



## Metro Outer Development Assessment Panel Minutes

**Meeting Date and Time:** Tuesday, 13 January 2026; 9:30am  
**Meeting Number:** MODAP/120  
**Meeting Venue:** 140 William Street, Perth

*A recording of the meeting is available via the following link:*

[MODAP/120 - 13 January 2026 - City of Wanneroo - Shire of Murray](#)

### **PART A – INTRODUCTION**

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Noting of Minutes

### **PART B – CITY OF WANNEROO**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 2 (125) Butler Boulevard, Butler – Proposed Station and Motor Vehicle Wash – DAP/24/02801
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART C – SHIRE OF MURRAY**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Various Lots, Pinjarra – Proposed Aldi Supermarket Including Liquor Store and McDonalds Take Away Food Outlet – DAP/25/02968
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART D – OTHER BUSINESS**

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

*Karen Hyde*

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



**DAP Members**

Karen Hyde (Presiding Member)

Clayton Higham (Deputy Presiding Member)

Heidi Herget

Cr Jacqueline Huntley (Part B – City of Wanneroo)

Cr Sonet Coetzee (Part B – City of Wanneroo)

Cr Douglas McLarty (Part B – Shire of Murray)

Cr Ange Rogers (Part C – Shire of Murray)

**DAP Secretariat**

Tenielle Brownfield

Ashlee Kelly

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



<b>Part B – City of Wanneroo</b>
<b>Applicant</b>
Alessandro Stagno (Apex Planning) Mark Taddei Jonathan Kilborn
<b>Officers/Technical Advisors in Attendance</b>
Shabnam Boss Daniel Sheahan

<b>Part C – Shire of Murray</b>
<b>Applicant</b>
Marc Re (Planning Solutions) Joshua Carmody (Planning Solutions) Benham Bordbar (Transcore) Radu Popescu (Aldi Stores) James McClements (Mt Bross Pty Ltd) Todd Wood (McDonald's) Andrew Jennings-Lowe (Hindley's) Stephanie Voon (Place Fabric) Jamie De Palma (Collier's) Brandon Pratley (Griffeth's Architects) Matthew Hardwick (Architecture HQ)
<b>Officers/Technical Advisors in Attendance</b>
Greg Delahunty Alan Smith

**Members of the Public / Media**

Nil

**Observers via livestream**

There were 8 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 9:32am on 13 January 2026 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 2025 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 Bronwyn Smith (Local Government Member, City of Wanneroo)

### 3. 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 WANNEROO

### 1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for services and responsible authority response in relation to Item 3.1, received on 9 January 2026 was published in Part B of the Related Information.

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 Lot 2 (125) Butler Boulevard, Butler – Proposed Station and Motor Vehicle Wash – DAP/24/02801

##### Deputations

Alessandro Stagno (Apex Planning) addressed the DAP in support of the application at Item 3.1.

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

### SUBSTANTIVE MOTION

**Moved by:** Jacqueline Huntley

**Seconded by:** Cr Sonet Coetzee

That the Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/24/02801 and accompanying plans provided in Attachment 1 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 Wanneroo District Planning Scheme No. 2, subject to the following conditions:

##### Conditions

1. The use of the approved **Service Station and Motor Vehicle Wash** must conform to the District Planning Scheme No. 2 definition which states:

*“Service Station: means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for –*  
*a) The retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or*

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



*b) The carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.”*

**“Motor Vehicle Wash: means premises primarily used to wash motor vehicles.”**

A change of use from that outlined above may require further development approval of the City.

2. This approval only relates to development on Lot 2, development on any other lot is excluded from this approval.
3. The proposed pylon signs are to be reduced to be no higher than 6 metres above the natural ground level.
4. The applicant/owner must ensure that all illuminated signage must have any boxing or casing in which it is enclosed constructed of incombustible materials, must not comprise of flashing, pulsating, chasing or running lights and must not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries.
5. All signage is to be contained entirely within the lot.
6. Parking areas, driveways and points of ingress and egress must be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS 2890) and must be drained, sealed, marked and maintained to the satisfaction of the City prior to occupation of the development.
7. Wheel stops must be provided in accordance with AS 2890 where the parking bays abuts a concrete path.
8. The parking areas and associated access indicated on the approved plans must not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
9. Prior to the lodgement of a building permit, a detailed schedule of external finishes (including materials, colour schemes and details) must be submitted and approved by the City. The development must be finished in accordance with the approved schedule.
10. Prior to building permit being issued, a detailed landscaping plan for the subject site must be lodged for approval by the City. The landscaping plan must include a minimum of 8% soft landscaping across the site outlining trees and plant species, quantities and locations. Once approved, planting and installation must be undertaken in accordance with the approved landscaping and reticulation plans and completed prior to occupation of the development and maintained thereafter, to the satisfaction of the City.

*Karen Hyde*

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



11. An onsite stormwater drainage system, sufficient to contain a 1:100 year storm event (over 24 hours) must be provided. Plans illustrating the system proposed must be submitted and approved prior to a building permit being issued. The system must be installed during the construction of the development.
12. Prior to an occupancy permit being issued, written certification from a qualified acoustic consultant must be submitted to the City following construction of the development to confirm that the development complies with the Environmental Protection (Noise) Regulations 1997.
13. Lighting must be installed along all pedestrian pathways, car parking areas and in all common service areas prior to the development first being occupied.
14. All storage areas, external fixtures and building plant, including air conditioning units and water tanks must be located so as to minimise any visual and noise impact on surrounding landowners and screened from view of all streets, public places and adjacent properties to the satisfaction of the City.  
  
All waste must be stored within the designated bin enclosure and collected from the site by a private contractor at the cost of the owner/occupier.
15. Storage areas, plant and equipment shall be screened from view from streets, public places and adjacent properties.
16. Any graffiti applied to the external surfaces of the building must be removed to the satisfaction of the City of Wanneroo.
17. Prior to the submission of a building permit, a Construction Management Plan must be submitted for approval. This plan is to detail how construction will be managed to minimise disruption in the area and to adjoining landowners. The plan must address the following:
  - a) The delivery of and delivery times for materials and equipment to the site;
  - b) Storage of materials and the location and types of equipment on site;
  - c) Parking arrangements for contractors and sub-contractors;
  - d) The impact on traffic movement;
  - e) Construction times;
  - f) The relocation of public footpaths;
  - g) Measures to minimise impacts of noise and sand drift and dust from the site;
  - h) The relocation/disruption of any public transport infrastructure; and
  - i) Any other matter required by the City.

The construction management plan is to be submitted to and approved by the City prior to the commencement of any development. Construction is to be implemented in accordance with the approved construction management plan.

*Karen Hyde*



### Advice Notes

1. In relation to managing dust and sand drift in accordance with the construction Management Plan condition, adequate measures to minimise any impacts of dust and sand drift from the site include all requirements as stipulated within the Department of Water and Environmental Regulation's "A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities".
2. The owner/applicant is to submit the "Certification of Compliance with Development Approval Conditions" form certifying that all of the conditions specified in the approval by the Council for the development of the land have been completed in accordance with the approved plans, and the certification is to be lodged with the Council within 14 days from the date of practical completion, and applies to all of the conditions, except for those conditions relating to ongoing compliance.

### AMENDING MOTION 1

**Moved by:** Clayton Higham

**Seconded by:** Heidi Herget

That Condition No. 4 (now Condition 5) be amended to read as follows:

*The applicant/owner must ensure that all illuminated signage must have any boxing or casing in which it is enclosed constructed of incombustible materials, must not comprise of flashing, pulsating, chasing or running lights and must not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries **in accordance with the appropriate Australian Standards.***

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

**REASON:** To provide clarity regarding compliance with Australian Standards.

### AMENDING MOTION 2

**Moved by:** Clayton Higham

**Seconded by:** Jacqueline Huntley

That Condition No. 10 (now Condition 11) be amended to read as follows:

*Prior to building permit being issued, a detailed landscaping plan for the subject site must be lodged for approval by the City. The landscaping plan must include a minimum of 8% soft landscaping across the site outlining trees and plant species, quantities and locations **including additional shade trees within the car park area.** Once approved, planting and installation must be undertaken in accordance with the approved landscaping and reticulation plans and completed prior to occupation of the development and maintained thereafter, to the satisfaction of the City.*

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

*Karen Hyde*

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





**REASON:** To clarify that the detailed landscape plan needs to include additional trees in the carpark area.

### AMENDING MOTION 3

**Moved by:** Karen Hyde

**Seconded by:** Clayton Higham

That a new Condition No. 1 be added to read as follows and remaining conditions be renumbered accordingly:

***This decision constitutes development approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.***

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

**REASON:** To provide certainty regarding the timeframe for substantial commencement.

### SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/24/02801 and accompanying plans provided in Attachment 1 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 Wanneroo District Planning Scheme No. 2, subject to the following conditions:

#### Conditions

1. This decision constitutes development approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The use of the approved **Service Station and Motor Vehicle Wash** must conform to the District Planning Scheme No. 2 definition which states:

***“Service Station:*** means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for –  
a) *The retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or*  
b) *The carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.”*

***“Motor Vehicle Wash:*** means premises primarily used to wash motor vehicles.”

A change of use from that outlined above may require further development approval of the City.

Karen Hyde  
Presiding Member, Metro Outer DAP



3. This approval only relates to development on Lot 2, development on any other lot is excluded from this approval.
4. The proposed pylon signs are to be reduced to be no higher than 6 metres above the natural ground level.
5. The applicant/owner must ensure that all illuminated signage must have any boxing or casing in which it is enclosed constructed of incombustible materials, must not comprise of flashing, pulsating, chasing or running lights and must not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries in accordance with the appropriate Australian Standards.
6. All signage is to be contained entirely within the lot.
7. Parking areas, driveways and points of ingress and egress must be designed and constructed in accordance with the Australian Standard for Offstreet Carparking (AS 2890) and must be drained, sealed, marked and maintained to the satisfaction of the City prior to occupation of the development.
8. Wheel stops must be provided in accordance with AS 2890 where the parking bays abuts a concrete path.
9. The parking areas and associated access indicated on the approved plans must not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
10. Prior to the lodgement of a building permit, a detailed schedule of external finishes (including materials, colour schemes and details) must be submitted and approved by the City. The development must be finished in accordance with the approved schedule.
11. Prior to building permit being issued, a detailed landscaping plan for the subject site must be lodged for approval by the City. The landscaping plan must include a minimum of 8% soft landscaping across the site outlining trees and plant species, quantities and locations including additional shade trees within the car park area. Once approved, planting and installation must be undertaken in accordance with the approved landscaping and reticulation plans and completed prior to occupation of the development and maintained thereafter, to the satisfaction of the City.
12. An onsite stormwater drainage system, sufficient to contain a 1:100 year storm event (over 24 hours) must be provided. Plans illustrating the system proposed must be submitted and approved prior to a building permit being issued. The system must be installed during the construction of the development.
13. Prior to an occupancy permit being issued, written certification from a qualified acoustic consultant must be submitted to the City following construction of the development to confirm that the development complies with the Environmental Protection (Noise) Regulations 1997.

*Karen Hyde*

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

Page 10



14. Lighting must be installed along all pedestrian pathways, car parking areas and in all common service areas prior to the development first being occupied.
15. All storage areas, external fixtures and building plant, including air conditioning units and water tanks must be located so as to minimise any visual and noise impact on surrounding landowners and screened from view of all streets, public places and adjacent properties to the satisfaction of the City.  
  
All waste must be stored within the designated bin enclosure and collected from the site by a private contractor at the cost of the owner/occupier.
16. Storage areas, plant and equipment shall be screened from view from streets, public places and adjacent properties.
17. Any graffiti applied to the external surfaces of the building must be removed to the satisfaction of the City of Wanneroo.
18. Prior to the submission of a building permit, a Construction Management Plan must be submitted for approval. This plan is to detail how construction will be managed to minimise disruption in the area and to adjoining landowners. The plan must address the following:
  - a) The delivery of and delivery times for materials and equipment to the site;
  - b) Storage of materials and the location and types of equipment on site;
  - c) Parking arrangements for contractors and sub-contractors;
  - d) The impact on traffic movement;
  - e) Construction times;
  - f) The relocation of public footpaths;
  - g) Measures to minimise impacts of noise and sand drift and dust from the site;
  - h) The relocation/disruption of any public transport infrastructure; and
  - i) Any other matter required by the City.

The construction management plan is to be submitted to and approved by the City prior to the commencement of any development. Construction is to be implemented in accordance with the approved construction management plan.

### Advice Notes

1. In relation to managing dust and sand drift in accordance with the construction Management Plan condition, adequate measures to minimise any impacts of dust and sand drift from the site include all requirements as stipulated within the Department of Water and Environmental Regulation's "A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities".

*Karen Hyde*

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



2. The owner/applicant is to submit the "Certification of Compliance with Development Approval Conditions" form certifying that all of the conditions specified in the approval by the Council for the development of the land have been completed in accordance with the approved plans, and the certification is to be lodged with the Council within 14 days from the date of practical completion, and applies to all of the conditions, except for those conditions relating to ongoing compliance.

**The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.**

**REASON:** The proposed Service station is an "A" use and the car wash is a "D" use in the Centre zone. The panel was of the opinion that these uses were appropriate to the context, location and provided relevant services to the surrounding community and therefore discretion could be applied and approval granted.

Whilst the development is in Precinct A "commercial" which requires activation of Main Street, this is made difficult due to the lot not having a right of access to Main Street. However, the application has provided fenestration and minimised setbacks to allow passive surveillance and sufficient integration with the street. Contextual uses include showrooms and liquor store of a similar scale and built form, so this proposal was regarded as compatible. Access from Butler Boulevard access leg whilst not ideal can function adequately and is supported by additional internal access points. Traffic impact from the development is not significant, and the parking shortfall was regarded as acceptable due to the opportunity for reciprocity at centre and with the availability of on street public bays.

The landscape proposal is to be enhanced, and further detail provided as required by a condition of approval. This enhancement will not fundamentally change the site layout or building footprint or access arrangements but will support greater amenity and tree canopy in the location.

The height of the pylon was regarded as excessive in this location and hence a condition of approval requires a height reduction.  
The panel were unanimous in their support for the development.

#### **4. Form 2 DAP Applications**

Nil

#### **5. Section 31 SAT Reconsiderations**

Nil

*Cr Jacqui Huntley and Cr Sonet Coetzee (Local Government DAP Members, City of Wanneroo) left the panel at 9:51am.*

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



## PART C – SHIRE OF MURRAY

*Cr Douglas McLarty and Cr Angela Rogers (Local Government DAP Members, Shire of Murray) joined the panel at 9:52am.*

### 1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for services and responsible authority response in relation to Item 3.1, received on 9 January 2026 was published in Part C of the Related Information.

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 Various Lots, Pinjarra – Proposed Aldi Supermarket Including Liquor Store and McDonalds Take Away Food Outlet – DAP/25/02968

##### Deputations

James McClements (Mt Bross Pty Ltd) addressed the DAP in support of the application at Item 3.1.

Radu Popescu (Aldi Stores) addressed the DAP in support of the application at Item 3.1.

Benham Bordbar (Transcore) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Joshua Carmody (Planning Solutions) addressed the DAP in support of the application at Item 3.1.

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

Daniel Naude (Main Roads WA) responded to questions from the panel.

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

*Karen Hyde*

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



## SUBSTANTIVE MOTION 1

**Moved by:** Cr Ange Rogers

**Seconded by:** Cr Douglas McLarty

That the Metro Outer Development Assessment Panel resolves to:

**Defer** DAP Application reference DAP/25/02968 and accompanying plans at Appendix 1 for up to 90 days, to address the following:

1. Traffic issues identified by Main Roads Western Australia and the Shire.
2. Design issues identified in the report including:
  - a) Deletion of the McDonalds Take Away Food Outlet and associated works including parking, service infrastructure, access, drive-through lanes and signage.
  - b) Deletion of/or relocation of the Western Power transformer away from the street.
  - c) Use different materials to help 'explain' the car park and vehicle circulation areas and break up the large extent of hard surfaces.

Make the following changes to the Aldi building:

- d) Relocate the building to provide a nil setback to the street, including the truncation at the corner of Pinjarra Road and Murray Street.
- e) Reconfigure internal floor plan to relocate the internal back of house away from Murray Street to allow for an active frontage to be presented to Murray Street;
- f) Provision of a minimum of 60% glazing to the Murray Street elevation with vertically proportioned windows and stall risers.
- g) Provide direct customer access from Pinjarra Road and/or Murray Street;
- h) Redesign the height element on the corner of Murray Street and Pinjarra Road to give more emphasis to a key intersection and in a manner that provides a meaningful welcome to a historic town centre.
- i) Reduce the floor levels to the to the 1:100 ARI flood level or below with a flood management plan to be approved by the Local Government.
- j) Provide 2.5m deep awnings for the full width of the building fronting Murray Street and Pinjarra Road.
- k) Amended architectural treatment of the Murray Street gables to establish a more meaningful contextual response.
- l) Amended window treatment for glazing fronting Pinjarra Road in line the with the requirements of the draft Pinjarra Precinct Structure Plan. This should include vertically proportioned windows and a stall riser
- m) Deletion of the pylon sign.

*Karen Hyde*

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



3. Drainage matters including:
- a) Geotechnical information in support of the drainage proposal confirming the level of groundwater
  - b) Confirmation of groundwater levels and whether the proposed stormwater detention method can operate with high groundwater
  - c) A revised stormwater strategy with outlet discharge to connect to new drainage in Murray Street.
  - d) A revised stormwater strategy that separates the roof discharge from the car park and includes water quality treatment for car park runoff.
  - e) A revised stormwater strategy based on reduced FFLs required for Aldi.

### AMENDING MOTION 1

**Moved by:** Clayton Higham

**Seconded by:** Karen Hyde

That the preamble be amended to read as follows:

*Defer DAP Application reference DAP/25/02968 and accompanying plans at Appendix 1 for up to ~~90~~ 120 days, to address the following:*

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

**REASON:** To allow greater flexibility given the degree to which it is anticipated that the applicant will need to engage and collaborate with the Shire and State Agencies to resolve outstanding issues.

### AMENDING MOTION 2

**Moved by:** Clayton Higham

**Seconded by:** Karen Hyde

That Condition No. 1 be amended to read as follows:

*Traffic issues identified by Main Roads Western Australia and the Shire.*

- a) ***Confirmation of how the George Street access will function with respect to allowed movements and confirmation of impacts to on-street parking on George Street***
- b) ***Confirmation of the foreign function of the Pinjarra Road crossover with the infrastructure authority being Main Roads***
- c) ***Confirmation of traffic modelling***
- d) ***Pedestrian amenity with regard to contribution to upgrades, where warranted and required***

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

**REASON:** To provide greater clarity regarding traffic issues which require further information and collaboration between parties in order to provide the DAP with a position on the requirements for related works.

*Karen Hyde*

Karen Hyde  
Presiding Member, Metro Outer DAP



### AMENDING MOTION 3

**Moved by:** Clayton Higham

**Seconded by:** Heidi Herget

That Condition No. 2 a) be deleted and the remaining conditions be renumbered accordingly.

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

For: Karen Hyde  
Clayton Higham  
Heidi Herget

Against: Cr Douglas McLarty  
Cr Ange Roberts

**REASON:** A take away food outlet is a P use under the present Scheme. This statutory document provides for this type of development in the Town Centre, therefore the majority of the panel were of the opinion that it could not be deleted from the plan under a deferral decision. Requesting the deletion of the land use from the proposal would effectively be a deemed refusal. Refusal of P land uses can only be based upon discretionary matters such as the works associated with the land use. The majority of the panel felt that there was insufficient information to support that approach. The panel noted that the Scheme definition of Takeaway Food Outlet did not make reference to drive through, primarily as a result of the age of the Scheme and that this was at odds with the more contemporary definition in the State Planning Framework and Planning Regulations, nonetheless at the time of consideration of the application the drive through elements or works associated with the Takeaway outlet were not specifically excluded within the Shire's planning framework and the Scheme amendment relating to this was neither imminent or certain. The reasons for deferral are to gain additional information on traffic, pedestrian amenity and other requirements associated with development as a whole in order to better inform the panels final decision in the future.

### AMENDING MOTION 4

**Moved by:** Clayton Higham

**Seconded by:** Heidi Herget

That Condition No. 2 b) (now Condition No. 2 a)) be amended to read as follows:

*Design issues identified in the report including:*

- a) ~~Deletion of/er~~ **Consideration of relocation of the Western Power transformer away from the street- or integration with McDonald's building.**
- b) *Use different materials to help 'explain' the car park and vehicle circulation areas and break up the large extent of hard surfaces.*

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

**REASON:** To provide some flexibility as to how additional information and modification of the current plan could be achieved.

Karen Hyde  
Presiding Member, Metro Outer DAP





### AMENDING MOTION 5

**Moved by:** Clayton Higham

**Seconded by:** Heidi Herget

That Condition No. 2 d) (now Condition No. 2 c)) be amended to read as follows:

*Design issues identified in the report including:*

- a) *Deletion of/or relocation of the Western Power transformer away from the street.*
- b) *Use different materials to help 'explain' the car park and vehicle circulation areas and break up the large extent of hard surfaces.*

*Make the following changes to the Aldi building:*

- c) **Consideration to relocate the building to provide a nil setback to the street, including the truncation at the corner of Pinjarra Road and Murray Street.**

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

**REASON:** To provide some flexibility as to how additional information and modification of the current plan could be achieved.

### AMENDING MOTION 6

**Moved by:** Clayton Higham

**Seconded by:** Heidi Herget

That Condition No. 2 e) (now Condition No. 2 d)) be amended to read as follows:

*Design issues identified in the report including:*

- a) *Deletion of/or relocation of the Western Power transformer away from the street.*
- b) *Use different materials to help 'explain' the car park and vehicle circulation areas and break up the large extent of hard surfaces.*

*Make the following changes to the Aldi building:*

- c) *Relocate the building to provide a nil setback to the street, including the truncation at the corner of Pinjarra Road and Murray Street.*
- d) *Reconfigure internal floor plan to relocate the internal back of house away from Murray Street to allow for an active frontage to be presented to **the whole or part of Murray Street;***

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

**REASON:** To provide some flexibility as to how additional information and modification of the current plan could be achieved.

*Karen Hyde*

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



### AMENDING MOTION 7

**Moved by:** Clayton Higham

**Seconded by:** Karen Hyde

That Condition No. 2 f) (now Condition No. 2 e)) be amended to read as follows:

*Design issues identified in the report including:*

- a) *Deletion of/or relocation of the Western Power transformer away from the street.*
- b) *Use different materials to help 'explain' the car park and vehicle circulation areas and break up the large extent of hard surfaces.*

*Make the following changes to the Aldi building:*

- c) *Relocate the building to provide a nil setback to the street, including the truncation at the corner of Pinjarra Road and Murray Street.*
- d) *Reconfigure internal floor plan to relocate the internal back of house away from Murray Street to allow for an active frontage to be presented to Murray Street;*
- e) *Provision of a minimum of 60% glazing to the Murray Street elevation with vertically proportioned windows and stall risers **to any active portion as a result of 2 e).***

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

**REASON:** To provide some flexibility as to how additional information and modification of the current plan could be achieved and to highlight the relationship to any amendments made in accordance with deferral reason 2e.

### AMENDING MOTION 8

**Moved by:** Clayton Higham

**Seconded by:** Heidi Herget

That Condition No. 2 m) (now Condition No. 2 l)) be amended to read as follows:

*Design issues identified in the report including:*

- a) *Deletion of/or relocation of the Western Power transformer away from the street.*
- b) *Use different materials to help 'explain' the car park and vehicle circulation areas and break up the large extent of hard surfaces.*

*Make the following changes to the Aldi building:*

- c) *Relocate the building to provide a nil setback to the street, including the truncation at the corner of Pinjarra Road and Murray Street.*
- d) *Reconfigure internal floor plan to relocate the internal back of house away from Murray Street to allow for an active frontage to be presented to Murray Street;*

*Karen Hyde*

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



- e) *Provision of a minimum of 60% glazing to the Murray Street elevation with vertically proportioned windows and stall risers.*
- f) *Provide direct customer access from Pinjarra Road and/or Murray Street;*
- g) *Redesign the height element on the corner of Murray Street and Pinjarra Road to give more emphasis to a key intersection and in a manner that provides a meaningful welcome to a historic town centre.*
- h) *Reduce the floor levels to the to the 1:100 ARI flood level or below with a flood management plan to be approved by the Local Government.*
- i) *Provide 2.5m deep awnings for the full width of the building fronting Murray Street and Pinjarra Road.*
- j) *Amended architectural treatment of the Murray Street gables to establish a more meaningful contextual response.*
- k) *Amended window treatment for glazing fronting Pinjarra Road in line the with the requirements of the draft Pinjarra Precinct Structure Plan. This should include vertically proportioned windows and a stall riser*
- l) *Deletion of the pylon sign **or integration with the Aldi building.***

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

For: Clayton Higham  
Heidi Herget

Against: Karen Hyde  
Cr Douglas McLarty  
Cr Ange Roberts

**SUBSTANTIVE MOTION (AS AMENDED)**

That the Metro Outer Development Assessment Panel resolves to:

**Defer** DAP Application reference DAP/25/02968 and accompanying plans at Appendix 1 for up to 120 days, to address the following:

1. Traffic issues identified by Main Roads Western Australia and the Shire.
  - a) Confirmation of how the George Street access will function with respect to allowed movements and confirmation of impacts to on-street parking on George Street
  - b) Confirmation of the foreign function of the Pinjarra Road crossover with the infrastructure authority being Main Roads
  - c) Confirmation of traffic modelling
  - d) Pedestrian amenity with regard to contribution to upgrades, where warranted and required
2. Design issues identified in the report including:
  - a) Consideration of relocation of the Western Power transformer away from the street or integration with McDonald's building.
  - b) Use different materials to help 'explain' the car park and vehicle circulation areas and break up the large extent of hard surfaces.

*Karen Hyde*

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



Make the following changes to the Aldi building:

- c) Consideration to relocate the building to provide a nil setback to the street, including the truncation at the corner of Pinjarra Road and Murray Street.
  - d) Reconfigure internal floor plan to relocate the internal back of house away from Murray Street to allow for an active frontage to be presented to the whole or part of Murray Street;
  - e) Provision of a minimum of 60% glazing to the Murray Street elevation with vertically proportioned windows and stall risers to any active portion as a result of 2 e).
  - f) Provide direct customer access from Pinjarra Road and/or Murray Street;
  - g) Redesign the height element on the corner of Murray Street and Pinjarra Road to give more emphasis to a key intersection and in a manner that provides a meaningful welcome to a historic town centre.
  - h) Reduce the floor levels to the to the 1:100 ARI flood level or below with a flood management plan to be approved by the Local Government.
  - i) Provide 2.5m deep awnings for the full width of the building fronting Murray Street and Pinjarra Road.
  - j) Amended architectural treatment of the Murray Street gables to establish a more meaningful contextual response.
  - k) Amended window treatment for glazing fronting Pinjarra Road in line the with the requirements of the draft Pinjarra Precinct Structure Plan. This should include vertically proportioned windows and a stall riser
  - l) Deletion of the pylon sign.
3. Drainage matters including:
- a) Geotechnical information in support of the drainage proposal confirming the level of groundwater
  - b) Confirmation of groundwater levels and whether the proposed stormwater detention method can operate with high groundwater
  - c) A revised stormwater strategy with outlet discharge to connect to new drainage in Murray Street.
  - d) A revised stormwater strategy that separates the roof discharge from the car park and includes water quality treatment for car park runoff.
  - e) A revised stormwater strategy based on reduced FFLs required for Aldi.

**The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.**

**REASON:** The panel noted that the current definition in scheme which relates to Takeaway food, which is a P use in the town centre, does not include reference to drive through, unlike the model scheme text/planning regulation definition which does. Therefore, the majority of the panel felt it was appropriate to consider these matters separately and determine if the inclusion of a drive through facility as works associated with primary land use has an impact. Likewise, Aldi whilst a P use has not adequately addressed the streetscape with back of house creating some amenity impacts on Murray Street. Some issues have been identified by the Design Review Panel associated with the built form and materiality which needed to be addressed prior to further consideration.

*Karen Hyde*

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



Of critical importance was the issue of access/egress on George Street and Pinjarra Road. George Street is very busy with many very large vehicles. The applicant's preferred arrangement onto George Street as 'left in/ left out only' was different to the preference of Main Roads for 'left out only', and 'left in only' had not been modelled. – the panel were unanimous that this matter needed to be resolved. However, the majority of the panel accepted the applicant's contention regarding as of right turning movements for vehicles 19 metres and below and that adequate room existed in the site and surrounding road network for this. The panel were also concerned that queuing and congestion issues had not been adequately investigated or modelled in the applicants traffic reporting.

Liaison and negotiation with Main Roads and the Shire is required to achieve a balanced outcome which facilitates improved pedestrian access, safety and circulation to the rest of the town centre as well as internally. However, the majority of the panel did not support the position taken by Main Roads that the entire intersection at George Street and Pinjarra Road and pedestrian access falls to this development and therefore required additional information to assist in any determination regarding cost apportionment and need and nexus.

Likewise, it was evident that further consideration of drainage measures and agreement between DWER, the Shire and the applicant was necessary to determine finished floor levels and cost apportionment to any drainage upgrades.

The panel was concerned with the number of unresolved issues particularly concerning traffic and drainage and cost apportionment. Each of these elements has challenges which need to be resolved and involve inputs from State agencies as well as the Shire. In this regard the panel was not ready to consider an approval for the development. The changes required when considering the comments made by the DRP and referral agencies were not able to be conditioned. The panel noted there has been substantial community support for the proposal.

A deferral for a period of 120 days was preferable over 90, to allow adequate time for the applicant to respond to the reasons for deferral. However, the proposal could be reconsidered prior to this deadline should sufficient information be available for the panel to make an informed decision.

#### **4. Form 2 DAP Applications**

Nil

#### **5. Section 31 SAT Reconsiderations**

Nil

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



## **PART D – OTHER BUSINESS**

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

Nil

### **2. Meeting Closure**

There being no further business, the Presiding Member declared the meeting closed at 11:34am.

A handwritten signature in blue ink that reads "Karen Hyde".

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