



Southern Joint Development Assessment Panel Minutes

Meeting Date and Time: 26 September 2019, 10:00 AM
Meeting Number: SJDAP/48
Meeting Venue: Teleconference
Department of Planning, Lands and Heritage
140 William Street, Perth

Attendance

DAP Members

Mr Robert Fenn (Presiding Member)
Ms Samantha Thompson (A/Deputy Presiding Member)
Ms Shelley Shepherd (Specialist Member)
Mayor Dennis Wellington (Local Government Member, City of Albany) – *via teleconference*
Cr Bill Hollingworth (Local Government Member, City of Albany) – *via teleconference*

Officers in attendance

Ms Lezia Sandon (City of Albany) – *via teleconference*
Mr Jan van der Mescht (City of Albany) – *via teleconference*
Mr Alex Bott (City of Albany) – *via teleconference*
Mr Taylor Gunn (City of Albany) – *via teleconference*
Mr Alan Miller (City of Albany) – *via teleconference*

Minute Secretary

Mr Phil Goodwin (DAP Secretariat)
Ms Zoe Hendry (DAP Secretariat)

Applicants and Submitters

Mr Simon Burnell (CLE Town Planning and Design)
Mr Patrick Chaney (St Ives Retirement Living)
Mr Andrew Stephens (Bunnings)
Mr Kyle McNess (MGroup)
Mr Dean Burrows (MGroup)
Ms Carol McMillan – *via teleconference*

Members of the Public / Media

There was 1 member of the public in attendance.



1. Declaration of Opening

The Presiding Member declared the meeting open at 10.03am on 26 September 2019 and acknowledged the traditional owners and pay 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

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

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.

2. Apologies

Mr Geoffrey Klem (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

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Mr Robert Fenn, declared an impartiality interest in item 8.1. Mr Fenn worked for the City of Albany as the Director of Development Services from 1994 to 2009.

In accordance with section 6.2.6 of the DAP Standing Orders 2017, Mr Eugene Koltasz Presiding Member for the Kimberley/Pilbara/Gascoyne JDAP determined that Mr Robert Fenn the Presiding Member for the Southern JDAP was permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 Ms Carol McMillan addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.



- 7.2 Mr Patrick Chaney (St Ives Retirement Living) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.3 Mr Simon Burnell (CLE Town Planning and Design) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.4 Mr Alex Bott (City of Albany) responded to questions from the panel.
- 7.5 Mr Alan Miller (City of Albany) responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Application

- 8.1 Property Location: Lot1001 (162) Chester Pass Road, Lange
Development Description: Bunnings (Showroom) and additions/alterations to neighbourhood centre
Applicant: CLE Town Planning and Design
Owner: ABG Management Pty Ltd
Responsible Authority: City of Albany
DAP File No: DAP/19/01629

REPORT RECOMMENDATION

Moved by: Ms Shelley Shepherd

Seconded by: Cr Dennis Wellington

That the Southern Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP19/01629 and accompanying plans SK034A 2-5 and Landscaping Layout Plan LA-100 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.
2. 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 2 year period, the approval shall lapse and be of no further effect.
3. Prior to the commencement of development, a Stormwater Disposal Plan including details and calculations shall be submitted for approval and subsequently constructed and maintained to the satisfaction of the City of Albany.
4. Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to the City of Albany for approval and all works subsequently undertaken in accordance with the approved construction management plan, to the satisfaction of the City of Albany.



5. 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.
6. Prior to the commencement of development, a Waste Management Plan indicating the location and type of refuse storage areas shall be submitted for approval, and implemented to the satisfaction of the City of Albany.
7. 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.
8. Prior to occupancy of use, the intersections of Chester Pass Rd and Catalina Rd / Chester Pass Rd and Brooks Garden Ave are to be upgraded to 'Give Way' control and left turn island for vehicles turning left from Chester Pass Road, as depicted in the attached diagram at the applicant's expense in consultation with Main Roads WA and the City of Albany, to the satisfaction of the City of Albany.
9. Prior to occupancy of use, a public art work commission, to the value of 1% of the development cost (or cash in lieu of) to reflect or enhance local cultural identity shall be provided as part of the development hereby approved, to the satisfaction of the City of Albany.
10. Prior to occupancy of use, the existing crossover shall be upgraded/constructed to the specifications, levels and satisfaction of the City of Albany.
11. Prior to occupancy of use, a minimum of 28 bicycle bays shall be provided for the development hereby approved, to the satisfaction of the City of Albany.
12. The approved Landscaping and Reticulation Plan shall be 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. 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.
13. 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.
14. 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.
15. Lighting devices are to be positioned and shielded so as not to cause any direct, reflected, or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.
16. Notwithstanding the submitted detail, the free standing Sign(s) circled in red on the hereby approved plans shall not be erected on the lot, without the prior development approval of the City of Albany.



17. The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
18. The premises shall be connected to the Water Corporation sewerage system.
19. Upon occupancy of the development, no goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in the access driveways, unless otherwise agreed in writing by the City of Albany.

Advice Notes

1. With respect to the crossover condition, a Permit for Vehicle Crossover Construction; from the City of Albany is required prior to any work being carried out within the road reserve.
2. With respect to the signs condition, please refer to the City of Albany's *Signs* local planning policy for further information.
3. With respect to the public art contribution, please refer to the City of Albany's *Art in the Public Domain* policy for further information on commissioning and artwork.
4. With respect to the Construction Environmental Management Plan, it will be required to address, as a minimum; noise, dust and sand management;
5. With respect to the Vehicular Parking and Access plan;
 - Car parking and access is to be designed in accordance with Australian Standard 2890.
 - 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.
 - A Road Safety audit of the carpark design (including pedestrian movement to and through the subject site) is to be conducted by an accredited Senior Road Safety Auditor at the 85% design stage of the plan.
6. With respect to the Stormwater Disposal Plan;
 - Soil capability testing will likely be required to determine if soak well infiltration is the appropriate method of disposal for the site.
 - The stormwater disposal system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.
 - The stormwater disposal system is to ensure the lot can accommodate the intended use and the stormwater plan matches or otherwise coordinated with the existing development on the site.
 - The stormwater disposal system is to be design consistent with any previous Urban Water Management Plan.
7. With respect to the Waste Management Plan (Refuse storage plan);
 - The refuse storage areas shall be capable of accommodating all waste produced by the development and shall be screened from public view.
 - Rubbish receptacles are to be kept clean and tightly sealed at all times except when refuse is being deposited or emptied, so as to avoid nuisance from smells or attracting pets / rodents.



8. With respect to the Landscaping and Reticulation Plan, mature or semi advanced stock shall be used.
9. In relation to Environmental Health, the proponent is advised that the approved development must comply with the relevant provisions of;
 - Public Health Act 2016
 - The Health (Miscellaneous Provisions) Act 1911;
 - Food Act 2008, Food Regulations 2009;
 - Environmental Protection Act 1986, Environmental Protection (Noise) Regulations 1997;
 - Health (Garden Soil) Regulations 1998.
10. In relation to Building, compliance with the Building Act 2011, Building Regulations 2012, Building Code of Australia, Disability (Access to Premises-Building) Standards 2010 and Australian Standard 1428 - Design for Access and mobility will be required. Advice should be sought from registered Building Surveyor in order to obtain the appropriate and necessary Building approvals and certificates.
11. Where an approval has so lapsed, no development shall be carried out without further approval hearing 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) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.
12. Approval of the Commissioner of Main Roads under the *Road Traffic (Vehicles) Act 2012*, in consultation with the City of Albany, must be obtained prior to the use of Restricted Access Vehicles on any road accessing the site.

AMENDING MOTION 1

Moved by: Mr Robert Fenn

Seconded by: Ms Samantha Thompson

That the report recommendation be amended to read as follows:

That the Southern Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP19/01629 and accompanying plans SK034A **sheets 2 to 5 2-5** and Landscaping Layout Plan LA-100 **for the development of a Showroom and the Addition/Alteration to the Neighbourhood Centre at Lot 101 Chester Pass Road, Lange** 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:

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify the description of the development subject of the approval.

AMENDING MOTION 2



Moved by: Ms Samantha Thompson

Seconded by: Ms Shelley Shepherd

That Condition 12 be amended to read as follows:

~~The approved~~ **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. 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.**

REASON: The submitted Landscaping Plan may need to be amended to address water management requirements and the species of trees nominated may impact on-going site drainage maintenance.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 3

Moved by: Cr Bill Hollingworth

Seconded by: Ms Shelley Shepherd

The following amendments were made en bloc:

(i) That Condition 5 be amended to read as follows:

*Prior to the commencement of development, a Vehicular Parking and Access **and Goods Delivery Plan shall be submitted for approval, implemented and subsequently constructed to the satisfaction of the City of Albany.***

(ii) That Advice Note 5 be amended to read as follows:

With respect to the Vehicular Parking and Access plan;

- *Car parking and access is to be designed in accordance with Australian Standard 2890.*
- *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.*
- *A Road Safety audit of the carpark design (including pedestrian movement to and through the subject site) is to be conducted by an accredited Senior Road Safety Auditor at the 85% design stage of the plan.*
- ***Goods Delivery vehicle access shall address Restricted Vehicle requirements and be limited to the use of Brooks Garden Boulevard and Catalina Road.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Produce is expected to be delivered to the site from Perth utilising Restricted Vehicles and those vehicles should be precluded from using Viastra Drive.



AMENDING MOTION 4

Moved by: Mr Robert Fenn

Seconded by: Mayor Dennis Wellington

The following amendments were made en bloc:

- (i) That Condition 17 be amended to read as follows:

An Operational Environmental Management Plan shall be prepared, approved by the City of Albany and implemented so that the approved development hereby approved shall does not prejudicially affect the amenity of the neighbourhood. by, but not limited to, the emission of noise, vibration, smell, smoke or dust.

- (ii) That Advice Note 9 be amended to read as follows:

In relation to the Operational Environmental Management Plan Health, the proponent is advised that the approved development must comply with the relevant provisions of;

- Public Health Act 2016
- The Health (Miscellaneous Provisions) Act 1911;
- Food Act 2008, Food Regulations 2009;
- Environmental Protection Act 1986, Environmental Protection (Noise) Regulations 1997;
- Health (Garden Soil) Regulations 1998.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The proponent and City of Albany can establish those operational matters that could potentially impact adjoining residential amenity and be subjected to future inspection.

AMENDING MOTION 5

Moved by: Ms Shelley Shepherd

Seconded by: Ms Samantha Thompson

The following amendments were made en bloc:

- (i) That Condition 3 be amended to read as follows:

Prior to the commencement of development, a Stormwater Disposal 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 constructed and maintained implemented to the satisfaction of the City of Albany.

- (ii) That Advice Note 6 be amended to read as follows:

With respect to the Stormwater Management Disposal Plan;

- *Soil capability testing will likely be required to determine if soak well infiltration is the appropriate method of disposal for the site.*



- The stormwater **management disposal** system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.
- The stormwater **management approach should include a description of storm events to be managed including strategies to address water quality. disposal system is to ensure the lot can accommodate the intended use and the stormwater plan matches or otherwise coordinated with the existing development on the site.**
- The stormwater disposal system is to be design consistent with any previous Urban Water Management Plan.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure that the stormwater management solution addresses water quality as well as water quantity, consistent with State Government policy.

AMENDING MOTION 6

Moved by: Ms Samantha Thompson **Seconded by:** Ms Shelley Shepherd

The following amendments were made en bloc:

- (i) That Condition 14 be amended to read as follows:

*~~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~~ **Prior to installation of external lighting, an External Lighting Plan is to be submitted to and approved by the City of Albany. All external lighting is to be installed prior to the development becoming operational and thereafter be maintained in accordance with the approved External Lighting Plan.***

- (ii) That Condition 15 be deleted, added as Advice Note 13 and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity regarding expectations of conditions and provide a mechanism for lighting to be prepared and approved.



REPORT RECOMMENDATION (AS AMENDED)

That the Southern Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP19/01629 and accompanying plan SK034A sheets 2 to 5 and Landscaping Layout Plan LA-100 for the development of a Showroom and the Addition/Alteration to the Neighbourhood Centre at Lot 101 Chester Pass Road, Lange 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.
2. 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 2 year period, the approval shall lapse and be of no further effect.
3. 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.
4. Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to the City of Albany for approval and all works subsequently undertaken in accordance with the approved construction management plan, to the satisfaction of the City of Albany.
5. Prior to the commencement of development, a Vehicular Parking and Access and Goods Delivery Plan shall be submitted for approval, implemented and subsequently constructed to the satisfaction of the City of Albany.
6. Prior to the commencement of development, a Waste Management Plan indicating the location and type of refuse storage areas shall be submitted for approval, and implemented to the satisfaction of the City of Albany.
7. 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.
8. Prior to occupancy of use, the intersections of Chester Pass Rd and Catalina Rd / Chester Pass Rd and Brooks Garden Ave are to be upgraded to 'Give Way' control and left turn island for vehicles turning left from Chester Pass Road, as depicted in the attached diagram at the applicant's expense in consultation with Main Roads WA and the City of Albany, to the satisfaction of the City of Albany.



9. Prior to occupancy of use, a public art work commission, to the value of 1% of the development cost (or cash in lieu of) to reflect or enhance local cultural identity shall be provided as part of the development hereby approved, to the satisfaction of the City of Albany.
10. Prior to occupancy of use, the existing crossover shall be upgraded/constructed to the specifications, levels and satisfaction of the City of Albany.
11. Prior to occupancy of use, a minimum of 28 bicycle bays shall be provided for the development hereby approved, to the satisfaction of the City of Albany.
12. 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. 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.
13. 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.
14. Prior to installation of external lighting, an External Lighting Plan is to be submitted to and approved by the City of Albany. All external lighting is to be installed prior to the development becoming operational and thereafter be maintained in accordance with the approved External Lighting Plan.
15. Notwithstanding the submitted detail, the free standing Sign(s) circled in red on the hereby approved plans shall not be erected on the lot, without the prior development approval of the City of Albany.
16. An Operational Environmental Management Plan shall be prepared, approved by the City of Albany and implemented so that the approved development does not prejudicially affect the amenity of the neighbourhood.
17. The premises shall be connected to the Water Corporation sewerage system.
18. Upon occupancy of the development, no goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in the access driveways, unless otherwise agreed in writing by the City of Albany.

Advice Notes

1. With respect to the crossover condition, a Permit for Vehicle Crossover Construction; from the City of Albany is required prior to any work being carried out within the road reserve.
2. With respect to the signs condition, please refer to the City of Albany's *Signs* local planning policy for further information.
3. With respect to the public art contribution, please refer to the City of Albany's *Art in the Public Domain* policy for further information on commissioning and artwork.



4. With respect to the Construction Environmental Management Plan, it will be required to address, as a minimum; noise, dust and sand management;
5. With respect to the Vehicular Parking and Access plan;
 - Car parking and access is to be designed in accordance with Australian Standard 2890.
 - 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.
 - A Road Safety audit of the carpark design (including pedestrian movement to and through the subject site) is to be conducted by an accredited Senior Road Safety Auditor at the 85% design stage of the plan.
 - Goods Delivery vehicle access shall address Restricted Vehicle requirements and be limited to the use of Brooks Garden Boulevard and Catalina Road.
6. With respect to the Stormwater Management Plan;
 - Soil capability testing will likely be required to determine if soak well infiltration is the appropriate method of disposal for the site.
 - The stormwater management system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.
 - The stormwater management approach should include a description of storm events to be managed including strategies to address water quality.
 - The stormwater disposal system is to be design consistent with any previous Urban Water Management Plan.
7. With respect to the Waste Management Plan (Refuse storage plan);
 - The refuse storage areas shall be capable of accommodating all waste produced by the development and shall be screened from public view.
 - Rubbish receptacles are to be kept clean and tightly sealed at all times except when refuse is beign deposited or emptied, so as to avoid nuisance from smells or attacting pets / rodents.
8. With respect to the Landscaping and Reticulation Plan, mature or semi advanced stock shall be used.
9. In relation to the Operational Environmental Plan, the proponent is advised that the approved development must comply with the relevant provisions of;
 - Public Health Act 2016
 - The Health (Miscellaneous Provisions) Act 1911;
 - Food Act 2008, Food Regulations 2009;
 - Environmental Protection Act 1986, Environmental Protection (Noise) Regulations 1997;
 - Health (Garden Soil) Regulations 1998.
10. In relation to Building, compliance with the Building Act 2011, Building Regulations 2012, Building Code of Australia, Disability (Access to Premises-Building) Standards 2010 and Australian Standard 1428 - Design for Access and mobility will be required. Advice should be sought from registered Building Surveyor in order to obtain the appropriate and necessary Building approvals and certificates.



11. Where an approval has so lapsed, no development shall be carried out without further approval hearing 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) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.
12. Approval of the Commissioner of Main Roads under the *Road Traffic (Vehicles) Act 2012*, in consultation with the City of Albany, must be obtained prior to the use of Restricted Access Vehicles on any road accessing the site.
13. Lighting devices are to be positioned and shielded so as not to cause any direct, deflected, or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.

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

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

9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval

Nil

10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Application -

Current SAT Applications		
LG Name	Property Location	Application Description
City of Bunbury	Lot 101 Forrest Highway, Vittoria	Proposed Road House and 2 pylon signs

11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

There being no further business, the Presiding Member declared the meeting closed at 11.19am.