



## **Minutes of Peel Joint Development Assessment Panel**

**Meeting Date and Time:** Monday 17 December 2012 at 10.40am  
**Meeting Number:** 4  
**Meeting Venue:** Shire of Murray  
1915 Pinjarra Road, Pinjarra

### **Attendance**

#### **DAP Members**

Mr Ed Turner (Alternate Presiding Member)  
Mr Rory O'Brien (Alternate Deputy Presiding Member)  
Mr Kent McDowall (Specialist Member)  
Cr Walter Barrett (Local Government Member, Shire of Murray)  
Cr Christine Thompson (Local Government Member, Shire of Murray)

#### **Officers in attendance**

Mr Cameron Bulstrode (Department of Planning)  
Mr Rod Peake (Director, Planning & Development Services, Shire of Murray)  
Mr Patrick Ruetjjes (Manager, Planning & Environment Services, Shire of Murray)

#### **Local Government Minute Secretary**

Ms Mary Russell (Shire of Murray)

#### **Applicant(s), Submitters and Members of the Public**

Mr Jon Burgess (Burgess Design Group)  
Mr Tim McClements (Colorado Properties)  
Mr Ben Doyle (Planning Solutions)  
Mr Ross Underwood (Planning Solutions)

### **1. Declaration of Opening**

The Alternate Presiding Member, Mr Ed Turner, declared the meeting open at 10.40 am on Monday 17 December 2012, and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

### **2. Apologies**

Mr Rob Paull (Presiding Member)

### **3. Members on Leave of absence**

Nil

### **4. Noting of minutes**

Minutes of the Peel JDAP meeting No. 3 held on the 30 August 2012 were noted by DAP members.



## 5. Disclosure of interests

<u>Member/Officer</u>	<u>Report Item</u>	<u>Nature of Interest</u>
Mr Ed Turner	8.1	Impartiality Interest

In accordance with section 4.6.1 and 4.6.2 of the Standing Orders 2012, the Alternate Deputy Presiding Member, Mr Rory O'Brien resolved that the member listed above, who has disclosed an impartiality interest, is permitted to participate in discussion and voting on the items.

## 6. Declaration of Due Consideration

Mr Ed Turner acknowledged the response from Shire of Murray officers to the Panel's request for further information to enable Members to assess the application.

## 7. Deputations and presentations

7.1 Mr Jon Burgess (Burgess Design Group) and Mr Tim McClements (Colorado Properties) presented for the application at Item 8.1. The presentation provided the context for the various elements of the proposal and the nature of the agreements reached - particularly in relation to aspects such as contributions.

7.2 Mr Ben Doyle (Planning Solutions) presenting against the DAP application at Item 8.1. The presentation discussed the circumventing of the planning process, the Pinjarra Town Centre Growth Strategy, the State Planning Policy 4.2, transport implications and submissions during advertising.

## 8. Form 1 - Responsible Authority Reports – DAP Application

8.1	Application Details:	Proposed extension of the existing Pinjarra Junction Shopping Centre
	Property Location:	Lots 2 and 3 Pinjarra Road, Lots 4, 5 and 314 Murray Street, Lots 1, 15, 16, and 17 James Street and Lots 14 and 30 George Street, Pinjarra
	Applicant:	Burgess Design Group
	Owner:	Colorado Properties Pty Ltd
	Responsible authority:	Shire of Murray
	Report date:	10 December 2012
	DoP File No:	DP/12/01184

### REPORT RECOMMENDATION/PRIMARY MOTION

**Moved by:** Cr C Thompson

**Seconded by:** Cr W Barrett

That the Joint Peel Development Assessment Panel resolves to:

**Approve** DAP Application reference DP 12/01184 and accompanying plans 'Pinjarra Shopping Centre – Stage 2' drawings S01 (revision B), S02 and S03 (revision A), S05 (revision A), S06 (revisions A and P), S07 (revision A) and S08 (revision B) dated 2 October 2012 and 1 November 2012 in accordance with Clause 3.3.3 (i) of the Shire of



Murray Town Planning Scheme No. 4 and in accordance with Clause 35(a) of the Peel Region Scheme, subject to the following conditions:

General

1. The development shall be carried out in accordance with the application, plans and documents submitted to the Shire of Murray on 15 October 2012 and the revised plans for the under croft car parking area lodged on 9 November 2012, except as otherwise specified in the conditions of approval.
2. Conditions to be addressed to the satisfaction of the Shire and prior to the development first being occupied, except as otherwise stated in the condition.
3. All lots the subject of the approval, located on the southern side of James Street to be amalgamated to form a single title. A copy of the new certificate of title to be forwarded to the Shire for its records.
4. The landowner shall enter into a deed of easement with the Shire to ensure the car parking area on the northern side of James Street is retained on an ongoing basis. The easement shall be prepared to the satisfaction of the Shire and land owner and registered on the title of the subject land. All costs associated with the preparation of the easement shall be met by the landowner.
5. No signage is approved as part of this application. A signage strategy shall be submitted for approval prior to the erection of any signage with the approved strategy to be implemented.
6. An Acid Sulphate Soils Self Assessment is to be undertaken, and if required as a result of the self assessment, an Acid Sulphate Soils Report and an Acid Sulphate Soils Management Plan shall be submitted to and approved by the Department of Environment and Conservation before any site works are commenced. Where an ASS Management Plan is required to be submitted all site works shall be carried out in accordance with the approved management plan to the satisfaction of the Shire of Murray on the advice from the Department of Environment and Conservation.
7. A Heritage Interpretation Management Plan relating to the former Mechanics Hall located at Lot [14 George Street](#), Pinjarra shall be prepared by a suitably qualified and experienced heritage practitioner at the developer's cost and submitted for approval with the approved plan being implemented.
8. This approval is valid for a period of two years. If development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development.
9. Revised plans addressing the various conditions of approval that impact on the design are to be submitted to and endorsed by the Shire prior to the submission of an application for a building permit.

Urban Design and Street Activation

10. Uses that provide a high level of street activity should be located within those tenancies fronting Pinjarra Road.



11. All proposed customer doors shown on the approved plans to tenancies directly fronting George Street, Pinjarra Road, Murray and James Streets are to be kept unlocked and accessible to customers during business hours of the relevant tenancy unless otherwise agreed in writing by the Shire. The fit out of these tenancies and the manner in which they are managed are to be undertaken in a way that facilitates this.
12. The design of the existing and proposed service yards adjacent to Murray Street are to be modified to provide a higher standard of visual amenity and pedestrian comfort and safety appropriate to context to of a town centre. The design should consider options including continuing the tenancies on Lot 1 further south, making provision for a more prominent arcade entrance, minimizing the number of crossovers, screening and landscaping, minimizing impacts on the provision of on-street car parking on Murray Street and provision of generous pedestrian pavement and street trees within the road verge.
13. The colonnade to the building at the corner of James Street and Murray Street to be increased in width to a minimum of 2.5 metres.
14. The external blank facades including the southern elevation of the portion of the building on Lot 14, western elevation of the portion of the building on Lots 4 and [5 Murray Street](#) and the southern elevation of the portion of the building on Lot [1 James Street](#) shall be painted in a compatible colour with the remaining portions of the development.

#### Street Network

15. A Traffic Impact Assessment Plan shall be submitted for approval prior to the submission of an application for a building permit with the approved plan to be implemented. The plan is to integrate with the outcomes of the traffic study for Pinjarra Road that is currently being undertaken on behalf of the Shire of Murray and is to address the on and off site traffic implications of the development, in particular traffic management controls at the intersection of Pinjarra Road and Murray Street on and offsite service vehicle manoeuvring requirements.
16. A contribution is to be provided to the Shire of Murray toward streetscape works in Pinjarra Road, Murray Street and James Street where these roads abut the development site prior to the application for a building permit. The contribution relates to streetscape works planned to be undertaken in Pinjarra Road as part of the Pinjarra Town Centre revitalisation, the undergrounding of the above ground powerlines, any required traffic control treatments at the intersection of Pinjarra Road and Murray Street, footpath upgrades, street trees and bike racks. The contribution amount to be provided by the Shire and considered by developer within 28 days of the decision date.
17. All redundant crossovers are to be removed and the verge reinstated consistent with the adjacent portion verge.
18. All crossovers to be designed in a similar material to the adjacent footpath in a design that provides continuous at grade pedestrians access.
19. Detailed engineering drawings are to be prepared indicating the proposed construction and drainage works for any street works to the satisfaction of the



Shire. All works shall be undertaken in accordance with the approved engineering drawings.

#### Car parking and Access

20. The car parking area on the northern side of James Street to be redesigned to facilitate a future overall car park for this street block and the future development of street front buildings. The design should give consideration to including key pedestrian spines that integrate with pedestrian access ways with the shopping centre, integration of levels between sites and keeping drainage facilities away from street locations.
21. The under croft car park to include appropriate to signage reinforce two way traffic circulation adjacent to the angled car bays.
22. The parking bays, driveways and points of ingress and egress shall be designed in accordance with the Australian Standard for Off Street Parking (AS 2890) unless otherwise specified by this approval. Such areas shall be constructed, drained and marked prior to the development first being occupied and thereafter maintained in a sound state of repair.
23. The external car parking areas shall be provided with generally one shade tree for every four bays. The trees shall be located within tree wells protected from damage by vehicles and maintained and maintained in a healthy condition.
24. Service vehicle manoeuvring within the site shall be provided in compliance with the Australian Standard for Off-street Parking Part 2 – Commercial vehicle facilities (AS2890.2). A plan indicating service vehicle sweep paths shall be provide to the Shire for endorsement prior to the submission of an application for a building permit.

#### Landscaping

25. Detailed landscaping plans to be submitted for approval with the approved plan to be implemented. The design of these landscape areas to reinforce an urban wall effect along the James Street and Murray Street boundaries of the car park north of James Street and make provision for shade trees in the external car parking areas. Landscaping to be maintained after planting in a healthy condition.

#### Pedestrian and Cyclist Facilities

26. A plan is to be provided for approval which indicates safe, clear and direct pedestrian paths between the existing shopping centre and the car parking area on the northern side of Murray Street. The plan shall make provision for disabled access and indicate pathway grades, detail of crossing points and any proposed protruding service connections or other projections. Pathways within the site as indicated on the approved plan shall be constructed and thereafter be maintained in a sound state of repair.
27. Shower facilities for shopping centre staff are to be provided in accordance with the requirements Austroads' Guide to Engineering Practice Part 14: Bicycles.



### Drainage and Flood management

28. A Drainage and Water Management Plan consistent with the Shire's Water Sensitive Urban Design Local Planning Policy shall be submitted for approval prior to the submission of an application for a building permit with the approved plan to be implemented. The plan is to address drainage and water management related issues for the site including the design of the storm water drainage system. The drainage and water management systems once constructed are to be maintained to a sound state of repair.
29. A flood management plan shall be submitted for approval prior to the submission of an application for a building permit with the approved plan to be implemented. The plan is to include appropriate strategies to reflect the portion of the development below the 100 year flood level.

### Servicing

30. The provision of shopping trolley collection areas conveniently located within the car parking areas. The shopping trolley collection areas shall be designed to the satisfaction of the Shire sufficient to contain the trolleys, protect them from damage by vehicles and be sign posted for easy identification by shoppers.
31. All services such as air conditioning plant and compressors shall be located away from public areas. All services and service yards shall be screened from view of streets and other public areas, including car parking areas in a design or manner keeping with the style and materials of the adjacent building. Roof mounted equipment such as air conditioning plant and antennae shall be screened from view of the street and other public areas, including car parking areas, by the roof form or parapets.

### **AMENDING MOTION**

**Moved by:** Cr C Thompson

**Seconded by:** Cr W Barrett

The following amendments to conditions were moved en bloc to read as follows:

4. The landowner shall enter into a deed of easement with the Shire to ensure the car parking area on the northern side of James Street is retained on an ongoing basis. The easement shall be registered on the title of the subject land. All costs associated with the preparation of the easement shall be met by the landowner.
10. Uses that promote a high level of street activity should be located within those tenancies fronting Pinjarra Road.
12. The design of the existing and proposed service yards adjacent to Murray Street are to be modified to provide a higher standard of visual amenity and pedestrian comfort and safety appropriate to context to of a town centre.
16. A contribution is to be provided to the Shire of Murray toward streetscape works in Pinjarra Road, Murray Street and James Street where these roads abut the development site prior to the application for a building permit.



### **ADVICE NOTE**

In regard to Condition 16, the contribution relates to streetscape works planned to be undertaken in Pinjarra Road as part of the Pinjarra Town Centre revitalisation, the undergrounding of the above ground powerlines, any required traffic control treatments at the intersection of Pinjarra Road and Murray Street, footpath upgrades, street trees and bike racks. The contribution amount to be specified by the Shire within 28 days of the decision date.

18. All crossovers to be designed in a similar material to the adjacent footpath in a design that, as far as practicable, provides continuous at grade pedestrians access.
21. The undercroft car park to include appropriate signage to reinforce two way traffic circulation adjacent to the angled car bays.
23. The external car parking areas shall be provided with generally one shade tree for every four bays. The trees shall be located within tree wells protected from damage by vehicles and maintained in a healthy condition.
26. A plan is to be provided for approval which indicates safe, clear and direct pedestrian paths between the existing shopping centre and the car parking area on the northern side of James Street. The plan shall make provision for disabled access and indicate pathway grades, detail of crossing points and any proposed protruding service connections or other projections. Pathways within the site as indicated on the approved plan shall be constructed and thereafter be maintained in a sound state of repair.
29. A flood management plan shall be submitted for approval prior to the submission of an application for a building permit with the approved plan to be implemented. The plan is to include appropriate strategies to protect or mitigate the portion of the development below the 100 year flood level and in particular to include measures to the satisfaction of the Shire of Murray to notify prospective purchasers and tenants of flood risk.

### **REASONS FOR AMENDING CONDITIONS:**

- Condition No 4: In the second sentence, deletion of the words “prepared to the satisfaction of the Shire and land owner and” as these words were unnecessary given condition 2 and the fact that each party needs to sign the easement document.
- Condition No 10: On the first line, replacement of the word “provide’ with “promote” to better reflect the intent of the condition.
- Condition No 12: Deletion of the second sentence reading “The design should consider options including continuing the tenancies on Lot 1 further south, making provision for a more prominent arcade entrance, minimizing the number of crossovers, screening and landscaping, minimizing impacts on the provision of on-street car parking on Murray Street and provision of generous pedestrian pavement and street trees within the road verge.”, as the condition was considered too detailed and would be subject to further review.



- Condition 16: Changed to require the explanation of the condition to be included as an Advice Note. The second sentence of the Advice Note was also amended to replace the word “provided” with “specified” and to delete the words “and considered by developer” to more accurately reflect the intent of the condition.
- Condition 18: Amended to include the words “as far as practicable” following the word “that” and before “provides” to provide flexibility if needed in implementing the condition.
- Condition 21: Changed to rectify typing error – the word “to” moved to after the word “signage’, rather than before it, in the first line.
- Condition 23: Changed to rectify typing error – removal of the words “and maintained” which were typed twice in the third line.
- Condition 26: Changed to rectify typing error – “Murray Street” in the third line should read “James Street”.
- Condition 29: Second sentence amended to delete the word ‘reflect” on the third line and replace with “protect or mitigate” and to add at the end of the second sentence, after the word “level” the words – “and in particular to include measures to the satisfaction of the Shire of Murray to notify prospective purchasers or tenants of flood risk.” in order to better reflect the intent of the condition and make it clear that appropriate notification to prospective future landowners and tenants formed part of the plan.

### **The motion was put and CARRIED UNANIMOUSLY**

#### **PRIMARY MOTION (AS AMENDED)**

That the Joint Peel Development Assessment Panel resolves to:

**Approve** DAP Application reference DP 12/01184 and accompanying plans ‘Pinjarra Shopping Centre – Stage 2’ drawings S01 (revision B), S02 and S03 (revision A), S05 (revision A), S06 (revisions A and P), S07 (revision A) and S08 (revision B) dated 2 October 2012 and 1 November 2012 in accordance with Clause 3.3.3 (i) of the Shire of Murray Town Planning Scheme No. 4 and in accordance with Clause 35(a) of the Peel Region Scheme, subject to the following conditions:

#### General

1. The development shall be carried out in accordance with the application, plans and documents submitted to the Shire of Murray on 15 October 2012 and the revised plans for the under croft car parking area lodged on 9 November 2012, except as otherwise specified in the conditions of approval.
2. Conditions to be addressed to the satisfaction of the Shire and prior to the development first being occupied, except as otherwise stated in the condition.
3. All lots the subject of the approval, located on the southern side of James Street to be amalgamated to form a single title. A copy of the new certificate of title to be forwarded to the Shire for its records.





4. The landowner shall enter into a deed of easement with the Shire to ensure the car parking area on the northern side of James Street is retained on an ongoing basis. The easement shall be registered on the title of the subject land. All costs associated with the preparation of the easement shall be met by the landowner.
5. No signage is approved as part of this application. A signage strategy shall be submitted for approval prior to the erection of any signage with the approved strategy to be implemented.
6. An Acid Sulphate Soils Self Assessment is to be undertaken, and if required as a result of the self assessment, an Acid Sulphate Soils Report and an Acid Sulphate Soils Management Plan shall be submitted to and approved by the Department of Environment and Conservation before any site works are commenced. Where an ASS Management Plan is required to be submitted all site works shall be carried out in accordance with the approved management plan to the satisfaction of the Shire of Murray on the advice from the Department of Environment and Conservation.
7. A Heritage Interpretation Management Plan relating to the former Mechanics Hall located at Lot [14 George Street](#), Pinjarra shall be prepared by a suitably qualified and experienced heritage practitioner at the developer's cost and submitted for approval with the approved plan being implemented.
8. This approval is valid for a period of two years. If development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development.
9. Revised plans addressing the various conditions of approval that impact on the design are to be submitted to and endorsed by the Shire prior to the submission of an application for a building permit.

#### Urban Design and Street Activation

10. Uses that promote a high level of street activity should be located within those tenancies fronting Pinjarra Road.
11. All proposed customer doors shown on the approved plans to tenancies directly fronting George Street, Pinjarra Road, Murray and James Streets are to be kept unlocked and accessible to customers during business hours of the relevant tenancy unless otherwise agreed in writing by the Shire. The fit out of these tenancies and the manner in which they are managed are to be undertaken in a way that facilitates this.
12. The design of the existing and proposed service yards adjacent to Murray Street are to be modified to provide a higher standard of visual amenity and pedestrian comfort and safety appropriate to context to of a town centre.
13. The colonnade to the building at the corner of James Street and Murray Street to be increased in width to a minimum of 2.5 metres.
14. The external blank facades including the southern elevation of the portion of the building on Lot 14, western elevation of the portion of the building on Lots 4 and [5 Murray Street](#) and the southern elevation of the portion of the building on Lot [1](#)



[James Street](#) shall be painted in a compatible colour with the remaining portions of the development.

### Street Network

15. A Traffic Impact Assessment Plan shall be submitted for approval prior to the submission of an application for a building permit with the approved plan to be implemented. The plan is to integrate with the outcomes of the traffic study for Pinjarra Road that is currently being undertaken on behalf of the Shire of Murray and is to address the on and off site traffic implications of the development, in particular traffic management controls at the intersection of Pinjarra Road and Murray Street on and offsite service vehicle manoeuvring requirements.
16. A contribution is to be provided to the Shire of Murray toward streetscape works in Pinjarra Road, Murray Street and James Street where these roads abut the development site prior to the application for a building permit.
17. All redundant crossovers are to be removed and the verge reinstated consistent with the adjacent portion verge.
18. All crossovers to be designed in a similar material to the adjacent footpath in a design that, as far as practicable, provides continuous at grade pedestrian access.
19. Detailed engineering drawings are to be prepared indicating the proposed construction and drainage works for any street works to the satisfaction of the Shire. All works shall be undertaken in accordance with the approved engineering drawings.

### Car parking and Access

20. The car parking area on the northern side of James Street to be redesigned to facilitate a future overall car park for this street block and the future development of street front buildings. The design should give consideration to including key pedestrian spines that integrate with pedestrian access ways with the shopping centre, integration of levels between sites and keeping drainage facilities away from street locations.
21. The under croft car park to include appropriate signage to reinforce two way traffic circulation adjacent to the angled car bays.
22. The parking bays, driveways and points of ingress and egress shall be designed in accordance with the Australian Standard for Off Street Parking (AS 2890) unless otherwise specified by this approval. Such areas shall be constructed, drained and marked prior to the development first being occupied and thereafter maintained in a sound state of repair.
23. The external car parking areas shall be provided with generally one shade tree for every four bays. The trees shall be located within tree wells protected from damage by vehicles and maintained in a healthy condition.
24. Service vehicle manoeuvring within the site shall be provided in compliance with the Australian Standard for Off-street Parking Part 2 – Commercial vehicle facilities (AS2890.2). A plan indicating service vehicle sweep paths shall be



provide to the Shire for endorsement prior to the submission of an application for a building permit.

#### Landscaping

25. Detailed landscaping plans to be submitted for approval with the approved plan to be implemented. The design of these landscape areas to reinforce an urban wall effect along the James Street and Murray Street boundaries of the car park north of James Street and make provision for shade trees in the external car parking areas. Landscaping to be maintained after planting in a healthy condition.

#### Pedestrian and Cyclist Facilities

26. A plan is to be provided for approval which indicates safe, clear and direct pedestrian paths between the existing shopping centre and the car parking area on the northern side of James Street. The plan shall make provision for disabled access and indicate pathway grades, detail of crossing points and any proposed protruding service connections or other projections. Pathways within the site as indicated on the approved plan shall be constructed and thereafter be maintained in a sound state of repair.
27. Shower facilities for shopping centre staff are to be provided in accordance with the requirements Austroads' Guide to Engineering Practice Part 14: Bicycles.

#### Drainage and Flood management

28. A Drainage and Water Management Plan consistent with the Shire's Water Sensitive Urban Design Local Planning Policy shall be submitted for approval prior to the submission of an application for a building permit with the approved plan to be implemented. The plan is to address drainage and water management related issues for the site including the design of the storm water drainage system. The drainage and water management systems once constructed are to be maintained to a sound state of repair.
29. A flood management plan shall be submitted for approval prior to the submission of an application for a building permit with the approved plan to be implemented. The plan is to include appropriate strategies to protect or mitigate the portion of the development below the 100 year flood level and in particular to include measures to the satisfaction of the Shire of Murray to notify prospective purchasers and tenants of flood risk.

#### Servicing

30. The provision of shopping trolley collection areas conveniently located within the car parking areas. The shopping trolley collection areas shall be designed to the satisfaction of the Shire sufficient to contain the trolleys, protect them from damage by vehicles and be sign posted for easy identification by shoppers.
31. All services such as air conditioning plant and compressors shall be located away from public areas. All services and service yards shall be screened from view of streets and other public areas, including car parking areas in a design or manner keeping with the style and materials of the adjacent building. Roof mounted equipment such as air conditioning plant and antennae shall be screened from



view of the street and other public areas, including car parking areas, by the roof form or parapets.

### **ADVICE NOTE**

In regard to Condition 16, the contribution relates to streetscape works planned to be undertaken in Pinjarra Road as part of the Pinjarra Town Centre revitalisation, the undergrounding of the above ground powerlines, any required traffic control treatments at the intersection of Pinjarra Road and Murray Street, footpath upgrades, street trees and bike racks. The contribution amount to be specified by the Shire within 28 days of the decision date.

**The motion was put and CARRIED UNANIMOUSLY**

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

Nil

**10. Appeals to the State Administrative Tribunal**

Nil

**11. Meeting Closure**

There being no further business the Presiding Member declared the meeting closed at 12.48pm.

A handwritten signature in blue ink, appearing to be 'Ed Turner', with a date '21/12/2012' written below it.