



Minutes of the Metro East Joint Development Assessment Panel

Meeting Date and Time: Monday, 16 March 2015; 4:00pm
Meeting Number: MEJDAP/51
Meeting Venue: City of Armadale
7 Orchard Avenue, Armadale

Attendance

DAP Members

Mr Eugene Koltasz (Presiding Member)
Ms Megan Bartle (Deputy Presiding Member) – via teleconference
Mr Kent McDowall (Specialist Member)
Mayor Henry Zelones (Local Government Member, City of Armadale)
Cr Caroline Wielinga (Local Government Member, City of Armadale)
Cr Ron Hoffman (Local Government Member, City of Gosnells)
Cr Ron Mitchell (Local Government Member, City of Gosnells)

Officers in attendance

Mr Ryan Hall (Department of Planning)
Mr Paul Sanders (City of Armadale)
Ms Meredith Kenny (City of Armadale)
Mr Glen Windass (City of Armadale)
Ms Jamie Trees (City of Gosnells)
Mr Luke Gibson (City of Gosnells)
Ms Kathleen Ivory (City of Gosnells)

Local Government Minute Secretary

Ms Noelene Cranfield (City of Armadale)

Applicants and Submitters

Mr Peter Hobbs (Peter Hobbs Architects)
Mr Simon Wilkes (Urbis)
Mr Ray Haren (Urbis)

Members of the Public

Nil

1. Declaration of Opening

The Presiding Member declared the meeting open at 4.00pm on 16 March 2015 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.



The Presiding Member announced the meeting would be run in accordance with the *Development Assessment Panel Standing Orders 2012* under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

2. Apologies

Cr Matt Norman (A/City of Armadale Member)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

Minutes of the Metro East meeting No.50 held on 15 January 2015 were noted by DAP members.

5. Declarations of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Mr Kent McDowall declared an interest in item 8.2 – Fast Food Outlet (McDonalds), Lot 3002 Yellowwood Avenue Cnr Nicholson Road Harrisdale – Shareholder in Stockland Corporation.

7. Deputations and Presentations

- 7.1 Mr Ray Haeren (Urbis) addressed the DAP for the application at Item 8.2 - Fast Food Outlet (McDonalds), Lot 3002 Yellowwood Avenue Cnr Nicholson Road Harrisdale.

8. Form 1 - Responsible Authority Reports – DAP Applications

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|-----|------------------------|--|
| 8.1 | Property Location: | 340 (Lot 14) Railway Parade, Beckenham |
| | Application Details: | 42 Multiple Dwellings |
| | Applicant: | Peter Hobbs |
| | Owner: | Max Bridges |
| | Responsible authority: | City of Gosnells |
| | DoP File No: | DAP/14/00690 |

REPORT RECOMMENDATION

Moved by: Cr Ron Hoffman

Seconded by: Cr Ron Mitchell

That the Metropolitan East Joint Development Assessment Panel (JDAP) resolves to:

Approve DAP Application reference DAP/14/00690 and accompanying plans dated 12 December 2014 (as provided within Attachment 2 of the Responsible Authority Report) in accordance with Clause 11.3 the City of Gosnells Town Planning Scheme No. 6, subject to the following conditions as follows:



Conditions:

1. This decision constitutes 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. Prior to the occupancy of any of the proposed dwellings, the proposed road reserve shown on the approved plan being shown on a diagram or plan of survey (deposited plan) as reserve for road and vested in the Crown, with such land to be ceded free of cost and without any payment of compensation by the crown.
3. Prior to the occupancy of any of the proposed dwellings, the proposed road shown on the approved plan is to be constructed, lit and drained to the satisfaction of the City at the full cost of the landowner/applicant.
4. A detailed noise assessment shall be prepared and submitted in accordance with State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning, prior to the lodgement of a Building Permit application, which outlines measures to be implemented to achieve an acceptable level of noise within the proposed dwellings.
5. A notification under section 70A of the Transfer of Land Act 1893 must be registered over the Certificate of Title of the subject lot to notify owners and prospective purchasers of the land the existence of a hazard or other factor. The notification is to be prepared and executed at the applicant's cost, prior to the lodgement of a Building Permit application. The notification is to state as follows:

"The lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise."
6. The existing heritage dwelling is to be photographically recorded to the satisfaction of the City, prior to the lodgement of a Building Permit application.
7. The applicant shall submit a drainage design, prescribing a functional drainage system, including detailed engineering drawings, and necessary technical information to demonstrate functionality of the design. The design is to be endorsed prior to the lodgement of a Building Permit application and thereafter implemented to the satisfaction of the City of Gosnells.
8. Fire hydrants are to be provided to the City's satisfaction with the required pressure and flow being verified by a recognised testing authority.
9. The common property accessway being constructed and drained at the developer's cost to the specifications and satisfaction of the City.



10. Transformer compounds are to be located and screened to the satisfaction of the City. In this respect, copies of Council's Policy and specifications are available from the City's Infrastructure Directorate.
11. All cut and fill is to be retained within the property boundaries by retaining walls designed by a structural engineer and constructed of masonry or a similar approved material.
12. External finishes and colour schemes are to be submitted prior to the lodgement of a Building Permit application to the satisfaction of the City.
13. Existing structures nominated on the approved plan on the lots are to be removed/demolished to the satisfaction of the City.
14. The site is to be connected to the reticulated sewerage system.
15. All existing septic tanks and leach drains are to be decommissioned and all components removed to the satisfaction of the City's Health Service.
16. Landscape plans for (i) the development site and the adjoining road verge(s) and (ii) the proposed pedestrian access way, are to be submitted in accordance with the City's Landscaping Plan Information Sheet, and approved by the City, prior to the lodgement of a Building Permit application.
17. Landscaping and irrigation of the development site and adjoining road verges is to be installed prior to occupying the proposed development, and thereafter maintained, in accordance with the approved landscaping plan to the satisfaction of the City.
18. A legal agreement shall be prepared at the proponent's cost, prior to the lodgement of a Building Permit application, indemnifying the City of Gosnells and its appointed contractors for any potential damage that may occur within the site as a result of the City performing waste removal services for the occupants of the subject development.

Advice Notes

1. The applicant is advised that if they wish to progress a Built Strata application for the site, the appropriate application form must be lodged with the City prior to commencement of construction, in accordance with the *Strata Titles Act 1985*. In addition, the applicant is advised that as part of any Built Strata proposal for the subject land, the City will impose a Public Open Space condition, in accordance with the *Planning and Development Act 2005*.
2. In relation to Condition 7:

A maximum stormwater runoff coefficient equivalent to pre-development levels and/or in accordance with an existing Urban Water Management Plan approved for the development area shall be applied to calculate the critical permissible site discharge (PSD) from the development. This PSD shall not be exceeded in all storm events up to the 1 in 100 year Average



Recurrence Interval. All excess stormwater shall be detained and/or infiltrated on-site through suitable structural means.

3. In relation to Condition 8, your attention is drawn to the requirements of the Building Code of Australia. This locality may have limited water pressure available and additional facilities may be required.
4. In relation to Condition 11, details are to be submitted to the City as part of a Building Permit application, for approval by the City.
5. In relation to Condition 16:
 - i) Any landscaping or earthmoving in the street verge is to be set at levels as directed by the City's Infrastructure Directorate to ensure minimum disruption to future footpath levels. In this regard you are required to submit levels to the Infrastructure Directorate.
 - ii) The developer is advised that the City has a Shade Policy which must be considered as part of the development process.
 - iii) If bin collection areas are required as part of the proposed development, those areas are to be shown on the landscape, to the satisfaction of the City.
 - iv) The proponent is advised that approval is required from the City for the removal or pruning of any street trees. Where approval is given by the City for the removal of a street tree or trees the developer will pay for the amenity value of the tree or trees with the valuation being determined by the Helliwell Method (as per the City's Schedule of Fees and Charges)
6. In relation to Condition 18, the City may require such documentation to be reviewed by McLeods Barristers and Solicitors, and therefore, the applicant may wish to engage McLeods directly to prepare the abovementioned documentation.
7. You are advised of the need to apply for a Building Permit from the City's Building Services Branch prior to the commencement of work. In this regard, your attention is drawn to the requirements of the Building Code of Australia and the Building Act 2011.
8. Your attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the Building Permit application identifying means of access from carparking areas to the entrance of the building and throughout the building, as required by AS1428.1.
9. An Occupancy Permit is to be applied for and issued by the Local Authority (Permit Authority) prior to occupation of the building or part thereof. For a new building, a Certificate of Construction Compliance (BA17) is to be provided with the application for it to be valid. For an existing building, a Certificate of Building Compliance (BA18) is to be provided with the application for it to be valid.



10. Where an "Alternative Design Solution" is proposed in place of "Deemed to Satisfy" provisions of the Building Code of Australia, a Design Brief submitted by a suitably qualified Engineer is to be agreed upon in principle by Council and FESA, prior to the lodgement of the final report. The final report will be required to address all the relevant performance requirements, indicating the satisfactory qualification of all safety provisions of the Building Code of Australia.
11. Your attention is drawn to requirements for sanitary conveniences to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1. For further details please contact the City's Building Services Branch.
12. Boundary fencing is to be replaced/upgraded to the minimum specification as required by the City's Fencing Local Laws.
13. Department of Fire and Emergency Services assessment is required prior to approval of a Building Permit application.
14. Due to the nature of foundation materials, footing and slab details and a site report from a structural engineer are required to be submitted with the Building Permit application.
15. This approval does not authorise the demolition of the existing buildings on site. A Demolition Permit must be obtained from the City prior to the removal/demolition of the existing buildings.
16. Your attention is drawn to the following to minimise the impact of development works:
 - i) All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981. For further details please contact the Department of Environment Regulation.
 - ii) Development work shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City's Health Service.
 - iii) Development work shall comply in all respects with the Environmental Protection (Noise) Regulations 1997.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

8.2	Property Location:	Lot 3002 Yellowwood Avenue Cnr Nicholson Road Harrisdale
	Application Details:	Fast Food Outlet (McDonalds)
	Applicant:	Urbis Pty Ltd
	Owner:	Stockland Development WA Pty Ltd
	Responsible authority:	City of Armadale
	DoP File No:	DAP/15/00696



REPORT RECOMMENDATION

Moved by: Mayor Henry Zelones

Seconded by: Ms Megan Bartle

That the Metropolitan East Joint Development Assessment Panel (JDAP) resolves to:

Refuse DAP Application reference DAP/15/00696 and accompanying plans S01, S02, S03, S04, S05 and DA05 and amended plans DA01, DA02 and DA03 received 20/02/2015 in accordance with the provisions of the City of Armadale Town Planning Scheme No. 4 for the following reasons:

1. The development proposes several inappropriate variations to the development standards and is considered to be over development of the lot, which will have a detrimental impact on streetscape, amenity, the character and form of the town centre, traffic movement and circulation and traffic safety.
2. Non-compliance with the provisions and objectives of Clause 4.4 'Built Form' and Clause 4.3.9 "Detailed Area Plans" of the Newhaven District Activity Centre Structure Plan with regard to preferred built form on lots that form gateways to the main street and namely:
 - a) the proposed building does not create an attractive or distinctive expression of entry to the Main street (Yellowwood Avenue) as it is set back more than 10m from the street frontage;
 - b) the development does not address the Main Street (Yellowwood Avenue) in a manner whereby pedestrian access can be achieved directly from the street as per Main Street Design Principles.
 - c) the development does not allow for continuous pedestrian protection from weather as the building's verandah is not on the same alignment as the main shopping centre.
 - d) Clause 4.3.9 of the Newhaven District Activity Centre specifies that a "Detailed Area Plan" (DAP) will be required for each respective commercial lot with the District Activity Centre. The DAP provisions will be required to provide specific guidance on items (but not exclusive to) plot ratio, setbacks, building form and design and car parking location to ensure the principles and objectives of the District Activity Centre are fulfilled. DAPs shall be prepared by the developer and endorsed by the City of Armadale prior to lodgement of a Development Application on any commercial lot.
3. The proposed development does not include adequate areas for landscaping, especially trees, and does not comply with Clause 5C.5.3 of the City of Armadale Town Planning Scheme No. 4 which requires a 2 metre wide landscape strip is not provided on the Nicholson Road frontage.
4. Non-compliance with Clause 10.2(v) of Town Planning Scheme No.4 as follows:

"10.2 (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved".



The proposed development does not provide adequate areas for landscaping and does not comply with Clause 10.2 (v) for the following reasons:

- a) The viability of plants (including shade trees) within the proposed reduced 1250mm wide landscape strip along Nicholson Road will be compromised by vehicles in abutting parking bays protruding 600mm into the landscape strip. Only groundcover plants to a maximum height of about 100mm will be able to be planted where vehicles overhang as shrubs would cause a fire risk if they are located under car engines;
- b) All of the proposed landscaping along the Nicholson Road frontage of the site may be within a Western Power easement for high voltage power lines within which the height of plants will be restricted to low shrubs and ground covers. Trees are needed to provide visual amenity and shading of parked vehicles (particularly given that there is not any room for landscaping or street tree planting on the verge due to the turning lane and dual use path taking up almost the whole width of the verge).

5. Non-compliance with Clause 10.2(p) of Town Planning Scheme No. 4 as follows:

"10.2 (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles".

The proposed development proposes inadequate vehicle access/circulation and does not comply with Clause 10.2 (p) for the following reasons:

- a) Traffic flow within the development site will be impeded by vehicles trying to turn around on site if they get to the end of the row of parking fronting Nicholson Road and no spaces are available.
- b) Trucks entering the site may be impeded by vehicles within the drive through lane and accordingly traffic flow on the Shopping Centres main internal road and into and out of Yellowwood Avenue will be impeded.
- c) The application has not demonstrated that trucks can enter or exit the centre and site in a safe manner without damaging infrastructure (kerbs, signs, plants etc) and parked cars or obstructing access for other vehicles, which is likely to cause traffic congestion and safety issues.

6. Operation of the fast food outlet 24 hours per day / 7 days per week will adversely affect the amenity of nearby residences on the eastern side of Nicholson Road by virtue of the impacts of noise from the car park and possible antisocial behaviour associated with McDonald's restaurant trading, particularly given the low background noise levels in the locality after hours.



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

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

Nil

10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Closure

There being no further business, the presiding member declared the meeting closed at 4.40pm.

Mr Eugene Koltasz
Presiding Member, Metro East JDAP