



## Minutes of the Metro East Joint Development Assessment Panel

**Meeting Date and Time:** 29 November 2017; 3:30pm  
**Meeting Number:** MEJDAP/138  
**Meeting Venue:** City of Armadale Committee Room  
7 Orchard Avenue  
Armadale

### Attendance

#### DAP Members

Mr Paul Kotsoglo (Presiding Member)  
Mr Brian Curtis (A/Deputy Presiding Member)  
Mr Peter McNab (Specialist Member)  
Mayor Henry Zelones (Local Government Member, City of Armadale)  
Cr Mark Geary (Local Government Member, City of Armadale)

#### Officers in attendance

Mr Alex VanderPlas (City of Armadale)  
Mr Sergio Famiano (City of Armadale)

#### Minute Secretary

Ms Noelene Cranfield (City of Armadale)

#### Applicants and Submitters

Mr Ron Cavill  
Mr Dennis Grimwood  
Mr Adam Goodwin (Actus Associates)

#### Members of the Public / Media

There was 1 member of the public in attendance.

#### 1. Declaration of Opening

The Presiding Member, Mr Paul Kotsoglo declared the meeting open at 3.30pm on 29 November 2017 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 2017* under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the Standing Orders 2017; No Recording of

Mr Paul Kotsoglo  
Presiding Member, Metro East JDAP



Meeting, which states: 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

## **2. Apologies**

Ms Stacey Towne (Deputy Presiding Member)  
Cr Donna Shaw (Local Government Member, City of Armadale)

## **3. Members on Leave of Absence**

Panel member, Ms Stacey Towne has been granted leave of absence by the Director General for the period of 1 September 2017 to 26 January 2018 inclusive.

## **4. Noting of Minutes**

Minutes of the Metro East JDAP meeting No.136 held on 31 October 2017 and meeting No.137 held on 6 November 2017 were noted by DAP members.

## **5. Declaration of Due Consideration**

All members declared that they had duly considered the documents.

## **6. Disclosure of Interests**

Panel member, Mr Paul Kotsoglo, declared a direct pecuniary interest in item 10.1 with regards to the State Administrative Tribunal application at Lot 8336 (151) The Promenade, Ellenbrook. Mr Kotsoglo is the Managing Director of Planning Solutions who is representing the parties involved in this matter.

In accordance with section 6.2.2 of the Standing Orders 2017, the member listed above, who had disclosed a pecuniary interest, is not entitled to be present during the consideration or discussion of the application, or to vote on the application.

As the matter was listed for noting only and not subject to any decision by the DAP, the declaration was provided to ensure transparency.

## **7. Deputations and Presentations**

**7.1** Mr Ron Cavill addressed the DAP against the application at Item 8.1. Mr Cavill answered questions from the panel.

**7.2** Mr Dennis Grimwood addressed the DAP against the application at Item 8.1. Mr Grimwood answered questions from the panel.

**7.3** Mr Alex VanderPlas and Mr Sergio Famiano (City of Armadale) addressed the DAP in support of the application at Item 8.1. Mr VanderPlas and Mr Famiano answered questions from the panel.

**Mr Paul Kotsoglo**  
Presiding Member, Metro East JDAP



## 8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Property Location:	Lot 200 (No.121) Carawatha Avenue, Mt Nasura
Application Details:	Proposed Medical Centre Development
Applicant:	Peter D Webb and Associates
Owner:	Auswide International Investments Kelmscott No.2 Pty Ltd
Responsible Authority:	City of Armadale
DAP File No:	DAP/17/01272

### REPORT RECOMMENDATION

**Moved by:** Cr Mark Geary

**Seconded by:** Mayor Henry Zelones

That the Metro East JDAP resolves to:

1. **Approve** DAP Application reference DAP/17/01272 and accompanying plans DA-01, DA-02, DA-03, DA-04 and DA-05 in accordance with Clause 68 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 as follows:

### Conditions

1. Prior to the submission of a Building Permit, revised plans shall be submitted to and approved by the City, in-accordance with Schedule 2, Part 9, Clause 74(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* that modify the proposal by:
  - a. Reducing the width of the proposed awning on the Albany Highway building façade to prevent any encroachment on the Albany Highway road reserve;
  - b. Adjusting the design of car parking spaces, access ways and pedestrian paths consistent with any approved landscape plan; and,
  - c. Screening bin store locations and reducing blank walls consistent with any approved landscape plan (Executive Director Development Services).
2. 'End of trip bicycle facilities' shall be provided prior to occupation of the development as shown on the approved plans and continuously maintained thereafter.
3. Use of the Nurses Station and Day Surgery shall be incidental to, and in conjunction with, the use of the 4 consulting rooms to the satisfaction of the City (Executive Director Development Services).
4. Opening hours shall be limited to 7am to 7.30pm Monday to Friday, 8:30am to 2pm Saturday and 9am-11am Sunday.
5. A schedule of external colours and materials shall be submitted to and approved by the City. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the City (Executive Director Development Services).

Mr Paul Kotsoglo  
Presiding Member, Metro East JDAP



6. The wall or fencing fronting the Water Corporation Pumping Station is to be treated with an anti-graffiti finish to the satisfaction of the City (Executive Director Development Services).
7. No earthworks shall encroach onto the Albany Highway road reserve.
8. No stormwater drainage shall be discharged into the Albany Highway road reserve.
9. The applicant shall make good any damage to the existing verge vegetation within the Albany Highway road reserve.
10. No materials shall be stored in car parking areas.
11. All rubbish bin storage areas and servicing areas associated with the development shall be appropriately screened from public vantage points to the satisfaction of the City (Executive Director Development Services).
12. 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 (Executive Director Development Services).
13. To meet drainage requirements the developer/owner shall, to the specifications and satisfaction of the City (Executive Director Technical Services):
  - a. Submit a stormwater management plan incorporating water sensitive design principles for approval and implement the approved plan thereafter;
  - b. Show any drainage easements as may be required on the Certificate of Title in favour of the City; and,
  - c. Relocate, remove or upgrade any drainage infrastructure on the lot or within the adjoining road reserve that is impacted by the proposed development.
14. To meet vehicle manoeuvring space requirements the developer/owner shall, to the specifications and satisfaction of the City (Executive Director Technical Services):
  - a. Construct/seal all such areas, including drainage and kerbing/markings where necessary, in accordance with the approved site plan;
  - b. Relocate/remove any services/infrastructure as necessary;
  - c. Remove any existing crossover(s) and reinstate all kerbing/footpaths/verge areas;
  - d. Continuously maintain all such areas thereafter.
15. A landscape plan shall be submitted to and approved by the City (Executive Director Development Services). 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;

**Mr Paul Kotsoglo**  
Presiding Member, Metro East JDAP



- e. Low maintenance trees (minimum 45 litre size container) within the Carawatha Avenue verge.
- f. Landscaping strips between the parking area and the street boundaries of the site as shown on the development plans;
- g. The provision of shade trees within the car park at the rates of at least 1 tree per 10 metre interval along any line of car parking;
- h. The provision of a shade tree in proximity to the upper level building entry;
- i. Lighting to pathways, car parking and entry points.

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

16. A Construction Management Plan is to be prepared by the applicant and submitted to the City (Executive Director Development Services) for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall be implemented by the applicant to the satisfaction of the City and detail how the construction of the development will be managed, including the following:

- a. Public safety and site security;
- b. Hours of operation;
- c. Dust management;
- d. Waste and material disposal;
- e. Traffic management plans for the various phases of the construction;
- f. Parking arrangements for contractors and sub-contractors;
- g. Delivery and access arrangements;
- h. The storage of materials and equipment on site (no storage of materials within the public realm will be permitted);
- i. Any bonding and remediation arrangements; and
- j. Any other matters likely to impact upon the surrounding properties or public realm.

17. A Waste Management Plan shall be submitted to and approved by the City (Executive Director Technical Services) prior to commencement of site works. Waste collection shall be carried out in accordance with the approved plan thereafter.

18. Only clean fill (as defined by the Department of Water and Environmental Regulation) shall be used.

19. All Conditions shall be complied with prior to exercising the right of this approval.

#### **Advice Notes**

1. In accordance with the Schedule 2 Clause 71 of the Planning and Development (Local Planning Scheme) Regulations 2015, 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. Compliance with the Building Code of Australia is required. In this regard, a

**Mr Paul Kotsoglo**  
Presiding Member, Metro East JDAP



Building / Demolition Permit application shall be submitted to the City's Building Services and approved prior to the erection / demolition of any structures on the subject site.

3. The Water Corporation advises that the development requires approval from its Building Services section prior to commencement of works, and that infrastructure contributions and fees may be required to be paid prior to approval being issued. Please liaise directly with the Water Corporation to confirm requirements and quantify infrastructure costs.
4. With regard to the Condition requiring submission of a colour and material schedule, it is expected that the colour and material schedule will be submitted and approved prior to the submission of a Building Permit Application.
5. With regard to the Condition requiring clean fill, the Department of Water & Environmental Regulation defines clean fill as "Material that will have no harmful effects on the environment and which consists of rocks or soil arising from the excavation of undisturbed material." Soil from demolition sites is not considered clean fill, as such sites have been disturbed and can be contaminated with pesticides.
6. With regard to the Condition requiring a Landscape Plan, please refer to the City's Landscaping Guidelines – Industrial and Commercial, Landscaping Guidelines – Plants to Avoid, the City's Urban Forestry Strategy and Landscape Factsheet - Trees for Confined Spaces to assist you to formulate a satisfactory landscaping proposal. Copies of these documents are available on the City's website at: [www.armadale.wa.gov.au/planning-information-sheet-forms-fees](http://www.armadale.wa.gov.au/planning-information-sheet-forms-fees)
7. With regard to the Condition relating to vehicle manoeuvring spaces, the City's Technical Services Directorate should be contacted in order that the appropriate crossover application may be made.
8. Please note that Conditions referring to the Albany Highway road reserve were set by Main Roads Western Australia (MRWA) or reflect MRWA requirements. All enquiries regarding those Conditions should be directed to MRWA at:

Main Roads WA  
PO Box 6202  
EAST PERTH WA 6892  
TEL: 138 138  
FAX: 9323 4430

9. A separate application is required for all signs associated with the development.
10. 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.
11. Any clinical wastes generated to be disposed of in accordance with Australian / New Zealand Standard AS/NZS 3816:1998 or superseding standard.

**Mr Paul Kotsoglo**  
Presiding Member, Metro East JDAP



12. It is recommended that security cameras and CCTV be installed in internal and external areas of the premises, including car parking areas to manage and deter criminal and anti-social behaviour.
13. 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.
14. If the applicant is aggrieved by a Refusal to Approve his/her application, or, where Approved, is aggrieved by any Condition imposed in that Approval he/she may apply for a Review to the State Administrative Tribunal pursuant to the provisions of Part 14 of the Planning and Development Act 2005 against such refusal or imposition of such aggrieved Condition.

Such application for Review must be made not more than twenty eight (28) days after the date of Council's decision via the form available from the State Administrative Tribunal (copies available from the State Administrative Tribunal, at Level 6, State Administrative Tribunal Building, 565 Hay Street, Perth, WA, 6000 or GPO Box U1991, Perth, WA, 6845, or [www.sat.justice.wa.gov.au](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.

15. 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:-
  - a. Outside the hours of 7.00am to 7.00pm; or
  - b. On a Sunday or Public Holiday.

## **AMENDING MOTION**

**Moved by:** Mr Peter McNab

**Seconded by:** Mr Brian Curtis

- (i) To amend Condition 15 to read as follows:

*A landscape plan shall be submitted to and approved by the City (Executive Director Development Services). 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. *Low maintenance trees (minimum 45 litre size container) within the Carawatha Avenue verge.*

**Mr Paul Kotsoglo**  
Presiding Member, Metro East JDAP



- f. *Landscaping strips between the parking area and the street boundaries of the site as shown on the development plans;*
- g. *The provision of shade trees within the car park at the rates of at least 1 tree per 10 metre interval along any line of car parking;*
- h. *The provision of a shade tree in proximity to the upper level building entry;*
- i. *Lighting to pathways, car parking and entry points.*

*All landscaping shall be installed **as near as practicable** to occupancy of the development **in accordance with the landscape plan** and maintained as per the approved plan thereafter.*

**REASON: To provide clarification to address the issue of timing of the landscape installation.**

(ii) To add a new Advice Note to read as follows:

*This approval does not indicate any approval in principle or otherwise for a pharmacy/shop use of the subject land or an amendment to Town Planning Scheme No.4 to facilitate the same.*

**REASON: To provide clarification that this application is not supporting an amendment to the Town Planning Scheme No.4 or support of a future change of use in absence of the requisite applications, assessments and determinations.**

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

#### **REPORT RECOMMENDATION (AS AMENDED)**

That the Metro East JDAP resolves to:

1. **Approve** DAP Application reference DAP/17/01272 and accompanying plans DA-01, DA-02, DA-03, DA-04 and DA-05 in accordance with Clause 68 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 as follows:

#### **Conditions**

1. Prior to the submission of a Building Permit, revised plans shall be submitted to and approved by the City, in-accordance with Schedule 2, Part 9, Clause 74(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* that modify the proposal by:
  - a. Reducing the width of the proposed awning on the Albany Highway building façade to prevent any encroachment on the Albany Highway road reserve;
  - b. Adjusting the design of car parking spaces, access ways and pedestrian paths consistent with any approved landscape plan; and,
  - c. Screening bin store locations and reducing blank walls consistent with any approved landscape plan (Executive Director Development Services).

**Mr Paul Kotsoglo**  
Presiding Member, Metro East JDAP



2. 'End of trip bicycle facilities' shall be provided prior to occupation of the development as shown on the approved plans and continuously maintained thereafter.
3. Use of the Nurses Station and Day Surgery shall be incidental to, and in conjunction with, the use of the 4 consulting rooms to the satisfaction of the City (Executive Director Development Services).
4. Opening hours shall be limited to 7am to 7.30pm Monday to Friday, 8:30am to 2pm Saturday and 9am-11am Sunday.
5. A schedule of external colours and materials shall be submitted to and approved by the City. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the City (Executive Director Development Services).
6. The wall or fencing fronting the Water Corporation Pumping Station is to be treated with an anti-graffiti finish to the satisfaction of the City (Executive Director Development Services).
7. No earthworks shall encroach onto the Albany Highway road reserve.
8. No stormwater drainage shall be discharged into the Albany Highway road reserve.
9. The applicant shall make good any damage to the existing verge vegetation within the Albany Highway road reserve.
10. No materials shall be stored in car parking areas.
11. All rubbish bin storage areas and servicing areas associated with the development shall be appropriately screened from public vantage points to the satisfaction of the City (Executive Director Development Services).
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  - a. Submit a stormwater management plan incorporating water sensitive design principles for approval and implement the approved plan thereafter;
  - b. Show any drainage easements as may be required on the Certificate of Title in favour of the City; and,
  - c. Relocate, remove or upgrade any drainage infrastructure on the lot or within the adjoining road reserve that is impacted by the proposed development.

**Mr Paul Kotsoglo**  
Presiding Member, Metro East JDAP



14. To meet vehicle manoeuvring space requirements the developer/owner shall, to the specifications and satisfaction of the City (Executive Director Technical Services):
  - a. Construct/seal all such areas, including drainage and kerbing/markings where necessary, in accordance with the approved site plan;
  - b. Relocate/remove any services/infrastructure as necessary;
  - c. Remove any existing crossover(s) and reinstate all kerbing/footpaths/verge areas;
  - d. Continuously maintain all such areas thereafter.
  
15. A landscape plan shall be submitted to and approved by the City (Executive Director Development Services). The landscape plan shall include:
  - a. Plant species (predominantly West Australian natives);
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  - f. Parking arrangements for contractors and sub-contractors;
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18. Only clean fill (as defined by the Department of Water and Environmental Regulation) shall be used.
19. All Conditions shall be complied with prior to exercising the right of this approval.

#### **Advice Notes**

1. In accordance with the Schedule 2 Clause 71 of the Planning and Development (Local Planning Scheme) Regulations 2015, 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. Compliance with the Building Code of Australia is required. In this regard, a Building / Demolition Permit application shall be submitted to the City's Building Services and approved prior to the erection / demolition of any structures on the subject site.
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7. With regard to the Condition relating to vehicle manoeuvring spaces, the City's Technical Services Directorate should be contacted in order that the appropriate crossover application may be made.

**Mr Paul Kotsoglo**  
Presiding Member, Metro East JDAP



8. Please note that Conditions referring to the Albany Highway road reserve were set by Main Roads Western Australia (MRWA) or reflect MRWA requirements. All enquiries regarding those Conditions should be directed to MRWA at:

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PO Box 6202  
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9. A separate application is required for all signs associated with the development.
10. 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.
11. Any clinical wastes generated to be disposed of in accordance with Australian / New Zealand Standard AS/NZS 3816:1998 or superseding standard.
12. It is recommended that security cameras and CCTV be installed in internal and external areas of the premises, including car parking areas to manage and deter criminal and anti-social behaviour.
13. 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.
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Such application for Review must be made not more than twenty eight (28) days after the date of Council's decision via the form available from the State Administrative Tribunal (copies available from the State Administrative Tribunal, at Level 6, State Administrative Tribunal Building, 565 Hay Street, Perth, WA, 6000 or GPO Box U1991, Perth, WA, 6845, or [www.sat.justice.wa.gov.au](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.

15. 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:-

**Mr Paul Kotsoglo**  
Presiding Member, Metro East JDAP



- a. Outside the hours of 7.00am to 7.00pm; or
  - b. On a Sunday or Public Holiday.
16. This approval does not indicate any approval in principle or otherwise for a pharmacy/shop use of the subject land or an amendment to Town Planning Scheme No.4 to facilitate the same.

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

**The Report Recommendation (as amended) 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**

The following State Administrative Tribunal Application has been received:

- City of Swan – Lot 8336 (151) The Promenade, Ellenbrook – Convert Existing Masters Store to Retail Development Comprising of Showroom, Fast Food Outlet and Shop.

The following State Administrative Tribunal Application has been finalised:

- City of Swan – Lot 357 (227) Morrison Road, Midvale – Neighbourhood Centre (Shop, Consulting Rooms, Recreation – Private, Fast Food Outlet, Convenience Store).

**11. General Business / Meeting Close**

The Presiding Member reminded the meeting that in accordance with Section 7.3 of DAP Standing Order 2017 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

There being no further business, the Presiding Member declared the meeting closed at 4.50pm.