



## Minutes of the Metro Central Joint Development Assessment Panel

**Meeting Date and Time:** 31 January 2018; 2pm  
**Meeting Number:** MCJDAP/276  
**Meeting Venue:** City of Belmont  
215 Wright Street  
Cloverdale

### Attendance

#### DAP Members

Ms Sheryl Chaffer (A/Presiding Member)  
Mr Christopher Antill (A/Deputy Presiding Member)  
Mr Michael Hardy (Specialist Member)  
Cr Phil Marks (Local Government Member, City of Belmont) – *Arrived 2.00pm*  
Cr Robert Rossi (Local Government Member, City of Belmont)  
Cr Margaret Hall (Local Government Member, City of Canning) – *Left 2.17pm*

#### Officers in attendance

Mr Indi Gunathilaka (City of Canning)  
Mr Mark Rossi (City of Canning)  
Ms Janet Lankester (City of Belmont)  
Ms Chantelle Gilbert (City of Belmont)  
Mr Eugene Paewai (City of Belmont)  
Ms Uma Rajaram (City of Belmont)

#### Local Government Minute Secretary

Ms Erin Cashman (City of Belmont)

#### Applicants and Submitters

Mr Josh Watson (Planning Solutions)  
Ms Alysha Cass (BP Australia Pty Ltd)  
Mr Rez Zahedi (BP Australia Pty Ltd)

#### Members of the Public / Media

There were no members of the public in attendance.

Mr Aaron Corlett from the Southern Gazette was in attendance.



## 1. Declaration of Opening

The Presiding Member, Ms Sheryl Chaffer declared the meeting open at 1.59pm on 31 January 2018 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

Due to the leave of absence of the Metro Central JDAP Presiding Member and in accordance with regulation 27(3A) of the *Planning and Development (Development Assessment Panel) Regulations 2011*, Ms Sheryl Chaffer has been appointed as Presiding Member for this meeting.

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

Mr Charles Johnson (Presiding Member)  
Cr Jesse Jacobs (Local Government Member, City of Canning)

## 3. Members on Leave of absence

Panel member, Mr Charles Johnson has been granted leave of absence by the Director General for the period of 10 January 2018 to 6 February 2018 inclusive.

*Cr Phil Marks joined the panel at 2.00pm*

## 4. Noting of minutes

Minutes of the Metro Central JDAP meeting no. 274 held on 11 January 2018 were noted by DAP members.

Minutes of the Metro Central JDAP meeting no. 275 held on 25 January 2018 were not available for noting at the time of meeting.

## 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 Josh Watson (Planning Solutions) addressed the DAP for the application at Item 8.1.

7.2 Mr Mark Rossi (City of Canning) answered questions from the panel.

***The presentations at Items 7.1 and 7.2 were heard prior to the application at Item 8.1a***

7.3 Ms Chantelle Gilbert (City of Belmont) addressed the DAP for the application at Item 8.1b. Ms Gilbert, Ms Janet Lankester (City of Belmont) and Ms Uma Rajaram (City of Belmont) answered questions from the panel.

***The presentation at Item 7.3 was heard prior to the application at Item 8.1b***

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

8.1a Property Location: 1 Ballantyne Road (Lot 242), Kewdale  
Application Details: Landscaping and a Monolith Sign associated to a Service Station  
Applicant: Planning Solutions (Aust) Pty Ltd  
Owner: B P Australia PTY LTD  
Responsible authority: City of Canning  
DoP File No: DAP/17/01274

### REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Cr Margaret Hall

**Seconded by:** Mr Michael Hardy

That the Metro Central Joint Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/17/01274 and accompanying plans contained in Attachment 2 in accordance with Clause 68 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Canning Town Planning Scheme No. 40, subject to the following conditions:

#### Conditions:

1. A restrictive covenant, to the benefit of Main Roads WA pursuant to Section 129B of the *Transfer of Land Act 1893* is to be placed on the Certificate of Title of Lot 242 advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram of survey (deposited plan). The restriction is to be in accordance with the **attached** plan and is to state as follows:

*“No Vehicular access is permitted to and from Orrong Road.”*

2. The erection/construction of the monolith sign is to be strictly in conjunction with the service station land use and is not to be erected/constricted on its own.



3. Illuminated signage must be of a low-level not exceeding  $300\text{cd/m}^2$ , not flash, pulsate or chase.
4. The monolith sign shall not contain fluorescent, reflective, or retro reflective colours or materials.
5. Vegetation within the road reserve shall not be removed or trimmed to improve the visibility of any advertising device.
6. Prior to occupation or use of the development, landscaping is to be installed in accordance with the Landscape Plan (DA08) received 20 November 2017. The landscaping is to be maintained thereafter to the satisfaction of the City.

### Advice Notes

- a. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- b. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first being sought and obtained.
- c. The proposed development is to comply with the provisions of the *Building Act 2011*, the Building Code of Australia and any other requirements of the City's Building Department.
- d. This approval does not authorise the commencement of any building works. The applicant is advised that a building permit must be obtained prior to the commencement of any works. To obtain a building permit it will be necessary to submit documentation in compliance with the Building Regulations, including plans incorporating all conditions of this approval, specifications and structural drawings.
- e. Main Roads Western Australia advises the landowner / applicant with regard to Orrong Road:
  - i. No earthworks are to encroach onto the road reserve;
  - ii. No stormwater drainage is to be discharged onto the road reserve; and
  - iii. The landowner / applicant shall make good any damage to the existing verge vegetation within the road reserve.
- f. A Danger Zone, Registered Easement, Restriction Zone or Minimum approach distance represent areas of high risk when building or working near the Western Power network. Before commencing any work it is essential that you complete a Dial Before You Dig enquiry to obtain the location and voltage of the Western Power network. Areas of high risk include;
  - i. Danger Zone – Defined by regulation 3.64 of the Occupational Safety and Health Regulations 1996
  - ii. Registered Easement - Western Power easements are registered on the Certificate of Title for the property. Easements and conditions are available from Landgate ([www.landgate.wa.gov.au](http://www.landgate.wa.gov.au))
  - iii. Restriction Zone – These are applied in the absence of a registered easement and are calculated in line with the Australian Standard for overhead line design (AS/NZS 7000:2010)



iv. Minimum approach distance

It is recommended that persons planning to build or undertake works in high risk areas near transmission or communication assets (including those listed above) act in a safe manner at all times and in accordance with all applicable legal and safety requirements (including the 'duty of care' under the laws of negligence, Worksafe requirements and guidelines, Australian Standards and Western Power policies and procedures).

Western Power provides services that may assist persons planning to build or work within high risk areas near transmission or communication assets (refer to your Dial Before You Dig enquiry for location and voltage). These services can be found by visiting the Transmission and communication assets section of the Western Power website (<https://www.westernpower.com.au/safety-access/working-near-our-network/>).

- g. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

### AMENDING MOTION

**Moved by:** Mr Michael Hardy

**Seconded by:** Mr Chris Antill

That Condition 1 be deleted and the remaining conditions be renumbered accordingly.

1. ~~A restrictive covenant, to the benefit of Main Roads WA pursuant to Section 129B of the Transfer of Land Act 1893 is to be placed on the Certificate of Title of Lot 242 advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram of survey (deposited plan). The restriction is to be in accordance with the attached plan and is to state as follows:~~

~~"No Vehicular access is permitted to and from Orrong Road."~~

### REASON:

**The condition is unnecessary as the form of the approval in its substance necessarily includes what is contained in the condition.**

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

### PRIMARY MOTION (AS AMENDED)

That the Metro Central Joint Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/17/01274 and accompanying plans contained in Attachment 2 in accordance with Clause 68 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Canning Town Planning Scheme No. 40, subject to the following conditions:



### Conditions:

1. The erection/construction of the monolith sign is to be strictly in conjunction with the service station land use and is not to be erected/constricted on its own.
2. Illuminated signage must be of a low-level not exceeding 300cd/m<sup>2</sup>, not flash, pulsate or chase.
3. The monolith sign shall not contain fluorescent, reflective, or retro reflective colours or materials.
4. Vegetation within the road reserve shall not be removed or trimmed to improve the visibility of any advertising device.
5. Prior to occupation or use of the development, landscaping is to be installed in accordance with the Landscape Plan (DA08) received 20 November 2017. The landscaping is to be maintained thereafter to the satisfaction of the City.

### Advice Notes

- a. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- b. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first being sought and obtained.
- c. The proposed development is to comply with the provisions of the *Building Act 2011*, the Building Code of Australia and any other requirements of the City's Building Department.
- d. This approval does not authorise the commencement of any building works. The applicant is advised that a building permit must be obtained prior to the commencement of any works. To obtain a building permit it will be necessary to submit documentation in compliance with the Building Regulations, including plans incorporating all conditions of this approval, specifications and structural drawings.
- e. Main Roads Western Australia advises the landowner / applicant with regard to Orrong Road:
  - i. No earthworks are to encroach onto the road reserve;
  - ii. No stormwater drainage is to be discharged onto the road reserve; and
  - iii. The landowner / applicant shall make good any damage to the existing verge vegetation within the road reserve.
- f. A Danger Zone, Registered Easement, Restriction Zone or Minimum approach distance represent areas of high risk when building or working near the Western Power network. Before commencing any work it is essential that you complete a Dial Before You Dig enquiry to obtain the location and voltage of the Western Power network. Areas of high risk include;
  - i. Danger Zone – Defined by regulation 3.64 of the Occupational Safety and Health Regulations 1996



- ii. Registered Easement - Western Power easements are registered on the Certificate of Title for the property. Easements and conditions are available from Landgate ([www.landgate.wa.gov.au](http://www.landgate.wa.gov.au))
- iii. Restriction Zone – These are applied in the absence of a registered easement and are calculated in line with the Australian Standard for overhead line design (AS/NZS 7000:2010)
- iv. Minimum approach distance

It is recommended that persons planning to build or undertake works in high risk areas near transmission or communication assets (including those listed above) act in a safe manner at all times and in accordance with all applicable legal and safety requirements (including the 'duty of care' under the laws of negligence, Worksafe requirements and guidelines, Australian Standards and Western Power policies and procedures).

Western Power provides services that may assist persons planning to build or work within high risk areas near transmission or communication assets (refer to your Dial Before You Dig enquiry for location and voltage). These services can be found by visiting the Transmission and communication assets section of the Western Power website (<https://www.westernpower.com.au/safety-access/working-near-our-network/>).

- g. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

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

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

*Cr Margaret Hall left the panel at 2.17pm.*

<b>8.1b</b> Property Location:	Lot 242 (1) Ballantyne Road, Kewdale
Application Details:	Service Station, Convenience Store and associated Signage
Applicant:	Planning Solutions (Aust) Pty Ltd
Owner:	B P Australia PTY LTD
Responsible authority:	City of Belmont
DoP File No:	DAP/17/01274

#### **REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Cr Phil Marks

**Seconded by:** Mr Chris Antill

That the Metro Central JDAP resolves to:

**Approve** DAP Application reference DAP/17/01274 and accompanying plans dated 7 September 2017, 29 September 2017, 15 November 2017, and 21 December 2017 for a Service Station, Convenience Store and associated signage at Lot 242 (1) Ballantyne Road, Kewdale in accordance with Clause 68 of the *Planning and*



*Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Belmont Local Planning Scheme No. 15, subject to the following conditions:

**Conditions:**

1. Development/land use shall be in accordance with the attached approved plans dated 7 September 2017 and amended plans dated 29 September 2017, 15 November 2017 and 21 December 2017 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Metro Central Joint Development Assessment Panel or the City of Belmont.
2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four year period, the approval shall lapse and be of no further effect.
3. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
  - a) The approved plan (a minimum of 9 car parking bays, and 1 air and water bay); and
  - b) Council's engineering requirements and design guidelines.

The areas must be sealed in bitumen or concrete in accordance with the City of Belmont specifications, unless otherwise approved by the City. All parking bays must be clearly line marked.

4. The flush island with brick pattern paving notated on the plans and abutting the Ballantyne Road crossover shall be extended across the width of the northern most crossover onto Ballantyne Road. This crossover shall include line marking of a large format arrow from the truck forecourt to Ballantyne Road, to the satisfaction of the City.
5. The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of vehicles in the car park. All car parking bays in the car park are to be made available at all times for the parking of vehicles by customers and employees to the satisfaction of the City.
6. Provision to be made so that all commercial vehicles and trucks can ingress and egress the site in forward gear. No reversing of vehicles and trucks to or from the site via a public road is permitted.
7. Prior to occupation or use of the development, the owner / applicant shall, after having obtained written approval from the City (Technical Services Clearance Application), construct a vehicle crossover in accordance with the approved plans and Council's engineering specifications to the satisfaction of the City.





8. Prior to occupation or use of the development, the redundant crossover/s to Lot 242, as shown on the approved plans, shall be removed and the verge and kerb reinstated to the satisfaction of the City.
9. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.
10. Prior to occupation or use of the development, a minimum of 4 bicycle bays are to be installed to Australian Standards and maintained for the course of the development to the satisfaction of the City.
11. The owner/applicant shall submit and have approved, a Demolition and Construction Management Plan (including dewatering if required) to the specifications of the Department of Biodiversity, Conservation and Attractions, to the satisfaction of the City. The plan shall be submitted for approval to the City no later than 14 days prior to the commencement of site works.
12. All existing buildings and structures on the lots, including drainage pits, soakwells, leach drains, septic tanks and waste water disposal systems, shall be removed and the land levelled.
13. Prior to commencement of works or development being undertaken on site, the applicant owner/applicant shall submit a Stormwater Management Plan showing the proposed drainage system to the specifications of the Department of Biodiversity, Conservation and Attractions, to the satisfaction of the City.
14. All stormwater from roofed and paved areas, excluding fuel dispensing areas, shall be collected and disposed of off-site via an approved sand trapped manhole/oil and silt separator device in accordance with the City of Belmont engineering requirements and design guidelines.
15. No stormwater drainage is to be discharged onto the Orrong Road, road reserve.
16. A landscaping and irrigation plan for the subject development site and street verge, incorporating (non-deciduous) screening vegetation along the Ballantyne Road façade, is to be prepared and submitted to the City for approval within 3 months of the date of this approval to the satisfaction of the City.
17. Prior to occupation or use of the development, landscaping, plants, verge treatment and/or irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan for the duration of the approved development to the satisfaction of the City.
18. No turf, irrigation or street trees located in the road verge abutting or adjacent to the subject land may be damaged or removed during the course of the development, unless separately approved in writing by the City.

Where a street tree is approved to be removed, the tree shall be replaced with an equivalent size tree by the City at the owner/applicant's full cost.



19. Prior to lodgement of an application for a Building Permit, the owner/applicant shall submit to the City an Application to Construct or Install an Apparatus for the Treatment of Sewage application for each applicable waste water treatment system and liquid waste treatment system. The system shall then be installed and maintained to the satisfaction of the City.
20. The fuel dispensing areas are to be roofed, paved and graded to direct run off from within these areas to dedicated liquid waste sumps. Liquid waste from refuelling areas must be treated and disposed of in accordance with the Department of Health WA water recycling and water quality criteria, to the satisfaction of the City.
21. Wastewater from the fuel dispensing areas, including all associated sumps, tanks and treatment and disposal devices shall be established and maintained completely separate from the stormwater drainage system.
22. Signage on the site shall only advertise the businesses operating on the subject lot.
23. The illumination of the signs shall not flash, pulsate, chase, or otherwise cause a nuisance to an adjoining site or the local area to the satisfaction of the City.
24. The signs shall be located wholly within the boundaries of the subject property at all times.
25. Prior to use of the development, the applicant shall install a 'No exit' sign/s adjacent to the Bell Street crossover. The sign/s shall be located fully within the lot boundary.

**Advice Notes:**

- i. A planning approval is not an approval to commence any works associated with the development. A Building Permit must be obtained prior to commencement of any site and building works. Please liaise with the City's Building Services Department to ascertain the requirements for a building permit to be issued.
- ii. The City's Engineering Requirements and Design Guidelines contains detailed specifications which must be adhered to in the preparation of plans submitted for approval in respect of such matters as drainage, paving, parking, accessways, crossovers, land fill and retaining.

In the event that access ways, parking areas and hard stand is not satisfactorily maintained, the City may require by notice, in writing, that the area be brought up to a satisfactory standard within a specified period of time and the notice shall be complied with within that period. Without limitation, the notice may require that lines marking car bays be re-painted, pot holes be repaired, damaged kerbs be replaced and degraded access or parking areas be resurfaced generally in accordance with the City's Engineering Requirements and Design Guidelines.

- iii. Neither a planning approval nor a building permit constitutes an approval to construct a crossover to a property. Prior to commencement of any site works, separate approval must be obtained from the City's Technical Services



- Department to construct a crossover to the property (i.e. from the road to connect with the property's internal driveway). This approval shall be sought by way of an application for Technical Services Clearance. Failure to obtain approval from the City's Technical Services for the crossover may result in time delays or refusal of a vehicle crossover subsidy. Please note Technical Services Clearance Applications are determined within 30 working days from date of lodgment provided further information is not required.
- iv. A demolition permit must be obtained from the City's Building Services Department prior to commencement of any demolition works. Please liaise with the City's Building Services Department for further information.
  - v. The applicant should be aware of the requirements of Part D3 of the Building Code of Australia Volume One, its associated Australian Standards and the requirements of the Disability (Access to Premises- Buildings) Standards 2010.
  - vi. Once a Building Permit has been granted and the works completed, the building should not be occupied until an application for an Occupancy Permit has been applied for and granted by the City's Building Services Department.
  - vii. In regard to the Stormwater Management Plan, Dewatering Management Plan and Demolition & Construction Management Plan, please liaise with the Department of Biodiversity, Conservation and Attractions for the required details and forward the required management plans to [rivers.planning@dbca.wa.gov.au](mailto:rivers.planning@dbca.wa.gov.au).
  - viii. The Department of Biodiversity, Conservation and Attractions requests that the stormwater management plan include the following:
    - a. Detail of a stormwater management system including a maintenance schedule or a commitment to maintain stormwater drainage infrastructure, including any bio-retention basins and tertiary treatment devices, for the life of the development;
    - b. The stormwater management system is to be designed to enhance the environmental quality of the Swan River through the use of water sensitive urban design;
    - c. Stormwater runoff from constructed impervious surfaces generated by 1 year, 1 hour average recurrence interval events (ARI) (approximately a 15mm rainfall depth on the Swan Coastal Plain) is retained and/or detained at the runoff source, as much as practical;
    - d. A water quality treatment train designed to meet the water quality management objectives of the catchment;
    - e. Wastewater should meet the following criteria:
      - i. For sewer disposal, with the written approval of the sewerage service provided; and
      - ii. For on-site soakage disposal, guided by the national guideline criteria for the protection of water resource values and considering local environmental characteristics,



- f. Should an Emission Reducing Solution (ERS) be used at the site, wastewater containing an ERS should be contained, then transported offsite for approved disposal or consigned to impervious evaporation basins;
  - g. A Stormwater Drainage Plan including a tertiary water quality treatment device to treat stormwater prior to discharge off-site;
  - h. Identify how stormwater quantity management measures have been selected to maximise water quality improvement objectives;
  - i. Detailed description of how site stormwater will be managed, including the installation of petrol and oil separators, any fuel or chemical containment and treatment facilities proposed detailed of any nearby environmental features, such as bores, waterways or wetlands, likely to be affected by discharges from the site and a contingency plan for chemical spills and emergencies; and
  - j. Details of the measures proposed to be taken to prevent uncontaminated external surface water from entering the fuel dispensing area.
- ix. The Department of Biodiversity, Conservation and Attractions has dewatering effluent discharge standards which are required to be met (refer to Policy 50 - Planning for Dewatering Affecting the Swan Canning Development Control Area). The Department of Biodiversity, Conservation and Attractions should be contacted for further information.
  - x. The applicant shall notify the Department of Biodiversity, Conservation and Attractions in writing not less than seven (7) days prior to the commencement of works.
  - xi. In the event the site requires dewatering during construction, the applicant shall submit, and have approved a Dewatering Management Plan to the specifications of the Department of Biodiversity, Conservation and Attractions and the satisfaction of the City of Belmont.
  - xii. Unless agreed in writing by the Department of Biodiversity Conservation and Attractions, no development shall commence until all plans requiring approval by the Department of Biodiversity, Conservation and Attractions have been submitted and approved.
  - xiii. Should the existing stormwater pits be utilised, the lids shall be raised to match the proposed new levels within the hardstand area and shall be installed with trafficable grates.
  - xiv. The Demolition and Construction Management Plan shall address, but is not limited to:
    - Machinery and equipment;
    - Site access;
    - Refuelling;
    - On-site storage and bundling of material, equipment and chemicals;



- Excavation/recontouring;
- Suppression of dust;
- Noise control;
- Waste management;
- Protection of the water course/ drain from inputs of deleterious matter;
- Works schedule and responsibilities for each task; and
- Complaints and incidents.

The proponent is to ensure that appropriate on-site measures shall be implemented to prevent sediment from entering the stormwater system and water course/ drain during demolition and construction.

- xv. The landscaping plan shall be a minimum size of A3, and is to contain a north point and a scale. The plan must show by numerical code, the botanical name of each plant species, proposed pot size, quantity and must also include the proposed treatments of:

- a. all areas of the property visible from the street;
- b. the street verge; and
- c. screening vegetation along the Ballantyne Road façade.

It is recommended that the landscaping plan is prepared by a professional horticulturalist or landscape architect.

- xvi. Street tree removal and replacement in relation to verge trees shall be undertaken by the City with costs paid by the owner/applicant. In regard to the City's requirement for replacement trees this is on the basis of 'one for one' for three small trees within the Bell Street road reserve and 'two for one' for each of the two larger trees within the Ballantyne Road reserve. A total of seven (7) replacement trees will be planted by the City either on the verge or in another location at the expense of the owner/applicant.

- xvii. In regard to signage:

- a. Illuminated signage must be of a low-level not exceeding  $300\text{cd}/\text{m}^2$ , not flash, pulsate or chase.
- b. Signs shall not contain fluorescent, reflective or retro reflective colours or materials.
- c. Any signage or road marking made necessary by the proposed development shall be carried out at the developer's cost.

- xviii. Applications for the waste water treatment systems and liquid waste treatment systems and installation of waste water treatment systems and liquid waste treatment systems must comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and the City of Belmont Health Local Laws 2002.

- xix. A Dangerous Goods licence is required to be obtained prior to operation of the Service Station. The applicant is advised to contact the Department of Mines and Industry Regulation, Dangerous Goods Branch in regard to the Dangerous Goods licence branch for licensing.

- xx. The applicant is advised that no food preparation is approved to be undertaken on-site. Registration in accordance with the Food Act 2008 must



be obtained prior to the commencement of food preparation. Please liaise with the City's Environmental Health Department to ascertain the requirements.

- xxi. The owner/occupier of the premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance as outlined under the City of Belmont Health Local Laws 2002.

### AMENDING MOTION

**Moved by:** Cr Phil Marks

**Seconded by:** Cr Robert Rossi

That Condition 4 be amended as follows:

4. ~~The flush island with brick pattern paving notated on the plans and abutting the Northernmost Ballantyne Road crossover shall be constructed as marked on the approved plan. for the Northern most crossover across the width of the northern most crossover onto Ballantyne Road. This crossover shall include line marking of a large format arrow from the truck forecourt to Ballantyne Road, to the satisfaction of the City.~~

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

For: Cr Phil Marks  
Cr Robert Rossi

Against: Mr Chris Antill  
Mr Michael Hardy  
Ms Sheryl Chaffer

### AMENDING MOTION

**Moved by:** Mr Michael Hardy

**Seconded by:** Mr Chris Antill

That Condition 4 be deleted and the remaining conditions be renumbered accordingly.

- ~~4. The flush island with brick pattern paving notated on the plans and abutting the Ballantyne Road crossover shall be extended across the width of the northern most crossover onto Ballantyne Road. This crossover shall include line marking of a large format arrow from the truck forecourt to Ballantyne Road, to the satisfaction of the City.~~

### REASON:

The condition is unnecessary as the form of the approval in its substance necessarily includes what is contained in the condition.

### The Amending Motion was put and CARRIED (4/1).

For: Ms Sheryl Chaffer  
Mr Michael Hardy  
Mr Chris Antill



Cr Phil Marks

Against: Cr Robert Rossi

**PRIMARY MOTION (AS AMENDED)**

That the Metro Central JDAP resolves to:

**Approve** DAP Application reference DAP/17/01274 and accompanying plans dated 7 September 2017, 29 September 2017, 15 November 2017, and 21 December 2017 for a Service Station, Convenience Store and associated signage at Lot 242 (1) Ballantyne Road, Kewdale in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Belmont Local Planning Scheme No. 15, subject to the following conditions:

**Conditions:**

1. Development/land use shall be in accordance with the attached approved plans dated 7 September 2017 and amended plans dated 29 September 2017, 15 November 2017 and 21 December 2017 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Metro Central Joint Development Assessment Panel or the City of Belmont.
2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four year period, the approval shall lapse and be of no further effect.
3. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
  - a) The approved plan (a minimum of 9 car parking bays, and 1 air and water bay); and
  - b) Council's engineering requirements and design guidelines.

The areas must be sealed in bitumen or concrete in accordance with the City of Belmont specifications, unless otherwise approved by the City. All parking bays must be clearly line marked.

4. The loading and/or unloading of vehicles is to occur on-site and in a manner that does not interfere with the parking of vehicles in the car park. All car parking bays in the car park are to be made available at all times for the parking of vehicles by customers and employees to the satisfaction of the City.
5. Provision to be made so that all commercial vehicles and trucks can ingress and egress the site in forward gear. No reversing of vehicles and trucks to or from the site via a public road is permitted.
6. Prior to occupation or use of the development, the owner / applicant shall, after having obtained written approval from the City (Technical Services Clearance Application), construct a vehicle crossover in accordance with the



- approved plans and Council's engineering specifications to the satisfaction of the City.
7. Prior to occupation or use of the development, the redundant crossover/s to Lot 242, as shown on the approved plans, shall be removed and the verge and kerb reinstated to the satisfaction of the City.
  8. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.
  9. Prior to occupation or use of the development, a minimum of 4 bicycle bays are to be installed to Australian Standards and maintained for the course of the development to the satisfaction of the City.
  10. The owner/applicant shall submit and have approved, a Demolition and Construction Management Plan (including dewatering if required) to the specifications of the Department of Biodiversity, Conservation and Attractions, to the satisfaction of the City. The plan shall be submitted for approval to the City no later than 14 days prior to the commencement of site works.
  11. All existing buildings and structures on the lots, including drainage pits, soakwells, leach drains, septic tanks and waste water disposal systems, shall be removed and the land levelled.
  12. Prior to commencement of works or development being undertaken on site, the applicant owner/applicant shall submit a Stormwater Management Plan showing the proposed drainage system to the specifications of the Department of Biodiversity, Conservation and Attractions, to the satisfaction of the City.
  13. All stormwater from roofed and paved areas, excluding fuel dispensing areas, shall be collected and disposed of off-site via an approved sand trapped manhole/oil and silt separator device in accordance with the City of Belmont engineering requirements and design guidelines.
  14. No stormwater drainage is to be discharged onto the Orrong Road, road reserve.
  15. A landscaping and irrigation plan for the subject development site and street verge, incorporating (non-deciduous) screening vegetation along the Ballantyne Road façade, is to be prepared and submitted to the City for approval within 3 months of the date of this approval to the satisfaction of the City.
  16. Prior to occupation or use of the development, landscaping, plants, verge treatment and/or irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan for the duration of the approved development to the satisfaction of the City.
  17. No turf, irrigation or street trees located in the road verge abutting or adjacent to the subject land may be damaged or removed during the course of the development, unless separately approved in writing by the City.





Where a street tree is approved to be removed, the tree shall be replaced with an equivalent size tree by the City at the owner/applicant's full cost.

18. Prior to lodgement of an application for a Building Permit, the owner/applicant shall submit to the City an Application to Construct or Install an Apparatus for the Treatment of Sewage application for each applicable waste water treatment system and liquid waste treatment system. The system shall then be installed and maintained to the satisfaction of the City.
19. The fuel dispensing areas are to be roofed, paved and graded to direct run off from within these areas to dedicated liquid waste sumps. Liquid waste from refuelling areas must be treated and disposed of in accordance with the Department of Health WA water recycling and water quality criteria, to the satisfaction of the City.
20. Wastewater from the fuel dispensing areas, including all associated sumps, tanks and treatment and disposal devices shall be established and maintained completely separate from the stormwater drainage system.
21. Signage on the site shall only advertise the businesses operating on the subject lot.
22. The illumination of the signs shall not flash, pulsate, chase, or otherwise cause a nuisance to an adjoining site or the local area to the satisfaction of the City.
23. The signs shall be located wholly within the boundaries of the subject property at all times.
24. Prior to use of the development, the applicant shall install a 'No exit' sign/s adjacent to the Bell Street crossover. The sign/s shall be located fully within the lot boundary.

**Advice Notes:**

- i. A planning approval is not an approval to commence any works associated with the development. A Building Permit must be obtained prior to commencement of any site and building works. Please liaise with the City's Building Services Department to ascertain the requirements for a building permit to be issued.
- ii. The City's Engineering Requirements and Design Guidelines contains detailed specifications which must be adhered to in the preparation of plans submitted for approval in respect of such matters as drainage, paving, parking, accessways, crossovers, land fill and retaining.

In the event that access ways, parking areas and hard stand is not satisfactorily maintained, the City may require by notice, in writing, that the area be brought up to a satisfactory standard within a specified period of time and the notice shall be complied with within that period. Without limitation, the notice may require that lines marking car bays be re-painted, pot holes be repaired, damaged kerbs be replaced and degraded access or parking areas be resurfaced generally in accordance with the City's Engineering Requirements and Design Guidelines.



- iii. Neither a planning approval nor a building permit constitutes an approval to construct a crossover to a property. Prior to commencement of any site works, separate approval must be obtained from the City's Technical Services Department to construct a crossover to the property (i.e. from the road to connect with the property's internal driveway). This approval shall be sought by way of an application for Technical Services Clearance. Failure to obtain approval from the City's Technical Services for the crossover may result in time delays or refusal of a vehicle crossover subsidy. Please note Technical Services Clearance Applications are determined within 30 working days from date of lodgment provided further information is not required.
- iv. A demolition permit must be obtained from the City's Building Services Department prior to commencement of any demolition works. Please liaise with the City's Building Services Department for further information.
- v. The applicant should be aware of the requirements of Part D3 of the Building Code of Australia Volume One, its associated Australian Standards and the requirements of the Disability (Access to Premises- Buildings) Standards 2010.
- vi. Once a Building Permit has been granted and the works completed, the building should not be occupied until an application for an Occupancy Permit has been applied for and granted by the City's Building Services Department.
- vii. In regard to the Stormwater Management Plan, Dewatering Management Plan and Demolition & Construction Management Plan, please liaise with the Department of Biodiversity, Conservation and Attractions for the required details and forward the required management plans to [rivers.planning@dbca.wa.gov.au](mailto:rivers.planning@dbca.wa.gov.au).
- viii. The Department of Biodiversity, Conservation and Attractions requests that the stormwater management plan include the following:
  - a. Detail of a stormwater management system including a maintenance schedule or a commitment to maintain stormwater drainage infrastructure, including any bio-retention basins and tertiary treatment devices, for the life of the development;
  - b. The stormwater management system is to be designed to enhance the environmental quality of the Swan River through the use of water sensitive urban design;
  - c. Stormwater runoff from constructed impervious surfaces generated by 1 year, 1 hour average recurrence interval events (ARI) (approximately a 15mm rainfall depth on the Swan Coastal Plain) is retained and/or detained at the runoff source, as much as practical;
  - d. A water quality treatment train designed to meet the water quality management objectives of the catchment;
  - e. Wastewater should meet the following criteria:
    - iii. For sewer disposal, with the written approval of the sewerage service provided; and



- iv. For on-site soakage disposal, guided by the national guideline criteria for the protection of water resource values and considering local environmental characteristics,
  - f. Should an Emission Reducing Solution (ERS) be used at the site, wastewater containing an ERS should be contained, then transported offsite for approved disposal or consigned to impervious evaporation basins;
  - g. A Stormwater Drainage Plan including a tertiary water quality treatment device to treat stormwater prior to discharge off-site;
  - h. Identify how stormwater quantity management measures have been selected to maximise water quality improvement objectives;
  - i. Detailed description of how site stormwater will be managed, including the installation of petrol and oil separators, any fuel or chemical containment and treatment facilities proposed detailed of any nearby environmental features, such as bores, waterways or wetlands, likely to be affected by discharges from the site and a contingency plan for chemical spills and emergencies; and
  - j. Details of the measures proposed to be taken to prevent uncontaminated external surface water from entering the fuel dispensing area.
- ix. The Department of Biodiversity, Conservation and Attractions has dewatering effluent discharge standards which are required to be met (refer to Policy 50 - Planning for Dewatering Affecting the Swan Canning Development Control Area). The Department of Biodiversity, Conservation and Attractions should be contacted for further information.
- x. The applicant shall notify the Department of Biodiversity, Conservation and Attractions in writing not less than seven (7) days prior to the commencement of works.
- xi. In the event the site requires dewatering during construction, the applicant shall submit, and have approved a Dewatering Management Plan to the specifications of the Department of Biodiversity, Conservation and Attractions and the satisfaction of the City of Belmont.
- xii. Unless agreed in writing by the Department of Biodiversity Conservation and Attractions, no development shall commence until all plans requiring approval by the Department of Biodiversity, Conservation and Attractions have been submitted and approved.
- xiii. Should the existing stormwater pits be utilised, the lids shall be raised to match the proposed new levels within the hardstand area and shall be installed with trafficable grates.
- xiv. The Demolition and Construction Management Plan shall address, but is not limited to:
- Machinery and equipment;



- Site access;
- Refuelling;
- On-site storage and bundling of material, equipment and chemicals;
- Excavation/recontouring;
- Suppression of dust;
- Noise control;
- Waste management;
- Protection of the water course/ drain from inputs of deleterious matter;
- Works schedule and responsibilities for each task; and
- Complaints and incidents.

The proponent is to ensure that appropriate on-site measures shall be implemented to prevent sediment from entering the stormwater system and water course/ drain during demolition and construction.

- xv. The landscaping plan shall be a minimum size of A3, and is to contain a north point and a scale. The plan must show by numerical code, the botanical name of each plant species, proposed pot size, quantity and must also include the proposed treatments of:
- a. all areas of the property visible from the street;
  - b. the street verge; and
  - c. screening vegetation along the Ballantyne Road façade.

It is recommended that the landscaping plan is prepared by a professional horticulturalist or landscape architect.

- xvi. Street tree removal and replacement in relation to verge trees shall be undertaken by the City with costs paid by the owner/applicant. In regard to the City's requirement for replacement trees this is on the basis of 'one for one' for three small trees within the Bell Street road reserve and 'two for one' for each of the two larger trees within the Ballantyne Road reserve. A total of seven (7) replacement trees will be planted by the City either on the verge or in another location at the expense of the owner/applicant.

- xvii. In regard to signage:
- a. Illuminated signage must be of a low-level not exceeding  $300\text{cd}/\text{m}^2$ , not flash, pulsate or chase.
  - b. Signs shall not contain fluorescent, reflective or retro reflective colours or materials.
  - c. Any signage or road marking made necessary by the proposed development shall be carried out at the developer's cost.

- xviii. Applications for the waste water treatment systems and liquid waste treatment systems and installation of waste water treatment systems and liquid waste treatment systems must comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and the City of Belmont Health Local Laws 2002.

- xix. A Dangerous Goods licence is required to be obtained prior to operation of the Service Station. The applicant is advised to contact the Department of Mines and Industry Regulation, Dangerous Goods Branch in regard to the Dangerous Goods licence branch for licensing.



- xx. The applicant is advised that no food preparation is approved to be undertaken on-site. Registration in accordance with the Food Act 2008 must be obtained prior to the commencement of food preparation. Please liaise with the City's Environmental Health Department to ascertain the requirements.
- xxi. The owner/occupier of the premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance as outlined under the City of Belmont Health Local Laws 2002.

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

**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 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 2.39pm.