



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: 11 July 2018; 10:00am
Meeting Number: MSWJDAP/162
Meeting Venue: Shire of Murray Council Chambers
1915 Pinjarra Road
Pinjarra

Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Mr Christopher Antill (A/Deputy Presiding Member)
Mr Andrew Macliver (Specialist Member)
Cr David Bolt (Local Government Member, Shire of Murray)

Officers in attendance

Mr Rhys Bloxside (Shire of Murray)
Mr Rod Peake (Shire of Murray)

Minute Secretary

Ms Mary-Ann Toner (Shire of Murray)

Applicants and Submitters

Mr Peter Fitzgerald (Urbis)
Mr Peter Breckenridge (Metrowest)
Mr James Robinson (Metrowest)

Members of the Public / Media

Nil

1. Declaration of Opening

The Presiding Member declared the meeting open at 10.06am on 11 July 2018 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 DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017; 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

Cr Casey Rose (Local Government Member, Shire of Murray)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

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 Peter Fitzgerald (Urbis) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Peter Breckenridge (Metrowest) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Application

- 8.1 Property Location: Lot 1 (1602) Pinjarra Road, Pinjarra
Development Description: Combination of fuel sales, convenience retail and takeaway food outlet and showrooms
Applicant: Urbis
Owner: Calmbay Investments Pty Ltd and Deskstar Pty Ltd
Responsible Authority: Shire of Murray
DAP File No: DAP/18/01399

REPORT RECOMMENDATION

Moved by: Cr David Bolt

Seconded by: Mr Christopher Antill

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/18/01399 is appropriate for consideration as an unlisted land use (combination of fuel sales, convenience retail and takeaway food outlet and showrooms) and is compatible with the objectives of the zoning table in accordance with Shire of Murray Town Planning Scheme No. 4.



2. **Approve** DAP Application reference DAP/18/01399 and accompanying plans ST01, ST05, ST06, ST30 and ST03 (all dated 3 January 2018) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Murray Town Planning Scheme No. 4 and Peel Region Scheme, subject to the following conditions:

Conditions

General

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. The development shall be constructed in accordance with the approved plans and any modifications required to be undertaken by the conditions of approval below.
3. The development shall be connected to the reticulated water network prior to commencement of any of the approved uses.
4. Prior to the commencement of site works, an acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be prepared and approved by the local government. Where an acid sulphate soils management plan is required to be prepared, all site works shall be carried out in accordance with the approved plan.
5. Finished floor and surface levels of the development shall be at an appropriate level so as to ensure adequate protection from major storm events to the satisfaction of the local government.

Waste Management

6. Prior to the lodgement of a building permit application, the approved plans shall be modified to show a suitable waste storage area(s) to the satisfaction of the local government. The waste storage area(s) shall be designed in accordance with the Shire of Murray Health Local Law and ensure that bins and receptacles can be appropriately accessed by waste collection vehicles and screened from view.
7. No bins, waste receptacles, or waste and waste materials are permitted outside the waste storage areas required by condition 6 above.

Construction Management

8. Prior to the commencement of site works, a construction management plan shall be prepared to the satisfaction of the local government 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.

Land Use

9. The buildings marked on the approved site plan as “Tenancy” shall as be used as “showrooms” as defined in the Shire of Murray Town Planning Scheme No. 4 unless otherwise approved in writing by the local government.
10. The building marked on the approved site plan as “Convenience Store and Fast Food” shall be used for the purposes of a combination of fuel sales and convenience retail and a “takeaway food outlet” as defined in the Shire of Murray Town Planning Scheme No. 4 unless otherwise approved in writing by the local government.

Roads and Access

11. Prior to commencement of works, the submitted Transport Impact Statement (Transcore, November 2017) shall be revised to the satisfaction of the local government on the advice of Main Roads WA, incorporating a SIDRA analysis, to determine the interim and ultimate layout of the new Pinjarra Road intersection and if necessary any modifications shall be made to the new road network within the subject site.
12. Prior to commencement of works, the new Pinjarra Road intersection shall be designed and approved to the satisfaction of the local government on the advice of Main Roads WA. The detailed design shall include (without being limited to) the following:
 - i. a future four-way intersection concept which accommodates the future development (full development) of surrounding land;
 - ii. an interim three-way/T intersection to support the proposed development, including the modification (raising) of the westbound carriageway of Pinjarra Road to accommodate the required pavement levels of a future four-way intersection;
 - iii. drainage, kerbing, resurfacing and street lighting.
13. Prior to the lodgement of a building permit application, the new internal roads shall be designed to the satisfaction of the local government. The design shall include details (without being limiting) on the following:
 - i. drainage, kerbing, surfacing, landscaping and street trees and street lighting;
 - ii. coordination with the Pinjarra Road intersection construction;
 - iii. temporary turning areas where roads are subject to future extension; and
 - iv. shared paths.



The approved design shall be constructed prior to the commencement of any of the approved uses. All design and construction works shall be at the landowner/applicant's cost.

14. Crossovers to the development site from the new internal roads shall be designed and constructed to the satisfaction of the local government.
15. Prior to commencement of the use of any of the buildings, the land required for public roads and as identified in the design drawings associated with condition 13 shall be ceded free of cost to the Crown (without any payment of compensation) via a subdivision application unless an alternative agreement with the local government is made in writing.
16. Prior to the lodgement of a building permit application, the approved plans shall be modified to show appropriate pedestrian/cycle links between the shared path network and the buildings to the satisfaction of the local government.
17. Prior to the lodgement of a building permit application, a traffic management plan shall be prepared to the satisfaction of the local government addressing vehicular and pedestrian safety within the site. The plan shall detail adequate separation of pedestrians from vehicles and heavy vehicles from light vehicles through demarcation such as kerbing, line marking and signage.
18. The internal parking bays and trafficable surfaces are to be designed and constructed in accordance with the Australian Standard for Off Street Parking (AS 2890). Such areas shall be constructed, kerbed, drained and line-marked prior to commencement of use of any of the buildings. The treatment of trafficable areas shall have regard to the approved traffic management plan required by condition 17.
19. The provision of a dual use path within the road reserve of Pinjarra Road where the development site abuts Pinjarra Road.

Landscaping

20. Prior to the lodgement of a building permit application, details for landscaping of the development site and adjacent road verges shall be approved by the local government and shall include details on the following:
 - i. the location, number, size and species of proposed trees and shrubs;
 - ii. any lawns to be established;
 - iii. areas of irrigation;
 - iv. how the landscaping will be maintained for its lifespan following establishment; and
 - v. kerbing of landscaping areas.

Drainage

21. Prior to the lodgement of a building permit application, a drainage management plan shall be prepared to the satisfaction of the local government on the advice of Main Roads WA. The drainage management plan shall address the Shire of Murray Water Sensitive Urban Design Local Planning Policy and the Department of Water and Environmental Regulation's Water Quality Protection Notes 49 *Service stations* and 62 *Tanks for underground chemical storage*.



Further, the plan shall prevent any drainage from impacting the adjacent Primary Regional Road Reserve and be consistent with the approved Local Water Management Strategy for the site. The land required for drainage of public spaces is to be ceded free of cost to the Crown and without payment of compensation.

Contamination and Spill Management

22. Stormwater that has the potential to be contaminated shall pass through a well maintained litter and silt trap, then an appropriately designed and regularly maintained fuel and oil trap. Details addressing this condition shall be contained within the drainage management plan required by condition 20.
23. Prior to any petroleum being stored in the underground tanks, an emergency response plan shall be prepared to the satisfaction of the local government on the advice of the Department of Water and Environmental Regulation. The emergency response plan shall address the Department of Water and Environmental Regulation's Water Quality Protection Note 10 *Contaminated Spills – emergency response*.

Signage

24. Unless otherwise approved in writing by the local government, the pylon sign intended to display fuel prices shall not exceed 6m in height from the finished ground level.

Fencing

25. The existing fencing associated with the subject property along the Pinjarra Road frontage shall be removed and any replacement fencing being approved by the local government on the advice of Main Roads WA.

Mosquito Management

26. Prior to the lodgement of a building permit application and in conjunction with the preparation of the drainage management plan required by condition 21, a mosquito management plan shall be prepared to control mosquito breeding with particular regard to the drainage basins.

Colours and Materials

27. Prior to the lodgement of a building permit application, a building material and colour schedule for the external facades of the development shall be submitted for approval by the local government. The approved schedule shall be implemented prior to commencement of any of the uses.

Advice Notes

- A. The underground petroleum storage tanks must be designed, installed and operated in accordance with Australian Standard for the Design, Installation and Operation of Underground Petroleum Storage Systems (AS 4898:2008) and require licencing from the Department of Mines, Industry Regulation and Safety.



- B. The Department of Water and Environmental Regulation advises that underground tank systems should not be located with parts in contact with the water table. If tanks are in contact with the water table, all tanks and pipework should be constructed of corrosion-resistant materials that conform to Australian Standards. Further the Department advises that tanks and their pipework should entail double-walled construction with an interstitial leak-monitoring space. This is particularly important where the tanks are located close to sensitive water resources or where the tank may come into contact with the water table. All underground tank systems should have provision for leak monitoring.

AMENDING MOTION

Moved by: Cr David Bolt

Seconded by: Mr Andrew Macliver

The following amendments were moved en bloc:

- (i) To amend Condition 11 to read as follows:

Prior to the lodgement of a building permit, the submitted Transport Impact Assessment (Transcore, November 2017) shall be updated to the satisfaction of the local government on the advice of Main Roads WA that includes information to determine the interim and ultimate layout of the new Pinjarra Road intersection and if necessary any modifications to the new road network within the subject site. Modifications to the internal road network shall generally be limited to alignment and width rather than location of the roundabout or crossovers.

- (ii) To amend Condition 12 to read as follows:

Prior to the lodgement of a building permit application, the new Pinjarra Road intersection shall be designed to the satisfaction of the local government on the advice of Main Roads WA. The design shall include details (without being limiting) on the following:

- i. a future four-way intersection concept which takes into account the full development of surrounding land;*
- ii. an interim three-way intersection to support the proposed development; and*
- iii. drainage, kerbing, resurfacing and street lighting.*

The approved design shall be constructed prior to commencement of any of the approved uses. All design and construction works shall be at the landowner/applicant's cost.

REASON: These conditions were agreed to by the proponent and Shire of Murray to provide clarity and certainty relating to the requirements of the conditions.

The Amending Motion was put and CARRIED UNANIMOUSLY.



REPORT RECOMMENDATION (AS AMENDED)

That the Metro South-West JDAP resolves to:

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2. **Approve** DAP Application reference DAP/18/01399 and accompanying plans ST01, ST05, ST06, ST30 and ST03 (all dated 3 January 2018) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Murray Town Planning Scheme No. 4 and Peel Region Scheme, subject to the following conditions:

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4. Prior to the commencement of site works, an acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be prepared and approved by the local government. Where an acid sulphate soils management plan is required to be prepared, all site works shall be carried out in accordance with the approved plan.
5. Finished floor and surface levels of the development shall be at an appropriate level so as to ensure adequate protection from major storm events to the satisfaction of the local government.

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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 Presiding Member noted the following State Administrative Tribunal Applications -

Current Applications		
LG Name	Property Location	Application Description
City of Cockburn	Lot 803 Yangebup Road, Yangebup	Service Station (7 Eleven)

Finalised Applications		
LG Name	Property Location	Application Description
City of Fremantle	Nos. 31-41 (Lot 2073) and No. 45 (Lot 535) Henderson Street, Fremantle	Five (5) storey Hotel, change of use to Tavern and Restaurant, and additions and alterations to existing buildings

Tony Arias



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 11.00am.