



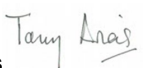
Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 10 May 2023; 10.00am
Meeting Number: RJDAP/95
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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Mr Tony Arias
Presiding Member, Regional JDAP



Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Ms Sheryl Chaffer (A/Deputy Presiding Member)
Mr Justin Page (Third Specialist Member)
Mayor Dennis Wellington (Local Government Member, City of Albany)
Cr Chris Thomson (Local Government Member, City of Albany)

Officers in attendance

Mr Dylan Ashboth (City of Albany)
Ms Jan van der Mescht (City of Albany)
Mr Chris Grant (Main Roads WA)

Minute Secretary

Ms Tenielle Brownfield (DAP Secretariat)

Applicants and Submitters

Mr Nik Hidding (Hidding Urban Planning)
Mr Banjo Bond (PWD)
Mr Rob Thomas (PWD)
Mr Matthew Simpkins (PWD)

Members of the Public / Media

There was 1 member of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

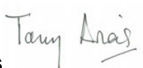
The Presiding Member declared the meeting open at Time on 10 May 2023 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

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


Mr Tony Arias
Presiding Member, Regional JDAP



2. Apologies

Ms Kanella Hope (Deputy 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 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 3 May 2023.

The 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 9 May 2023.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Cr Paul Terry, declared a Direct Pecuniary Interest in item 8.1. Cr Terry is a Trustee of a SMSF that holds units in BWP Trust and shares in Wesfarmers Ltd. The value of holdings of both parcels is more than \$10,000 each. BWP Management Ltd is the responsible entity for BWP Trust and is a wholly owned subsidiary of Wesfarmers Ltd.

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



7. Deputations and Presentations

- 7.1 Mr Nik Hidding (Hidding Urban Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Banjo Bond and Mr Rob Thomas (PWD) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 The City of Albany addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lots 20, 61 & 62 (No. 7, 11 & 15) Chester Pass Road, Orana

Development Description: Showroom (x4)
Applicant: Hidding Urban Planning
Owner: BWP Management LTD
Responsible Authority: City of Albany
DAP File No: DAP/23/02420

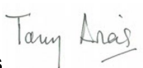
REPORT RECOMMENDATION

Moved by: NIL

Seconded by: NIL

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/23/02420 is appropriate for consideration as a “Showroom” land use and compatible with the objectives of the zone in accordance with Clause 3.2 of the City of Albany Local Planning Scheme No.1.
2. **Approve** DAP Application reference DAP/23/02420 and accompanying plans (DWG No. SK014, dated December 2022 being – Site Plan, Ground Floor Plan, North East Elevation, South West Elevation, South East Elevation, North West Elevation, Roof Plan, Landscaping Plan and supporting documentation contained under the Planning Application report (Ref: C2521 dated 17 January 2023, 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 Albany Local Planning Scheme No.1, subject to the following conditions:


Mr Tony Arias
Presiding Member, Regional JDAP



Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. All development shall occur in accordance with the stamped, approved plans, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.

Prior to commencement of development

3. At least 30 days prior to the commencement of development, a Construction Management Plan shall be submitted to the City of Albany for approval. All construction works shall be undertaken in accordance with the approved Construction Management Plan, to the satisfaction of the City of Albany.
4. Prior to the commencement of development, a Landscaping and Reticulation Plan shall be prepared, approved, and fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City of Albany.
5. Prior to commencement of the development, a public art proposal to the value of 1% of the estimated cost of development (or payment of cash-in-lieu) in accordance with the City of Albany Public Art Policy, shall be submitted to the City of Albany for approval. Prior to occupancy of the development, the details approved for the public art proposal shall be implemented, completed and thereafter maintained, to the satisfaction of the City of Albany.
6. Prior to the commencement of development, a Stormwater Management Plan consistent with the Stormwater Management Manual for Western Australia (Department of Water 2004-2007) including details and calculations shall be prepared and submitted for approval and subsequently implemented to the satisfaction of the City of Albany.
7. Prior to the commencement of development, a Vehicular Parking and Access Plan shall be submitted for approval, implemented and subsequently constructed to the satisfaction of the City of Albany.
8. Prior to the commencement of development, a Goods Delivery and Loading Plan shall be submitted for approval, implemented and subsequently constructed to the satisfaction of the City of Albany.
9. Prior to the commencement of development, notwithstanding the submitted detail a final schedule of materials and colours to be used on the buildings/structures hereby approved shall be submitted for approval and implemented to the satisfaction of the City of Albany. Prior to occupation, the approved schedule of materials and colours shall be implemented and maintained thereafter to the satisfaction of the City of Albany.



10. Prior to commencement of development, a Screening Plan detailing the type and colour of material for any roof mounted mechanical or plant equipment (excluding large satellite dishes which are not permitted), shall be submitted to and approved by the City of Albany. Prior to occupancy of the development, the details approved for the Screening Plan shall be implemented, completed and thereafter maintained, to the satisfaction of the City of Albany.
11. Prior to the commencement of development, a Screening Plan detailing measures to screen the Western Power transformer as marked in red on the submitted plans from Chester Pass Road (in all directions) shall be submitted to the City of Albany for approval.
12. Prior to commencement of development, an updated refuse storage plan indicating the location and type of refuse storage shall be submitted for approval by the City of Albany. Prior to occupation, the refused storage plan shall be implemented and maintained to the satisfaction of the City of Albany.
13. Prior to the commencement of development, suitable arrangements shall be made with a local waste contractor to ensure the waste collection and storage arrangements outlined in the attached Waste Management Plan can be facilitated, to the satisfaction of the City of Albany.
14. Prior to the commencement of development, suitable arrangements shall be made with the City of Albany for the provision of pedestrian and vehicular access/permeability between the subject site(s) and lot 2. Prior to occupation, these arrangements shall be implemented and maintained to the satisfaction of the City of Albany.

Prior to occupancy of use

15. Prior to occupancy of use, all lots that are the subject of this development approval shall be amalgamated.
16. Prior to occupancy of the development, the existing crossovers on lots 61 and 62 shall be removed and the verge and kerb reinstated to the satisfaction of the City of Albany, in consultation with Main Roads Western Australia.
17. Prior to occupancy of the development, the proposed crossover shall be installed as per the approved plan, to the satisfaction of the City of Albany in consultation with Main Roads Western Australia.
18. Prior to occupancy of the development, a raised median island shall be installed on Chester Pass Road to physically restrict right turn movement in accordance with Main Roads Western Australia advice (attachment 8), to the satisfaction of the City of Albany in consultation with Main Roads Western Australia.
19. Prior to occupancy of the development, a minimum of six (6) bicycle bays shall be provided for the development hereby approved, to the satisfaction of the City of Albany.



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20. Prior to occupancy of the development, trailer bays and loading areas shall be signposted and marked to the satisfaction of the City of Albany.
 21. Prior to occupancy of the development, the premises shall be connected to the Water Corporation sewerage system.

General conditions

22. The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.
23. The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
24. No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas, accessway or areas required for vehicle manoeuvrability, unless otherwise agreed in writing by the City of Albany.
25. The parking areas shall be illuminated when they are in use, or may be sought to be used by patrons during hours of darkness, to the satisfaction of the City of Albany.
26. All temporary and/or permanent outdoor lighting associated with the development shall be designed and installed in accordance with Australian Standard AS4282/2019 and thereafter maintained to the satisfaction of the City of Albany. Lighting is to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries.
27. Notwithstanding the submitted detail, signage shall not be erected on the lot without the prior approval of the City of Albany.
28. Signage panels indicated in red on the submitted plans shall be reduced in area to reflect the respective 'Signage Specifications' detailed within the *City of Albany Local Planning Policy – Signs*.



Advice Notes

1. With respect to the Construction Management Plan:
The Construction Management Plan shall detail how the construction of the development will be managed including details of the following:
 - public safety and site security;
 - hours of operation,
 - noise and vibration controls;
 - air and dust management;
 - stormwater, groundwater and sediment control;
 - waste and material disposal;
 - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
 - Parking Management Plan prepared by an accredited personnel;
 - the parking arrangements for contractors and sub-contractors;
 - on-site delivery times and access arrangements;
 - the storage of materials and equipment on site (no storage of materials on the verge will be permitted); and
 - any other matters likely to impact upon the surrounding properties or road reserve.

2. With respect to the Landscaping Plan and Reticulation Plan:
The Landscaping and Reticulation Plan shall:
 - a) Detail the size, species and location of trees/shrubs to be planted in landscaping areas identified on the approved plans.
 - b) Clearly indicate the location of at least one tree capable of growing greater than 3m in height for every 6 proposed car parking bays.
 - c) The Landscape Plan is to include relevant details from the Stormwater Management Plan and the Vehicular Parking and Access Plan approved for the development.
 - d) Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the City of Albany.

3. With respect to the public art proposal:
 - a) The commissioning and implementation of the public art proposal shall be undertaken in accordance with *City of Albany Percent for Art Developer Guidelines*.

4. With respect to the Stormwater Management Plan:
 - a) Soil capability testing will likely be required to determine if soak well infiltration is the appropriate method of disposal for the site.
 - b) The stormwater management system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.
 - c) The stormwater management approach should include a description of storm events to be managed including strategies to address water quality.



5. With respect to the Vehicular Parking and Access Plan:
 - a) Car parking and access is to be designed in accordance with Australian Standard 2890.
 - b) Accessible Parking shall be provided in accordance with National Construction Code requirements.
 - c) The plan (and subsequent construction when approved) shall clearly indicate the intended use of all parking bays (e.g. disabled bays, loading bays), access areas, line marking, kerbing and sealing.
 - d) Identify hazards to road users, including pedestrians and cyclists, with appropriate measures implemented to address these.

6. With respect to the Goods Delivery and Loading Plan:
The Goods Delivery and Loading Plan shall:
 - a) Detail methods to ensure only one vehicle is able to access the rear loading area at a time. The Local Government recommends an automatic gate / boom barrier is installed blocking vehicle access to the loading area if occupied, in addition to use of an online building management system for goods delivery, waste collection and loading of pedestrian vehicles.
 - b) Detail methods to ensure safe and efficient loading of pedestrian vehicles. Please note high frequency courier delivery services, or courier delivery services with the capacity to deliver larger goods may not be available in the City of Albany.

7. With respect to the final schedule of materials and colours:
 - a) The schedule should be lodged for approval prior to or as part of a building permit application and shall include details of all external elements of the development.
 - b) Given the prominent location and visibility from Chester Pass Road, unpainted concrete tilt panels are not considered an acceptable finish for the northeast and southwest elevations.
 - c) Unpainted concrete panels may be appropriate for the rear elevation given the lack of visibility from the streetscape.

8. With respect to the screening plan for the transformer:
 - a) An increased setback to Chester Pass Road should be considered to allow the transformer to be screened from Chester Pass Road by suitable trees/shrubs, or alternative screening measures approved by the City of Albany.

9. Verge landscaping may also be considered to screen the western power transformer from the streetscape however, this will require approval for verge works from Main Roads Western Australia.



10. With respect to the refuse storage plan:
 - a) An enclosure for refuse receptacles shall be provided and be:
 - of sufficient size to accommodate all receptacles used on the premises;
 - screened from public view
 - constructed of brick, concrete or other material deemed suitable by the City of Albany;
 - have walls a minimum of 1.5m high, access way a minimum of 1m wide and fitted with a self closing gate;
 - contain a smooth, impervious, non-slip floor a maximum of 75mm thick and evenly graded to the sewerage system;
 - easily accessible; and
 - provided with a tap and connected to an adequate water supply.
 - b) Refuse storage enclosures and receptacles shall not impact on vehicle movement and turning circles within the loading area.

11. With respect to suitable arrangements being made with a local waste contractor:
 - a) Information shall be provided to confirm the delivery times and waste collection vehicle details nominated in the Waste Management Plan are consistent with the operations and capabilities of local waste contractors.

12. With respect to the arrangements for vehicular and pedestrian access/ permeability between the subject site(s) and lot 2:
 - a) The agreed arrangements shall be reflected on updated development plans.
 - b) Landscaping and car parking shall be provided in accordance with *City of Albany Local Planning Scheme No.1* requirements, unless otherwise agreed to in writing by the City of Albany.

13. With respect to the proposed crossover:
 - a) The existing footpath shall take priority over the existing crossover and shall remain in its current state. The surface treatment for the crossover shall be constructed around the surface of the existing footpath.

14. With respect to loading area and trailer bay signage / demarcation:
 - a) Trailer bays shall be demarcated through signposting and asphalt surface marking.
 - b) Access to the loading area shall be clearly demarcated with a no entry sign (preferably attached to a gate).

15. With respect to signage:
 - a) Signage has not been approved as part of this application.
 - b) Please refer to the *City of Albany Local Planning Policy – Signs* for further information.
 - c) A development application is not required for signage that complies with the *City of Albany Local Planning Policy – Signs*.



16. With respect to signage panels:
- Signage panels shall be reduced in area to reflect the signage specification for 'Wall Sign' and 'Horizontal Sign' as detailed under the *City of Albany Local Planning Policy – Signs*.
 - Alternatively, the signage panels may be removed from the building fabric and future signage subsequently addressed through a development application and/or signage licence.

The Report Recommendation LAPSED for want of a mover and a seconder.

ALTERNATE MOTION

Moved by: Ms Sherryl Chaffer

Seconded by: Mayor Dennis Wellington

That the Regional JDAP resolves to:

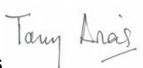
- Accept** that the DAP Application reference DAP/23/02420 is appropriate for consideration as a "Showroom" land use and compatible with the objectives of the zone in accordance with Clause 3.2 of the City of Albany Local Planning Scheme No.1.
- Approve** DAP Application reference DAP/23/02420 and accompanying plans (DWG No. SK014, dated December 2022 being – Site Plan, Ground Floor Plan, North East Elevation, South West Elevation, South East Elevation, North West Elevation, Roof Plan, Landscaping Plan and supporting documentation contained under the Planning Application report (Ref: C2521 dated 17 January 2023, 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 Albany Local Planning Scheme No.1, subject to the following conditions:

Conditions

- This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
- All development shall occur in accordance with the stamped, approved plans, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.


Prior to commencement of development

- At least 30 days prior to the commencement of development, a Construction Management Plan shall be submitted to the City of Albany for approval. All construction works shall be undertaken in accordance with the approved Construction Management Plan, to the satisfaction of the City of Albany.


Mr Tony Arias
Presiding Member, Regional JDAP



4. Prior to the commencement of development, a Landscaping and Reticulation Plan shall be prepared, approved, and fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City of Albany.
5. Prior to commencement of the development, a public art proposal to the value of 1% of the estimated cost of development (or payment of cash-in-lieu) in accordance with the City of Albany Public Art Policy, shall be submitted to the City of Albany for approval. Prior to occupancy of the development, the details approved for the public art proposal shall be implemented, completed and thereafter maintained, to the satisfaction of the City of Albany.
6. Prior to the commencement of development, a Stormwater Management Plan consistent with the Stormwater Management Manual for Western Australia (Department of Water 2004-2007) including details and calculations shall be prepared and submitted for approval and subsequently implemented to the satisfaction of the City of Albany.
7. Prior to the commencement of development, a Vehicular Parking and Access Plan shall be submitted for approval, implemented and subsequently constructed to the satisfaction of the City of Albany.
8. Prior to the commencement of development, a Goods Delivery and Loading Plan shall be submitted for approval, implemented and subsequently constructed to the satisfaction of the City of Albany.
9. Prior to the commencement of development, notwithstanding the submitted detail a final schedule of materials and colours to be used on the buildings/structures hereby approved shall be submitted for approval and implemented to the satisfaction of the City of Albany. Prior to occupation, the approved schedule of materials and colours shall be implemented and maintained thereafter to the satisfaction of the City of Albany.
10. Prior to commencement of development, a Screening Plan detailing the type and colour of material for any roof mounted mechanical or plant equipment (excluding large satellite dishes which are not permitted), shall be submitted to and approved by the City of Albany. Prior to occupancy of the development, the details approved for the Screening Plan shall be implemented, completed and thereafter maintained, to the satisfaction of the City of Albany.
11. Prior to the commencement of development, a Screening Plan detailing measures to screen the Western Power transformer as marked in red on the submitted plans from Chester Pass Road (in all directions) shall be submitted to the City of Albany for approval.
12. Prior to commencement of development, an updated refuse storage plan indicating the location and type of refuse storage shall be submitted for approval by the City of Albany. Prior to occupation, the refused storage plan shall be implemented and maintained to the satisfaction of the City of Albany.


Mr Tony Arias
Presiding Member, Regional JDAP



13. Prior to the commencement of development, suitable arrangements shall be made with a local waste contractor to ensure the waste collection and storage arrangements outlined in the attached Waste Management Plan can be facilitated, to the satisfaction of the City of Albany.
14. Prior to the commencement of development, suitable arrangements shall be made with the City of Albany for the provision of pedestrian and vehicular access/permeability between the subject site(s) and lot 2. Prior to occupation, these arrangements shall be implemented and maintained to the satisfaction of the City of Albany.

Prior to occupancy of use

15. Prior to occupancy of use, all lots that are the subject of this development approval shall be amalgamated.
16. Prior to occupancy of the development, the existing crossovers on lots 61 and 62 shall be removed and the verge and kerb reinstated to the satisfaction of the City of Albany, in consultation with Main Roads Western Australia.
17. Prior to occupancy of the development, the proposed crossover shall be installed as per the approved plan, to the satisfaction of the City of Albany in consultation with Main Roads Western Australia.
18. Prior to occupancy of the development, a raised median island shall be installed on Chester Pass Road to physically restrict right turn movement in accordance with Main Roads Western Australia advice (attachment 8), to the satisfaction of the City of Albany in consultation with Main Roads Western Australia.
19. Prior to occupancy of the development, a minimum of six (6) bicycle bays shall be provided for the development hereby approved, to the satisfaction of the City of Albany.
20. Prior to occupancy of the development, trailer bays and loading areas shall be signposted and marked to the satisfaction of the City of Albany.
21. Prior to occupancy of the development, the premises shall be connected to the Water Corporation sewerage system.

General conditions

22. The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.
23. The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.



24. No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas, accessway or areas required for vehicle manoeuvrability, unless otherwise agreed in writing by the City of Albany.
25. The parking areas shall be illuminated when they are in use, or may be sought to be used by patrons during hours of darkness, to the satisfaction of the City of Albany.
26. All temporary and/or permanent outdoor lighting associated with the development shall be designed and installed in accordance with Australian Standard AS4282/2019 and thereafter maintained to the satisfaction of the City of Albany. Lighting is to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries.
27. Notwithstanding the submitted detail, signage shall not be erected on the lot without the prior approval of the City of Albany.
28. Signage panels indicated in red on the submitted plans shall be reduced in area to reflect the respective 'Signage Specifications' detailed within the *City of Albany Local Planning Policy – Signs*.

Advice Notes

1. With respect to the Construction Management Plan:
The Construction Management Plan should detail how the construction of the development will be managed and may include details of the following:
 - public safety and site security;
 - hours of operation,
 - noise and vibration controls;
 - air and dust management;
 - stormwater, groundwater and sediment control;
 - waste and material disposal;
 - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
 - Parking Management Plan prepared by an accredited personnel;
 - the parking arrangements for contractors and sub-contractors;
 - on-site delivery times and access arrangements;
 - the storage of materials and equipment on site (no storage of materials on the verge will be permitted); and
 - any other matters likely to impact upon the surrounding properties or road reserve.



2. With respect to the Landscaping Plan and Reticulation Plan:
 - a) The size, species and location of trees/shrubs to be planted in landscaping areas should be detailed on the approved plans.
 - b) Provision of trees in the carparking area should be in accordance with *City of Albany Local Planning Scheme No.1* requirements.
 - c) The Landscape Plan should include relevant details from the Stormwater Management Plan and the Vehicular Parking and Access Plan.
 - d) Species which fail to establish following implementation should be replaced in consultation with the City of Albany.

3. With respect to the public art proposal:
 - a) Please refer to the *City of Albany Percent for Art Developer Guidelines* for more information on the commissioning and implementation of public art proposals.

4. With respect to the Stormwater Management Plan:
 - a) Soil capability testing will likely be required to determine if soak well infiltration is the appropriate method of disposal for the site.
 - b) The stormwater management system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.
 - c) The stormwater management approach should include a description of storm events to be managed including strategies to address water quality.

5. With respect to the Vehicular Parking and Access Plan:
 - a) Car parking and access should be designed in accordance with Australian Standard 2890.
 - b) Accessible Parking should be provided in accordance with National Construction Code requirements.
 - c) The plan (and subsequent construction when approved) should clearly indicate the intended use of all parking bays (e.g. disabled bays, loading bays), access areas, line marking, kerbing and sealing.
 - d) The plan should identify hazards to road users, including pedestrians and cyclists, with appropriate measures implemented to address these.

6. With respect to the Goods Delivery and Loading Plan:
 - a) The plan should detail methods to ensure only one vehicle is able to access the rear loading area at a time. The Local Government recommends an automatic gate / boom barrier is installed blocking vehicle access to the loading area if occupied, in addition to use of an online building management system for goods delivery, waste collection and loading of pedestrian vehicles.
 - b) The plan should detail methods to ensure safe and efficient loading of pedestrian vehicles. Please note high frequency courier delivery services, or courier delivery services with the capacity to deliver larger goods may not be available in the City of Albany.



7. With respect to the final schedule of materials and colours:
 - a) The schedule should be lodged for approval prior to or as part of a building permit application and shall include details of all external elements of the development.
 - b) Given the prominent location and visibility from Chester Pass Road, unpainted concrete tilt panels are not considered an acceptable finish for the northeast and southwest elevations.
 - c) Unpainted concrete panels may be appropriate for the rear elevation given the lack of visibility from the streetscape.
8. With respect to the screening plan for the transformer:
 - a) An increased setback to Chester Pass Road should be considered to allow the transformer to be screened from Chester Pass Road by suitable trees/shrubs, or alternative screening measures approved by the City of Albany.
9. Verge landscaping may also be considered to screen the western power transformer from the streetscape however, this will require approval for verge works from Main Roads Western Australia.
10. With respect to the refuse storage plan:
 - a) The provision of enclosed refuse storage receptacles is required under the *Health (Miscellaneous Provisions) Act* and the City of Albany Health Local laws.
 - b) Refuse storage enclosures and receptacles should not impact on vehicle movement and turning circles within the loading area.
11. With respect to suitable arrangements being made with a local waste contractor:
 - a) The operator should confirm that the delivery times and waste collection vehicle details nominated in the Waste Management Plan are consistent with the operations and capabilities of local waste contractors.
12. With respect to the arrangements for vehicular and pedestrian access/ permeability between the subject site(s) and lot 2:
 - a) Landscaping and car parking should be provided in accordance with *City of Albany Local Planning Scheme No. 1* requirements, unless otherwise agreed to in writing by the City of Albany.
13. With respect to the proposed crossover:
 - a) The surface treatment for the crossover should be constructed around the surface of the existing footpath.
14. With respect to loading area and trailer bay signage / demarcation:
 - a) The city recommends trailer bays be demarcated through signposting and asphalt surface marking.
 - b) Access to the loading area should be clearly demarcated with no entry signage, or alternative arrangements agreed to in writing by the City of Albany.



15. With respect to signage:
- Signage has not been approved as part of this application.
 - Please refer to the *City of Albany Local Planning Policy – Signs* for further information.
 - A development application is not required for signage that complies with the *City of Albany Local Planning Policy – Signs*.
16. With respect to signage panels:
- Signage panels may also be removed from the building fabric and future signage subsequently addressed through a development application and/or signage licence.

AMENDING MOTION 1

Moved by: Ms Sherryl Chaffer

Seconded by: Mr Justin Page

The following changes were made en bloc:

- That Condition No.1 be deleted, and the remaining conditions be renumbered accordingly.

REASON: See below.

- That a new Advice Note No.17 (now Advice Note No.16) be added to read as follows:

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 specified period, the approval shall lapse and be of no further effect.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To be consistent with Regulation 16(2)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the approval period for DAP applications is four years. This notification is considered to be adequate as an advice note.

AMENDING MOTION 2

Moved by: Ms Sherryl Chaffer

Seconded by: Mr Justin Page

That Condition No.14 (now Condition No.13) be deleted, and the remaining conditions be renumbered accordingly.

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

For: Mr Tony Arias
Ms Sherryl Chaffer
Mr Justin Page

Mr Tony Arias
Presiding Member, Regional JDAP



Against: Mayor Dennis Wellington
Cr Chris Thomson

REASON: The Panel considered the matters raised in the RAR and during the meeting discussions with the Applicant and Responsible Authority. The majority of the Panel concluded that Condition 14 did not reasonably and fairly relate to the development proposed and there was insufficient demonstrated nexus between the proposed development and the Condition.

AMENDING MOTION 3

Moved by: Ms Sherryl Chaffer

Seconded by: Mr Justin Page

That Condition No.17 (now Condition No.15) be amended to read as follows:

Prior to occupancy of the development, the proposed crossover **for the development** shall be installed as per the approved plan, to the satisfaction of the City of Albany in consultation with Main Roads Western Australia.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The additional wording is added for clarity.

AMENDING MOTION 4

Moved by: Mr Justin Page

Seconded by: Mr Tony Arias

That Advice Note No. 12 be deleted, and the remaining advice notes be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The advice note is no longer necessary with the removal of Condition 14.

AMENDING MOTION 5

Moved by: Mr Tony Arias

Seconded by: Mayor Dennis Wellington

That a new Condition No.29 (now Condition No.26) be added to read as follows:

Prior to the commencement of development, the applicant is to modify the development plans to show suitable treatment of the northeast and southwest walls, with painting and/or articulation elements, to the break down the bulk of development and provide visual interest, to the satisfaction of the City of Albany.

The Amending Motion was put and CARRIED UNANIMOUSLY.


Mr Tony Arias
Presiding Member, Regional JDAP



REASON: The northeast and southwest walls of the proposed development do not meet the design requirements of cl4.5.9.1 (a) of TPS 1, as they do not utilise design elements and materials which break down the bulk of development and provide visual interest through the articulation of their built form.

AMENDING MOTION 6

Moved by: Mr Tony Arias

Seconded by: Ms Sherryl Chaffer

That Condition No 22 (now Condition No.20) be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: During discussions at the meeting the Panel queried with the Responsible Authority officers as to whether Condition 22 was necessary, given the mark ups on the plan were already covered by other conditions. To avoid any confusion the condition was removed.

ALTERNATE MOTION (AS AMENDED)

That the Regional JDAP resolves to:

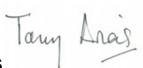
1. **Accept** that the DAP Application reference DAP/23/02420 is appropriate for consideration as a "Showroom" land use and compatible with the objectives of the zone in accordance with Clause 3.2 of the City of Albany Local Planning Scheme No.1.
2. **Approve** DAP Application reference DAP/23/02420 and accompanying plans (DWG No. SK014, dated December 2022 being – Site Plan, Ground Floor Plan, North East Elevation, South West Elevation, South East Elevation, North West Elevation, Roof Plan, Landscaping Plan and supporting documentation contained under the Planning Application report (Ref: C2521 dated 17 January 2023, 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 Albany Local Planning Scheme No.1, subject to the following conditions:

Conditions

1. All development shall occur in accordance with the stamped, approved plans, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.

Prior to commencement of development

2. At least 30 days prior to the commencement of development, a Construction Management Plan shall be submitted to the City of Albany for approval. All construction works shall be undertaken in accordance with the approved Construction Management Plan, to the satisfaction of the City of Albany.


Mr Tony Arias
Presiding Member, Regional JDAP



3. Prior to the commencement of development, a Landscaping and Reticulation Plan shall be prepared, approved, and fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City of Albany.
4. Prior to commencement of the development, a public art proposal to the value of 1% of the estimated cost of development (or payment of cash-in-lieu) in accordance with the City of Albany Public Art Policy, shall be submitted to the City of Albany for approval. Prior to occupancy of the development, the details approved for the public art proposal shall be implemented, completed and thereafter maintained, to the satisfaction of the City of Albany.
5. Prior to the commencement of development, a Stormwater Management Plan consistent with the Stormwater Management Manual for Western Australia (Department of Water 2004-2007) including details and calculations shall be prepared and submitted for approval and subsequently implemented to the satisfaction of the City of Albany.
6. Prior to the commencement of development, a Vehicular Parking and Access Plan shall be submitted for approval, implemented and subsequently constructed to the satisfaction of the City of Albany.
7. Prior to the commencement of development, a Goods Delivery and Loading Plan shall be submitted for approval, implemented and subsequently constructed to the satisfaction of the City of Albany.
8. Prior to the commencement of development, notwithstanding the submitted detail a final schedule of materials and colours to be used on the buildings/structures hereby approved shall be submitted for approval and implemented to the satisfaction of the City of Albany. Prior to occupation, the approved schedule of materials and colours shall be implemented and maintained thereafter to the satisfaction of the City of Albany.
9. Prior to commencement of development, a Screening Plan detailing the type and colour of material for any roof mounted mechanical or plant equipment (excluding large satellite dishes which are not permitted), shall be submitted to and approved by the City of Albany. Prior to occupancy of the development, the details approved for the Screening Plan shall be implemented, completed and thereafter maintained, to the satisfaction of the City of Albany.
10. Prior to the commencement of development, a Screening Plan detailing measures to screen the Western Power transformer as marked in red on the submitted plans from Chester Pass Road (in all directions) shall be submitted to the City of Albany for approval.
11. Prior to commencement of development, an updated refuse storage plan indicating the location and type of refuse storage shall be submitted for approval by the City of Albany. Prior to occupation, the refused storage plan shall be implemented and maintained to the satisfaction of the City of Albany.



12. Prior to the commencement of development, suitable arrangements shall be made with a local waste contractor to ensure the waste collection and storage arrangements outlined in the attached Waste Management Plan can be facilitated, to the satisfaction of the City of Albany.

Prior to occupancy of use

13. Prior to occupancy of use, all lots that are the subject of this development approval shall be amalgamated.
14. Prior to occupancy of the development, the existing crossovers on lots 61 and 62 shall be removed and the verge and kerb reinstated to the satisfaction of the City of Albany, in consultation with Main Roads Western Australia.
15. Prior to occupancy of the development, the proposed crossover for the development shall be installed as per the approved plan, to the satisfaction of the City of Albany in consultation with Main Roads Western Australia.
16. Prior to occupancy of the development, a raised median island shall be installed on Chester Pass Road to physically restrict right turn movement in accordance with Main Roads Western Australia advice (attachment 8), to the satisfaction of the City of Albany in consultation with Main Roads Western Australia.
17. Prior to occupancy of the development, a minimum of six (6) bicycle bays shall be provided for the development hereby approved, to the satisfaction of the City of Albany.
18. Prior to occupancy of the development, trailer bays and loading areas shall be signposted and marked to the satisfaction of the City of Albany.
19. Prior to occupancy of the development, the premises shall be connected to the Water Corporation sewerage system.

General conditions

20. The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
21. No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas, accessway or areas required for vehicle manoeuvrability, unless otherwise agreed in writing by the City of Albany.
22. The parking areas shall be illuminated when they are in use, or may be sought to be used by patrons during hours of darkness, to the satisfaction of the City of Albany.
23. All temporary and/or permanent outdoor lighting associated with the development shall be designed and installed in accordance with Australian Standard AS4282/2019 and thereafter maintained to the satisfaction of the City of Albany.


Mr Tony Arias
Presiding Member, Regional JDAP



Lighting is to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries.

24. Notwithstanding the submitted detail, signage shall not be erected on the lot without the prior approval of the City of Albany.
25. Signage panels indicated in red on the submitted plans shall be reduced in area to reflect the respective 'Signage Specifications' detailed within the *City of Albany Local Planning Policy – Signs*.
26. Prior to the commencement of development, the applicant is to modify the development plans to show suitable treatment of the northeast and southwest walls, with painting and/or articulation elements, to the break down the bulk of development and provide visual interest, to the satisfaction of the City of Albany.

Advice Notes

1. With respect to the Construction Management Plan:
The Construction Management Plan should detail how the construction of the development will be managed and may include details of the following:
 - public safety and site security;
 - hours of operation,
 - noise and vibration controls;
 - air and dust management;
 - stormwater, groundwater and sediment control;
 - waste and material disposal;
 - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
 - Parking Management Plan prepared by an accredited personnel;
 - the parking arrangements for contractors and sub-contractors;
 - on-site delivery times and access arrangements;
 - the storage of materials and equipment on site (no storage of materials on the verge will be permitted); and
 - any other matters likely to impact upon the surrounding properties or road reserve.
2. With respect to the Landscaping Plan and Reticulation Plan:
 - a) The size, species and location of trees/shrubs to be planted in landscaping areas should be detailed on the approved plans.
 - b) Provision of trees in the carparking area should be in accordance with *City of Albany Local Planning Scheme No. 1* requirements.
 - c) The Landscape Plan should include relevant details from the Stormwater Management Plan and the Vehicular Parking and Access Plan.
 - d) Species which fail to establish following implementation should be replaced in consultation with the City of Albany.
3. With respect to the public art proposal:
 - a) Please refer to the *City of Albany Percent for Art Developer Guidelines* for more information on the commissioning and implementation of public art proposals.



4. With respect to the Stormwater Management Plan:
 - a) Soil capability testing will likely be required to determine if soak well infiltration is the appropriate method of disposal for the site.
 - b) The stormwater management system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.
 - c) The stormwater management approach should include a description of storm events to be managed including strategies to address water quality.

5. With respect to the Vehicular Parking and Access Plan:
 - a) Car parking and access should be designed in accordance with Australian Standard 2890.
 - b) Accessible Parking should be provided in accordance with National Construction Code requirements.
 - c) The plan (and subsequent construction when approved) should clearly indicate the intended use of all parking bays (e.g. disabled bays, loading bays), access areas, line marking, kerbing and sealing.
 - d) The plan should identify hazards to road users, including pedestrians and cyclists, with appropriate measures implemented to address these.

6. With respect to the Goods Delivery and Loading Plan:
 - a) The plan should detail methods to ensure only one vehicle is able to access the rear loading area at a time. The Local Government recommends an automatic gate / boom barrier is installed blocking vehicle access to the loading area if occupied, in addition to use of an online building management system for goods delivery, waste collection and loading of pedestrian vehicles.
 - b) The plan should detail methods to ensure safe and efficient loading of pedestrian vehicles. Please note high frequency courier delivery services, or courier delivery services with the capacity to deliver larger goods may not be available in the City of Albany.


7. With respect to the final schedule of materials and colours:
 - a) The schedule should be lodged for approval prior to or as part of a building permit application and shall include details of all external elements of the development.
 - b) Given the prominent location and visibility from Chester Pass Road, unpainted concrete tilt panels are not considered an acceptable finish for the northeast and southwest elevations.
 - c) Unpainted concrete panels may be appropriate for the rear elevation given the lack of visibility from the streetscape.

8. With respect to the screening plan for the transformer:
 - a) An increased setback to Chester Pass Road should be considered to allow the transformer to be screened from Chester Pass Road by suitable trees/shrubs, or alternative screening measures approved by the City of Albany.



9. Verge landscaping may also be considered to screen the western power transformer from the streetscape however, this will require approval for verge works from Main Roads Western Australia.
10. With respect to the refuse storage plan:
 - a) The provision of enclosed refuse storage receptacles is required under the *Health (Miscellaneous Provisions) Act* and the City of Albany Health Local laws.
 - b) Refuse storage enclosures and receptacles should not impact on vehicle movement and turning circles within the loading area.
11. With respect to suitable arrangements being made with a local waste contractor:
 - a) The operator should confirm that the delivery times and waste collection vehicle details nominated in the Waste Management Plan are consistent with the operations and capabilities of local waste contractors.
12. With respect to the proposed crossover:
 - a) The surface treatment for the crossover should be constructed around the surface of the existing footpath.
13. With respect to loading area and trailer bay signage / demarcation:
 - a) The city recommends trailer bays be demarcated through signposting and asphalt surface marking.
 - b) Access to the loading area should be clearly demarcated with no entry signage, or alternative arrangements agreed to in writing by the City of Albany.
14. With respect to signage:
 - a) Signage has not been approved as part of this application.
 - b) Please refer to the *City of Albany Local Planning Policy – Signs* for further information.
 - c) A development application is not required for signage that complies with the *City of Albany Local Planning Policy – Signs*.
15. With respect to signage panels:
 - a) Signage panels may also be removed from the building fabric and future signage subsequently addressed through a development application and/or signage licence.
16. 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 specified period, the approval shall lapse and be of no further effect.

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


Mr Tony Arias
Presiding Member, Regional JDAP



REASON: Following due consideration of the matters presented and the applicable planning framework, the Panel determined the proposal warranted approval. The proposal was considered suitable, with the amended conditions, to be consistent with the within the Highway Commercial zone and planning framework, generally meet the requirements of the Scheme and considered appropriate given land uses in the locality.

The majority of the Panel determined the traffic circulation and access arrangements for the site are acceptable, as recognised by TIA and acknowledged by MRWA. Further that proposed Condition 14 did not reasonably and fairly relate to the development proposed and there was insufficient demonstrated nexus between the proposed development and the Condition.

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

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

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/22/02265 DR204/2022	Shire of Harvey	Lot 101 (No. 96) Binningup Road, Binningup	Workers Accommodation Village	28 November 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 11.22am.

Tony Arias
Mr Tony Arias
Presiding Member, Regional JDAP