior to the initial occupation of the development car parking facilities capable of parking 264 cars shall be provided on-site in accordance with the approved plans. Car parking, access and manoeuvring areas shall be designed and constructed in accordance with AS 2890 and signed/ line marked to give clear direction to users.
9. Vehicle parking, access and circulation areas shall be sealed, kerbed, drained and maintained to the satisfaction of the City.
10. Prior to the initial occupation of the development, a new footpath shall be constructed within The Broadway road reserve connecting:-
 - a) the existing footpaths/dual use paths within the Maffina Parade and Bordeaux Lane road reserves; and
 - b) the existing bus stop within The Broadway road reserve; and
 - c) the pedestrian access ramp providing access to the Shopping Centre.

The footpath shall be designed and constructed in accordance with the City's specifications and at the full cost of the applicant/ owner.
11. Prior to the initial occupation of the Shopping Centre, three (3) on-street parking bays shall be constructed within the Bordeaux Lane road reserve and five (5) on street parking bays shall be constructed within the Devitt Way road reserve. The on street parking bays shall be designed and constructed in accordance with the City's specifications and at the full cost of the applicant/owner.
12. Prior to the initial occupation of the development, the median on Maffina Parade at the intersection with Devitt Way must be modified to accommodate 19m delivery truck manoeuvres to the satisfaction of the City. The modified median shall be designed and constructed in accordance with the City's specifications and at the full cost of the applicant/ owner.
13. Prior to the lodgement of an application for a Building Permit, the applicant/owner is to submit, to the satisfaction of the City of Swan, detailed design drawings in accordance with the City's specifications of:
 - a) vehicular crossovers to the site
 - b) on-street parking bays;
 - c) footpaths; and
 - d) modification of the median on Maffina Parade at the intersection with Devitt Way to accommodate 19m delivery truck manoeuvres.

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14. The calling and operation of commercial vehicles on site (including delivery and waste collection vehicles) shall be in accordance the recommendations outlined the *Environmental Noise Report – Ellenbrook District Centre 19036 – Rev 2, prepared by Gabriels Hearbe Farrell Pty Ltd, dated 18 October 2019.*
15. All stormwater produced on site shall be retained on site and disposed of in accordance with the approved stormwater management plans.
16. No fluid other than uncontaminated stormwater shall enter the local drainage system.
17. External lighting shall comply with the requirements of the Australian Standard AS 4282.
18. All areas used for storage of goods must be screened from view from any public street to the satisfaction of the City of Swan.

AMENDING MOTION 1

Moved by: Mr Peter McNab

Seconded by: Ms Kym Petani

- (i) That condition 1 be deleted and the remaining conditions be renumbered accordingly:

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

REASON: An unnecessary condition as it duplicates the approval times in the planning regulations.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 2

- (ii) That condition 10a) (now condition 9a)) be amended to read as follows:

10a) the existing footpaths/dual use paths within the ~~Maffina Parade and~~ Bordeaux Lane road reserves; and

REASON: It was considered that the development did not generate sufficient nexus or need for an entire footpath.

The Amending Motion was put and CARRIED (3/2).

For: Mr Ian Birch
Mr Peter McNab
Ms Kym Petani

Against: Cr Kevin Bailey
Cr Rod Henderson

Mr Ian Birch
Presiding Member, Metro East JDAP



REPORT RECOMMENDATION (AS AMENDED)

That the Metro East JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/01685 and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Part 10.3 of the City of Swan Local Planning Scheme No.17, subject to the following conditions:

Conditions

1. This approval is for a Shopping Centre comprising 'Shops', 'Restaurants' and a 'Medical Centre' as shown on the approved plans and defined in the City of Swan Local Planning Scheme No.17.
2. Prior to the lodgement of an application for a Building Permit a detailed Landscaping Plan must be submitted to, and approved by the City of Swan. An acceptable Landscaping Plan must include:
 - a) the location, species and extent of new trees and vegetation to be planted on-site and within the abutting road reserves;
 - b) existing trees to be retained within the abutting road reserves;
 - c) the use and location of structural soil cells and/or root control barriers for new and retained trees on-site and within the abutting road reserves;
 - d) new footpath treatments within The Broadway road reserve abutting the site; and
 - e) written endorsement of an appropriately qualified Bushfire Planning and Design (BPAD) Accredited Practitioner confirming that the Landscaping Plan complies with the asset protection zone requirements detailed in the Bushfire Management Plan prepared by Entire Fire Management (*Bushfire Management Plan – 2-1435: Lot 7197 The Broadway, Ellenbrook – Revision - 0*).

An acceptable Landscape Plan must be generally consistent with the approved plans, including the stormwater drainage plan.

3. Prior to the initial occupation of the development all landscaping shall be installed in accordance with the approved Landscaping Plan. Landscaping shall be maintained on-site to the satisfaction of the City of Swan and in accordance with the Bushfire Management Plan prepared by Entire Fire Management (*Bushfire Management Plan – 2-1435: Lot 7197 The Broadway, Ellenbrook – Revision - 0*).
4. Prior to the lodgement of an application for a Building Permit, updated noise modelling is to be submitted to the City of Swan demonstrating expected noise emissions from all mechanical plant and equipment (air conditioners, compressors etc) and compliance with the *Environmental Protection (Noise) Regulations 1997*.
5. Prior to the lodgement of an application for a Building Permit and in order to comply with the City of Swan Provision of Public Art Policy the owner, or applicant on behalf of the owner, shall elect either:

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- a) To pay to the City the sum of \$135,000 which equates to 1% of the Construction Cost of the development, in lieu of providing on-site Public Art (Option 1); or
 - b) seek approval from the City for an artist to provide Public Art on the development site to a minimum value of \$135,000 (Option 2).
6. Prior to the initial occupation of the development bicycle parking facilities capable accommodating a minimum of 18 bicycles shall be provided on site. Bicycle parking facilities must be designed and constructed in accordance with AS2890.3.
 7. Prior to the initial occupation of the development car parking facilities capable of parking 264 cars shall be provided on-site in accordance with the approved plans. Car parking, access and manoeuvring areas shall be designed and constructed in accordance with AS 2890 and signed/ line marked to give clear direction to users.
 8. Vehicle parking, access and circulation areas shall be sealed, kerbed, drained and maintained to the satisfaction of the City.
 9. Prior to the initial occupation of the development, a new footpath shall be constructed within The Broadway road reserve connecting:-
 - a) the existing footpaths/dual use paths within the Bordeaux Lane road reserves; and
 - b) the existing bus stop within The Broadway road reserve; and
 - c) the pedestrian access ramp providing access to the Shopping Centre.

The footpath shall be designed and constructed in accordance with the City's specifications and at the full cost of the applicant/ owner.
 10. Prior to the initial occupation of the Shopping Centre, three (3) on-street parking bays shall be constructed within the Bordeaux Lane road reserve and five (5) on street parking bays shall be constructed within the Devitt Way road reserve. The on street parking bays shall be designed and constructed in accordance with the City's specifications and at the full cost of the applicant/owner.
 11. Prior to the initial occupation of the development, the median on Maffina Parade at the intersection with Devitt Way must be modified to accommodate 19m delivery truck manoeuvres to the satisfaction of the City. The modified median shall be designed and constructed in accordance with the City's specifications and at the full cost of the applicant/ owner.
 12. Prior to the lodgement of an application for a Building Permit, the applicant/owner is to submit, to the satisfaction of the City of Swan, detailed design drawings in accordance with the City's specifications of:
 - a) vehicular crossovers to the site
 - b) on-street parking bays;
 - c) footpaths; and
 - d) modification of the median on Maffina Parade at the intersection with Devitt Way to accommodate 19m delivery truck manoeuvres.
 13. The calling and operation of commercial vehicles on site (including delivery and waste collection vehicles) shall be in accordance the recommendations outlined

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the Environmental Noise Report – Ellenbrook District Centre 19036 – Rev 2, prepared by Gabriels Hearbe Farrell Pty Ltd, dated 18 October 2019.

14. All stormwater produced on site shall be retained on site and disposed of in accordance with the approved stormwater management plans.
15. No fluid other than uncontaminated stormwater shall enter the local drainage system.
16. External lighting shall comply with the requirements of the Australian Standard AS 4282.
17. All areas used for storage of goods must be screened from view from any public street to the satisfaction of the City of Swan.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

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

PROCEDURAL MOTION

Moved by: Mr Peter McNab

Seconded by: Mr Ian Birch

That the meeting be adjourned for a period of 10 minutes to allow for a comfort break and the reconstitution of the panel.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

The meeting was adjourned at 10.49am.

The meeting was reconvened at 10.59am.

Cr Rod Henderson and Cr Kevin Bailey (City of Swan) left the meeting at 10.49am and Cr Donna Shaw (City of Armadale) joined the meeting at 10.59am.

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

Nil

10. Appeals to the State Administrative Tribunal

- | | |
|--------------------------------|---|
| 10.1 Property Location: | Lot 44 (2888) Albany Highway, Kelmscott |
| Development Description: | Convenience Store and Fast Food Outlet |
| Applicant: | Peter Webb & Associates |
| Owner: | Kelmscott Property Group Pty Ltd |
| Responsible Authority: | City of Armadale |
| DAP File No: | DAP/19/01569 |

REPORT RECOMMENDATION:

Mr Ian Birch
Presiding Member, Metro East JDAP



Moved by: Ms Kym Petani

Seconded by: Mr Peter McNab

That the Metro East Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR130 of 2019, resolves to:

Reconsider its decision dated 4 June 2019 and **approve** DAP Application reference DAP/19/01569 and accompanying amended plans:

- DA00 – Proposed Demolition Plan;
- DA01 – Proposed Site Plan;
- DA02 – Proposed Site Plan (Post Metronet Intersection Upgrades);
- DA03 – Proposed Floor Plans;
- DA04 – Proposed Elevations (E1, E2 and E3);
- DA05 – Proposed Elevations (E4 and E5); and
- S01 – Proposed Site Signage Plan & Details.

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 Armadale Town Planning Scheme No. 4*, subject to the following conditions:

Conditions

1. Prior to the submission of a Building Permit, revised plans shall be submitted to and approved by the City, 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) Removing any and all reference to “indoor dining” within the Convenience Store;
 - b) Widening the crossover on Fancote Street and providing revised documentation demonstrating access and egress provisions do not impede infrastructure along the road network for the ultimate intersection configuration, i.e the Metronet upgrades; and
 - c) Any other matter that may require amendment as a result of the above at the request of the relevant authority.

The plans are to be approved by the City in consultation with Metronet and Main Roads Western Australia.

2. Prior to the commencement of works, an acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Department Environmental Regulation. Where an acid sulfate soils management plan is required to be submitted, all development shall be carried out in accordance with the approved management plan.
3. A Demolition Management Plan and Construction Management Plan shall be prepared by the applicant and submitted to the City for approval at least 30 days prior to the commencement of works. The Demolition and Construction Management Plan(s) shall be implemented by the applicant to the satisfaction of

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- the City and detail how the demolition and construction of the development will be managed, including the following:
- a) Public safety and site security;
 - b) Hours of operation;
 - c) Dust management (to be approved by the City's Health department);
 - d) Waste and material disposal;
 - e) Erosion and sedimentation control management to ensure all soil will be contained on site and kept out of drains/water courses;
 - f) Traffic management plans for the various phases of the construction;
 - g) Parking arrangements for contractors and sub-contractors;
 - h) Delivery and access arrangements;
 - i) The storage of materials and equipment on site (no storage of materials within the public realm will be permitted);
 - j) Bonding and remediation arrangements;
 - k) Additional measures for acid sulfate management (as outlined in Condition 2);
 - l) Verge protection and management measures; and
 - m) Any other matters likely to impact upon the surrounding properties or public realm.
4. An Operational Management Plan is to be prepared, and lodged with the City for approval addressing matters such as (but not limited to) truck deliveries (waste, inventory and fuel), vehicular stacking and associated management, odour, noise and anti-social behaviour to the satisfaction of the City. The plan shall be implemented to the satisfaction of the City.
5. A Waste Management Plan shall be submitted to and approved by the City prior to commencement of site works. The Waste Management Plan is to detail how waste generated by the development will be appropriately managed, including the following:
- a) General waste and litter management;
 - b) Patron public rubbish facility placement and maintenance;
 - c) Associated vermin control;
 - d) Effluent disposal;
 - e) Large waste disposal; and
 - f) Any other matter likely to impact upon the surrounding properties or public realm.
- Waste collection shall be carried out in accordance with the approved plan thereafter.
6. Prior to the commencement of works, engineering drawings and specifications shall be submitted to and approved by the City, for the widening of Fancote Street to accommodate the turning movements of all associated vehicles. All works shall be undertaken in accordance with the approved plan, engineering drawings and specifications prior to occupation of the development in consultation with Main Roads Western Australia, and to the satisfaction of the City. Any and all costs associated with this requirement are the responsibility of the applicant/landowner.

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7. Prior to occupation, all vehicle manoeuvring spaces shall be constructed, sealed, marked, kerbed and drained in accordance with the approved site plan to the satisfaction of the City and continuously maintained thereafter.
Relocation/removal of any services/infrastructure will be at the cost of the developer.
8. The existing eastern-most crossover on Fancote Street shall be removed and all kerbing/footpaths/verge areas shall be reinstated to the specifications and satisfaction of the City prior to occupation/use of the development.
9. Reciprocal rights of access are to be provided over the subject land for the benefit of Lot 5 (2880) Albany Highway, Kelmscott, to ensure use of internal driveways and access from Fancote Street. The reciprocal rights of access shall be prepared at the developer's cost and shall be included on the Certificate of Titles, with a benefit to the City and a benefit to Lot 5 (2880) Albany Highway, Kelmscott, and a burden to the subject property.
10. In accordance with the requirements of Local Planning Policy *PLN 3.12 – Percent for Public Art*, prior to the occupancy of the 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) install public art work on site to the value of one per cent (1%) of the total development cost and continuously maintain the public art work thereafter.
11. Prior to the storage of more than 200L of liquid chemicals or fuels on-site, a management plan to ensure accidental spills or contaminated stormwater from accidental spill are retained on-site and adequately cleaned up before being disposed of at a facility appropriate to the waste type shall be submitted to and approved by the City and the works specified by the management plan implemented thereafter.
12. To meet drainage requirements, prior to occupation of the development the developer/owner shall, to the specifications and satisfaction of the City:
 - a) Submit a stormwater management plan incorporating water sensitive design principles for approval and implement the approved plan;
 - 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.
13. A landscape plan shall be submitted to and approved by the City. 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) A minimum 2 metre wide landscaping strip between the parking area and the street boundary of the site;

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- f) The provision of shade trees within the car park at the rates of at least 1 tree per 10 metre interval along any line of car parking; and
- g) Retention of verge existing trees as identified on the approved site plan.

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

14. The development and use of the land is required to comply with the *Environmental (Noise) Regulations 1997*. Prior to the submission of a building permit, an updated Environmental Noise Emission Report is to be submitted to, and approved by the City.
15. Prior to the occupation of the development, written confirmation from a recognised acoustic consultant shall be submitted to the City stating that all recommendations made in the revised approved Environmental Noise Emission Report subject to Condition 14 have been complied with and will continue to be implemented.
16. 'End of trip bicycle facilities' in accordance with Clause 4.11.1 and Schedule 7B of *Town Planning Scheme No.4* shall be provided in the designated location prior to occupation of the development and continuously maintained thereafter.
17. A schedule of external colours and materials shall be submitted to, and approved by the City. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.
18. No materials shall be stored in car parking areas.
19. The approved signs (S1, S2, S3, S4 and S9) shall be erected in accordance with the approved plans (attached), to the satisfaction of the City.
20. Prior to the occupation of the development, a signage schedule outlining the details of the artwork for the approved sign structures (S1, S2, S3, S4 and S9) is to be submitted to and approved by the City.
21. The signs shall be placed on the subject land and no part of the signs are to protrude onto the road verge.
22. The landowner and/or applicant shall be responsible for all sign maintenance, removal (within 24 hours should the sign be damaged), replacement and removal of graffiti (within 3 working days) and maintained to the satisfaction of the City.
23. Illuminated signage must not exceed 6000cd/m² at daytime, not exceed 600cd/m² at dawn/dusk, not exceed 300cdm² at night and not flash, pulsate, move or rotate.
24. The signs shall not contain fluorescent, reflective or retro reflective colours or materials to the satisfaction of the City.

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25. Vegetation within the state road reserve shall not be removed or trimmed to improve the visibility of the signs.
26. Prior to occupation of the development, 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.
27. Car parking demand shall not exceed the number of parking bays approved for the development 22 vehicle bays, at any one time.
28. No car-wash facilities, no vacuum facilities and no car servicing/repair is permitted or approved in association with the Convenience Store.

ADVICE NOTES:

- A. With regard to Condition 6 requiring the widening of Fancote Street, the City acknowledges the proposed intersection upgrades by Metronet. The City advises that should the upgrades be finalised prior to the occupation of the development, this would satisfy the requirements of this Condition. Where the development is constructed prior to the intersection upgrades, the development is not to be occupied until such time that they are complete or the applicant/landowner completes the approved modifications to Fancote Street as per the approved plans subject to this Condition.
- B. With regard to Condition 7 on construction of vehicle manoeuvring spaces, the City should be contacted in order that the appropriate crossover application may be made.
- C. With regards to Condition 9 requiring an agreement for reciprocal rights, in accordance with the City's Town Planning Scheme No. 4, reciprocal rights can be enforced to benefit the subject lot at the time of submission of an application for re-development and/or change of use of Lot 5.
- D. With regard to Condition 13 requiring a Landscape Plan, please refer to the City's Landscaping Guidelines – (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: <https://www.armadale.wa.gov.au/planning-information-sheets>.
- E. All signage other than those submitted and approved within this application is subject to a separate application (including S5, S6, S7 and S8). Such signage will require approval from the City prior to the occupation of the vacant tenancies.
- F. This approval shall remain valid unless any alteration is made to the approved signs. In such an event, a new application for Development Approval will be required.

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- G. This approval should not be construed as meaning that approval has been given for the erection of the proposed sign, as a Building Permit may still be required prior to the erection of any structures on the property. In this regard, you are invited to contact the City's Building Department on 9394 5000 for requirements.
- H. No other unauthorised signage is to be displayed.
- I. Premises must comply with the *Food Act 2008* and the *Food Standards Code*.
- J. Compliance with the *Environmental Protection (Noise) Regulations 1997* is required, particularly with regard to installation of equipment (air conditioning units, pumps etc.).
- K. Acid sulfate guidelines and self-assessment form can be found at <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-ass-guidelines>
- L. 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.
- M. The owner/applicant is advised that the premises must comply with the *Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007* and *Australian Standard 1940-2017*.
- N. Business to comply with the *Environmental Protection (Recovery of Vapours from the Transfer of Organic Liquids) Regulations 1995*.
- O. Please note that appropriate permits and/or licences may be required from the Water Corporation Building Services division. It is recommended that you contact the Water Corporation for further information.
- P. Appropriate licences and/or approvals are to be obtained from the Department of Mining, Industry Regulation and Safety.
- Q. It is recommended that security cameras and CCTV be installed in internal and external areas of the premises, including car parking areas to manage and deter criminal and anti-social behaviour.
- R. The owner/applicant is advised that the location of LPG cylinders, tanks and regulators must comply with any relevant requirements of *Australian Standard AS/NZS 1596* and the *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999*.
- S. With regard to part b) of the condition relating to the City's *PLN 3.12 – Percent for Public Art*, the arts approval process is outlined under section 5 of the policy and the proponent will be required to lodge a Public Art Submission Form to the City, which is available on the City's website:
[https://www.armadale.wa.gov.au/sites/default/files/assets/documents/docs/Planning and Land Use/Percent for Public Art Submission Form.pdf](https://www.armadale.wa.gov.au/sites/default/files/assets/documents/docs/Planning%20and%20Land%20Use/Percent%20for%20Public%20Art%20Submission%20Form.pdf)

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- T. Compliance with the Building Code of Australia is required. In this regard, a Building / Demolition Permit application shall be submitted to the City's Building Services and approved prior to the erection / demolition of any structures on the subject site.
- U. With regard to construction, it is highly recommended that ember protection screens be installed to any evaporative air conditioning unit. Further information can be obtained at:
<http://www.dfes.wa.gov.au/safetyinformation/fire/bushfire/BushfireInfoNotesPublications/DFES-InfoNote-BushfireEmberProtectionScreens.pdf>
- V. The owner and/or applicant is encouraged to provide written evidence to the City to demonstrate compliance of the conditions noted above. For further information please refer to Planning Information Sheet "Development Application Condition Clearance" available at <https://www.armadale.wa.gov.au/planning-informationsheets>
- W. 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.
- X. If the applicant is aggrieved by a Refusal to Approve his/her application, or, where Approved, is aggrieved by any Condition imposed in that Approval he/she may apply for a Review to the State Administrative Tribunal pursuant to the provisions of Part 14 of the *Planning and Development Act 2005* against such refusal or imposition of such aggrieved Condition.
- Such application for Review must be made not more than twenty eight (28) days after the date of Council's decision via the form available from the State Administrative Tribunal (copies available from the State Administrative Tribunal, at Level 6, State Administrative Tribunal Building, 565 Hay Street, Perth, WA, 6000 or GPO Box U1991, Perth, WA, 6845, or www.sat.justice.wa.gov.au or from Council's offices), and should be accompanied by the relevant fee detailed in Schedule 18 of the *State Administrative Tribunal Regulations 2004*.
- Y. 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.

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Presiding Member, Metro East JDAP



AMENDING MOTION 1

Moved by: Mr Peter McNab

Seconded by: Ms Kym Petani

The following amendments were made en bloc:

(i) That condition 1 be amended by deleting 1a) and 1c) and renumbering condition 1 accordingly and then inserting a new condition 1b):

1. Prior to the submission of a Building Permit, revised plans shall be submitted to and approved by the City, 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) Removing any and all reference to “indoor dining” within the Convenience Store;~~

a) Widening the crossover on Fancote Street and providing revised documentation demonstrating access and egress provisions do not impede infrastructure along the road network for the **interim and ultimate** intersection configuration, i.e the Metronet upgrades.

~~b) Any other matter that may require amendment as a result of the above at the request of the relevant authority.~~

b) **Removing any and all reference to the crossover on 2880 Albany Highway, Kelmscott.**

The plans are to be approved by the City in consultation with Metronet and Main Roads Western Australia.

REASON: Deletion of 1a) and 1c) - Removes unnecessary or ambulatory conditions.

REASON: Inserting new condition 1b) - Reference to the crossover is not part of this approval.

(ii) That condition 4 be amended to read as follows:

4. **Prior to the occupation of the tenancies, an Operational Management Plan** is to be prepared, and lodged with the City for approval addressing matters such as (but not limited to) truck deliveries (waste, inventory and fuel), vehicular stacking and associated management, odour, noise and anti-social behaviour to the satisfaction of the City. The plan shall be implemented to the satisfaction of the City.

REASON: Clarifies the timing of the obligation.

(iii) That condition 6 be amended to read as follows:

6. Prior to the occupation of the tenancies ~~commencement of works~~, engineering drawings and specifications shall be submitted to and approved by the City **in consultation with Main Roads Western Australia**, for the widening of Fancote Street to accommodate the turning movements of all associated vehicles, **including a 19m semi-trailer**. All works shall be

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undertaken in accordance with the approved plan, engineering drawings and specifications prior to occupation of the development in consultation with Main Roads Western Australia, and to the satisfaction of the City. Any and all costs associated with this requirement are the responsibility of the applicant/landowner.

REASON: Clarifies the intent of the condition and avoids possible, unnecessary, delay in commencing on site works.

(iv) That Condition 7 be amended to read as follows:

7. Prior to occupation, all **internal** vehicle manoeuvring spaces shall be constructed, sealed, marked, kerbed and drained in accordance with the approved site plan to the satisfaction of the City and continuously maintained thereafter. Relocation/ removal of any services/infrastructure will be at the cost of the developer.

REASON: Clarifies the intent of the condition.

(v) That condition 9 be amended to read as follows:

9. Reciprocal rights of access are to be provided over the subject land for the benefit of **the adjoining properties situated on Lot 43 Albany Highway, Kelmscott, namely:**

- **Strata Lot 1 (1/2880) Albany Highway, Kelmscott;**
- **Strata Lot 2 (2/2880) Albany Highway, Kelmscott;**
- **Strata Lot 3 (3/2880) Albany Highway, Kelmscott;**
- **Strata Lot 4 (4/2880) Albany Highway, Kelmscott; and**
- **Strata Lot 5 (5/2880) Albany Highway, Kelmscott**

to ensure use of internal driveways and access from Fancote Street. The reciprocal rights of access shall be prepared at the developer's cost and shall be included on the Certificate of Titles, with a benefit to the City, ~~and a benefit to Lot 5 (2880) Albany Highway, Kelmscott,~~ a benefit to the above listed properties and a burden to the subject property.

REASON: Clarifies the land titles the subject of the reciprocal rights of access.

(vi) That condition 17 be amended to read as follows:

17. **Prior to the submission of a Building Permit, a** schedule of external colours and materials shall be submitted to, and approved by the City. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.

REASON: Clarifies the timing of the obligation.

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(vii) That Advice Note F be amended to read as follows:

- F. This approval **for the signs** shall remain valid unless any alteration is made to the approved signs. In such an event, a new application for Development Approval will be required.

REASON: Clarifies that the advice note only applies to signs and not to the whole approval.

(viii) That Advice Note X be deleted, and the remaining advice notes be renumbered accordingly:

- ~~X. If the applicant is aggrieved by a Refusal to Approve his/her application, or, where Approved, is aggrieved by any Condition imposed in that Approval he/she may apply for a Review to the State Administrative Tribunal pursuant to the provisions of Part 14 of the *Planning and Development Act 2005* against such refusal or imposition of such aggrieved Condition.~~

~~Such application for Review must be made not more than twenty eight (28) days after the date of Council's decision via the form available from the State Administrative Tribunal (copies available from the State Administrative Tribunal, at Level 6, State Administrative Tribunal Building, 565 Hay Street, Perth, WA, 6000 or GPO Box U1991, Perth, WA, 6845, or www.sat.justice.wa.gov.au or from Council's offices), and should be accompanied by the relevant fee detailed in Schedule 18 of the *State Administrative Tribunal Regulations 2004*.~~

REASON: Unnecessary advice note, as notice of appeal (review) rights is dealt with in legislation and is included in the standard decision advice letter.

The Amending Motion was put and CARRIED (3/1).

For: Mr Ian Birch
Mr Peter McNab
Ms Kym Petani

Against: Cr Donna Shaw

REPORT RECOMMENDATION (AS AMENDED)

That the Metro East Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR130 of 2019, resolves to:

Reconsider its decision dated 4 June 2019 and **Approve** DAP Application reference DAP/19/01569 and accompanying amended plans:

- DA00 – Proposed Demolition Plan;
- DA01 – Proposed Site Plan;

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- DA02 – Proposed Site Plan (Post Metronet Intersection Upgrades);
- DA03 – Proposed Floor Plans;
- DA04 – Proposed Elevations (E1, E2 and E3);
- DA05 – Proposed Elevations (E4 and E5); and
- S01 – Proposed Site Signage Plan & Details.

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 Armadale Town Planning Scheme No. 4*, subject to the following conditions:

Conditions

1. Prior to the submission of a Building Permit, revised plans shall be submitted to and approved by the City, 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) Widening the crossover on Fancote Street and providing revised documentation demonstrating access and egress provisions do not impede infrastructure along the road network for the interim and ultimate intersection configuration, i.e the Metronet upgrades; and
 - b) Removing any and all reference to the crossover on 2880 Albany Highway, Kelmscott;

The plans are to be approved by the City in consultation with Metronet and Main Roads Western Australia.

2. Prior to the commencement of works, an acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Department Environmental Regulation. Where an acid sulfate soils management plan is required to be submitted, all development shall be carried out in accordance with the approved management plan.
3. A Demolition Management Plan and Construction Management Plan shall be prepared by the applicant and submitted to the City for approval at least 30 days prior to the commencement of works. The Demolition and Construction Management Plan(s) shall be implemented by the applicant to the satisfaction of the City and detail how the demolition and construction of the development will be managed, including the following:
 - a) Public safety and site security;
 - b) Hours of operation;
 - c) Dust management (to be approved by the City's Health department);
 - d) Waste and material disposal;
 - e) Erosion and sedimentation control management to ensure all soil will be contained on site and kept out of drains/water courses;
 - f) Traffic management plans for the various phases of the construction;
 - g) Parking arrangements for contractors and sub-contractors;
 - h) Delivery and access arrangements;
 - i) The storage of materials and equipment on site (no storage of materials within the public realm will be permitted);

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- j) Bonding and remediation arrangements;
 - k) Additional measures for acid sulfate management (as outlined in Condition 2);
 - l) Verge protection and management measures; and
 - m) Any other matters likely to impact upon the surrounding properties or public realm.
4. Prior to the occupation of the tenancies, an Operational Management Plan is to be prepared, and lodged with the City for approval addressing matters such as (but not limited to) truck deliveries (waste, inventory and fuel), vehicular stacking and associated management, odour, noise and anti-social behaviour to the satisfaction of the City. The plan shall be implemented to the satisfaction of the City.
5. A Waste Management Plan shall be submitted to and approved by the City prior to commencement of site works. The Waste Management Plan is to detail how waste generated by the development will be appropriately managed, including the following:
- a) General waste and litter management;
 - b) Patron public rubbish facility placement and maintenance;
 - c) Associated vermin control;
 - d) Effluent disposal;
 - e) Large waste disposal; and
 - f) Any other matter likely to impact upon the surrounding properties or public realm.
- Waste collection shall be carried out in accordance with the approved plan thereafter.
6. Prior to the occupation of the tenancies, engineering drawings and specifications shall be submitted to and approved by the City in consultation with Main Roads Western Australia, for the widening of Fancote Street to accommodate the turning movements of all associated vehicles, including a 19m semi-trailer. All works shall be undertaken in accordance with the approved plan, engineering drawings and specifications prior to occupation of the development in consultation with Main Roads Western Australia, and to the satisfaction of the City. Any and all costs associated with this requirement are the responsibility of the applicant/landowner.
7. Prior to occupation, all internal vehicle manoeuvring spaces shall be constructed, sealed, marked, kerbed and drained in accordance with the approved site plan to the satisfaction of the City and continuously maintained thereafter. Relocation/removal of any services/infrastructure will be at the cost of the developer.
8. The existing eastern-most crossover on Fancote Street shall be removed and all kerbing/footpaths/verge areas shall be reinstated to the specifications and satisfaction of the City prior to occupation/use of the development.

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9. Reciprocal rights of access are to be provided over the subject land for the benefit of the adjoining properties situated on Lot 43 Albany Highway, Kelmscott, namely:
- Strata Lot 1 (1/2880) Albany Highway, Kelmscott;
 - Strata Lot 2 (2/2880) Albany Highway, Kelmscott;
 - Strata Lot 3 (3/2880) Albany Highway, Kelmscott;
 - Strata Lot 4 (4/2880) Albany Highway, Kelmscott; and
 - Strata Lot 5 (5/2880) Albany Highway, Kelmscott
- to ensure use of internal driveways and access from Fancote Street. The reciprocal rights of access shall be prepared at the developer's cost and shall be included on the Certificate of Titles, with a benefit to the City, a benefit to the above listed properties and a burden to the subject property.
10. In accordance with the requirements of Local Planning Policy *PLN 3.12 – Percent for Public Art*, prior to the occupancy of the 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) install public art work on site to the value of one per cent (1%) of the total development cost and continuously maintain the public art work thereafter.
11. Prior to the storage of more than 200L of liquid chemicals or fuels on-site, a management plan to ensure accidental spills or contaminated stormwater from accidental spill are retained on-site and adequately cleaned up before being disposed of at a facility appropriate to the waste type shall be submitted to and approved by the City and the works specified by the management plan implemented thereafter.
12. To meet drainage requirements, prior to occupation of the development the developer/owner shall, to the specifications and satisfaction of the City:
- a) Submit a stormwater management plan incorporating water sensitive design principles for approval and implement the approved plan;
 - 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.
13. A landscape plan shall be submitted to and approved by the City. 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) A minimum 2 metre wide landscaping strip between the parking area and the street boundary of the site;
 - f) The provision of shade trees within the car park at the rates of at least 1 tree per 10 metre interval along any line of car parking; and
 - g) Retention of verge existing trees as identified on the approved site plan.

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

14. The development and use of the land is required to comply with the *Environmental (Noise) Regulations 1997*. Prior to the submission of a building permit, an updated Environmental Noise Emission Report is to be submitted to, and approved by the City.
15. Prior to the occupation of the development, written confirmation from a recognised acoustic consultant shall be submitted to the City stating that all recommendations made in the revised approved Environmental Noise Emission Report subject to Condition 14 have been complied with and will continue to be implemented.
16. 'End of trip bicycle facilities' in accordance with Clause 4.11.1 and Schedule 7B of *Town Planning Scheme No.4* shall be provided in the designated location prior to occupation of the development and continuously maintained thereafter.
17. Prior to the submission of a Building Permit, a schedule of external colours and materials shall be submitted to, and approved by the City. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.
18. No materials shall be stored in car parking areas.
19. The approved signs (S1, S2, S3, S4 and S9) shall be erected in accordance with the approved plans (attached), to the satisfaction of the City.
20. Prior to the occupation of the development, a signage schedule outlining the details of the artwork for the approved sign structures (S1, S2, S3, S4 and S9) is to be submitted to and approved by the City.
21. The signs shall be placed on the subject land and no part of the signs are to protrude onto the road verge.
22. The landowner and/or applicant shall be responsible for all sign maintenance, removal (within 24 hours should the sign be damaged), replacement and removal of graffiti (within 3 working days) and maintained to the satisfaction of the City.
23. Illuminated signage must not exceed 6000cd/m² at daytime, not exceed 600cd/m² at dawn/dusk, not exceed 300cdm² at night and not flash, pulsate, move or rotate.
24. The signs shall not contain fluorescent, reflective or retro reflective colours or materials to the satisfaction of the City.
25. Vegetation within the state road reserve shall not be removed or trimmed to improve the visibility of the signs.
26. Prior to occupation of the development, air conditioning units, compressors and other equipment related to utilities shall be screened from public view and

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positioned so as to avoid any adverse effects, including noise, on the occupants of nearby residential properties to the satisfaction of the City.

27. Car parking demand shall not exceed the number of parking bays approved for the development 22 vehicle bays, at any one time.
28. No car-wash facilities, no vacuum facilities and no car servicing/repair is permitted or approved in association with the Convenience Store.

ADVICE NOTES:

- A. With regard to Condition 6 requiring the widening of Fancote Street, the City acknowledges the proposed intersection upgrades by Metronet. The City advises that should the upgrades be finalised prior to the occupation of the development, this would satisfy the requirements of this Condition. Where the development is constructed prior to the intersection upgrades, the development is not to be occupied until such time that they are complete or the applicant/landowner completes the approved modifications to Fancote Street as per the approved plans subject to this Condition.
- B. With regard to Condition 7 on construction of vehicle manoeuvring spaces, the City should be contacted in order that the appropriate crossover application may be made.
- C. With regards to Condition 9 requiring an agreement for reciprocal rights, in accordance with the City's Town Planning Scheme No. 4, reciprocal rights can be enforced to benefit the subject lot at the time of submission of an application for re-development and/or change of use of Lot 5.
- D. With regard to Condition 13 requiring a Landscape Plan, please refer to the City's Landscaping Guidelines – (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: <https://www.armadale.wa.gov.au/planning-information-sheets>.
- E. All signage other than those submitted and approved within this application is subject to a separate application (including S5, S6, S7 and S8). Such signage will require approval from the City prior to the occupation of the vacant tenancies.
- F. This approval for the signs shall remain valid unless any alteration is made to the approved signs. In such an event, a new application for Development Approval will be required.
- G. This approval should not be construed as meaning that approval has been given for the erection of the proposed sign, as a Building Permit may still be required prior to the erection of any structures on the property. In this regard, you are invited to contact the City's Building Department on 9394 5000 for requirements.
- H. No other unauthorised signage is to be displayed.

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- I. Premises must comply with the *Food Act 2008* and the *Food Standards Code*.
- J. Compliance with the *Environmental Protection (Noise) Regulations 1997* is required, particularly with regard to installation of equipment (air conditioning units, pumps etc.).
- K. Acid sulfate guidelines and self-assessment form can be found at <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-ass-guidelines>
- L. 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.
- M. The owner/applicant is advised that the premises must comply with the *Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007* and *Australian Standard 1940-2017*.
- N. Business to comply with the *Environmental Protection (Recovery of Vapours from the Transfer of Organic Liquids) Regulations 1995*.
- O. Please note that appropriate permits and/or licences may be required from the Water Corporation Building Services division. It is recommended that you contact the Water Corporation for further information.
- P. Appropriate licences and/or approvals are to be obtained from the Department of Mining, Industry Regulation and Safety.
- Q. It is recommended that security cameras and CCTV be installed in internal and external areas of the premises, including car parking areas to manage and deter criminal and anti-social behaviour.
- R. The owner/applicant is advised that the location of LPG cylinders, tanks and regulators must comply with any relevant requirements of *Australian Standard AS/NZS 1596* and the *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999*.
- S. With regard to part b) of the condition relating to the City's *PLN 3.12 – Percent for Public Art*, the arts approval process is outlined under section 5 of the policy and the proponent will be required to lodge a Public Art Submission Form to the City, which is available on the City's website:
[https://www.armadale.wa.gov.au/sites/default/files/assets/documents/docs/Planning and Land Use/Percent for Public Art Submission Form.pdf](https://www.armadale.wa.gov.au/sites/default/files/assets/documents/docs/Planning%20and%20Land%20Use/Percent%20for%20Public%20Art%20Submission%20Form.pdf)
- T. Compliance with the Building Code of Australia is required. In this regard, a Building / Demolition Permit application shall be submitted to the City's Building Services and approved prior to the erection / demolition of any structures on the subject site.

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- U. With regard to construction, it is highly recommended that ember protection screens be installed to any evaporative air conditioning unit. Further information can be obtained at:
<http://www.dfes.wa.gov.au/safetyinformation/fire/bushfire/BushfireInfoNotesPublications/DFES-InfoNote-BushfireEmberProtectionScreens.pdf>
- V. The owner and/or applicant is encouraged to provide written evidence to the City to demonstrate compliance of the conditions noted above. For further information please refer to Planning Information Sheet "Development Application Condition Clearance" available at <https://www.armadale.wa.gov.au/planning-informationsheets>
- W. 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.
- X. 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.

The Report Recommendation (as amended) was put and CARRIED (3/1).

For: Mr Ian Birch
Mr Peter McNab
Ms Kym Petani

Against: Cr Donna Shaw

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

Mr Ian Birch
Presiding Member, Metro East JDAP



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

Current Supreme Court Appeals		
LG Name	Property Location	Application Description
Shire of Serpentine Jarrahdale	Lot 12 (1537) Thomas Road and Lot 50 Nicholson Road, Oakford	Use and Development of a Caltex service station/convenience store including parking, landscaping, access and signage

11. General Business / Meeting Closure

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 12.40pm.

Mr Ian Birch
Presiding Member, Metro East JDAP