



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: Thursday, 19 January 2017; 2.00pm
Meeting Number: MSWJDAP/ 123
Meeting Venue: Shire of Murray, Council Chambers
1915 Pinjarra Road, Pinjarra

Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Stacey Towne (Deputy Presiding Member)
Mr Rob Nicholson (Specialist Member)
Cr Maree Reid (Local Government Member, Shire of Murray)
Cr Christine Thompson (Local Government Member, Shire of Murray)

Officers in attendance

Mr Rhys Bloxsidge (Shire of Murray)
Mr Alan Smith (Shire of Murray)
Ms Leanne McGuirk (Shire of Murray)

Local Government Minute Secretary

Ms Mary-Ann Toner (Shire of Murray)

Applicants and Submitters

Mr Alessandro Stagno (Planning Solutions)
Mr Paul Kotsoglo (Planning Solutions)
Mr David Porter (Porter Consulting Engineers)
Mr Donald Veal (Donald Veal Consultants)
Mr Julius Skinner (Borrello Graham Lawyers)

Members of the Public / Media

There were 10 members of the public in attendance.

1. Declaration of Opening

The Presiding Member, Ian Birch declared the meeting open at 2.01pm on 19 January 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 2012* under the *Planning and Development (Development Assessment Panels) Regulations 2011*.



The Presiding Member advised that in accordance with Section 5.16 of the Standing Orders 2012; No Recording of 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 meeting would not be recorded.

2. Apologies

Nil

3. Members on Leave of absence

Nil

4. Noting of minutes

Minutes of the Metro South-West meeting No.122 held on 13 January were noted by DAP members.

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of interests

Nil

7. Deputations and presentations

7.1 Mr Paul Kotsoglo (Planning Solutions) addressed the DAP for the application at Item No. 8.1. Mr Kotsoglo, Mr Julius Skinner (Borrello Graham Lawyers), Mr Donald Veal (Donald Veal Consultants) and Mr David Porter (Porter Consulting Engineers) answered questions from the panel.

7.2 Mr Julius Skinner (Borrello Graham Lawyers) addressed the DAP for the application at Item No. 8.1. Mr Skinner, Mr Kotsoglo, Mr Veal, and Mr Porter answered questions from the panel.

8. Form 1 - Responsible Authority Reports – DAP Applications

8.1 Property Location:	Lots 107-109 Pinjarra Road and Lots 207 and 503 Roe Avenue, Pinjarra
Application Details:	Commercial Development entailing shops, takeaway food outlet, liquor store, petrol filling station and offices
Applicant:	Planning Solutions
Owner:	Goldhigh Corporation Pty Ltd
Responsible authority:	Shire of Murray
DoP File No:	DAP/16/01038



REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Rob Nicholson **Seconded by:** Ms Stacey Towne

That the Metro South-West JDAP resolves to:

Approve DAP Application DAP/16/01038 and accompanying plans contained within Planning Solutions' Amended Development Application Report (Rev 0, dated 9 November 2016) in accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011* subject to the following conditions:

Conditions

General

1. This decision constitutes development approval only and is valid for a period of five years from the date of approval. If the subject development is not substantially commenced within the five year period, the approval shall lapse and be of no further effect.
2. The development shall be constructed in accordance with the approved plans contained within the Amended Development Application Report, and any modifications required to be undertaken by the conditions below.
3. All lots the subject of this approval and the Lot 113 James Street to be amalgamated to form a single title. A copy of the new certificate of title to be forwarded to the Shire for its records prior to commencement of construction works.
4. Prior to the use of the development first commencing the landowner shall enter into an easement in gross in favour of the public at large pursuant to section 195 and 196 of the Land Administration Act over the portion of the development site between the building line and Pinjarra Road, generally 4.5 metres in width. The easement shall be prepared to the satisfaction of the Shire and be registered on the title of the subject land. All costs associated with the preparation of the easement shall be met by the landowner.

Use of Buildings

5. The buildings are approved for their respective uses as marked on the approved site plan.
6. The building marked as 'supermarket' on the approved site plan shall be used as a single tenancy only unless otherwise approved in writing by the local government.
7. The tenancies within the building marked as 'commercial development' on the approved site plan are to be a minimum of 200m² gross floor area and shall only be used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes:
 - i. automotive parts and accessories;



- ii. camping, outdoor and recreation goods;
- iii. electric light fittings;
- iv. animal supplies including equestrian and pet goods;
- v. floor and window coverings;
- vi. furniture, bedding, furnishings, fabrics, manchester and homewares;
- vii. household appliances, electrical goods and home entertainment goods;
- viii. party supplies;
- ix. office equipment and supplies;
- x. babies' and childrens' goods, including play equipment and accessories;
- xi. sporting, cycling, leisure, fitness goods and accessories;
- xii. swimming pools,

or used to sell by retail goods and accessories by retail if:

- i. a large area is required for the handling, display or storage of the goods;
or
- ii. vehicular access is required to the premises for the purpose of collection of purchased goods.

Site Works/Construction

8. A construction management plan shall be prepared and submitted to the local government for approval prior to the lodgement of a building permit application addressing the following:
 - i. access to and from the site;
 - ii. the delivery of materials and equipment to the site;
 - iii. the storage of materials and equipment on the site;
 - iv. the parking arrangements for contractors and subcontractors;
 - v. management of construction waste;
 - vi. dust control;
 - vii. hours during which onsite construction works are to be limited; and
 - viii. other matters that have the potential to impact nearby properties.

The approved construction management plan is to be implemented to the satisfaction of the local government.

Urban Design and Street Activation

9. Prior to the lodgement of a building permit application for the petrol filling station and/or adjacent shop, the annotation on the approved elevation plan referencing the outer wall of the bin store/service yard between the buildings marked as 'petrol filling station & shop' and 'shop' to be amended to state "space for further façade articulation through colours, materials and/or features".
10. Prior to the lodgement of a building permit application, the plans shall be modified to demonstrate that the primary entrances to the buildings marked as 'supermarket' and 'commercial development' on the approved site plan are from Pinjarra Road and not internally from the carpark.
11. All public entrances to tenancies directly fronting Pinjarra Road and Carey Street shall be kept unlocked and accessible to customers during business hours of the tenancy. The internal fit out of these tenancies shall be undertaken in a manner that facilitates primary customer access.



12. Prior to lodgement of a building permit application, the plans shall be modified to demonstrate that public entrances from the carpark to all buildings, with exception to the petrol filling station and liquor store, are secondary to the primary street frontage entrance. The carpark entrances to the building marked on the approved site plan as 'commercial development' shall cater for delivery/pick up of bulky goods in accordance approved use of the tenancies.
13. Prior to the lodgement of a building permit application, the plans shall be modified so as to ensure the number of entrances to the building marked as 'commercial development' on the approved elevation plan coordinate with the approved site plan, taking into account the requirements set out in the condition regarding the size of the tenancies for this building.
14. Prior to the lodgement of a building permit application, the Roe Street elevation of the building marked as 'supermarket' on the approved site plan is to be modified to improve its visual appearance through adding architectural features generally consistent with the façade of the building facing Pinjarra Road.
15. Prior to the lodgement of a building permit application, a levels plan shall be submitted to the local government for approval that demonstrates the level of the adjoining street network coordinates and integrates with the level of the pedestrian entrances to each of the buildings, taking into account the condition regarding finished floor levels of the buildings.
16. A minimum of 80% of all glazed surfaces facing Pinjarra Road, Carey Street and Roe Avenue shall be kept visually transparent and free of posters, decals, tinting or any other visual obscuring mass unless otherwise approved in writing by the local government. Roller shutters are prohibited on all glazed surfaces.
17. Prior to lodgement of a building permit application, the elevations of the petrol filling station/shop building are to be modified by providing glazing or another form of façade treatment fronting Pinjarra Road and an awning extending 2.5 metres from the building façade facing both Pinjarra Road and Carey Street.
18. Prior to lodgement of a building permit application, the elevation of the take away restaurant is to be modified by extending the awning to a width of 2.5 metres from the building façade facing Carey Street. The floor plan of the building shall be submitted that demonstrates that the internal fit out of the building does not cause the window to be obstructed by shelving, fridges and freezers or similar.
19. Prior to the lodgement of a building permit application the footpath located adjacent to Pinjarra Road between Carey Street and the site crossover is to be widened to match the width of the footpath adjacent to the building marked as 'commercial development' on the approved site plan. Development within this area including the petrol filling station price board pylon sign, air and water facilities and bike racks are to be relocated to an appropriate location to the satisfaction of the local government.
20. A building material and colour schedule for the external facades of all buildings are to be submitted for approval prior to the submission of a building permit application. The approved schedule is to be implemented.



Neighbour Amenity

21. Written confirmation from a qualified acoustic consultant that the mandatory design requirements made in the Environmental Noise Assessment prepared by Lloyd George Acoustics dated 3 November 2016 have been incorporated into the development shall be provided prior to commencement of any of the approved uses.
22. A further acoustic report shall be provided within 30 days of commencement of any of the approved uses demonstrating that the use is operating in compliance with the Environmental Health (Noise) Regulations 1997. Should any non-compliance be identified, additional noise mitigation measures shall be provided to the satisfaction of the local government on advice from the acoustic consultant and implemented within 30 days of written approval of the measures.
23. Prior to commencement of the use of the building marked as 'takeaway restaurant' on the approved site plan, an odour management plan is to be prepared by a qualified environmental health professional and implemented to the satisfaction of the local government to address and minimise odour emissions may result from the use of the building.
24. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.
25. The location of the acoustic wall adjacent to the front setback area of the abutting Lot 807 Carey Street, together with the take away restaurant drive through, waiting bay and crossover being modified so as to provide a three metre wide landscape buffer adjacent to the abutting Lot 807. Prior to the lodgement of a building permit application, the plans are to be modified to the satisfaction of the local government to reflect this.

Drainage

26. Prior to the lodgement of a building permit application, a drainage management plan is to be prepared and implemented to the satisfaction of the local government. The drainage management plan shall address the local government's Water Sensitive Urban Design Local Planning Policy and in particular provide details on how the development will reduce the risk of flooding of Pinjarra Road during significant storm events. The drainage management plan shall be implemented as part of construction of the development.

Landscaping

27. Details for the onsite landscaping areas depicted on the proposed landscaping plan and the landscape buffer area required as part of condition 25 shall be submitted to and approved by the local government prior to the lodgement of a building permit application and shall include the following:
 - i. The location, number, size and species of proposed trees and shrubs;
 - ii. Any lawns to be established;
 - iii. Areas of irrigation; and



- iv. How the landscaping will be maintained for its lifespan following establishment.

The landscaping plan shall be implemented prior to commencement of any of the approved uses and landscaping thereafter maintained in a healthy condition.

Finished Floor Levels

28. All buildings shall have a minimum finished floor level of 8.45m AHD.

Street Network/Access

29. Prior to commencement of the use, a roundabout shall be constructed at the intersection of Pinjarra Road and Roe Avenue at the landowner/applicant's cost to the satisfaction of the local government and Main Roads WA.
30. Any land required for widening of Pinjarra Road or Roe Avenue necessary to accommodate the proposed roundabout is to be transferred to the Crown free of cost and without payment of compensation for the purpose of road widening and the approved plans are to be modified to reflect this to the satisfaction of the local government prior to lodgement of a building permit application.
31. Prior to commencement of the use, the unmade portion of Carey Street and the associated intersection with Pinjarra Road are to be constructed and drained to an urban standard at the landowner/applicant's cost. The works are to connect to the constructed portion of Carey Street and include a constriction point in the general location shown on the approved plans, piping of the existing open drain, footpath, street lighting, street trees/landscaping, street furniture, bike racks and on-street parking.
32. Prior to commencement of the use, the portion of Roe Avenue abutting the development site is to be upgraded and drained to an urban standard at the landowner/applicant's cost. The works are to include footpath, street lighting, street trees/landscaping, street furniture, bike racks, on-street parking and the undergrounding of the existing above ground power lines.
33. A contribution is to be provided to the Shire of Murray toward the down grading Pinjarra Road to a two lane boulevard road with associated streetscape improvements prior to the commencement of construction works. The contribution relates to works planned to be undertaken in Pinjarra Road as part of the Pinjarra Town Centre revitalisation and includes road pavements, central island, drainage, on street parking, footpaths, street trees, landscaping, street lights, street furniture and bike racks.
34. The crossover access to the site from Pinjarra Road is to be designed as a left turn in only access and in a manner that will reduce vehicle speed to the satisfaction of the local government and Main Roads WA.
35. All crossovers are to be designed in a similar material to the adjacent footpath in a design that provides continuous at grade pedestrians access.



36. Prior to commencement of the use, an 8.5 metre wide corner truncation is to be provided at the junction of Carey Street and Pinjarra Road with the land being ceded free of cost to the Crown and without payment of compensation as road widening.
37. Detailed engineering drawings are to be prepared and submitted for approval by the local government and where relevant main Roads WA for all works required by conditions within the street network. All works shall be undertaken in accordance with the approved engineering drawings.
38. Prior to lodgement of a building permit application, the site plan is to be modified to provide a pedestrian path connection from the Roe Avenue footpath to the pedestrian path adjacent to the supermarket service area.

Signage

39. Prior to the lodgement of a building permit application, the elevation plan shall be modified by:
 - i. reducing the number of wall signs shown on the section of the concrete tilt panel wall of the building marked on the approved site plan as 'supermarket' from three to one and sized to the satisfaction of the local government;
 - ii. providing only one wall sign per tenancy on the façade of the building marked on the approved site plan as 'commercial development' facing Pinjarra Road;
 - iii. ensuring the number of signs depicted on the towers of the buildings marked as 'supermarket' and 'commercial development' is consistent with the number of overall tenancies across the site.
40. Prior to the lodgement of a building permit application, the elevation plan shall be modified to show the height of the petrol filling station and price board sign being reduced to 6m in height.

Miscellaneous

41. The parking bays, driveways and points of ingress and egress shall be designed in accordance with the Australian Standard for Off Street Parking (AS 2890) unless otherwise specified by this approval. Such areas shall be constructed, drained and marked prior to the development first being occupied and thereafter maintained in a sound state of repair.
42. Prior to commencement of the use, a waste management plan being prepared and implemented to the satisfaction of the local government demonstrating how the bin storage areas will be serviced and compliance with the local government's Health Local Laws 1999.
43. Prior to the lodgement of a building permit application, plans shall be modified to include provision within the internal car park for trolley collection/storage to the satisfaction of the local government.
44. Prior to commencement of the use, shower facilities for supermarket staff are to be provided in accordance with Austroads' Guide to Engineering Practice Part 14: Bicycles.



45. All services such as air conditioning plant and compressors shall be located away from public areas. All services and service yards shall be screened from view of streets and other public areas, including car parking areas in a design or manner keeping with the style and materials of the adjacent building. Roof mounted equipment such as air conditioning plant and antennae shall be screened from view of the street and other public areas, including car parking areas, by the roof form or parapets.

Advice to Landowner/Applicant

- A. In regard to the condition restricting the building marked as 'supermarket' to a single tenancy, this condition does not restrict the building from containing the various integrated departments generally comprising a supermarket (including but not limited to a butcher, baker, fresh produce and delicatessen and the like), or any individual leasehold tenancy agreements within a single supermarket setting.

AMENDING MOTION

Moved by: Mr Rob Nicholson **Seconded by:** Mr Ian Birch

To amend the preamble to read as follows:

“Approve DAP Application DAP/16/01038 and accompanying plans contained within Planning Solutions’ Amended Development Application Report (Rev 0, dated 9/11/16, DA01 Rev C dated 3/3/16, DA02 Rev B dated 3/3/16, DA03 Rev B dated 3/3/16, DA04 Rev C dated 3/3/16, DA05 Rev B dated 3/3/16, DA06 Rev C dated 3/11/16) in accordance with regulation 8 of the Planning and Development (Development Assessment Panels) Regulations 2011 subject to the following conditions:”

REASON: To clarify the plans of the proposed development for approval.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson **Seconded by:** Mr Ian Birch

To amend Condition 3 to read as follows:

“Where development requires construction works or access spanning existing lot boundaries, affected lots are to be amalgamated prior to occupation of the development.”

REASON: The inclusion of Lot 113 James Street is of doubtful validity as it is not part of the application site. Requiring amalgamation to be completed prior to occupation facilitates staging of the development and avoids unnecessary delay in commencing construction.

The Amending Motion was put and CARRIED UNANIMOUSLY.



AMENDING MOTION

Moved by: Mr Ian Birch

Seconded by: Ms Stacey Towne

That Condition 4 be deleted and references to Condition numbers be renumbered.

REASON: The requirement for the easement relates to wider aspirations for Pinjarra Road, for which there is no formal planning instrument in place at this time. The condition is not considered to meet the test of relating fairly and reasonably to the development.

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

AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Ms Stacey Towne

To amend Condition 5 (now 4) to read as follows:

“The Supermarket and the Commercial Development shown on the site plan are approved as shops as per the definition in Town Planning Scheme No. 4 (TPS 4).”

REASON: For clarification.

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

AMENDING MOTION

Moved by: Mr Ian Birch

Seconded by: Mr Rob Nicholson

That Condition 7 (now 6) be deleted and references to Condition numbers be renumbered.

REASON: The condition significantly restricts the use of the development as shops, in the manner contemplated by TPS 4, and as such, is likely to be invalid.

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

AMENDING MOTION

Moved by: Mr Ian Birch

Seconded by: Ms Stacey Towne

To amend Condition 16 (now 14) to read as follows:

“A minimum of ~~80%~~ 60% of all glazed surfaces facing Pinjarra Road, Carey Street and Roe Avenue shall be kept visually transparent and free of posters, decals, tinting or any other visual obscuring mass unless otherwise approved in writing by the local government. Roller shutters are prohibited on all glazed surfaces”



REASON: It was noted that there is no expressed TPS or policy requirement and it was considered that the applicant's request for the figure to be reduced to 60% was reasonable.

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

AMENDING MOTION

Moved by: Mr Ian Birch

Seconded by: Ms Stacey Towne

To amend Condition 17 (now 15) to read as follows:

"Prior to lodgement of a building permit application, the elevations of the petrol filling station/shop building are to be modified by providing glazing or another form of façade treatment fronting Pinjarra Road and an awning extending 2.5 metres from the building façade facing ~~both Pinjarra Road and~~ Carey Street."

REASON: It was considered that the awning would be of limited value in this location and the applicant's request for its deletion was reasonable.

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

AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Mr Ian Birch

To amend Condition 18 (now 16) to read as follows:

"Prior to lodgement of a building permit application, the elevation of the take away restaurant is to be modified by extending the awning to a width of 2.5 metres from the building façade facing Carey Street. ~~The floor plan of the building shall be submitted that demonstrates that the internal fit out of the building does not cause the window to be obstructed by shelving, fridges and freezers or similar.~~ Glazed surfaces along the take away restaurant's Carey Street frontage shall remain visually unobstructed, unless approved in writing by the Shire."

REASON: Approval of internal fitouts of buildings is a separate process. The amendment to the condition achieves the intended purpose.

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

AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Ms Stacey Towne

To amend condition 19 (now 17) to read as follows:

"Prior to lodgement of a building permit application updated plans to be provided to the satisfaction of the Shire demonstrating the width of the footpath



located adjacent to Pinjarra Road between Carey Street and the site crossover (eastern portion) is adequate to facilitate pedestrian movements."

REASON: The amendment provides the applicant with greater flexibility in satisfying the requirement for an adequate footpath in this area.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson **Seconded by:** Ms Stacey Towne

To amend condition 25 (now 23) to read as follows:

*"The location of the acoustic wall adjacent to the front setback area of the abutting Lot 807 Carey Street, together with the take away restaurant drive through, waiting bay and crossover being modified so as to provide a **1.5 metre** wide landscape buffer adjacent to the abutting Lot 807 **with both sides of the wall being visually acceptable**. Prior to the lodgement of a building permit application, **updated** plans which meet these requirements are to be **submitted** to the **Shire for approval**."*

REASON: Council officers had agreed with the applicant's request for reducing the buffer to 1.5 metres. This was accepted by panel members. It was further considered that the appearance of the wall should be shown to be acceptable.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Ian Birch **Seconded by:** Mr Rob Nicholson

To amend Condition 28 (now 26) to read as follows:

*"All buildings shall have a minimum finished floor level of 8.45m AHD, **or as otherwise agreed with the Shire**."*

REASON: To allow further investigation into this matter, without the need to make a Form 2 application in the event that a lower height is agreed.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Rob Nicholson **Seconded by:** Mr Ian Birch

To amend Condition 29 (now 27) to read as follows:

"Prior to occupation of the development, a legal agreement shall be entered into between the proponent, the Shire and Main Roads WA addressing the



design, timing and staging of construction, and the proportionate contribution requirements for the following works:

- (a) *the construction of the unmade portion of Carey Street to the intersection with Pinjarra Road to an urban standard, including the intersection between Carey Street and Pinjarra Road;*
- (b) *upgrading of the portion of Roe Avenue abutting the development site to an urban standard; and*
- (c) *a roundabout at the intersection of Pinjarra Road and Roe Avenue.”*

REASON: The panel considered that there was insufficient information available to determine whether this condition (and subsequent Conditions 30, 31 and 32) was fair and reasonable as worded. The condition as amended enables the applicants to progress these matters with the Shire in terms of the physical requirements for the works and appropriate funding arrangements.

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

AMENDING MOTION

Moved by: Mr Rob Nicholson **Seconded by:** Mr Ian Birch

That Conditions 30, 31, 32 and 33 be deleted and references to Condition numbers be renumbered.

REASON: These are now dealt with by Condition 29 (now 27) above.

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

AMENDING MOTION

Moved by: Mr Ian Birch **Seconded by:** Mr Rob Nicholson

To amend Condition 35 (now 29) to read as follows:

*“All crossovers are to be designed in a similar material to the adjacent footpath in a design that provides continuous at grade pedestrian access, **or as otherwise approved by the Shire.**”*

REASON: To provide some flexibility.

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

For: Mr Ian Birch, Cr Christine Thompson
Against: Mr Rob Nicholson, Ms Stacey Towne, Cr Maree Reid

AMENDING MOTION

Moved by: Ms Stacey Towne **Seconded by:** Mr Rob Nicholson

To amend Condition 35 (now 29) to read as follows:



“All crossovers **with exception to the crossover at Pinjarra Road** are to be designed in a similar material to the adjacent footpath in a design that provides continuous at grade pedestrians access, **or as otherwise approved by the Shire.**”

REASON: To enable further discussion concerning Main Roads requirements for Pinjarra Road.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

That the Metro South-West JDAP resolves to:

Approve DAP Application DAP/16/01038 and accompanying plans contained within Planning Solutions' Amended Development Application Report (Rev 0, dated 9/11/16, DA01 Rev C dated 3/3/16, DA02 Rev B dated 3/3/16, DA03 Rev B dated 3/3/16, DA04 Rev C dated 3/3/16, DA05 Rev B dated 3/3/16, DA06 Rev C dated 3/11/16) in accordance with regulation 8 of the Planning and Development (Development Assessment Panels) Regulations 2011 subject to the following conditions:

Conditions

General

1. This decision constitutes development approval only and is valid for a period of five years from the date of approval. If the subject development is not substantially commenced within the five year period, the approval shall lapse and be of no further effect.
2. The development shall be constructed in accordance with the approved plans contained within the Amended Development Application Report, and any modifications required to be undertaken by the conditions below.
3. Where development requires construction works or access spanning existing lot boundaries, affected lots are to be amalgamated prior to occupation of the development.

Use of Buildings

4. The Supermarket and the Commercial Development shown on the site plan are approved as shops as per the definition in Town Planning Scheme No. 4 (TPS 4).
5. The building marked as 'supermarket' on the approved site plan shall be used as a single tenancy only unless otherwise approved in writing by the local government.



Site Works/Construction

6. A construction management plan shall be prepared and submitted to the local government for approval prior to the lodgement of a building permit application addressing the following:
 - i. access to and from the site;
 - ii. the delivery of materials and equipment to the site;
 - iii. the storage of materials and equipment on the site;
 - iv. the parking arrangements for contractors and subcontractors;
 - v. management of construction waste;
 - vi. dust control;
 - vii. hours during which onsite construction works are to be limited; and
 - ix. other matters that have the potential to impact nearby properties.

The approved construction management plan is to be implemented to the satisfaction of the local government.

Urban Design and Street Activation

7. Prior to the lodgement of a building permit application for the petrol filling station and/or adjacent shop, the annotation on the approved elevation plan referencing the outer wall of the bin store/service yard between the buildings marked as 'petrol filling station & shop' and 'shop' to be amended to state "space for further façade articulation through colours, materials and/or features".
8. Prior to the lodgement of a building permit application, the plans shall be modified to demonstrate that the primary entrances to the buildings marked as 'supermarket' and 'commercial development' on the approved site plan are from Pinjarra Road and not internally from the carpark.
9. All public entrances to tenancies directly fronting Pinjarra Road and Carey Street shall be kept unlocked and accessible to customers during business hours of the tenancy. The internal fit out of these tenancies shall be undertaken in a manner that facilitates primary customer access.
10. Prior to lodgement of a building permit application, the plans shall be modified to demonstrate that public entrances from the carpark to all buildings, with exception to the petrol filling station and liquor store, are secondary to the primary street frontage entrance. The carpark entrances to the building marked on the approved site plan as 'commercial development' shall cater for delivery/pick up of bulky goods in accordance approved use of the tenancies.
11. Prior to the lodgement of a building permit application, the plans shall be modified so as to ensure the number of entrances to the building marked as 'commercial development' on the approved elevation plan coordinate with the approved site plan, taking into account the requirements set out in the condition regarding the size of the tenancies for this building.
12. Prior to the lodgement of a building permit application, the Roe Street elevation of the building marked as 'supermarket' on the approved site plan is to be modified to improve its visual appearance through adding architectural features generally consistent with the façade of the building facing Pinjarra Road.



13. Prior to the lodgement of a building permit application, a levels plan shall be submitted to the local government for approval that demonstrates the level of the adjoining street network coordinates and integrates with the level of the pedestrian entrances to each of the buildings, taking into account the condition regarding finished floor levels of the buildings.
14. A minimum of 60% of all glazed surfaces facing Pinjarra Road, Carey Street and Roe Avenue shall be kept visually transparent and free of posters, decals, tinting or any other visual obscuring mass unless otherwise approved in writing by the local government. Roller shutters are prohibited on all glazed surfaces.
15. Prior to lodgement of a building permit application, the elevations of the petrol filling station/shop building are to be modified by providing glazing or another form of façade treatment fronting Pinjarra Road and an awning extending 2.5 metres from the building façade facing Carey Street.
16. Prior to lodgement of a building permit application, the elevation of the take away restaurant is to be modified by extending the awning to a width of 2.5 metres from the building façade facing Carey Street. Glazed surfaces along the take away restaurant's Carey Street frontage shall remain visually unobstructed, unless approved in writing by the Shire.
17. Prior to lodgement of a building permit application updated plans to be provided to the satisfaction of the Shire demonstrating the width of the footpath located adjacent to Pinjarra Road between Carey Street and the site crossover (eastern portion) is adequate to facilitate pedestrian movements.
18. A building material and colour schedule for the external facades of all buildings are to be submitted for approval prior to the submission of a building permit application. The approved schedule is to be implemented.

Neighbour Amenity

19. Written confirmation from a qualified acoustic consultant that the mandatory design requirements made in the Environmental Noise Assessment prepared by Lloyd George Acoustics dated 3 November 2016 have been incorporated into the development shall be provided prior to commencement of any of the approved uses.
20. A further acoustic report shall be provided within 30 days of commencement of any of the approved uses demonstrating that the use is operating in compliance with the Environmental Health (Noise) Regulations 1997. Should any non-compliance be identified, additional noise mitigation measures shall be provided to the satisfaction of the local government on advice from the acoustic consultant and implemented within 30 days of written approval of the measures.
21. Prior to commencement of the use of the building marked as 'takeaway restaurant' on the approved site plan, an odour management plan is to be prepared by a qualified environmental health professional and implemented to the satisfaction of the local government to address and minimise odour emissions may result from the use of the building.



22. All outdoor lighting shall be installed and maintained in accordance with Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.
23. The location of the acoustic wall adjacent to the front setback area of the abutting Lot 807 Carey Street, together with the take away restaurant drive through, waiting bay and crossover being modified so as to provide a 1.5 metre wide landscape buffer adjacent to the abutting Lot 807 with both sides of the wall being visually acceptable. Prior to the lodgement of a building permit application, updated plans which meet these requirements are to be submitted to the Shire for approval.

Drainage

24. Prior to the lodgement of a building permit application, a drainage management plan is to be prepared and implemented to the satisfaction of the local government. The drainage management plan shall address the local government's Water Sensitive Urban Design Local Planning Policy and in particular provide details on how the development will reduce the risk of flooding of Pinjarra Road during significant storm events. The drainage management plan shall be implemented as part of construction of the development.

Landscaping

25. Details for the onsite landscaping areas depicted on the proposed landscaping plan and the landscape buffer area required as part of condition 25 shall be submitted to and approved by the local government prior to the lodgement of a building permit application and shall include the following:
 - i. The location, number, size and species of proposed trees and shrubs;
 - ii. Any lawns to be established;
 - iii. Areas of irrigation; and
 - iv. How the landscaping will be maintained for its lifespan following establishment.

The landscaping plan shall be implemented prior to commencement of any of the approved uses and landscaping thereafter maintained in a healthy condition.

Finished Floor Levels

26. All buildings shall have a minimum finished floor level of 8.45m AHD, or as otherwise agreed with the Shire.

Street Network/Access

27. Prior to occupation of the development, a legal agreement shall be entered into between the proponent, the Shire and Main Roads WA addressing the design, timing and staging of construction, and the proportionate contribution requirements for the following works:
 - (a) the construction of the unmade portion of Carey Street to the intersection with Pinjarra Road to an urban standard, including the intersection between Carey Street and Pinjarra Road;



- (b) upgrading of the portion of Roe Avenue abutting the development site to an urban standard; and
 - (c) a roundabout at the intersection of Pinjarra Road and Roe Avenue.
28. The crossover access to the site from Pinjarra Road is to be designed as a left turn in only access and in a manner that will reduce vehicle speed to the satisfaction of the local government and Main Roads WA.
29. All crossovers with exception to the crossover at Pinjarra Road are to be designed in a similar material to the adjacent footpath in a design that provides continuous at grade pedestrians access, or as otherwise approved by the Shire.
30. Prior to commencement of the use, an 8.5 metre wide corner truncation is to be provided at the junction of Carey Street and Pinjarra Road with the land being ceded free of cost to the Crown and without payment of compensation as road widening.
31. Detailed engineering drawings are to be prepared and submitted for approval by the local government and where relevant main Roads WA for all works required by conditions within the street network. All works shall be undertaken in accordance with the approved engineering drawings.
32. Prior to lodgement of a building permit application, the site plan is to be modified to provide a pedestrian path connection from the Roe Avenue footpath to the pedestrian path adjacent to the supermarket service area.

Signage

33. Prior to the lodgement of a building permit application, the elevation plan shall be modified by:
- i. reducing the number of wall signs shown on the section of the concrete tilt panel wall of the building marked on the approved site plan as 'supermarket' from three to one and sized to the satisfaction of the local government;
 - ii. providing only one wall sign per tenancy on the façade of the building marked on the approved site plan as 'commercial development' facing Pinjarra Road;
 - iii. ensuring the number of signs depicted on the towers of the buildings marked as 'supermarket' and 'commercial development' is consistent with the number of overall tenancies across the site.
34. Prior to the lodgement of a building permit application, the elevation plan shall be modified to show the height of the petrol filling station and price board sign being reduced to 6m in height.

Miscellaneous

35. The parking bays, driveways and points of ingress and egress shall be designed in accordance with the Australian Standard for Off Street Parking (AS 2890) unless otherwise specified by this approval. Such areas shall be constructed, drained and marked prior to the development first being occupied and thereafter maintained in a sound state of repair.



36. Prior to commencement of the use, a waste management plan being prepared and implemented to the satisfaction of the local government demonstrating how the bin storage areas will be serviced and compliance with the local government's Health Local Laws 1999.
37. Prior to the lodgement of a building permit application, plans shall be modified to include provision within the internal car park for trolley collection/storage to the satisfaction of the local government.
38. Prior to commencement of the use, shower facilities for supermarket staff are to be provided in accordance with Austroads' Guide to Engineering Practice Part 14: Bicycles.
39. All services such as air conditioning plant and compressors shall be located away from public areas. All services and service yards shall be screened from view of streets and other public areas, including car parking areas in a design or manner keeping with the style and materials of the adjacent building. Roof mounted equipment such as air conditioning plant and antennae shall be screened from view of the street and other public areas, including car parking areas, by the roof form or parapets.

Advice to Landowner/Applicant

- A. In regard to the condition restricting the building marked as 'supermarket' to a single tenancy, this condition does not restrict the building from containing the various integrated departments generally comprising a supermarket (including but not limited to a butcher, baker, fresh produce and delicatessen and the like), or any individual leasehold tenancy agreements within a single supermarket setting.

REASON: In accordance with details contained in the Responsible Authority Report Recommendation.

The Primary Motion (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

Nil

11. General Business / Meeting Close

The Presiding Member reminded the meeting that in accordance with Standing Order 7.3 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 4.52pm.