

# Form 1: Responsible Authority Report

(Regulation 12)

## Notes for Author

This template is provided to assist in the formulation of a Responsible Authority Report (RAR) for a Development Assessment Panel (DAP) application under Regulation 12 of the *Planning and Development (Development Assessment Panel) Regulations 2011*. This template should be used for all RARs under r.12 except for applications for a review of the original decision or a reconsideration of the original decision, please use the State Administrative Tribunal (SAT) Reconsideration template for those reports.

This template contains guidance to assist the author prepare a report that is comprehensive, succinct and addresses the key issues required for a decision to be made under the relevant Local Planning Scheme and Region Scheme (where applicable). The guidance notes should be deleted once the RAR is prepared and do not form part of the report.

The RAR template also provides for some sections to be deleted if they are not required. Where other sections are not relevant to a particular report and there are no specific notes, please insert either “not relevant” or “not applicable” under those headings.

Where the RAR template is submitted to a Council meeting, please note:

- The officer’s recommendation may be placed either first or last in accordance with the usual requirements of the Council meeting.
- For the submission of the RAR to the DAP Secretariat, the heading “Responsible Authority Recommendation” must contain the Council’s recommendation.
- If the officer recommendation is different from the Council recommendation, this should be shown under the heading “Officer Recommendation”.
- The “Reasons for Responsible Authority Recommendation” section should be completed after the Council meeting and should reflect why the recommendation differs from the reasons as shown in the minutes of the Council meeting.
- Where local government officers have delegation to provide the RAR to the DAP secretariat, only the “Responsible Authority Recommendation” should be completed and the “Officer Recommendation” section can be deleted.

## Lot 9002 (formally Lot 801), 1780 Thomas Road, Oakford – Proposed Service Station, Rural Supplies Store and Veterinary Clinic

### Form 1 – Responsible Authority Report (Regulation 12)

<b>DAP Name:</b>	Metro Outer Development Assessment Panel	
<b>Local Government Area:</b>	Shire of Serpentine Jarrahdale	
<b>Applicant:</b>	Planning Solutions	
<b>Owner:</b>	V and T Borrello	
<b>Value of Development:</b>	\$4 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
<b>Responsible Authority:</b>	Shire of Serpentine Jarrahdale	
<b>Authorising Officer:</b>	Andrew Trosic	
<b>LG Reference:</b>	PA22/297	
<b>DAP File No:</b>	DAP/22/02211	
<b>Application Received Date:</b>	4 April 2022	
<b>Report Due Date:</b>	9 December 2022	
<b>Application Statutory Process Timeframe:</b>	90 Days	
<b>Attachment(s):</b>	1 Council Resolution 2 Minutes of MODAP Meeting 3 Amended Details 4 Summary of Submissions 5 Clause 67 Checklist 6. Plans for Determination	
<b>Is the Responsible Authority Recommendation the same as the Officer Recommendation?</b>	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> N/A	
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

### Responsible Authority Recommendation

That the metro Outer Joint Development Assessment panel resolves to:

- Approves** DAP Application reference DAP/22/02211 and accompanying plans (attachment 6) 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 Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, for a proposed service station, rural supplies store and veterinary clinic at Lot 9002, 1780 Thomas Road, Oakford subject to the following conditions

## Conditions

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 – P26 – received at the Shire Offices on 12 October 2022 P27 – Transport Impact Assessment dated October 2022 Environmental Acoustic Assessment dated September 2022
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2. Prior to issue of a Building Permit an updated Bushfire Management Plan (BMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the BMP shall be fully implemented and maintained thereafter.
3. The vehicle parking areas, access ways and crossovers must:
  - i. be designed in accordance with the relevant Australian/New Zealand Standard;
  - ii. include a minimum of 144 car parking bays;
  - iii. include one loading bay with minimum dimensions of 3.5 metres by 11 metres;
  - iv. be constructed, asphalt or concrete sealed, kerbed, drained and marked.

Plans depicting these works are to be submitted to and approved by the Shire prior to the issue of a building permit. The works are to be completed prior to operation of the development, and maintained thereafter.

4. All delivery vehicles servicing the land must load and unload within the boundaries of the land.
5. A Lighting Plan is to be submitted to and approved by the Shire prior to the issue of a building permit. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.
6. Prior to issue of a building permit, a Signage Strategy detailing location, size and height of signage for the whole development, including wall signs, window signs, under veranda signs and fascia signs, is to be prepared to the specifications and satisfaction of the Shire. The Signage Strategy must depict no more than one single pylon sign for the entire development.
7. No signs are permitted to be displayed in the current or future road reserves of either Thomas Road or Kargotich Road at any time.
8. Prior to issue of a Building Permit, a landscaping and revegetation plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is to demonstrate:
  - i. the landscaping of a 20m vegetation buffer along the Thomas Road and Kargotich Road frontages of the land;
  - ii. this buffer to comprise a sufficient density of advanced trees and medium shrubs, which reflect the rural character either side of Thomas Road and Kargotich Road;

- iii. both verges of Kargotich Road, from its intersection with Thomas Rd to the vehicle entry and exit point, being suitably landscaped.

Once approved, landscaping and revegetation must be fully installed prior to operation of the development, and thereafter maintained to the satisfaction of the Shire.

9. Plans submitted for a building permit are to demonstrate the use of external colours and materials which are predominantly dark neutral earth tones, found in the local landscape of the district.
10. No earthworks shall encroach onto either the current or future Kargotich Road or Thomas Road road reserves, except where required by specific conditions of this approval.
11. Prior to issue of a Building Permit, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans are to be integrated in to the plans submitted for a Building Permit, with a suitably qualified acoustic consultant verifying the plans in this regard. Once approved, the Noise Management Plan shall be implemented and maintained thereafter to the satisfaction of the Shire.
12. Prior to issue of a Building Permit, the applicant shall submit and have approved plans depicting the proposed art piece consistent with Local Planning Policy 1.6. Upon approval of the plans, the art piece is to be installed and thereafter maintained to the satisfaction of the Shire.
13. Prior to issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater Management Plan shall be implemented and thereafter maintained to the satisfaction of the Shire.
14. Prior to the occupation of the development, the land required for 'Road Widening' on development plan titled 'Proposed MRWA Flyover Development Locality Plan 'Dated 13 October 2022, Revision 8/RFH/Rev/13.10.2022 (attached), or as amended by the Department of Planning, Lands and Heritage, shall be set aside as a separate lot for acquisition pending future road widening requirements.
15. Prior to occupation of the development, the road geometry and associated infrastructure and services for the Stage One "T" Intersection with Deceleration & Bypass Lanes, shall be located and constructed in general accordance with the development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022 (attached) , or as amended by Main Roads WA.
16. The developer is responsible for all costs involved in the design, construction and upgrade for the Stage One "T" Intersection with Deceleration & Bypass Lanes as shown on development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022 (attached). This includes signing, road markings, street lighting, street furniture, full verge landscaping on both sides and relocation of infrastructure services (including electricity).
17. Prior to submission of a Building Permit, the applicant shall submit a preliminary intersection design (15% concept) for the Stage One "T" Intersection with Deceleration & Bypass Lanes in general accordance with the development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022 (attached), to the satisfaction of the Shire of Serpentine Jarrahdale in liaison with Main Roads WA. The preliminary intersection design shall be in accordance with the

requirements of Main Roads and the relevant Austroads Guidelines demonstrating the following:

- i. an intersection treatment warrant analysis that identifies the appropriate intersection layout;
  - ii. there is sufficient area within the road reservation to facilitate the typical carriageway cross section inclusive of a right turn pocket with painted treatment (i.e. not isolated widening) servicing the proposed access to Lot 801; and
  - iii. facilitates future connectivity with the ultimate design for access as illustrated on development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022.
18. All signs and sign structures are to be placed on private property and must not overhang or encroach upon the existing or future Primary Regional Road reserve.
19. At all times signage illumination must be low-level and not exceed 300cd/m<sup>2</sup> between sunrise and sunset. Signage must not flash, pulsate or chase during all hours.
20. Signage shall not contain fluorescent, reflective, or retro-reflective colours or materials.

#### ADVICE

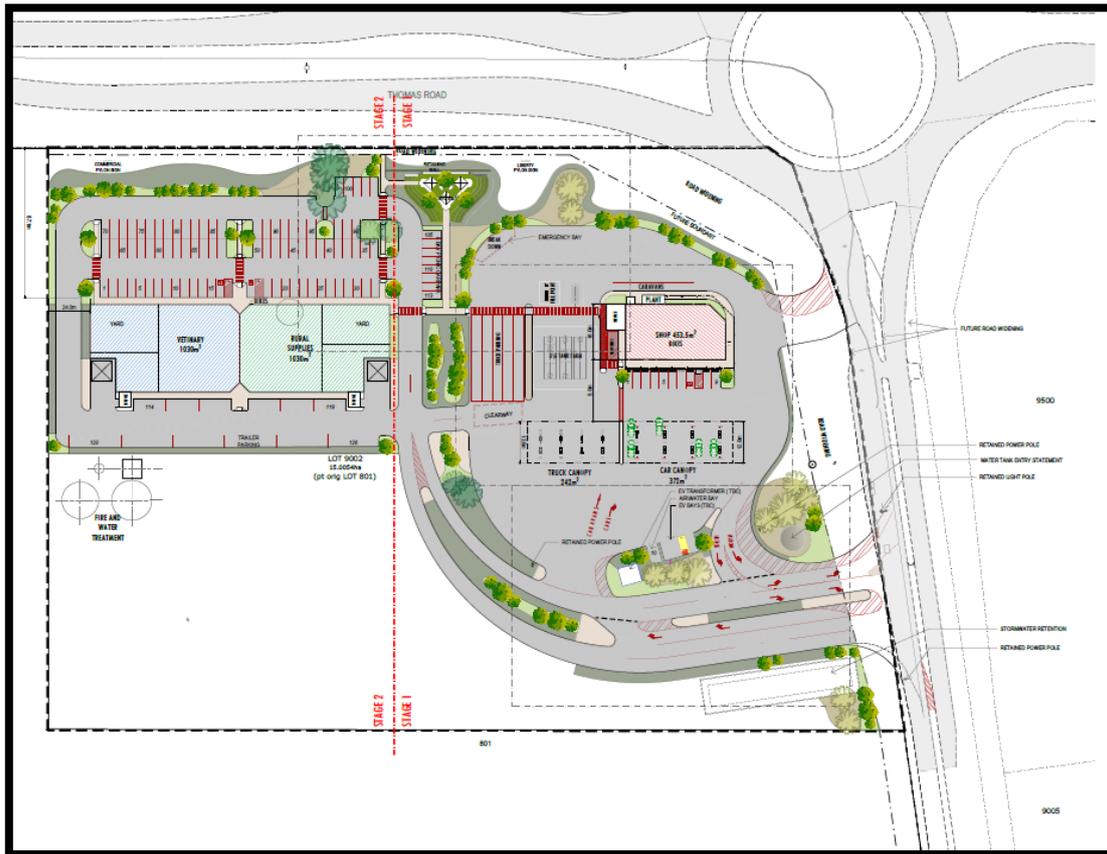
- 1) In reference to Condition o, the right turn pocket will need to be designed to comply with the requirements of *Austroads Guide to Road Design Part 4A – Unsignalized and Signalised Intersections, Section 5.2.2 - Determination of Deceleration Turning Lane Length*, and of sufficient length to accommodate the desired maximum vehicle length of 27.5 m (i.e. RAV 3).
- 2) In reference to Condition q:
  - i. Information on warrants spreadsheets can be found on the Main Roads website > Technical & Commercial > [mrwa-supplement-to-austroads-guide-to-road-design-part-4](#).
  - ii. The right turn pocket will need to be designed to comply with the requirements of *Austroads Guide to Road Design Part 4A – Unsignalized and Signalised Intersections, Section 5.2.2 - Determination of Deceleration Turning Lane Length*, and of sufficient length to accommodate the desired maximum vehicle length of 27.5 m (i.e. RAV 3).
  - iii. A copy of the Main Roads concept forwarded via email to the applicant on 31 October 2022 is attached. This information is provided for information purposes only and Main Roads assumes no liability for the information provided.
- 3) The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.
- 4) Where a Planning Control Area (PCA) is in place, approval for development is required from the Western Australian Planning Commission (WAPC), as well as under any relevant planning scheme, unless the PCA imposes requirements to the contrary.

**Details: outline of development application**

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Rural
Local Planning Scheme	Shire of Serpentine Jarrahdale Town Planning Scheme No.2
Local Planning Scheme - Zone/Reserve	Rural
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan - Land Use Designation	N/A
Use Class and permissibility:	Service Station (SA), Veterinary Clinic (AA) and Produce Store (AA)
Lot Size:	15.53ha
Existing Land Use:	Vacant land
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

**Proposal:**Initial Proposal

The initial application sought approval for a 'Service Station' (453m<sup>2</sup>), a 'Veterinary Clinic' (1,030m<sup>2</sup>) and a 'Rural Supplies Store' (1,030m<sup>2</sup>) providing general retail, construction services, agricultural retail, and equine services, as depicted below:



The 'Service Station' component would operate 24 hours a day, seven days a week and comprise of the following:

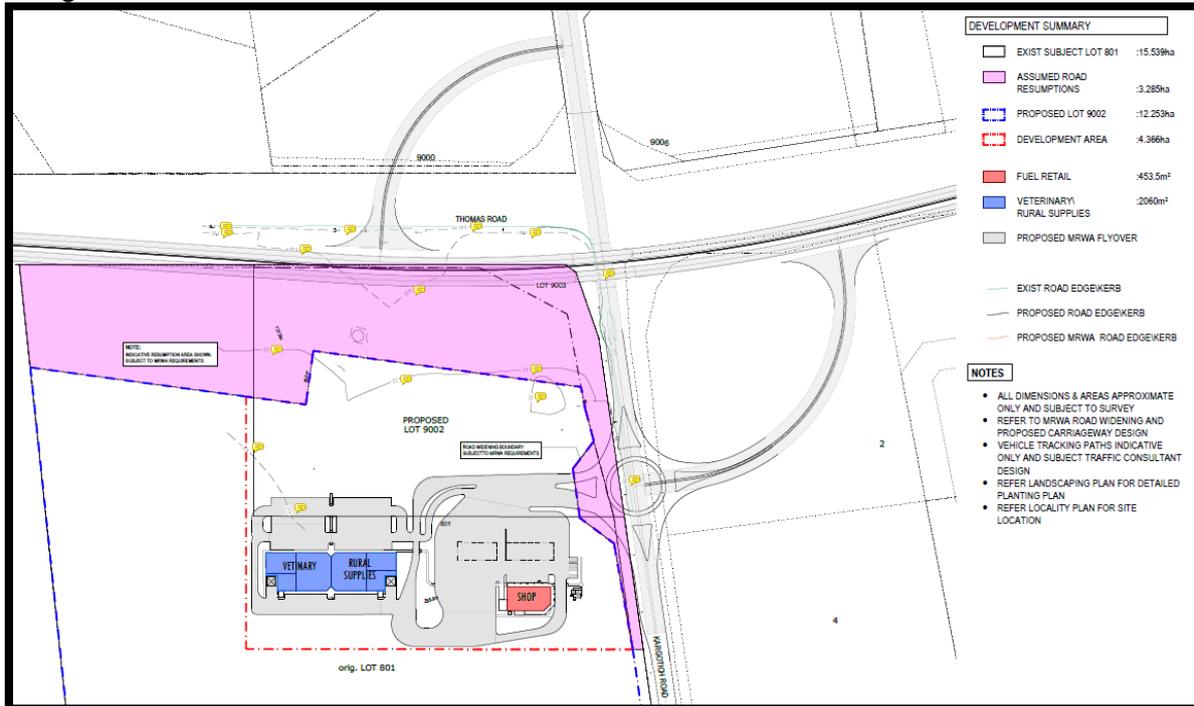
- Petrol canopies for cars and trucks;
- Retail Area;
- Dining Area;
- WC's, shower facilities and lounge;
- Food preparation and storage areas;
- BBQ and picnic area;
- 144 car parking bays including 6 trailer bays;
- 5 truck parking bays;
- Caravan parking;
- Four wall signs;
- One pylon sign; and
- Landscaping.

Access was proposed via one full movement crossover and one egress only crossover onto Kargotich Road with no access from Thomas Road.

### **Revised Proposal**

Following the deferral, the application remains relatively similar however has been amended so as to relocate it a further 44m to the south, outside of the new land area requirement for the grade separated intersection. In doing so, other minor changes have been made to the proposal

which is depicted in the site plan below, also the applicant has summarised the changes in the following table:



**Table 1 – Comparison of deferred plans and revised plans (key development standards)**

Element	Previous plans	Proposed plans
<b>Setbacks</b> <i>(note, the setbacks have been measured to the boundary of the development area, not the current boundary of the lot)</i>	Front setback: 14.00m Rear setback: 14.00m Side setback: 16.40m	Setbacks have increased.
<b>Signage</b>	2 x 7.6m pylon signs, one for both the road house and commercial tenancies, located adjacent to Thomas Road.	2x 7.6m pylon signs adjacent Kargotich Road for both the road house and commercial tenancies.
<b>Buildings and Land Uses</b>	Development area: 3.614ha Fuel retail: 453.5m <sup>2</sup> Veterinary / rural supplies: 2060m <sup>2</sup>	Development area: 3.985ha Fuel retail: 453.5m <sup>2</sup> Veterinary / rural supplies: 2060m <sup>2</sup>
<b>Car and Bicycle Parking</b>	<ul style="list-style-type: none"> <li>Fuel retail:                             <ul style="list-style-type: none"> <li>10 car parking bays</li> <li>5 truck parking bays</li> <li>1 air and water bay</li> <li>2 EV charging bays</li> <li>2 bicycle parking bays</li> <li>2 caravan bays</li> <li>1 emergency bay</li> </ul> </li> <li>Veterinary and rural supplies:                             <ul style="list-style-type: none"> <li>126 car parking bays</li> <li>2 bicycle parking bays</li> </ul> </li> <li>Picnic area:                             <ul style="list-style-type: none"> <li>8 car parking bays</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Fuel retail:                             <ul style="list-style-type: none"> <li>10 car parking bays</li> <li>5 truck parking bays</li> <li>1 air/water bay</li> <li>3 EV charging bays</li> <li>2 bicycle parking bays</li> <li>1 emergency breakdown bay</li> </ul> </li> <li>Veterinary and rural supplies:                             <ul style="list-style-type: none"> <li>120 car parking bays</li> <li>2 bicycle parking bays</li> </ul> </li> <li>Picnic area:                             <ul style="list-style-type: none"> <li>8 car parking bays</li> <li>2 caravan parking bays</li> </ul> </li> </ul>
<b>Landscaping</b>	Retained trees: 11 New Coastal Blackbutt trees: 11 New Rock Sheoak trees: 85	Retained trees: 10 New Coastal Blackbutt trees: 11 New Rock Sheoak trees: 89

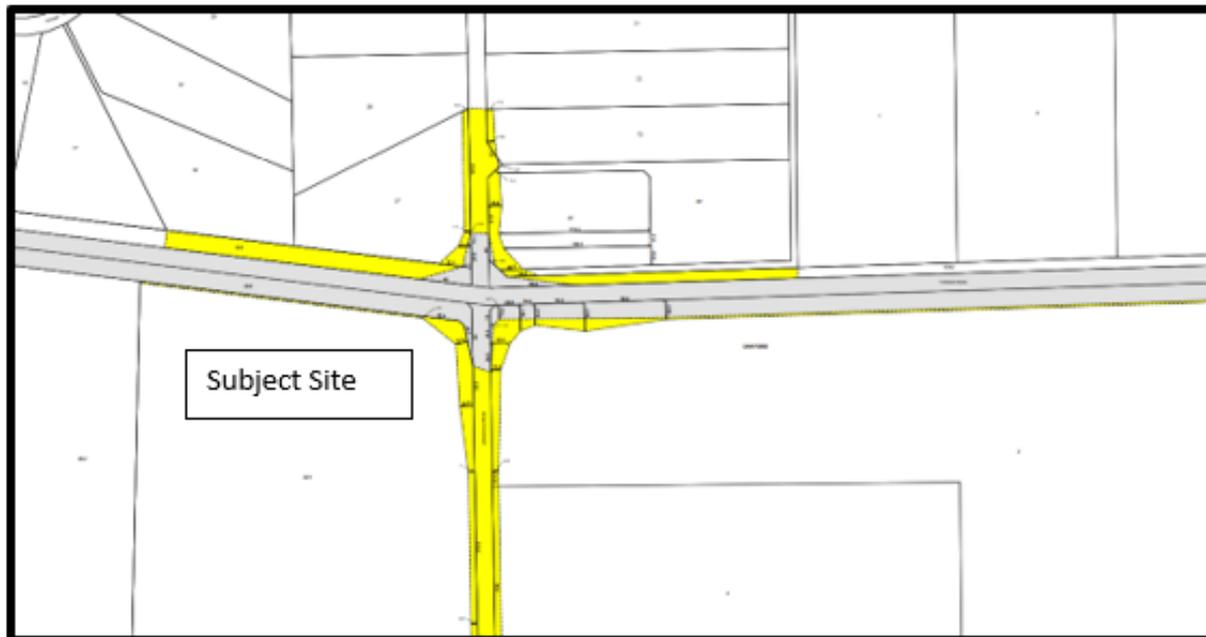
As amended, the vehicle access proposes to accommodate vehicles to and from the grade separated interchange and connects the development with the proposed off ramp located on



The current proposal is a new application that has been amended following the decision to defer by the MODAP on 7 July 2022.

The Western Australian Planning Commission (WAPC) have placed a Planning Control Area (PCA) over land surrounding the intersection of Thomas Road and Kargotich Road. The purpose of this PCA is to protect a section of Thomas Road for future upgrades in line with its freight and regional road functions. This is an important consideration as part of the new proposed development.

The PCA area is shown in yellow below and discussed further later in the report.



More recently, as part of the Westport Project, plans have been released which seek to transform the Thomas Rd and Anketell Rd link as a freight standard freeway. A grade separated interchange will ultimately be created as part of that project, and also needs to be considered as part of this development application.

### **Legislation and Policy:**

#### Legislation

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Environmental Protection (Noise) Regulations 1997;*

#### State Government Policies

- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million;
- State Planning Policy 2.5 – Rural Planning;
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses;

#### Structure Plans/Activity Centre Plans

N/A

### Local Policies

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2;
- Local Planning Strategy
- Draft Local Planning Scheme No.3
- Local Planning Policy 4.11 - Advertising
- Local Planning Policy 1.4 – Consultation for Planning Matters

### **Consultation:**

#### Public Consultation

The application was initially advertised to landowners within a 500m radius of the site from 19 April 2022 to 10 May 2022, in accordance with Local Planning Policy 1.4 - Consultation for Planning Matters. During this period no submissions were received.

The revised proposal was advertised further for public comment from 14 October 2022 to 4 November 2022. During this period, one submission was received objecting to the proposal for the following reasons:

- Not enough parking space at vet or rural supplies;
- Needs a general store in this location for back-ups;
- Vet does not have enough open space to house animals;
- When travelling south on Kargotich Road it's difficult to turn east onto Thomas Road.

This submission, including response by the Applicant and comment by Officers, are contained within the attachments.

#### Referrals/consultation with Government/Service Agencies

##### Western Australian Planning Commission (WAPC)

Due to the location of the proposal and the access being located in a Planning Control Area the initial application was referred to the WAPC.

*The DPLH commented that "In its current form, DPLH does not support the proposed application from a regional road planning perspective, as it does not make provision for the land required for the proposed freight corridor. The proposed access arrangements are also likely to need to be modified to the satisfaction of MRWA, reflecting the significance of the future freight corridor."*

##### The revised plans were sent to the WAPC

*"WAPC commented that "they are still waiting further information from MRWA regarding the access roundabout design and associated land requirements, which we understand to be imminent. Should MRWA be supportive of the proposed access arrangements, then it will be our expectation that the development plans appropriately reflect the requirements identified by MRWA."*

*As outlined in our correspondence to the JDAP in July 2022 and given the fundamental importance of access to the effective operation of the proposed development, it is the Department's view that the application relating to the component of the development proposed in PCA 161 should be determined by the WAPC prior to the JDAP determining application DAP/22/02211 for the component of the proposed development situated outside PCA 161."*

Main Roads Western Australia (MRWA)

MRWA provided a submission initially objecting the proposal for the following reasons:

- The proposed development poses an unacceptable impact to future upgrades for the intersection of Thomas Road/Kargotich Road;
- The northernmost crossover would be located in the functional area of the future roundabout contrary to Main Roads Driveways Guidelines resulting in potential traffic safety impacts; and
- The subject site abuts Planning control Area 161 with the purpose of protecting land for future upgrades of Thomas Road to achieve its freight and regional road functions. Design work is currently underway for the ultimate intersection configuration which has identified that a grade separation interchange is likely which will result in the reconsideration of the land requirements. The ultimate configuration will impact on the future to develop the subject site.

The revised proposal was referred to MRWA who confirmed that they now have no objections subject to conditions.

A full copy of the submission with the applicant and Officer responses is contained within the attachments.

Design Review Panel Advice

N/A

Swan Valley Planning

N/A

Other Advice

N/A

**Planning Assessment:**Land Use

In determining whether this application is capable of approval under TPS2 it is necessary to consider the appropriate land use classification with reference to the definitions provided for in Appendix 1 of TPS2.

Within the use classes defined in TPS2, the following use has been considered:  
'Service Station':

*"land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repairs or wrecking."*

The proposal would be used for the supply of petroleum products and it is reasonable to consider that motor vehicle accessories will also be sold within the retail component. The proposal also includes a dining area and shop and does not include any of the facilities listed above that are expressly excluded. The definition does require *"carrying out greasing, tyre repairs and minor mechanical repairs"*.

If the proposal was not considered a 'service station', it could possibly be considered a 'use not listed'. In considering this, it is noted that Clause 3.2.5 of TPS2 states that:

*“If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 64 of the Deemed Provisions in considering an application for planning consent.”*

This clause requires that for a development to be classified as a ‘use not listed’ it should only be done so where the use *“cannot reasonably be determined as falling within the interpretation of one of the use categories”*.

In determining the most appropriate land use classification, officers consider that the retail and dining areas are ‘incidental’ and ‘ancillary’ to the primary use of petroleum sales and do not constitute an additional use of ‘restaurant’, ‘shop’ or ‘fast food takeaway’. This appears to align with the SAT decision in West Coast Enterprises and Shire of Exmouth [2007] WASAT 316, where it was held that ancillary uses are those that *“grow out of or develop from the primary use”* and are intended to enhance it, such as *“the sale of convenience goods [which] has come to be accepted as being ancillary to a petrol station”*.

In this case, Officers therefore consider that the retail and dining areas are incidental to and part of the service station use and are expressly mentioned as being such in the definition. Given the layout of the proposal and the scale, particularly of the dining area, they are considered elements that are subservient to the primary use of petroleum sales that do not operate independently of each other as separate uses.

A ‘Service Station’ is an ‘SA’ use under TPS2, which means that *“Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the deemed provisions”*.

With regard to the veterinary clinic and rural supplies store, the following definitions are considered appropriate:

‘Veterinary Establishment’:

*land and buildings used for, or in connection with, the treatment of sick animals and includes accommodation of sick animals*

‘Produce Store’:

*land and buildings where in fodders, fertilisers and grain are displayed and offered for sale”*

The veterinary clinic will provide animal health care which falls within the above definition of ‘Veterinary Establishment’ which is an ‘AA’ use, which means that *“Council may, at its discretion, permit the use.”*

The rural supplies store will provide rural supplies which falls within the above definition of ‘Produce Store’ which is an ‘AA’ use, which means that *“Council may, at its discretion, permit the use”*.

Council is required to exercise its discretion to grant development approval in accordance with the Deemed Provisions. In considering if Council should exercise its discretion to approve the application, Council is required to consider Schedule 2, Part 9, Clause 67 of the Deemed

Provisions. An assessment has been undertaken in accordance with Clause 67 of the Deemed Provisions, the assessment can be viewed as part of the attachments.

### Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)

Clause 5.10.1 of TPS2 states *“the purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area”*. TPS2 does not define a ‘rural pursuit’ however, the SAT defines a rural pursuit as something that is *‘relating to, or a characteristic of the country’*. Service stations, while not exclusive to rural areas, are found in such.

### Draft Local Planning Scheme No.3 (LPS3) and Local Planning Strategy (LPS)

The site is proposed to remain zoned ‘Rural’ under LPS3. Under the approved LPS, it is identified as Rural. It is considered that LPS3, as a seriously entertained and certain planning document, will introduce a Rural zone for the land.

Under LPS3 the ‘Service Station’ land use under LPS3 is defined as:

*“premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for –*

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or*
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.”*

Under LPS3 the land use of ‘Service Station’ is a prohibited land use in the ‘Rural’ zone under draft LPS3.

LPS3 has however introduced the use class of a ‘Road House’, which is defined as:

*“premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services –*

- (a) a full range of automotive repair services;*
- (b) wrecking, panel beating and spray painting services;*
- (c) transport depot facilities;*
- (d) short-term accommodation for guests;*
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies.”*

The freeway service centre is defined as:

*“premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services –*

- (a) service station facilities;*

- (b) *emergency breakdown repair for vehicles;*
- (c) *charging points for electric vehicles;*
- (d) *facilities for cyclists;*
- (e) *restaurant, cafe or fast food services;*
- (f) *take-away food retailing;*
- (g) *public ablution facilities, including provision for disabled access and infant changing rooms;*
- (h) *parking for passenger and freight vehicles;*
- (i) *outdoor rest stop facilities such as picnic tables and shade areas.”*

‘Road House’ is an ‘A’ use in the ‘Rural’ zone under LPS3 and therefore is capable of approval subject to advertising. Based on its definition, for a development to be considered a ‘road house’, it must have direct access from a state road and provide all the services or facilities provided by a freeway service centre, as listed above.

There is no definition of state road, however MRWA define it as ‘*A road declared under the Main Roads Act 1930 to be a highway or a main road.*’ In the plan of the proposed crossover for both the interim and ultimate arrangement, it connects with area of land under the Planning Control Area 161, dedicated as such for road upgrades. It is therefore reasonable to accept that the section of Kargotich Road to which the crossover connects is a State road for the purposes of LPS3. Given there is no longer objection received from MRWA in relation to the access, it is considered that the proposal can meet the definition in this regard.

With regard to the services provided by the development, the proposal is considered to meet those services provided by a ‘Freeway Service Centre’ and capable of falling within the land use of ‘road house’. The veterinary clinic component and rural supplies store component are considered to fall within the land uses of ‘Veterinary Centre’ and ‘Trade Supplies’ respectively under draft LPS3. These land uses are both discretionary uses requiring advertising.

The objectives of the ‘Rural’ zone under LPS3 are:

- *“To provide for the maintenance or enhancement of specific local rural character.*
- *To protect and accommodate broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- *To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies including groundwater, to protect sensitive areas especially the natural valley and watercourse systems from damage.*
- *To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.*
- *To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.”*

The objectives of rural land under the LPS are to provide for a full range of rural uses, tourism, rural enterprise and the preservation of the rural character. The LPS emphasises the importance

of protecting large rural lot sizes for agriculture. LPS3 also recognises the need for provision of non-rural land uses where they have a demonstrated benefit. As discussed, the existing road network is intended to be the east-west transport corridor for freight vehicles. It is considered that the proposed development is one that would service this transport corridor as well as providing petroleum and incidental products to the local community. In this instance the service station and incidental components is considered a non-rural use with a demonstrated benefit that can be undertaken alongside surrounding rural properties.

The veterinary clinic and rural supplies store area considered to support rural and agricultural activities, consistent with the LPS3 objectives.

#### State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)

SPP3.7 seeks to implement effective risk based planning and development to preserve life and reduce the impact of bushfires on property and infrastructure. As the site is designated as bushfire prone, a Bushfire Management Statement (BMS) has been submitted as part of the initial application.

The BMS has mapped and classified vegetation within 150m of the proposal and identified a Bushfire Attack Level (BAL) rating of BAL-12.5. The BMS also provides an assessment against the criteria in the *Guidelines for Planning in Bushfire Prone Areas* in relation to location, siting, vehicular access and water, as required under SPP3.7.

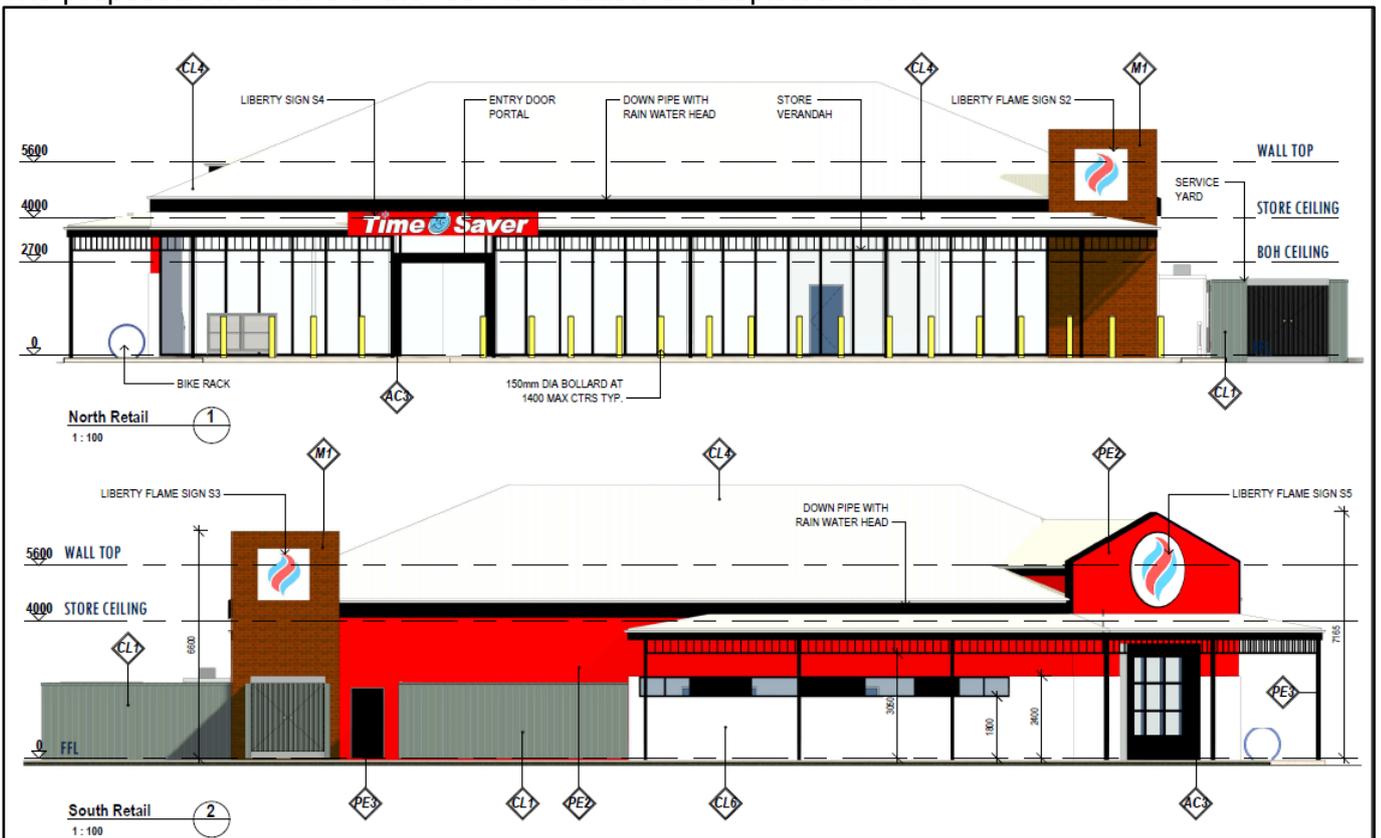
The BMS considers the bushfire risk manageable through the implementation of a number of measures outlined in the plan. These measures include the installation of a 10,000 litre water tank and driveway access; maintenance of an asset protection zone and compliance with firebreak notices. It is considered that the BMS satisfactorily demonstrates that bushfire risk can be managed, consistent with SPP3.7, however should the MODAP resolve to approve the application it is considered that a condition should be imposed requiring an updated BMS reflective of the relocated development.

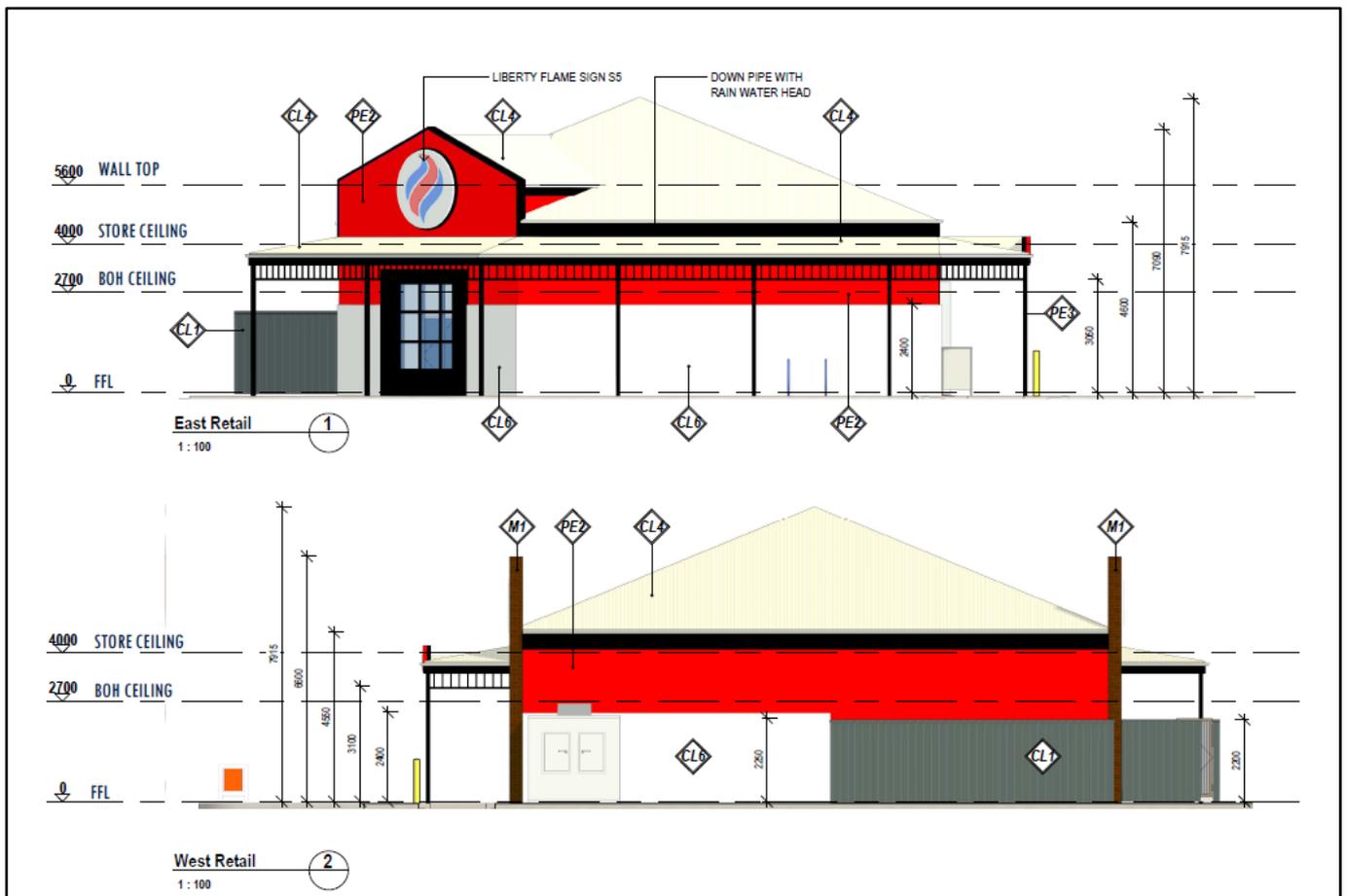
#### Form of Development and Amenity

The subject site is in a prominent location for traffic entering Byford from the west as well as increased freight traffic subsequent to Westport, as the Thomas Road and Anketell Road linkage progresses. Notwithstanding the future road upgrades, the present character of the locality is rural in nature with a mixture of open fields and tree lined verges. The form and appearance of the proposal should therefore reflect the rural character of the locality. The character of the locality is depicted in the image below as viewed on the approach to the intersection from the east.



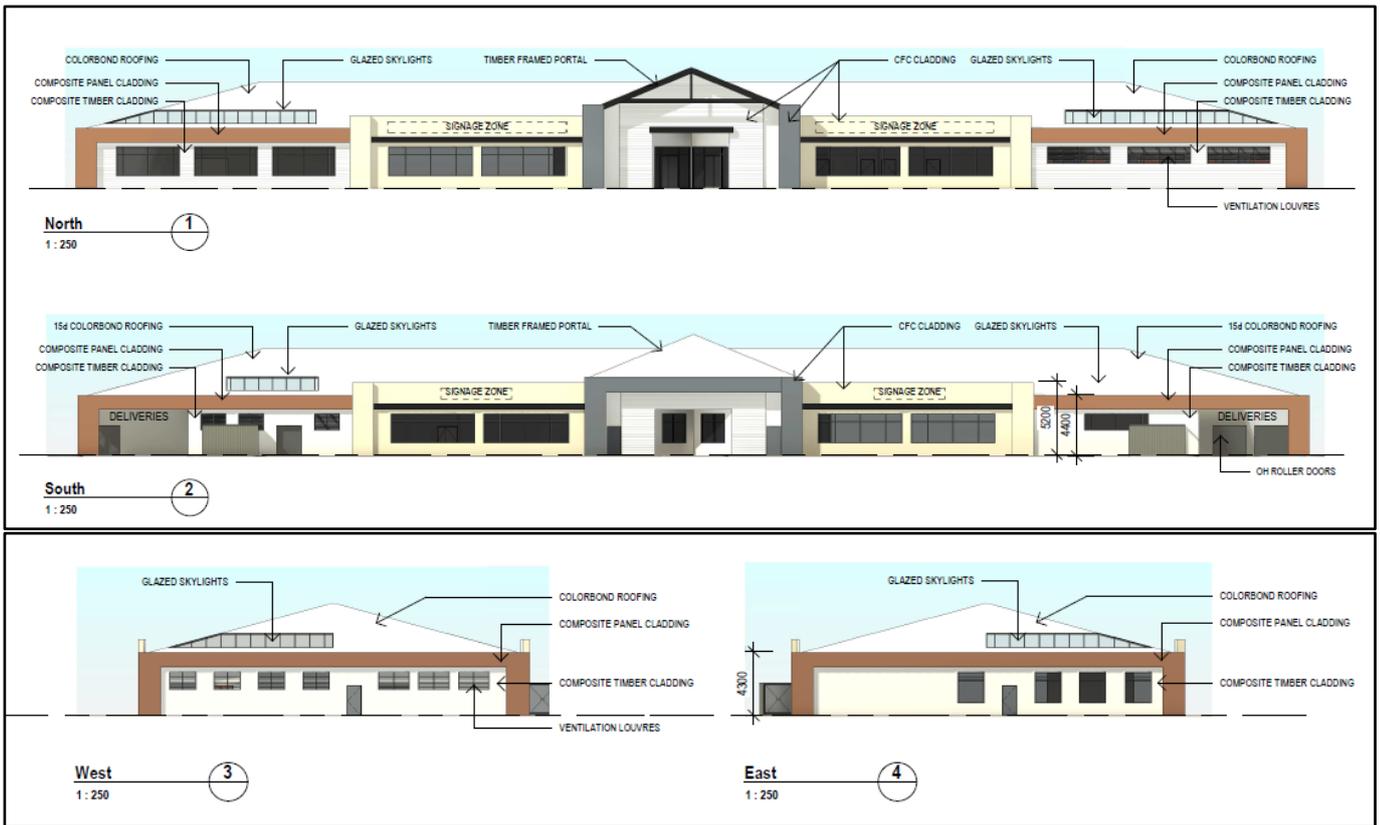
The proposed elevations of the 'Service Station' are depicted below:





The building, as relocated, would be set back 42.3m from the existing eastern lot boundary (Kargotich Road) and approximately 126m from the existing northern lot boundary (Thomas Road). The design incorporates a hipped roof and verandah to reflect the form of a rural building. The building also features a brick feature wall, utilising materials consistent with the Shire's rural character.

The rural supplies store and veterinary clinic would be located to the west of the service station fronting Thomas Road. The building would be set back, as relocated, approximately 90m from the northern lot boundary with the parking bays and building entrance provided to the front. The building would be cladded and have a colorbond roof. The entrance would be located centrally for both tenancies and have a pitched roof timber framed entrance way. The elevations include composite panel cladding framing the windows and composite timber cladding. There would be skylight windows adding an element of visual interest to the hipped roof. The elevations are depicted below:



It is considered that the form and design of this building is consistent with development expected in a rural area and generally reflects the rural character of the locality, with a degree of simple, symmetrical form.

Signage

The signage has not been amended as part of the relocation of the development except for the relocation of the pylon signs to alongside Kargotich Road instead of Thomas Road. Local Planning Policy 4.11 - Advertising (LPP4.11) sets out standards for different signage types. Table 1 of LPP4.11 sets out the permissibility of different sign types within particular zones. Both wall signs and pylon signs are not permitted in the 'Rural' zone under the LPP. These sign types would not typically be found within a 'Rural' zone and as such careful consideration is required to ensure they do not adversely impact on the rural character, notwithstanding the fact that the proposal is commercial in nature.

Table 2 of LPP4.11 sets out acceptable development standards for signage. The proposed signage is addressed against this criteria in the table below. The permissibility and variations to the LPP are discussed later in the report and are considered in relation to the objectives of the LPP.

Sign Type	Policy Requirements	Proposal	
2x canopy signs S2 and S3	<ul style="list-style-type: none"> <li>• Is a single faced sign.</li> <li>• Must be compatible with the canopy and building on which it is displayed.</li> <li>• Must not be illuminated unless the nature of the illumination and/or materials is such as to prevent combustion.</li> </ul>	Y	
		Y	
		Y	

Sign Type	Policy Requirements	Proposal	
	<ul style="list-style-type: none"> <li>• Must have a minimum clearance of 2.75m to any rigid part of the canopy, and 2.4m to any flexible part of the canopy, and a footpath pavement, where pedestrian access is to be maintained.</li> </ul>		
4 x Liberty Wall signs (s2, S5 x2, s4)	<ul style="list-style-type: none"> <li>• A wall sign is to only to display the name, logo or slogan of the business premises to which the sign is applied.</li> <li>• The maximum single face area is 10m<sup>2</sup>, and must not extend beyond 12.0m above the ground even if the wall is higher than this.</li> </ul> <p>Must not project more than 300mm from the wall and/or fascia to which it is affixed.</p> <ul style="list-style-type: none"> <li>• Must not project beyond the edges of a wall and/or fascia.</li> </ul>	<p>Compliant</p> <p>Compliant</p> <p>S2 – 2.25m<sup>2</sup></p> <p>S4 – 4.13m<sup>2</sup></p> <p>S5 – 4.49m<sup>2</sup></p> <p>Compliant</p> <p>Compliant except for Timesaver Sign (S4) which extends above the roofline</p>	
Pylon sign –	<ul style="list-style-type: none"> <li>• The maximum sign face area is 10m<sup>2</sup> per face, for a maximum of two faces.</li> <li>• The maximum height above the ground is to be 6.5m or the height of a building in close proximity, whichever is the greater, but is not to exceed 10m. The height of a building is defined as the height of the uppermost part of the building above ground level.</li> <li>• Must be mounted as a free-standing structure.</li> <li>• Must not be located less than 1.5m from the front property boundary (including the primary and secondary street frontages of a corner lot), and must not project</li> </ul>	<p>Veterinary Clinic and Rural Supplies 14.12m<sup>2</sup></p> <p>Service Station pylon – 16.24m<sup>2</sup></p> <p>Veterinary Clinic and Rural Supplies 7.05m</p> <p>Service Station – 7.2m</p> <p>Compliant</p> <p>Compliant</p>	

Sign Type	Policy Requirements	Proposal	
	<p>beyond the alignment of any property boundary.</p> <ul style="list-style-type: none"> <li>• Must not face adjoining premises unless the sign is a minimum of 3.0m from the property boundary of that premises, or unless the landowner of the adjoining premises consents to the sign being a lesser distance from the boundary.</li> <li>• Must not expose an unsightly back view of the sign to a road or other public place. Must not be located on a street frontage of a premises along which is located another pylon sign, billboard sign or pole sign.</li> </ul>	<p>Compliant</p> <p>Compliant</p>	
Rural Supplies x2 Wall signs	<p>A wall sign is to only to display the name, logo or slogan of the business premises to which the sign is applied.</p> <ul style="list-style-type: none"> <li>• The maximum single face area is 10m<sup>2</sup> , and must not extend beyond 12.0m above the ground even if the wall is higher than this.</li> <li>• Must not project more than 300mm from the wall and/or fascia to which it is affixed.</li> <li>• Must not project beyond the edges of a wall and/or fascia.</li> </ul>	<p>Y</p> <p>Branding – 3.75m<sup>2</sup> Deliveries – 2.92m<sup>2</sup> Y</p> <p>Y</p>	
Veterinary Clinic 2x wall signs	<p>A wall sign is to only to display the name, logo or slogan of the business premises to which the sign is applied.</p> <ul style="list-style-type: none"> <li>• The maximum single face area is 10m<sup>2</sup> , and must not extend beyond 12.0m above the ground even if the wall is higher than this.</li> <li>• Must not project more than 300mm from the wall and/or fascia to which it is affixed.</li> <li>• Must not project beyond the edges of a wall and/or fascia.</li> </ul>	<p>Y</p> <p>Branding – 3.75m<sup>2</sup> Deliveries – 2.92m<sup>2</sup> Y</p> <p>Y</p>	

#### Variations:

Pylon signs and wall signs are listed as not permitted within the 'Rural' zone. The wall signs are considered an appropriate sign type in this case given the commercial nature of the development and the fact they are generally compliant with the standards set out in the LPP.

LPP4.11 states that where acceptable standards cannot be met an assessment against the performance criteria outlined under Table 2 is required. The Table 2 criteria are addressed below in relation to the variations:

Sign Type	Performance Criteria	Proposal
Pylon Signs	<p>Size Is in keeping with scale of the development or site on which it is proposed.</p> <p>Colour and Shape Is complementary to the development and surrounding landscape.</p> <p>Number There is not an excess of signage that detrimentally impacts on the visual amenity and character of the area.</p> <p>Location The location is sympathetic to the existing landscape /streetscape and does not impede on the function of the approved use for the site.</p> <p>Design The scale and form of the sign complements the building /development and does not obstruct key architectural features.</p>	<p>Given the height of the proposed rural supplies and vets building in close proximity is approximately 7m in height, it is considered that the scale of the pylon signs is relatively consistent with the scale of the development.</p> <p>The colour of the pylon signs is not considered particularly sympathetic to the surrounding rural landscape and having two pylon signs along the same street frontage is considered to adversely impact on the character of the locality and the streetscape.</p> <p>The design of the signs to not include any features consistent with the rural zone</p>

The submitted plans include various other signs that are not shown on the site plan. Should Council or the MODAP support the application it is considered that a signage plan should be required by way of a condition to ensure details of all signage is provided and consistent with the rural character of the locality. As part of the signage plan, the condition should limit no more than one pylon sign is permitted for the whole development.

### Noise

Given the relocation of the development, the applicant has provided an updated Environmental Acoustic Assessment. The proposal would operate 24 hours per day, seven days a week. Due to the existing traffic volumes on both Kargotich and Thomas Road, it is considered that the proposal would not adversely impact on adjoining landowners by way of traffic noise due to the additional traffic numbers provided within the Traffic Impact Assessment.

It is acknowledged that additional noise would be resultant from the operations of the facility. The EPA Guidelines require a separation distance of 100m between service stations and sensitive receptors. In this case, the proposal is compliant with this requirement.

The Acoustic Assessment details noise sources as Mechanical Services; Tyre Inflator beeper; Car and truck doors closing; and breakout noise from veterinary clinic. The closest sensitive receptors are detailed in the report as per the plan below:



The acoustic assessment uses a modelling programme to calculate noise levels from different sources to determine compliance. The tables below detail each noise source, the assigned level (acceptable level) and the level at each sensitive receptor as shown above.

**TABLE 6.2 – ASSESSMENT OF  $L_{A10}$  NOISE LEVEL EMISSIONS  
MECHANICAL SERVICES**

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned $L_{A10}$ Noise Level (dB)	Exceedance to Assigned Noise Level (dB)
Residences to North	26	Night Period	41	Complies
Residence to East	28	Night Period	41	Complies

**TABLE 6.3 – ASSESSMENT OF L<sub>A1</sub> NOISE LEVEL EMISSIONS  
REFRIGERATED TRUCKS**

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned L <sub>A1</sub> Noise Level (dB)	Exceedance to Assigned Noise Level (dB)
Residences to North	34	Day Period	61	Complies
		Sunday / Public Holiday Day Period	56	Complies
		Evening Period	56	Complies
		Night Period	51	Complies
Residence to East	38	Day Period	61	Complies
		Sunday / Public Holiday Day Period	56	Complies
		Evening Period	56	Complies
		Night Period	51	Complies

**TABLE 6.5 – ASSESSMENT OF L<sub>AMAX</sub> NOISE LEVEL EMISSIONS  
CAR DOOR**

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned L <sub>AMax</sub> Noise Level (dB)	Exceedance to Assigned Noise Level (dB)
Residences to North	38	Day Period	71	Complies
		Sunday / Public Holiday Day Period	71	Complies
		Evening Period	61	Complies
		Night Period	61	Complies
Residence to East	42	Day Period	71	Complies
		Sunday / Public Holiday Day Period	71	Complies
		Evening Period	61	Complies
		Night Period	61	Complies

**TABLE 6.7 – ASSESSMENT OF L<sub>AMAX</sub> NOISE LEVEL EMISSIONS  
TRUCK DOOR**

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned L <sub>AMax</sub> Noise Level (dB)	Exceedance to Assigned Noise Level (dB)
Residences to North	48	Day Period	71	Complies
		Sunday / Public Holiday Day Period	71	Complies
		Evening Period	61	Complies
		Night Period	61	Complies
Residence to East	52	Day Period	71	Complies
		Sunday / Public Holiday Day Period	71	Complies
		Evening Period	61	Complies
		Night Period	61	Complies

**TABLE 6.9 – ASSESSMENT OF L<sub>AMAX</sub> NOISE LEVEL EMISSIONS  
DOG BARK**

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable Assigned L <sub>AMax</sub> Noise Level (dB)	Exceedance to Assigned Noise Level (dB)
Residences to North	33	Day Period	71	Complies
		Sunday / Public Holiday Day Period	71	Complies
		Evening Period	61	Complies
		Night Period	61	Complies
Residence to East	38	Day Period	71	Complies
		Sunday / Public Holiday Day Period	71	Complies
		Evening Period	61	Complies
		Night Period	61	Complies

The results show that compliance with the noise levels is achieved.

#### Traffic and Access

Thomas Road is classified as a Primary Distributor and operates under the speed limit of 80km/h in the vicinity of the subject site. The speed limit is reduced to 70km/h to the east of the Kargotich Road intersection.

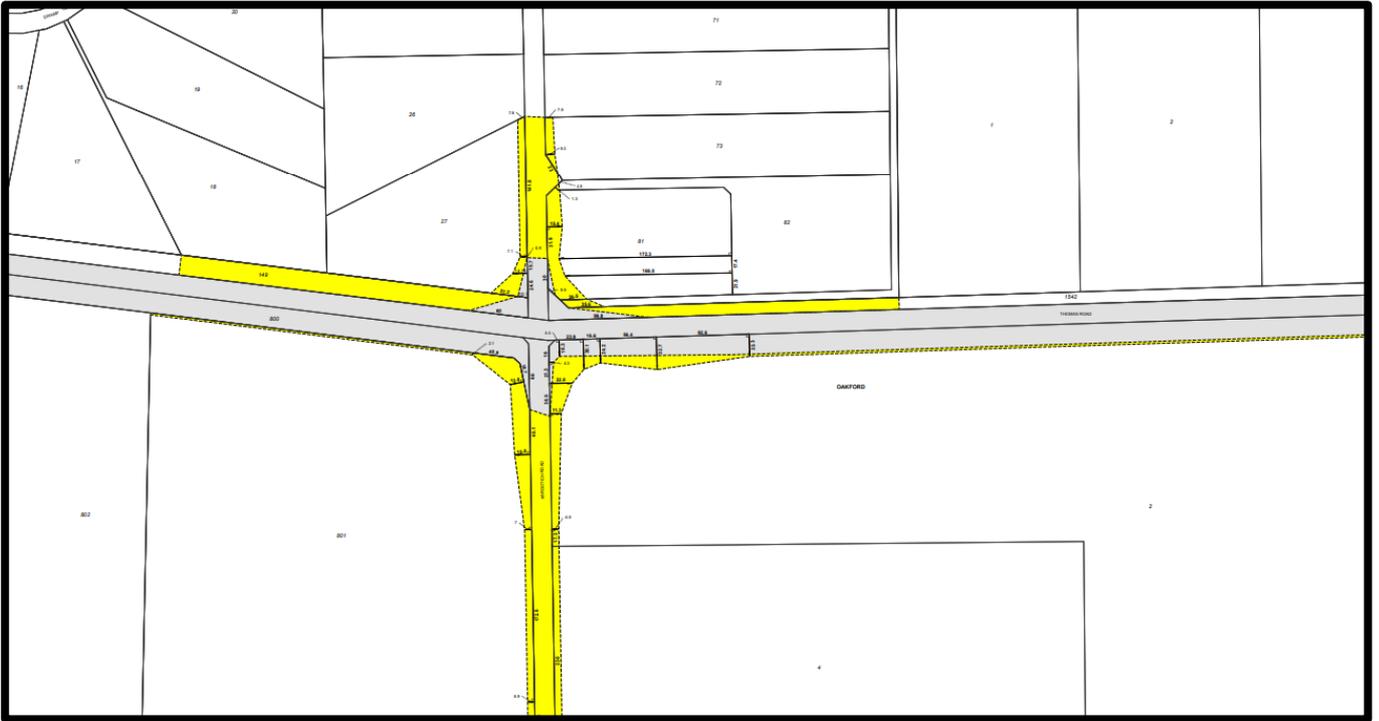
A revised Traffic Impact Assessment (TIA) has been submitted which details that Thomas Road (west of Kargotich Road) carried approximately 17,846 vehicles per day (vpd) on a regular weekday in 2019/20 with the morning peak between 7:00am and 8:00am being 1,525vph. The afternoon peak was recorded at 1,792vph between 4:00pm and 5:00pm.

Kargotich Road is classified as a Regional Distributor with a speed limit of 90km/hr in the vicinity reducing to an advisory (yellow sign) 40km/h on the approach to the Thomas Road intersection and increasing to 80km/h to the north of the intersection. Kargotich Road carried approximately 3,272vpd on a regular weekday in 2019/20 with the morning peak of 261vph between 7:00am and 8:00am and the afternoon peak of 349vph between 4:00pm and 5:00pm.

According to MRWA mapping, Thomas Road is a RAV 7 network which can accommodate vehicles up to 36.5m in length and Kargotich Road is a RAV 3 network which can accommodate vehicles up to 27.5m in length.

#### *Road Upgrades:*

Thomas Road is the subject of an 'under construction' safety project of MRWA which specific to this application includes the construction of a dual lane roundabout at the intersection of Thomas Road and Kargotich Road. This work is anticipated by MRWA to commence later this year. There is also Planning Control Area 161 (PCA 161) declared over the land shown in yellow on the plan below.



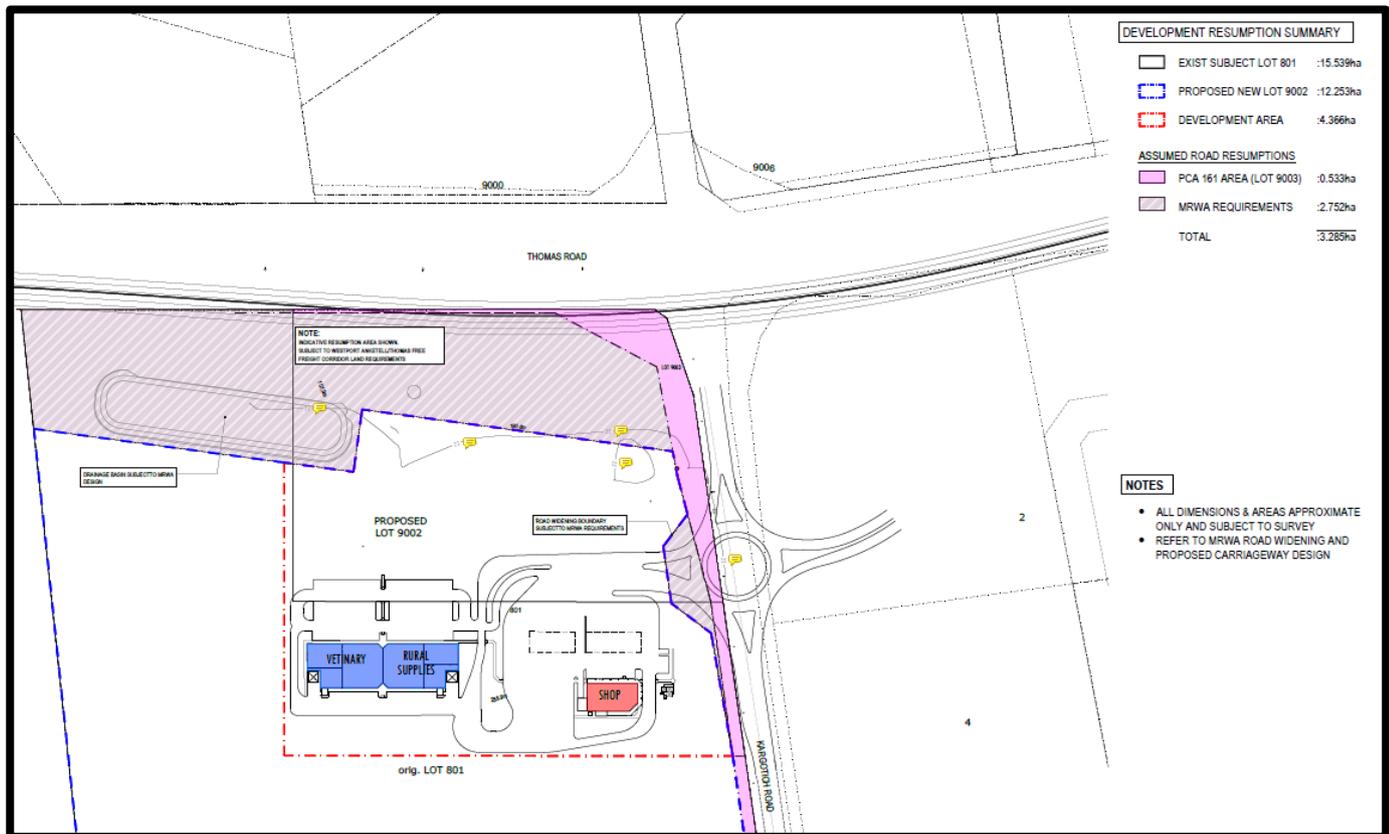
The purpose of this area is to protect land for future road upgrades to allow Thomas Road to achieve its freight and regional functions. The WAPC considers that the PCA is required to ensure that no development occurs on this land which might prejudice this purpose until it may be reserved for Primary Regional Road under the MRS.

As part of the Westport Project which seeks to improve freight linkages from Kwinana, concept plans for the project have identified a grade separated interchange is the most likely intersection configuration that will be required at the intersection of Thomas Road and Kargotich Road. The concept of this is depicted below:



The grade separated intersection would allow uninterrupted flow of freight vehicles whilst maintaining local road connections supporting the growth of industry. This will require

reconsideration of the land requirements identified for the PCA. Whilst the revision of the PCA is not yet formalised, in consultation with the WAPC and MRWA the applicant has provided a plan depicting the assumed new land required in relation to the development as depicted below:

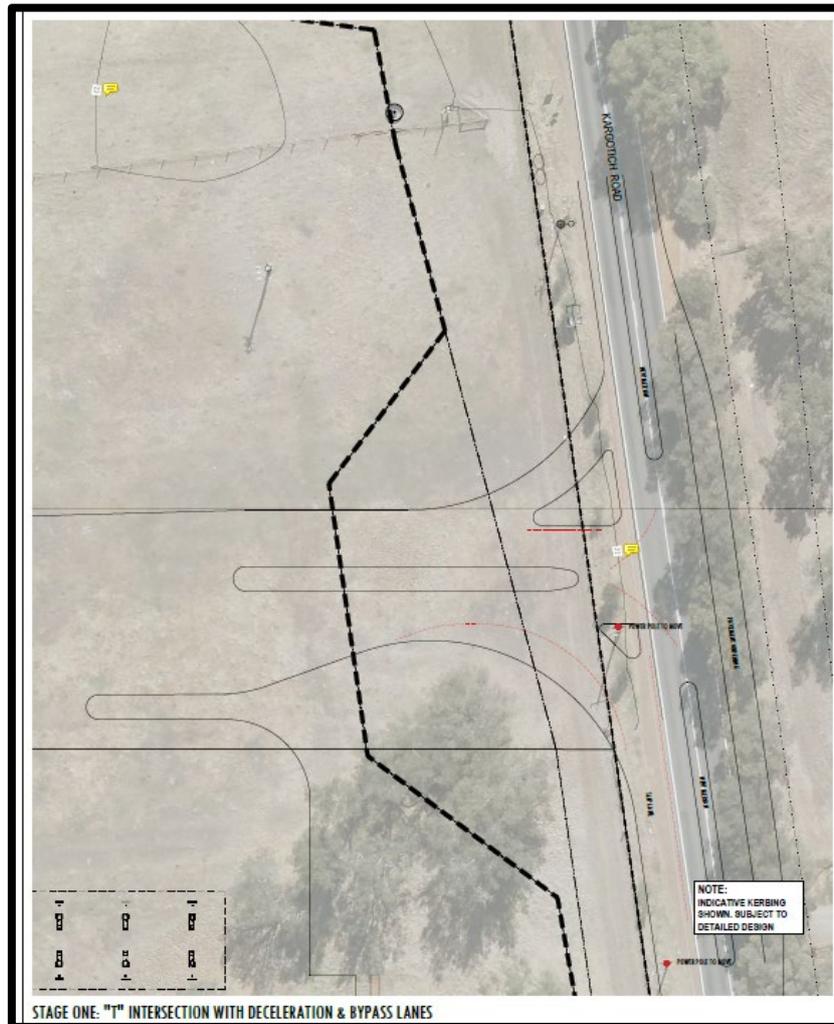


The future road upgrades were the main reason for the deferral of the application by the MODAP. The applicant has consulted with both the WAPC and MRWA and provided amended access arrangements for the proposed development accordingly.

As amended, the application proposes one full movement crossover on Kargotich Road with an ultimate arrangement taking into account the future grade separated intersection and an interim solution should the development be completed prior to the grade separated intersection.

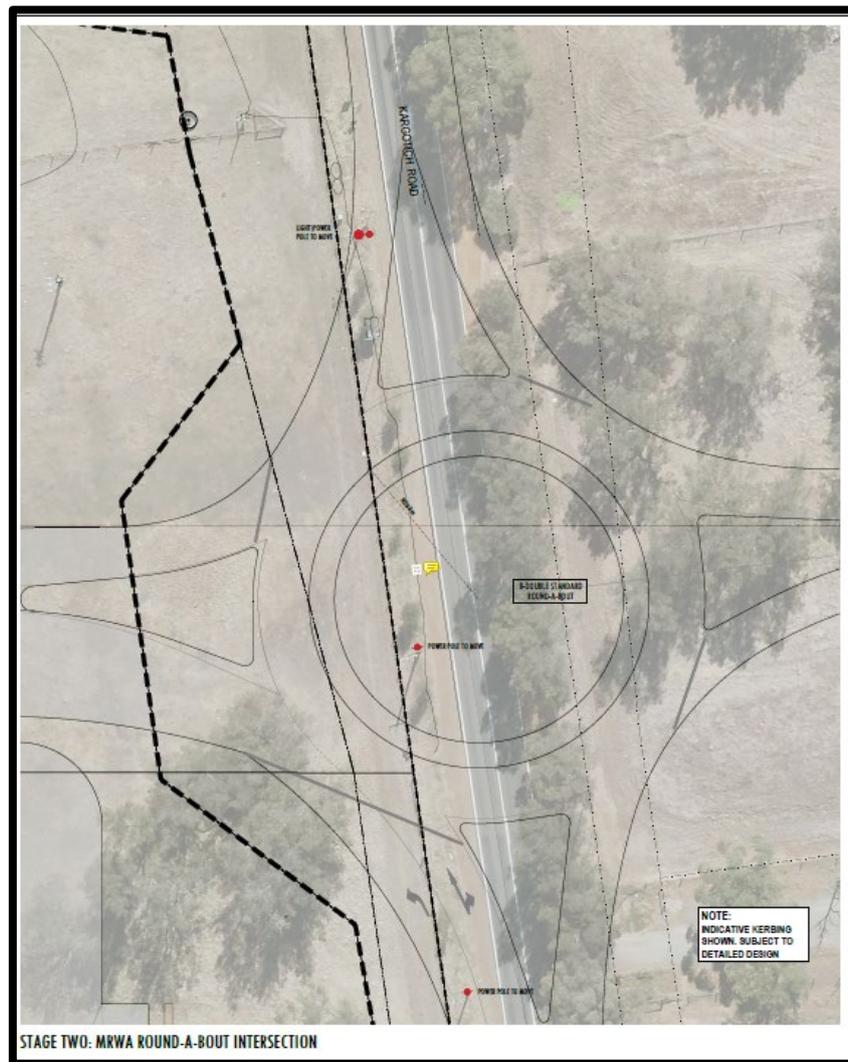
#### *Interim Scenario:*

The interim scenario is based around the roundabout being constructed at the intersection of Thomas Road and Kargotich Road and comprises of a 'T' intersection. As part of the upgrades of the roundabout intersection, approach and departure lanes on Thomas Road will be upgraded to two lanes and approach lanes northbound on Kargotich Road (south of the roundabout) will also be upgraded to two lanes. These upgrades will accommodate RAV vehicles for Thomas Road and Kargotich Road and as such allow for the fuel tankers and heavy vehicles associated with the 'service station'.



*Ultimate Scenario:*

Once the grade separated intersection is constructed, access to the site would be upgraded from a 'T' intersection to a roundabout with the fourth leg of the roundabout being the Thomas Road westbound on and off ramp, as depicted below:



These proposed access arrangements are to the satisfaction of MRWA who has confirmed that the development can occur without compromising the current or future plans for the road network.

### *Traffic Impact*

The TIA states that the traffic generated by the proposal combined with the peak road network traffic would result in the greatest demand on the road network during the typical weekday morning peak between 7:00am to 8:00am and an afternoon peak hour between 4:00pm and 5:00pm.

With regard to traffic impacts of the proposal, the TIA assumes that 80% of light vehicles for the service station are passing vehicles, 100% of heavy vehicles are passing vehicles and 100% of vehicles for the rural supplies and vets are non-passing vehicles. The TIA details the net additional traffic as shown in the table below.

**Table 2. Estimated peak hour trips for the proposed development**

Land use	Passing Trade	Daily Trips	AM		PM		Non-passing Traffic	Daily Trips	AM		PM	
			IN	OUT	IN	OUT			IN	OUT	IN	OUT
Roadhouse (light vehicles)	80%	3394	103	103	118	118	20%	848	26	26	30	29
Roadhouse (heavy vehicles)	100%	660	26	26	26	26	0%	0	0	0	0	0
Rural Supplies -	0%	0	0	0	0	0	100%	151	7	7	10	10
Veterinary	0%	0	0	0	0	0	100%	191	16	16	16	16
<b>Total</b>		<b>4054</b>	<b>129</b>	<b>129</b>	<b>144</b>	<b>144</b>		<b>1190</b>	<b>49</b>	<b>49</b>	<b>55</b>	<b>55</b>

To inform the TIA, a SIDRA analysis was undertaken for both post development (roundabout intersection) and post development (grade separation). The results show that the roundabout intersection would operate at good level of services during both typical AM and PM peak hours with the maximum of approximately a three vehicle queue in the eastbound direction of Thomas Road in AM peak hour and a four vehicle queue in the westbound direction of Thomas Road in PM peak hour. They also indicate that the crossover proposed would operate at a good level of service.

Once the grade separated intersection is constructed, access to the site would be upgraded from a T intersection to a roundabout with the fourth leg of the roundabout being the Thomas Road westbound on and off ramp. The SIDRA analysis found that this roundabout intersection would operate satisfactorily and within capacity in the ultimate scenario.

Based on the information provided in the TIS, it is considered that the traffic operations of the proposed development are acceptable and can be satisfactorily be accommodated by the surrounding road network.

The TIA also includes turn path analysis for 27.5m trucks, 19m fuel tanker and 8.8m service delivery trucks which demonstrate satisfactory access, circulation and egress. It is anticipated that fuel delivery and waste collection will be undertaken outside of peak operating times.

#### Local Planning Policy 1.6 - Public Art (LPP1.6)

The objectives of LPP1.6 is to facilitate public art to enhance public enjoyment, engagement and understanding of places through the integration of public art. The policy sets out the requirements for physical and financial contributions for public art for any development valued at \$1 million or greater. A condition should be imposed requiring the applicant to contribute towards public art in accordance with the policy in the event of an approval.

#### **Conclusion:**

The application seeks approval for a 'service station', 'rural supplies store' and 'veterinary clinic' within the 'rural' zone. It is considered that the proposal is generally consistent with the

planning framework and given the imminent strategic intent for the function of the road network it is considered that the proposal would be appropriately located to service both freight and local traffic.

As amended, the proposal has adequately addressed the Officers previous concerns in relation to land use as the proposal can gain access from a state road. Furthermore, the proposal has demonstrated it can be accommodated with the existing and future road network. The proposal is therefore recommended for approval.

### Alternatives

In accordance with clause 17(4) of the Regulations, the JDAP may determine an application by either approving the application (with or without conditions) or refusing the application.

Should the JDAP resolve to refuse the application, this determination needs to be made based on valid planning considerations as outlined under clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 and as set out in the Development Assessment Panel Practice Notes: Making Good Planning Decisions.

### **Officer Recommendation**

1. **Approves** DAP Application reference DAP/22/02211 and accompanying plans (attachment 2) 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 Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, for a proposed service station, rural supplies store and veterinary clinic at Lot 9002, 1780 Thomas Road, Oakford subject to the following conditions

### **Conditions**

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 – P26 – received at the Shire Offices on 12 October 2022 P27 – Transport Impact Assessment dated October 2022 Environmental Acoustic Assessment dated September 2022
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2. Prior to issue of a Building Permit an updated Bushfire Management Plan (BMP) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the BMP shall be fully implemented and maintained thereafter.
3. The vehicle parking areas, access ways and crossovers must:
  - i. be designed in accordance with the relevant Australian/New Zealand Standard;
  - ii. include a minimum of 144 car parking bays;
  - iii. include one loading bay with minimum dimensions of 3.5 metres by 11 metres;
  - iv. be constructed, asphalt or concrete sealed, kerbed, drained and marked.

Plans depicting these works are to be submitted to and approved by the Shire prior to the issue of a building permit. The works are to be completed prior to operation of the development, and maintained thereafter.

4. All delivery vehicles servicing the land must load and unload within the boundaries of the land.
5. A Lighting Plan is to be submitted to and approved by the Shire prior to the issue of a building permit. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.
6. Prior to issue of a building permit, a Signage Strategy detailing location, size and height of signage for the whole development, including wall signs, window signs, under veranda signs and fascia signs, is to be prepared to the specifications and satisfaction of the Shire. The Signage Strategy must depict no more than one single pylon sign for the entire development.
7. No signs are permitted to be displayed in the current or future road reserves of either Thomas Road or Kargotich Road at any time.
8. Prior to issue of a Building Permit, a landscaping and revegetation plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is to demonstrate:
  - i. the landscaping of a 20m vegetation buffer along the Thomas Road and Kargotich Road frontages of the land;
  - ii. this buffer to comprise a sufficient density of advanced trees and medium shrubs, which reflect the rural character either side of Thomas Road and Kargotich Road;
  - iii. both verges of Kargotich Road, from its intersection with Thomas Rd to the vehicle entry and exit point, being suitably landscaped.

Once approved, landscaping and revegetation must be fully installed prior to operation of the development, and thereafter maintained to the satisfaction of the Shire.

9. Plans submitted for a building permit are to demonstrate the use of external colours and materials which are predominantly dark neutral earth tones, found in the local landscape of the district.
10. No earthworks shall encroach onto either the current or future Kargotich Road or Thomas Road road reserves, except where required by specific conditions of this approval.
11. Prior to issue of a Building Permit, a Noise Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans are to be integrated in to the plans submitted for a Building Permit, with a suitably qualified acoustic consultant verifying the plans in this regard. Once approved, the Noise Management Plan shall be implemented and maintained thereafter to the satisfaction of the Shire.
12. Prior to issue of a Building Permit, the applicant shall submit and have approved plans depicting the proposed art piece consistent with Local Planning Policy 1.6. Upon approval of the plans, the art piece is to be installed and thereafter maintained to the satisfaction of the Shire.
13. Prior to issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater

Management Plan shall be implemented and thereafter maintained to the satisfaction of the Shire.

14. Prior to the occupation of the development, the land required for 'Road Widening' on development plan titled 'Proposed MRWA Flyover Development Locality Plan 'Dated 13 October 2022, Revision 8/RFH/Rev/13.10.2022 (attached), or as amended by the Department of Planning, Lands and Heritage, shall be set aside as a separate lot for acquisition pending future road widening requirements.
15. Prior to occupation of the development, the road geometry and associated infrastructure and services for the Stage One "T" Intersection with Deceleration & Bypass Lanes, shall be located and constructed in general accordance with the development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022 (attached) , or as amended by Main Roads WA.
16. The developer is responsible for all costs involved in the design, construction and upgrade for the Stage One "T" Intersection with Deceleration & Bypass Lanes as shown on development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022 (attached). This includes signing, road markings, street lighting, street furniture, full verge landscaping on both sides and relocation of infrastructure services (including electricity).
17. Prior to submission of a Building Permit, the applicant shall submit a preliminary intersection design (15% concept) for the Stage One "T" Intersection with Deceleration & Bypass Lanes in general accordance with the development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022 (attached), to the satisfaction of the Shire of Serpentine Jarrahdale in liaison with Main Roads WA. The preliminary intersection design shall be in accordance with the requirements of Main Roads and the relevant Austroads Guidelines demonstrating the following:
  - i. an intersection treatment warrant analysis that identifies the appropriate intersection layout;
  - ii. there is sufficient area within the road reservation to facilitate the typical carriageway cross section inclusive of a right turn pocket with painted treatment (i.e. not isolated widening) servicing the proposed access to Lot 801; and
  - iii. facilitates future connectivity with the ultimate design for access as illustrated on development plan titled 'Proposed MRWA Flyover Entry Intersection Treatments' Dated 13 October 2022, Revision 7/RFH/Rev/13.10.2022.
18. All signs and sign structures are to be placed on private property and must not overhang or encroach upon the existing or future Primary Regional Road reserve.
19. At all times signage illumination must be low-level and not exceed 300cd/m<sup>2</sup> between sunrise and sunset. Signage must not flash, pulsate or chase during all hours.
20. Signage shall not contain fluorescent, reflective, or retro-reflective colours or materials.

#### ADVICE

- 1) In reference to Condition o, the right turn pocket will need to be designed to comply with the requirements of *Austroads Guide to Road Design Part 4A – Unsignalized and*

*Signalised Intersections, Section 5.2.2 - Determination of Deceleration Turning Lane Length*, and of sufficient length to accommodate the desired maximum vehicle length of 27.5 m (i.e. RAV 3).

- 2) In reference to Condition q:
  - i. Information on warrants spreadsheets can be found on the Main Roads website > Technical & Commercial > mrwa-supplement-to-austroads-guide-to-road-design-part-4.
  - ii. The right turn pocket will need to be designed to comply with the requirements of *Austroads Guide to Road Design Part 4A – Unsignalized and Signalised Intersections, Section 5.2.2 - Determination of Deceleration Turning Lane Length*, and of sufficient length to accommodate the desired maximum vehicle length of 27.5 m (i.e. RAV 3).
  - iii. A copy of the Main Roads concept forwarded via email to the applicant on 31 October 2022 is attached. This information is provided for information purposes only and Main Roads assumes no liability for the information provided.
- 3) The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.
- 4) Where a Planning Control Area (PCA) is in place, approval for development is required from the Western Australian Planning Commission (WAPC), as well as under any relevant planning scheme, unless the PCA imposes requirements to the contrary.