

ITEM 9.1.2
APPENDIX 1



LOCATION PLAN

SIGNAGE

THE YORK GENERAL STORE

Front Sign



Rear Sign



SCHEDULE OF SUBMISSIONS

Schedule of Submissions					
Public Submissions					
No.	Date Submission Received	Name	Property Affected	Summary of Submission	Officer's Comment
1.	20-Apr-15	Julie Rae	N/a	<p>(In response to the Agenda of the Shire Briefing Session)</p> <ul style="list-style-type: none"> • Horse Food – with there being two food outlets in the near area, this area may become an area of mouse breeding. The Perts Pantry has stock that is packed in Cellophane, and fresh goods that could be at risk and a health hazard. Café – food preparation area and service areas would be at risk. • Parking area at the rear of the building would need to be fenced, as there is a child's playground, and walkway to café for customers to enter the café. It would also make an impact on the café with the loose hay and dust of vehicles leaving and entering the new park area. • Signage on the building should be of appropriate color and size and definitely not a bright non heritage out of character color. 	<p>Noted.</p> <p>A condition of approval will require the applicant to prepare a dust and pest management plan.</p>
Agency Submissions					
No.	Date Submission Received	Name	Property Affected	Summary of Submission	Officer's Comment
2.	7-May-15	Telstra	N/a	<ul style="list-style-type: none"> • At present, Telstra Corporation Limited has no objection. • A network extension may be required for any development within the area concerned. The owner/developer will have to submit an application before construction is due to start to NBN Co. (for greater than 100 lots or living units in a 3 year period) or Telstra (less than 100 lots or living units). • Developers are now responsible for telecommunication infrastructure, i.e. conduits and pits. At present NBN or Telstra will provide the cable. • The Public Transport Authority does not have any objections to the proposal. 	Noted.
3.	15-May-15	Public Transport Authority of Western Australia	N/a	<ul style="list-style-type: none"> • MRWA advises no objection to the proposal provided there are no charges to the vehicle access arrangements. • Please note that advertising signs on or in the vicinity of a MRWA controlled road are required to comply with MRWA Guide to Management of Roadside Advertising, which can be found on the MRWA website under Building Roads/Standard & Technical/Road and Traffic Engineering/Traffic 	Noted.
4.	19-May-15	Main Roads Western Australia	N/a		<p>Noted.</p> <p>Note of approval included that any further signage is subject to a separate planning application.</p>

5.	20-May-15	Police Licensing Services, Western Australia Police	N/a	<p><i>Management/Roadside Advertising.</i></p> <ul style="list-style-type: none"> Gregory Brown holds a current Firearm Dealers Licence and currently operates from another premise. Once he moves to another premise he will be required to submit a Form 22 Storage Declaration and photographs of the storage to demonstrate he has installed appropriate storage to adequately store any firearms and ammunition at the premises. He will also need to provide a letter from the local shire stating they approve the type of business operating from the location. In accordance with the Firearms Regulations 1974. The proposed development has been considered in the context of the identified cultural significance of the place and it raises no concerns. The comments contained in this letter are not made under the authority of Section 11 of the Heritage of Western Australia Act 1990 but are provided informally to assist the decision-making authority in its decision. 	Noted. Note of approval has been included.	
6.	22-May-15	State Heritage Office	N/a		Noted.	

ASSESSMENT

DA ASSESSMENT REPORT

DA No. BR2.10462

Address: 11 Broome Street, York – The Mill

Proposal: Bulky Goods General Store

MATTERS FOR CONSIDERATION

- a) The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area.

The property is zoned Town Centre;

As the proposal represents a range of retail and servicing use classes, it did not fall comfortably within any use class defined by TPS2, and would be described by a number of both listed and unlisted uses. Such a use definition does not enable the coordinated assessment and determination of the proposal – which would have resulted in some elements of the proposal being more or less consistent with the zoning of the land than other elements.

To provide a single, cohesive consideration of the proposal, it was reasonable to consider the proposed use as a single, unlisted and undefined use of “bulky goods general store” and progress the application in accordance with clause 3.2.4 of the scheme.

The application’s compliance with the specific development requirements of the Scheme are as follows;

4.5. Car Parking Requirements

4.5.1 A person shall not develop or use any land or erect use or adapt any building for the purpose indicated in Schedule 4 unless car parking spaces as specified in Schedule 4 are provided and such spaces are constructed and maintained in accordance with the Scheme.

The application refers to car parking requirements for a ‘shop’ and are detailed as “six (6) spaces per 100m² of NLA. This is the calculation that was used to determine the previous temporary use as a ‘market’. The proposed car parking ratio is considered appropriate for the proposed use, which reflects a larger format retail function.

The application does not formally specify a specific number of parking spaces other than providing a parking plan which does not clearly illustrate the bays provided and pedestrian accessways. The ample land area available for parking however, is noted and it is acknowledged parking provision will not be an issue on the site. However, a more formal parking plan is required and will be conditioned to ensure dimensions, access widths, pedestrian access, and landscaping of the car park is displayed adequately.

4.5.2 When considering any application for planning consent, the local government shall have regard to and may impose conditions on the provision of car parking spaces and the details of locating and designing the required spaces; landscaping, and pedestrian spaces on the lot. In particular, the local government shall take into account and may impose conditions concerning:

- a) the proportion of car spaces to be roofed or covered;*

The proposed spaces are open – this is considered acceptable.

- b) the means of access to each car space and the adequacy of any vehicle manoeuvring area;*

A more detailed parking plan is required to be submitted as a condition to this approval to demonstrate compliance with the requirements of Schedule 4.

- c) the location of the car spaces on the site and their effect on the amenity of adjoining development, including the potential effect if those spaces should later be roofed or covered;*

The car parking is not required to be covered.

- d) the extent to which car spaces are located within required building setback areas;*

Setbacks of the Town Centre are at the discretion of the local government. The spaces do not abut adjacent properties and provide an appropriate setback.

- e) the locations of proposed public footpaths, vehicular crossing, or private footpaths within the lot, and the effect on both pedestrian and vehicular traffic movement and safety;*

Pedestrian access ways, particularly from disabled bays, are not shown on the current plan. A more detailed parking plan is required to be submitted as a condition to this approval to incorporate the requirements set out in 4.5.2 of the scheme.

- f) the suitability and adequacy of proposed screening or landscaping;*

A more detailed parking plan is required to be submitted as a condition to this approval to incorporate the requirements

set out in 4.5.2.

- g) *the suitability and adequacy of elevated structural decks for development and service as a proportion of the required area for landscaping and pedestrian space.*

Not applicable.

4.5.3 *The parking spaces shall measure not less than the dimensions as shown in Schedule 4 for the type of parking layout adopted, except that the local government may exercise absolute discretion to vary the number or dimension of spaces where to do so would allow for retention of existing vegetation worthy of such retention.*

A more detailed parking plan is required to be submitted as a condition to this approval to demonstrate compliance with Schedule 4 of the scheme.

4.5.4 *Parking bays shall be serviced by all necessary accessways, and the parking area shall be surfaced to the satisfaction of the local government.*

A condition on approval can ensure parking is adequately serviced and surfaced.

4.5.5 *Where the local government so decides, it may accept cash payment in lieu of the provision of parking spaces but only subject to the following requirements:*

- a) *the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the Scheme plus the value, as determined by the Valuer General or a Licensed Valuer appointed by the local government, of that area of the land which would have been occupied by the parking spaces.*
- b) *(b) payments made under this clause shall be paid into a parking fund to be used for the provision of public car parking facilities. The local government may use this fund to provide public parking facilities anywhere within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made.*

Not applicable.

4.9. Town Centre Zone

4.9.1. Objectives

- a) *to retain the town centre of York as the principal place for retail, commercial, civic, and tourist-oriented uses in the District.*

The application proposes a diversity of retail and commercial uses, with a regional/agricultural focus, which is consistent with the objective of the town centre zone in the local context of York.

- b) *to preserve the unique qualities of the town centre as a heritage place, including the conservation of existing heritage buildings, and to avoid development which will detract from those qualities.*

The proposal does not propose any structural changes to the existing built form and is complementary to the surrounding development and is consistent with the heritage policy.

- c) *to ensure development complies with Design Guidelines adopted by the local government for the town centre.*

Not applicable.

- d) *to encourage a high standard of development of commercial facilities to service the residents, the farming sector, tourists, and travellers.*

The application proposes a suite of commercial agricultural services, within an existing building.

- e) *to encourage a high standard of landscaping in and around the town centre; the local government will undertake planting of shade trees in road reserves and public carparks where appropriate.*

Not applicable.

- f) *To encourage a high standard of residential and residential mixed use development in appropriate locations that contribute to the amenity, security and economic sustainability of the town centre.*

Not applicable - the proposal is not for a residential purpose.

The application is considered consistent with the objectives of the Town Centre zone.

4.9.2 Site Requirements

Not applicable – change of use within existing building.

4.9.3 Development Requirements

Not applicable – change of use within existing building.

The application is consistent with the Shire of York Town Planning Scheme No. 2, subject to submission and approval of a car parking and pedestrian access plan for the site.

- b) The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been granted consent for public submissions to be sought.

No new planning scheme or amendment applies.
c) Any approved statement of planning policy of the Commission.
Nil
d) Any approved environmental protection policy under the <i>Environmental Protection Act 1986</i> .
Nil
e) Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State.
Nil
f) Any Planning Policy adopted by the local government under clause 8.8, any policy for a designated heritage precinct adopted under clause 5.1.3, and any other plan or guideline adopted by the local government under the Scheme.
Local Planning Policy – Advertising Signage (2013) The proposal specifies that the signage will replace existing signage that has been approved previously. Given that no information on the design of these signs has been provided, further clarification is required. Given that referral would need to go to PTA and Main Roads, only the two signs proposed are approved. All other signage is subject to separate assessment.
g) In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.
Not applicable.
h) The conservation of any place that has been entered in the Register within the meaning of the <i>Heritage of Western Australia Act 1990</i> , or which is included in the Heritage List under clause 5.1.2, and the effect of the proposal on the character or appearance of a heritage precinct.
The proposal is within a site and development of significant heritage value, however, the use is consistent with heritage uses of the past and given there is no new development proposed will not impact the aesthetic value of the site.
i) The compatibility or a use or development with its setting.
Commercial use is compatible with surrounding uses.
j) Any social issues that have an effect on the amenity of the locality.
There are no associated social issues reasonably anticipated by the proposed development.
k) The cultural significance of any place or area affected by the development.
The area is significant to York from a heritage perspective. The impact of the proposal has been assessed in f).
l) The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment.
No development is proposed and the use is consistent with previous uses and therefore is not anticipated to impact on the natural environment.
m) Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk.
Not applicable – change of use within existing building.
n) The preservation of the amenity of the locality.
This proposal will enhance the amenity of the area through selling a range of good relevant to locals and tourists in generic supplies and agricultural supplies.

o) The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.
There is no proposal for development. There is concern (via a submission) that the development may increase levels of dust that could impact surrounding areas.
p) Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.
The applicant will be asked to provide a more detailed parking plan to determine this compliance.
q) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.
Customers to the site are anticipated to be accessing the Town Centre for retail and other services; it is not envisaged that the proposed change of use will generate traffic unsuitable for the York Town Centre.
r) Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal.
Not applicable.
s) Whether public utility services are available and adequate for the proposal.
Not applicable – change of use within existing serviced building.
t) Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities).
The proposed use is unlikely to be accessed by pedestrians and cyclists due to the large format nature of much of the retail component. However, additional information is required to demonstrate safe pedestrian movements within the car parking area, in particular in relation to disabled bays. This can be addressed through submission of a revised car parking plan as a condition of approval.
u) Whether adequate provision has been made for access by disabled persons.
2 spaces have been allocated for disabled parking. A more detailed car parking plan is required to display the safe access from the disabled bays to the front door along with ramps if required. The building is to comply with the relevant provisions for disabled access in accordance with the Building Code of Australia and Disability (Access to Premises-Buildings) Standard 2010 and AS1428.1-2009.
v) Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.
Landscaping has not been detailed and is not considered necessary in this case.
w) Whether the proposal is likely to cause soil erosion and degradation.
The proposal will not cause soil erosion or degradation
x) The potential loss of any community service or benefit resulting from the planning consent.
There is a potential community benefit in additional commercial building/use that provides a range of goods relevant to both locals and tourists.
y) Any relevant submissions received on the application.
Comments were received on the original and amended documentation. All submissions have been taken into consideration. See Schedule of Submissions in Appendix 4.
z) The potential impacts of noise, dust, light, risk, and other pollutants on surrounding land uses.
There is some potential for impacts of dust and pests associated with the agricultural products to be stored on the site. Conditions to appropriately manage nuisance should be included on the approval to ensure appropriate management

techniques are employed.
aa) The comments or submissions received from any authority consulted under clause 7.4.
Notification was sent to the Department of Water, Main Roads, PTA, Western Power, Telstra, Water Corporation, West Australia Police and The State Heritage Office. Comments provided were considered and can be found in Appendix 4.
bb) Any other planning consideration the local government considers relevant.
Interest Declared - To be signed by CEO
Recommendation
That the Commissioner approve the development application for a General Store – Bulky Goods at 11 Broome Street, York, subject to the following conditions; <ol style="list-style-type: none"> 1. The change of use must substantially commence within two (2) years from the date of this decision. 2. Prior to the commencement of the use, a revised car parking and pedestrian access plan is to be submitted to and approved by the local government (see note 1). 3. A schedule of colours and materials for signage is to be submitted to and approved by, the local government prior to the commencement of the use (see note 2). 4. Development must take place in accordance with the stamped approved plans. 5. Car parking areas are to be constructed prior to commencement of use to the satisfaction of the local government. 6. Prior to the commencement of the use, a dust and pest management plan is to be submitted to and approved by the local government. The plan is to be thereafter implemented to the satisfaction of the local government. <p>ADVICE NOTES:</p> <p>Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.</p> <p>Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.</p> <p>Note 3: If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.</p> <p>Note 4: This approval is not a building permit. In accordance with the provisions of the Building Act 2011, an application for a building permit must be submitted to, and approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted.</p> <p>Note 1: The car parking and pedestrian access plan is to detail the general parking spaces, disabled parking space and subsequent compliant access ways to the building. The vehicle accessway is to comply with the Schedule 4 requirements as well as the relevant access standards.</p> <p>Note 2: All signs and supports shall be maintained in good condition to prevent deterioration, oxidation, rust, and any other unsightly conditions.</p>