



## Metro Outer Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 30 October 2024; 9:30am  
**Meeting Number:** MODAP/45  
**Meeting Venue:** 140 William Street, Perth

*A recording of the meeting is available via the following link:*  
[MODAP/45 - 30 October 2024 - City of Swan - City of Armadale](#)

### **PART A – INTRODUCTION**

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

### **PART B – CITY OF SWAN**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Part Lot 9502 Boomerang Road, Bullsbrook - Proposed Fast Food Outlet (McDonald's) – DAP/24/02751
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART C – CITY OF ARMADALE**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 9015 (No. 387) Nicholson Road, Piara Waters - Proposed Local Centre/Mixed Business/Residential Development (Various Land Uses) – DAP/24/02284
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART D – OTHER BUSINESS**

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. General Business
3. Meeting Closure

**Karen Hyde**  
Presiding Member, Metro Outer DAP



| <b>Attendance</b>                        |                               |
|--|-------------------------------|
| <i>Specialist DAP Members</i>            | <i>DAP Secretariat</i>        |
| Karen Hyde (Presiding Member)            | Laura Simmons                 |
| Eugene Koltasz (Deputy Presiding Member) | Zoe Hendry                    |
| Lee O'Donohue                            |                               |
| <i>Part B – City of Swan</i>             |                               |
| <i>Local Government DAP Members</i>      | <i>Officers in Attendance</i> |
| Cr Jennifer Catalano                     | David Tomkin                  |
| Cr Rod Henderson                         | Jonathan Lendich              |
| <i>Part C – City of Armadale</i>         |                               |
| <i>Local Government DAP Members</i>      | <i>Officers in Attendance</i> |
| Cr Caroline Wielinga                     | Paul Sanders                  |
|  | Glen Windass                  |

**Karen Hyde**  
Presiding Member, Metro Outer DAP



|   |
|---|
| <b>Applicant and Submitters</b>                       |
| <i>Part B – City of Swan</i>                          |
| Marc Re (Planning Solutions)<br>Todd Wood (McDonalds) |
| <i>Part C – City of Armadale</i>                      |
| Alex Watson (CLE Town Planning + Design)              |

**Members of the Public / Media**

There was 1 member of the public in attendance.

**Observers via livestream**

There were 3 persons observing the meeting via the livestream.

**Karen Hyde**  
Presiding Member, Metro Outer DAP



## PART A – INTRODUCTION

### 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:34am on 30 October 2024 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

#### 1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

### 2. Apologies

Cr Aaron Bowman (Local Government DAP Member, City of Swan)  
Cr Michael Hancock (Local Government DAP Member, City of Armadale)  
Cr John Keogh (Local Government DAP Member, City of Armadale)  
Cr Shanavas Peter (Local Government DAP 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](#).

Karen Hyde  
Presiding Member, Metro Outer DAP



## PART B – CITY OF SWAN

### 1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

### 2. Disclosure of Interests

Nil.

### 3. Form 1 DAP Applications

#### 3.1 Part Lot 9502 Boomerang Road, Bullsbrook - Proposed Fast Food Outlet (McDonald's) – DAP/24/02751

##### Deputations and Presentations

Marc Re (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

The City of Swan addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

### REPORT RECOMMENDATION

**Moved by:** Cr Rod Henderson

**Seconded by:** Eugene Koltasz

That the Metro Outer Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/24/02751 and Accompanying Plans in accordance with Clause 68 of Schedule No.2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 10.3 of the City of Swan Local Planning Scheme No.17, subject to the following conditions:

1. This approval is for a 'Fast Food Outlet' as defined under the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval of the City of Swan.
2. The approved 'Fast Food Outlet' is to comply in all respects with the attached approved plans, as dated, marked and stamped. The plans approved as part of this application form part of the development approval issued.

**Karen Hyde**  
Presiding Member, Metro Outer DAP



3. **Prior to the lodgement of a building permit**, a Statement of Sustainability shall be submitted to the satisfaction of the City of Swan. The Statement of Sustainability shall address, but is not limited to, sustainable construction materials, recycling, good waste management practices, re-use of materials and existing structures (where applicable), harnessing of renewable energy sources, analysis of summer heat gain through windows and total water cycle management. The Statement of Sustainability is to be complied with for the duration of the construction of the development.
4. **Prior to occupation or use of the development**, 26 car parking bays on-site must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).
5. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
6. All crossovers must be built and maintained in accordance with the City of Swan's specifications.
7. Vehicle access onto the site shall be restricted to that shown on the approved site plan.
8. The noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.  
  
Noisy Construction Work outside the period 7.00am to 7.00 pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City.
9. **Prior to the lodgement of an occupancy permit**, an acoustic study of the mechanical services shall be undertaken once the design has been finalised and submitted for approval to the City of Swan. Mechanical services shall be installed in accordance with an approved acoustic study and maintained thereafter to the satisfaction of the City of Swan.
10. Waste collection is to be limited to between 7.00am and 7.00pm - Monday to Saturday and between 9.00am and 7.00pm on Sundays and Public Holidays unless further evidence, to the satisfaction of the City of Swan is provided that compliance can be achieved with the *Environmental Protection (Noise) Regulations 1997* outside of those times.
11. The refuse bin area shall be in compliance with the City of Swan Health Local Law 2002 and shall be provided to the satisfaction of the City of Swan prior to the occupation of the development.

**Karen Hyde**  
Presiding Member, Metro Outer DAP



12. **Prior to the lodgement of a building permit**, a Waste Management Plan must be submitted to and approved by the City of Swan. The plan must include the following details to the satisfaction and specification of the City of Swan:
- The location of bin storage areas and bin collection areas;
  - The number, volume and type of bins, and the type of waste to be placed in the bins;
  - Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - Times and frequency of bin collections.

The Waste Management Plan must be implemented at all times to the satisfaction of the City of Swan.

13. **Prior to the lodgement of a building permit**, a detailed landscaping and reticulation plan for the subject site and/or road verge(s) must be submitted to, and approved to, the satisfaction of the City of Swan, and must include the following:
- The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
  - A suitable selection of species to sufficiently screen the Western Power transformer from public view;
  - Any lawns to be established;
  - Any existing vegetation and/or landscaped areas to be retained;
  - Any verge treatments; and
  - Evidence that the proposed landscaping will not, at maturity, negatively impact the development and adjoining properties.
14. The approved landscaping plan must be implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two (2) planting seasons following implementation must be replaced in consultation with, and to the satisfaction of, the City of Swan.
15. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining properties to the satisfaction of the City of Swan.
16. The development shall be connected to the reticulated sewerage system.
17. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
18. No goods or materials being stored, either temporarily or permanently, in the parking or landscaping areas or within access driveways.
19. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.

**Karen Hyde**  
Presiding Member, Metro Outer DAP



20. External illumination shall not flash or pulsate to the satisfaction of the City of Swan.
21. All signs must be placed on private property and must not overhang or encroach the road reservation.
22. No bunting is to be erected on the site (including streamers, streamer strips, banner strips or decorations of similar kind).
23. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.
24. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, to the satisfaction of the City of Swan.
25. **Prior to an occupancy permit being issued**, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy for the Provision of Public Art (POL-LP-1.10), by either:
  - a) Payment to the City of Swan a cash-in-lieu amount equal to the sum of the 1% contribution amount (\$25,500 with the applicable 15% discount). This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of an occupancy permit for the approved development, whichever occurs first; or
  - b) Provision of Public Art on-site to a minimum value of the 1% contribution amount (\$30,000). The following is required for the provision of Public Art on-site:
    - i. the landowner or applicant on behalf of the landowner must seek approval from the City for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-LP-1.10 and the *Developers' Handbook for Public Art* (as amended). The City of Swan may apply further conditions in regard to the proposed Public Art;
    - ii. no part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City of Swan; and,
    - iii. the approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.
26. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City of Swan.

**Karen Hyde**  
Presiding Member, Metro Outer DAP



## AMENDING MOTION 1

**Moved by:** Eugene Koltasz

**Seconded by:** Cr Jennifer Catalano

That a new Advice Note No. 1 be added to read as follows:

***The proponents and the City are to consider the use of local native species as appropriate to the development and site and consider the incorporation of marri trees***

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The amending motion to insert an advice note regarding the landscape planning and implementation process for the development identifies the desire of the panel for consideration to be given to the installation and establishment of local native tree species, as appropriate and in consultation with the City, in order to support biodiversity of local, native flora and fauna.

## AMENDING MOTION 2

**Moved by:** Karen Hyde

**Seconded by:** Eugene Koltasz

That Condition No. 14 be amended to read as follows:

***The approved landscaping plan must be implemented ~~within the first available planting season after the initial~~ prior to occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two (2) planting seasons following implementation must be replaced in consultation with, and to the satisfaction of, the City of Swan.***

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The amendment to condition 14 was supported by the panel in order to ensure that the landscape plan and planting regime was implemented prior to the occupation of the development, in order to support good levels of amenity, shade and shelter and to avoid unnecessary impacts of construction activity post occupation.

## REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/24/02751 and Accompanying Plans in accordance with Clause 68 of Schedule No.2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 10.3 of the City of Swan Local Planning Scheme No.17, subject to the following conditions:

1. This approval is for a 'Fast Food Outlet' as defined under the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval of the City of Swan.

**Karen Hyde**  
Presiding Member, Metro Outer DAP



2. The approved 'Fast Food Outlet' is to comply in all respects with the attached approved plans, as dated, marked and stamped. The plans approved as part of this application form part of the development approval issued.
3. **Prior to the lodgement of a building permit**, a Statement of Sustainability shall be submitted to the satisfaction of the City of Swan. The Statement of Sustainability shall address, but is not limited to, sustainable construction materials, recycling, good waste management practices, re-use of materials and existing structures (where applicable), harnessing of renewable energy sources, analysis of summer heat gain through windows and total water cycle management. The Statement of Sustainability is to be complied with for the duration of the construction of the development.
4. **Prior to occupation or use of the development**, 26 car parking bays on-site must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).
5. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
6. All crossovers must be built and maintained in accordance with the City of Swan's specifications.
7. Vehicle access onto the site shall be restricted to that shown on the approved site plan.
8. The noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.  
  
Noisy Construction Work outside the period 7.00am to 7.00 pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City.
9. **Prior to the lodgement of an occupancy permit**, an acoustic study of the mechanical services shall be undertaken once the design has been finalised and submitted for approval to the City of Swan. Mechanical services shall be installed in accordance with an approved acoustic study and maintained thereafter to the satisfaction of the City of Swan.
10. Waste collection is to be limited to between 7.00am and 7.00pm - Monday to Saturday and between 9.00am and 7.00pm on Sundays and Public Holidays unless further evidence, to the satisfaction of the City of Swan is provided that compliance can be achieved with the *Environmental Protection (Noise) Regulations 1997* outside of those times.

**Karen Hyde**  
Presiding Member, Metro Outer DAP



11. The refuse bin area shall be in compliance with the City of Swan Health Local Law 2002 and shall be provided to the satisfaction of the City of Swan prior to the occupation of the development.
12. **Prior to the lodgement of a building permit**, a Waste Management Plan must be submitted to and approved by the City of Swan. The plan must include the following details to the satisfaction and specification of the City of Swan:
  - a) The location of bin storage areas and bin collection areas;
  - b) The number, volume and type of bins, and the type of waste to be placed in the bins;
  - c) Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - d) Times and frequency of bin collections.

The Waste Management Plan must be implemented at all times to the satisfaction of the City of Swan.

13. **Prior to the lodgement of a building permit**, a detailed landscaping and reticulation plan for the subject site and/or road verge(s) must be submitted to, and approved to, the satisfaction of the City of Swan, and must include the following:
  - a) The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
  - b) A suitable selection of species to sufficiently screen the Western Power transformer from public view;
  - c) Any lawns to be established;
  - d) Any existing vegetation and/or landscaped areas to be retained;
  - e) Any verge treatments; and
  - f) Evidence that the proposed landscaping will not, at maturity, negatively impact the development and adjoining properties.
14. The approved landscaping plan must be implemented prior to the occupation of the development, and maintained thereafter, to the satisfaction of the City of Swan. Any species that fails to establish within the first two (2) planting seasons following implementation must be replaced in consultation with, and to the satisfaction of, the City of Swan.
15. All air conditioning units, plant and roof equipment and other external fixtures are to be screened from view from the surrounding streets and adjoining properties to the satisfaction of the City of Swan.
16. The development shall be connected to the reticulated sewerage system.
17. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
18. No goods or materials being stored, either temporarily or permanently, in the parking or landscaping areas or within access driveways.

**Karen Hyde**  
Presiding Member, Metro Outer DAP



19. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
20. External illumination shall not flash or pulsate to the satisfaction of the City of Swan.
21. All signs must be placed on private property and must not overhang or encroach the road reservation.
22. No bunting is to be erected on the site (including streamers, streamer strips, banner strips or decorations of similar kind).
23. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.
24. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, to the satisfaction of the City of Swan.
25. **Prior to an occupancy permit being issued**, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy for the Provision of Public Art (POL-LP-1.10), by either:
  - a) Payment to the City of Swan a cash-in-lieu amount equal to the sum of the 1% contribution amount (\$25,500 with the applicable 15% discount). This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of an occupancy permit for the approved development, whichever occurs first; or
  - b) Provision of Public Art on-site to a minimum value of the 1% contribution amount (\$30,000). The following is required for the provision of Public Art on-site:
    - i. the landowner or applicant on behalf of the landowner must seek approval from the City for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-LP-1.10 and the *Developers' Handbook for Public Art* (as amended). The City of Swan may apply further conditions in regard to the proposed Public Art;
    - ii. no part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City of Swan; and,
    - iii. the approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.

**Karen Hyde**  
Presiding Member, Metro Outer DAP



26. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City of Swan.

**Advice Notes:**

1. The proponents and the City are to consider the use of local native species as appropriate to the development and site and consider the incorporation of marri trees

**The Report Recommendation (as amended) was put and CARRIED (4/1).**

For: Karen Hyde  
Eugene Koltasz  
Lee O'Donohue  
Cr Rod Henderson

Against: Cr Jennifer Catalano

**REASON:** The majority of the panel supported the development proposal and associated conditions of approval, as amended. The proposal was regarded as consistent with the planning framework for the location. The panel considered that the proposal had been reviewed and refined sufficiently through the design review process and presented a well resolved development which provided for the first stage of the centre development. The landscape elements including a significant number of trees as well as the implementation of public art were regarded as adding amenity and character to the proposal. Technical matters relating to drainage, traffic, parking, services, waste treatment, lighting and signage were all capable of management under the various conditions.

**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

*Cr Jennifer Catalano and Cr Rod Henderson (Local Government DAP Members, City of Swan) left the panel at 10:12am.*

**Karen Hyde**  
Presiding Member, Metro Outer DAP



## PART C – CITY OF ARMADALE

*Cr Caroline Wielinga (Local Government DAP Member, City of Armadale) joined the panel at 10:13am.*

### 1. Declaration of Due Consideration

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 30 October 2024.

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information.

### 2. Disclosure of Interests

Nil

### 3. Form 1 DAP Applications

#### 3.1 Lot 9015 (No. 387) Nicholson Road, Piara Waters - Proposed Local Centre/Mixed Business/Residential Development (Various Land Uses) – DAP/24/02284

#### Deputations and Presentations

Alex Watson (CLE Town Planning + Design) responded to questions from the panel in relation to the application at Item 3.1.

The City of Armadale addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

## REPORT RECOMMENDATION

**Moved by:** Cr Caroline Wielinga

**Seconded by:** Eugene Koltasz

*Administrative note - pursuant to clause 26 of the Metropolitan Region Scheme, this approval also constitutes an approval under the Metropolitan Region Scheme.*

That the Metro Outer Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/22/02284 is appropriate for consideration and compatible with the objectives of the Local Centre and Mixed Business/Residential zones in accordance with the City of Armadale Town Planning Scheme No. 4;

**Karen Hyde**  
Presiding Member, Metro Outer DAP



2. **Approve** DAP application reference DAP/22/02284 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Armadale Town Planning Scheme No. 4, subject to the following conditions:

### Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. 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:
  - a. Amend the elevation of the Convenience Store/Service Station building where it addresses Nicholson Road/the southern drainage basin by utilising artwork, decorative cladding, landscaping and/or other measures to enhance the façade appearance.
  - b. Provide further enhancements to the western elevation of the supermarket building;
  - c. Finalise the elevation treatments for Fast Food Outlet 2.
  - d. Reduce the Convenience Store/Service Station pylon sign to 7.0m in height.
3. Operating hours of the Child Care Premises shall be during 6:30am to 7:00pm Monday to Saturday only. Outdoor play areas are not permitted to be utilised between 6:30am and 7:00am.
4. Prior to the commencement of the occupation of the development, Final Environmental Noise Assessment/s must be prepared and provided to the City of Armadale which demonstrates, to the City of Armadale's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*. The Final Environmental Noise Assessment/s must include the following information:
  - a. Confirmed 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
  - c. Confirmation of the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Final Environmental Noise Assessment upon approval to the satisfaction of the City of Armadale and implemented thereafter for the duration of the development.
5. All noise attenuation measures, identified by the Herring Storer Acoustic Assessment (November 2021) and the further acoustic reports required under Condition 4, are to be implemented prior to occupancy of the development. The recommendations of the acoustic reports are to be implemented at all times.

**Karen Hyde**  
Presiding Member, Metro Outer DAP



6. A finalised 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 shade trees within the car park at the rates of at least 1 tree per 10 metre interval or greater along any line of car parking;
  - f. Additional trees to be provided around the:
    - i. Fast Food Outlet buildings' parking areas and drive-through medians;
    - ii. The landscape area and verge around the corner of the Nicholson Road roundabout and new local road.
  - g. All other amendments in accordance with the City's email advice dated 16 September 2024.

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

7. To meet drainage requirements, prior to occupation of the development 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;
  - 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 to meet the drainage requirements created by the development and where appropriate modify and/or upgrade the existing public drainage system, where the proposed development creates the demand via including additional drainage in this system.
8. Prior to occupation, all 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.
9. Vehicle access to Nicholson Road is to be left in/left out only from Monticello Parkway.
10. The local road network being constructed and connected to Novelli Parade and Nicholson Road in accordance with a road plan prepared by the applicant and/or landowner and submitted to and approved by the City of Armadale. The land required is to be transferred to the Crown free of cost for the purpose of facilitating and dedicating the local road network.

**Karen Hyde**  
Presiding Member, Metro Outer DAP



11. Engineering drawings and specifications shall be submitted and approved prior to commencement of site works, and works shall be undertaken in accordance with the approved plan, engineering drawings and specifications prior to occupation of the development, to the satisfaction of the City of Armadale, for
  - a. Extension of the local road network from Nicholson Road to connect to the development site.
  - b. Construction of the deceleration lane on Nicholson Road.
12. The proposed reserve shown on the approved plan being shown on a diagram or plan of survey (deposited plan) as reserved for public open space and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown.
13. Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for two years through the implementation of an approved landscape plan providing for the development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods and to the specifications of the local government.
14. Any new footpaths shall be constructed to the satisfaction of the City of Armadale and extend to and connect seamlessly with the surrounding public footpath network where appropriate. Existing footpaths shall be reinstated appropriately. End of trip bicycle facilities' in accordance with Clause 4.11.1 and Schedule 7B of Town Planning Scheme No.4 shall be provided prior to occupation of the development in a location agreed to by the City and continuously maintained thereafter.
15. Areas within Lot 9015 that are not being developed as part of this proposal shall be kept in neat order to the satisfaction of the City of Armadale.
16. 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 City of Armadale, prior to the commencement of site works.
17. Prior to the submission of a Building Permit, a finalised schedule of external colours and materials shall be submitted to and approved by the City of Armadale. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the City.
18. Prior to occupation of the development, any walls or fencing fronting the public realm (e.g. streets or public open space) are to be treated with an anti-graffiti finish.
19. No materials or commercial bins shall be stored in car parking areas or landscaping areas.

**Karen Hyde**  
Presiding Member, Metro Outer DAP



20. A Waste Management Plan shall be submitted to the City prior to the commencement of operations. Waste collection shall be carried out in accordance with the approved Waste Management Plan to the satisfaction of the City of Armadale thereafter.
21. Prior to occupation of the development, all rubbish bin storage areas and servicing areas associated with the development shall be appropriately screened from public vantage points and residential development to the satisfaction of the City of Armadale.
22. Prior to occupation of the development, patron public rubbish bin facilities shall be provided adjacent to the shop frontages, the Convenience Store/Service Station and Fast Food Outlets in locations convenient to pedestrians, but positioned so as not to obstruct pedestrian movements in accordance with Clause 4C.4.1 of Town Planning Scheme No.4, to the satisfaction of the City of Armadale. Bins shall be continuously maintained in good condition and the surrounding area kept free of litter thereafter.
23. 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 of Armadale.
24. A 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 on site. The Construction Management Plan shall be implemented by the applicant 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. A Dust Management Plan in accordance with Clause 43 of the *City's Environment, Animals and Nuisance Local Laws 2002*;
  - 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.
25. Prior to the commencement of the occupation of the development, an Operational Management Plan is to be prepared, and lodged with the City for approval addressing matters such as (but not limited to) litter, servicing, Child Care Premises drop offs, truck deliveries, loading, waste management, traffic management, odour, noise and anti-social behaviour to the satisfaction of the City of Armadale. The plan shall be implemented to the satisfaction of the City thereafter.

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26. A Management Plan is to be prepared and implemented for the Fast Food Outlets to the satisfaction of the City of Armadale for dealing with the following matters:
  - a. Litter management and clean-up of wind-blown litter;
  - b. Graffiti removal; and
  - c. Anti-social behaviour.
27. A Lighting Plan showing lighting to pathways, car parking and communal areas shall be submitted to and approved by the City of Armadale. All lighting shall be installed prior to the occupation of the new dwelling(s) and operated as per approved plan.
28. 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.
29. 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 City on advice from Department of Water and Environment Regulation before any ground disturbing development works or development are commenced. Where an acid sulfate soils management plan is required to be submitted, all development works shall be carried out in accordance with the approved management plan.
30. All of the signs shall be:
  - a. Located on the subject land and no part of the sign is to protrude onto the road verge;
  - b. Located to allow clear sight lines for vehicles entering or leaving Nicholson Road, any local road or the crossovers;
31. All signs shall not:
  - a. Contain fluorescent, reflective or retro reflective colours or materials to the satisfaction of the City of Armadale;
  - b. Exceed 6000cd/m<sup>2</sup> at daytime, not exceed 600cd/m<sup>2</sup> at dawn/dusk, not exceed 300cdm<sup>2</sup> at night and not flash, pulsate, move or rotate.

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32. If new fencing is proposed, or where fencing that exists does not meet these standards, fencing shall be installed prior to occupation or the creation of multiple lots from the development (whichever is the earlier) in accordance with the following and maintained thereafter:
- a. Internal fencing and other property boundary fencing shall be in accordance with the City's *Fencing Local Law 2011* (or superseding standard).

### Advice Notes

- A. With regard to the Condition for a Final Acoustic Assessment please note that the Recreation Private (Gym), Fast Food Outlets, Convenience Store/Service Station, Child Care Premises and Shop (Supermarket) uses will require reassessment before the commencement of these uses relative to the needs and practices of potential operators once they have been appointed. The acoustic assessment shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the design and location of plant and other sources of noise within the development will not exceed the assigned noise levels set out in the *Environmental Protection (Noise) Regulations 1997* (as amended).
- 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. 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's Community Services, which is available on the City's website: [https://www.armadale.wa.gov.au/.../Percent\\_for\\_Public\\_Art\\_Submission\\_Form.pdf](https://www.armadale.wa.gov.au/.../Percent_for_Public_Art_Submission_Form.pdf)
- D. The condition relating to acid sulfate risk, makes reference to an "acid sulfate soils self-assessment form". This form can be downloaded from the Western Australian Planning Commission's website at: [www.planning.wa.gov.au](http://www.planning.wa.gov.au).
- E. 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.
- F. Existing trees in the adjacent road and/or reserved land are to be managed in accordance with AS 4970 – 2009 Protection of Trees on Development Sites.
- G. In support of any infiltration proposal and as a part of geotechnical investigations the applicant and/or landowner is to provide soil saturated hydraulic conductivity values determined via onsite testing methods of the insitu soils. The testing methodology is to be approved by the City prior to commencement of works.

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- H. Compliance with the *Health (Public Buildings) Regulations 1992* is required. In this regard, a Public Building application shall be submitted to the City's Health Services and approved prior to occupation of the relevant buildings.
- I. Relevant premises must comply with the *Food Act 2008* and the Food Standards Code.

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**REASON:** The panel unanimously supported the proposal for the centre which will respond to the needs of the community in this growth area and provide facilities within a walkable catchment. The proposal was considered in keeping with the prevailing planning framework and any variations were regarded as minor and mitigated by the various conditions. The proposal had been sufficiently revised to respond to feedback from the design review process and supporting technical information including traffic impact assessments were considered satisfactory. On the basis of the additional information provided in response to questions, the panel supported the RAR recommendation without amendment.

**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

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## PART D – OTHER BUSINESS

### 1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

| Current SAT Applications   |                  |  |  |             |
|----------------------------|------------------|--|--|-------------|
| File No. & SAT DR No.      | LG Name          | Property Location                      | Application Description                        | Date Lodged |
| DR94/2024<br>DAP/23/02623  | City of Cockburn | Lot 9501 Gaebler Road, Hammond Park    | Mixed Use Commercial Development               | 27/06/2024  |
| DR146/2024<br>DAP/23/02523 | City of Gosnells | 65 (Lot 98) Mills Road West, Gosnells  | Place of Worship                               | 30/09/2024  |
| DR148/2024<br>DAP/24/02696 | City of Gosnells | Lot 8 (1510) Albany Highway, Beckenham | Service Station, Convenience Store and Signage | 30/10/2024  |

### 2. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2024 a DAP member must not publicly comment on any action or determination of a DAP.

### 3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:32am.

Karen Hyde  
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