



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 19 August 2021; 9:30am
Meeting Number: RJDAP/29
Meeting Venue: via Zoom

This DAP meeting was conducted by electronic means open to the public rather than requiring attendance in person

1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	2
2.	Apologies.....	3
3.	Members on Leave of Absence.....	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	3
7.	Deputations and Presentations.....	4
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	5
	8.1 Lot 64 (184-186) North West Coastal Highway, Wonthella	5
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	19
	Nil.....	19
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	19
11.	General Business.....	20
12.	Meeting Closure	20



Attendance

DAP Members

Ms Kanella Hope (A/Presiding Member)
Mr Brian Curtis (A/Deputy Presiding Member)
Mr Justin Page (Third Specialist Member)
Mayor Shane Van Styn (Local Government Member, City of Greater Geraldton)
Cr Bob Hall (Local Government Member, City of Greater Geraldton)

Officers in attendance

Ms Neraida Browne (City of Greater Geraldton)
Mr Phil Melling (City of Greater Geraldton)
Mr Paul Devcic (City of Greater Geraldton)

Minute Secretary

Ms Adele McMahon (DAP Secretariat)
Ms Zoe Hendry (DAP Secretariat)

Applicants and Submitters

Item 8.1

Ms Louise Adamson (Main Roads WA)
Ms Ingrid Maher (Planning Solutions)
Mr Behnam Bordbar (Transcore)
Mr Clint Nieuwedaal (Chantica Midwest Pty Ltd)
Ms Rebecca Ireland (EcoAcoustics)
Ms Heidi Herget (Move Consultants)

Members of the Public / Media

There was 1 member of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:38am on 19 August 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The A/Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.



1.1 Announcements by Presiding Member

The A/Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 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.

This meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Mr Paul Kotsoglo (Presiding Member)

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

The A/Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 17 & 19 August 2021.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Mr Paul Kotsoglo, declared a Pecuniary Interest in item 8.1. Mr Kotsoglo is the Managing Director of Planning Solutions, the applicant for this proposal.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the A/Presiding Member determined that the member listed above, who had disclosed a Pecuniary Interest, was not permitted to participate in the discussion and voting on the item.



7. Deputations and Presentations

- 7.1 Ms Louise Adamson (Main Roads WA) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Behnam Bordbar (Transcore) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Mr Clint Nieuwedaal (Chantica Midwest Pty Ltd) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 Ms Ingrid Maher (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5 Ms Kerry Wheat (adjoining landowner) responded to questions from the panel.
- 7.6 City of Greater Geraldton officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

PROCEDURAL MOTION

Moved by: Ms Kanella Hope

Seconded by: Cr Bob Hall

That the meeting be adjourned for a period of 10 minutes.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow the members to take a comfort break.

PROCEDURAL MOTION

Moved by: Ms Kanella Hope

Seconded by: Mr Justin Page

That the meeting be reinstated.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To recommence the meeting.

The meeting was adjourned at 11:41am.

The meeting was reconvened at 11:51am.

Mayor Shane Van Styn (City of Greater Geraldton) left the panel at 11:33am.

Mayor Shane Van Styn (City of Greater Geraldton) rejoined the panel at 11:51am.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 64 (184-186) North West Coastal Highway, Wonthella

Development Description: Service Station and Convenience Store
Applicant: Planning Solutions
Owner: Chantica Midwest Pty Ltd
Responsible Authority: City of Greater Geraldton
DAP File No: DAP/21/01999

REPORT RECOMMENDATION

Moved by: Mayor Shane Van Styn

Seconded by: Cr Bob Hall

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/01999 is appropriate for consideration as a “Service Station and Convenience Store” land use and compatible with the objectives of the zoning table in accordance with Clause 3.15 of the City of Greater Geraldton Local Planning Scheme No.1.
2. **Approve** DAP Application reference DAP/21/01999 and accompanying Amended set of Development Application Plans date stamped 21 July 2021 contained in Attachment 9 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Greater Geraldton Local Planning Scheme No. 1, subject to the following conditions:

Conditions:

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.
2. Development shall be in accordance with the attached approved plans (Attachment 9) and subject to any modifications required as a consequence of any condition(s) of this approval.
3. All tilt up concrete panels, rendered or plain masonry block walls are to be painted or treated with colouring to the approval of the local government. Tilt up walls that front any public street or public space are to have detail panels or some other acceptable treatment to the approval of the local government to break the overall impact of an otherwise blank wall.
4. Prior to an application for building permit a detailed design of stormwater collection and system of disposal from the developed areas is to be submitted to and approved by the local government. The approved detailed design is to be implemented in full prior to the use of the approved development and maintained thereafter to the approval of the local government.



5. No goods or materials are to be stored in the areas set aside for parking, landscaping or within access driveways.
6. The area set aside for the parking of vehicles together with the associated access as shown on the attached approved plan(s) shall:
 - a. be installed to the approval of the local government prior to the commencement of the approved use;
 - b. be maintained thereafter to the approval of the local government;
 - c. be made available for such use at all times and not used for any other purpose unless otherwise approved in writing by the local government;
 - d. be properly formed to such levels that it can be used in accordance with the approved plan(s) and use;
 - e. be drained and sealed with an all-weather seal coat to the approval of the local government;
 - f. have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plan(s); and
 - g. be designed in accordance with AS2890.
7. Prior to an application for building permit a landscaping plan shall be submitted to and approved by the local government. The approved landscaping plan is to be implemented in full prior to use of the approved development and thereafter maintained to the approval of the local government.
8. Prior to an application for building permit a detailed schedule of materials for all pedestrian pathways is to be submitted to and approved by the local government.
9. Prior to commencement of development, outdoor lighting plans must be submitted and approved by the local government. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties.
10. All loading and unloading associated with the development is to take place within the boundaries of the premises and undertaken in a manner so as to cause minimum interference with other vehicular traffic.
11. The proponent is responsible for all costs involved in the design and construction of the accesses and associated upgrades to North West Coastal Highway and Place Road. This includes signage, road markings, relocation of services, street lighting, pedestrian pathways and Main Roads WA costs involved with the checking of the design and construction drawings and any site inspections. Prior to an application for building permit the proponent is to submit detailed design drawings, report, construction specifications and schedule of all works to the approval of the local government and Main Roads WA.
12. Prior to an application for building permit detailed design civil drawings including design levels for all on-site construction works are to be submitted to and approved by the local government.
13. Accessible car parking bays are to be provided in accordance with the Building Code of Australia and AS2890 Part 6 2009.



14. The proponent at the time shall be responsible to compensate the local government for the repair of (or shall if the local government so agrees repair) any facility existing on the road reserve adjacent to the site which is damaged in the process of construction, establishment or installation of the development.
15. A Waste Management Plan must be submitted to and approved by the local government prior to lodging an application for a building permit. The plan must include the following details to the satisfaction and specification of the local government:
 - a) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - b) details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - c) frequency of bin collections.

Once approved, the landowner/proponent is required to ensure the Waste Management Plan is implemented at all times to the satisfaction of the local government.

16. Redundant vehicle crossovers (including the bitumised car parking) to be removed and the kerbing and verge reinstated with dual use pathways or landscaping to the satisfaction of Main Roads WA and the local government.
17. The proponent must obtain Main Roads WA approval prior to any works being undertaken in the North West Coastal Highway Road reserve.
18. Fuel delivery trucks are restricted to a maximum length of 17 metres in accordance with the 'Swept Path Analysis for Semi-Trailer', contained within 'Move' Traffic Impact and Parking Assessment dated 7 July 2021 prepared by Move Consultants as lodged with the local government.
19. Prior to the commencement of any works on site, a Construction Management Plan shall be prepared and submitted for approval by the local government and thereafter implemented to the satisfaction of the local government. The Construction Management Plan shall detail how the following matters will be managed during the construction phase:
 - a. Minimises the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;
 - b. Ensures the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products and reflected light;
 - c. Details the management applicable to construction traffic movement, occupational health and safety, signage, dust management and environmental management in relation to the approved development; and
 - d. Incorporates any suggested management measures from accompanying technical assessment reports.



20. The acoustic wall adjoining Lot 3 (No.204) Place Road, Wonthella as shown on the attached approved plans shall be constructed prior to occupation and/or use of the approved development to the approval of the local government.
21. Crossing place(s) are required to be installed to the approval of the local government.
22. The landowner/proponent from time to time is responsible to ensure that all installations, activities and processes associated with the development are carried out at all times and in all respects in accordance with the Noise Assessment Report dated 12 May 2021 prepared by Eco Acoustics as lodged with the local government.
23. The area set aside for the parking of bicycles as shown on the attached approved plan(s) shall:
 - a) be installed to the approval of the local government prior to the commencement of the approved use;
 - b) be maintained thereafter to the approval of the local government;
 - c) be designed in accordance with AS2890.3.
24. Prior to an application for a building permit a detailed traffic signage and line marking plan is to be submitted to and approved by the local government.
25. Prior to an application for a building permit a management plan detailing engineering solutions to prevent prohibited truck movements and demonstrating how trucks greater than 17m in length will be prevented from entering the site from North West Coastal Highway is to be submitted to and approved by the local government.
26. The finish of the acoustic wall on the affected landowners side Lot 3 (No.204) Place Road, Wonthella is to have a sand finish render in a cream colour to the satisfaction of the local government.
27. All mechanical service systems are to be designed and installed to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the *Environmental Protection (Noise) Regulations 1997*.
28. The final art work design for the wall of the 'X' Convenience Store facing Place Road is to be submitted to and approved by the local government and installed prior to an application for an occupancy permit.
29. Any signage is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to any nearby residents or passing motorists.
30. Illuminated sign panels are not permitted to emit a flashing light or scroll.



Advice Notes:

- a. With regard to the design and construction of the accesses and associated upgrades to North West Coastal Highway and Place Road, the following sequence of phases are to be completed and approved to the satisfaction of Main Roads WA:
- Revised TIA and RAV assessment, which shall determine the type of access arrangements and the upgrades required to the existing road network.
 - Design scope of works, detailed design, design report and construction specification.
 - Construction of works.
 - Handover of completed works to Main Roads WA.

With regard to the revised TIA and RAV assessment:

- The access arrangements for the development are subject to the TIA being approved by Main Roads WA.
 - Internal vehicle swept paths must be shown on the design plans and must comply with the Austroads 'Design Vehicles and Turning Path Templates' and 'Guide to Road Design' for the approved design vehicle.
- b. With regard to condition number 11, the detailed design civil drawings and the detailed schedule of all works must include (but is not limited to) pedestrian pathways, pram ramps, vehicle and pedestrian crossings and any lighting upgrades.
- c. 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 1

Moved by: Mayor Shane Van Styn

Seconded by: Cr Bob Hall

That condition no. 3 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: This condition is unnecessary as it duplicates Conditions 2, 26 and 28.



AMENDING MOTION 2

Moved by: Mayor Shane Van Styn

Seconded by: Cr Bob Hall

That condition no. 6 (now condition no. 5) be amended to read as follows:

The area set aside for the parking of vehicles together with the associated access as shown on the attached approved plan(s) shall:

- a. ~~be installed to the approval of the local government prior to the commencement of the approved use;~~*
- b. ~~be maintained thereafter to the approval of the local government;~~*
- c. ~~be made available for such use at all times and not used for any other purpose unless otherwise approved in writing by the local government;~~*
- d. ~~be properly formed to such levels that it can be used in accordance with the approved plan(s) and use;~~*
- e. ~~be drained and sealed with an all-weather seal coat to the approval of the local government;~~*
- f. ~~have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plan(s); and~~*
- g. ~~be designed in accordance with AS2890.~~*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: For clarity of what is required to be approved and to avoid duplication / repetition of the words “to the approval of the local government” which is implied for the entire condition.

AMENDING MOTION 3

Moved by: Mr Justin Page

Seconded by: Mayor Shane Van Styn

That condition no. 9 (now condition no. 8) be deleted and replaced with the following condition to read as follows:

Outdoor lighting must comply with Australian Standard AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify what is required and to reference the relevant Australian Standards.

AMENDING MOTION 4

Moved by: Cr Bob Hall

Seconded by: NIL

That condition no. 11 (now condition no. 10) be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was WITHDRAWN by the MOVER.



AMENDING MOTION 5

Moved by: Mayor Shane Van Styn

Seconded by: Mr Justin Page

That condition no. 11 (now condition no. 10) be amended to read as follows:

The proponent is responsible for all costs involved in the design and construction of the accesses and associated upgrades to ~~North West Coastal Highway and Place Road~~. This includes signage, road markings, relocation of services, street lighting, pedestrian pathways and ~~Main Roads WA~~ costs involved with the checking of the design and construction drawings and any site inspections. Prior to an application for building permit the proponent is to submit detailed design drawings, report, construction specifications and schedule of all works to the approval of the local government ~~and Main Roads WA~~.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: In this circumstance, the Panel is satisfied that no works are proposed on North West Coastal Highway so no approval of MRWA is required

AMENDING MOTION 6

Moved by: Mr Brian Curtis

Seconded by: Mr Justin Page

That condition no. 14 (now condition no. 13) be deleted, the remaining conditions be renumbered accordingly and be added as advice note (d).

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: This condition is a third party requirement which exists under other legislation and therefore should be provided as advice only.

AMENDING MOTION 7

Moved by: Ms Kanella Hope

Seconded by: Mayor Shane Van Styn

That condition no. 16 (now condition no. 14) be amended to read as follows:

Redundant vehicle crossovers (including the bitumised car parking) to be removed and the kerbing and verge reinstated with dual use pathways or landscaping to the satisfaction of ~~Main Roads WA~~ and the local government.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: In this circumstance, the Panel is satisfied that no works are proposed on North West Coastal Highway so no approval of MRWA is required



AMENDING MOTION 8

Moved by: Mr Justin Page

Seconded by: Mr Brian Curtis

That condition no. 17 (now condition no. 15) be deleted, the remaining conditions be renumbered accordingly and be added as advice note (e)

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON:

This condition is a third party requirement which exists under other legislation and therefore should be provided as advice only.

AMENDING MOTION 9

Moved by: Mr Justin Page

Seconded by: NIL

That condition no. 18 (now condition no. 16) be amended to read as follows:

*Fuel delivery trucks are restricted to a maximum length of 17 metres in accordance with the 'Swept Path Analysis for Semi-Trailer', contained within 'Move' Traffic Impact and Parking Assessment dated 7 July 2021 prepared by Move Consultants as lodged with the local government, **with no modification to the Place Road crossover to allow for a left turn exit of a refuelling vehicle.***

The Amending Motion LAPSED for want of a seconder.

AMENDING MOTION 10

Moved by: Mayor Shane Van Styn

Seconded by: Cr Bob Hall

That condition no. 18 (now condition no. 16) be amended to read as follows:

*Fuel delivery trucks are restricted to a maximum length of 17 metres in accordance with the 'Swept Path Analysis for Semi-Trailer', ~~contained within 'Move' Traffic Impact and Parking Assessment dated 7 July 2021 prepared by Move Consultants as lodged with the local government~~ **Plan SKO4 contained within the lodged Transcore advice, and entering the site by left hand turn in only via Place Road and exiting the site by left hand turn out only via North West Coastal Highway.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The Panel considered that a fuel delivery vehicle left turn exit from the site onto Place Road was not appropriate due to the increased risks to traffic, particularly at the intersection of Place Road and North West Coastal Highway and the extent of works required to facilitate this, and that it would be more appropriate for fuel delivery vehicles to exit the site via a left turn onto North West Coastal Highway for improved traffic safety.



AMENDING MOTION 11

Moved by: Ms Kanella Hope

Seconded by: Cr Bob Hall

That condition no. 20 (now condition no. 18) be amended to read as follows:

The acoustic wall adjoining Lot 3 (No. 204) Place Road, Wonthella and Lots 59 & 60 (No. 203 & 205) First Street, Wonthella as shown on the attached approved plans shall be constructed prior to occupation and/or use of the approved development to the approval of the local government.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To be consistent with the *Noise Assessment Report dated 12 May 2021 prepared by Eco Acoustics as lodged with the local government.*

AMENDING MOTION 12

Moved by: Mayor Shane Van Styn

Seconded by: Mr Justin Page

That condition no. 21 (now condition no. 19) be deleted, the remaining conditions be renumbered accordingly and be added as advice note (f)

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON:

This condition is a third party requirement which exists under other legislation and therefore should be provided as advice only.

AMENDING MOTION 13

Moved by: Ms Kanella Hope

Seconded by: Mr Brian Curtis

That condition no. 24 (now condition no. 21) be amended to read as follows:

*Prior to an application for a building permit a detailed traffic signage and line marking plan **for the development site** is to be submitted to and approved by the local government.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarification that the plan is required for the development site only.



AMENDING MOTION 14

Moved by: Mr Brian Curtis

Seconded by: Mr Justin Page

That condition no. 25 (now condition no. 22) be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: This requirement is considered unnecessary in context of the other development conditions. Any engineering solutions to restrict 19m length vehicles will likely cause obstructions to other users creating unnecessary traffic hazards.

AMENDING MOTION 15

Moved by: Ms Kanella Hope

Seconded by: Cr Bob Hall

That condition no. 26 (now condition no. 22) be amended to read as follows:

*The finish of the acoustic wall on the affected landowners side Lot 3 (No.204) Place Road, Wonthella is to have ~~a sand finish render in a cream colour~~ **finish** to the satisfaction of the local government.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: As agreed to by the adjoining landowner at Lot 3

AMENDING MOTION 16

Moved by: Mayor Shane Van Styn

Seconded by: Cr Bob Hall

That advice note (a) be deleted and the remaining advice notes be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The advice note is considered unnecessary in the context of the development conditions.



AMENDING MOTION 17

Moved by: Mr Justin Page

Seconded by: Cr Bob Hall

That a new condition no. 26 be added to read as follows:

A Fuel Delivery Management Plan is to be prepared to the satisfaction of the local government of which shall include;

- a) all refuelling shall occur outside of the AM and PM peak period to minimise traffic impact;***
- b) the recommendations of the Noise Assessment Report dated 12 May 2021 prepared by Eco Acoustics as lodged with the local government.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure appropriate delivery procedures are put in place for traffic safety and amenity.

REPORT RECOMMENDATION (AS AMENDED)

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/01999 is appropriate for consideration as a “Service Station and Convenience Store” land use and compatible with the objectives of the zoning table in accordance with Clause 3.15 of the City of Greater Geraldton Local Planning Scheme No.1.
2. **Approve** DAP Application reference DAP/21/01999 and accompanying Amended set of Development Application Plans date stamped 21 July 2021 contained in Attachment 9 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Greater Geraldton Local Planning Scheme No. 1, subject to the following conditions:

Conditions:

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.
2. Development shall be in accordance with the attached approved plans (Attachment 9) and subject to any modifications required as a consequence of any condition(s) of this approval.
3. Prior to an application for building permit a detailed design of stormwater collection and system of disposal from the developed areas is to be submitted to and approved by the local government. The approved detailed design is to be implemented in full prior to the use of the approved development and maintained thereafter to the approval of the local government.



4. No goods or materials are to be stored in the areas set aside for parking, landscaping or within access driveways.
5. The area set aside for the parking of vehicles together with the associated access as shown on the attached approved plan(s) shall:
 - a. be installed prior to the commencement of the approved use;
 - b. be maintained thereafter;
 - c. be made available for such use at all times and not used for any other purpose unless otherwise approved in writing by the local government;
 - d. be properly formed to such levels that it can be used in accordance with the approved plan(s) and use;
 - e. be drained and sealed;
 - f. have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plan(s); and
 - g. be designed in accordance with AS2890.
6. Prior to an application for building permit a landscaping plan shall be submitted to and approved by the local government. The approved landscaping plan is to be implemented in full prior to use of the approved development and thereafter maintained to the approval of the local government.
7. Prior to an application for building permit a detailed schedule of materials for all pedestrian pathways is to be submitted to and approved by the local government.
8. Outdoor lighting must comply with Australian Standard AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting.
9. All loading and unloading associated with the development is to take place within the boundaries of the premises and undertaken in a manner so as to cause minimum interference with other vehicular traffic.
10. The proponent is responsible for all costs involved in the design and construction of the accesses and associated upgrades to Place Road. This includes signage, road markings, relocation of services, street lighting, pedestrian pathways and costs involved with the checking of the design and construction drawings and any site inspections. Prior to an application for building permit the proponent is to submit detailed design drawings, report, construction specifications and schedule of all works to the approval of the local government.
11. Prior to an application for building permit detailed design civil drawings including design levels for all on-site construction works are to be submitted to and approved by the local government.
12. Accessible car parking bays are to be provided in accordance with the Building Code of Australia and AS2890 Part 6 2009.



13. A Waste Management Plan must be submitted to and approved by the local government prior to lodging an application for a building permit. The plan must include the following details to the satisfaction and specification of the local government:
- the number, volume and type of bins, and the type of waste to be placed in the bins;
 - details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - frequency of bin collections.

Once approved, the landowner/proponent is required to ensure the Waste Management Plan is implemented at all times to the satisfaction of the local government.

14. Redundant vehicle crossovers (including the bitumised car parking) to be removed and the kerbing and verge reinstated with dual use pathways or landscaping to the satisfaction of the local government.
15. Fuel delivery trucks are restricted to a maximum length of 17 metres in accordance with the 'Swept Path Analysis for Semi-Trailer', Plan SKO4 contained within the lodged Transcore advice, and entering the site by left hand turn in only via Place Road and exiting the site by left hand turn out only via North West Coastal Highway.
16. Prior to the commencement of any works on site, a Construction Management Plan shall be prepared and submitted for approval by the local government and thereafter implemented to the satisfaction of the local government. The Construction Management Plan shall detail how the following matters will be managed during the construction phase:
- Minimises the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;
 - Ensures the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products and reflected light;
 - Details the management applicable to construction traffic movement, occupational health and safety, signage, dust management and environmental management in relation to the approved development; and
 - Incorporates any suggested management measures from accompanying technical assessment reports.
17. The acoustic wall adjoining Lot 3 (No. 204) Place Road, Wonthella and Lots 59 & 60 (No. 203 & 205) First Street, Wonthella as shown on the attached approved plans shall be constructed prior to occupation and/or use of the approved development to the approval of the local government.
18. The landowner/proponent from time to time is responsible to ensure that all installations, activities and processes associated with the development are carried out at all times and in all respects in accordance with the Noise Assessment Report dated 12 May 2021 prepared by Eco Acoustics as lodged with the local government.



19. The area set aside for the parking of bicycles as shown on the attached approved plan(s) shall:
 - a) be installed to the approval of the local government prior to the commencement of the approved use;
 - b) be maintained thereafter to the approval of the local government;
 - c) be designed in accordance with AS2890.3.
20. Prior to an application for a building permit a detailed traffic signage and line marking plan for the development site is to be submitted to and approved by the local government.
21. The finish of the acoustic wall on the affected landowners side Lot 3 (No.204) Place Road, Wonthella is to have a cream colour finish to the satisfaction of the local government.
22. All mechanical service systems are to be designed and installed to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the *Environmental Protection (Noise) Regulations 1997*.
23. The final art work design for the wall of the 'X' Convenience Store facing Place Road is to be submitted to and approved by the local government and installed prior to an application for an occupancy permit.
24. Any signage is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to any nearby residents or passing motorists.
25. Illuminated sign panels are not permitted to emit a flashing light or scroll.
26. A Fuel Delivery Management Plan is to be prepared to the satisfaction of the local government of which shall include:
 - a) all refuelling shall occur outside of the AM and PM peak period to minimise traffic impact;
 - b) the recommendations of the Noise Assessment Report dated 12 May 2021 prepared by Eco Acoustics as lodged with the local government.

Advice Notes:

- a. With regard to condition number 11, the detailed design civil drawings and the detailed schedule of all works must include (but is not limited to) pedestrian pathways, pram ramps, vehicle and pedestrian crossings and any lighting upgrades.
- b. 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.
- c. The proponent at the time shall be responsible to compensate the local government for the repair of (or shall if the local government so agrees repair) any facility existing on the road reserve adjacent to the site which is damaged in the process of construction, establishment or installation of the development.



- d. The proponent must obtain Main Roads WA approval prior to any works being undertaken in the North West Coastal Highway Road reserve.
- e. Crossing place(s) are required to be installed to the approval of the local government.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The Panel extensively considered the Responsible Authority Report and all materials and information presented.

This included consideration of issues raised by submissions against approval or for modifying the recommended conditions, including by MRWA and the justifications presented by the applicant and City in support of the proposal.

The Panel, having considered the RAR, was satisfied with the RAR recommendation but with amended conditions, particularly those addressing traffic management and refuelling arrangements that were considered more suited to this site and context. Overall the Panel was satisfied that all relevant planning considerations had been appropriately addressed.

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications –

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DP/14/00039 DR 65/2020	Shire of York	Lots 4869 (2256), 5931, 9926 (2948) and 26934 Great Southern Highway, St Ronans	Construction and Use of Allawuna Farm for the purposes of a Class II Landfill	28 July 2020

The A/Presiding Member noted the following Supreme Court Appeal -

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
CIV 1496 of 2021 (DAP/20/01845)	City of Busselton	Lot 26 & 28 Geographe Bay Road and Lots 23 & 25 Lorna Street, Dunsborough	Mixed Use Multiple Residential	15 June 2021



11. General Business

The A/Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 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.

12. Meeting Closure

There being no further business, the A/Presiding Member declared the meeting closed at 12:54pm.

A handwritten signature in blue ink, appearing to read 'K Hope'.