



## Regional Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 12 May 2022; 9:30am  
**Meeting Number:** RJDAP/54  
**Meeting Venue:** Electronic Means

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

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## Attendance

### DAP Members

Ms Kanella Hope (A/Presiding Member)  
Mr Brian Curtis (A/Deputy Presiding Member)  
Mr Justin Page (Third Specialist Member)  
Cr Robert Hall (Local Government Member, City of Greater Geraldton)  
Cr Natasha Colliver (Local Government Member, City of Greater Geraldton)

### Officers in attendance

Ms Serena Schewtschenko (City of Greater Geraldton)  
Mr Rajiv Kapur (City of Greater Geraldton)  
Mr Mike Dufour (City of Greater Geraldton)

### Minute Secretary

Ms Samantha Hansen (DAP Secretariat)  
Ms Megan Ventriss (DAP Secretariat)

### Applicants and Submitters

Mr Reece Hendy (Planning Solutions)  
Mr Nathan Maas (Planning Solutions)  
Mr Vladimir Baltic (Transcore)  
Ms Louise Adamson (Department of Transport and Main Roads)

### Members of the Public / Media

Nil

## 1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:35am on 12 May 2022 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 (Zoom). Members were reminded to announce their name and title prior to speaking.

Ms Kanella Hope  
Presiding Member, JDAP



## 2. Apologies

Mr Paul Kotsoglo (Presiding Member)  
Mayor Shane Van Styn (Local Government Member, City of Greater Geraldton)

## 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 9.1, received on 11 May 2022.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

DAP Member, Mr Paul Kotsoglo, declared a Direct Pecuniary Interest in item 9.1. As Managing Director of the Planning Solutions (the Applicant) Mr Kotsoglo has a Direct Pecuniary Interest in this matter.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the A/Presiding Member, Ms Kanella Hope, 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 9.1 and responded to questions from the panel.

7.2 Mr Reece Hendy (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

7.3 Mr Vladimir Baltic (Transcore) responded to questions from the panel.

7.3 Officers from the City of Greater Geraldton addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

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

Nil



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

### 9.1 North West Coastal Highway No 184-186 Wonthella

Development Description:	Service Station and Convenience Store
Proposed Amendments:	To amend the following aspects of the development determined and approved by DAP by: a) adding a drive through coffee lane b) amending the site layout to accommodate the drive through lane c) expansion of the Convenience Store d) modification of external appearance and signage
Applicant:	Planning Solutions
Owner:	Chantica Midwest Pty Ltd
Responsible Authority:	City of Greater Geraldton
DAP File No:	DAP/21/01999

### REPORT RECOMMENDATION

**Moved by:** Mr Justin Page

**Seconded by:** Cr Robert Hall

That the Regional JDAP resolves to:

1. **Accept** that the Amended DAP Application reference DAP/21/01999 is appropriate for consideration as a “Service Station and Convenience Store” with a drive through coffee lane 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 set of Development Application Plans date stamped received 24<sup>th</sup> February 2022 contained in Attachment 1 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Greater Geraldton Local Planning Scheme No. 1, subject to the same terms, conditions and advice imposed by JDAP at its meeting on 19<sup>th</sup> August 2021 as outlined as follows:

#### 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 date stamped received 24<sup>th</sup> February 2022 (Attachment 1) 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 bituminised 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', as per attachment 7 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.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011.

**The Report Recommendation was put and CARRIED UNANIMOUSLY**

**REASON:** The panel extensively considered the implications of the amended proposal and overall was satisfied this matter was suitable to be considered as a Form 2, and that the additional changes to the development were suitably justified and not significant departures from the original approval. The Panel acknowledged that the drive-through facility would lead to an increase in traffic as stated in the Applicant's Transport Impact Statement, however the increase would be minor and no changes to the proposed access arrangements are required.

The panel was also of the view that a new TIA was not warranted; that the 17m truck swept path, site layout and drive thru queue arrangements were satisfactory; that the adjusted built form was an improved presentation to the street frontage; and that the drive thru component was limited (as also agreed by the applicant), to use only for the sale of hot drinks by virtue of being part of the service station and convenience store approval as distinct to a fast food or take away land use.

The Panel also noted Main Roads WA future intention of upgrading the intersection of North West Coastal Highway and Place Road to improve broader traffic safety.





## 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
DAP/21/02063 DR241/2021	Shire of Dardanup	Lot 2 Banksia Road, Crooked Brook	Cleanaway Dardanup Landfill Facility	5 November 2021
DAP/21/02102 DR11/2022	City of Busselton	Lot 108 (No.57) Dunn Bay Road & Lot 109 (No. 6) Cyrilleen Way, Dunsborough	Mixed Use Development (Office, Shops, Restaurant/Cafe, Liquor Store – Small & 42 Multiple Dwellings)	13 January 2022
DAP/21/02120 DR49/2022	City of Busselton	Lot 400 (No.24) Dunn Bay Road, Dunsborough	Proposed six storey mixed use (Restaurant/Cafe and Multiple Dwellings) Development	23 March 2022
DAP/21/02138 DR67/2022	City of Busselton	Lot 9556 Napoleon Promenade, Vasse	Shop (Fresh Food retailer) with select advertisements	14 April 2022

## 11. General Business

The 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 Presiding Member declared the meeting closed at 11:01am.