



## Minutes of the Metropolitan East Joint Development Assessment Panel

**Meeting Date and Time:** Tuesday, 24 January 2012, 5.30pm  
**Meeting Number:** E/JDAP/3  
**Meeting Venue:** City of Armadale, Committee Room, 1<sup>st</sup> Floor  
7 Orchard Avenue, Armadale

### Attendance:

### DAP Members

Mr Eugene Koltasz (Presiding Member)  
Dr Garry Middle (Deputy Presiding Member)  
Mr Fred Zuideveld (Specialist Member)  
Cr Donald McKechnie (Shire of Kalamunda Local Government member – Item 7.1)  
Cr Martyn Cresswell (Shire of Kalamunda Local Government member – Item 7.1)  
Cr Henry Zelones (City of Armadale Local Government member – Item 7.2)  
Cr Donna Shaw (City of Armadale Local Government member – Item 7.2)

### Local Government Officers

Mr Stephen Ferguson (Department of Planning)  
Mr David Tomlinson (Shire of Kalamunda)  
Mr Ian MacRae (Executive Director Planning Services, City of Armadale)  
Mr Paul Sanders (Executive Manager Planning Services, City of Armadale)  
Mr Glen Windass (Manager Statutory Planning, City of Armadale)  
Mr Paul Rosser (Co-ordinator Statutory Planning, City of Armadale)

### Local Government Minute Secretary

Ms Noelene Cranfield (City of Armadale)

### Applicant(s), Submitters and Members of the Public

Mr D Miller (d.m.b.d Building Design - Lot 300 Albany Highway, Armadale)  
Mr R Carcione (Landowner - Lot 300 Albany Highway, Armadale)  
Mr E Samec (Town Planner & Lawyer on behalf of d.m.b.d Building Design)  
Cr J H Munn JP CMC (City of Armadale)  
Cr M H Norman (City of Armadale)

Eugene Koltasz  
Presiding Member, Metropolitan East JDAP



## 1. Declaration of Opening

The Presiding Member, Mr Eugene Koltasz declared the 3<sup>rd</sup> Metropolitan East JDAP meeting open at 5.30pm on 24 January 2012 and introduced and welcomed the Metropolitan East JDAP Members.

The Presiding Member respectfully acknowledged the past and present traditional owners and custodians of the land on which the applications of this meeting were being assessed.

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

The Presiding Member announced that, in accordance with Section 5.14 of the Standing Orders 2011 (No Record of Meeting) "*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of a DAP meeting unless the Presiding Member has given permission to do so*", and that he had granted permission for the electronic recording of the meeting for the purposes of recording the minutes only.

## 2. Apologies

Nil.

## 3. Members on Leave of Absence

Mr Matthew Young (Deputy Presiding Member)

## 4. Noting of Minutes

The Presiding Member advised that the Minutes of the Metropolitan East Joint Development Assessment Panel meeting number E/JDAP/2 held on the 11 January 2012 have been confirmed and endorsed and published on the City of Swan and Department of Planning websites.

## 5. Disclosure of Interests

Nil.

## 6. Deputations and Presentations

- 6.1 Presenter by Mr Ernie Samec on behalf of d.m.b.d Building Design practice addressed the DAP against item 7.2, Condition A(14) "*Reciprocal rights of carriageway shall be provided over the proposed driveways to ensure subsequent joint use of the driveway by Lots 37 (3141), 38 (3143), 39 (3145), 40 (3147), 43 (3153), 44 (3155), and 10 (3161) Albany Highway, Armadale to the satisfaction of the Executive Director Development Services*".

Eugene Koltasz  
Presiding Member, Metropolitan East JDAP



## 7. Responsible Authority reports

### 7.1 Lot 500 (926) Abernethy Road, High Wycombe – Proposed Warehouse and Office

<b>DAP Name:</b>	Metro East
<b>Applicant:</b>	T & Z Architects
<b>Owner of Property:</b>	Australia Western Railroad Pty Ltd
<b>LG Reference:</b>	AB-03/926
<b>Reporting Agency:</b>	Shire of Kalamunda
<b>Authorising Officer:</b>	Director Planning & Development Services
<b>Application No and File No:</b>	DA11/1343 and AB-03/926
<b>Report Date:</b>	23 November 2011
<b>Application Receipt Date:</b>	23 November 2011
<b>Application Process Days:</b>	56
<b>Attachment(s):</b>	1 – Locality Plan 2 – Site Plan 3 – Elevations 4 – Floor Plan

### REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by: Mr Eugene Koltasz**

**Seconded by: Dr Gary Middle**

That the Metro East Development Assessment Panel resolves to:

- A. **Approve** DAP Application reference DA11/1343 and accompanying plans dated August 2011, September 2011 and October 2011 in accordance with the Shire of Kalamunda (“the Shire”) Local Planning Scheme No. 3 (“the Scheme”), subject to the following conditions:
1. The provision and maintenance of a total of 56 car spaces including a minimum of one (1) disabled bay.
  2. No carrying out of industrial activities is permitted in open yard areas visible from any adjoining street.
  3. No loading or unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by employees and visitors.
  4. Clients visiting the premises by prior appointment only.
  5. All car parking bays and vehicle access ways being line marked, sealed and drained prior to the occupation of the building and maintained thereafter to the satisfaction of Shire’s Director Engineering Services.
  6. All vehicles using the property are to enter and leave in a forward motion, and not reverse onto the adjoining road reserves.

**Eugene Koltasz**  
Presiding Member, Metropolitan East JDAP





7. The proposed landscaping is to be planted within 28 days of the building's completion and maintained thereafter by the landowner to the Shire's satisfaction.

Advice Notes:

1. All development must comply with the provisions of Council's Local Planning Scheme No.3, Health Regulations, Building Code of Australia, and all other relevant Acts, Regulations and Local Laws.
  2. The applicant is reminded of their obligations to comply with the "Land development sites and impacts on air quality: a guideline for the preparation of dust and smoke pollution from land development sites in Western Australia", prepared by the Department of Environment.
  3. Prior to any construction, the applicant is required to obtain a building licence approval from the Shire of Kalamunda.
  4. A separate application is to be lodged and approved by the Shire prior to any signage being installed. Roof mounted or flashing signage will not be permitted.
  5. Stormwater drainage from roofed and paved areas to be contained on site to the specification and satisfaction of Council's Director Engineering Services.
  6. The development shall be connected to reticulated sewer.
  7. Sanitary facilities are to be constructed in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
  8. Any mechanical servicing workshop must be conducted in accordance with the Department of Water: Water Quality Protection Note: Mechanical Servicing and Workshops.
  9. The applicant is reminded of their obligations to comply with the "Land development sites and impacts on air quality: a guideline for the preparation of dust and smoke pollution from land development sites in Western Australia", prepared by the Department of Environment.
  10. A geotechnical report is to be submitted detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (Clearance, quantity, soil permeability and location and size of soakwells).
- B. Advises the applicant and the Shire of Kalamunda of its decision accordingly.



## AMENDING MOTION

**Moved by: Dr Gary Middle**

**Seconded by: Cr Donald McKechnie**

- ♦ That Condition A(1) be amended to read:
  1. The provision and maintenance of a minimum of 66 car spaces including a minimum of one (1) disabled bay. The location of parking bays to be to the satisfaction of the Director of Planning and Infrastructure.

*Reason – The provision of an additional 10 car spaces is in accordance with Shire Policy and the Local Planning Scheme.*

- ♦ Condition A(2) be deleted and be included as an additional Advice Note No.11.  
A(2) No carrying out of industrial activities is permitted in open yard areas visible from any adjoining street.
- ♦ Condition A(4) be deleted.  
A(4) Clients visiting the premises by prior appointment only.
- ♦ Condition A(6) be deleted.  
A(6) The development shall be connected to reticulated sewer.
- ♦ Condition B. be deleted and the letter A. only be deleted from Condition A.  
B. Advises the applicant and the Shire of Kalamunda of its decision accordingly.

**The motion was put forward and CARRIED UNANIMOUSLY.**

The Report Recommendation incorporating the above amendments (as carried) became the "Primary Motion", as follows:

### PRIMARY MOTION (AS AMENDED)

**Moved by: Dr Gary Middle**

**Seconded by: Cr Donald McKechnie**

**Approve** DAP Application reference DA11/1343 and accompanying plans dated August 2011, September 2011 and October 2011 in accordance with the Shire of Kalamunda ("the Shire") Local Planning Scheme No. 3 ("the Scheme"), subject to the following conditions:

1. The provision and maintenance of a minimum of 66 car spaces including a minimum of one (1) disabled bay. The location of parking bays to be to the satisfaction of the Director of Planning and Infrastructure.
2. No loading or unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by employees and visitors.
3. All car parking bays and vehicle access ways being line marked, sealed and drained prior to the occupation of the building and maintained thereafter to the satisfaction of Shire's Director Engineering Services.

Eugene Koltasz  
Presiding Member, Metropolitan East JDAP





4. The proposed landscaping is to be planted within 28 days of the building's completion and maintained thereafter by the landowner to the Shire's satisfaction.

Advice Notes:

1. All development must comply with the provisions of Council's Local Planning Scheme No.3, Health Regulations, Building Code of Australia, and all other relevant Acts, Regulations and Local Laws.
2. The applicant is reminded of their obligations to comply with the "Land development sites and impacts on air quality: a guideline for the preparation of dust and smoke pollution from land development sites in Western Australia", prepared by the Department of Environment.
3. Prior to any construction, the applicant is required to obtain a building licence approval from the Shire of Kalamunda.
4. A separate application is to be lodged and approved by the Shire prior to any signage being installed. Roof mounted or flashing signage will not be permitted.
5. Stormwater drainage from roofed and paved areas to be contained on site to the specification and satisfaction of Council's Director Engineering Services.
6. The development shall be connected to reticulated sewer.
7. Sanitary facilities are to be constructed in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
8. Any mechanical servicing workshop must be conducted in accordance with the Department of Water: Water Quality Protection Note: Mechanical Servicing and Workshops.
9. The applicant is reminded of their obligations to comply with the "Land development sites and impacts on air quality: a guideline for the preparation of dust and smoke pollution from land development sites in Western Australia", prepared by the Department of Environment.
10. A geotechnical report is to be submitted detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (Clearance, quantity, soil permeability and location and size of soakwells).
11. No carrying out of industrial activities is permitted in open yard areas visible from any adjoining street.

**The motion was put forward and CARRIED UNANIMOUSLY.**



## 7.2 Lot 300 Albany Highway, Armadale – Proposed 73 Grouped Dwellings

Application Details:	73 Grouped Dwellings
Property Location:	Lot 300 Albany Highway, Armadale
Applicant:	DMBD Building Design
Owner of Property:	Dartbay Holdings Pty Ltd
Responsible authority:	City of Armadale
Report date:	10 January 2012
DoP File No:	DP/11/02377

### REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by: Mr Eugene Koltasz**

**Seconded by: Cr Henry Zelones**

That the Metro East Development Assessment Panel resolves to:

A. Approve DAP Application reference DP/11/02377 and accompanying plans DA101, DA201, DA202, DA203, DA204, DA205, A101, A103 and A104 dated 12/12/2011, A105 dated 18/11/2011 and A102 and A106 dated 29/10/2011 in accordance with Clause 10.3 of the City of Armadale Town Planning Scheme No.4, subject to the following conditions:

1. A schedule of external colours and materials shall be submitted to and approved by the Executive Director Development Services. Alternative colour tones and materials are to be used for each dwelling to demonstrate a high standard of visual amenity and attractive streetscape. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.
2. Submission of a comprehensive landscape plan (including the verge) to the satisfaction of the Executive Director Technical Services. Such plan shall include:
  - a) Plant species (predominantly West Australian natives);
  - b) Plant numbers, location, container size;
  - c) Method of irrigation of the landscaped areas;
  - d) Planting of individual mature trees at strategic locations.
  - e) Planting of at least one low maintenance native tree species for every six units;
  - f) The provision of shade trees for visitor car parking; and
  - g) Verge tree details.

The landscape plan shall be approved and all landscaping installed and maintained, to the satisfaction of the Executive Director Technical Services.

3. The main communal open space area shall include seating, a gazebo, a barbecue facility and shall be landscaped in accordance with an approved Landscape plan as required by Condition No. 2. The facilities shall be maintained to the satisfaction of the Executive Director Development Services.

**Eugene Koltasz**  
Presiding Member, Metropolitan East JDAP





4. The Tognolini family name associated with the heritage residence removed from the subject site shall be recognised via naming the communal open space after the family and erecting a sign displaying such to the satisfaction of the Executive Director Development Services.
5. A Lighting Plan showing lighting to driveways, pathways and visitor car parking areas shall be submitted and approved to the satisfaction the Executive Director Development Services. All lighting to be installed and operated as per approved plan.
6. With the exception of fencing forward of the building line, internal fencing and other property boundary fencing shall be 1.8m high measured from the new ground level / top of retaining walls and constructed to a minimum standard of masonry, "Colorbond" or fibro cement painted in a colour to complement the proposed development, to the satisfaction of the Executive Director Development Services.
7. Details of open style fencing forward of the building line, and/or abutting communal open space, and/or fronting the public realm (i.e. Owtram Rd, Rogers Ln, Albany Hwy and the adjacent Parks and Recreation Reserve on Ringwood Rd) shall to be submitted. The fencing shall be completed and maintained in accordance with the approved plan to the satisfaction of the Executive Director Development Services.
8. Any walls or fencing fronting the public realm (i.e. Owtram Rd, Rogers Ln, Albany Hwy and the adjacent Parks and Recreation Reserve on Ringwood Rd) are to be treated with an anti-graffiti finish to the satisfaction of the Executive Director Development Services.
9. Submission of a stormwater / drainage management plan in accordance with water sensitive design principles to the satisfaction of the Executive Director Technical Services. The stormwater / drainage management plan shall include a catchment analysis of the existing drainage network to confirm capacity downstream of proposed additional flows and any upgrades to pipe diameters required as a result of the proposal shall be funded by the developer, to the satisfaction of the Executive Director Technical Services.
10. Geotechnical report(s) to be submitted to the Executive Director Technical Services certifying that the land is physically capable of development prior to commencement of works and following completion of works (if necessary) certifying that any required remedial works have been undertaken to the satisfaction of the Executive Director Technical Services.
11. Crossovers, driveway, car parking and vehicle manoeuvring spaces shall be constructed, services/infrastructure relocated, drained, sealed, kerbed, marked and continuously maintained in accordance with the approved site plan to the satisfaction of the Executive Director Technical Services.

*Eugene Koltasz*





12. Driveways to be brick paved or other high quality finish to the specifications and satisfaction of the Executive Director Technical Services. Untreated concrete and black asphalt finishes are not permitted.
13. Existing crossovers to be removed and all kerbing / footpaths / verges to be reinstated to the specifications and satisfaction of the Executive Director Technical Services.
14. Reciprocal rights of carriageway shall be provided over the proposed driveways to ensure subsequent joint use of the driveway by Lots 37 (3141), 38 (3143), 39 (3145), 40 (3147), 43 (3153), 44 (3155), and 10 (3161) Albany Highway, Armadale to the satisfaction of the Executive Director Development Services.
15. Visitor parking spaces shall be clearly marked, signposted and maintained to the satisfaction of the Executive Director Technical Services.
16. Carports shall remain open and may not be enclosed via the addition of a garage door to the satisfaction of the Executive Director Development Services.
17. A Waste Management Plan to be submitted to and approved by the Executive Director Technical Services and development to occur in accordance with those plans.
18. Each dwelling is to be provided with a clearly numbered masonry letterbox located at the front of the dwelling adjacent to the vehicle access way to the satisfaction of the Executive Director Development Services.
19. Provision of clothes drying areas for each unit, screened from view public/common areas in accordance with Clause 6.10.3(A3.3) of the *Residential Design Codes of Western Australia* to the satisfaction of the Executive Director Development Services.
20. A cash-in-lieu payment for footpath construction being paid to the City, within 30 days of commencement of construction, at the rate of 5 metres of footpath per unit, to the satisfaction of the Executive Director Technical Services.
21. A Management Statement being prepared and registered in accordance with Section 5c of the Strata Title Act 1985 (as amended), to include the following additions to the by-laws contained in Schedules 1 and 2 of that Act:
  - i) Landscaping within communal open space areas shall be implemented and maintained in accordance with an approved Landscape Plan issued by the City of Armadale;

**Eugene Koltasz**  
Presiding Member, Metropolitan East JDAP



- ii) Carports shall remain open and may not be enclosed via the addition of a garage door;
  - iii) No storage of general items within carports is allowed;
  - iv) Television aerials shall be placed towards the rear of properties or a communal aerial provided; and,
  - v) Clothes drying areas shall only be placed in the rear yard, screened from public view.
22. All external fixtures (i.e. water heaters, meter boxes etc) shall be located so as not to be visually obtrusive to the satisfaction of the Executive Director Development Services.
23. Compliance with the Conditions set by MRWA (copy attached).
24. All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Executive Director Development Services.
- B. Advise the applicant of the following:
- I. With regard to Condition 1, the External Colour and Material Schedule submitted with the application and approved on Plan DA101 is deemed acceptable.
  - II. With regard to Condition 2, please refer to the City's Landscaping Guidelines – Grouped Dwellings and the Landscaping Guidelines – Plants to Avoid, to assist you to formulate a satisfactory landscaping proposal. Copies of this document are available on the City's website at: [www.armadale.wa.gov.au/publications/](http://www.armadale.wa.gov.au/publications/)
  - III. With regard to Condition 4 this will satisfy the requirement of Condition 3 of the City's Planning Approval 10.2008.188.1 (Council resolution D59/4/08), which gave approval to remove the heritage residence from the site.
  - IV. With regard to Conditions 6 and 17, fencing adjacent to bin pickup areas should be brick/masonry, in order that it cannot be damaged during waste collection.
  - V. With regard to Condition 7, fencing within the front setback area shall be visually permeable above 1.2m in accordance with the Residential Design Codes. Please also note the requirements of Clause 7, Part 2 of the City's "Local Laws Relating to Fencing" regarding truncation requirements for fences (above 1.2m) adjacent to driveways.
  - VI. With regard to Conditions 11 and 12, the driveway shall be designed to accommodate a 25 tonne dual axle vehicle.





- VII. 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.
- VIII. Compliance with the Building Code of Australia is required. In this regard, a Building / Demolition Licence application is to be submitted to the City's Building Department and approved prior to the erection / demolition of any structure on the subject site.
- IX. 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
- 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, Level 4, 12 St Georges Terrace, Perth or GPO Box U1991, Perth, WA, 6845, or [www.sat.justice.wa.gov.au](http://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).
- XI. If the development the subject of this approval is not substantially commenced within a period of 24 months from the date of this letter, the approval shall lapse and be of no further effect.
- XII. Where the approval has so lapsed, no development shall be carried out without the further approval of the City having first been sought and obtained.

C. Advises the applicant and the City of Armadale of its decision accordingly.

**Eugene Koltasz**  
Presiding Member, Metropolitan East JDAP



The Presiding Member announced that, in accordance with Section 5.9.2(b) of the Standing Orders 2011, the meeting be adjourned from 6.42pm to 7.00pm on 24 January 2012, for the purpose of an out of meeting discussion by Council officers to provide clarification regarding matters raised during discussion by DAP Members.

Moved by: Mr Eugene Koltasz

Seconded by: Dr Garry Middle

Meeting Adjourned – 6.42 PM

Meeting Reconvened – 7.00PM

### AMENDING MOTION

Moved by: Mr Eugene Koltasz

Seconded by: Cr Donna Shaw

That Part A, Condition 14 be deleted and amended to read:

14. The proponent shall provide the opportunity for reciprocal rights of carriageway over the proposed internal driveways to ensure subsequent joint use of the driveways by Lot 43 (3153), or 44 (3155), or 10 (3161) Albany Highway, Armadale, within 36 months of the date of this decision to the satisfaction of the Executive Director Development Services.

If the individual adjoining owners do not take up the opportunity of the access on Lot 300 within 36 months of the date of this decision, this condition shall lapse.

That Part A, Condition 9 be amended to read:

9. Submission and implementation of a stormwater / drainage management plan in accordance with water sensitive design principles to the satisfaction of the Executive Director Technical Services. The stormwater / drainage management plan shall include a catchment analysis of the existing drainage network to confirm capacity downstream of proposed additional flows and any upgrades to pipe diameters required as a result of the proposal shall be funded by the developer, to the satisfaction and the approval of the Executive Director Technical Services.

That Part A, Condition 21 be amended to read:

21. If the development is to be Strata titled a Management Statement being prepared and registered in accordance with Section 5c of the Strata Title Act 1985 (as amended), to include the following additions to the by-laws contained in Schedules 1 and 2 of that Act:
  - i) Landscaping within communal open space areas shall be implemented and maintained in accordance with an approved Landscape Plan issued by the City of Armadale;
  - ii) Carports shall remain open and may not be enclosed via the addition of a garage door;
  - iii) No storage of general items within carports is allowed;
  - iv) Television aerials shall be placed towards the rear of properties or a communal aerial provided; and,

Eugene Koltasz  
Presiding Member, Metropolitan East JDAP





- v) Clothes drying areas shall only be placed in the rear yard, screened from public view.

That Part A, Condition 23 be deleted and amended to read:

23. The applicant is required to undertake a transport noise assessment for those units in close proximity to Albany Highway in accordance with the guidelines of the WAPC State Planning Policy 5.4 *"Road and Rail Transport Noise and Freight Consideration in Land Use Planning"*. Any remedial measures recommended for those units shall be implemented to the satisfaction of the Executive Director Development Services.

Additional Part A, Conditions 24, 25, 26, 27 and 28 be included in the conditions of approval:

24. The proposed steps proposed within the Albany Highway road reserve shall be located within the private property.
25. The ground levels on the Albany Highway boundary are to be maintained as existing and all improvements on the boundary between Lot 300 and the road reserve to be retained and adequate retaining walls.
26. No stormwater drainage shall be discharged onto the Albany Highway road reserve.
27. The applicant shall make good any damage to the existing verge vegetation within the Albany Highway reservation.
28. No earthworks shall encroach onto the Albany Highway road reserve.

**The motion was put forward and CARRIED UNANIMOUSLY.**

The Report Recommendation incorporating the above amendments (as carried) became the "Primary Motion", as follows:

**PRIMARY MOTION (AS AMENDED)**

**Moved by: Mr Eugene Koltasz**

**Seconded by: Cr Donna Shaw**

- A. **Approve** DAP Application reference DP/11/02377 and accompanying plans DA101, DA201, DA202, DA203, DA204, DA205, A101, A103 and A104 dated 12/12/2011, A105 dated 18/11/2011 and A102 and A106 dated 29/10/2011 in accordance with Clause 10.3 of the City of Armadale Town Planning Scheme No.4, subject to the following conditions:
1. A schedule of external colours and materials shall be submitted to and approved by the Executive Director Development Services. Alternative colour tones and materials are to be used for each dwelling to demonstrate a high standard of visual amenity and attractive streetscape. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.

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Presiding Member, Metropolitan East JDAP



2. Submission of a comprehensive landscape plan (including the verge) to the satisfaction of the Executive Director Technical Services. Such plan shall include:
  - a) Plant species (predominantly West Australian natives);
  - b) Plant numbers, location, container size;
  - c) Method of irrigation of the landscaped areas;
  - d) Planting of individual mature trees at strategic locations.
  - e) Planting of at least one low maintenance native tree species for every six units;
  - f) The provision of shade trees for visitor car parking; and
  - g) Verge tree details.

The landscape plan shall be approved and all landscaping installed and maintained, to the satisfaction of the Executive Director Technical Services.

3. The main communal open space area shall include seating, a gazebo, a barbecue facility and shall be landscaped in accordance with an approved Landscape plan as required by Condition No. 2. The facilities shall be maintained to the satisfaction of the Executive Director Development Services.
4. The Tognolini family name associated with the heritage residence removed from the subject site shall be recognised via naming the communal open space after the family and erecting a sign displaying such to the satisfaction of the Executive Director Development Services.
5. A Lighting Plan showing lighting to driveways, pathways and visitor car parking areas shall be submitted and approved to the satisfaction the Executive Director Development Services. All lighting to be installed and operated as per approved plan.
6. With the exception of fencing forward of the building line, internal fencing and other property boundary fencing shall be 1.8m high measured from the new ground level / top of retaining walls and constructed to a minimum standard of masonry, "Colorbond" or fibro cement painted in a colour to complement the proposed development, to the satisfaction of the Executive Director Development Services.
7. Details of open style fencing forward of the building line, and/or abutting communal open space, and/or fronting the public realm (i.e. Owtram Rd, Rogers Ln, Albany Hwy and the adjacent Parks and Recreation Reserve on Ringwood Rd) shall to be submitted. The fencing shall be completed and maintained in accordance with the approved plan to the satisfaction of the Executive Director Development Services.
8. Any walls or fencing fronting the public realm (i.e. Owtram Rd, Rogers Ln, Albany Hwy and the adjacent Parks and Recreation Reserve on Ringwood Rd) are to be treated with an anti-graffiti finish to the satisfaction of the Executive Director Development Services.

*Eugene Koltasz*

Eugene Koltasz  
Presiding Member, Metropolitan East JDAP





9. Submission and implementation of a stormwater / drainage management plan in accordance with water sensitive design principles to the satisfaction of the Executive Director Technical Services. The stormwater / drainage management plan shall include a catchment analysis of the existing drainage network to confirm capacity downstream of proposed additional flows and any upgrades to pipe diameters required as a result of the proposal shall be funded by the developer, to the satisfaction and the approval of the Executive Director Technical Services.
10. Geotechnical report(s) to be submitted to the Executive Director Technical Services certifying that the land is physically capable of development prior to commencement of works and following completion of works (if necessary) certifying that any required remedial works have been undertaken to the satisfaction of the Executive Director Technical Services.
11. Crossovers, driveway, car parking and vehicle manoeuvring spaces shall be constructed, services/infrastructure relocated, drained, sealed, kerbed, marked and continuously maintained in accordance with the approved site plan to the satisfaction of the Executive Director Technical Services.
12. Driveways to be brick paved or other high quality finish to the specifications and satisfaction of the Executive Director Technical Services. Untreated concrete and black asphalt finishes are not permitted.
13. Existing crossovers to be removed and all kerbing / footpaths / verges to be reinstated to the specifications and satisfaction of the Executive Director Technical Services.
14. The proponent shall provide the opportunity for reciprocal rights of carriageway over the proposed internal driveways to ensure subsequent joint use of the driveways by Lot 43 (3153), or 44 (3155), or 10 (3161) Albany Highway, Armadale, within 36 months of the date of this decision to the satisfaction of the Executive Director Development Services.

If the individual adjoining owners do not take up the opportunity of the access on Lot 300 within 36 months of the date of this decision, this condition shall lapse.

15. Visitor parking spaces shall be clearly marked, signposted and maintained to the satisfaction of the Executive Director Technical Services.
16. Carports shall remain open and may not be enclosed via the addition of a garage door to the satisfaction of the Executive Director Development Services.

A handwritten signature in blue ink that reads "Eugene Koltasz".

**Eugene Koltasz**  
Presiding Member, Metropolitan East JDAP



17. A Waste Management Plan to be submitted to and approved by the Executive Director Technical Services and development to occur in accordance with those plans.
18. Each dwelling is to be provided with a clearly numbered masonry letterbox located at the front of the dwelling adjacent to the vehicle access way to the satisfaction of the Executive Director Development Services.
19. Provision of clothes drying areas for each unit, screened from view public/common areas in accordance with Clause 6.10.3(A3.3) of the *Residential Design Codes of Western Australia* to the satisfaction of the Executive Director Development Services.
20. A cash-in-lieu payment for footpath construction being paid to the City, within 30 days of commencement of construction, at the rate of 5 metres of footpath per unit, to the satisfaction of the Executive Director Technical Services.
21. If the development is to be Strata titled a Management Statement being prepared and registered in accordance with Section 5c of the Strata Title Act 1985 (as amended), to include the following additions to the by-laws contained in Schedules 1 and 2 of that Act:
  - i) Landscaping within communal open space areas shall be implemented and maintained in accordance with an approved Landscape Plan issued by the City of Armadale;
  - ii) Carports shall remain open and may not be enclosed via the addition of a garage door;
  - iii) No storage of general items within carports is allowed;
  - iv) Television aerials shall be placed towards the rear of properties or a communal aerial provided; and,
  - v) Clothes drying areas shall only be placed in the rear yard, screened from public view.
22. All external fixtures (i.e. water heaters, meter boxes etc) shall be located so as not to be visually obtrusive to the satisfaction of the Executive Director Development Services.
23. The applicant is required to undertake a transport noise assessment for those units in close proximity to Albany Highway in accordance with the guidelines of the WAPC State Planning Policy 5.4 "*Road and Rail Transport Noise and Freight Consideration in Land Use Planning*". Any remedial measures recommended for those units shall be implemented to the satisfaction of the Executive Director Development Services.
24. The proposed steps proposed within the Albany Highway road reserve shall be located within the private property.

Eugene Koltasz  
Presiding Member, Metropolitan East JDAP





25. The ground levels on the Albany Highway boundary are to be maintained as existing and all improvements on the boundary between Lot 300 and the road reserve to be retained and adequate retaining walls.
26. No stormwater drainage shall be discharged onto the Albany Highway road reserve.
27. The applicant shall make good any damage to the existing verge vegetation within the Albany Highway reservation.
28. No earthworks shall encroach onto the Albany Highway road reserve.
29. All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Executive Director Development Services.

B. Advise the applicant of the following:

- I. With regard to Condition 1, the External Colour and Material Schedule submitted with the application and approved on Plan DA101 is deemed acceptable.
- II. With regard to Condition 2, please refer to the City's Landscaping Guidelines – Grouped Dwellings and the Landscaping Guidelines – Plants to Avoid, to assist you to formulate a satisfactory landscaping proposal. Copies of this document are available on the City's website at: [www.armadale.wa.gov.au/publications/](http://www.armadale.wa.gov.au/publications/)
- III. With regard to Condition 4 this will satisfy the requirement of Condition 3 of the City's Planning Approval 10.2008.188.1 (Council resolution D59/4/08), which gave approval to remove the heritage residence from the site.
- IV. With regard to Conditions 6 and 17, fencing adjacent to bin pickup areas should be brick/masonry, in order that it cannot be damaged during waste collection.
- V. With regard to Condition 7, fencing within the front setback area shall be visually permeable above 1.2m in accordance with the Residential Design Codes. Please also note the requirements of Clause 7, Part 2 of the City's "Local Laws Relating to Fencing" regarding truncation requirements for fences (above 1.2m) adjacent to driveways.
- VI. With regard to Conditions 11 and 12, the driveway shall be designed to accommodate a 25 tonne dual axle vehicle.
- VII. 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

*Eugene Koltasz*



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.

- VIII. Compliance with the Building Code of Australia is required. In this regard, a Building / Demolition Licence application is to be submitted to the City's Building Department and approved prior to the erection / demolition of any structure on the subject site.
- IX. 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
- 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.
- XI. Such application for Review must be made not more than twenty eight (28) days after the date of this decision via the form available from the State Administrative Tribunal (copies available from the State Administrative Tribunal, Level 4, 12 St Georges Terrace, Perth or GPO Box U1991, Perth, WA, 6845, or [www.sat.justice.wa.gov.au](http://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).
- XII. If the development the subject of this approval is not substantially commenced within a period of 24 months from the date of this letter, the approval shall lapse and be of no further effect.
- XIII. Where the approval has so lapsed, no development shall be carried out without the further approval of the City having first been sought and obtained.
- C. Advises the applicant and the City of Armadale of its decision accordingly.

**The motion was put forward and CARRIED UNANIMOUSLY.**

**8. Amending or cancelling DAP development approval**

Nil.

Eugene Koltasz  
Presiding Member, Metropolitan East JDAP





**9. Appeals to the State Administrative Tribunal**

City of Swan - DA535-11- Lot 603, 66, 10, Great Eastern Highway, Midland -  
Extension of Midland Gate Shopping Centre.

**10. Meeting Close**

There being no further business, the presiding member declared the meeting  
closed at 7.55pm.

A handwritten signature in blue ink that reads "Eugene Koltasz".

**Eugene Koltasz**  
Presiding Member, Metropolitan East JDAP